

**SOME ASPECTS OF CONFLICT AND CONFLICT  
RESOLUTION AMONG WALISO OROMO OF EASTERN  
MACHA, WITH PARTICULAR EMPHASIS ON THE *GUMA***

**BY DEJENE GEMECHU CHALA**

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**A THESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES  
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THE REQUIRMENTS FOR THE DEGREE OF MASTER OF ARTS IN  
SOCIAL ANTHROPOLOGY**



**ADDIS ABABA**

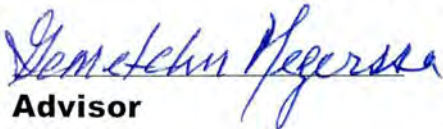
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**ADDIS ABABA UNIVERSITY  
SCHOOL OF GRADUATE STUDIES**

**Some Aspects of Conflict and Conflict Resolution among  
Waliso Oromo of Eastern Macha, with Particular Emphasis on  
the *Guma***

**By Dejene Gemechu  
College of Social Sciences**

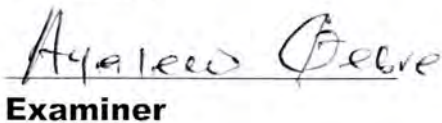
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## NOTE TO THE TRANSLITERATION SYSTEM USED

1. Short sounds are represented with single vowel.

Example, *lafa*

On the other hand, long sounds are represented with double vowels.

Example, *laafaa*

2. Gemination is represented with double consonants.

Example, /bb/ in *bobba*

3. Alveolar implosive sound is represented with 'dh'

Example, *dhadhaa*

4. Velar, voiceless, ejective sound is represented with 'q'.

Example, *qara*

5. Alveolar, voiceless and ejective sound is represented with 'x'

Example, *xalayaa*

6. Palatal, voiceless and ejective sound is represented with 'c'.

Example, *ceekuu*

7. Bilabial, voiceless and ejective sound is represented with 'ph'.

Example, *buphaa, cuphaa*

8. Glotal voiceless stop sound is represented with "' ' "

Example, *re'ee*

9. The rest of the sounds in other language are represented with the English alphabets

## GLOSSARY

<i>aantee</i>	minimal lineage
<i>abaarsa</i>	curse
<i>agadaayi</i>	a ritual of purification performed in response of homicide committed by one's forefathers
<i>angafa</i>	senior
<i>araqee</i>	home made liquor
<i>aseennaa</i>	marriage type arranged by only would-be wife
<i>ayyaana</i>	spirit
<i>balbala</i>	lineage
<i>bokkuu</i>	scepter made up of olive tree
<i>caaccuu</i>	ritual object used only by women as a symbol of female fertility
<i>cifree</i>	a woman whose son enters a <i>guula Gada</i> grade
<i>dhaddacha</i>	court
<i>dhuga</i>	truth
<i>dubra duudaa</i>	virgin girl
<i>Gada</i>	democratic political organization of the Oromo
<i>gosa</i>	sub moiety
<i>guma</i>	blood price/ revenge/feud/ ritual of purification after homicide
<i>gula</i>	<i>Gada</i> grade in which male person assume political power
<i>harka dhiqaa</i>	washing hand, a ritual of purification
<i>iddir</i>	self-help voluntary association
<i>ilaaf-ilaame</i>	negotiation

<i>jaarsa araaraa</i>	mediator/ reconciliation through mediation
<i>jaarsa yaboo</i>	judges or mediators at <i>qaalluu</i> court
<i>kakaa</i>	an oath
<i>kalaalee</i>	a woman whose husband is a <i>gula</i>
<i>lafa</i>	the earth
<i>lammii</i>	clan
<i>lukoo</i>	one's proxy or representative drawn from one's lineage members
<i>maatii</i>	family or extended family
<i>nagaa</i>	peace
<i>qaalluu</i>	a person on which spirit ( <i>ayyaana</i> ) descends
<i>qalaaxee</i>	summons
<i>qixisuu</i>	junior
<i>safiuu</i>	a moral category showing respect and distance
<i>seera tumuu</i>	making law
<i>shanachaa</i>	lineage leaders
<i>siqqee</i>	ritual stick used by women
<i>ooda</i>	a group of objects or/and individuals that the Oromo organize to plead for mercy.
<i>waabeekaa</i>	the knowledgeable
<i>waliin ooduu</i>	to avoid each other
<i>woreda</i>	district
<i>yaa'ii firaa</i>	family council
<i>yaa'ii haraa</i>	general assembly
<i>Waaqa</i>	the creator

## PREFACE

Most scholars agree that conflicts are part of social life. Caplan (1995:1, 9) clearly states that quarrels, disagreements and conflicts are not only parts of the ethnographic data of any society, but also crucial keys to understanding them. Conflict and its resolution involve those interests of anthropology such as norms, rules, morals, authority, meanings and interpretations. Within this framework, this thesis considers conflict and conflict resolutions that are so central to anthropology. It contributes in bridging the gap between abstract theory and practical works pertaining to this particular area.

To this effect, the thesis is organized into eight chapters. The first chapter describes the population and the study area, the problem as well as the objective of the study. It also presents the research questions, significance of the study, methods of building a body of data and the limitations. The second chapter addresses, relevant anthropological literature that frames the theoretical orientation. The third chapter presents the general setting of the Waliso. The Oromo traditional justice system and the change it has undergone due to both internal and external factors are presented in the fourth chapter.

Chapter five deals with major local mechanisms of dispute settlement other than *guma*. *Guma* is a widely practiced traditional way of resolving conflicts of different kinds, ranging from serious bodily injuries to homicide. Although *guma* is the concern of this thesis, I also intend to touch upon related areas of local mechanisms to give the reader a brief insight into modes of handling disputes among the Waliso. The jural implications of homicide are discussed in chapter six. The seventh chapter is devoted to the ritual consequences of homicide as a way of purification and expiation. The last chapter summarizes and concludes the thesis.

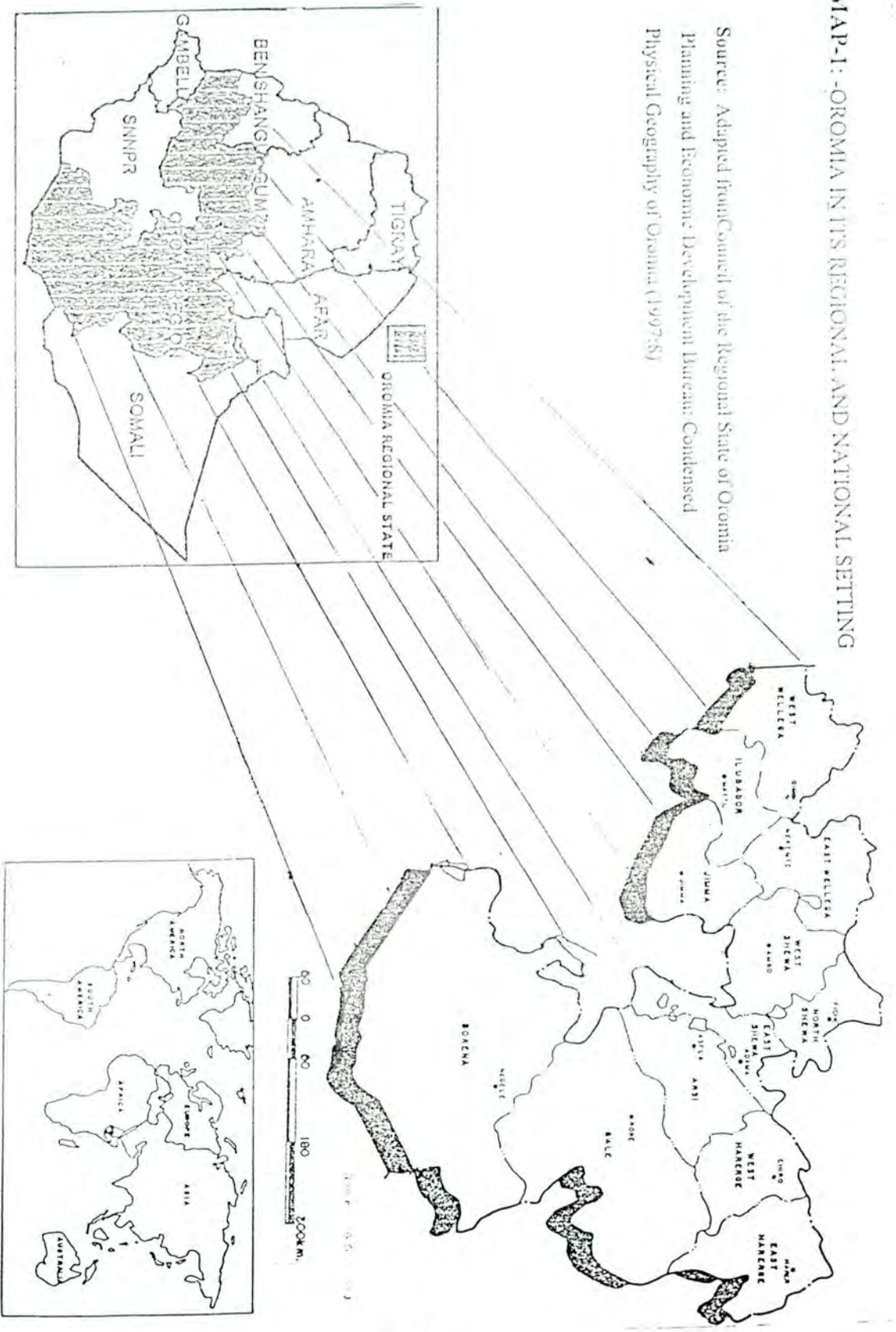
## ABSTRACT

The issue of conflict and conflict resolution are seldom handled in literature on Oromo. The present study aims at addressing this missing gap. It therefore, documents some aspects of conflict and conflict resolutions among the Waliso Oromo. The thesis explores some local institutions and practices of dealing with conflict with especial emphasis on the case of homicide.

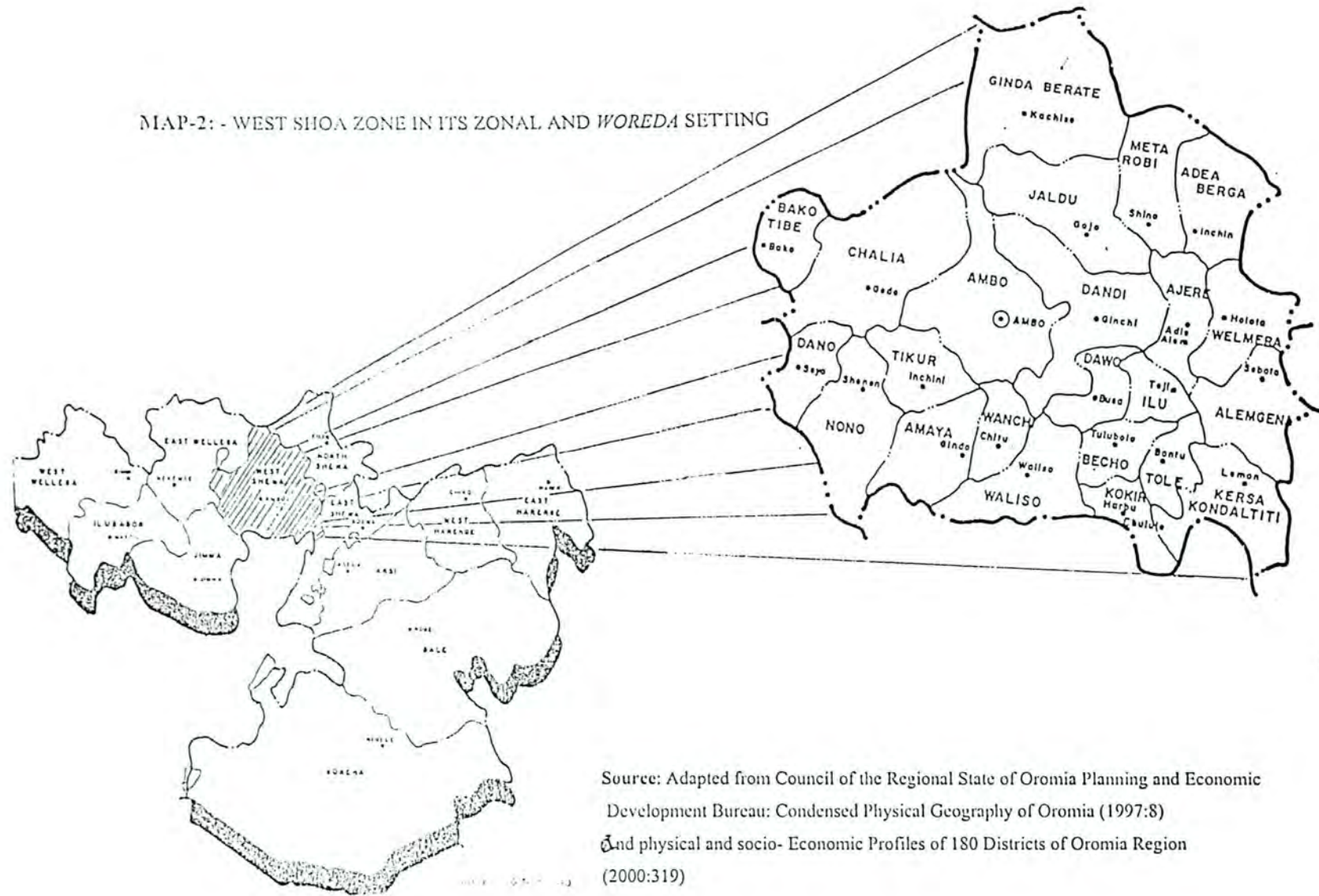
The Oromo in general and the Waliso in particular were incorporated into the present Ethiopia by the last quarter of the nineteenth century. Since the time of incorporation, especially since the 1930's enactment of criminal law of the Empire of Ethiopia, the Waliso have dealt with dispute cases through two different administrations of justice. These are: the government court and the traditional Oromo system of justice. The latter has undergone considerable changes due to internal dynamics and external influences. However, basic Oromo administration of justice is still persisting. Consequently, the majority of dispute cases among the Waliso Oromo are handled at local level by local institutions, according to the locally set laws. The data from this study clearly shows that there are various factors that produce this effect. As opposed to government court, Oromo institutions are highly value oriented and embedded in the belief system. They are also capable of considering both the social ties of the disputants and the context of the proceedings. In the mean time, the Waliso make a tactical move from local mechanisms to government court and vice-versa. An appeal to government court is mainly used to enforce their own value and justice system. Paradoxically, the threat of government intervention facilitates resolution through local institutions.

MAP-1: -OROMIA IN ITS REGIONAL AND NATIONAL SETTING

Source: Adapted from Council of the Regional State of Oromia  
 Planning and Economic Development Bureau: Condensed  
 Physical Geography of Oromia (1997:8)



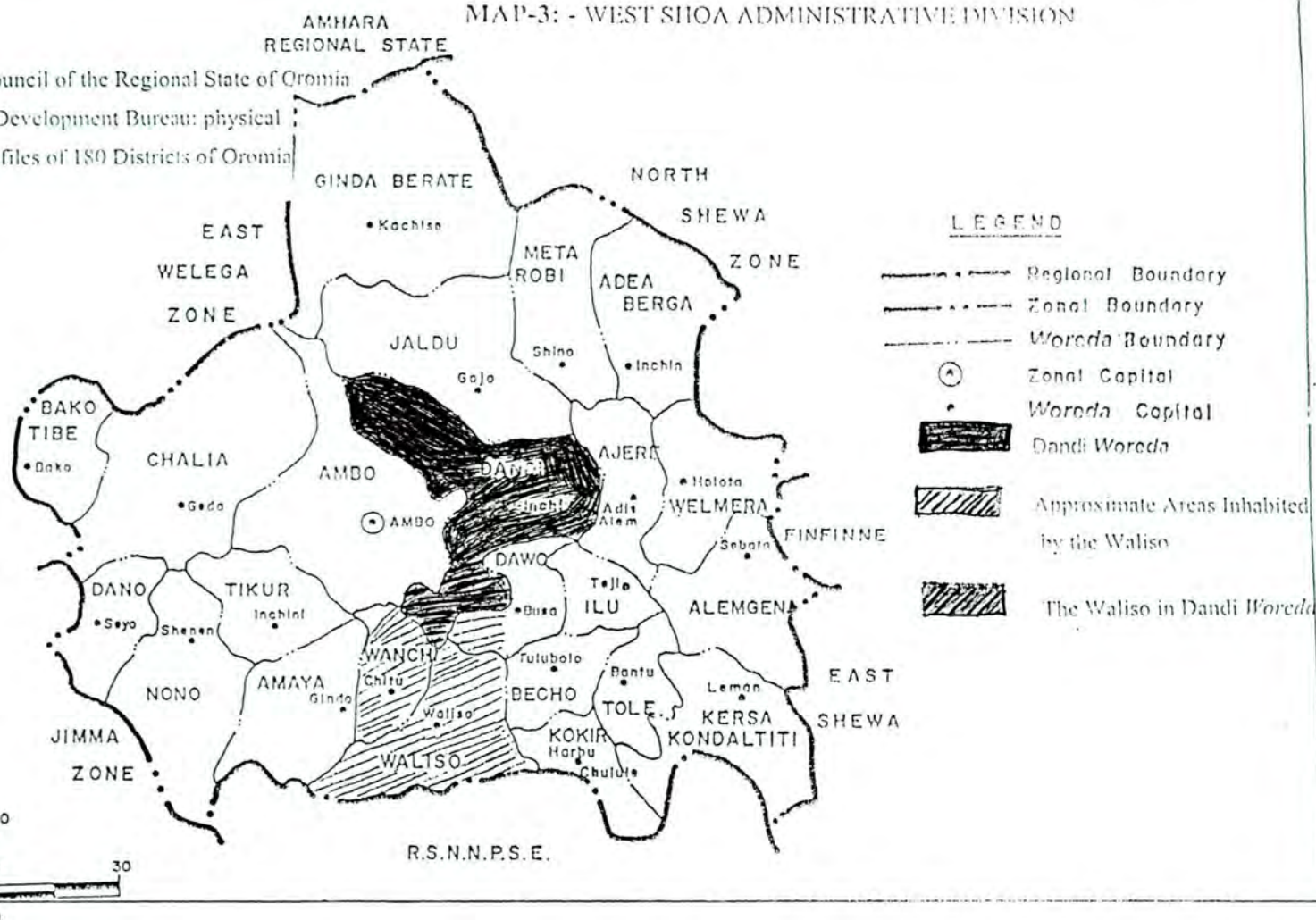
MAP-2: - WEST SHOA ZONE IN ITS ZONAL AND WOREDA SETTING



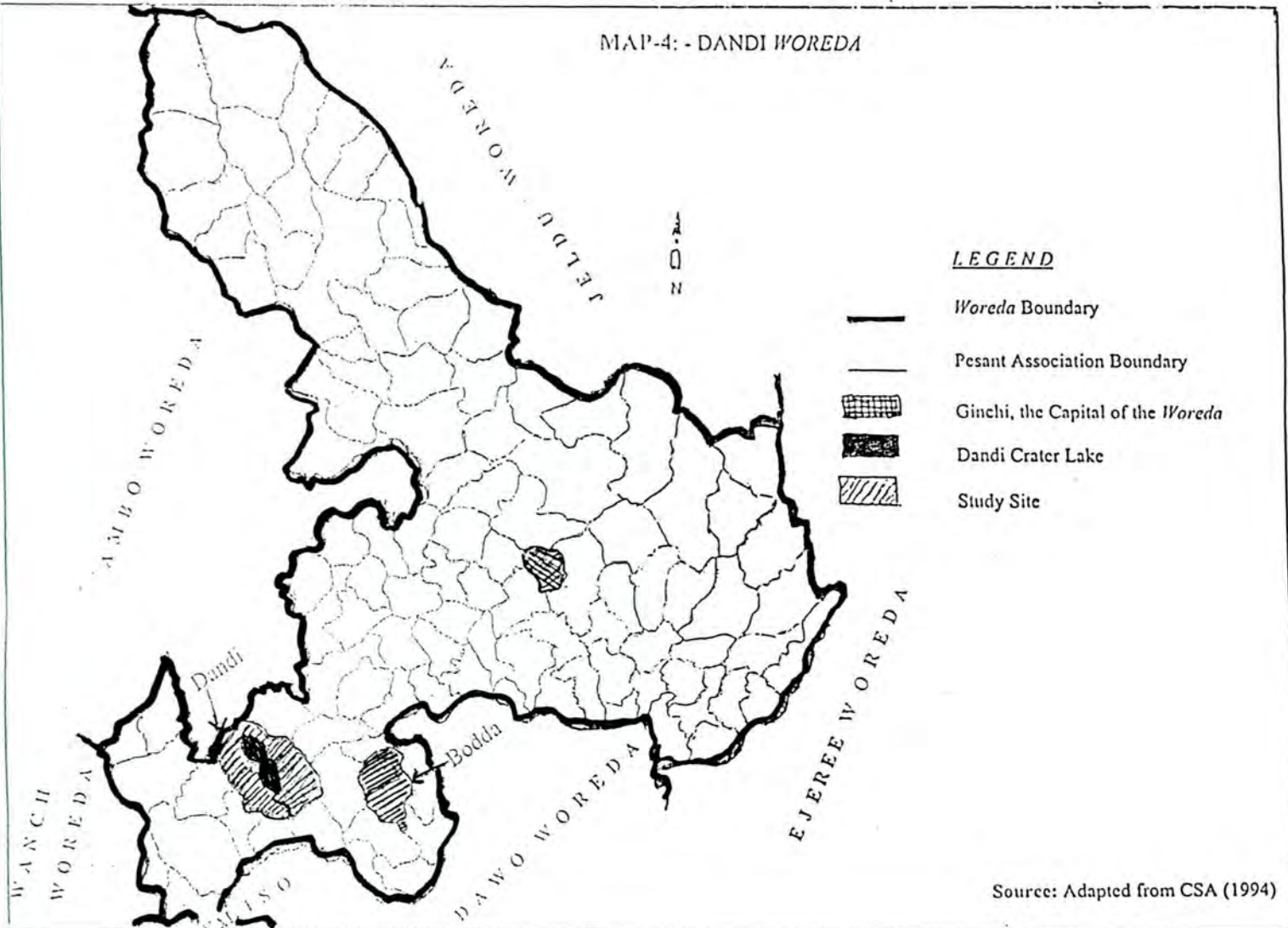
Source: Adapted from Council of the Regional State of Oromia Planning and Economic Development Bureau: Condensed Physical Geography of Oromia (1997:8) and physical and socio- Economic Profiles of 180 Districts of Oromia Region (2000:319)

MAP-3: - WEST SHOA ADMINISTRATIVE DIVISION

Source: Adapted from Council of the Regional State of Oromia  
 Planning and Economic Development Bureau: physical  
 and socio- Economic Profiles of 180 Districts of Oromia  
 Region(2000:319)



MAP-4: - DANDI WOREDA



Source: Adapted from CSA (1994)

# CHAPTER ONE

## INTRODUCTION

### 1.1 Description of the Study Area

#### 1.1.1 The People and the Area

The Waliso are the sub-moiety of the Macha faction of the Tuluma-Macha division of the Oromo. They are one of the three Liban (*Liban Sadeen*). According to Macha elders, Liban had three sons: Ammayya the senior son (*angafa*), Waliso the second and Kuta'i the junior son (*qixisuu*). Generally speaking, the Waliso-Liban Oromo inhabit the extreme east and south east of the area of the 'eastern Macha' (Knutsson, 1967: 34), bounded by the Gurage in the south, Tulama Oromo in the east, the Kuta'ii in the north and the Ammayya in the west. They dominate the mountainous and inaccessible areas of south east and south of Ambo town around Dandi Crater Lake, Wonchi Crater Lake and Waliso town.

Government administrative system has divided the Waliso into different administrative structures. During the reign of HaileSilassie through the Derg period, the Waliso were divided into the then Jibat / Macha and Chabo / Gurage provinces. Currently, the Waliso are divided into at least four of the twenty-three *woredas* of the West Shoa Zone of the Oromia Regional State. These are Dandi, Wonchi, Waliso and Dawo *woredas*. The concern of this thesis is specifically the Waliso of Dandi *woreda* (see Map-1, 2 and 3).

The *woreda* is situated west of Addis Ababa. Ginchi, the administrative center of the *woreda*, is located at about  $9^{\circ} 00^1$  North latitude and  $38^{\circ} 10^1$  East longitude (EMA, 1988) or 90 kilometers west of Addis Ababa. Topographically, the *woreda* is characterized by up lands

divided by shallow valleys. In terms of altitude, it extends between 1500 and 3,270 meters above sea level. Climatically, it is classified into high land (*baddaa* 10%), semi-high land (*badda-daree* 60 %) and low land (*gammoojjii* 30%) zones (BPED, 2000:336). According to CSA (1996), the population of the *woreda* was 181,288, out of which only about 16, 581 people were urban dwellers. Data on ethnic classification shows that there were about 166,727 Oromo, 12,505 Amhara, 1,577 Gurage, 225 Tigraway and 254 others.

### **1.1.2 Selection of the Research Site**

After having surveyed the area and consulted available data, I selected two localities for my study. These localities are Dandi and Bodda, which are located at about 30 and 20 kilometers south of Ginchi respectively (see Map-4). The selection of these sites is attributed to the following reasons: Dandi locality, after which the *woreda* is named, is situated on the high plateau of western Shoa also known as Dandi Mountain. On the top of this mountain is Dandi Crater Lake. This locality is where the center of *Gada* Waliso known as Hindhee Yaa'ii is located (see picture-1). The Dandii people are said to be the most conservative of the Waliso group among whom *Gada* is practiced most. Hence, the fact that most of the Oromo laws including the administration of justice are embedded in the *Gada* system and Dandi's being center of the Waliso *Gada* provide justification for the impetus to select Dandi as my study site. The site has, therefore, provided me with knowledgeable personalities to obtain rich information.

The second site, Bodda, was selected for its proximity to non-Waliso clans of the Macha group. Bodda is adjacent to the Abeebe clan among whom *Gada* was already abolished and never have been directly practiced for the last sixty years, but where prominent chief *qaalluus* are found. This site has, therefore, provided me with ample opportunities to

observe the influence of the non- Waliso on the Waliso and vice versa. Especially, it enabled me to secure information on *qaalluu* institution. In the mean time, I found it very useful to see the center- periphery relations within the Waliso.

## **1.2 Statement of the Problem**

Traditional African societies apply indigenous laws in their administration of justice. Accordingly, among the Oromo in general and the Waliso in particular, there were and still are indigenous institutions and practices of dispute settlement. For some minor disputes, local elders at the level of neighborhood can act as mediators to reconcile the parties in dispute. Other cases, which local elders fail to settle and which, from their very nature, call for the involvement of supernatural beings, go to the religious institution (Knutsson, 1967:110). Still, some other offences, especially heinous acts such as homicide are dealt with by *guma*.

Lewis (1984b: 92) and Knutsson (1967) reported that the majority of the disputes among eastern Macha Oromo were settled through traditional procedures. The authors are quite right in this regard. But they did not discuss the *guma*, which every homicide unconditionally involves. They did not also look into the rationale behind the persistent use of indigenous mechanisms of dispute settlement, despite the area's inclusion into the Ethiopian Empire a century ago. They did not tell us the extent to which the indigenous Oromo law and the bureaucratic law of the empire contradict or compliment each other. In addition, indigenous mechanisms of conflict resolution in general and *guma* practice in particular among the Oromo are relatively less studied. Even in such studies as Abera's (1998), which has touched upon *guma*, both its detail and real picture are missing. Thus, this study is an attempt to bridge these missing gaps.

Societies are in constant change in response to internal dynamics and external influences. Lewis (1984b) was asking about twenty years ago, as to whether or not these traditional institutions of conflict resolution would continue. Today we can with confidence say that these traditional procedures are still functioning, but with inevitable changes. So, this study examines both continuity and change of these traditional institutions with especial emphasis on the practice of *guma*.

Lastly, it is argued by different scholars such as Collier (1975:138) that women are marginalized in decision-making including those pertaining to conflict resolution. Contrary to this, according to Abera (1998), there are evidence that in the old days, women played a vital role in opening negotiations to settle feuds that resulted from homicide among the Oromo. Therefore, in light of the existing contradictory views, this research looks at the role and place of women in *guma* practice as both activators and beneficiaries.

### **1.3 Objectives of the Study**

The study has the following general and specific objectives

#### **1.3.1 General Objectives**

- To assess the social, economic, moral and/or religious and ritual roles of the *guma* practice in line with the Oromo economic and socio-political organization.
- To examine the extent to which traditional law and bureaucratic law complement or contradict each other in settling disputes.

