

# STATE FORMATION AND DISPUTE RESOLUTION MECHANISM IN ETHIOPIA: A CASE OF WOLAITTA PEOPLE

*Ayele Tariku*

Bahir Dar University, Ethiopia

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## **Abstract**

The need for the study of the state formation, succession, kinship, customary dispute resolution mechanisms, social stratification, and other related concepts in Ethiopia and the Horn of Africa are becoming the inquiry of today. This paper is basically set out to address state formation and the customary conflict resolution practice of the Wolaita societies who are one of the many ethnic groups in Ethiopia. Methodologically, this paper has made use of both secondary and primary data sources with much emphasis on the latter.

Accordingly, I conducted a series of an in-depth interview with twelve Wolaita informants (out of whom two were females), who are selected on the basis of their knowledge they possess about the issue at hand and also based on their willingness. Oral sources and literature crosschecked and triangulated. As an investigation of the major sources for the study of state formation and customary conflict resolutions, this paper will help intellectuals for further studies on issues in Ethiopia in particular and Africa in general. The findings put forward that Wolaita reached the stage of state formation through the processes of immigrations and integration about 13 and 14<sup>th</sup> century AD. Agriculture, trade, population pressure, the threat of war and the influence of previously existing states were as very common causes for early state formation of the Wolaita. The institutions of justice of the kingdom were proved weak in higher level, which was collapsed with the conquest of Menelik II in the late 19<sup>th</sup> century, while local based dispute settlement which is still alive and orient to clan advantages is proved stronger bringing a last solutions to dispute though ritual elements of dispute settlement process.

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**Keywords:** Ethiopia, Wolaita, state formation, conflict resolution, succession, kinship

## Introduction

The purpose of this paper is to examine the state formation and the nature of dispute resolution mechanism of Wolaita, in Ethiopia. It will provide some remarks to manage conflicts and implement conflict resolutions, customary laws and traditional administration in Ethiopia in particular and Africa in general. Currently, the Wolaita people occupy part of southern regional state which is divided into twelve administrative districts. It is within what referred to us the *enset*(false banana) culture region of southwestern Ethiopia, bordered in the south of Gamo and Gofa, and in the East by Sidama, in the southwest by Dawuro and in the north by Hadiya, Kembatta and Tambaro. Wolaita is densely populated.<sup>119</sup>

The history of the study of state formation could theoretically be extended back to the ancient philosophers, and then to the enlightenment philosophers such as Hobbes, Locke, and Rousseau. This group of scholars argued for an integrate approach to state formation. While Marxist and Materialists- adopt coercion (warfare). Basically, this has serious influence on the political leadership and social structures. The evidence available now suggests that both coercion and integration have their place in state formation.<sup>120</sup> Hence, summarizing various theoretical models of early state formation, Lawellen identified population growth/population pressure, war, conquest and the influence of previously existing states as very common causes for early state formation<sup>121</sup>. Hence, the Wolaita is not exceptional to such an argument.

## State Formation

Though there are more than 134 clans in Walaita people, only two were credited to have successfully established the kingdom in Wolaita history. They are Wolaitamala and ‘Tigre’ clans. Altaye suggest that 1230 AD as the beginning date for the establishment of the Wolaitta state. It was said to have ruled the country until a new clan in the name of ‘Tigre’ usurped the power of Wolaitamala sometime between in the later 15<sup>th</sup> and early 16<sup>th</sup> century.<sup>122</sup> Teshome goes back to 1180 AD and take it as the landmark of Wolaitamala state formation. Some informants go even further

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<sup>119</sup>Yacob Cheka, “The Biography of Kawo Tona Gaga: The Last King of Wolaita,” (senior Essay, Department History, DU,2004),1.

<sup>120</sup> Chrisomalis, Steve, “State Formation: A Historical System Approach” Archives of the Prontistery

Hansen, (Political succession’ in the encyclopedia of cultural anthropology, USA, 1997),3-4; Lawellen, Ted C, *The Political Anthropology: An Introduction* (London: Bergin ad Gravery Publishers Inc., 2003),31.

<sup>121</sup> Lawllen, 60.

