

“War in the Home”

Marriage and Mediation among the Gurage in Ethiopia

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Declaration

I declare that **‘War in the Home’: Marriage and Mediation among the Gurage in Ethiopia** is my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Full name: Tigist Shewarega Hussen

Signed:

Date:



Acknowledgment

Many have had a positive influence on my study in general or this work in particular. I would like to seize this opportunity to thank at least the most prominent ones. I would like to give thanks, first and foremost, to God Almighty for carrying me through difficult times and for giving me strength to persevere. I would like to express my deepest gratitude to Prof. Desiree Lewis, my supervisor, whose constructive comments, guidance and support I could not do without.

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Key Words

Constitution

Culture

Customary law

Gender Performance

Gurage

Ethiopia

Ethnic Identity

Marital Conflict Resolution

Patriarchy

Women's rights



Abstract

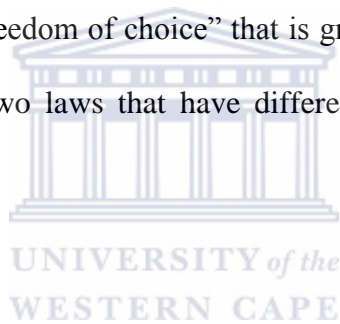
Ethiopian ethnic groups exhibit highly autochthonous cultural norms and values that are embedded in their traditional beliefs, systems, and religions. This study shows how, at the grass-roots level, the Gurage ethnic group in Ethiopia, uses culturally legitimate forms of conflict resolution practices to mobilize and reinforce gender hierarchies, and how the discourses of culture, custom, tradition, social stability and cohesion are connected to gendered power relations. The study provides an analysis of how discourses of culture in African contexts influence, and become a compelling framework for both men and women to define themselves in institutions of marriage, and in related practices of conflict resolution and mediation.

Drawing on a rich body of Southern African theory and analysis and by deploying it in relation to marriage in the Ethiopian context, the research shows that customary practices of conflict resolution have been one of the central Ethiopian definitions of authentic culture. Ethiopia, unlike the rest of Africa, reveals many complexities in exploring popular mechanisms and institutions that are very convincingly “pre-colonial”. At present, these are manifested through cynicism towards western culture, reluctance to readily embrace it, and an accentuated sense of national pride shaped through the struggle against hovering ethnocentrism, imperialism and neo-imperialism.

The research explores the dynamics of power that influence married couples’ decisions about where and how they should resolve their martial disputes, and in selecting between the formal justice system and customary mediating mechanism. First-hand information was gathered from women and customary leaders, via participatory methodologies, and the data served as input to

explain why and how discourses of culture are being mobilized so powerfully to reinforce gender hierarchies in Ethiopia.

The research findings evidently show how “culture” is “made real” and authentic for Ethiopians, particularly for members of the Gurage ethnic group, through the dealings of popular cultural practices: the resolution of marital conflicts. I argue that marital conflict resolution in Gurage is an elaborate practice that validates patriarchal agenda, overseen by male elders, to regulate problems within individual marriages. The research problematised the recognition of “customary practice” in the Constitution as alternative systems by presenting the limited rights Gurage women have as opposed to the “freedom of choice” that is granted in the Constitution. The case reveals the difficulty of having two laws that have different understanding of human rights.



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Chapter One

Introduction

Knowledge, ways of Knowing and Gendered Dynamics

As the saying goes, “the best knowledge comes from personal experience”. Feminist theories, ranging from those of Sandra Harding to Patricia Hill Collins, have emphasized the political, methodological and epistemological value of this casual expression by drawing attention to the centrality of women's vantage points in developing distinct forms of “knowledge and different ways of knowing”. My interest in marriage, conflict and mediation can be traced back to my childhood when I had the opportunity to closely witness the life experiences of three married Gurage¹ women that I had the privilege of knowing. Since developing an interest in feminist theory and gender analysis as a postgraduate student, my initial memories of discomfort have developed into a preoccupation with the structural factors that perpetuate gendered structures, relations and identities. I have developed a particular interest in ways in which cultural practices, especially those that are rigidly fixed as “customs” and tradition, generate gendered relations, identity and belonging.

My family comes from the Gurage ethnic group in Ethiopia. And that makes me a “Gurage woman” – a title that feels strange to me; possibly because I was raised in Addis Ababa, I feel discomfort about narrow ethnic belonging. And this may partly account for my relative “freedom” in distancing myself from certain cultural practices and developing a critical analysis of how they set power relations.

¹Gurage is an ethnic group that exists in Ethiopia.

Even though my family lived in an “urban” area, everyday life in our home, among our relatives and our Gurage neighbors, was highly influenced by Gurage culture and tradition. As a child I witnessed grownups practicing what they called their “culture” in the form of language, dress style, dancing, cooking and many other fascinating practices. I was taught by my parents and my grandmother how to be a “good Gurage woman”. I made every possible effort to understand and respectfully practice what I was taught by my mother and other family members, as a young woman.

However, I remained deeply unsettled by the evident misery of the three women in their marriage. Whenever they had conflict with their husbands, they went to their families only to return to their home within a few weeks time hoping or presuming that their lives would improve. For a while things seemed to settle down, yet soon conflicts and the distress of the women appeared to escalate (I now realize that their experiences of abuse probably increased, since their husbands probably felt obliged to discipline them more strongly and enforce their total submission). Again, when it got unbearable, they would flee to their families to seek protection and some measure of justice. Yet again in a few weeks time they would return to their home. As a witness, I watched them go through such ordeals over and over again. My childhood memory of the women’s lives is one filled with recollections of their constant conflicts with their husband’s, and how they were repeatedly turned back by the families they sought help from.

After many tries, the women gave up fighting and started dealing with their situations in different ways – giving away their freedom, mostly trying to do exactly as their husbands’ request and accept all the wrong things that were done on them. I used to wonder why women

became so accommodating and submissive, and especially why they remained in abusive marriages. Retrospectively, I have become more sympathetic and understand how the scope for choices can be restricted by patriarchal practices that are hegemonic.

My autobiographical reflections above are related to the methodological approach that I will follow throughout this study. I am interested in the ways in which memory, oral narratives and testimony constitute important forms of knowing for women generally, but especially for women in groups where gendered power and institutions are strictly policed by discourses of cultural belonging. First, my own memories, now seen from the perspective of being a postgraduate Women's and Gender Studies student, were important in my recognizing injustices related to gender. Secondly, I have become aware that, as a researcher, it is important to turn to women subjects' memories and oral testimonies when the institutions and relationships in which they are situated so obviously support patriarchal control, and drown out their voices, experiences and perceptions.

Thus, this research involves a detailed ethnographic study of gendered perceptions and behavior that reveal complicities around gender power. It focuses on the long-established system of governance, named the *Yajoka Kitcha*, by *Sebat Bet* Gurage people. According to Gebreyesus (1991) and Bahru (2008), '*Sebat Bet*' literally means the "seven houses" of Gurage tribes that are governed by *Kitcha* customary law. It deals especially with the traditional practice of marital conflict resolution among this ethnic group, where couples seek the mediation of elders in the community to settle their marital problem. It seeks to explore the complex meanings and effects of the culture in defining gender roles and (re)shaping identities and belongings.

While much feminist research has identified and critiqued the mobilization of discourses of culture in regulating gender, there remains a need to explore how and why these discourses and their associated practices operate in practice, most notably, how they are internalized by both women and men and make them participants in a gendered system. I therefore ask what psychosocial strategies are enlisted in regulating group inclusion and exclusion, and how numerous institutions at grass-root level operate as mechanisms of social control in ways that often prove to be more effective than the operation of national and state apparatuses.

The research shows how cultural marital dispute resolution practices are embedded in the very structure of the *Sebat Bet* Gurage society to maintain the patriarchal system. I will also explore the connection between this system and the gendered institution of marriage that it is linked to. While attention is paid to overt and indirect forms of gender struggle especially disquiet among women who are oppressed by traditional systems, I will show how gender ideology, gendered belief systems and gendered subjectivity are all important in understanding the reproduction and persistence of patriarchal systems which come to be seen as unchanging, timeless and sacred.

It should be noted that, in Ethiopia, and particularly among the *Sebat Bet* Gurage ethnic group, detailed feminist research on cultural marital dispute resolution and its impact on women is hard to come by. The studies that I came across are mainly historical and anthropological in nature, and are often devoid of any attention to gender analysis. As a result, the study will draw largely on feminist analysis and studies from other African countries, particularly from South Africa, where exploration of gender in relation to neo-imperialism and the postcolonial state, as well as discourses of culture, customary law and local government have been given serious attention.

More specifically, this research draws on feminist literature from Desiree Lewis (2003), Kopano Ratele (2007), Thandabantu Nhlapo (1991) and Patricia McFadden (2001), and other important African commentators on gender, customary law and culture. Even though I do not always site or explicitly reference all these Southern African scholars in my analysis, my conceptual and analytical exploration of how subjectivities are constructed and how “cultures” are invented in relation to gender identities and performance is strongly indebted to a southern African scholarly tradition.

Contexts of “War in the Home”

The central concern of this thesis is to define and theorize “war in the home” (the title of this thesis) in reference to everyday domestic struggles and survival strategies, which reflects a central principle in feminist thinking - “the personal is political”. The study draws on diverse theoretical influences in exploring complex mechanisms of social control around gendered identities and relationships in a postcolonial setting. Most importantly, it provides theories to (re)conceptualize the “home” as a centre of patriarchy where physical and cultural violence against women is manifested and justified in the name of tradition. It also examines how certain discourses of culture work to construct gendered subjects and mindsets, and how and why gendered subjects become complicit with systems that effectively oppress them.

In many social science studies, particularly sociology, the “home” is theorized in terms of the public/private dichotomy and its association with the nuclear family. It is “assumed to offer privacy with all the social and physical threats and opportunities [it] affords” (Meth, 2001:321).

In deepening this definition of home, other feminist studies (Green, 1999; and Gibson, Dinan, and McCall, 2005) have shown that within a patriarchal society, the “home” is where the majority of incidents of violence against women take place. It is constructed as a gendered space that promotes gender differences and inequality. According to Meth, the idea of “home” is implicit in many feminist researches particularly studies that are related to domestic violence. She argues that “within analyses of domestic violence, the home is most often not problematised even though this is often assumed to be the space within which violence occurs” (2001:319).

There are different debatable views and assumptions to what we refer to as “home”. According to McDowell, the “home” is an exclusive and separate space; ideally it is “associated with safety, with familiar and protective boundaries, with the family, the exclusion of unwanted others, with privacy” (1997: 13). On the contrary, Duncan describes the “home” as a place “where aggressive forms of misogynous masculinity are often exercised with impunity” (1996:131). Furthermore, Gregson and Lowe argue that the “home”, in terms of gender relations and gender identity constructions, is not a neutral space; hence feminist researchers need to rethink the “home” “in terms of dominance and resistance; to consider how and why particular discourses of home maintain the hegemonic positions of certain spaces and relationships and how these might be contested through alternative interpretations” (1995:226).

Therefore, Meth pointed out that there needs to be a further examination of “the home as a formal material space, the home as private, and the domicile as home” (2001: 307). In addition to this proposition, it is significant to reconceptualise the “home” as a complex social network where negotiations and constructions of culture and ethnicity, gender identities, gender roles, and

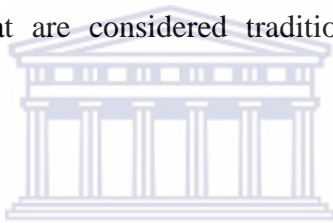
gender power relations surface. In other words, the “home” cannot only be represented in relation to domestic violence, but also in relation to a network of structured cultural violence, something similar to what Gibson, Dinan, and McCall (2005) call symbolic violence, which women and men accept and which reinforces the socially constructed status quo whereby men and women relate to one another, or perform gender in ways that are considered traditional or socially acceptable. Thus, in order to understand the nature of cultural violence in the Gurage ethnic group, one needs to uncover and theorize the complexities and nuances of the everyday gender identity construction that takes place in the immediate and extended family - at “home”.

The Politics of “culture” in Africa

Globally, gender power relations are obviously evident in many domestic and work situations. Kramer mentions that “the traditional wife has less power than her husband and identifies with her activities at home rather than on her job” (2001: 33). This is true of many African rural settings, where traditionally women are considered “house wives”, even though they may work together with their husbands on farms. These cultural practices and ideological beliefs are powerful ways of reproducing disparate gendered power dynamics. African feminist scholars (Lewis, 2003; Mama, 1996; McFadden, 2001; and Nhlapo, 1991) argue that the gender distinctions in most African societies are created out of deep-seated cultural beliefs and practices. These beliefs and practices, existing alongside formal democratic reform in many contemporary African countries, sustain the reproduction of gender inequality, and regulate men’s and women’s sexual and gendered identities in very restrictive ways. Most importantly, many scholars trace the origin of this deep-seated practice not to pre-colonial situations, but to colonial influences which rigidly codified the cultural practices in African countries. As I shall

suggest, even though Ethiopia was never colonized, the reification of culture bequeathed by colonial administrations and early anthropology, especially in many rural contexts, continues to be important in exploring notions of “culture” in this country.

Cultural practices are ways of defining individuals’ gender identity and belonging with reference to certain groups such as their sense of “ethnicity”. According to Yuval-Davis, ethnicity relates to “the politics of collective boundaries, dividing the world into “us” and “them”, usually, through myths of common origin and/or common destiny, and engaging in constant processes of struggle and negotiation” (1997:193). Thus, individuals reinforce the socially constructed gendered status quo in ways that are considered traditional or socially acceptable within particular ethnic groups.



Kramer (2001) and Lorber (2004) argue that most patriarchal arrangements depend on essentialist ideas of “difference” between women and men. All cultures naturally give sex and gender central places in social and ideological practices of explaining how the world is and should be, and thereby link morality with power. One’s gender is usually the touchstone, the normal, the dominant; and the other is different and subordinate. McFadden argues that “in African society gender relationship and structures are directly linked to systems of power, control and violation” (2001:60). Hence, in order to understand the specific role of African “culture” and discourses of “tradition” in constructing gender, one needs to (re)conceptualize “patriarchy” in Africa, especially in post-colonial African contexts. Mama (1996) argues that the gender distinctions in most African societies are created out of very distinct cultural beliefs and practices. Most African cultures manifest patriarchal systems, perpetuate women’s oppression,

and sustain the reproduction of gender inequality. Similar to this, Nhlapo (1991), with reference to customary law, argues that heterosexist marriage is often especially oppressive in the context of many African countries.

In dealing with the role of culture in the creation of patriarchal structures, Lewis (2003) and McFadden (2001) argue that “culture” has been constructed and invented in African societies to create fixed ideas about authentic identities and culture in the present day. They argue that these cultures are deeply marked by androcentricism and nationalist ideological expressions, and consequently they restrict the social and personal interaction of women and those without authority such as children and young men. Such a fixation with gender identities and power relations are (re)produced through heterosexual marriage, with men and women taking up distinct roles - where adult men have ultimate control over most aspects of women's lives and actions, a form of control that is anchored in ideological beliefs about paternal authority (Bakare-Yusuf, 2003). As such, ideologically in many African cultural societies, “Womanhood” is defined in relation to marriage. In fact, marriage is a destiny that is traditionally offered to women by the society and makes the idea of wifely duty especially sacred (Green, 1999). Thus, it is fair to say that, marriage in many societies stabilizes patriarchy in which the social construction of gender roles and the hierarchical relations between men and women are created and performed.

According to Clarke (2004), these gender roles and power relations are very evident in the customary order where individuals or groups impose their will on the others through motivations of reward or punishment. As a result the powerless individuals or groups comply with the other's

wishes out of fear of retribution or in seeking reward and a sense of “belonging” in societies. As my case study shows, both Gura women and men collude in reinforcing beliefs about men's inevitable power in marriage institutions and their natural right to determine laws about marital conflicts and resolutions.

Kwame (1992) argues that the diversity of Africa's contemporary culture is shaped by the distinct colonial experience of the continent. He emphasises that “there is no doubt that now, a century later, an African identity is coming into being this identity is a new thing; that it is a product of a history” (1992:174). Similarly, feminist scholars (McFadden, 2001; Nhlapo, 1991; and Ratele, 2007) argue that although in many African countries the deployment of culture is ostensibly an expression of anti-colonialism, many of these cultures in fact were artificially constructed and fixed by colonialism and apartheid as in the case of South Africa.

The thinking behind this notion of authenticity in justifying patriarchal authority is that everyone is like minded about their culture, and disregards the suppression of individual choices and freedoms (Ratele, 2007). Thus, the “law makers” pretend as though there is communal consensus about “culture” and collective cultural identity. Hence, this inspection has become “an obstacle to thinking critically about how these views ultimately serve certain groups' interests or how beliefs that dominate public debate suppress the vantage points and experiences of certain members of culture” (Lewis, 2003:2). What is particularly oppressive is the belief that essentialised African, as opposed to Western, imperial and other “contaminating” discourses are the key to both African men's and women's well-being.

In relation to the above discourse, Ratele defines African culture in terms of two different discourses – reductive and receptive cultural discourses. Reductive cultural discourses are, he argues, “those practices and stories associated with culture which are exclusionary and averse to complexity ... generate inter-cultural enmity and intra-cultural intolerance” (2007: 74) and receptive cultural discourses “imply open-endedness. Such discourses are not hostile to cultural group affirmation but instead able to serve as a justification for the hope of the future...” (2007: 74). Interestingly, the *Sebat bet* Gurage culture has both characteristics, in the sense that it has preserved many “past” practices and has also incorporated some changes.

For instance, there has been an improvement in terms of attending issues of women’s rights to inherit and access land. In 1998, *Sebat Bet* Gurage People Self–help Development Organisation (GPSDO) published the customary practices entitled *Agurage Qicha* or alternatively “KITCHA²: The Gurage Customary Law” (Bahru, 2008), with other significant improvements on the traditional practice in an attempt to harmonize with the Constitution. However, there are still cultural practices, since the late eighteenth century (see Gebreyesus, 1991), most notably marital conflict resolution, that are static and continue to prevent women from exercising their rights to equal and fair treatment at the time of mediation by the elders.

