

Keywords

Afar Makaabanna; customary justice; gendered exclusion; youth participation; procedural legitimacy; legitimacy paradox; inclusive legitimacy

Authors

^{1*}Ahmed Hamed Abdella
PhD scholar, Department of Political Science;
University of Hyderabad, India.
Email: ahmadharif2@gmail.com
ORCID: 0009-0000-6909-2909

Beyond the Council of Elders: Gendered and Generational Exclusion and the Legitimacy Paradox in Afar Customary Justice

Abstract

The Afar Makaabanna is a culturally embedded customary justice institution that remains important for reconciliation and social order in pastoral communities of northeastern Ethiopia. Its continuing authority, however, coexists with restricted participation by women and younger people. This article examines how gendered and generational exclusion shapes the institution's procedural and representational legitimacy and considers the implications for institutional continuity. It presents a focused reanalysis of a broader qualitative doctoral dataset generated through 57 key-informant interviews, six focus-group discussions involving 36 participants, six non-participant observations of naturally occurring mediation sessions across six zones involving 60 observation entries, and documentary and archival analysis. Method-specific figures are reported separately because participant overlap across methods was not recorded. None of the interviewed women held formal Makaabanna leadership or adjudicative positions, and recognized decision-making authority in all six observed sessions remained concentrated among senior men. Male-relative advocacy could facilitate access and protection while limiting women's control over how claims were framed and settled. A mixed 12-person familiarity item indicated substantial knowledge of customary practice but cannot be interpreted as a youth-only result. The findings also reveal informal and uneven pathways from observation to recognized responsibility. The article conceptualizes the coexistence of cultural and perceived outcome legitimacy with procedural and representational weakness as a legitimacy paradox and proposes inclusive legitimacy as an interpretive framework linking cultural authority and restorative value with meaningful voice, representation, and intergenerational participation.

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1. INTRODUCTION

The Afar Makaabanna is a customary institution in which respected elders interpret Mad'a and mediate disputes in Ethiopia's Afar National Regional State. Its emphasis on dialogue, responsibility, compensation, reconciliation, and restored relationships helps explain its continuing importance alongside courts, police, and regional administration (Pankhurst & Assefa, 2008; Reda, 2011; Gebre-Egziabher, 2014; Epple & Assefa, 2020). Continuing relevance does not guarantee institutional stability. Education, urbanisation, migration, changing gender expectations, and expanding state institutions are reshaping justice and authority. Makaabanna's future therefore depends partly on who may attend, speak, interpret Mad'a, influence settlements, and advance into recognised positions of responsibility. Women and younger people highlight this tension. In the studied sites, leadership and adjudicative authority were concentrated among senior men. Women participated as community members, disputants, relatives, and supporters of reconciliation, but none of the interviewed women held formal leadership or adjudicative office. Their concerns were often channelled through male relatives or clan leaders, providing access and protection without necessarily giving them control over how claims were framed or settled.

Younger participants demonstrated knowledge of customary procedures and could attend, observe, and contribute informally, yet pathways into guided participation and recognised authority remained inconsistent. Because an elder-led institution depends on transferring knowledge and responsibility, these weak pathways raise questions about participation and continuity. Research documents the accessibility, restorative orientation, and conflict-prevention role of Ethiopian customary justice, including Afar institutions (Pankhurst & Assefa, 2008; Reda, 2011; Gebre-Egziabher, 2014; Epple & Assefa, 2020). Less attention has been given to how women's voices, male-relative representation, youth learning, succession, and legitimacy interact within one pastoral setting. This article asks: How do gendered and generational structures of exclusion shape the procedural and representational legitimacy of the Afar Makaabanna, and what implications do these structures have for institutional continuity? It argues that Makaabanna displays a legitimacy paradox. The institution retains cultural recognition and is valued for settling disputes, repairing relationships, and preventing retaliation, which supports cultural legitimacy and perceived outcome legitimacy. At the same time, the concentration of authoritative roles among senior men weakens procedural and representational legitimacy. Accepted outcomes cannot therefore be treated as sufficient evidence of equal voice or fair participation. The analysis distinguishes presence, participation, direct voice, representation, recognized authority, and decision-making power. It proposes inclusive legitimacy as an interpretive framework, rather than a validated measurement scale, for examining whether cultural authority and restorative value are combined with meaningful voice, representation, and intergenerational participation.