### 1.3.2 Specific Objectives

- To explore what differentiates *guma* from other ways of conflict resolution.
- To investigate and interpret the symbolic and spiritual significance that the *guma* rituals involve.
- To see the relationship between *guma* and the state law (bureaucratic law)
- To find out the role of *guma* in reconciling the disputing individuals, families and kin groups and in bringing long lasting solutions to conflicts.
- To identify and reveal what is expected of the kin groups whom the homicide concerns on both the slayer and the slain sides in line with the Oromo kinship system.
- To find out whether the ritual process and the amount of blood price vary across sex, age, social status, and type of offense and blood ties of the victim and the offender.
- To examine the role and place of women in the *guma* practice

### 1.4 Research Questions

The following questions are addressed in this research:

- How are the majority of disputes among the Waliso handled?
- What are the major indigenous mechanisms of resolving conflict among the Waliso?
- Which mechanisms are preferable for what kind of dispute and why?
- What changes have indigenous mechanisms undergone over time?
- What are the attitudes of the people towards indigenous mechanisms or/ and state law?
- What factors contribute to the continuity of indigenous institutions and practices of handling disputes in the face of external influences and internal changes?
- Who are the local agents of dispute settlement and what are the enforcing

mechanisms at their disposal?

- What are the relations between state court and indigenous mechanisms?
- Do women have roles in indigenous mechanisms of resolving conflicts?

## 1.5 Significance of the Study

The study of indigenous conflict resolution in general and *guma* practice in particular among the Waliso could be important from the following perspectives:

- The study will be an additional contribution to the few works that have already been done on conflict resolution in the region. It serves as a useful input for those individuals interested to carry out in-depth studies on similar topics.
- It provides information to the legislators to consider indigenous knowledge and values in law making, for better planning and implementation of the policy at local level.
- It may contribute to the understanding of the characteristics of these indigenous institutions of conflict resolution and differences between such institutions in different social contexts.

## 1.6 Research Methods

Relevant information for this study has been collected during a three-month fieldwork from both primary and secondary sources with the following set of methods:

**1.6.1 Informal Interview:** Informal discussion was used as a preliminary data collecting method to obtain information. This is done in order to focus on factors that induced the disputants to look for indigenous mechanisms for redress. It also examines, their attitude

towards bureaucratic law. The interview involved different category of people, i.e. people with formal education and informal education, old and young, male and female. Through this method, I was able to identify key informants and secure opportunities to locate important cases for the case study I eventually employed.

**1.6.2 Formal Interview:** Dispute processing is not a day- to-day activity of the people. Hence, it is often possible to collect valuable information from a few members of the community. These are the custodians and knowledgeable about the subject. In this study, therefore, semi- structured questionnaires were used to conduct in-depth personal interviews with about ten key informants. These questionnaires were set with the intention of guiding the informants, rather than restricting them to answering what were just asked. Thus, through this method valuable information beyond the scope of the questionnaires was collected. The key informants were *Gada* and traditional religious leaders, mediators, knowledgeable elders and young educated people. These interviews were tape-recorded. Written notes were also used. This method, therefore, enabled me to explore the change and continuity, symbolic meanings, religious implications and other central ideas of the Oromo traditional institutions and practices of conflict resolution.

**1.6.3 Case Study:** The project also recorded a number of different actual dispute cases that vary both in kind and in time. These case materials were mainly used to look into the extent to which *guma* is effective in reconciling the disputant parties across their structural relationship and time span. It also enabled to assess and interpret the ritual and jurial implications of homicide. Hence it was useful in identifying the most exploratory variables that have relations with *guma*. In addition, through the case study an attempt was made to explore the preference of a given mechanism based on the context and the nature of the

dispute. In all the case materials, personal names are not disclosed; rather pseudonyms are used for an ethical reason.

**1.6.4 Participant Observations:** Participant observation is one of the most appropriate methods to gather valuable information in anthropological studies. The project has employed this method. Visits have been made to traditional religious court, neighborhood gatherings and *guma* proceedings have been attended. Different forms of dispute and the ritual practices related to their resolutions have been documented. Photographs of related events and matters supplement the observations. Some of the proceedings were also tape recorded, in addition to written notes. The method helped the capture of significant data on dispute processing through indigenous mechanism. However, throughout my stay in the field, I was a passive participant in such dispute settlement meetings. I did not have a role to play in any way, although my presence may have made some difference.

**1.6.5 Document Analysis:** Documents that are relevant to dispute and its resolutions were consulted and analyzed. These documents were drawn from *woreda* court, *woreda* police, zonal court and local institutions such as peasant associations and *Gada* council. Data from the government institutions was useful to assess the extent to which people look for indigenous mechanisms vis- à-vis bureaucratic law for redress. It also helped to investigate the basic differences and similarities between indigenous mechanisms and state court proceedings. Further more, it was equally important for identifying the nature of dispute cases and their motives.

A document from local institution, especially *Gada* council was consulted. Currently, the *Gada* council has written documents related to law. These written documents include *Gada*

laws and minutes of the council. The Documents enabled to come up with data revealing the scale of compensation across the nature of offense and the degree of injuries sustained.

**1.6.6 Secondary Data:** Related literature on Oromo in general and eastern Macha in particular was reviewed to set the context of the study. These secondary sources helped to secure information on historical background of the people and the study area, change and continuity of the socio- political institutions such as *Gada* court, neighborhood moot and lineage solidarity that have practical significance in Oromo justice system.

## **1.7 Limitations of the Study**

I am an Oromo and a native speaker of Oromo language. Thus I had no language constraints and culture barriers. Nevertheless, it does not mean that I accomplished my research without encountering any problem. Hence, I do not claim my study to be comprehensive.

Time constraint was the major problem. I only had three- month fieldwork, which is too short a time for an anthropological study of this nature. It does not enable the researcher to observe the whole events and processes pertaining to the proceedings. In addition, transportation within and between the sites of the study, which are inaccessible, was the most serious challenge. I was initially eager to cover various settlements inhabited by the Waliso and non-Waliso for my study. However, the inaccessibility of the area, coupled with the limitation of time made the study to be limited only to two sites. Had it covered more sites the data would have been richer and the analysis deeper.

On top of that, the study focused on disputes among persons with especial attention to homicide. But among the Waliso, there are various categories of dispute. For instance, there is a dispute between a person and wild animals that requires resolution as well as redemption (compensation), however strange this may sound. Such a unique area of anthropological studies has been untouched due to both time and space limitations. Hence, these constraints challenge the claim that the thesis is exhaustive and comprehensive. My effort, however, establishes a sufficient ground for further research.

## CHAPTER TWO

### LITERATURE REVIEW

A review of relevant anthropological literature on conflict and conflict resolution is the concern of this chapter. Different theoretical approaches to conflict and its sources, various mechanisms of resolution and the role of rituals in peace making processes are also reviewed.

#### **2.1 Conflict**

Conflict has been studied over centuries by many great minds. But a more systematic study has been possible only since the twentieth century (Schellenberg 1996). With the emergence of political anthropology as a special branch of social anthropology, marked by the publication of "African Political Systems" (1940), edited by Fortes and Evans-Pritchard, that the study of conflict resolution became prominent. However, theoretical controversies over the subject of conflict and its resolution have survived a long history of the study. From the very outset, scholars do not agree upon whether conflict is a disjunctive process or sociation. Some scholars have contended that conflict has a divisive effect. For instance, Durkheim (cited in Sipova, 1989) considered conflict as an abnormal phenomenon. He used the term *anomie* or pathology to describe it. Similarly, Wilson and Kolb (1949, cited in Colser, 1964) believed that conflict has a disjunctive effect.

Many other scholars have repudiated this view. Park and Burgess (1921) and Simmel (1955), cited in Colser (1964) argue that every interaction among men is a sociation, so is conflict. Conflict is a means to solve and avert complete fission, thereby preserve some kind of unity. Similarly, Bohannan (1967: XI - XIV) characterizes conflict to be as basic as culture is in

society, which possibly controlled and utilized profitably for better cultural development and maintenance of social order. Schellenberg (1996: 9) states that conflict is neither bad nor good, but one of the essentials in human social life. Gluckman (1956), Gulliver (1963) and Nanda (1994) agree with the view that conflict is a part of social life and society is impossible without it. Further, Marxian view conflict not only as built into the social system but also as the primary stimulus for social change (Seymour-Smith, 1986: 51).

## **2.2 Sources of Conflict**

Throughout the history of the study of conflict, whether the aggressive behavior is an inborn human quality or a reaction to social, political and economic factors is where lay the controversy among the scholars (Nader, 1968, Collier, 1975, Tadesse, 1988, 1994).

Some scholars have agreed that the causes of conflict are deep rooted in our biology. Schellernberg (1996: 13) describes such an approach as individual characteristic theory that focuses on the individual and his acts, rather than the context of the act. This view of conflict has its root in the work of Freud, who believed that violence is rooted in our basic nature as animals. Human conflict is inevitable not because it is part of social life, but for it is a biological fact lying within us all.

Later writers have used Freud's assertion, too. Nineteenth century social Darwinists stressed the role of competition and conflict in all human societies. Taking the idea of the "survival of the fittest" as a basis, they analyzed conflict as part of a universal struggle urged by inborn aggressive tendencies. The new theoretical perspective under the name of ethnology also supports Fereud's view. This approach, according to Schellenberg (1996: 43) emphasizes the genetic instance of social behaviors. Ardrey (1961, 1966) and Lorenz (1963, 1966)

cited in Tadesse (1988) and McCauley (1990), who argue and popularize that human violent behavior is inherited, were representatives of this approach. For them, according to (Nader, 1968), man inherits the biology of aggression that is natural and universal to vertebrates

The idea that aggression and conflict is an inborn human quality has faded and received heavy criticisms from other writers. Gibson (1990), Roberchek (1990) and Gregor (1990) presented ethnographies of what they called peaceful societies, the Buid, the Semai and the Xingu respectively. Montagu (1968, 1978), Plibeam (1972), cited in Tadesse (1988) reported several hunter-gatherers societies of Africa, which are said to be relatively peaceful. Tadesse (1988) further illustrated that a given society or individual persons could be peaceful and/or violent across time and circumstances. Anthropologists have effectively used these ethnographic works to refute the biologically based explanation of the sources of conflict and show its inadequacy.

Even those who have challenged the innate nature of human aggression have taken different paths to treat the sources of conflict. Whether or not material ends are the final causes is another point of debate. According to Roberchek (1990), ecological functionalists (for instance, Harris, 1972, Gross, 1975, Ross, 1978, Ferguson, 1984) assert that material causes are the final arbiter of human behavior. Opposing this view, Gibson (1990) argues that the materialistic and deterministic final cause argument is inadequate to explain the causal dynamics of particular conflicts. It is unable to link material cause with cultural elements, and it leaves no room for consideration of human decision-making. Roberchek (1990: 63) says that the understanding of dispute "requires putting the brute material facts into cultural and social contexts attempting first of all to comprehend how the situation was conceptualized and defined by the people involved"

Other scholars have attempted to explain why the local groups of some cultures are internally more peaceful than the others in relation to social structure with a special emphasis on residential pattern, descent system and marriage rules. Velzen and Wetering (1960, cited in Otterbein, 1994) first developed the fraternal interest group theory. Fraternal interest group is power group that constitutes related males residing close together. They contend that such a group responds aggressively whenever the interest of one of their members is threatened. The authors concluded that in societies with power groups, conflicts are more often, and peaceful conflict resolution is less probable for the disputants have group ready to support them through thick and thin.

Confrontation theorists, who argue that the entire structure rather than mere residence are responsible for conflict, opposed this assumption. For instance, Dillon (1980, cited in Otterbein, 1994) has come up with different research result. Despite the presence of fraternal interest groups, the Meta of western Cameroon stigmatized the act of retaliation.

The structural functional theory is one of the major theoretical approaches to the study of conflict. Nader (1968) shows that this theory emphasizes both the structural sources and the structural functions of conflict. Lewellen (1983: 6-8) states that the structural functionalists view society as an equilibrium system whose component parts play a role in the maintenance of the whole. Hence, as part of social life, conflicts too work towards the maintenance of the on going social structure. The works of Evans-Pritchard (1940) 'The Nuer' and Gluckman's 'Custom and Conflict in Africa' (1956) are typical examples of such an approach, which dominated the period between 1940s and 1950s in legal anthropology (Lewellen, 1983,)

The 1960, according to Lewellen (1983: 8), marked a shift to a more process-oriented, more dynamic form of analysis. This was signaled in 1954 by the work of Leach entitled " Political

Systems of Highland Burma," in which he asks what accounts for conflicts in a society rather than what holds society together as functionalists did. Similarly, Gulliver's works on conflict and its resolution have been ground breaking for the shift from system- oriented approach toward actor-oriented approaches which take into consideration the new roles and choices in the face of the changing world (Caplan, 1995: 23).

### **2.3 Forms of Dispute Processing**

A parallel point of discussion in legal anthropology regarding forms of dispute processing has also emerged. Scholars have agreed that in every society, there are mechanisms of dispute settlement. Bohannan (1967:XII) substantiates this view saying, "... society is impossible without conflict. But society is worse than impossible without control of conflict." In his article "Nomadic movement: Causes and Implication", Gulliver (1975: 379) contends that the fact of the necessity of conflict resolution is more obvious among the sedentists compared to the pastoralists. Unlike the pastoralists whose economic life permits movement away from their rivals, the sedentary populations who could not easily avoid their enemies must have a better institution through which they control the escalation of conflicts.

People utilize a wide variety of modes to prosecute their quarrels. These modes are prevalent in anthropological literature on conflict. Such scholars as Bohannan (1967), Gulliver (1979) and Schellenberg (1996) categorize conflict resolution mechanisms into two: the violent and the peaceful. The violent includes war, self-help and duel, whereas the peaceful includes avoidance, burying the dispute in the symbolic process, negotiation, mediation, arbitration and adjudication.

Each mode has its own characteristics. According to Gulliver (1979: 1-3), duel is a violent mechanism in which contestants resort to either physical or verbal confrontation to prove the superiority of their case regardless of the facts underlying the dispute. Violent self-help is also a violent way of managing conflict, usually employed by groups with no or little social and economic ties. It often appears as short-term solution. Among societies whose residential mobility is relatively easy, as Gulliver puts it, avoidance is used to prevent further escalation of conflict. Similarly, dispute is buried in symbolic and supernatural terms in the absence of any effective ways or fear of the potential outcomes. He termed the second as "burying the dispute in the dispute". In both cases disputes are deflected, not resolved.

According to both Gulliver (1979) and Schellenberg (1996) negotiations are characterized by voluntary discussion between the disputing parties and the absence of a third party-decision-maker. The only outcome is a joint decision. Singer (1990, cited in Asefa, 2001: 9) divides negotiation into two forms: competitive and collaborative negotiations. In competitive negotiation, either of the parties in dispute is benefited at the expense of the other. This occurs where there are no valuable relations among the disputants to preserve. On the other hand, collaborative, often called "problem solving" or win-win negotiation, aims at joint gain of the parties through fair distribution of the pain of losing, an act that favors good future relationships of the parties.

Mediation, as Schellenberg (1996: 182) describes, is "an assisted negotiation". The intervention of a third party is necessitated for the parties in dispute have certain problems to resolve a conflict on their own. However, the role of a third party in this process is not one of decision-maker but a facilitator of the negotiation. As opposed to mediation, a third party decision-maker to which the parties take their case characterizes arbitration. Arbitration may

or may not act according to the pre-established law. Adjudication refers to a process in which a third party is an authoritative decision-maker and the disputants are mere informants to the adjudicator in an attempt to secure a relatively favorable decision.

Some studies search for correlation between these modes of conflict resolution and the nature of the relationships of the parties in dispute, the social contexts and the nature of issue in dispute. Such an attempt is clear in the work of Aubert (quoted in Gulliver, 1979: 8) who tries to relate the form of dispute settlement with the type of dispute. According to Aubert, for dispute over scarce resources, negotiation better fits, whereas for conflict of value, the intervention of law is required, as it is hard, if not impossible, for the disputants to negotiate. Similarly, Gluckman (1967) in his monograph on Lozi law shows that despite the effort of judges to preserve the ties between disputants, dispute within multiplex relationships does not fit into adjudication, which gives only little or no outlet to work through the multiplexity.

However, Gulliver (1979: 18) argues that neither negotiation necessarily correlates to norm making nor adjudication necessarily concentrates on narrow issue in dispute. There are shortsighted negotiators who do not worry of the future relations, whereas there are empathetic adjudicators that make decisions appealing to norms and values of the disputants.

Gulliver, of course, admits that there are certain factors that encourage disputants to choose either negotiation or adjudication, if both options are available. Lower costs, relative ease, secrecy, desire for face-saving outcomes, hatred towards alien courts push people towards local negotiation. In the meantime, disputants appreciate the different alternatives and the opportunities that each offers in different contexts. They often make tactical move from one mode to the other to strengthen their own position, or to persuade or enforce the opponent to

submit to one's own interest. This fact shows that no mode is very exclusive, rather there is a possibility of employing two or more ways of dealing with dispute simultaneously. Similarly, Hamer (1972:242), in his monograph on the Sidama, shows that disputants manipulate the existing alternatives to achieve the most favorable outcome.

On the other hand, as Collier (1975: 132) states, some studies search for similarities of dispute handling mechanisms among different societies. This leads us to the Bohannan - Gluckman debate in legal anthropology. Gluckman in his work on Lozi law attempts to understand the outcomes from the rule of the case. Similarly, he looks for the cases to understand the principles of Lozi law. Based on this, he concluded that African legal ideas have similarities with other systems. Variation in political economy is where lies the difference. For comparison, he translated legal ideas into English equivalent (Moore 1995: 23).

Bohannan (1969, cited in Moore, 1995: 23-24), of course, challenged the evolutionary typology employed by Gluckman, appealing to cultural particularity. He argues that using indigenous categories and indigenous terms in ethnographic works and analysis does justice to the culture. Gulliver (1969, cited in Moore: 1995) entered the debate but changed the point of argument. He opposed Bohannan's extreme cultural relativism by qualifying negotiation into legal anthropology canon, and he argues that negotiation is cross culturally universal. He repudiated Gluckman's idea by stressing that in negotiation what matters is not the rule, but the relative power of the protagonists to mobilize social support. Gulliver recognized that the social context of confrontation has also much to do with the outcome of the negotiation.

Moore (1995: 25) states that Gulliver's challenge to the normative gave birth to the "rule versus power" debate in legal anthropology. For Gulliver, negotiation is a process that does not necessarily restore the status quo ante. But for Gluckman the normative equilibrium is restored. That is why Moore (1995: 27) acknowledges that Gulliver "contributed toward a theoretical move away from structural functional models toward processual analysis."

In addition, another argument developed. This pertains to why most disputes are settled peacefully in the absence of authoritative chiefs. Though scholars have agreed that the resolution and control of conflict need not necessarily be identified with formal institutions that operate according to codified law, they have remained divided as to what pushed the opposing parties to reconcile in the absence of any formal institution set for this purpose.

Evans-Pritchard (1940) in 'The Nuer' pointed out that what pressurized the disputants to submit to peaceful resolution of conflict is the equality of forces at their disposal. As opposed to this view, Gluckman (1956), Gulliver (1963, 1971) and Howell (1970) emphasized the role of crosscutting ties in urging the disputing parties to peacefully deal with their cases. The essence of their argument is that the closer the structural relationship of the parties involved in conflict, the more likely it is peacefully resolved and vice-versa.

## **2.4 Traditional Mechanisms of Enforcing Decisions**

In relation to conflict resolution, the agents of traditional modes of dealing with disputes, the sanction to be imposed and decision-enforcing mechanisms are important points that have been emphasized by scholars.

In traditional societies varieties of institutions and personnel may function as agents of conflict resolution. However, Evans-Pritchard (1940), Gluckman (1956), Ember and Ember (1977) argue that these agents lack coercive force to support their decisions. In addition, according to Hamer (1980:107), there is little evidence from the literature that settling dispute within traditional institutions is in any way encouraged by the governments. Nevertheless, traditional agents of conflict resolution impose sanctions. In line with this, Redfield (1967: 22) who divided sanctions into the secular and the sacred or supernatural argues that the latter is more effective and often used than the former among the pre-literate societies.

However, Pospisil (1967:37-38) asks whether, really, the form of sanction or the effect of a sanction is more important. Appealing to functional approach, Pospisil suggests that what actually qualifies sanction is its effective social maintenance. He further discusses that though psychological sanctions such as ostracism, ridicule, avoidance or denials of favors are, sometimes very subtle and informal, they are effective sanctions. Pospisil substantiates his stand by referring to the Kapuak among which reprimand is the favorite and effective sanction.

Various ethnographic works suggest that both the sacred and the secular sanctions are effectively employed in different traditional societies. Dillon (1980, cited in Otterbein, 1994) shows that the Meta of Western Cameroon execute their fellow villagers, kinsmen and friends for their wrong doings. Boehm (1985, cited in Otterbein, 1994) also reveals that a troublesome member of a community is denied clan protection, and is thus isolated and even executed among the Montenegrins.

Shack (1966, 1969) in his writings on the *Yagoka* "the high court of the Gurage of southwestern Ethiopia discusses that agents of traditional conflict resolution use social sanctions of ridicule, opprobrium, ostracizing and supernatural sanctions as enforcing mechanisms.

Bassi (1992: 50-54, 1994: 15-17), who studied "Institutional Forgiveness in Borana Assemblies" shows that the assemblies have the authority to fine the offender. Meanwhile, the decision of the assemblies is enforced by excluding someone from '*naga* Borana' (peace of the Borana), an action tantamount to exclude the person from the community cooperation, which is intolerable among the Borana. Hamer (1972:237) presents similar culture of the Sidama of southwest Ethiopia. Among the Sidama, Elders enforce their decisions by ostracizing a person who refuses to accept a verdict. The ostracization goes to the extent of total exclusion of the person from all social and ritual contact. Cursing is also the severest sanction to which they finally resort. Likewise, Evans-Pritchard (1940) documented that among the Nuer of the Sudan, the leopard skin chief plays a mediating role between the disputants by using his power to curse as an enforcing mechanism.

## **2.5 Rituals in Peace-Making**

Many scholars have accepted that dispute processing involves rituals but whether or not these rituals really restore harmony has been a point of controversy. The pioneering studies of Durkheim show that rituals have the power of reinforcing collective sentiment and forming group cohesion. This view of Durkheim was adopted by later structural-functionalists who have emphasized the role of rituals in aiding the survival of the larger system (Seymour-Smith, 1986). Gluckman (cited in Lewellen 1983: 9) states that rituals are not simple means of expressing feelings but also symbols that assert the priority of the system over the

individual. By the same token in words that are more powerful, Hoebel (1966: 478) describes that rituals are acts, which are believed to maintain the status quo or to achieve the specified ends.

Turner (1969 cited in Colson 1995), provides powerful imputes to the anthropological emphasis upon the importance of harmony. His work shows what role rituals play in achieving and enhancing oneness, in his term 'communitas'. For Turner, Colson puts it, law is an antithesis of communitas, whereas dispute settlement is a way of restoring the oneness. The very aim of law is the creation of communitas in favor of amity rather than equity.

Rituals for Turner (1957) are social drama that resolves crises by dramatizing the advantages of values and social arrangements. It is performed in response to the breach of law during times of social conflicts to restore the social order. Through rituals, social values are given sacred authority. According to him, the drama of dispute settlement passes through four phases: (1) the breach of peace, (2) the crises that result from the breach, (3) the practice of resolving the crises and (4) the re-establishment of the unity of the groups.

In her writing on "*Gondaro: A ritual of conflict Resolution in Wolayta*", Tsehay (1992: 65 - 66) shows the picture of how it is performed; and she interpreted the symbolic meaning of this ritual as a "rebirth of local people together with their ... enemies". Likewise, Abera (1998) gives us a mirror of the process and meaning of the rituals that the Oromo practice while homicide is compensated. He shows that the killing of a ram whose blood both parties wash their mouth to signify the settlements of feud and the washing away of the blood of a slain.

Despite the availability of various modes by which disputes are handled and the performance of extremely elaborated rituals to mark conflict resolution, scholars have revealed that disputes are not often resolved. Bell (1992, cited in Alexander, 1997) repudiated the idea that a ritual resolves social tension and conflict. She argues that a ritual simply offers a temporary solution. Kopytoff (1980, cited in Colson, 1995: 69) also presents that anthropologists wrongly attribute a great healing power to rituals, whereas the actors do not. For the participants, rituals are not what they purport to be. Similarly, Bartels (1984: 35) argues that rites are expressions of the ideal moral behavior, which people often fall short of.

Colson (1995:80) criticized the assumption that disputes are resolved and led to harmony. Gwembe focus upon the issue at stake rather than the social relationships of the disputants in dealing with disputes. They often resort to law for they simply seek remedies for their ills rather than to restore peace and harmony. Thus, for Colson, though followed by rituals, negotiation and adjudication "have much less success in convincing contenders that they are in the wrong and they do little or nothing to heal ruptured social relationships or abate anger and contempt."

Schellenberg (1996:122) too argues that neither peaceful nor violent mechanisms of conflict resolution can always perfectly resolve issues. Even though decisions are made and agreement reached, the parties often complain and feel that it has been unfairly treated. Likewise, Gulliver (1979: 78-9) who admits that hostilities survive ritual affirmation of dispute settlement has become reluctant to use the phrase "dispute settlement" I suggest he tends to replace it by conflict management or control of conflict that avoids the escalation of conflict and open fighting.

The present study is, therefore, an attempt to address different modes of conflict resolution and their interrelations, the ritual they involve and the role of rituals in peace making, the indigenous methods of enforcing decisions among the Waliso within the framework of the existing theoretical orientation.

## CHAPTER THREE

# HISTORICAL, SOCIO-POLITICAL AND ECONOMIC SETTING OF THE WALISO

### 3.1. The Oromo: an Overview

The Oromo are the single largest ethnic group in the Horn of Africa (Mohammed, 1990:xi). They occupy a land that extends from northeastern Ethiopia to east central Kenya and from the Sudan in the west and Somalia in the east (Lewis, 1984a: 590). The Oromo speak a common language. This language is categorized as eastern Cushitic (Huntingford, 1955:19, Lewis, 1965: 19). There is no agreement among scholars about the population of the Oromo, but a consensus seems to reveal that within the present day Ethiopia alone, the Oromo account either the majority or a good half of the total population (Lewis, 1984a: 571). The Oromo, according to Gemetchu (1993) are divided into five major groups: the Tulamaa and the Macha, the Sabboo and the Goonaa, the Rayyaa and the Aseboo, the Siikkoo and the Mando and the Ituu and the Humbannaa.

### 3.2 The Macha

Mohammed (1990: 18) discusses that prior to and during the 16th century, the Tulama and the Macha groups lived under common *Gada* government and law. The head quarter of their common government was located at Oda Nabe in Fatagar. The fact of common law was symbolized by the common *bokkuu*. *Bokkuu* is a wooden scepter made up of olive tree used as a symbol of political power and expression of unity (Mohammed, 1990: 47).

However, according to Tesema (1980) and Mohammed (1990) the Macha eventually separated from Tulama and established their own center at the hill of Tute Bisil Osole, known as Oda Bisil. It was located in the upper Gibe basin between Gedo, Bilo and Gibe River. This site as Tesema (1980: 23) explains was used as a strategic place to further expand into the areas they finally dominated. With further expansion of the Macha, Odaa Bisil no longer served as a common *Gada* center for the group, instead various local *bokkuu* centers were established. According to Tesema, currently, the Macha dominate the area between the Abbay River in the North, the Gojeb River in the South, and the Dabus and Tulu Walal in the West. In addition, according to Macha elders, the rural road from Ginchi town (on the way to Naqamtee) to Tullu-Bulloo (on the way to Jimma) via Busa roughly demarcates the Macha in the east. Broadly speaking, one of the Macha's descendants, Liban settled in western Shoa in the extreme east of Macha land.

Lewis (1970:163-164, 1990:43) discusses that the eastern Macha groups remained autonomous until the conquest of Menelik II late in the nineteenth century. By the last quarter of the 19th century, as elsewhere, the eastern Macha faced Menelik's war of conquest. The new regime permitted some of the former war leaders to retain all or part of their land and appointed them *balabat*, a new political office. Others who showed some sort of resistance to the war of conquest lost both their power and their land.