More importantly, under patriarchal ideology, the challenge for feminists, particularly Third-World feminists, is the association of these “cultures”, with national identity, cultural pride and traditional values (Bakare-Yusuf, 2003). Narayan mentions that “Third-World feminist criticisms of practices and ways of life that are harmful and oppressive to women are depicted as mere

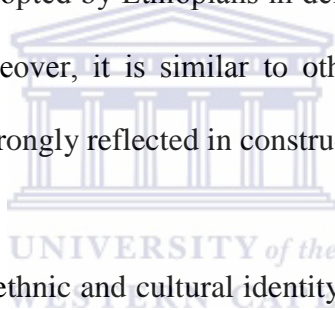
²For convenience purpose, I will be using “Kitcha” or “Kitcha System” to refer to “Agurage Qicha” or “Kitcha: The Gurage Customary Law”

symptoms of an anti-nationalist disloyalty and as a form of “cultural inauthenticity” rooted in an adoption of “western” ways and values” (1997:20). Hence, the continuity of patriarchy highlights the impact of social and structural arrangements on the content of culture and the powerful resistance to change (Kramer, 2001). And challenging the relationship between culture and gender identity “from the perspective of women’s narratives does not only mean undermining totalising definitions of culture; it can also mean disrupting the very foundations of national cultures” (Wilson-Tagoe, 2003:2).

Although questioning culture is important in confronting essentialist notions of gender differences, the effect can be violently unpleasant. The very action can be regarded as “lack of respect for the specified culture” and an indication of “westernization” (Narayan, 1997). However, Ratele (2007) has emphasized that culture is inevitably dynamic and despite being slow it is receptive to change. In dealing with the receptivity of culture, especially for feminists, conceptualizing the remarkable cultural fluidity and hybridity helps to explain possibilities for transforming African gendered power structures that restrict women's capacity for action and agency (Bakare-Yusuf, 2003).

Culture and Gender among the Gurage in Ethiopia

Ethiopia has never been colonized³. Therefore, many would agree that the discourse of “colonialism” and “post-colonialism” as well as the analysis of discourses of culture and tradition in anti-colonial and nationalist struggle that characterized many other African contexts are inappropriate or irrelevant. Yet, Ethiopia has also been affected by colonial and neo-colonial discourses which define African culture in static and timeless ways. On one level, the country was not subjected to the colonial administrative system of tribalism and divide and rule; on another level, however, it does illustrate how neo-imperial ideas about “African culture” as fixed and timeless customs have been adopted by Ethiopians in defining and defending “their culture” in opposition to “the West”. Moreover, it is similar to other African countries where socio-cultural gender constructions are strongly reflected in constructs of tradition and culture.



Besides these external influences, ethnic and cultural identity is an extremely sensitive matter in Ethiopia. This is principally due to the fact that during the past century the country witnessed intense inter-tribal conflict that resulted in marginalization of ethnicities. Although explaining details of Ethiopian history would be beyond the scope of this thesis, I will try to mention some of the historical events that led to the country’s present political and ethnic systems. Initially, the decentralized system of governance which existed before the mid 1850s allowed each ethnic community to maintain its cultural identity as long as it recognized the authority of the central throne (Bahru, 2002; Gebru, 1991; Markakis, 1975; and Teshale, 2002). Consequently, the ethnic communities in the southern part of Ethiopia (one among which is the Gurage ethnic community) in particular enjoyed a high degree of autonomy. However, starting from 1855

³ Ethiopia was briefly occupied by Italy during the second war.

various Emperors who rose to power in the northern part of the country, who mainly belongs particularly to the Amhara ethnic group, began a process of territorial expansion and administrative centralization (Bahru, 2002; Gebru, 1991; Markakis, 1975; and Teshale, 2002).

It was this process that gave Ethiopia its present shape. As a result of the process of territorial expansion, many hitherto autonomous ethnic communities including the Gurage fell under the political domination of the Emperors from the north. The political domination was accompanied by cultural domination. The various ethnic communities in Southern Ethiopia were, therefore, forced to accept the Amhara language, culture, religion etc.

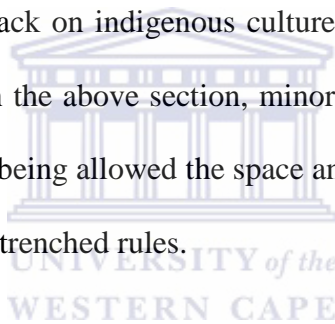
This continued until, after two decades of civil war, the current government came to power in 1991, cultural and political emancipation of the various ethnic groups naturally became a central issue in the making of the constitution. The country transformed its unitary and homogenization system to Federalism. This new dispensation recognized the cultural rights of all ethnic communities. Even at present, the country is working, as part of ongoing national project, to implement in a systematic way ethnic diversity and cultural pluralism and the preservation of the cultures of all ethnic minorities'.

Accordingly, *Sebat Bet* Gurage people proudly embrace the cultural construction of gendered identities, and the traditional power dynamics that operate in their respective communities. Similar to other ethnic groups in the country, marriage mediation and conflict resolution among the Gurage comprises one of the popular cultural practices executed by elders as the traditional custodians of cultural integrity. Thus, internal and external historical facts played an important

role in shaping the way Ethiopians in the present, in this case Gurage people, imagine their authenticity.

From Cultural Practices to Constitutionalising a “Customary law”: Empowering the Nation, Disempowering Women

Mbatha argues that in most African countries the constitutionalizing and “continuation of the system of customary law as one of the applicable legal systems in the country was seen as one way of reversing previous injustices” (2005: 43). Injustice in this context may refer to colonialism and its devastating attack on indigenous cultures in the name of modernization. In the Ethiopian case, as explained in the above section, minority groups (politically marginalized nations and nationalities) were not being allowed the space and recognition to ensure social order according to age-old and deeply-entrenched rules.

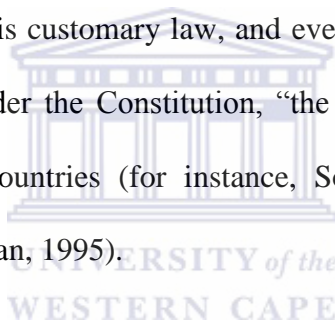


Another main reason that prompted the recognition of cultural practices under formal law is their undeniable reach, popularity, and influence in the society for as long as one is able to trace back. It has therefore been strategic for lawmakers to embrace and incorporate popular customary practices, as opposed to categorically stifling their existence, and so fueling possible social unease.

A third reason that could have encouraged the recognition of customary laws is the glaring gap in capacity and reach of formal law structures. Because customary laws are decentralized and accessible, they enjoy a great deal of acceptance by disputing parties, especially men, allowing them the space to deal with certain types of disputes. Although not always true, often civil cases

as opposed to criminal ones, will take the pressure off the formal structures that are miserably failing to address the growing need for speedy reconciliation of disputes. This position recognizes customary structures as allies and not as rivals.

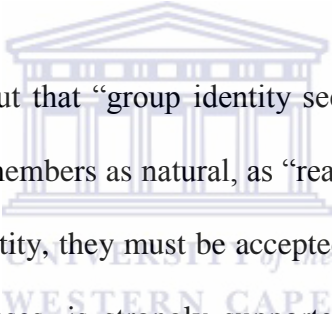
However, in dealing with the constitutionalisation of “customary law” in many African countries, McFadden argues that such a recognition “is a misnomer because if something is ‘law’ then it must apply to everyone, [and this] has become a powerful weapon against women’s demands for equal rights within their societies, and has served both the interest of Black men who feel threatened by the civic demands of women” (2001: 67). Moreover, Constitutional law and/or family law coexists with this customary law, and even if customary law contravenes the basic rights that are protected under the Constitution, “the right to culture” that exists in the Constitutions of many African countries (for instance, South Africa, Zimbabwe, Ethiopia) somehow remains sacred (Soobrayan, 1995).



In line with the internal historical and political struggle among the ethnic groups in Ethiopia, re-invention and acknowledgment of cultural practices as “customary law” is, in one level, meant to encourage citizens to take pride in their culture or to pride in the context of ethnocentrism. Hence, the Ethiopian Constitution gives due recognition to the traditional or cultural ways of resolving conflicts (individual, family and social) as practiced in all ethnic groups (Smith, 2009; Tigist, 2009; and Woldekidan, 2005).

One should recognise that it is undeniably important to acknowledge the significance of the right to culture; however, Ratele emphasises that “there is a threat lurking in many definitions and

uses of culture...the danger is tied to the severe politicization of culture and the rigidification of the culture grid” (2007:67). Culture can easily be constructed and politicized as untouchable and sacrosanct; as something which must be guarded and protected, especially from external influences (McFadden, 2001). In other words, the representation of culture as a set of unchanging institutions, traditions, and identities reinforces the resistance to social transformation and social change. Consequently, it becomes practically unbearable for individuals from marginalized groups such as women whose personal and social lives have for long time been confined to the culturally condoned private sphere and to the traditional roles (Clarke, 2004).



At another level, Kwame points out that “group identity seems to work only – or, at least, to work best – when it is seen by its members as natural, as “real” ” (1992: 175). For the customary practices to qualify as binding identity, they must be accepted or recognized as an obligation by the community which, in most cases, is strongly supported by the elders, who are deemed spokespersons of the respective culture (Okoye, 1995). And these cultures have progressively attained the status of “law” and justified the oppression and mistreatment of women and left them having no say in decision making from personal to social level (Wilson-Tagoe, 2003). Hence, the patriarchal essence of a culture is rarely explicitly stated; rather, it is understood as natural and inevitable. Therefore, whatever the case may be, “the fact of the matter is that the cultural argument merely is a justification for the continuation of a status quo that is comfortable for some, but not for all” (Nhlapo 1992:12).

Furthermore, the shift from mere custom to customary law is perceived to take place most prominently in the sphere of the family, and presumably its aim is to ensure the well-being of members of the family. Yet customary law seriously disadvantages women in many respects because fundamentally it is not created in consultation with women. It considers women as minor/subordinate (especially in reference to marriage), and its custodians are elders who are mostly patriarchal men (Nhlapo, 1991). Similarly many researchers (Bahru, 2008; Tigist, 2009; and Woldekidan, 2005) argue that, in Gurage tradition, which is considered as a “customary law” by the state, women are marginalised to the extent that they are prevented from becoming judges and/or representatives. They do not have any say regarding the applicability of the custom to bring justice in their lives because customarily women are required to be represented by male members of their families: father, brother, and sometimes uncle. Hence, in marital disputes, regardless of the will of individuals, the deliberate action and expectations of the *Kitcha* system involves the maintenance of harmony and the restoration of good relations between the married couple. Therefore, it is fair to say, many violations of women's basic human rights occur within families and are justified by reference to cultural, traditional and religious norms.

In a patriarchal society, marriage becomes an institution by which women are dominated and controlled by their husbands even though this domination is often disguised and normalized. Moreover, "respecting cultural practices" and considering the relevance of cultural practice has increasingly become an instrument for restricting or denying women's rights (Okoye, 1995). Apparently, the “male-dominant society perceives no contradiction in practices which discriminate against women for the very reason of their great importance to the group’s survival” (Nhlapo, 1991: 120). In contrast to this notion, the legal institutions in many African countries

try to work with the customary practices in parallel with occasional co-operation. For instance, in the case of Ethiopia, the Federal Constitutional Law recognizes the rights of women; at the same time, the Constitution recognizes the culture, custom and traditions of societies, often referred as “customary law”, as long as it does not contradict the basic human right principles as outlined in the national laws and international conventions ratified by the country.

However, Nhlapo argues that the overriding value in the African family is reflected in the non-individual nature of marriage. He mentions that African women’s lives “in terms of personal independence and equality of decision making, are subjected to the needs of the family. Family ties serve to subordinate the interests of women as persons to the interests of the wider group” (1991:118). This notion embodies the idea of marriage as an alliance between two kinship groups for purposes of realizing goals beyond the immediate interests of the particular husband and wife. Accordingly the “norm” and “value” of *Sebat Bet* Gurage culture carries implicit and explicit significance for females and males in the society and their respective power position in marital relationship. The inclusion of extended family members into marriages makes it difficult to understand and respect individual rights at the time of conflict. This is especially true for women because of the societal expectations which they are required to fulfill.

Women’s rights: Contradicting “African culture”?

Scholars such as (Mohanty, 1991; Narayan, 1997; and Nhlapo, 1991) argue that, from a patriarchal/ masculinist nationalist point of view, the notion of women's human rights is seen as foreign to the third world. Predominantly, women’s freedom and equality are often understood as clear symbols of Western ideological and cultural values. It is important to note, in this context,

that the tension lies at the heart of any attempt to transform customary law or religious practices within the continent to generate a positive impact on women's right. Remarkably, the majority of African societies strive to preserve their customary and religious practices, even though these may be considered inappropriate in liberal democratic and rights-based societies (for instance, femicide and female genital circumcision). Societies that glorify tradition, thus, tend to reject women's rights as an imposition of "Western" culture and perceive the idea of women's human rights as foreign or "un-African".

Therefore, in marital relationships, the gender hierarchy and gendered domestic relations are not enough to understand how complex and powerful the legal, political and social situations of women are. It is also important to assess the contradiction between customary systems and the metropolitan legal system with reference to women's freedoms in the public and private domains. Under customary law, women's rights and bodies are under familial and communal control. In fact, "society delimits the boundaries of personal/domestic violence, protects properly, criminalizes 'deviant' and 'stigmatized' sexuality, embodies masculinized hierarchies . . . and structures collective violence in the counter-mobilization of power" (Mohanty, 1991: 21). This means that women's autonomous selfhood has been systematically subordinated, diminished, belittled, and their individual rights have been denied.

Subsequently, as in the case of the Gurage, particularly in rural areas, it is difficult for the formal justice system to penetrate customary ways of marital dispute settlement and ensure the recognition of human rights, especially women's rights. In fact women have been pressurized to be obedient and loyal to their custom and cultural values (Woldekidan, 2005). At another level,

Donovan and Getachew (2003) argue that the limited expansion of constitutional legal system in Ethiopia, especially in rural parts of the country, is related to the country's limited resources, limited skilled and professional people (for example, few lawyers and judges), and limited infrastructure and communication apparatus. The expensiveness of formal litigation coupled with the length of time that it takes to settle matters in the formal judicial system are also important factors which hinder women's accessing the courts to settle their marital disputes.

Gender Struggles and Social Constructionist Approaches

The range of theories within the framework of social constructionism conceives gender as a societal invention embodying a wide range of issues related to the way men and women interact, and their position with respect to one another. Basically, the ideological prescription of gender is reflected in the social and cultural definitions of masculinity and femininity, which determine the status of male and female members of the society. Kramer explains gender as “a major building block in the social structures” (2001: 27). Differences in gender roles have been associated with biological differences, thus considered as predetermined or natural, and used to justify the unequal status of men and women. Hence, gender categories such as feminine-masculine, girls-boys, and women-men were believed to be wrapped around one distinguishing biological “sex”. To reinforce the gender identity, men and women are socialized and encouraged to perform the “appropriate” gender roles of masculinity and femininity, respectively. This process of gender categorization and construction defines the lives of women and men and their position in the society.

Against this background, feminists like Lorber and Farrell (1991) and Lindemann (1997) emphasize the importance of a clear distinction between biological sex and gender; the former is natural while the latter is socially constructed. Moreover, men and women are not solely evidence of biological differences but are also a reflection of socio-cultural and political processes of gender. The essentialist, as opposed to the socially constructed view of men and women naturalizes the social position of women at large. While women may be assumed to be naturally and biologically prepared to be nurturers, home-makers, and supporters of men, social constructionism draws attention to the legacies of beliefs, institutions and relationships that lead to the socialization of women in preparing them for certain roles. Thus, in most societies gender is constructed by creating distinctions to maintain female powerlessness and naturalize male authority, so that the existing gender relations under the patriarchal system can be maintained.

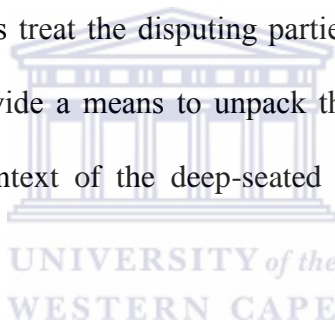
Lorber mentions that, “gender construction starts with assignment to a sex category on the basis of what the genitalia looks like at birth. [Accordingly] a sex category becomes a gender status through naming, dressing and the use of other gender markers” (2004:33). She adds: “Individuals are born sexed but not gendered, and they have to be taught to be masculine or feminine” (2004:39). Similarly, West and Zimmerman (1991) show the distinction that exists between sex and gender by identifying sex as a “given” because the distinction of persons as male or female is made following the biological criteria - referring to the genitalia. Whereas gender is an “achievement” as it is strongly associated with continuous performance of the roles expected from women and men (Butler, 1988).

Social constructionism becomes extremely important in relation to the subjects of my research. First, it provides insight into the institutions and practices that create beliefs about men's and women's natural roles and positions in society. Secondly, it provides concepts and frameworks for analyzing how cultural practices set patriarchal systems in place, with reference to gender roles, gender ideology, gender relations and gender performance. Thirdly, it provides intellectual space to understand patriarchy as a structural system. It is not simply a system in which “all men dominate all women”; rather, it is a system in which women and men learn, from childhood, to “become” gendered in order to belong. Whether women are – from the point of view of the researcher – oppressed or not, what is important is that learnt gendered behavior and roles are experienced by subjects as natural, normal and the foundation of their acceptance in society. Finally, social constructionism, especially as developed by postcolonial feminists such as Mohanty (1991), or theorists such as Butler (1988), emphasizes the contextual and “deep” ways in which gender is embodied and performed in relation to intersecting power relations. For these social constructionists, “gender” is extremely variable and precarious, a result of the fictions and institutions existing in particular societies.

