

ORIGINAL ARTICLE

***Jigaa* Institution: The Surviving *Gadaa* Court among the Jimma Oromo, Ethiopia**¹

Megersa Regassa² and Dejene Gemechu³

Megersa Regassa and Dejene Gemechu (2015). *Jigaa* institution: The surviving *Gadaa* court among the Jimma Oromo, Ethiopia. *Ethiop.j.soc.lang.stud.* 2(2), 3-24. eISSN: 2408-9532; pISSN: 2412-5180.⁴

Abstract

This article focuses on *jigaa* institution of conflict resolution among Jimma Oromo in Omo Naaddaa district. The institution is historically and functionally linked to the *gadaa* system in general and the Odaa Hullee of the Jimma Oromo in particular. Regardless of the fact that Odaa Hullee, the *gadaa* center of Jimma Oromo and other activities pertinent to it have been weakened by the emerged monarchial rule and Islamization over the area, *jigaa* institution and *jigaa* court have survived to date. Data for this article were drawn from primary sources through observations, interviews, focus group discussions and case studies. Data were interpreted and described thematically. The finding of this work indicated that still *gadaa* system has been serving as the source of basic principles of maintaining peace and social order over the area. Since its inception, the *jigaa* institution has been serving as First Instance Court, Appellant Court and Supreme Court. The finding further indicated that cases are testified to prove or disprove the alleged truth of a case under investigation using both sacred and secular ways. The same mechanisms are also employed in enforcing decisions. *Jigaa* institution is prevailing among the Jimma Oromo because it is value oriented, cheaper and easily accessible mechanism of conflict resolution. Finally, the authors recommend legal ground for the promotion, consumption and protection of *jigaa* institution.

Key terms: Conflict resolution/ *Gadaa*/ *Jigaa* institution/ Jimma/ Odaa Hullee

1. Introduction

1.1 Background of the Study

This article focused on *jigaa* institution among the Macha Oromo in Jimma Zone of Oromia National Regional State (ONRS), the case of Omo Naaddaa. Jimma Oromo is one of the groups of the Macha Oromo, who dominate vast territory in the western part of

¹This manuscript has been moderately modified from the MA thesis of the main researcher.

² Lecturer at Department of Oromo Folklore and Literature, College of Social Sciences and Humanity, Jimma University, Ethiopia. Contact: E-mail: megersareg@gmail.com, phone: +251917090786.

³ Assistant professor of Social anthropology (PhD), at the Department of sociology and Social Work, college of Social Sciences and Humanities, Jimma University. Email: dejjemoti_33@yahoo.com, phone +251911766348

⁴ The article can be cited this way.

Ethiopia. Scholars who wrote on the Oromo, like Gemechu (1993), Mohammed (1994, p.4) and Huntingford (1955) stated that the Oromo nation is divided into several moieties and sub moieties which were branched out from the Borana and the Barentu, the two principal remote ancestors. Prior to the 16th century, there had been two powerful confederacies of these principals. Each confederacy was divided into moieties, sub-moieties, clans and sub-clans. Accordingly, the Borana major branch has been further divided into Tulama-Macha, the Southern Borana (Sabbo-Goonaa), and the Guji confederacies.

The Macha-Tulama moieties are further divided into various groups. They dominate the present central, northern and western parts of ONRS. Oral tradition indicates that Macha had five sons: Jawwi, Liban, Hulle, Jidda and Dalle. Jidda also had three sons namely Liban, Akako and Guduru. Jimma Oromo are one of the four sons of Akako; they are Harsu, Jimma, Sadacha and Bedi. Therefore, Jimma Oromo is said to be descendants of one of these groups (Alemayehu et al, 2006, p.148). The name Jimma was derived from one of the names of ancestors of Jimma Oromo. According to Alemayehu et al. (2006, pp.147-148), Odaa Hulle was the *gada* center for the Oromo around Jimma. It served as a center of *gadaa* after they abandoned the *caffee* at Odaa Bisil. The center is situated in Omo Naaddaa District of Jimma Zone in ONRS. Tesema (2006) confirmed that before the rise of kingship system, all major clans in Jimma used to select their own *gadaa* leader and live according to the egalitarian *gadaa* system.

However, as Mohammed (1994) stated, during the late 18th and early 19th centuries the Macha Oromo over this area established the five Gibe states of Jimma, Guma, Gera, Limmuu Enarya and Gomma at the expense of their republican *gadaa* system. Fierce competition was prevalent within Oromo monarchies particularly between Jimma and Limmu Enarya, which finally led to the emergence of Jimma Aba Jifar as a prominent kingdom.

Mohammed (1994, p.61) further showed that the emergence of wealthy men among the Macha Oromo challenged the effectiveness of *gadaa* assembly. These men dominated the voice of the majority and became decision makers. "In short, during the seventeenth century among the Macha, wealthy individuals were not only making names for themselves, but they were becoming hereditary leaders as well, a practice contrary to the established tradition of the *gadaa* system." Similar idea was reported by Truilizi (1973, pp.1-13) who said that the emergence of new wealthy individuals and their competition with the *gadaa* leaders among the Macha led to the weakening of the *gadaa* system. Tiruliz indicated that the inter-clan wars and the consequent prolonged term of office for the war leaders (*abbaa duula*) in turn endangered the very republican institutions of the Oromo.

As Tesema (2006) showed, the leadership and the power of egalitarian *abbaa bokkuu* was limited and slowly collapsed by kings. Mohammed (1994, p. 86) discussed : "the formation of new states has been explained as borrowing from their neighbors, or as created by leaders who wanted to control trade routes and the lucrative markets, or as a result of the introduction of Islam into the region, or because of the threatening pressure of their Amhara neighbors." Lewis (1965) asserted that in Jimma monarchial system destroyed egalitarian *gadaa* system by its economic forces and monopoly of power over long period.

Pertinent to the weakening of *gadaa*, Rubenson (1976) asserted that for the development of large-scale and organized trade, however, strong security was essential, and this need was probably one of the factors behind the creation of the Oromo kingdoms on the upper Gibe River in general and Jimma in particular. The other reason for the emergence of king system was pressure from Ethiopian political structure in the north and Kaffa monarchy in the south.

Apart from their political system, historical accounts indicate that the Oromo in general, including Jimma Oromo, were followers of their traditional religion. Oromo traditional religion is a belief in one *Waaqaa*, Who is said to be omnipotent, omnipresent and omniscient and the creator of everything- animate and inanimate (Bartels, 1983). This religious institution is called *qaalluu* institution. The leader of the institution is also called *qaalluu*. He is always male person and the office is hereditary⁵. As a religious leader, the *qaalluu* is believed to mediate between human being and the one *Waaqaa*. The Oromo of Jimma who were originally followers of their traditional religion gradually adopted Islam. Islam became state religion of the kingdom of Jimma Abbaa Jifar (Lewis, 1965; Abir, 1980; Mohammed, 1994; Tesema, 2006; Abreham, 2012).

These authors indicated the role of long-distance trade route, which enabled the region to establish strong relation with other cultures in other countries. These had various implications beyond commodity exchange. As a result, the Oromo of the former Five Gibe States in general, underwent early changes in their political system, livelihood and religion. Further, Mohammed (1994, pp.151, 153) discussed that the Muslim traders who had contact with the nobilities through trade activities played a very prominent role in the conversion of the nobility. Islam became first the religion of the kings and the nobility in Gibe states and gradually was introduced to the people backed by the kings who were in favor of its spread. Lewis (1965) and Solomon and Wudu (2014) also confirmed this.