Compared to other Oromo areas, the Amhara did not settle in large scale in this area. Administrative activities remained in the hands of local *balabats* who themselves grew up in the Oromo culture and values. However, the administrators operated in the context of the already established political authority of the Christian Abyssinian State. This assertion confirms Lewis (1990:45). This, I argue, partly provides an explanation why the eastern

Macha in general and the Waliso in particular are able to preserve the indigenous institutions and practices despite the considerable changes they have undergone. Now I proceed my discussion on the Waliso.

### **3.3 The Socio- Economic Context of the Waliso**

#### **3.3.1 Basic Economic Activities**

The Waliso are grain growing sedentary agriculturalists (cf Lewis 1984b: 43). Almost all rural inhabitants of the Waliso engage in agricultural and related works throughout the year. They grow grain using plow and oxen. Crop rotation, application of manure and chemical fertilizers and fallowing are used to maintain the fertility of the soil (BPED, 2000: 336). Barley, wheat, teff, horse bean, pea and lentil crop are among the most widely cultivated crops. Enset (false banana) is a staple food among the inhabitants of the high land. It is also common in the semi- high land.

Grain is mainly produced for subsistence, but when excess it is also for sale. Women sale grain in small amounts. In addition, they also sell butter, eggs, honey, vegetables and fruits in return for cash that is used to buy commodities for consumption of the household. Besides crop production, the Waliso also raise livestock of various species. In the year 2000, according to (BPED, 2000: 336), Dandi *woreda* (in which the research was conducted) had 142,974 cattle, 74,969 sheep, 8,352 goats, 14,899 horses, 9,893 donkeys, 879 mules, 62,479 poultry and 13,000 traditional beehives.

BPED further indicates that in the same year, about 51.9% of the total area of Dandi *woreda* was arable land out of which 47.4% was under cultivation. 21.0% and 18.9% of the *woreda*'s

total area were grazing and forest lands respectively. The rest 8.2% was swampy and marsh area. This government statistics shows that 3.1 hacter was the average farmland for per farmer household in the *woreda*. However, shortage of farmland and grazing area are among the major problems among the Waliso.

Following the 1974 Ethiopian revolution and the subsequent land reform, land was nationalized and peasants were allowed access to land with mere use right. There have been distribution and redistribution of land in the years following the revolution. But for the last twelve years or above there has been no land distribution over the area. As a result, most of the young people including those who have already established their own independent households are landless or have only a small size of farmland and grazing areas. Access to land for this generation is either through their parents or by renting in from those who have excess land. Consequently, a competition over land is very high and often leads to conflict among the Waliso.

### **3.3.2 Work Groups**

Household is a basic labor unit of production among the Waliso. However, they also arrange work groups in which several people from different households work together. There are two forms of communal work arrangements: *daboo* and *daado*. The first in its strict sense is reciprocal work group in which each individual receives as much labor from others as he gives them. The group members work in rotation on each other's fields.

*Daboo* is work group seasonally organized and flexible both in number and membership. Membership to *daboo* work group is neither kinship ties nor neighborhood, rather it is drawn from among friends and interested persons that live within a reasonable geographical

boundaries. *Daboo* is what anthropologists call festive work group, which is not as such reciprocal in labor term. It is sponsored during the peak labor demand (October through March) or for labor absorbing activities such as construction of house. Participants of *daboo* must be entertained by beer and food.

### **3.4 Descents, Kinship and Clan Solidarity**

The Oromo trace descent through the male line. They readily identify themselves from others in terms of genealogy appealing to a patrilineal ideology. In the meantime, they are aware of both maternal and affinal kinship. Among the Oromo a mother's brother is identified by the term *essuma*, and the most liked of maternal kin. He is as close relative as paternal uncle who is termed as *wasila*. Radcliffe-Brown (1952:21-22) raises an interesting observation, which is relevant to this issue. He asserts that kinship is normally bilateral. Societies tend to be either patrilineal or matrilineal simply to determine a descent line and related rights and responsibilities. Similarly, though the Oromo maintain a patrilineal ideology, most of the group in action and the organization of activities go beyond the agnatic groups.

Despite its vagueness, the genealogical traditions of the Waliso suggest that they are the descendants of Liban who was in turn the son of Macha. The Waliso divide descent into various kinship categories. These are *gosa* or *lammii dugdaa*, *lammii*, *balbala*, *warra*, *aantee* and *maatii*.

The Waliso do not have specific genealogical depth for each of these categories. Individuals commonly employ different terms to designate similar genealogical depth. The other way round, similar kinship categories are also employed to designate two genealogical depths

with significant variation. It is not, therefore, easy to find equivalent English terms in anthropology, partly for the highly confused kinship categories of the Waliso and mainly as anthropological terms are not universally applicable to all cultures.

The Waliso believe that they are one *gosa*. The present generation traces its relation to Waliso, the founder of the *gosa*, eighteen to twenty generations back in patriline. Waliso is a sub-moiety of the Macha moiety, which is divided into *lammi*. *Lammi* ranges between twelve to eighteen generations depth. It represents clan, sub-clan and minor clan. Clan is further segmented into *balbalas*, which I call lineage or/ and sub-lineage. It has a genealogical depth of eight to twelve. *Balbalas* also consists of various *warras* with a genealogical depth that varies from six to ten generations. *Warra* represents sub-lineage or and minor lineage. A minor lineage *aantee* under which *warra* is subsumed refers to a group of people descended from a common ancestor less than six descending generations. The smallest category *maatii* refers to extended family.

Currently, unlike *lammi*, *gosa* has no practical significance. The saying '*shan abbatu basa, shantama lammiitu basa*, 'you pay five; fifty is paid for you by your clan' show how much a person relies on his clan for assistance in time of hardship, especially in feud. Apart from this saying, lineage is the most significant in actual social structure of the Waliso. Individuals have certain privileges, rights, duties and responsibilities in their lineages. They are strictly exogamous groups, too.

Lineages and sub-lineages have their own leaders called *shanacha*. Lineage leader is termed as *abba shantama* (father of fifty). Many sub-lineages together have a leader known as *ababa dhibbaa* (father of hundred). In time of hardship, individuals call on these leaders to organize

members and mobilize resources to have a hand in the crisis. This often occurs in case of homicide. Such an agnates have responsibilities to avenge the death on the killer or/ and killer's close relatives, or to claim compensation.

In addition, a person has a right to be represented by one of his fellow lineage members and a responsibility to represent others in time of hardship. This system is termed as *seera lukoo* (the system of *lukoo*). *Lukoo darbuu* and *lukoo dabarfachuu*, mean 'to represent' and 'to be represented' respectively. *Lukoo* also refers to the person who represents. The term is derived from an Oromo word *luka* (leg). For the Waliso *mataa* (head) represents oneself whereas, *leg* indicates one's line of descent, more properly his lineage. *Lukoo* has therefore the nearest meaning of representative or proxy drawn from one's own lineage to act on one's behalf. However, a *lukoo* is not an advocate whose very objective is the defense of the person whom he represents. Rather, a *lukoo* speaks and works in defense of the truth as well. The Waliso bring the backsliders into line by denying them the right to representation, which equals denying lineage protection. They also employ sacred sanction especially curse.

### **3.5 Marriage**

The Oromo are exogamous society. Bartels (1983:208) in his writing on Macha society shows that marriage of a woman descended from an ancestor less than the seventh ascending generations on the father line and five on the mother line is incest. The Macha view of incest is like shading one's own blood, which is heinous act and could only be cleansed through elaborated rituals of purification. This holds true among the Waliso. If such a forbidden marriage occurs, they believe that it results in serious penalties from the creator (*Waaqa*). A child born to such a union would be unhealthy, lame, blind, moron, and would not grow up. The couple would be infected with leprosy or suffer early death.

Marriage creates important alliance between the wife takers and wife givers. The two groups establish certain kind of affinal relationships. They are also supposed to help each other when the need arises. There is a saying that '*suree fi sodda wajjin kufi*'- one falls down along with one's trousers and in-laws. This implies that one can't avoid his in-laws. The affinal relations could terminate with divorce that left no children behind, and not otherwise.

Unlike many African societies and even other Oromo areas, marriage among the Waliso does not involve large amount of bride payment. They pay neither cattle nor large sum of money, rather only small amount of money is given to the bride's family on different pre wedding and post wedding ritual occasions. The amount is regulated by *tuma* (*Gada* law). In addition a groom is supposed to clothe his father-in-law and his mother-in-law with cotton blankets known as *uwwisa*. Dispute over bride wealth is, therefore, uncommon in the area, as it is the case in most of African societies.

### **3.6 Settlement Pattern**

The Waliso have a rule of patrilocal residence. Hultin (1984: 453) discusses the mystical bonds between man and land and the resultant form of settlement among the Macha. The sons inherit their fathers' land and continue to live on. Partly, Hultin's view holds true among the Waliso. However, this is an ideal or preferred norm of behavior. Actual behavior is frequently affected by various factors. Individuals build their homestead wherever resources are available and social conditions are convenient irrespective of their kinship division. The members of any given lineage are, therefore, dispersed throughout the area. In their daily activities, they depend on neighborhood and voluntary associations rather than their kinsmen, though neighbors could be kinsmen. In this regard my data confirms Lewis (1967?: 165, 1975:195) who states that among the Macha descent groups are not localized groups

both in principle and in practice. The Oromo proverbs '*ollaa fi dugdaan lafaa ka'u*', (it is by neighbors and back that one gets up) and *Waaqaa fi ollatti gad bahu* (it is the creator and neighbor that one first meets when he goes out of one's home) show how the Oromo are cooperating neighbors. In the meantime, the Waliso are aware of their rights and responsibilities towards their kinsmen and clansmen, whether or not they live close together.

### 3.7 Voluntary Associations

The Waliso have long experience of voluntary association generally termed as *iddir*. *Iddir* among them is of three types. *Laga* (river) is an association whose membership is on household basis and territorially determined. It is concerned only with burial ceremonies of the death of the members within the given territorial boundaries. The second form of *iddir* is known as *golobe*. Membership to *golobe* is on individual basis regardless of territorial limitation. Every adult person around has a *golobe*. Women have their own separate *golobe*. *Golobe's* main focus is social problems and mutual aid. The other form of *iddir* is known as *iddirii lammii* (lineage association). Membership in such an association is determined on the basis of descent. Group of agnates organized an association for the purpose of mutual support in time of hardship (cf. Lewis 1967?: 172). Women also could be members in lineage associations of their father's line. Lewis (1984b: 95) perfectly summarizes the general principles underlining the interaction of the members of these associations. According to him:

1. Mutual aid is strongly valued and required among such association members.
2. Regardless of differences in their wealth, all members have equal rights and responsibilities.
3. They all should be at peace with one other.

### **3.8 The Waliso *Gada***

*Gada* system is a variety of democratic political organization that the Oromo have developed and used at least for the last five hundred years. The system is fully operational among the Borana, the Guji and the Gabra, and persists as a variety of local level democracy among other Oromo groups, such as the Macha (Asmarom, 2000:30). The Waliso *Gada* is one of the various local *bokkuu* centers of the eastern Macha located at "Yaa'ii Hindhe" near Dandi Lake on the Dandi high plateau (see picture- 1). The Waliso do not provide substantial explanations about the origin of the *Gada* system. But they know that it has been the all round organization of their forefathers, which they have inherited

#### **3.8.1 Continuity and Change in Waliso *Gada***

Knutsson (1967:180) presents the Macha view of the consequences of forgetting *Gada*. For the Macha, according to Knutsson, with the destruction of *Gada* both the natural and social environment is disturbed. My Waliso informants also agree with this view. Tradition about the penalties for neglecting *Gada* is still recurrent among some of my informants. Sometime between 1908 and 1913 Habtagorgis Dinagde, the war leader of Menelik II forbade the Waliso to practice *Gada*. However, the Waliso automatically ascribed the draught that happened a few years later to the abolishing of *Gada*. They characterized the period as the time of hunger, sadness, time of no justice, the time where people were totally displeased in all aspects of their life.

According to my informants, the Waliso reported back to Habtagorgis the tangible penalties of neglecting *Gada*. Habtagorgis regretted for his deed and allowed them to continue their usual practice. Immediately, things came back normal. The Waliso, therefore, strongly

believe that without *Gada*, there is no prosperity, peace, happiness, wealth and health throughout the community. The *Gada* officials could reconstruct the ruptured relationships between *Waaqa* (creator) and man through prayers and blessings, they could resolve disputes and restore peace.

In this regard, Habarland (1963:530), Blackhurst (1978:261-62), Baxter and Almagor (1978:28) argue that the actual causes for the sustenance of the *Gada* system transcend its purely political role. It also serves as a channel through which the creator (*Waaqa*) from above communicates with man below, through blessings on which the human world depends for its welfare, subsistence, peace and fertility.

Among the Waliso, *Gada* more or less, remains the same in its basic structures. For instance, the five *Gada* sets, the eight years time period of *Gada* set, the forty years time difference between two consecutive generations, the hereditary principle of membership into a given *Gada* class, etc have persisted. The Waliso have had five *Gada* sets known as *Birmaji*, *Horata*, *Michille*, *Dulo* and *Robale*. The five *Gada* sets are *misensas*, which literally means members. It is with the coalition of these sets that the entire *Gada* organization is functioning. Each *Gada* set passes through similar *Gada* grades. Literature on Oromo reveals that names and numbers of *Gada* grades differ in time and space. But every grade lasts for eight years.

Currently, among the Waliso only the grade in which male members assume political power is politically and spiritually significant. This grade is known as *gula* or *luba*. The term *gula* also refers to the person who enters the grade. *Gula*, I believe, could not be translated without distortion. Hence I prefer to employ the original Oromo term throughout this thesis. Unlike

the other *Gada* grades, *gula* lasts for forty years among the Waliso. A person remains *gula* until the generations of his sons become *gula* grade (cf. Bassi 1994:22). However, a knowledgeable *gula* who is still strong enough to attend ritual and political issues could remain so for more than forty years. The Waliso *Gada* allows a father and a son to be *gulas* at a time. A father preserves his *gula* rights through the process called *muuxachuu* meaning 'to slough.' *Muuxachuu* renews the position. The renewal is allowed by the son's generation set.

Former writers have never reported such an element in *Gada* system. Thus, *muuxachuu* (to slough) is a new element adopted as a coping mechanism to preserve the system in the face of the gradually declining *Gada* system. A person is allowed to remain in power for a long period of time, as there is a shortage of *gulas* who play an important role in all aspects of the life of the people.

### **3.8. 2 Law Making (*Seera Tumuu*)**

The beginning of eight years reigning time is marked by the proclamation of the new law. The Waliso make law on the occasion of general assembly, they call *yaa'ii haraa*, equivalent to the *gumi gayo* of the Borana (cf. Asmaroom, 1973). Once the group enters the *gula* grade, the next eight years is known by its name. Asmarom (1973: 83) states, "the strongest indication that the class was in power is the fact that it imparted its name and its ritual attributes to the period of history when it was *Gada* (vi)." Currently, among the Waliso laws are made and proclaimed, the former laws are renewed and amended every eight years by the name of the reigning set. Otherwise it is a common activity of all *gulas* of all *Gada* sets.

The reigning set proposes the law with the consent of the experienced *gulas*. The proposal is enriched, improved upon and amended through public debate before proclaimed law.

Once agreed upon, they formalize the law through the process known as *seera tumu* (law making) that involves a very elaborated ritual performance. The *gulas* of the class in power select two *gulas* from any *Gada* set based on seniority. The selected *gulas* kneel down and lay down whips and pronounce the law (see picture-3).

The act of making and proclaiming law is always preceded and concluded by prayer (see picture-2 and 4). Mohammed (1990: 16) expresses this fact as one of the points where politics and rituals intersect. The following is an example of law making (*tuma*) ritual.

**x** = the first *gula*

**y** = the second *gula*

Step – one (general principles) **X** starts, **Y** responds

**X**

*Kottu*

Please come

*Akka ati dhufte nagaan biyya haa dhufu*

May peace come to us as you come here

*Bakkalchi milkii haa ta'u*

May star be good fortune

*Bakkeen nagaa haa ta'u*

May pasture be peaceful

*Allayyaan dirree haa ta'u*

May ravine be flat

*Horiin haa horan*

My cattle reproduce

*Dheedanii haaa barbadeessan*

**Y**

*Dhufe*

Here I am

*Haa dhufu*

May it come

*Haa ta'u*

May it be

*Haa ta'u*

May it be

*Haa ta'u*

May it be

*Haa horan*

May it be

*Haa barbadessan*

May cattle graze and annihilate	May it be
<i>Barbadaan suga haa ta'u</i>	<i>Haa ta'u</i>
May the ruined suits the cattle	May it be
<i>Dhugani haa boressan</i>	<i>Haa ta'u</i>
May they drink and make the stream turbid	May it be
<i>Booruun gabbina haa ta'u</i>	<i>Haa ta'u</i>
May the turbid be fruitful?	May it be
<i>Gumbiin haa guutu</i>	<i>Haa gutu</i>
May granary be full	May it be
<i>Dessuum haa ofkaltu</i>	<i>Haa ta'u</i>
May women deliver safe	May it be
<i>Ijoolleen haa guddattu</i>	<i>Haa guddattu</i>
My children grow-up	May it be
<i>Kan guddate haa dubbatu</i>	<i>Haa dubbatu</i>
May the grown up be knowledgeable	May it be
<i>Beekaan haa bulu</i>	<i>Haa bulu</i>
May the knowledgeable live long	May it be
<i>Waaqni kan roobaa haa ta'u</i>	<i>Haa ta'u</i>
May waaqa give us rain	May it be
<i>Roobni kan margaa haa ta'u</i>	<i>Haa ta'u</i>
May rain be for grass	May it be
<i>Margi kan saawwaa haa ta'u</i>	<i>Haa ta'u</i>
May grass be for cattle	May it be
<i>Sa'ii kan abbaa haa ta'u</i>	<i>Haa ta'u</i>
May cattle be of the owner	May it be
<i>Rimaan haphee haa ta'u</i>	<i>Haa ta'u</i>

May conception be a success (stick at)	May it be
<i>Kormi cirrii haa ta'u</i>	<i>Haa ta'u</i>
May bull be hippopotamus bird (easily mount the cow)	May it be
<i>Arrabni koo fi kee milkii haa ta'u</i>	<i>Haa ta'u</i>
May our words be good fortune	May it be
<i>Ani fi ati hin magsine kan maqsu nu hin gahin</i>	<i>Nu hin gahin</i>
We are not to mislead, may the misleading be far away from us	May it be

Step- 2(general principles) **Y** begins speaking to **X**

<b><u>Y</u></b>	<b><u>X</u></b>
<i>Kan ati jette milkii dha milkiin biyyaaf haa ta'u</i>	<i>Haa ta'u</i>
You said good thing, may good fortune be for the nation	May it be
<i>Biyyi nagaa haa ta'u</i>	<i>Haa ta'u</i>
May our land be peaceful	May it be
<i>Dinni bitaa haa galu</i>	<i>Haa ta'u</i>
May our enemy be on the wrong side	May it be
<i>Waaqni qananii dha</i>	<i>Haa ta'u</i>
<i>Waaqa</i> is praiseworthy	May it be
<i>Lafti qananii dha</i>	<i>Haa ta'u</i>
Earth is praiseworthy	May it be
<i>Kormi qananii dha, hari'ee dhalcha</i>	<i>Haa ta'u</i>
Bull is praiseworthy, for it mounts cow	May it be
<i>Abbaan qananii dha, waan nama uumeef</i>	<i>Haa ta'u</i>
Father is praiseworthy, for he procreates	May it be
<i>Haati qananii dha, garaatt baattee dugdatte dabarfatti</i>	<i>Haa ta'u</i>

Mother is praiseworthy for she carries in her womb and on her back	May it be
<i>Fardi gananii dha, ari'ee qaqqabsisa, fige jalaa baha</i>	<i>Haa ta'u</i>
Horse is praiseworthy, for it enables to catch up the enemy and to flight from enemy	May it be
<i>Burqaan qananii dha, bishan irraa argatu</i>	<i>Haa ta'u</i>
Spring is praiseworthy for it is the source of water	May it be
<i>Alangaan qananii dha, seera ittiin tumu</i>	<i>Haa ta'u</i>
Whip is praiseworthy, for it serves to make law	May it be

### Step – 3 (specific issues)

After these preliminary steps, the *gulas* proceed to proclaiming the law. They decide upon major issues, pronounce what would be the consequence of what, how the breach of law is punished and the ruptured relations could be restored, for instance as follows.

<b>X</b>	<b>Y</b>
<i>Fudhaa fi herumni jifuu dha</i>	<i>Eyye, jifuu dha</i>
Marriage is basic	Yes, it is
<i>Baasii guddaan ilma gahe fudha, intala geesse heeruma dhowwa</i>	<i>Eyye ni dhowwa</i>
Much expenses are obstacles to a marriage	Yes it is
<i>Gatiin margaa soddoma hin caalin</i>	<i>Haa ta'u</i>
Let betrothal expense be not more than thirty Ethiopian Birr	May it be
<i>Uwwisaan abbaa bullukkoo haa ta'u</i>	<i>Haa ta'u</i>
Let a bride price for a father be <i>bullukko</i> (cotton blanket)	Let it be
<i>Uwwisaan haadhaa gaabii haa ta'u</i>	<i>Haa ta'u</i>

Let a bride's mother be given *gabbii* (cotton cloth smaller than *bulukko*) and so on.

Let it be

The *gulas* provide a summary of justification to pass laws. For instance, a law related to homicide is based on the very idea of the inevitability of dispute and necessity of controlling dispute. They underline that though it is unfortunate, homicide often happens. The slayers run away, the victims embark on vendetta. If not controlled, things will escalate and go out of hand, but for no use. They believe that there is no way of reversing the act of homicide, i.e. the man would not come back and there is no need to let the living suffer the consequence. Tedecha (1988:181) presents similar view of the Guji Oromo. The Guji believe that resorting to force to avenge the offense never maintains social order. It is therefore, in line with this principle that they pass law to deal with murder. Such a process of making law has been practiced every eight years. But when situations dictate, it could be made in less than eight years. The following statements usually conclude the law making (*tuma*).

**X**

*Tumaan kun seera*

This *tuma* is a law

*Guungumni hin jigsu*

No grumbles (murmur) will collapse it

*Kenni hin balessu*

Bribe will not violate it

*Kun murtii dha*

This is decision

*Murtiin seera waliso ti*

This decision is Waliso's law

**Y**

*Eyyee seera*

Yes it is

*Hin jigsu*

Never collapse it

*Hin ballessu*

Never violate it

*Haa ta'u*

Yes it is

*Seera Waliso ti*

Yes it is

*Jilbi keenya ni tura*

This law will live long

*Kun afaan maa?*

Whose word is it?

*Ni tura*

Will live long

*Afaan waaqaa*

*Waaqa's words*

Two explanations are given regarding the meaning of the whip that the *gulas* use to make the law. The first approach suggests that the whip of the *gulas* is made up of hippopotamus skin, which is too strong. In making law the *gulas* indicate that their law is as strong as the whip. Others say whip is an instrument to threaten and punish with. So is law. People are supposed to abide by *seera* (law), the breach of which results in punishment. The actual whip, therefore, symbolizes the potential resultant of disrespect of the law.

Lastly, though Lewis, in his various writings, and Knutsson (1967) admit the presence of many *bokkuu* centers among the eastern Macha, they relegated the *Gada* System to a mere *Gada* feast performed every eight years with no political importance, but ritual significance. As opposed to this view, I argue and witness that the Waliso *Gada* system still plays important political, social, and religious roles. It has significance in resolving conflicts, and proclaiming law and enforcing it.

### **3.9 The Status and Roles of Women**

Family is one of the central institutions among the Oromo. Sexual stratification is apparent within this basic social organization. The Oromo call the father as *abbaa manaa* (father of the house) and the mother as *haadha manaa* (mother of the house). Male (*abbaa manaa*) is the head of the household who is an authority figure and plays a key managerial role.

At a clan level, according to Kuwee (1997), women are considered outsiders (*alagaa*) and are

not members of both the clan into which they were born and into which they were married. As opposed to this, in principle, the Waliso women are given full lineage membership. They have the right to claim help and the duties to assist in time of hardship on an equal basis with male members of their lineage. However, the Waliso attach greater value to sons than daughters. This mainly stems from two assumptions: firstly, the continuity of patrilineal descent line, which deserves high value, is possible only through sons. Secondly, daughters are married and they become outsiders as opposed to sons who look after their parents and their belongings, especially in the latter age.

It is commonly said that women are restricted to domestic work and are excluded from public activities, including conflict resolution. In this regard, Asmarom(1973:19) shows that the Oromo women are entirely excluded from *Gada* age grade. On the other hand, he attests that the system is uniquely egalitarian in which women too have roles to play. Kuwee (1997) also discusses that the *Gada* system, which seemingly excludes women, has designed an institution known as *siiqqee* that actively excluded men.

Physically according to Kuwee (1997:3), *siiqqee* is a stick given to the bride on her wedding day and stay with her throughout the rest of her life (see picture-5). But as an institution, *siiqqee* refers to the “weapon by which Oromo women fought for their rights. *Gada* law provided for them and society honored it. Thus, the *siiqqee* institution functioned hand in hand with the *Gada* system as one of its-built-in mechanisms of checks and balances.”

Kuwee further explains that women use *siiqqee* for various ceremonial purposes. They use it to symbolize their status and honor, to protect their rights and to resolve conflicts that range from martial dispute to inter clan fighting. Women use *siiqqee* to curse and to bless, too.

Nevertheless, *siiqqee* as an institution has gradually declined among the Waliso. Currently, *siiqqee* exists as a ritual stick connoting the irresistible religious and moral authority of women. It could be employed on certain ritual occasions including that of pleading for mercy after homicide.

Lastly, despite the fact that women seem to play marginal role in political activities, politics is not entirely the business of men among the Waliso. There is evidence that in present *Gada* system for every role of men, there is a parallel role for women. And *Gada* law backs this. For instance, when a man is in *gula* age grade his wife is *kalaalee* (see picture-5). A *kalaalee* becomes *cifiree* when her son enters a *gula* grade. And these women have roles to play in the ritual practices embedded in the system. Hence, women, I argue, are not excluded from *Gada* system, but only from age grade.

### **3.10 Oromo Religion**

#### **3.10.1 The Concept *Waaqa***

Before the introduction of Christianity and Islam, the Oromo practiced their own religion, which is a belief in a monotheistic, one-supreme deity, known as *Waaqa*. According to *Gada* (1988:19), *Waaqa* can loosely be translated into English word God. *Waaqa*, for the Oromo, is the creator of universe, source of order and justice, omnipotent, omniscient, omnipresent. The belief in such a powerful creator is called *Waaqeffanna*.

*Waaqa*, as Knutsson (1967: 48) states does not have personal form. He is also physically inaccessible, but simply manifest himself through his deeds. However, the Oromo believe that despite the inaccessibility of *Waaqa*, rituals and prayers provide a path of

communication through which the power of divinity can flow into the human world. There are also other smaller divinities called *ayyaana* to deal with day-to-day activities.

### **3.10.2 The Concept *Ayyaana***

Gemetchu (1993:104) says that the term *ayyaana* is given a confusing set of meanings. Some of the writers on Oromo, for instance, Morton (1975:73) define *ayyaana* as a divine being with no precise picture that inhabits the atmosphere. On the other hand, Bartels (1983:112) state that for the Oromo the world is full of *ayyaana*. Every thing animate and inanimate has its own *ayyaana*. *Ayyaana* is given from birth to guide and guard the possessor. According to Gemetchu (1993:75), to the custodians of the traditional wisdom, "*ayyaana* is what causes the thing to come into existence as well as becoming that which it has caused." In spite of these controversial meanings of the concept *ayyaana*, it is true that, currently, any ordinary Walisoo think that *ayyaana* is spirit that has an active role in day-to-day routines. Through out this thesis, I employ the term to denote a divine being or spirit.

### **3.10.3 The *Qaalluu* Institution**

The Oromo have had an institution called *qaalluu* to interpret the law of *Waaqa* and *ayyaana*. Mohammed (1990:6) defines a *qaalluu* as "high priest who was spiritual leader of Oromo traditional religion." The same is true for Knutsson (1967), Lewis (1970, 1990) and Asmarom (1973, 200). According to these scholars, whatever its origin the *qaalluu* institution has been in function since time immemorial, as one of the most important institutions in guarding and interpreting the law of the creator (*Waaqa*).

