13. A matter perspective: Of transfers, switching, and cross-cutting legal procedures

Juridical processes among Oromo and Amhara, East Shewa

Andrea Nicolas

Introduction

The discussion about legal pluralism is often framed by the state's perspective. From this point of view, the state is in the centre and has to deal with the 'problem' of other legal systems, often subsumed under the generalizing term 'customary law' (e.g. Donovan and Getachew 2003:505), acting in 'its realm' (Griffiths 1986:1–7). Yet, these non-state legal systems often preceded state law historically, and may represent locally the legitimate heir of a legal tradition that used to be termed not 'customary law' but simply 'the law'.[1] Looking from the perspective of a local elder, senior lineage representative or individual affected by an on-going case rather than that of the court judge, advocate or government agent, state law may not be the primary focus or obvious choice for appeals; rather it represents one of several options or procedural variants 'out there' in an arena comprising both diverse regional institutions and authorities created by strangers (see Larcom 2013:205). So, when it comes to conceptions of the legal spheres, we always need to ask through whose eyes are they being perceived.

Such an understanding also implies that state law cannot be taken to be the sole reference point for defining legal pluralism. In fact, legal pluralism is more than a binary situation of 'state versus custom' since there is rarely just one 'custom' at work, particularly in inter-ethnic settings and in settings comprising different religious traditions (see Pankhurst and Getachew 2008). Instead, there is a complex

1 Although the 'making of' customary law by colonial forces has often been stressed (Snyder 1981:49, Tamanaha 2008:384), clearly not all of these legal traditions were invented by the state (K. von Benda-Beckmann and Turner 2018:261). Various local legal systems, including several orally transmitted law corpora, preceded and prevailed the coming of the nation state, even if in partially altered form.

arena comprising different institutions that may compete or cooperate, closely interact or (officially) ignore each other. Seen in this light, state institutions and their affiliates constitute just one out of several 'players in the game', albeit often powerful ones. This raises the question of what methodology should be used in describing and analysing instances where actors navigate through a plurality of legal options.

From an anthropological perspective, there are several ways of looking at legal processes. The actor-oriented approach, which focuses mainly on disputants (as well as other involved parties) and their diverging goals and interests, has long been a leading paradigm in anthropology (K. von Benda-Beckmann and Turner 2018:260). However, the approach has been challenged by recent global developments that have driven an increasing focus on state law and 'official' standards.

To take the state's perspective often means to look through the 'institutional eye': to look at corporate bodies and institutions, and their rules and staffing. Particularly in heterogeneous settings, one might find the emergence of networks, the involvement of hierarchies, and the interplay of competition and cooperation between different institutional bodies. In such settings, often called 'polycentric', 'problems of sovereignty (or sovereignties)' are frequently involved (Lange 1995:113). A particular case's cross-cutting of institutional boundaries appears to be an anomaly when seen from the standpoint of institutions that make exclusive claims on decision-making. Cross-cutting cases must then be described in terms of 'transfer' or 'switching' that require explanation as well as legitimate justification. However, another scenario emerges when tracing such cases with a 'processual view'. This involves following a case along its path, through its ups and downs and sideways turns. Thus, one may find some cases remaining, by and large, within one dominant institutional setting, while others pass through different instances or are dealt with by different institutions over a period of time. Actors make choices and switch the settings, appealing to different authorities in order to change the outcome of their cases. From an institutional, 'one-case-one-justice' standpoint, this is often branded 'forum-shopping', and is likely to be accompanied by a negative evaluation, since affected parties are seen as taking too active a role in shaping the outcome of their case – even though some authorities do the same (K. von Benda-Beckmann 1981). From a processual perspective, and in realist terms, however, this could be taken as no more or less than a legal and social reality.

The 'procedural' perspective provides another approach, and combines characteristics of both the 'institutional eye' and 'processual view': while some cases may be treated in formal ways that remain in the framework of a particular institutional setting, like the state court or a church council, other forms of conflict settlement, like mediations by elders, may regularly cross-cut different institutional settings, and even make this 'crossing' a standard procedure, without participants losing sight of their different personal and institutional backgrounds (Nicolas 2011:63–67).

In the following, it is argued that, depending on which perspective is chosen and which methodology is taken as a base, different conclusions on the analytical and theoretical level may follow from the empirical description of cases. The chapter draws on research on the different legal institutions and procedures that are commonly in use among the Oromo and the Amhara living in East Shewa Zone of Oromiyaa region, central Ethiopia.[2]

A history of change: Legal frameworks and pluralist settings

The rural areas of East Shewa Zone of central Ethiopia are inhabited mainly by Tuulama-Oromo and members of the Amhara ethnic group. The historical sources for the area mostly describe changes in the power relations between the two groups, among which processes of integration and exchange seem to have been strong. The period of Oromo predominance can be associated with the rule of *gadaa*, an age- and generation system introduced into the area in the sixteenth century by northward-migrating Boorana-Oromo (Bahrey 1954 [1593]:116–125; Mohammed 1990:18–27). Amharic rule, on the other hand, is marked by the exercise of power through the Shewan kings, who – after a period of 'insular' existence in settlement clusters surrounded by Oromo territory – expanded their domains outward from the Manz area in northern Shewa from the beginning of the eighteenth century (Asfa-Wossen 1980:23–35). Through successive military campaigns, they gained control of the area discussed here in the nineteenth century (Ege 1996:192–220).

The Imperial era in Ethiopia lasted until the reign of Emperor Haile Selassie (1930–1974, interrupted by the Italian occupation of 1936–1941) and was violently ended by the socialist Derg (1974–1991).[3] When the EPRDF government took power in Ethiopia in 1991, it divided the country into ethnic regions and East Shewa became part of Oromiyaa region.

Under Emperor Menelik II (1889–1913), the Tuulama-Oromo of Shewa were converted to Christianity (Aṣma 1987 [1901–13]:688–695). Today, the majority of the

2 This paper is based on 25 months of fieldwork conducted between 1995 and 2002, which led to the publication of a dissertation on mediation by Oromo and Amhara elders (Nicolas 2011), as well as to 8 months further fieldwork between 2003 and 2017. The case examples quoted here stem from the village of Qaallittii in the Ada'a Liiban district, where I lived for some time. Most of the interviews refer to a time period stretching back to 1999, but I would hold that their characteristics are still significant. I would like to thank Felekke Zewde for his help in translating from Amharic to English during interviews with Amhara elders. I conducted most of the other interviews in the Oromo language.

3 Amh. *därg* ('committee').

rural population are Orthodox Christians. Oromo religious prayer and ritual practices co-exist alongside Orthodox Christianity. The religious framework is supplemented by the widespread practice of spirit possession in the wider region.

