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LORD, *ZEGA* AND PEASANT IN EASTERN GOJJAM, C.1767-1901

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Preface

Ethiopian historiography has registered a remarkable success in unveiling the many aspects of the Ethiopian past, especially Ethiopia's recent past. Despite the tremendous success registered by Ethiopian historiography in recent times, Ethiopian history still suffers from some serious lacunae, one of which is in the realm of social history. The most serious lacunae in Ethiopian historiography is the neglect of the ordinary citizen as subject of study. A shift of emphasis in scholarly concern to social history to dispel the old fixation on political and economic history remains a challenging task. This study is intended as a modest contribution to the social history of Ethiopia by making the peasantry and the landless and highly impoverished class of people called *zèga* a focus of study in Eastern Gojjam. The peasantry is a subject of great interest for us since it was the peasantry that carried the whole burden of the social order through the fruits of its labour.

A range of historical methods were used for the purpose of reconstructing the historical knowledge about the dynamics of the socio-economic relationships between lord and peasant and *zèga* in Eastern Gojjam in the period covered here. The first method involved extensive library research so as to gather information from published and unpublished primary and secondary documentary sources. Conducting library work on the theme of the thesis helped me frame the project. It also enabled me to have a sufficient background knowledge about the subject of my study.

Two scholary works that enlightened me greatly deserve special mention. Professor Crummey's recent book entitled *Land and Society* spanning many centuries and scanning many regions is one of them. The second highly illuminative and brilliantly original work is Dr. Tekalign's doctoral dissertation on the political economy of the modern Ethiopian state as it existed in the twentieth century. He gave me his dissertation and other pertinent readings directly relevant to my study area. Dr. Tekalign's doctoral dissertation does not directly fall within the time frame of my dissertation. However, like Prof. Crummey, he has given a very detailed and masterful interpretation of the land tenure system of the imperial era, especially of southern Ethiopia. The publication of Crummey's *Land and Society* came as a pleasant surprise to me. This work was pertinent to the kind of work I was intending to do. Though he was unaware of the existence of the institution of *zègenät,* which is one of the central themes of my study, this thesis has benefited very immensely from his work.

Many of my previous uncertainties on what Tekalign calls the "state's reversionary right" to land have been cleared up thanks to Tekalign's work.

The Department of History, my second home, together with the IsAIO, offered me a unique opportunity to conduct research in Rome and Naples. My research in Rome and Naples proved very rewarding and amongst the best time in my life. The IsAIO library in Rome was the right place to make pertinent readings on the themes of my study. It is an excellent library with large number of collections not only on Ethiopia but also on other African countries. The University of Naples has also some of the best missionary and travel books and accounts on Ethiopia, including the study area, Eastern Gojjam.I also religiously consulted every journal I could find specially the journals, *History in Africa: A Journal of Methods* and the *Rassegna Studi Etiopici,* in Naples. Early issues of both journals could be found in AAU, but the recent volumes of these journals are impossible to find. Special emphasis was given to journals and materials which are not available or hardly accessible or both in, either the Kennedy library of the AAU or the Institute of Ethiopian Studies.

The archival centres of the Italian Ministry of Foreign Affairs and the Italian Geographical Society in Rome have also rewarded the researcher immensely. No archival material in the Ministry goes deeper in time than the second half of the nineteenth century. Gojjam captured the attention of many Italians to the effect that large amount of documents were generated on the region by them. King Takla-Haymanot enjoyed friendship with the Italians and corresponded with them. I was given permission to reproduce all his letters to his Italian friends and other documents preserved in the archive of the Ministry and the Italian Geographical Society. I was not also able to complete my research in the archive of the Italian Geographical Society for shortage of time. Nor was I able to visit the Vatican Library because of the tense international situation at the time when I was conducting research in Rome.

The library research in Italy was followed by an extensive and supplementary reading and research in the library of the Institute of Ethiopian Studies. The massive and dazzling collection of microfilmed documents deposited in the microfilm section of the IES library are of special importance for the study. No research on Gojjam could claim to be complete which does not consult the microfilm material deposited in the IES. Much of the documents in the microfilm section of the library are collected from various European libraries and archives specially from Britain, France and Italy. However, some of the highly

pertinent documents like the Carte d'Abbadie 18 and 19 have unfortunately eluded my efforts to get access to them. The IES has lost them.

Many other source materials from monasteries and churches in Ethiopia were microfilmed or photographed and added to the IES collection. Most of the photographing job from the study area was done by Daniel Ayana in cooperation with Crummey and Shumet Sishagne. His photographing activities provided the researcher a useful service .The fine job Daniel did involved photographing property documents which exist as marginal notes in manuscripts belonging to monasteries and churches in the study area. He has photographed massive new sources and documents pertinent to the study of social relations and intergenerational property transfers among the rank of landowners.

The fact that index is not prepared for the property documents meant that it was necessary to go through the entire length of the photographed or microfilm materials. Thus I worked my way through these materials in the IES. Useful documents were traced in this way and copied. The temporal and spatial coverage of the property documents is not uniform. There is very little documentation for the period between18oo and 1874 in the microfilm or photographic collection on Eastern Gojjam. In other words there is an unfortunate congestion of property documents in late eighteenth century and the last quarter of the next century. This work has relied for the facts and interpretation essentially on these property documents microfilmed and photographed from Gojjam churches and monasteries and deposited at the IES. I can confidently and proudly say that I have scrutinized all the pertinent microfilm materials at the IES. My dissertation derives its originality from the use of these unexplored sources.

Of the rewarding sources for this study Täklä-Iyäsus provides a very useful data on the relationship between lord and peasant. He was familiar with the wide range of literature available in Gojjam. His well known work on the history of Gojjam contains eyewitness or at least contemporary accounts for the period considered since he wrote it by referring to living witnesses to events .The second work of Täklä-Iyäsus, which records the genealogy of the people of Gojjam is a singular document on the social history of Eastern Gojjam. The customary law of the Gafat people, which he compiled and appended in this manuscript, contains many strands of custom with regard to land tenure and the relationship between *zègas* and their landlords and the society.

Travel literature forms another form of source material for this study. However, travel literature tended to focus on the nobility and other social elites with whom travelers

had frequent contact. They provided and wrote a wealth of information only on villages and the peasantry found along trade routes and the immediate vicinity of towns and administrative centres. The focus of writing of travelers is largely on dramatic movements such as on military campaigns by lords into the countryside that involved peasants. They provide insights into peasant obligation to travelers. However, the normal peasant life remained unreported.

Updating and supplementing library research with intensive and extensive field study in Eastern Gojjam was necessary. Studing oral narratives could reconstruct the historical experience beyond described in documents for the period and region under study. Thus library research was followed by extended information gathering in the study area by interviewing elders and working on local records in churches and monasteries. The field study yielded the discovery of bulky property documents and manuscripts. I found two of such unique manuscripts that contain many precious documents in Märtulä-Maryam and Mota. The one in Märtulä- Maryam was reproduced and the other in Mota copied by the researcher. Moreover, the researcher also reproduced a manuscript that contains many land grant documents of the last quarter of the nineteenth century found at Däbrä-Marqos church. I was bale to use these sources together with oral data collected through interviews by the researcher are used for writing the dissertation. Combining oral data and documentary evidences served the study well in the absence of rich documentary record. To put it differently, combining oral and documentary sources made possible to provide a rich texture of historical detail.

ABSTRACT

Lower level social and economic relationships between landlords and landless people in Eastern Gojjam in the 18th and 19th centuries was embodied in an institution called *zègenät* .This work has tried to analyze the nature of agrarian and class relationships between *zèga* and peasant and lord in the 18th and 19th centuries Eastern Gojjam. It is mainly aimed at analyzing the dynamics of the socio-economic relationship between lords and peasants and *zègas*. Here the history of peasants and a highly impoverished and subordinate social class called *zèga* is discussed in terms of their relationship with other classes in the social system. The land tenure system formed a crucial social element for analyzing the socio-economic relationship between peasants and *zègas* and lords. In other words land that was the main form of property in the past was the key point of interaction between lord and *zèga* and peasant.

This institution has very old roots going back to at least the seventeenth century. Moreover, *zègenät* has close affinity to serfdom. The term *zèga* was applied to landless and subordinated individuals working on the land of lords and under almost complete legal and socio-economic dominations of the lords. Though the *zèga* class enjoyed freedom of mobility and the bond established between the *zèga* and the lord was not hereditary, the obligation of the *zèga* towards the lord has the hallmark of servitude.

The state and social elites exercised a far more firm control over land including *rest* land and over the labor power of the peasants. The ruling elite were in a stronger position to turn away permanently considerable land from peasants to the control of corporate institutions and powerful individuals as *gult* land. This land transferred into the hands of social elites was usually worked by the labor of the *zèga,* though there was considerable number of peasants working their own land. Indeed, individuals who constituted the *zèga* class in the seventeenth century had originally been independent peasants working on their own land.

Lords also exercised far more direct control over craftsmen although there were independent artisans working in their own place. There were many artisan *zègas* working under the landlords and whose obligation towards the landlords was similar to those of the farmer *zèga.* Trade, craftsmanship and agriculture were closely intertwined and lords had a very strong interest in all these economic activities. Any discussion of the socio-economic relationship between *zèga* and peasant and lord to be complete must include the way in

which means of production was customarily transferred from generation to generation. Thus the study has also narrated the mechanism of property transfers. The ways and means by which land and rights to land were transferred took many forms. Lords holding land on behalf of churches exercised ownership rights including free disposal by sale. Sale was the most dominant mode of property transmission. The factors and concerns that lead men to choose a particular type of mechanism of property transfer are many including debt. Contrary to previous assumptions land including *rest* land could be mortgaged, sold and willed. The purchasers and vendors were both from the highest reach of society and from the lower layers of society. This study has explored all these issues.

Chapter One: Introduction

1.1. The Geograpical Setting

The name "Gojjam" has denoted different geographic units in different times. In historical writings a distinction is made between "Gojjam proper" and Gojjam. This distinction is important and is based on historical processes. In the medieval period Gojjam referred to the area almost virtually enclosed by the Blue Nile River, the broad geographical sweep extending from Lake Tana in the north to the great eastern and southeastern bends of the same river. The Blue Nile encircles the region winding around it so as to form a river peninsula. From the seventeenth through to the twentieth century, however, the name Gojjam came to refer to the much restricted geographical area within the Blue Nile bend inhabited by the Amhara people.[1] This province consisted largely of the districts around contemporary Bichäna,Mota,and Däbrä-Marqos. In short,Eastern Gojjam which will be studied in this thesis , is virtually equivalent to the province some times described as "Gojjam proper".[2]

Eastern Gojjam has strongly marked geographical features, which have deeply influenced its history. It is a region with very clear natural boundaries, made up of rivers and mountains. Its administrative boundaries followed these same natural boundaries. The Čoqè mountain range located at the centre of the region of Gojjam divides it into two major watersheds. The summit of the range delimits the western and west central boundaries of Eastern Gojjam from the provinces of Agaw-Meder and Damot. The mountain range has also been an important lingustic frontier. The area west of the mountains was, and still is, inhabited by the Agaw people whereas the eastern section is thoroughly Amhara.[3]

The Čoqè Mountain constitutes the core of the whole region of Gojjam. Mount Berhän, which rises to 4154m, forms the core and the highest summit of the Čoqè mountain chain. There are also some peaks ascending to the elevation of about 4145m[4].These lofty mountain peaks form magnificent scenery overlooking all the rest of the land in the region.

These mountain massifs give rise to numerous rivers and streams flowing in almost every direction: north, south, east and north east. Of special historical and geographical importance is the Blue Nile, locally called Abay. Its deep and broad gorge has helped to define and articulate the boundary of the region. It originates at Mount Geshä. At first the river flows northwards and enters Lake Tana. Leaving Lake Tana it runs east and southeast, thereby forming a deep gorge and a definitive boundary that separates Eastern Gojjam from Gondar, Wallo, Shawa and Wallaga, almost literally encircling the borders of Gojjam in every direction except in the west.[5]

The river Abaya, one of the headwater tributaries of the Blue Nile, constitutes the northwestern boundary of Eastern Gojjam. The river rises in the northeastern section of the Čoqè range. It flows northeastwards to separate Eastern Gojjam from what was known as Mèča, a small province to the south and southeast the Lake Tana. In its lower course, Abaya forms a deep and wide valley. It joins the Blue Nile at the latter's northeastern course. Godèb is another river rising from the southern ridges of the Čoqè mountain range. It separates Eastern Gojjam from Damot. Its course is towards the south of the mountains and it joins the Blue Nile River at the latter's southwestern course.[6]

The diverse geographical conditions of the region have had significance to its agrarian regimes. Also, the varying agroclimatic conditions together with political developments were decisive in shaping the settlement patterns , mode of life and the socio-cultural patterns of the rural population of Eastern Gojjam. Evidence from recent aerophotographic studies of the agrarian landscape of Eastern Gojjam, including the Čoqè mountain massifs, reveals that the pattern of field strips and population distribution evolved in the long past, perhaps going back to ancient time. On the basis of the interpretation of the aerophotogrphic data, Marcaccini, who studied the features of the agrarian landscape of Eastern Gojjam, concluded that the system of field management in the Čoqè area and the patterns of field strips in the region are suggestive of an old system of land management. The agrarian landscape was determined by the system of land use, which had developed in ancient times and persisted right down to the twentieth century.[7]

According to Marcaccini topography does not always seem to be a particularly influential factor for determining the type of rural settlement. One reason that he advances is the fact that different shades of field patterns and settlement types ranging from entirely nucleated villages to very sparse settlements could be observed within uniform morphological conditions. He rightly concluded that the marked differences in the agrarian landscape of the same morphological conditions resulted from the social regime of land use and historical events.[8]

Marcaccini's argument is confirmed by oral traditions and documentary evidence. The property system that evolved over a long period of time in the past had a strong bearing on the overall agrarian landscape. Although its accuracy for the early period is suspect, we have an older account of the colonization of Eastern Gojjam by individual settlers going four hundred years back. The oral history referring to this process of colonization and peopling of Eastern Gojjam is recorded in the genealogical book of Täklä-Iyäsus (hereafter Täklè for brevity), compiled in the last decade of nineteenth century. Täklè writes that the land in Eastern Gojjam was divided on the basis of ambilineal devolution of the generation of the early ancestors of the people, according to the operation of the *rest* system of land tenure.[9]

Based on his interpretation of the aerophotographical data of Eastern Gojjam taken in 1957/8,Marcaccini delineated three morphologically distinct agrarian regions which neatly fit into the three traditional divisions of agroclimatic zones: *dägga*, *wäyna-dägga* and *qolla*. However, the upper parts of the mountains of Čoqè and Goncha are specifically *wurch* or frost zones, the coldest agroclimatic zone in Eastern Gojjam. This division is mainly influenced by rainfall and microclimate and other factors like variations in topography.[10]

By far the widest and densely populated agroclimatic zone which also hosts many of the noted churches in Eastern Gojjam is the *wäyna-dägga*. In view of its historical importance this agrarian region merits lengthy discussion. The *wäyna-dägga* agrarian region is found within the elevation range of 1500-2300 meters.It is a wide zone between the limited areas of the *dägga* and *qolla* agroclimatic zones. The greater portion of Eastern Gojjam constitutes extensive plain that extend into the mountains and bear more the character of *dägga* type

of climate than *wäyna-dägga*.[11] Here the topography is generally of wide plains with many isolated peaks here and there breaking the monotony of the tableland. This part of Eastern Gojjam, precisely or firmly located by Marcaccini as lying between "the basaltic traps and lower volcanic flows of Choke" was and still is predominantly characterized by its "nucleated settlement patterns and the division of the land into strip fields."[12] It has a history of successive Amhara occupation going back at least to the fourteenth and fifteenth centuries which saw the immigration of many Amhara colonizers into Eastern Gojjam. Marcaccini concluded that "The strip cultivation, the traces of division into areas of use, the agrarian structure organized into rural units, are probably related to an ancient form of occupation of the land (*restegna*), with commun[nal] practices." [13]

The extensive plains within the *wäyna-dägga* zone display a remarkable uniformity in agrarian landscape. The predominant form of this landscape is the strip field. All the plain land stretching from Däjän to Bichäna, Däbrä-Wärq and Märtulä-Maryam bear uniform agrarian features. This stretch of land has had also notable uniformity, both geomorphologically and climatically. Uniformly shaped fields were the notable features of this agrarian region and the highlands ranging from 2400 meter through to 2600-2700 meters and in some points reaching to 2800 meter. An infinite mosaic of field strip culture can be observed from the aerophotographic data, some long, others square, straight, etc.[14]

The *wäyna-dägga* region of Eastern Gojjam receives abundant rainfall for a good part of the year. Except in rare periods of drought, it receives reliable and sufficient rain between June and September to sustain enough pasturage for a good part of the year. Autumn and spring rainfalls were very important in Eastern Gojjam in the nineteenth century. In fact a good part of the study area receives rainfall for an additional month earlier or after the normal rainy season(*kerämt*). Plowden, a nineteenth century traveler in Eastern Gojjam, writes that "[t]he tropical rains, in most provinces [of Ethiopia], continue for three months or thereabouts-that is July, August, and September-but in some, particularly Gojam, [they go]for nearly a month more, before or after that period[15]." Then, it seems the rains began to fall one month before they did in other parts and continued for one more month after they had stopped elsewhere. This description of the rainfall patterns of the region by Plowden might be taken

in terms of climate than weather. This is because no serious and frequent rainfall anomalies or drought conditions triggered by serious shortage of rains have ever been recorded in recent centuries for Eastern Gojjam.

Beke, another nineteenth century traveler to Eastern Gojjam, describes the innumerable herds of cattle, the environment of grassy plains, verdant river banks, etc.,. In fact , all of these are common themes in the nineteenth century travel books on Gojjam.[16] These and other aspects of the environment described by nineteenth century travelers are confirmed or substantiated by later writers.[17] This suggests the existence of a stable agriculture extending over many centuries. Though the historical data does not allow us to make conclusive statement tentatively we can say that the environment and the use of it by farmers had not probably profoundly changed in the period from the seventeenth down to the twentieth century.

The other two agrarian regions, *dägga* and *qolla*, are located above and below the first one, respectively. The *dägga* agrarian region of Eastern Gojjam lies between the elevation ranges of 2300 to 2700 meters up to 3300 to 3500 meters. At some places the highest limit of agricultural settlement of this agrarian region reaches 3700 meter. The Čoqè mountains and the Goncha massifs have a distinctly *dägga* type of climate. The high altitude of these mountain areas militated against the cultivation of some crops like *tèff*. Barley and potatoes are reported as having been produced abundantly in this agroclimatic region in the nineteenth century. The region had pasture for the grazing of sheep and other animals.[18] As a whole this agroclimatic zone is noted for its suitability for the production of barely. Täklè, writing in the last decade of the nineteenth century, notes that depending on the fertility of the soil, cultivators grew barley even at the top of the mountains of Arat-Mäkäraker, the southwestern section of the Čoqè massifs. However, he remarked that the area around Arat-Mäkäraker is so mountainous and precipitous that it is depleted of nutrients by the leaching effects of the rains. According to Täklè a third part of this area was barren, almost completely devoid of soil; it represented a very severe case of erosion. Cultivation was possible in the *dägga* areas only where the soil was not washed away.[19] Since the soil could not allow continuous cultivation fallowing was practiced. After two or more years of cultivation the land would be left to rest.

Population in the *dägga* agrarian region is sparser. However, there is more intense agricultural settlement in some parts of the highlands reaching up to 3500 meter.The population and cultivation rapidly diminishes as one ascends the mountains towards their summit.[20] It represents one of the coldest agroclimatic regimes in Eastern Gojjam. Beke who visited this area twice in 1841 and 1842, provides us with an excellent description of the state of the environment of this agrarian region as it prevailed in the nineteenth century. He traveled south of the town of Mota over the eastern sections of the Čoqè massifs in early November 1842.He wrote:"…the temperature was lower than I had hitherto meet within Africa…".[21] He describes hoar frost and ice, as he proceeded southwards.[22]

Settlement is confined to the edge of the mountains and becomes denser as one descends the massifs. As a whole the severity of the climate towards the upper reaches of the mountains militated against the production of varieties of crops and dense agricultural settlement. Accounts before or after the nineteenth century repeatedly describe the landscape as being essentially similar to the situation in the period we are studying.

The third important agrarian region is the *qolla.* This zone lies within the elevation range of 500 to 1500 meters. It roughly coincides with the valleys of the Che'e,the Abaya and the Blue Nile, stretching all along the side of the meandering course of the latter river. The lowest parts of the *wäyna-dägga* region have also *qolla* type of climate. Going down deep into the valley permanent habitation is rendered unattractive by malaria. Rains before or after the main rainy season is a less marked feature of this agrarian region. Cotton, sorghum and millet were chiefly produced in this agroclimatic region. Generally it is hot, dry and sparsely populated. As in the case of the mountain districts geographic conditions have determined the nature of the economic activities and the types of settlement in the lowlands too. As was always the case, Marcaccini points out that the agrarian landscape of the valley might also have been determined by historical events.[23]

1.2. Eastern Gojjam during the Sixteenth and Seventeenth Centuries.

Oral traditions referring to the events of the 14th and 15 th century and after show that Eastern Gojjam has received waves of migrants speaking many different languages from various regions of the country. This influx of many ethnic groups into the region had strong bearing on the land tenure system. The 14th and 15 th centuries proved formative for what Eastern Gojjam would later emerged to be. Many of the basic features which characterize the region today took definitive shape during these centuries. Probably one of the crucial episodes which marked a major break in the history of Eastern Gojjam was the conquest of the region by King Amda-Seyon(r.1313-1344) in 1316. He laid the foundation for the subsequent Christianization of Eastern Gojjam.[24]

The history of Eastern Gojjam before the coming of the Amhara is largely unknown to us except for evidence of the existence of the Agaw in most parts of the region. However, a large number of Amharic-speaking Christian families did not perhaps penetrate into Eastern Gojjam before the fifteenth century and Amda-Seyon's conquest was not a complete one. Since the early decades of the 15th century however, there seems to have occurred a constant flow of Amharic-speaking settlers, including monks, into Eastern Gojjam from Shawa and the province of Amhara across the Blue Nile. The advent of the Amhara into the region predated that of the Oromo. Little by little individual settlers transformed Eastern Gojjam into a distinctively Christian region by mingling with and perhaps displacing the ealier occupants of the land the Agaw people. Like the Agaw the Gafat people had also important settlements in the region before the coming of the Amhara.[25]

Soon after the introduction of Christianity into the region many churches and monasteries started to be founded. Dima Giyorgis, Däbrä-Wärq and Märtulä-Maryam, all established in the fifteenth century ,constituted the biggest and historically the most important foundations of churches in Eastern Gojjam. Monks were the pioneer settlers .The conquest of regions in the fourteenth and fifteenth centuries was sometimes preceded, usually coincided and sometimes was followed by the settlement of monks and clerics. Oral tradition collected by a number of undergraduate students on the foundation of individual churches

abound with reference to their establishment by clerics and Christian families from Shawa and Amhara. The Amharic-speaking settlers brought with them Christianity and the major socio-economic institutions of the state to Eastern Gojjam. As part of the Christian kingdom the forms of the social and economic institutions common to the old core Christian territories were introduced into Eastern Gojjam. Settlers established their holdings which later evolved into hereditary ownership of land.[26] Since the individual settlers including monks, who were the pioneer settlers, were familiar in their former homeland(Shawa and Amhara) with the two important forms of property rights of the period, *rest and gult*, they might have introduced them to Eastern Gojjam from quite early on.

After the coming of the Amharic-speaking people and the introduction of Christianity to Eastern Gojjam, *rest* and *gult* which are to be the dominant features in the field of land tenure and surplus extraction lasted in their essentials for many centuries. However, most of the big churches and monasteries, which were built in the region soon after the coming of Christianity, received the hardest blow from Ahmed Ibrahim commonly remembered as Gragn, and his army. Monks were decimated and churches and monasteries considerably declined in their wealth and strength. The traumatic period of Gragn was followed by a massive population movement especially of the Oromo people that set in train great new forces, requiring much longer than two centuries to work themselves out.[27] The attacks wrought by the Oromo and the consequences thereof were serious enough to bring about the collapse of the medieval defense system and the disappearance of the *čewa,* the military class, through a slow process of adjustment. The 17th century also saw the emergence of a new class and new kind of property holding in rural society that proved of greater significance to the subsequent history of the agrarian and social relationship between landlords and peasants.[28] There also emerged a new tradition with regard to the peopling of Eastern Gojjam and new social structures in the rural society. This new tradition is indicative of the intensity of the turmoil that the late 16th and 17 th centuries saw.

In the pages that follow I will draw essentially and extensively on an original document authored by Täklè who has collected traditions about the history of the peopling of the region. Before entering into the direct theme of the study I shall present a brief review of the work, specially its status as a historical

work and its reliability. This will undoubtedly cause a digression from the main theme of this study but it is important to discuss the veracity of Täklè here in view of the fact that I will draw on his work for both empirical material and for interpretations.

Täklè was an Oromo who was taken from Gudru, northern Wallaga, by the army of *Ras* Adal(later King Täklä-Häymanot of Gojjam) in 1878 to Eastern Gojjam . This happened when he was still a very young boy. He grew up and lived in the region until his death. He studied to become a painter of religious scenes. But as a man of wide interests he is best remembered for his historical works .[29] Two of his well-known works are "The genealogy of the people of Gojjam" and "A History of Gojjam from *Ras* Häylu I to *Ras* Häylu II ". The latter is usually but wrongly referred to as a chronicle. In fact, however, the author himself does not see his work as a chronicle but the *history* of Gojjam from "*Ras* Häylu I to *Ras* Häylu II."[30] But the most fascinating and pertinent material for this study is his genealogical study.

The original and draft manuscript was discovered last year in the town of Däbrä-Marqos. What seems to be the original and a final version or copy of the manuscript is in the National Library registered there as MS 527.[31] The copy in the National Library is exceedingly easy to read. Unlike the draft, it contains in an appendix the customary law of the Gafat people who occupy a central position in the genealogy. However, the original and draft manuscript also contains many details that are not included in the final copy, probably omitted by the author intentionally. The draft copy is richly illustrated with sketch maps of the Čoqè Mountains and rivers flowing from it. It is full of incidental geographical and historical notes. The discussion with regard to the genealogy is based on the draft copy, unless and otherwise stated.

The "genealogy" is the geographical blue print of Gojjam because it encompasses the breadth and the length of the region. Täklè reconstructed it district by district on the basis of local settlement and descent, practically representing all the Gojjam society. The genealogical depth extends beyond what may be imagined possible, taking it back to some sixty-four generations. It attempts to describe the very foundation of Gojjam society in its entirety. This reconstruction of the society on territorially based lineages is not fictive or

mystic. Täklè is candid as to the circumstances of the compilation of the genealogy. He says he is essentially concerned with practical problems. Täklè was an antiquarian *par excellence,* but was equally pragmatist and realist. He was not entirely motivated by antiquarian interest for his compilation of the genealogy of Gojjam. He illustrates the many ills that prevailed in Gojjam in respect of land tenure.[32]

He identified three sources of ills in the society, namely theft, adultery and land litigation. However, for him land dispute was responsible for much of the instability and the ills in the society. The complexity of the operation of the *rest* system of land tenure produced many hardships to the people. Thus Täklè deemed it important to compile the genealogy of the people of Gojjam with the view of mitigating blood feuds and excessive litigation which the *rest* system of land holding encourages. He wrote it with the intent that it would eventually serve as a general and official genealogical directory to settle any dispute arising out of concurrent claims over land and thereby ease the burden of the litigations and the incidence of blood feuds.[33]

I have found very little reason to doubt his words as to his motivation for compiling the study. The founding ancestors who appear to be mythical constructs at the first glance might have indeed been historical figures. Täklè has very little reason to invent or falsify. It is difficult to assume that he would have reasons for inventing names since the compilation of the genealogy in itself was intended to serve as deterrent for illegal or unjust eviction of people from their ancestral lands using false and fabricated genealogical charters. To falsify or invent names of ancestors would, therefore, render the medicine worse than the problem or would defeat the purpose of the book. Whether putative or historical in Täklè's genealogy the names of founding ancestors are supported by oral informants. In the process of my fieldwork I have been able to collect as many traditions of origin as possible of founding fathers of many districts and villages. Informants asked to recount their genealogy agree with Täklè on a number of cases. They agree very closely in almost every detail, if not in actual language, particularly in the names of founding ancestors and toponyms.[34]

The source that Täklè used for the compilation of the genealogy is also clearly stated. The compiler claims to have drawn upon traditions collected

through interviews. This indicates that Täklè was not too late to draw on a living and well remembered tradition. The genealogy presented to us by Täklè basically had been oral tradition until his time. He himself has indicated this in a kind of prefatory note to his second book, “A History of Gojjam”. How painstaking the work of collecting data was can be judged from the amount of time it took him to compile his work. He writes that it took him a total of thirteen years to compile and finalize his work[35]. This can be accepted without doubt as the collection of genealogy or recording of generations is indeed time consuming and very wearing.

It is also worthwhile to note that Täklè was a self-taught writer. He wrote both of his books without any expectation of reward or patronage. He wrote only out of desire to ease problems connected with litigation over land. He does not of course, hide his appreciation of King Täklä-Häymanot of Gojjam. He considered it his duty to repay the debt he owed to the former (because Täklè was raised to high position by the king) by writing the pedigree of his ancestors. But he swears with the utmost frankness to have written both of his works with no sight on rewards that may accrue from them but for the benefit of the society. He has also noted the expenses he incurred to compiling the genealogy.[36] Täklè could add neither to his prestige nor to the veracity of his work by noting the expenses he incurred in compiling the book.

The last point to call attention to is that the work has some inbuilt limitations; particularly the names of the earliest ancestors do seem to be mythical constructs. The names of the early ancestors do not bear the slightest resemblance with any Amharic proper names. One finds the truth and the fiction inextricably blended together and the historicity or reliability of the names of founding ancestors diminishes or appears fictive as one ascends the generation series. However, this is not to detract from or diminish the importance of his work. There are reasons to believe that the names of persons indicated for the fourteenth and fifteenth centuries and afterwards are fairly accurate and can be corroborated. The reliability of the work increases as one descends down the generation chain. Furthermore, personal names in the genealogy which appear very strange and fictive might have indeed been historical figures, most probably Gafat. The Gafat people had a strong presence in Gojjam. Even before their great exodus into the region in the sixteenth

century they had in all probability important settlements in Gojjam perhaps going back to ancient times. The Gafat language had become moribund by the first half of the nineteenth century, although it was still lingering in some inaccessible pockets of Eastern Gojjam and Damot.[37] The language has left a lasting imprint in the Amharic lexicon in the region. As has already been mentioned Täklè has recorded and incorporated as appendix the customary law of the Gafat people in the final version of the genealogy. This material has been critically studied and published,with English translation,by Girma Getahun. However, Girma found the translation a daunting exercise since most of the colloquial words in the text defy understanding, as they have not entered into standard written and spoken Amharic usage. This is readily ascribed to the influence of the Gafat language.[38] This has lead me to the conclusion that some of the personal names in the genealogical list which appear fictive and strange at first glance were historical figures. However, irrespective of the fictional or non-fictional character of the genealogy of founding ancestors what is important for us and for the *rest* system of land tenure is the ideology of common descent.

Many of the districts in Eastern Gojjam, it seems, were named after those who resided in them in the long past. Because of the massive influx of the Gafat people into Eastern Gojjam and Damot in the sixteenth and seventeenth centuries and the intensity of the political turmoil in those times a new tradition emerged. Most of the central districts of Eastern Gojjam were settled by the Gafat and are still today named after those Gafat residents in the long past. According to Täklè the region Gojjam itself derived its name from the mythical ancestor of the name of Gozè, hence Gojjam. The main story of the division of the central districts of Eastern Gojjam among its early settlers and the settlement of its territories begins with the chief founding ancestors called Däräbè and Säräbè. According to the genealogy Säräbè and Däräbè after surveying the region from the lofty mountain tops of Čoqè, divided Gojjam between them. They are said to have used geographical criteria for dividing the land. The river Godèb delimited the boundary between their holdings. The area apportioned to Säräbè was to the west of the bank of the river, which is within Damot. The districts of Eastern Gojjam to the east of the river Godèb were allocated to. Later on Däräbè apportioned his share between his children. The children of Däräbè such as Gozamin, Anädäd, Telatgen and Awabel divided their respective share on the basis of the ambilineal descent in the generation.[39]

It is interesting to note here that descent groups very closely followed territorial groupings. The division of the land among the children of Däräbè was carried out, based on the rough and ready-made territorial groupings of the districts of Eastern Gojjam, delimited from each other by rivers flowing from the Čoqè Mountains down to the valley of the Blue Nile. Rivers provided a very convenient and ready-made basis for allocation among groupings on the basis of kinship. The territory between the rivers Godèb and Čhämoga, both southward flowing rivers, was allocated to Gozamin, the senior of the children of Däräbè. All the territory between Čämoga and the river Yäda belonged to the second son of Däräbe, Anädäd. Likewise Awabäl and Wudemit obtained their share on the basis of the natural territorial groupings.[40] Presently very many districts and villages bear names apparently from people of Gafat origin.

According to the tradition recorded by Täklè later on, Awabäl, Gozamin, and Anädäd are said to have been defeated then by later migrants and only Telategen successfully held out. The rest lost a good part of their holdings. Täklè also traced the the settlement of the Amhara and the Agaw to that early history of the region. According to Täklè the Agaw continuously expanded their settlement by displacing the Gafat. The Amhara, in turn, displaced the Agaw and settled chiefly in the eastern districts, especially in the present-day districts of Ennässè, Ennäbsè, Ennämaye, and Enarjje Enawega. All these districts are said to have derived their names from their early Amhara settlers. The Oromo, who settled in many parts of Eastern Gojjam in the seventeenth century, also permanently gave their names to the places they occupied. Numerous immigrants must have settled in the midst of the Gafat people in the seventeenth century, according to Täklè, most of them Oromo and Amhara .[41]

In the seventeenth century a new tenure seems to have emerged. This new form of tenure is, to use the language of my sources, *zèga* or *zègenät*. It could roughly be translated as “tenancy”. However, tenancy cannot fully describe the reality of this form of tenure. Upon examining and interpreting the sources referring to the *zèga* I have arrived at tentative conclusion that practices resembling an incipient serfdom or an institution containing the germs of serfdom were prevalent in the region. The first appearance of this kind of tenure

can not be dated earlier than the 17th century. Its establishment actually appear to have taken place in the second half of the 18 th century, when sources referring to *zèga* in the form of charters and manuals for church officials prop up.[42] Its establishment in the eighteenth century, marks the central theme of chapter two, discussed and developed further in subsequent chapters. Let us begin with a very general outline of its features and early precedents out of which the later practice developed.

1.3. Rest, Gult *and the Institution of* Zègenät

A marked feature of Ethiopian historiography in recent years is the growing attention to the study and analysis of the agrarian structure of society. Thanks to the recent research by scholars such as Crummey, Tekalign and others, our knowledge of the nature of the privileges and rights of elites with regard to land and the tangled web of the social and economic organization regarding land and agricultural production have been clarified and refined[43]. Tekalign also provides tantalizing additional details about the characteristics of *zègenät*, a very curious social and agrarian institution which was very prevalent in Eastern Gojjam. I shall have occasion to deal with Tekalign's study in later pages. The most extensively argued and debated subject of whether feudalism existed in Ethiopia among scholars is also one aspect of the growing emphasis that the social context is receiving in historical investigation. The historiographical debate centres on whether the pre-1974 historical experience of Ethiopia should be called feudal and whether it was closely similar or a deviant from European feudalism.[44]

Obviously, the notion of property, especially landed property, has primacy in the debate on feudalism. The ways in which productive resources were owned and surplus was appropriated are very important in the discussion of the interclass relationships between lord and peasant. The major social groups in Eastern Gojjam during the late eighteenth and nineteenth centuries with which I am concerned here are lords and peasants, with special emphasis on the latter. However, the dividing line between social categories is very hard to draw as in many other places and societies in Ethiopia.[45] Though it does not describe the full context of the state peasant relationship the most common element in the definition of the peasant is " a rural cultivator", distinct from other rural social

groups who do not have to work the soil for their living. However, within this broad category of "peasant" there would be a great deal of stratification. This would be discussed in the next chapter in some detail.