Mohammed (1990:7) reveals that the relations between *Waaqa* and *qaalluu* institution necessarily leads to the story of *abbaa muudaa* (father of the anointment). The meaning of the term *abbaa muudaa* is controversial. Scholars such as Cerulli (cited in Asmarom, 1973) consider it as the place where the Oromo went to celebrate the *muudaa* ceremony. On the other hand, for Asmarom (1973, 2000:94) *abbaa muudaa* is a common name of the *qaalluu*. Despite this controversy, literature on Oromo shows that in the past, the Oromo made their pilgrimage to the famous *abbaa muudaa* in the Boranaa land from all over Oromo land. The pilgrims are called *jila*, the representatives of the *Gada* set of their respective clans. The *jilas* received blessing and instructions on laws of the creator (*Waaqa*) and ritual functions (Mohammed, 1990).

However, according to Mohammed, by the beginning of twentieth century following the incorporation of Oromo land into the Ethiopian Empire, Memelik II banned the pilgrimage to Borana land. In response to the ban and other external and internal factors, a different form of the *qaalluu* institution has emerged. This has been more prevalent among the eastern Macha.

### **3. 10.4      *Qaalluu* Institution Among the Eastern Macha**

A new form of *qaalluu* institution has emerged among the eastern Macha at the beginning of twentieth century (cf. Mohammed 1990:9, Lewis 1970:103-4 and Knutsson 1967). As opposed to the past, *qaalluus* who were simple ritual experts and claimed no special contact with the spirit, the *qaalluu* of the eastern Macha claims to represent spirit, which possesses him and speaks through him. The Macha *qaalluus* are neither the symbols of moieties nor have relations with the *Gada* system (Knutsson, 1967) and (Lewis, 1970). Lewis (1990:59) puts that the eastern Macha are reusing an old term but applying it in an entirely different religious and political context. The *qaalluu* in the area has risen to new position at the

expense of the fall in fortune of the war leaders. This was the result of the incorporation of the area into the Ethiopian Empire and the weakening of the *Gada* system.

Based on my ethnographic data, I argue in favor of Lewis that the prominence and importance of *qaalluu* vary in both time and space. As *Gada* system has progressively declined, the power of *qaalluu* has increased. The present conditions in eastern Macha also confirm this fact. Among the Waliso Oromo who even though it waned and waxed overtime, continuously practiced *Gada* system, the role of *qaalluu* is relatively less. Among the Abebee clan (adjacent to the Waliso) who have already abolished *Gada*, the *qaalluu* plays a decisive role in every respect of the life of the people. Moreover, the Waliso have *bokkuu* of the *Gada* system as a symbol of final authority. To the contrary, the chief *qaalluus* of the Abebee claim the position of *abba bokkuu*.

At every *qaalluu* center, a ritual known as *kudharfan* is performed every fourteenth day. On these occasions many followers gather at the *galma* (ritual hall) from far and near seeking solution for problems, social, spiritual or material nature. In addition to *kudharfan*, people often visit the *qaalluu* centers every non- working day.

The number of followers of a *qaalluu* waned and waxed across his ability to provide effective and efficient solutions for their problems. I repeatedly, visited Ancabbi one of the ritual centers of the chief *qaalluu* Araarsaa Sibiiloo. I witnessed that he is still prominent and has many followers. Each time, I observed that hundreds of people gathered there. The *qaalluu* is also successful in dealing with the spiritual and material concern of the people and in winning followers.

Currently, there are three main religions among the eastern Macha: Christianity, *Waaqeffannaa* and Islam. According to CSA (1996) the dominant religion in Dandi *woreda* is Orthodox Christianity. Out of 181, 288 people of the *woreda*, 160,683 were reported Orthodox, only 13,000 and 894 accounted for *Waaqeffannaa* and Islam respectively. However, this state document does not recognize that the majority of the Oromo of the eastern Macha who have reported to be Orthodox Christians have simultaneously propitiate *qaalluu*. In this regard, Lewis (1990: 45) states that the Ethiopian orthodox churches in this area are isolated islands that have nothing to do with the real life of the people. He made an excellent conclusion that "although Mecha Oromo were Christian in the most nominal sense, the church played virtually no role other than as a site for burial" (1990: 61).

My ethnographic data leads me to a similar conclusion. The Waliso go to churches mostly to participate in burial ceremonies. It is common to find large gatherings at *qaalluu* center every non- working day, whereas only a few at Orthodox Churches. They take their children to *qaalluu* for *hammachisaa* (naming ritual) with no time, but baptize when convenient. They know little or nothing about Christianity but talk much about a *qaalluu* and his *ayyaana*.

In general, for the last hundred years, the idea of the intermediary function of a *qaalluu* as a path of communications between human beings and the spirit (*ayyaana*) have won full acceptance among the eastern Macha (Lewis, 1990: 60). Hence, the *qaalluu* institution has played important roles in the traditional socio-political system of the society.

### **3.11 The Social Value of a Curse**

There is a great consistency in the belief that curse leads to misfortune among the Waliso. They often ascribe the reason of their misfortune to the act of the spirit (*ayyaana*). Curse is

one way of invoking the spirit to harm a person in all aspects of his life. It is also believed that a curse hurts the descendants of the cursed up to seven generations.

However, the Waliso believe that curse harms if and only if it is morally justified. It does not hurt the innocent person. The verdict whether or not the cursed person is innocent is in the hands of the spirit or/ and *Waaqa* in the name of which the curse is pronounced. In general, curse is the ultimate power that deserves social value that the Waliso use to enforce the value and law of the society.

### **3.12 The Social Value of Drinking**

Most social gatherings and celebrations such as marriage ceremony, *Gada* feast, cooperative work, etc. are accompanied by feasting and beer drinking among the Waliso. Drinking is not only essential for the celebration of any especial occasion, but guests, friends and relatives are entertained with beer. Beer plays a significant role in social life, in facilitating both long and short-term exchanges. It is a means of sociability and expressing one's respect and friendliness. Beer is available for free on ceremonial occasions and so is it for sale. Especially, it is available in large amount for sale at market places on market days. So majority of the marketers buy and drink beer.

My Waliso informants attested that alcoholic drinking has been a very recent development in the area, adopted following the regular contact with other people and probably diffused from other cultures. Though the Waliso consider drinking as a means of facilitating sociability and co-operation, they are well aware of its adverse effect. Their feelings are apparent in the following sayings: '*yaa araqee michuu sarage*' (O! you liquor the friend of vagabond) and '*yaa araqee taliila malakkaa keessaa, jaarsa kuffiftee irra gubbaa teessa*' 'O! The

liquor the pure in the cup, you give an old a nasty spill and a real dump.' Drinking is relevant to this study, because it is one of the causes of conflict among the Waliso as discussed below.

### **3.13 The Causes of Conflict among the Waliso**

It is very natural to any society, People that live together engage in various forms of interactions, including clashes of interests. In these interactions, actions of one may violate the interest of others and could cause damages to them. These damages of interest may be physical, material or moral. But what types of dispute are more frequent and what are their motives among the Waliso?

My sources from official data on dispute cases are the *woreda* court, *woreda* police based in Ginchi and zonal court in Ambo. However, in the rural areas the overwhelming majority of the offenses are not normally reported to the police or taken to the court. They, therefore, do not appear as part of the statistics of government institutions. Hence, no official data could be taken seriously as representative of the magnitude of conflict in the area. In the mean time, these data are useful in identifying some offenses and their motives. The following figures from police records show criminal offenses that are taken to court over the last five years.

Table – 1 Criminal Cases that are taken to the Court over the Last Five Years

	Year				
	1996-7	1997-8	1998-9	1999-2000	2000-01
Homicide	29	14	28	34	19
Attempted Murder	11	11	4	9	6
Physical violence	117	84	78	97	79
Arson	13	6	7	5	6
Theft	76	73	79	90	75
Dishonesty	18	21	22	45	37
Minor breach of law such as insult un willful or intentional damage to property, defamation, corruption, etc.	69	101	108	83	106
Adultery, rape, abduction	7	12	4	8	14
Clearing forest and killing wild animal	43	13	29	17	14
Total	382	335	359	388	356

Source: Dandi Woreda Police.

The primary cause of conflict seems to be in the area of economic interest that include dispute over territory of adjacent farm land, pasturage right, intentional or accidental damage to property, inheritance, failure to repay debts, theft, marital dispute involving right to property, etc. A breach of peace may be caused by cultural factors such as failure to carry out one's obligations to kinsmen or self help association (*iddir*) members, adultery, abduction and the like. This is confirmed by both official documents and my primary data. In addition, officials of the police, judges and elders say that drunkenness is among the principal causes of most dispute cases. This is certainly a common idea among the general public too.

Alcoholism comes into play in two ways. The long-standing ill feeling that is insufficient to cause offense could be flared up into violence due to drunkenness. An Oromo proverb to express this is '*biqilli farsoo baasee farsoon waan garaa baasa,*' which means 'in wine is truth.'

Secondly, the Waliso have experienced a number of cases that could be attributed to drunkenness alone. This is justifiable to a certain extent that, in some of the dispute cases the disputants got into conflict in the context of beer drinking without any pre-existing differences. The consideration of the place of beer drinking as an incitement to violence also indicates that some of the violence including homicide is not premeditated, rather it may be the unintentional outcome of a quarrel in which alcoholic stimulation plays a significant role. Hence, no single factor could provide sufficient explanation for the cause of conflict among the Waliso.

### **3.14 Oromo View and Classifications of Wrongs**

#### **3.14.1 Oromo View of Wrong**

Oromo view of wrong is based on the idea that the creator (*waaqa*) has given every thing, animate and inanimate in a well-balanced cosmic order. Everything has also a role to play and a natural right to live. This takes us to the concept *safuu*. *Saffu*, as Bartels (1983:170) defines, "implies that all things have a place of their own in the cosmic and social order, and that they should keep this place. Their place is conditioned by the specific [*ayyaana*] each of them received from the *waaqa*". Gemetchu (1993) presents similar view of *safuu*. He states that *safuu* is a moral category that shapes Oromo view of wrong and right, and distance and respect.

My data has remarkably agreed with this view. The Waliso confirm that any act that disturbs the cosmic and social order is against the law of the creator. Consequently, an Oromo view of cosmic order and the law of the creator provide many checks and balances on their interactions with their surroundings. They think that it is unjust to let the grass be overgrazed,

the spring to be dried up, the land remain forestless. They have a category of trees to be cut and categories of wild animals to be killed including how to kill and when to kill. For instance, it is a taboo to cut a young junipers procera (*gattira*) for it will never revive, but eucalyptus (*bargamoo*).

Similarly, they believe that night is for the wild, while day is for the human beings. Thus, anyone who comes across, for instance, a hyena during the nighttime should respect it. Any attempt to attack such a wild animal with no reason is believed to have two consequences. The creator whose law is breached will release sickness, calamity or other misfortune against the offender.

Secondly, the Waliso believe and have experienced that wild animals such as hyena, snake, rat and crow avenge in-group any unjust act of human beings against them. A killer of a hyena often faces and confronts hyenas for the latter hunt the former for revenge. The hyenas may retaliate by attacking the animals of the killer. Crows take revenge by destroying the thatch of a hat. As a solution, the Waliso, therefore, have a mechanism of resolving such conflicts between wild animals and human beings.

Workineh (2001: 52-58) presents practical instances of this culture. He discussed the case in which a person paid a blood price to compensate the killing of a hyena. Workineh describes the practice as strange to modern world. I really agree with him. In the mean time, I witness that the practice is still persisting. I also recognize that the issue is a potential area for anthropological studies. However, in this thesis, the focus is on the dispute among people particularly homicide cases, for the limited time and space.

### 3.14.2 Oromo Classification of Wrongs

As opposed to modern legal law, the Oromo in general and the Waliso in particular do not make explicit distinction between wrongs, which injure the entire community, and those that injure individuals. They believe that every wrong that threatens individual's right is also harmful to the society at large and vice-versa.

However, it is noticeable that among the Waliso wrongs are of two types: the mystically dangerous acts and those acts that are mere violation of law. For instance, homicide whether accidental or intentional and incest are serious offences against the law of *waaqa*. They require ritual reparation, in addition to the jurial procedures to redress the breach of peace. On the other hand, wrongs such as theft, insult, and minor bodily injuries do not involve ritual reparation. They are simply followed by reference to jurial institutions. In this study, wrongs that require ritual reparation, especially homicide is given much attention.

To sum up, this chapter attempts to present the general setting of the study area. The forthcoming chapters focus on the discussion of the administration of justice within this setting. In particular, the next chapter presents the Oromo justice system and the change it has undergone.

## CHAPTER FOUR

### OROMO LEGAL SYSTEM AND THE IMPACT OF CONQUEST

This chapter mainly presents the impact of conquest on the Oromo legal system and the current status of indigenous mechanisms vis-à-vis government court. It also shades light on the nature of *Gada* court and the change it has undergone owing to both internal dynamics and external factors. Hence, it serves as a transition between the previous and forthcoming chapters.

#### 4.1 Change and Continuity of the Oromo Justice System

The Oromo traditional administrative and justice system has operating within the institutional context of *Gada* system. Under fully operational *Gada* system, disputes including inter clan conflicts have been managed and resolved by *Gada* officials in line with the Oromo indigenous laws. This confirms Asmarom (1973) who says that one of the functions of *Gada* Assembly is the maintenance of peace (*naga*). Also, Abera (1998:44) states that Oromo indigenous law is embedded in the *Gada* system.

During the sixteenth century, the Macha and the Tulama who had a common *Gada* government had also common law. The leaders had legitimacy of declaring war, mobilizing resources for common purposes, resolving conflicts to maintain order and concluding peace on behalf of the people. Similarly, the Macha who moved further away to the west were ruled under common law set at their common head quarter (Mohammed, 1990:41). Any inter and intra clan conflicts were dealt with by this common law.

Tesema (1980: 19-23) shows that the Oromo had developed traditional mechanism called *qabiyyee* system, which means land-holding system to manage the rival claims on land. The system was effective under the *Gada* system. However, with the disintegration of common governments such as the Oda Nabe of the Tulama-Macha confederacy and the Oda Bisil of the Macha groups, clashes over territories among Oromo groups have led to continuous wars.

Different Oromo groups were engaged in constant and unceasing fights. This was mainly caused by the right of pasturage and borders that was economic in nature rather than the political goal of establishing domination over the other. None of them appeared as conquerors, but as constant raiders.

Truilizi (1973: 1-13) made an interesting observation of this institutional consequence of the state of war among the Macha. During the seventeenth through the second half of the nineteenth centuries, the power of the *Gada* assemblies with their elected leaders was gradually taken over by the de facto leadership and the emerging class of wealthy men, most of whom were the *Abba Dulas* (war leaders) who fought ceaseless intertribal wars. The unceasing nature of war dictated the continuation in office of the experienced *Abba Dula* to defend the community from outsiders. Meanwhile, the prolonged term of office threatened the very republican institutions of the Oromo. My data confirms Truilizil's observation that among the Waliso, the power of *Abba Dulas* whom they call *moti* progressively superseded the power of *Gada* assemblies.

Consequently, the *Gada* system underwent considerable changes and lost the former peaceful mechanism of handling inter-tribal dispute over the area. The war fought around involved the loss of many lives and repeated raids and counter raids. Killing a man of other clan was not

prohibited rather killers were decorated, warriors were encouraged and raids were initiated. In this case, there was no blood price paid and no negotiation for reconciliation was conducted between the warring parties, rather a simple ritual of purification that involved the slayer was performed. The killer slaughtered a sheep and washed his hands with its blood to insure against future damage in response to supernatural requirements (see Bartels, 1983: 235).

On the other hand, the Waliso claim that there was no war fought within the Waliso; instead the *Abba Dulas* of different Waliso clans fought others in support of each other. According to the Waliso, the presence of common *Gada* (*Gada* Waliso) and common law symbolized by common *bokkuu* fully explains the peaceful coexistence of the Waliso clans. The already operating *Gada* system that was unable to provide peaceful means of handling crisis for the society at large was successful in managing dispute arose within individual clans and among the Waliso clans. The day-to-day conflict resolution and the application of justice were well performed by the *Gada* officials owing to the common *bokkuu*. In this regard, Fortes and Evans-Pritchard's (1940:17) statement "members of an African society feel their unity and perceive their common interests in symbols, and it is their attachment to these symbols which more than any thing else gives their society cohesion and persistence" is relevant to the Waliso case.

#### **4.2 The *Gada* Court System.**

According to Asmarom (1973: 93-96) in Borana society among whom *Gada* is still fully operational, *gumi gayo* that is the assembly of the representatives of the entire society is a law making body. This body has the highest degree of political authority. The *gumi* is held under a green tree known as *dhaddacha gumi*. Green for the Oromo is the symbol of

justice. This is common practice among Oromo groups. The Waliso's *yaa'ii haraa*, similar to *gumi gayo* is held under a tree at Hindhee Yaa'ii near the Dandi Crater Lake (see picture 1). The same *gumi* that is the law making body as Asmarom (1973: 86) states also devotes some of its time to the settlement of disputes. It hears and resolves conflicts of any sort when it is sufficiently important to be discussed at the level of assembly (*gumi*).

However, *gumi gayo*, which is held only once every eight years, could not entertain a day-to-day conflict resolution. Rather, *Gada* system has had its own administration of justice and court system. Abera (1998: 52) shows that in *Gada* court three *gulas* have served as permanent judges. In addition, each party in dispute selects three assessors to sit for hearing their case with the permanent judges. Nevertheless, the nominee of each party should secure the approval of the opposite party to be selected. Together with the three judges, the six selected elders constitute the full bench of the court and would sit for a hearing. The court was known as *dhaddacha* or *shanacha*. The proceeding has been open for any male member to attend.

The court has been held in an open field under a tree as in the case of law making. It has permitted full interaction of the parties. They could even request the postponement of the proceeding when need be. The formal procedure of requesting for adjournment of the hearing was by saying *qabe* (I behold). According to Asefa (2001: 12-13) they usually employ this method in seeking further information and piece of advice on the matter under investigation. Abera (1998) further discusses that after hearing arguments and counter arguments of the disputants, judgments are rendered. Such judgments are supposed to be given by consensus in consulting *Gada* law and local customs. Of course, according to Abera, there has been a chance to give verdict on a dispute case by majority vote.

The decision of such court was not final, as any party that refuses to accept the decision had a right to appeal against the verdict. Asefa (2001) states that a formal way of requesting for appeal was by saying *bokkuu qabadhe* (I hold the scepter). This appeal has been taken to the court of another clan. According to Abera (1998), while the appellants move from place to place for appeal, any Oromo group through whose land they travel had the responsibilities to guide and provide shelter and food.

The Oromo have had a symbol to identify appellants that move from one clan court to another. The symbol has been adopted to cope with the expansion of Oromo over large territories that the appellants had to cover and the enmity among different tribes. Yelma (1959:220-24 quoted in Abera, 1998: 52-53) gives a good summary as follows:

those persons going from one clan to another for an appeal should hang a white cloth on their stick and hold it high above their head. Whenever any person encounters them; he should provide them with food, water and shelter and should also show them way, whenever so requested. If the existence of bandits was ascertained, then armed persons would accompany the party. The white flag should be taken as a sufficient notice as to the identity of the persons and the purpose of their movement.

As Abera (1998) states the appeal has been presented orally by two assessors from the initial court to the court of appeal. The verdict of the later court would be final. Abera makes an interesting conclusion that the system of appeal served two purposes. It served maximum fairness and impartiality. It also maintained the spirit of unity among the Oromo groups through the preservation of common administration of justice.

However, such a system of appeal has caused great inconveniences both to the parties in dispute and the assessors who have reported the case to the court of appeal. In the mean time, though the assessors have been expected to present the fact without any distortion, there has

been still high chance for the report to be misinterpreted and distorted. As a response to such a great deal of problems, Abera (1998) says that the Oromo has organized a court of first instance and an appellant court in the same locality. Accordingly, the court of appeal constituted judges who were not members of the court of first instance. The number of judges in higher court also exceeded the number of judges in the lower court at least by two.

Women did not serve as judges in such traditional Oromo *Gada* court. But according to Abera (1998: 54) they played a significant role in arranging and opening negotiation between two clans in feud. Traditionally, any clan has cultural duty to fairly treat such a pleading of women for mercy. Women forwarded their requests by holding their *siiqqee* and *caaccuu* (see picture-5). *Caaccuu* is a ritual object used only by women, and is worn on the right wrist serve as a symbol of female fertility and of fullness (Bartels, 1983:146-147)(see picture-5 in appendix).

In addition, according to Assefa (2001), women participated in settling family dispute. A woman whose rights are violated could report to her peers in seeking their intervention. Women in the area take their *siiqqee* to fight for their right. They thoroughly investigated the truth of her claims through their representatives called *shanee*, the committee of five members, if need be. However, in this regard, Kuwee (1997) explains that on the complaint of a woman, her words are taken at face value to penalize the offender without witnesses testifying to the case.

The main aim of Oromo traditional court has been reconciliation of the disputant parties and restoration of peace and order. In this process the person or party who suffered the consequences of the offense has been compensated and the offender fined. Court decisions

among the Oromo have been enforceable through both secular and sacred sanctions. Secularly, they enforced decisions by destroying and confiscating the properties of the backsliders (see under 3.4 in chapter three and the *heerata* practice under 6.4.1 in chapter six). They also resorted to cursing, which is sacred sanction. On the other hand, Bassi (1994:16) shows that the Borana *Gada* officials do not employ force to enforce their decisions; rather they exclude the offender from *nagaa* Borana (peace of the Borana). The exclusion goes as far as withholding greetings and blessings and separation of the recipient from all social and ritual support.

However, I believe that the disposition of executive force and psychological mechanisms of enforcing decisions are not contradictory among the Oromo. Rather, they complement one another. Currently, the Waliso of eastern Macha employ both options. The *shanachas* (lineage leaders) often mobilize a lineage to punish any one of their members who does not abide by their decision. In mass, they demolish the offender's fence, slaughter his cattle or livestock and feed themselves. In the mean time, they make use of ostracization, exclusion, threat to ban him from lineage support and threat to curse as enforcing mechanisms.

### **4.3 The Enactment of Law in Ethiopia**

Externally induced changes coupled with internal dynamics have introduced significant changes into the Oromo legal system. With the conquest of Menelik II and consolidation of Haile Silassie, the Oromo have been introduced to an alien system of justice. Under the enactment of criminal code of 1930 and the proclamation of the Administration of Justice of the 1942 of Haile Silassie, the government courts were instituted (Shak, 1969:163).

Codification of law as Allott et al (1969:32) state follows different methods. In some instances, codification involves serious investigation of local customary laws. This is useful to safeguard traditional values and thereby attach the profound sentiments of the people with the code. In this case the law is not an abstract one. In others, codification disregards a full prior study of the local customary laws. Ethiopia's Law enactment took the second way. It adopted foreign system of justice and borrowed so many elements from Western legal system (Abera 1998). It disregarded the indigenous laws of the conquered. David Rene (1963:193) states that:

Ethiopia wishes to modify her structure completely even to the way of life of her people. Consequently Ethiopians do not expect the new code to be a work of consolidation, the methodical and clear statement of actual customary rules, they wish it to be a program envisaging a total transformation of society and they demand that for the most part it set out new rules appropriate for the society they wish to create."

Hence, the code neither retains a separate system of customary law nor takes into account Oromo laws. It has removed the treatment of major offences from any Oromo institution, and has established institutions without recognizing native law and customs. Art 3347 (1) of the Civil Code provides that, "unless otherwise expressly provided all rules whether written or customary previously in force concerning matters provided for in this Code shall be replaced by this Code and are hereby repealed."

Despite the banning of Oromo indigenous laws, initially the intervention of foreign structure in the system of justice was too minimal among the Waliso. Neither the people took their cases to the attention of government courts nor the bureaucrats were able to penetrate into the community to deal with disputes. However, government has progressively increased its intervention. Currently, the influences of bureaucratic law and changes in Oromo legal

systems are quite significant. Some of the traditional procedures of justice are treated illegal and punishable.

Hamer (1980:107) documents similar experience among the Sidama. According to him, the government system discourages initiative and responsibility for dispute settlement by the primary society. The autonomy of traditional institution in dispute mediation is considered as a threat to security.

Nevertheless, indigenous mechanisms have survived these interventions and still the Waliso deal with the majority of disputes from mere insult to homicide through various local modes of conflict resolution (this would be further elaborated in the forthcoming sections). Hence, two judicial systems exist in the area: the local mechanisms and the government court.

I now proceed to the discussion of government court for I believe it would provide clear insight into the status of government court vis-à-vis the local mechanisms. It also reveals the tactical move people make from one mode of conflict resolution to the other, together with the opportunities each offers, and how the Waliso use bureaucratic law as a means of enforcing their own value and culture.

#### **4.4 State Judiciary Powers**

My data on government judiciary system shows that an increasing number of the Oromo in the area are looking to government courts for legal redress. The police station receives a number of applications on criminal offenses of various types. However, paradoxically, most of the plaintiffs withdraw their charges formally whenever possible before the police prove the allegation through witness. They also intentionally avoid testifying the truth of

their claims if the withdrawal is not allowed. Hence, out of thousands of applications, only few cases are taken to the court having jurisdiction with complete records of a preliminary inquiry. Table 2 below presents some examples.

**Table- 2** Criminal Cases Reported to the *Woreda* Police Compared to Cases Taken to *Woreda* Court by the Police

Year	1996-7	1997-8	1998-9	1999-00	2000-01
Total applications	*	*	1312	1729	1635
Testified and taken to the court	382	335	399	353	356
Withdrawn	*	*	913	1376	1279

\* No information

**Source:** Dandi *Woreda* Police Station

Once a criminal case is brought to the attention of government court having jurisdiction, neither the case is dismissed on the ground that the case is minor nor the disputants are encouraged to resort to their traditional mechanisms. Based on the investigating police officer’s report, the public prosecutor frames the charge and accuses the suspect in violation of the Ethiopian penal code articles.

Nevertheless, still a considerable number of cases are discharged early in the *woreda* court proceedings using the loophole provided by Art. 122 of the Criminal Procedure Code. It reads 'with the permission of the court the public prosecutor may before judgment at any stage of the proceedings withdraw any charge other than a charge under Art. 522 (homicide in the first degree) or Art. 637 (aggravated robbery). Documents in the *woreda* court show that disputants demanded the withdrawal of the charges for they settled their dispute cases through reconciliation. The following table presents a few examples

**Table -3** Withdrawn Criminal Cases Compared to Cases that were Decided by the Government Court

Year	1996-7	1997-8	1998-9	1999-00	2000-01
Number of Closed Files (sample)	30	30	30	30	30
Court decision	9	20	19	18	16
Reconciliation	19	7	11	11	14
Withdrawn for other reasons	2	3	0	1	0

**Source:** - Dandi Woreda Court

The withdrawal of charges is more prevalent in civil cases than in criminal ones. A crime is said to be an offense against the public at large if it surpasses individual interests. In this case, it is the concern of the government that leads to criminal proceedings the purpose of which is the punishment of the wrongdoer. Thus, the withdrawal of criminal charges requires the consent of the public prosecutor, the court and the victim of the damage. The law tends to make the distinctions between wrongs that injure the entire community and those that injure individuals. On the other hand, civil cases are said to be personal. It leads to civil proceedings, which intends to enforce some rights claimed by the plaintiff against the defendant. In the latter case, the decision whether or not to withdraw the charge, is in the hands of the plaintiff. Consequently, from among civil cases taken to the government court, the majority goes back to traditional procedures.

Documents show that the court dismisses some civil cases according to Civil Procedure Code of the Empire of Ethiopia, Art. 69 (2) where neither party appears, or Art. 73 where the plaintiff does not appear, when the suit is called on for hearing. A plaintiff also demands the termination of a charge according to Art. 275 (1) and Art. 278(1), which permit a compromise between the parties in dispute. The following table shows some examples of the civil cases in the Dandi *woreda* court over the last five years.

