

## General Introduction

The phrase “Woman in Tui” refers to how a traditional person in Twic east county of Jonglei state takes, understands, and treats woman and how customs protect woman.

This is only attached to norms, cultures, and customary practices believed by local people to that effect as the time gets long, they turn in to rules and customary laws which govern the community in Twic east as a case study for woman in Dinka Community.

As the topic studies particularly woman in Twic east, I feel obliged to indicate the area on the map.

Twic East county; formerly part of Bor county falls between Bor and Duk counties, Central Jonglei state in Eastern South Sudan.

Twic East County is a home to around one hundred thousand people of TUI sub -section of Bor Dinka in the eastern bank of the River Nile.

TUI is rich with norms and good cultures mostly positive but also there is an existence to negative elements that somehow, someway disadvantage certain groups of TUI Dinka in the example of Women and children but it is neither very frequent nor is it recognized as a customary law.

The research on Woman in Dinka community [particularly in Tui [twic East] explores particular areas of marriage, inheritance, socialization, power, and how traditional/customary laws deal with woman at legal proceedings.

The researcher intends to establish clear views on a Dinka woman and studies whether rights of women are being infringed through customary practices or not as well as noting respect given to women thereof.

The research shall explore why woman is treated in that certain way by this community and whether such practice is recognized by traditional laws should it be established to be true.

It is necessary to assess the validity of any traditional theories deemed or seen to be against woman by the members of the same society and comprehend the cause to that harmful norms and cultures against woman.

This research shall be used to gain sufficient information about how woman is treated in traditional Dinka and to advance legal solution and reduce the occurrence such gender discriminatory treatment.

Although the problems facing woman today in Dinka Community are varied, and there are people who believe that woman themselves have contributed to how they are regarded in our society, simply because they have not been competent to accomplish societal wishes and as such woman has not been able to participate in holding traditional authority and most of her activities are not of public.

Infringement of women's rights has been repeatedly reported by United Nations Mission in South Sudan UNMISS' gender and human rights sections as an oppression which is in other words a big threat to

the development of certain sex in some communities and Twic East County of Jonglei state happens to be one.

The issues identified above have encouraged the researcher to investigate the causes and the challenges women face while trying to cop up with normal and extraordinary aspects of life in traditional Twic East and also good treatment accorded to women

This research shall be researched through the following means of search for knowledge;

- ❖ Interviews with former and current chieftains from Twic East county of Jonglei state as experts in the area of norms, culture, and customary practices there.
- ❖ National, regional laws and international conventions on rights of women.
- ❖ Writings by Justice, Professor John Wuol Makec on customary law.
- ❖ Consultations and interviews with experts, or organization/sections dealing with women rights or Gender rather.
- ❖ And any other possible means of research

This research aims at/ it is meant to conclude/ mark off for the award of LLB at the University of Juba's college of law for academic year 2014/2015.

## CHAPTER ONE

### Socialization of woman in Dinka community

#### 1.0- Introduction

Socialization here refers to how a girl child is raised with certain values to her adult hood in Dinka community and in particular Tui of Jonglei state.

She must understand that she is a woman and as such; should acquaint herself with a normal Dinka woman behavior and activities. Should she fail to do so; then the following will impact on her:-

#### 1.1. Values and theories on woman socialization

In Dinka community there are values a woman must acquaint herself with, for her to get respected as a woman in tradition Tui community of Jonglei state.

Mading Agok Thuc is a more than ninety year old elder who had been a chieftain representing Pan Reech Geu of Nyopiny Boma of Ajuong Payam in Twic East County of jonglei state in 1980s before he would retire.

Mading told me in an interview at Giada residential area in juba on 30<sup>th</sup> June, 2015 that a Dinka woman must;

- *Be a good team and hard worker at the family level*
- *have respect to her family members*

- *Must be a good tool for the family cohesiveness*
- *And you name it.*

Chieftain Mading Agok Thuch continued in the same interview telling me, in his own words that;

*[Translated] Those behaviors are necessary for a Dinka lady to have them, because when a Dinka man is given a green light by his family to get married, the lady he is proposing should be of cohesive heart because we are extended families so she must have that character of hosting everyone in that big family, a wife is for both the family and her husband, "Tik e kere dhien" said; Mading Agok [meaning a wife is for the husband clan/family in terms of services she renders, in other words she does not serve her immediate responsibilities only such as her children and husband but should include the family at large]*

If a Dinka girl/lady [from Tui/Twic East] has those values, she is always contested for by many men proposing her for marriage and if she doesn't have them, she over stays until an old age without being married.

In today's context of the western cultures such values may be considered against women's rights as men are being asked to do cooking and care for children as women; but to me the Dinka approach as to how the woman is treated is respectful, honorable, and humane because of the following;

1. Dinka men in due respect of women's rights do heavier jobs than women

2. Dividing jobs without considering women as of physical weakness than men would amount to violation of women's rights.
3. International and national labor laws give special treatment to women as well as children under 18 years old; for example:- They [women and children] are allowed to work for certain hours lesser than men's.