<sup>122</sup> Altaye, Alaro, "The Political History of Wolaita in the 18th and 19th centuries."( BA Thesis, department of History, AAU. 1982), 10-12.

and claim that the Wolaitta state had formed before the birth of Christ. Nevertheless, it is plausible to take the time range between 12<sup>th</sup> and 13<sup>th</sup> centuries as the beginning of state formation based on the suggestion made by these scholars.<sup>123</sup>

Wolaitamala clan was the first to establish kingship and hence, referred as ‘father’ of the land. They were said to have derived away probably from Marago who were then cattle herders from the present land of Wolaita. Many kings who belong to this dynasty are recited by the local people. But most people remember *Kawo* Motolomi whom they concenter as their famous king and hence, it seems arguable to hold that Motolomi as one of the king of Wolaita as emphasized by the local tradition. Anyhow the legitimacy that Wolaitamala claimed was based on being the ‘father’ of land, and hence, usually they distributed the land to the people particularly to the ‘*goqa*’ (freemen).<sup>124</sup>

The quotation in ‘Tigre’ indicates the disagreement among various writers whether the ‘Tigre’ clan was from northern Ethiopia or not. Those who agree on the thesis that the clan was ‘immigrant’ from northern Ethiopia justifies that they came as mercenaries in the army of Amde Tsion (r. 1314-1344), famous medieval Christian ruler, during his territorial, expansion to south in the 14<sup>th</sup> century. The other writers rejected the assertion as propaganda spread by the local rulers among the people in many parts of southern Ethiopia that they came from north sometime in the past.<sup>125</sup> There is an important historical insight in the dynastic power succession and the issue of legitimacy. Tsehay Berhane sillasie in her article of Wolaita conception of equality gives due attention to dynastic power struggle. The usurpers of power was then in political leadership. Thus the ‘Tigre’ kingship stayed until the conquest of MenelikII in the late 19<sup>th</sup>

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<sup>123</sup> Teshome Tadesse, “Material Culture of the Wolaitas,” (BA Thesis, Department of Sociology, Addis Ababa University, June 1984), 4.; Interview with Wanna Wagesho, 10 September, 2014; Welde Semeyat Gebreweld,10 September ,2014.

<sup>124</sup> Yacob, 4; Interview with Wanna Wagesho and Welde Semeyat , 10 September, 2014; Welde Semeyat Gebreweld,10 September ,2014; Wagesho Wabalo,12 September ,2014; Gebreweld Tsemamo, 12 September,2014.

<sup>125</sup> Tsehay Berhane- Sellasie, “The Wolaita Conception of Inequality, or is it Inclusiveness and Exclusiveness,” in *proceedings of the 11 International Conference of Ethiopian Studies*, (AAU, Institute of Ethiopian Studies, 1991),38. ; Berhanu Bebisho,“The outcasts in Wolaita” in *Living on the Edge: Marginalized Minorities of Craft Workers and Hunters in Southern Ethiopia*,” (Addis Ababa University, Department of Sociology and Social Administration,2001),42-44.

century, when the last king of Wolaita, Tona, after serious resistance, submitted to the former.<sup>126</sup>

*Kawo* is a title of Wolaita kings. Basically, the position of the king was hereditary that it is sanctioned by a divine power to legitimize his authority and exercise his power as an instrument over his people. Thus, he has a supreme power in political and religious issues. The king punishes anyone who refuses to offer sacrifice to the pole of the house. He also punishes an evil eyed man convicted of killing a young life through a mysterious spirit. Though the king was a divine king and assumed a priest position, yet the king exercises his secular power in most of his decision making process in the kingdom; but in practice it was a councilors-*ballimola*'s representative of the people at center- who manipulated decision making in the kingdom.<sup>127</sup>

The title called *bushasha* was held by the crown prince who was supposed to succeed the king. The title has some privileges before actual power taking, like carrying weapons in front of the king, seating near the king and wearing golden bracelet. But this does not guarantee his succession. The title was potential but, the reality is that the *ballimola*-councilors-controlled the actual succession. They are the one who decide whom to choose and they may or may not agree of the *bushasha*. The most important thing that influences their decision is factors like paternity (he has to be father of at least a son), social behaviors, military experience, debate among officials war and peace and diplomacy, etc. The newly elected king made a public ceremony of power transfer following the death of the old king and the new king remain sacred and inherit all prosperity and wives of his father except the newly elected king mother. After he made an oath, the general assembly promised obedience, loyalty and fidelity in the name of the people.<sup>128</sup> This was intact until 1894.