It is important to acknowledge that the constructionist approach that I find valuable is attentive to intersectionality. Thus, Guraage women's experiences must be understood as being gendered, classed and raced, especially in the context of postcolonial African notions of culture. One needs to look into the political, socio-economic and educational disadvantages – all of which limit their choices and scope for agency and resistance and define their experiences as women. The diverse gender categorization and differentiation represents a particular set of power dynamics. In this regard feminists have been endeavoring to understand the politics, practice and experience of

power, particularly the meaning of power in relation to gender construction and practices, and to understand patriarchy and women's experience (Radtke and Stam, 1994; Smith, 1993).

Therefore, in order to disentangle women's oppression under the *Sebat Bet Gurage Kitcha* customary practice, one needs to pose critical questions like: "How are gender relations constructed in the institution of gendered marriage in *Sebat Bet Gurage* community?", "What is the concept of "gender" in light of male/female roles in this community?" and "What kind of gender struggles are experienced by rural women?", "why do women return to their "home" after they are abused?", "what is the role of the customary marriage conflict resolution practice ?", and "how do the traditional judges treat the disputing parties (husband and wife): the same or differently?" These questions provide a means to unpack the power relation that exists in the customary practice within the context of the deep-seated *Sebat Bet Gurage* cultural marital dispute resolution.



There is a popular shared belief among the *Sebat Bet Gurage* community, and in many other societies in the country, "you raise a daughter only for her to belong to someone else", while the "boy extends the family kinship further because he brings woman/ wife to the family." For this reason, women are considered as having no significance except the money or gifts, the family gets when they give her away to the "other" family. Thus, gender role play starts at an early age. Until recently, young women in rural parts of the community were not allowed to go to school. They were expected to learn from their mothers how to cook, clean and generally manage the domestic work so they become "good wives" to their future husbands.

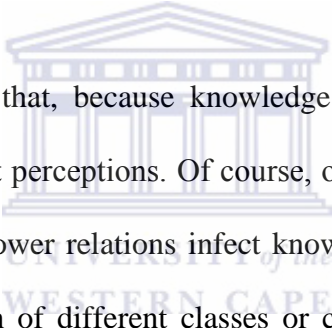
Furthermore, the marriage institution in the rural community of Gurage has symbolically linked womanhood to motherhood, and the domestic sphere; and manhood to the public sphere –with men as decisive overseer and providers. Women are expected to get married at a very young age and perform the expected gender roles - first and foremost motherhood (women who give birth to a boy have so much respect and acceptance compared to women who give birth to a girl especially a first born child), then managing the domestic work and confining themselves from social life.

In any society, belonging is important to an individual's identity and gives him or her a distinctive structural location and status within hierarchical power relations. It is in this power structure that women's oppression is designed and maintained as natural and desirable for everyone. While discourses of gender identity construction in the "home" and communities are significant to reveal the unjust power relation, it is also important to recognize that women's oppression cannot only be seen from a "gender-only" perspective. Rather the intersectionality and mutual construction of different identities exist within all individuals and groups. Thus, standpoint theory together with social constructionist approach helps to explore *Sebat Bet* Gurage women's oppression from gender identity construction, cultural or ethnic identity, class, and legal human right challenges that women face within their family and also within the community.

Understanding Gender Inequality from the perspective of Standpoint Theory

Standpoint theory emerged in the 1970s and 1980s as a feminist theory about relations between the production of knowledge and practices of power. It contributes not only to feminism but also

to contemporary scientific, philosophic, and political studies and discussions (Harding, 2004). Standpoint theorists (Harding, 2004; Hill-Collins, 2004; Mohanty, 1991; and Wylie, 2004) argue that standpoint theory is the key to understanding the power dynamics that exists between individual and group identities. This theory assumes that social subjects' location produces particular forms of knowing and understanding the world. In other words, group standpoints are situated in unjust power relations and are at the basis of individuals' ability to represent, and speak for the groups to which they belong. Thus, the challenges of women's oppression in the social group cannot simply be studied from a position of neutrality or gender - only social differentiation for it narrows down the difference as well as the knowledge production.



The philosophy of this theory is that, because knowledge is based on experience, different experiences should enable different perceptions. Of course, one should recognize the “empirical and conceptual question of how power relations infect knowledge: what systematic limitations are imposed by the social location of different classes or collectivities of knowers, and what potential they have for developing an understanding of this structured epistemic partiality” (Wylie, 2004: 344). For instance, an oppressed group's situation is different from that of the dominant group; its dominated situation enables the production of unique knowledge (Harding, 2004). Hence, the social structure shapes the knowledge production systematically and limits the group's typical experience. Moreover, at the individual level, “what individuals experience and understand is shaped by their location in the hierarchical structured system of power relations: by the material conditions of their lives, by the relations of production and reproduction that structure their social interactions, and by the conceptual resources they have to represent and interpret these relations” (Wylie, 2004: 343).

According to Harding (2004), standpoint theory has some controversies. For instance, it presented itself as a philosophy of natural and social sciences, an epistemology, and a methodology. It also framed these disciplinary projects within a feminist social theory. Standpoint theory has also been accused of using the same kind of “centered” and “essentialist” theory that feminists criticize in androcentric accounts. Lastly, it has been criticized for borrowing Marxian thoughts and trying to sanitize them by reframing it in empiricist or radical poststructuralist terms. However, significantly enough, Harding continues arguing that “in spite of continuing criticisms, practitioners seem to think that standpoint theory works to explain the nature and social relations that provide valuable insights about the power dynamics and makes oppressed peoples the ‘subjects’ of research in order to observe the social justice system”(2004:3).



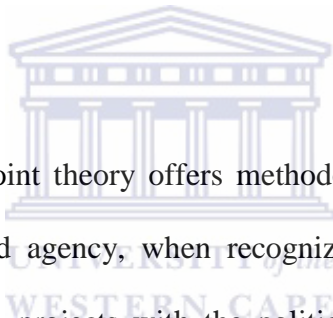
Universally, society’s group construction encounters distinctive constellations of experiences based on placement of hierarchical power relations – one dominant and the other subordinate. Due to this distinctive conception of human nature and social structure, standpoint theorists have differing views of what standpoint theory is and can do. According to Harding (2004), standpoint theory is a way of empowering oppressed groups and valuing their experiences. She particularly concentrates on women's experience and argues that this theoretical framework assumed to comprehend “the “beneath” or “behind”, dominant sexist and androcentric ideologies that shaped everyone’s lives to the relations between, on the one hand, the actualities of women’s everyday lives and on the other hand, the conceptual practices of powerful social institutions” (Harding, 2004: 6).

In contrast, Hill-Collins (2004) and Mohanty (1991) question the effectiveness of the idea of “women’s” standpoint theory politics to empower oppressed group and whether the empowerment suppresses differences and historical heterogeneity. However, they confirm that, the parameters of the theory in knowledge production, with regards to women’s oppression, is important to address the required revisiting of women’s experience as individuals and within historically constituted groups.

Hill-Collins (2004) focuses on intersectionality, and the importance of seeing from positions based on class, race, gender etc. She argues that within binary thinking, race-only, gender-only or class-only conceptual frameworks are easy to understand these unequal power relations in social institutions. However, she also states that “the emerging paradigm of intersectionality problematizes this entire process of group construction” (2004: 68). Intersectionality stresses how the existence of multiple factors, race, class, gender, sexuality and ethnicity, mutually construct one another and adds more highlights to deeply understand how women and other social groups are positioned in unequal power relations. She also mentions that “one can use the framework of intersectionality to think through social institutions, organizational structures, patterns of social interactions, and other social practices on all levels of social organization” (2004: 69).

Similar to Hill-Collins, Mohanty (1991) emphasizes the necessity of defining third world women’s experience as a group from different internal social factors like: race, class, religion, sexuality, and social history. More importantly she points out the interdependence and mutual existence of these factors to confine women in the subordinate state. She argues that “to define

feminism purely in gendered terms assumes that our consciousness of being “women” has nothing to do with race, class, nation, or sexuality, just with gender” (1991: 12). For the relation of power is not reducible to binary oppression, third world feminist theory of fundamental concepts of public/ private distinction or oppressor/ oppressed relations in explanations of women’s oppression should be revisited with the notion of an interdependent relationship or “*relationality*” (as she specifies it) between race, gender, sexuality and other factors. She suggests that “it is possible to retain the idea of multiple, fluid structures of domination which intersect to locate women differently at particular historical conjunctures, while at the same time insisting on the dynamic oppositional agency of individuals and collectives and their engagement in “daily life” ” (1991: 13).



Furthermore, in feminism, standpoint theory offers methodological suggestions and addresses issues of experience, identity, and agency, when recognizing differences among women. It explicitly guides feminist research projects with the politics and socially situated knowledge (Wylie, 2004). Since this theory is suited to group structure, clearly the experiences of oppressed groups can become an important source of critical insight for feminist political struggle.

Intersectionality for *Sebat Bet* Gurage Women

As mentioned earlier, Ethiopian national identity, cultural pride and authenticity has been constructed around the notion of “never having been colonized”, which assumes the purity of national collectivity and overlooks internal differences and the existence of multiple identities. It is assumed that all individuals are equally committed to their culture that tends to construct members of specific ethnic groups as basically homogenous.

In thinking about the recognition of ethnic pluralism and collectivism, Hill-Collins (2004) mentions that the notion of standpoint theory refers to groups having shared histories based on their shared location in unjust power relations in self-definition and self-determination. Developing Hill-Collins' argument, Mohanty (1991) emphasizes the importance of individual experience to theorize group processes and to analyze the contributions of group – based experience in constructing standpoints. Despite the hierarchies within the group, intersectionality works better as a substantive theory when applied to an individual – level experience than when documenting group experiences and commitment concerning the effectiveness of (re)production of group identities.

Hence, in order to unpack *Sebat Bet* Gurage women's oppression, one needs to unfold these layered internal power conflicts along the lines of ethnicity, class and gender identity factors; and how the integration of these factors posits multiple structures of power and power relations among individuals within the group. It will also be shown how ethnic and class identities intersect with gender in understanding how gender relations are entrenched and mediated in marriage and in particular communities.

In this research, it is very important, as far as standpoint theory is concerned, to re-conceptualize and differentiate state and ethnic identity. Although not mutually exclusive, being Ethiopian is different from being Gurage. Since “identity” is a progressing performance and achievement, Gurage identity requires everyday life struggle to belonging and acceptance from the specific ethnic group. Ethiopian identity is usually a highly politicized identity which is reinforced by politicians and political leaders. The decisions they make have an effect on the citizen's lives.

Yet the politics of “individual identity”, individual subjectivity and agency is often shaped by ethnic priorities and parameters. Thus, it is fair to say that compared with other markers of power interests, Ethiopian ethnic groups are powerful social institutions that construct individual/group identity and characteristics.

Within the categorization of Gurage ethnicity, to be a “Gurage Woman” requires a specific gender play in cultural and ethnic identity construction. This research tries to reveal distinct gender performances that symbolize membership and/or the crossing of boundaries of the group’s cultural identity when women are subjected to choose a system or regulation to settle their marital conflicts – the *Kitcha* customary law or the formal legal court system. Similar to ethnicity, class represents layered complexities of power relationship between social groups at large. It separates one group from the other; not only *across* different boundaries but also it creates differences *within* the same group. For instance, in the context of legal service usage, Gurage women living in remote areas do not have equal social and economic resource availability as Gurage women living in urban areas. As such, Gurage women living in rural areas are often compelled by circumstances to be complicit with the patriarchal system, particularly in dealing with marital conflicts.

At another level, the structures of division of labor within the private and public sphere also largely create social differentiation. Usually most women work in the private sphere and their contribution to the class formation is invisible or systematically avoided by those who work in the public sphere or who are “privileged” (Kramer, 2001). Within Ethiopian popular conceptions, generally Gurage women are known as hard-working daughters, wives and

mothers. In fact, a majority of Gurage ethnic group members work in different kinds of trade or business. Most Gurage women, whether they live in urban or rural areas, or are rich or poor, work both in the public and the private spheres. However, they are recognized as “house wives” and their work is socially undervalued. There is a saying among Gurage people, if a woman is working in the public sphere, “she works for her cosmetics”, which conveys the social belief that women’s effort and contribution are insignificant to the financial well-being of the family. And whatever she does, she is always considered to be dependent on her husband.

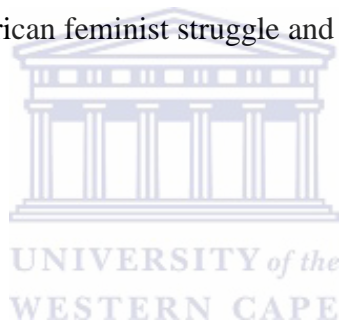
However, in reality⁴ many Gurage men don’t take the responsibility for their families’ day-to-day basic needs (from the focus group discussions I had, this is one of the biggest marital conflict issues). In contrast, the women, who work outside their homes, take care of bills, shelter and many major and minor expenses for the family and home. As a result, personal or familial financial growth is hardly achievable. Sometimes, they end up closing their businesses and return to their socially ordained status as “house wives”. Thus, their financial dependence adds to many other factors that prevent them from leaving abusive relationships.

Finally, standpoint theory suggests that it is natural for different groups of women to be separated from one another through ethnicity, or class or to have different experience of oppression. However, they share a common positionality, as women, with regards to power relation in the gender hierarchy within the social group. Hence, the research depicts this gendered power relation in the context of marital conflicts and mediation process under the

⁴ As an insider and from the response I got during the focus group discussion with Gurage women

Gurage *Kitcha* system as to what extent this customary system overpower individual choices, especially women.

In the following chapter, I will discuss the methodology used during data collection, reflect on my status as a feminist researcher and the process of developing feminist field work informed by the theoretical ideas discussed above. The theoretical discussion in this chapter also informs the data analysis, which widely engages with the research questions and critically explores the *Kitcha* system using feminist principles and philosophy. Finally I will conclude my study by summarizing the critical points and commenting on women's rights issues that are very significant to the contemporary African feminist struggle and resistance.



Chapter Two

Methodological Framework

In many societies, marriage conflicts are considered a “private” matter, and it is up to the couple or their close relatives to settle the disagreements. One of the main reasons for dealing with such a conflict within trusted family members is that “marital conflict” has its own stigma in the society. It is considered “shameful” to go public with marital problems. Most women are haunted by the guilt of failing to be the “shock absorber” in the case of all tensions with marriages, and where I grew up, mothers use this expression to teach their daughters to be submissive and handle “marriage problems” secretly or silently. As far as possible, then, women in different societies try to keep the abuse or mistreatment secret and to hang on to their marriage. In the context of this study, when marital conflict, in one way or another, is brought to public attention, to elders or rarely to court, it is generally serious. Women and certain individuals, who are directly involved in the private matter such as mothers or sisters of the woman in question, would have already tried to resolve issues. **Aselefs**, a woman participant in the in-depth interview, explains the social construction of marital responsibilities of women:

Since earlier times ... we grew up listening and being told how marriage is difficult and that we have to be able to endure all the unpleasant circumstances.

The gender role construction, as the above narration implies, includes preparing women for marriage responsibilities and obligations. Women are made to internalize the norms that prohibit or discourage divorce or to publicly air their marital problems, whilst submitting to the will of

their husbands, the extended family, and the elders. The question is what happens if the woman leaves her marriage, or what other alternatives are there for the women.

My central argument is not meant to imply that every marital conflict should end up in divorce or even be addressed as a public matter. Rather my research interest is to explore how the Gurage community constructs “culture” in relation to gender, and how Gurage men and women use “their culture” in resolving marital conflicts. In line with this is feminist methodology, which privileges and recognizes the multiplicity of production of knowledge that emerges from participants’ narratives (Campbell, 1998; Harding, 1987). In my field work, I therefore place emphasis on women’s stories. I focus especially on problematizing their experiences and questioning the “naturalized” Gurage’s *Kitcha* Customary practices of marital conflict resolution methods by unraveling their point of view. Most of all, the research seeks to explore conditions that might improve Gurage women’s lives. It is hoped that by contributing to deepening awareness of the complex social and cultural realities that hinder the progress of women’s constitutional rights the research will support advocacy and policy work that realistically addresses gender equality in Ethiopian contexts.

Widerberg argues that “in making sense of everyday life all kinds of sources, materials and methods, should be used” (2007:1). Accordingly, feminist methodology subscribes not to a single methodological framework; rather to “distinctive approaches to subverting the established procedures of disciplinary practices tied to the agendas of the powerful” (DeVault, 1999:96). The first section examines feminist methodological principles and its practicality in light of my research and fieldwork experience. In the second section, I deal with the ethical and political

dilemmas of being an “insider-outsider” with reference to the challenges I encountered in practicing the “code of ethics” while creating rapport with participants. The third section illustrates the multiple identities and positionalities that I came to occupy along with the insider-outsider position, and the ways in which my identity was challenged as I became aware of my reflection as more of “outsider – in” in light of my feminist perspective and standpoint.

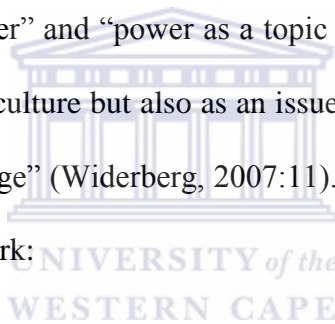
Methods

According to Mbilinyi, “methodology is a theory and analysis about the kind of methods and general research approach most appropriate for a given body of theory such as . . . critical feminism” (1992: 32). The research was undertaken using feminist qualitative research methodology, which is primarily concerned with women's lived experiences and gender relations in understanding of historical and contemporary forms of social organization (Enslin, 1994). It engages itself politically for women and seeks to improve women’s lives, to transform patriarchal oppression and give voice to women.

Feminists such as Brayton(1997); Devault(1999); and Harding(1990) reiterate that methodologically feminist qualitative research differs from the traditional qualitative research for several reasons. It actively seeks to remove the power imbalance between the researcher and the subject. Furthermore, it acknowledges the researcher as part of the research subject, and it increasingly focuses on differences in the experiences of oppression of the marginalized. Feminist qualitative methodology also allows the researcher to share the understanding and perceptions of others and to explore women’s lives from their own standpoints and reflection. As a feminist researcher, I am interested in how humans arrange themselves and their settings and

how people of these locations make sense of their environment through symbols, values, identities, social structures, and social roles, all of which, in the case of the Gurage community, have been defined as “culture”.