The division of labor on the basis of gender makes Dinka woman of a Nobel character and it should be of great note that Dinka Community respects and care for woman's dignity more than anyone or meeting the standards of modern labour laws.

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*<sup>1</sup> Interview with Chieftain. Mading Agok Thuch at Giada resindatial area on 30<sup>th</sup> June, 2015<sup>1</sup> Interview, Bid*

And this is reflected in the <sup>2</sup>Holy Bible, New International version NIV; Book of proverbs, Chapter 31; verses 10 through 31, P 1032-1033, which states that:.....*A wife of a Nobel character who can find her? She is worth more far than rubies. Her husband has full confidence in her and lacks nothing of value.....She gets up while it is still Dark ; she provides food for her family and portions for her servant girls.....she makes coverings for her bed.....She watches over the affairs of her household and does not eat the bread of idleness.....*

Dinka men when they are to get married, they make a thorough research about a woman to be proposed for engagement/marriage, looking at various aspects preserved by Dinka communities as necessary for a marriageable woman/lady.

<sup>3</sup>John Wuol, Makec, Rights and Role of Women in Traditional Society [with Reference to South Sudan], Khartoum-Sudan, Saint Joseph Printing Press,2001, p 50-51

*Success of marital relationship in its narrower and wider scope is largely a result of good character on the part of a woman. For this matter character is a fundamental quality of marriageability. its absence in most cases leads to a rejection of a woman or a girl when a choice to marry her is being made. Features signals of a good character include:*

- a- Decency and moral uprightness;*
- b- Kindness, self-respect, politeness, cheerfulness, Diplomacy*
- c- Honesty,*
- d- intelligence,*

*e- Responsibility.*

However it is of a note that a Dinka man looks at certain qualities in a woman;

- 1) must be beautiful
- 2) must be having good dignity and highly respected in the community
- 3) her family must be known a kindness and honesty
- 4) she must be industrious
- 5)

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<sup>2</sup>*Holy Bible, New International version NIV; Book of proverbs, P 1032-1033, Chapter 31; verses 10 through 31*

<sup>3</sup>*John Wuol, Makec, Rights and Role of Women in Traditional Society [with Reference to South Sudan], Khartoum-Sudan, Saint Joseph Printing Press,2001, p 50-51*



<sup>3</sup>bid p50, 51, 52

*Qualities of a marriageable Girl: .....a- Beauty.....b- good character.....c- industriousness .....d- Skill.....e- self-reliance..... and e- Sociability*

A Dinka woman must have at least half or most of the above mentioned qualities to qualify for a wife or for her to be marriageable, though it is highly uncall for and indeed not common for a woman to stay unmarried till an old age while at her father's house.

## **1.2. Responsibilities of girl child in the Family**

As girl child she must;

- Learn issues attached to women only from her mother and other female members of her family.
- Learn how to serve in the family beginning from her parents, brothers and sisters with all respect.
- Learn how to cook and other staffs performed by Dinka woman.
- Learn how to cook for a bigger number of people.
- learn how to keep the house clean
- learn how to cultivate
- Learn how to cut mows, and other necessary works

And this would be taken as in line with section 25 of the child Act 2008 which provides for the protection of a child from certain works that affect his/her development.

Girl child in Dinka community is rendered a special protection from heavy works, she is only allowed in due cause of learning how to go about female related domestic jobs/duties at a minimal supervised degree.

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<sup>3</sup>*bid p 50, 51, 52*

<sup>3</sup>Bid, p 44

*It is essential to prepare the minds of children at the early ages for work and the rendering of services to themselves and people generally when they reach the age of maturity. This is a part of their Education. if their minds are develop in this direction when they are still young, it will be very difficult to attempt to cultivate the spirit of work and the rendering of services when they have already reached maturity.*

And as an adult/married woman she must;

- Serves her house hold without discrimination with food and other necessary services from a hand of Dinka woman
- Give intensive care to any child in her household in terms of feeding and as she prepare them to be good adults hood as she gives them lessons of life

### **1.3. Natural theory about woman**

Women are naturally to procreate with men and care for their households' affairs and all communities across the world before their modern approach to women, take women in the same context as Dinka Community of South Sudan.

#### 1.4. Woman and marriage

Dinka marriageable girls are free to choose their man of the choice as their opinion is asked by the families when there several young men who have applied to the family seeking and intending to marry. The lady is then free to tell her family who is her favorite man among the men who have approached her family and it is of a practice that no young or old man approaches the bride's family without her knowledge, so she sends all those grooms to meet her family because as a young girl she may not be aware of their background and for that matter she will be assisted and rendered advice by her parents and extended family on a better man to get married to and based on that advice she may make her choice.