### **Social Stratification of the People**

It is very important to look at social organization of the Wolaita society so as to clearly understand the traditional political system of Wolaita and their dispute resolution mechanism. This is because a social status had a great role in the socio-political life of the people. Some social groups are considered as *goqa*, ('free men') while others are 'outcasts' and still others as '*ayle*' (slaves). Nevertheless, as Tsehay argued, this classification is not fixed and allowed for social mobility from one class to another. In fact

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<sup>126</sup> Tsehay,341-358; Yacob, 29.

<sup>127</sup> Yacob,35; Interview with Gebre Meskel Kuke 14 September 2014, Tseganesh Bergecho, 14 September 2014, Tsumie Alyau,14 September 2014.

<sup>128</sup> Altaye, 10-12; Yacob, 34-36.

before the collapse of the kingdoms some people from background of slaves and ‘outcast’ had assumed higher position in the kingdom. Tsehay implicitly argued that outcasts were allowed to participate in the political life of Wolaita since they were member of immigrant who included ‘Tigre’ clan.<sup>129</sup>

In general, there are three social groups: *Goqa*, *hilanacha* and *ayle*.<sup>130</sup> Look at the tree below.

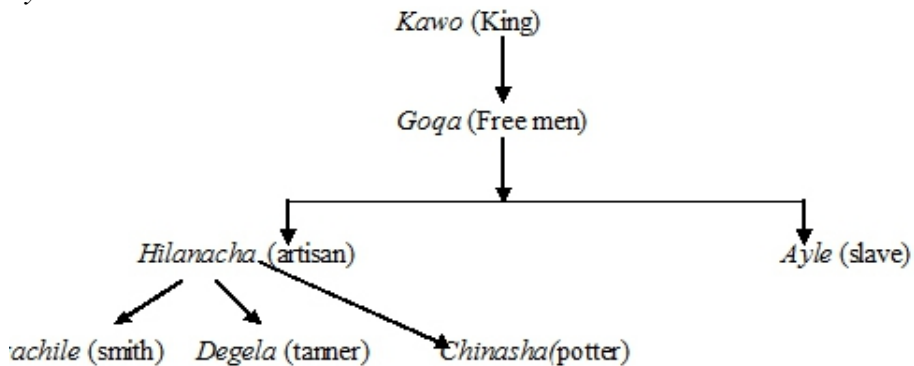


Fig. 1: Social strata in Wolaitta Society

*Goqa* is a generic term that refers to *malla* and *dogola*. It includes the royal families that identified as ‘freeman.’ It also refers to all ‘free’ men who have the right to participate in the socio-political life of the kingdom, which are the basic elements that distinguish them from the ‘outcasts’ and ‘slaves’. When talking about popular ‘democracies’ or assemblies in Wolaita, it is about the *goqa*. However, it is important to note that ‘democracies’ in Wolaita is about ‘bairship’ (the first). It was only the ‘*baira*’ who were allowed to participate in the political life of the kingdom. *Bairship*, in fact means various things like elders, ability, education and, influential person.<sup>131</sup> *Goqa* conceives *hilanacha* (artisans) as despised and ‘impure’ groups as the latter eat carcass. They also consider *hilanacha* as ‘*goromote*’ (‘evil eyed’ men). This attitude perpetuated through marriage choices, myth and in ritual done at public. *Goqa* enjoys highest status by virtue of their ownership of land, while the *hilanacha* until recent past have lacked land. Land was ‘given’ to them by inheritance.<sup>132</sup>

Both *hilanacha* and *ayle* belong to common clan. *Hilanacha* are respected for their work, while *ayles* were less respected and privileged.

<sup>129</sup> Tsehay, 345; Interview with Wanna Wagesho, 10 September ,2014; Welde Semeyat Gebreweld,10 September ,2014; Wagesho Wabalo,12 September ,2014; Gebreweld Tsemamo, 12 September,2014.

<sup>130</sup> Berhanu, 206-208.

<sup>131</sup> *Ibid.*

<sup>132</sup> Tsehay, 341.