**Table -4** Withdrawn Civil Cases Compared to Cases Settled by the Government Court over the Last Five Years

Year	Sample of Closed Files	Decided by the Court	Withdrawn Cases
1996 - 7	50	27	23
1997 - 8	50	27	23
1998 - 9	50	29	21
1999 - 00	50	19	31
2000 - 01	50	13	37

Source: - Dandi *Woreda* Court

Since recently, in the category of civil cases, family disputes (marital disputes) have been taken to the *woreda* court in an unprecedented manner. However, some of these disputants automatically terminate their charges without the knowledge of the court. This is done under the pressure of elders and relatives. Other cases are referred back to *yaa'ii firaa* (family council) by the court. Whether divorced or reconciled such dispute cases are handled by elders at local level through traditional mechanisms. Only insignificant numbers of cases in which the traditional mechanism fail to bear fruit are reported back to the court for appeal to the zonal court. Table 4 gives an over view of this

**Table - 5** Marital Conflicts Reported to the *Woreda* Court over the Last Five Years

Year	Total Cases Reported to the Court	Sample Cases	Withdraw on Their own Will	Referred to family Council by the Court	Appealed to Higher Court
1996 - 7	206	50	30	19	1
1997 - 8	269	50	34	16	0
1998 - 9	252	50	37	13	0
1999 - 00	255	50	30	20	0
2000 - 01	261	50	32	17	1

Source: - Dandi *Woreda* Court

Currently, Dandi *woreda* has only one public prosecutor, two judges and thirty-five policemen for 181,288 people and 1,513.4km<sup>2</sup> area of the *woreda*. The government judiciary personnel admit that in the face of such an extreme shortage of manpower, they are not in a

position to handle dispute cases in the area. They unequivocally appreciate the role that the traditional mechanisms of conflict resolution play in reducing the burden of the court and maintaining social order. They agree that had it not been for the support of traditional mechanisms, government courts would have been highly loaded and justice delayed more than it now does. Presently, numerous cases have stayed for many years without decisions. This is attributed to lack of manpower in the field of judiciary system. Related to this, Hamer (1972:242) argues that the Ethiopian government seems to accept the juxtaposition of the two systems. But it is only as a matter of convenience, for the mere fact that it would be beyond the capacity of the government court to handle the volume of cases disposed of by traditional mechanisms.

On the other hand, the court and the police station complain about the traditional procedures and their agents. This complaint is more evident in relation to what the law termed as criminal offenses against the society at large. Police documents show that serious offenses including homicide are dealt with by traditional mode of dispute settlement

Despite the possibility of non-reported cases, the police figures show homicide to be among the major criminal offenses over the last five years (see table -5 chapter five). But at *woreda* police level, it appears that registering cases is different from prosecuting supported by successful investigation. In some cases, the police's efforts to gather information on any matter relating to the offense face obstacles and remain unattainable.

Police blame traditional means of conflict resolution for their failure to prove the allegation. With the interferences of traditions and the settlement of a case at local level, neither of the

concerned parties cooperates with the police. Thus, in this regard, the government judiciary personnel consider indigenous mechanisms as illegal and anti codified law.

By way of concluding the chapter, since the last century, the Oromo has been introduced to an alien court, which has not recognized indigenous law and custom. The government has authorized the court and only the court adjudicates those offences that the law categorizes as offences against the public.

The Ethiopian government deliberately denied the practice of Oromo law. It rather enforced the assimilation and imposition of the law and custom of the ruling group. It was the one, and the best way, to guide and govern the conduct of the people in the intended society. Such aim at the back of codification is perfectly described in the work of Allott et al (1969: 33) who say that codification is a powerful weapon that governments have at their disposal to shape the course of economic, political and social development they intend.

Despite the imposition by the government and internal changes, the Oromo judicial system has retained its basic structure for centuries. The majority of disputes among the Waliso are still handled at local level. Informal mediators who do not have connection with the modern governmental legal institutions deal with wrongs including homicide, which is the gravest of crimes. In addition to local mechanisms, considerable number of the Waliso also resort to government court for legal redress when need be. Now I proceed my discussion on some of the local mechanisms of dealing with conflict.

## CHAPTER FIVE

### INDIGENOUS MECHANISMS OF DISPUTE SETTLEMENT

This chapter discusses three indigenous mechanisms of dispute processing among the Waliso of eastern Macha. The chapter focuses on relatively minor cases, which do not involve blood price and *guma* rituals. It thus aims at orienting the readers about indigenous mechanisms other than *guma*. It also shades light on some of the causes of dispute in the area.

#### 5.1 *Ilaaf- Ilaamee* (Negotiation)

The Oromo culture encourages the disputants to settle their case on their own through negotiation. Among the Oromo this sort of negotiation is called *ilaaf- ilaamee*. Such a negotiation is possible between parties who have no difficulty in communicating and negotiating over the issue at hand, and who really want the matter amicably settled. Asefa (2001) interprets that the phrase *ilaaf-ilaamee* indicates the very procedure of the negotiation. *Ilaa* means 'look' or 'listen' uttered by one of the two parties to start talking. It is a way of calling for attention. The second party uses *ilamee* to respond to the first one. The suffix *me* approximately means 'please', simply qualifies the politeness of the approach.

Although Asefa's explanation is quite good, my own ethnographic data does not lead me to this conclusion. As such, there is no specific and very strict rule to begin with and proceed by the negotiators. Rather, the first party may start with *ilaamee* or *me*, while the second possibly say *ilaa* or *me na dhagahi* 'please your attention'. Hence, *ilaaf- ilaamee* refers to the whole negotiation process and not the strict procedure to be followed, which is, of course, of less important.

*Ilaaf- ilaamee* negotiation is effective to settle cases, which the disputants want to keep secret from others for whatsoever reason. It is also employed for minor cases, which seem trivial for others to intervene and for the disputants to invite others. Disputes between individuals or groups whose relationships are valuable to preserve are often resorted to *ilaaf- ilaamee*.

In the course of negotiation the disputants try all their best to persuade each other referring to norms and values. They threaten each other appealing to the potential outcomes of the failure to settle the case. Finally, they seek to arrive at the decision acceptable to both parties. Only such a decision can be final.

## **5.2 The System of *Jaarsa Araaraa***

The second local mechanism of dispute settlement among the Waliso is *jaarsa araara* system. The terms *jaarsa* and *araara*, literally mean elder and reconciliation respectively. Thus, *jaarsa araaraa* refers to reconciliation through elders. In this context, the term elder does not necessarily show age, but role. Any person who plays the role of mediator at a given *araara* proceedings is *jaarsa* regardless of his age.

*Jaarsummaa* system is mainly characterized by the presence of a neutral third party who mediates between the disputants. The role of a third party as a mediator varies in degree from case to case and the nature of the relationships of persons in the dispute. Where the disputing parties have no serious problem in negotiating through face-to-face discussion, but are unable to settle their own case on their own, a mediator simply facilitates so that the negotiators to arrive at a decision on which both parties agree. A mediator or mediators often consult disputing parties by referring to norms, values, and rules to move them to an acceptable end. The *jaarsa araaraas* go further up to proposing solutions.

On the other hand, a third party plays a more active role similar to what anthropologists call arbitrator. The role of the third party as an arbitrator evolves either from its failure as a mere mediator, or required from the very outset owing to the nature of the issue in conflict. Where the disputants have serious problems of communication, the third party plays a pivotal role.

### **5.2.1 The Selection of the Elders of the Moot**

Among the Waliso, the moot is an assembly of neighbors and elected persons to hear and determine a particular case. There is neither specific number of *jaarsas* to hear a case nor particular group of people eligible to sit in a *jaarsummaa* proceeding. Elders between three to six are elected for a single case.

The criterion for selection is not age or kinship based. One is counted among those of the moot by virtue of his good reputation, his extensive and good knowledge of the *aada* and *seera* (custom and law) of the Oromo. Individual talent and experience in dealing with conflict, altruism and willingness to give his time to reconcile the parties in dispute are also important factors for selection. Of course, it is not uncommon that those individuals who are believed to have proven ability to handle disputes are frequently called on to hear cases.

In addition, where possible the Waliso, choose *gulas*, especially for more serious matters. *Gulas* as legislators, in the currently functioning *Gada* System, are believed to have the knowledge of the Oromo law and are responsible to restore peace and harmony in the community. It is also believed that *Waaqa* (the creator) responds to the prayer and curse of *gulas*. However, women are not elected as mediators, except in a special case, which is discussed at the end of this topic. This seems persistent to the past tradition of *Gada* court system (discussed in chapter four, under 4.2).

Regarding the procedure for choosing elders, I have come to the conclusion that it is roughly divided into four. First, both parties may commonly choose elders whom they think are neutral and would handle their case efficiently and impartially. The Waliso call these elders *as jaarsa waltajjii* 'neutral elders.' Second, each of the parties may nominate elders from their own side and comment on the nominee of the opposite side. In this procedure, too, the group to be set is the one in which both parties put their trust.

Third, both parties may independently choose their own *jaarsa* whom they think would favor them. These elders are called *jaarsa bitaaf-mirgaa*, meaning 'the elders of the left and the right.' This mostly occurs where there is no chance of communication between the quarreling parties for any contact between the two exacerbates the conflict. It also happens when the offender who admits his offense takes the initiative to start negotiation. The offender chooses elders and requests for settlement of the matter through elders. The other way round, common among the Waliso is that the loser side takes the initiative for the negotiation. A person may forward his claims through elders before resorting to other modes of dealing with dispute, such as *qaalluu* court or government court. The condition in which the victim side takes initiative to negotiate is more prevalent in marital conflicts. Women often report the wrongful acts and misbehavior of their husbands to elders and demand to organize proceedings for them.

Fourthly, a third party who is directly or indirectly concerned with a particular dispute may also select elders and take the initiative for the reconciliation process. This is more common in dispute arising between members of voluntary association. Though voluntary association (*iddir*) members must be at peace with each other, they often fall short of the ideal and come into conflict with their fellow *iddir* members. A dispute arising between *iddir* members is

immediately recognized as the concern of the association. Once the dispute is reported the necessity of healing the ruptured relations is beyond question. But how it should be addressed is in the hands of the association. Either the case is brought before the assembly or treated by a few representatives who act on behalf of the association. This is true of women's associations, too. Women settle dispute between their fellow *iddir* members. However, if their efforts fail, they refer the case to male mediators.

In principle, all the elders play a similar role, but in practice, based on their past experiences, and their individual differences, they contribute differently. However, the outcome of such a proceeding is believed to be the result of the joint effort of the mediators.

### **5.2.2 Dispute Processing**

*Jaarsummaa* proceedings among the Waliso are held in open air under a tree at a convenient place (see picture-7). Elders usually begin their deliberation with a prayer in which they ask the creator (*Waaqa*) to be part of the proceeding. In their prayer, they also ask the creator for peace, rain, prosperity, health, crop, children and cattle. They also curse sorcery, disease, hunger, war and theft. They believe that the ultimate reconciliator is the creator whose interests are possibly channeled through the words of elders. They often use the saying '*dhugaan ilmoo waaqa ti* ' 'truth is the son of the creator'. They also believe that however trustworthy and knowledgeable, a person is, *dhuga* (truth) may be bent in his hands for no one is masterful of it, except the creator.

Once the deliberation is started, elders demand the disputants to be honest in providing information and to be reasonable in claiming and counter claiming. Elders have certain

formalities of hearing cases. Disputants are supposed to be precise and to the point. However, by no means the litigants are restricted to the issue at stake, they could give irrelevant information, narrate a long history of the dispute and probe into their former relationships. They are therefore tolerated.

Whether or not the elders listen to the opinion, information and claims of each party in the presence of the opponent is determined by the situation. Wherever the case is serious and possibly provocative of further heated argument, the mediators employ a strategy of hearing the claim of each in the absence of the opponent (cf. Lewis, 1984b: 96). Commonly, in this strategy the Waliso elders send either of the parties or both, as condition dictates, some distance away from the forum. They command the disputants by saying '*mee nu irraa guddadhaa*' or '*mee gurra nuu kennaa*!' This literally means 'please, grow up off us' and 'please give us your ears' respectively. But in this context, it is to mean 'please go some distance away from us' or 'give us chance to obtain confidential information and discussion.' The claims of each party are reported to the opponent by the elders in such a way that they cool down the temper. They report, without of course, distorting the main content of the argument, but regardless of the manner of presentation, which would offend the opponent. Oromo proverb '*jaarsi sobee nama araarsa*' which means 'elders lie to reconcile' expresses this system.

Through the flow of information, elders learn the real demand of disputants, and disputants also learn the actual expectations of each other vis-à-vis their own. The elders gather full information from the disputants themselves. It is uncommon that they look for witnesses to testify the issue under litigation, except in few cases. Based on the information from the litigants and rarely from witnesses, elders propose decision or encourage the disputants in

dispute to make joint decision. However, in both cases the only decision to which both agree would be final. The mediators would not dictate the disputants to accept their recommended decision. But they try their best to avert the feeling of the contenders as a loser and urge them to accept the decision.

On the other hand, time constraints also have little or no role in influencing the outcome. No matter how long it may take, so long as there is a hope that the deliberation would be successful, discussions continue for many sessions. Lewis (1984b: 96) confirms this. In this regard, Kalemework (2000:55) in his study of the Ab'ala Afar with similar culture, summarizes that the modern legal principle 'justice delayed is justice denied' does not hold true. However, my data leads me to a different conclusion. The Waliso stick at *jaarsummaa* system and other traditional systems against the delay of justice. They unequivocally report that *jaarsummaa* system is one of the time efficient mechanisms. They often compare it with the *woreda* court of the government where cases remain unsettled for years.

Wherever the proceedings are successful in settling a dispute, reconciliation is symbolically marked, i.e., they shake hands with each other and kiss one another (see picture-6). In principle, mediators render services for free, but in practice they are mostly served local drinks, especially *araqee* (liquor).

The Waliso enforce *araara* decisions through public opinion and ostracism. Lack of respect for the *aarara* decision is believed to be lack of respect for the community's value and culture and eventually lack of respect for the creator, as truth is said to be the son of the creator. Despite these values and beliefs, the *jaarsumma* system may also fail to bear fruit. Such a

dispute case is taken to either *qaalluu* or to *woreda* court. Sometimes, it is simply handled through avoidance, which they call *wallin ooduu*.

### 5.3 The *Qaalluu* Court

Every *qaalluu* center in eastern Macha is the center for litigation and conflict resolution. It is not uncommon to see a large number of people gathered at *qaalluu* ritual centers to have their cases heard. Regardless of differences in their prominence and size of followers, all *qaalluus* have their own courts that render the services of settling disputes and maintaining social orders. Such a court is believed to be held at a sacred place, supervised by the spirit possessed by the *qaalluu*. As Lewis (1984b: 96) puts it, the court runs by the *qaalluu* and sanctified by the spirit. This is well confirmed by Morton (1975: 78). Similar to *jaarsummaa* system, the *qaalluu* court proceedings are held in open field under a tree at *qaalluu* ritual center. But major *qaalluus* have also halls constructed for this purpose. The major *qaalluu* have permanent judges of their courts known as *jaarsa yaboo* or *jaarsa bokkuu* (see picture-8). *Yaboo* refers to the *qaalluu* court (see also Lewis, 1984b: 97)

#### 5.3.1 The Selection and the Role of *Jaarsa Yaboo*

Personal relations with the *qaalluu*, one's good reputation, wisdom, honesty, thoughtfulness, and willingness to serve at *qaalluu* court come into play in choosing the *yaboo* elders. In addition, as Morton (1975: 78) states, a person serves as a judge in this court if and only if the spirit validates the selection on moral ground. There is no limit to the number of elders who see the case and make a decision.

A *qaalluu* acts personally as a *yaboo* elder either with others or alone. As a secular judge the people around assist the *qaalluu*. He often invites them to voice their opinion and make judgment. The final verdict is pronounced by the *qaalluu*. This final verdict is not necessarily the decision of the *qaalluu* or his *yaboo* elders. Rather, it could be proposed and substantiated by one of the attendants of the *qaalluu* court. The court is an assembly of followers of the *qaalluu* who have full right to comment on any case that appears before the court. It is believed that what matters is not who speaks, but the supervision of the spirit from above. Morton (1975:78) reports similar procedure of *qaalluu* court among the Ada'a Oromo. Cases, which are sufficiently complex, and those, that involve many persons are mostly referred to *yaboo* elders for thorough investigation, no matter how long it takes them to discern the truth.

### **5.3.2 Types and Context of the Cases of *Qaalluu* Court**

The Waliso take case, which from their very nature involve spiritual beings, for instance, cursing to *qaalluu*. Curses are pronounced in the name of the spirit (*ayyaana*). Its resolutions are also possible only by the spirit. Of course, people employ avoidance too to manage such a dispute. Secondly, cases are appealed to *qaalluu* if the injured parties are unable to testify the truth of the case before the *woreda* court, or if the *jaarsummaa* system bears no fruit. The *qaalluu* never dismisses a case on the ground that the evidence is not conclusive enough. The defendant possibly proves his innocence through oath in the absence of any witness. The failure or refusal to take oath to prove one's own innocence is an indication that the person is guilty.

Thirdly, a plaintiff who knows that his opponent believes in the spirit and would not by pass it, takes his case to a *qaalluu*. In doing so, the person can make use of the golden opportunity to secure an effective and efficient outcome. Individuals often make strategic move

from other options to the *qaalluu* court based on the context of the relationships between the defendant and the *qaalluu* in person and his spirit. Consequently, even, plaintiffs who do not trust the *qaalluu* and his spirit appreciate the *qaalluu* court as an alternative way of dealing with cases.

Fourthly, the other way round, regardless of whether or not the offender is willing to respond to the *yaboo* elders or/ and *qaalluu*, a plaintiff faithful to the *qaalluu* and his spirit would not by pass this court. Such a believer in the spirit goes to the *qaalluu* with two options: either to get his case resolved or to be permitted to try any other alternative, including the invoking of the spirit. Fifthly, people appeal to *qaalluu* for the mere fact that it is easily accessible and economical. The court is a ready-made one. They pay no fee or pay only small sum of money that is not more than ten Ethiopian birr.

In this regard, Gulliver's (1979:24) repudiation of the view of the strict correlation between a particular mode of conflict resolution and the nature of issue in dispute is relevant to the Waliso case. What matters is the context rather than the type of case. The relationships between dispute and its resolution is determined by the context.

### **5.3.3 Methods of Handling Cases**

Once a dispute case is in the hands of the *qaalluu*, it is not common that the efforts fail to bear fruit. An applicant orally presents his case to the *qaalluu*. The latter immediately serves summon (*qalaaxee*) on the accused through one of the attendants of the court. A person who is served summon is supposed to respond, no matter who the messenger is. Any contempt for such a summon equals to a contempt for the spirit in the name of which the person is summoned.

The *qaalluu* proceeding has no filing system; rather it is the parties in dispute, mostly, the plaintiff that reminds the *qaalluu* or his judges that he/she has a case to be called on. The standard way of forwarding such a request is to get up and say '*galata yaa goftaa koo!*' O! Thanks my lord! As the case is called on for hearing, a concerned person comes forward and kisses the earth in front of the *qaalluu* at some distance (about five meters) to show great respect to the spirit of the *qaalluu* and the *qaalluu* himself.

Claims and counter claims are heard under required formality, each talking when allowed or asked to. In practice, of course, contenders often break this rule and interrupt each other, but elders are tolerant of it. In the meantime, disputants are supposed to show respect for the elders, speak only politely, be tolerant, and above all tell the truth. It is believed that the *ayyaana* easily identifies the truth and falsity of the information, and the worthiness and unworthiness of the claims. The reliability of the information stems from the belief in all knowing spirit.

In addition, disputants have a chance to testify their cases through witness. Only with the assumption that there would be no valuable information left behind that the judges give verdict. Otherwise, additional summon is served on the people who are directly or indirectly thought to have roles in the matter at hand. The following is an example of such cases I observed at Ancabbi *qaalluu* center and later on interviewed the plaintiff.

### **Case 1**

Mirgoo, in his late twenties, married Caaltuu by elopement. Soon he sent elders in request of her parents to accept the marriage. They initially refused, but through time and after continuous request, they agreed to accept the marriage. Payments, including bride wealth and compensation for his in-laws were agreed upon and made.

However, something an expected has happened through time. The girl has run away

to her parents taking with her as much equipment, especially clothes, as she could carry. Mirgoo could not take his case to the *woreda* court for he feared that the court might interpret the marriage as abduction and the girl too might falsely testify it under present condition. He knows that abduction is said to be a serious crime in the government court. He could not also ask his in-laws to have his wife returned for the matter has not been concluded yet.

On the other hand, he knows that the girl and her parents are faithful to the *ayyana* of Araarsaa Sibiluu that they would never by pass it. Consequently, though he does not trust the *qaalluu* and his spirit, the *qaalluu* court at Ancabbi is the only and the best alternative where Mirgoo better appeal his case.

On October 6, 2001 Mirgoo and his-in-laws (Caaltuu's father and brother) attended the court. The *qaalluu* asked both parties to present their claims turn by turn. Mirgoo reported the whole history and lastly demanded to get his wife back. The father of the girl claimed that his daughter was abducted and hidden somewhere for the last ten months by Mirgoo. Now she has returned home and already reported the case to the *woreda* court. The term *woreda* court was used to threaten Mirgo

Mirgoo insistently argued that he did not abduct the girl, but she eloped with him on her consent. Having heard the claims of both sides, the *qaalluu* decided for further investigation. He served summon to Caaltuu as the accused, and three other people who accompanied Mirgoo on the day that the girl was taken to his home to witness whether it was by elopement or abduction.

A plaintiff who is unable to produce evidence to attest his claims may request his opponent to swear (*kakaa*) in the name of the spirit. This is an effective and ready-made alternative people often resort to. The following is an example of this kind that I observed at Ancabbi.

## Case - 2

The owner Yaadashi, whose former husband was a friend of the accused, accused a man, in his late thirties, named Daaka of arson of a shelled grain in a field. She named him as defendant on mere suspicion that stemmed from their past grudges.

On October 6, 2001, the summoned reported to the *qaalluu* court. As their case was called on for hearing, Daaka denied that he committed this sin. The *qaalluu* asked the women whether she could produce evidence or not. She disclosed that she could not, and she demanded the person to prove his innocence by swearing in the name of maraam-goolam spirit. Both the *qaalluu* and the accused agreed. The *qaalluu* instructed the man to swear. The following is the full text.

Q- *qaalluu*, Y - Yaadashi D - Daaka

Q. Requested Yaadashi to repeat her accusation in short.

- Y. (Addressing Daaka) you burned my grain.  
 Q. Instructed Daaka to deny  
 D. I did not burn your grain.  
 Q. (Addressing Yaadashi) would you like him to swear or one of his *lukoos* (representatives) to swear for you in the name of the spirit.  
 Y. I prefer him to swear.  
 Q. (Addressing Daaka) repeat what I say after me, *miidhaan kee ani hin gubne, yoon gubee dhokse lubbuu koo maaram-goolam haa dahu*, which means, I did not burn your grain, if I burnt and denied it, may maaram-goolam take my life?  
 D. Repeated that whole sentence after the *qaalluu*.  
 Q. Instructed Daaka to request Yaadashi to withdraw her accusation.  
 D. I swore, so would you please withdraw your accusation?  
 Q. Instructed Yaadashi to respond positively.  
 Y. I withdraw it.  
 Q. May maaram - goolam search for the *guma* of your grain!

Murmuring of the attendants in the sense of supporting followed the *qaalluu*'s last statement. The verdict whether or not Daaka swore falsely was thereafter in the hands of the spirit by the name of which Dakaa swore.

With the refusal of responses by the accused, the plaintiff may simply appeal to the spirit to intervene. According to the chief *qaalluu* I interviewed, people usually respond to the summons. But I have witnessed cases in which the plaintiffs appealed to the spirit on the ground that the defendants refused to report. For the time being, curse prevents the cursor from using any other means to enforce his interests. Yet the dispute is not settled but changes its nature. Such a case often reappears on the forum of the *qaalluu* court as relatively more complex issues, with the unsolved initial dispute and its resultant, the curse.

### 5.3.4 Enforcing Mechanisms

The decisions of the *qaalluu* court are believed to be enforced by the spirit. Contempt for the court's decisions offends the spirit that is powerful to harm the offender, his family, his cattle, his crop and his descendants up to seven generations. The fear of spirit that stems from the ideology of punishment by the spirit, of course, makes individuals to confess themselves culprits. These mystical sanctions apparently explain the enforcing mechanisms of the *qaalluu*

court. However, in its practical sense, I argue that besides religious factors, there are cultural, economic and political factors that come into play for the effectiveness of the *qaalluu* court.

The *qaalluu* system is highly value oriented. The elders or/ and the *qaalluu* appeal to values, traditions and Oromo indigenous laws. The agents assist the parties in dispute to arrive at joint decision and to share the pain of losing. They usually mediate and rarely adjudicate. If adjudicate they still appeal to Oromo *seera* (law) made by *gulas* every eight years. As in the *jaarsummaa* system, the *qaalluu* court equally focuses on the relationships between disputants as it does on the dispute itself. Restoring of peace and harmony rather than punishing the offender is the objective of the court. In addition, users of this court feel that the *qaalluu* court is native and its verdict is more of educational as opposed to government court, which they think is foreign to their culture and takes punitive actions.

Moreover, the chief *qaalluus* of eastern Macha were and still are wealthy people who could easily mobilize their resources to extend their influences. They could win the supports of the poor peasants in the area owing to their wealth. They help the needy. Consequently, people want to please the *qaalluu* whom they consider as their patron. One way of doing this is to take their cases to the *qaalluu* court and to abide by his decisions. The *qaalluu* court is also effective in both time wise and economically. Cases are settled relatively within a short period of time. They know that justice is delayed at the formal court. In this regard, my data confirms Lewis (1990: 53-57) who describes the role of *qaalluus* in conflict resolution and the mechanisms of extending their influences among the eastern Macha.

To conclude, this chapter has attempted to describe and discuss three different peaceful modes of handling disputes among the Waliso. These mechanisms are categorized in what

anthropologists termed as negotiation, mediation and arbitration. A kind of hierarchy of these modes is also observed. At the lowest level is *ilaaf-ilaame*. In the middle is *jaarsummaa* system and at the highest level is the *qaalluu* court.

*Ilaaf-ilaame* of the Waliso seems to fit into what anthropologists call negotiation. From its very nature, in *ilaaf-ilaame*, negotiators tolerate the pain of losing. The final decision they seek for is, therefore, what Gulliver (1979:5) states as "joint decision" or what Schellenberg (1996:154) calls "a mutually satisfactory agreement." In this regard, I agree with Asefa (2001: 9) that the Waliso practice what Singer termed as "win-win" negotiation. Win-win negotiation is the kind of negotiation in which the pain of losing is fairly distributed among the disputants.

On the other hand, the *jaarsummaa* system that is characterized by the presence of a third party mediator seems to fall under mediation. Nevertheless, among the Waliso, mediation and negotiation are not exclusive to one another. The role of mediator in *jaarsummaa* system varies across the contexts. In some cases mediators are mere facilitators of the negotiation. The same system however, takes the form of arbitration in which the mediators play active role and appear as third party decision-maker.

Similarly, it is noticeable that the *qaalluu* court seems to have the role of both mediation and arbitration. The *qaalluu* court mediates and assists the disputants to negotiate, but whenever its efforts fail, it evolves into arbitration. The Waliso, in fact, think that arbitrators at the *qaalluu* court are not the *yaboo* elders or the *qaalluu* in person, rather the spirit, which is believed to have supervised the proceedings. The court also permits an appeal to the spirit known as *qabsiisa*, which is none of the three modes. *Qabsiisa* is deflection of a dispute case,

similar to what Gulliver (1979:2) puts as "burying the dispute in the dispute." In general, it is therefore not easy to make valid exclusive distinction between negotiation, mediation and arbitration across these three modes of dealing with conflicts among the Waliso. The next two chapters are devoted to the discussion of the *guma*, which is another local means of conflict resolution.

## CHAPTER SIX

### THE JURIAL RESPONSIBILITY OF HOMICIDE

Homicide among the Macha is a serious offense and an anti social act. It may be followed by at least two reactions: by ritual of purification and a special form of compensation called *guma*. In this chapter, the payment of blood price and the role of lineage in jurial responsibility of homicide are discussed.

#### 6.1 The Term *Guma*

The term *guma* loosely used for different concepts. Taking into account strictly the context in which it is employed, captures a wide range of meanings (see also Tilahun Gemta, 1989:278). For the speaker of Oromo language, the term has the meaning of vendetta, vengeance and revenge. *Gumaan Koo hin haftu* literally means 'my *guma* would not remain.' Contextually, it means 'I would avenge'. *Guma* also refers to blood price or compensation that follows homicide or serious bodily injuries. *Gumaa baasan*, meaning 'they paid blood price', and *gumaa fudhatan*, meaning they 'received blood price'. Also, *guma* is employed to mean feud. *Nuti warra guma ti*, meaning 'we are in feud with them'. Similarly, it refers to the ritual of purification that follows homicide.

The term still loosely refers to a hunk. *Foon guma tokko*, meaning 'a hunk of meat'. It also denotes an ear or spike of grain or grain of crop, *midhaan gumaa tokko hin qabu*, and 'I do not have even a grain'. *Gumaan qamadii kanaa ammam gaha!* 'How big the spike of this wheat is!' When someone says, *dubbiin kee guma hin qabu*. The term has the meaning of a

substance, which means 'there is no substance in what you say'. *Guma*, further, has the meaning of pupil. *Guma ija isaatu bade*, 'he lost the pupil of his eye'. However, throughout this thesis, I strictly employ the term *guma* as blood price or compensation. I also employ it as a mechanism of conflict resolution that the Oromo have practiced and still practicing to handle dispute cases that involve homicide or/ and serious bodily injuries.