The nature of the rights and privileges of social elites with regard to land and the extent to which we can talk of "landlords" is also a point of animated debate among scholars of Ethiopia. The works of scholars like Crummey, Hoben, Merid, Shiferaw and Tekalign provide a good basis for a discussion of the main issues involved in this debate.[46] The question, of course, is whether "lord" refers simply to officials and administrators or to *landlords with strong stake in the land or people owning land.* The existence of landlords or elites owning land would have to be determined from a close analysis of the forms of property rights in the past, property rights that are intertwined with the complex institution of tenure called *rest.* In the past, however, the basis of the argument that there was no class of landlords in historic Ethiopia was the analysis of tributary rights on land, called *gult.* Thus the debate on whether or not the Ethiopian past can be characterized as feudal basically rests on how scholars understand the institutions of r*est* and *gult.*

The nature of *rest* and *gult* rights are fully encompassed by the definition that Hoben gives to the terms in his widely read book. Hoben writes that *gult* rights entail "fief-holding rights" whereas *rest* right confers "land-use rights". He adds that "[i]n its most general sense, *rist* refers to the right a person has to a share of the land first held by any of his or her ancestors in any line of descent."[47] According to Hoben, *rest* refers to the theoretically inalienable and inheritable land right of peasants. The peasant had the right to claim *rest* land through both the paternal and maternal lines. The individual *rest* holder could have only a usufructuary title because the ultimate title to land lays in the "descent corporation" or the lineage. Under such system of land tenure no right of alienation by individuals could be possible since the unit of land holding is the lineage. Hoben writes that the descent groups provide the framework within which individual rights could exist. This implies that the *rest* system of land-holding has a communal character because of the undifferentiated complex of rights. He points out that many individuals could have concurrent and miscellaneous rights over the same piece of land. Theoretically a person could not acquire exclusive and separate property right over a piece of land against

other members of the descent group. In other words individual members could not acquire absolute ownership with rights of permanent alienation of their share of the ancestral land by sale or other means of conveyance to aliens. However, Hoben writes that the communal nature of *rest* is tempered by the fact that individuals are normally entitled to a piece of land of the original ancestor and there was no collective occupation or cultivation of the ancestral land.[48]

According to Hoben, *gult* confers material advantages to and forms the basis of political power for the elite. It also plays a useful role in the administration of land and people occupying it. The bundle of rights which the state transfers to the *balägult* could include adjudication, governorship, and the right to collect tribute. Taddesse Tamrat also shares essentially the same view with Hoben as regards the role of *gult* in the administration of the country and adds that was equally significant in the system of military mobilization. The *bälägult* simply enjoy the right to tribute in the form of part of the annual produce from the land. They could not claim tribute as owners. Hoben writes that both *rest* and *gult* right extended over the same land and they complement each other as such: "It is fundamental importance to remember that *rist* and *gwilt* are not different types of land but distinct and complementary types of land rights."[49] Thus the exact scope of the right of the *bälägult* and the *restäñña* is somewhat blurred or is overlapping. These assertions by Hoben regarding the nature of rights of *rest* and *gult* have almost attained the status of the basic principles and have become "established" points of departure for analyses of class relationship and the land tenure system. Some differences of detail notwithstanding, this view is shared by a number of scholars, including Donald Crummey.

Crummey argues that in regions where the *rest* system predominated, *gult* was the tribute right exercised by the non-farming elite, and that the *bälägult*, in his capacity as pure tax and tribute collector, had absolutely nothing to do with the production process and with the land. He asserts, like Hoben, that the *restäñña* had mastery over the means of production and enjoyed absolute autonomy of production.[50]

However, in his study of the situation in Shoa, Tekalign explicitly notes the existence of a form of lordship called *mälkäññenät.* He distinguished three

varieties of tenure in *mälkäññenät* all of them entailing rights pertaining to a landlord and as good as manorial rights, with varying degrees of interference from the state. One form of *mälkäññenät* was held to the almost complete exclusion of the state in the relationship between the *mälkäñña* and the people and the land under his control. He described this form of *mälkäññenät* as one which "...entitled the holder to full manorial rights, including private and permanent ownership of all unoccupied land in the lordship, exercise [of] full administrative and judicial authority, and the retention of all tributes and legal fees from the landowners under his authority..."[51] What is important from the point of view of this study is that Tekalign writes of the *mälkäñña* as "lords" rather than simply as "officials".

Without abandoning the view that *gult* was essentially a tribute right Crummey further argues that the tribute right had acquired a character of property, being transferred by sale or otherwise without necessarily involving the state. In other words, the individuals at the receiving end of the buying and selling process could accumulate tribute rights over large amounts of property. Tribute rights were thus exchanged, negotiated, fought over, etc. The selling and buying of tribute rights over land (i.e *gult*) provides additional evidence to the argument that *gult* was a form of property. He concludes that, the insistence by scholars that *gult* was given and taken away only by the kings was incorrect, and that the *gult* holders exercised the right of transfer without necessarily obtaining the permission or sanction of the kings.[52]

However, although both Crummey and Tekalign agree that *gult* was a property right in tribute, they are not unwilling to see *gult* holders as landlords. They are among the major exponents of the thesis that peasants in the *rest* system had absolute control over the process of production including the right to cultivate and plant as they wished, the only limitations imposed upon them being meeting the tribute and tax demands of the *bälägult* and the king and providing service obligation associated with their land. Both do not have an priori objection to the point that the basic facts which determined the most crucial social relationships between the *gult h*older and the *restäñña* in the *rest* system was the transfer of peasant surplus to the latter in the form of tribute and tax.[53] Dealing with this point Crummey writes: " ...I will use *gult* in a generic sense to refer to all rights by groups or individuals to collect tribute..."[54]

However, the important point in his analysis for my purpose is his argument that the perpetuation of tributary rights gives *gult* a property character. He does argue also that the essence of *gult* rights conceived as tribute rights was not limited in the generic notion of surplus extractive relationships since the power of the *gultäññа* extended over specific rural lands.[55]

Another claim of Crummey on the subject of *gult* and *rest* is that neither refers to exclusive and absolute property rights in land. He argues that most often the land tenure system formed a combination and interlocking of the rights of the king, the *balägult*, the "descent corporation" and the individual peasant household. One form of tenure, he says, was contingent on the other. His definition of *gul*t and *rest* are identical to those of Hoben. He writes that "[*g*]*ult* was used as a term to describe the tributary system in general. Often, it functioned as a distinct form of property right on the same lands on which *rest* rights existed. In that case, neither property right would be absolute but each would be limited by the existence of the other."[56]

Both Crummey and Tekalign concur that the *restäññа* could lose his ancestral land. Both argue that in uprooting the cultivators the state needed to have sufficient grounds, to warrant the expropriation of the land by the outright exercise of what Tekalign calls the state's "reversionary right". This could happen for two important reasons. One ground, which could warrant the exercise of the state's, "reversionary right" or the eviction of settled occupiers is sufficient misconduct such as criminal or political offence, collectively or individually. The second cause of forfeiture of title to *rest* land according to Crummey and Tekalign is the default of payment of tribute and tax.[57] However, as it would be made abundantly clear in the pages below and subsequent chapters the *restäññа* lost their land during peace time and without committing any crime against the state.

Defining and delimiting the meanings and scopes of *gult* and *rest* rights, Merid writes that *gult* "has never been a form of land tenure"; it was, he says, only "a system of defraying remuneration for services out of taxes and tributes which could have been collected in kind. *Gult* rights only conferred partial usufruct rights."[58] He goes on to state that even *rest* right did not allow "absolute ownership rights on the individual. It has done so on the lineage or descent

group only."[59] According to Merid, though the individual members of the descent group enjoyed perpetuity of tenure they could not have an absolute interest in an allotted portion of the descent property in land. That was because the system limits their rights to mortgage, sale or otherwise transfer the land under their occupation. In other words, for Merid no individual member of the descent group could acquire the nature of absolute ownership over his or her portion of the lineage land with rights of alienating and selling. The justification for the inalienability of *rest* land, according to Merid, was the desire to preserve it for the needs of the present and unborn individuals in the line of descent; in his own words *rest* could not be alienated " because it belonged to the living and the yet unborn."[60] One could, of course, give out his or her land on terms of tenancy. Merid adds a few other points to his description of the *rest* system: one is that membership in a *rest* owning group could be obtained or acquired only through birth. The second is that there was no big private or individual ownership of land because of the workings of the *rest* system of land. Because of the *rest* system big holding of landed property melted away soon. The third point is that the most important and overriding interest of the village community and the lineage was to achieve solidarity: He writes in this connection that "Throughout history community solidarity and the *rest* system have been reinforcing and preserving each other. Individualism would have no place in the society."[61] The *rest* system also created conditions for excessive litigation and invariably acrimonious relationship among members of the descent groups.

For Merid *gult* was in all senses alien to the system of land holding. It was not a proprietary right in land. He boldly states that "The Ethiopian ruling classes, having no real property that needed protection, did not have laws that set them clearly apart from their subjects."[62] The right of the *restäñña* over the land is not infringed upon because of *gult* since the state could not confer upon the elite any property title thereon. Instead, *gult* holders were merely being allowed to collect and use tribute or taxes for varying lengths of time. Taddesse also argues that the *bälägult* was not equivalent to a landlord since his right did not extend to the soil. The ownership of the land still remained firmly in the hands of the peasants. They were simply officials and administrators.[63]

The general descriptions of the principles of land tenure summarized above, though based on some undeniable facts, are subject to qualification. The application of the customary law of land was tempered by many local

contingencies. The empirical evidence on the subject from the study area will suggest a view that contradicts some of the principles that are often stated as applying to all parts of historic Ethiopia.

At this point it will be apposite to mention the work of a scholar who represents a dissenting opinion on some of the issues from the established scholarship. Shiferaw Bekele, in a work that surveys the literature on land tenure, has convincingly showed the inadequacy of existing interpretations of the principle of land holding. In this illuminating and original piece, he calls for the need to question the existing interpretations by the established scholarship of the institutions of *gult* and *rest* " in its entirety."[64] I concur with Shiferaw as regards the question of the nature of *rest* and *gult* right. For Shiferaw *gult* implies more than merely administrative control over land. He argues that scholars have all too often confused *gult* holders as simply administrators by claiming that *gult* entails a right over tribute. In actual fact, when it was granting *gult* the state was transferring land to the full ownership to the grantee. It thus involves a proprietary right in land. He points out that although there are differences in certain peculiar details from place to place, there was a large measure of commonality in the basic principles and concepts pertaining to land ownership in Ethiopia. This was so particularly since the Gondarine period through the early twentieth century Ethiopia. Shiferaw concludes that "...in the Gonderine era, what was granted was the land rather than tributes only."[65] Unlike many scholars, he argues that the land so given by way of *gult* did not remain the property of the original cultivators or *restäñña.* There was no concurrent right of a miscellaneous character over land since it was individually or privately owned and the right of the *bälägult* and the *restäñña* were very clearly differentiated.

I will shortly describe the essential principles of land holding in the region under study based on original sources. Before that, however, let me make some general comments about the system in this region. First and foremost, there existed an institution, called *zègenät* that was concurrent with *gult.* This institution is more mysterious because its emergence is extremely difficult to date or trace with confidence and precision. Yet, for the period and area covered by this study, the description of *gult* and *rest* and the rights they entailed will be incomplete without a discussion of this institution. This is a point I will come

back to in latter pages. Secondly, the material on the exercise of *rest* rights suggests some modifications on the description of the institution contained in the general studies I have referred to above. These modifications, I believe, are historically very significant. Unlike the assertions made by many scholars, the *restäñña's* right was not merely usufructuary. The *restäñña* that my documents portray could scarcely be distinguished from a freeholder *on his portion* of what can be referred to the lineage land. That is, individual members of the same lineage group did not usually exercise concurrent rights over the specific piece of land and had clearly recognized rights with respect to land. Individuals, in other words, *did* exercise rights of ownership. In a number of cases total strangers acquired land from people with whom they had no blood relationship at all. This happened through various mechanisms like debt, adoption-related inheritance, etc. *Rest* land was always attachable to debt. It could thus be mortgaged, including to outsiders. Aliens could, therefore, acquire interests and rights over land that they did not have at first. Access to land was not wholly governed by the traditional canon of descent. Although members of the descent group might put some limitations on the exercise of individual rights, *rest* owners nonetheless exercised rights of ownership that gave them considerable freedom to do pretty much what they liked with their portions. In Chapter 4 I will discuss the extent and limitations of individual rights on land in connection with the modes of acquiring or relinquishing property.[66]

The other area in which the material from my area of study suggests new perspectives is in the area of taxation and its relationship to agricultural production. A variety of conditions related to taxes and tribute, including unpaid labor, limited the freedom of peasants in agricultural production. Evidence from charters in nineteenth century Eastern Gojjam indicate that peasants had to produce certain types of cereals or convert what they produced into products that were acceptable to the state or the *bälägult* as part of taxation.[67] Thus, the decision about what to plant was not only or always governed by the nature of the land itself but also to some extent by the needs and expectations of the ruling class.

There is also considerable evidence from local documents on unpaid and forced labor. The state and the *gult* holders for various activities and purposes employed the labor power of the rural farming population. Both the amount and

the exact nature of the labor service are stipulated in very precise terms. The peasant not only paid tribute but also had to spend extra days working on the *hudad*, the field directly owned and managed by the lords, for the latter's personal benefit. As indicated in the land charters, peasants were required to cultivate, weed and harvest crops on the *hudad* lands of their lords.[68] Peasant labor was also employed for the building and repairing of churches and the houses of lords .[69] The diversion of the labor power of the peasant almost certainly affected the process of production, since labor was among the key elements in the process of production.

Sources that I use in this study are chiefly land grant charters and land documents that have come down to us from the period under study. The making of land charters to corporate institutions and individuals was a general practice in the Gondarine period and subsequently. We come across a great many examples of it in practically the whole of Eastern Gojjam in the eighteenth century and afterwards.[70] Even prior to the Gondarine period; the drawing up of land charters was a common practice.

However, although big churches and monasteries were built prior to the 16th century, no land grant documents dating to those times have been found for the region under study. This was mainly due to the destruction of documents, along with churches and monasteries, by the forces of Ahmed ibn Ibrahim (referred to in the traditions as Gragn) in the 16th century. In terms of form and structure, these ancient land grant charters might have been similar to those of other areas in the country. Huntingford has published land grant documents for northern Ethiopia. He delineated some six clauses which the charters commonly contained. These are a) invocation b) the name of the grantor as well as the grantee c) the purpose for which the grant was made d) sanction against trespass of the grant e) list of officials at the time when the grant was made and f) immunity clause. *Gult* grant was made both for individuals as well as institutions mostly in perpetuity and as hereditary.[71]

The charters of the eighteenth and nineteenth centuries from the area under study share a number of common elements with those described by Huntingford. However, they also have some distinctive characteristics. Particularly notable is the detail to which they go with regard to the rights of the

grantees, the obligations of the peasantry, the administrative and judicial rights of individual grantees (holding land on behalf of the church), the obligation of the grantee towards the church, etc. Besides, as I have alluded to above, charters made in the 18th century and afterwards speak about a distinct class of landless people called *zèga* and a form of tenure called *rim* .

The earliest and the most important of the charters from Eastern Gojjam for the period under study is the land charter made out in 1767 for the church of Mota Giyorgis. It was made by Wälätä-Isra'el (daughter of Empress Mentewab, wife of Emperor Bakkafa (r.1721-1730). The scope of the rights of the *bälägult* is defined in this document with unusual clarity. This land document is drawn very carefully and precisely in such a way that it does not create loopholes for differing interpretations and meanings regarding the rights of the lords with regard to land. For instance, the charters virtually exclude the peasants from interfering with the exercise of rights by the grantee on the portion of land that he/she had been given. We find the right of the grantees being the same as those of the *restäñña* over the *rim* land in respect of user and occupation and any disposal including alienation.[72]

As indicated above, one of the most important forms of tenure that we find in the land charters is *rim* land. The distinction between *rim* and *gult* is obscure. Sometimes, grantors drawing charters use both terms interchangeably. There seems to be a consensus among scholars that in the northern provinces including the one under investigation, *rim* was basically a church tenure and the land was obtained by turning the *rest* holdings of peasants to social elites on behalf of the church. The peasants lost considerable part of their land to churches by this form of tenure and many were made tenants on lands which had been their own originally.[73] *Rim* land given in perpetuity was free from many restrictions unlike a conventional *rest* land over which many concurrent miscellaneous rights exist. The *rim* holder had the right to remain and transmit their holdings to their offspring and the only right that the Church had over such lands was reversion. It was not a right over the land of another. A *rim* holder could sell part or all of it; the only limitation imposed being to meet his obligation meticulously. Once land was granted to an individual or an institution (like the Church) the state did not interfere further. The only rights that remain

are “reversionary rights”, exercised when and if the grantee defaulted on his obligation.

The generic name for individuals associated with the church and holding land from it was *däbtära.* The category included ordinary people as well as prominent noblemen and women. The division of the land between the *däbtära* and the *balärest* was carried out on two-third, one-third basis. Two-thirds of the land was transferred to the *däbtära* and the *balärest* retained the remainder of the land. It would be stipulated on the grant charter that the *däbtära* would have a right to possess and cultivate the two-thirds of the land formerly owned by the *balärest*. It was thus not just a right on the revenue from the land of the *balärest* that the *däbtära* were given; it was explicitly ownership of the land that was transferred to them. The *däbtära* can either cultivate his share of the land by himself/herself or settle his own people called *zèga* and collect rent.[74] The rights of the *däbtära* were not limited to a specific period of effective occupation; nor were they restricted in respect of succession and therefore transfer. The charter allowed full rights to the *däbtära* to dispose of their share, including alienation by sale. Subject to performing all their obligations they enjoyed definite security of tenure .[75]

The *balärest*, besides surrendering two-thirds of their land to the *däbtära*, were still liable to provide labor services to the church. The charter further confirmed and reinforced the rights of ownership by laying dawn certain conditions concerning encroachments (through dispossession or other means). If the *däbtära* encroached on the *balärest* land he would be, like the *balärest*, liable to provide labor services to the church. On the *balärest* lands, appointments to the office of č*eqa-shum*, the lowest position in the administrative hierarchy, would be made from among the *balärest* peasantry. However, the *čeqa* was forbidden to collect taxes on the *däbtära* lands or even to enter the land of the latter in any official capacity. [76]

I must point out here that treason, or failure to meet the tax demands of the state, were not the only grounds for expropriation of the peasantry. Rulers were in a strong position to take over or reallocate lands of the *restäñña* under all kinds of pretexts and there were probably many unjustifiable ejections of the *balärest*. The property rights of the *balärest* peasantry were thus very precarious

and could be easily violated. Peasants could loose their *rest* rights in land in peaceful times, not necessarily in war. They could be made to surrender a good part of their lands to the lords even without committing individual or collective crimes against the state. The establishment of big churches was generally accompanied with major land redistributions that led to near total expropriation of the peasantry in areas around the new churches .[77]

The charter of Wälätä-Isra'el seems to have served as model for many similar charters and land grant documents to churches and monasteries. Virtually all of the 18th and 19th century land charters as well as those pertaining to churches of recent foundation imitated the land charter of Mota Giyorgis church.[78] Despite some differences, the principle of two-thirds for the *däbtära* and one-third for the *restäñña* prevailed. The structure of the Mota Giyorgis charter was copied in subsequent charters almost verbatim. Charters multiplied in the following century. The principle of division of the land of the *balärest* on the one-third and two-thirds basis was ostensibly taken as "normal" by the peasantry. Though we can not rule out the possibility that land grant documents and charters were open for contestation and disputation there is no record, oral or written, on the basis of which we can talk about resistance. Thus, it seems that the one-third/two-thirds principle was taken as normative practice both in the written documents and in the mentality of the public at large.

It would helpful to cite a typical example of land grant charters that I will work with in this thesis in order to set the general framework in which the economic and social positions of lords and peasants evolved in Eastern Gojjam. This charter pertains to a grant of land to the church of Däbrä-Marqos by *Nigus* (King) Täklä-Häymanot of Gojjam (1881-1901]. The pertinent sections that I quote below suggest the pattern established by Wälätä-Isra'el for the Mota Giyorgis church: [79]

> ...In the lands given for the support of Däbrä-Marqos when he (Täklä-Häymanaot) established the *däbtära* he said the *däbtära* shall have two-thirds and the *balärest* one-third of the land. The *däbtära* shall have authority over the *zèga* whom they settled both on their two-thirds [share of] land and on their residential sites. ...The *aläqa* or the *liqätäbäbt* [of the Church] shall not interfere [with his rights] except in cases involving homicide, adultery and theft. Any transgression of this on the part of the *balärest*, the *däbtära*, or the officials, and such transgression leading to

> the takeover of the properties of one party by the other, shall be punished by a fine of fifty ounces of gold. On the *sisso* [lands of the *balärest*] there shall be no obligations except work [in the erection or repairing] of the church [building]; payment of the holiday dues and work on *Mahibär bèt*. The position of *liqätäbäbt* shall be occupied by none other than persons who have *rim*. The *čeqa* shall be appointed from among the resident [*balärest*].

The following observation can be made from the quotation above. The *gult* that was granted was in the form of ownership right rather than a mere right over the tribute. It is explicit in the charter that the *däbtära* would not have any tributary relationship with the *balärest*. Both were awarded clearly recognized rights and obligations over separate pieces of land. Administrative powers were also clearly defined in ways that would not confuse the areas of competence of the *däbtära* and of the church officials. The *restäñña* retained one-third of his land and two-thirds of the land was surrendered to the *däbtära*. The *däbtära* were entitled not to the product of the soil but to the soil directly. The *balärest* were expressly forbidden to lay claim of *rest* on the land so alienated from them. The implication is that *däbtäras* who could cultivate their lands if they could do so by themselves and those who need additional labor could settle *zèga* of his or her own choice. This indicates that the rights of individual *däbtära* are not only specific but also exclusive. The state had arrogated to the *däbtära rest* rights over two-thirds of the land formerly exercised by the *balärest* through direct expropriation. Whatever rights still remained of the latter's status as a descendant of the first occupant would now be limited to a third of the land.

What all of this indicates is that the *balärest* could easily be disinherited. Moreover the land granted to the *däbtära* was not granted on a temporary basis. It does connote permanent ownership rights since it allows the individual *däbtäras* to settle their own "subjects" over both their respective rural lands and homestead sites. [80]

The *däbtäras* established over the two-thirds of the land could discharge the responsibilities and obligations attached to their tenure by putting together money to pay for the clergy or to hire someone to provide the services to the Church on their behalf. Their tenure could not be disturbed unless they ceased to perform service to the church. Their property right over two-thirds of the land

was apparently given in perpetuity and was transferable to heirs. Therefore the right of the *däbtära* over the land is in the nature of ownership though we could not say it was an absolute property. They (the *däbtäras*) were granted exclusive ownership of the land as a separate and individual title. They could also give or sell part of their land to others by means of a deed of conveyance in which they represented themselves as owners. It should be mentioned, incidentally, that the king had instituted an office for the sole purpose of recording land transactions involving the *däbtäras* and others. [81]

To sum up, the *däbtäras'* right is proprietary. Not only did they enjoy unrestricted rights of use but also full powers of disposal. There is a strong safeguard against dispossession in the charter since it provides for the punishment of other parties that might try a forceful expropriation of the *däbtära*. If any of the parties attempted to expropriate wrongfully (the land of the *däbtära* or the *balärest*) or committing any attempt of forceful ejection of one another's land, each was liable to a fine of 50 ounces of gold.

The charters like the one quoted above did not usually limit themselves to recording the names and the obligations of the *däbtära* and the location and size of land allocated to the latter. They also defined the relations between the lord and his subjects referred to as *zèga.* The *zèga,* it appears, were very similar to serfs although not exactly. The social distance between the *zèga* on the one hand and the *balärest* and the *däbtära* on the other appears to have been wide and significant. The fact that the *zèga* were left under the complete jurisdiction of the *däbtra* and that they were settled from elsewhere over the two-thirds of the *däbtära* land and residential sites are indicative of the wide social distance separating the three (*zèga*, *däbtära* and *balärest*) and the big difference in the status of the three interacting groups. Thus the *zèga* constituted a single category of humble and near personal dependants who were bound to the lord in some measure and to his land in particular. The power of the lord over the *zèga* was more pervasive and strong. Unlike the *balärest* (also called *baläsisso*) who were immune from interference on their *sisso* land and also enjoyed the right to be tried in the court of the *aläqa* and the *liqätäbäbt*, the *zèga* ,however, were almost completely subject to the jurisdiction of their individual lords. The charter did not allow the *zèga* to have recourse to a third party in relation to the

däbtära in all civil cases. Only criminal cases involving the *zèga* were reserved for hearing by courts above those of the *däbtära.*[82]

What the *zègas* depended on for their sustenance is difficult to say with certainty. Obligations of social and economic nature that the *zèga* owed the lord were not defined in the charter. In the arrangement made by the *däbtära* and the *zèga* custom may not require any written agreement between them or it was left entirely to the discretion of the lord. Presumably, there were certain rules that customarily determined the limits of the obligation of the *zèga* to his lord. It is possible to conceive that the *zèga* was remunerated for his service in either of the following two ways. Either he would be given a plot of land that he would cultivate for himself or he would take a share of the harvest on the land of the *däbtära* . Whether or not the *zèga* settled on the *bota*(homestead site) of the lord appears to have made a difference. *Zèga* who lived on the *bota* of the lord in Däbrä-Marqos and cultivated small plots to sustain themselves were closer to a farmhand, particularly so if the lord lived on the farm.[83] *Zèga* who did not live on the *bota* of the lord or who made arrangements of crop sharing with the lord were closer to a tenant. Nonetheless there were additional obligations and conditions that would not allow us to reduce the *zèga* to either a farm hand or a tenant. For the purpose of appreciating the nature of the institution of *zègenät* we need to refer to other sources containing information about the *zèga*.

The existence side by side with the *balärest* of groups specifically described as *zèga* is frequently attested to in late 18th and 19 th century texts. Informants unanimously and widely acknowledge it as an important institution in the region.[84] The institution of *zègenät* was such an important and universal phenomenon in the region that princes and princesses granting charters found it necessary to devote space to it in the charters. Almost all of the 18th and 19 th centuries land charters involve clauses that define the general context within which the *zèga* and the *däbtära* might work out their relationships. [85] Many tantalizing additional details about this institution are also found in the manual for three monasteries and in the works of Täklè.[86]

It is striking that these various facts and information contained in these sources, most of them mutually independent and separated both by time and space, are in perfect accord to each other in characterizing the institution. But

before going to discuss the various sources that give us information about this institution as it existed in Eastern Gojjam it might be useful to distinguish it from social arrangements or social units in other regions to which the same term had applied.

As far as I am aware this institution does not appear in specialized studies except that of Tekalign's work on the district of Bacho in Shawa. He also mentions it briefly and as a sideline story in his discussion of land measurement and distribution towards the close of the nineteenth century. The *zèga* here appear side by side with *gäbbar* in land measurement documents. The Shawan use of the term appears to conform to the same concept of dependence as used in Eastern Gojjam. Both the Ge'ez dictionary and oral poetry pin down the term *zèga* in exactly the same way. The direct dictionary meaning of the term *zèga* in the Ge'ez dictionary of Kidanä-Wäld Kiflè is that of a subject people. Kidanä-Wäld defines becoming a *zèga* or "*መäzèg*" as "*መäገäዘድተጫ መäወድረäደ*" -which translates to mean- beng humbled or lowered." [87] According to informants the term *zèga* was used to refer to a highly impoverished person. The humble position of the *zèga* is testified by the saying, which runs as, " *መäደጽቀሥ የጽነäለመድለ በäጽ፫ሯጫ ዘèገጽተሥ የጽከäበረመድለ በäለጽ፫ሯ*" -which literally means "one who falls down rises with the help of ones hands, one who becomes *zèga* (lit.poor) can become wealthy [only] with the help of ones children."[88] The semantic analysis of the term *zèga* by Tekalign in the modern Amharic dictionary connotes or translates to mean a "subject people" or "colonized people." [89] In explaining the Christological debate within the Ethiopian church Al*ä*may*ä*hu Mog*ä*s states the position of the followers of the *Qebat* sect on the nature of Jesus Christ as "*በäተäመድህደሥ ዘèገድጫ ደäህäየä ከäለጽገድ ሰዥመäህäደ የäበድህጽረè ከጽበረጭነ ድተድጫ ለäቀäቀäጫ ሰዥቀäበድ ገጽነ መäደä ተጽነተ ከጽበረጭ ተäመäለäለäሯ*" which literally means: "At the moment of incarnation (union of the human and divine nature]the Word become *zèga, and He,therefore, is disgraced and lowered Himself. He lost His divine nature because of the Union. However, because of the Unction He was restored to His eternal glory"* (emphasis added). [90] This is very close to the meaning given in the Ge'ez dictionary. It is exactly in the above sense that texts used for this study generally characterize the *zèga*.

Tekalign found out that despite the difference in nomenclature there was an absolute uniformity in essentials of the rights and obligations of the *zèga* and the *gäbbar* in the period and the region he studied. But what is important from the point of view of this study is that Tekalign argues that despite the similarity in the obligation between *zèga* and *gabbär* the former carries a certain social status and distinction from the latter. This arose from the application of the term to a specific group of people despite, that is, the similarity of the group with the *gabbär* in terms of their obligations as landowners. The term thus carried with it some degree of lack of *social* rights and privileges for the group that it denotes. Tekalign found out that in the various numerous layers in which the scribe classifies tenure during land measurement and allocation the two terms *zèga* and *gäbbar* are used in completely different contexts. Though he is not very much explicit in identifying the conditions leading to the distinction between tenure in *zègenät* and *gäbbar* Tekalign had clearly identified one important circumstance leading to the use of the term *zèga* in the land documents he analyzed. Interesting in Tekalign's interpretation of the archive is that the distinction between *zèga* and *gäbbar* was not contingent on the measurement and allocation of land but predated it. He writes that the term *zèga* was used to refer to the native population whose occupation of the land predated the arrival of the Shawan overlords in the Bächo area, in Shawa. However, the distinction is neither cultural nor legal but was analogous to subjects and involved accepting new terms of relationship between the former occupants of the land the state or the new lords. With the virtual expropriation of their land the status of the indigenous people was transformed. The state sold land to them, which had once been their own on terms of payment of rent or tribute by the latter to their new overlords.[91]

The state sold land to the indigenous communities in disregard of their right of former occupancy and which might otherwise have possessed in virtue of their being native. The term *zèga* was, therefore, used to describe the indigenous people to distinguish them from the new settlers, and the former gained this status by virtue of their long residence in the same place. Thus many of the people around Bächo who were indigenous to the area became subjects on lands which were once their own. Tekalign's study also shows that the term *zèga* was used in another more diffuse sense to refer to people, including strangers, who had come under the lordship of a certain person. The lord, referred to as

mälkäññа (lord), might have lured the *zèga* to their lordships by selling to them parcels of land for the continuous tenure of which the latter might be required to pay rent or tribute, as the case may be. On the occasion of land redistribution the *mälkäññа* served as a trustee on behalf of the *zèga* in determining the amount of land to be reserved for the *zèga*, both stranger or native.[92] From Tekalign's study, it can be concluded that though there are peculiarities of details there are some similarities of concept in the tenure of *zègenät* in both Shawa and Eastern Gojjam. The principles, in other words, are basically similar in both regions. First both in Shawa and Eastern Gojjam the *zèga* seem to have been constituted at times of chaos or shortly afterwards. Thus the explanation for the emergence of the institution of *zègenät* has to be sought in chaos and virtual or near virtual expropriation of the natives. However, in both Shawa and Eastern Gojjam the right of the previous occupiers of the land was recognized in some measure. In the case of Shawa they were allowed to resume their occupation through sale by the state of a portion of their former land, in the case of Eastern Gojjam the tenure conditions of the *zèga* varied from time to time. The *zèga* in the 17th century were allowed to retain one-third of their former holdings [93] while those in the 18th and 19 th centuries are depicted as completely landless. Broadly speaking the other element of similarity between Shawa and the study area (probably more so in the latter) is that the *zèga* might have lived under the lord of the area to almost full exclusion of state interference in the relationship between the two.[94]

However, despite a certain degree of similarity there are many important differences in the essentials of the institution of *zègenät* in Shawa and Eastern Gojjam. First, as it would be made abundantly clear in the subsequent chapters, the term *zèga* in Eastern Gojjam, unlike in Shawa, refers to a distinct class of people under the complete subjugation of their lord particularly in late eighteenth and nineteenth centuries. However, in dealing with this point for Shawa Tekalign says that "...despite its apparent connotations of a socially subordinate group, no direct inference can be made from the term itself to argue that *zèga* denoted a particular community of people..."[95] Secondly, in Eastern Gojjam, unlike in Shawa, the *zèga* class had no legal personality. They did not have full rights even over their dwelling places and valuable moveable property. Unlike in Shawa the *zèga* in Eastern Gojjam could not hold land in their own right, although that right, as pointed out above, was recognized prior to the

eighteenth century.[96] They could have parcels of land for their private cultivation and sustenance only if the lord was willing to give them. Moreover the tenure in *zègenät* seems to have had long duration in the study area than in Shawa. There are many other important differences between the tenure in the *zègenät* in the two regions. However, space would not suffice to discuss all of them here. It is apparent, however, that the peculiar features of the institution of *zègenät* in Eastern Gojjam justify investigating it as a fundamental element in local social structure. The failure of this institution to appear in the literature of other regions is either because of its marginal incidence or lack of research and attention to it by scholars. There is no doubt, however, that further research is necessary before *zègenät* is stated as a pan-Ethiopian institution with local variations or an institution significant only in Eastern Gojjam and some parts of Shawa.

For Eastern Gojjam, the institution of *zègenät* sheds great light on the nature of social classes and the agrarian and property relationships between lords and farmers. When we scrutinize the sources on the institution of *zègenät* a few dominant features stand out from the various descriptions and references. It was a form of near servility which kept the *zèga* immobilized even though it is not very clear whether he was tied to the lord or to the soil.[97] That he might have been tied both to the lord and to the land should not be ruled out, even though this might not enable us to make a direct comparison between the *zèga* and the European serf.

In some cases land charters converted many villages into lordships, with the peasantry on the land converted to *zèga*. When this happened the peasantry on the land were sometimes given the option of either continuing to live on the land as *zèga* or of leaving. In other words, if the old inhabitants refused to be treated as *zèga* the land charters empowered the landlords to evict the old peasants and settle new ones.[98] With the granting of the charter to the lord, the opportunity also arises for the lord to define the obligation of the *zèga* to himself. This means that the *zèga* could be subjected to more or less onerous terms pertaining to the disposal of labor and their produce. The *zèga* would therefore be deprived of some of the rights that come with a full and absolute control over the means of production. Like the terms of engagement as *zèga*, the terms of separation could also be more or less onerous. The latter could include loss of

control over his dwelling or important movable property. The lord could take every thing from a departing *zèga* , including items like his bed, his stone mill, his pestle and mortar and *gan* (very large jar). In fact, these items seem to have constituted a standard list of items that would be forfeited by the *zèga* when and if separation is permitted. It is from these varying terms of "separation" or "severance" that one infers the degree of immobilization of the *zèga* , not from a legal stipulation that they are immobilized. Such a legal stipulation did not, in fact, exist. While we can theoretically say that the *zèga* enjoyed freedom of mobility, this theoretical right would be as good as non-existent if mobility involved loss of virtually everything, land or other property.[99]

In many specific cases that I have studied, the *zèga* were subjected to very onerous terms. In fact, one can say that they were no better than serfs. The lord employed the labor power of the *zèga* on land that has become his. Thus the dependence of the *zèga* on the lord was structured in the production process. In the manual for the officials of the three monasteries of D*ä*br*ä*-W*ä*rq, Gethsemane and M*ä*qd*ä*sa-Maryam (the location of the last mentioned is unknown to me), the *zèga* are listed lower down in the social scale along with people whose livelihoods derived from doing menial jobs. The rule required masters and lords residing in the town and monastery of Däbrä-Wärq or absentees who owned land in the town to register and notify the church officials of the number and names of their children, servants and *zèga.*[100] This is indicative of the humble status of the *zèga*.