*Hilanacha* include *chinasha* (potter), *wogachaie* (smiths) and *degela* (tanners). In terms of population size *chinasha* comes first and then *wogachei* and *degela* follow.<sup>133</sup> Though, *wogachie* and *degela* were seen as a separate endogamous, the current delineation is not clear as they freely marry each other and can learn each other's skill. In many aspects they are one group. However, it seems that *wogachie* had a relative wealth because of the importance of their work in the kingdom. But now more or less the relative positions of all are equivalent.<sup>134</sup>

Regarding *Chinasha*, they are pottery producers. It is women who do this activity. Their husband supports them in some cases, and most of the time they sing during rituals and mourning's. By this, they earn their living. Women, on the other hand, dug clay and some time pay for the owner of land where she had dug the clays. *Chinasha* had their own clans and they do not intermarry. There are people who say this group was forced by the king to perform this work as a profession, especially in the palace compound. But, it has to be realized that the profession has been continually degraded and made the pottery man despised in the area. Thus, it seems their value sought at early times and lost acceptance through time.<sup>135</sup>

*Ayle* refers slaves. *Ayle* is a class in socio-economic terms but in equality of slavery in Wolaita lacks socio-political significance. A person become a slave may be because he did not rebuilt his house, or those who become capture of war or unable to pay dept.<sup>136</sup>

In sum, it is important to mention that *hilanacha* and *goqa* share basic economic institutions called-*gama* in a sense that everyone including 'outcasts' or *hilanacha* and women are allowed to display their circlet at public places.<sup>137</sup>

### **Traditional Institutions and Dispute settlement mechanisms**

***Sangadana*** (highest judge): This position was directly given by the king. A person who entrust to this position is use the name *sangadana*. *Sangadana* had his own court but he lived in his house. He was the highest judge in his district and coordinates public works, taxes and tributes and links the central government with the people. At this level there was a royal supervisor who is called *zakaraguda* (military expert). There was also an expert in law called *alanadana* who advised the district chief in various

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<sup>133</sup> *Ibid.*

<sup>134</sup> Berhanu, 207-215; Interview with Wanna Wagesho, 10 September ,2014; Welde Semeyat Gebreweld,10 September ,2014; Wagesho Wabalo,12 September ,2014; Gebreweld Tsemamo, 12 September,2014.

<sup>135</sup> *Ibid.*

<sup>136</sup> *Ibid.*

<sup>137</sup> Tsehay, 352-53.

issues. The salary for *sangadana* comes from what he had collected via from *udugas* (country chief) under him. *Sangadana* has to ensure peace and security in his district via *santarias* (garrison of guards) that was established for keeping the security of the people who are moving in the kingdom. Once accomplished his work the king appointed a new *sangadana*. The decision of the king was influenced by merits and the number of his supporters in the districts. The succession ceremony was so lavish that many animals were slaughtered in the celebration.<sup>138</sup>

**Uduga (county chief):** This position was not granted by the king. He was chosen by the local assembly for about five to six years term. He works with *shucha chima* (elders of villages) who solve any problem through discussion gathering around a public *gutara* (place). *Uduga* was from high clans or must be wealthy. After election, he swears to public to be impartial and be just in his judging disputes that brought to him. He was responsible for *Sangadana*. The main function he carries in his country was maintaining roads and keeping his villages there by frequently appointing *tondiya* (soldieries). He also co-ordinates communal labor and control resource exchange.<sup>139</sup>

All in all, unlike king who always had the same spirit that was the source of his wisdom and justice and the well being of the kingdom, *Sangadana* and *Uduga* had numerous spirits to whom they made sacrifices. But they ruled in the name of the king and hence, ultimately via his spirit.<sup>140</sup>

### **Wolaita Kingdom: The Political Involvements**

Except two clans, the other clans did not attain king status. Even in two clans-Wolaitamala and ‘Tigre’ only royal members had got that access. But farmers or free men were involved in the political activities of the kingdom. The ‘outcasts’ and women had no any political position in the kingdom, however, toward the end of independence of the kingdom, ‘outcasts’ gained access to political participation in the kingdom. That is what Tsehay has argued the free men participate in political life of the society in two forms: firstly, through the ‘democracies’ of assembly and the council-*ballimola*.<sup>141</sup> The two institutions provided the people with the arena for political debate and favored the individuals for social mobility. In fact, there were various official positions in the kingdom. But the above institutions are more popular. People assemblies are wider one and less effective as compared with council. While council-*ballimola* institution is less popular but more efficient as the members were empowered to enforce