Local ways and cross-cuts: Mediation by elders

In East Shewan rural society, where ethnic 'borders' are regularly crossed by intermarriage between Oromo and Amhara, and by the fact that the two groups live in joint settlements, old men possess a high status. They settle conflicts and arrange marriages for the members of the junior generations in a procedure called *jaarsummaa* in Oromo, and *shimgilinna* in Amharic. They deal not only with cases that one might assume to be too 'unimportant' for state courts or other juridical institutions, such as personal insults and intra-familial disputes, but also with aggravated cases, like physical injury and homicide, and cases that may affect the wider group or that have inter-ethnic dimensions. Special procedures and rituals are used to bring about reconciliation between conflicting parties, many of which are families clashing over cases involving insults, brawls, disputes about property, bride abduction or killing. The prescribed procedures differ according to the type of case, and are suited to the gravity and possible consequences of the incident involved. The rituals and courses of action already hold appeasing potential in their form and language (Nicolas 2011). For instance, in serious cases involving quarrels and bloodshed, throughout the mediation process, time is set aside to allow the quarrelling parties to calm down. The procedure also stipulates that go-betweens contact the victim's family and enter into negotiations with its elders. This helps avoid acts of revenge and an immediate face-to-face confrontation between the families involved in the conflict. The aim of mediation is not primarily to punish guilty persons but to reconcile the families or groups involved.

A shared complex: Elders and ethnicities

The need to solve conflicts between members of different ethnic groups led to the emergence of a shared institution of conflict resolution among Oromo and Amhara elders.[4] Amhara individuals who are adopted by Oromo families obtain the right to be integrated into the dia-paying and reconciliation system, which

4 The development of a joint institution of reconciliation was facilitated by the fact that both groups already shared some basic characteristics. Both Oromo and Amhara relied on reconciliation by elders. In Amhara, as in Oromo settings, elders have arranged marriages and been responsible for decision-making in particular community affairs. Evidence of such settlements and arrangements can be found, for instance, in Messing (1957) and Reminick (1973) for the Amhara, and in Abas (1982) and Abdurahman (1991) for the Oromo.

shields them from possible Oromo enmities. Vice-versa, Oromo who get into trouble with Amhara and are then threatened with revenge are in need of a mechanism of peace-making that is acceptable to their persecutors.

It is open to question whether Amhara elders in earlier times reconciled cases involving blood-fee payments in their communities. However, today members of both groups share the view that Amhara traditionally do 'not know' blood-fee payments, making them very difficult reconciliation partners who tend to turn to revenge or state prosecution if they are victims, while Oromo do 'know' it and therefore more easily yield to appeals for peace.[5] In cases where an Amhara has killed an Oromo, it is likely that the Amhara would fall back on the Oromo way of paying the blood-fee in order to calm down his Oromo pursuers. Amhara, in such instances, often trust their case to exclusively Oromo elders, who are of better help under these conditions.

Which procedural norm is followed, the Oromo or the Amhara 'way', and which law is applied depends not least on the individual composition of the group of elders in a given case, and on the ethnic, religious and biographical background of the parties involved. Indeed, although each case is arranged and prepared according to a common 'recipe', slight modifications are always made according to the individual needs of the people involved, and the ethnic background of the participants is one factor that affects any changes.

Higher-level standards: Oromo law and jurisprudence

Since the change of government in 1991, which put an end to the socialist era and introduced an ethnic-federal system in Ethiopia, there has been a resurgence of the *gadaa* generation system throughout the wider Oromo region. Every eight years, just before a new generation class takes power in the country, the ruling 'fathers of the land' (the *gadaa*) hold large regional meetings (Nicolas 2006, Alemayehu 2009; cf. Blackhurst 1978). The members of the ruling class then gather near the tree of *Odaa Nabee*, which serves as the regional assembly place for the Tuulama-Oromo, as well as at other open air locations, such as the places where laws are proclaimed (*caffee*). During these meetings the *gadaa* carry out rituals, decide on matters of public concern, and deal with disputes, particularly cases of homicide. The *gadaa* leaders invite legal experts from previous generations to come and recite for them the laws of the country at these meetings (Huntingford 1955:47, Nicolas 2006:172).

The Oromo law (*seera*) is not written in books but is preserved and orally transmitted by a relatively small number of legal experts (sing. *abbaa seeraa*). Usually

5 It is probable that the Amhara practised, at least in part, blood-fee payments. See Ibrahim (1990) and Kassa (1967).

two, but sometimes three, of them perform the ritualized proclamation of the laws of the country together. Depending on the way in which the experts memorize it, the body of law consists of about thirty sections, each with four to eight or more subsections. The recitation is performed in a question–answer form. Paragraph by paragraph, the law experts list what is respected and sanctified in Oromo society (Haberland 1963:226, 476–481, Nicolas 2010:592). The paragraphs list lineage seniorities, name sacred waters, trees and mountains, legitimate different kinds of marriages, recite rules for atonement and compensation for killings, injuries, insults and theft, and clarify the legal status of animals and property. The listeners, male adults who are members of the currently ruling generation class, are expected to memorize the content of the laws. They will need this knowledge in their subsequent stages of life, when they perform their duties as elders, mediators and judges in their various home areas.

Each of the five *gadaa* classes has a number of hereditary families in which titles and offices are handed down from father to eldest son. Thus, the offices of the 'fathers of the sceptre' (*abbaa bokkuu*), attached to senior positions in the Oromo lineage system and responsible for decision-making, as well as the most senior 'judges' (*hayyuu*) at their head, are repeated in all five *gadaa* classes (Nicolas 2006:170). They usually belong to the most respected families in their areas.

The mediation by Oromo elders does not represent an alternative to formal Oromo law, but is itself a part of the legally prescribed procedure. In cases of serious injury or murder, an expert and judge (*caffee taa'icha*) is usually called in during the protracted negotiations. In accordance with the law, he must determine the amount of compensation to be paid and give instructions for the reconciliation rituals. A *caffee taa'icha* (literally, '[he] who was at [the place of] the law gathering') has successfully passed the stage of *gadaa*, and has thus heard the proclamation of the Oromo law several times.

The Oromo 'law' (*seera*), however, does not cover the full spectrum of disputes and problems that people experience. Particularly in multi-ethnic and predominantly Orthodox Christian settings, where different legal conceptions are present, 'custom' (*aadaa*) and situationally accommodated practice provide more flexibility for individual decision-making.

Religious interventions, institutional diversity and plurality of law

For centuries, Amhara law was a codified state law, confirmed and protected by the Shewan rulers, and written down in a book called the 'law of the kings' (*fetha*

nagast).[6] This law contained a number of draconian measures against wrongdoers, such as flogging, the amputation of a hand for theft, and the death penalty for killing. We can only speculate on whether these measures were actually and regularly applied among the Amhara population of Shewa, or whether many cases were instead settled with the help of local elders.[7] However, we know that the *fetha nagast* also included some articles on theft and (unintended) homicide that resemble regulations about compensation and reconciliation rather than punishment.[8]

Orthodox priests continue to refer frequently to this ancient law of the kings, even though it has been replaced by modern state law. Priests are also regularly involved in the mediation procedures of local Oromo elders, albeit only through the frequent participation of individual priests in local mediations rather than through any official institutional Church involvement.