The semantic analysis of the term *guma* shows that the term is derived from an Oromo term *gumaa'uu*, which means to unite or to cooperate. *Guma* as a hunk of meat refers to flesh, which is naturally inseparable and tied together. The touch of any of its part irritates the whole. Here the term is associated with compactness or oneness. Appealing to the actual practices that follow, homicide could further substantiate this meaning of the term *guma*. Any homicide, in principle, calls for payment of *guma* (blood price) and vengeance. Both require cooperation among the respective lineage members. Individuals are part of the bigger body who could play their roles within the context of the cooperating unit. They are said to be of one flesh, the hurt of any member amounts to the hurt of the lineage. Once again, the term, therefore, refers to the act of cooperation among a given lineage members.

In addition, the meaning of the words with similar sounds such as *gumiī*, meaning 'club' or 'assembly', *gurmaa'uu* meaning 'to be organized' and *gumaachuu*, meaning 'to organize a gift' indicate that the term *guma* has as its root *gumaa'uu* (to cooperate).

The Waliso do not have clear explanation of the Origin of *guma* practice, but they attest that it has been in function since time immemorial. Similar practices are, of course, quite common and widespread in African societies. However, there is no ground to argue that the practice is a foreign element. *Guma*, among the Oromo, still is in function within the context of *Gada*

institution that is at its highest peak of complexity compared to the age organization of east African societies. Hence, it is safe to suggest that *guma* is one of the many indigenous mechanisms of dispute handling devices evolved by the Oromo under *Gada* system.

## **6.2 The Immediate Consequences of Killing**

Like other Macha groups (Bartels, 1983), and African societies such as the Nuer (Evans - Pritchard, 1940), the Aba'la Afar (Kelemework, 2000), the Gurage (Shack, 1963, 1969) and the Arusha (Gulliver, 1963) a murder among the Oromo concerns not only the man who has committed it but it involves at least three different parties: the slayer, the slayer's agnates and the victim's agnates.

### **6.2.1 The Slayer**

A person who slays another person has to abscond himself under the assumption that he is in imminent danger from the retaliation of the slain's relatives. The injured party is supposed to embark on vengeance. Hence, in seeking protection from the vengeance he has incurred, the killer takes refuge with his relatives far from the victim's relatives where the latter could not get at him. The whole family members of the slayer also run away.

During this time of seclusion, the slayer's premise is abandoned. The Waliso call such an effect as *qe'een isaa gofofaa'e*. The statement has a connotation that is negatively loaded. It implies the condition in which somebody's premise is totally abandoned, and weeds grow, home remains closed, farmlands around stay uncultivated. This is the first devastating effect the slayer may suffer in the context of Macha's culture that attributes great value to premise (*qe'e*). To the contrary, it psychologically recompenses the bereaved relatives. It is a form of

satisfaction for the pain caused by the slayer, for it means that the slayer loses his premise as they lose the slain.

Theoretically, the Waliso believe that the slayer stays in refuge only until the negotiations for settlement are finally concluded. However, the duration of the seclusion varies from few months to life long exile. Many factors seem to contribute to the effect. It could be for relatively longer time under the fear of government intervention, i.e., the threat of detention and fear of vengeance even after reconciliation. Geographical proximity and social interaction between the two groups under which conflict could easily revive and when the killing is an intentional also elongates the seclusion time.

### **6.2.2 The Lineage**

Among the Waliso, lineage is responsible for the deliberations and jurial processes concerning homicide. The role of lineage in homicide case is expressed through the saying '*guma lammitu basa*,' which literally means *guma* is the concern of lineage. In this context, the saying has double meanings. First, it indicates that killer's lineage is corporately liable for the act of killing and responsible to compensate. In other words, they are responsible to pay blood price to the lineage of the slain and to take initiative of ritual of purification. The payment of *guma* is at the center of jurial responsibility of homicide. It intends to appease the feelings of the injured through compensation. It helps to achieve a rapprochement between the parties at feud and avoid the sense of vendetta that would in turn lead to another vendetta. Fear of retaliation is, therefore, one of the principal motives for payment of *guma*.

Secondly, it has the meaning that vengeance is the most binding obligation of agnates of the slain person. They may be on the lookout to avenge, for it is humiliating to neglect

such an offense against their member. Theoretically, the Waliso believe that it is not necessary to take revenge on the person of the killer himself; rather vengeance could have been executed upon any one of his kinsmen. Especially, on the male line, those who are related to the slayer up to the seventh generation are said to be potential targets. Irrespective of the killer the Waliso consider his lineage or/ and his clan as slayer. They often call the killer by his clan or/and lineage name. They say, for instance, *Maaruutu ajjeese*, meaning 'Maruu killed' while Maruu is the name of the clan named after its founder.

Despite this belief, practically, there is no non-culpable homicide among the Waliso. There is neither institutionalized feud nor practice in which a vengeance killing has been made and the matter is considered settled and terminates further retaliation. They never encourage self-help and force mobilization to avenge homicide. Meanwhile, my Waliso informants attest that they have never experienced such a killing for vengeance. Instead, avengers often retaliate by molesting huts, destroying premises, setting fire to house and grain in the field, slaughtering cattle, etc. of the assailant.

Idris (1990:29) states that the traditional Ethiopian penal philosophy before the adoption of the 1930 penal code provides the choice between the condemnation of the murderer to death and the acceptance of blood price to the victim's relatives. However, I totally disagree with Ibrahim, because the Oromo culture and indigenous law have never provided such options. Instead, the voice of forgiveness is supported by the culture and embedded in the very Oromo law. In the mean time, the issue of murder has never been and still is not the concern of individual slayer among the Oromo. If the slayer is habitually of a violent nature, it is rather his lineage that would not consider his life worth redeeming. They could deny him clan protection and take any measure against him including capital punishment or life long exile.

Hence, if Ibrahim's article talks about Ethiopia including Oromo, the latter are totally misrepresented.

### 6.3 Scale of Compensation

Blood price payment among the Oromo varies across time and space in both its nature and amount. Until recently, the Waliso have paid redemption for the loss of life in cattle. But there is no agreement among my informants regarding the number of animals. Some say hundred, others say fifty and still others reduce it to ten heads of cattle. Despite this disagreement, some of the current practices indicate that the number is hundred. According to Tadesse (2000:52), in principle, the Guji Oromo still compensate homicide with about hundred cattle.

However, among the Macha in general and the Waliso in particular, blood price in cattle has been changed into cash sometime in the first half of the nineteenth century. At an initial period of this change, the amount of blood price was hundred *dhagara*. *Dhagara* is a silver coin at one time the most popular and valuable monetary unit in Ethiopia, probably Maria Theresa dollar (Tilahun, 1989:138)

The diminishing number of animals, contact with other people and the introduction of currency as standard for monetary transactions were some of the factors that induced the change. Currently, *guma* does not vary across social strata, age, sex and blood ties. The Waliso reject such a differentiation based on the view that a life is a life whoever is the slain. But *guma* is differentiated based on whether the homicide is cold-blooded murder or an accidental one.

The Waliso consider the circumstances under which killing occurred to categorize homicide as an intentional or accidental. A killing is intentional homicide when the doer commits an offense with a view to producing it. In other words, homicide is said to be intentional when a man has cold-bloodedly planned in advance to kill his opponent based on previous ill feeling. Currently such a killing is compensated with ten thousand Ethiopian Birr.

On the other hand, an unintentional homicide implies a killing committed without intent to produce it. It is also not premeditated when a person commits the killing in the context of self-defense of any kind or committed on a sudden impulse. This is compensated in reduced scale that ranges from five thousand to seven thousand Ethiopian Birr. The amount is taken as a greater deterrent among the Waliso. Hence, the motive for the act underlying homicide deserves entire consideration in deliberation and judgment. The jurial distinction between kinds of homicide is more profoundly expressed in the amount of blood price.

In spite of the considerable changes that the amount of compensation has undergone, the Waliso still have a formally set law of compensation payment that corresponds to the offense. They are, in fact, able to produce substantial explanations for the scale of compensation and fine they have formulated. For instance, the punishment and restitution for bodily injuries depend, firstly, on the seriousness of the injury sustained. If disabling is serious and permanent, it leads to more fine and compensation than when it is a temporary one. In the past, whenever the injuries were serious, the Oromo have handled the case under provisional decision in which the offender has been liable to heal the wound by nursing the injured. The final decision regarding compensation was given based on the result of the nursing. However, currently, such a practice is non-existent among the Waliso, as decisions are passed based on the initial degree of damage.

Secondly, the fine and compensation vary across the part of the body that is harmed. For instance, depriving or disabling a man's left hand is more serious than right hand. The former, according to them, procreates a child. The idea is that an old man, for that matter, anyone who is physically disabled, can use his left hand to support his male organ to send to the right place to beget a child. This is relevant to the physical position of male/ female sexual partners at a time of intercourse. As male lies on the right hand side, it is his left hand that is free to do the job of supporting. Hence, left hand is associated with procreation and continuity of a generation that deserves great value in Oromo culture. Similarly, they give much more value to molar teeth than incisor for the former is grinder and has much to do with one's very life than the former. Tedecha (1988: 185-196) and Dinsa (1975:91-97) also present that the Oromo establish a legal system to punish the wrongdoer in accordance with the weight of the offense.

The present scale of compensation, among the Waliso, has been in operation for the last eight years under the reign of the present *Gada set (Gada Horata)*. The *Gada* officials have documented the law in a written form, yet unsystematic. The law is very elaborate and detailed. It has touched every issue of social life, but for my purpose, I present below, in table 6, some of these laws that concern major offenses involving compensation.

Table 6 Scales of Compensation and Fine (in Ethiopian Birr)

No	Type of Offense		Compensation	Punishment
1	Murder	Wanton homicide	10,000	2,500
		Accidental homicide	5,000	500
2	Serious Physical injuries	Spearing	5,000	1,500
		Broken skull on the center or at the back	2,500	750
		Broken skull on right or left side	500	90
		Disabling right hand	2,500	750
		Disabling left hand	2,570	771
		Breaking leg (right or left)	2,500	750
		Striking eye	3,000	
		Breaking molar teeth	2,500	
		Breaking incisor teeth	500	
		Cutting ear	1,500	
3	Damaged property	Arson	10,000	5,000
		Stealing a heifer	500	100
		Stealing a bull	1,000	200
		Stealing a horse	1,000	200

Source: Waliso *Gada* law

Despite the laws that the mediators could apply, the payment of compensations among the Waliso often entails other factors that interfere. They are negotiated and changed.

The circumstance of homicide, in principle, is relevant in deciding the amount of blood price. Nevertheless, the decision, whether a particular homicide is accidental or premeditated, highly involves subjective considerations. In addition, the following factors affect both the process and the amount of blood price regardless of the circumstance of death.

- Social ties between the two parties that push towards speedy reconciliation.

- The social, economic and political status of both parties that favor further litigation and progress through the government court.
- The intervention of government that indirectly urges either party, especially the offenders to submit to the demand of their opponent, though it is unjust.
- The chance to resort to other options that would provide advantages to either party.

The following case shows how government intervention has affected the amount of blood price and the whole course of event.

### Case-3

Monday June 12, 2000 was a market day at small rural village Boda. Bultii and Tarreessaa drank in one of the houses where local alcoholic beverage (*taji*) was. They were also neighbors, at peace with each other. They were from the same clan. However, on this occasion of drinking, Bultii and one of Tarreessaa's companions from another village quarreled. Tarreessa attempted to cool them down, but Bultii who often misbehaved gave Tarreessa a blow on his head and wounded him with a club. The injured soon went to a clinic at the other edge of the village. As the news of the quarrel broke Tarreessa's brothers arrived at the clinic. While the injured was under treatment, his brother Beekaa who was in the compound of the clinic was attacked and received a cut on his head from Bultii.

Beekaa did not take any retaliatory action at the spot; rather he hurried to his home that is about a kilometer away from the market place. He picked up a bomb and came back in search of Bultii. Beekaa threw the bomb at Bultii, but he missed him. Instead, Bultii's son of about ten years of age was murdered at the spot and a girl of about sixteen years old from the same village was seriously injured. The case was reported to the police, but the slayer was not arrested, for he took refuge with his relatives somewhere. The immediate lineage and the rest of Beekaa's brothers worked on the case to be handled through *guma*.

Accordingly, the *gulas* who intervened categorized the killing as intentional and decided the compensation of ten thousand Ethiopian Birr. However, as one of my informants who was also an active mediator of the case attested, their decision was under great influence of government policy towards unregistered firearm in the hands of individuals that the slayer used. Had it not been for the fear of government, the killing would have been categorized accidental and only a blood price of five thousand Ethiopian Birr would have been decided. In the mean time, the injured side was responsible for the very cause of the clash.

Despite this bias and misinterpretation of Waliso's law in favor of government law, the paying group admitted to progress through *guma* and made a payment of five thousand Birr (half of the total amount). But eventually, the police could arrest the slayer based on the information provided by Bultii himself.

The detention of Beekaa has been followed<sup>94</sup> by two major events: firstly, the *guma*

process has been interrupted. Secondly, the act of Bultii offended his lineage. As a result, they declare that the family is forbidden any lineage protection. Following this decision, Bultii's father who was in fact thrown into a panic soon died. People have attributed his death to the supernatural vengeance in response to Bultii's misdeeds.

## **6.4 Contribution and Distribution of Blood Price**

### **6.4.1 The Collection of Blood Price**

In principle, blood price is paid by contributions from a clan or lineage of the killer. However, in practice, different sections of kinsmen of the killer, the affines, friends, neighbors, self-help association members non-kin to the slain also contribute. In addition, in the former times, a slayer could beg for contribution of blood money at market places where the victim's relatives could not get at him. The chain hanging on his hand marks such a begging. The chain shows that his hands have committed a serious offense and he is morally and culturally under detention though he is physically free. Every body responds by contributing money.

Since very recently such an official request for contribution of blood price by the killer has happened only in very rare cases. It is therefore possible only under specific conditions. I have already mentioned elsewhere when a killing is discovered the killer fails under the threat of being arrested by the police and sent to prison. Thus, slayers have been forbidden free movements to collect money. However, there are instances in which a killer is declared innocent by the government judiciary offices, but the former insist to pay *guma* to purify himself from the sin he has incurred (See case 10, chapter seven).

The Waliso have certain formality in contributing and collecting blood price. The process starts by the ritual known as *sedaa buluu* held in the residence of the killer or one of his close

agnates. The term *sedaa buluu* refers to making of earnest promise to collect the money and free the slayer, as a point of honor. Usually the *lukoo* (discussed under 3.4, chapter three) of the slayer on the father's line and an uncle (or someone who could act as an uncle) on the mother's line are the two personalities liable for the collection of the money.

Whatever its source, the male line is responsible to collect two third of the total, whereas the rest is covered by the mother's side. The two representatives in turn give the responsibility to the lineage leaders. People in the lineage are supposed to contribute as much money as requested (usually it never exceeds ten Ethiopian Birr) through their lineage leaders. Failure to contribute has both secular and spiritual consequences. Secularly, the backsliders loss lineage protection and support in time of need.

Moreover, lineage representatives can take their properties that are more valuable at that particular time by force. For instance, they take sickle if it is the time of harvest and yoke if it is the time of plough. The act is known as *heerrata*. The term is derived from *heera* that means law. *Heerrata* here implies to force some body to abide by the law. Whenever the person is under the punishment of his lineage for his misdeed, the intervention of the third party never happens. The Oromo proverb '*kan lammiin hidhe lammiitu hiika,*' which means 'he who is imprisoned by lineage can only be set free by lineage' refers to this fact.

The spiritual consequences of being disloyal to one's own lineage seem to be more powerful and binding. The Waliso believe that refusal to contribute blood price would definitely disgruntle not only the person who requested but also the superrme deity (*Waaqa*). So, the person would suffer from similar offenses. Below is a case relevant to this belief.

#### Case-4

Sometime in 1985 Aagaa was asked by a group of lineage leaders to contribute two Ethiopian Birr in support of his lineage member who was to pay *guma*. But as Aagaa himself told me, he refused claiming that the slayer shot the slain for he involved in illegal firearm trade that he should not. The leaders cursed him saying '*kan akkanaa sitti haa fidu*,' meaning, 'may the creator give you similar danger!' Aagaa, in fact, killed a person after only fifteen days. He automatically ascribed his fate to the cursing. According to him, he has still never recovered from the effect for he has not been cleansed of the blood he has shed.

Lastly, the Waliso believe that any money collected for *guma* can only be used for this purpose. In case the amount collected exceeds the amount to be paid, the surplus is offered to other person for only similar payments. Otherwise, any misuse of such a money or mixing it with one's own belongings results in grave danger. It is traditionally believed that if one uses it with no reason, it amounts to sin. The supreme deity would release another incidence of similar accident upon the user or/ and his family as a punishment. They also think that the creator (*Waaqa*) is the prime auditor of such contributions.

#### 6.4.2 The Distribution of Blood Price

The Waliso divide *guma* into two categories. These are *guma* proper, i.e., the portion of the amount that is said to be directly for the loss of life (*gatii lubbuu*). As to its amount, the Waliso strictly follow the past traditions. It has been and still is one hundred *dhagara* (Maria Theresa dollar) when changed it must be equal to one hundred fifty Ethiopian Birr. The second and large portion is said to cover burial, medical, court, etc expenses, and compensation for those who would be economically beneficiaries of the life of the slain.

Hence, the Waliso distribute only the *guma* proper among certain categories of kinsmen eligible to share. These categories are relatives of the slain on both male and female lines with not more than a distance of three generations. Distribution of *guma* is

persistent to the pattern of its contribution, i.e., the male line takes two-third of it and the rest goes to the female line. Nevertheless, in practice, relatives could claim a share from the second portion, too. The claim is based on the direct or indirect economic support they have provided in the course of events pertaining to the death of the person. However, unlike other African societies such as the Nuer of the Sudan, ghost marriage is unknown among the Oromo and *guma* is never used for such a purpose.

## 6.5 Homicide Within and Outside the Lineage

The structural relationships between the slayer and the slain are irrelevant to some of the events following a murder among the Waliso. There is no variation in the ritual of reparation across the structural distance between the groups involved, for it basically rests upon the principle of blood for blood.

Likewise, the Waliso believe that any loss of life should be compensated irrespective of the ties between the slayer and the slain. However, if a killing happens to be from within a lineage, sub-lineage or clan, the paying and the receiving units in the descent line would be determined according to genealogical proximity to the slayer and the slain. Those who are genealogically in the proximity to the slayer are liable to the death and to compensate, whereas those who are nearest to the slain form the avenging group that is also the receiving unit. If killing is within the nuclear family, the male line is categorized as the paying group, while the female line becomes the receiving. The following case shows a killing that occurred within an extended family.

### Case-5

Tulluu and Turaa were brothers who lived on the same premise they inherited from their father. They were in constant clash over a piece of farmland and grazing field. One day in 1973 the two brothers started fighting. Children and wives from both sides were around. As Tulluu threw a stone at his brother, the stone landed on the daughter of Turaa

who was about five to six years old. She soon died. Except Turaa and his children the supposed vengeance unit was at the same time liable to the killing. Hence, the slayer was not in imminent danger from the vengeance of the lineage.

The case was not even reported to the police; instead the lineage handled it through *guma*. The male line except Turaa appeared as paying group, whereas the female line of the slain appeared as victims and they received compensation to meet the loss of the girl. The ritual of purification was performed.

However, with the request of Turaa, the slayer left the area and stayed in the extreme western part of Shoa around Jibat. But after sometimes, the two brothers' relations had progressively revived for the good. Eventually, fifteen years after Turaa returned to his birthplace, he lived the rest of his life with his brother in peace and died in 1993.

The role of structural distance between the groups at feud is more prevalent with the reconciliation and post *guma* degree of reintegration. Feuds are settled and controlled with comparative ease, when it is between groups with narrower structural distance. In other words, the closer the structural relationships between the participants, the more quickly the blood feud is settled. This is so, as a state of feud bears more inconvenience and makes life intolerable without final settlement with more closely related groups than between different lineages.

I argue that the threat of government intervention also produces substantial explanation as to why a killing within a group with strong ties is more submissive to *guma* procedure. It would be a pity for a lineage, or family to lose two of its members at the same time: one by death, the other by imprisonment. Hence, they do not let the culprit be sent to prison. In feuds between groups with extended structural distance, prison could be an option to avenge the killer and his agnates.

A structural proximity does affect not only the process of reconciliation but also the post *guma* degree of re-integration of the participants. In fact, the *gulas* admonish the parties at

feud at the ritual of purification that the feud is ended. Hence, *guma* formally ends the feud. However, the Waliso recognize that homicide is an injury gravely resented and could survive any formal settlement. In spite of payments of *guma* and ritual of purification that marks the mending of the unity of the parties, the dead man's kin never forgets and never ceases to bear grudges. The people on both sides remain warra *guma* 'people who are in feud.' Of course, once *guma* is over, there is no overt hostility. An Oromo proverb '*madaatu fayya malee garaan hin fayyu,*' means 'a wound heals but a scar in heart does not', expresses that a feud never ends. Another proverb, '*haaloon madaa guyyaa shan haaloon du'aa waggaa Shan.*' 'A grudge for wound lasts for five days but that of homicide lasts for five years,' indicates how enmity though latent goes on for decades and even for generations. They also employ avoidance to manage the persisting latent hostility that could lead to the revival of an old feud under certain occasions that can raise emotions.

Nevertheless, my data leads me to the conclusion that such persistent enmity between the participants varies both across structural distance and time span. When the structural distance between the parties is narrow less enmity persists and it is less likely an old feud may revive and vice versa (see case 5). Similarly, the longer the time of homicide, the less the degree of enmity persists, and the less likely the feud to break out. Consequently, it is less likely that the parties seek to avoid one another. The following case relates to this view.

#### Case-6

In 1998, the leaders of the Michille *Gada* party celebrated the opening *butta* ceremony of the age grade. Kumaa and Dhuguma from Kube and Gabaroo clans respectively were invited to the feast. On such an occasion normally people sing the song known as *sirba folle* 'folle songs' in which the singers praise the organizer of the feast and receive local drinks and cultural food known as *cukko* and *caccabsaa*, and some times money. Kumaa and Dhuguma participated in separate singing groups that eventually involved in competition over the occasion. Under the influence of alcohol, the competition developed into fight. Kumaa beat Dhuguma on his head with club. Dhugumaa died. It was for the first time that Kumaa and Dhuguma met and obviously had no past differences.

Even though the police were requested to intervene, the slayer has not been detained. Rather, the *gulas* intervened and settled the case through *guma*. *Guma* of ten thousand Ethiopian Birr was paid. Despite the formal settlement of the case, Kumaa is still cautious of both the victim's kin and the police that the former may re-open the grudge and the latter may arrest him. He, therefore, does not even go to markets, especially markets that slain's relatives commonly go to. He avoids not only occasions that can rise emotion but also any possible chance of contact with the other side. Gonfaa who is the paternal uncle of the slain also considers Kumaa (the slayer) and his immediate family as his enemies. In the mean time, he recognizes that it is mystically dangerous and legally wrong to resort neither to vendetta nor government court. Hence, he strictly avoids the slayer and his relatives.

Nevertheless, my data indicates that such avoidance is a temporary response that would progressively develop into none. Currently, in the above case, the injured party still bears the scars of the killing that is so fresh. A comparison between the above case and case 7 and case 9 in chapter seven further substantiates this argument.

To summarize, the chapter has assessed the jurial responsibilities of homicide in line with the group responsibilities it involves. It has also treated both the secular and the sacred sanctions to put the decisions into effect. Among the Waliso, the account on homicide entirely rests on lineages as either paying or receiving unit. As Oromo descent groups are not territorial units, privileges and obligations in the lineage transcends geographical distance. In principle, in seeking for reconciliation, clan identity and residential features are no longer important. In this regard, my data led me to different conclusion to what fraternal interest group theorists have argued. According to them, the presence of fraternal interest group discourages peaceful conflict resolution. However, the Waliso case shows that the presence of fraternal interest groups (related males reside together) indirectly facilitates peaceful conflict resolution. It causes great inconveniences that in turn put both parties under great pressure to look for peace. Lastly, the payment of blood price goes hand in hand with the ritual of purification. Hence, the following chapter addresses *guma* ritual of cleansing

## CHAPTER SEVEN

### THE RITUAL COSEQUENCE OF HOMICIDE

For the Oromo in general and Macha in particular, homicide has a special ritual consequence. This chapter is devoted to the treatment of these rituals as the supernatural requirements of homicide.

#### 7.1 The Mystical Basis of *Guma* Ritual

Murder, the Waliso believe, is not only heinous act against the value of the society but also an offense against the law of the creator (*Waaqa*) that demands ritual reparation. Homicide is sin that is morally reprehensible and mystically dangerous. A man who has shed human blood is in a state of ritual impurity. A slayer who has not yet undergone *guma* ritual should not eat with his right hand. More properly, he should not eat by the hand he has shed the blood, for it is believed that his hand is polluted. For the Waliso human blood deserves great respect and has the power to penetrate deep into the soul of the slayer. It cannot be washed out by water as simple dirt, but by blood of the slayer, which is, of course, could be replaced by blood of the ram through *guma* ritual.

It is believed that the ritually impure would suffer similar death or repeatedly commit a crime to the same kind. In addition, the creator would withdraw from him in every respect in response of the sin he has committed. As Bartels (1983:229) rightly puts it "killing a man is a violation of the world-order as given by the creator. Hence, regardless of the circumstances of killing, any act of spilling human blood involves rites of expiation as supernatural requirements. Even a killing, which might not demand restitution, requires ritual of

purification as the only means of avoiding the grave danger that otherwise follow homicide. Any neglect of this ritual is believed to harm the killer and would extend to his descendants

Oromo view of homicide takes the slayer to confess culprit. The confession is believed to favor the slayer and his lineage, because an unconfessed homicide lets the lineage of a slayer break a taboo on certain social contact with the victim's side. The two parties should never eat and drink together. They should refrain from any social contact and never marry one another until the ritual of purification is performed. Should these laws be breached, the spiritual contamination would be exacerbated. The Waliso also think that the neglect of the ritual of purification equally affects the agnates of the slain. The blood of the dead is said to resent the neglect by his agnates who are supposed either to avenge or to accept compensation and perform the rites of expiation.

Abba Paulos (1968:239, cited in Ibrahim, 1990: 30) says that in traditional Ethiopian penal system, the death penalty was imposed on a murderer to expiate him from the sin he has incurred and to assist him to obtain salvation in the world to come. In favor of this view,

Graven (1964 quoted in Ibrahim, 1990:30) states that

The destruction of life, the highest achievement of the creator, can only be paid for by the sacrifice of the life of the guilty person. As in the Christian European system of the Middle Ages, death is always the necessary condition for the pardon and salvation of the sinner, and also for expiation of the evil, which he has committed, it is accepted and approved by all.

Nevertheless, this is not true for the Oromo who have highly symbolized rites of expiation. The Oromo, of course, have the principle of a blood for a blood; meanwhile, they believe that a blood of a ram could do instead of the blood of the slayer. One of the principal motives for *guma* ritual is, therefore, the fear of the creator. The Waliso often attribute their misfortune to

such uncleansed ritual impurity and often resort to *guma* ritual as a means. The following case represents how the Waliso resort to *guma* as a solution to their misfortune.

### Case -7

Sometime in January 1972, Inseene a boy of fifteen years of age from Manyaaqoo clan quarreled with a boy of thirteen years old, named Eebba of Gaaleyyii clan. The latter was seriously beaten up. After some days he was taken to Ambo hospital where he died. As the news of the death was broke, the slayer and his family ran away leaving their premise behind. After sometimes the killer side pleaded for *guma*, but they did not insist on their request. As a result, the case remained unsettled for the next twenty-five years. However, as Dhugumaa, an old man of about a hundred years of age, who is the paternal uncle (*wasila*) of the killer told me, the slayer, his parents, his brothers and sisters, except one, died in the next few years.

Since then, their premises have remained abandoned (*ona*). Even the descending generations of that nuclear family have terminated. The old man believed that the death of his descendents was caused by the effect of supernatural retribution, i.e., supernatural vengeance due to their failure to perform *guma*. He also believed that his family and close relatives have been victims of this ritual impurity. This has become more vivid, according to him, since the last decade. He has cited a number of misfortunes attributable to the offense. He also suggested that these misfortunes would continue through the forthcoming generations till *guma* is performed. And he stressed, it would be unjust for him to leave such a sin behind and to let the effect persist further.

