

Continuity and Change in the Rights of Arsii Oromo Women to Property in West Arsii, Ethiopia

MAMO HEBO* & MASAYOSHI SHIGETA**

**Addis Ababa University*

***Kyoto University*

Arsii Oromo men in Ethiopia traditionally dominate decision-making regarding major resources such as land and livestock, whereas the role of women has been limited primarily to domestic affairs. However, women have begun to challenge this custom-based dominance of men. Women now openly speak of this power imbalance and of their desire for it to change. Indeed, such change is emerging in the context of newly evolving laws and policies at national, regional, and local levels. Drawing primarily on the results of diachronic qualitative studies in the Kokossa and Kofale Districts of the Arsii Oromo highlands, this article examines areas of continuity and change in women's rights to property and in local discourse on the power relations between the genders in the context of legal and institutional pluralism. The results suggest relative improvement in women's rights in general and in their right to participate in decisions regarding land and livestock transfer in particular. We also found that men and women were generally very aware of the laws and policies regarding gender equality, which serve as the context in which these changes are evolving. Yet, the extent of the improvement in women's rights did not seem to match the degree to which participants were aware of gender equality. At the local level, traditional norms, values, and elements of the social structure appear to have constrained the application of laws and state administrative provisions designed to promote gender equality.

Key words: Change and Continuity, Gender relations, Land and livestock, Legal pluralism, Ethiopia

1. INTRODUCTION

Gender refers to a set of characteristics and behavioral patterns that a society (or a culture) assigns to each sex. These characteristics and behavioral patterns are sociocultural constructions and form the basis for the different status and roles that are assigned to men and women. They also lead to differential access to resources, thus forming the foundation of the power dynamics between men and women. Thus, gender is among the attributes that affect access to resources, power, and prestige and is an aspect of the inequality between men and women. Scholars (e.g., Spradley & McCurdy 2006: 220) have agreed that "some degree of inequality is part of most human interaction," but the basis for inequality between men and women has been debated from different perspectives. For instance, Friedel (2006: 239) rejected earlier assumptions that attributed gender inequality to biological differences, arguing that "access to resources that circulate publicly" or "access to positions that control

the exchange of resources” influences one’s position in society. He predicted that, “[as] women gain access to positions that control the exchange of resources, male dominance may become archaic [...]” (Friedel 2006: 239).

The relationship between unequal access to “strategic” resources and social positions may have contributed to social scientific theoretical approaches to gender relations that focus on the study of inequality. In this context, gender studies in Africa, particularly those on patrilineal societies (or “lineage societies”), tend to focus on women’s access to property (e.g., land) (see Mamo 2006). These indigenous land tenure systems are blamed for limiting women’s rights to land and for facilitating their exploitation by men (see Hilhorst 2000; Kirk 1999). Some authors represent women in these societies as “a homogenous group of exploited working people” (Chevilard & Leconte 1986: 85). Ferraro (2006: 275), however, described “universal male dominance” as an “oversimplification” but agreed about the reality of “a general gender asymmetry among most cultures of the world in allocation of power and influence.”

These arguments often influence legislation and policies designed to enhance gender equality in developing countries. Cognizant of the overall prevailing gender asymmetry and the vulnerability of women, the Ethiopian government has been implementing policies and taking legal steps to ameliorate this situation. The first clear step in this direction was probably the National Policy on Ethiopian Women (NPEW), which was introduced in the early 1990s. The objectives of this policy included, among other goals, enhancing equality between men and women and ensuring their human rights, including the right to property (see Ethiopian Society of Population Studies 2008; Sosena & Tsahai 2008). The 1994 constitution is another major document in which women’s rights were clearly articulated. Article 35(3) asserts, “The historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures.” Article 35(7) of the constitution states that women have the “right to acquire, administer, control and transfer property.” These provisions stipulate that the rights of women are equal to those of men with regard to the inheritance of property, including land. The 2000 Revised Family Code of Ethiopia also contains several provisions on women’s rights.

As noted by several of the documents cited in the foregoing paragraphs, governmental policies and legislation have tended to reify women’s position and access to resources in an effort to improve their situation “from above” (e.g., through legal centralism). Recent studies, however, suggest the importance of understanding gender relations and the actions undertaken to improve the position of women in a society in terms of dynamic sociocultural and politico–legal systems. This approach derives primarily from the recognition of pervasive legal and institutional pluralism, which influences gender relations and the context in which rights and privileges are negotiated. It is in this context that Hellum called for attention to the examination of “[...] *how norms and considerations regulating male and female behaviour and access to resources are negotiated at the intersection between a wide variety of formal and informal norms in different contexts and settings*” (Hellum 2000: 639, italics ours).

This article examines women’s rights and gender relations in the context of such dynamic processes. It considers legal and institutional pluralism, which are viewed primarily in terms of the simultaneous operation of national and/or regional state-based laws, on the one hand, and local customs, on the other. This perspective is important because in the broader national setting, women’s status in general and their control over resources in particular evolve with changes in the political (policy) environment and the dynamics governing access to education; and in traditional settings, women’s access to resources changes with age, marital status, and their status (or lack thereof) as mothers (e.g., Ferraro 2006; Mamo 2006). It is also important to specify the conditions under which rights to resources are contested or negotiated between men and women (e.g., cases involving the transfer or disposal of resources, divorce situations involving the division of property) and to determine the extent to which people know about and use legal resources.