2. LITERATURE REVIEW AND ANALYTICAL FRAMEWORK

Customary justice derives authority from shared norms, social relationships, moral standing, and community recognition. Moore's (1973) concept of the semi-autonomous social field and scholarship on legal pluralism explain how such institutions generate rules while remaining influenced by wider political and legal orders (Griffiths, 1986). Makaabanna is therefore best understood as a culturally grounded normative order operating within a plural legal environment (Epple & Assefa, 2020; Macfarlane, 2007). Makaabanna is restorative in seeking to prevent retaliation, acknowledge responsibility, negotiate remedies, and restore relationships (Braithwaite, 2002; Enyew, 2014; Macfarlane, 2007). However, ending a dispute does not by itself establish procedural fairness; identifying harm and agreeing on remedies depend substantially on who can speak and influence the resolution. Legitimacy is multidimensional. Cultural legitimacy concerns accepted custom and moral authority; perceived outcome legitimacy concerns confidence in socially valued settlements; procedural legitimacy concerns voice, respectful treatment, neutrality, and influence (Tyler, 1990); and representational legitimacy concerns inclusion among those interpreting norms and exercising authority. Human-rights guidance similarly emphasizes participation, non-discrimination, consent, and leadership by affected groups (UN Women et al., 2012; Working Group on Customary and Informal Justice and SDG16+, 2023).

Customary law is not gender-neutral in either its rules or its operation. Inequality may arise from who interprets rules, whose account carries authority, and who controls the settlement outcome (Banda, 2005; Fenrich et al., 2011). Ethiopian research also indicates that plural legal orders may reproduce gendered disadvantage (Chala & Gemedo, 2022). Analysis must therefore separate access and presence from voice, representation, authority, and decision-making power.

Where participation follows kinship, a husband, father, brother, other adult male relative, or clan leader may communicate a woman's concern. This protective representation can provide access while filtering her account through family or clan interests. Protection is therefore not equivalent to direct agency when the representative controls how an injury is framed or settled. Women may also communicate between relatives, discourage retaliation, care for affected family members, and support reconciliation. These contributions demonstrate agency, but they do not automatically create an institutional right to interpret Mad'a or determine settlements. Age-based authority may reflect experience, historical memory, moral standing, knowledge of precedent, and persuasive capacity. Gerontocracy describes the concentration of recognized decision-making among older people, particularly senior men, while directing analytical attention to how authority is acquired and transferred. Youth are neither homogeneous nor naturally opposed to tradition. Younger Africans navigate education, mobility, employment, and changing citizenship expectations alongside community obligations (Honwana, 2012). Across the Horn of Africa, peace

processes remain shaped by older male authority, while youth may participate without equivalent influence (United Nations Development Programme, 2023). The central question is whether familiarity and observation lead to guided practice and recognized responsibility. Observation can transmit terminology and procedure, but future mediators also require supervised practice in listening, applying precedent, evaluating accounts, and negotiating settlements. Learning remains uneven when it depends mainly on personal relationships; young women may face both age- and gender-based barriers. Recent scholarship emphasizes the resilience and adaptive value of Ethiopian Indigenous conflict-management institutions (Shiferaw & Debela, 2024), while Afar studies document restorative practice and male predominance in recognized settlement roles (Gebre-Egziabher, 2014; Reda, 2011). Few studies connect gendered exclusion, protective representation, youth familiarity, knowledge transmission, and succession in one analysis. Intersectionality recognizes that gender and age may interact with education, kinship position, marital status, and location (Collins & Bilge, 2016; Crenshaw, 1989), although this study cannot measure every interaction systematically. Inclusive legitimacy is therefore the article's synthesis: culturally recognized authority and restorative outcomes combined with meaningful voice, representation, and intergenerational participation. A legitimacy paradox arises when cultural or perceived outcome legitimacy coexists with procedural or representational weakness.