However, as Mohammed (1994) clearly showed, the two institutions— *gadaa* and *qaalluu*—were not instantly abandoned. Instead, the *qaalluu* institution resisted the newly introduced Islam. During the first stage of the spread of Islam over the region, the people including the kings retained their traditional religion parallel to Islam. Mohammed (1994, pp.152-153) said: “the Oromo believe in *Waaqaa* (sky-god), the creator of the universe. To pass from believing in *Waaqaa* to accepting Allah as the creator of the universe was not a formidable transition.” Further, he said that the Islam that was introduced to the Oromo was customized to their condition without radically uprooting their former traditions. Citing Trimmingham (1952), Mohammed indicated that the psychological shock involved in the change of religion is thus reduced to the minimum for Islam did not violently uproot the former religion. Similar observation was

⁵ *Qaalluu* institution in this case refers to the original Oromo religious institution. Since the beginning of 19th century a new form of *qaalluu* institution has emerged and females also hold the office of *qaalluu*. However, the newly emerged *qaalluu* has not been the symbol of moieties and has no relations with the *gadaa* system (Knutsson, 1967; Lewis, 1970). Lewis (1990, p.59) stated that, for instance, the eastern Macha have been reusing an old term but applying it in an exclusively different religious and political context.

presented by Baxter (1994, p.116) who said that despite the formal adoption of Christianity and Islam by majority of the Oromo, the daily religious behavior of most of the people embedded in the traditional religious practices.

This particular social and political context has enabled Jimma Oromo to exercise some of their traditional institutions and practices. *Jigaa* institution of conflict resolution, which is highly embedded into *gadaa* system, has been surviving the introduction of Islam and monarchism over the area.

The prevalence of *jigaa* institution of conflict resolution among the Macha Oromo in Jimma is, thus, the reflection of the continuity of some former indigenous practices and systems. It has been surviving both Islamization and abandoning of *gadaa* system. Because *jigaa* institution is closely linked with the *gadaa* system in general and *gadaa* court of Odaa Hullee in particular; Omo Naaddaa where Odaa Hullee is situated was selected as a research site. Thus, this paper directly focuses on *jigaa* as a living conflict resolution institution among the Jimma Oromo.

1.2 Statement of the Problem

Some writers have reported several conflict resolution practices and methods on the Oromo. For instance, one of the early writers, Dinsa (1975) discussed Oromo legal system and the values that guided it. Lewis (1984; 1994) showed Oromo indigenous procedures of conflict resolution among the Macha. Knutsson (1967) discussed the role of *qaalluu* institution among Eastern Macha in conflict resolution. Dejene (2007; 2011) discussed various institutions of conflict resolution among the Waliso Oromo focusing on *jaarsummaa* system, *ilaaf-ilaamee* and blood price payment. *Jaarsummaa* is a system in which the group of *jaarsaas* (literally meaning elders) involves in the process of reconciliation between conflicting individuals or groups. Tolosa (2011) showed how the *siinqee* institution is serving in conflict resolution among the Arsi Oromo. Similarly, Mulugeta (2011) discussed blood price payment and its different categories among the Ada'a Liban Oromo of the Tulama. Bassi (1992; 2005) thoroughly discussed conflict resolution among the Borana Oromo among whom the *gadaa* system is a living institution and guiding their political, economic and social lives. Israel (2011) also showed Borana's way of conflict resolution through indigenous mechanisms. The Work of Tsega (2002) focused on *michuu* institution and *harmahodhaa*, which are used to address conflicts between the Oromo and their Gumuz neighbors. Most of the cited works were done in the contexts of the working *gadaa* system, *qaalluu* institution and *jaarsummaa* system. *Jigaa* institution, on the other hand, has been functional since distant past surviving the introduction of Islam and monarchism. However, the *jigaa* court which is a continuation of the former *gadaa* court has not been yet studied, to the knowledge of the researchers. Therefore, this study attempted to bridge this knowledge gap. It attempted to see specifically how *jigaa* institution has been working in the social and political contexts where the Jimma Oromo had already introduced Islam as opposed to their former *qaalluu* institution and monarchism as opposed to their former *gadaa* system long ago.

1.3 Objective

The objective of the paper was to investigate how *jigaa* institution has been working in the face of the weakening of the *gadaa* system and former belief system—the belief in one *Waaqaa* in favor of Allah. It attempted to respond to the following questions:

1. What are the factors contributing to the survival of *jigaa* court?
2. What are the guiding principles and values in *jigaa* court?
3. How is *jigaa* court linked to the *gadaa* system?
4. How is *jigaa* structured?
5. Who are the actors in *jigaa* institution?

2. Literature Review: An Overview

2.1 Conflict and Conflict Resolution

This part presents an overview of the concept conflict, traditional mechanisms of conflict resolution, producing evidence and enforcing decisions. This is important to provide the theoretical framework in which the present issue under discussion is addressed. There is common consensus among the scholars that conflict is inevitable in all societies and cultures. Early writers like Bohannan (1967, pp XI - XIV), Schellenberg (1996, p. 9), Gluckman (1956) and Gulliver (1963) characterized conflict to be as basic as culture is in society and one of the essentials in human social life. Further, Marxian understood conflict as basic impetus for social change (Seymour-Smith, 1986, p. 51). These scholars also indicated that the prevalence of conflict presupposes the practice of conflict resolution.

In defining conflict, Doherty et al. (2008, p.4) stated that conflict could originate in what separates people and the key to conflict resolution lies in recognizing and putting into place something that unites them. Tidwell (1998, p.8) also defined that conflict resolution is any practice by which conflict is handled. This process can be violence or peaceful. Wallenstein (2011, p. 8) defined conflict resolution as a situation where the conflicting parties enter into conformity that solves their central disagreements, recognizes each other's continued existence as parties and end all aggressive deeds against each other. Thus, conflict resolution is something that necessarily comes after conflict. Väyrynen (1991, p.1) also stated that conflict resolution is a path to peace and serves other values, such as maintaining social order and economic development.

In most societies, both state and customary courts are working in parallel. In this regard, scholars like Griffiths (1986), Merry (1988), Woodman (1998), Benda-Beckmann and Keebet (2001) and Benda-Beckmann (2002) have indicated that legal pluralism is a universal phenomenon. In most societies, multiple legal and normative frameworks coexist. The following section focuses on conflict resolution mechanisms with special attention to customary justice system.

2.2 Customary Conflict Resolution

In African context, the main aim of indigenous justice system is not only seeking evidence to restore associations broken due to conflict, but also seeking the underlying causes of conflict to understand and settle it entirely from heart of the parties (Crumpton, 200, p.160). Indigenous conflict management and resolution mechanisms are used to resolve conflicts locally. They also help the community to keep control over the outcome of the dispute (Smidt & Kinfu, 2007). From these perspectives, traditional leaders and customary dispute resolution systems do have clear advantage in their ability to provide a more accessible conflict resolution (Joireman, 2011).

Customary conflict resolution mechanisms based on indigenous knowledge and skills are prevalent in Ethiopia in general and the Oromo in particular. Studies on Ethiopian societies indicated the instances of legal pluralism. Israel (2011) stated the existence of formal legal system and the de-facto traditional legal systems in Ethiopia. The official courts are regional/federal First Instance Courts, the High Court, and the Supreme Court. Parallel to these there are different customary courts in the country. Alemayehu (2009) showed that some of the customary courts are *Shemagelle* (community elders) and the Family Council in Tigray and Amhara, the *Lubabasa* in Oromia, the *Xeer* in Somalia, the *Shari'a* courts, and the church tribunals. Dejene (2007; 2011) discussed some of the traditional mechanisms of addressing cases of conflict such as inter-personal negotiations, elders' moot, religious court and blood price payment among the Waliso Oromo. The works of Abera (1998), Dinsa (1975), and Dereje (2008) are also worth mentioning in discussing traditional mechanisms of conflict resolution in Ethiopia, which are practiced in parallel to state court.