Marriage is perceived differently in Dinka community and it has various ways of achieving it, namely: Keeny, Lieh/liec, Jot/Kuel, Meh, Jotero/kuelerot and Gem; and they can be interpreted as follows;

##### 1- Keeny

This is a very official way of marriage in Tui particularly and Dinka community at large and it is at this kind of marriage where there is Ting-Nya, Jam e Nyiir thii, Jam e Nyiir dir, Jam e dhiau, Lo Lweek, Dier E keeny, Tiek, and then Jone Nya.

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<sup>3</sup>Bid, p 44

**a- Ting e Nya**

This is the first stage a young man is given a green light to get married by his father; a clan/family meeting is called to convene as to identify a marriageable girl. The young man intending to marry will then be asked to expose to the family all his girlfriends, the family will look into their families' background and lobby to know more about them; one of them may win to qualify as marriageable or else all of those girlfriends could be rejected and a different well-known young unmarried woman is recommended by his family's meeting.

**b- Jam e Nyiir thii,**

"Jame Nyiir thii" means approaching the cousin girls that age mat with the proposed girl for marriage to tell them that A certain defined young man in presence intends to have a relationship with a defined lady among those girls. If the age mats as well as the girl accept then the mission is accomplished and it is there after a meeting with uncles will be coordinated as the following step.

**c- Jam e Nyiir dir**

"Jame Nyiir dir" means a meeting with uncles of the proposed girl for marriage it is considered a second step after agreeing with young girls age mats and the girl herself. If the uncles accept the young man as appropriate to marry their niece then they will give a go ahead for the groom to

meet the mother of the girls and her group generally women that her age mats or married to one family.

**d- Jame dhiau,**

Jame e Dhiau/Dhiop means a meeting with the mother of the proposed girl for marriage and her group seeking their acceptance and it is there after if they are accepted, they will officially allowed to meet with the father and the uncles of the girl.

**e- Lo Lweek**

Lo Lweek'' refers to meeting with the father and uncles of the girl and this point is always attended by the uncles of the young man intending to marry and here the marriage process may end up if they are rejected and if there is acceptance then they will be allow to fix a date with young girls for "keeny" and it means in this context a ceremony where young men accompany the groom to the bride house and conduct a grand dancing event from 3;00 or 4:00 and or 5:00 in an evening [this is called keeny/Dier e keeny] the groom family is here expected to have come with some cattle known as "Agut hot thok"a bull/s may be slaughtered as a ceremonial, they are mostly not inclusive to the dowry. They are considered to be for the mother of the girl. In the following morning the two families of the groom and bride come together to negotiate the dowry and it is sometimes done at a cattle camp where the intended cattle for dowry

are exposed and immediate family members like Father and an elder Son sibling to the bride as well as uncle/s select their favorite cows and this is called "lonye thiek/looc". If they are satisfied and convinced with the dowry the handover of the bride can be done the same day if there is a fear that the bride may choose to disappear with somebody else other than the intended groom and if not the hand over is done at a later date.

**f- Dier E keeny**

refers to a grand dancing ceremony conducted at the bride house always from 3:00 or 4:00 and or 5:00 in an evening throughout a night [this is called keeny/Dier e keeny] the groom family is here expected to have come with some cattle including "Mior e keeny"[it means a top bull that could be named if baby boy is given birth by the bride later on] for the bride's brother, all those are known as "Agut hot thok/Thar e hot thok" and a bull/s may be slaughtered as a ceremonial, they are mostly not inclusive to the dowry. They are considered to be for the mother of the girl. In the following morning the two families of the groom and bride come together to negotiate the dowry and it is sometimes done at a cattle camp where the intended cattle for dowry are exposed and immediate family members like Father and an elder brother in the family select their favorite cows and this is called "lonye thiek/looc". If they are satisfied and convinced with the dowry the handover of the bride can be done the same day if there is a fear that the bride may

choose to disappear with somebody else other than the intended groom and if not the hand over is done at a later date.

**g- Thiek**

This is an occasion conducted immediately after Keeny and it is indeed where the bride wealth is negotiated between the two families willing to enter into marriage agreement for their son and daughter.

If the payment of dowry is accomplished accordingly a bull/s from both sides are slaughter and the two families share oppositely/ parallel in eating as sign of unity for the two families after something called "Alokthok" has been done and the last thing thereafter is "Jone Nya" meaning the taking of the bride by her groom, and it is immediately expressed by the bride's family that now after the payment you are free to take your wife at any time, it will be then up to the groom and his family to fix a date to take

**h- Jon e Nya/Nyiir**

This is the last thing to be performed in Tui Dinka Marriage after all the necessary official traditional marriage requirements are fulfilled/met, it is arranged for by the young men from the groom side and age mats of the bride along with some young married women from her extended family.