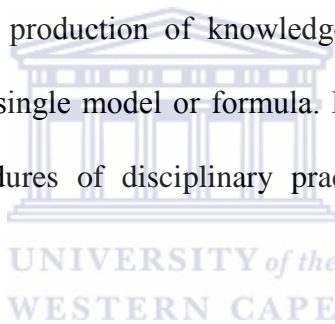
In making sense of women’s everyday life, especially working in the field, Deutsch (2004) and Widerberg (2007) argue that although the ultimate research outcome (be it publication or activism) is primarily that of the researcher, the power dynamics implicated in the relationship between researcher and participants and the positionality of the researcher affects the power structure and compatibility of the research product. Hence, the focus in feminist ethnographic research is on the “politics of power” and “power as a topic or dimension to make visible when investigating gender relations and culture but also as an issue to problematize regarding the very relations of production of knowledge” (Widerberg, 2007:11). Moreover, in order to avoid power related controversies in the fieldwork:



Most feminists usually favor the role of suppliant, seeking reciprocal relationships based on empathy and mutual respect, and often sharing their knowledge with those they research. Supplication involves exposing and exploiting weaknesses regarding dependence on whoever is being researched for information and guidance. Thus the researcher explicitly acknowledges her/his reliance on the research subject to provide insight into the subtle nuances of meaning that structure and shape everyday lives. Fieldwork for the researcher-as-suppliant is predicated upon an unequivocal acceptance that the knowledge of the person being researched (at least regarding the particular questions being asked) is greater than that of the researcher.

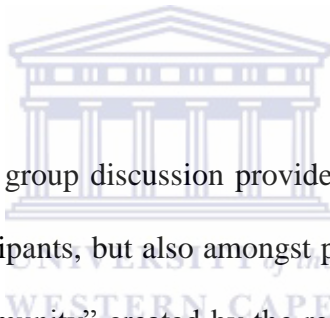
Essentially, the appeal of supplication lies in its potential for dealing with asymmetrical and potentially exploitative power relations by shifting a lot of power over to the researched (England 1994: 243).

Deutsch emphasizes that feminist methodology recognizes “the self as historically located and produced through daily experience, language, and activity” (2004:890). Hence, Harding (1987) and England (1994) stress the importance of subjectivity and individual experience in feminist research as it allows the researchers to relate to everyday lives of women, to question and theorize problems that emerge from narratives of participants, and to give voice to those marginalized minorities from the production of knowledge. DeVault argues that “feminist methodology will not prescribe a single model or formula. Rather ... distinctive approaches to subverting the established procedures of disciplinary practices tied to the agendas of the powerful” (1999:96).



In order to collect enough data to understand the stated problem and to carry out the analysis based on extensive information, I used mixed data collection methods; namely in-depth interviews and focus group discussions. These methods are deemed appropriate in light of the exploratory nature of the research, as they allow deeper understanding and interpretation of the issues at hand from the perspective of participants. Moreover, in a context where there are few such studies on the issue, these qualitative data collection methods are suitable for deeper exploration of the topic and help to provide what DeVault (1999) calls a “speaking with” and “talking and listening” approach between researcher and participants.

The in-depth interview, which is unstructured in its nature and allows delving into subjects' personal life stories, is useful in creating space for the narration of individuals' histories and giving voice to women to speak out the impacts of cultural mediation or dispute resolution on their lives (Devault, 1999). The open-ended questions allowed participants to expound far more on the topic from simple 'yes' and 'no' answers. Although many feminists argue that the primary role of the researcher is that of "listener", I had some pre-planned questions, in semi-structured format, to ask during the interview and focus group discussion. I believe the semi-structured question format helped me to understand and interpret what was said by participants and to seek clarity about participants' intricate lives and choices throughout the interview (Devault, 1999; Strebel, 1995).



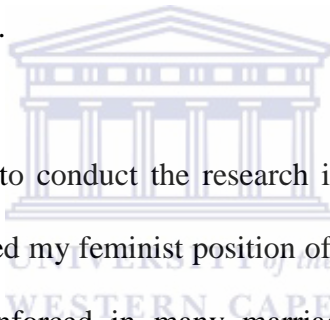
According to Shope (2006), focus group discussion provides an opportunity for discussion not only between researcher and participants, but also amongst participants; ideas, perspectives, and voices within the temporary "community" created by the research process end up being shared from different standpoints. Most importantly, since feminist research method is all about "power politics", Shope argues that "focus groups also reduce the researcher's power and control of the interview process and heighten the relational aspects of interviewing. Members of the group are in a greater position to influence the course of the discussion. The relational dynamic is no longer between interviewer and respondent only but also among the participants" (2006:168). Shope also stresses that for a feminist research that explores the lives of women in rural community, such as this one, focus group discussion can be an important method as it reveals "the plurality of voices" (2006:168) and prevents making sweeping generalizations and homogenizations of rural women's experiences.

The data analysis involves reading through the data repeatedly and engaging in the act of breaking down themes, and categorizing and building it up again through elaboration and interpretation (Blanche, Durrheim, & Kelly, 2007). Hence, for this research, I chose to employ thematic qualitative data analysis because it enables me to discover emerging themes and concepts embedded in women's own views about a culturally-specific marital resolution system. Moreover, according to Braun & Clarke (2006), thematic analysis is the relevant analytical tool for this research due to its theoretical flexibility, its convenience to undertake in-depth analysis and its capacity to organize and describe the data set in detail.

Why Reflexivity and Positionality in Feminist Methodology?

Research processes, especially fieldwork, involve stepping into a “positioned space” (Mullings, 1999), for instance negotiating a gendered structure (Widerberg, 2007), where the production of knowledge inherently depends on the power relation that exists between the researcher and participants. Mullings states that “a researcher’s knowledge is therefore always partial, because his/her positionality (perspective shaped by his/her unique mix of race, class, gender, nationality, sexuality and other identifiers), as well as location in time and space will influence how the world is viewed and interpreted” (1999: 337). In defining reflexivity Sultana writes: “reflexivity in research involves reflection on self, process, and representation, and critically examining power relations and politics in the research process, and researcher accountability in data collection and interpretation” (2007:376). Similarly, England writes: “reflexivity is self-critical sympathetic introspection and the self-conscious *analytical* scrutiny of the self as researcher. Indeed reflexivity is critical to the conduct of fieldwork; it induces self-discovery and can lead to insights and new hypotheses about the research questions” (1994: 244).

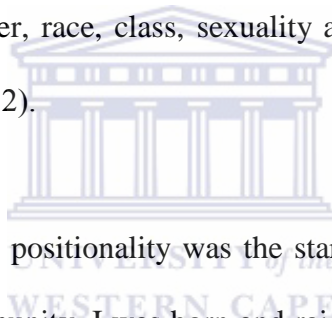
Hence, in thinking about reflexivity and positionality as a research process, feminists (Davies, 1998; Deutsch, 2004; Humphrey, 2007) emphasize that recognizing and reflecting the multiple positions that the researcher occupies in relation to her participants in the fieldwork means destabilizing existing power relation. It also entails acknowledging and analyzing the insider-outsider identity positions that the researcher occupies, and showing how this positionality influences the knowledge production in the context of methods used and the data interpretation during fieldwork and post fieldwork (when writing up and publishing findings of the research). Moreover, reflecting on the researcher's position, her subjective experiences, and the way participants perceive her identity is important as this ultimately makes the research process more politically engaging and significant.



It was extremely difficult for me to conduct the research in ways that were both sensitive to subjects' locations and also reflected my feminist position of criticizing institutionalized ways in which gender hierarchies are reinforced in many marriages among the Gura. This was complicated by my position as an insider and outsider, and by the fact that I grew up as a child within a marriage where domestic conflict was resolved at the expense of a woman, in this case my mother. While doing the research, I continuously asked the question: "How is it possible for me to criticize certain practices when I have been one of the people who benefited from these?" The question haunted me even when I decided to do the research on this issue. "Should I be grateful to the elders for returning my mother home?" because I don't think it would have been possible for me to be who I am today had my mother not returned home. Being the first daughter, I would have taken her place- taking care of my siblings. I struggled to reconcile the divide between my life experiences and many quandaries surrounding my location, as a

researcher, in relation to the world and the power relations I confronted. As Deutsch writes: “it was through the combined activities of reading, course work, fieldwork, and thinking through my dissertation that I was able to find a home for myself in the research world” (2004:885). The ambivalence, discomfort, tension and instability of my subjective positions and the contradiction in my “in-between” status had to be constantly re-worked (Sultana, 2007).

Nagar and Geiger argue that reflexivity about the researcher’s position in the fieldwork “often implies analyses of how the production of ethnographic knowledge is shaped by the shifting, contextual, and relational contours of the researcher's social *identity* and her social situatedness or *positionality*, (in terms of gender, race, class, sexuality and other axis of social difference), with respect to her subjects” (2007:2).

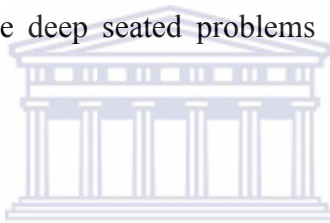


The main concern I had about my positionality was the stark class difference I experienced in relation to the rural Mamede community. I was born and raised in Addis Ababa (the capital city of Ethiopia). As a result I have a “good” formal educational background, and the fact that I am an Ethiopian studying in South Africa immediately puts me in a different location to what Sultana called “irreconcilable position” (2007: 378), and often, to borrow again from Sultana “where people in rural areas have come to respect and be deferential to urban, educated elites” (2007: 378).

“Listening Beyond Words”: Getting over the Language Barrier

Watts provocatively argues that: “Researching women who do not identify with feminist aims presents feminist researchers with particular challenges in relation to appropriate method and ethical practice” (Watts, 2006: 385). Similarly, DeVault in her article, “Talking and Listening from Women's Standpoint: Feminist Strategies for Interviewing and Analysis”, discusses the process of talking and listening ““as a woman” based on the concept of “women’s stand point” ” (1990: 97). She argues that “the approach does not imply that all women share a single position or perspective, but rather insists on the importance of following out the implications of women's (and others') various locations in socially organized activities” (97). DeVault contends that “women in society are a “muted group”” (98); she insists that ““muted-ness” does not imply that women are silent” (98) rather “women speak in ways that are limited and shaped by men's greater social power and control” (98). Hence feminists’ central focus should be listening to these marginalized and silenced voices. In addition, Shope argues that “traditional theories and methods often miss or distort the perspectives and narratives of [the] marginalized” (2006:165). It is obvious that in many cultures women are the most marginalized groups. In order to fully understand women’s experience and recognize the effect of power relations, DeVault (1999) suggests that feminists need to go beyond the dominant language or vocabulary – at the time of the interview and while interpreting interviews. Here, the researcher’s positionality plays an important role in this kind of listening, particularly if the researcher is an insider or has her own experience on the issue being explored. She is able to understand problems of expressions and “filling in” incomplete responses that are often “halting, hesitant, tentative talk signals the realm of not-quite-articulated experience, where standard vocabulary is inadequate, and where a respondent tries to speak from experience and finds language wanting” (DeVault, 1990: 103).

Watts argues that “women’s compliance and resistance are rarely mutually exclusive, but often occur simultaneously” (2006: 393). In the in-depth interview and focus group discussion I had with women, although I tried to focus the discussion on post-marital conflict or on “what happened” in the *Kitcha* customary practice to resolve marital conflicts, most women’s narratives were the incidents of conflict, the reason for their conflict, and the abuse they endured in their marriage. Only very few directly spoke about how they have been treated by the customary practices of resolving their conflicts and the social pressure that made them return to their husbands. At first, I was unsatisfied by the responses. Since, according to patriarchy, women do not participate in “making cultures”, their “truth” was partial for me, and they did not have the language to articulate the deep seated problems of their society’s gendered marital institutions and related practices.



I often found the research experience very stressful, in terms of finding ways to communicate with the women about my research questions. This was the case until I realized that they were in fact often telling me about the practice very loudly and clearly. The elders, meetings and the customary practice in one way or another, are involved in these women’s and their husbands’ lives since the beginning of the marriage. Therefore, there is a chain of events. The elders do not just appear out of the blue to settle the conflict. Rather, in fact in most cases, it is those elders who mediate the marriage creation in the first place who work with the couple later at the time of conflicts. I needed to redirect my attention from “what happened” after the conflict and the women’s experience when dealing with the *Kitcha* customary system to resolve their marital problem, to what meant to the women when remembering the conflict through their

interpretation of the events prior and/or during the conflict and post conflict with their husbands (Karamelska and Geiselmann, 2010).

What about In-Between Positional status?

According to Mullings, when doing feminist qualitative research, the reader needs to obtain “authentic” information that speaks to the research questions. First the researcher must seek to find her positional space “where the situated knowledges of both parties in the interview encounter, engender a level of trust and co-operation” (1999: 340). Kusow writes: “relationship between researcher and participant cannot be determined a priori such that a researcher can be categorically designated either an insider or an outsider” (2003:597). Kusow continues arguing that the identities of researchers and their constant negotiated multiple positional spaces depends on “the interaction between the researcher and the participants as well as the social and political situation within which the interaction occurs” (2003:597). Hence, “the degree of a scholar’s insiderness, or the degree to which scholars manage to overcome their outsidership, is believed to determine easy access to informants, reliability of collected data, and the success of the fieldwork” (Ergun and Erdemir 2010: 18).

Feminists have debated and reflected on “insider - outsider” positionality in fieldwork to ascertain what position best serves the researcher’s ability to access information from research subjects. Hill-Collins (1990) argues that “insiders”, researchers who study a group to which they belong, have an advantage because they are able to use their knowledge of the group to gain more intimate insights into their opinions. Ergun and Erdemir also state that “for the insider,

shared citizenship, ethnic, linguistic, religious, gender, and cultural identities or simply affinities facilitate the researcher's access to the field." (2010: 18).

Those who stress the outsider perspective, on the other hand, argue that by not belonging to a group under study, researchers are more likely to be perceived as neutral and therefore will be given information that would not be given to an outsider (Fonow and Cook, 1991). Those who endorse "outsiders" views also argue that they are likely to have a greater degree of objectivity and ability to observe behaviors without distorting their meanings. Kusow argues that, since "outsider ethnographers are not initiated in the cultural values of the people they study" (2003:592), the question remains on "the ability of outsider scholars to competently understand the experiences of minority groups" (Kusow, 2003:592)

Nevertheless, Mulling (1999) and Zavella (1996) argue that, the insider/outsider debate unsuitably assumes the existence of collective understanding of who is an insider and who is not. It considers insiderness and outsiderness as fixed features. As a result, the debate overlooks the fact that the researcher's identity and positional status is, what Ergun and Erdemir call, "context-dependent" (2010: 19), highly situational and determined by social, cultural and political values of the society. In other words, positionality is not static in its nature. It is constantly negotiated in each and every interaction the researcher makes with participants.

Thus, Mullings states that "the "insider/ outsider" binary in reality is a boundary that is not only highly unstable but also one that ignores the dynamism of positionalities in time and through space. No individual can consistently remain an insider and few ever remain complete outsiders"

(1999: 340). She continues by arguing that “positional spaces, however, are often transitory and cannot be reduced to the familiar boundaries of insider/outsider privilege based on visible attributes such as race, gender, ethnicity or class” (1999: 340). Similarly, Kusow writes: “we cannot permanently locate individuals according to a single social status. Rather, they occupy a set of social statuses such that one individual can occupy an insider status in one moment and an outsider in another” (2003: 592)

At another level, Ely, Anzul, Friedman, Garner, and Steinmetz (1991) insist that it is reasonable to think that researchers work better in a setting that is familiar to them than a completely new environment. In line with this argument, they write: “familiarity with the subject at hand - the subculture, the jargon, the unwritten codes of behavior - may enable a researcher to delve deeply into the research without having to do all of the preliminary work, such as learning a new lingo, becoming acquainted with the norms, and developing a level of comfort within the environment being studied” (1991: 124).

The above arguments tend to describe the insider identity as it forms cultural proximity with the informants. In doing so, they potentially ignore researchers who have, to borrow from Ergun and Erdemir, “an ambiguous insider/outsider status” (2010: 24) or researchers who are working, again as Ergun and Erdemir describes it, “in different but not fully unfamiliar field settings” (2010:19), basically researchers like me. The challenge encountered by the researcher in negotiating her identity in the field and strategies she uses to draw attention to communalities and downplay differences with participants is undeniably complicated. In this regard, I relate to Kusow’s discovery that “the insider/outsider distinction is far more complicated than our

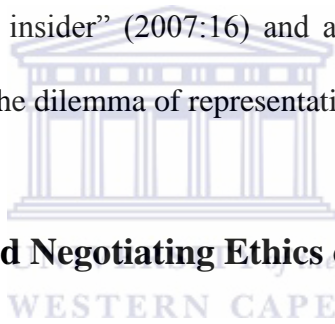
professional literature suggests and that these complications bear directly on issues of credible data and knowledge production” (2003:594).

I am an Ethiopian, then a Gurage woman, working on what is “supposedly” considered to be “my culture and tradition”. This immediately assumes the equation of citizenship, ethnic identity, and belonging. Although I am not fluent in speaking the language, *Guragegna*⁵, I am confident in my listening and understanding of the language. This has worked in my favor as the participants are able to use *Guragegna* to respond and discuss in the interviews and focus group discussion with me and amongst themselves. Since *Amharic* is the national working language in Ethiopia, whenever I struggled to speak my mind using *Guragegna*, I switched to *Amharic*, which was not a problem as most people do understand *Amharic* language. These facts make me an “insider” – in fact many people, especially elders were ecstatic to know that I understand *Guragegna* because in many instances, a younger generation, whatever the ethnic identity may be, like me who live in the urban areas use only *Amharic* to communicate as it is our official working language. Furthermore, the presence of my father-in-law helped create an atmosphere of trust and had significant influence on the participants in treating me not only as an “insider” but also as “their daughter” too.