Abera (1998, p.52) also presented the situation of former times when *gadaa* court was fully practiced. According to him, the court had three permanent judges. In addition, disputing parties were given chance to select three elders from their respective sides to form full bench of the court for hearing a case. This was to maximize benefits drawn from well experienced permanent judges and to maintain the balance in terms of representation in the court.

Among the Oromo, the mechanism of conflict resolution in which the neutral third party involves to mediate between disputants is known as *jaarsummaa* system. It is the system of elders moot in which the role of mediators ranges from mere facilitators of a particular negotiation to arbitrators (Dejene, 2007). As Dejene (2007) stated, among *Macha* Oromo, *qaalluu* have their own courts that deliver the services of settling disputes and maintaining social orders in line with the guiding principle of Oromo culture. There are also situations in which disputants settle their case by negotiation without involvement of neutral third party. This type of conflict resolution is called *ilaaf-ilaamee*.

Additionally, among the Oromo, there are other conflict resolution institutions, which are used to resolve conflicts and sustain peace at different levels, intra and inter-ethnic conflicts. *Michuu* (literally friendship) and *harma hodhaa* (literally sucking the breast) are among these institutions (Tsega, 2002). *Jigaa* institution is also one of the Oromo indigenous justice systems guided by the very Oromo political philosophy, which is the subject of this study.

2.3 Customary Mechanisms of Proving Cases and Enforcing Decision

In legal case, people use multiplicity of ways to uncover the truth of the matter. One of the former writers Goodhart (1965, p.759) explained that historically, compurgation or wager and ordeal were among the several ways used to verify the innocence of the accused. The system involved collecting oaths from colleagues and/or allowing the accused to prove his/her innocence by taking oath. Ordeal was another alternative, which refers the case to the decision of the supernatural.

Oath is still serving as one of the ways to prove the truthfulness of the case in point. One of the practical instances provided by Woubshet (2011) was drawn from North Shoa, Ethiopia, which focuses on sprite medium as an institution of conflict resolution. In this institution, the power of identifying the truthfulness of any case that is brought before the court is at the disposal of the sprite. Similar discussions were done by Kasay (2011) and Wodisha (2011) who focused on the Afar and Boro-Shinasha respectively. They indicated that elders gather evidence from different sources including confession of the suspects, footprint and some other marks. They also use oath of innocence as the last alternative. Further, according to Dejene (2011, p. 261), the use of different mechanisms in testifying the truthfulness of a particular case is still in use among the Waliso Oromo. These include: individual confession, eye witnesses, and other reliable sources of information such as footprints and oath of innocence. Mulugeta (2011), who studied blood price payment among the Tulama Oromo, also reported similar point.

The issue of decision enforcement mechanism is also equally important. In indigenous mechanisms of conflict resolution, both secular and sacred sanctions of enforcing decision are employed. In traditional African societies, enforcement of judicial decisions is by supernatural sanctions. In this case, curses serve as powerful sanctions to ensure obedience to decisions passed by the court (Zartman, 2000, p.43). Furthermore, oaths and ordeals are supernaturally sanctioned mechanisms and used to enforce judicial decisions (Ferraro, 2012). Shack (1966; 1969) stated that the *Yagoka* which is traditional conflict resolution of the Gurage use enforcing mechanisms such as social and supernatural sanctions. Among the Oromo, it is believed that supernatural sprites enforce decisions of *qaalluu* court and disrespect of the decisions leads to harm the offender, his/her descendants and properties (Dejene, 2007). Scholars indicated that both approaches of enforcing decisions are effective and complementary to each other (Dillon 1980; Boehm 1985, cited in Otterbein, 1994).

In traditional justice system, there are also levels of court where either cases are referred to the next higher level or appeals of conflicting parties against the decision of the lower court appealed to. In this regard, Abera (1998) showed that among the Oromo when *gadaa* court was fully functional the clan based court had the power to decide on cases of conflict. Judgments were being rendered referring to *gadaa* law and mainly by consensus. However, the decision of such court was not final, for any party had the right to appeal against the verdict. Asefa (2001) indicated the standard way of forwarding an appeal. According to him, any appeal was marked by a phrase '*bokkuu qabadhe*' (I hold the scepter) uttered by an appellant. This appeal then would be taken to the court of another clan of the same level. Two of the judges who rendered the decision would present the initial decision and the processes it had gone through to the court of appeal. Abera (1998) indicated that the system ensured maximum fairness and inter clan relations

in the administration of justice. This brief literature review related to the ways of proving cases, enforcing decisions and ensuring maximum fairness are helpful in understanding the major guiding principles of *jigaa* institution.

At theoretical level, there are debates as to how to interpret indigenous mechanisms of conflict resolution. Some writers like Gluckman (cited in Collier, 1975) attempted to compare different dispute handling mechanisms among different societies. Gluckman attempted to translate African legal system into English equivalent arguing that the difference lies only in variation of political economy. However, attempts to show that indigenous institutions generally develop in a uniform and progressive manner were criticized. Repudiating this approach, other writers like Bohannan (cited in Moore, 1995, pp. 23-24) argued in favor of cultural particularism. Extreme relativism is also challenged for negotiations are cross culturally universal. The structural functionalism approach, on the other hand, argues elements of political structures function to sustain social order and to enforce conformity within larger social systems. Contrary to evolutionary approach and structural functionalism, Gulliver (cited in Moore, 1995) argued that the social context of conflict has much to do with the effect of the negotiation. This gave birth to the processual approach, which focuses on situations involving individual cases and agent driven politics that was developed by Swartz, Turner and Tuden (cited in Lewellen, 2003). Theoretically, this paper is guided by processual approach which focuses on context and agents. Meanwhile, this paper benefits from structural functionalism, which focuses on norms, values, and ideal structures that shape the general framework within which the society is working properly.

3. Method

Ethnographic fieldwork was employed to generate firsthand data for this paper. In addition, relevant data were gathered from secondary sources. First hand data pertinent to the topic under discussion were collected directly from the community from four selected *kebeles*. These *kebeles* were: Collee, Allee, Sayyoo and DooyooYaayyaa. The *kebeles* were selected purposively based on their geographical proximity to Odaa Hullee, which was the former *gadaa* center of the Jimma Oromo. The selection of these *kebeles* took into consideration not only the prevalence of this institution, but also the degree to which it is practiced. Preliminary assessment indicated that *jigaa* institution is prevalent in different parts of the zone administration, but stronger over the selected research site.

Primary data were generated by using different methods. These were key informant interview, focus group discussion and personal observation. A total of seventeen individuals between the age of twenty-eight and ninety-seven participated in providing information. In terms of sex composition they were fifteen males and two females. In identifying these informants a snow ball sampling technique was used. At the outset, Culture and Tourism Office of Omo Naaddaa District was consulted to identify an experienced elder from the area as a key informant. Through this technique five key informants were consulted—two were females and three were males. The first woman was a wife of *abbaa jigaa* and the second was a wife of *abbaa jaarsaa*. The three males were *abbaa jigaa*, *abbaa shanee* and *abbaa reejjii* respectively. Key informant interviews were used to secure data on the origin, basic structures and principles of *jigaa*

institution. The number of key informants was restricted to five for it reached its saturation point.

The key informants were interviewed using semi-structured interview guide. The interview was designed with the intention of guiding the informants, rather than restricting them to respond to specific question asked. Basic guidelines were designed to help the informants raising issue of the study, but depending on the situation, the guideline was used flexibly during the interview. The approach enabled securing valuable information beyond the scope of the question asked.