Because of its importance for understanding the patterns of production and in order to better locate the position of a class in the overall system of production it would be necessary to show the development of the institution of *zègenät* in the specific context of lands or areas covered in my sources. Wälätä-Isra'el employed the category of *zèga* because a foundation had been laid for it earlier although sources prior to the second half of the eighteenth century are unclear or silent on the subject. The first explicit mention of the term *zèga* is to be found in documents dealing with the rebellion of the senior military regiments called *Querban* and *Mizan* against Emperor Zä-Dengel in the early 17th century. The condition that led to the revolt was the famous decree of "*meder gäbbar wäsäbe härа*" which Crummey has translated as " Man is Free and Land is Tributary". This situation is expressed by a document recording the events as follows "The soldiers called *Querban* and *Mizan* and *Ras* Z*ä*-Sellas*è* revolted against Emperor Zä-Dengel because of the decree he issued that says "Man is

free and land is tributary". Their (the soldiers') *zègas* [had] rebelled [in consequence]. [Therefore] They killed him [the king] with a sword at Bärch, in Dämbya." [101] Here the term *zègas* is undoubtedly a reference to peasants cultivating the lands that the soldiers believed to be theirs. For the peasantry the decree freed them from obligations to the soldiery and they rose in support of it. For the soldiery it threatened to take away their social and material privileges and they drove them to a rebellion that led to the killing of the king. With the killing of the king the decree was prevented from implementation. Crummey has explained these events in terms of class struggle. He has provided an excellent analysis of the events surrounding the decree. Though he is unaware of the existence of the institution of *zègenät* or the importance of the term *zèga* and its far-reaching implication, Crummey considers those peasants who stood against soldiers as serfs. He writes that the decree sought to abolish serfdom.[102] Be that as it may; the mention of the term *zèga* in the 17th century testifies that the institution already existed prior to the 18th century.

Täklè traces the origins of the institution of *zègenät* to the 17th century.[103] This dating accords with the time during which the royal court and its entourage had a temporary presence in the area of present-day Eastern Gojjam and the Lake Tana region. It is this royal presence that seems to have created the situations that led to the emergence of *zègenät* . The monarchy had a number of political and social problems to attend to and correct in the region. Some of these problems dated from the sixteenth century and the early decades of the seventeenth century. Beginning from these early times, Eastern Gojjam had become to all intents and purposes a refuge for a variety of people fleeing the Oromo, who had moved into many parts of what is today southern and central Ethiopia. One of the most important movements of population into Eastern Gojjam induced by the expansion of the Oromo was that of the Gafat.[104]

There were already significant communities of Gafat in the region whose background and conditions of settlement in the region is not very clear. It is not also clear what specific readjustments have to be made to accommodate this new wave of Gafat who fled their homelands under the pressure of the Oromo. It is not clear if the Gafat moved into the region as conquerors or as refugees seeking shelter. Their impact on the distribution of land as conquerors would obviously have been different from their impact as disorganized refugees. But

the Gafat were not the only group whose increasing presence in the region was complicating the ethnic, social and economic picture in the region.

The Oromo also pushed into the region in the heels of the Gafat. Although the coming of the Oromo might have had military dimensions, it is also possible also that significant numbers were settled in the region as followers and supporters of Christian princes like Susenyos who have had extended periods of adventure among the Oromo. [105] It is important to keep in mind, however, that as this ethnic and social picture was getting complicated through migratory waves that brought the Gafat and the Oromo into the region, there were pre-existing communities that were struggling to maintain control over resources and as far as possible to regain control from these later-coming groups. Equally significantly, there were military elements (collectively referred to as *čewa*) whose presence in the region is related to the attempts by the monarchy to re-establish control or limit further incursions by the Oromo. Some of these *čewa* might have been recruited from local populations but many must have been brought in from other Christian territories.

It is also important to keep in mind that these waves of migration and subsequent struggles over land were taking place within a relatively short period of time, so that one can refer to the decades between the late 16th and mid 17 th centuries as a half-century of chaos and disturbance. Some of our documents give brief but significant indications of how land had become dear and expensive during this period. For instance, a general of Emperor Fasiladas by the name of Asgader (whom we will meet later in relation to his role in the reworking of the tenure system) is said to have built a church at Zewa, around the upper course of the river Muga, and endowed it with land that he purchased for fifty ounces of gold. This is a fine testament to the fact that land was becoming a commodity and more scarce than ever before. Incidentally, the church was burned down and remained in ruins till the early eighteenth century when a certain *Däjjazmach* Amonyos rebuilt it. [106] It is also interesting that, as further indication of the scarcity of land in the region, the land that was formerly the endowment of this Church was later distributed among seven notables, referred to in our sources as "*mäsafen[ts]*" [noblemen and princes].[107] It was thus not only individuals but also churches, not only the Gafat and the Oromo but also the *čewa*, not only ordinary people but also members of the elite who lost and gained lands during these unsettled times. It is thus to bring order to the

complications brought about by these chaotic conditions that the arrangements of the mid-17 th were undertaken.

Täklè credits *Ras* Asgader, the governor of Eastern Gojjam under Fasiladas, for the settlement of the confusion through a new redistribution of land. Asgader apparently had a personal stake in the reorganization, for he also settled his own followers, one thousand strong cavalry and another one thousand strong infantry.[1 08] The *Ras* established many local ties by creating *gult* lands for himself throughout the region.[109] It is difficult to work out the principles that governed this redistribution of land. We know that in some places, as in the districts of Enn*ä*bs*è* and Enn*ä*se*è*, previous or "ancient" owners of the land were recognized as *aroge tasari*, (former grantees) and allowed to retain control over all or part of their holdings. Though the scarcity of the sources inhibits us from making categorical statement it is very likely that the *arogè täsäri* might have been on the land from before the sixteenth century.[110] However, a recognition of their tenure rights did not mean that they were totally untouched in this reorganization of tenure under Asgader. The might have been removed from certain pieces of land to be resettled on some others.

The most significant development in this reorganization of tenure, however, was the reduction of a considerable number of the peasantry to the status of *zèga*, associated with the loss of rights of ownership on land. The one common denominator of all *zèga* was that they were not recognized as full owners of land. In terms of social origin, they could have come from any of the communities that inhabited the region at the time, Gafat, Oromo or Amhara. There were places in the region in which even the pre-sixteenth century owners lost control over land. Täklè notes, for instance, that some 367 people of Gafat origin in Bibuññ, located to the southwest of the town of Mota, were expropriated and made "*gäbbars*>> and their descendants remained in that status right down to the nineteenth century. His information suggests that the lands were actually transferred to the crown, from which it was subsequently passed to "the eight royalty" (*simintu zufan*).[111] This eight royalty, according to tradition, referred to the eight children of *Ras* Be'elä-Christos who was a cousin of Susenyos and an important official of his court.[112] "*Y äzufan-agär*" consisting of lands of this kind, as well as "*Yäwäyezäro-agär*" (referring to lands passed on to female members of royalty) were found in many parts of Eastern Gojjam and Damot.[113] The grant

involved the right of use and it was heritable. Almost all of them apparently date from this redistribution of tenure in the second half of the seventeenth century and some of them date from early times. The female descendants of medieval emperors (like Lebn*ä*-Dengel) owned these lands and their descendants retained it till the nineteenth century.

Thus the central element in the redistribution of land under Asgader was that many of the former peasants, indigenous to the area, become subjects on lands which were once their own. Not all of the peasantry were completely dispossessed however. Some, according to Täklè, were allowed to retain a third of their former land and live under the jurisdiction of their lords. The *zèga* who were completely dispossessed might have been descendants of the relatively recent settlers in the region, particularly descendants of the Gafat. Thus a hereditary taint was attached to the *zèga* class. This, at least, is what we can tentatively gather from Täklè's account.

As I have pointed out above, the status of *zèga* involved not only losing land or retained only a portion of it, but also of accepting the new terms of a relationship with the new lord. Even *zèga* who retained a third of their former holdings were subject to new terms of relationship with the lord, and their tenure was made conditional. It appears that a large number of the Gafat who refused to continue to live in the region as *zèga* left the area and moved into the neighboring regions like Gondar and Wallo.[114]

From the foregoing it is apparent that the creation of the new institution of *zègenät* owes itself to two concomitant phenomena. One was the scarcity of land, creating pressure on particular plots of the available land and making eviction necessary to create room for new settlers. The other was the fluidity of local conditions as a result of the unsettled conditions since the sixteenth century. This later phenomenon created the overall conditions under which the reorganizations and the evictions were justified.

Our sources suggest that land tenure in Eastern Gojjam attained a greater degree of stability since the reorganizations under Asgader. Whatever readjustments were made afterwards were minor and insignificant. That is why a detailed study of this major reorganization is necessary. In the following

chapters I attempt to do this and to delineate the social contours that the resultant tenure system created.

Chapter two

Gult lords, *Zèga* and the *Balä-rest*: The structure of the society in Eastern Gojjam, c.1767-1874.

2.1 *The Zämänä Mäsafent and the Property System*.

There seems to have been a very close relationship between political changes in the country and changes in the property system. The chaos and insecurity of life in the 17th century, as we have seen in the previous chapter, probably led to the emergence of the institution of *zègenät.* Likewise in the period known as the *Zämänä Mäsafent*, or shortly before, some departure from the pre-existing mode of access to land seems to have started. Many factors brought about changes in the system of rights over land. Although politics is not the major concern of this thesis the wider trans-regional political context should be analytically incorporated into an examination of the dynamics of change in rights over land and consequently in the socio-economic relationships between lord and peasant.

The 18th century, especially its second half, witnessed extensive wars and the ascendancy of regional lords. The power of the monarchy had collapsed almost completely and provincial lords had become virtually independent. There are two perspectives that have emerged among Ethiopianist scholars regarding politics and the nature of the state during the late 18th and early19 th centuries. Some scholars had emphasized the disintegration of the state and the division of the country into regions during the Era of Princes.[1] Others have expressed doubt about these sweeping conclusions. Shiferaw Bekele, whose work represents this critical perspective, has disputed the thesis of the collapse of the state. There were, according to him, many features of the political structure that the *Zämänä Mäsafent* had inherited from the previous centuries.[2] My information on Eastern Gojjam for this period shows, however, that at the local level the *Zämänä Mäsafent* brought about significant changes. To begin with, the regional ruling houses were able to make increasingly direct intervention in the tenure systems, so much so that in some places they embarked on a thorough redistribution of property. Secondly, the new terms of access to land favoured the lords over the

peasantry because the obligations of the latter were increased considerably or at least the documentary records show the attempt. [3] These changes represented a marked departure from conditions in the days of monarchical power. The monarchy before its collapse in the 1770s appears to have curtailed the capacities of local rulers to intervene in local property and tributary relations.

Meanwhile, in Eastern Gojjam a regional dynasty had established itself in the second half of the 18 th century. The significance of the *Zämänä Mäsafent* was that, therefore, it afforded this local dynasty an opportunity to redistribute property and through that to strengthen its position. By far the best evidence supporting the disappearance of state interference in the relationship between lord and peasant in the study area is the fact that the local dynasty went about distributing as well as defining the forms of tenure with little regard for or reference to the imperial centre. These redistribution and redefinitions were made in almost complete disregard of extant charters that invoked the names of the ineffectual kings at Gondar (the imperial capital). What all of this entailed was the erosion and in some cases the revocation of the rights of the peasantry over *res*t lands.[4]

Gult grants thrived during this turbulent period. Some big churches were founded and many old churches were endowed**.**[5] Most of the pertinent documents regarding land date from this period. Local rulers also became big landlords in their own right. Their enhanced political status vis-à-vis the monarchy was thus accompanied by their growing interest in agriculture on lands gained through eviction. For instance, *Ras* Häylu I (r.c.1770 -1794) who was the ruler of the whole region of Gojjam, including the area of study, had concentrated large estates in his hands during this period. He apparently put to work gangs of *zèga* with as many as five hundred pairs of oxen. According to information collected by Täklè, Häylu acquired his land through outright eviction of the *restäññ*a as well as local notables. This suggests, with out doubt, an increasing arbitrariness with regard to *rest* land on the part of local rulers.[6]

Täkle, our source for this information, also writes of landless Muslims who Häylu transferred from elsewhere and resettled as labourers on his large personal estates. The economic and cultural segregation of Muslims, which prohibited them from owning land, and the outright expropriation of the *restaññ*a by the

lords, appear to have led to the creation of economic disparities, especially in making available landless agricultural labourers for the cultivation of big landholdings like those of Häylu. Häylu reportedly stationed soldiers on the lands that he took over by outright expropriation to supervise and make sure that the *zèga* who worked the estates were effectively supervised. The extensive interventions of Häylu in local land matters, particularly his revocation of the property rights of local notables, apparently created considerable and rather permanent tension between him and other elite types. Häylu's land policy earned him the enmity of the elite so much that, at least on one occasion, that latter are said to have organized an abortive conspiracy to kill him.[7]

The eighteenth century is also notable for a rise in exchanges involving land. Given the fact that the buying and selling of land in the context of the rest system was generally an exception rather than the rule, the substantial frequency of land sales during this period constituted a veritable revolution. Our sources for Eastern Gojjam show that it is roughly from about the middle of the eighteenth century that men from all walks of life started to engage in buying and selling land, both urban and rural.[8] Trade in land of such intensity had no known precedent in Ethiopian history.

The charters from Eastern Gojjam also contain clauses allowing grantees the right to dispose of *rim* lands and town lands by sale, indicating that the land tenure system legalized private and exclusive ownership of land. One such charter, allowing the *däbtära* free disposal of land, was given to the church of Mota Giyorgis as we shall see below. The actual disposal of land chiefly took the form of outright sale and other forms that were generically referred to as *wurs*. The latter sometimes meant voluntary transfer, very close to a gift or bequeathal. Sometimes, however, it meant transfers involving the exchange of money plus other kinds of obligations by the beneficiary of *wurs* to the benefactor. Due to these relatively strong rights to dispose off land, both rural and town properties were bought and sold quite frequently from about the mid-eighteenth down to the twentieth century. As envisaged in the charter for the church of Mota Giyorgis, there developed a more vigorous and extensive trade in land in Mota more than anywhere else in the region.[9]

There is also a strikingly high incidence during this period of a system by which prominent lay personalities, women as well as men, undertook to perform specialized services to the church as "priests, deacons or *däbtära*". Apparently, the undertaking was that these persons would "buy" or in other ways provide other persons who would give these services to the churches. Persons holding land in the domain of the Church were generically referred to as *däbtära*. The direct meaning of the term *däbtära* is choir-man and/or scribe, but the word was used to refer to people holding land from the church in return for the specific service rendered. The term *däbtära* referred to broad social entities and a very strange mixture of people ranging from the king to a very humble choir-man.

In general, there was during this period a considerable transfer of land from the peasantry to lords and to institutions like the Church. Likewise there was a striking coincidence between fresh redistributions of land and markets in land. There was also a system of carrying out obligations to the Church by proxy.[10]

2.2 ***The Institution of Zègenät , Pseudo Serfodom?***

The most important land grant in the period was made in the eighteenth century by Wälätä-Isra'el to Mota Giyorgis church and to five small monasteries found in the district of Ennäsè. A total of 350 *däbtära* were established over 1000 *gashas* of land. The list of the specific fields and villages distributed to the *däbtära* is recorded in the MS. called Mäzgäb(Registry) in the church treasury.[11] This is probably the longest list of *gult* land register to exist as far as I am aware. The MS. is not however bound together but made of loose leaves. Nor is it catalogued and registered by the Ministry of Culture. Copies of the document detailing the relationship between the *zèga* and the *däbtära* and the *restaññ*a and the *däbtära* that Wälätä-Isra'el set down are found in the manuscript collections of the monastery of Märtulä-Maryam, the churches of Däbrä-Eliyas, Däbrä-Marqos and Yägwära Qwseqwam, all found far apart from each other.[12]

The events leading to the recording of the charter in the last three churches are interesting by themselves. King Täklä-Häymanot made grants to the churches of Däbrä-Marqos and Däbrä-Eliyas on the basis of the precedent set by Wälätä-Isra'el. In fact, he ordered Walata-Israel's charter be copied and deposited

in the *gult* registry of the two churches. However, the document was also found as an insertion in a manuscript found at the Yägwära Qwseqwam church, located in the district of Libän, in the south-western part of eastern Gojjam. It was copied from Däbrä-Eliyas, in connection with an attempt to settle a dispute between peasants and the clergymen attached to the church. The original grant to Yägwära was made by *Däjjazmach* Wälta, one of the senior officials of *Ras* Häylu in the eighteenth century. Like many *gult* charters in the region, Wälta drew up his land grant to Yägwära on the model of Walata-Israel, i.e. on the basis of the formula of one-third to the *bälärest* and two-thirds to the *däbtära*. However, the document appears to have been destroyed, for which reason it necessitated its copying by the orders of *Ras* Häylu II, the son and successor of Täklä-Häymanot. The latter needed the copy in order to settle the dispute that arose between the church and the peasants in the early twentieth century.[13]

Because of their importance for the themes and theses of this work and the articulation of the system or rights and obligations linking and/or separating the *däbtära* and the *restäññas*, it would be helpful to present two somewhat lengthy quotes from the charters of East Gojjam. The first was a charter made by Wälta-Isra'el and the second was a grant charter made to Däbrä-Eliyas: [14]

> The peasants in the town shall not be liable jointly with those in the countryside [for the payment of occasional levies]. If occasional levies are to be imposed the community of the church shall determine what should be the amount [he peasants in the town] shall pay and not the aläqa and the *liqätäbäbt*. Both the town and the surrounding countryside do not owe the obligation to provide stipend and meals to the *aläqa* and the *liqätäbäbt*. The *bälagär* are free of the obligation of building houses and putting up fences {for the *aläqa* and the *liqätäbäbt*}. The *däbtära* would preside in judgment over the *zèga*. If they (the *zèga*) are implicated in cases involving murder, adultery, theft and the killing of animals the cases will be seen by the *aläqa* and the *liqätäbäbt*. And when the *däbtära* quarrel with one another over *rim* land and town plots there is no judgment fee. [This is because]all over the regions in which the *däbtära* are established both the *aläqa* and the *liqätäbäbt* would already have taken a fifth of the land for themeselves. The *blatèngètoch* of the *aläqa* and of the *liqätäbäbt* are immune from any obligation but this exemption does not apply to their subordinates. The same is true with the *agafari*. The stipend of the *liqä'abaw* is one *qunna* from the peasants from each house and a third of his stipend shall be paid to him from the town. The duties of the č*eqa* are as follows; he has a mä*garäfya(*unit of land measurment*)* from lands paying {tribute} in gold. He has one rock-salt from each *gasha*. The č*eqa* is not to enter and interfere in the administration of the town except in the *sisso* land. On the two-third of the *däbtära* land there shall be no dues and obligation. If the *däbtära* own oxen they shall cultivate the land, short of this they shall rent and exploit their land. The *balärest* holding their *sisso*

land shall meet his obligation and exploit his land, however, if the *däbtära* encroach into the *sisso* land laying claim of *rest* right he shall have obligation to pay tribute and build church. The *gäbäz* will act as a judge in the land given to support Mass,incense and *mäberat*. The judges in cases involving the killing of stolen animal and death will be the *aläqa* and the *liqätäbäbt*. The subordinate of the *gäbäz* shall be elected by the community in consultation with the principal *gäbäz* from among those holding urban sites and serving the church. The office has *rim* {land} attached to it. The subordinate of the {*gäbäz*} shall have two rock-salts and three sheep deducted {for his stipend} from the revenue collected from registration fee paid by those purchasing urban sites and *rim* land. The *aläqa* and the *liqätäbäbt* have to provide meals. The *aläqa* has to provide seven meals and the *liqätäbäbt* ten meals. They shall receive three beef cattle for Charismas and five beef cattle for Easter. The beef cattle shall be contributed from the *sisso* land. The *shimagellè* invited by the č*eqa* shall partake the meals.The price of the beef cattle is sixteen rock-salts. They shall also receive ten sheep. The sheep are to be contributed by the č*eqa*; the beef cattle shall be contributed from the *baläsisso*. The stipend of the eight officials from *färänji*(European) onions is as follows: the stipend will be divided in two portions, one-half belongs to the *aläqa*. The other half will be divided into two portions. Half of it goes to the *liqätäbäbt*. The remainder would be divided into three portions. One portion belongs to the *gäbäz* and the *re'esädäber*, one portion belongs to the *qañ*ñ*gèta* and *geragèta* and one portion would be divided among the two *mäčanoch* and *emoch*.The rule for the *märi* and *qès* partaking *täzkar* meal{is as follows};the *märi* shall take the upper and the *qès* lower front seats. The *märi* shall receive two-thirds and the *qès* one third {?}. Burial prayers should be performed wherever one is buried. The *däber* shall not go to the *gätär* and the *gätär* shall not come to the *däber*. If one can not afford the charge of the *däber* he pays for the *asäbä-mäqaber(*burial fee)and departs. The *geragèta*, *mäčhäne* and *qäñ*ñ*gèta* will have one *gasha* each. Even the *aläqa* and the *liqätäbäbet* if they do not provide meals for the community they take lower seats. If one provides meal he shall be honored. The enclosure shall be build by the *baläsisso* in the countryside. The č*eqa* will supervise its construction. The peasants residing in the town shall contribute thatching grass. The *baläisso* shall bring *wäqäf(*building material*)*, thatching grass and rope and cover the roof. If the *zèga* of the *däbtära* departs he shall offer a *gan*, a millstone, mortar and bed. He cannot depart demolishing his dwelling. If a wife of a *däbtära* goes to market she shall not pay market fee. If the house of the *zèga* is destroyed by fire or if the house in which he dwells is demolished he shall build another before departing. The land given to support the Mass is immune from taxation...

When he {Täklä-Häymanot} established this *(däbtära*) he declared that the *däbtära* should have two-thirds and the *restäññ*a one-third of the land according to the establishment of Mota. If the *Demah-Gänät* in violation of this, seeks to dispossess the *däbtära* or the *balärest*; or if the *däbtära* attempts to dispossess another *däbtära*, or if the *däbtära* and the *restäññ*a seek to dispossess one another the fine on each party shall be fifty ounces of gold. This has been sanctioned as inviolable by the Bishop, the episcoposes, the *ečagè*, the *qomos* and the *qès*. As regards judicial matters the *däbtära* shall abide by the rules pertaining to their group; the *baläsisso* shall abide by the rules pertaining to their group. The *aläqa* shall,

likewise, abide by the rules provided for their group. These are the terms of the Mota system.

The first problem that should be addressed is the precise nature of the right of the *däbtära* over the land. A detailed and careful analysis of the charter above suggests that it would be inaccurate to describe the right of the *däbtära* as a right over tribute only. The charter defines both the scope and the specifics of the rights and obligations of the *däbtära* and the *restäññ*a. Probably the most explicit and definitive statement in the grant is the stipulation that "If the *däbtära* owned oxen they shall cultivate their lands [by themselves]; short of this, they shall rent [out their lands to others] and exploit their land." There is also another equally definite and bold statement in the charter that pronounces that "On the two-thirds of the *däbtära* land there shall be no dues and obligations."[15] The scribe of the charter of Wälätä-Isra'el(the first long entry) is unequivocal on this point, unlike the scribes of many other charters who did not trouble themselves much to define the specific rights of the *däbtära* over their *rim* land in plain terms. It is apparent from the first stipulation that he *restäññ*a and the *däbtära* had no concurrent rights over the two-thirds of the land, which was given to the latter. The *balärest* was entitled to only one-third of his *rest* land the two-thirds already effectively granted to others and that those others should keep and cultivate the remaining two-thirds. Control by the *restäññ*a*s* over the two-thirds of the land is fully forfeited. As the charter makes it exceedingly clear the right of the *däbtära* was firmly rooted in the soil.[16] *Rim* land was therefore first and foremost a right to the land not a right to the tribute. It referred to lands over which the subject of the *däbtäras*, known as *zèga*, would be stationed. In fact, if *gult* is understood to mean tribute extraction, that term may not be fully descriptive of the rights of the *däbtära* over their lands.

The charter deprived the *restäññ*a of *rest* rights on the two-thirds of their lands, which now came to be occupied by the subjects or *zèga* of the grantees. The provision that the officials of the church had no right to interfere in the holdings of the *däbtäras'* over two-thirds of the land so long as they did not violate the conditions set out in the charter is indicative of the fact that grants were made to them in perpetuity. Any attempt on the part of the *restäññ*a to hinder full property rights by the *däbtära* was made punishable by a fine of fifty ounces, which was considerable. Presumably the injunction and the associated

heavy fine imposed on possible *restäñña* tresspassers is meant to affirm the reality of the surrender of their land. No body would dare to challenge the rights of the *däbtära* and risk a liability of fifty ounces of gold![17] Once granted, two-thirds of the land thus remained under the effective occupation or control of the *däbtära* .

The grantor, Wälätä-Isra'el, left only one-third of the land in the hands of the *restäñña.* This right of the *restäñña* is acknowledged by the charter in the injunction that the *däbtära* should not encroach over this one-third of the land. It is interesting to recall the provision in the charter quoted above that even the rights of the *restäñña* over the remaining one-third seems very precarious. Although the fine of fifty ounces of gold can be found in the abridged charter of Wälätä-Isra'el set down in the many manuscripts in Mota and other churches [18] the injunction is lacking in the long and extended charter copied and deposited in the churches of Yägwära Qwesqwam and Däbrä-Eliyas from which the charter above is taken. Thus the injunction of fine and the strict restriction against violations of the grant might have been a latter addition by King Täklä-Häymanot. Although the charter provides some safeguard for the right of the *restäñña* over the one-third of the land, still the holding of the *restäñña* seems to be precarious. For example the consequences for *däbtära* who violate the terms of the grant were not that serious. No fine was to be imposed for such an act but the *däbtära* would simply render himself/herself liable to additional services and obligation due to the church. Moreover, the surrender of two-thirds of the land did not end the obligation of the *restäñña*. Labour dues or the obligation to render customary payments like contribution of an ox for festive occasions was demanded.

The right of the *däbtära* on the land is of the nature of ownership in perpetuity, free from interference. The only condition was rendering service to the church. Moreover there is one indication of the exclusive and almost absolute nature of the right. The *däbtära* held their *rim* lands individually. This can easily be deduced from the provision of the grant for contingencies in connection with quarrel or encroachments on one other's holding. Besides rural lands the *däbtära* were settled in the towns and they acquired rights to live therein in perpetuity, only subject to good behaviour and fulfilling their obligation towards the church. One useful indication of the permanent nature of the right of the *däbtära* over the urban sites is that no urban sites were regranted subsequent to

the settlement of the first batch of the *däbtära* concurrent with the establishment of the church. Moreover the charter asserted the right to sell *rim* land and *bota* by the *däbtära* and it did occur as envisaged by the charter as indicated above.[19] The extended charter does not for example require the *däbtära* to get the approval of or the permission of church officials to sell their *rim* land or *bota* and to erect buildings over their urban sites.[20] The *däbtära* would build permanent structure over their *bota* like houses or plant permanent trees which could render revocation difficult if not impossible unless sufficient conditions warranting such an action existed**.** Thus the *däbtära*s' right over *rim* and *bota* is in the nature of private ownership though one can not dare say that their right was in the nature of an absolute freehold. They had the right to transmit their holdings to their offspring. *Bota* and *rim* land could be forfeited if, and only if, the holder dies heirless or defaults on his obligations to meet the demands of the church. Thus we cannot say that the holdings of the *däbtära*s were temporary and precarious.

Undoubtedly, there is considerable lack of clarity on the meanings of *gult* and the dialectics between *gult* and the complex combination of group and individual rights that we know by the term *rest*. What the documents that I have presented above show, however, is that *gult* was in Eastern Gojjam a right to property acquired by the elite in the eighteenth century distributions. It will be inaccurate to describe the right of the *däbtära* over the two-thirds of the land as a right to tribute**.**

There are other important points that stand out from the charters above that deserve attention and elaboration. One is the juridical right of the *däbtära* over his *zèga*. Nowhere is the institution of *zègenät* describes with such clarity as in the document quoted above. This is the earliest charter, as early as 1767. Its provisions for the *däbtära* are very liberal and it depicts the *zèga* in somewhat harsh terms, imposing some limitations on his mobility. The charter implies the existence of intricate web of rights and duties in the relationship between the *zèga* and the *däbtära*. The relationship is an unequal one; the *däbtära* is clearly in higher standing than the *zèga*. The following observations can be made from the quotation above. Wälätä-Isra'el gave a special and privileged status to all the *däbtära* connected with the church, giving specialized services in various capacities, freeing them all from obligations and tribute, like market fees and court fees and other advantages of exemptions from many other obligations due

the church. Many fortunes were amassed by the *däbtära* and people associated with the church. They enjoyed immunity from any intervention by the local č*eqa* for any reason whatsoever. The č*eqa* were forbidden to levy any tax on the two-thirds of the land of the *däbtära* in the countryside and in the town and even to enter them. The *aläqa* and the *liqätäbäbt* , and the č*eqa* under them, had administrative authority including rights to levy taxes, only from the *sisso* land*s.* Two-thirds of the land was settled by the *zèga* of the *däbtära.*[21] Over these lands, property was the most important point of inter-class interaction. The dyadic economic and social relationship which church tenure in *rim* entails is therefore essentially the relation between the *zèga* and the lord.

The *däbtäras* were immune from interference by government officials in their relationship with their *zègas*. The implication of this right is too obvious to call for extensive elaboration**.** Though pragmatist consideration might have tempered what might otherwise have been a very harsh exploitation of the *zègas* and with due allowance to the fact that the relationship between documentary norms and realty should be left an open question it would not be difficult to conceive that the *däbtäras* could demand of their *zègas* whatever obligation they wanted since the latter did not have their obligations defined and placed in the charter. It is possible to presume that they would be made to pay at the will of the lords, given the fact that the lords' rights were absolute and that the latter had the right to dictate the terms of their relationship with the *zègas*. This would undoubtedly mean that the obligations could be not only onerous but also irregular. It was not only that the terms of tenure of the *zèga* were very precarious. It was also that his labour was not his own. Though not in strict property terms, in fact, it might be said that in some respects that *zèga* was only a little better than a slave. Legally, also the *däbtära* were given some rights over the person and behaviours of the *zèga* . The granting of *rim* land was accompanied by a delegation of juridical power to the individual *däbtära* over the *zèga.*[22] It is apparent that the judicial rights exercised by the *däbtära* were comprehensive and total, the only exceptions being cases involving crimes such as theft, adultery and murder. The granting of rights to the *däbtära* to try all civil cases involving the *zèga* would enable the former to have a high degree of discretion in the matter of disposing the labour of the *zèga* since they were made judges and landlords at one and the same time.[23]

The specific labour services and economic relations of the *däbtära* with the *zèga* might have been regulated by custom. However, it is not hard to see that the *zèga* perhaps lived under a very harsh subjection since the charter is concerned only with punishments to be meted out by the lord and the church officials (in criminal cases) without any provisions for the *zèga* to appeal if the lord mistreated him or denied him his right of mobility or broke his part of the contract. The *däbtära* could use their juridical and economic power to exploit effectively the *zèga*.

Equally important, however, is that the *zèga* could not leave the estate of the lord without meeting what we might call "terms of severance". These included, for instance, the rebuilding of dwellings that might be needed by incoming *zèga* (the charter mentions for example that a *zèga* whose dwellings get consumed by fire could not just leave without re-erecting the structures]. In another source dealing with the subject of the mobility of the *zèga* they were required to pay money to get the permission for departure and there was a ban upon leaving without payment, except by the permission of the lord. The *däbtära* exacted either a sum of money or more frequently the best elements of the movable property of the *zèga*: his large jar *(gan*], his pestle and mortar, his bed and his stone mill. The *zèga* was given freedom to leave the land if he agreed to leave these objects.[24]

It is impossible, however, to make a complete analysis of the nature of the socio-economic relationship between the *zèga* and the *däbtära.* Hence the need for considering more cases in the pages that follow. Further evidence about the humble status of *zèga* comes from a charter drawn up in the second half of the nineteenth century, although something like a century and two decades separate the conditions at this time from the origins of the *zèga* class in Eastern Gojjam. This charter is incorporated in a *gult* register found at Däbrä-Marqos. Unlike the eighteenth century land grant this is a secular land grant. However, the evidence contained in this charter (though it involved people and places not covered by the study) from different periods reflect similarities than differences with the evidence in church land grants and provide additional details on the legal relationship between the *zèga* and lord.[25]

Considerable villages in Kutai, Northern Wallaga, specifically in a place called Lèmat beyond the Blue Nile were transferred to *Däjjazmach* Wärqè, official and so-in-law of King Täklä-Hymanot(r.1881-1901).The reason for the

expropriation of the land is clearly stated namely the collective crime committed by the inhabitants. Wärqè's soldiers were killed by the Lèmat Oromo and the latter's land was transferred as a blood price to Wärqè. This situation is expressed in the following words, "The Lèmat Galla (Oromo), having destroyed the Christian army of *Däjjazmach* Wärqè, their *rest* has been transferred as blood price. If they choose to live, they shall become the *zèga* of *Däjjach* Wärqè." [26] And on folio 38verso column two, we have the following similar charter for *Däjjach* Wärqenäh reaffirming the earlier grant with some additions to provisions on the right of toll tax and market fee over many areas:

> King Täklä-Häymanot granted to *Ras* Wärqè one-third of the market fees and proceeds from the toll gates of Didi in Limmu, of Yädäbälmo'a in Yebantu, of Kiramu in Gida, of Enäwänd in Amoru, of Dulcha, Gänji, Gärado and Luqema in Horro. [He also granted to him the lands of] Lèmat in Kutai as blood price, [with total] immunity from the interferences of the *meslanè* or of governors. A proclamation has been issued to this effect. The fine for the transgression of this is fifty ounces of gold.