3. RESEARCH DESIGN AND METHODS

This qualitative, interpretive, multi-method study presents a focused reanalysis of a broader doctoral dataset rather than a separate field study. It selects evidence on gender, generation, participation, representation, legitimacy, reform, and institutional continuity. Offense classification, compensation practices, and customary-formal coordination fall outside the scope of this article. Fieldwork was conducted from August 2024 to January 2025 in pastoral, agro-pastoral, and semi-urban settings in the Afar National Regional State. The seven locations were Samara-Logya, Aysaita, Aba'ala, Golina, Dalefage, Yangudi, and Awash. Six observations occurred across six administrative zones; locations and observation zones are related but are not interchangeable units. Site selection captured variation in livelihood, mobility, and proximity to formal institutions. Participants were purposively selected for their knowledge of or relationship to Makaabanna. Community nomination identified active elders, while judges, police officers, and officials were included because their duties involved customary dispute resolution or institutional relations. Women and younger participants were selected for community experience rather than formal office. The design sought contextual understanding, not prevalence estimates. Four methods were used: key-informant interviews, focus-group discussions, non-participant observations, and documentary and archival analysis. Table 1 summarizes their scope, procedures, analytical use, and thematic contribution.

Table 1 Design of Data-Collection Methods and Their Analytical Justification

Method and scope	Purpose and procedure	Evidence generated	Analytical use and themes
Key-informant interviews (57): 16 elders, 10 judges, 11 police officers, 10 government officials, and 10 participants contributing women's and youth perspectives (3 adult women, 2 young women, and 5 young men).	Semi-structured interviews, mainly in Afaraf; audio-recorded with permission or documented through detailed notes. Participants were selected to obtain accounts from customary authorities, formal-sector actors, women, and younger people.	Accounts of authority, access, direct voice, representation, youth participation, knowledge transfer, legitimacy, and reform.	Coded by participant category and theme; compared with FGDs, observations, and documents. Supports all principal themes.
Focus-group discussions (6 groups; 6 participants in each group; 36 participants).	Open group discussions, mainly in Afaraf, concerning gender roles, seniority, participation, institutional change, and the future of elder-led mediation.	Group-level agreement, disagreement, examples, and locally negotiated meanings.	Thematically coded; disagreement was retained rather than averaged. Supports gender, seniority, transmission, and continuity themes.
Non-participant observations (6 naturally occurring mediation sessions across 6 zones; attendance 12, 9, 8, 10, 11, and 10; 60 session-based attendances).	The researcher attended ordinary sessions convened by local leaders, took notes, and did not organize, question, facilitate, or intervene.	Direct evidence on attendance, speaking roles, communication, deliberation, disagreement, and recognized decision-making authority.	Coded using the same themes and triangulated with interviews and FGDs. Supports presence-versus-authority and legitimacy analysis.
Documentary and archival analysis.	Relevant materials on Mad'a, Afar institutional practice, legal pluralism, mediation history, policy, and	Customary, historical, legal, and conceptual context.	Informed the analytical framework and contextual interpretation

	scholarship were selected and read comparatively.		without replacing participant evidence.
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Note. Method-specific figures are reported separately because participant overlap across methods was not recorded. Observation figures are session-based attendances, not 60 verified unique individuals, and the method totals must not be added.

The 57 interviews comprised 16 Makaabanna elders, 10 judges, 11 police officers, 10 government officials, and 10 participants contributing women's and youth perspectives: three adult women, two young women, and five young men. The two young women belonged to both analytical categories but were counted once. Six FGDs included six participants in each group, totaling 36 participants. Six naturally occurring mediation sessions were observed, with attendances of 12, 9, 8, 10, 11, and 10, producing 60 session-based attendances. Attendees included elders, clan or community leaders, religious leaders, women, and younger people. Participant identities were not linked across interviews, FGDs, and observations; therefore, no combined unique-participant total is calculated or reported. Interviews examined authority, women's access and representation, youth participation, knowledge transfer, and reform. FGDs explored shared understandings and disagreement about gender, seniority, institutional change, and elder-led mediation. Most interviews and FGDs were conducted in Afaraf. With participants' consent, discussions were recorded; otherwise, detailed notes were taken. The author translated relevant materials into English, checked them against recordings or detailed notes, and retained Afar concepts without exact English equivalents. No independent back-translation was conducted.