The number of ladies accompanying the bride can vary from 20 to 30 and even more, they can spend at least one week



at the groom's house celebrating, singing and eating. Meanwhile it is also a practice that the ladies and the bride will not eat any food or drink even water if the issue of "Alokthok is not settled" which is a custom practice by Bor Dinka of Jonglei state that the bride and all ladies and everyone else accompanying the bride to her house is given something in return before she could eat anything over there.

Alokthok is also a two way practice, when the bride is set to eat in the house of his in-laws for the first time, a practice called Arueeth is done where him and his age mats drink milk with a condition of "Alokthok" before everything. Alokthok is also done at "thiek" [Marriage ceremony] when the two families have reached consensus on the bride wealth and are now ready to share food together "Alokthok" is exchangeable done to immediate responsible family members of both bride and groom families

## 2- Lieh/Liec

This refers to when a girl was eloped/made pregnant by a young man while in a relationship but this kind of marriage is not valid till the two families of a girl and boy come to an agreement on the bride wealth and then accept themselves as in laws thereafter.

This kind of marriage method have always been determined by the traditional courts because eloping of unmarried woman is not an acceptable practice in Dinka community, though it is with the consent of the girl and the boy; it is of high

recommendation that official procedure of marriage is followed.

Eloping is normal and usually considered as disrespect by the girl's family and thus it is problematic.

### 3- Jot/Kuel-Nya

Jot/Kuel-Nya means an agreement between boyfriend and girlfriend to disappear with an intention to get married. This happens in the following circumstances:

- a- When the girl is applied for marriage by a man/men with an official intention of getting her as a wife but she does not love him/any of them and her boy friend that she loves has no chance to win in the completion; given his social background or economic status.
- b- the young man may be among the applicants competing for the girl but then realizes that he has few chances to win the family' and as such resorts to disappear with the girl till she gets pregnant as thereafter nobody will take her away from him.

### 4- Meh

This is when a girl without any existence of a relationship between her and a young man just decided to go to the house of that young man without any information and present herself claiming to be his wife, then with high respect and values of Dinka community she is accepted as a wife and a marriage process begins and dowry are then paid.

It is always taken as dishonor if she is rejected by that family.

### 5- Jotero/kuelerot

Joterot or kuelerot; means self-delivery to a young man, it happens in a way that, a girl has a relationship with a young man but then do not agree to get married, and as such while fearing that the young man may leave her and get married to a different lady she then decides on her own and go to the house of the young man; if she is welcomed then the marriage process will immediately start with grooms family informing the bride family that “we have your daughter and we intend to marry her as our wife”

Or else if the young man refuses her as a wife, her family will then seek a customary court ruling [Aruok with a bull and heifer]

### 6- Gem

This is a type of marriage where a lady has stayed till all her age mats are married or she is at her older age while still unmarried/ she may be young and her family has certain honor to the other family, and as such without consulting the groom’s family, the bride family takes their daughter to the other family and hand her over saying “We ye kuan thiekic” meaning that; you the family of .....[family name] you are such a family with high value, dignity and honor in this community, we are honored to give you our daughter as your wife. In this process the ladies is convinced and she knows who will be her husband, it is only grown up, matured ladies in a sense of adulthood including the best qualities of a woman in Dinka community that are subject to this kind of marriage because, Her family

fears to get a bad name in return, so they make sure that their daughter meets certain values important for a marriageable Dinka woman.

Thiek'' [marriage occasion] where a bride wealth is negotiated is done at a later time, after making sure that their daughter has managed to live in harmony with her husband and his family and in addition to that, they [wife and her husband] must have procreated.

### **1.5. Woman and tort and crime**

In case an unmarried woman commits a tort or crime, though Dinka customary law treats both tort and criminal offences as civil altogether; Dinka woman is responsible as a direct offender but her family is indirectly responsible for any tort or crime committed by their daughter in a sense of payment of damages in case of a tort and blood cattle; if it is a murder or culpable homicide rather.

And that applies when she gets married; her husband and his family are responsible for the payment of damages and blood cattle referred to "*Hok ke puk*" for torts, and criminal acts by their wife.

## CHAPTER TWO

### Concepts about woman in Dinka community

#### 2.0. Introduction

Dinka community has its best ways of describing woman in a sense of value she holds, respect, dignity and honor she brings to a Dinka family and the concepts that shape the social upbringing of a girl child to her adult hood, and how she would manage her affairs when she is married.

#### 2.1. Nya ku toc

This concept “Nya Ku Toc” means Daughter is like fishing area where a fisher can catch as many fish as he would but sometimes does not give off any profits meaning he could come empty handed without any fish at least at a time.