Cooperation among elders, priests and Oromo lineage seniors is a regular feature in East Shewan conflict settlement, yet there seems to be a ranking in the right to make decisions. Priests might take a leading role in advising councils of devout Oromo and Amhara elders, but their role often diminishes when a group of tradition-oriented Oromo elders gathers to discuss a case. Particularly when a *caffee taa'icha* is present, the *seera*, not the *fetha nagast*, forms the basis of decision-making. In such circumstances, priests often have to relinquish their preference for the old law of the kings, which is much closer to Church teachings, and accept that the case will be settled according to Oromo law. The priests' readiness to handle such cases 'according to the local culture' (*ye-akkababi bahil*), as they term it, reflects the demographic givens and specific power configurations of the region they live in.

Church procedures

In general, the Church itself has no independent mediation procedures that might supersede the proceedings of elders. The Church's particular type of religious marriage, defined as being indissoluble, is confined to a few, rather rare, instances; and the institution where parishioners and priests carrying the cross and wearing

6 According to Messing (1957:309), this law code was 'a blend of Canons of the Coptic church councils, the Justinian Code and the Bible'. Compiled in Egypt, the code was later introduced to Abyssinia, and superimposed by kings and clerics on the older Amhara 'customary law'. According to Ibrahim (1990:29), the code was written in the early fourteenth century by the Coptic Egyptian writer Ibu al-Assal. However, authors disagree about the time of its introduction to Ethiopia. The work was translated from Arabic into Ge'ez and Amharic, and copies in these languages can still be purchased in clerical bookstores in Ethiopia.

7 On this issue, see Kassa (1967) and Ibrahim (1990). The same issue has been discussed with reference to Oromo law (see Dinsa 1975:86 and Bassi 1992).

8 For the different regulations mentioned here, see *Fetha Nagast*, Art. 24, no. 826–963; Art. 47, no. 1655–1717 and Art. 49, no. 1759–1770.

festive clothing gather to pray together, is almost exclusively done for the reconciliation of man with God. It might complement the reconciliation between perpetrator and victim (or their families) provided by the elders' procedure but it is not a substitute.

The Church, however, does offer some alternative to the elders' proceedings. Instead of following the Oromo peace-making rituals of promise-making in the victim's compound or at a gorge, participants may choose to perform their vows in the Orthodox way, within the church compound. Likewise, in some places, gatherings for collective pleading to God in the open air is not bound to the occurrence of exceptional, heaven-caused catastrophes such as droughts or famines, but is organized at more or less regular intervals to beg God for forgiveness for the sins of the parishioners accumulated in the interim. At these occasions, reconciliations among people may be carried out by priests and pious elders at the church compound, by way of a piece-by-piece handling of the many cases to be dealt with on a single day. Though this parochial form of reconciliation is usually preceded by traditional mediation through local elders, it is nevertheless evident that a Church reconciliation provides a possible alternative to the elders' procedures. Some parishes have also launched an independent platform for reconciliations by Church elders, founding a council of 'assembly delegates' (*mele'ata guba'e*) consisting of twenty elders chosen from the surroundings, who make the decisions. Their appointment, however, is highly selective and based on their devotion to the Christian Orthodox Church. The council's proceedings are guided by Church teachings, and are not under the direction of the traditional laws and practices of Oromo title-holders. Since this institution is still somewhat rare in the area, it does not influence customary mediation procedures on a large scale. Nevertheless, it undoubtedly constitutes a potential alternative to which people who are dissatisfied with other elders' ways can turn.

Courts of spirit followers

Similar courts are run by some influential spirit mediums at their temple compounds. A particular cult's leader, who acts as the spirit's medium, will carefully select loyal and devout followers to act as the 'elders of God' (sing. *jaarsa Waaqaa*) and hold these councils. These elders number three or more. Spirit cults, even without such councils of elders, offer mechanisms of conflict resolution and reconciliation to their members. For instance, reconciliations are regularly carried out at holidays or during the regular possession rituals held at the spirit's temple door. Via his medium, the spirit orders certain participants to end their quarrels; reconciliation is then sealed using grass and through the ritual performance of spitting and mutual hand-kissing of the former adversaries. A spirit medium described to me the reconciliation procedures at a spirit's temple in the following way:

> If, for instance, a thief has stolen money from me, I go to [the temple of] the *oogliya* (spirit), [and complain to him]: 'Someone has stolen from me. I want my money back.' The thief then gets sick.[9] He goes elsewhere to another *oogliya* and asks him why he fell sick. That *oogliya* answers: 'You have stolen money from someone. Give the money back to him!' The thief now goes to [the temple of] the first spirit medium, in the area where the person that was stolen from lives [and begs]: 'I have stolen from him, please reconcile us!' The *qaalluu* (spirit medium) now sends someone to the person that was stolen from, and has him come for reconciliation [at the temple]. The *oogliya* (spirit) then speaks to both, and the thief gives the money back. The money is swathed in some grass, and some money, 1–3 Birr, lay upon it. The person that was stolen from now spits three times on it, as well as three times towards the sky. Thereby, the [curse] ends and the sickness of the thief goes away. The thief and the person he stole from kiss each other's hands. This shows that peace has been made again.[10]

In general, only followers of the spirit cult involved attend the reconciliation proceedings. Since only small and a few medium-size cults have spread in the area, and are often competing with each other, not all the inhabitants are integrated into the same network of worship. Consequently, spirit mediations do not have the capacity to replace the elders' well-established procedures. Mediating elders, however, often have to pay a visit to the spirits' temples in cases of marriage, bride abduction or cursing. They may also occasionally ask a spirit medium to join mediation in order to gain support for their peace-making efforts.

The mediatory principles of spirit mediums and mediating elders are not unlike each other. Both exercise rituals for the good of the wider community and both share an explicit ideology of peace in their prayers and advice. It is true that some spirit mediums see their own reconciliations as the only 'true' ones, since a spirit is said to know everything, and reconciliations made before him have to be committed full-heartedly. From this point of view, elders' reconciliations are just made for the sake of the maintenance of order and do not come 'from the stomach' (that is, from the heart).[11] Inversely, not every elder might be a follower of a given spirit's cult, so that only elders who have no objections or are believers themselves are chosen for the task of visiting the spirits' temples. However, as a rule, spirit mediums and elders cooperate well with one another: spirit mediums often recommend that

9 The sickness is induced by the spirit as a punishment. The term *oogliya* derives from Arabic 'awliya, the plural form of 'saint' or 'guardian'. Many people in the area also use the term *ayyaana*. Both terms refer to spirits that speak to people and give them advice through the mouths of their human mediums, the *qaalluu*.

10 Interview Buzunesh Kormee, Qaallittii,13 October 1999.

11 Words of a spirit medium. Interview Buzunesh Kormee, Qaallittii, 1999.

their followers have their case settled by the local elders; and elders pay tribute to the spiritual authorities of their surroundings.