Several good studies on the rights and “power” of women in the context of Arsii Oromo customs have recently been conducted. Østebø (2007; 2009) offered an excellent analysis of the Arsii concept of *wayyuu* in relation to women’s rights. *Wayyuu* is a complex concept that generally expresses the

notion of the sacred. It presents several roles for different categories of people (e.g., women as mothers) and entities (e.g., god and land) that hold a social-*cum*-ritual status. Østebø discussed the respect and protection against abuse and violence by Arsii Oromo women by virtue of having *wayyuu* status under various circumstances. Tolosa (2010; 2011) examined the role of the *siingee*, a women-only institution among the Oromo, in conflict resolution. He discussed the ritual power of this institution in managing even group-based violent conflicts among men and in protecting women's rights from violation by men. In the former case, women hold their ritual staff and position themselves between conflicting parties or lay down their ritual staff between the parties, thereby forcing the men to end the violence and resolve the conflict through mediation. In the latter case, women engage in organized protests against a male who has violated their rights, thereby forcing him to pay appropriate compensation to and request forgiveness from the woman or women involved.

Both of these studies examined elements of the Oromo culture that support aspects of women's rights, focusing primarily on values and institutions that protect women from verbal abuse and physical violence. We are not aware of any serious academic work on the rights of Arsii Oromo women that address decisions about the transfer of land and livestock resources or about women's rights to a share of these resources under various circumstances. Given the paucity of research in this domain, this study examined areas of continuity and change in the rights of Arsii Oromo women in the context of legal pluralism.

2. METHODS OF DATA COLLECTION

Data were collected primarily from the highland areas of Kokossa and Kofale Districts in the West Arsii Zone of the Oromia National Regional State, Ethiopia; this article is based on our long-term ethnographic studies in this region (Fig. 1). In-depth interviews and focused group discussions (FGDs) constituted the major methods of data collection. Case studies were also conducted so as to triangulate the data and illustrate data gathered through other methods. Quantitative data were obtained from a section of a larger survey conducted on women's property rights in three villages in Kokossa District in late 2012. The three villages were purposely selected based on their presumed access to information about human rights, legislation, and policies in general and to information about women's rights in particular. Villages A, B, and C were assumed to have high, middle (moderate), and low access to information, respectively. Awareness-raising efforts and training on gender equality and reproductive health undertaken by an NGO in collaboration with sector government offices were used to identify the villages. We attempted to engage representative samples of men and women for both the qualitative and quantitative portions of our research.

3. DEMOGRAPHY, LIVELIHOOD, AND SOCIOCULTURAL CONTEXT

Kokossa and Kofale Districts have a combined human population of more than 300,000, and women outnumber men by about 1%, which may be related to the practice of polygyny in the area. Although men rarely leave the research area on a permanent basis, some young men leave for seasonal work and usually return to their village of origin. Some women may also leave the area when they marry members of clans in the neighboring districts. However, this practice is probably balanced by women from neighboring districts marrying into the research area. More than 90% of the population live in rural areas (PCC 2008: 71–72), and data suggest that the population in these highland districts is rapidly increasing, placing serious pressure on the limited land resources (Mamo 2006).

The major economic activities of the districts involve the cultivation of cereal crops and enset (*Ensete ventricosum*) and livestock raising. Cultivation of cereal crops such as wheat, barley, and maize is more common in Kofale than in Kokossa, where livelihood activities involve primarily cattle and enset. Enset cultivation dominates the western parts of both districts along their borders with