However, I am not familiar with what “real insiders” see as Gurage *Kitcha* Culture. My knowledge of certain practices, symbols, customs and social relationships is through my family (and our extended family) and other Gurage women that I used to be very close to, in my community. I was that child; I grew up with “this culture”; I felt the women’s pain and

⁵ The language that Gurage people speak is called *Guragegna*

disappointments and ironically I am the direct beneficiary of the system. However, as ironic as it sounds, I have never been directly involved in or been a witness of many of the practices, events, institutions related to Gura marriage and marital conflict resolution. The knowledge I had was from the women's oral narratives (told with tears, anger, and many other emotions) and that is mostly from what they are told by male member of their family who represented them. Hence, although I admit that the emotions I witnessed as a child still exist in my mind, I believe that there are many things that I needed to explore so that I could fully understand aspects of Gura culture to be able to question these from perspective of feminist knowledge and human rights issues. Furthermore, my in-between positional status, helps me from what Humphrey suggests as danger of being "too much of an insider" (2007:16) and allowed me to carefully make self-exploration continuously to avoid the dilemma of representation of the research.



Performing Methodology and Negotiating Ethics on the Spot

Wolf (1996) and Mullings (1999) argue that conducting fieldwork is always contextualized in the politics of representation and cultural understandings, which is highly affected by issues of power, positionality and subjectivity. The process of data collection and interpretation brings out the tensions between theory and experience that make knowledge situational to contradictory social locations of researcher and participants (Harding, 1987). Thus, DeVault argues that fieldwork is an "investment" made by the researcher in finding answers to her own concerns; and it is "her ability to show that concern that serves to recruit her respondents as partners in the search: the things said are responses to these words of this particular researcher" (1999: 100).

It is obvious that similarities and differences emerge through the relations that are involved in the research process. However, although not always easy to maintain, the fluidity and openness of the research process helps the researcher to work in collaboration with participants (Zavella, 1996). “Ethical research is produced through negotiated spaces and practices of reflexivity that is critical about issues of positionality and power relations at multiple scales” (Sultana, 2007: 375). Interestingly, these different levels of negotiations are not a onetime thing; rather they are practiced on a continual basis. In this regard, Watts strongly argues that when gathering data in the field “the case for “any and every means” has to be mediated by ethical concerns that underpin all social research whether by quantitative or qualitative methods (or a mixed methods approach)” (2006: 386). This is basically meant to address the deep but often hidden power relationship between the researcher and the participants during interviews in the research. Acknowledging the active presence of participants in the process of knowledge production (Becker and Bryman, 2004) and recognizing that participants are the experts and owners of their own experience is one of the most important principles to bear in mind (Ralph, 1988).

In pursuit of rapport with research participants, Sultana argues that, “power relations can work both ways, especially if one is a young female researcher in an overtly patriarchal field context” (2007:380). Supporting this, Ergun and Erdemir state that “perceptions about the researchers also shape the web of relationships constructed in the field” (2010: 18). To sustain my insidership and to help me gain participants’ trust, I needed to perform and represent a Gurage woman identity⁶. For instance, when I was introduced to the elders by my father –in-law, I performed the traditional Gurage greeting style and that is kneeling down and kissing the elders feet/ knees in

⁶This interpretation of “gendered performance” initially was introduced by Judith Butler (1988) article, titled “Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory”

order to show respect and humility . I consider this a “performance” not because it was artificial or manipulative; rather I have been exposed to different styles of greetings to show respect, for example – the West teaches us to look each other in the eye and shake hands firmly, but I deliberately chose to perform the Gurage (and many other ethnicities in the country) since gestures of this nature and exchanges of values help secure acceptance.

Predictably, what I read in methodology literatures and what waited for me in the field were completely different. For instance, in many social science empirical studies there are ethical requirements that need to be addressed – right at the beginning (when writing a proposal) and while gathering data. The basic ethical principles are consent, confidentiality and conduct of the research where research participants are fully informed about the objective of the research and sign a consent form (Watts, 2006). All this is verified especially in academic writing: supervisors, the faculty and senate committees which review postgraduate proposals look for these three important ethical commitments from the researcher/student. It is also assumed that what happens during field work is entirely up to the researcher, and that the researcher/student will be totally in control. Reflecting this assumption, the university required me to write an ethical statement (consent form, confidentiality, and information sheet) as part of my proposal.

However, since my field work is located in the rural community, where there is a very limited access to school and education, the majority of people, especially women, are illiterate. In addition to this limitation, many participants, those who can read, were not comfortable at all about signing the consent form; sometimes asking them was a risky thing to do. I realized this from the discussion I had with one of the first participants. I explained the research objectives

and the confidentiality of our conversation – that I would keep her identity anonymous and that whatever she would tell me stays between us. After that I gave her the consent form, and before she even read through the paper, she saw the signature space, and she looked me in the eye and said:

I am doing this interview because I thought you are Gashe's [my father-in-law] daughter and because he said it is very important for your school work. That is why I am telling you my story, I hope you will not betray me or give me up to them ...

I didn't understand where this concern came from as I was simply a student who wanted to do research on Gurage Culture. I did not know whom she was referring to as "them"– was it the elders or the authorities/government? But I do acknowledge the fear or concern of the people, regardless of my "rational" explanations. Unlike myself, many perceive the written word, or forms that require signature, or even seemingly basic documents in the same way that I would regard a very binding legal document. What to me may seem like their unreasonable anxiety is a result of being confronted by a "discourse" (writing, a form, a typed document) that is associated with social power and authority.

After that incident, I understood that they accepted me as a family member. They were participating in this research to "help" me as I am the daughter-in-law. In an interesting way, then, this incident immediately challenged the starting assumptions, namely, that I could be of assistance in helping Gurage women to "find their voice". And of course they also challenged

my (and dominant) assumptions about negotiating and finalizing ethical problems too. Regarding the formal procedures of research, it was very difficult for me to gather the data following the “code of ethics”. I ended up redirecting my ethical negotiation into making sure they voluntarily give their consent to participate in the interviews, to protect participants, women in particular, from facing any negative repercussions as a result of involvement in this research, I assured participants of confidentiality and anonymity. I also made sure participants were comfortable with and agreed to be tape-recorded.

Watts contends that “researchers rarely tell *all* the subjects they are studying *everything* about the research” (2006: 395). In my field work, this was another big concern because of two different but related situations. In *Sebat Bet Gurage*, after **Yaqaqe Wardot** (I will discuss more of her in the next chapter), there is no Gurage woman, at least on record, that came out and openly opposed the cultural practice. This research therefore raised the challenge of how to proceed in the face of very limited or obviously androcentric cultural practices. I struggled with the contradiction between the expectation of Gurage community, especially the elders, and my role as a feminist researcher.

Gurage *Kitcha* Customary law is one of the well-known and respected “customary self-governance system” in Ethiopia because of its “effectiveness” and “peaceful” handling of conflicts in wider range. I often felt that, their expectation is for me to represent this positive image. Although I could not state this directly (or often at all), I do not claim to represent “my culture” (which is, in fact, one that protects certain groups’ gendered rights and authority) because I intended to speak about and listen to “silenced voices”. Ultimately, then, my research

is a different kind of representation from those of the elders, of many women themselves. It does not celebrate or confirm the normalcy or inevitability of the system, but seeks to analyze its gendered structures and forms.

Because of the nature of my research identity, which is open to misunderstandings and misinterpretation unless handled carefully, the extent of my description of the research objectives for the women and elders were different. I didn't want to risk probably the only chance I got to interview the elders together in the focus group discussion. I realized that in order to avoid a conflict of interest between myself as a researcher and the research participants, particularly the elders, and to ensure that I retained a position as "insider" (in the eyes of the elders, the women and the community in general), I had to choose what to tell and what not when explaining my interest in exploring Gurage *Kitcha* customary practice and my motivation to this research subject. In doing so, I knew that I no longer occupied the space of, what Humphrey (2007) called, "innocent insider" or to borrow from Kusow, as "native ethnographer" (2003: 593).

Ergun and Erdemir argue that during fieldwork, gender identity often with other factors such as age, class, ethnicity, and race, may facilitate or hinder the research process and access to information. They write: "two extremes of the treatment of a female researcher are either failing to take her seriously or providing her with extra care and protection" (2010: 30). The common difficulty I had with the elders and the women was being taken as "the young daughter". Sometimes it worked in my favor as the participants opened up to me. But at other times I struggled to get them see me as a professional researcher who is interested in exploring the

culture and the influence it has on Gurage women. This was difficult and had to be handled carefully, as I did not want to “put the words in their mouth” for it has ethical implications.

The following chapter presents analysis and discussion of participant’s response. The themes that emerged from the responses critically engage discourses of gender construction, cultural identity, and the politics of individual “choice” with reference to parameters of inclusion and exclusion from the family and community in general.



Chapter Three

Gender and Kitcha Customary Law

Before analysing the data and delving into the issue of “customary law” and its patriarchal foundations, it is important to contextualise the rural *Sebat Bet* Gurage in socio-economic and geographical terms. This contextualisation is intended to convey the distinctive locations both of the subjects of my research and myself as a researcher engaging with women and men whose world is radically different from the urbanised ones that I live and work in. I collected the data from a region called Mamede near Wolkite city, which is the centre of the Gurage Zone. It is located about 150km south of Addis Ababa, the capital city of Ethiopia. After reaching Wolkite I had to travel with the key informant⁷ by horse cart for three hours to Mamede as there are no modern transportation systems. As is the case in most rural parts of the country, the area is devoid of basic amenities: there is no electricity or health centre, only part of the area has access to clean water, and only one primary school exists. The court office, as the formal site of “modern” mediation of legal affairs, including domestic ones, is also found in Wolkite. Hence, the inhabitants have to travel to Wolkite to access high school education, health care, legal and other services. The geographical location of many services therefore immediately draws attention to gendered privilege; women’s domestic and reproductive roles in the area affect their mobility and access. Merely entering my research location therefore drew my attention to the fact that the remoteness and limited resources of the Gurage area, compromised women’s access to basic human rights and their dependence on and subordination within the governance of *Kitcha* customary law.

⁷Three key informants were involved in the data collection.

In his article: “Symbols of Local Governance among the Gurage: The *Yejoka Qicha*⁸ and the *Gordana Sera*”, Bahru (2008), describes Gurage as androcentric or male-centered society. The evidence in his argument shows that this society comprises a culture that constructs and sustains male dominance in many social endeavours. Bahru’s discussion of “Gurage culture” touches on traditional and “pre-modern” forms of governance system. Mainly he focuses on the success of Gurage *Kitcha* customary law to make an example of one of the few existing customary system that are working in line with the Constitution. The only exception is, as he tries to mention (although not extensively), the limited recognition of Gurage women’s freedoms and rights. Gebreyesus (1991) states that since the late eighteenth century, Gurage people have been using their own self-governance system called *Yejoka Kitcha*. It has been recorded that the customary law was formed to deal with inter-tribal wars in the region and to bring order in the society. In order to maintain the traditional practice, *Sebat Bet* Gurage People Self-help Development Organisation (GPSDO) institutionalised the practice entitled *Agurage Qicha* or alternatively “KITCHA: the Gurage Customary Law” in 1998, with significant modifications to the traditional practice in an attempt to harmonize it with the Constitution (Bahru, 2008). Similar to many other customary law practices in the country (see Donovan and Getachew, 2003), *Kitcha* customary law is applied to address various forms of disputes in the society, be it civil or criminal. The range of the law is thus quite broad, although my focus will be on matters related to marital conflict.

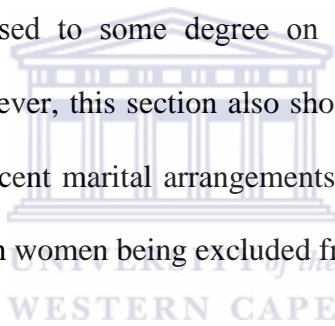
Gurage people have been socialised to maintain immense respect for elders. The society refers to older men and women with a title name called *Baliqe*, which literally means elderly. The name

⁸Although I chose to use *Kitcha* to refer to the Gurage customary law, it should be noticed that many use *Qicha* and/or *Kitcha* interchangeably.

serves much more than to identify individuals according to age. It suggests that the individual earns respect from the community and acquires wisdom through age. Usually men *Baliqe* are the ones who become the chiefs of the customary law and mediators of social matters in general. Elder women can have the title but are not allowed to be judges, or even to participate in decision making. Formally, then, the system makes allowances for any *Baliqe* (elder) to be accorded the status of mediator, although in practice it is reserved for men; it is also not necessary for a man to be *Baliqe* to get involved in arbitration. According to the key informants, for a person to become a mediator in the traditional sense, he or she must be considered wise, eloquent, calm, and a role model in the community. Yet the slippage from gender-neutral notions of age and wisdom to masculinised and even militarised assumptions is clear in another title often used, *Abegaz*. The traditional judges are also called *Abegaz* in their communities. This title used to be given to those men who were war heroes at the time of ethnic conflict (Gebreyesus, 1991). Since war among the Gurage has become a thing in the past, people have shifted the elevated status associated with the name to address traditional judges. During my field work, I often noticed people refer to the elders using the two titles interchangeably. In my analysis, however, I avoid the more militaristic and recent notion of *Abegaz* and use *Baliqe* as a more suitable name to refer to the elder male group in the focus group discussion.

My field-work involved in-depth interviews with ten women who had disputes with their spouses, and these disputes had been handled according to customary law. I also conducted two focus group discussions. The first was with elders who are all men and entrusted with the duty of mediating disputing couples, and the second was with women who went through the customary mediation process.

Traditionally in Gurage, it is the family who chooses and decides on a husband for a woman. It has been said that this tradition has changed recently, and a woman is given some measure of freedom to choose whom to marry. However, acceptance and blessing by the girl's family is still mandatory. Since the extended family takes part in the formation of the marriage, they are also seen to have the power in decision - making when it comes to dealing with marital conflicts. Section one of the data analysis reveals how "family" and "community" is defined to become a source of authority - especially by drawing on the marginalization and instrumentalization of Gurage women in institutions of marriage. It focuses on how older marriage arrangements exclude Gurage women and shape their status as objects of exchange. This is in contrast to "newer" systems which seem based to some degree on recognising women's choices and perspectives from the outset. However, this section also shows that there is a thin dividing line between choice and coercion in recent marital arrangements. It is suggested that these reflect a form of covert discrimination with women being excluded from meetings and negotiations.



As explained in the literature review, in the process of emancipation from historically oppressive homogenisations of ethnicity to democratic promotion of ethnic diversity, based on ethnic federalism, the Ethiopian Government tries to give due attention to self-governance among the different nations and nationalities in the country. The major political question of these ethnic groups, particularly among the so-called "minority groups", is the claim for cultural identity authentication. Here, it should be noticed that "minority" does not necessarily refer to the numerically defined minority groups but also those groups that are politically marginalised. Hence, article 39(2) of the Constitution specifically recognises the right of every nation to express, develop, and promote its culture and preserve its history. Moreover, article 34(5) gives

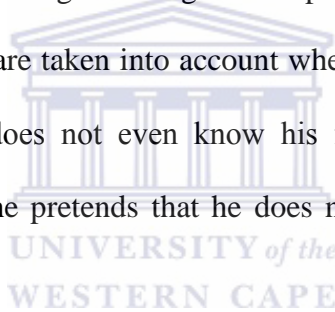
further recognition for the alternative use of customary law in civil matters like marital conflict or other kinds of disputes but with full consent of the parties. These endorsements are deemed to empower ethnic groups to celebrate the value of their distinct identity with dignity and equality in the face of imperialism and ethnocentrism that the country has suffered from.

Unfortunately, though, in the making of federal states, some part of the Constitution granting nationalities the right to exercise customary law are in conflict with other parts of the very same Constitution granting women the right not to be subjugated to cultural domination (Smith, 2009). Interestingly, this is not unique to Ethiopia; and is true of many African countries – including South Africa, where the right to culture is in conflict with the Constitution (McFadden, 2001). Thus, section two of this chapter will focus on the dilemma of choice between “Legal system” and “Customary Law” and the implication in terms of women’s equal rights. The implications have particular relevance to marital conflict mediation strategies, and how “customary law” is connected to practices and myths that offer individuals a sense of continuity and meaning. More importantly, in shedding some light on the incompatibility of the two systems and consequent lack of integration, I will use some of the responses I obtained from the participants on how *Kitcha* customary law deals with marital conflicts, especially on divorce matters.

Initiation and Continuation of Matrimony among the Gurage

The majority of women who participated in the in-depth interview seem to have similar stories about the processes leading to their marriage. Until fairly recently, according to established practices in Gurage culture, women were married to the husbands they were given to. In other words, marriage was arranged. Contrary to what I have been told by the key informants, and generally from elders and women participants during interviews, Gebreyesus (1991: 107) writes:

In the old days, and even at present in remote areas, it was the father of the boy who used to look for a suitable girl through some people. Social, economic, religious, and ethnic factors are taken into account when a father selects wives for his children. The boy does not even know his father's plan about the marriage. Even if he does, he pretends that he does not know anything. The girl's position is the same.



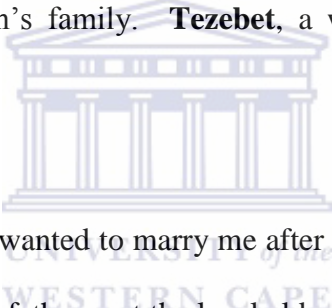
In his book, he extensively explained the traditional or “the old days”, as he calls it, in terms of practices and cultural procedures of marriage initiations. Yet, he writes vaguely about the “new” culture, stating merely that “it is only these days that one chooses his girl or fiancé and gets married on the basis of the joint agreement of the two, the bride and the bridegroom” (1991: 107). Although the statement conveys ideas of “choice” and mutual agreement, the author defines “arranged marriages” in somewhat simplistic ways and goes on to define “new” forms based on choice in equally reductive ways. In particular, he excludes attention to the involvement of the families in “joint agreement”, which according to my key informants and participants, mandatory among the Gurage in the present, regardless of the type of marriage

arrangement. Also significant about Gebreyesus'(1991) discussion is the attention he draws to the fact that it is the man who chooses the woman whom he wants to marry. This points to the women's lack of freedom in choosing, and also confirms my key informants' and participants' testimony that, in most cases until very recently the woman does not have any say in the marriage arrangement unlike the man.