Shared know-how: Burial associations, NGOs and new/old clan assemblies

New 'intermediate forms' of legal activity between different social and legal institutions also exist. Among them is the 'clan assembly' founded in 1992 by the sub-lineage of Illuu, near the village of Hiddii in Adaʾa, which has been given the task of teaching traditional Oromo law, of settling conflicts among the people of the surrounding area, of calling troublemakers to order, and of securing the locality's growth and prosperity. Moreover, it is involved in the collection of money from its members, which is used for blood-fee payments in cases of homicide (Nicolas 2007:486).

The assembly – called in Oromo *walygayii gosaa* (assembly of the clan) – is not just based on old clan and lineage ties, as its name would imply. Rather it has adopted the organizational structure of the *iddir*, a form of burial association commonly found in the area among both Oromo and Amhara.[12] At the same time, the assembly pursues a policy of monetary investment that closely resembles the activities of local NGOs. A special sub-committee of the assembly is responsible for buying and selling grain at the local markets in order to make profit from the transaction. In the case of the *walygayii gosaa*, legal activity is thus closely tied to capital-raising entrepreneurship.

Legal governance and state administrative units

State law claims precedence over all these forms of legal aggregates and procedures. Today's state law, referred to in Oromo as *seera mootummaa* and in Amharic as *hegg*, was mainly designed on a Western model. It was finally enacted by the last Ethiopian emperor in 1957, following a juridical reform of the first Ethiopian penal code, which had already officially replaced the 'law of the kings' (the *fetha nagast*) in 1930.[13] The penal code of 1957 largely remains in force today; it deals, among other things, with theft, beating and injury, abduction, robbery and killing, and gives as punishment – depending on the gravity of the offence – a fine, arrest, or 'rigorous' incarceration up to life-long imprisonment. In severe cases, the death penalty can also be applied. In cases of assault, beating and injury, the law further provides for compensation to the victim's side.[14]

12 The institution actually might be of Soddo 'Gurage' origin, having spread from urban contexts to the countryside (Pankhurst 2002:6, 8).

13 See Ibrahim (1990:29) and Aberra (2000:195).

14 For these regulations, see the Penal Code of 1957, of the Empire of Ethiopia.

Peasant associations

On the village level, state law is represented mainly by local militias and the work of village administrators. Peasants associations (PA) have administered the land since the time of the socialist land reform of 1975. Although, following the overthrow of the socialist government in 1991, profound changes have been made at the level of local politics, every peasant who wants to plough land still has to be a member of a peasant association and is subject to its local jurisdiction.

Within the wider administrative setting, all districts are subdivided into smaller administrative units called *ganda* (the Oromo equivalent to Amharic *kebele*), consisting of between one and three villages or settlement concentrations situated near each other. This administrative division is basically congruent with the division of the land into peasant associations (*waldaa qottoota*)[15] and, in fact, the village administration (*bulchiinsa gandaa*) and the peasant association's leadership are mostly one and the same body (Nicolas 2011:50, 291). The village administration consists of a chairman, a secretary, an overseer and four more members, all of whom receive no salary and must fulfil their duties in addition to their usual work. The whole village administration usually only comes together if there is a particular problem or need to address. Otherwise, it is considered enough if the secretary and two members meet once a week. As for the militia, a specified number of men keep a weapon at their homes and only gather if they are called together.

The leadership of a village can at any time call together the PA assembly to announce or discuss issues of concern. However, it is at the monthly meetings of the burial associations (*iddir*) where one can actually find most household-heads gathered. Each village has at least one or two *iddir*, and every household-head is a member of one. *Iddir* meetings are therefore where most issues of concern in the village are discussed, and are the most important platform for public life in the village.[16] The monthly *iddir* meetings may also deal with problems and conflict; otherwise, these cases are dealt with by a village tribunal.

The village tribunal

The village committee (*koree*) responsible for settling disputes consists of three people: a chairman, a secretary and a further member without specific designation. They work closely together with the leadership of the local peasant association, and

15 Also: *waldaa qoteebulaa*. Amh. ye-gabarewoch mahber, or in short form, gabare mahber.

16 Other forms of voluntary associations are the Church *mahber*, the local saving associations known as *eqqub*, as well as temporary working groups called *daboo*, in which people rotationally work in each other's fields.

actually constitute part of the PA's administration, having been elected though the same voting procedure. Accordingly, the PA and *koree* cooperate closely. If someone wants to make a complaint about wrongdoing, they must initially contact the committee of the community administration, which will try to solve the case. If unsuccessful, the community administration will refer the case to the village tribunal (*firdi shango*),[17] which is entitled to judge cases of petty theft and beatings – except those involving serious injury – and can impose fines or detention for up to a month, to be served in the prison of the nearest town.

The members of the tribunal are not full-time bureaucrats, and are usually fully integrated into 'ordinary' village life as well as in the procedures of elders' mediation. The institution they run nevertheless differs significantly in certain respects from other elders' proceedings. Unlike in the typical mediation procedure, where the offender – who regrets his wrongdoing – sends his elders to apologize, in a village tribunal, the victim initiates the juridical process by accusing his offender before the administration. The judicial process is thus not primarily aimed at reconciliation, but at identifying the culprit and punishing him.

The tribunal members draw their judicial knowledge from law workshops that are held by government officials at irregular intervals in the nearby towns. Sometimes, they are able to obtain typed documents that list the rules and procedures they are expected to follow. Consequently, the tribunal members are considered to be representatives of the state law in their local communities. In many respects, however, they are tied to the 'local way' of elders' mediation, and may consider a case solved if the culprit can prove that elders have already settled his case. Sometimes, tribunal members themselves act as 'traditional' elders. They thus work at the interface of state law and 'customary' procedure.

Town courts and police

Cases that surpass the level of petty crime cannot be dealt with by the village tribunals and are left to the state court (*mana murtii*) in town. In such cases, the victim will go directly to the police and accuse the offender. If he can produce three witnesses to prove that his accusation is true, the police and local militia search for the culprit, arrest him and bring him before a court. While the District Court (which for the district of Adaʾa Liiban is found in Bishooftuu, also called Debre Zeyt) sees cases of significant theft, bride abduction, assault and beating, aggravated cases in the same categories, as well as cases of robbery and homicide, exceed its competence and are dealt with by the High Court in Adaama (also called Nazret).