The second data collection method employed for this research was focus group discussion (FGD). Informants who know about *jigaa institution* as well as those who served as judges in *jigaa* court were selected for the FGD. They were *abbaa jigaa*, *abbaa reejjii*, *abbaa shanee*, *abbaa jaarsaa* and elders who were residents over the area. Two groups of six persons were formed from the selected localities of the district and were allowed to discuss on the issue. They were composed of individuals who shared common characteristics in terms of experiences pertinent to the institution of *jigaa* and same sex. Data were collected using a semi-structured guide that served to obtain information about the institution.

Furthermore, non-participant observation was used to gather data from the field. Cases of proceedings were observed at *Allee*. This enabled the researchers to observe how claims and counter claims were presented by the disputants and how the actors (the *abbaa jigaa* and *abbaa jaarsaa*) handled or heard cases. In addition, where and when cases were heard, what proverbs were used, and how the heated arguments between the disputants were cooled down observed. However, the observation was without taking part in the proceeding. As such a proceeding is not regular, only a few cases were observed.

Typical to qualitative research approach, the researchers combined sampling, data generation and data analysis. As a result, the sampling size was determined as the researchers went along taking into account whether or not new or relevant data seemed to emerge regarding a category under investigation. FGD data was generated until saturation was reached.

In addition to first hand data, minutes of customary conflict resolutions at local level, written agreements, and documents of decisions passed by *jigaa* court were used and analyzed. Written documents about Odaa Hullee and its relation with *jigaa institution* were used. Archives prepared as public speech on the ceremony that were held at Odaa Hullee were used⁶. Bulletin called “*Dhandhama Odaa Hullee*” which means ‘taste of Odaa Hulle’ was received from Culture and Tourism Office of Omo Naaddaa and analyzed.

Data were analyzed using interpretive and descriptive approach. The data obtained from the field were sorted, sifted into their types, sequences, processes, and patterns. After that, the data were described, expressed and articulated qualitatively. Finally, confidentiality of data provided by individuals is maintained and anonymity of the participants is secured for ethical reason.

⁶Odaa Hullee ceremony was organized in 2010 to put corner stone for building *gadaa* hall as part of the revitalization of *gadaa* system in post 1991 Ethiopian political landscape.

4. Results

4.1 Origin and Structure of *Jigaa* Institution

Data from the field indicated that *jigaa* court is a continuation of *gadaa* court and originated from Odaa Hullee, the *gadaa* center of the Oromo in Jimma. Information from key informants attested that etymologically the term was derived from Oromo term *jiguu* (to fall down). However, connotatively, the word *jigaa* was originally used at Odaa Hullee to mean large number of people who work together or live together.

Oral history traces that the word was coined from Oromo proverb. According to one of the key informants, the proverb was in turn originated from a question raised for two persons at Odaa Hullee: one wise and the other unwise. The question was “*biyyi sitti haa jigu moo manni kee sitti haa jigu?*” The question can be translated literally as ‘which one do you prefer, shall your house fall onto you or the community fall onto you? In this case the phrase community fall onto you ‘is to mean a community is at odd with you.’ The two individuals replied in opposite ways. The unwise one said “*Biyyi natti haa jigu malee, manni koo hin jigiin*”, which means, “Let the community fall onto me; not my house” whereas the wise one said, “*Manni koo haa jigu; jigaatuu naaf ijaara. Yoo jigi natti jige maaltuu naaf ijaara?* This means, “I choose my house to fall onto me so that the *jigaa* (the multitude) can build it up; when the community falls onto me, I cannot help myself and cannot live without it.” The wise person chose *jigaa* (the people) than his home. Starting from that day, the people named their institution *jigaa*. *Jigaa*, therefore, refers to the unity of the people who stand by one another in leading their lives.

Key informants interviews and focus group discussions indicated that the rule of *jigaa* institution was made originally at Odaa Hullee during the law making ceremony, called *Tumaa Odaa Hullee*. The institution which was originally emerged from *gadaa* system continuously derived its rules from *gadaa* law, which was amended and enacted every eight years. Thus, *jigaa* institution does not have separate law; rather it is part of the *gadaa* law itself. Oral history confirms that the first *jigaa* institution was set about four hundred years ago. Since then, it has been working as a clan based institution. Accordingly, there is a *jigaa* institution and *jigaa* court for each clan. In the past, every clan representatives of Jimma Oromo visited Odaa Hullee every eight years to participate on the amending and making the *gadaa* law. They also participated on the election of *abbaa gadaa* and power transfer ceremony. Each clan based *jigaa* institution constitutes two to four hundred households. Apart from genealogical proximity, *jigaa* members can be people who are adopted through the process called *jiga galuu* (adoption). *Jiga galuu* allows a non-Oromo person to be adopted into Oromo identity.

A leader of the *jigaa* institution is called *abbaa jigaa*. He is a male person with the power of mobilizing clan members for common goal and maintaining peace and stability. *Abbaa jigaa* is a leader of the institution who leads the clan to whom the institution belongs. The word “*abbaa*” literary means, ‘father’. *Abbaa jigaa* means, thus, father of the *jigaa*, connotatively it means the leader of *jigaa* institution. Each *jigaa* institution is named after the clan that established it. For instance, for Sadachaa clan there is *jiga Sadachaa*. Similarly, Agaloo and Badii clans of Jimmaa Oromo have their own *jigaa* institutions.

However, as information from key informants interview and focus group discussion indicated, within the *jigaa* institution there are some smaller units. This smaller unit is termed as *reejji* institution. It consists of fifty to hundred households, in which the male heads of households are directly members. This institution is more of territorial rather than genealogical. Accordingly, there are different *reejji* over the area, each of which has its own leader called *abbaa reejjii* (leader of the *reejji*). The office of *abbaa reejjii* is elective. Individuals are elected based upon their reputation and impartiality in addressing societal issues. There are also supportive offices of this institution, which include *abbaa shanee*⁷ and *abbaa jaarsaa*⁸. Accordingly, the office of *abbaa jigaa* works with all these officials at different levels.

As per the law of Odaa Hulle, there are different criteria to be *abbaa jigaa*. Key informant interviews indicated that to be elected one has to be *hangafa biyyaa* (community elder). *Hangafa* literary means 'elderly and *biyya* means 'people or community.' However, connotatively the phrase *hangafa biyyaa* does not stand for age but reputation, respect, impartiality and honesty. It is the issue of being wise and having proven wisdom to lead the people, having knowledge of culture, norm (*safuu*) in resolving conflict and advising the people. He should be fair and honest in protecting the truth. Given these qualities, therefore, the people he leads hear him and keep his commands. The other criterion is that the person should be married and experienced (should not be less than forty years of age). Once elected, there is no specific term of office to serve as *abbaa jigaa* as far as he can discharge his responsibilities pertinent to the office.

4.2 *Jigaa* Court Setting and Proceeding

Data firsthand from one-to-one interviews with key informants, personal observation and focus group discussion showed that the *jigaa* court has no regular session to see cases or permanent place for proceeding. The court and conflicting parties decide the place depending on geographical distance from their respective residence. It takes place under a shade of green tree, especially *odaa* (sycamore). If *odaa* tree is not found in the area, they use other trees instead. According to elders from the area, the reason why they prefer *odaa* is still relevant to the origin of the institution *gadaa*, where *odaa* serves as the meeting place for gatherings under *gadaa* system. In addition, there is no particular time and day for hearing cases of dispute; rather it is addressed as soon as possible upon its happening. However, Friday is their preference as it is Muslims' Jumu'ah⁹ and the people of the study area are largely Muslims.

⁷ The word *shanee* is derived from *Afaan Oromo* word *shan* which means 'five'. The *abbaa shanee* (father of five) are elected by people of the *reejji* institution. The responsibility of *Abbaa Shanee* is passing information and channeling between the *abbaa reejjii* and the People. The *abbaa shanee* is the one to support the *abbaa reejjii* in taking actions both by summoning people to the home of *abbaa reejjii* following the implementation of the decision. They serve *abbaa reejji* during meetings, burial ceremonies and other social gatherings too.