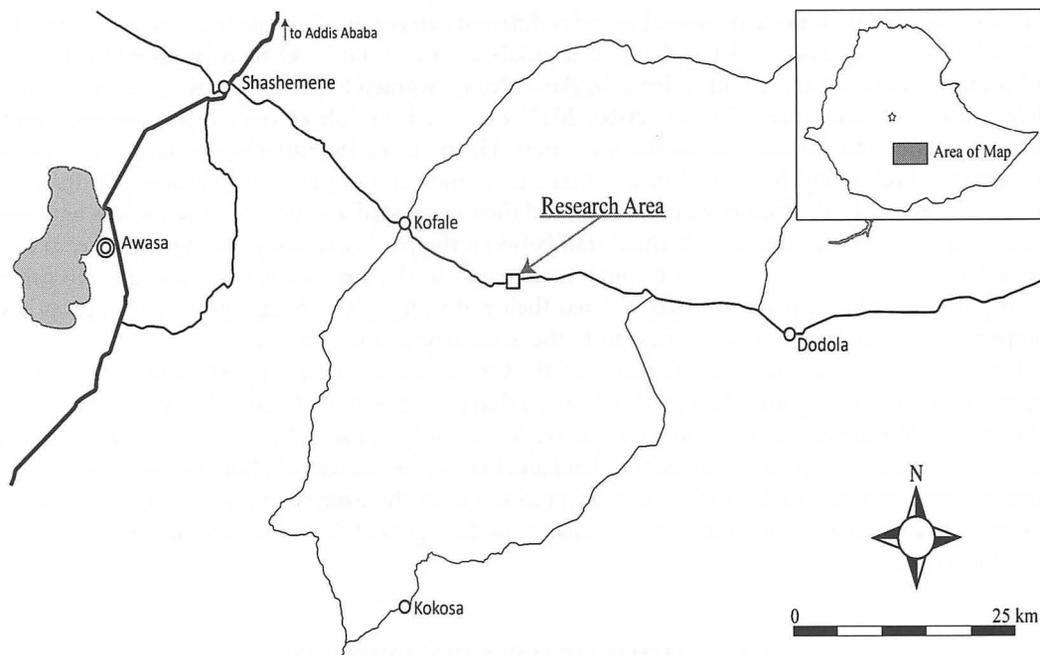


Fig. 1. Location of the research area

the Sidama Zone of the Southern Nations, Nationalities, and Peoples' Regional State (SNNPRS). Livestock, however, constitute the backbone of the local economies of both districts. The Arsii Oromo in this region accord livestock, particularly cattle, with special value. This is expressed in their saying, *borii malee hormaani hin jiru* ("there is no life without the possession of livestock"), which signifies the importance of livestock for both the livelihood and social status of individuals. Indeed, possession of livestock is an indicator of wealth and social prestige. Livestock are also used as objects of exchange to create social ties via marriage and mutual assistance and to resolve conflicts; they also serve key roles in rituals of various types. These functions render possession of and decisions regarding livestock vital in power relations between men and women.

According to Arsii custom, household activities are divided into those performed by men (husbands) and those performed by women (wives). Men are expected to till the land for cereal and enset crops, to plant and weed, and to harvest cereal crops. Men are generally in charge of grazing cattle, building corrals, and rotating cattle among them. They also sell livestock (particularly cattle and sheep) and grains in sacks of different sizes. Women, on the other hand, process and prepare food for the entire family, clean the house, milk cows, make and sell butter, process enset, and sell fermented enset at local markets. Traditionally, milk and butter have been in the domain of women, and this is largely the case today. Indeed, men's access to *gola*, a portion of the house that is considered "women's territory" and in which butter and other important items are kept, is restricted.

The Arsii Oromo customarily practice exogamous marriage, at least at the clan level. Polygyny is commonly practiced, as it is permitted by both tradition and Islam, the majority religion in both districts. The kinship organization comprises, in ascending order, the family/extended family (*mana* or *warra*), sub-lineage (*ardaa*), lineage (*balbbala*), and clan (*gosa*). The clan is the most encompassing functional level of social organization. Under normal circumstances, clans are territorial. The family is the basic unit of resource holding and decision making. However, power within the family is not evenly distributed among members. The husband is the breadwinner and dominates decisions about major resources, such as land and livestock.

Arsii Oromo sociocultural life is characterized by patrilineal descent and inheritance, patrilocal

residence patterns, a polygynous orientation to marriage, clan territoriality, and clan exogamy (Mamo 1995). Male children are generally preferred over female children. These practices discourage, if not explicitly forbid, a woman's inheritance of her parents' property. The dominance of men in economic, legal, and political spheres is obvious. Although one cannot make absolute generalizations about men's domination and women's subordination in all spheres of life, men make the major decisions regarding property (e.g., selling, gifting, and inheriting), and the culture generally places males at the top of the social hierarchy. Thus, the customs favor men over women and thereby perpetuate inequality.

The foregoing provides an overview of the sociocultural context of this research. Specifically, we discussed the strong influence of traditional customs in the research area and underscored that such customs generally favor men's power over women, particularly with regard to resource ownership and decisions about major strategic resources, such as land and livestock. In subsequent sections, we attempt to identify the ways in which customs have been maintained and have changed, particularly in the context of the evolving legal and policy environment. First, we explore people's knowledge about existing legal/policy issues regarding women's rights to property. We then discuss whether these rights are being respected or exercised at the grassroots level. Finally, we examine local discourse regarding continuity and change in gender power dynamics, integrating popular awareness of legal rights, the challenges faced when trying to exercise them, and disparities between knowledge and practice. This analysis focuses particularly on the intersection between local customs and state laws, given that the latter work primarily to counter those aspects of the former that challenge women's rights.

4. LOCAL KNOWLEDGE ABOUT LAWS REGARDING GENDER EQUALITY AND WOMEN'S PARTICIPATION IN DECISION MAKING

4.1. Local people's knowledge about laws regarding gender equality

Gender inequality is an obvious feature of Arsii Oromo culture, particularly with regard to land and livestock transfer and decisions about resources in cases of divorce and inheritance. In the context of discourse regarding human rights, the state has attempted to enhance gender equality through laws and policies. However, it has been unclear whether those living in rural areas, especially women, were aware and/or made use of pertinent policies and laws under different circumstances. Our interest in this issue derived from the high rate of illiteracy and low level of media coverage in rural areas, both of which can limit popular awareness of available legal and policy instruments.

As Table 1 indicates, the majority of men and women interviewed were well aware of the "legal"

Table 1. Distribution of respondents' awareness of laws/policies on women's rights by three *Kebele* (Peasant Association)

Sr. No.	QUESTION	RESPONSE	Frequency by Area (%)		
			A (N = 57)	B (N = 57)	C (N = 57)
1	Do you know that husband and wife have equal say and rights over the family property (e.g. land and livestock) ?	Yes	98.3	89.7	94.8
		No	1.7	8.9	3.4
		Not responded	0	1.4	1.8
2	Do you know that women have the right to a share of family land in case of divorce ?	Yes	98.3	89.7	85.5
		No	1.7	6.9	12.8
		Not responded	0	3.4	1.7
3	Do you know that girls or women have the right (legal) to inherit their parents' property ?	Yes	91.4	72.4	77.6
		No	5.2	22.4	19.0
		Not responded	3.4	5.2	3.4

Source: Field survey in Kokossa District (November 2012)

equality of men and women with regard to the three domains addressed in the questionnaire (i.e., that husbands and wives have equal rights to household property, that women have a right to a share of marital property following divorce, and that women (and unmarried girls) have a right to inherit their parents' property). A high level of awareness was consistent across all the villages we visited. Village A consistently displayed the highest level of knowledge, perhaps owing to its better access to an NGO's awareness-raising activities related to gender equality and reproductive health.