Observations were strictly non-participatory and involved sessions convened by local leaders in ordinary practice. The researcher did not organize or facilitate the sessions, question participants, or intervene during proceedings. Notes recorded attendance, speaking roles, reasoning, disagreement, and the position of women and younger people relative to recognized decision-makers. Documentary and archival materials supplied context on Mad'a, institutional practice, plural justice, and mediation history. Focused thematic analysis followed repeated reading, coding, comparison, theme development, and refinement (Braun & Clarke, 2006). Codes addressed gender, age, authority, presence, participation, voice, representation, protection, learning, and reform. Cross-source comparison generated themes of protective representation, restricted voice, youth familiarity, knowledge transmission, succession, internal debate, and legitimacy; contradictory accounts were retained.

Descriptive frequencies are reported only for identified subgroups answering the same item, with denominators stated. The same 16 elders answered questions on women's direct participation and institutional reform. A familiarity item was answered by a mixed subgroup of six youth and six community members within the interview sample ($n = 12$). Because the responses were not

disaggregated, the item is interpreted only for this mixed 12-person subgroup and not as a youth-only finding. No inferential statistics or regional prevalence claims are made. The research proposal and data-collection materials were reviewed by the University of Hyderabad. Permission to proceed with fieldwork was communicated by email in August 2024; no formal approval number was issued. Participation was voluntary, informed consent was obtained, and recording required permission. Identifying information was removed or generalized, and sensitive cases omit identifiable individuals, families, and locations. The researcher's familiarity with Afaraf and local institutions facilitated access and interpretation but required reflexivity. Field notes, comparison across participant categories, and attention to contradictory accounts reduced reliance on one viewpoint. Madina is a pseudonym, and identifying details are withheld. The purposive, non-random sample does not support statistical generalization to all Afar communities or councils. Several analytical subgroups were small, and descriptive counts apply only to participants answering the relevant item. Respect for elders, gendered authority, and concern about family or clan relationships may have affected disclosure, while retrospective accounts are vulnerable to recall bias. The cross-sectional design cannot establish historical decline, irreversible institutional change, or long-term sustainability. Because participant identities were not linked across methods, a combined unique-participant total could not be established. Inclusive legitimacy is proposed as an interpretive framework rather than a validated measurement scale and requires examination in other Afar settings and customary justice systems.

4. RESULTS AND DISCUSSION

The findings are organized by theme. Interview accounts provide evidence about participants' experiences and positions; FGDs clarify shared norms and disagreement; observations show how attendance, speaking roles, and recognized authority operated in practice; and documentary analysis supplies contextual support for interpreting Mad'a and plural justice. Findings are reported as attributed paraphrases because the manuscript contains no verified verbatim quotations for inclusion. Each subsection distinguishes the evidence from its analytical interpretation through procedural, representational, cultural, and perceived outcome legitimacy.

4.1 Women's Participation and Representation in Afar Makaabanna

Table 2 Responses of 16 Makaabanna Elders Concerning Women's Direct Participation

Response category	Frequency (n)	Percentage (%)
Opposed women's direct participation	9	56.3
Supported greater participation	5	31.3
Neutral or undecided	2	12.5
Total	16	100.0

Note. The same 16 elders answered this item. Percentages describe only this purposively selected subgroup and are not population estimates. Rounded category percentages sum to 100.1%.

Recognized authority showed the clearest gender pattern. None of the interviewed women held formal Makaabanna leadership or adjudicative office. Women attended some observed sessions, but in all six observed sessions, senior men dominated the interpretation of Mad'a, deliberation, and settlement framing. Women could communicate information and support reconciliation, but without equivalent authority. Interview accounts from women and elders, FGD discussions, and the observations made it necessary to distinguish several levels of involvement. Presence refers to physical attendance. Participation refers to some involvement in communication or discussion. Direct voice concerns the ability to present one's own account. Representation occurs when another person communicates an interest. Recognized authority refers to accepted standing to interpret norms and question accounts. Decision-making power concerns the capacity to shape or determine an outcome. Movement from presence to recognized authority was neither automatic nor equal. Among the same 16 elders, nine opposed women's direct participation, five supported greater