Deviant behaviours such as revolt were considered as a crime against the state and could result in the virtual eviction of peasants from their property. The above charter undoubtedly created very large populations of *zèga* since the decision of eviction in the above case seems to show that Wärqè was given power to evict not only the offenders directly involved but also those who supported or sided with the rebels against his army. The revolt was considered as an act of treason and justified the virtual expropriation of the former occupants of the land by the king by virtue of his right of reversion. Unlike the *balärest*, the right of occupancy of the *zèga* was not recognized at all. The revolt rendered the whole community liable to ejection from their land. It was apparently carried out indiscriminately including not only persons who were parties to the offences but also whole communities.[27]

The native people forfeited their right over the land and Wärqè could now evict them. A reference to the wish of the people themselves is made. They were faced with very difficult choices. They could either live under their new lord Wärqè as his *zèga* or leave their former land and settle elsewhere. Wärqè could have proceeded to eviction after obtaining from the king a formal declaration of forfeiture of the right of the indigenous people and his empowerment with the right of a summary eviction to him**.** Though some of the former occupants of the land might have refused to allow themselves to be treated as *zèga* we can assume

that most of them would have been much less inclined to depart since it is a very hard decision to make to leave the very soil where one was born and had lived long. Many might have chosen to live under Wärqè in their new status than to depart. Moreover, Wärqè could be willing to retain them on favourable terms of agreement than to look for other *zèga* to settle on his estate. In all cases, however, the status of those who accepted the lordship of Wärqè would be completely transformed, becoming his subjects. In disregard of their former free status they were considered henceforth as being *zèga* and their land instantly became the estate of Wärqè.[28]

The recognition of the right to depart in itself also shows the confidence of the lord that he could find other people to become his *zèga* by being settled on the new land he had thus acquired, which in turn testifies to the existence of many landless people. The charter does not provide direct evidence to support this hypothesis but it seems a logical and warranted inference. In the original charter there is a clause inserted safeguarding the freedom of choice for the former occupants of the soil but in the second which reconfirms the provision made for Wärqè by the first charter the clause is omitted. The explanation for this could only be that either the former occupants had agreed to live under Wärqè or that the latter had already settled other *zèga* from elsewhere, which rendered the insertion of the clause unnecessary. The second charter was given to Wärqè after he was promoted to the status of *Ras* and many privileges such as the right to collect a third of the toll tax and market fees from many places were awarded to him.[29]

The legal and administrative powers of Wärqè and the obligations he could impose on his subjects are not defined in the charter. But it seems that he had unqualified legal jurisdiction over his *zèga* to the complete exclusion of the government officials. Any attempt by any government official to transgress the provisions of the charter to Wärqè was made punishable by a payment of a fine of fifty ounces of gold. There is no provision in the charter for the *zèga* to be judged by anyone other than their new lord; nor is there any provision as to who they could appeal for protection against his actions.[30] A concomitant circumstance of the provision for the right of unqualified jurisdiction of Wärqè over his *zèga* was that he could exercise all kinds of seigniorial rights over his *zèga*.

Bondage neither to the soil nor to the lord seems to be characteristic of the institution of *zègenät.* However, since the grant for *Ras* Wärqè was supposed to be permanent and immune from any interference by government officials the obligations of the *zèga* could be transmittable from generation to generation. In effect, therefore, the charter might imply to the creation of hereditary classes of lord and *zèga* .

To understand the nature of the socio-economic relationship between the *zèga* and his lord we must supplement our information with a brief reference to the almost identical references to the rights of the *zèga* and the lord contained in a manual for the officials of the three monasteries of Däbrä-Wärq, Gethsemane and Mäqdäsä Maryam and the genealogical book of Täklè.[31]

The manual is a normative attempt to regularize practice of the monasteries of Gethsemane and particularly of Däbrä-Wärq. What makes this manuscript so important is the amalgam of customs that it contains and its large volume. It is indeed an immense historical treasure. Although the scribe claims ancient origins for the two monasteries all that is recorded for the period after the sixteenth century is fairly accurate. There is clear evidence as to the conditions leading to the further codification of the customs and usages for the two monasteries. The need for codification arose from the quarrel amongst the monastic community over the distribution and administration of the revenue from the lands under the control of Däbrä-Wärq. The manuscript was compiled after the reconciliation of the community.[32] This took place most probably towards the close of the nineteenth century or the early twentieth century. The obligations and the rights of the various people connected with the monastery, ranging from those of the abbot to those assigned to do menial works like the digging and guarding of graves are defined with almost mathematical precision.[33]

The relationship of personal dependence that is of master and servant seems to have been very strong and common in certain areas. Both in the customary law of the Gafat and the manual for the officials of the three monasteries, the rules regulating the relationship between master and servant or lord and subject are a theme of the widest concern**.** It is stipulated in the manual that a master-less or a lord-less man who has been liberated subsequent to the death of his former master should not be allowed to reside or stay in the

monastery of Däbrä-Wärq. He had to put himself in the service of a new master and failing this he was allowed either to be a monk, a soldier or work over the land of the monastery as a tenant. The original intention of this provision was perhaps a concern for public order in the town of Däbrä-Wärq. The rule required lords, merchants and any one owning land in the town to register and notify the names of their children, *zèga* and servants occupying their respective land in the town. Failure to do so, or the commission of any crime by the servant or *zèga* of the lord would result in the imposition of fines or the forfeiture of residential sites in the town of Däbrä-Wärq.[34] The obligation and the right of the *zèga* in the manual are stated in similar vein as in Täklè's (as we will see below). The following entry from the manual is evidence of this: [35]

> When a *zèga* belonging to a lord wishes to depart he shall take all the household utensils inside the house starting from the door-step and all that is contained within the *majjet* (a room in a house where most of the household objects are kept) . The house shall belong to the *balärest.*The rest of the property belong to the *zèga*. While living [as a subject, the *zèga]* pays for feast days a white salt-bar, red-pepper, a sheep for *akefay(?),*15 *enjjära*, one *dest wät,*and one *gänbo tälla*.
>
> The community [of] priests*, däbtära* and *blatèngèta* should not pay court fees except for cases involving adultery, theft and homicide.... The community shall sit in judgment over their *zèga* except in cases of theft, adultery and homicide, and have a *bärgäzè(*errand man*)* whose sole obligation would be to notify them the judgment of the court of the officials and the dues the *shums* would demand from their *zèga.* Soldiers over taken by night should not be quartered over the *zèga* belonging to them (the *däbtära*, priests, etc.).
>
> If the *däbtära* has under him a cultivator on the basis of one-third or one-fourth he is immune from obligation and the hosting of official guests. The *däbtäras'* [responsibility] is to deliver messages, go up or down on the orders [of the church officials]. They would not share tributary obligations with the č*ewa*. They should not have the obligation of building church, hosting guests and paying dues. A *däbtära* who does not provide services on the day of our Lady Mary and on Sundays, who does not obey, who does not ran errands on the orders of the *aläqa* would be evicted from his *bota* and made to pay tribute like the č*ewa* (peasants).

The first entry illustrates the extent of the freedom of mobility and certain customary payments of food that a *zèga* had to pay while living under a lord. Unlike the charter of Mota- Giyorgis church the demand upon the *zèga* for the permission of departure is not very harsh. In this case the *zèga* is allowed to take

with him or possibly dispose while departing of all the important moveable properties except his dwelling. The manual allowed the *zèga* the right to take with them their precious movable properties in their dwelling. The *zèga* formed a separate category of people very distinct from other forms of agricultural labourers. They were dependent on a lord because they held their houses and their fields from him. Our sources make a distinction between *zèga* and other forms of agricultural labourers. They were regarded forming a class superior to the slaves and domestics despite the fact that they did not own land and dwelt in their masters estate. Again the freedom for departure testifies that the *zèga* do not appear to constitute a class of bondmen. They were free from all other ties other than the obligations arising from residence on the land of the lord. To put it differently the *zèga* were agricultural labourers subject to the social and economic domination of the lord from whom they held their tenements and regarded as free. The first entry gives some hint as to the nature of the obligation of the *zèga* other than labour service to their lords. On some festive occasions the *zèga* had to give their lord presents like sheep, salt-bars and food for the occasion.[36]

The second entry is mainly about the relationship between the *zèga* working over the land belonging to the people attached to the monastery. The term community as used in the text is here used to refer to all the clerical people connected to a *däber* or a monastery with the exception of the officials. It includes the *däbtära* and the priests. Each plot or agricultural field of the individual members of the community were operated by a gang of *zèga* cultivators directly and individually controlled and free from the intervention of the officials of the church. The *zèga* working over the land of the clerical lords were immune from the obligation of hosting guests. Moreover, they were immune from quartering of soldiers.[37]

There was some degree of control exercised by the local administrative body in the church's domain. They were subject to an exploitative hierarchy. The officials tried all court cases beyond the competence or right of individual lord. The officials of the church could impose fines or occasional dues, which the *zèga* had to pay on the notice by the *bärgäzè*. According to informants *bärgäzè* was an errand man whose duty was to deliver the orders of the officials of the monastery to the individual lords. The officials of the church were entitled to impose dues

according to their discretion to be collectively paid by the *zèga* on occasions of collective offence by them.[38]

However, every *zèga* was to a greater extent under the private jurisdiction of individual lord. Thus one important factor that gave the *däbtära* large measure of control over the *zèga* was the conferment of seigniorial rights like juridical rights on them. The manual authorizes them to punish *zèga* and to try all civil cases. Furthermore, soldiers were not allowed to stay in the house of the *zèga* or enter into their territory. Even, church officials could not cause any kind of obstruction in their juridical authority except in cases which were of criminal nature.[39] All these rights of the individual lord empowered him in effect with all the pervading manorial rights. The *zèga* were virtually at the beck and call of the lord. Generally they were almost reduced to a status of that of serfs or in other words their obligation bear a hallmark of servitude.

The third entry is concerned mainly with the rights and obligations of the individual *däbtära.* It would be implicit from the entry that the *däbtära* enjoyed a very clear autonomy in his unit of production along with the people cultivating his land. He could rent his land to one or more sharecroppers and enjoy the fruit of production, including the exercise of all kinds of seigniorial rights over his land and the people working his land. We can presume that very large number of *zèga* cultivators were deployed over the scattered fields controlled by an individual *däbtära.*[40] We can thus infer from the third entry that using the labour of *zèga,* who are here depicted as sharecroppers, was a widespread practice. Even in the individual holding of the *däbtära* which might otherwise have been managed by household labour the *däbtära* would draft labour from outside of the household unit. It is stated that the people working the land of the *däbtära* who were *zègas,* though not explicitly mentioned as cultivating the land of the *däbtära,* could receive either one-third or one-fourth of the produce. This would not seem to be an accidental note on the part of the scribe but a reflection of the common economic arrangement in the time. The *zègas* working over the *däbtära* land was immune from the obligation of hosting guests**.** The *däbtära* would naturally chose working his land through his *zèga* than assume direct and a not always easy responsibility for cultivation and mobilizing agricultural force for the cultivation of his field. Moreover the obligation and service he was required to give to the church, as a precondition of his ownership was not difficult. However, if a *däbtära*

refused services due from him there is an absolute right or power of reversion or eviction vested in the church officials over the *bota* occupied by the former. In the above entry treating the rights and the obligations of the *däbtära* it is stated that if a *däbtära* holding church land fails to fulfil the conditions of his holding custom empowered the officials of the church to evict him from his residential site. But he would retain his farmland though he was liable to dues and obligations as a peasant under the monastery's administration.[41]

Täklè provides additional details on the nature of the socio-economic relationship between the *zèga* and his lord. We catch a glimpse of this in the customary law of the Gafat, which has been, as already alluded to, edited and translated by Girma Getahun. The customary law deals mainly with the relationship between the artisan *zèga* and their landlords or masters. This is, according to Girma, the result of the bias of the sources of information of Täklè since most of his informants appear to have been artisans themselves. Certain obligations of the farmer *zèga* are also similar to the artisan *zèga*. There were many artisans who were engaged in several kinds of craftsmanship in the region. This subject is extensively discussed in chapter five. Täklè enumerates many class of artisans specializing in pottery, weaving, tanning, jewellers, etc. in Eastern Gojjam. Though there were artisans in the rural setting working independently and catering for the needs of the rural population many of them worked under the patronage of the royal courts. They catered to the needs of the big lords and the king. Those who worked for the royal court had also a distinct name, called *jan shällami.*[42] For the purpose of better exposition I have cited the following entries from the customary law appended in the final version of the genealogy. Girma translated *zèga* and *zègenät* as subject and tenant but I have opted to use the terms *zèga* and *zègenät* as in the original Amharic document to avoid confusion.[43]

> When a weaver lives as a *zèga,* he is supposed to make some fabric and cloth to the landlord of [and his wife?] once a year. If he takes his leave on the grounds of being unhappy, he departs having offered two rock-salts, a *gan*, a mill stone, a mortar and an axe for domestic use. Whilst living [as a tenant?], if he was granted *gwelemma (*small plot of land*)*, he may not be asked [to handover?] a quarter of the produce [in tribute]. However, on each of the three annual feasts he should give [to the landlord] one rock-salt and a piece of filtering cloth. The master [on his part], invites him with his wife and children and feed[s] them. If a weaver dislikes [to send an] intermediary [to his master], but absconds at night without bidding

> farewell, he leaves two rock- salts by the master's doorstep. If he fails to do that, he shall be made liable to pay ten rock-salts by the elders of the locality he moved [in] to. A weaver *zèga*, whenever he offers *samma* to the master and his wife, he is not supposed to wear one [like them], considering himself [equally] respectable. A weaver charges [the following fixed] price for making fabric: two rock-salts for thirty cubit long *gabi*, three rock-salts and a *qunnatef* for *jano samma*, one *qunnatef* for a pair of trousers, three *qunnatef* for thirty cubit long[d*egg]*.
>
> A tanner *zèga* gives to his master a leather bedspread, cushion, a baby-back-carrier and a piece of thong once [a year]. His wife may bind grass baskets with leather [for the mistress]. She may also spin a low quality yarn [for the latter]. Every time [the master] kills [an animal] for the three annual feasts, he invites [the tanner], his wife and children and serve[s] them food .He may go back to his home and kill [an animal on the following day. When he kills [animals] for all the local people in need [of his service], the butcher's due belongs to him. For tanning a leather bedspread, for making a skin bag of bull's hide, or for making plaited thongs his dues of grain from a threshing floor is like [those of] other artisans.

As the above entries make it clear the law generally forbade a *zèga* to abandon his landlord without the latter's consent. The first entry clearly bears this out having included the stipulation in the law, which demanded the *zèga* to send intermediaries to get the permission of the landlord to depart. A *zèga* departing permanently had to ask for and get granted the permission of the landlord. This is indeed the most oppressive form of lordship. The *zèga* was given full allowance for departing but was also immobilized in some measure. He was required to pay a "separation" fee or "severance" fee. The "separation" fee could be a deterrent or a bar for the freedom to depart. In this case he was required to pay two rock-salts and to leave behind his house and all the important properties therein as indicated above.[44]

It is possible that the landlord could refuse to give his *zèga* permission to depart. The fine for an unauthorized departure was very heavy. If the weaver *zèga* quitted without the knowledge of the landlord he would be compelled to pay eightfold the normal amount of the separation fee in the new abode he moved to. The wife of the tanner *zèga* was subject to menial jobs in the house of the landlord as the second part of the document shows. There might have been a growing tendency to force all the members of the *zèga* class to the obligations of domestics, to do menial household jobs**.** Besides all this there was an exaction of many products the tanner *zèga* produced by his craft. The weaver *zèga* received a certain size of land, which was specially set aside for his maintenance. His

primary duty was the payment of one rock-salt and a piece of cloth thrice a year on the occasion of the main Christian feasts. [45] Thus the artisan might lease his small plot of land given to him by his lord or could cultivate it on his own. We can also presume that artisans especially those working for big lords and the king had *gult* land given them though we do not have supportive evidence.

The landlord on his part invited his *zèga* together with his wife and children at more or less regular intervals, coinciding with principal Christian feast days. However, the obligation of the landlord, if it can be called so, towards his *zèga* was very light and appears more or less as occasional or voluntary in nature. The weaver *zèga* was not allowed to dress like his landlord, an indication of a strong sense of rank and status on the part of the lord. If this can be accepted true for the farmer *zèga* too there was a certain stump of inferiority and social stigma resting on most of the *zèga* class.[46] No provision is made in the customary law of what the *zèga* could do if his lord refused him departure against his will. There is a great deal of similarity in the language between the customary law and the charter of Wälätä-Israel in defining the obligation of the *zèga,* particularly at the time of his departure. To sum up many of the customs of the Gafat people which Täklè committed into writing, though at a latter date, provide a very fine complement to the information about the *zèga* contained in charters and church manuals and confirms the actuality of the institution and its characteristics. It is possible to cite the evidence from many similar texts about the *zèga* but no purpose can be served by multiplying examples. Enough has been said about the institution and the evidences cited could hardly be doubted.

On the basis of the above discussion and on the basis of the available information we can figure out the following patterns and characteristics of the institution of *zègenät* with which we are now familiar. The word *zèga* was used at first to describe near un-free persons maintained essentially as farm hands on the estates of lords. Undoubtedly it was a class institution anchored on the agrarian base structure. Informants claim that the term *zèga* was a very pejorative one and the most terrible insult that one could hurl against someone.[47] Thus both in the material and social senses the status of *zèga* class did represent deeply impoverished rural agricultural labourers**.** Their relationship with the lord has some personal character however weak their tie with the former. It was a special arrangement of economic and social dependence between lords and farmers and

artisans, though farmers had higher status than artisans. However, we should not picture these humble rural folk as completely bound to the lord or even to the soil. If the *zègas* were to go away *or* abandon their land that they owed to their lords to make their fortune elsewhere there was nothing that tied the *zèga* to the lord, thus indicating that the relationship was of essentially with the land**.**

The charters provided the lords with the legal sanction to refuse their *zèga* permission to leave save upon payment of some commodities. In some instances the restraints to free mobility seem to be more severe than others. However**, t**he *zègas* had full right of departure and this right had general official recognition. Generally the fees fixed and the articles which the *zègas* had to pay and leave behind before they could depart, were not perhaps heavy. These regulations were to the advantage of the *zègas.* They could renew or end their contract set by custom according to their will. The state had largely abandoned the attempt to intervene in the relationship between the lords and his *zègas*. Though they were not completely deprived of the right of appeal to courts above those of the *zègas* lords all civil cases including economic and social relations with their lords were entirely determined by the lord. Only the criminal cases were reserved exclusively for hearing by courts other than their lords.

Most important interests of these humble folk such as their economic obligations to their lords and the possession or transmission of their properties, if they had any, were left to the discretion of the lord. The *zèga* employed in agricultural production were subject to daily labour services and perhaps lived in a state of profound subjection. The exaction of the best articles of movable properties at the departure of the *zèga*, the obligation to meet any labour demand of the lord all could represent some of the demands commonly made on the *zèga* class. B*oth* the artisan and farmer *zèga* especially the latter had obligations characteristics of a servile status.[48]

Having figured out the dominant features of *zèga* it remains to ask the question how extensive the *zèga* class was? What were the proportions of the *rim* holdings of the *däbtära* lords *and restäñña* in different times? These are very difficult questions since our sources completely fail us on this point. The existence of groups explicitly described as *zèga* throughout Eastern Gojjam side by side with free peasants is not hard to envisage. The institution is a carry-over

from the seventeenth century. It is also attested by uninterrupted succession of texts referring explicitly or implicitly to them, particularly in the second half of the nineteenth century.[49] In the preceding century there might have been large numbers of *zèga* subjects, since we have evidence that *Ras* Häylu alone had 500 ploughs operated by a gang of *zèga*. Thus one can picture a rural Eastern Gojjam settled and worked by a vast majority of independent *restäñña,* but side by side with them a not inconsiderable sprinkling of the *zèga* in groups of varying density. The density of the *zèga* was particularly thick in areas around churches and monasteries.

For the early nineteenth century documents describing *zèga* are lacking. But after c.1874 we are overwhelmed by the multiplicity of charters and documents describing *zèga*. Some times there is an explicit mention of the *zèga* .At other times the scribes simply mention the principle of land division and the model upon which the charter was drawn**.** The period witnessed the foundation and the expansion of many big churches accompanied by extensive land redistribution according to the precedent laid dawn in the preceding century.[50] We can picture the *zèga* class closely intermixed with the *restäñña* through out the region. Undoubtedly the *zèga* were not a nonentity. The existence of charters mentioning directly or indirectly the *zèga* class has led me to a tentative conclusion that just as all land would have been held as *rest* by the *restäñña* and landlords so every man operating the fields would have been either *zèga* or *restäñña* or both.

The evolution of *zègenät* in a direction entirely favourable to the arbitrary authority of the lord from that of Shawa where we have institution with some similarity in concept can be explained in terms of the almost virtual autonomy of the region from the imperial centres which escaped monarchical intervention in the relationship between lords and their *zèga*. Täklè traced, as we have seen in the previous chapter, the precedents and movements for the making of *zègenät* to that early northward displacement of the Gafat people. It is very difficult to date with precision and confidence when the body of law recorded by Täklè developed. *Only* a general date can be proposed. Täklè attributed the social and political practice of the Gafat to have been introduced by Gafat clan leaders called Mänbäro and Däbsin. Among the subjects dealt with in the socio-political and economic practices of the Gafat compiled by Täklè include the regulation of the

support that the parishioners had to give to the church, etc.[51] Thus this socio-economic and political practice compiled by Täklè must have been developed only after Christianity had become the religion of the Gafat. Contemporary Portugese sources speak about the existence of large number of pagan Gafats and other pagan peoples in the seventeenth century, in Eastern Gojjam.[52] However, it is unlikely that many Gafats were still pagan by the seventeenth century. Tentatively I would suggest earlier than the seventeenth century for the development of the law. And the later practice of *zèga* undoubtedly developed from earlier precedents. Most of the *zèga* of the eighteenth century and afterwards might had been originally *restäññа* subsequently created *zèga*.

2.3 ***Property, Surplus Appropriation and the Social Structure of the Society.***

Most of the church lands as we have seen were owned by the *däbtära* individually and exclusively. But usually churches and monasteries did not absolutely relinquish the lands, which were occupied by the *däbtära* on behalf of them (churches and monasteries). They (churches and monasteries) retained their right to revoke the land occupied by the *däbtära* or their subjects on the occasion of failure to provide service and give it to others. Therefore churches and monasteries had ultimate corporate property right over the individual *däbtära'*s land and formed a class of what I would like to call them tentatively till a better term is found "*corporate landlords"* over the lands under the domain of church administration. They were just as exclusivist as an individual lord could have been**.** A very great variety of practices prevailed in the form and method of collection of revenue and in the dues and obligations of the independent peasantry in the domain of the church. The various dues and obligations of the peasant mentioned in charters shed a great light on the variety of practices in revenue administration and the social and economic conditions that prevailed in the period under study. The revenue collected was used for the payment of people performing specialized services for churches and monasteries, for local administration and for the general benefit of the social elites both secular and clerical.[53]

The basis and methods of revenue collection and the nature and extent of the dues and the services required of the peasants by lords is primarily local custom although it displays a certain homogeneity throughout the region. The dues and obligations demanded of the peasant differ considerably in detail from district to district as a direct corollary of the lack of uniformity in charters of immunities that were granted by princes to churches and monasteries. Some enjoyed extensive liberties than others. The peasants' obligations were in the form of cash (salt-bars and also Maria Theresa Thaler since the second half of the eighteenth century), payment in kind and labour services.[54]

In all parts of the region peasants under the control of corporate landlords either tenurially or administratively, in addition to the payment of tribute or rent were liable to corve'e labour. In all the charters dating from the second half of the eighteenth century corve'e labour, usually taking the form of labour service on the construction of churches was uniformly made charge upon the local peasantry. Peasants were required to build enclosure walls around churchyards, erect buildings and fences for church officials and keep the church in repair, including providing construction materials for repairing.[55]

The economic relationship between corporate landlords or institutions and the peasants are for the most part based on fixed cash or based on a sharecropping arrangement, in lands controlled by the former either tenurially or administratively. Charters and manuals show that the payment of rent and tribute were usually fixed at a definite quantity of the produce of the harvest usually in *čan* though in some places shares were required. One of the most important unit of measurement of tax in grain that we find official documents is *čan.* According to Pankhurst a *čan* was equal to 280 litres but it varies from place to place.[56] In the manual for the officials of three monasteries it is stated that the monastery of Däbrä-Wärq rented out its untilled land under its ownership to tenants who settled on the land based on a sharecropping arrangement. According to this relationship the tenant would receive one-third of the produce and the rest went to the church. Two oxen and a cow would be provided by the monastery to help the tenant get started at the time of his settlement.[57] Whether the tenant was provided with the agricultural implements is not clear. Presumably, the tenant himself provided for the seed, all the necessary agricultural implement in addition to labour. Weeding and other expenses of

cultivation were the responsibility of the tenant. The method by which other churches and monasteries collected rent from tenants working on their land is unknown to us. However, it can be assumed that there were generally accepted norms as a whole though there must have been some differences in the amount demanded by monasteries from their tenants.

The second type of relationship is where the peasant paid a fixed amount of tribute. The payment of tribute by the peasantry to churches is usually made partly in the currency of the time, the salt-bar and also Maria Theresa Thaler and partly in kind. In certain villages, however, only a given quantity of wheat and other agricultural products was collected every year to meet the special needs of the church. Certain villages paid tribute in a certain number of loads of firewood and incense to be used by the churches during services. Special attention was given for villages donated for the support of Mass which paid tribute in wheat. In the large percentage of the land charters such villages were administered by the *gäbäz* and villagers were exempted from some onerous labour dues and taxes.[58]

In some places the levy was in honey, animals, *shama* (cloth), etc.[59] In the case of one land grant charter the scale of the levy is adjusted according to the means and the capacity of the peasants to pay tribute per month and annum. According to this source the levy was fixed at three *ladan*(about three litres in content) of *teff* per pair of plough oxen one and half *ladan of teff* per one plough ox and one (*ladan of teff*) per digger per annum. According to this same source villagers were required to pay 20 *qunna* of grain per month, one *faga* (container made of gourd) of honey as stipend of the *täqotari* (collector of the revenue), two rock-salts as marriage fee, nine rock-salts for *yämeserach(*the announcement of good news).[60] According to Pankhurst a *ladan* measures three to four litres of grain.[61]

Dues were also calculated per area of land under cultivation. In some areas ten rock-salts were levied per *gasha* per annum. Land right entailed duties. Thus noblemen and women who received land on condition of providing the same services which *däbtära* were expected to give to churches or monasteries were not expected of service. They were obliged to provide service to the church and if services were not rendered they would either be fined or the land under their occupation would be completely forfeited. In one land grant it is stipulated that if one defaulted to meet his obligation of church service for a single day he would be

fined sixteen rock-salts. Noblemen and women who owned land on behalf of the church of Yägwära Qwesqwam were required to subscribe two rock-salts per *gasha* per annum, which were paid as wages to deacons and priests.[62]All in all the payment of fixed tribute in the form of kind or cash to churches and monasteries by peasants under the administration of churches and monasteries was the norm. It is presumable that the payment of fixed tribute was an important incentive to the peasantry to increase their agricultural production. This is mainly because all the difference after the deduction of the dues remained with them, unlike the sharecropping arrangement.

Fundamentally "corporate landlords" derived their wealth from rent or tribute and also from their *hudad*. Yet it must be added that toll tax, levies on local trade, fees and fines from various sources such as burial, judgment, registration, appointment, etc., were the much sought after sources of revenue. The officials of big churches and monasteries occupy the same position as the secular lords in their relationship with the peasants. They form a status group who were set apart from those whom they ruled by their authority, wealth and occupation and were endowed with various sorts of socio-economic and political rights to subject and exploit the peasantry. The church officials and people attached to the church, which included noblemen, and women were given a specially privileged status. The privileges and exemption, which the church people of Mota Giyorgis and Yäwish Mika'el were given, can serve as illustrations of the general status this class of men enjoyed vis-à-vis the peasantry. Besides the document cited in this chapter, Wälätä-Isra'el issued a series of charters in favour of the *däbtära* for specific privileges and exemption from any obligations and taxes due from their properties. In one of the charters which she issued, fore example, she gave the church of Mota the right to tax transactions related with the buying or selling of **o**xen, mules, horses, donkeys and cows which was determined at the rate of one rock-salt from both transacting parties. The *däbtära* on the other hand were immune from such a payment. Moreover, as the charter already quoted shows, they were freed from the payment of registration fee of his/her urban site and *rim* land transactions into the central registry. They were immune from the payment of legal fees too. Likewise the wife of a *däbtära* would not pay market dues.[63] Much of the church wealth was amassed by church officials specially the *aläqa* and the *liqätäbäbt* who held the highest administrative positions.

It was a general practice to remunerate church officials both by granting land attached to their office for their direct benefit and deduction of a certain percentage of the revenue from the rent and tribute and taxes collected from the peasantry. The amount of one's share is determined and scaled corresponding to his position and rank in the church administration. The *aläqa* and the *liqätäbäbt* took two-thirds and one-third from the total appointment fee, donation, market levy and judgment fee, respectively. Half of the total tax collected from market levies on such merchandise as onions, cotton, red pepper and *gèsho* (a herb used for preparing local beer) was deducted for the *aläqa* before it was divided between the lesser officials, in varying quantities, corresponding to their various ranks. From the toll tax collected four rock-salts and two rock-salts were deducted every week for the *aläqa* and the *liqätäbäbt*, respectively. The tax collected on grain belonged to the remaining members of the church community. Market levy was not to be collected on other merchandise brought for sale to the market of Mota except the above ones. However, this did not apply to other areas. In certain market centres like the town of Däbrä-Wärq, it is stipulated in the manual for its officials that every thing brought to the market for sale was taxable. The *aläqa* and the *liqätäbäbt* of Mota also received appointment fees both from the č*eqa* and from church officials. All but one important church office below the *aläqa* and the *liqätäbäbt* were granted with the payment of appointment fee. Thus offices were generally saleable like any commodity and form one of the lucrative sources of moneymaking practices. For example the č*eqa-shums* in Mota who were brought under the church's administrative hierarchy in the *sisso* land would pay four hundred rock-salts on the occasion of their appoitment,all of which went to the *aläqa* and the *liqätäbäbt.*[64]

The rights and privileges of the officials of the church of Yäwish Mika'el are essentially similar to those of Mota. However, there are certain important differences. Unlike in Mota people in Yäwish and its environs were liable to provide daily for two consecutive weeks to the *aläqa* thirty pieces of *enjjära*,two jars of *tälla*,and two dishes of *wät* and to the *liqätäbäbt* fifteen pieces of *enjjära*, a jar of *tälla*, and one dish *wät* on the occasion of the appointment of the two officials.[65]

Church officials derived income from sources other than their land. One of such useful source of income of church officials and a drain on the economy of the peasant is from feasts on the occasion of *täzkar* (commemoration), weddings and major feasts. The importance of feasts or banquets in the economy of the church is very well known. The manner of the distribution of food and drink prepared for feasts has elicited instructions and clauses in virtually all of the land charters with some picturesque detail. Considerable space is spent in the manual for three monasteries on instructions regarding the seating arrangements and the manner in which the distribution of food and drink was to be carried out on festive occasions.

Considering the care and and the attention given to the distribution of food and drinks on the occasion *täzkar* feasts in the charters and manuals it seems that the death of a person might have been as much a moment of deep sorrow for his kinsmen and friends as the greatest joy for the clergy. *Täzkar* played an important economic role in the economy of many churches. The manual contains instructions with picturesque detail concerning the administration of the revenue from prayer services made to the dead souls extending from the day on which the person died upto many years, according to the capacity of the relatives of the deceased. This in itself can make a remarkable subject of study. Although the church spelled out a different set of religious reasons for the need to observe *täzkar* it was undoubtedly related to social and economic issues. There were hosts of people who received much of their remuneration from *täzkar,* including the abbot. The dead man's properties that were in the category of personal effects had predefined destination. Moreover the skin, choice cuts and certain parts of the animal slaughtered for *täzkar* feasts and other festive occasions belonged to various officials of the church, all precisely defined in the manual. For example it is stipulated in the manual that from ox and cow slaughtered on festive occasions in the lands under the administration of the church choice cuts or parts like the *däbit(*that part of the slaughtered animal around the gristle and the blade), *qäfät* (?)and *goden*(rib) were reserved for the *gäbäz*, *talaq and tanash(rump)*, *melas(*tongue) and *sänbär(?)* were the right of the abbot, etc. The amount and diversity of the rations or menu is scaled according to the rank and status of the church dignitaries.[66] Thus the distribution of food and drink was carried out with almost mathematical precision. Pankhurst had also studied similar practices in the courts of big lords. According to Pankhrust favoured cuts were the preserve of

persons of distinction. Different parts of the slaughtered animal were distributed to different individuals which is minutely regulated by custom.[67]

I have concentrated on the socio-economic relationship between lords and peasants specifically in lands under the domain of churches. This is because of the bias of sources. But generally there was more or less similar relationship between lords and peasants in the secular estates too. We see that lords had immense power over the lands they ruled. The role of the local rulers in land matters specially as regards to the authority of allocating and reallocating land to new holders was very strong, and this happened during the last decades of *Zämänä-Mäsafent*. There was extensive redistribution of land during this period. Fantahun, who writes a pioneering work on the history of the region during the *Zämänä-Mäsafent*, asserts that there were many lands given to officials and warriors in the form of *gult* in this period as reward for military services. But he writes that lords could not easily disturb the *rest* right of the peasantry and therefore the right of the *gult* holders did not extend to the land.[68] But this is not acceptable in light of the discussions above, based on massive new sources suggesting to the contrary.

In Eastern Gojjam and Damot there were many estates quite separate and distinct from lands held by officials usually called by the picturesque name of "*yäwäyzäro agär*" or"*yäzufan agär*". The important mark of these lands is that they were absolute private property of and permanently attached to the female descendants of kings like Na'od(r.1494-1508), Lebnä-Dengel(1508-1540) and Susenyos(1607-1632). Beside their special administrative status with respect to the whole land regional lords in Gojjam had absolute rights over certain lands and districts. For example during the *Zämänä-Mäsafent Däjjazmach* Goshu had taken large part of Fitäbädeññ,a district in Damot as his personal estate.[69] Usually lords such as *Däjjazmach* Birru of Eastern Gojjam called for mobilizations of soldiers and even peasants and female inheritors with the threat of virtual expropriation for failure to respond the call, for in such cases eviction was justifiable.[70]

Due to the intervention of lords in land matters and the general control they enjoyed over land there was a continuous change in the fortune and status of peasants in their own lifetime. Indeed the agrarian population was in constant

throes of socio-economic change in the period under study. It was brought about by the periodic transfer of large size of lands belonging to peasants to the non-farming ruling elite that usually accompanied the expansion and endowment of new and old churches and monasteries. Hoben's study demonstrates the flexibility of inheritance practice in the *rest* system of land tenure. His study shows the extent to which the customary law of land was qualified and access to *rest* land was controlled by a myriad of socio-economic and political factors .The rest system could offer a lasting hereditary right. However, the land use right could be lost to the ruling elite or to the king and the *balärest* could become a tenant in time. Thus there must have been a continuous change in the amount of land held by individual household, together with their social status within the peasants' own lifetime.[71]

The internal stratification among the agrarian population is contingent on the different types of unequal socio-economic relationship between peasants and the lords .In contrast to *zèga* under the strict socio-economic domination of the landlords there were independent peasants cultivating their own land. The practice of employing agricultural wage labourers or sharecroppers was common in the region.[72] However, these wage earners often referred as *arash*(farmers)should not be confused with the *zèga* although they had basically the same kind of relations to the means of production. Unlike the *zèga* the *arash* lived besides the homes of their employers, usually under the eaves of the houses, [73] which afforded a more frequent contact between the two . Perhaps the number of the *zèga* was also quite larger than that of the *arash*.

The land tenure system was the promoters of stratification among the society**.** Conventionally the Ethiopian society in the past is regarded falling into broad tripartite division of peasantry, nobles and clergy based on functional specialization.[74] This holds true for the study area too since it was a component part of Ethiopia. However, there was a great deal of internal differentiation among the three accepted categories and in the society in general. Based on the discussion presented in this chapter we can confidently talk of the existence of big and petty landlords with strong interest in land and labour. Lords, as used in this study include a range of people some high, others low with many titles. My definition of lords includes the social group of the clergy who occupy the same

position as the secular lords in their relationship with the peasants. The society was characterized by a very strong and rigid hierarchical principle.