The qualitative data also revealed a similar pattern. Both men and women were not only aware of the existing legal instruments but were also quite assertive when speaking about them vis-à-vis their customary norms. Many eloquently discussed the laws and policies as attempts to liberate women from rights violations and power imbalances perpetuated by their customs. However, these assertions and the quantitative data (Table 1) suggest only part of the reality, namely what people know (or say) about the laws and policies and their culture. A different set of questions was necessary to ascertain whether people really meant what they said and whether the laws and policies that were appreciated as "liberating" actually worked in real-life situations. Do men, who are said to be favored by customary norms, accept and abide by these legal provisions in real-life situations? Do women make use of these laws and policies and exercise their "legal rights" when circumstances provide an opportunity for them to do so? Because the issue of resource ownership at the family level becomes controversial when the disposal (e.g., sale or transfer) and division of property is at issue, we focused on these situations in our examination of these issues.

4.2. Women's participation in decision making over the transfer of major resources

To understand the relationship between what people said about laws and women's property rights and how these rights were exercised, we asked respondents to indicate who actually make the decisions about the transfer of property in their area. Our focus remained on the two major strategic resources: land and livestock. Table 2 clearly shows the gap between people's awareness (knowledge) of the laws and their practice in actual settings. The quantitative data demonstrated that decisions regarding land and livestock transfer were predominantly made by husbands alone.

There were no instances in which a woman alone made a decision regarding the transfer of these resources. This is consistent with qualitative data suggesting that selling livestock and transferring land (e.g., through rent, land exchanges, or even land sale) was clearly controlled by men. Joint decision making by husbands and wives accounted for an average of nearly 20% of the cases reported in the three villages. This is an important statistic, as it may be a harbinger of future changes, given the otherwise overwhelming dominance of men in this patrilineal society.

Also important is the slight difference between the village A and the other two villages. Paradoxically, the data from village A, which showed the highest level of awareness regarding laws and policies related to gender equality (Table 1), indicated the opposite in terms of decision making. In this village, husbands made almost all the decisions about strategic resources (Table 2). The qualitative data presented in the next section elaborate on this matter.

Table 2. Distribution of respondents on decision making regarding land and livestock transfer by three *Kebele* (Peasant Association)

QUESTION	Response	Frequency %		
		A (N = 57)	B (N = 57)	C (N = 57)
Who makes final decision on livestock sale or land transfer?	Only husband	84.5	70.7	75.9
	Husband and wife	13.8	22.4	20.7
	Do not know	1.7	6.9	3.4

5. LOCAL DISCOURSE ON EVOLVING GENDER RELATIONS

This section explores the qualitative data, which reflect a more dynamic and diverse situation with regard to evolving gender relations in the study area than do the quantitative data (e.g., Table 2). We focus on three areas. First, we examine women's participation in decisions regarding the sale or transfer of land and livestock. We focused on transfer decisions because decisions regarding the use of resources for household consumption seemed to be less controversial. Second, in view of the changes observed in women's participation in decision making, we explored women's participation at local markets, venues in which both improvements and resistance have been observed. Third, we explored the division of resources following divorce, as this area has been evolving in the context of legal pluralism.

5.1. Diverse views on women's participation in decision making

Although, in theory, men still dominate decisions regarding land and livestock transfer, several interesting changes seem to be emerging in the current context of legal pluralism. The qualitative data reflect a number of scenarios in this domain. (a) Tradition persists in that men dominate decisions about land and livestock and remain unchallenged by their wives. (b) Husbands dominate or attempt to dominate decisions about land and livestock, but women challenge this situation. (c) Husbands and wives make joint decisions, or husbands consult with their wives about decisions regarding land and livestock.

a) Husbands dominate/wives are submissive: business as usual

This scenario reflects continuity in the power of men over decisions about land and livestock. It has been suggested that many men still believe that it is normal for them to make the final decisions about selling livestock without consulting with their wives. Men question the relevance of laws and policies in the context of their customs and traditions. The idea that men and women are equal appears to be a "joke" to this type of men, according to one informant. They consider such an idea to be a challenge not only to culture (*aadaa*) but also to nature or the rules of creation (*uumaa*).

It was said that some of these men were powerful in the society. Women considered challenging these men to be futile, knowing that, in the end, they would lose. It was thought that, under these circumstances, the best approach involved offering a very subtle complaint in the hope that the elders would intervene and resolve the issue. In such situations, the husband often confidently justified why he decided to transfer a resource or sell cattle. As a result, he may have been asked to buy smaller cattle as a replacement (*qeensa deebisuu*) or may have just been exonerated.