For this research paper, then, I define "arranged marriage" with reference to responses I obtained from women participants', elders' and key informants' on definition of "arranged marriage". In the past, the marriage agreement involved only the men from both families; women were excluded from the negotiation and treated as objects of exchange with no say but to submit to their families' decision. On the other hand, the man, although he is not allowed to attend meetings with the woman's family and is culturally forbidden to make contact with her before he gets the blessing of her family, he has the right to choose the girl he wants to marry and tells his family that he is ready to get married and a certain girl is his preferred choice. Then his family (i.e. the men in his family) go to the girl's family and request for their daughter's hand. Her family (i.e. her father, brother (s) and elderly male relatives) then decide to accept or reject the marriage proposal. The following reflection is from one of the interviewed subjects, **Tarik**, who explains the silencing of women in this arrangement quite clearly:

I was born and grew up in the countryside ...You have to follow your family order in rural area such as ours [Gurage] ... your father gave your hand for a person he liked. You had no option but to accept his choice.

According to the key informants, culturally the woman's family needs to be approached for more than three times by the man's family, if possible, before they accept the marriage proposal. Gebreyesus (1991) also explains the code of honour in such practices between the families. It is considered shameful if the woman's family agrees to the proposal without being begged by the man's family repeatedly. Their reluctance to agree immediately is culturally considered an expression of the authority of the family and its bargaining power, and the high esteem they have of the family and their daughter. At another level, the girl's family takes their time so that they are able to assess the man's family background, his financial strength, and his reputation in the community (Gebreyesus, 1991). Most importantly, the girl's family stalls on their decision in order to get respect from the man's family. **Tezebet**, a woman participant in the in-depth interview, tells her story as follows:



. . . He told his father that he wanted to marry me after he had come to our village and seen me. Afterwards, his father sent the local elders to ask for my hand. After four meetings, my families and the elders gave him their blessing to marry me. We got married by throwing a big traditional wedding party...

Mulatewa's also has similar story:

I was very young when I got married. They came to my family after finding out that I am from blue blood⁹. Then, my family had them to come back four times

⁹ According to Oxford Dictionary, "blue blood" means noble birth or a person of noble birth, in this case the participant meant to refer to royalty as her family is well known and rich in the community.

before they gave my hand for him . . . I was given to him as a wife by elders ...
with their blessing.

Such evidence gives insight into the status of women in social transactions by and for others. Women are valued for their role in exchanges between families. The marriage initiation is motivated by social status of the families and economic situation. The union is not only between the couples but also an affiliation among the extended family (Green, 1992; Nhlapo, 1992). Hence, in a tradition where the group's interest and decision is considered more important, the individual's right, particularly a woman's, seems to be insignificant (Bennett, 1995; Ndashe, 2005).



Change in practice?

It is argued by many of the participants that there have been some changes among the Guraage as has also been the case among other ethnic groups in relation to arranged marriage in the country. One should recognize that the change also depends on the conservative or liberal characteristics of the family, community and ethnic group in general. For instance, based on the information I got from the women participants, although people tend to divide cultural practices into "the old" and "the new", there is no clear evidence of a neat division. This is because in both "old" or traditional marriage settlements and the supposedly "new" marriage settlement, it is taken as a necessity for the man's family to plead for the woman - even if this is just a formality. It is believed that a woman cannot leave her family's house without the elaborate rituals of bargaining and appeal for rights to the woman. In addition, according to the key informants, the family's main concern is whether the man is able to work and fend for his family, whether the

man and his family are worthy of being affiliated with, as members of the extended family relation; whether the man's family status is commensurate with theirs. **Belecha's** story shows that the changes in the community seem mainly to affect men's scope for agency and individual choice, and that even when women are approached directly and not through their families, they are put under considerable social pressure to make decisions:

First of all, I didn't like him. I keep telling to his friends that I didn't want to marry him and that I would rather live alone until I get the right person when they came to tell me his intention for marriage proposal ... they keep pestering me by coming more than three times, I told them to go to my parents ... I told them I wouldn't, however, promise. Then, he took his elders to my parents' house to ask for my hand according to our culture ... I told my family that I didn't like the guy when they asked me if I was willing to marry him. But, I told them I would marry him if they like him ... Finally, they gave my hand to him with blessing ... I had no choice but to marry him.

Belecha's narrative seems close to "the new" culture (in terms of women being directly asked for marriage) and changes, which the Gurage people claim to have adopted. Despite the "new" and/or more "liberal" culture deemed to give women more agency, **Belecha's** story shows how women are subtly and sometimes explicitly coerced to prioritise family/community obligations and connections. The distinction between "choice" and "coercion" seems blurred. **Belecha** didn't want to marry the man, yet the pressure from his friends forced her to privilege choices of her family.

This is connected to Gabereyesus's (1991: 107) comment on the sense of honour and duty associated with individual acts: "Often one's actions, omissions and general behaviour reflect upon not just the immediate extended family but the clan as a whole. If a person is of good character and behaviour, then the clan he comes from is held in high regard by the other clans". According to the key informants, such "good character" – "my parents have my best interest at heart and they know better" - is one way of showing respect to the family or elders. However, once the power of choice making is given to the family, women may entirely subordinate their personal needs and feelings, since this is what their sense of self as decent and "well" brought up women requires.

The interesting question is on the continuation of the marriage. How does the couple sustain their marriage? And most importantly, in terms of the focus of this research, how do they handle their marital conflicts? Does the extended family have influence in the marriage once it has been contracted in cases of conflict and intervening in conflict? In the above story, after the emotional and social coercion involving **Belecha's** being pressurised into marrying her husband, she experienced discomfort within the marriage. She told me that the marriage didn't last for long. She decided to leave her husband and requested a divorce from the elders. Her reasons were the following:

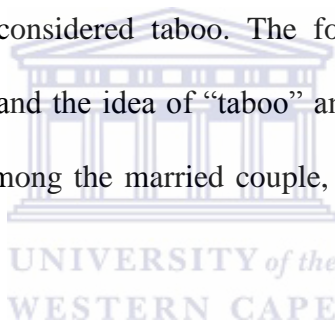
I just hate him ... I didn't really like him in the first place. He doesn't farm and help me. I just left him because I failed to see a bright future living with him as he didn't farm, work and help me. I have bothered my family ... to get me a divorce. But, he said he loves me and wouldn't like to divorce me. His families also said

they love me, thus they wouldn't like to let me go even if he lets me go. My family told me that they couldn't get me a divorce while he says he loves me and doesn't want to divorce me. According to my family, I have to live with him whether I love him or not, they say it is my obligation. The elders also blame me why I entered the marriage in the first place and gave him two children. But, I told them that I hate him so much and I don't want to live with him.

As her narrative indicates, in the Gurage community, the marriage arrangement involves the extended families and elder's decision. Similarly at the time of divorce, next to the husband, the elders and the families have the power to accept or reject the initiation of divorce. As **Belecha's** story also indicates, the blame shifts to women when the marriage fails to succeed. The elders blamed her for entering into the marriage, while all along she had been pressurised to be married to her husband. Moreover, in Gurage society, divorce is never regarded as a solution. The elders place more emphasis on creating harmony between couples. But if ever considered, it must be agreed on by the husband, elders and the extended family. The following comment was made by **Baliqe Belete** in the focus group discussion:

In Gurage *Kitcha*, divorce is not an easy thing to do. Without including the couple's families and without looking into the case deeply, it is impossible to permit divorce easily . . . she can only be divorced by her husband, and only when the elders believe that the situation indeed can lead to divorce. Otherwise, they [elders] would refuse to issue divorce decisions, and would rather insist to make them stay in matrimony.

The response implies that, even though women might seek divorce, it only comes into effect when the elders, her husband and the extended families reach an agreement. Moreover, *Baliqe Belete* also mentioned that “she can only be divorced by her husband” as opposed to having an individual right to divorce. This rule violates the Constitution, specifically article 34(1) which states that men and women have equal rights while entering into, during marriage and at the time of divorce. In addition, the published *Kitcha* customary law document, despite several contradictory rules compared to the Constitution, clearly states equal rights for women at the time of divorce in article 5. Yet, in actual practice, customary norms related directly to marriage insist that men are the ones who have the right to divorce their wives, and equal rights for women in cases of divorce are considered taboo. The following section disentangles such conflicting women’s rights issues and the idea of “taboo” and “custom” in regulating gendered power relationships in marriage among the married couple, their family and the community in general.



Gendered Curses: *Berche and Anqit*

Gurage people strongly believe in the materialization or fulfilment of blessing and curse, and its impact on one’s life. It is believed that there is a curse attached to any “supposed” wrong doing by God and/or a divine spiritual power. From the conversation I had with the participants and key informants, in the context of this research especially for women, behaviours that are considered to be “wrong doings” are those that are considered as “taboo” in the community. The social significance of taboos in the society is evident in the way that “wrong-doing” is subject to social censure in the form of curses. The main popularly known curses that are used in day to

day life are *Berche*¹⁰ and *Anqit*¹¹. According to the participants, generally doing something unjust to the weak or the powerless will in the end affect the wrongdoer and his/her descendants; this is referred as *Berche*. They strongly believe that this curse would haunt the wrongdoer and his descendants up to the seventh generation. Some consider these curses as strengths in terms of bringing order to the society. **Tsehay**, a woman participant in the in-depth interview, explains it as one of the advantages of the culture:

Gurage's culture has advantages . . . Doing unjust things to one is strictly forbidden in our culture as the curse would stick until his seven descendant generations if one commits *Berche*.

In the discussion I had with the elders in the focus group discussion, the concept of *Berche* was taken from respecting elders and their advice, especially those elders who are involved in mediating and resolving conflicts in the community. **Baliqe Yesak**, one of the elder participants, defines what *Berche* in this regard:

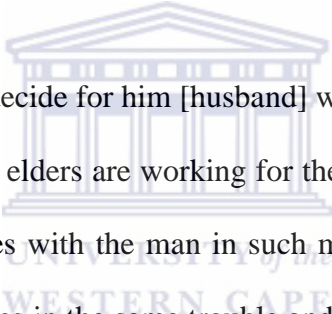
When the elders beg a person, and if that person refuses to listen to their advice, then the elders would put the curse on him and it would be on him. *Berche* does exist for those who hurt others ... *Berche* is for any person who hurts others because they are weak or poor, as he would get his *Berche* when the time comes.

¹⁰*Berche* is a type of curse that caught a person for his/her wrong doings.

¹¹ People pronounce the word very differently. Some say "Anekid", others "Anqit" and in literatures I found that they wrote "Aqit". However, one thing is clear they all refer to the same kind of curse it is just a difference in pronunciation. Therefore, I decided to use 'Anqit' for the reason that most of the participants in this research pronounced it in this way.

If he/she rebels ... despite the elders pleading, she/he is believed to be haunted by *Berche* sooner or later. . .

As the participant explained in the above response, *Berche* does not have gender boundaries. Every Gurage person, who lives in this system, has knowledge of its power, and the majority fears and is governed by it. Ironically, it has been said that the elders, even if they are the ones who are considered to have the power to put a curse on the people, also fear the curse, especially when handling marital conflicts. For instance **Baliqe Melaku**, one of the key informants, explained how the elders themselves are conscious about their verdict for fear of *Berche*:



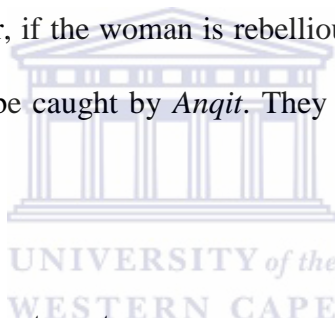
The elders are the ones who decide for him [husband] what to give her [at the time of divorce]. As I told you the elders are working for their conscious and they also fear *Berche*. If they take sides with the man in such matters, they fear that their daughters might get themselves in the same trouble and also for the generations to come because of their unfair treatment of the woman.

Not only does *Berche* apply to everyone, it is also used to create order and enforce morality in the society. So, if the elders are believed to be “conscious” of *Berche* when giving their verdicts, it puts more pressure on the married couple, obviously women, to question their motives or “balanced” ruling.

Interestingly, *Anqit* seems to have unique features compared to *Berche*. First, the curse only works on people who are married. Secondly, it only works on women. Thirdly, it works on

women who left their husbands defying the *Kitcha* customary legal practices and divorced their husbands. From the moment a woman walks out on her marriage against the will of elders, it is believed that she is caught by *Anqit*. It seems that this sanction has effectively undermined women from seeking divorce, no matter how badly their husbands treat them. This limited right is strongly perpetuated by traditional belief. **Baliqe Yesak** explains as follows:

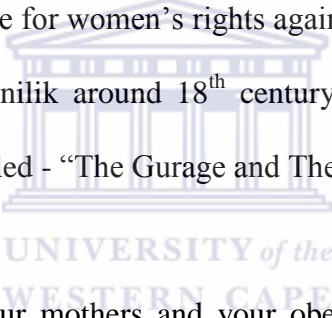
In our *Kitcha* there is a belief called *Anqit*, it is a curse. You see, married couple can deal with their marital problem following the *Kitcha* system . . . If she requests for the husband to divorce her and if he agrees, that is fine she will be free. However, if the woman is rebellious and insists on leaving her husband, she would be caught by *Anqit*. They [the elders] will put the curse on her.



The “spiritual” power of the *Baliqe* to put a curse on women, as is pointed out in the above quote, is a good example of how customary law is intertwined with a belief system which sustains the patriarchal society’s interpretation of how gender should be managed. What is especially significant in this belief system is that it is defined as “sacred”, a spiritual system which is somehow beyond the control of the society, and derives from some divine source. Its quasi-sacred form therefore makes it appear immutable and inevitable, a system which clearly has powerful controlling effects on Gurage women seeking acceptance and belonging in their society. As **Baliqe Yesak’s** argument makes it clear, it is mandatory for a woman to get the blessing of her husband to be free of the marriage. The implication of this curse is that women are not allowed to have the right to remarry another person, if they disobey the custom and

divorce on their own, as they are not “legally” divorced according to the procedures of the customary law (Gebreyesus, 1991). Key informants claimed that defying custom is very likely to subject women to supernatural punishment such as the inability to bear a child, giving birth to a disabled child, or accidental death through being struck by lightning.

The power of cultural values transferred from generation to generation derives from preserving and writing and/or telling history/story, although it is never safe from controversy and bias. In the *Sebat Bet* Gurage ethnic group the life story of the legendary rebel, **Yaqaqe Wardwat** is a popular reference point. She is said to be the most important figure in Gurage society (Bahru, 2008). She is known for her struggle for women’s rights against male dominated Gurage culture during the era of the emperor Minilik around 18th century (Gebreyesus, 1991). Gebreyesus recorded her speech in his book called - “The Gurage and Their Culture”:



We women, your sisters, your mothers and your obedient servants for all time, appear before you today to ask for our rights if we, at all, have any! We women are treated as if we are created only for the pleasure of men. You never make us participate in things you are doing or planning. We have no security. If you like us, we are lucky, we live with you, and when you dislike us, we are chased out empty-handed. Therefore, we came here to *Yejoka* today to beg for some rights even if it is not the same rights as for men ... (1991: 158).

She was the first and probably the most prominent woman who stood up against *Anqit*, and challenged the elders to abandon the curse against women. She said:

... When we feel repressed, to leave our husbands and go without being tied up by the rigid procedures of divorce, which remain to be based upon rigid customary laws and traditional beliefs, the *Anqit*. When you divorce us, you just say *go* because you are not tied up by *Anqit*. Let us have the same right, although we cannot tell you to *go* from your establishment. But for us to be able to say, ‘I am going, and goodbye.’ (1991: 158)

After a long battle, she finally claimed her freedom from the curse. And, according to the elders in the focus group discussion, she was free to marry any man she wanted. Her story is therefore in many ways an inspirational lesson for women, drawing attention to their ability to struggle for the freedom to speak out in the public sphere, to make personal choices, and to challenge a system that seems divine and immutable. However, **Yaqaqe Wardwat’s** life story ends with tragic death. It is said that she died after being struck by lightning, although the actual cause of her death is still a debatable issue (Bahru, 2008; Gebreyesus, 1999). Similarly, some of the participants argued that it is the curse (*Anqit*) that killed her with lightning because unlike other Gurage women she was committing marriage over marriage; while others argue that she was freed from *Anqit* by Gurage people, she was free, and so her death was just a coincidence. Today, therefore, her story can be interpreted in two ways: either as a warning to women of the price paid for “disobedience” or as an inspirational reminder of the possibilities of women’s struggle for freedom both in and beyond life.

Nevertheless, the majority refer to her death in relation to punishment, transgression of *Anqit*, and tell her story to their daughters to instil fear and teach them to obey their husbands, to

respect elder's decision and most of all not to leave or divorce their husbands without their blessings and the elders' support. Consequently, women fear leaving their husbands. For instance, **Worqe**, a woman participant in the in-depth interview explains her fear as follows:

Yeah! I believe in it. I am also afraid of it. I mean if I reject elders' decision ... I believe that I will not be blessed with children. It is no use going to another house [another marriage] unless you are blessed with children. There is a belief that it will not be good for a woman if her husband curses her. I believe in this too. So, I live by accepting elders' decision even if I am not happy with it.

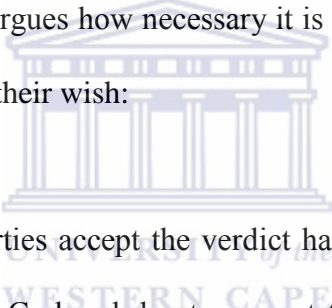
For **Worqe** the curse is manifested in not being able to have children. In Gurage, and in many African countries and ethnicities, marriage is understood in a context where women's reproductive potential is considered central (Nhlapo, 1992). Therefore, not being able to have children is taken as a "failure", obviously on the women side, and if a woman leaves her marriage without her husband's and elder's blessing, she is believed to be cursed; thus no man would want to marry her for fear of not having children or, as the key informants puts it, having one but with disability.