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<sup>138</sup> Amado, 208.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> Tsehay,342.

any decisions at their hand. The assemblies incorporate the wider communities while *ballimola* are represented by few people. It seems the local assemblies are easily manipulated by some ‘big man’ who by virtue of his various powers intervenes in any kinds of decision that would be made by the assemblies.<sup>142</sup> Here, it is important to make a remark in the involvement of people in the political life of the society. So far it has been said that women, children and ‘outcasts’ were out form the participation. But when we considered the *bairaship* (the first) institution, only *baira* (first) men were allowed to participate. As mentioned elsewhere in this paper *baira* was not strictly applied for poor’s. But it also may mean the wealthiest, bravest and the most politically influential persons. Thus, it is difficult to say all free men are part in the political life of the people.<sup>143</sup>

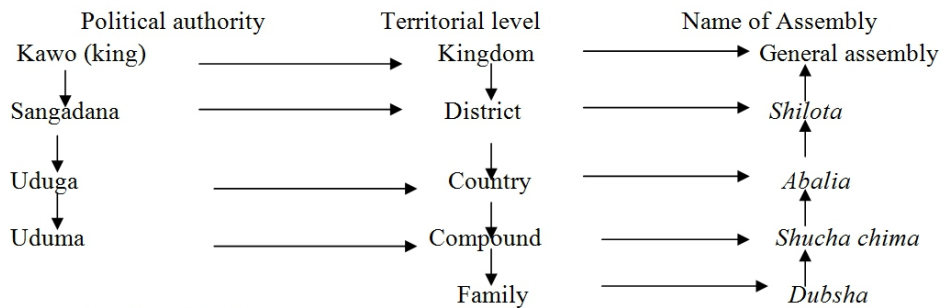


Fig-2: Political Structure

As inferred from figure 2, the lowest assembly is assembly of clan-*dubusha*. The members elect *dabo chima* (their leader). At this lowest level the assembly has role to see any personal behaviors within the clan and diligently provide suggestions in the case of land transaction, marriage and offense. They also settle inter-clan disputes through the ritual of blood sprinkling. In this case, the meeting of *dabo chima* held within one of the disputant hose.<sup>144</sup> The next assembly is inter-clan one held at a compound or village level. It is named an assembly of *shucha chima* which constitutes head of lineages as its member. In fact, *shucha* is the lowest political unit. The members openly discuss every issue at day under the tree in public place. Everyone may listen without interrupting. Children, women, *hilanacha* and slaves may seat with the assembly at a certain distance. The members first ensure not to be partial and unjust in their judging. This assembly has also a social and political power to arrest people who disregard the power of *Uduga* (country chief). The authority of the members of the assembly comes from

<sup>142</sup>Altaye, 10.

<sup>143</sup> Chiatti, Remo, "The Politics of divine Kingship in Woliata (Ethiopia), 19<sup>th</sup> and 20<sup>th</sup> Centuries," (Philadelphia, PHD Dissertation, University of Pennsylvania, 1984), 343.

<sup>144</sup> Aysha, Amado, "Ya Woliata Bahilina Silitan," (Addis Ababa: Berhanena Selema Printing Press, 2002), 208-210.



age and rituals. This assembly has a leader whom they elect for leadership for two to four years and who represent them in the next assembly. The main function of the head of the lineage assembly is to look the country at time when political authorities are not there. They also solve dispute of blood-price in case there is bloodshed between clans.<sup>145</sup>

The next assembly is assembly of *abalia* (leaders of villages). This assembly meets by the proposal of district chief-*Sangadana*. Thus all *abalia* along with *Uduga* held at the seat of *sangadana* meet and discuss important public issues like order form *sangadana* and then his need of support. Shilota was an assembly organized at district level the leader commonly known as *Sangadana* (district chief). He was the highest judge in his district, coordinates public works, taxes and tributes, and links the central government with the people. At this level there was a royal supervisor called *zakaraguda* (military expert). There was also an expert in law called *alanadana* who advised the district chief in various issues.<sup>146</sup>