Though Dhugumaa has no doubt that vengeance could have been executed upon his relatives, he pleaded the family of the slain for *guma* in 1997 after twenty-five years. The victims agreed and the case formally settled with ritual of purification. Liban, the brother of the slain who has taken the responsibility of the family told me that they have agreed to *guma* ritual for their own sake. He believed that ignoring the ritual would have transmitted the ritual impurity of the offenders to their side. Regarding the post *guma* relations between the two parties, both sides unequivocally reported that they have regular contact with no tension.

Liban's idea is certainly a common one among the Waliso. A victim's side is supposed to respond positively to any genuine and just pleading for *guma*. However, there are cases in which the victim's side reject reconciliation through *guma* ritual either insisting on vengeance to restore honor or due to disagreement upon the amount of *guma*. In this case, the ritual impurity is believed not to affect the slayer and his agnates, but the group that rejects the *guma*. The following case shows the speedy supernatural reaction that the victim's side has suffered following the rejection of *guma*.

## Case - 8

Magarsa who is an adult in his early thirties killed a woman named Lelloo who was also in her thirties. Lelloo lived with her mother in a slum area in Ginchi town. Their residence is located at a very dirty and eye sore area. Especially on market day, it is the place where many people urinate. Daraartuu the slain's mother said that she and her family always try to forbid any one to urinate near their residence.

On one of the market days in January 2001, Lelloo got into a disagreement with Magarsaa, while the latter tried to urinate near her house. The disagreement developed into physical violence. Magarsaa hit the woman on her lower part of abdomen (*uffa*) that caused continuous bleeding through her female organ. She was soon taken to Ambo Hospital, but died a day after.

Daraartuu reported the case to the police and the slayer was arrested. However, the slayer's agnates soon pleaded the victim's side to settle the case through *guma*. The slain's relatives, in fact, have agreed to negotiate. Accordingly, the *gulas* have investigated the case and categorized the killing as not premeditated, and have decided the *guma* of seven thousand Ethiopian Birr. But, the slain's paternal uncle named Mummicha did not accept the amount on the ground that the killing was premeditated and intentional. As a result, he withdrew from the proceeding. The *gulas* cursed the man for his offensive response. Both Daraartuu and Magarsaa (the slayer whom I interviewed in prison with the permission of the Dandi police) told me that Mummicha died after only seven days of the curse. He slipped and fell down on his way to attend marriage ceremony near the town.

Both parties have attributed the death of Mummichaa to his refusal of *guma*. Daraartuu feared supernatural punishment affecting her remaining children. As a result, she sent elders to the offended *gulas* to re-open the negotiation. During my last visit to the area, Daraartuu told me that she has been on the verge of receiving *guma* that amount to seven thousand; but the ritual of purification will be performed only when Magarsaa is set free.

The following similar case also shows how the injured side has surrendered to the demand of the slayer's side after experiencing misfortunes over extended period of time.

## Case - 9

In 1984, Baacaa speared Caalaa who was his *sandalata* (persons whose wives are sisters). It was on the occasion of a meeting of self-help association (*iddir*). They were drunk and disagreed on some idea that gradually escalated to violence. Baacaa waited for Caalaa on his way home and speared him to death. The slayer took refuge with his relatives. However, the avengers destroyed the premises of the slayer and that of his father. In the meantime, the case was reported to the police.

Despite the destruction of property and the intervention of government judiciary system, Baacaa's relatives pleaded for settlement of the case through *guma*. Caalaa's agnates initially agreed, but did not go far through the *guma*. As a result, Baacaa went to

the police station and gave himself up seeking legal protection from the government for himself, his family and their property. In fact, his parents returned home and re-built their premises. At this moment, they did not have only legal protection as the slayer thought, but also cultural protection and were morally justified right, to self-defense.

Baaca was tried for manslaughter and sentenced to a prison term of twelve years. He stayed in prison for the next six and half years. He was released in 1990 during the change of government in Ethiopia. However, Caalaa's close relatives have continuously suffered pain from the death of other members of the family. During the prison period of the slayer, the victim's son of seventeen years of age, son of victim's brother who was nineteen years of age and two daughters of the victim's sister about the age of marriage died natural death. The family attributed all these death to their rejection of *guma*. In response to these misfortunes, they went to the ritual center of *qaalluu*. The *qaalluu* served summon on Baaca's father. As the latter responded, the *qaalluu* requested him to re-open the negotiation. Consequently, the final settlement was achieved with the initiative of the victims as a solution for their misfortune resulted from their rejection of *guma*.

Since the final *guma* ritual of purification, the relations between the two parities have progressively improved. Currently, the victims have no problems in communicating and interacting with the slayer's agnates or close relatives except for some reservation towards the slayer himself.

This case further substantiates that the Waliso pay *guma* and perform ritual of purification in response to supernatural necessities, in addition to fear of revenge from the victim's side. Besides, the case above indicates that whether or not a killer is tried for homicide and sentenced to a prison term has no bearing on the situation among the Waliso. It neither fulfills supernatural necessity nor jurial requirements. In other words, regardless of whether or not homicide is punished by government court, the feud is settled and ritual of cleansing is performed on traditional line. Similarly, no innocence before the foreign justice system guarantees innocence before the Oromo laws. Below is a case in which the slayer was found to be innocent before the government judiciary, but paid indemnification and performed ritual of cleansing as per the requirements of *guma*.

#### Case - 10

In 1990, during the period of the fall of Derg and the coming to power of Ethiopian Peoples Revolutionary Democratic Front (EPRDF), Gammadne who was a guard of Rural Road Authority camp located in Ginchi shot a person who attempted to rob the camp. The victim also threw a bomb to kill the guard. The government police investigated the case and found Gammadne innocent and let him free.

However, Gammadne did not rely upon the decision of the government judiciary for he has felt and believed that he was in ritual danger for he has shed human blood. He also thought that the consequence of such a ritual impurity would be devastating. He, therefore, resorted to *guma* so as to avert the danger of supernatural retribution and to fulfill jurial responsibility. He hanged a chain on his hand and begged for contribution of blood money in and around Ginchi. And he finally paid three thousand Ethiopian Birr and performed the *guma* ritual.

The Waliso view of the extension of ritual impurity to several descending generations is best manifested in a special *guma* ritual known as *agadayi*. *Agadayi* is a ritual of purification performed to cleanse a sin (*cubbuu*) inherited from the blood one's forefathers had shed and remained undisclosed and/ or undiscovered for a long time. In such a case, the victim and the slayer are unknown in person. Whenever the victim or victim's agnates are known, the ritual turns to be a *guma* proper and not *agadaayi*.

Among the Waliso *agadaayi* often follows certain misfortune, which they attribute to supernatural vengeance. Usually, they consult the *waabeekaa*, which literally means 'the knowledgeable' after every grave misfortune. The *waabeekaa* is a fortuneteller or prophet that could interpret what would be at the back of unblessed life. He is able to propose the solution, too. The *waabeekaa* is neither a *qaalluu* who claims especial contact with the spirit nor witchcraft with the power either to avert or to send misfortune upon the people. Rather, the Waliso believe that the *waabeekaa* is endowed with a special ability of knowing the cause of the problem and proposing its solutions. This knowledge is said to have been hereditary.

The following is a practical example that I came across.

### Case - 11

Dilbessaa is from a well-to-do family. His father and forefathers were all famous personalities. But since very recently, he, his brothers and parallel cousins have not been blessed in their life. Their cattle gradually decreased in number and quality, they rarely begot children, and they often suffer from sickness.

In addition, in 1989 a man of their neighbor shot Dilbessaa's brother who was in his early twenties, without any past grudge. It was a great sadness to the family and to the

lineage. Rather than embarking on vendetta, the victim's lineage started asking the question that could be at the back of such a devastating misfortune. In investigating the reason, Dilbessaa consulted a *waabeekaa*. He was told that the lineage has been under the ritual impurity for one of his forefathers had shed human blood. Until that day, he and his agnates did not know the case.

The *waabeekaa* simply tells the contamination such people suffer from and does not get into the detail of whom, how, when and where the killing took place. Thus, they were unable to identify the person, whether the killer or the killed. The only alternative they had was to respond to this impurity through *agadaayi*. Dilbessaa believed that unless otherwise properly handled, such a ritual impurity would never terminate. Hence, he and his close agnates underwent *agadaayi* ritual of purification. In the mean time, they have settled the case of the death of Dilbessaa's brother through *guma*.

As to how and when the *agadaayi* ritual is performed is presented at the end of this chapter

## 7.2 Investigating Hidden Homicide

In addition to the Oromo view of homicide that initiates the slayer to confess culprit, the Waliso employ a very elaborated and systematic mechanism of investigating hidden homicide. In case a person is killed where there is no witness, the Waliso use the *lukoo* system to identify the slayer (see chapter 3 section 3.4). Traditionally, in this system, the agnates of the slain bring the case to the *gulas* and identify the suspect. Meanwhile, they have full right to nominate persons who should stand as *lukoos* (representatives) of the suspect. Three persons from the father's line and two from the mother's line constitute the full number of the representatives (*lukoos*).

The selection of the *lukoos* is based on the genealogical proximity to the suspect, personality of the individual such as good reputation, and closeness to the suspect. Unless otherwise the suspect has been already alienated the right to be represented by his lineage members, no one is denying being *lukoo*. Denying *lukoo* means approving that the suspect is not trusted and might have committed the crime. The selected *lukoos* are given sufficient time to investigate the truth of the case through discussion with the supposed culprit. In seeking to identify

the truth of the case and persuading the person to confess, they employ different methods. First, they redefine the supernatural consequences of hidden murder. They believe that hidden homicide could be hidden only from human beings and not from the creator whose penalties are more serious and long lasting. They also appeal to secular means, such as, the threat to deny him the right to lineage protection and the banning of any assistance to him in time of hardship.

Eventually, the *lukoos* report the result of the investigation back to the *gulas*. Based on the truth of the case, the representatives either pay *guma* or prove the innocence of the suspect through oath. In other words, if the suspect is found guilty, they resort to *guma*; if he is not, they resort to oath taking to set him free. Oath is taken at the end of the investigation in proving the result, rather than as a way of promising to be fair in investigation. This is quite different from the modern legal procedure.

The Oromo believe that close relatives of the suspect effectively perform the investigation of hidden homicide. This basically emanates first from the view that such an offense (whether or not exposed) is the concern of the relatives, especially agnates. If homicide remains hidden, it results in supernatural punishments that affect the lineage members. If confessed, it involves the payment of *guma*, which again calls for the participation of a given lineage members. Consequently, the case is the concern of the lineage and the offender has no reason to hide his deed. In the mean time, the investigation and its results never involve grudges between the investigator and the suspect. Such an investigation is as good as the investigation of one's own offensive act for better. It is a way of averting the threat of supernatural punishments and human vengeance.

Secondly, the idea stems from an Oromo view that truth is the son of *Waaqa* (the creator). An

Oromo proverb '*dhugaan ni qal'atti malee hin cittu*', 'truth may become thinner but never lost' indicates how Oromo culture discourages the bending of truth. Irrespective of the blood ties between the investigator and the suspect, the investigation is in favor of the truth. Truth is therefore, the commanding force in the process of investigation. The *lukoo* (proxy) acts not only on behalf of the suspect, but also of the truth. In this regard, the Oromo case is quite different from the Arusha. As presented by Gulliver (1963:299) the Arusha are represented by spokesmen in the negotiation. But these men are not neutral mediators, rather adherent to the group they represent, whether or not the truth is evaded. On the other hand, the Oromo view of the truth is similar with that of the Sidama people. Hamer (1972:242) says that the Sidama elders place great stress on adherence to truth, regardless of their group affiliation.

At this point, it is noticeable that Oromo view is contrary to modern legal system. In the case of the latter, witnesses, judges and investigators are supposed to be non-relatives of the suspect who are not at the same time his enemies. Should this happen, the words of the witnesses could not be taken serious, the verdict of the judges is said to be unfair, and the investigation does not reach the truth of the case. This is based on the assumption that individuals are biased in favor of their past relations regardless of the truth. I argue this difference partly stems from the end result of the investigation. In bureaucratic law a person who is found murderer is punished according to the letter of the law. Imprisonment is commonly employed to punish the offender. The law is not a lubricated one. As opposed to modern legal system, in Oromo culture a person who is found guilty of homicide pays blood price. Hence, the investigators whether or not they are relatives do not hesitate to expose the fact owing to the end result.

### 7.2.1 Ritual Oath of Innocence

The *lukoo*s take oath to prove the innocence of the suspect when he is not found guilty. The oath taking entails the ritual. The following cultural materials are used in the oath taking ritual: newly dug empty hole, five spears, fire, soots (*qaqaa*), and milk container (*okolee*).

Each *lukoo* takes an oath as follows: pointing to the hole, he says, 'this is a hole, if I hide the blood of the victim, let *Waaqa* (the creator) hide all my *dhuga* (truth)'. In this context, hole represents heart or according to Oromo view *garaa* (stomach) in which a person keeps secret. The fact that the hole is exhibited open and empty indicates that the person does not hide the truth.

Likewise, pointing to the five spears, a *lukoo* says 'these are spears, in case I falsely take oath, let the spear of man affect me, if the spear of man misses me, let the spear of *Waaqa* affect me'. Here the term spear does not represent an instrument of war only, rather any misfortune that the person would suffer as a result of the sin or the supernatural consequences which homicide may bring in its wake.

Pointing to the fire a *lukoo* says 'the person is innocent, if not, let my fire extinguish' (*ibiddi Koo haa dhaamu*). Fire for the Oromo indicates house. In fact, it does not indicate mere physical house but the physical and the social network of the nuclear family. A house without fire is *ona* (abandoned). *Ona* is life less. Hence, the oath amounts to, 'let my house remain life less or let life in my house extinguish as fire does'.

A *lukoo* (representative) also swears oath saying 'the suspect is innocent, if not; let not my house soot (*manni koo hin qaqaa'in*). For the Oromo the soot of a house indicates the age and service of the house. In this context, it implies age, stability and peaceful life of the

owner. Similarly, a *lukoo* refers to milk container and says that 'this is *okolee*, if I lie, let my *okolee* (milk container) go dry'. *Okolee* has the meaning of cattle. The dry *okolee* shows the absence of milk, which means the absence of cattle

The oath taking ritual is performed at the premise of the suspect. The site selection has its own implication because for the Waliso, if the suspect lies and misleads the representatives into taking the oath, the liar and his premise would be the first to be contaminated. This is clearly expressed in the final oath taken by the suspect. He takes oath that he is innocent, if not, whatever consequences of the oath taken by the *lukoos*, may remain at his premise and affect him and only him.

### 7.3 Rituals of Purification after Homicide

*Guma* as a ritual of purification, among the Waliso, involves a very elaborated process and passes through different steps full of meanings and symbols.

#### 7.3.1 Pleading for Peace Through *Guma*

The initiative for reconciliation through *guma* is taken by the agnates of the slayer. They request the *gulas* to intervene. Such an intervention has a special formality and requires the organization of a special intervening group eligible to plead for mercy. The group to plead for *guma* consists of at least five *gulas*, each from different *Gada* set and two from senior clans. Five of them must be from neutral lineages, five *cifirees* (women whose sons are *gulas*) or *kalaalees* (women whose husbands are *gulas*). Each holds *caaccuu* (a ritual object) and *iiqqee* (ritual stick), five girls, each carrying solid gourd, yoked oxen, harnessed horse, and some times harnessed cows. In addition, as many people as possible could join the group.

All these people, their combination and the material culture involved are relevant to Oromo view of the universe. The number five (five *gulas*, five spears, five girls, etc) at first glance seems to represent the five *Gada* sets. But for the Oromo, the five *Gada* itself have stemmed from Oromo view of creation. According to Gemetchu (1993), the Oromo think that every thing was created from the pre-existing water that was divided into two: the lower and the upper water. The creator (*Waaqa*) started his work of creation by further dividing the upper water into three categories: water, the sky and the heavenly bodies; and by dividing the lower water into two categories, the dry land and the water. The two together constitute the five primary categories. Everything natural is structured according to these principal categories. Culture also tends to imitate the natural classification. Hence, the number five deserves a special place in Oromo view of the universe. The same is true of the Waliso's five *gulas*, five girls, five boys, five women, etc in *guma* process.

For the Waliso, *guma* is successful with the presence of *gulas* from the *angafa* (senior) clans. These are the Abbu and Konno clans. In substantiating this view, they argue that the Abbu said to be the elder son of the Waliso and the Konno who was the second son were the nearest to the Waliso. Hence, they were eligible to act as the Waliso himself. Their descendants are still eligible to act as fathers and have responsibility to deal with a dispute among the descendants of the Waliso. Mostly, two of the five *gulas* are, therefore, from these two clans and they play a leading role in the process of reconciliation.

The five women with their ritual objects indicate the irresistible ritual power of the women to restore peace. Women have a special power to heal the ruptured peace and the lost *safuu*. According to Kuwee (1997) violation of these rights of women means violation of the law of the creator, and the offender incurs curse (*abaarsa*). Kuwee says that women have a special

power to curse and to bless, because the more politically liminal an Oromo is, the more he/she is spiritually powerful.

In the other category, the five girls represent purity, un-contaminated and innocence. Unmarried girls are often named as *dubra duudaa*. The term *dubra* stands for girl and *duudaa* literally for solid, whole or innocent, but in this context it refers to virginity. The two terms together mean virgin girl. Girls who themselves are innocent or/and untouched hold solid gourd. The gourd also refers to the untouched and something in its original state. It is thus, like a future that no one knows what it contains. Here the solid gourd, therefore, signifies the matter under treatment which is not yet resolved and whose result is still unpredictable that either party or both parties may suffer from. The fact that girls hold solid and ask for mercy, therefore, indicates the pure, genuine and uncontaminated pleading to get into the case. In addition, gourd is the bitterest fruit that connotes the actual feelings of the grief-stricken relatives of the murdered man and the panic into which the slayer and his relatives are thrown.

The Waliso believe that no *Gada* ritual, including the pleading for mercy through *guma* is complete and meets its target without the participation of women. Hence, the role of women in *guma* ritual is significant. Of course, women never participate in law making, neither they replace the *gulas* to mediate.

Similarly, the participation of boys has to do with the future rather than the past and the present. It is believed that resolution of a homicide case is in favor of the young generations which unless otherwise inherit both the sin their forefathers have committed and have the

responsibility of avenging the act. Two of the five boys are yoked like oxen to express that this section of the society would most suffer the consequence. Yoke is the symbol of the state of difficulty resulting from a killing. In addition, the Waliso think that it is unfair to offend the young. This view is expressed in the saying '*jaarsi du'a gahe si hin abaarin, namni ol guddatu sitti hin mufatin*', which means 'one better not let a curse of an old man and a grudge of a young man'. The idea is that an old man will die before he withdraws his curse and young will have a chance to retaliate against the offense. Within this context boys participate in pleading for *guma* as a means of pushing the injured to reconciliation.

Finally, I argue that such an elaborate participation of girls and boys in the very ritual of reconciliation is part of the socialization process in which the *guma* practice is thought. The Oromo culture of forgiveness is transmitted through the unconscious cultural pattern and conscious training of adults.

The yoked oxen and the harnessed horse and cows with the pleading group show that even the innocent domestic animals join in pleading the victim side to negotiate for settlement of the case. The Oromo call this process *ooda baasuu*, 'to mobilize *ooda*'. The term *ooda* is difficult to translate into English, but contextually it means something that deserves great respect. The Waliso believe that it is ritually dangerous to let *ooda* miss its target.

*Guma* is formally opened by the ritual in which the slayer lineage pleads the victims for reconciliation through the mediation of the ritually eligible group. The pleading for reconciliation is addressed facing the residence of the slain's immediate family from a distance of about two to three kilometers away.

They usually begin their pleading through prayer to the creator, to help them to successfully settle the case. In their pleading, they refer to each element of the *ooda* and redefine the value of each item to persuade the feelings of the injured. Such a pleading goes on every morning for nine consecutive days, nine times each day. In between each of these nine sessions, they take a break and start again for the pleading. While forwarding their request, they bow to the victims as a sign of honor though the latter are not around. Each day and each session, they take a stride forward. Under normal circumstance, the victim should positively respond through *gulas* within five to seven days, but they usually show resistance and never yield immediately to the request. It is a point of honor to be obstinate.

There is a formal way of submitting to discussion in response to the *ooda*. Usually, a neutral *gula* and one of the *lukoos* (representatives) from the victim's lineage contact the pleading group at their site and respond '*oodni marii haa dahu*,' 'may *ooda* give birth to discussion'. The saying heralds that the injured have agreed to negotiate for the settlement. In the meantime, they unharness a yoke of oxen and a bridle or rein of a horse. They set free the yoked boys and collect the gourd in the hands of girls. This signals their positive response to the *oodas*.

However, it rarely happens that the victims refuse to respond throughout the nine days. In this case, in the distant past, the *gulas* resorted to curse to enforce the law. But since very recently, the second round of nine days pleading has been adopted to exert further pressure to win their good will.

I argue that the extension of pleading days is the indication of the gradually weakening power of the local *Gada* officials and the unrestricted government intervention. With these, the

settlement of homicide case through traditional line has gradually required great patience from the side of the offender and mediators. Of course, in majority of cases, the bereaved side submits to the peace negotiation. However, sometimes it remains unattainable for several years. If the injured insist on their refusal, the pleading group pronounces cursing against them as follows: *ooda qoltani, dhugaa diddan, dhugaa awwaalattan. Dhugaan Keessan haa awwaalamu, gumaan kessan hinbahin. Gumaan abba torba sin irraa hin hafin*, 'you offend *ooda*; you refused truth and buried it. Let the creator bury your truth, let your blood remain buried, and let killing persist in your lineage up to seven generations'.

Regarding the number of pleading days, which is nine, my Waliso informants say that nine is assembly of the Borana (*Salgan yaa'ii Borana*). In fact, in Oromo child game that aims at orienting the child with numbers, Borana assembly represents nine. However, what is at the back of the Borana assembly is missing among the Waliso. I found Gemetchu's (1993:138-139) analysis is useful, in this respect. Gemetchu puts that the number nine among the Oromo represents both the end of a process and the beginning of a new one." Bartels (1983: 146-147) also says that nine for the Macha connotes fullness. Taddesse's (2000) monograph "The Riddles of Number Nine in Guji-Oromo Culture" is also very relevant. According to him, for the Guji, number nine represents a critical time between life and death and/or health and illness. They also believe that prayer and rituals could avert the danger that otherwise follows number nine.

My data remarkably agree with these views that the Waliso call the first nine pleading days as *saglan tokko*, which means a set of nine and the total eighteen days as *saglan lama*, which means two sets of nine and they never call it eighteen days. Hence, nine is the beginning and ending of each cycle of counting. In the mean time, it marks the critical time at which the

relatives of the wronged have to decide to negotiate. It heralds the end of the pleading days that may be followed by the danger of ritual impurity.

Meanwhile, the physical distance between the site of those pleading for mercy and the residence of the slain symbolizes the psychological distance or gap between the two disputant parties. In other words, the fact that the two groups involve in certain taboos on social contact and their differences are represented by actual physical distance. Distance also indicates respect. The gradual physical movement towards the victim's homestead is an indication that the pleading group is approaching the victims for reconciliation. Decrease in the actual physical distance is a sign of narrowing down the wide gap between the parties in feud.

### 7.3.2 The *Lukoo* System and the Ritual Oath of Promise

The Waliso think that it is both immoral and impossible for the immediate family members of the killer and the slain to conduct a face-to-face discussion on the issue of homicide. Instead, they are represented by one of their respective lineage members who are not in the category of extended family (*lukoo*). Once the pleading ritual is over, the two parties are kept under oath of promise. They take oath of promise to proceed through the *guma*, and so that they will not resort to any other means. The oath is taken by *lukoo*s of both parties on behalf of their respective lineage in general and the concerned immediate family in particular.

The oath is taken under the instruction of *gulas*. The standard way of doing this is asking whether they would be persistent to serve as *lukoo* up to the end. They are supposed to declare whether they are ready to pay (refers to the slayer's side) and receive (refers to the slain's side) as much *guma* as the *gulas* would decide. Following their affirmative answer, each *lukoo* takes oath as follows 'yoon *guma kana hanqise qarri namaa na hin*

*dhabin, yoo qarri namaa na dhabe kan Waaqaa na hin dhabin. Guman abba torba natti haa naanna'u*, which means, 'if this *guma* is missed from our side, let the spear of man strike me, if that misses me, let the spear of the creator strike me. May I suffer from *guma* up to seven generations?' Saying this, both representatives (*lucoos*) stride over the five spears laid down for this purpose.

The *gulas* further ritualize the oath taking by formally pronouncing curse to enforce their position. The two *gulas* kneel down and perform the ritual in the same fashion as the normal law making process. As usual they begin with prayer to the creator. They also revise the general principles of the Oromo law: *Waaqa* (the creator) is praiseworthy; *lafa* (the earth) is praiseworthy, etc. When it comes to the specific issue at hand, they proceed as follows.

X = the first *gula*      y = the second *gula* (X speaking, Y responding)

<u>X</u>	<u>Y</u>
<i>Kan du'e guma fudhata</i>	<i>Haa ta'u</i>
The slain would receive <i>guma</i>	May it be
<i>Kan ajjeese guma kenna</i>	<i>Haa ta'u</i>
The slayer would give <i>guma</i>	May it be
<i>Lamaanu dubbii kana hin garagalan</i>	<i>Haa ta'u</i>
Both would never resort to any other means	May it be
<i>Inni du'e isa ajjeesse eeboodhaan hin adamsu</i>	<i>Haa ta'u</i>
The slain agnates would never hunt to spear the slayer	May it be
<i>Inni du'e isa ajjeese seeraan hin barbaadu</i>	<i>Haa ta'u</i>
The injured would never resort to government court	May it be
<i>Waaqaa fi lafa kabaju</i>	<i>Haa ta'u</i>

They would respect <i>Waaqa</i> and <i>lafaa</i> (earth)	May it be
<i>Gada shanan, eeboo shanan, alangaa shanan sodaatu</i>	<i>Haa ta'u</i>
They would respect the five <i>Gadas</i> , the five spears and the five whips	May it be
<i>Dubra duudaa buqgee duudaa baattu kabaju</i>	<i>Haa ta'u</i>
They would respect the virgin girls carrying the virgin gourd	May it be
<i>Dargagoo harqoota baatan, farda lugamame, sangaa camadame sodaatu</i>	<i>Haa ta'u</i>
They would respect the yoked boys, the harnessed horse and the yoked oxen.	May it be
<i>Namni ooda kana gufachiise ni gufata</i>	<i>Haa ta'u</i>
Any one who lets the <i>ooda</i> be unsuccessful would be die	May it be
<i>Yoo nu ganan waaqni isaan gana</i>	<i>Haa ta'u</i>
If they betray us, may <i>Waaqa</i> would do so	May it be
<i>Duudaa jaamaa, naafa haa dhalan, haa dhalchan</i>	<i>Haa ta'u</i>
May their offspring be deaf, blind and lame	May it be
<i>Gumaan abba torba itti haa naanna'u</i>	<i>Haa ta'u</i>
May they suffer from <i>guma</i> up to seven generations	May it be
<i>Yoo ganan eeboon namaa hin hanqatin</i>	<i>Haa ta'u</i>
If they refuse, may man's spear get them?	May it be
<i>Yoo eebboon namaa hanqate kan Waaqaa hin hanqatin</i>	<i>Haa ta'u</i>
If man's spear misses them, may <i>Waaqa's</i> spear hurt them	May it be

At the end of this ritual, the *lukoo* of the victim normally forwards his demand that the slayer and his close relatives should avoid five market places around where the slain's close relatives often go to, until the final settlement. This is practiced to reduce the probability of contact between the disputing parties that could escalate the differences.

In this ritual, I believe, two points require due consideration: the *lukoo* system and the nature of oath. In the first place, the *lukoo* system indicates that homicide among the Waliso is not a personal matter, but that of the lineage. *Guma* is a social drama where we best observe the practical significance of the role of lineages among the Waliso. Secondly, *lukoo* system is the mechanism that the society has adopted to handle dispute that is otherwise difficult, if not impossible, to settle. Because any attempt to negotiate on homicide between the close kin of the victim and the slayer would exacerbate the conflict.