Rank and status ethos and symbols were all pervading and were jealously guarded. The ecclesiastical society basically shared the same status motifs and we find the hierarchical sentiment most articulate in monastic rules and charters. The administration of big monasteries and churches demanded the establishment of an elaborate administrative hierarchy filled by hosts of officials ranged one above the other. There was a profound difference in the wealth and power between them clearly set down in charters and rules. We find the strong hierarchical sentiment at work on formal occasions. On festive occasions one had a clearly identified seat to take. Every one took his/her respective seat, arrayed very carefully according to rank and status on formal occasions. Evidence in some church manuals shows us that if one deliberately takes a seat which is not his, this act would stir up a very deep feeling. It was considered a slight of honour on the part of the wronged. The offender could be fined up to fifteen ounces of gold.[75]

Church officials mustered large retinues and following, including soldiers. In some monasteries church officials had servants and assistants, each according to his rank and status in the established hierarchy. For example the abbot and the lesser officials of the monastery of Däbrä-Wärq had hereditary servants with distinct names, called *gefuan* (literally oppressed, exploited) which had obligation similar to serfs. The number of servants assigned to individual officials ranged from one to seventy two. The manual ordered them to provide a prompt and strict obedience to the officials. The monastery probably paid the servants. The clause inserted in the manual assigning servants to church officials concluded the provision with the sentence “This is done so because office would not lose its importance.”[76]

That there was internal stratification among the agrarian population could hardly be doubted. One obvious indicator of the existence of the different strata among the peasantry is the fact that in charters the scale of the tribute demanded was adjusted according to the means of the peasant. In the case of one land charter peasants were divided into those who owned a pair of oxen, one ox and non-at all (diggers). [77] Thus the broadly defined social category of peasantry appeared less real if we consider the income of the individual peasant since the

agrarian population was sharply divided from each other by their economic standing.

The *zèga* class raises a problem of firm classification since it does not neatly fit into the character of peasants. Certainly there was much difference between the *restäñña* and the *zèg*a even when the latter were free from any personal and hereditary bond to the landlords. There was very clear difference of social levels between the two, which arises from the different relationships each had with regard to the means of production, the land. Indeed informants acknowledge that the word *zèga* had pejorative connotation.[78] The freedom of the *restäñña* was complete since it also extended to the land, which he worked on his own. We can expect that the *zèga* had some land given to them from their lords for their maintenance as the citation on the artisan *zèga* shows but it was to the extent of receiving only small parcels of land. Therefore in practice the *zèga* formed a single class subject to uniform obligation throughout Eastern Gojjam . Thus, a new borderline in the rural population based on the nature of relation to the means of production did exist in Eastern Gojjam. On the one hand there were the independent peasant proprietors while on the other hand the mass of the *zèga* class were largely abandoned to the jurisdiction of the lord on whose land they lived. This rural structure persisted until the end the nineteenth century, although the number of *zèga* in the second half of the nineteenth century had reached to record heights. This could happen because of the construction of new churches and the rebuilding of old churches which called for extensive redistribution of land through out the length and breadth of the region to be discussed in the next chapter.

Chapter Three

Land Tenure and the Redistribution of Land: Peasants, Lords and the State, 1874-1900

3.1 *The Reign of Täklä-Häymanot, 1874-1901.*

The last quarter of the 19th century echoed the days of Wälätä-Isra'el and *Ras* Häylu I in respect to land redistribution and the foundation of new churches and expansion of old ones. One of the most noticeable developments during Täklä-Häymanot's rule, one can observe, was the mass redistribution of land. Like in the preceding century his reign saw the establishment of religious institutions of exceptional size. Donations of land to churches appear to have greatly increased in the last quarter of the nineteenth century, more than ever before in the period under study. The bulk of the economic energy of King Täklä-Häymanot (r.1874-1880s) was expended in the building and expansion of churches and monasteries.[1] Indeed Täklä-Häymanot went beyond the wildest dreams of his predecessors in his land grants to religious institutions. The *däbtäras* of the preceding century or their descendants remained in control and ownership of their lands and that new confiscation were made during the last quarter of the nineteenth century. He bestowed so much landed property upon the churches and monasteries by turning over extensive lands from the peasantry to the former to the extent that the grant of his eighteenth century illustrious forbears could not even reach anywhere near the extent of his grants. He managed to give away extensive tracts of land within a generation (1874-1899).

Though it would take us some ways back from the account of this massive land redistribution we should place it within the political and religious context. Two developments deserve mention in this regard. One of the important events of the period with regard to the internal organization of the national church was the Council of Boru Mèda, in Wallo, in 1878 which ended the bitter religious controversies and divisions within the Orthodox clergy. The council might be considered to have brought to an end two centuries of strife within the churches and monasteries of Eastern Gojjam. Proper organization of the church and united leadership of the religious class was made possible after the council. Emperor Yohannes IV (r.1874-1889) encouraged Täklä-Häymanot to give away land to churches and monasteries and he himself distributed land to some of them .He

suppressed the *Qebat*(one of the religious sects) sympathies in the region.[2] Churches and monasteries came to wield much power and influence in the region in this period than during the preceding century. The second important development in this period was the exercise of a far firmer control over the lords of the region by central authority, which had proved very difficult until the late nineteenth century. There was also an increasing condition of stability and civil peace during this time although the apparent peace and stability was disturbed by a series of military defeats.[3] The military failures and the casualties on the battle fields did not seriously affect the social and economic fabric and nor distract Täklä-Häymanot from his preoccupation with establishing churches and distributing land to them.

Unlike many ruling houses which relapsed into obscurity after enjoying fleeting prominence in their local power bases, during the era of princes, the regional dynasty of Gojjam stood the test of the vicissitudes of many wars that plagued the region for almost a century. Gojjam emerged as a strong regional entity in the second half of the nineteenth century. A very strong sense of regional consciousness centered on the hereditary rulers and a myth of a historically semi-independent or autonomous Gojjam developed. Though provincialism was to remain as a permanent, potent and divisive force or influence in the region at last a happy compromise in the relationship between the lords of Gojjam and imperial powers was achieved, in 1874, after long years of difficulty. This task became possible when Adal Tässäma,a member of the ruling house of Gojjam, submitted first to Emperors Täklä-Giyorgis(r.1868-1871)and later to Yohannes IV(r.1872-1889).The high point of accord between Gojjam and the imperial political centre came when Yohannes promoted Adal to the status of king in 1881.[4] None of Täklä-Häymanot's predecessors in Gojjam had held any title higher than *ras*. There had been no tight grip on the region by imperial political centres. Yohannes IV and later Minilek II (r.1889-1913) did not make interventions in the internal affairs of Gojjam. For much of Täklä-Häymanot's reign the region was immune from any serious external or internal stress and there was a high degree of civil peace. Under King Täklä-Häymanot, as indicated above, there was a general trend towards a situation of increasing internal harmony, peace and prosperity which the region had never attained before in the period under investigation. Many people including Täklè looked back to Täklä-Häymanot's reign with nostalgia.

Unlike his predecessors the king was content on the whole and he showed so little or no disposition at all to challenge imperial authority. He was sincerely loyal to the centre and maintained that loyalty and arrangement with the centre for a long period.[5]

He used the title of king of Gojjam and Kaffa, claiming lordship over the latter, which appears in his seal though not in actuality. A very clear shift in Gojjam's orientation also occurred in this period. Since internal warfare had ceased in the region Täklä-Häymanot could orientate the region towards expansion into the rich southwest beyond the Blue Nile. However, this territorial ambition over the southwest was thwarted in 1882 when the Shawan forces defeated him.[6] Täklä-Häymanot possessed a court organization, which was an exact replica of the central state. His court was studded much with titled people below that of king.[7]The king had to reward his close supporters by giving them land. King Täklä-Häymanot owned landed property elsewhere scattered throughout the region consisting of numerous *rim*s in small units as we will see below. Though there are hosts of secular small land grants to individuals the most important class of land that we find in our land documents as in the proceeding century was *rim* land.[8] Thus it is clear that the extent of the domain of the church considerably increased with the increase in strength and prestige of the regional dynasty. The construction of new churches and the promotion of old religious establishments to *däber* status were marked by the distribution of *rim* land. Though some districts were annexed in northern Wallaga and new lands were acquired in Mätäkäl in the west, the social and political edifice was sustained by the resources drawn from internal sources. In other words this land redistributed to the church was primarily, as stated everywhere in this study, derived from the *restäñña*, not from conquered lands.[9] It is difficult to consider all the important and big land redistribution during this period. Thus I have set limitations to the material collected for the study. Only selected and representative charters with direct relevance for the theme of this study would be considered.

3.2 ***Land Grants During the Reign of Täklä-Häymanot: Lords, Zèga and Peasants in the Last Quarter of the 19th Century***

Wälätä-Isra'el's charter offered direct precedent for many similar grants in the region. It provided the basic features around which the institution of *zègenät* and the rights and obligation of the *däbtära* and the *balärest* in the period with which this section of my study is focused would gradually crystallize. Though there are some important exceptions, as a whole Täklä-Häymanot formulated charters in accordance with the practices of the time of Wälätä-Isra'el and *Ras* Häylu I.

We begin then with the first land grant document of Täklä-Häymanot. Probably the earliest important land grants by the king were given to the churches of Bichäna Giyorgis and Mängesto Kidanä-Meherät. Since the contents of the two charters are on the whole identical, discussion will be limited to the charter of Bichäna Giyorgis.[10] As I have just noted above Wälätä-Israel's charter was destined to serve as model and it has been imitated in almost all charters. However the grants to Bichäna Giyorgis and Mangesto Kidanä-Meherät form exceptions to this. The division of the land between the *restäñña* and the *däbtära* was carried out on the principle of half for the *restäñña* and half for the latter. As in the earlier period the term *däbtära* in this period was used to refer to clerical and secular social elites who owned land on behalf of the church. Notable in the list of the lands given to the church are the number of plots, which appear to have belonged to king Täklä-Häymanot and his wife Laqäch Gäbrä-Mädhen, and members of the aristocratic class. Of the people categorized by the scribe as noble the names of Laqäch and her husband are entered against many villages and plots of land. The woman held chiefly *rim* lands. The interesting fact is that half of the lands of the *restäñña* in some villages are wholly recorded as belonging to the secular nobility, both men and women, at the time of land division between the *däbtära* and the *restäñña*. There are also other village lands recorded as *rim* land held almost entirely by the nobility with some sprinkling of the religious class. Of course there are no villages and plots of land, which the name of the nobles do not appear.[11]

The echo of Wälätä-Isra'el's charter is contained in this document with regard to the judicial and administrative power of the *däbtära* over their *zèga*. Although the *däbtära* might have used hired labor to operate their lands we know very well that they chiefly employed *zèga* for cultivating their lands. The extent of the jurisdiction of *rim* owners over their land and the *zèga* to the exclusion of the

government officials is clearly known. The methodology adopted in this chapter as in the preceding chapter is to proceed in the accounts and explanation of the dynamics of the socio-economic relationships between lords and peasants and *zèga* by citing, when necessary, selected and pertinent sections from charters. Thus it is good to quote selected passages from the charter for the sake of better exposition and also in order to clear up any or a little of possible obscurity about *zèga* and the right of the *restäññа* and landlords.[12]

> The {revenue contributed by the}*mäkwanent*(lit.nobility) established in Bèto and Enäqor should be the salary of the *qwami*(choirmen in duty) and for buying the *fum-enqèt*(charcoal).The revenue contributed by the *mäkwanent* established in Addis Amba shall be for the salary of the *aqabi*(grinder and water drawer).The revenue contributed by the *mäkwanent* established in Yäqäfät shall be for the salary of {those responsible to the prayer of }the Hours. The revenue contributed by the *mäkwanent* established in Yäsämbi shall be for the salary of those responsible for those who compose the *qine,zäyenäges.* The revenue contributed by the nine *{mäkwanent}* established in Densa and the revenue contributed by the three *mäkwanent* established in Dälgolema shall be for the salary of porters*, antsafi*(the one who arranges the interior of the church for before mass),and *atsawi-hohet*(door keeper].The revenue collected from those established over Dälgolema should be for the salary of the two readers of Häymanotä Abaw(Book of Faith of Fathers), four *teran-täbaqi(?)* and eight *märigèta*(instructors).
> While establishing this king Täklä-Häymanot said half of the land shall be for the *balärest* and half of the land for the *däbtära*. The *balärest* holding half of the land have to support the *tabot* of their respective parishes. They shall be judged by the è*eqa* appointed by the *aläqa*.On three holidays they have to pay three rock-salts for the various *däber*. The *däbtära* shall judge the *zèga* settled over the half of the land. The *gäbäz* shall judge the land given for the support of Mass. The *mälakäberhän* shall constitute the court of appeal for all these. Judgment over cases of death, theft and adultery of this shall be for the *mälakäberhan.* In times of work the[peasants occupaying the] land of the *mäsewat* (Eucharist) shall build the *bethlehem* (the building where the material for the Eucharist are prepared and where the utiensils for it are kept) the one-fifth of the *aläqa* country shall build the house for the *aläqa*, and the land in which the *däbtära* are established in shall build *däjäsälam* (lit.gate of peace or main gate of the church). He (Täklä-Häymanot) said all should jointly build the church, the treasury house, and the enclosure walls. He said, of the total of the tax from the market of Bichäna two-rock salts for Qedus Giyorgis and after this deduction the remaining two-thirds for the king and one-third for the *mälakäberhan.*

Two points are for my purpose of special interest in this charter. One of the points, which is explicit in the charter, is the distinct nature of the right of the landlords and the *restäññа* in the land. Half of the land of the *restäññа* was

transferred to the nobility and members of the religious class and the right of cultivation of the *restäñña* in their former half of the land is completely ruled out or excluded**.** They retained only half of their ancestral land. The nobility who were given half of the former lands of the *restäñña* settled their subjects or their *zèga* over it. The nobility had administrative and legal rights only over the *zèga* settled over their land. Unlike the *zèga,* the *restäñña* enjoyed complete freedom from the judicial and administrative authority of the lords to which the former were subjected. The peasants were given autonomy in their internal affairs. The *čeqa* was made responsible for the local affairs of the peasants. They would be judged by the *čeqa* though they did not have the right to elect or choose him as the church authorities controlled his appointment. The *däbtära* were allowed to sit in judgment only over their *zèga*. On the whole the *restäñña* had a high degree of freedom in local self-rule and were free from any interference by lords on the half of their land.[13]

The second point that stands out in the charter is that the lot of the *zèga* class had not improved in this period. Features characteristic of the preceding century and the old conception which had underlain the grant of Wälätä-Isra'el can still be discerned and found intact, though this charter is not drawn out on the model of Wälätä-Isra'el with regard to the division of the land between the *däbtära* and the *restäñña*. The basic rights and obligations of the *restäñña* and the *däbtära* just referred to and to be discussed below had been a general practice a century earlier. In so far as the local administration and the administration of justice are concerned there was no difference from the earlier period**.** One of the strands of custom inherited from the preceding century is, therefore, the right of full administrative and judicial power by the grantee in his/her *rim* land and over the people working over it, the *zèga.* The document to some extent regulates the legal relationship between the *zèga* and the *däbtära*. This is the subject, which is also often given sufficient attention in other charters dealing with the relationship between the *zèga* and the lord. That the *zèga* ought not to have any other judge in civil cases than their individual lords and the immunity from interference by church or government officials in the socio-economic relationship between them was maintained intact. The charter gave the *däbtära* virtually unlimited powers over their land and their *zèga*. An other element of continuity from the earlier period is that though the individual *däbtär*a had acquired judicial authority the

possibilities of recourse to higher courts was not completely ruled out. Crimes remained within the normal jurisdiction of the *aläqa* of the church. Unlike a slave the *zèga* lived in his own dwelling and subsisted on the produce of his own labor though we can presume that the *zèga* class did not have any right of ownership over the land. Nevertheless, w*e* cannot know the extent to which custom and the law afforded protection for the *zèga* against the arbitrary acts of their lords.[14]

It seems that custom still continued to play an important role in determining the socio-economic relationships between the *zèga* and the *däbtära*. Although the scribe does record the judicial and administrative rights of the *däbtära* over the *zèga* he is silent on the right of the latter to depart and the basis of economic agreement between them. The economic contract between the *zèga* and the lord was often merely a verbal one for which reason there is no record about the kind of economic arrangement in between the *zèga* and the *däbtära*. The only record they were interested to keep are lists of villages and lands granted to the church, the tax and the tribute demanded from peasants and the names of the *däbtära* to whom specific fields of land were assigned, including their obligations.[15] However, it is not hard to envisage that the right of jurisdiction of the *däbtära* helped to concentrate all kinds of socio-economic power in their hands over the *zèga* cultivating their lands. It is important to note that though custom or tradition governed the socio-economic relationship between the *däbtära* and the *zèga* the former could still have an absolute discretion in the exploitation of their lands. The mere fact that the *däbtära* were given absolute proprietary right over their *rim* land means that they could do pretty much as they wanted or pleased with its exploitation and management, including planting anything that they saw it fit. In other words the *rim* lands of the *däbtära* would be run in the manner that the owner deemed best and the *zèga* would be forced to plant and tend and harvest a crop of the choice of his lord. *Rim* land was in effect an embryonic manorial system. Unlike the charter of Wälätä-Isra'el, which placed some limitations on the right to leave the landlord, there is no such provision in the charter. The silence of the scribe on this subject too may be because of the general acceptance of the right of free mobility for the *zèga* and it needed no special mention in the charter. The reasons of this anomaly can not be established. Therefore, if the *zèga* disliked his current lord or desired to depart on other account, he had a right to move away.

I may now pass on to considering the characteristic features of the obligations and the rights of the nobility holding *rim* land. The *däbtära* enjoyed the largest portion of the revenue from their *rim* land while paying the wages of some priests and deacons for the purpose of which *rim* land had nominally been granted. Officials of different rank and status who received *rim* lands are listed. Their rank and status can be identified from the title they bear. The charter is indeed studded with officials of all kinds and almost virtually no person whose name is entered in the charter exists who does not bear secular or religious title of which the most important include *lejj*,*bäjerond*, *azzajj, blatta, grazmach*,*qäññazm*ach,*balambaras*,*fitawrari, däjjach*, *ras*, *negus*, *wäyzäro* and *abun*. Of the nobility two are the sons of Täklä-Häymanot,*Däjjazmach* Bäläw and *Ras* Bäzabeh.Three important females appear in the list, one of which is the wife of king Täklä-Häymanot. The remaining two are relatives of the king. The bishop Luqas is also listed with the nobility.[16]

It would appear that the obligation of the nobility is not commensurate with the privileges and the power they enjoyed. The immunities of the *rim* holders, the nature of their authority over their subjects and the services and dues attached to their estates are very clearly put in the charter. The document makes it clear that the grant to the *balärim* was in land and in return for the money which they contributed towards the pay of certain individuals in the church. This differs from the administrative and military *gult* in that the holder was under no obligation to serve the church in person but that it was sufficient to contribute money or other payments in kind towards meeting his/her obligation. For example five nobles, which included Laqäch, to whom lands granted in the parish of Enäqor were made responsible for the support of the *qwami* whose duties is not specified and contributed money for the purchase of charcoal. Five nobles settled over the parish of Addis Amba such as *Emäytè Wäyzäro* Laqäch, *Azajji* Gäbru,*Däjjach* Wärqenäh,*Blatta* Kinfè, and *Bäjerond* Sahlu were made jointly responsible for the support of water drawers and grinders. Those responsible for the prayers of the Hours, readers of the book known as *Faith of Fathers*, etc.were paid by the nobility who were given lands in the parishes of Dänsa, Yäqäfät, Dälgolema and Yäsämbi.[17]

Thus the right to cultivate and use the produce from *rim* lands by the grantees, including noblemen and women, were contingent upon their payment of the salary for the church's personnel. The theory that the actual cultivation of the land given for the support of the church is vested in the *restäññа* together with the assertion that land was in the effective occupation of the peasantry would appear unrealistic since much of the needs of the church was meet by the grantees who cultivated the land through their *zèga* and paid the salary of church personnel. Thus *rim* land and the need for the support of the church by the nobility seem to have given validity and cover to the expropriation the *restäññа*. It would appear that in practice the *däbtära* enjoyed an unqualified right over *rim* land. The peasantry had a complete acceptance or recognition of such a right of the elite. Although the charter made the labor service of building church or repairing it a charge upon the *däbtära* together with the *restäññа* the church authorities could not make any demands upon the *rim* holders unless there was an express provision in the charter. The *rim* land holders were granted exemptions from many of the dues and levies demanded from the peasantry, like levies for the maintenance of church officials were demanded of them.[18] A *rim* holder could appoint some one as his/her representative and exercise his/her judicial and administrative power over the land and the people working it through him. He could preside over the court, which tried the *zèga* who were largely committed to their care. The *rim* land granted to the *däbtära* appears permanent and a gift in perpetuity.

As I have already noted in the paragraphs above the holds of the *restäññа* and the *däbtära* were not interdependent for which reason the judge of the independent *restäññа* who were made to surrender part of their land as *rim* was usually the *čeqa*. Generally the peasant had the right to choose the *čeqa*, though his appointment needed the approval of the church authorities. But in some areas like in this charter such a right for the peasants was curtailed and there is a possibility for a far more direct intervention by church officials in local affairs of the peasants than in other areas where the right of peasants to elect their *čeqa* was respected. The charter states that the *čeqa* would be appointed by the *aläqa(*the *mälakäberhän)* from among the inhabitants of the villages.[19] The fact that the *mälakäberhän* was given power to appoint the *čeqa* for the peasants under the church means he could appoint a person who would not take side with

peasants vis-à-vis the officials or would not defend the right and interest of the former. This would in turn result in the weakening of the position of the peasantry. The *čeqa* who was regarded as the representative of the local peasantry was put under the effective control of the church official who also controlled his appointment. What all this means is that he could not assume an independent position against the officials in guarding the interest of the *restäñña* since he did not owe his position to the latter.

The duties of the *čeqa* were as follows. The *čeqa* appointed directly by the *mälakäberhän* was to decide in cases of dispute among the *restäñña*. The *čeqa* could decide and try all civil and minor criminal cases in the villages regarded as within his competence. Exceptional cases on the other hand were brought before the court of the *mälakäberhän*. He was responsible for the general order of the village and reported cases beyond his capacity such as adultery, theft and death or serious disputes and disorders among the villagers.[20] He supervised and organized peasants for the repairing of the church and enclosure walls. The *restäñña* who were left holding half of their land were ordered to support their respective parish under the overall administration of the church of Bichäna Giyorgis. That the church of Bichäna Giyorgis had satellite rural churches can be easily inferred from the stipulation that "The *balärest* holding half of the land have to support the *tabot* of their respective parish." They were required by the charter quoted above to present three rock-salts on the three holidays to their respective parish churches.[21] How the *čeqa* was remunerated to defray his expenses and for his service is not stated by the charter. Probably he received some payment in kind or in salt-bars, the currency of the time from the peasants holding their half land and undoubtedly he also would take a share of some income gained from the administration of justice. Probably he could demand labor service from the local peasants under his administration.

Some other points remain to be considered in the charter. Various regulations existed in the dealings with the peasantry under the *gäbäz*, the *aläqa*, and those holding half of their ancestral lands including their dealings with the building of churches and other matters. We will come back to some of the points in other charters which are identical in their content though some important

differences exist with regard to the right of the *aläqa*, the *gäbäz* and the peasants under their administration.

Täklä-Häymanot continued to endow many churches and put all his energy into the building of Däbrä-Marqos church and the expansion of others. According to Täklè a total of 320 *däbtära* were established concurrent with the construction of the church.[22] Another 260 *däbtära* were also established over the land of Gemja-Bèt Kidanä-Meherät, at Däbrä-Marqos, at about the same time.[23] Moreover, the king lavishly endowed Abema Maryam church at Däbrä-Marqos and considerable number of people were settled over the lands given to the church.[24] There are several other land grants by Täklä-Häymanot to churches and monasteries and to individuals. Among the collection of the manuscript sources from this period, the *gult* register known as Mäzgäb,deposited at Däbrä-Marqos church, is a unique manuscript. It contains many documents of primary importance. The charters were entered in the 1880s and 1890s.The MS. has sixty-five folios. All but the first four folios and folios 63-65 are covered with *gult* records, sanctions, and other important property and historical information. The bulk of the folios are used for recording the lands of Däbrä-Marqos church together with the names of the *däbtära* and a record of urban and agricultural land distribution and measurements. In addition to the *gult* grant to Däbrä-Marqos church the MS. contains copies of *gult* grants to many churches and monasteries by Täklä-Häymanot and his predecessors. Some of the *gult* documents contained in the MS. appear to have been added to it after its compilation. All in all the MS. forms an important source for the period. I must say that I have been singularly successful in having access to this MS.

Täklä-Häymanot had already begun giving out *rim* lands on a large scale immediately before the construction of the church of Däbrä-Marqos. The first of such mass distribution of land made by Täklä-Häymanot was the grant to the church of Gemja-Bèt Kidanä Meherät at Däbrä-Marqos. The *gult* grant to Gemja-Bèt is recorded in the MS. called Tamrä-Maryam belonging to the same church. It lists 260 *däbtära* by name together with the specific lands allotted to them. The names of most of the prominent persons whom we met in the charter of Bichäna Giyorgis are also listed in this charter. Urban sites were also allotted together with the *rim* land to the *däbtära*. The *däbtära* were required to build houses in

their residential plots so as to either live there themselves or settle their own people.[25]

Crummey and Daniel have investigated this charter. Though Crummey more than any body else has done extensive work on land tenure and is a much better judge on such matters he presented a much different picture of the reality in his recent monumental work,*Land and Society*. Crummey argues that the *däbtäras*' right over the two-thirds of the land did not extend to the soil. The *restäñña* continued to enjoy the occupation and cultivation of the land but were liable to pay tribute to the church on the two-thirds of the land. He writes to have interviewed the clergy of the church recently which confirms the tributary arrangement between the *däbtära* and the cultivators at the time of the grant, "The Gemjabét clergy, when Daniel Ayana and I interviewed them in February of 1989, claimed both that this gave them the right to exact two-thirds of the produce of the cultivators in tribute and that, in fact, their tributary arrangements with the cultivators were by 'negotiation'."[26] This ambiguity could be cleared up quite easily. Though we can not assume that written documents do usually describe action of prescribed norms a careful analysis of the charter allows us to draw a firm conclusion about the right involved in connection to the *rim* land given for the *däbtära* contrary to Crummey's generalization in *Land and Society*. Indeed the nature and limits of the rights and obligations of the *däbtära* and the *restäñña* does not demand a very rigorous effort of understanding since they are clearly put in relatively unequivocal terms. It is usual for a stipulation to be included in charters that the *däbtära* had right to judge the *zèga* they have settled over both their *rim* land and their urban plots. In the charter of Bichäna there was no fresh redistribution of urban sites since the town was an old foundation. Hence it refers only to the *zèga* whom the *däbtära* settled over their *rim* land. But in Gemja-Bèt there was the distribution of urban sites together with *rim* land over which the *däbtära* settled their subjects. Sufficient attention has been paid by the charter under consideration to the exact nature of rights of the *däbtära* and the *restäñña* .The charter obliquely mentions the *zèga* by adding the usual stipulation to protect the interest of the *däbtära's* judicial right to judge his/her subjects settled over their respective *rim* land and urban sites.[27]

The important phrases in the charters are usually those which state that the division of the land between the *däbtära* and the *restäñña* was on the basis of one-third for the *restäñña* and two-thirds for the *däbtära* which applied to the soil and the usual sentence that the *däbtära* are the judges of those settled over their *rim* land and *bota*. Crummey takes this to mean that the right was only on the tribute not in the land. The important section presented in the charter, which contains the key sentences on the nature of the specific judicial, and property right reads as follows "The judges in cases involving death, theft, scandal and adultery are the *aläqa* and the *liqätäbäbt*. If those settled over the *däbtäras* rim and *bota* quarrel {against each other} over other matters than {death, theft, scandal, and adultery} the judge are the *däbtära*".[28] This can hardly be confused as a reference to independent peasants since they often appear explicitly in official documents and charters under either of the following two names, *balagär* or *restäñña*. No charter in the study area shows that the *restäñña* were settled over the *bota* and the *rim* land of the *däbtära*.

Moreover, there is no mention of dues and services, which the *restäñña* are required to provide or pay for the two-thirds of the land. Only the dues and obligation of the one-third of the land of the *restäñña* is stated. Instead the *däbtära* were made liable to pay the salary of the church personnel specifically for holding two-thirds of the land. This provides strong evidence in support of the argument that ownership of the soil was vested in the *däbtära* alone over the two-thirds of the land. The way in which the charter of Däbrä-Marqos is phrased with regard to the judicial power of the *däbtära* over the *zèga* settled over their *rim* land and *bota* and the phraseology of the charter of Gemja-Bèt Kidanä Meherät are almost identical, although the latter does not explicitly mention the *zèga*.[29] Although the sentence "those settled over the *bota* and the *rim* land" is not explicit or loosely phrased the section lends support to the central point in my argument that the phrase is an oblique reference to the *zèga* but by no means a reference for the *restäñña*.

As in the case of the charter of Bichäna Giyorgis the lay *rim* holders are simply obliged to contribute money for the *rim* land they owned, for inevitably the right to hold *rim* land was contingent upon the obligation to pay money in lieu of doing service and if such a service was not done the land would be forfeited. The

land of the *baläsisso* or *restäñña* carried with it certain immunities. Exemption from the payment of taxation was granted to peasants holding one-third of their former lands in view of the fact that they had surrendered two-thirds of their former lands to the *däbtära*. However, the *baläsisso* could not escape the obligations of paying three sheep during the three principal feast days. In case the peasants had no sheep to give or in order to avoid disagreements over the size of the sheep a conventional price was fixed at the rates of three amoles per sheep. Besides, the presents of sheep during the three feast days the *baläsisso* were also expected to build the house of the *aläqa*. They were also required to contribute labor service in building and repairing the church and its walls.[30]

The three individuals in the church who greatly benefited from the various incomes of the church were especially those who held the offices of *gäbäz*, *aläqa* and *liqätäbäbt*. The *gäbäz* was the administrator and the judge of the *mäsewat* land. The *restäñña* retained the right of cultivation and paid certain amount of the produce of their land in wheat and also their dues partly in cash. In other words the land would not be divided between the *däbtära* and the *restäñña*. Peasants contributed the expenses in connection with the Eucharist,the candle and the incense needed for all the services.The *aläqa* and the *liqätäbäbt* were not allowed to interfere in the lands given for the maintenance of the *gäbäz*. Only the *gäbäz* and the *čeqa* under him were responsible for the local affairs of such lands. The offices of *gebezzena* and *čeqenät* appear to have been hereditary and concentrated in the hands of few families, which could pass from generation to generation. The office of *gebezzena* was given to the descendants of a certain ancient family called Asbä-Dengel. The office of the *čeqa* was also made the preserve of certain families.[31]

By vesting the offices of *gebezzena* and *čeqenät* in themselves or their families the original grantees were able to benefit from the major portion of the revenue of the church from such lands. The *gäbäz* as a hereditary office could not be revoked easily. Since the *mäsewat* land was granted in perpetuity the office could pass from generation to generation unless the regional ruler reallocates the land for other purposes. In the great majority of cases the *gäbäz* and the *čeqa* under him were considered the natural judges and the local administrators of the villages in the *mäsewat* land and the peasants occupying and cultivating the

mäsewat land of the church. Criminal justice was placed outside the jurisdiction of the *gäbäz's* court over matters connected with the *restäñña*. There is also a provision for referring to the *gäbäz* the decision of all disputes between the peasants under the officials who were entrusted with the administration of villages paying dues in wood.[32] This was of considerable importance to the *gäbäz*. Tax on these lands was fixed in the form of a certain amount of wheat and cash. The right to sit in judgment over the peasantry appears to have been a legitimate source of revenue. The *čeqa* had a right to the exercise of justice and a share of the income therefrom, the judgment fee. The *gäbäz* was to receive from the peasants presents of sheep on feast days and collect tax according to the assessments fixed by the charter. The *čeqa* was responsible for its collection. The present was given usually during the three main feast days of the year and the due in wheat was probably demanded by the *gäbäz* at harvest time. The *čeqa* under the *gäbäz* would pay appointment fee to the latter.[33]

Cases that came up for decisions between the *restäñña* outside of the competence of the *gäbäz* were to be referred to the court next above him presided by the *aläqa* and the *liqätäbäbt*. The *aläqa* and the *liqätäbäbt* of the church were given a privileged position. Often one-fifth of the total villages assigned to the *däbtära* would be deducted and granted to both officials jointly. For example if the lands of ten villages were given for the *däbtära* the two officials would get two villages. These villages were put directly under the administrative and judicial control of the two officials. These villages were allocated as remuneration for the offices of the *aläqa* and the *liqätäbäbt*.[34] The nature of the obligations of the peasants towards the two officials varied from place to place, as we will see below. Market levy was a source of considerable income. The peasants going to the market of Gemja-Bèt paid market fees for buying and selling produce or other articles of trade and when they appeared for litigation in the courts of the two officials. The revenue from the market levy at Gemja-Bèt was divided between the church and the regional lord. One-third of it went to the church and the rest for the regional lord. The portion that went to the church after the deduction of the share of the regional lord was to be further divided equally between the two officials and the church. The taxes from transactions in pepper, onions and all other market goods were to be divided between the government and the church on the basis of two-thirds for the regional lord and one-third for the latter. The two

officials received half of the remaining one-third of the revenue from market levy of Gemja-Bèt going due to the church. The judgment fee from the market was for the *aläqa* and the *liqätäbäbt.*[35]

Every office holder paid *mäshwamya* (appointment fee) graded according to the importance of the office and income therefrom. The *gäbäz* paid thirty rock-salts or *amolès*. The chief of the tanners, who was appointed by the two officials, was required to pay an appointment fee corresponding to his means. The tax on market was collected both in *chaw(*salt-bar*)* and in kind. The collectors of the market tax in *chäw* and kind would receive from both the two church officials and the regional government the amount of pepper and cotton that could be taxed from a taxpayer. The collector of market fees called the *blatèn-gèta*, was appointed by the church officials and had to pay appointment fee. The office of collector was hereditary. The rights to be appointed collector was hereditary, vested in the descendants of Asbä-Denegel, whom we have met above. The two officials,the *aläqa* and the *liqätäbäbt,* carried with them for the most part the rights of seigniorial authority. There was no court of appeal beyond them. They were almost the ultimate and supreme appeal judges not only over the *aläqa amsteya agär*(one-fifth of the land of the *däbtära*)under their private judicial and administrative control but also over all the lands of the church of Gemja-Bèt. They judged both civil and criminal cases and disputes within the one-fifth of the land put under their direct administration as well as certain other serious criminal offences which lay outside the capacity of the courts of the individual *däbtära* and the *gäbäz.*[36]

The placements of one-fifth of the villages under the administration of the two officials carried with it permanent rights which made them immune from any kind of interference by the regional lord or even the emperor. The state could not revoke the assignments. The *aläqa amesteya agär* was attached in perpetuity to the office. In certain charters the land assigned to the two officials jointly was divided between the peasantry in whose land the officials would settle their people and assume direct responsibility of cultivation on the basis of land division in the charter. This is true for the charter under consideration. The village lands assigned for the two officials were divided according to the principle of one-third for the *restäññа* and two-thirds for the two officials. The peasants holding the

sisso land after the deduction of two-thirds of the land carried certain immunities and exemptions from the payment of any form of taxes except very light labor service and gifts of sheep for the two officials during the three feast days. The charter required the *baläsisso* to build a house for the *aläqa* at Däbrä-Marqos but not in any other town. But in some charters the peasants exchanged to the deduction of two-thirds of the land with the obligation of paying tax, the payment of presents and the monthly wages of the two officials. This will be discussed below when considering the charter of Däbrä-Marqos church. The wages, stipends, and expenses of the two principal officials were not to be deducted from the revenue of the church since the revenue of the church is clearly separated from that of these officials. All the revenue from the one-fifth of the land went to the two officials.[37] Unlike the *gäbäz* and the *čeqa* they did not derive their influence from the hereditary possession of the office but from the overall position they held in the hierarchy of church officials and the administration of the land attached to their office. The criteria of holding such offices were not based on descent from certain ancient families. However, the *liqätäbäbt* was required to be a *rim* holder.[38] Probably they were also appointed because of their learning. They were allowed to enjoy temporary administrative and judiciary right as well as the right to collect all of the churches taxes and tributes for their own benefit.