This problem involves not only men's power and rigid adherence to traditional gender roles. It is also involves the women who uphold the same values. Both male and female informants confirmed that some women considered challenges to their husbands to be culturally inappropriate, and others considered their husband's role as decision maker to be "natural."

b) Husband dominates/wife challenges: change in the making

This scenario involves cases in which a husband wanted to dominate decisions about major resources and did not recognize his wife's right to participate in such decisions. Individual interviews and FGDs revealed many cases in which women publically challenged their husbands over resource use and allocation. Such challenges took different forms, ranging from verbal arguments through taking the issue to local elders and relatives to challenging husbands by appealing to state institutions at different levels. One informant described what he considered an interesting case that he witnessed at a local market in the middle of 2012.

A man had just sold a cow and received the money from the buyer when his wife suddenly arrived, shouting, "you can't build one home by destroying another one." She angrily told her husband to return the money and retrieve the cow. The woman seemed to have the support of her mother-in-law and other

members of the man's lineage, who also pressured the man to comply. The husband returned the money to the buyers and retrieved the cow. The wife drove the cow away, leaving her husband behind. He was visibly irritated and angry. He immediately complained that she had shamed him in public.

Indeed, this was a difficult situation for this man to endure, given that he was living in a society where the power disparity between men and women remained enormous. He was not only "ashamed," as he reportedly stated, but also "defeated" by his wife in a public space, the market, where news could spread rapidly, which is how it reached us through an informant. Yet, this case may also have broader implications, as other women may follow this example or otherwise learn from it, as it was "broadcast" to a wide audience. It may have also sent a powerful message to men (husbands) who witnessed (or heard about) this incident, namely that they should take necessary precautions (e.g., consult their wives) to avoid the possibility of being shamed and embarrassed in public. In this particular case, however, the fact that the man left the space "angry and irritated" shows that this "war" was not yet over, although that particular battle was "won" by the woman concerned.

Many actual cases in which women prevented their husbands from selling livestock or transferring land to others were reported during our fieldwork. Several women informants also insisted that they would not allow their husbands to sell livestock or transfer land to others without their consent. Most of these women spoke in terms of their "legal" rights, whereas others emphasized the importance of mediation and the intervention of local elders when such problems arose.

c) Husband–wife consultations: joint decision making

In formal settings characterized by politically correct language, and frequently in FGDs, male participants tended to mention joint decision-making and consultations between husbands and wives regarding resource transfers. Indeed, closer examination of field data also revealed that it is now becoming normative for a man to seek his wife's consent or to at least inform her when resources change hands. This is particularly true in the case of immovable property such as land (see Mamo 2007), houses, or house plots.

Agreement from one's wife (wives) is sought to ensure that the arrangement is legal, sustainable, and free from controversy. This often also works in the interest of (and follows a demand from) the buyer, who wants to avoid future trouble and controversy. The ability of a wife to object to transfers of property and her legal right to re-claim the property if the transaction occurred without her consent make potential buyers more cautious.

One controversial issue in this regard is the nature of consultation between husbands and wives. Informants' descriptions of "consultation" ranged from genuine joint decision making to the mere provision of information and insincere pre-emptive acts by husbands intending to avoid future difficulties. The men's sincerity and the women's interpretations of the men's intentions were hotly debated in FGDs, particularly during one session involving both male and female participants. As one male participant remarked,

Women are innocent. They are soft hearted (garaa laafu). Husbands can easily persuade them to sell cattle or rent out a plot of land. When the cattle are sold, she may have no control over the money. When the deal is concluded over a plot of land, at the end it becomes a deal between men with little influence from women. That is how I see consultation between husbands and wives nowadays.

In this particular FGD, several people spoke for and against this characterization of consultation. However, one elderly male participant shifted the direction of the discussion by mentioning women's "nature" and questioned previous speakers' characterization of women as "innocent" and "soft hearted," noting the following:

Are women really soft hearted and innocent victims? I don't think so. They are stubborn, and you can't easily convince them when they are determined. If they want to create troubles, they can do it. They also

have the knowledge and power to manipulate men; women can “drive” (oofuu) men toward the direction of their interest. In fact, if you ask me who is more innocent, males or females, I would say men.

This remark triggered diverse responses. Initially, it elicited laughter from both male and female participants. Politically conscious male participants, however, seem embarrassed by the fact that the remark was made in the presence of the researcher and several women. The women participants took the remark seriously. A middle-aged woman, visibly irritated by the remark, reacted as follows:

*Yes, women are soft hearted; yes, women are innocent. Men are deceitful. They are not sincere and don't keep their word. Men are deceitful. They do everything, they say everything in order to persuade women. A man would say [to a woman], “you are the queen” (mootittii), “you are the pillar (utubaa) of the household.” But once he got what he wanted, he would turn on her. That is why our mothers would say this of men: **yennaa kadhatu badhaatu jedha; barkaan gayatu dhamaatuu jedhaan**, “he praises her as a great woman when he begs her [for favor]; once he gets what he wants, he criticizes her for being a confused woman.”*

This woman, apparently more assertive and more articulate than many other female participants, expressed the tension and mutual misperceptions of men and women. Her depiction of men's behavior and attitudes rested on the gender relations that prevailed in the Arsii Oromo culture. Her assertiveness and boldness had been encouraged by women's rights and state laws supporting these qualities. Her statement suggested that joint decision-making and consultation were deceptions perpetrated by men to obtain women's consent. In essence, her argument supported that of the first speaker, who characterized women as “innocent” and manipulated by their husbands.