17 It is also called *shanacha*.

Moving between different legal institutions

Many cases move between different legal institutions. An Oromo elder, who himself later became a village administrator, gave me the following example of such institutional cooperation:

> A man in a village in Ada'a was stolen some property. He had a suspicion who had done it, and it was a person living in the same village. So the man who was stolen something went to the police to press charges against the suspect. The police now came into the village and took the suspect with them to the police station in town and interrogated him. The man that was stolen from now went to court. When the thief heard about it, he got scared. He sent six elders to the compound of the victim, himself remaining behind. The elders sat in front of the victim's yard-gate, waiting for the victim to come out. The victim finally came out and agreed to discuss the case with them. They agreed that they would settle the case in mutual conciliation. The worth of the property, which the thief meanwhile had sold, was discussed. The elders of the offender rather quickly agreed to the victim's demands, as they were glad that he was ready to come to an agreement. It was consented that the thief would have to reimburse the worth of the loss, without any penalizing fee being added. Somewhat later, another meeting was arranged. This time, the elders came together with the thief. As at the first time, they all remained outside the yard-gate. The victim went out to them. The money was handed over to him, and all six elders, as well as the victim and the thief, signed a paper. On the paper it was written that the offender admitted to the wrongdoing, but that the case had been settled amicably. Also the sum that had been repaid was noted on the paper. The paper was afterwards presented to the police. The police read it and then closed the case. Therewith, the case was settled.[18]

Such transfers of cases between institutions occur not only between state courts and elders, but also between elders and other institutions, such as spirit cults. A young woman, for instance, told me what happened after her husband had beaten her after drinking and quarrelling. The woman's father did not live in the village and was also unsupportive of his former family, since he had divorced her mother, so the woman went back to her grandparents' home, where she had grown up, to search for shelter and protection. Her grandfather, an Amhara, was a respected elder in the village and had settled cases of conflict on many occasions. The woman's husband, an Oromo, sent two elders to try to convince the old man to begin reconciliation. The woman provided me with a memory account of the exchange, reproducing the elders' speech in the way that she remembered it:

18 Interview Siyyum Ketema, with Felleke Siyyum, Qaallittii, 6 November 1999.

> Both elders were Oromo but spoke Amharic on the occasion.[19] They were neighbours from the surroundings, and my grandfather came to the yard-gate to greet them: 'Peace be with you! How are you? Come in, come in', inviting them into the house. They then discussed the case.
> Grandfather: What is your problem? Why did you come?
> Elder: So-and-so [name of the husband] sent us.
> Grandfather: What did he say?
> Elder: So-and-so [name of the wife] shall return home [to her husband].
> Grandfather: She has a problem there.
> Elder: Well, wait, when she has a problem, then just call us [and we will intervene]!
> Other elder (addressing the woman): What is your problem?
> Woman: My problem is, why does he drink? Every evening he drinks in my house. He gets drunk [and is behaving badly].[20]

The woman also complained that her husband's father did not support the young couple when they got into financial problems. The husband's elders showed their understanding but tried to convince the grandfather to send the woman back home to her husband. The grandfather, however, left the decision to her:

> Grandfather: She does as she wants to. I don't know [what is the right thing to do].
> Elder: What is it? Please! She shall return home, please! We will also strongly advise [the husband to behave correctly]!
> Woman: My problem shall not be solved by elders. I want a solution by the *ayyaana* (spirit).
> Elder: What can we do about it?
> The elders now returned to the house of my husband, to bring him the news.
> Husband's father: What problem is there? What was the problem when you asked the old man?
> Elder: He [the grandfather] said, she [the wife] can do as she likes. But when we asked her, she had many problems. She said, 'I don't want the elders. The *ayyaana* (spirit) is better for us, truth will come from there for me.'Husband's mother: Her [the wife] and her grandmother will come to the temple of the spirit. She comes to the *ayyaana* (spirit), so we will do the same. We agree.
> Husband: We will reconcile through the spirit. I will go with my mother, and she will go with her mother.

19 They did so because Amharic was the mother tongue of the woman's grandfather.
20 Interview Seble Getaneh, Qaallittii, 11 October 1999.

> Woman: At the temple of the spirit, after coffee had been made, the *ayyaana* (spirit) approached [and gave advice]. The reconciliation took place. Afterwards, they accompanied me home [to my husband]. Now, everything is fine.[21]

The woman seemed pleased with the outcome of the reconciliation. Her strategy to involve the spirit worked in her favour. In fact, her decision to appeal to the spirit was not a spur of the moment one; she had planned it beforehand. The spirit medium whose spirit was invoked during the reconciliation recalled how the wife had contacted the temple some time before the elders gathered to attempt mediation:

> When the couple quarrelled, first the wife came here [to the temple]. She came alone. She cried and told me everything. On another day, the husband came here and told everything as he had seen it.[22] He also was alone. Then they both came to a *wadaaja* (ritual session for the spirit at the temple). The *oogliya* (spirit) spoke, and they both did reconcile.[23]

Thereafter, the wife was reassured by the belief that she would be guarded and revenged by a higher spiritual force if her husband should mistreat her again. What is interesting is that the case was put in the hands of the elders but they left it to be solved by another institution: the spirit and its medium at the temple. The transfer of the case, in fact, was a more powerful option for the wife than relying on the mediation of the elders.

Transfers of conjugal disputes not only occur between elders and spirit mediums, but also between state courts and the elders. An Amhara elder provided me with the following example of the divorce of a couple from a local village:

> A farmer and his wife were quarrelling. She loved another man, who was employed in the household. They both left the farmstead and started living together in a rented house in the nearby town. At that time the woman brought charges against her husband at the police station in town. She had asked her husband to divorce and share their joint property, but he had refused: 'Because you [his wife] left me with my employee!' The police sent a summons (*matriya*) to the husband, and he immediately accused his wife of leaving the house with his employee. The police asked whether he had a witness (*misikkir*) for that. He brought three witnesses for his side to the court.
>
> On the day of the court hearing, the wife did not come. The judge heard the three witnesses, who affirmed that they had seen her leaving with her lover for town.

21 *Ibid*.

22 The spirit medium had sent for him to come to her temple.

23 Interview Buzunesh Kormee, Qaallittii, 13 October 1999.

At a second hearing at court, the wife attended. The judge asked her: 'You have committed a wrong, is it true?' At first, she did not admit to it, saying it was not true. But the judge told her that they had heard three witnesses stating the opposite. A third court meeting was set. Both husband and wife were present that day. The court decided that the wife had to pay 800 Ethiopian Birr to her husband for leaving her home with a lover.[24] Then the court decided to give the case into the hands of the village elders. The court representatives said, 'It is above us', and entrusted the sharing of the couple's property to the elders. They said to the couple, 'You [each] have to select your own elders.' Both had to sign a paper wherein they promised that they would accept all that their elders decided on their behalf.

Both wife and husband now each chose two elders from the village to be their representatives, opting for people who knew them well and who might possibly speak in their favour. A week after the court proceedings (which had stretched over several months) the elders met at the house of the husband. Two people sent from court also attended the meeting. They did not interfere in the elders' work but oversaw their doings, and presented them with a paper carrying the signatures of both husband and wife stating that they truly wanted to divorce. The elders counted the cattle, the crops, the farmland and any other property, like cow dung and the like, and estimated the value of the house. While as a rule, property should be shared equally after a divorce, because of the wife's 'wrongdoing', her husband was given two thirds of the share, and she was given only one third. From that sum, the 800 Ethiopian Birr that the court had set as a fine were further subtracted. Finally, the woman got one oxen, 'half of the house', which amounted to 600 Birr (after the 800 had been subtracted),[25] and some farmland that she could rent out for lease (*kontrat*), along with 64 eucalyptus trees, which were growing on the land that remained with her husband. The woman took the oxen and the other property on the very same day but left the eucalyptus trees standing. The elders had made a mark on the trees, and she was told that if she would later come to catch them, and the husband refused, the elders would help her take her share.