participation, and two were neutral or undecided (Table 2). Opponents commonly maintained that husbands, fathers, brothers, other adult male relatives, or clan leaders already protected women and communicated their interests, viewing this as a culturally appropriate route rather than exclusion. Women's interview accounts and FGD discussions indicated that this arrangement had practical value and clear limits. A recognized male representative could approach elders, activate kinship responsibilities, and secure attention, but he could also select which parts of a woman's account were communicated and influence whether a settlement was accepted. Access was therefore not equivalent to control over the claim: protective representation could facilitate justice while restricting direct voice and influence. The disagreement among elders is analytically important. Opposition was substantial but not unanimous: five supported greater participation, and two did not adopt a firm position. Women's restricted authority was therefore defended through contested customary views rather than a single, unchanging position. The evidence identifies an internal debate over how experience, gender, seniority, family representation, and direct participation should be balanced.

4.2 The Madina Case Study

Table 3 Analytical Summary of the Madina Case

Analytical dimension	Evidence supported by the field materials	Interpretation and limitation
Objection and aspiration	Madina opposed a proposed marriage and wished to continue her education.	Her preference and educational aspiration were central to the dispute.
Access to the elders	An adult male relative with recognized standing supported her objection and helped bring the matter before elders.	Protective representation enabled access but also demonstrates dependence on gendered standing.
Outcome	The decision did not require her to proceed with the marriage and allowed her education to continue.	The outcome demonstrates institutional flexibility and responsiveness.
Procedural limitation	Her claim became institutionally effective partly through male advocacy.	A favorable outcome demonstrates responsiveness but does not establish equal procedural agency.
Verification boundary	Exact ages, compensation figures, location, family relationships, and direct quotations are omitted.	The case is illustrative and should not be generalized beyond the verified evidence.

Note. Madina is a pseudonym. The table includes only details supported by the available field records and does not treat the case as representative of all marriage disputes.

Table 3 summarizes the verified case evidence and its interpretive limits. Women's accounts and observation evidence indicated that representation did not equate to direct speech or the exercise of recognized authority. Male-relative representation could facilitate access when

the intermediary had accepted standing, but it could also place the framing and settlement of a claim under his control. Interview and FGD accounts linked this distinction to sensitive family and gender-related disputes, where collective interests could narrow the space given to an individual woman's preferences. Madina's case is illustrative, not representative. Field records describe a woman who opposed a proposed marriage and wished to continue her education. An adult

male relative with recognized standing supported her objection before elders. The decision did not require her to proceed with the marriage and allowed her education to continue. Ages, compensation figures, location, family relationships, and quotations are omitted because they could not be reliably verified. The outcome demonstrates both flexibility and constraint. Makaabanna actors responded to Madina's objection and reached a favorable result, showing that customary reasoning could accommodate her preference and educational aspiration. At the same time, her claim became institutionally effective partly through male advocacy. The case

therefore illustrates a protective outcome without proving equal direct agency. A favorable decision can demonstrate responsiveness while still revealing unequal control over access to authoritative deliberation. The case also cautions against evaluating procedural fairness only through the final remedy. Madina's objection was protected, but the route through which it reached the elders remained structured by gendered standing. A more inclusive process would retain supportive family representation while ensuring that the woman concerned can present her account, understand the proposed remedy, and influence whether it is accepted.

4.3 Familiarity, Youth Participation, and Recognized Authority

Table 4 Familiarity Responses of the Mixed 12-Person Subgroup

Response category	Frequency (n)	Percentage (%)
Extremely familiar	7	58.3
Highly familiar	3	25.0
Fairly familiar	2	16.7
Total	12	100.0

Note. The item was answered by a mixed subgroup of 12 interview participants: 6 youth and 6 community members. Because responses were not disaggregated, this finding cannot be interpreted as youth-specific.