⁸ *Abbaa jaarsaa* plays the role of mediator or arbitrator as conduction dictates with the *abbaa reejji* or without.

⁹ A prayer holds by Muslims every Friday in the afternoon.

Data from the field revealed that any case of conflict is supposed to be reported as soon as possible to *abbaa jigaa* or *abbaa reejjii* or any other concerned office holder. The reporter can be anyone who knows the case in point or either of the disputing parties, friends and family members. Everyone has social obligation to report. Particularly, people working in other offices like *abbaa reejjii*, *abbaa shanee* and *abbaa jaarsaa* are responsible to bring the case to the attention of *abbaa jigaa* if it is beyond the mandate and capacity of their offices to address.

One of the key informants, who were *abbaa jigaa*, stated that the reported case can be handled in different ways. When it is simple, the *abbaa jigaa* can refer it to the lower offices to handle it accordingly. He can address it personally too. In case the matter is serious and complex for *abbaa jigaa* to address personally, the two parties are given chance to select elders (*abbaa jaarsaa*) to hear the case. Depending on the complexity of the case in point, they select three to six elders from *abbaa jaarsaa* of *reejjii* institution of their respective sides. Still the selection takes into consideration individual experiences and personality. They also elect those *abbaa jaarsaa* who know a case in point more closely. In this condition, the *abbaa jigaa* handles the case in co-operation with *abbaa jaarsaa*.

Discussion with elders and key informants attested that in *jigaa* institution cases are testified in different ways: personal confession, eye witness, marks, and swearing. To testify the truthfulness of a case the *jigaa* court uses witnesses locally termed as *beekoo* (somebody who knows the secret), when need arises. If there is a witness, the *abbaa jigaa* summons to prove or disprove the alleged truth. Swearing is also another way of showing one's innocence. Swearing has to be performed in public in the presence of the multitude organized by *abbaa jigaa*. Certain materials are used for the process. These include half bread, broken metal, ash, stone and "*soyyomaa*" (a shrub without branch and only with leaves). The swearer has to stand in front of officials and people of the *jigaa* or *reejjii* for swearing. He/she has to hold each of these materials one by one and swear to speak the truth and only the truth. In the context of the local culture each has its meaning.

By holding half bread and under the instruction of *abbaa jigaa* the suspect swears saying, "If I have hidden the truth, let my bread be broken like this." Culturally, the broken bread symbolizes food shortage and starvation. By holding the broken metal, the suspect says, "If I have concealed the truth, may *Waaqaa* put this broken metal in my stomach?" The broken metal represents serious illness. Similarly, dispersing the ash into the air he/she says, "May my life be strewn as this ash." Ash symbolizes complete annihilation of something. By holding and scratching a *soyyomaa* shrub a suspect says, "If I lie and hide the truth, let my life be nude like this shrub". False swearing is believed to be against the swearer, his descendants and belongings. Punishment comes from the *Waaqaa* who is said to be the owner of truth.

Based upon the verification of the claims and counter claims of the conflicting parties, decisions are offered mostly through consensus. Offenders are fairly punished and victims receive compensation. The amount of punishment depends on the level of the conflict and harm comes from the defender. In the process, the main issue is not the amount of compensation or punishment in terms of material value, rather the resolution of specific case of conflict for it is viewed as disruption of community peace. This is done through the process of offender's feeling of remorse and victim's pardon.

Focus group discussion and key informant interview revealed that decisions are expected to be implemented without much resistance. There are different enforcing mechanisms at the disposal of the institution. Basically it is unethical to resist the words or decisions of *abbaa jigaa* for any disputing party. This is the case for the decision is often provided based on community concern viewing conflict as social disorder that needs to be restored beyond settling a specific case of dispute. Accordingly, both the conflict and decision are the concern of the community which cannot be left for individual conscience. Any refusal of the decision would end in both secular and sacred sanctions. Any backslider is sanctioned through exclusion from social life. He/she suffers from loneliness, lack of support and cooperation. All have to respect the sanction for its violation in favor of the offender would extend to the violating person.

Further, *Jimma* Oromo also employ cursing as one of the sacred sanction and enforcement mechanism. Informants participated in focus group discussion reported that, the people meet together and curse the person who refused to accept the decision of *abbaa jigaa*. The result of the curse can cause *abaarsa Waaqaa* (the curse from *Waaqaa or God*) upon his children up to seven generation and to his whole property.

Informants indicated that apart from cursing, social sanction is also imposed upon a backslider. A sanction is pronounced as follows:

Afaan Oromoo

English Equivalent

<i>Seerri seera tumaa Odaa Hulle ti</i>	This law is the law of Odaa Hulle
<i>Seerri tuma Odaa Hulle seera keenya</i>	The law of Odaa Hulle is our law
<i>Nama seera keenya dide</i>	He who do not obey our law
<i>Nama murtoo Jiga firaa dide</i>	He who refused decision of <i>jiga firaa</i>
<i>Jigni ba'e kun irratti jigaa</i>	Meeting of this <i>jigaa</i> fall on him
<i>Duunaan hin awwaaliinaa</i>	If he died, do not burry the body
<i>Iyyinaan hin birmatiinaa</i>	If he cried, do not go to visit him
<i>Dhukkubsannaan hin gaafatiinaa</i>	If he becomes ill, do not ask him
<i>Beelofnaan hin nyaachisiinaa</i>	If he becomes hungry, do not feed him
<i>Dheebonnaan hin obaasiinaa</i>	If he becomes thirsty, do not give him water
<i>Irratti jigaa!</i>	Fall up on him!

In doing so, they declare total exclusion against any troublesome member of a community who is not willing to abide by the decision of *jiga firaa*. In rural context of the research area, it is practically impossible for any individual person or household to live without cooperating with neighbors and relatives. For instance, no one is able to build his home alone, neither can he /she bury his/her dead. The house is built by *daboo* (festive work). Therefore, no one would participate on *daboo* of the person who refused to accept decision of *jiga firaa*. At the end of the day, he/she becomes helpless and suffers from complete alienation. Therefore, most of the time, the parties accept the decision.

4.3 Levels of *Jigaa* Court

Data from the field through key informant interview indicated that *jigaa* court has different levels. The issue of conflict is presented before *abbaa jigaa* in two ways. One is when the issue of conflict comes to the office *abbaa jigaa* directly. Other cases may be reported to *abbaa jigaa* from *abbaa reejjii* in the form of an appeal.

4.3.1 *Jigaa* as first instance court

Cases possibly appear before *abbaa jigaa* as First Instance Court. When the issue directly comes to *abbaa jigaa* without being seen by *abbaa reejji* or *abbaa jaarsaa*, the *abbaa jigaa* goes through all the procedures as First Instance Court. After the conflict, one of the conflicting parties or any other person reports the case to *abbaa jigaa* who summons the harmed party first and gives him/her chance to speak the case in point. Additionally, the other party is also summoned and given chance to speak his/her claim or counter claim. As one of the *abbaa jigaa* indicated, the standard way of inviting the parties to present their case is by saying “*himadhu!*” which means ‘forward your complaints and/or counter complaints. Then the disputing parties speak their complaints and counter complaints including the cause of conflict and the result.

After the hearing of a case under investigation from the disputing parties separately, the *abbaa jigaa* fixes a particular time and place for bringing the two parties together. On the first engagement, they discuss every aspects of the conflict and seek for the solution. The two parties have equal right to speak whatever they want to speak concerning their disagreement. From the complaints and counter complaints, the mediator decides whether the issue is clear or needs to be verified further. The guiding principle of hearing and deciding cases of dispute is reconciliation and good future relationships of the disputants. As part of this principle, *abbaa jigaa* advises the conflicting parties about the importance of peace and social order (*nagaa*) as well as the disadvantage of dispute.