However, among those women who accepted the elder's decision, some of them claim that they don't believe in *Anqit* but they fear resisting the elder's decision for it is culturally considered as an act of disrespect, and may result in the first category of curse – *Berche*, although it was not highly pronounced amongst women participants. The double standard that the culture puts on women in terms of accepting the elder's verdict, even if it is against their wish can be seen in the

following two responses. **Tiruseb** a woman participant in the in-depth interview explains her fear of disappointing the elders than *Anqit*:

I don't believe in *Anqit*. When a person lives in this kind of hell, I think God also sees everything. In our culture, I can't walk away from the elder's decision. They get disappointed and because it's your culture you are afraid of what might happen to you. You push yourself and hide your disappointment. Even if you are not happy, you will return to your marriage crying.

At another level, **Baliqe Melaku** argues how necessary it is for the women to accept the elder's decision, even though it is against their wish:

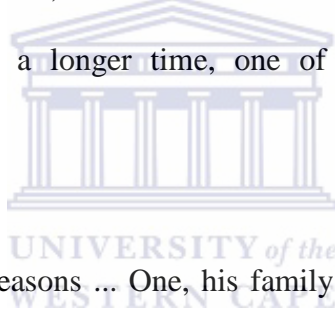


It doesn't mean that both parties accept the verdict happily no matter what it is. They accept it out of fear of God and due to respect to elders' decision and the values of their culture. Most of the times, in our culture women are forced to accept the verdict whether it is in their favour or not. They must accept it even if it hurts them badly as accepting a final decision of elders is highly regarded as blessed in Gurage's culture. After all, the same elders are the one who try the case if it has to be seen again. There is also a tendency that the couples abide by the elders' decision not to be cursed and lose their [the elders'] future interest in mediating, in case it happens again. So, the woman, in particular, will have to accept their decision even if it hurts her and fails to meet her request and interests.

This basically means that because the elders are the ones who are mainly instrumental in mediating the conflict around married couples, rejecting their decision might not only cause *Berche* but also have implications for the future if the woman needs the elder's help. Her acceptance or rejection of their decision in the present determines her security in the future.

“For the sake of the children”: Brunt of Motherhood in Gurage Culture

In addition to the curses, the majority of women participants mentioned that the elders advised and forced them to be patient and tolerate their husband's behaviour and stay in their marriage “for the sake of their children”. In fact, the elders in the focus group discussion while justifying why the mediation process took a longer time, one of the reasons they mentioned was motherhood, *Baliqe Fikadu*:

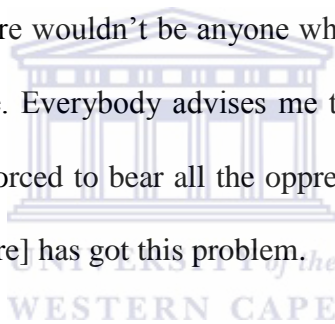


Mostly there are two main reasons ... One, his family and the neighbours in the community might love her and two, she might be a mother and have children, if she leaves the marriage, they [the children] may suffer a lot. With these two reasons, we try to influence her to return home.

In most cases, the two reasons complemented each other. Nalpo (1992), who deals mainly with southern Africa but generalises about many African pre-capitalist societies - indicates that customs in pre-capitalist societies persist under capitalism. In most African countries the basic interest of the extended family in marriage is initially reproduction. Hence, if a woman fails to reproduce, it is “rational” for her to be mistreated not only by her husband but also by the extended family, especially the husband's side (in-laws). However, if she has children, then it is

a reason enough for the extended family to influence the elder's decision, to make the woman stay in the marriage with or against her will. In addition, the social construction of motherhood in Gura society teaches women to sacrifice their rights and needs in general for their children's sake. Hence, the women themselves connect motherhood with the same responsibility. Here is what **Tarik** had to say:

I have got children whom I can't leave in the lurch. I have had to endure and live for the sake of my children ... if I tell to my family my pain and mistreatment, they will advise me to go back to my husband and tolerate his bad behaviour for the sake of my children. There wouldn't be anyone who stands up for me against the abuse he inflicted on me. Everybody advises me to return home ... because you have children, you are forced to bear all the oppression and live for the sake of your children. It [the culture] has got this problem.



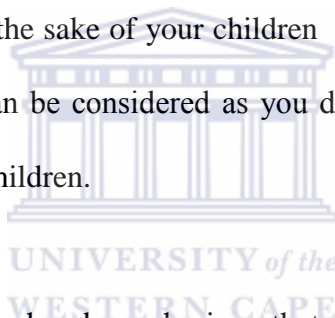
Sometimes the elders make the women guilty of abandoning their children even when they are in a place where they cannot go back to their houses. In **Aselef's** case, she told me that most of the time, her husband beat her and kicked her out of the house and threaten her to never come home, she said:

... so, I got nowhere else to go ... I leave him and go to my family ... No one understands my problem. Mostly they send me back saying that "no, you have to take your children's life into consideration; you will be rewarded by your children." . . . I didn't push the issue till the end because they bring the issue of

my children in and they say . . . “They are very young and what if he marries another woman and they suffer a lot more?”

On a similar note, according to **Tiruseb** in the in-depth interview, sometimes the elders and the families pressurize the women to return to their marriage by covering up the abuse and mistreatment just to keep the family together.

Even if they know that you have been abused, it doesn't mean you are going to leave your children and they don't want that therefore they cover up the problems and push you to be back for the sake of your children . . . It is difficult to refuse their judgment. Besides it can be considered as you don't want your children, a mother never do that to her children.



The social construction of motherhood emphasises that a mother would do and sacrifice anything, including her life, for her children. Unlike fatherhood, the love of a mother is measured by the ability to tolerate extreme forms of marital abuse for the sake of the children. Resisting such a burden might be considered as unmotherly and unkind, which leads to social stigma. As a result, some women participants, enduring extreme depression, express that they have accepted their hopeless situation and continued to live as “good mothers” despite extreme emotional distress. Here is **Tarik’s** testimony:

I have decided to put up with him as I have not got any fair justice from elders . . . until my children grow up to a stage where they can help themselves. I am not

going to elders any more . . . [Besides] you have to be cruel to abandon your children. If you do so, you know that your children will not be raised in proper way. To take them with you is not an option either as you have nothing to give them. So, you live with your husband even if he abuses and oppresses you . . . Mothers never have a nerve to abandon their children, which is really tough.

The Ambivalence of “Choice”

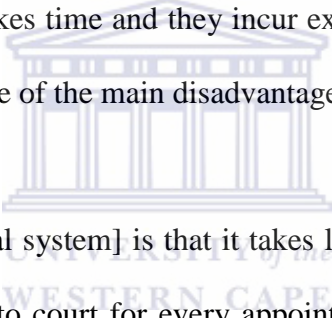
The majority of women participants, in the in-depth interview and focus group discussions, strongly rejected the idea of using the formal legal system as a choice to resolve their marital conflicts. Many of them had different reasons including the common reason which was lack of knowledge about individual rights to choose to which system to be subjected to and pursue their case in the formal legal system, and fear of social repercussion. Here are some of their concerns: **Tiruseb**, in the in-depth interview, explained that she didn't consider the court system for she wants to keep her marriage.

You see if I go to court with my case, I fear that they would break my marriage, which is not my intention. But, the elders wouldn't get us divorced. They advised us to live together in tolerance for the sake of our children . . . Had I gone to the governmental court; the conflict would have become worse and things could get out of control . . . I preferred to be mediated by local elders in order to save my marriage.

The response implies that the formal legal system treats the conflict in a way that divides the married couple. The court system seems too disconnected from the norms and standards which both women and men live by and come to respect. Moreover, the formal justice system seems to envisage as a solution only the individualist option of divorce, regarding marital conflicts. In many ways, then, the formal legal system does not really pose a solution to women's lived experiences and culturally-specific constructions of their identities and dilemmas.

For some women, financial expense is another problem. As I explained in the introduction to this chapter, they have to travel to Welkite, which is the central city of Gurage region, to get legal services. Moreover, the process takes time and they incur expenses for the service they require.

Worqe emphasized this issue as one of the main disadvantages of the court system:



The disadvantage [of the legal system] is that it takes longer before the verdict is reached. It is difficult to go to court for every appointment leaving my children and land without farming. It is also expensive. You have to give money to those who work in the court to speed up your case. You surely need money to go to governmental court ... it has more disadvantages.

At another level, according to the key informants, if the individual, in this case the woman, is disappointed by the verdict of the elders in the community or clan, she has the right to appeal and take the case to the *Kitcha* Supreme Court called *Yejoka*. According to Gebreyesus (1991), *Yejoka* comprises leaders from each of the *Sebat Bet* Gurage tribes. Every clan has the power and authority to deal with its own social and economical issues. It is only when the case is too

difficult to solve that it comes to the attention of the *Yejoka*. For this reason, women who skip this chain of the customary system and choose to take their case legally through the formal court system will face severe social repercussions. In the focus group discussion I had with women, **Alem** explained the difficulty for women to appeal the verdict of elders to *Yejoka* or to pursue their case using the formal justice system:

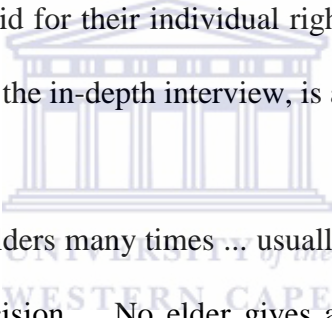
It is not possible to turn down the elders' decision. She will be threatened of ostracization by the elders, neighbours; and she would be considered as violating the norms and values of the society if she turned down the decisions of the elders and took the case to the court.

Turning the society against women who demand an end to a relationship that is detrimental to them is surely a patriarchal and oppressive attempt to make women remain loyal to customary law. The elders emphasised the ramifications that a woman would face if she rejected the elders' decision. **Baliqe Fikadu** said:

If a person refuses the *Kitcha*, he/ [she] will be excluded from the community, he/ [she] can't participate in communal ceremonies or meetings, and if he/ [she] die no one will attend his funeral. This happens only if he/ [she] refuse the *Kitcha*. This means, there won't be any governing rules to this person because he/ [she] is rebellious; so he/ [she] will be excluded from everything.

These lists which denounce the individual's right to have social communication, a sense of belonging and a cultural identity are against the constitutional right embodied under article 34(5) that allows the individual's right to choose the system to which they want to be subject. Although at face value the above rules seem to apply equally for men and women, customary law is not gender neutral (Ndashe, 2005). There is therefore an entrenched double standard in the whole customary system and women are clearly disadvantaged.

Consequently, very few women have still taken the risk of facing immense social wrath by courageously seeking the support of the formal court. They have had to bear the stigma and societal rejection, and the price paid for their individual rights has been considerable. The case of **Tsehay**, a woman participant in the in-depth interview, is a good example:

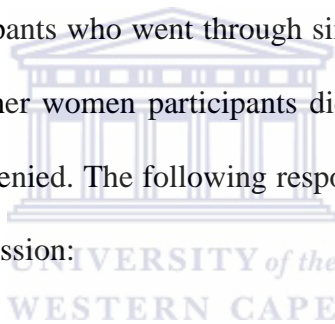


I have tried by going to the elders many times ... usually they take sides and there is no uniformity in their decision ... No elder gives a right and a fair decision except telling us to go home. So, I tried to take my case to the court. But, women are culturally influenced not to take their case to court. It is like climbing a mountain ... I tried to go to the court, but I only get a bad reputation ... I accused my husband and even got him arrested. But, I was the one that everybody blamed and looked down to due to his arrest. Nobody took pity for me and noticed that I am mistreated ... after looking at my allegations thoroughly, the court sent him to jail ... He [her husband] bears a grudge against me and I have also gained a kind of hatred from some local people. They hate me claiming that sending my

husband, the father of my children, to prison is not proper and acceptable [fighting back tears].

From **Tsehay**'s testimony, although the inclusion of customary practices in the Constitution indicates the democratic governance of the formal institution, the Constitution fails to recognise the oppressive patriarchal social context in which the majority of women find themselves, especially in rural parts of the country, which subjects them to a plethora of discrimination, violence and stigma for refusing to adhere to a customary practice that works against them.

There are very few women participants who went through similar experiences as **Tsehay**. It was interesting to find out why the other women participants did not consider going to court when they felt rejected and their rights denied. The following response was given by **Tadelu** a woman participant in the focus group discussion:



How can she just go to court unless the elders give her permission? She is also asked whether she took the case to the traditional court - *Kitcha* even though she goes to court. If she says no, she will be told to take the case to the traditional court first. The court doesn't give her justice or cannot influence the husband to divorce her unless she takes the case to the traditional court first.

The issue of women's consent which seems to give the impression that women are participating in these cultural practices voluntarily, needs to be problematised in patriarchal societies that have

little tolerance for women's agency. Many other women participants also expressed similar concerns. Once they step out of the "norm" and go to the court, not only will they be alienated; if the case is sent back to the elders by the court, it is logical to assume that they won't be getting a "fair" verdict. A matter of conjecture is what law allows for the court to send the matters to the elders. It seems that there is a major gap that exists between the law as a blueprint and the law in practice, particularly in promoting gender equality and women's human rights. Moreover, the elders in the discussion below explained their power and capability of handling cases, even if it means going to the court and demanding the case to be heard by local elders. **Baliqe Yesak** said:

Gurage handles everything through *Kitcha*. If one [of the disputing parties] refuses and went to the Police or Court . . . four elders will be chosen and they will go to the court and request to finalize the matter by our own *Kitcha* system. They will sign to settle by *Kitcha* and will bring the case back; this can be done either at the court or the police office . . . even if it is women's case. For instance, let's say she just goes to the court, in the mean time the husband calls for *Kitcha*, and the two families want to use the *Kitcha*, so they will resolve the matter according to the *Kitcha*. As I told you, it is our main governing culture.

Even if the constitutional recognition of customary law seeks to establish coexistence between the two systems, the above quote shows that when there are conflicting choices between the two disputing parties and, as a result between the two systems, the "full" consent of the parties in article 34(5) is compromised. In the process of balancing interests, the customary law oppresses

women and denies them the right to choose. This by itself violates the basic human right of women that is enshrined in the Constitution under article 35, particularly sections 1, 2 and 4, which emphasise women's rights and protections, women's equal rights with men in marriage, and the prohibition and elimination of harmful custom and practices that oppress (physically or mentally) women from enjoying of their rights.

Finally, this chapter has raised the following main concerns in dealing with the forms and effects of customary law in regulating women within marriage: I have argued that customary law firmly entrenches patriarchal power, both in the way that men, articulated masculinist interest and play a pivotal role in mediating. Within the customary practices, norms and values that work to punish women, especially through curses, powerfully control the choices they make, even when they remain acutely conscious of the injustice and oppressive nature of their marriages. An ethnographic insight into women's perspectives and choices therefore reveals how misleading the assumption is that women tolerate patriarchal oppression in certain societies because of "ignorance", complacency, or lack of awareness of any other options. Far from this being the case, the testimonies of my informants reveal an acute awareness of women's distress, discomfort and desire to resist oppressive marriages. The formal legal system assumes that women have the straightforward power simply to make personal choices to end oppressive marriages. This system, however, entirely ignores the context within which women make choices. In this context, women continue to be emotionally tortured, excluded and silenced – often by those who have been closest to them – fathers, siblings, and friends. The semi-divine forms in which customary law is couched ensure that "rebellious" women, as manifested in the story of **Yaqaqe Wardwat** and its re-telling in the present, operate constantly as "policing

mechanisms” to silence women and limit their opportunities for acting courageously and independently.



Chapter Four

Conclusion

Critical Responses to customary law

In many ways, this mini-thesis furthers other African feminist discourses on women's struggles and rights in African contexts. It has examined the responses of "Kitcha: The Gurage Customary law" to the problems that face women in the context of familial and communal relationships which are gendered. The research also illustrates complex and often contradictory cultural practices by providing insight into the ways in which among the Gurage - the elders and women participants understand "choice" and gender subjectivity. In an attempt to conclude this mini-thesis, I will broadly outline the findings and key themes in my research.

On the outset, I wish to stress that I have avoided what Cobbah refers to as "'Western-style' condemnations of the abuse of human right in Africa" (1987: 310). I argue that this is a simplistic argument. It prevents African feminists from challenging and resisting cultural and patriarchal practices in ways that prioritize African (rather than Western) priorities around, for example, national sovereignty, anti-imperialism and anti-racism.

At the same time, as discussed in the methodological reflections, although myths about cultural authenticity assumes the loyalty of the researcher in representing "her culture" without questioning it, I have not tried to make a case for reclaiming an authentic essentialist sense of African identity. This kind of reclamation of authenticity is problematic because, as Ratele's (2007) argues, it is rigid, based on instrumentalist political constructions, and focuses on issues

of oppressive “loyalty” rather than the sense of cultural freedom that many feminists are trying to address. Secondly, this thinking (even if implicit) all too often confirms the idea that feminist demands and gender equality are western constructs. Thus, it does not leave adequate room for envisioning feminist transformation in African contexts. The argument is that the African feminist researcher’s understanding of “African women’s oppression” came from the North - as if African feminists could not think of injustices and resistances without the assistance of northern feminists.

Consequently, I follow Wyrod’s argument that “I do not understand human rights as foreign to African societies or as an imposition of “Western” values in a “non-Western” setting” (2008: 801). That said, it is undeniable that women’s rights discourses are, as is the case with many other African countries, relatively new in Ethiopia. However, this is not to suggest that notions of justice, rights and freedoms for the individual are foreign; rather the way that “rights” are framed in terms of policy, legislation and the law have a long history of development in Western democratic societies and institutions (Bennett, 1995; Cobbah, 1987).

As such, contemporary African countries, located in the context of globalized “modern” democratic practices and institutions, have taken modern rights discourses as part of their own development since the twentieth century. However, Wyrod emphasizes that provisions and policies of women’s rights, in many African countries, still “reveals the conflicts, tensions, and contradictions regarding which aspects of rights are being emphasized and by whom” (2008: 802). In other words, the ongoing deployment of “culture”, “tradition” and “customary law” is often used by male elites, and serves others’ political purposes than attending to women’s rights.