Table 4 describes familiarity within the combined subgroup; it cannot be interpreted as a youth-specific result or as evidence about the distribution of knowledge among Afar youth generally. The item nevertheless helps separate familiarity from recognized authority. Ten of the 12 mixed-subgroup respondents selected either extremely familiar or highly familiar, but knowledge of terminology or procedure did not establish an accepted right to interpret Mad'a, question disputants, shape deliberation,

or determine a settlement. Interviews and FGDs described younger people as learning through listening, family relationships, attendance, and limited assistance. Observations also showed that younger attendees could be present and communicate information without holding the standing accorded to senior male decision-makers. These forms of participation may support learning, but they are analytically distinct from recognized authority and decision-making power. The findings therefore do not support a simple contrast between knowledgeable elders and uninformed youth. The more specific problem is the uncertain conversion of familiarity into guided practice and institutionally recognized responsibility.

4.4 Knowledge Transmission and Institutional Succession

Table 5 Knowledge Transmission and Pathways to Recognized Responsibility

Transmission stage or condition	Evidence in the study	Implication for succession
Initial exposure	Oral teaching, family relationships, attendance at meetings, and proximity to experienced elders.	Younger people can acquire terminology, norms, and familiarity.
Informal participation	Listening, communicating information, and assisting with limited tasks.	Participation may deepen knowledge but does not itself confer authority.
Guided practice	No consistently organized apprenticeship was identified; opportunities depended on personal relationships and circumstance.	Competence development is uneven and difficult to evaluate.
Recognized responsibility	Progression into questioning, interpretation of precedent, deliberation, and settlement was not systematically structured.	The pathway from familiarity to authority remains uncertain.
Social pressures	Schooling, migration, urbanization, employment expectations, and reduced availability for lengthy proceedings.	Informal transmission opportunities may be narrowing.
Gendered succession	Young men were more readily imagined as future elders; young women faced age- and gender-based barriers.	A male-only mentorship pathway could improve continuity while reproducing representational weakness.

Note. This table summarizes qualitative themes. It does not establish historical decline or a confirmed succession crisis because the study was cross-sectional.

Table 5 summarizes the identified transmission stages and their possible implications. Interviews and FGD

discussions did not identify a consistently organized apprenticeship through which younger people progressed from observation to guided participation and recognized responsibility. Knowledge was transmitted through oral teaching, family relationships, attendance at meetings,

personal proximity to elders, and informal mentorship. These routes could be effective where an experienced elder took an active interest in a younger person, but access depended heavily on personal relationships and circumstance. Participants associated weaker transmission opportunities with schooling, migration, urbanization, changing employment expectations, and the time demands of livelihoods outside pastoral settings. Elders emphasized that younger people were less available to observe lengthy proceedings, while younger participants emphasized limited opportunities to move beyond listening. These explanations are not mutually exclusive. Social change may reduce opportunities for informal learning at the same time that the institution provides few structured alternatives.

The evidence does not establish that Makaabanna is irreversibly declining or facing a confirmed succession

4.5 Internal Debate and Support for Reform

Table 6 Responses of the Same 16 Makaabanna Elders Concerning Institutional Reform

Response category	Frequency (n)	Percentage (%)
Reforms needed	2	12.5
Large reforms	3	18.8
Extensive reforms	11	68.8
Total	16	100.0

Note. The categories reproduce the wording of the interview item and do not constitute an independently validated scale. Percentages apply only to the same 16 interviewed elders; rounded category percentages sum to 100.1%.

Table 6 reports responses from the same 16 elders. Two selected “reforms needed,” three selected “large reforms,” and 11 selected “extensive reforms.” All therefore indicated some need for change, mentioning training, clearer procedures, engagement with formal institutions, knowledge transmission, and broader participation. These responses should not be interpreted as a validated measure of reform intensity or as evidence of regional public opinion. Their analytical value lies in showing that support for institutional change existed among the interviewed customary authorities and that the strongest

4.6 The Legitimacy Paradox and Inclusive Legitimacy

Table 7 Dimensions of Legitimacy in the Analysis of Afar Makaabanna

Dimension	Central analytical question	Expression in this study
Cultural legitimacy	Is authority recognized as rightful because it reflects accepted custom, identity, and moral standing?	Authority grounded in Mad’a, elder standing, clan relationships, and community recognition.
Perceived outcome legitimacy	Is the institution perceived to produce accepted settlements, restored relationships, and conflict prevention?	Reported and observed restorative value; not a validated satisfaction measure for every settlement.
Procedural legitimacy	Can directly affected people present their accounts, be heard, understand the process, and influence the remedy?	Women could depend on male representatives; younger people often participated without equivalent deliberative authority.
Representational legitimacy	Are affected groups included among those interpreting norms and exercising recognized decision-making authority?	Recognized authority in all six observed sessions remained concentrated among senior men.
Inclusive legitimacy	Are cultural authority and restorative value combined with meaningful voice, representation, and intergenerational participation?	An interpretive framework linking women’s direct voice, recognition of contributions, and structured pathways for younger women and men.