Data gathered through focus group discussion and observation confirmed that, once the *abbaa jigaa* is clear with the issue, he offers decision according to the degree of the offense and injury inflicted upon the victim. It might range from asking apology to paying blood price. If the disputing parties accept the decision, the reconciliation is marked by greetings, shaking hand with and speaking to each other. The conflicting parties and *abbaa jigaa* drink coffee at home of one of the parties and chew *khat*¹⁰ together at the end of the session. Eating, drinking and chewing together mark a step where conflicting parties are reintegrated once again.

When conflict happens between persons from different *jigaa* institution, the *abbaa jigaa* of both institutions are responsible to address the case. Firstly, they discuss with each other how to handle the case and then, they summon both parties from both *jigaa* at commonplace to hear the case. If needed, the *abbaa jaarsaa* from both *jigaa* institutions

¹⁰ A stimulant leaf, which is commonly grown in Ethiopia and exported to other countries like Somalia, Saud Arabia, Djibouti and Yemen .

can participate in the process. In case *abbaa jigaa* is unable to address any case of conflict for whatever reason (like sickness) one of the *abbaa reejjii* of his *jigaa* institution is responsible for replacing him. In addition, *abbaa jigaa* can refer cases to either *abbaa reejii* or *abbaa jaarsaa*. In each *jigaa* institutions, there are about three to five *abbaa jaarsaa*. Sometimes, *abbaa jaarsaa* resolves conflict without the involvement of *abbaa jigaa* in the name of a given *jigaa* institution. This is possible when *abbaa jigaa* gives them mandate to resolve and when the disputants are willing that their case is to be seen by *abbaa jaarsaa* or *abbaa reejjii*. They are supposed to address the case pursuant to the *gadaa* law. The guiding principle is always win-win outcome.

However, it does not mean that the offender is not punished, rather when the conflict is strong and one of the disputant parties is seriously offended, they take serious corrective measures against the offender. Settlement or reconciliation of the disputants marks the end of the proceeding.

4.3.2 *Jigaa as an appellant court*

Different informants further attested that whenever cases are heard at lower level and any one of the disputing parties or both are unsatisfied by the decision given, the system allows appealing. *Jigaa*, thus, serves as court of appeal. In this regard, a case that is heard by lower level can be appealed to a *jigaa* court of the clan in which the First Instance Court is affiliated. As it is discussed above, cases can be seen by *abbaa jaarsaa* or *abbaa reejjii*, but any one unsatisfied with their decision has the right to present his/her case before *abbaa jigaa*. In this case, the first mediators have to allow anyone dissatisfied to appeal and report the details of the result of the proceeding to *abbaa jigaa*. The report needs to include how they verify the truthfulness of the case under investigation, what processes the proceeding entails, the final decision passed, the degree of injuries inflicted upon the victim, point of disagreement among the mediators if any and the position of the disputing parties in favor or against the decision. These pieces of information help *abbaa jigaa* to probe the issue more deeply and give fair decision. In this context, *jigaa* court serves as higher court or court of appeal.

4.3.3 *Jigaa as supreme court*

Data from the key informant interview and FGD indicated that *jigaa* court serves as Supreme Court, when a case is originally seen by another *jigaa* court and referred to *jigaa* court of the neighboring clan. If anyone of the disputant parties is unsatisfied or both are unsatisfied by the decision of the first court, they appeal to *jiga firaa* (the relative's *jigaa*). *Jiga firaa* is the *jigaa* of the neighboring clan. Sometimes it is called *jiga masaantee* (corresponding *jigaa*). In the standard way of appealing, the appellant utters “*Ani badii hinqabu*” (I am not an offender) or “*Natti ulfaattan*” (you imposed upon me). He or she also says “*Jiga firaan naga’aa*” (allow me to *jiga firaa*). Then *abbaa jigaa* sends the case to *jiga firaa* for the next petition. The appellant person goes and presents his/her petition before *abbaa jigaa* of neighboring clan for appeal. In this regard, *jigaa* court is not only appellant court, but also Supreme Court.

In the process of appeal, *abbaa jigaa* sends *abbaa jaarsaa* to *jiga firaa* to whom the petition is appealed. The messenger reports information about the conflict to the court of appeal. He reports decision passed by the previous *abbaa jigaa*, the debate which was

presented during the legal procedure and point of disparity with the decision passed. Depending on information reported to him from the previous *abbaa jigaa*, the *jiga firaa* also probes the case from disputing parties. Depending on their debate and the previous decision, he gives the last decision. There is no appeal after the decision of *jiga firaa*.

5. Discussion

This research indicated that *jigaa* institution coexists with state justice system. The prevalence of this institution confirms what scholars like Griffiths (1986), Merry (1988), Woodman (1998), Benda-Beckmann and Keebet (2001) and Benda-Beckmann (2002) asserted of legal pluralism as a common phenomenon. Some of the factors that contributed to the prevalence of *jigaa* institution are also in conformity with the work of other scholars, like Sandra (2011), who discussed the advantages of customary justice systems in their ability to give cheaper and more accessible conflict resolution mechanisms. Further, other writers like Dejene (2007) and Assefa (2013) stated that customary justice system survives internal changes and external impositions for they are value oriented, relative ease, less expensive and more flexible. It also focuses on resolution to restore the ruptured community peace other than interpersonal clash of interests.

This research also showed that the *jigaa* institution is a continuation of the former *gadaa* court. From its inception this institution was coined in the framework of *gadaa* system, particularly Odaa Hulle, which was the *gadaa* center of Jimma Oromo. During the former times where *gadaa* system was working fully, the administration of justice was guided by *gadaa* laws. The prevalence of *jigaa* institution, thus, shows how *gadaa* system has been surviving to date. This is consistent with what Mohammed (1994, pp.152-153) said in relation to this. He said that the Oromo customized Islam to their condition without fundamentally avoiding their former traditions. This view is also supported by Baxter (1994, p.116) who indicated that the formal adoption of Christianity and Islam by majority of the Oromo has not totally overridden their traditional religious practices. In this regard, Abera's (1998, p.44) work, which stated that Oromo customary law is deep rooted in the *gadaa* system, is also pertinent.

The finding of this work indicated that still *gadaa* system has been serving as source of basic principles of maintaining peace and social order over the area, regardless of whether or not the system is fully working. This can be further elaborated by comparing with the work of Abera (1998) which indicated that cases were heard in the former times at *gadaa* court by three permanent assessors and six selected elders, three from each disputing parties. Still *jigaa* institution has applied a different version of this approach. *Abbaa jigaa* is serving as permanent judge, while each side is supposed to nominate *abbaa jaarsaa* from their respective sides that constitute a full bench for hearing a case. Hence, the procedure and the structure of *jigaa* court indicated the continuation of the *gadaa* court in the face of long time introduction of Islam and monarchism.

In addition, the vertical and horizontal structures of *jigaa* institutions as First Instance Court and appellate court are also applicable. The present finding indicated that

a single *jigaa* institution serves both as First Instance Court and as appellate court. Whenever disputants are dissatisfied with a decision given at a particular *jigaa* institution, they have the right to appeal to the neighboring *jigaa* institution. Support for this procedure of appeal comes from Abera (1998) who clearly showed that *gadaa* courts served as First Instance Court for the clan members and as a court of appeal for disputants from other clan who were dissatisfied by the decision given at *gadaa* court of their own clan. The situation of inter *jigaa* relations is important in terms of common objectives of ensuring maximum justice and maintaining peace and stability of the land.