The whole meeting had taken some five hours, and afterwards the elders and court attendants got invited for food and drink to the house of the husband's father, and later on the same day to the home of the wife's sister to ceremonially confirm the legal act. However, no blessing was given by the elders at the end, as

24 Ca. 28 USD at that time.

25 About 21 USD.

> is usual during legal affirmation acts overseen by the elders. A divorce was not considered a lucky occasion.[26]

A question arises: whether state court decisions are always the better option for women who aim to contest male prerogatives in decision-making, since judges may also adhere, to a considerable degree, to similar moral values and grounds for decisions as many village elders.

Legal compatibility, overlapping, tensions

Although the functionaries of state courts and elders may share moral ground, there are some significant differences between state court and elders' procedures. As western-designed criminal law, the Ethiopian Penal Code and its accompanying procedures do not officially acknowledge agreements made by elders that would result in a relinquishment of criminal persecution. This offers a potential way out for people who hope to escape the elders' mediation or want to shape the outcome of the process in their favour. Indeed, appealing to the courts is one of the most effective means of 'pulling the rug' from under the petitioning side's 'feet': the case is taken out of the hands of locals and the threat of state-punishment becomes immediate for the offender. The question is whether consecutive appeals to different legal institutions indeed constitutes – as an example of 'forum-shopping' – a problem to the efficacy and legitimacy of the legal process, or whether the cross-cutting of institutional settings could also be seen, from the point of view of users, as a legitimate choice. For women, the possibility of appealing to court in addition to elders or spirit courts can significantly enhance their standing in negotiations, even if they actually wish to have the case solved through local mediation.

Documents for legal transfer and transmittance

Written documents play a special role at the interface between mediating elders and legal institutions of the state. An elder outlined for me the procedure in cases of homicide:

> The victim's side beforehand in the discussions use state law as a threat: 'If we don't get the money, we go to the police station and accuse the killer.' After an agreement has been reached during the peace negotiations and an appointment been set for the killer's family to raise and hand over the blood-money, the elders of the victim's side sign a paper for safeguarding the killer's side. If he [the closest relative of the victim] goes to the police station before the appointment day,

26 Interview Getaneh Wolde-Maryam, with Felleke Zewde, Qaallittii, November 1999.

> he can be punished by up to 1000 Ethiopian Birr to be paid to the government administration, and by up to 500 Ethiopian Birr to be given to the elders.[27]

Such papers are meant as a safeguard for the offender's side. There is legal insecurity in the time between when the terms of peace making and amount to be paid are agreed and when the offender's relatives have raised enough money to actually pay the required sum. On the handover day, another document is written that states that the parties have reconciled and records the amount of blood-money paid. Both the victim's and the offender's parties sign the document. A delegation of elders from the killer's side then goes to town and presents the signed document at the police station. Even though this is not an officially recognised document, it can still be enough to secure the case's dismissal, as the elder elaborated:

> First, the killer disappears from the area. His father promises to the police: 'I will bring you my child. Give me two months for finding him.' He may also name a guarantor (*was*) who will take responsibility for bringing in the son. The police does wait for it. In the meantime, the father uses the time to initiate a *gumaa* (blood-fee payment/reconciliation) process. When the *gumaa* process has started and the police come to ask, the father tells them: 'We are on the way of the *gumaa* process.' Before the deadline for the compensation payment, both sides and their elders sign a paper that states that they are on their way to making peace. If they are asked in the meantime, they can show it. On the appointment day [when the money is handed over], they get another paper, with statements of both sides that peace has been made. If the police now asks the father, he shows them the paper. The police then put a copy of this paper in the police station and drop the case. According to law, the killer would have to appear at court. But if he has killed unknowingly, he will have to pay only a smaller fee. [28]

It is rare, however, for people who committed homicide to easily evade a prison sentence. Certainly, if an offender succeeds in hiding from the police for long enough that compensation has been paid to the family of the deceased, his prosecution will most probably be silently dropped. However, a killer who has already been apprehended and sentenced to jail is rarely released from prison after the two families reconcile. A case of homicide cannot be as easily overlooked by the administration as, for instance, cases of bride abduction, which are often dismissed on grounds that the families have already reconciled. However, a killer can hope to have his sentence mitigated at court, his efforts for reconciliation having proved his serious regret, or to get amnesty before the end of his prison sentence, in consideration of his good conduct and if the community elders vouch for him.

---

27 Interview Alemu Wube, with Felleke Zewde, 24 October 1999, in Qaallittii.

28 Interview Alemu Wube, with Felleke Zewde, Qaallittii, 24 October 1999.

A question arises with regard to 'double punishment' in cases where both state courts and elders give a verdict, for example, in cases of homicide. From the point of view of mediating elders, the payment of a blood-fee may be intended not as a punishment but as compensation for the loss of the bereaved family. While state courts work on punishing trespassers, elders aim to re-integrate perpetrators and reconcile their families. The question is then, whose procedures could be considered redundant and be dispensed with – the state's or the elders'?

Separate bodies, combined strengths: Emergent joint procedures

Elders, *gadaa* representatives, priests and spirit mediums agree on the value of reconciliation. This can lead to the building of mutual alliances and the emergence of joint procedures in conflict settlement. The following account of the settlement of a homicide case, given by the elder mentioned above, who participated, illustrates the point:

> It was in the early morning, in the dark. The victim was on his way somewhere. The killer had had a quarrel with another man, and wanted to kill him. So he laid in wait, with a gun, and when he saw the victim approaching, he thought it was his opponent, and shot. The victim was dead immediately.
> The killer went into hiding. The family of the deceased called the police, who came from the nearby town of Debre Zeyt. The very same day, family members and police brought the body to Menelik Hospital in Addis Ababa to be examined. Later that day, the family of the deceased returned to the village. The killer, meanwhile, having become aware that he shot the wrong person, told his family what had happened. They immediately took action and urgently sent messengers to near and distant relatives in other settlements to warn them and to quickly start the reconciliation efforts. The killer's relatives contacted elders, and these elders contacted other elders, and so forth, to organize most urgent precautions to prevent further violence. A whole chain of uproar took place, word of the killing making the rounds among neighbours and in the surrounding villages.
> Two or three days later, more than a hundred elders from five surrounding villages gathered in the morning on a plateau at the riverside, at some distance from the dwelling of the bereaved family. They gathered for an *isgoota*, a ritual apology and call for peace. All the children of the killer went with the pleading elders, as did the killer's father, mother and whole family (the killer himself had to remain in hiding). The people stood in line and shouted '*isgoo*' and '*abet*' for long, their voices being carried far through the landscape, so that they could be heard by the family of the victim. In the first line, along with the most respected elders of the area, there stood two Orthodox priests, who had come from a nearby

church. They wore their full festive clothes and attire, and carried a cross. Each of them was accompanied by a deacon who held a brocade umbrella for them. The elders, furthermore, had brought a saddled horse with them that had no rider. They had also invited a respected elder from a neighbouring village, who was a bearer of *kallachaa caaccuu* (ritual object[s] of special power).[29] He had brought the holy item(s), covered under a cloth, with him, and stood somewhat apart. The gathered elders and family members called *isgoo* and *abet* for quite a while, standing on the plateau, and waited for a response from the victim's side that might show willingness for peace. But no one showed up. After a while, people gave up and went home.