crisis. The fieldwork was cross-sectional and did not trace change over time. It does, however, indicate a continuity risk: an elder-led institution cannot rely indefinitely on unstructured observation if future mediators need complex practical competence. A staged pathway could move from attendance and post-session discussion to supervised questioning, guided application of precedent, participation in less serious disputes, and gradual responsibility. Succession is also gendered. Interview and FGD accounts more readily imagined young men as future elders after acquiring age and experience, whereas young women faced both age-based and gender-based barriers. A mentorship program that prepared only young men could strengthen generational transmission while reproducing representational weakness. Institutional continuity and inclusive participation therefore need to be considered together.

category was selected by a majority of this subgroup. General reform support did not necessarily include women’s direct participation. Nine elders opposed direct participation even though all 16 endorsed some degree of reform. An elder could favor training, documentation, or coordination while defending existing gender authority, whereas five elders supported greater participation and two were undecided. Reform is therefore not a single position, and proposals must identify the specific problem addressed rather than assume that support for modernization includes representational change. The coexistence of broad reform support and disagreement about women’s direct participation provides an internal basis for negotiated change, but it does not guarantee agreement on the form or pace of that change.

Note. Author's analytical synthesis based on the study findings. Inclusive legitimacy is an interpretive framework, not a validated measurement scale.

Table 7 summarizes the legitimacy dimensions used in the analysis. Makaabanna's cultural recognition, accessibility, reconciliation, relationship repair, and conflict-prevention role support cultural and perceived outcome legitimacy. "Perceived" is important because the study documents reported and observed value, not validated satisfaction with every settlement. This interpretation is consistent with scholarship emphasizing the restorative and locally grounded value of Ethiopian customary institutions (Braithwaite, 2002; Epplé & Assefa, 2020; Gebre-Egziabher, 2014; Macfarlane, 2007; Reda, 2011). The gender findings qualify any assumption that accessibility or favorable outcomes establish procedural equality. The mechanism identified here is protective representation: male-relative advocacy may open a route to elders and secure a protective outcome, yet it may also filter a woman's account and constrain her influence over the settlement. This finding supports broader concerns that gendered inequality in customary law can arise through interpretation, standing, and control over remedies, not only through formal rules (Banda, 2005; Chala & Gemede, 2022; Fenrich et al., 2011). The generational findings similarly demonstrate that familiarity does not equate to authority. Younger people may know procedures and participate informally while lacking structured routes into supervised practice and recognized responsibility. This extends literature on African youth and older male authority by identifying the institutional step at which exclusion operates: the conversion of familiarity and presence into legitimate decision-making roles (Honwana, 2012; United Nations Development Programme, 2023).

Procedural and representational legitimacy therefore differ from cultural and perceived outcome legitimacy. Decision-making in all observed sessions remained concentrated among senior men; women's concerns were often channeled through male relatives; and younger people could participate without equivalent deliberative authority. This coexistence constitutes the legitimacy paradox. The paradox connects Tyler's (1990) emphasis on voice and fair treatment with human-rights guidance on participation and non-discrimination, while recognizing that customary legitimacy also depends on culturally accepted authority (UN Women et al., 2012; Working Group on Customary and Informal Justice and SDG16+, 2023). The legitimacy paradox avoids both romanticizing customary justice and dismissing it solely because participation is unequal. Valued outcomes may coexist with unequal voice, while reforms that ignore cultural authority may weaken the foundations that make settlements effective. Cultural legitimacy is therefore not proof of procedural fairness, and perceived outcome legitimacy is not proof of equal participation.