Despite controversies over the nature of consultation (which also extended to the “nature” of men and women), the interview results included a few cases in which both men and women agreed that genuine joint decision-making had occurred. However, many male informants tended to refer to joint decision-making and women's participation in an effort to be politically correct in the present context. Nonetheless, this, by itself, could be seen a step forward, an indication of some change in the making. Although they may not have practiced it, at least people knew the kind of action or behavior that was currently in favor. Given that some genuine consultations have occurred and that men have slowly started to allow their wives to participate in areas traditionally reserved for men, we examined the extent to which women actually participated at local markets, examining their role in selling or buying livestock particularly.

5.2. Women's participation at local markets by selling and buying land and livestock

Our overall impression was that women's participation in the land and livestock market as direct negotiators without participation by their husbands (or in consultation with them) seemed to be limited. The presence or endorsement of a male (at least a relative) appeared to be necessary for a woman to be able to engage in negotiations or to form a contract regarding land and livestock. This was the view of many informants and FGDs discussants. However, one middle-aged male informant argued otherwise, citing his own experience:

If a woman is not able to sell cattle at a market, if she can't buy a cow or sheep on her own, I see a problem in the relationship between that woman and her husband. I see a lack of trust between them. They don't trust each other, or a husband doesn't trust his wife. As far as my house/family (mana kiyya) is concerned, I trust my wife. She can sell livestock or buy it in my absence. Just recently, I had to rush to Shashemen [a town about 60 km from the site of the interview] for an urgent matter. I gave her the entire amount of money that we earned selling our bull. We decided to buy some heifers with the money, and she bought them alone. I see this as a matter of trust and genuine joint decision making that allows a woman to fully participate in the market as well.

According to successive speakers at the same and other FGD sessions as well as information from other interviewees, the aforementioned case can be construed as a nascent pattern rather than an established norm. These speakers saw women's participation in the sale and purchase of livestock as more than just a matter of trust between a husband and a wife. Their argument was that even when a man accepted the equality of women and allowed her to sell livestock or negotiate a transfer of land, the wider community and the established order could interfere with such plans. The husband in this scenario may be considered submissive, capitulating to women's new power. A husband could thus be perceived and labeled as a "loser," "weak," or a "walking dead man," who allows his wife to dominate him. Conversely, a woman who steps into traditionally male territory and sells or purchases livestock may be described as having "defeated" her husband (*ta dhiirsa injjifatte*), "killed" her husband and bragged about it (*ta dhiirsa ajjeefte irratti geerartu*), or "dominated/subordinated" her husband (*ta dhiirsa mooyyatte*). She could be blamed for "degrading" her husband.

Thus, the collective norms and the social pressure to enforce them are as important as are changes in individual behavior. It is in this context that an informant noted, "*yoo abbaan warraatuu jaalate, ollaanuu hin jaalatu*" (literally, "even when the husband agrees [to allow a woman to sell or purchase livestock on the market], neighbors or the community won't accept it"). This cultural perception of women's participation in land and livestock transfer also involves another dimension, i.e., the buyer's behavior. This is evident in the following remark offered by a male informant: "If a woman takes cattle or sheep to the market, who will buy them from her? A potential buyer would ask first if there is any man with her." This remark is consistent with a frequent response to our question regarding whether women alone can sell livestock on the market: *Beeraf ujoolee irraa namni maal jedhee horii bita?* ("How would one buy cattle from women and children?") This seems to remain a dominant ideology in the area.

Generally, local markets are not "woman friendly" regarding the transfer of land and livestock. This was evident even in the spatial arrangements of local rural markets, which reflected the prevailing gender-based division of activities. For instance, the livestock (*biika loonii*) and cereal (*biika midhaanii*) corners were dominated by men, whereas the enset (*biika worqii*) and butter (*biika dhadhaa*) corners were generally seen as women's space. Yet, nascent changes can be observed in cases of individual husbands allowing or encouraging their wives to participate in traditionally male jobs. We documented cases of women who managed to sell livestock at local markets and created women-only cooperatives in rural areas; in one case, as many women as men joined a cooperative that purchased and sold milk in a rural area of Kofale District. These changes may eventually combine and lead to overall long-term change in social behavior at home, in the community, and at markets. Thus, despite women's limited participation in the exchange of strategic resources at local markets, changes are clearly coming.

5.3. Women's rights to land and livestock following divorce

Initial discussions with informants about divorce (and women's rights to property) in the Arsii Oromo cultural context produced denials and attempts to explain away or underestimate the significance of this phenomenon. Some of these patterns of arguments are consistent with prior findings in the area (e.g., Mamo 2006). Some elders emphasized that divorce was rare in Arsii culture; others claimed that divorce did not originally exist in the Arsii culture, as marriage was meant to last for life. Although marital problems and disagreements between husbands and wives could result in a wife's running away (*sokkaa*), this was considered temporary, a sort of informal separation. Runaway women were symbolically described as being "outside" or "not at home," suggesting that they would eventually come home. Whereas land and men are fixed, women are mobile; that is, women change residences and join a different clan upon an informal separation.

Recently, however, divorce (*biikkaa*), literally "untie" or "release," has not been an uncommon occurrence in the research area. It requires the annulment of the most fundamental marriage ritual in the Arsii culture, the *rakoo*. The *rakoo qaluu* (performing *rakoo*) ritual involves slaughtering a sheep in whose blood the bridegroom dips his ritual stick, *waddeesa*, which he then uses to touch the girl's

forehead. This ritual legitimizes both the status of a woman as a wife and of the children to be born to her. This status never changes in the context of Arsii customs, even when a woman runs away or marries another person. The *rakoo* ritual may be performed at the final marriage ceremony at the bridegroom's home. Alternatively, if either the girl alone or both the boy and the girl are too young for marriage, the would-be husband, either by himself or assisted by his father, temporarily takes a young girl to his residence, performs the ritual, and then returns her to her parents until she becomes sufficiently mature for marriage.