This is normally used in customary courts as a maxim in determining a case of elopement, particularly if the young man that eloped the girl is insisting that intends to marry her, only that he doesn't have cattle meanwhile the family of the girl have clearly stated before the court that they do not have any problem with their daughter getting married to that young man from the opposite family but with a condition of payment of dowry which the other party lacks. The court can then express some pleasing and convincing words to the family of the girl asking them polite first to give their daughter on the cause of the love she had with the young man from the opposite family without dowry being paid at a current but expect full or partial payment in the future

and then finish the ruling that; “ E Nya Ku Toc” meaning today you are not getting dowry but you will definitely get it someday.

## 2.2. Nya e kere wut/Nya e mieth e wut

In Dinka community girl child is protected and raised collectively not only by her immediate family or extended family members but also by the whole clan. Dinka families care much about their images and so everyone makes sure that a girl child is raised well so that she does bring a bad name in the community when she is still unmarried and when she is married; so they [clan] contribute to social and valuable upbringing of the girl child putting in mind that Nya e kere wut” meaning a girl belongs to the whole clan. A Dinka girl child or even a boy is subject to orientation by all the members of her or his clan thereof.

Coming to the concept” Nya e mieth e Wut” meaning girl is a subject of benefit to the whole clan; and it refers to the benefit that the clan gets good name when she gets married officially along with dowry payment in sense that some members of the clan including the chief get a portion though it would not be equivalent to the immediate or extended family’s portion from the dowry.

## 2.3. Nya aye cam

“Nya aye cam” refers that; girl is of high value and it is obviously used if a certain family does not give much attention to their daughter in

providing any services she needs and good meal for her to be able to grow in a considerable time with her age mats altogether, so by saying “Nya aye cam” one mean to say as an advice that; take care of your daughter give her all her basic needs, she is of value, and you will onetime benefit from her in terms of dowry

#### 2.4. Nya acinom wut

The phrase “Nya Acin Nom wut” means a girl does not have a permanent resident/ clan and it takes along lots of interpretations; first: it means that a daughter is destined to marry and once she marries, her membership will shift immediately at her handing over ceremony to her husband’s clan/family and all the rights and duties as well including tort and criminal responsibilities.

secondly: it means a justification to why Dinka community can not own a property unmarried Daughter being land cattle because her membership is unsettled yet and until she gets married she can now be given a property even by her blood family and another property excluding land unless their daughter has come back after divorce or come along with her husband to leave at her family’s place she can then be given a land leave and cultivate in.

Thirdly: it refers to that; unmarried woman must act with respect and care in public with polite approach to small children and oldies even if she doesn’t know them in protection of her honor and dignity, a Dinka girl is expected not to misbehave in public or at home, she is to remain respectful and mindful of everything to go right at her own side. And if

she does opposite' Dinka elders when advising such a girl always remind her that Nyan e ma, Nya acin nom wut'' mean my Daughter you don't know will marry you and where will you end which clan or tribe so be mindful of all that you do at the eyes of the people.

## 2.5. Bride wealth today and in ancient times

Bride wealth today is different from old time particularly in Tui Dinka of Jonglei state and for the sake of this research ancient times means 20<sup>th</sup> century and today refers to the beginning of the 21<sup>st</sup> century and on.

### a- Ancient times

In 20<sup>th</sup> century in between 1900s and 1960s bride wealth by Bor Dinka and Tui in particular was agricultural tools like axe and hunting tools like spear because there were many manmade disasters like cattle raiding by tribes of Murle and Nuer, and natural disasters like flood referred to as '' Aboor paweer'' meaning a dispersive flood and so the level of poverty was very high as the basic needs were agricultural tools for cultivation and hunting tools. perhaps Tui Dinka Families at this time accept grooms for their daughters except a groom has bad social back ground in his person or his family rather; for example theft, bravelessness, existence of a bad history of relationship between the two families and any other thing shun by the community and here dowry was a practice but not an overall condition because some families would give their



daughters to families of integrity according to them without any thing paid therefore.

But from 1970 to early 1991 and before the well known Bor Massacre after the SPLM/A split in the persons of Dr. John Garang de Mabior and Dr. Riek Machar Teny the bride wealth was defined to be 30 cattle and anyone that would go beyond that is considered a luxury. meanwhile after Bor massacre in 1991 bride wealth was a maximum of a wood boat, mosquito net/s, and fishing materials like net, and a minimum of tons of sorghum, flour and other food items though delivered that time by the united nations agency World Food Program [WFP] and dowries continued to be paid in the same kind till late 1995 where some people started to pay at least on cow and people could pay till 20 cattle as dowry by the end 1999.

#### **b- Bride wealth today**

With the beginning of 21<sup>st</sup> century the 2000 the dowry payment started skyrocketing when the lost boys returned for marriages from the United States of America, Canada, and Australia as two million Kenya shillings would be paid as dowry an equivalent of 60 thousands Dinar at that time.