The next highest level was the general assembly of Wolaita (a big tribunal). It was representatives of the ‘free’ men or each ‘village’ who went to the capital and met the king on year bases particularly during *masqal* (cross) celebration at middle of September and election of the new king. This assembly had no practical power or decision to make but it has a kind of social and ritual importance particularly the legitimacy of the authority of the kingdom. They bless the king in front of the councilor—*ballimolla* and they ensure their loyalty in the name of the people of the kingdom. The king in turn promised the participant to diligently perform sacrifices for reality of rain, and the fertility of cattle and women.<sup>147</sup>

In general all assemblies continued to modern time. It is believe that through it allowed expression of active participation in political life and thus, gave legitimacy to social rule, it is inefficient instrument or popular will because it does not guarantee the involvement of the whole part of the society, as the assemblies disregards women, ‘outcasts’ and children and even the comers themselves. It could also be said from the experiences of various monarchical type of government that strong centralization would always does not allow popular participation and thus there is a high tendency of absolutism.<sup>148</sup>

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<sup>145</sup> *Ibid.*

<sup>146</sup> Aado, 208

<sup>147</sup> Wana Wagesho, *Ya Wolaita Hizb Tarik*, (Addis Ababa: Berhanaena Selam Printin Press 1994),22-25.

<sup>148</sup> Interview with Wanna Wagesho, 10 September ,2014; Welde Semeyat Gebreweld,10 September ,2014; Wagesho Wabalo,12 September ,2014; Gebreweld Tsemamo, 12 September,2014.

**Ballimola( Court Council):** *Ballimola* is one of the two top level political institutions in Wolaita, the other being Mochonia (a king of modern ministerial system led by the king). But *ballimola* was more popular one. It was a political arena for competition among high clans who wanted power and the defenses of their own interest and prestige. The institution was highly respected and legally recognized. It had eight members who have much experience. They were proposed by the official, districts chiefs and appointed by the king to serve for a period of eight years. The same person can be reappointed, or assume other office or dismissed.<sup>149</sup>

*Balimola* could elect and dismiss the king. It controls the king in his every affair, except personal case. It not influence the king but had a power of discussion-making as well. They can appoint any *bushasha* (heir) other than appointed by the king depending on the circumstances with in the kingdom. This power is secular than that based on rituals practices.<sup>150</sup> All *ballimolas* were absolutely faithful to the king and to keep secret all matters discussed in the court. They were also legislators and had executive power. They discussed every aspects of the kingdom decision of tribute, taxes, war and peace, public works, diplomacy, promotion and the like). Thus, the mutual harmony between the king and *ballimola* was the basis for the stability of the kingdom. Each member was serious about political and personal matters never brought into scene and majority decision got favor. The king may isolate the councilors but that was a risk business and would lead to loose of his support from the councilors or the public at large. Each *ballimola* movement was also in strict control so that would not give the secret of the kingdom to enemies. In general though higher clans were dominant in the *ballimola* institution, there were also councilors from lower clans.<sup>151</sup>

**Mochonia-Ministerial office:** Mochonia is a kind of modern ministerial office in ‘traditional’ Wolaita which included councils that provide information and suggestion, and perform their specific roles in the kingdom. They draft policy and new laws, which then submitted to the *ballimola* for discussion. The Mochonia has no as such power and authority than exerting a big influence up on the king. Their number is not fixed but commonly they are fifty four with two years of service. This institutions is further divided into, *kara, siga mochona, mochonia, mixa mochonia, wahi monchona, xace mochona, and suggo mochona.*<sup>152</sup> This office was not sought by main clans as such it lacks an economic advantage of the councilors and district chiefs. Thus, a member of *mochonia* always sought to become a member in *ballimola* and chief of district. Here, it is important to note that the

<sup>149</sup>Altaye, 10-12; Yacob, 21; Tsehay, 34.

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*; Chiatti, 454

<sup>152</sup> Amado, 204-211.

king appointed and dismissed any councilors or officials in the kingdom. He, on the other hand, used them to the wellbeing of the kingdom as well as for his own interests. Thus there is a strong tendency to be absolute monarch.<sup>153</sup>

### **Dispute Settlement Mechanisms**

Local assemblies deal mainly on non-political and disputes other than murder while *ballimola* was higher structure and concerned with greater matters; legislative and dealing on some serious issue.<sup>154</sup> In fact, the role of *ballimola* weakened with the conquest of Menelik II to the area and crumbled in 1942 when modern form of administration took its place. However, local assemblies (elders) were continued to this day involving in some social affairs. In general dispute settlement indicates a sort of solidarity within the clan members because dispute settlement is being done within clan context.<sup>155</sup>