In the oath taken by the *lukoo* and the curse pronounced by the *gulas*, the consequence of rejecting *guma* is directly exhibited. In both cases, the phrase 'the spear of man' denotes the potential human vengeance that could be executed. The second spear, 'the spear of *Waaqa*' represents supernatural vengeance. Both the *lukoos* and the *gulas* emphasize the spear of *Waaqa* as a final power. They say the spear of the creator would not miss. Hence, for the Waliso the most important impetus to perform *guma* lies in the belief system. The next step in the *guma* process is the discussion on the amount of blood price in reference to the circumstances of the killing that has been discussed in the last chapter.

### 1.3.3 *Harka Dhiqaa* Ritual

*Harka dhiqaa* literally means 'washing the hands'. This refers to the final *guma* ritual of purification. It is a ritual through which the Oromo declare the cleansing of the slayer from the blood he has shed and declare the reunification of the two parties. The phrase *harka dhiquu* signifies the washing of the blood of the slain that is said to pollute the hand of the slayer and his close agnates. The ritual is usually performed at a ravine area where cattle never rich and people rarely go. The selection of the site is a manifestation of the desire to avoid and separate the act from both their cattle and themselves.

sacrifice a sheep and a cow during the washing hand (*harka dhiqa*) ritual, as a slayer lineage. These sacrifices have two purposes. And they are performed as the main but supplementary steps. Both the sheep and the cow must be past bearing (83: 239), but with full health. Informants have claimed that if the animals are without any body parts, they never serve to fully cleanse the sin, which would have a negative effect on the slayer.

### ***Gonfoo***

The slayer must scarify a sheep known as *hoolaa gonfoo*. *Hoola* is a sheep, whereas *gonfoo* is a term *gonfoo* here shows the worn-out hat the killer wears to indicate that he is ritually impure. He also wears worn-out clothes, appears with uncut hair and a shaved beard and dirty. The physical impurity connotes the ritual impurity. The hat the slayer wears, is known as *gonfoo caamaa*. *Caama* means rainless, dry, and has a negative connotation that means something unwanted, peace less and ritually impure. *caama* signifies a state of difficulty in which a killer is.

The *gonfoo* is provided by the *lukoo* of the slayer and cut by the *lukoo* of the slain just above the neck of the ravine. Eventually, they together throw it into the ravine with the knife and the sheep. The act, in fact, connotes that the sheep represents the slayer; its blood is instead of the blood of the killer. In slaughtering the sheep, the *lukoo* of the slain ritually avenges the death on the slayer. In providing the sheep, the *lukoo* of the slayer makes his admission that the latter has shed blood, which he should compensate by his

The Waliso sacrifice a sheep and a cow during the washing hand (*harka dhiqa*) ritual, as provided by the slayer lineage. These sacrifices have two purposes. And they are performed in two distinctive but supplementary steps. Both the sheep and the cow must be past bearing (see Bartels 1983: 239), but with full health. Informants have claimed that if the animals are not with full body parts, they never serve to fully cleanse the sin, which would have consequence for the slayer

### 7.3.4 *Hoolaa Gonfoo*

The Waliso first scarify a sheep known as *hoolaa gonfoo*. *Hoola* is a sheep, whereas *gonfoo* means hat. The term *gonfoo* here shows the worn-out hat the killer wears to indicate that he is very sad and ritually impure. He also wears worn-out clothes, appears with uncut hair and fingernails, unshaved beard and dirty. The physical impurity connotes the ritual impurity. The hat, which the slayer wears, is known as *gonfoo caamaa*. *Caama* means rainless, dry. Here it carries a negative connotation that means something unwanted, peace less and ritually impure. Hence, *caama* signifies a state of difficulty in which a killer is.

The *hoolaa gonfoo* is provided by the *lukoo* of the slayer and cut by the *lukoo* of the slain just at the very edge of the ravine. Eventually, they together throw it into the ravine with the knife used to slaughter the sheep. The act, in fact, connotes that the sheep represents the slayer; its blood is shed instead of the blood of the killer. In slaughtering the sheep, the *lukoo* of the slain symbolically avenges the death on the slayer. In providing the sheep, the *lukoo* of the slayer shows his admission that the latter has shed blood, which he should compensate by his own blood.

aving away the sheep indicates that the slayer is avoided and the act of killing  
In the mean time, the knife is also avoided for it is said to be polluted by the  
sheep, which is in fact, the blood of the slayer. Following this act, the symbolic  
the slayer is exhibited. The killer who until that particular time remains  
as kept himself hidden at a distance immediately appears at the same edge of  
his dirty appearance and worn-out hat on his head. The *lukoo* of the slain  
out hat off the slayer's head using a long but thin stick with very much care.  
wn into the ravine. This marks the transition from death to life of the slayer in  
g the Guji Oromo, rather the weapon the killer used to commit homicide and  
ore at the time committing the offense are thrown into flowing water. Tedecha  
hat this act connotes an attempt to away the impurity with flowing water.

### of Re-integration

al does not mean that the parties in feud are re-integrated; rather another ritual  
o dramatize the reintegration. Until that, the killer with his close agnates is kept  
site of the slain agnates except the *lukoo* who performs the *gonfoo* ritual. The  
egration is celebrated on the same day and in the same area. The slaughtering  
is this.

m both sides hold on to the same knife and slaughter the cow together. Soon,  
e cow on the stomach from two sides. Concerned individuals of the two parties  
ds through the hole and shake hands with each person of the other side in side  
the cow. The victims use the hole on the right side, whereas the offenders use  
insa, 1975:88). The slayer in person performs this ritual under the cover of veil  
n of *gulas*.

ends with each other, the slayer and his agnates plead their victims to forgive. The slayer calls in name every close agnates of the victim whom he shakes towards the question 'guma fudhattee, dhugaa argattee naaf dhiiftee?' Which the truth and receive guma; do you forgive me?' The other side responds, 'guma fudhadhee siif dhiiseera', means 'yes, winning dhugaa and receiving you'. The ritual goes on until all the people from both sides undergo it.

In the ritual, *gulas* repeatedly pronounce blessings. They say 'warra garaa tokkoo ssan walitti haa fayyu.' 'Let you be of one stomach, let your stomach recover (forget the grudge)'. Once, the process is over, the veil could be unveiled so as to mark the re-establishment of the unity of the two groups. The slayer soon strips off his hat and wears another. He cuts his hair and his fingernails; he shaves his beard in the same ravine where his dirty hat (*gonfoo caamaa*) was abandoned.

The symbols that are involved in the ritual have fascinating anthropological significance. Opposed to the *hoolaa gonfoo* (sheep), the cow represents the re-emergence of the two groups, the re-opening of the broken social contact. This is more precisely the practice of piercing of the stomach of the cow and shaking hands within the ritual. The blessing *warra garaa tokko ta'aa* (let you be of one stomach).

The term *garaa* has the connotation of *sammu* (mind) and *onnee* (heart). In the expression *min kee hamaa yaada*, 'your stomach thinks ill will', the term *garaa* is used for mind or heart. It means what is on your mind is cruelty. Similarly, in the expression *ta kana garaatti qabadhu* (hold this deed in your stomach), the term refers to holding some kind of feeling in mind. Hence, the Oromo believe that grudges are

stomach. Accordingly, the two parties in feud with one another have ill feeling  
ch.

ice, therefore, the cow represents both parties and the ordure in its guts  
grudge of the groups. The piercing of the stomach of a cow releases the tension  
d air in the ordure with unpleasant smell. In doing so, I believe that the Waliso  
that the grudge and ill temperedness of the groups located in the stomach are  
sides allow the release of the tension through the hole on their respective sides.  
time, while they shake hands with each other, they re-open the broken social  
so that unity replaces the hitherto grudge. They send their hands through the  
e. This indicates that the restoration of peace penetrates into their stomach and  
om of their heart.

ave already discussed, in state of ritual impurity, the groups remain under the  
ing and drinking together. However, on the occasion of 'washing hands', the  
nate the taboo. The groups usually bring *buquri* (alcohol less local beer) honey  
ith them. They mix up their beer and drink from it; they mix up their honey and  
articipants to overcome a taboo on eating and drinking together. These practices,  
wed by blessings from the *gula*, '*damma walitti ta'aa, damma walitti ta'aa*', 'let  
eet as honey to one another, let you be as sweet as honey to one another'. The  
unts to saying that may you agree, unite and forget your grudges.

he slayer wipes the eyes of one of the close relatives of the slain using the cotton  
th himself. The practice presupposes that the killer causes the latter to cry with  
y are still in tears. The act, thus, connotes the wiping off tears with smooth and

terial cotton so as to comfort the offended. The slayer is said to be regretted of  
and shows his feeling by appeasing the offended.

## Final Legal Decision and Its Enforcement

*dhiqaa* ritual is concluded by the final *tuma* that emphasizes the post *guma* social  
between the concerned parties. As usual, two *gulas* kneel down and ritualize the  
follows: One of them (x) begins speaking to his companion (y). The *gulas* always  
ritual with prayer to *Waaqa*, revising the general principles which I have stated  
Here I simply present issues directly related to the point under discussion.

	<u>Y</u>
<i>n baheera</i>	<i>Haa ta'u</i>
side is compensated	May it be
<i>gumaa baaseera</i>	<i>Haa ta'u</i>
er has compensated	May it be
<i>me gumaa fudhateera</i>	<i>Haa ta'u</i>
has received compensation	May it be
<i>a haaloon hin jiru</i>	<i>Haa ta'u</i>
ere is no grudge between the two	May it be
<i>oolan araaramaniru</i>	<i>Haa ta'u</i>
ant parties have been reconciled	May it be
<i>a bakka tokkoo bishaan waraabbatu</i>	<i>Haa ta'u</i>
hey would fetch water from the same fountain	May it be
<i>ko dhaabatu</i>	<i>Haa ta'u</i>

would go to the same market	May it be
<i>u</i>	<i>Haa ta'u</i>
would be friends	May it be
<i>ilitti heerumu</i>	<i>Haa ta'u</i>
ermarry (if the rule of exogamy allow them)	May it be
<i>aloon hin jiru</i>	<i>Haa ta'u</i>
is no grudge between the two.	May it be
<i>isan</i>	<i>Yoo kuusan</i>
se a grudge	If they do
<i>atuu ta'u</i>	<i>Haa ta'u</i>
come made fox	May it be
<i>ta'u</i>	<i>Haa ta'u</i>
came a burned wood	May it be
<i>bahu</i>	<i>Haa ta'u</i>
ostracized	May it be
<i>aalee waaqni isa miidha</i>	<i>Haa ta'u</i>
avenge any offensive act of any party	May it be
<i>n buusu</i>	<i>Haa ta'u</i>
would make no profit	May it be
<i>uufu</i>	<i>Haa ta'u</i>
he would never harvest well	May it be
<i>ddattuuf</i>	<i>Haa ta'u</i>
ld not reproduce	May it be
<i>raarri fiixaan baha</i>	<i>Haa ta'u</i>

liation would be effective	May it be
ra	<i>Haa ta'u</i>
ided	May it be
<i>Walisoo ti</i>	<i>Haa ta'u</i>
so's law	May it be
naal?	<i>Afaan Waaq</i>
id is it?	<i>Waaqa's words</i>

### **ayyi: Especial Guma Ritual**

is a special ritual of purification that involves only one party- the slayer or his is a unique ritual, which can be resorted to if and only if the slain is unknown and no claimant on the side of the slain. The detail of the *agadaayi* ritual varies from to another as prescribed by the expert. However, there are common practices and that it never misses. *Agadaayi* is similar to the *guma* proper in many respects and some aspects. For there is no group to be asked to negotiate with for reconciliation, it require nine days pleading. Rather, one night nine times prayer to the creator instead. For the Waliso this practice is simply their tradition, but in my view the ritual is performed during the nighttime to connote that the matter is as dark as night, unknown. The slain and slayer are rarely known.

ving morning of the prayer night, a person or persons who are responsible for the *guma* which is mere symbolic. They throw ninety-nine solanaceous fruit (*hiddi*), ninety-nine coins of five cents on the main road around. The fruit symbolizes cattle. A man unable to slaughter a bull for his *butta* ritual (*Gada* ritual) could slaughter *hiddi*.

marries in *aseennaa* (*aseannaa* is a marriage form arranged only by the girl's consent of even her would-be husband.) expresses her wish of prosperity for her following *hiddi* in side their house. Similarly, among the Waliso, *hiddi* represents a cattle. The changes (coins) are indication of payment of compensation in cash. development among the Macha in general and Waliso in particular. Once the is paid, the *gulas* and the ritually impure group perform the final ritual of an inaccessible area (*lafa cittuu*). There, a sheep is slaughtered by one of the down into the ravine. The *gulas* kneel down and declare that the person is or hereafter purified, the blood of the slain is compensated for.

chapter tried to address the rituals of *guma* with its very much-elaborated expressions. It shows that one of the main impetuses of performing *guma* lies in its requirements as a means of escaping the awful consequences of spilling human blood. the chapter attempted to address that *guma* is performed in response of requirements in addition to jurial obligations.

## CHAPTER EIGHT

### SUMMARY AND CONCLUSION

Despite the theoretical controversy, whether conflict is sociation or disjunctive, scholars have agreed that in all human societies life does not move along in peace and harmony at all times. As it is indicated in the literature review, writers have attributed the causes of conflict to different sources. In the case of the Waliso, the primary cause of conflict seems to be in the area of economic interests. But it is not easy to make a valid exclusive motive of disputes regarding the area. My ethnographic data clearly reveals that the understanding of the causes of conflict demands the consideration of how various factors interplay within the social milieu. Consequently, this is my contention that, both Freudian assertion, which simply places violent behavior in biology nor ecological functionalists' materialistic and deterministic cause approach confirm the case of the Waliso.

Regardless of the controversy on the causes of conflict, consensus seems to exist that every society has its own mechanism of handling dispute. In line with this, in this thesis, an attempt is made to present some aspects of peaceful modes of conflict resolution. The study addresses only peaceful modes, since the Waliso do not have those violent mechanisms. Neither institutionalized duel nor self-help is part of their culture. In this sense, I agree with Gulliver (1975: 379) who argues that sedentrism never tolerates violent modes of dealing with conflict. The fact that the Waliso are sedentrists fits peaceful dispute handling.

Anthropological literature divides peaceful mechanisms of conflict resolution into various categories. Negotiation, mediation and arbitration are among the major ones (I have

discussed this under 2.3). Concerning the Waliso, one may come to the conclusion that these modes are not so exclusive in their nature. Instead, they are simultaneously employed in a single proceeding. Hence, the ethnographic data from the Waliso confirms Schellenberg (1996) and Gulliver (1979) view of the possibility of employing simultaneously various modes of handling dispute.

On the other hand, currently there are two different forms of administration of justice operating among the Waliso: the indigenous mechanisms and the government court. However, majorities of the dispute cases are dealt with by the indigenous mechanisms. Various factors contribute to this effect.

Time consuming government court process is one of these factors. Cases are relatively settled at local level within a short period of time. The government court lacks necessary facilities and manpower to implement effective and efficient administration of justice. This is evidenced by the fact that Dandi *woreda* has only a single public prosecutor, two judges and thirty-three policemen for the entire population of the area.

In addition, both the plaintiff and defendant are exposed to high financial cost in the government court. Apart from the high possibility of corruption, there are expenses such as court fee, transportation cost, per diem and the like, which are unaffordable for the peasants. Thus, the treat of expensive court action pushes the Waliso to traditional means in which there are no expenses of these sorts.

The need for face-saving outcome is also another important factor that provides impetus for the Waliso to resort to local mechanisms. Government court intends to apply the already

established law to the case at hand, regardless of the past and the future relationships of the disputants. As opposed to this, the guiding principle in traditional mechanism is compromise and restoration of peace. At the end of the reconciliation, the disputants hardly feel the sense of winner/ loser relationship.

In addition, the cross cutting social ties, which Gluckman termed as multiplex relations or conflicting loyalties also push the Waliso to peaceful conflict resolution. The multiplex social ties partly provide an explanation as to why the Waliso insist on their traditional mechanism of handling cases, especially the case of homicide.

There is some sort of uncertainty among them about the end result of resolutions made at government court. They consider the government court as foreign to their culture in both its rules and objectives. It simply targets the punishment of the offender and disregards the corporate responsibilities of the lineages in feud with each other. Thus, it is not effective in bringing long lasting peace to the community. To the contrary, the Waliso handle the feud on traditional line and do not let hostility persist until it ends in vengeance. The basic *guma*-paying unit makes amendments by payment of *guma*.

Distance from the court and lack of transportation also discourage disputants, among the Waliso, to take their case to government court. There is no road that connects the Waliso with the center- Ginchi. They inhabit inaccessible mountainous areas. The Waliso at the extreme south of the *woreda* travel on foot ten to twelve hours to reach Ginchi.

On top of that, as opposed to government court, traditional mechanisms are value oriented and native elders and peers of the disputants hold the proceedings. The government court

proceedings are held only according to the formally set regularity in which the disputants do not have full chance to interact. Disputants are not as free as they are before elders at local level. They are neither allowed to probe into the past grudges nor narrate their past good relations. A moot by its very nature administers law with a much wider tolerance than a court, because the agreed settlement that a moot intends to achieve requires some compromise within the existing social context.

Further more, the Waliso associate government court with bribery, corruption and chicanery. They say that, 'since judges at this court are corruptible, truth (*dhuga*) may be bent'. A person may appear a winner or loser regardless of the fact underlying the case. This could happen due to corruption or sometimes due to lack of knowledge of the law. Hence, fear of corruption and its resultant - unfavorable outcome, restrain the Waliso from taking their case to the court.

Lastly, in court proceedings, the allegation is proved only through witness. The accused is guilty of the charge if and only if the truth of the case is testified. Failure to testify guarantees the innocence of the defendant regardless of what the truth may be. However, this is not the case in traditional mechanisms. In some cases defendants are supposed to prove their innocence through ritual oath (I have discussed this in chapters five and seven). Consequently, plaintiffs' failure to prove the truth of their claim in government court also favors the return to local mechanisms of conflict resolution.

However, in modern legal sense, the local agents of conflict resolution do not have codified body of law by which they have to administer their decisions. Nevertheless, among the

Waliso verdicts are given not by traditional people who are entirely guided by their past experiences and memories, instead mediators appeal to *Gada* law set every eight years. Hence, their decisions are not mere arbitrary.

On the other hand, despite the presence of this law, we cannot understand the outcome from the rule as Gluckman (1967) has suggested. Gluckman has argued in favor of normative determinism. As opposed to this, my study reveals that various factors seem to have hand in the course of events pertaining to the resolution of conflict. Factors such as social ties between the parties in dispute, the social context and the relative power of the disputants all have roles to play. Hence, in this regard, the processual approach has real relevance to my study of the dispute among the Waliso.

Similarly, anthropologists have argued that traditional institutions lack coercive means of enforcing their decisions. Likewise, among the Waliso those who act as agents of conflict resolution do not have police and prison at their disposal. They have also no legal support from the government. Nevertheless, they are able to maintain social order. Their ability mainly stems from public opinion, the moral ideas held by the community and the power of compulsion vested in elders. They also resort to ritual sanctions under the condition when normal means of healing the ruptured relations or punishments fail to bear fruit. In this regard, the Oromo value system, which is embedded in their belief system, is very strong.

Cursing which is believed to harm not only the offender but also the descendants is therefore, expedient as an ultimate resort to supreme deity. Hence, the Waliso case is quiet relevant and fits into the works of Red Field (1967), Posipisil (1967), Shack (1966, 1969) Bassi (1992) and Evans- Pritchard (1940) all of who have presented different ethnographies of traditional

societies in which sacred sanctions such as cursing, ostracization, denial of favors are so effective.

Finally, the theoretical issues concerning the role of rituals in peace making is worth remembering in relation to the *guma* ritual addressed in the thesis. Anthropologists have viewed such a ritual as a social drama that plays the role of enhancing oneness and restoring social order (Turner 1957). Rituals also express the superiority of the groups over the individual. *Guma* among the Waliso is dramatized and symbolically signifies the resolution of conflict and the advantages of restoration of peace and harmony. It also passes through different steps that confirm Turner's (1957) view, which has been discussed in chapter two under 2.5.

However, anthropologists such as Bartels (1983) and Colson (1995) argue that rituals often fall short of what they purport to be. And these writers doubt the very healing power attributed to rituals. For instance, Colson reports that the Gwembe Tonga society performs rituals after homicide in seeking for mercy from the supernatural calamity or sickness that otherwise would be released against them.

My data is, of course, in partial conformity with the view that rituals do not guarantee resolution and harmony. Among the Waliso latent enmity continues even after *guma* ritual, but ritual impurity does not. Consequently, the role of *guma* ritual seems more of purification than reconciliation. As Bartels (1983:35) rightly puts it, rites do not show the actual practice, instead show what it ought to be. I Partly disagree with Colson who totally relegated such rituals to supernatural requirement with no jurial meanings. *Guma* among the Waliso also has the role in controlling the escalation of conflict by appeasing the feeling of

the injured. In other words, the payment of *guma* that goes hand in hand with the ritual has an important social role in healing the injuries sustained by the relatives of the slain.

On the other hand, the data from the study indicates that progressively, an increasing number, of the Waliso go to the government court. However, at this juncture it is worth mentioning the paradox behind their intention to look to government court for legal redress.

The Waliso effectively manipulate the government courts to enforce their own culture and value. In other words, the court serves as one of the mechanisms through which a plaintiff coerces or forces his opponent to demand the intervention of indigenous mechanisms. The very intention of bringing their case to government court is expressed by the Oromo proverb "*buufaan muddu malee sibilli udaan hin buusu*," literally meaning 'unless pressed by heat an iron does not excrete.' They therefore, selectively appropriate and integrate the alien court system into their culture to continue their own value and justice system. Fear of state intervention is, in fact, one of the most important factors that push the Waliso towards their local modes of dispute settlement.

In the mean time, the Waliso appreciate the presence of the court as one of the options that they have at their disposal to get their case heard. They also resort to this court as an appeal against disapproved decision of indigenous mechanisms, when it seems to offer advantage to them. At this point it seems reasonable to compare the Waliso case with the processual approach of Gulliver (1979) and Schellenberg (1996).

Gulliver (1979:21-24) says that whenever there are options the choice to which mode a person resorts is highly determined by its contexts and the opportunities it offers. Lower costs, relative ease, secrecy, desire for face-saving outcomes, hatred towards alien courts push disputants towards local negotiation. Mean while, people make use of different options to strengthen their own position vis-à-vis their opponents. The Waliso who have two major options- the traditional and the government justice systems- therefore, use both systems to secure the most favorable outcome each offers in different contexts.

To sum up, the local systems of conflict resolution among the Waliso are among the best resources that demand due consideration. In the mean time, I submit that it is far from reality to assume the present work to be a final material on the subject. The fact that the issues of conflict and its resolutions are so delicate demands careful and an exhaustive interpretation, which is bound to take much more time and space. In addition, such issues are complex areas of anthropological studies. I, therefore, suggest an in-depth further investigation.

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## APPENDIX

### PLATES

Picture-1: - Hindhee Yaa'ii, the Waliso *Gada* center



Picture-2: - *Gulas* on the occasion of power transfer from one *Gada* set to the other



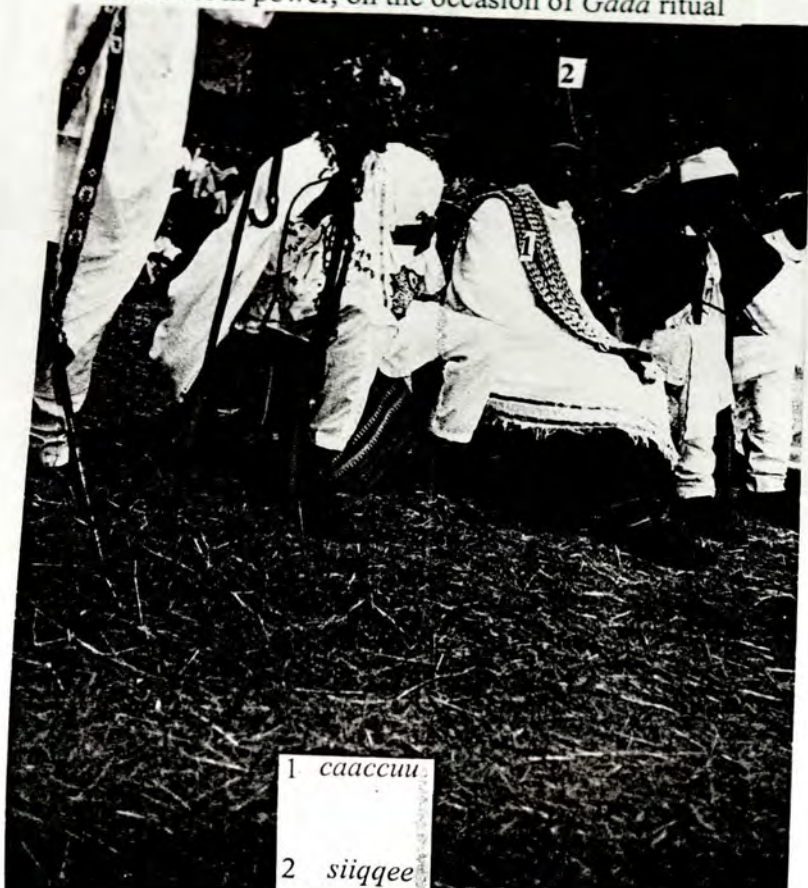
Picture-3: - Gulas making law



Picture -4- - Gulas praying to waaga



Picture -5 A *kalaalee* with her *caaccuu* on her right wrist and her *siqqee* propped against her left shoulder, sitting with the officials of *Gada* set in power, on the occasion of *Gada* ritual



1 *caaccuu*

2 *siqqee*

Picture -6:-

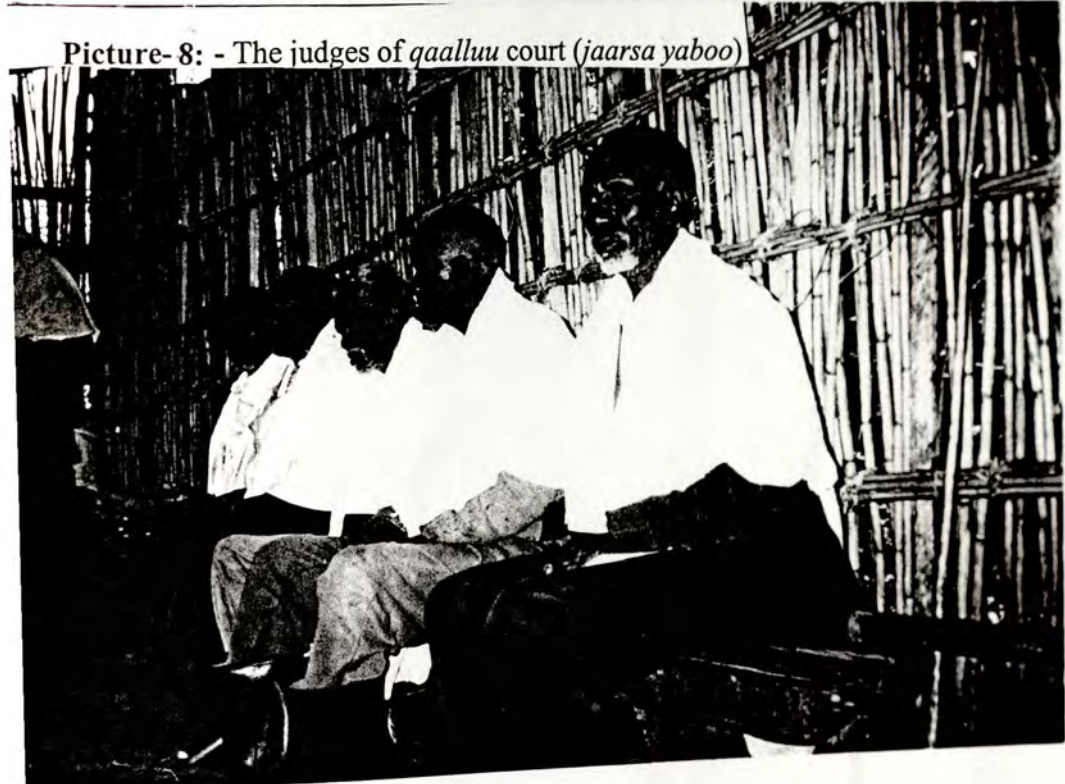
Reconciled disputants kissing each other to symbolize the reconciliation



Picture-7: - *Jaarsummaa* proceeding held under a tree in open field



Picture-8: - The judges of *qaalluu* court (*jaarsa yaboo*)



## DECLARATION

The thesis is my original work, has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

Name

Dejene Gemechu Chala

Signature



Date

July 2002

This thesis has been submitted with my full approval as the advisor.

Gemetchu Megerssa (PhD.)