With the signing of comprehensive peace agreement CPA in 2005 people started to pay 100 thousand Sudanese pounds as dowry in 2006 and from 2007 till now a maximum of one million and five hundred south Sudanese pounds.

To the worst' a bride family can now compose their special price as a bride wealth and put it as a condition for marriage that if it is not paid the marriage is void.

## 2.6. Woman and the law in Twic east

As my case study in this research is Tui Dinka in Twic East County of Tonglei state, it should be noted and accepted as the reason to why I am referring to Tui and not Dinka for the matter.

Women in Tui Dinka are accorded a special treatment by the customary laws of Dinka in the traditional justice delivery and it varies as follow:

### I- **Adultery**

As it is of a great note that customary law treats all offences civil, Adultery also fall under this must category of African traditional rule of law and principle. And it is always the man involved therein, regarded an offender and never a woman whatsoever the case may be. The Adulterer [man] pays "*Aruok*" of six cattle to the husband of the woman he committed adultery with.

### II- **Murder**

Dinka people refer to murder as "*Tir*" means unjustified or an illegal killing of a human being.

When unmarried woman commits "*Tir*" [Murder] her family will be responsible for the payment of the blood

cattle usually 50 cattle if the deceased is a man and 25 cattle if the deceased is a woman.

### III- **Homicide**

The corresponding word for homicide in Dinka is “NANGE RAAN/Nek Raan” which refers to the killing of human being.

In this sense and in the context of Dinka customary law [Tui/Twic East] it is when a human being is intentionally killed at a play/game, be it wrestling or any other game customarily legalize, yes women in Dinka community do not participate in wrestling in general but when they are still young they practice wrestling among themselves and it may happen that without an intention one may through down the other in a manner leading to death.

Here the customary courts always rule that a blood cow should be paid by the family of the one that committed homicide. It is called “Wenge Rim” meaning the blood cow. This is only confined to games that are legally recognized by the customary law but any other an unintentional killing of a human being can be deal with differently.

### IV- **Victim of murder**

In case a female is a victim of an act that resulted in a murder the blood cattle are paid to the victims family if she

is unmarried and if she is married the blood cattle are payable to her husband.

The blood cattle are obviously 25 for a female victim of Murder but for the homicide it remains the same [Wenge Rim] one blood cow.

**V- Rape**

Rape is referred to by Tui Dinka as “Rum,Pei, or Wine nya or Tik” is general without any exception shun by the community strictly and it may lead to shading of blood between clans of the offender and the victim of Rape. If it reaches the customary court “ Amat Hoom” which is always a bull and a heifer will be paid to the rape victims family if she is not married and if she is married the offender can be charge for both rape and adultery so he would pay Amat [two: a bull and a heifer] for rape and 6 cattle for adultery to the husband of the victim.

**VI- Theft and other minor offences**

In theft and other minor offences by a female, damages are payable or paid by or to her husband in case she is married and by or to her family if she is not married.

**VII- Act Amounting to Tort**

If a women commits an act amounting to a tort for example while trying to chase herds of cattle far from her farm, she beats a cow till its leg is broken.

Here her family will be responsible for the payment of damages and if she is not married and she is a married woman her husband will be responsible for the payment of any damages thereof.

## 2.7 Thon e wene cenge wene nok

“A death of a brother makes a living brother a king”

Upon a death of a married brother, the living brother overtakes all the responsibilities and custody of everything owned by his deceased brother including the wife/wives and continues to procreate in the name of the dead brother, but having that privilege after the death of a brother which was not there before ‘Dinka people describe it as’ *“Thon e wene cenge wene nok”* [meaning “A death of a brother makes a living brother a king”]

It is then being misquoted to mean that in Dinka community’s traditions women are being inherited, which is not actually the case because of the following:

1. Children procreated/given birth to’ after the deceased brother by the living brother still carry the deceased name.
2. Once the deceased children grow adult they immediately assume the responsibilities and custody of whatsoever owned by their deceased father.
3. The woman in the person of deceased’s wife still has a voice and decides over any property to be use for any reasons.

4. This same woman sometimes upon the misuse of properties by the living brother of her deceased husband can after consulting with her immediate in-laws sue.
5. It is always by implication of customary law with fore-conditions and putting in mind that, the wife of the deceased will never be called or called herself a wife of the living brother.
6. If she starts to call herself a wife of the living brother who was officially allowed by the Family/clan to stay with her and procreate in the name of the deceased; the Family/Clan will call them in a meeting and warn them against that practice.
7. upon the marriage of a daughter given birth by the living brother in the name of the deceased; the blood father [living father] is given on one cow called “*wenge Dhieth*” [may mean the birth cow] on top of another named “*wenge Waaleen*” [may mean a cow for an uncle in the marriage] so he is recognized as an uncle not the father though he is being given a cow for giving birth to his brother’s daughter.
8. It is only in the interest of the continuity of the lineage and the clan that Dinka communities accept to procreate for their deceased brothers.
9. the overtaking of the deceased wife/wives by the living brother is called “*Lo Hor*” meaning taking responsibilities of the deceased including rights and all duties performed by the deceased and that exclude the Inheritance for that matter, because of the following reasons;
  - Inheritance would mean change of titles from the deceased to the living brother’s and this does not occur

- Lo Hor is meant for the interest of the deceased and any infringement on the deceased rights the clan intervenes and warns the living brother in charge of the deceased affairs.
- The living brother is just a custodian in this meaning and not an owner to anything owed by the deceased and cannot claim to be the husband after his brother.