The institutions that serve to settle disputes are those popular institutions that have been already discussed somewhere in this paper. The main institution the (functioning one) includes *awa*(family head), *dabo chima* (lineage head) and *shucha chima* (compound elders). *Shucha chima* works collaboratively with *uduga* (country chief) to settle all disputes in their village. The places are residence of one of the disputants, or it is in a public place. In small scale disputes the resolution may be done either at day or night time, while inter-clan disputes are resolved during day time.<sup>156</sup>

### **Dispute Cases and Types**

The introduction of Christianity particularly Protestantism in Wolaita has weakened all sorts of ritual associated with dispute settlement. Here, what has to be presented is third party involvement (adjudication) in dispute settlement, or it is also named 'local court'. I have also tried to cross check my informants report with literature. The cases that I presented below are murder, adultery, damage to property (change of land border, stealing), and insults. These cases are commonly the topic of dispute settlement in Wolaita. As it is the case in many parts of the country, the causes of disputes are mainly socio-economic.<sup>157</sup>

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<sup>153</sup> Interview with Bergenie Kito, 20 June 2014; Weregu Tumie, 22 June 2014

<sup>154</sup> *Ibid.*

<sup>155</sup> Interview with Bergenie Kito, 20 June 2014; Weregu Tumie, 22 June 2014; Weregu Tumie; Asefa Wodajo, "Historical survey of Public administration in Wolaita 1894-1960", (Senior Essay, Department of History, DU. 2002), 25-40.

<sup>156</sup> Interview with Bergenie Kito, 20 June 2014; Weregu Tumie, 22 June 2014

<sup>157</sup> Interview with Kanta Aleqa, Bogale Amanu, 23 June 2014; Tegenie Tufa, 27 June 2014; Wana, 1994:25

**Murder:** An individuals or group of people do murder in secret place. The intention was to hide things so that the victim clan member would not intervene in support of the party. Although traditional grass houses have been replaced by iron sheets, burning houses as well as poisoning have been the most common methods of committing murder. But what matter in murder case is whether it is done within clan or outside the clan. If it is done within clan, things are more likely solved through elders. On the other hand, elders or group of elders investigate the case if it is done intentional or not. If it is an unintentional act, a crime did not take place. If the killing was presupposed one, some five witnesses are required to testify as to what really had happened. The accused person under torture had to report and confirms the account, and if his account and that of the witnesses coincided, when elders gather together in assemblies to pass decision. The important procedure they follow is that ‘since dead and killers belongs the same clan, “it is unwise to lose both of them”. The family of deceased though unwilling, they had to receive reparation in the form of cattle and slaves. After this, a bull was sacrificed and the blood was purred on the assassin who kneeling on the ground had to ask forgiveness from the ‘father’ in order to be purified of the crime.<sup>158</sup>

If murder is done outside a clan, then it is serious because of what is called the ‘blood price’. Two clans under the guidance of *dabo chima* discuss the case to the last point. But in most case they were unable to solve the problem. Hence, they transfer the case to *uduga* who is local political representative. He in turn to *sangadana*, a district chief and then to the king and the council who penalize the accused by death. In fact, the execution did not solve the problem. One of the lasting impacts of this act is that the two clans never intermarry until a lasting peace achieved between them. So a girl or a boy has to ensure that the individual is free from such clan while searching for his/her marital friend. It is important also here to note that even some converted Protestants are stick to this tradition despite teaching which emphasis to avoid some cultural values of the people. The people practice it because they fear curse from elders. All the property of accuser was taken by the king. The execution was done in public to teach others. The man was given chance to wear what every clothing he desire.<sup>159</sup>

**Adultery:** Adultery can occur outside a clan, unless it is mean incest, which is absolutely forbidden and shame if it happened, a person is automatically ostracized from the society. In reality there are cases of adultery within clan. But the degree of the problem is serious in that case. The

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<sup>158</sup> *Ibid.*

<sup>159</sup> Wana,1994:33; Interview with Bergenie Kito, 20 June 2014; Weregu Tumie,22 June 2014; Kanta Aleqa, Bogale Amanu; Tegenie Tufa.

violator of another person's wife whether she agreed or not he is brought before the elders of the two clans. The man is asked to give one to three cows to the husband of the women and a calf to the judges. This punishment is made due to the lowering of the dignity of the husband of the women<sup>160</sup>