Two days later, they all gathered again on the plateau, carrying out precisely the same procedure. Again, there were the priests in their outfits, the horse and over a hundred elders shouting *isgoo* and *abet*. Again, no messenger showed up. Some days later, they made a third attempt. This time, an elder sent by the victim's side approached, and asked what they wanted. The killer's father and elders said that the victim was killed by mistake, and they wanted to reconcile. The messenger returned to the victim's family to bring them the message.[30]

The example above illustrates part of a standard procedure applied in most mediations over homicide cases all over the wider region. Oromo Orthodox Christians now mostly understand the involvement of Orthodox priests in the mediation procedures to be part of their own cultural repertoire. The way in which the *isgoo* pleading is undertaken is close to Christian Orthodox pleas to God in times of disaster. At the same time, the saddled horse, the elder carrying the *kallacha* object and other parts of the procedure hint at an Oromo background. Here, mediation is practised as a meta-procedure whose details are adjusted according to the need for a joint venture among the elders of the land. The different authorities involved in a case all keep their distinct identities: priests remain religious representatives of the Church, and *caffee taa'icha* remain titleholders loyal to the laws of the *gadaa*. Yet, for the purposes of peace-making, they all partake in the same legal process and comply with the same rules. For the elders, who invite them to join, both priests and *caffee taa'icha* are helpful allies, whose presence might convince reluctant parties to submit to reconciliation. This implies that we need to change our perspective when

29 The *kallacha* is a metal object said to have fallen from the sky in ancient times, while the *caaccuu* is a leather strip embroidered with cowry shells. At the occasion of *isgoota*, the ritual objects imply the threat of divine sanction if the plea for reconciliation is rejected by the petitioned side. Both objects are usually brought at the same time for reconciliation purposes, and the two terms are often blended together into a single term: *kallachaa caaccuu* (Nicolas 2011:196–199; see also Shewa 2011:57–58).

30 Interview Alemu Wube, with Felleke Zewde, Qaallittii, 24 October 1999.

analysing legal procedures, and move away from emphasizing the separateness and autonomy of the different institutions towards analysing a common procedure.

In the above case, both the victim and his killer were Oromo. The proceedings were mainly organized by Oromo elders. Amhara elders also participated in the *isgoota* pleading, as well as in the following meetings. An Amhara man who had attended the meetings as an elder on the offender's side, and who had twice before participated in Oromo homicide proceedings, gave me the following account:

> A meeting was arranged somewhat later at another place, under a tree, between elders and family representatives of both sides. The father of the victim insisted that his son was killed knowingly, while the killer's side emphasized that it all was just a terrible mistake, and the killer had killed him unknowingly. The victim's side also found the money offered to them as compensation too little. People discussed over three hours without coming to an agreement, so they left for the day and made another appointment.
>
> A week later, they met under the same tree. Altogether, there were now sixteen people attending, elders of both sides and the two fathers of victim and killer. The killer's side had brought one more special attendee, who sat the top of the elders of both sides and advised them in finding a solution. He said, 'The child was killed unknowingly!' and urged the victim's side to yield to the reconciliation. In the end, all the elders decided together that the blood-money would be fixed at a sum of 9000 Ethiopian Birr,[31] a smaller part of which would constitute the 'money for the soul' proper, and the larger part would compensate the victim's family for their expenses for the hospital, for police, and transport etc. The killer's family would pay the money to the family of the bereaved, and no further punishment should be set.
>
> Two weeks later, the money was handed over to the victim's family. A ritual reconciliation took place, which was attended by both families, including the killer, and the witnessing elders.[32]

According to my informant, the police did not then prosecute the killer. No priest was present during the negotiations at the meetings described above. In other cases, the elder told me, priests may be present at the negotiations. They, however, would usually not attend the same meetings as other traditional authorities, such as the guest who decided the amount of the blood-fee in the above account. The elder referred to the man counselling the other elders as a *qaalluu*, i.e. as a spirit medium. It is not unlikely, however, that the advisor in fact was a *caffee taa'icha*, i.e., an Oromo judge. The *caffee taa'icha*, who I later met and who the Oromo elders regularly used to invite to give judgement in homicide cases in the area, usually

31 About 320 USD at that time.

32 *Ibid*.

wore a headscarf and an earring and held a whip in his hand on such occasions. All these were symbols of his membership in the *yuba* grade, and of his authority within the *gadaa* organization. This symbolism, however, was not widely known to non-initiates, and so he could have easily been taken for a spirit medium by observers unfamiliar with his background. If this interpretation is right, it also raises the question of how well different participants in a process actually need to be informed about each other's institutional backgrounds in order to partake in a common legal procedure.

Conclusion

The relation between elders, state, Church, and other institutions is altogether ambivalent. On the one hand, there exist close correlations, connections and mutually supportive arrangements, ranging from silent agreements to regular 'referrals' of clients to each other's jurisdictions. The institution of elders' mediation often benefits from the presence of government institutions, since the threat of persecution by the law regularly leads culprits to admit their guilt and to seek reconciliation with the offended party. On the other hand, there are significant differences, both in substance and procedure, among the different institutions' laws and ways, as well as some competition for supremacy between them.

However, provided here is also evidence of standardized cooperative procedures emerging between different institutions; for example, in cases of homicide. Here, representatives of different institutions, such as Amhara priests and Oromo legal experts, may jointly participate in common legal procedures. These undertakings represent a sort of 'meta-procedure', where the cross-cutting of different institutions is not an exception but the standard. From a 'procedural perspective', different legal institutions thus become elements of one and the same legal procedure, and their joint involvement can no longer be seen as a 'switching' or 'transfer' between different legal bodies.

The question is, whether differences in the institutional backgrounds and questions of belonging of judges, priests, administrators and elders are the sole and only points for analysing legal processes on the ground. Changing the perspective from the 'institutional perspective' to the point of view of actors, and focussing on the procedural aims they might jointly pursue, another picture emerges. From that perspective, the non-linear course of cases, their 'march through the institutions', or their conglomerate appearance when looking at the varied institutional backgrounds of participants in the procedure, appear to follow a distinctive logic. They happen to be systematic markers of legal diversity, yet they do not prevent processes of standardization. The methodological implications of such a change of perspective for a theory of legal pluralism still need to be further explored.