I may now pass onto considering the land grants of Däbrä-Marqos which forms the most important church to have been established in the period following the shift in the political centre of the region into the area from Bichäna. The land granted to the church and the peasantry working over it had different forms of obligations and rights. The nature and the variety of the obligations that the peasants had to pay varied widely depending on the purpose for which the lands of the peasants was assigned by the charter and whether the land was divided between the *restäñña* and the *däbtära.* Generally peasants whose land was transferred on the basis of one-third and two-thirds paid only very light labor dues and presents of sheep on the three annual holidays whereas peasants who retained all their ancestral lands had to pay tribute, labor dues and monthly wages to the officials. The *baläsisso* and peasants under the direct administration of the *aläqa* and the *liqätäbäb*t were made responsible for repairing the enclosure walls and the wages of carpenters who fixed the gates, windows, etc of the church.[39] This correlation was literally to be found in every charter in the period

and region under study. Charters including the one under consideration listed and defined three different forms of land constituted for different purposes which will be discussed below.

Some of the lands given to Däbrä-Marqos were located in different parts of the region, ranging from Ennäsè in the far eastern part of the region to Damot outside the study area. A great many of the villages were situated around Däbrä-Marqos itself, in the district of Gozamin, where the church formed one of the largest land owning institutions in the area. According to local traditions the town of Däbrä-Marqos and its church were founded on the ancestral lands taken by Täklä-Häymanot from the descendants of Mänqorär and Zäna, who were said to have been important Gafat founding ancestors in the area. The *rest* land of the children of Mänqorär and Zäna did not originate in grants made to their ancestors but started with the commencement of the village of Mänqorär which was renamed Däbrä-Marqos after the church of St. Mark that Täklä-Häymanot bulit.It was mainly the shift in the political centre of the region to Däbrä-Marqos area and the economic exigencies that caused the displacement of the descendants of Mänqorär and Zäna and to himself. However, the king made hereditary grants to the descendants of Mänqorär, Zäna and himself out of the holdings of the *restäññа* to recompense for their loss.[40]

The assignments of new *rest* lands to Mänqorär and Zäna and Täklä-Häymanot in lieu of their *rest* used for the building of the town and the church were hereditary lands taken from the *restäññа*. This shows the general and all too powerful control that rulers enjoyed over land. With the exception of Täklä-Häymanot and the descendants of Mänqorär and Zäna who were given many *rim* lands in and around Däbrä-Marqos, many of the *däbtära* received and held urban sites and *rim* lands who did not have common descent with the former. Täklä-Häymanot assigned himself land in the same way as the descendants of Mänqorär and Zäna to recompense himself for the loss of his ancestral lands now assigned for the building of the town and the church. His title to a portion of the *rest* land descended from the original commencement of the village by virtue of himself being born into the family of Mänqorär and Zäna. He was a distant descendant of Mänqorär and Zäna. This can be accepted quite confidently. In the genealogical list of Täklè(folio16 recto)we find Mänqorär and Zäna placed at the sixth

generation from the founding ancestor of the Gafat people, Gozè after he came to Gojjam. They were the great grand children of Gozamin, one of the most important founding ancestors of the Gafat people in Gojjam. Täklä-Häymanot is also listed in the genealogy as one of the descendants of Gozamin. It is believed that the present district of Gozamin, where the town of Däbrä-Marqos is located, derived its name from him. Before its name was changed the locality around contemporary Däbrä-Marqos was known by the name Mänqorär. For receiving hereditary rights over most plots of land Täklä-Häymanot and other descendants of Mänqorär and Zäna were charged with the obligation of providing banquet on Epiphany and to pitch the tent of the *tabot* in the nearby river on the occasion of Epiphany. Moreover, they received eight *rim* lands proportional to their holding in return for the obligation of paying the wages of four grinders and water drawers and four priests who served the main church.[41]

The *gult* register of Däbrä-Marqos church contains a detailed and minute record of the distribution and measurement of urban land and in the case of one village the division of the land between the *däbtära* and the peasants. Urban lands at Däbrä-Marqos were parceled out into symmetrical strips and divided among the *däbtära.* Residential sites in towns of the region were known as *shi gämäd*, literally one thousand ropes. The name bears testimony to the division of the urban sites into one thousand strips, hence the name *shi gämäd*, so as to make apportionment fair.[42] The urban sites were measured out in strips and then these strips were assigned for the settlement of the *däbtära* concurrent with the establishment of great churches. The division was carried out perhaps by mutual agreement of all the recipients. There is also evidence showing that the division of urban land among the *däbtära* took into account quality. Thus the extent and quality of the land a person could get varied in accordance with the rank of the recipient. In other words the size of the land granted to an individual was determined by the nature and the importance of the service he or she would render the church as well as his/her rank. Accordingly, Täklä-Häymanot and his wife Laqäch Gäbrä-Mädehen and other dignitaries had the largest size of urban land. They were given choice sites for residence, very close to the church of Däbrä-Marqos, and other sites for gardens where probably they grew vegetables, and for corral.[43]

The assignment of the land to the *däbtära* was communicated to the peasantry usually by decrees. Unfortunately there was no custom of setting down in writing a detailed description of the individual share of the *däbtära* and the *restäñña* at the time of the actual division and measurement of the agricultural fields as a whole. Records of land measurement and distribution are rare. There is one such rare instance of a record of the actual division of land between the *däbtära* and the *restäñña* held by the church of Däbrä-Marqos where measurement and distribution of land between the *däbtära* and the *restäñña* was duly registered on the occasion of the transfer of two-thirds of the land of the *restäñña* to the *däbtära*. Folios 60r to folio62r of the *gult* register of Däbrä-Marqos record the measurement and allocation of land between the *däbtära* and the *restäñña* in a village called Wänqa.[44]

With the exception of Wänqa the actual division of the land between the *däbtära* and the *restäñña* is not registered with any accuracy. The scribes and the grantors and grantees did not trouble much to register the actual dimensions of the *rim* lands of the individual *däbtära* and the division of the land. All the transfer of the two-thirds of the land to the *däbtära* in the village called Wänqa is recorded in the *gult* register. The village is listed among other villages given to the church of Däbrä-Marqos. The conditions leading up to the recording of the measurement and distribution of the land in the village of Wänqa alone is not known. Perhaps its proximity to the town was one factor. However, the mere fact that there was instituted an office c*eqa-mägaräfya*(to be discussed below)for the supervision of land division between the *däbtära* and the *restäñña*, and the survival of some records of land measurement and distribution indicate there was proper survey or measurement that would take place following the decree on the assignment of village lands to the *däbtära.* A total of thirty-five *däbtära* were assigned the agricultural fields of the village Wänqa.[45] Fifteen of them are listed by name, including Emperor Yohannes. The unit of measurement of land that is meet frequently in charters is called *yäčeqa-mägarafya*, the exact size of which is difficult to establish. In the charter of Däbrä-Marqos *one yäčeqa-mägaräfya* is stated to be the equivalent of one *däbtära rim*.[46] Unfortunately the exact dimension of one *däbtära rim* is also not stated. Based on the interpretation of contemporary sources Joseph Tubiana writes the following about the dimension,“ About the land itself:the complete *rim* consists of four *qufaf* and one *bota. The*

*bota (*size unspecified) is the " living place" of the tenant. This implies that a house is built upon it. The *qufaf* are for cultivation. One *qufaf* usually measures 70 by 50 cubits [this doesnot seem exceedingly long for its breadth], an area of approximately 80.64hectars…"[47] Stick is mentioned as having been used during the land division and measurement at Wänqa.

As a general rule the measurement and transfer of land from the *restäññ*a to the *däbtära* was supervised by the local *čeqa*. Moreover, some witnesses had to attend as a norm perhaps to serve as security against any possible future fraud. A certain *agafari* Nätäru served as witness in the case of Wänqa. For his service as witness he received two plots of land in Wänqa. In the document recording the division and the distribution of the land that took place at Wänqa trees and streams are mentioned repeatedly, serving as boundary marks and separating the holding of the *däbtära* and the *baläsisso*. The *čeqa* was entitled to get remuneration for his service of supervising the division of the land according to different arrangements set forth in charters. In most cases the *čeqa* received one or more plots of land from both sides and this land was called *yäčeqa-mägaräfya*. Some times, as in the case of the charter of Däbrä-Marqos, the *restäññ*a retained the land due to the *čeqa* and agreed to meet the claim of the *čeqa* by annual payment of amole, which is also called *yäčeqa-mägaräfya*.[48]

In the *rim* land registers the name of the *däbtäras* would be entered either jointly or individually, followed by the names of the specific lands. A *rim* land given to several *däbtära* is registered jointly in the name of the joint holders and the names of individual *däbtära* are entered where *rim* land was held individually.Whether the shares of individuals constituting one *däbtära* were delimited with each of the joint owners having a right to a specific share of the total *rim* land or not cannot be known.[49] The precise shares of the individual *däbtära* are not clearly stated. Most charters registered the name of the individual *däbtära* corresponding to the village lands with the size and limits not usually defined. The scribes were not interested in defining the exact dimension of these *rim* lands. Some subsequent minor redistributions and exchange of *rim* lands made among the *däbtära* are entered in the register. The *däbtäras* exchanged one another's rim lands perhaps for the purpose of consolidating holdings.[50] It is very clear from the records of urban land measurement and distribution that the size

of the residential sites of the grantees corresponded to their rank and the importance of their service to the church. Probably the rank of a person to whom *rim* was given seems to have been given consideration in determining the size of the land to be granted, although this might not have been always true.

We have similar records of the division of urban lands into many individual parcels of long and symmetrical strips at Däbrä-Eliyas,Yälämeläm Kidanä-Meherät, a church in the district of Libän and Gemjja-Bèt Kidanä-Meherät in Däbrä-Marqos.[51] In the case of the charter of Däbrä-Eliyas church the *däbtära* land was to be divided by lot and it was to be entered in the register against the name of each holder. The land charter of Yälämeläm Kidanä-Meherät included an injunction which recorded and ordered that if the *däbtära* who were assigned urban lands (which included kings Minilek and Täklä-Häymanot, emperor Yohannes, etc,) at Yälämeläm could not build house over it within a set period it was to be restored to the *balärest.*[52] The dimensions of the strips of the allotments at Däbrä-Eliyas is said to be about eighty cubits in length and width. Its charter orders the *däbtära* to see to it that the boundary between the strips was used for the access paths,especially so that the movements of people is not impeded as during funeral processions.[53]

Täklä-Häymanot delegated to the church of Däbrä-Marqos many functions and powers of the government including judiciary and administrative in the areas under its domain. There was no interference of the state in churches especially in the sphere of justice. The church exercised the highest levels of judiciary rights, chiefly exercised by the emperor and the bishop themselves according to the nature of the case. It was given the high sounding title of *mäle'eltä-adebarat*, chief of the endowed churches. Fore example the *lèba-adem*(thief catchers), *mislänè*, the *buta* and the *korè are* forbidden by the charter to enter or interfere in the land in Gozamin under the direct administration of the church of Däbrä-Marqos .The *buta* according the modern Amharic dictionary of Käsatè-Berhän was a watchman who informed officials about disturbances or plunders in an area by shouting in a loud voice. He had also the power to punish offenders by beating .The *kore* according to the Ge'ez dictionary was the regent or agent of the *episcope*s. The district of Gozamin was immune from the intervention of all these secular and religious officials.[54] The state seldom interfered in the affairs of the church, and

cases which were religious in nature were settled within the limits of the jurisdiction of the church of Däbrä-Marqos. Any religious dispute between the monasteries and churches of the region had to be brought to the court presided by its head.[55] In effect it would not be too much to say that the church appeared to have constituted a kind of state within a state.

At the top of the documents recording all the provision and privileges to the church were sanctioned by having the seals of the archbishop Petros, the bishop Lukwas, *echägè* Teoflos and Täklä-Häymanot and emperor Yohannes. These sanctions threatened any possible transgression of the provision by very frightening curses. [56] These sanctions show the experience or prevalence of the failure to heed the provision and regulation of the charter. The curses were perhaps aimed at threatening anyone disobeying the provisions of the charter. In other words the main object of curses was to prevent disorder or dispute and serve as a bar against individuals from making claims to lands to which they might have former titles but not any more after it was transferred to some one and after the state had legitimized its transfer.

The big percentage of the lands of the church was in the *rim* category. As we have seen so far, as of the eighteenth century *rim* came to be employed as the generic name for the agricultural fields which lay and clerical lords held on behalf of the church, its earliest known use in this sense in the period and region under investigation being the charter of Wälätä-Isra'el. There was considerable change in the latter half of the nineteenth century as regards the extent of this land. In the last decades of the nineteenth century when the size of *rim* land was greatly increased rim had become by far the most common way by which noblemen and women as well as the religious class held their land. Turning large amount of *rest* land of the peasants to church land (*rim*) increased the size of *rim* lands. Prominent individuals from neighboring regions like *Ras* Mika'el, Minilek, Yohannes, etc., were granted *rim* lands in the study area probably so that prayers would be said for them. The rights of holding *rim* land were granted to persons alive at the time of the creation of the right and it was possible for it to pass by inheritance. However, *rim* land was also given to persons who were not alive at the time of the grant and had passed away a long time ago. Such grants were made for example to *Däjjazmach* Goshu, grandfather of Täklä-Häymanot.[57] One

indication of the permanent nature of the original grant was that the *däbtära* did not demand a new order with every change in the political leadership of the region and the grant of the departed lord was generally respected by his successors.For this reason it was not necessary to obtain confirmation of the grant by his successors.

Rim land conferred considerable economic benefit upon the individuals and with some social prestige as well as political power. The *rim* holders cultivated their *rim* lands through their *zèga*. I have already quoted the passage in the charter of Däbrä-Marqos containing the regulation between the *däbtära* and the *zèga*,the *däbtära* and the *restäññа* and the officials of the church.[58] Because of the great increase in the *rim* land held by persons in this period the *zèga* might have been as much numerous as the *baläsisso* around Gozamin. Undoubtedly the *zèga* formed an important element in the overall structure of the rural population, particularly around the district of Gozamin. The charter is very vague in setting the economic obligations of the *zèga*. It simply mentions the judiciary and administrative right of the *däbtära* over the *zèga*. This is perhaps because of the fact that custom did not demand it and it was wholly the concern of the recipient of the rim land to determine it. I have discussed the major characteristics of the socio-economic relationship between them elsewhere and no particulars need be given here. The nature and scale of the duties of the *däbtäras* of Däbrä-Marqos church were not as extensive as those of the church of Bichäna Giyorgis. By the operation of the immunity the *däbtära* were able to escape or avoid from providing onerous labor service like repairing church buildings, entertaining guests, etc. Much of the economic burden rested on the *restäññа*.[59]

The nature of the socio-economic and political relationship between lord and peasant was the subject that was precisely defined in the charter of Däbrä-Marqos church and to which much attention was paid. The *gult* register described in details the services and dues required of the *baläsisso*. They were permanently exempted from taxation and dues except labor dues and the payment of obligatory presents on the three annual holidays. The *restäññа*s holding one-third of the land were responsible for the payment of the wages of the carpenters and the repair of the enclosure walls, the building of the *däjä-sälam*,the one storey main entrance to the church. They were also expected to offer one sheep each. In

almost all of the land charters it was stipulated that in lieu of the gift of a sheep its price, which was fixed at three amoles, would be paid, showing the existence of the general level of regularization or uniformity in the obligation of the peasants. The price of the sheep given as a present was standardized as a universal custom. [60] Though there is no direct empirical evidence to support it,it is possible to presume that the *restäñña* who had lost a good part of their former rest lands would find it difficult to live on their reduced holding alone, hence they had to supplement their income by working for the *rim* holders. They would be subject to rents and labor services, even possibly could end up merged with the *zèga*.

The socio-economic relationship between the *restäñña* under the direct administration of the *gäbäz* and the *aläqa* and the *liqätäbäbt* is of special importance for us. Important offices have land attached to them by way of payment of *yäwär-qäläb*(monthly stipend). The monthly stipend of the offices of the *aläqa* and *liqätäbäbt* and the *gäbäz* as distinct from other offices were allotted on certain villages. Church offices such as those made for Däbrä-Marqos appear to have been highly profitable. According to the list of lands referring to Däbrä-Marqos three are listed under the holding of the *aläqa* and the *liqätäbäbt* as the one-fifth land of the total villages listed. This is however a theoretical assumption and there was no deduction of one-fifth of the total land given to the *däbtära* in terms of acres. They were given such extensive lands in view of their important service to the church. Besides receiving *rim* land the *gäbaz* and the *aläqa* and the *liqätäbäbt* were given cash(salt-bar) payments and obligatory presents and monthly stipend from the lands under their special administration as the recognition of the their high rank and the importance of their service.[61]

Next to the *däbtära* land the most prevalent form of village is the village allotted as Mass or *mäsewat* land. The criterion for holding the office of gäbäz was decent from Mänqorär, Zäna and afterwards from Täklä-Häymanot himself. The charter of Däbrä-Marqos church recommended that the *gäbäz* should not be elected from among men other than the descendants of the three *restäñña* just referred to. The office was given in perpetuity and it rotated among members of the three families once every three-years, i.e.the office rotated among the descendants of the three families after every three years. As a *gäbäz* the king would enjoy the right to the office and the stipend that went with it for three years. He recieved the dues and contributions from the peasants under the

gäbäz's administration. The lands given for the support of Mass or *mäsewat* were distinct from those of the *aläqa* and the *liqätäbäbt*. Usually the lands under the administration of the *gäbäz* were not committed for the settlement of the *däbtäras* or *gäbäz's zèga*. Although the *gäbäz* did not held proprietary right over such lands and he had to confine himself to judging civil cases he would still exercise an immense power over the peasantry in the *mäsewat* land. The *gäbäz* had one-fifth of the judgment fee collected from cases involving homicide, adultery and theft.[62]

Like the rights of the *aläqa* and the *liqätäbäbt* the taxes and tributes from the one-fifth of lands the *gäbäz* was allowed by the charter to use certain parts of the tax and tribute thereof in lieu of monthly stipend and to defray the cost of administering such lands. The method of collection and the time limit for the payment of the dues is clearly set out. The *gäbäz* was given monthly stipends and obligatory presents of sheep on the three holidays by the peasants as remuneration for his services. Presents on festive occasions appear to have been the most fruitful source of income. The peasants had no labor obligation to the *gäbäz*. The present of three sheep on the three holidays illustrates the continuity in traditions from the eighteenth century. It might have developed from earlier. The building of the *eqabèt* or treasury house and the *bethelhem,* the house where the Holy Communion bread was prepared, was made the responsibility of the peasants within the *gäbäz's* administration. Usually the annual land tax and the tribute in the lands given for the support of Mass were assessed in wheat.[63]

Generally, the peasants were required to pay tribute and tax according to the nature of the crops grown. But in the lands given for the support of the Mass the peasants were forced to plant part of their land with wheat even when it may not be good for such a production. It is not difficult to understand the reason for the assessment being made partly in kind and partly in cash. Wheat was necessary for the churches special needs, particularly for the preparation of the bread of the Holy Communion. The custom of assessing tax in fixed amount of wheat should not be considered simply to have resulted from the dominant agricultural practice in a particular area. Indeed some villages which were noted as chief producers of wheat or as much noted for their production of other grains, or perhaps even not self-supporting in wheat grain, were arbitrarily assigned or the support of Mass

and the taxation was assessed in wheat for the purpose of meeting the needs of the church. In such circumstances, the peasants were obliged either to buy the necessary amount of wheat due to the church or sow or grow wheat over parts of their holdings. The peasants had to provide the amount of wheat stipulated in the document, even in the event of failure of the crop of wheat, by exchange or any other means.[64] The unit on which the dues were assessed varied from area to area. Tax and tribute was not assessed by measurement of the land given for the support of Mass.

Individuals who were vested with the offices of *aläqa* and *liqätäbäbt* were given rights for prescribed period and had only life rights. Persons who were vested with the two offices were obliged to leave or pass the administration of the lands attached to the two offices to whoever would be appointed to the two positions after the end of their terms of office. The taxes and tributes from such lands went to the two officials. Unlike the case of the peasants under the two officials of Gemjja-Bèt, the *restäñña* under the *aläqa* and *liqätäbäbt* of Däbrä-Marqos were to meet the land claims of the two officials out of the produce of the land instead of transferring land. In other words the *restäñña* did not give away two-thirds of his land in the case of Däbrä-Marqos. In the case of Däbrä-Marqos the division of the land between the officials and the *restäñña* was commuted to taxation paid per annum, presents on the three annual holidays, monthly stipends and labor dues.[65] This is mainly aimed at providing the two officials with a comfortable the means of livelihood, without they themselves directly assuming responsibility of cultivating their share of the land like other *rim* holders. This may be also due to the fact that they were rotating offices. As stated above all of the taxation and tribute from such lands went to the two officials. A monthly stipend and a payment in kind and presents of three sheep on the three holidays and tax in cash per annum were levied on the peasantry which was paid in kind and cash for the officials at regular intervals i.e. on monthly and yearly basis and as a norm coinciding with the principal Christian feast days. The unit on which the dues were assessed varied from area to area. The Däbrä-Marqos charter gives an indication of the kind of imposition to which the peasants under the two officials were subject. The assessment of the wages of the *aläqa* was made in certain areas by *gundo*(unit of measurement)of butter. One of the villages called Shäbla, fore example, paid ten *madega* of grain and six rock-salts per month, one

hundred rock-salt per annum and three sheep on the three holidays.[66] Whether the obligatory presents of sheep, butter, etc., were levied per household or collectively and according to the means of the peasant cannot be known.

The *liqätäbäbt* and the *aläqa* could extract much from the peasantry under them by using their position in the administrative structure of the church. The *mälakä-tsahäy*, the title of the *aläqa* of Däbrä-Marqos church, was the chief appeal judge of all the lands under the church's domain. The *aläqa* could take not only all the fines of the proceeds of justice brought to him from *yä-aläqa amestya agar* which were specially set aside for his maintenance but also received *rim* lands in the remaining four-fifths. He also derived income from other sources like appointment fees, market tax, *täzkar(*memorial services) all minutely set down in the charter.[67] It is impossible to cover all the important points that stand out in the charter within the limiting confine of few pages. We need to pass onto discussing other charters.

Täklä-Häymanot continued to issue constant stream of charters down to the end of the nineteenth century. One of the recipients of his favor was the church of Däbrä-Eliyas to be discussed in the pages that follow**.** As mention has already been made elsewhere in this study,Täklä-Hamanot generally followed the precedent of his illustrious forebear, Wälätä-Isra'el, his great, great grandmother in formulating charters, including that for Däbrä-Eliyas church.[68] Emperor Yohannes was responsible for the first extensive grant to the church in 1874.[69]However, Däbrä-Eliyas gained in strength and wealth during the late 1880s when Täklä-Häymanot, lavishly endowed it with extensive lands. Around 320 *däbtära* were given *rim*lands.[70] The charters for the church always contained provisions for the right to administer and govern the area. The charter laid on the church officials the responsibility for ensuring order and peace in the lands given to it. Under Yohannes's charter if the case was beyond the knowledge of the *aläqa* it would be referred to the court of the king or the bishop according to the nature of the case. Criminal justice and religious cases were to be tried only by the court of Yohannes and the *echägè* or the bishop.[71]

However, all kinds of criminal and religious cases were put within the competence of the church officials and were settled at the church by referring to

the Fetha Nägäst, which was a generally recognized reference for criminal and civil cases in this period. Under Täklä-Häymanot's charter the independence of the court of the church of Däbrä-Eliyas was increased and it was determined that crimes including blood as well as other serious disputes were to be referred to the court presided by the *aläqa* of the church. Final appeal which was formerly reserved for the courts of the king and bishops were now assigned by Täklä-Häymanot to Däbrä-Eliyas .The king gave it the right to try all crimes including those normally reserved for the king and the bishop by the former charter. The church was given the judicial powers to exercise over its dependents on the same basis that the bishop and the emperor had earlier exercised.[72]

The *däbtära* had completely appropriated the right of trying all kinds of civil cases in their *rim* land and over the people working it, the *zèga*. They were given such immunities from government interference in their relation with their *zèga,* immunities from payment of judgment fees in cases involving dispute over *rim* land boundary and other ordinary cases. However, they were not immune from the payment of judgment fees in cases involving theft, adultery, death, *sämbär*(serious beating) and also *wurered(bet?*).The reference to quarrels between the *däbtäras* over the boundary of their respective *rim* land points to the fact that their holding was very specific and individual.[73] The holders of *rim* land were given full powers to decide all cases involving the *zèga* settled over their *rim* lands granted to them to the exclusion of the officials of the church or the provincial government, except criminal cases "The *däbtära,* with the exception of cases of death, adultery and theft, shall judge the *zèga* whom they settle over their rim and *bota*"[74] This shows that the *däbtära*'s judicial and administrative powers over the *zèga* who lived on their lands were conventional. That this happened almost everywhere in the region is easy to show and is attested by many charters.

Thus the *däbtära,* which included noblemen and women, who might have derived very large parts of their wealth from their *rest* land enjoyed on many of their *rim* lands exactly the same legal privileges as on their *rest* land. There is no indication in the land grant documents about the nature of the socio-economic relationship between the *zèga* and the *däbtära.* Likewise no provision is made to protect the *zèga* against any possible maltreatment by the landlords. The silence of the charter under consideration about the socio-economic relationship of the

zèga and *däbtära* bears further witness to the complete acceptance by the regional government of the right of the *däbtära* to determine what it should be. The *zèga* constituted deeply impoverished rural farmers having nothing they could call their own. The fact that the *zèga* had no land to call their own except their labor and were entirely dependent upon the will of their lord to have a piece of land can be inferred from the reality that they were brought from elsewhere and settled on the land of the *däbtära* and they were required to leave behind even their important household objects at the time of their departure. The granting or acquiring of the powers and rights stated above to or by the *däbtära* over their land and people working over it are on a par with manorial or seigniorial rights. Such rights of the *däbtära* over the *zèga* together with extensive transference of peasant property to the control of powerful individuals led to a condition or tendency of increasing manorialism.

Despite the scattered distribution or nature of *rim* lands the holding of certain individuals would undoubtedly make into quite impressive blocks of land if they were to be consolidated and aggregated together. Where possible the individual *rim* owners would naturally prefer aggregated or consolidated holdings instead of widely dispersed holdings. There are instances of exchange of lands between the *däbtära,* though documents recording such exchanges are far less frequently met. Fore example King Täklä-Häymanot exchanged his *rim* land located at a place called Wänqa with the *rim* land of a certain Abba Ejjigu found in a place called Abbäzaj.[75] Perhaps there was an increasing tendency towards the concentration of lands and a possibility of the existence of hosts of successful concentration of holdings. It would seem implicit that the most important features of the economic and social life of Eastern Gojjam in the period under study was a socio-economic structure of widely dispersed land under great and petty landlords and small independent *restäñña* cultivating their own holding. Among those listed are high profile dignitaries, including from neighboring regions and those who had died a long time before, like *Däjjazmach* Goshu.[76] Why Yohannes and Minilek held plots scattered throughout the region and why were persons, dead a long time before, given *rim* lands? It seems that this did not arise mainly from the need to derive income therefrom, although they could also reward their *rim* lands in the region to whom they favored so that they would say prayers for them. It is apparent that high dignitaries and dead persons were also given land probably out of respect

and the desire to perpetuate their name as well as to provide support for their *täzkar* or memorial services.

In almost literally all of the land charters of this period the names of certain individuals, particularly those of Laqäch and Täklä-Häymanot, are entered. Indeed there was a flagrant self-aggrandizement by the acquisition of *rim* lands, especially by Täklä-Häymanot and his wife. They held parcels of land scattered at intervals over several hundred miles, almost literally across the entire span of the region.[77] Many nobles acquired many *rim* lands here and there in almost all districts of the region. The mass of peasant lands in some districts was transferred as much into the hands of the nobility as into the members of the religious class. The king and his wife derived the income for their material needs from their *rim* holding. Laqäch exercised seigniorial authority over a number of widely dispersed *rim* lands. She was a lord after her fashion. The following document is a typical case that illustrates this fact, [78]

> *Emäytè* Laqäch transferred her Gorgor *gult* and received it as *rim* {land},paying four *mägäbäry*a of {wheat}for it. She shall judge and administer. She judges and the appeal {judge} should be the *gäbäz*. If one is not satisfied {with the decision of the} *gäbäz* the appeal judge is the Demah G*ä*n*ä*t.The appeal judge of the Demah G*ä*n*ä*t is the Fetha Nägäst of the *däber*. The adversary shall have no rights in her *rim* except in the one-third of his rest {land}. There is a pact for this. It is anathematized .The community {of the church} know this.

The size of the *rim* land in the above document was not perhaps small. Laqäch had the right to take part of the produce of the land and whatever pertains thereto to her. The charter concluded with the injunction that the rival or *balanta* should not obstruct or interfere with Laqäch over the two-thirds of the land. Here Laqäch transferred her secular *gult* land into *rim* land in which she was given large judicial and administrative rights over the two-third of the land of the *restäññ*a. The only obligation attached to the land being the payment of certain amount of wheat for the support of Mass. She was given as good as manorial rights over her land. Besides the lands quoted in this document, her name was entered in the charter, showing her holding several *rim* lands. The land being given for the support of Mass, the *gäbäz* exercised some judicial authorities over Laqäch and matters that came for decision among those under the woman and beyond the competence of gäbäz were to be referred to the Demah G*ä*n*ä*t. The

ultimate appeal judge was of the Demah-G*ä*n*ä*t was Fetha Nägäst , the standard reference book in the period.[79]

The *gäbäz* in Däbrä-Eliyas derived his power from a hereditary title to the administration of lands given in support of Mass. The charter ordered that the *gäbäz* should be elected from among men who were born into the family of Dil-Assäma, a fifteenth century founding ancestor. The first church of Däbrä-Eliyas is said to have been founded by,Dil Assäma, who was a man from Shawa who crossed into Gojjam during the reign of Zära-Ya'eqob(r.1434-1468).[80] There is a threat of the imposition of fine and a threat of curse, which were usually meant to serve as a guarantee for the loyalty of the *restäñña* to the charter. The mere fact that the charters had to add the injunction against ejection bears further witness to the fact that trespass or derogation of the grant was frequent occurrence. However, there is no record of peasant attempts to stop the realization of the charter as a whole. Perhaps the immunities put barriers against any attempt by the *restäñña* to oppose the transfer of their land or the *däbtära* to seize the land of one another. This suggests an interpretation that either there was nothing the peasant could do about it or that this act of near virtual expropriation was considered by the peasantry as impossible to stop. More precisely it was the subordination and helplessness of the peasant or because the transfer of peasant rest land to the *rim* holders had become so well established and a common practice that they recognized the transfer of their land to the elite as normal.

This charter provided with much consideration for the security and rights of the peasants' holding over the remaining one-third of the land. The charter guarded the right of the *restäñña* as carefully as those of the *däbtära.* The transfer of extensive land from the *restäña* to the *däbtära* would bring sweeping rearrangements in the structure of the landowning class. Moreover, it would bring tremendous increase in the personnel owning land on behalf of the church, though the extent of concentrated holding would melt away after some generation of use. Yohannes's charter required the *baläsisso* to provide for the feast of the prophet Eliyas thirty *gan* of *tälla* and three thousand *enjära* as well as two beef cattle for the feast of Christmas, two beef cattle for the feast of Easter and two beef cattle for the feast of the Assumption of St.Mary.[81] As in the days of Wälätä-Isra'el memorial services and banquets as well as income from funeral services,

market levies, appointment and judgment fees formed useful source of income and constitute special concerns of this charter. The amount of payment the charter asks for appointment fees varied with the wealth and the importance of the office as well as with the rank of the individual holding the office. This was a universal custom.[82]

Some charters that are of considerable importance for this study remain to be discussed. One of such very significant and very intriguing charters is that of the monastery of Ledäta,in the district of Basso. This charter issued by King Täklä-Häymanot placed some three villages under its overall administration. It orders that peasants would be required to provide labor for a number of days yearly for cultivating the lands of the monks or the lands of the peasants which was transferred to the monks. The charter ordered that the *čeqa* and one of the officials of the monastery, the *liqäräd, the aläqa* or chief of those vigorous members of the monastery who were put in charge of working its land, should organize and supervise the peasants in the cultivation of the land in a fitting manner or "as the *čeqa* saw it fit ". The peasants were ordered to accept the monks as their rulers possessing full powers of administration. The charter is very vague as to whose land it is referring to. It simply states that the cultivation of the land is the concern of the *čeqa* and the *liqäräd* according to their discretion and the responsibility of the peasants who were engaged in the actual farming of the land. The charter orders the peasants to transfer an unspecified extent of their land to one of the dependent parish churches of Ledäta and to spend a couple of days providing agricultural labor service.[83]

In the revised charter of the same monastery (this is a point I will discuss below) there is very definitive evidence that the original charter obliged the peasantry to transfer part of their holdings to the monastery. The original charter was revised after a quarrel between the monks and the peasants. One of the terms of agreement that lead to the reconciliation of the monks and the *restäñña* was that the latter agreed to meet the land claims of the monks by the payment of the monthly stipend of the monks and annual taxes and agricultural labor services. The phrase that contains the key point in the revised charter concerning the terms on which it was probably granted first pronounce,"However, the obligation for the exchange of the land, the *restäñña* shall give to the monks the

annual taxes in gold, four ounces of gold and *alad(?)*, the monthly stipend twelve *ladan*, twelve rock-salts for Christmas, sixty rock-salts for {the feast of} the Assumption of st.Mary ,sixty rock-salts for Easter."[84]

Twice in the document there are words and phrases that say the *restäññа* agreed to meet the claims of the monks in land as according to the provision of the charter by paying the monthly wages of the monks, working in the agricultural fields of the monks, their annual taxes and to meet their other labor obligations.[85] This therefore suggests an on-going negotiation between self-perceived rights of *restäññа* and authority of the church. It appears from the original charter that the land tax was *erbo,* which literally means a quarter of the total produce, since it is stated that from the produce of the soil the monastery would get half *erbo* the remaining half *erbo* going to the *restäññа*. However, *erbo* as used here appears a theoretical assumption or abstraction and it simply means that the produce of the land was being divided on equal basis between the *restäññа* and the monks. Moreover, the charter imposes compulsory labor services in which the labor of peasants was used for production activities on lands directly owned and exploited by the monks. The monks were themselves engaged in productive activities and cultivated their fields by their own hands but further needed to draft labor from the peasantry. If the forced labor levied was used chiefly on agricultural production it took the form of the performance of cultivation on the estate of monks, called *hudad.* From these passages it would seem that forced labor did not usually take the nature of public works for the benefit of the officials and churches but also that of agricultural labor. It was levied per household and consisted of some days of labor by the peasantry. It involved the provision of a team of oxen free on some stipulated days of the year. Probably food was provided for the peasants on the day they provided the service but no other payment made to them. Peasants were required to plough, weed and reap the crops of the monks without receiving any compensation on the lands directly owned and exploited by the monastery.[86]

As already alluded to the peasants and the monks quarreled and it was this quarrel that provided the condition leading to the revision of the original charter of the monastery. The peasants managed to retain their lands and agreed to meet the land claims of the monks by the payment of annual taxes, obligatory gifts,

etc.,as indicated above. The amount of free agricultural labor service levied on the peasants was increased. Each peasant household was required to provide free labor, without payment, for a couple of days yearly. The revised charter demanded the peasants to provide free service from seven to ten days each year: one day for *gwelgwalo* (the preparation of the land immediately before sowing), one day for ploughing and sowing, one day for weeding, one day for reaping, one day for *wägäz*, the agricultural work of driving cattle, donkeys and mules round and round over the land being planted *teff* to level it immediately before sowing, and threshing and transporting the harvest to the granaries. The chatter stipulates that peasants had to provide these services irrespective of the wealth and the capacity of providing such a service. Poor peasants who even might not have had the necessary draught animals were not immune from providing the service of ploughing. The service of ploughing is made per oxen and amounts to only one-day free labor of a peasant yearly. The wealthy peasants who might have more than one team of oxen were required to provide only a pair of oxen.[87] The threshing and transporting of the harvest to the granary of monks would probably take many days. Approximately the peasants provided seven to ten days of free agricultural labor services per annum. Besides the number of days stated the peasants might have been performing free agricultural labor service whenever required to the effect that the land of the monks was ploughed, sowed, tended, harvested, reaped, and threshed by their corve'e labor alone. The monks could levy causal labor during harvest or sowing or reaping out of the provision of the charter.