## CHAPTER THREE

### Dinka woman's concept about herself

#### 3.0. Introduction

A Dinka woman knows that she is a Dinka and she is proud of that and therefore; she takes full responsibility of everything deemed or set aside by Dinka community as of woman job category, she understands why there is segregation as far as the labour is concerned and she knows why men are the heads of families and acts putting in mind that men suggestions in the solution of the family issues prevail.

#### 3.1. Acin Raan Tou

It means there is no person and it is mostly spoken by women when a man comes to their place asking whether there is a man amongst the women or he is looking for his fellow man.

This would be mistakenly perceived as meaning that Dinka women do not take themselves as human beings because they only refer to men as human beings. But to the contrary, former chieftain of Pan Reech Geu of Nyopiny Boma, Ajuong Payam in Twic East County of Jonglei State. Reech Agok Thuch [Reech Magurbiok] told me in an Interview on Sunday, 9<sup>th</sup> August 2015 at Giada Residential Area in Juba that;

[Translation] *Women are indeed people as men [Diar aye Koc ci men e roor] and are essential part of Dinka society/Community. It is unfair to say that they are not human beings; woman makes the clan [meaning woman gives birth to all] the phrase "Acin raan tou" is used by women referring to men because in Dinka community men rarely associate and*



*sit in one place so when a man comes and gets only women; it is then assumed by women with clear justification, men do not associate with them, so a man looks for man/men only and for that matter by saying Acin Raan tou; they mean to say that man/men is/are not present.*

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*<sup>4</sup> Interview, former chieftain of Pan Reech Geu of Nyopiny Boma, Ajuong Payam in Twic East County of Jonglei State. Reech Agok Thuch [Reech Magurbiok] told me in an Interview on Sunday, 9<sup>th</sup> August 2015 at Giada Residential Area in Juba*

### 3.2. Man's superiority

women in Dinka community give respect to man and they believe that men are superior in Decision making, even though they are free to give their opinion at family or communal levels, men's decisions are paramount and any expression by a woman is taken as an advice and would be considered if it is convincible.

### 3.3. Women and authority

Women are highly respected in Dinka community and are definitely responsible for households affairs and but on top of that clans have head women of a head woman for the whole Section "Bany e Diar ke Wut" Women in Dinka community hold power of their own; each clan in Dinka community has a Head woman responsible for all women in the clan named or called "Bany e Diar" and another one following her: "Banye Diar Thii" responsible for young women in the clan and she is subjected to supervision by Bany e Diar.

Women are also free in Dinka community to express themselves in women forums as well as forums that bring both women and men together.

### 3.4. Women are servers

In Dinka community women have a specialization in domestic services of the household and she must acquire knowledge and skills attached

strictly to domestic activities in house such as; cooking, cleaning, milking of cows, goats or sheep however cutting mows is a joined work with men along with cultivation but man as well strictly should not allow their women to cut trees for build, or for cultivation purposes, Cattle herding and to build a Tukul except if she is widowed and her male child/children are still too young to perform such heavy labour jobs.

Dinka women accept to serve in a way designed for by Dinka norms and cultures putting in mind the heavy works undertaken by their men/husbands, and to me this is of a great justification as provided for in chapter one of this research pages 4,5, and 6.

### **3.5. Women in inter-communal fighting/clashes**

Traditional Dinka women are not allowed to participate or they do not take part in any inter-communal /inter-clan fighting even if a woman is a causative.

A Dinka man has a responsibility to protect woman/women from any harm be it from violence or any harmful wild animals. Dinka women feel safe when there is amongst them a man.

Dinka humanitarian customary practices, norms, and laws do not allow the killing of women, Old, Children and any other vulnerable person. It is being guided by conscience and Spiritual believe of Dinka people that; “killing vulnerable groups like women can get back to you, and destroy your family someday”. And not only that but also Dinka people do not kill the sick and wounded. And this would falls under

***Woman in Twic East {Dinka at large}***

***Reech Malual***

<sup>5</sup>Common article 3 of the four Geneva conventions, which speaks about non-international armed conflicts.