Thus, divorce involves *rakoo dhiquu* ("cleansing *rakoo*") or *rakoo haquu* ("erasing *rakoo*"). Currently, divorce can be requested by three groups of women: 1) married women (often without children); 2) "engaged" women or those who are "tied" by the *rakoo* ritual to someone, but who are currently married to someone else; and 3) girls who do not want to get married to the person to whom they are tied by *rakoo*. In all three cases, men (brothers, fathers, or would-be marriage partners interested in the women or their resources) play important roles behind the scenes.

The first type of divorce request often results from disagreements of various sorts. It is also often taken before the district court. The court can summon (and coerce) an accused man, ordering him to accept the divorce request filed by his wife. The court can also transfer the case to the local elders, who seek reconciliation between the disputants or facilitate divorce if attempts at reconciliation fail. When disputes end in divorce, women often attempt to get a share of the property, although, according to informants, they rarely succeed. The following factors were mentioned as contributors to women's limited opportunities in such situations: clan territoriality, the strong patrilineal ideology, the departure of women from their ex-husbands' villages following divorce, and the lengthy and complicated litigation process, in which women often occupy a disadvantaged position.

In the second and third cases, divorce can occur or be requested even before marriage. Traditionally, being a wife does not necessarily involve a man and woman living together under the same roof. Once the *rakoo* ritual is performed, even a young girl can be considered a "legal wife" of the person who performed the ritual. In this context, marriage to a woman who has undergone the *rakoo* ceremony with someone else not only is invalid by custom but also has the potential to cause disagreements between clans. Thus, women in this category may request a divorce in the context of state laws and recent discourse about women's rights. As the education of girls has become more common, *rakoo* has been challenged for a number of reasons: 1) the issue of consent in that the engagement was concluded without the girl's knowledge or when she was too young to give her consent; 2) the age difference between the girl and the man to whom she has been tied by the *rakoo* ritual; and 3) the man to whom the girl was tied by the *rakoo* ritual was polygynous or the woman's marriage to him would be polygynous. A girl's objection to marriage based on any (or any combination) of these factors and her request for divorce or severance of a tie established through the *rakoo* ritual is legal. Women who make these requests do not ask for a division of resources but only free themselves from the ties established by the ritual.

In general, divorce, once considered a rare or non-existent phenomenon in the Arsii culture, is becoming a reality in the context of women's rights and state laws. The District Court and the Office of Women, Children, and Youth Affairs at the district level are playing pivotal roles in this regard. Local people's perceptions of this development were mixed. Some male informants complained that women's rights were abused or misused by some men, who encouraged women to seek divorce with the aim of promoting their own interests. For instance, a dispute between a husband and his in-laws may lead a woman to sue her husband and get some property from him, which would eventually benefit not her but her male relatives. This scenario was mentioned by some informants as a potential threat to social harmony and family stability, rendering modern divorce a struggle between men and not merely an issue of women's dissatisfaction. Some male participants also blamed state institutions for favoring women and tending to accept allegations presented by women against men at face value. Women informants were not generally enthusiastic about discussing divorce. However, some women argued that state institutions were male oriented and that women rarely defeated their male opponent in court. Discussions about divorce elicited mixed reactions; divorce was viewed as an opportunity

for women to terminate their marriage through the legal process; as way of preventing them from translating this opportunity into a share of the marital property, especially land and livestock; as a threat to social cohesion; and as an abuse of women's rights due to the competition or rivalry among men that the process may entail.

6. CONCLUDING REMARKS

The position of women in the Arsii Oromo culture can be viewed from two perspectives. On the one hand, certain important values and institutions provide women with power and uphold their rights (e.g., see Østebø 2007, 2009; Tolosa 2010, 2012). These institutions and values wield primarily ritualistic (or spiritual) power, which protects women from verbal abuse and physical violence. On the other hand, traditional norms clearly favor males over females with regard to land and livestock ownership, decisions about the transfer of these strategic resources, and access to property upon divorce. The first dimension is consistent with the current discourse on women's rights and state-based laws and policies; the second contradicts them. Thus, gender-based arguments and discourse about the right to resources occur in the context of both prevailing traditional values/norms and state-based laws.

In this legally and institutionally pluralistic setting, disputes and negotiations between husbands and wives about rights and resources often assume a legal form. It is in this context that improvements in women's rights are emerging, albeit slowly. This study found that men and women were generally aware of state-based laws and policies regarding gender equality (Table 1). Relative improvements in women's rights in general and in their rights with regard to decisions over land and livestock transfer in particular were apparent. These improvements were evident in 1) women's increased assertiveness when they openly spoke about their rights, 2) cases of women's challenging their husbands at home and in public spaces with regard to the transfer of property, 3) women's assertions that they would challenge their husbands if they transferred land or livestock without their consent, and 4) the fact that women could seek to end traditional marriages through a legal or "semi-legal" processes when they desired to do so. Changes are also apparent among men, as evidenced by cases of husbands seeking agreement and consent from their wives regarding major decisions and encouraging their wives to engage in certain activities (e.g., selling livestock at the local markets) that used to be considered the sole province of men.