The charter boldly stated that the *restäñña* should spend their time according to the order of the monks. The peasants were instructed to give obedience to their masters in everything and they should spend their time according to the order of the monks. The *restäñña* could not transgress or contravene what the monks ordered them to do. A very heavy fine of fifty ounces of gold threatened any transgression of the regulation of the charter. The revised charter commanded the *restäñña* to regard the monks as in effect their lords or owners of their labor since it ordered them to obey the monks in every thing. Monks provided seeds and the peasant draught animals, agricultural implements and the necessary labor starting from preparing the land through to the threshing and transporting of the produce to the granary of the monks.[88] Unlike the labor

obligation of the peasants under other churches discussed elsewhere, those of Ledäta were required the performance of agricultural services every, year especially during the crucial periods of sowing and harvesting.

In another land charter peasants were required to provide agricultural labor services throughout the whole year, at the interval of every two months. This grant was made, as usual, by Täklä-Häymanot to a monastery called Mäkanä Qedusan in Gozamin district. In this case the peasants were not only forced to hand over two-thirds of their land but also required to repair the church, build houses for the nuns and monks and provide presents of sheep on the three annual holidays as well as to plough the land of the monastery one day every two months.[89] Peasants under the monastery of Ledäta were obliged to provide on three unspecified days milk for the monks and customary payments of food and drink on certain occasions. The revised charter of Ledäta also ordered artisans (weavers and tanners) to work four days per annum on whatever the monks ordered them to do.[90] Unlike labor services provided for the non-agricultural works the charter specified the number of workdays the peasants had to spend on the fields of monks. The *restäñña* would approximately spend between five to ten days working and farming in the fields of the monks. Though the number of days of agricultural labor services demanded from the peasantry appear few it could make a difference to spend even a single day of the peasants working time particularly during the farming and harvesting periods. Threshing, winnowing and separating the grain from the chaff and transporting the produce to the granary of the monks might required the peasants to spend three to five days on this obligation alone beyond the number of days envisaged by the charter.

In addition to the peasants' liability to perform free labor on a fixed number of days per annum for agricultural works peasants were required to build churches. The extent of the labor obligation performed in building in nearly every charter is the same. Providing labor services on church buildings, enclosures, etc. and the payment of presents on the three annual holidays did represent the total of the obligation of the peasants to the monks. Free labor services of repairing and building churches, the houses of officials, and the enclosure walls happened at intervals of several years. After the first construction activities the church building and the enclosure walls may not have needed repair every year. However,

when it demanded repairing it some times took several years and much money. For example it took three years to rebuild the enclosure walls of Mota Giyorgis church and large sum of money for the payment of carpenters. This took place in 1870s,the early years of T*äklä*a-H*äy*manot's reign.[91]

The last two charters remaining which are worth considering and which are of special interest for the purpose of my study are the charters of the church of Amanu'el and the monastery of Däbrä-Gälila,both located in the district of Machakäl which Täklä-Häymanot lavishly endowed. Both charters contain provisions for adjusting the obligations of the peasantry to their (peasans') fortune, which are not found frequently in other charters.[92] Such consideration was made in the event of some calamity happening to the peasants that seriously damage their economy. The existence of such injunctions though very rarely and at least in some of the charters itself are indications of the concern for the well being of the peasantry. The first of the two grants was issued for Gälila during the reign of emperor Yohannes, in 1874.A total of eighty-four monks and clergymen as well as hosts of noblemen and women were settled over the land given to the monastery. This charter grants immunity to the *restäññä* from payment in bad years of the full dues for the abbot of the monastery on the occasion of his appointment and the payment of wheat for the support of Mass. The charter prohibited officials from demanding the full dues which the peasantry had to pay in normal years. However, the charter did not necessarily confer immunity upon the peasants from all taxes but it implies a mitigation of the taxes in bad times. The charter states that if some natural calamity destroyed the necessary draught animals or oxen, the peasantry would pay half the amount of the original assessment of the dues and obligations demanded in times of prosperity.[93] To demand the full dues in bad years would amount to squeezing peasants to the last limit. This would suggest that there have been some attempt made to adjust tribute and taxes demanded from the peasants and to set maximum limitation on the rate of taxes in times of calamity. This is indeed a very good bar against exploitation of the inhabitants without regard to their well being to the last degree.

The land charter of Amanu'el church is of great interest. It is probably the last charter issued by Täklä-Häymanot. It was granted in 1899.The charter

provides additional evidence about the existence of some concern for the well-being of the peasantry in some areas, if not elsewhere too.The charter offers further evidence to the argument that church *gult* land was essentially a right to the soil than a right in the tribute. The division of the land was on the basis of two-thirds for the *däbtära* and one-third for the *restäñña*. One of the most important indications of the right of the *däbtära* in the soil being that the charter states that if the *däbtära* and the *restäñña* quarrel over land the judge would be the *čeqa*. The payment of the *čeqa-mägaräfya* was made a charge upon the *restäñña.* The charter exempted the peasantry who were made to support Mass, local candle and incense from the payment of their full obligation. Moreover those villages who were given as the *yä-aläqa amestya agär* (one-fifth of the *aläqa* land) were exempted the payment of their full dues if their economic standing could not allow them to meet the demands of the church officials for any reason. The exigencies, which could lead for such a consideration, are not stated. The charter states that special exemptions from the payment of the total taxes and dues should be given for peasants on the grounds of their inability to pay.[94] Presumably calamities both natural like the *Kefu-Qan*(1888-1892)and artificial and independent of the cultivator could lead for the reconsideration of the original assessment. Whether the church officials would be able to demand retroactively the dues and taxes missed after the passing of the difficult times or not cannot be known.

Like in many other charters King Täklä-Häymanot is the greatest beneficiary from both grants. Besides receiving *rim* lands he concentrated the office of *gebezzena* on three individuals one of which was himself. The office was to rotate among the three *restäñña*s. Moreover, the king made himself the overall administrator and the supreme appeal judge for the monastery of Gälila. The office of *čeqa* was given to individuals bearing high titles like *fitawrari.* The king was probably the biggest landlord in the region in the period under study. He embarked on a flagrant self-aggrandizement under the cover of *rim* land and the office of *gebbezena.*[95] However, it would probably be unfair or a misrepresentation to suggest that the king was inconsiderate of the wellbeing of the peasants. The extent to which he felt responsible for the well being of the peasantry is vividly evidenced in the two charters discussed above. The mere fact of taking into consideration the paying capacity of peasants entered in some of the charters he

issued shows the existence of some concern for the well being of the peasantry and is a fine testament to the fact that he was an enlightened ruler.

In addition to the tremendous increase in the amount of church land brought about by the Täklä-Häymanot there had been a not inconsiderable private and voluntary transfer or grants of land to churches and monasteries in this period. Side by side with property transfer to institutions there was a great number of property transactions horizontally among individuals. Such a focus of interest would surely be important and the next chapter is devoted to a discussion of the mechanism of property transfer and to exploring the motives of individuals in adopting certain modes of transfer

Chapter Four

Property and Modes of Property Transfer: Individual Rights and the Commercialization of Land.

4.1 *Property and the Making of Property Documents*

Crummey's interest in social and class relations brought him into contact with property documents contained in churches and monasteries. In the attempt to understand the nature of class and social relations in the past he has placed a particular importance on the property documents which exist on the margins of manuscripts. The wide temporal and spatial coverage of the marginalia provides a very exciting prospect or potential to the study of the social history of northern Ethiopian. His recent work is a gratifying indication of what can be learned from the marginalia and he gives invitation to the further study of this issue. Indeed a study of the social history of northern Ethiopia would be impossible or incomplete without consulting such kinds of sources. These documents shed greater light on economic and social interactions at lower levels of society than what is contained in chronicles and travelers' accounts. They provide an opening for exploring social and property relations at lower levels and beyond stories contained in elite documents.[1] Miles of microfilms of property documents have been obtained from churches and monasteries in northern Ethiopia, including from Eastern Gojjam. The Ethiopian Monastic Microfilm Library and the UNESCO sponsored projects have collected an impressive list of manuscripts, many of them annotated by Getachew Haile, which provide up to date list of references to these sources.[2] Besides a research team of Crummey, Daniel and Shumet have photographed an immense and useful corpus of material from Gojjam and Gondar that would lend itself for the analysis of property and property relation. The wealth of data one can get from the study of such documents is immense.[3]

Before passing into internal information contained in the property documents the question why and how they were written merit an equal interest, as this allows us to address the larger issue of the concern and purpose of property transfer. The writing of property documents seems to be a result of specific historical processes. The period when documents first come into common

use and the making of records and the growth of the use of writing for ordinary secular business dealings in land and other property as distinct from religious or royal purposes can not be fixed with absolute certainty.[4] Generally the earliest property documents in Eastern Gojjam date from the second half of the 18th century .The need for registration or record of property transaction seems to have arisen with the commercialization of land, which must have called for a careful system of recording. Though it is very difficult to recapture the mode of operation of the traditional means of recording of land transactions it seems that it was not able to cope with the conditions created by the vigorous trade in land and other properties. Presumably when land acquired a negotiable value it led into a market in land and changing rights in land. Thus it is apparent that trade in land made it imperative to register business dealings in land. This in turn suggests that the making of documents was occasioned by land market to cope with the new conditions created by land transaction.

There seem to have been a number of other factors at work behind the keeping of records. The record of land transactions could be considered as a response to political conditions. The practice of buying and selling land started in earnest in the period known as era of princes. The period was marred by incessant military conflicts.[5] The unsettled political conditions of the period together with the growing importance of money as the operative medium to acquire land title which brought in its wake a new departure from the preexisting mode of access to land apparently lead to a confusion and ramification in land titles. This in turn presumably rendered the traditional modes of recording transfers and deeds insufficient and unreliable. Therefore oral mediation could not afford security of tenure in a period characterized by incessant political and military disturbances. Moreover, the acquisition of land through purchase might have created many openings and causes for a flourishing of land litigations.

Some documents bear definite evidence from which we can draw firm conclusions about the salient features, which will enable us to understand the factors and principles underlying the making of records. Churches and monasteries had a well developed system or arrangement for recording property dealings in land and other forms of property so as to avoid confusions or conflict of interests and reduce the scope for litigations. Charters laid dawn conditions and inserted clauses regulating the registration of deeds and transactions.[6] The

manual for the officials of the three monasteries also contain regulations reminiscent of the provisions often contained in the charters and other church documents concerning the registration of deeds. It is stated in the manual that any important disposal or acquisition by inheritance or purchase would not be valid unless and otherwise supervised by the *mägabi* and another official of the church called *ambäras* (lit. head or guardian of an amba,but its meaning in this context I have not been able to establish) and properly registered in the central registry of the church. Anyone could apply to register his or her dealings in land and his/her name would, on his or her application, be registered as owner upon the payment of one rock-salt as registration fee to the two officials, as a remuneration for their service of putting boundary marks on the land transacted. Any important disposal by sale or inheritance would be registered in the central registry and the rule required the presence of the abbot and the officials upon payment of the necessary registration fee. Proper registration confered upon the transacting parties validity of the deed, which it would not otherwise have had. Any disposal would not have validity and could not be recorded in the register of deeds without the presence of the abbot and the officials of the monastery. This explains why land transaction was commonly committed into writing.[7]

It seems that the presence of church officials was an imperative need in particular, and there is no document which does not invoke the name of church officials.[8] This was done probably to attain publicity and validity to the transaction. All the witnesses and guarantors would give a certain degree of additional security and validity for the transaction in case of any adverse claim. Those present during the event of the transaction would be called upon by the court to bear witness to the validity of the document on the occasion of land dispute. But this could not guaranty security indefinitely and hence the need to put down in writing the transaction.

Any person at any time may ask for his land transaction to be placed on the register. There is much tangible proofs for this. One of the most interesting classes of cases took place in 1899. A certain *Lej* Tsämru Asägehäññ pleaded for the registration of his land transaction in Däbrä-Marqos to king Täklä-Häymanot. Tsämru and his father *Balambaras* Asägehäññ were actively engaged in the land market from the early decades of the nineteenth century to the end of the century at Märtulä-Maryam and all of their property dealings were recorded in the

different folios of the Registry of Deeds at Märtulä-Maryam. Tsämru demanded that all his holdings be recorded in Däbrä-Marqos too. And all of it was recorded accordingly by the permission of the king in a manuscript of Däbrä-Marqos called *Giyorgis Wäldä-Amid* (folio 191r).[9] Another classic example is the will of *Wäyzäro* Sehin, daughter of *Däjjazmach* Ayo (governor of Bägèmder during the reign of Iyasu II).This will is recorded in Märtulä-Maryam, Qäranyo Mädehänè-Aläm and Mota Giyorgis.[10] The recording of titles and land transactions served as an important function by promoting a sense of security and reducing the scope of litigation. Purchasers ordered the careful recording of their property dealings in different places so as to reduce the incidence of the destruction of evidence and insure the security of their title to a purchased property by denying any possible occurrence of a loophole for an adverse claim.[11] The practice of recording transactions in many places at the same time aimed at increasing the chance of the preservation of the documents .The purchaser can use it as a proof or a reference in any future dispute to counter an adverse claim.[12]

In some areas fraudulent documents were registered. One such outstanding fraudulent document involving persons who bore high titles was discovered during the reign of king Täklä-Häymanot in a place called Däwaro around the monastery of Däbrä-Wärq. The case was referred to the court of Täklä-Häymanot and it was deleted after serious court investigation.[13] Several fraudulent documents were also deleted in other areas following similar procedures.[14] In some instances it seems that to cope with and to avoid the problem of the registration of some defective documents transacting parties were asked in Märtulä-Maryam to apply for registration to government representatives and get the signature or the seal of the government body before their transaction could be recorded in the Register of Deeds. Moreover oral testaments could also be registered after the confirmation of their validity by the father confessor. Many oral testaments that took place at moments of death were subsequently included into the Register of Deeds upon the application of individuals and only after the confirmation of their authenticity .Two oral testaments were recorded in the Registry ten and nine years after they were made on the approval of the father confessor and other people who were called upon to act as witnesses at the event.[15]

The charter of Däbrä-Eliyas too bears a provision which states that any important disposal by sale and registration of deeds could take place upon the authorization and knowledge of church officials.[16] King Täklä-Häymanot appointed a certain *aläqa* Tägäññ as chief registrar of deeds for the church of Däbrä-Marqos. Tägäññ was given *rim* land to remunerate him for his services. As chief registrar Tägäññ was entrusted with the control and supervision of all land registrations. It is stipulated in the charter of Däbrä-Marqos church that the office was created for the express purpose of recording land transactions and for a careful inventory of church properties.[17] In the influential charter of Wälätä-Isra'el, there is also a clause regulating the registration of transactions. All the *däbtära* were exempted from the payment of registration fees[18].

There is a tangible piece of evidence in the charter of Däbrä-Marqos that the Register was used as a reference for solving litigations or any dealings in property. It is noted in the charter that the Mäzgäb (Registry) should be kept in the treasury and anybody had the right to search in the registry for any registered document or any information on matters which required the evidence of the Registry. However, by no means could it be taken out of the churchyard for the purpose of reference to settle any dispute[19]. According to informants the Mota registry was not bound together since there were many applicants for the right of search of documents each day. Every body had to pay some fee for searching recorded documents in the registry. To serve as many individuals as possible at a time the register was divided into many quires containing different number of folios.[20] This is exquisitely suggestive of the fact that the systems of tenure did not only contemplate the transference of land by sale or exchange but also that the population used those property registries actively.

4.2 ***Modes and Factors of Property Transaction***

4.2.1 ***Sell and Redeem-ability of Purchased Land***

I am principally concerned with analyzing and identifying the factors which determined the modes of property transfer. Moreover, the nature of the property right involving land would be defined with reference to the mode of property transfer. The discussion in this chapter is essentially based on two original manuscripts containing immensely important property documents. One of the manuscripts is called Däqiqä Näbeyat (lit.means the Minor Prophets) and also known as Yäwel-Mäzgäb(Register of Deeds) found at Märtulä-Maryam. The second

manuscript is found in the treasury of Mota Giyorgis church. There it is called Mäzgäb and is not bound together. The Register of Deeds at Märtulä-Maryam is inventoried as G1-IV-16 by the Ministry of Culture .It measures 27x38cm. It has 264 folios .The first three folios and folios 193recto through to folio264verso are all property dealings. The margins of other folios are also covered with property documents. The binding is of half red leather on wooden boards and in somewhat distressed condition. Both manuscripts have a highly developed marginalia recording many forms of land transactions ranging from wills to charters of manumission, sales to gifts, inheritance to litigations and many other historical notes. Taken together the manuscripts form useful treasury of many strands of customs with regard to property of all sorts. The second point that makes these manuscripts exceptional is their volume. Many important documents are written in almost every important margin of these manuscripts. Indeed every usable space is covered with notes. The folios are additions made at different times. These manuscripts were clearly rebound many times. In both the Registry of Deeds and the Mäzgäb of Mota the quires are irregular and the folios are not the same size and quality. The distance between the lines and the number of columns on each folio likewise differ in spacing. The Mäzgäb has five hundred folios and most of them measure approximately 40cm X 40cm.I have copied the land transactions contained in the 350 folios.[21]

The property registers describe the names of the transacting parties, the witnesses, the prices of the properties transacted, etc. Sufficient description of the location of the land in relation to its locality and after the early decades of the twentieth century the specific date, month and year on which the transactions took place are also given. From the standpoint of the Märtulä-Maryam documents sale, gifts, wills, bequeathals involving adoptions, inheritance and litigations were the major methods of acquiring or relinquishing of property rights. Below are given the main features of three of the modes of land transaction. Although a full range of the property dealings are recorded a good percentage of the transactions belong to sales of land and titles to land. Land transactions or transfers occasioned by sale had preponderance than those by way of gifts, wills, etc. Sale forms a huge percentage of the transaction by which rights in the property were transferred or acquired. Sales of land have been going on for over three centuries.[22]

A very vigorous trade in agricultural land, building land and rural lands and houses together with gardens started in the towns in the mid-18th century and continued through to the 19 th century and with greater intensity in the 20 th century. Many people might have been buying and selling land long before the late eighteenth century. The necessary conditions for the development of a particular kind of market in land was the result of quite specific historical processes. What factors or combination of factors produced the practice of buying and selling of land? Crummey asserts that the revival of trade and the attendant urban growth of many towns along the trade routes produced the practice of buying and selling land and other properties. The country had had a strong commercial contact with Sennar, its northwestern neighbor, and the Red Sea area in the period under study. He further asserts that the growing insecurity of life in the period increased the importance of towns with churches, which served as sanctuaries.[23] I do not have an priori objection to the point that urban growth was a useful source of wealth for landowners who gained cash through outright sale of building land. However, although Crummey speaks about the strong commercial link or activity between the Red Sea and Ethiopia the custom of transferring land through sale was neither introduced and adapted as a result of outside influence nor was it solely a consequence of the revival of trade. To begin with Märtulä-Maryam was not located along the major trade route in the period under study. It was found very far away from it. Secondly nobody took refuge in the monastery in times of difficulty and once during the Era of Princes it was plundered.[24]

The custom of transferring land through sale was induced by many complicated factors. Thus as a complement to Crummey's argument it is necessary to examine the possibility of other factors working behind sales. I believe that the eighteenth century had brought a new definition of property rights in land. The necessary conditions that would lead for the creation of the market in land were individual proprietary rights and the right of free disposition. Thus land sale was a response to a new trend in the growing commercial sense of land and the presence of the absolute freedom of disposition, which, I believe, lay at the root of all business dealings in land.[25] The emergence of individual proprietary rights, the acquisition of negotiable value by land, the full recognition of the right of transferring land for cash and economic forces that might for long have been at work were some of the factors behind the transfer of right through sale.

It is logical to assume that under normal circumstances individuals would be disinclined to give up land , particularly *rest* land, willingly by sale unless sufficient conditions that warranted transfer by sale existed. In a not inconsiderable number of cases property was transferred because of the helplessly poor conditions or desperately weak economic standing of many individuals, as we will see below. Thus I have delineated the following factors that led men to choose sale as a means of transfer. Sale could take place a) when the market was good b) the necessity to raise money to meet social and economic obligations arose c) utter desperation of individuals due to natural or artificial calamities like famine and pillage and last but not least d) crushing debt. Each of these factors would be discussed in their right place in the pages that follow.

Many documents of the 19 th century often acknowledge the wide spread existence of credit stringency and the ruin of many individuals by burdens of debt. There are many reliable documents which show us that due to pressing debts many individuals were forced to resort to the sad fate of losing their land and residential houses. This conclusion is supported by many documents, as we will see in the pages below.[26] It is apparent that the worst case of depredation of many people usually occurred in times of difficulty occasioned by some natural or man-made calamities. The helplessly poor state of many people resulted in the dispossession of their ancestral heritage, including *rest* land in many instances, through sale and debt. That this was true throughout the nineteenth century is very easy to show since it is attested by many documents. Individuals who were forced to sell parcels of their residential sites and lands due to their helplessly poor conditions in times of difficulties usually made a desperate attempt to regain their land after the passing of the bad times. This explains much of the instability in some places particularly in the Mota area. The problem of land litigation in Mota was so serious that king Täklä-Häymanot was forced to intervene by writing a letter to the church authorities of Mota ordering them to take measure so as to reduce the scope of litigation. Consider the evidence of the following lines from a letter of king Täklä-Häymanot to the officials of Mota Giyorgis church which provide a very fine example on the existence of sale induced by the helplessly poor conditions of many people.[27]

> This letter is sent from King Täklä-Häymanot, son of Saint Mark the Evangelist, Orthodox in his religion .May it reach to *Mälakä-Gänät*

> *Aläqa* Gäbrä-Eliyas, {and} the community {of Mota}. How have you been? I, thanks to God, am well. I declare, that {you} stick to the old custom, in accordance to the practice during the time of Wälätä-Isra'el. Let the selling or holding of *bota* or *rim* be determined in the *baher däbdabè*(the Central Registry of the church). To this effect reissue the ancient decree. Why do you adjudicate over cases when a person sells in bad times and use [the money] and reclaims in better times? As of now let such stop. Do not allow litigation to proceed in such cases.

The letter attempts to regulate litigation. It also reveals that bad times brought about the impoverishment of individuals which in turn lead for important business dealings in land. In such circumstances individuals would be ready to make their land available to pass through sale to distant kinsmen or simply to the highest bidder who might not have any blood relationship with the vendor at all. The letter allows such a confident statement on the presence of frequent sales induced by bad times. We have records of serious droughts during the governorship of *Däjjach* Tädlä Gwalu(r.1854-1867)[28] and the well known Great Ethiopian Famine(1889-1892).Such natural as famines undoubtedly left people with a hopeless impasse and landowners would have no alternative save to transfer whatever property they had through sale to individuals who might have little or no connection with the land whatsoever so as to survive the disaster. It would seem from the evidence of this document that land transactions in bad times did not decline from the level of sale on prosperous times. Indeed buyers could be encouraged to act by dramatic decrease in the selling price of land during such trying days as the *Kefu-Qän*, which would provide a golden opportunity for buying land. Thus instead of a slump in land market bad times could spur an active trade in land and this can explain the reason why the trade in land was active throughout the nineteenth century, since bad times were frequent occurrences in this century. Thus many people were faced with acute debt pressure in bad times or shortly afterwards and the most important motive for selling land might be the need to clear debts. From the consideration of the above document, it is easy to argue, that vendors were motivated to sell part of their land to clear debts or even to survive. Many lands were offered for buyers. Indeed to find a buyer was perhaps a very rare opportunity during the *Kefu-Qän* given the scale of the famine. It was with the purpose of mitigating the flourishing land dispute that brought a considerable burden on the judiciary and the concern for public order that induced Täklä-Häymanot to write the letter to the church officials of Mota Giyorgis ordering them to take measures.[29]

We can deduce from the evidence of the above letter that transaction of land through sale could not always be redeemed. Whether land transaction would be reversed or not was determined by the terms of agreement signed by the parties involved in the transaction. In other words when land is sold the seller didn't retain a right of redemption whether at its original price or any price unless and otherwise there is a provision to reverse the transaction. The original owner of land could lose his/her land permanently unless the purchaser was willing to resell the land back to the original owner. The holding of the new owner of the land could be either on the basis of terminable privilege or permanent, depending on the agreement between the transacting parties. The original owner or his close kinsmen had the right to repurchase any land sold if the purchaser happened to be willing to resell it. It is clear from the above evidence that many people who sold their land during the *Kefu-Qän* were determined and perhaps did as much as they could do to regain their land lost through sale by repurchase.[30] The deed of land transaction was very binding. The rigor and working of the customary rule of property transfer could be tempered and even could be ignored altogether according to the specific exigencies of the time.[31]

Sitting in judgment over land disputes seems to have been a very fruitful source of revenue for church officials. For that reason church officials in Mota seems to have been ready to be judges in disregard of the provision of the charter of Wälätä-Isra'el to collect money from the proceeds of justice.[32] In the manual for the officials of three monasteries, church officials were allowed to inflict or impose a fee of four rock-salts for judgment if the case was land dispute and if the plaintiff referred the case to top officials without respect to the hierarchy of courts. Every body was ready to sit in judgment over land and other disputes.[33]The officials of the church seem to have introduced some detrimental innovations which might have brought some insecurity with regard to purchased land contrary to the rule regulating land transactions through sale in the charter of Wälätä-Isra'el. This was aimed at collecting judgment fees. The king ordered to stick to the practice of the old days and demanded the church officials to issue a decree to this effect. Thus purchasers enjoyed a real security of tenure of the purchased land and the practice in the majority of the areas seems that the purchaser retained the purchased land permanently. The king ordered that to avoid prevailing confusion, which land transaction through sale could immensely

contribute, every sale document should be entered into the *baher-däbdabè*, i.e. the Central Registry which intended to give validity to the transaction.[34] Let us see the extent to which the evidence in the letter of Täklä-Häymanot can be supplemented by other documents. Let us consider the following class of cases contained in the Central Register of Mota Giyorgis.[35]

Document 1:

> During the tenure of office of *Mälakäsäläm* Kinfä-Mika'el and *Aläqa* Wäldä-Giyorgis,the grand daughter of Yarèd Käbtè,Engedayä, having borrowed and consumed four *dereb(*unit of measurment of grain*)*...and eight *dereb teff* including three rock-salts, [and] saying she has nothing to pay, sold her *bota* and *rest* {land} to [the creditor]*blatta* Fäntä. The guarantor is Noräh Täshalä.The witnesses[many people are listed].

Document 2:

> During the tenure of office of *Mälakäsälam* Kinfä-Mika'el and *Aläqa* Wäldä-Giyorgis the son of Kidanä-Maryam,Säw-Agäññähu ,having borrowed and consumed ten *dereb teff* from Adgäh Wäldä-Giyorgis ,and since he has nothing to repay[his debt],the {debtor} guarantor sold all of the remaining half of the land, the {other half} formerly bought by Dästa Yät-Noro,for Adgäh Wäldä-Giyorgis.The guarantor is *blatta* Ayälä.The witnesses are [list of many people]

Document 3:

> During the tenure of office of *Mälakäsälam* Kinfä-Mika'el and *Aläqa* Wäldä-Giyorgis , {Agafari Asägehäññ} won the case involving the theft of three of his donkeys by the decision of the judges, the *bota* and the rim{lands}of the {thief} Bärèw Kidanu are transferred by his daughter to *Agafari* Asägehäññ,since her father had escaped breaking [the prison?]. The witnesses for this [list of many people]

These are some classic and extant documents on the sale of property as the result of debts incurred during the great famine and to liquidate debts. Usually the land transferred in this way is depicted as a kind of freehold property. In the cases of document one and two, land was acquired by the new owners because of the failure of the original holders to repay the dept incurred. We can make the following observation from the documents quoted above. A desperately weak person who is substantially indebted and the debt pressing at his back could sell and pass on to the creditor his land. There is no mention of the debtors consulting their kinsmen while transferring their land through sale to creditors. This shows that the owner when selling his land may act on his own without obtaining the consent of or even consulting any person with a strong stake in the land. This in turn is a fine testament to the fact that cash might have been as much important as the right of birth as a mechanism for acquiring land although it has not completely replaced birth right for establishing holding.

There is an explicit mention of the time when debt was incurred in the case of the first document. The debtor, Engedayä, borrowed grains and three rock-salts during the *Kefu-Qän* when people were reduced to the worst level of misery and poverty. The person in the second document was also unable to repay his debt, incurred most probably during the *Kefu-Qän* since the transaction took place during the tenure of office of the same officials. That the two persons were desperately poor can be inferred from the fact that they were not able to pay the debt of some quantity of grains and in the case of the first document including three rock-salts which would have been very easy to repay in normal years. The resort to surrendering *rest* land and *bota* for liquidating old debts,that was considered very much degrading in the eyes of the people, is another testimony to the abject poverty of the debtor. The reason for the transfer of land in the case of the third document is slightly different. The person was sued for stealing three donkeys and after investigation the court decided to transfer his *rim* lands and residential site. The person apparently broke out of prison(?) and escaped for which reason his daughter transferred the properties stated above on behalf of her father, since she had no other means to pay his liabilities.[37] None of the land transactions above provides a redeemable pledge. We can infer from these instances that land which was lost to strangers (non-relatives) through debt constraints would not be regained by the repayment of the debt and the debtors seem to have accepted the reality of the permanent surrender of their lands since there is no provision in the transaction above as to whether the land right would be reacquired again by the former holders by the repayment of the debt.

Engedayä was substantially indebted and as in the case of Säw-Agäññähu had to se her sad fate of selling land for liquidating old debts she had contracted during the *Kefu-Qän.* We learn that the transaction took place during or shortly after the *Kefu-Qän* since she had not yet recuperated from the famine to pay her old debt without resorting to the surrendering of her *rest* land. Personal ruin through debt and forced sales for liquidating old debts probably made for much of the land transactions than the need for obtaining cash throughout much of the nineteenth and the early decades of the next century. The motive of individuals selling land is not usually stated or known from the documents recording such transfers. Though the reasons for the transfer of land in the great majority of land sale documents is not stated, we can assume that there was the wide spread existence of financial constraints and deep poverty silently working behind those

land transactions the reasons for transfers of which are not stated. Debtors were unable to get out of debt by any means in every case without resorting to the sad fate of surrendering their lands.[38] A forced transfer of land to a stranger might have meant permanent loss unless and otherwise a special provision or terms of agreement at the time of transfer were made for the return of the land to its original holder on the repayment of the debt, irrespective of the consent and approval of kinsmen.

It is impossible, however, to make a complete analysis of the nature of forced sale from details given in the above documents only. Hence the need for considering more cases. Personal ruin in debt and forced transfers of property indeed proliferated in the twentieth century. The Register of Deeds of Märtulä-Maryam is full of many forced transfers of land and urban sites. There are also many documents recording bequeathals, which are drawn both as sale and bequeathal and mortgage notes because of debt. This fact testifies that forced sale was a frequent occurrence in many areas. In Märtulä-Maryam many people died in debt and creditors sued the children of the debtors. Consider the following examples found here and there in the different folios of the Register of Deeds[39]

Document 1:

> During the tenure of office of *Mämher* La'ekä-Maryam Ayälä, *Qèsä-Gäbäz* Häylä-Maryam Setotaw and *Mägabi* Terunäh Engeda ,*Ato* Bälachäw Wubätu bequeathed [portion of] his *rest* holding which descended from the founding father Bässè, located in Yebesana Maryam, to the east of Yebältal Abäba's land ,west of Dämissè Taräqäññ's land,to Yebaltal Abäbä due to the debt of 89 *birr* which he could not repay.If the relations of *Ato* Bälachäw demand to redeem the rest [land held for debt], *Ato* Yebältal would leave the land upon receiving his money(261v-262r).

Document 2:

> During the tenure of office of *Mämher* Filatawos ,*Qèsä-Gäbäz* Fanta Seyoum and *Mägabi* Fänta Engeda,Ayälä Därsäh died after borrowing 36 *birr* from *Mägabi* Fänta Engeda and twenty six *birr* from *Balambaras* Gässäsä and Gedeyäläw Taqa,and since Ayälä Därsäh had no heir, he(Fänta Engeda) have inherited his(Ayälä's) land in Estifanos. If an inheritor is to be found *Mägabi* Fänta Engeda would give back the land on condition of receiving his money. (232v)

Document 3:

> During the reign of *Ras* Gugsa {and} *Ras* Maryä, while *Re'esä-Re'usan* Gäbrä-Hiwot Kidanu was appointed *Re'esa-Reusan* {he borrowed} *Fitawrari* Gwangul's money and died in debt. His children were sued and taken to the court presided by *Mämher* Binor,*Qèsä-Gäbäz* Mästäsalem

> and *Mägabi* Wädaji and {since the payment of the debt} made in cattle is too many and the children having nothing to repay they gave their *bota* in Gerabèt, by swearing.*Fitawrari* Gwangul gave this(the *bota*) to his daughter Eliyas Tayitu.(195v)

All the three documents provide further confirmation that land could be seized for debts incurred to creditors. When forced transfers occurred there was usually the stipulation made safeguarding the new owner from interference by heirs or relatives of the debtor. In the case of the two documents the seller retained a right of redemption at its original price. The new holder's right in the land was only on the basis of terminable privilege since the document acknowledged that kinsmen had the right to repurchase the land lost through debt. This evokes the view that land disposed by sale for whatever reason was subject to a right of regain by the relative of the vendor. If the debt is not repaid,however, the land remained as debt land. However, the huge percentage of the forced land transactions including all the above transactions did not mention reversion to the original owner or his relatives. In only two rare instances, folio231r and folio248v do we find the right of redeemable pledges of land working.[40]

Having nothing to pay, according to the decision of the court, the children of *Re'esä Re'usan* Gäbrä-Hiwot,surrendered their *bota* for liquidating old debts which their father had contracted. And all of the debtors in the documents cited above did not have any choice but the sad fate of surrendering their landed property. All of the lands and the *bota* in the case of document three come into the holding of the new owners through debt though there is possibility of redeeming the land lost through debt.[41]

In one outstanding case a certain Ayalèw Bogalä had to pass "all of his father's (Bogalä Anbaw) land" to his creditor called *Grazmach* Alämayähu Birru for incurring a debt of one hundred thalers. This note exists on folio243v.[42] In case of document two above credit stringency and lack of heirs worked jointly for the disappearance of the original owner of the land. The dead man's property failed to find an inheritor. Since the person had no children, there was no one from whom to take the money and many unsuccessful offers for inheritance were probably made. In the case of document two the household became extinct because there were no heirs.[43] Many debtors have not been able to get out of debt

during their lifetime. The decision of the court which are known to us were invariably executed and remained binding.[44]

Though there are different and contradictory sets of data giving details of sale on the redeem-ability of land, the general trend and the tone of sources is such that land was permanently lost to non family members (strangers) without the remotest link with the land. Though there is a tradition that says that nearest relatives have the right to buy land or redeem land, documents show that this was not always true. To clarify the points raised with the right of preemption and with redeemable mortgage, we need to consider few cases from the Registry. We can infer from many documents in the Registry of Märtulä-Maryam that a deeply indebted person could sell and pass his land on to a person who has no link with the land at all. It is apparent that in the huge percentage of documents incorporated in the Registry creditors who had no link with the land whatsoever obtained possession and ownership through cash. One can observe that land transferred because of debt to non-relatives was permanently lost unless and otherwise special provisions or terms of agreement were made for the return of the land to its original holder on the repayment of the debt at the time of transfer. To facilitate discussion I have quoted the following examples.[45]

Document 1:

> During the tenure of office of *Mämher* Tsähäy ,*Qèsä-Gäbäz* Wäldä-Iyäsus and *Mägabi* Terunäh Engeda ,Kälkay Shibäshi transferred the following lands which he acquired due to the debt of one hundred *birr* from Gässäsä Abetäw ,to *Mägabi* Terunäh Engeda ,one is [found]adjacent to *Balamabras* Tämäsgän Yehun's land, the second [is found adjacent] to *Abba* Shitè Gäbrä-Kidan's holding ,the third is [found adjacent] to Adegäh Bisäwer and Rätta Bisäwers' holdings, the third[sic] land from Fisso *gasha.Mägabi* Terunäh Engeda received [these lands] from Kälkay due to debt .The guarantor is *Balambaras* Tämäsgän(240r).