The finding of this research also indicated the three levels of court to see cases of conflict. *Reejjii* always serve as First Instance Court, whereas, *jigaa* institution mainly serves as court of appeal compared to the former and/or another *jigaa* institution (*jigaa* institution of neighboring clan). This is quite different structurally from other customary mechanisms of conflict resolution among other Oromo groups, like the Waliso Oromo as it was reported by Dejene (2007). The Waliso Oromo as the writer reported do not have such readymade courts at different levels.

Further, as empirical data showed how cases are testified to prove or disprove the alleged truth of a case under investigation using different mechanisms, which include self-confession, oath of innocence, footprints (marks) and eye witness.

If the case remained hidden, a gathering is organized and the participants of the gathering curse the unknown person who committed the act. The gathering curses the doer of the act to suffer from health problem, infertility, social instability and poverty. The use of these mechanisms of testifying the truth in customary laws is reported by other researchers like Woubshet (2011), Kasay (2011) and Wodisha (2011) Dejene (2011), and Mulugeta (2011).

Moreover, data from the field showed that under *jigaa* institution secular and sacred sanctions of enforcing decision are employed. The uses of these sanctions in similar contexts are reported by other researchers, like Dejene (2007), Shack (1969), Otterbein (1994) and Zartman (2000). These writers indicated how secular and sacred sanctions are used alternatively and effectively. Sacred sanctions, like cursing is often used as a last resort, when secular means fails to bear fruit.

In general, the *jigaa* institution as customary justice system is practiced in the framework of legal pluralism as continuation of the former *gadaa* court in the specific cultural context of Jimma Oromo.

6. Conclusion

This research work clearly reveals how *jigaa* institution is practiced among the Jimma Oromo since distant past. The institution is an empirical instance in which customary justice system is working parallel to the state justice system. The question why *jigaa* institution is persisting despite the substitution of the former traditional religion by Islam and the *gadaa* system by monarchial political structure long ago is fairly responded. The findings of this work indicated that *jigaa* institution has survived all internal changes and external impositions for it is highly embedded into the value system. *Jigaa* institution in its basic structure, procedure and principle is in conformity with basic Oromo political culture and worldview. Partly this compliance provides the explanations why the system is intact.

7. Recommendation

Jigaa court has vital role in maintaining peace, securing justice and reducing the potential burden of state court. Since the time of the introduction of government court in 1942 in Ethiopia, the administration of justices has been officially removed from customary justice system. The current constitution of the Federal Democratic Republic of Ethiopia (FDRE) authorizes state court and only state court to adjudicate those offences that the law categorizes as offences against the public. However, in practical instances, customary justice systems, including *jigaa* institution adjudicate all offenses regardless of its degree of severity. Hence, legal ground for the promotion, consumption and protection of customary justice system is recommended. Lastly, this study on *jigaa* institution is not a final material on the subject; rather, further profound investigations are recommended.

8. Acknowledgements

The paper was initially written by the first author as a partial fulfillment for his Masters of Art Degree in Oromo Folklore and Cultural Studies as an advisee of the second author. Later, it was developed into article form by joint work of the two authors. First, the authors communicate their appreciation to the participants of the research that provided important information on the issue under discussion. The authors also acknowledge Jimma University, College of Social Sciences and humanities for its research permission and covering portion of research expenditure.

References

- Aberra Jambare (1998). *Legal history of Ethiopia 1434-1974: Some aspects of substantive and procedural laws*. Rotterdam: Erasmus Universiteit.
- Abir, M. (1980). *Ethiopia and the Red Sea: the rise and decline of the Solomonic Dynasty and Muslim-European rivalry in the Region*. Frank Cass.
- Abreham Alemu (2012). "Narrating local identity among the Southwestern Oromo of Ethiopia: case of the Jimma and Gera." *African Study Monographs*, 33 (1): 17-47.
- Alemayehu Fentaw (2009). *Conflict management in the Ethiopian multinational federation*. Austria: European University Center for Peace Studies.
- Alemayew Haile et al. (2006). *History of the Oromo to the Sixteenth Century*. Finfinne: OCTB-Oromo Culture and Tourism Bureau.
- Asefa Abebe (2001). "Indigenous mechanisms for the prevention and resolution of conflict: The experience of Oromo in Ethiopia". *Paper presented to the workshop on conflict in the Horn: Prevention and resolution Organized by the Ethiopia Chapter of OSSREA*, May 11-12, 2001. Addis Ababa, Ethiopia.
- Assefa Fiseha (2013). Customary dispute resolution mechanisms and the rule of law: Areas of convergence, divergence and implications. In Elias N. Stebek and Muradu Abdo (eds.) *Law and Development and Legal Pluralism in Ethiopia* (pp. 11-140). Addis Ababa: Justice and Legal System Research Institute (JLSRI).
- Bartels, L. (1983). *Oromo religion: Myths and rites of the Western Oromo of Ethiopia. An attempt to understand*. Berlin: Dietrich Reimer Verlag.
- Bassi, M. (1992). "Institutional forgiveness in Borana Assemblies. In " *Sociology Ethnology Bulletin*, Volume 1, No.2, March 1992 .pp 50-54. Addis Ababa: Addis Ababa University.
- Bassi, M. (2005). *Decisions in the Shade: Political and juridical processes among the Oromo-Borana*. Asmera: Red Sea press.
- Baxter, P.T.W and Uri A.(eds.) (1978). "Introduction". In *Age, generation and time: Some features of East African Age Organizations*. Pp 1-35. London: C. Hurst and Company.
- Benda-Beckmann, F. and K.Von (2001). 'State, religion and legal pluralism: Changing constellations in West Sumatra (Minangkabau) and comparative issues'. *Max Planck Institute for Social Anthropology Working Paper No. 19*. Halle/Saale: Max Planck Institute for Social Anthropology.
- Benda-Beckmann, F. von (2002). 'Who's afraid of legal pluralism?' in *Journal of Legal Pluralism* 2002 – nr. 47: 37-83.
- Bohannan, P. (ed.) (1967). "Introduction": *Law & warfare: Studies in the Anthropology of Conflict* (Pp. xv-xiv). Austin: University of Texas Press.
- Collier, J. (1975). "Legal process." In *Annual Review of Anthropology*. Vol.4, pp.121-143. Polo Alto: Annual Review INC.
- Crumpton, A. Kalunta, Biko Agozino (2004). *Pan-African issues in crime and justice*. England: Ashgate Publishing, Ltd.