**Damage to Property and stealing:** It is a common in the society where people lack basic survival means, and it is also common in market areas. The practices is less consider if it is done against someone other than Wolaita, but it is a serious crime if it done against Wolaita. It is very unusual to steal property of the same clan as this would mean a crime against a 'brother'. If this is done a criminal is forced to return the item taken, or sometime ostracized from the clan for a while. Stealing is a common practice outside the clan. When a person brings his herds over some one's field or cut grass of someone, and the like are not brought before the elders, he/she is required to pay a fine of the damages to a legitimate owner. In most time people use a patrolling mechanism to control their property. In market centre stealing involves an art and a coordinated activity. Two or more thief engage in cheating a person, one inviting his/her drinking or showing some funny things, while the other one took the required item. If the process is revealed people stone the men captured until the police man come. If the people know the personalities elders deal the issues and resolve it enforcing some fine up on the criminal.<sup>161</sup>

**Change of Border:** In Wolaita change of border is difficult as each individual plant a tree or put clear mark on his land territory. There are tombs (usually children) in the border. But border dispute arise when a certain rich man want to control his land creating pressure. In former time a person who was victim of such crime brought the issue to elders who were bribed by the rich in most and could do no justice to the victim.<sup>162</sup>

**Insults:** It can be with or without injuries, or within or outside a clan. If the insult happen within a family, households members takes responsibility and resolve it. If the husband and wife quarrel, they rather solve it by all means than taking the issue to elders since it is a shame. Insults outside a clan in a serious matter, elders took a serious negotiation to resolve it. The elders usually punish the criminal for the insult or injuries.<sup>163</sup>

In general, clan plays a vital role in traditional dispute settlement. Except big cases like murder, which is some time beyond the elders, every dispute is negotiated in a clan context. In fact the elders are always

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<sup>160</sup>Asefa,2002:41 Interview with Bergenie Kito, 20 June 2014; Weregu Tumie,22 June 2014

<sup>161</sup>*Ibid.*

<sup>162</sup> *Ibid.*

<sup>163</sup> Interview with Bergenie Kito, 20 June 2014; Weregu Tumie,22 June 2014

considered as a sacred person who in their wisdom and caution tries every possible effort to make life less difficult to his clan. Elders are respected and not questioned once they came to mutual agreement. Even educated people respected and feared them, because a curse from elders is always frightening. Elders represent an ancestral spirit. They bless the people at wedding or in other ceremonies.<sup>164</sup> Yet, elders in reality are lie, cheat or arrogant who could be easily bribed by some influential people in the locality. However, a good elder has a better chance of protecting the interest of his clan.<sup>165</sup>

## Conclusion

The origin of Wolaita state formation originally came with agriculture where Wolaitamala clan as rulers introduced various staple crops and assumed a responsibility to divide land to the free people in the kingdom. Oral tradition exclusively states that the Wolaitamala assumed kingship time. Wolaita state was characterized by complexity in internal structure when a new dynasty in name 'Tigre' overwhelm on taking the advantages of wealth from trade and military skills. Thus, agriculture and trade activities best explain the origin of Wolaita state formation. King in Wolaita was hereditary and assumed divine title *Tossa Kawo* and performed some functions related with it. Succession primarily assume elder son of king, but it is potential and any other sons have chance to be candidate based on personal qualities and other factors. Indeed, succession was solely determined by councilors who are the representatives of people and who considered every possible means to poles.

The king was source of law, and everybody who looks to move in social ladder had to ensure 'bairaship' title, the king was sought for legitimizing such mobility in social stratification. But the system of mobility is restricted to outcast, slaves, women, and indeed all commoners other than 'bairaship' were denied participation in political life of the kingdom. The institutions of justice of the kingdom were proved weak in higher level, which was collapsed with the conquest of Menelik II in the late 19<sup>th</sup> century, while local based dispute settlement which is still alive and which is oriented to clan advantages is proved stronger bringing a last solutions to dispute though ritual elements of dispute settlement process are lost with the introduction of Christianity in the region.

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<sup>164</sup> Chiatti, 171-173

<sup>165</sup> Interview with Bergenie Kito, 20 June 2014; Weregu Tumie, 22 June 2014

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