Inclusive legitimacy asks whether cultural authority and restorative value are combined with meaningful voice, representation, and intergenerational participation. It does not require replacing elders or copying state-court procedure. Rather, it asks whether affected persons can present their accounts and influence remedies, whether women's contributions receive recognition, and whether

younger women and men have credible routes into supervised responsibility. Evidence-supported measures include enabling an affected woman to speak even when a male relative represents family interests; preserving her ability to understand and influence proposed remedies; recognizing women's reconciliation work; and creating supervised learning opportunities for younger participants. Women advisers, mixed panels for gender-sensitive disputes, and formal mentorship would require community consultation and evaluation rather than external imposition. Reform must avoid both uncritical preservation and externally imposed restructuring. State recognition alone does not correct internal inequalities, while reform that ignores local foundations may weaken cultural legitimacy. Cases involving sexual violence, coercion, child marriage, or immediate threats to safety must retain access to formal legal protection. Internal disagreement makes gradual change plausible: five elders supported greater participation by women, two were undecided, and all 16 answering the separate reform item endorsed some degree of institutional change. Inclusive legitimacy can therefore be pursued as negotiated institutional evolution rather than abandonment of Makaabanna.

5. CONCLUSION AND RECOMMENDATIONS

This article asked how gendered and generational structures of exclusion shape the procedural and representational legitimacy of the Afar Makaabanna and what implications they have for institutional continuity. The evidence indicates that Makaabanna retains cultural authority and perceived outcome legitimacy, while restricted participation by women and younger people weakens procedural and representational legitimacy. Their coexistence forms the legitimacy paradox. Four principal findings support this conclusion. First, presence was not equivalent to recognized authority: in all six observed sessions, senior men dominated the interpretation of Mad'a, deliberation, and settlement framing. Second, male-relative representation could provide women with access and protection while limiting their control over how a claim was presented and resolved. Third, familiarity within the mixed 12-person subgroup did not demonstrate a structured transition from knowledge or observation into authority. Fourth, all 16 interviewed elders supported some degree of general reform, but nine opposed women's direct participation, showing that support for institutional change did not automatically include representational change. Madina's case illustrates the same tension. Her objection to a proposed marriage and wish to continue her education were protected, but the claim became institutionally effective partly through an adult male relative with recognized standing. The favorable outcome demonstrates flexibility and responsiveness; it does not establish equal procedural agency.

Inclusive legitimacy is the article's analytical contribution. It connects cultural authority and restorative value with meaningful voice, representation, and intergenerational participation. It is an interpretive framework, not a validated measurement scale, and should be examined comparatively before being used as an evaluative instrument. Reform should be gradual,

culturally grounded, and specific. Affected women should be able to present their own accounts, understand proposed remedies, and influence whether they are accepted; family representation should support rather than replace direct voice. Women's existing reconciliation contributions should receive institutional recognition. Supervised pathways should also prepare younger women and men through observation, post-session learning, guided questioning, application of precedent, participation in less serious disputes, and gradual delegation under elder supervision.

These recommendations do not imply that every dispute should be handled identically or that customary and formal institutions have the same role. Gender-sensitive cases and matters involving coercion, sexual violence, child marriage, or immediate safety concerns must preserve access to formal legal protection. Community consultation is necessary to determine how direct voice, women advisers, mixed participation, and mentorship can be introduced without weakening the social foundations of Makaabanna. The study's purposive sample and small subgroups do not support regional prevalence claims. The fieldwork was cross-sectional; no combined unique-participant total could be established, familiarity responses were not disaggregated, and Madina's case is illustrative. Future research should follow reforms over time, compare Afar localities, document how affected persons influence remedies, and examine progression into recognized roles. Broader direct voice and credible pathways into authority may strengthen both legitimacy and continuity.

Declarations

Funding: This research received no external funding.

Conflict of interest: The author declares no conflict of interest.

Data availability: The qualitative data are not publicly available because they contain sensitive information concerning participants, families, and communities and are subject to confidentiality commitments.

Ethics statement: The research proposal and data-collection materials were reviewed by the University of Hyderabad. Permission to proceed with fieldwork was communicated by email in August 2024; no formal approval number was issued. Participation was voluntary, informed consent was obtained, and recording required permission. Identifying information was removed or generalized.

Author contribution: The sole author designed the study, collected and analyzed the data, and prepared the manuscript.

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