<sup>6</sup>Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (protocol ii), of 8 June 1977 Article 4[2] — page 315

***1. All persons who do not take a direct part or ..... They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.***

***2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:***

***.....e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;***

***f) Slavery and the slave trade in all their forms; .....h) Threats to commit any of the foregoing acts. 3. Children shall be provided with the care and aid they require, and in particular:***

***a) They shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;***

### **3.6. Tik yen ke ya bai**

The Dinka phrase “Tik yeen ke Yai” means that a household stands by a woman/strong wife. referring to that if a dinka man doesn’t have a strong wife, he considers himself a weak, and they express that “Kuoi

Thiek Awar thou'' Meaning [*Getting married to a wrong/weak wife, better death*] Dinka woman knows that she is the main family driver in terms of care, and all the responsibilities of her household. Dinka men have a belief that; family affairs would not settle without a proper woman behind it.

### 3.7. Rights of woman in Tui

Woman in Tui/Twic East county of Jonglei state enjoy certain rights they enjoy under Dinka customary practices and those rights are as follow:

- a- Right to oversee all the household's affairs
- b- Right to clothing by her husband
- c- Right to Expensive beads as part of clothing
- d- Right to protection from any physical harm by either human being or wild Animal
- e- Right to protection from heavy loads and work
- f- and any other Rights enjoyed thereof by women in traditional Tui/Twic East

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<sup>5</sup>*Common article 3 of the four Geneva conventions, which speaks about non-international armed conflicts.*

<sup>6</sup>*Protocol Additional to the Geneva Conventions of 12 august 1949, and relating to the protection of victims of non-international armed conflicts (protocol ii), of 8 June 1977 Article 4[2] — page 315*

### 3.8. Woman and ownership in Tui

Dinka customary practices restricts ownership of anything by a woman but a woman in Dinka community has right to any kinds of ownerships for example cattle, land and others but only if she is married.

The phrase Nya acinom Wut, meaning the membership of unmarried woman is undetermined; and this means that allotting her a land and any other essential ownership is a sellout of a family/community property because their daughter may acquires other community's membership by marriage and this will jeopardize/compromise with the community ownership.

Women Dinka at large and Tui Dinka of Jonglei are given high regard and respect to the extent that many clans and sections in Tui Dinka carried women's names as their Great Grandmother even though Dinka system of names is Patrilineal. E.g; "Pan Adut Nguet" Referring to Nyopiny Boma of Ajoung Payam in Twic East county of Jonglei state.

Dinka women know and understand why this customary practice is genuine to this effect and do not have any complain about it.

## General conclusion

### 4.1. Conclusion

After having exhaustively explored about woman in Dinka community with thoroughness' I am able to conclude with the understanding that; Dinka people have respect to women's rights as regards labor law, National and International Labour Laws. Given dividend of labour between men and women based on the heaviness of the works performed in Traditional and Nomadic Dinka community. And respect to women's rights in a sense that at marriages the consent of the Daughter [bride] who must be at the time at a marriageable age; when there are many people that have applied to the to marry a Dinka Lady, her family always calls a meeting to ask their daughter to tell them who she wants to marry her among the gentlemen proposing her for marriage. And any forced marriages are practiced by most poor families and that is not recognized as a customary law/Practice.

As regards power, Women in Dinka community hold power of their own; each clan in Dinka community has a Head woman responsible for all women in the clan named or called "Bany e Diar" and another one following her: "Banye Diar Thii" responsible for young women in the clan and she is subject to supervision by Bany e Diar.

Women are also free in Dinka community to express themselves in women forums as well as forums that bring both women and men together.

It is of a great justification that the division of forums based on sex is rooted in the division of labour between men and women putting in

mind that Dinka women should be free of heavy labour unless she is widowed. However women cannot attend meetings of and concerning fighting, they are not allowed in any fighting and neither should they be a target nor are their objects subjects of destruction in the course of any inter-clan or inter-communal clashes.



## 5.1. References used and quoted in the research

<sup>1</sup> Interview with Chieftain. Mading Agok Thuch at Giada residential area on 30<sup>th</sup> June, 2015<sup>1</sup> Interview, Bid.

<sup>2</sup> Holy Bible, New International version NIV; Book of proverbs, P 1032-1033, Chapter 31; verses 10 through 31.

<sup>3</sup> John Wuol, Makec, *Rights and Role of Women in Traditional Society [with Reference to South Sudan]*, Khartoum-Sudan, Saint Joseph Printing Press, 2001, p 50-51.

<sup>4</sup> Interview, former chieftain of Pan Reech Geu of Nyopiny Boma, Ajuong Payam in Twic East County of Jonglei State. Reech Agok Thuch [Reech Magurbiok] told me in an Interview on Sunday, 9<sup>th</sup> August 2015 at Giada Residential Area in Juba.

<sup>5</sup> Common article 3 of the four Geneva conventions, which speaks about non-international armed conflicts.

<sup>6</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (protocol ii), of 8 June 1977 Article 4[2] — page 315.