- Dejene Gemechu (2007). *Conflict and conflict resolution among Waliso Oromo of Eastern Macha: The case of Guma*. Addis Ababa: Addis Ababa University press.
- Dejene Gemechu (2011). "The customary courts of the Waliso Oromo." In GabreYntiso, Fekede Azeze and Asia Fiseha (eds). *Customary dispute resolution mechanisms in Ethiopia* (pp. 251-277). Addis Ababa. Ethiopian Arbitration and Conciliation Center.
- Dereje Feyisa (2008). "Customary dispute resolution institutions: The case of the Nuer of the Gambela Region". In Alula Punkhurst and Getachew Assefa (eds.). *Grass-Roots Justice in Ethiopia: The Contribution of customary Dispute Resolution* (pp. 133-135). Addis Ababa: French Center of Ethiopian Studies.
- Dinsa Lepisa Aba Jobir (1975). "The Gada system of government and Sera Caffé Oromo." Unpublished LLB Thesis, Addis Ababa University.
- Doherty, N. and Marcelas G. (2008). *The essential guide to workplace mediation & conflict resolution: Rebuilding working relationships*. Great Britain: Kogan Page Publishers.
- Federal Democratic Republic of Ethiopia (FDRE) (1995). The constitution of the Federal Democratic Republic of Ethiopia, *Federal Negarit Gazeta* 1st year No.1, 21st August 1995, Addis Ababa. Berhanena Selam Printing Press.
- Ferraro, P. Gary, Susan Andreatta (2012). *Cultural anthropology: An Applied Perspective, ninth edition*. USA: Cengage Learning.
- Gemetchu Megerssa (1993). "Identity, knowledge system and the colonizing structure". Unpublished Ph.D. thesis. London: School of Oriental and African Studies.
- Gluckman, M. (1956). *Customs and conflict in Africa*. Basil Blackwell publisher Limited.
- Goodhart, A. L. (1965). A changing approach to the law of evidence. *Virginia Law Review* Vol. 51 June 1965 No. 5.
- Griffiths, J. (1986). 'What is legal pluralism?' in *Journal of Legal Pluralism* 24: 1-50.
- Gulliver, P.H. (1963). *Social control in African society: A study of the Arusha: Agricultural Masai of Northern Tanganyika*. London: Rutledge and Kegan Paul.
- Huntingford, G. W. B. (1955). *The Galla of Ethiopia. The kingdom of Kafa and Janjaro*. London: International African Institute.
- Istrael Itansa (2011). "The quest for the survival of the Gada System's role in conflict Resolution." In Gabre Yntiso, Fekede Azeze and Asefa Fiseha (eds). *Customary Dispute Resolution Mechanisms in Ethiopia* (pp. 299-320). Addis Ababa. Ethiopian Arbitration and Conciliation Center.
- Joireman, S. F. (2011). *Where there is no government: Enforcing property rights in common law Africa*. New York: Oxford University Press.
- Kasay Gabre (2011). "Maada- Afar people customary legal system." In GabreYntiso, Fekede Azeze and Asefa Fiseha (eds.). *Customary Dispute Resolution Mechanisms in Ethiopia* (pp. 323-340), Addis Ababa: The Ethiopian Arbitration and Conciliation Center.
- Knutsson, Karl Eric (1967). *Authority and change: A study of the K'allu Institution among the Macha Galla of Ethiopia*. Goteborg.
- Legesse, Asmarom (1973). *Gada: Three approaches to the study of African society*. London: The Free Press.

- Legesse, Asmarom (2006). *Oromo Democracy: An indigenous African political system*. Asmera: The Red Sea Press Inc.
- Lewellen, T. C. (2003). *Political Anthropology: An introduction*, Third Edition. London: Praeger.
- Lewis, H. S. (1965). *A Galla monarchy: Jimma Abba Jifar, Ethiopia 1830 - 1932*. Madison and Milwaukee: The University of Wisconsin Press.
- Lewis, H. S. (1984). "Values and procedures in conflict resolution among Shoa Oromo". In *Proceedings of the 8th International Conference of Ethiopian Studies*, Addis Ababa (1984) (Pp. 91-100). Addis Ababa: Addis Ababa University.
- Lewis, H. S. (1970). "Kud'afra - A multi-functional institution among the Western [Oromo]." In *Proceedings of the Third International Conference of Ethiopian Studies*. Addis Ababa 1966, Vol. III, Addis Ababa, pp 99-103.
- Lewis, Herbert S. (1990). "Gada, Big Man, K'allu: Political succession among the Eastern Mech'a Oromo". In *Northeast African Studies*, Vol.12, No. 1, pp 43-64. East Lansing: Michigan State University.
- Merry, S. E. (1988). 'Legal pluralism', in *Law & Society Review*, Vol. 22, No. 5, 869-896. Blackwell Publishing.
- Mohammed Hussen. (1994). *The Oromo of Ethiopia: A History 1570 - 1860*. New York: Cambridge University Press.
- Moore, S. F. (1995). "Imperfect communication". In Pat Caplan (ed.) *Understanding Disputes. The Politics of Argument*, Pp 11-38. Oxford: Berg Publishers.
- Mulugeta Negasa (2011). 'Be Adea Liban wereda ye Oromo seera Guma kegitat afetat antsar'. In GabreYntiso, FekedeAzeze and AsefaFiseha (eds). *Customary Dispute Resolution Mechanisms in Ethiopia*, 227-250 Addis Ababa. Ethiopian Arbitration and Conciliation Center.
- Otterbein, K. F. (1994). *Feuding and warfare: Selected works of Keith F. Otterbein*. Amsterdam: Gordon and Breach.
- Rubenson, S. (1976). "Ethiopia and the Horn." *The Cambridge History of Africa*, Volume 5 c. 1790-c. 1870. UK: Cambridge University Press.
- Schellenberg, J. A. (1996). *Conflict resolution: Theory, research, and practice*. Albany: State University of New York press.
- Seymour-Smith (1986). *Macmillan Dictionary of Anthropology*. London: Macmillan Press Ltd.
- Shack, W. A. (1966). *The Gurage: A people of the Ensete culture*. London: Oxford University Press.
- Shack, W. A. (1969). "Guilt and innocence, problem and method in the Gurage judicial system". In Allott, A.N. et al (eds). *Ideas and Procedures in Africa Customary Law*. Pp 153-168. New York: Oxford University Press.
- Smidt, W. and Kinfe Abraham (2007). *Discussing conflict in Ethiopia: Conflict management and resolution*. Berlin: LIT Verlag Münster.
- Solomon Addis Getahun and Wudu Tafete Kassu (2014). *Culture and customs of Ethiopia*. USA. ABC-CLIO.
- Tesema Ta'a (2006). *The political economy of an African society in transformation: The case of Macca Oromo (Ethiopia)*. Germany: Otto Harrassowitz Verlag.

- Tidwell, A. (1998). *Conflict resolved?: A critical assessment of conflict resolution*. London. Continuum London Continuum.
- Triulzi, A. (1973). "Some notes on the [Oromo] countries south of the Abbay prior to the battle of Embabo (1840's - 1882)". A Paper Submitted to *The Conference of the Historical Society of Ethiopia, Addis Ababa*, June 4 -5, 1973.
- Tolosa Mamuye (2011). 'The *Siinqee*- Women's institution for conflict resolution in Arsii'. In GabreYntiso, FekedeAzeze and Asefa Fiseha (eds). *Customary Dispute Resolution Mechanisms in Ethiopia*. Addis Ababa. Ethiopian Arbitration and Conciliation Center.
- Tsega Endalew (2002). *Conflict resolution through cultural tolerance*. Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa. Thomas.
- Väyrynen, R. (1991). *New directions in conflict theory: Conflict resolution and conflict transformation*. New Delhi: Sage publications.
- Wallensteen, P. (2012). *Understanding conflict resolution: War, peace and the global system*. India: Sage publications.
- Wodisha Habitie (2011). "The N'eema- conflict resolution institution of the Boro-Shinasha." In *Customary Dispute Resolution Mechanisms in Ethiopia*. In Gabre Yntiso, Fekede Azeze and Asefa Fiseha (eds). Addis Abbaba: The Ethiopian Arbitration and Conciliation Center.
- Woodman, G. R. (1998). 'Ideological combat and social observation: Recent debate about legal pluralism'. In *Journal of Legal Pluralism* 1998 - nr.42.
- Woubshet Shiferaw (2011). "Spirit medium as an institution for dispute resolution in North Shoa: The case of WofaLegese". In Gbre Yntiso, FekedeAzeze and Asefa Fiseha (eds). *Customary Dispute Resolution Mechanisms in Ethiopia* (pp. 181-202). Addis Abbaba: The Ethiopian Arbitration and Conciliation Center.
- Zartman, I. W. (ed.) (2000). *Traditional cures for modern conflicts: African Conflict "Medicine"*. USA: Lynne Rienner Publishers.