This creates a gap between the state and women since such reductive views of culture inhibit the possibilities of reform and reconciliation of customary law to allow for women's rights provision and gender equality (Mbatha, 2009).

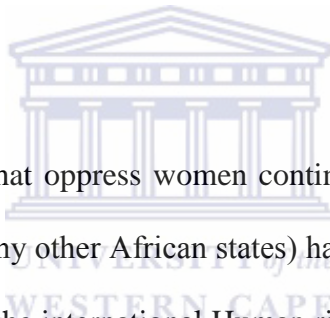
Nevertheless, like Ratele (2007), Wyrod makes it clear that culture is “not a fixed attributes of a certain group of people but instead something more fluid, multifaceted and continually being reformulated” (2008: 818). Therefore, many human rights critics of the oppressive customary law suggest that it can and should be reformed in order for positive aspects of tradition to be retained, at the same time that oppressive features that disempower and disenfranchise women are modified or adjusted.

The drawback of the notion of “cultural reformation”, besides the resistance from those who live by the culture, involves its applicability. For instance, Ethiopia has more than 80 ethnic groups with extensively different cultures. Hence it is practically impossible to unify or reform every culture in accordance with the Constitution. On the same note, even though the problem might be how to achieve this reform, many find it impossible to live with two laws which have made many choose to simply live in denial or ignoring the effects of having two laws that are incompatible. Overall, then, reform does not really solve feminists' concerns with locating how cultural trends can enable or impede women's independence.

Regardless of these controversies, it is still important for feminist's to locate cultures that are potentially both barriers to and enablers for women's rights. In this regard, the aim of this research is not to reinforce ideas of choosing one system over another; rather its focus is on

assessing the accessibility and flexibility of systems, especially considering women's freedoms and autonomy.

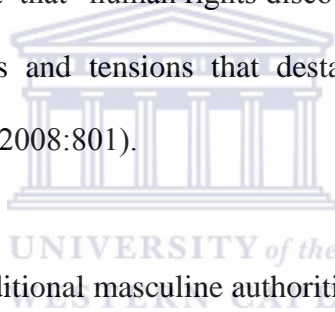
I argue that there has to be a space in which feminists or women's rights activists, without being accused of over dramatization and/or westernization, can critique, analyze and expose the contradictions of having two legal systems that are expected to work together to grant women equality and dignity. I stress this because these dual systems and their associated problems are very widespread and firmly defended in many African countries. As I have demonstrated, in relation to Gurage women, they profoundly affect all aspects of women's lives and powers to live freely and independently.



Both legal and cultural practices that oppress women continue despite the established fact that the Ethiopian government (like many other African states) has adopted women's rights protocols and legislation from the OAU and the international Human rights community (Smith, 2009). The outcome of many African and Ethiopian state's provisions for citizens' rights has been an emphasis on "group rights" based on recognizing ethnic diversity, with this giving legitimacy to cultural practices that discriminate against women (Wyrod, 2008). As far as the institutionalization of women's rights is concerned, therefore, "there is a need to examine how notions of universal human rights are intertwined with existing ideas of freedoms, rights, and duties in specific cultural contexts" (Wyrod, 2008: 802).

African Masculinities and Women's Struggles

Wyrod (2008), in his article “Between Women's Rights and Men's Authority: Masculinity and Shifting Discourses of Gender Difference in Urban Uganda”, argues that there is little research done on the challenges of women's rights advancement in relation to what he calls “African hegemonic masculinities”. In this way he conceptualizes how many African men understand and feel threatened by women's empowerment and what are the implication of their resistance, shifts and changes around human rights and gender equality. He writes: “Women's rights discourses are no doubt affecting conceptions of masculinity in many African settings, but how and to what extent?” (2008: 800). He points out that “human rights discourse is refracting gender relations in new ways ... creating fault lines and tensions that destabilize prevailing notions of male authority and men's proper roles” (2008:801).



The tensions that surface when traditional masculine authorities are under threat in many African contexts can be seen in the data analysis, in the name of culture and the defense of earlier forms of masculine and age-based authority and power, Kitcha customary law reproduces gender hierarchies and inequalities among the Gurage and so guarantees the privileges of those who have historically had power and privilege, namely, men and often older women. This is not to deny the fact that there exists “a different variant of hegemonic masculinity that incorporates new discourses about women's rights while retaining existing ideas of male authority is coalescing” (Wyrod, 2008: 801). For instance, the written “Kitcha: the Gurage Customary law”, published in 1998, “not only evaluated and revised as necessary the customary law but also legislated additional rule. Specific efforts were apparently made to make it as gender-sensitive as possible. This is particularly evident in the section dealing with marriage, which has provisions

for mutual consent of parties, the woman's right to divorce ... ” (Bahru ,2008: 25). However, at the grassroots level, as the data analysis extensively shows, many women are compelled to remain in abusive marriages due to the coercive operation of different cultural instruments. As Wyrod insists, therefore, “there remains a need to understand how efforts to advance women's rights in Africa are affected by local notions of masculinity and how African masculinities are being shaped by new discourses of rights and gender equality” (2008: 803).

Pluralism and Representation of Women's Right

As the data analysis evidently shows, conflicting human rights can be translated into conflicts of diverse cultural values. Alvarez argues that, in a multicultural context, “conflicts of fundamental rights most often take place in strongly pluralistic scenarios” (2009: 126). She continues arguing that, although, “Pluralism points to the existence of multiple values and the impossibility of realizing some of them at one and the same time” (2009: 126), when confronted by different and often opposing human right values, especially women's human rights, pluralism suffers from what she calls “incommensurability”, as she interpreted it “the absence of a common measuring system, that is to say, the presence of two radically different evaluating criteria” (2009: 127). Hence, when conflict does exist, the “quest for the objective – unique – best answer may not always be the best way to find a suitable solution for the individuals involved” (2009: 125).

The above observations make it clear that it is important to question to what extent legal pluralism helps or affects women's rights within the context of diverse cultural and ethnic identities. Even though different and complex cultural practices may shape one's identity, women's rights should not be defined as being contingent on ethnicities in ways that prescribe their symbolic or practical role in terms of “loyalty” and “belongingness”.

Discourses of loyalty, honor and belonging require that women accept their subordinate and compliant role in supporting masculinist constructs and performance of ethnicity or group membership. Thus, cultural diversity should not necessitate legal pluralism; especially given that it is difficult, if not impossible, to distinguish collective rights and individual rights, as in the case of Gurage *Kitcha* customary law. This is not to discard the idea of pluralism, since such a proposal “implies the rejection of relativism and the adoption of some degree of objectivism that could be used in unison with general values, as a yardstick to determine the validity of particular values” (Alvarez, 2009: 129).

However, pluralism cannot be based on a mechanical acceptance of endorsing all systems, however conflicting and inimical each may be to women’s freedoms. A more feasible solution is proposed by Wyrod, who writes:, “understanding human rights, therefore, requires attention to the dynamic interplay between culture and human rights in specific contexts, recognizing that local cultures are diverse, mutable, and fraught with power relations” (2008: 818).

Understanding women’s perspectives on “women’s rights”

I have suggested that the prescriptive approach to women’s rights associated with western feminist or eternal efforts to “save African women” from “African patriarchy” is deeply problematic. Equally limiting are state-driven and other top-down efforts to provide women with ad hoc access to rights through legal institutions such as courts. As indicated in my data analysis of Gurage women, these provisions fail to acknowledge how deeply constrained women are within customary practices. When oppressive patriarchal relationships and institutions constrain

women's physical mobility and rights to make choices, the court system can remain difficult to access and is therefore ineffectual.

My research has therefore, conveyed that "insider-outsider" research which listens to women's self-narratives can be more productive in accessing women's own perspectives on their struggles and visions. The research focused on the importance of detailed examination of women's experiences of oppression through customary law, and on identifying their perceptions of their own struggles and, therefore, also their possible goals.

Probably most importantly, therefore, this research has stressed the need for the reconceptualization of women's oppression from the standpoint of women's experience in the African continent. One must recognize that, even though there are undeniable similarities across diverse cultures in the African continent, the term "African Women" (in most cases "third-world women") has collective and dangerously homogenizing effects. This "sameness" notion of women's oppression as a group is, as many African and third world feminists state, a repetitive normative term used by the West. Mohanty (1991: 56) argues that this kind of fixation "produces the image of 'average third world woman.' This average third world woman leads an essentially truncated life based on her feminine gender". Therefore, emphasis should be placed on the fundamental ways in which women are divided by race, class, ethnicity, and nationality. Most importantly, emphasis should be placed on women as active agents, agents whose actions are determined not because they are "ignorant of feminism", or "trapped in tradition", but because their options are often so limited. As my data analysis shows, most respondents were acutely aware of and, in certain contexts, vocal about the injustices of oppressive patriarchal marriages

and men's powers. Their ability to respond in defiant or rebellious ways, however, was heavily circumscribed by complex methods of communal policing.

This makes it clear that "African women's oppression", should not be understood in the simplistic understandings of increasing domestic, reproductive and poverty issues that the West redundantly publishes (Mohanty, 1999). As the data analysis extensively illustrates, there are a variety of ways in which Gurage women are "trapped" and pressured to remain in marriage. Patriarchy and gender oppression materialize in the form of layered complexities of cultural values, often using symbolic interactions (Gibson, Dinan, and McCall, 2005). These materialized forms of oppression include myths of curses and the spiritual power of the elders in *Kitcha* customary system. As shown, they can also involve urgent calls to women to perform, defend and embody gender identity. Family and community demands on women to perform their prescribed roles of mothering have been especially powerful, since social value deriving from "good motherhood" is taken as a reason to deny women their rights to find their own resolutions to marital problems.

Finally, the stigmatization of those women who choose to take their case to the formal legal system is a powerful case that shows how women's freedom of choice is very limited. As discussed in the data analysis, it is not only being stigmatized but there are marital dispute cases that are taken to court by women and returned back to the elders to be dealt by the *Kitcha* customary practice. These and other related testimonies of the participants make it clear that individual women in this case study, as well as women historically, have always resisted and defied their entrapment in various ways. Most of all, the research shows that African women, particularly Gurage women in this case, are not helpless victims or complicit with their

oppression; rather, within their everyday life struggles, many demonstrate the will and courage to assert their needs and desires even within the limited spaces and opportunities they have.



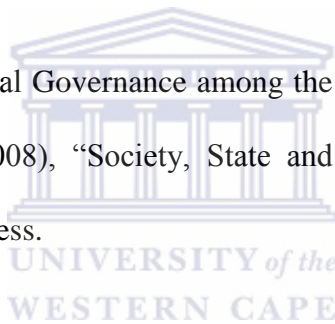
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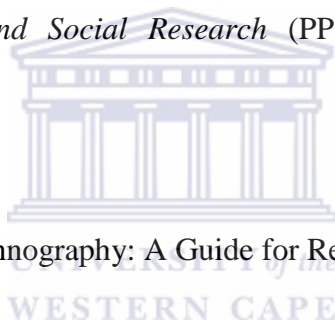
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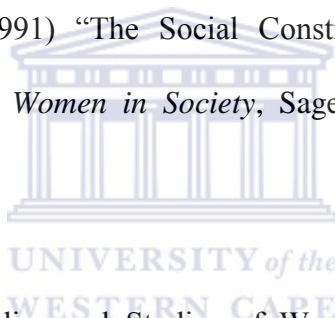
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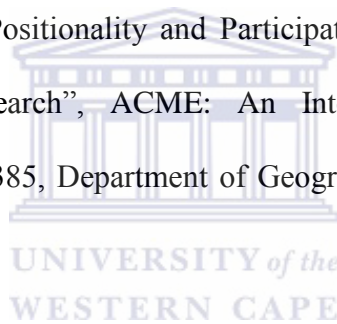
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Appendix

Guide for In-depth Interview with Women

Personal information

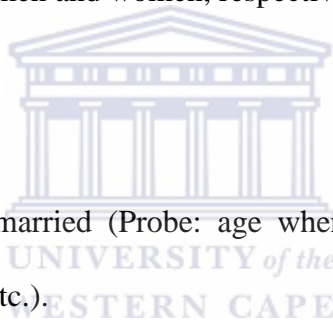
1. Please tell me about yourself (Probe: age, marital status, educational status, occupation?)

Roles in the community

2. What are boys usually expected to do, and what are girls usually expected to do?
3. What are the duties of married men and women, respectively, in the community?

Marriage

4. Please tell me how you got married (Probe: age when you got married, duration since marriage, number of children, etc.).



Marital conflict and mediation

5. From your experience, please tell me the most common causes of conflict you have had with your husband?
6. From your experience, how do you often go about resolving the different conflicts you have had with your husband?
7. Why do you choose to mediate your conflict with your husband via the Gurage cultural way (through elders)?

8. Please tell me more about your experience of the mediation (probe: who initiated going to the elders? Who reported the conflict? What procedures are followed for the elders to see the conflict?)
9. Please tell me about what you think of how the elders deal with conflict. Do you feel they listen to you as much as to men; do they support women as much as men or vice versa? (Probe: Do you think, they treat men and women in marital conflict equally? What do you think about the verdict of the elders? Do you agree/Are you happy with their decision? Do you feel the conflict is solved after the mediation? Do you think your life/situation has gotten worse or better after the settlement?)
10. Please describe your role/involvement in the mediation? (Probe: Were you given chance to explain your side of the story? Was there someone else representing you? Please explain your relation with these persons? If you are not allowed to represent yourself what do you think is the reason?)
11. Please describe the role/involvement of your husband in the mediation? (Probe: Was he given chance to explain his side of the story? Was there someone else representing him? Please explain the relation of these persons with him?)
12. Please explain what you think about using the formal justice system (police, court) to solve your conflict? (Probe: Will you ever consider going to the police or court to solve your marital conflict? If no, why not?)
13. Please explain if you think it would create difficulties for you in any way if you refused to accept judgment? (Keep simpler and more open-ended?) Describe if you have share the belief that a woman would incur supernatural wrath such as being hit by thunder if she

refuses to respect elders or their decision, or choose the formal justice system (police, court) to solve the conflict?

14. Please tell me about your perception of solving marital conflict through the formal justice system? What are the advantages or disadvantages of having the conflict seen by traditional judges? What are the advantages or disadvantages of having the conflict resolved through the formal justice system?

15. The Ethiopian government now recognizes this culture as ‘customary law’ and allows people to use their culture, what do you have to say about this?

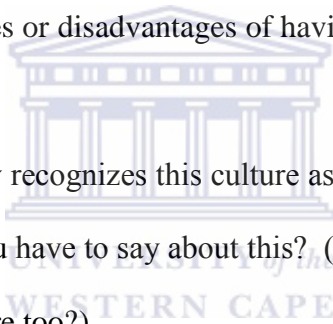


Guide for a Focus Group Discussion with Judges

1. In your opinion, what are proper behaviors/roles for girls and boys in the community?
2. In your opinion, what are the proper roles/behaviors expected from married women (in relation to their husbands) and married men (in relation to their wives)?
3. From your experience, please describe the most common causes of marital conflict that you mediate?
4. From your experience, how do you often go about mediating the different conflicts that come before you?
5. Please describe the mediation practice? (Probe: How long has this cultural mediation of marital conflict been practiced? Who initiates the mediation (husband, wife or others)? What procedures/principles are followed for the elders to see and judge the conflict? Are there any written rules?)
6. Why do you think couples choose to mediate their conflict through you?
7. Please describe if there is a criterion on who can become a traditional judge? (Probe: If women are not allowed to be judges, what are the reasons?)
8. In the course of mediating the conflict, please describe how you treat men and women? (Probe: What roles do husbands and wives play in the mediation? Do you treat wives the same way as their husbands, or do you treat them differently? Do you believe men and women should be treated equally (during marital conflict)? If you don't allow women to explain their story or if they are represented by someone else, what are the reasons? Is the procedure the same for men as well?)
9. What do you think about the outcome of your verdict for husbands and wives? (Probe: After the settlement, please explain if you think the life/situation of the wives/women often get

worse or better? Do you feel the conflict is solved after the mediation or do conflicts tend to recur?)

10. Please describe if there were women who took their case to court/police?
11. Please describe your reaction, if women insist on going to the formal justice system to resolve conflict with their husbands? (Probe: describe if you believe that a woman would incur supernatural wrath such as being hit by thunder if she refuses to respect elders or their decision?)
12. Please tell me about your perception about solving marital conflict through the formal justice system? What are the advantages or disadvantages of having the conflict seen by traditional judges? What are the advantages or disadvantages of having the conflict resolved through the formal justice system?
13. The Ethiopian government now recognizes this culture as 'customary law' and allows people to use their culture, what do you have to say about this? (I'm curious that you don't have this for women. Maybe use this there too?)



Guide for a Focus Group Discussion with Women

1. What are boys usually expected to do, and what are girls usually expected to do? What are proper behaviors/roles for girls and boys in the community?
2. What are the duties of married men and women, respectively, in the community?
3. What do you think are the most common causes of conflict between husbands and wives in the community?
4. What are the different ways of resolving conflicts between husbands and wives?
5. Why do women choose to mediate conflict they had with their husbands via the Gurage cultural way (through elders)?
6. What is the role/involvement of women and men in the mediation? If women are not allowed to represent themselves, please describe the reason?
7. What do you think of how the elders deal with conflict? Do you feel they listen to women as much as to men; do they support women as much as men or vice versa?
8. What do you think about the verdict of the elders? What do you feel about the life situation of women after the mediation?
9. Please tell me about your perception of solving marital conflict through the formal justice system? What are the advantages or disadvantages of having the conflict seen by traditional judges? What are the advantages or disadvantages of having the conflict resolved through the formal justice system?
10. Please explain if you think it would create difficulties for women in any way if they refuse to accept judgment or go to the formal justice institutions? What will happen if a woman refuses to respect elders or their decision, or choose the formal justice system (police, court) to solve the conflict?

11. The Ethiopian government now recognizes this culture as ‘customary law’ and allows people to use their culture, what do you have to say about this?