References

ABAS Haji, 1982 *The history* of *Arssi (1880–1935)*. Addis Ababa: Addis Ababa University (BA Thesis)

ABDURAHMAN Kabeto, 1991 *Allo Arssi: The institution of customary laws in the Upper Wabe Shebele region*. Addis Ababa: Addis Ababa University (BA Thesis)

ABERRA Jembere, 2000 *An introduction to the legal history of Ethiopia, 1434–1974*. Münster: Lit

ALEMAYEHU Haile, 2009 *Gada system: The politics of Tulama Oromo.* Finfinne [Addis Ababa]: Oromia Culture and Tourism Bureau

ASFA-WOSSEN Asserate, 1980 *Die Geschichte von Šawā (Äthiopien) 1700–1865, nach dem Tārika nagaśt des Belāttén Gétā Heruy Walda Śellāsé*. Wiesbaden: Steiner

AṢMA Giyorgis, 1987 [1901–13] "Yä-galla Tarik [History of the Galla]", in: Bairu Tafla (ed.) *Aṣma Giyorgis and his work: History of the Gāllā and the kingdom of Šawā*. Wiesbaden: Steiner

BAHREY, 1954 [1593] "History of the Galla", in: Charles F. Beckingham and George W.B. Huntingford (eds.) *Some records of Ethiopia 1593–1646, Being extracts from the history of High Ethiopia or Abassia by Manoel de Almeida, together with Bahrey's History of the Galla*, 111–129. London: Haklyut Society

BASSI, Marco, 1992 "Institutional forgiveness in Borana assemblies", *Sociology Ethnology Bulletin* (Addis Ababa) 1 (2):50–54

BENDA-BECKMANN, Keebet von and Bertram TURNER, 2018 "Legal pluralism, social theory, and the state", *Journal of Legal Pluralism and Unofficial Law* 50 (3):255–274

BLACKHURST, Hector 1978 "Continuity and change in the Shoa Galla Gada system", in: Paul T.W. Baxter and Uri Almagor (eds.): *Age, generation and time: Some features of East African age organisations*, 245–267. London: Hurst

DINSA Lepisa Aba Jobir, 1975 *The Gada system of government and Sera Caffee Oromo.* Addis Ababa: National University of Addis Ababa (Senior Paper in Law)

DONOVAN, Dolores A. and GETACHEW Assefa, 2003 "Homicide in Ethiopia: Human rights, federalism, and legal pluralism", *The American Journal of Comparative Law* 51 (3):505–552

EGE, Svein, 1996 *Class, state and power in Africa: A case study of the kingdom of Shäwa (Ethiopia) about 1840*. Wiesbaden: Harrassowitz

FETHA NAGAST, 1997/98 [n.d.] *Fetha nagast. Nebabunna tergwamewu. Addis Ababa* 1990 A. M. *["The law of the kings: Reading and its meaning"*, Addis Ababa 1997/98*]* (in Ge'ez and Amharic)

GRIFFITHS, John, 1986 "What is legal pluralism?", *Journal of Legal Pluralism and Unofficial Law* 1 (24):1–55

HABERLAND, Eike, 1963 *Galla Süd-Äthiopiens. Völker Süd-Äthiopiens. Ergebnisse der Frobenius Expeditionen 1950–52, 1954–56, Teil 2*. Stuttgart: Kohlhammer

HUNTINGFORD, George W.B., 1955 *The Galla of Ethiopia: The kingdoms of Kafa and Janjero*. London: International African Institute

IBRAHIM Idris, 1990 "Capital punishment and blood-money as options of the victim's relatives to requite homicide in the traditional Ethiopian administration of justice", in: Richard Pankhurst, Ahmed Zekaria and Taddese Beyene (eds.) *Proceedings of the first national conference of Ethiopian studies*. Addis Ababa, April 11–12, 1990, 29–37. Addis Ababa: Institute of Ethiopian Studies, Addis Ababa University

KASSA Beyene, 1967 *Blood-money problems in Ethiopian traditional and modern law*. Addis Ababa: Haile-Sellassie I University (Senior Thesis)

LANGE, Roel de, 1995 "Divergence, fragmentation, and pluralism. Notes on polycentricity and unity in law", in: Hanne Petersen and Henrik Zahle (eds.) *Legal polycentricity: Consequences of pluralism in law*, 103–126. Aldershot/Brookfield: Dartmouth Publishing Company

LARCOM, Shaun, 2013 "Taking customary law seriously: A case of legal re-ordering in Kieta", *Journal of Legal Pluralism and Unofficial Law* 45 (2):190–208

MESSING, Simon D., 1957 *The Highland-Plateau Amhara of Ethiopia*. Philadelphia: University of Pennsylvania, (PhD Thesis, reprinted in Dissertation Abstracts, Ann Arbor, MI 1957 17:12.21)

MOHAMMED Hassen, 1990 *The Oromo of Ethiopia: A history 1570–1860*. Cambridge: Cambridge University Press

NICOLAS, Andrea, 2006 "Governance, ritual and law: Tulama Oromo gadaa assemblies", in: Siegbert Uhlig (ed.) *Proceedings of the XVth international conference of Ethiopian studies, Hamburg July 20–25*, 2003, 168–176. Wiesbaden: Harrassowitz

2007 "Founded in memory of the 'good old times': The clan assembly of Hiddii, in Eastern Shewa, Ethiopia", *Journal of Eastern African Studies* 1 (3):484–497

2010 "Seera", in: Siegbert Uhlig (ed.) *Encyclopaedia Aethiopica* 4, 592. Wiesbaden: Harrassowitz

2011 *From process to procedure: Elders' mediation and formality in central Ethiopia*. Wiesbaden: Harrassowitz

PANKHURST, Alula, 2002 *The role and space for iddirs to participate in the development of Ethiopia*. Addis Ababa: Addis Ababa University (unpublished manuscript)

PANKHURST, Alula and GETACHEW Assefa (ed.), 2008 *Grass-roots justice in Ethiopia: The Contribution of customary dispute resolution*. Addis Ababa: French Centre of Ethiopian Studies

IMPERIAL GOVERNMENT OF ETHIOPIA, 1957 *Penal Code of the Empire of Ethiopia of 1957. Proclamation No. 158 of 1957*, Gazette Extraordinary, No. 1, 23rd July 1957. Addis Ababa: The Imperial Government of Ethiopia

REMINICK, Ronald A., 1973 *The Manze Amhara of Ethiopia: a study of authority, masculinity and sociality*. Chicago: University of Chicago (PhD Thesis)

SHEWA Tafa, 2011 *The pragmatic analysis of arbitration among relatives of murderer and murdered: With reference to gumaa tradition*. Addis Ababa: Addis Ababa University (MA Thesis)

SNYDER, Francis G., 1981 "Colonialism and legal form: The creation of 'customary law' in Senegal", *Journal of Legal Pluralism and Unofficial Law* 13 (19):49–90

TAMANAHA, Brian Z., 2008 "Understanding legal pluralism: past to present, local to global", *Sydney Law Review* 30 (3):375–411