Yet, the extent to which the rights of women have improved does not seem to match the degree of awareness about gender equality expressed by men and women in the research area. Most decisions are still made by men, women rarely obtain a share of marital property following divorce, and women's participation in the transfer of livestock and land at the local market remains very limited. Traditional norms, values, and social institutions that still dominate at the local level appear to have constrained the use of legal instruments and the state administrative structures designed to promote gender equality. Although the ways in which men have used established social structures to resist these changes were more apparent, the impact of women's continued loyalty to traditional norms and values should not be neglected. The broader sociocultural environment that perpetuates the customary gender-based division of activities and status differences remains pervasive and slows the pace of progress in women's rights and their participation in different domains of life.

The prevailing legal pluralism presents both challenges and opportunities for women. Although women sometimes benefit from state-based laws, men sometimes use the discourse on women's rights for their own benefit, a process that subordinates the interests of women to those of competing men. Women can also get stuck between mutually exclusive state-based laws and traditional customs. Women's ambivalence about taking full advantage of the opportunities offered by state-based laws seems to be a result of their divided loyalty in that they are torn between state-based laws that advocate for their rights and their own traditional values and norms.

ACKNOWLEDGEMENTS

The data included in this paper were collected in field studies supported by different organizations. We thank the African Local Knowledge Project (supported by JSPS KAKENHI Grant Numbers 23251005 and 23221012) of the Center for African Area Studies, Kyoto University; the Center for Gender Studies, Addis Ababa University; and the Wabe-Batu Synod Development and Social Council of the Ethiopian Evangelical Church Mekane Yesus.

REFERENCES

- Chevillard, N. and Leconte, S.
 1986 The Dawn of Lineage Society: The Origin of Women's Oppression. In Coontz, S. & P. Henderson (eds.), *Women's Work, Men's Property: The Origin of Gender and Class*. London: Verso.
- Ethiopian Society of Population Studies
 2008 Gender Inequality and Women's Empowerment: In-depth Analysis of the Ethiopian Demographic and Health Survey 2005. Addis Ababa.
- Ferraro, G.
 2006 *Cultural Anthropology: An Applied Perspective*. Belmont, CA: Thomson Wadsworth.
- Friedel, E.
 2006 Society and Sex Roles. In Spradley, J. & D. W. McCurdy (eds.), *Conformity and Conflict: Readings in Cultural Anthropology*, 12th edition. Boston: Pearson.
- Hellum, A.
 2000 Human Rights and Gender Relations in Postcolonial Africa: Options and Limits for the Subject of Legal Pluralism (Review), *Law and Social Enquiry*, 25(2): 635–655.
- Hilhorst, T.
 2000 Women's Land Rights: Current Developments in Sub-Saharan Africa. In Tolumin, C. & J. Quan (eds.), *Evolving Land Rights, Policy and Tenure in Africa*. London: DFID/IIED/NRI.
- Kirk, M.
 1999 *Land Tenure, Technological Change and Resource Use: Transformation Processes in African Agrarian Systems*. Frankfurt am Main: Peter Lang.
- Mamo Hebo
 1995 Indigenous Marriage Practices and the Family Organization among the Arsii Oromo of Kokossa District, unpublished Senior Paper submitted to the Department of Sociology and Social Administration, Addis Ababa University, Ethiopia.
 2006 *Land, Local Custom and State Policies: Land Tenure, Land Disputes and Dispute Resolution among the Arsii Oromo, Southern Ethiopia*. Kyoto: Shoukado.
 2007 Disguised Land Sale Practices among the Arsii Oromo, Southern Ethiopia, *Asian and African Area Studies*, 06 (1): 352–372.
- Østebø, Marit Tolo
 2007 Respected Women: A Study of *Wayyuu* and its Implication for Women's Sexual Rights among the Arsii Oromo of Ethiopia, unpublished MA thesis submitted to the Faculty of Medicine, University of Bergen, Norway.
 2009 *Wayyuu: Women's Respect and Rights among the Arsii-Oromo*. In Ege S., H. Aspen, Birhanu Teferra & Shiferaw Bekele (eds.), *Proceedings of the 16th International Conference of Ethiopian Studies*, Trondheim, Norway.
- Population Census Commission (PCC), Federal Democratic Republic of Ethiopia
 2008 Population and Housing Census of Ethiopia, Addis Ababa.
- Sosena Demessie and Tsahai Yitbark
 2008 A Review of National Policy on Ethiopian Women. In Taye Assefa (ed.), *Digest of Ethiopia's National Policies, Strategies and Programs*. Forum for Social Studies, Addis Ababa.
- Spradley J. and McCurdy D. W.
 2006 *Conformity and Conflict: Reading in Cultural Anthropology*, 12th edition. Boston: Pearson.

Tolosa Mamuye

- 2010 The Role of Siinqee Institution in Conflict Resolution among the Arsii Oromo. MA Thesis, submitted to Institute of Peace and Security, Addis Ababa University, Ethiopia.
- 2011 The Siinqee-Women's Institution for Conflict Resolution in Arsii, In Gebre Yntiso, Fekade Azeze & Assefa Fisseha (eds.), *Customary Dispute Resolution Mechanisms in Ethiopia*. Addis Ababa: The Ethiopian Arbitration and Conciliation Center.