Document 2:

> During the tenure of office of *Mämher* La'ekä-Maryam ,*Qèsä-Gäbäz* Häylä-Maryam Setotaw and *Mägabi* Terunäh Engeda ,*Ato* Antänäh Yelma bestowed Täklu's land in Guta Afä-Christos located to the east of *Mämher* Kassa's land to the west of the river upon Wäläleñ̃ Antänäh due to the debt of 102 *birr*. His sisters and brothers are not to interfere. He has bequeathed it to him especially in accordance with the regulation of the monastery.

In the case of document two the person demanded his siblings not to take back the land which the debtor disposed to his creditor by a special bequeathal. This is suggestive of the fact that disposal of land by sale for whatever reason may

or may not be subject to a right of redemption by the original owner. Whether the land right be reacquired again by reversing the sale by repurchase or not was determined by the specific terms agreed upon at the time of transfer. *Ato* Antänäh, being very much embarrassed with his debt resorted to bequeathal. This fact is important for two reasons. Firstly it indicates that the siblings or nearest relatives had the right to a say in the disposal of land of their close kin, for the document acknowledges their right by the inclusion of the special arrangement denying them chance to interfere. The second observation is that the specific injunction that his siblings were not to interfere shows he could make any kind of final disposal of the land without consulting persons with strong stakes in the land. In the case of document one the person acquired a piece of land from the one who had himself acquired it earlier through debt. The land changed hands more than once for reasons of debt. Kälkay acquired the land from the original owner Gässässä Abetäw ,who surrendered the land to remedy his debt of 100 thalers.Finally Terunäh Engeda acquired the land from the second owner through debt. [46] This indicates the speed with which land was changing hands in Märtulä-Maryam within the lifetime of an individual. From the documents above, we can confidently arrive at the following conclusion: that whether a plot of land lost for reason of debt to the original owner or to any one with strong stake in the land wholly depended on the wish of the debtor and the special affection and love he had for the non relative creditor. If a person wished he/she could transfer the land irrespective of the consent and approval of the nearest relative, the transfer would be valid and the new owner could pass a valid title to a particular plot of land to a creditor through sale or any. Many of the land documents are full of phrases specifically prohibiting contest of sale by anyone who might have a strong stake in the land.[47]

Like Kälkay, many people bought lands and houses but only to lose them subsequently, being heavily indebted themselves. There is one such note on folio 241v when a certain *Mägabi* Fänta Moññä lost his *därb* (one storey building) for the debt of 250 thalers.[48] He contracted the debt from the church of Märtulä-Maryam and the *därb* was acquired by the church. There are also other similar notes where the church served as money lender. One of such notes exists on folio 235recto.[49] In the absence of data to the contrary it seems safe to argue that the non relative purchasers enjoyed security of tenure and had valid titles to purchased lands. In one instance, a creditor who received a plot of land for a debt

of fifty thalers sold it for 89 thalers making for himself the net profit of 36 thalers, a very fine reward. Many other people probably earned large income in similar ways.[50]This was perhaps because the debtors contracted their debt during difficult times when the price of land was not high and because of the subsequent rise in the selling price of land which offered a favorable opportunity for the creditor to sale his land acquired through debt.

There are also many property documents that had similar contents as the above. However, enough has been said on the nature of sale induced by credit stringencies and the right of the original owner or his/her closest kinsmen in redeeming land lost through debt. From all the above considerations and discussions, it would be a serious mistake to consider that sales of land were predominantly produced by the good land market and that *rest* land could be acquired only by virtue of being born into the descendants of the original settlers. Other causes of sale were the need to meet social and economic obligations.

Though these buyers and sellers were operating in a predominantly agrarian society, it is safe to argue that there was a modest degree of monetization of the economy. In all the charters of the 18th and 19th centuries considered in this study tribute and tax were collected from peasants both in kind and cash and there was a very clear trend of transition to money taxes. Thus with little risk at distortion of the reality we can make the following conclusion: that although the buying and selling took place in a predominantly agrarian society the economy was monetized enough, and one of the factors which might have promoted transfer of land and other properties was the necessity to raise money to meet social and economic obligations. There are documents in the Registry of Märtulä-Maryam that record the sale of land for the purpose of raising money for the payment of fees for funeral services and covering court expenditures. In the charter of Wälätä-Isra'el, quoted in chapter two the fee paid for funeral services was called *asäbä mäqaber.* Thus some of the factors that promoted transfer of land included funerals, taxes and court cases.[51] From the point of view of the Märtulä-Maryam and Mota documents though there might have been other motives and considerations the factors listed above exhaust the conditions leading to the sale.

This was probably true for other areas in the region too. Buying and selling of land suggests concentration of land and its converse and the reverse process of disintegration of holding. There were some families and individuals who were active throughout the nineteenth and the early decades of the twentieth century as buyers and sellers. However, before discussing about the successful purchasers and sellers we need to explore other modes of property transfer .The story of the individuals involved in the buying and selling process would be told in its appropriate place in latter pages. We now pass to the second chief means of property transfer, inheritance related bequeathals next to sale. It is together with will the second important method of acquiring or relinquishing land and right to land.

4.2.2 ***Inheritance Related Bequeathal Involving Adoption and Will***

The causes for bequeathal are as many as the causes for sale. Will stands out diametrically opposed to inheritance, which evokes the principle of property on the basis of equal division. To avoid generalizations we would rely on documents by citing them extensively and then analyzing. The earliest and the most important extant document is the will of *Wäyzäro* Sehin of which mention has already been made.[52]

Document one:

> In the year of creation of the world, 7296, in the year of Yohannes, in the governorship of Emperor (sic) Gwalu,*Emäytè Wäyzäro* Sehin daughter of *Däjjazmach* Ayo ,establishes her house as follows, I have given the *gult* which I acquired from my mother and my father to my daughter Kinfu Hirut .The reason for my gift is that a child inherits his /her mother's cattle ,however, she(Hirut) gave me whatever she has from the day of my youth till the time I was shorn as a nun. If there are bastards from among her brothers they should beg her [for shares] and if she wishes to give them let they (Hirut's brothers) take. Otherwise if they sue her and take her to a judge let them be cursed. Whoever she disinherits let him be disinherited and whomever she establishes let him be established. If they violate my curse, they share {my property} upon the repayment of the cattle, the 500 ounces of gold and the ten mules she brought from her husband and gave me. The witnesses are [many people are listed]. Let he who deletes this be cursed by the power of Pètros and Pawlos.

Document two:

> During *Däjjazmach* Birru's *däjjazmachena*t,during the *aläqenät* of *Fitawrari* Assefa ,during the tenure of office of *Mämher* Binor ,*Qèsä-Gäbäz* Gwalu and{*Mägabi*} Terstitu Häylu ,*Fitawrari* Assefa is adopted by Wärq-Wuhä Wälätä-Hèr and she bequeathed all the land she acquired from her mother to him. The witnesses are [many people are listed]. She swears while giving this and it is binding. She shall be pleased in her lifetime and upon her death that he (Assefa) should provide a commemorative feast for her. Again lest she should change her mind

> Assefa Tässäma has received a guarantor. The guarantors are [many individuals are listed](folio66r column three)

Document one is the only source known to me that gives the name of *Däjjach* Ayo's daughter. There is another property document recording the sale of Ayo's lands in Ennabse.[53] He was a senior official during Iyasu II (1730-1755).[54] Ayo had many lands in the district of Ennäbsè, which made the core of the holdings of the monastery of Martula-Maryam.[55] The document refers to the cause of the making of the will. Sehin passed her lands inherited from her father onto her daughter, Hirut, out of special favor (for the support Hirut gave to Sehin). This will is calculated to institute Hirut and disinherit the brothers of Hirut (who were probably children of Sehin) in the matter of succession to the landed property. Sehin wrote the will both because she prefers her daughter to certain other brothers of Sehin on account of special favors made by her daughter Hirut and to disinherit others. She felt deeply grateful for the assistance in money her daughter gave her during her lifetime, in this case because of the gold she owed to her daughter and the mules she took from her. The brothers of Hirut were excluded from the inheritance of the land of Sehin by the sanction that Sehin made by her curses. Hirut is given right to displace and disinherit her brothers.

Children could be excluded from their father's or their mother's land though we may have to expect that that the displacement of some sons and daughters from a right to equal share of the inheritance is not of frequent occurrence and since very good reasons should exist for discriminating. The will of Sehin shows that a person can make will depriving some children and will run against the interest of some of the children. Will could not satisfy all the children at one and the same time unlike the rules of equal inheritance. Descent and the right to inherit an equal share of property based on lineage were not always practicable. To judge from the Märtulä-Maryam documents disinheriting children or disposing land outside of the corporate group was also a practice some times resorted. Anyone had power to disinherit some of his children if not all of them from his property as we will see below. We can presume that wills could also be contested especially when it came to inheritance. The will of *Emäytè* Sehin clearly shows that will could be contested and there was a difference between legitimate and illegitimate children, even when the father or the mother refused to accept the

illegitimate child and recognize him/her as his or her. The brothers of Hirut could contest the will is clearly shown in the document above because Sehin has given some consideration to the claims of Hirut's brothers. If Hirut's brother laid claim to a share of the land and sued their sister challenging the will, they were required to pay back all that Hirut had given her mother. However, it is unlikely that they could pay back 500 ounces of gold and ten mules.[56] But the important question is that to what extent was the orders of the testator turned into practice? This is the point we will come back in later pages.

There is a special mention in the will of Sehin about what might have been a very widely held view with regard to the general movement of property transfer. Sehin acknowledges that she owed her daughter five hundred ounces of gold, mules, and cattle which ought not to have been the case. However, transmission of property between siblings was common. Many individuals adopted their sisters or brothers over their property including land.[57]

In the case of the second document the woman called Wärq-Wuhä Wälätä-Her placed herself under the care of a certain *Fitawrari* Assefa Tässäma by bequeathing all her mother's land to him on condition that he provided for the woman in her lifetime. The woman had no children and was heirless. She adopted Assefa and transferred him all the land she inherited from her mother. As the woman got older and no longer vigorous she transferred it to Assefa together with the responsibility of working the land and maintaining and providing for her. In effect, this constitute of a sort of old age insurance. The concern for the salvation of their souls in the next world and the provision of food, cloth and shelter at old age are the factors behind such kinds of transactions. The woman is given a right to be treated and cared in a fitting manner during her lifetime in this world through this form of transfer. This sort of transfer sanctioned the dependence of the woman on the adoptee and the latter's obligation to treat her as if she were his biological mother. Tässäma was also required to give a commemorative feast on the death of his adopter.[58] The document is enigmatic about the obligation of the adoptee. To judge from evidence in other similar documents the obligation indicated above does not exhaust other forms of services that the adoptee had to give to the adopter (folio205v). Other obligations of the adoptee would include providing food to the people attending the funeral of the woman on her death and the payment of fee for funeral services (*asäbä mäqaber*) which were practiced in

the large majority of deaths. Commemoration of the deceased adopter by feasts and the saying of prayers over his /her grave by the living, all done with the purpose of expiating sins, were carried out at differing intervals. The adopter depended upon the adoptee to whom he has willed his land for the food, clothing and shelter.[59] The bond established in this way between the adoptee and the adopter by which the latter provides him with considerable assistance in times of old age in return for which he assumed direct responsibility for the cultivation of the land.

> The document laid down the conditions on which the holding of the adopted Assefa depended. The woman was entitled to be clothed, fed, in a satisfactory manner. His holding of the land was conditional upon certain contingencies. He could not evade the performance of the obligation stated in the document. However, his holding is made less precarious and could not be easily disturbed unless a sufficient condition existed which could lead to the invalidation of his holding.[60]

Another very important and cause for making a will and inheritance related bequeathal involving adoption is debt. There are many cases of adoption produced for reasons of debt. Many people failing to pay back their debts resorted to bequeathing their land in lieu of the payment of their debt. In some of the documents we see that the entire property of the debtor was bestowed upon the creditors and in some of the documents creditors without any blood relationship with the debtor were adopted and treated as biological children and given to hold his/or her rightful share of the adopter's land along with the biological children.[61] Thus membership in a corporate group was not ascribed by birth only, since it can be acquired through various means including failure to pay back debts. This provides additional evidence against the general belief that right to land could be acquired only by virtue of descent. Thus bequeathal involving adoption was one of the mechanisms of mitigating or displacing the customary rule of inheritance. A completely strange person can be introduced into the corporate group with full right to a share of the land of the adopters. In the case of one document two women adopted a person and bequeathed urban site and both requested their children not to challenge with the inheritance. The bequeathal of land and the adoption in itself were due to the payment of twenty thalers for clothing and for

maintenance. He was made immune from any other type of obligation towards his adopters.[62]

A woman, called *Wäyzäro* Terengo Kasa when drawing up such a deed found on folio 253r, inserted a clause intended to prevent any appeal for the right of share by her siblings and children. She states that the reason for the adoption was due to a debt of 100 thalers, which she contracted from one of her brothers, Embi'alä Kassa. Having nothing to pay him Ternego bequeathed all of her father's and mother's *rest* land, from any share of which the rest of her siblings are excluded**.** Even her children were not to challenge it. Children were given no say in the distribution of the property whatsoever. The deed fenced off the children with restrictions with regard to their mother's and father's land. The right to a share of the land of their mother was conditional upon the payment of the debt of their mother to the creditor.[63]

Another equally important reason which induced individuals to adopt someone seems to have been the desire to leave ones own children in capable hands. The other reason might have been to preempt legal challenges, though this is not explicitly stated in the document. The greatest beneficiary of this process of adoption in Märtulä-Maryam in the early decades of the twentieth century was *Ras* Häylu Täklä-Häymanot. One typical document exists on folio 226r where a certain *Fitawrar*i Rädè adopted Häylu as his son and gave all his lands to him. At the end of the bequeathal a clause was inserted which stated that "the children should be under his care, to be provided according to his discretion".[64] Rädè himself is adopted by an individual over many lands, which he eventually disposed to Häylu whom he adopted as heir.[65] Rädè's action cannot be taken as genuine affection. He did bequest his land and adopted Häylu because adopting a person of substance was very advantageous. Most probably the expectation of reward was the commonest reason behind adopting a certain person of some social standing. It would also afford children of Rädè, the adopter, with considerable assistance in times of need and to help them to have good positions by putting them under the care of Häylu, who governed Gojjam in the early decades of the twentieth century.

There are also a further set of factors that made men to choose inheritance related bequeathal that involved adoption as a mechanism of property transfer. One important factor in one document on using bequeathal as means of property transfer is, it seems, because of the fact that the children of the adopter were yet too young to assume direct responsibility for the cultivation of their father's land. This is explicitly stated in a document on folio 222v. Under this bequeathal the adoptee was obliged to provide maintenance for the adopter as well as for two of his young children while holding all the land of the adopter. Thus the adoptee had additional responsibility of caring for or looking after the children of the adopter until they came of age and for the adopter. But the adoptee was not obliged to provide the adopter in times of old age and after the children had come of age. Probably the adoptee would retain part of the land of the adopter and return the remaining land to children of the latter after they had become old enough to work on their own. Besides the minority of his children who did not have the physical strength to work the land the rationale behind this particular document seems to be the desire to get rid of the not always easy responsibility for the tillage of the land that induced the adopter to choose it as the mechanism of property transfer. The political and economic contexts for such a transaction would not be attempted here. The document conferred the ownership of the land on the adoptee. It also made the cultivation of the land the responsibility of the adoptee till the children of the adopter came of age.[66] Whether the children of the adopter would work under the adoptee after they had come of age or would take back their father's land after giving part of it to the adoptee is not stated in the document.

The second document highlights the need to clarify the rights of the adoptee and the adopter by considering a few more cases. What would be the position of the adoptee if the adopter were to fail in fulfilling his /her side of the contract? What conditions warranted the exercise of the adopter's right of reversion? There are ample documents in the Registries of Mota and Märtulä-Maryam to enable us to explore these issues. Evidence from many documents show that adopters retained until the day they died their rights to the land handed over to their adoptee. They could even revoke their grant very easily without the good reason shown on the part of the adoptee to warrant the action of adopters.[67]

Document 1:

> During the tenure of office of *Mämher* Filatawos, *Qèsä-Gäbäz* Mitiku Engeda and *Mägabi* Fänta Seyoum, the land of Ayenè Wälätä-Maryam, over which she had formerly adopted *Fitawrari* Alämu Assägè, is restored to her since the children of *Fitawrari* Assägè refused to provide for her. (231v)

Document2:

> During the tenure of office of *Mämhe*r Assägehäññ ,*Qèsä-Gäbäz* Däsaläññ and *Mägabi* Fänta, *aläqa* Häylä-Iyäsus has renounced the *täwälido*(lit.adoption) [and restored] the land over which *aläqa* Häylä-Iyäsus was adopted, to Kassa Häylu, on account of inability.(226v)

Document3:

> During the tenure of office of *Mämher* Tsähäy Felatè ,*Qèsä-Gäbäz* La'ekä-Maryam and *Mägabi* Taddässä Imeru,[I]*Emmät* Mentamer Fäläqä had formerly adopted the children of Dästä Yelma, *Geragèta* Tägäññä Yelma and Amarä Tämäsgän, over the land of my mother and father.[However],since they(the former adoptees) can not be of use for me I have disowned them and adopted [in their stead]Abälu Zäwdè and Käfalä Dästa over the land of my mother and father. They shall provide and behave well to me.

The rights transferred are without doubt rights in the land and the adoptees would retain them unless they broke an important terms of their holding .Moreover, the adoptees would inherit and permanently occupy the land following the death of the adopters. The Registries of Mota and especially of Märtulä-Maryam are full of documents with deeds similar to the above. Both documents quoted above show that the term of agreement at the time of transaction is not binding. The adopter retained his /her rights in the land until the day he/she died. The land rights and duties of an adopted person are exactly the same as those of a biological son or daughter. We can infer from documents one and three that the adopter had full power to take over and reallocate his/her lands from the adoptee on the ground of non-fulfillment of the conditions of the agreement by the adoptee. From the first and the second documents we learn that the adoptee could be ejected after a reasonable notice to quit by the adoptee. We can presume that at the time that when the deed was drawn the intention of the adopter was to bestow permanent ownership and rights on the adoptee. However, the documents quoted above evoke a view that the adoptees' holding rights were to be understood as being temporary. Document one and three are noteworthy cases in which the adopter's right to revoke the grant they made to the adoptee and evict them worked. If the adoptee failed to fulfill some vital conditions of his/her holding the

adopter could revoke his grant and evict him or her through the exercise of his reversionary right. The adoptee had to meticulously meet his obligations or the land he or she was granted would be subject to the latter's right of reacquiring. Whether the adopter's reversionary right would be exercised or not was determined by the behavior of the adoptee. To provide maintenance to the adopters was perhaps very burdensome to the extent that many people willingly applied to end the contract, as in the case of document two in order to escape from over burdensome obligations. In document two the adoptee ended his right of holder over the land of his adopter upon his appeal to end his obligation of provision of support. In the case of document one the children of the adoptee refused to provide the adopter and the latter transferred her land to new adoptees.[68]

However, adoptees could not be lightly disinherited and their right in the land could not be easily challenged unless things warranted doing so. The adoptee could claim damages and obtain an injunction in case where the adopter broke his or her side of the bargain. There are instances of this in the Märtulä-Maryam Registry whereby the adoptee's right to hold the land of the adopter was contested. One such outstanding case involved the great grand father of the researcher, Chäkole Däbrä-Sina.It occurred during the reign of Täklä-Häymanot. Through adoption Chäkole acquired ownership of the land of a certain Häylu Amaräch. However, following the death of the woman an adverse claim was made by a certain *Balambaras* Ayälä. Chäkole was sued by Ayälä and taken to the court of Täklä-Häymanot.Ayälä won the case on the ground that though Chäkole was adopted by Amaräch he was subsequently disowned by the woman. Chäkole was a very notorious litigant. He appealed to Emperor Minilek II in 1905/6 but the latter confirmed the decision of Täklä-Häymanot after several years of wasteful litigation (folio212v).[69] In another archetype document a certain Tedu Tsädal revoked the land from her adoptees but only to bequest it upon *Ras* Häylu, after adopting him. Häylu paid back the money the adoptees had given to Tedu Tsädal at the time when she adopted them. In another document the adoptee refused to surrender the land granted them by adoption and the woman who adopted them had to sue them, and she won her case.[70]

The desire to avert any possible conflict between heirs was another consideration in the making of wills by which lands were bequeathed to others,

other than the off-springs of the holder. There is considerable number of documents to support this argument. The judiciary was burdened with hearing cases of land dispute between siblings. Precise prescriptions of the respective holdings of the members of the household before the death of the parents served to avert any kind of anticipatory quarrel over the division of the land of the ancestors. Let us consider the following archetype documents to elaborate this point.[71]

Document 1:

> During the tenure of office of *Mämher* Felatè *Qèsä-Gäbäz* La'ekä-Maryam Ayälä,*Mägab*i Täddässä Imeru,Mängistè Gäbru says that Terusäw Mängistè shall not interfere in my children to whom I have bequeathed on special favor of all the land [I have inherited from my]mother and father over which I have a birth right.[However],since Terusäw Mängistè has misbehaved and went out of my control I have given her Čeqema, which I acquired from my grandmother, Assäbu Yätämäññu. (254r)

Document 2:

> During the tenure of office of *Mämher* La'ekä-Maryam Ayälä, *Qèsä-Gäbäz* Häylä-Maryam Setotaw [and] *Mägabi* Terunäh Engeda,to avoid the quarreling of his children over {the division of} his rest in which he has a birth right, Ato Mune Akalu bequeathed his lands of Yetaksos and Sutafè in Yeqändach to Admas Munè.He(Admas) shall not enter a claim to the rest of the lands including my purchased land which I have bequeathed to the rest of my children. If he demanded apart from that which I have given him I shall disinherit totally.(261v)

The purpose of both documents is to avert any possible conflict arising out of the division of the property of the deceased as much as favoring some of the heirs. Both documents prescribe in advance the transfer of the property with the desire to avoid conflicts and tensions between the heirs over the property of the dying holders. We can assume that this prescription of the transfer of exclusive property to heirs by the holders in their lifetime would help to mitigate the quarrels and litigations which might arose in connection with the transmission of property. Contrary to the general belief, it seems that children did not receive equal share to the lands left them by their parents. Although the two documents do not totally and formally disinherit some of their children they do not show them enjoying equal rights of inheritance. In the case of document one the reason for the discrimination against one of the daughters of the will maker, called

Terusäw, is clearly stated. Mängistè Gäbru, father of Terusäw, prevented her from making any demands to a share of his lands beyond what he allowed her on account of her misbehavior. The second testator's will is aimed against the interest of his son, Admas. He threatened Admas to disown him totally if he interfered in the inheritance of the other children, beyond the one allowed him by the will. Both documents certainly run contrary to widely held moral norms of equal inheritance of the rest system of land. From these cases we can deduce that the head of households had the power to disinherit their children. In complete contrast to customary law of inheritance some of the sons and daughters of certain households are excluded while the rest of the heirs were given special treatments. This allows us to make a far bolder statement that whether children of a person would get an equal share of their fathers' property or not was subject to their good behavior and discipline.[72]

Birth does not always guarantee the right of equal access to the land of parents. The above documents suggest that serious misconduct on the part of children could result in even total disinheritance by the father when he expressly made testament before death. This indicates the degree of freedom a head of a household enjoyed in distributing and disposing of his land. He could vest some of the land on certain or all of his children, conditional upon certain contingencies. It seems that there was no bar against the action of the father with regard to the right of allocating his lands amongst his children. Whether the will would be executed after the death of the testator or not can not be known for. We are left without any clear information on this point. It is possible to envisage that whether the orders of the departed holder would be carried out or not depended on the degree of the offence committed by the disinherited offspring. In some documents the will makers inserted an injunction of curses to insure that their order would be respected. If the offence was serious enough to justify exclusion from inheritance by certain off-springs the request of the testator would be carried out on pain of his curses. If the offence was light to warrant fulfilling the requests of the testator other heirs would ignore it.

The last noteworthy point to consider with regard to bequeathal involving adoption is the status of slaves. Our manuscript provides us with relatively large documents with which to examine the legal status and property rights of slaves. Two contrary tendencies of enslavement, transaction of slaves and manumission

exist in our documents. The famous Täklä-Iyäsus whom we have meet at the beginning of this study was also a slave .He was set free on the death of his master, *Däjjazmach* Yälèmetu Goshu, the uncle of Täklä-Häymanot [73]. Three of the documents on slaves are about enslavement and transaction of slaves. In one instance a weaver called Bädelu Wubenäh sold himself, of his own free will, to a certain *Fitawrari* Tässäma and his descendants to serve under them as a slave because of the assistance he received from Tässäma during the Great Famine.[74] This is a conspicuous renunciation of freedom and liberty. There is also a will regarding the disposal of slaves. This will exists on folio 227v.It represents the greatest disposition of slaves. The master called *Aläqa* Gobäzu disposed about seventeen slaves. This document is at one and the same time charter of manumission and the transaction of slaves between the old and new owners. Gobäzu disposed eight of his slaves by granting them to his kinsmen. The remaining nine slaves were "set at liberty", the document acknowledges. However, it also states that Gobäzu adopted a certain *Qäññazmach* Yemär Wändè and transferred all the nine "freed" slaves and his *rest* land to the latter. In effect slaves were simply changing hands although the document states they were "set at liberty."[75] The fact that they were associated with the *rest* land suggests that slaves were used as agricultural laborers.

The following conclusion can be drawn from the evidence contained in the charters of manumission in the Registry. Masters could adopt their slaves in the same way as a free man or non-relative was adopted. Charters of manumissions illustrate the extent of the land rights of slaves. Let us see each case. One outstanding charter of manumission is found on folio 231v.In this document a woman called *Emahoy* Yätämäññu Engeda set at liberty her slave, Talchäkolu, together with her children. Yätämäññu bequeathed all her *rest* land upon them and adopted them as her children with some obligations. The old woman demanded that her former slave Talchäkolu and her children whom she had now adopted as her children should offer a commemorative feast upon her death and arrange for her annual memorial services. However, the same document hinted that the liberty of Talchäkolu could also be nominal and a relation of her former master could put claim on her and her children. Lest someone should deprive them of their liberty after her death the woman invoked the cooperation of six people requesting them to prevent anyone from trying to deprive them of their freedom. The children of Talchäkolu were allowed to live wherever they liked.[76]

Another charter of manumission is found on folio 236v.The document records the liberation and the adoption of three slaves by a woman called Bäzabesh Kassa. Bäzabesh also adopted over her lands the grand father of the researcher, *Blatta* Tägäññа Chäkole together with her slaves. The old woman Bäzabesh Kassa freed and adopted her slaves whom she had inherited from her husband *Aläqa* Rätta. In another will this same *Aläqa* Rätta passed onto his wife all his property (land and livestock) but in the same breath the document tells us that the woman bequeathed it very soon to a person called Asräs Yehun. The number of slaves freed and adopted by Bäzabesh was three and the researcher had personal acquaintance with two of them. *Aläqa* Rätta demanded his wife through his will (folio226r) to set free his slaves upon her death and that neither his relations nor Bäzabesh's relations were to deprive them of their freedom. Masters usually adopted their slaves when they had no children of their own. However, slaves were also adopted by their masters even when their masters had children. Rätta and Bäzabesh had no off-springs and all their property was transferred to their slaves and to other people with no rights to their land. The will made the three slaves owners or inheritors of much of their former masters' properties .[77]

The last document recording the adoption of slaves by a master worth considering is found on 227v.A certain Alämitu Gètahun reinforced the oral declaration of her deceased husband, *Shaqa* Yelma Goshu, who freed his slaves whose number is not stated. When Yelma the head of the household was about to die he set them free by oral declaration, at which his father confessor was present. Later the father confessor bore his witness to the liberation of the slaves, when the oral declaration of Yelma was reconfirmed and a formal charter of manumission was put into writing. In this charter of manumission was inserted a special clause to safeguard the freed slaves from any possible challenge of the will. Alämitu protected her freed slaves by her curse against any possible reversal of the decision and re-enslavement by any adverse claim to control them. She warned her children not to interfere or deny or deprive their freedom by threatening eternal curse to whoever disobeyed her charter.[78] From all these considerations we can learn that even slaves had a very large margin of opportunity to change their status and acquire *rest* land through adoption. Good behavior and general dedicated service rather than the chance of birth would

determine the status of slaves and their off-springs. Upon good behavior slaves had as equal opportunity to inherit their masters' property as the relation of their masters.

The third most important mode of property transfer was gift. The factors that induced people to grant land to individuals and institutions are as many as the factors that led to sale and bequeathal. All the factors that produced sale and bequeathal were at work behind gift and hence it would not be repeated here for reasons of space limitation. Thus discussion is confined to the last important means of property transfer: litigation. We have seen at the beginning of our discussion in this chapter that the circumstances leading to the making of documents and the recording of transaction. The registered documents recording land transaction were intended to serve as basis against any contest. This might have greatly reduced incidences of land litigations. Unfortunately, however, ruinous litigation was not permanently remedied and disputes over land rights and claims to offices are recurring themes in our documents. [79]

4.2.3 ***Litigation***

Court cases concerning claims office and seniority between the big churches and monasteries began to appear in the last quarter of the nineteenth century. The old monasteries and churches vied for seniority and importance. One or the other monastery made claims of seniority over the others and all were jealous at the preeminence the other had achieved. These usually took the form of contesting the position and the importance of a church and monastery by a rival church or monastery. This kind of case became more frequent during the reign of Täklä-Häymanot. The rivalry between Dima and Märtulä-Maryam was long drawn out and it attracted even the attention of Emperor Minilek.It took several years to resolve[80]. There was also rivalry between the monasteries of Däbrä-Wärq and Gethsemane over seniority. Other churches and monasteries like Dämbächa, Mota and Qoga, located a little distance to the east of the small town of Gendä-Wäyen, were not immune from similar disputes which arose out of competing claims to the right to the land and tax of markets.[81] There was the case involving Mota and a woman called *Wäyzäro* Qätäro in which the woman laid claim to the right of collecting certain portion of the tax of Mota market. The church and town of Mota were built on land taken from Qätäro's ancestors and to recompense their loss the right to the tax of the market was given to them .The only obligation of

Qätäro was to provide the clergy of Mota with 150 chicken annually. The clergy finally won the case and much of the privilege of Qätäro was ended by the decision of Takla-Haymanot.[82]

The basis for property claims have invariably centered on the claim of descent from an ancestor who was the first occupier of the land in question. Though one of the principal means of establishing ownership of land was through reference to descent from the original owner of the land, a valid title to land could also be acquired through adoption and purchase. The root of most of land disputes was the challenge made by a person of some link that his rival had with the first settler either through adoption or direct biological descent.[83] In the last decades of the nineteenth century Täklè writes that land disputes were one of the evils of society. Täklè writes that the absence of effective system of recording genealogy had lead to incessant litigations and the clogging of the judiciary system. It was a threat to prosperity, civil peace and stability. The competing claims of land led to situations of disturbances, fraud, perjury, eviction, destruction of property, bloodshed and generally ruinous legal suits. Täklè saw many good reasons, social and economic, in compiling his genealogical manuscript to serve as a reference to settle land disputes and to resolve once for all the most prolific source of litigations. He draws attention to the importance of recording genealogy and to that end he set a model to encourage others to follow his example. He believed that the many fatal killings arising out of land litigations could have provided a sufficient justification for this kind of exercise even earlier.[84] Having said all this it remains to show some trends in concentration of holdings and its converse, disintegration of holdings, by looking at some of the families actively engaged in land transactions. The general trend in the price of land would also be indicated in the pages that follow.

4.3 ***Land Concentration and the Reverse process of Disintegrations***

Hosts of people including noblemen, peasants and the religious class were engaged in the land market. However, the general movement of land was towards the rich especially the noblemen, who constituted the overwhelming mass of purchasers. Thus some representative families are selected as models in order to generalize about the trends in the land transfer and land price. One such

important family of purchasers was that of *Däjjach* Birru. *Wäyzäro* Ajämè, grandmother of Birru, was active in the land market in Märtulä-Maryam during the nineteenth century especially during the 1840s and 1850s. The land transaction that Ajämè entered spans the tenures of office of six church officials and her land transactions are recorded in the different folios of our manuscript.[85] The woman spent much of her money in the purchase of urban sites at the total price of 52 thalers. The purchase price of each of these sites ranged from between four to eighteen thalers. Three of the urban lands were brought from people who had themselves acquired them by purchase. On folio 194r there is a note, which shows that the woman selling land she had earlier bought. The original purchase price was 13 thalers and it was resold for fourteen thalers. This fact is important in that it testifies to the remarkable speed of transfer of land. The first transaction of the land was probably made just a little earlier and Ajämè then acquired it. Then it was sold for the third time for fifteen thalers. Thus there were three owners of the same plot of land within one generation.[86]

We never hear of Ajämè in the second half of the nineteenth century. However, in the early decades of the twentieth century Ajämè's name is mentioned in a document recording the transfer of her lands which ended her connection with the lands. Ajämè's lands passed from ownership by her descendants onto the hands of *Ras* Häylu in the early twentieth century. Häylu purchased it from *Lej* Goshu at the price of one hundred thalers.[87] The document refers to simply one parcel of urban land which belonged to Ajämè. The identity of Goshu is well known .Two land sale documents recognize him as *Däjjach* Birru's grandson and son of Mentewab, Birru's daughter.[88] We do not know how Goshu inherited it. Nor is it clear from the above note if the purchased land included the sites Ajämè had brought together through purchase. The transaction took place after the death of Ajämè and the lands that she had succeeded in bringing together through purchase during her lifetime were transferred to *Ras* Häylu. The purchase price of the land indicates the dramatic increase in the value of land; almost double the amount that Ajämè had paid for them. This does not exhaust the property dealings of Birru's family. Birru was one of the most interesting personalities of the last decades of the Era of Princes. He was the ruler of the whole of Eastern Gojjam. We find him and his mother, Wälätä-Giyorgis, and his daughter, Mentwab, engaged in land transactions spanning many generations.

Birru's mother joined the land market as both buyer and seller. Her attention was focused on buying urban property. Urban land provided an especially important form of landed property in the period under investigation. There are many documents recording the many parcels of urban lands which the woman bought.[89] Wälätä-Giyorgis bought three parcels of urban land, one for eighty-four rock-salts and another for seventeen thalers. She resold two of the urban lands she had bought. In one outstanding document found on folio193r there is a record of Wälätä-Giyorgis's transactions. She resold one urban land for sixty rock-salts the original price of which was thirty rock-salts. She resold it for double its original price, without even building a house on it.[90] This fact is important for two reasons. First is the fact that the woman resold the land without building a house on it suggests that urban sites were not perhaps bought as because of building necessities. The buying and selling of urban sites does not seem to have been dictated by the immediate need for them. The second important point that stands out from this fact is that urban landed property owners were ready always to sell when the opportunity warranted and it was sold and bought chiefly as source of profit. It seems also that it was a device for saving and protecting money from plunder and confiscation.

Gift formed another important part of the process by which Wälätä-Giyorgis acquired land. On folio 66 verso a certain Yäwq-Irsu Gäbrä-Sellasè gave half of his father's *rest* land to her, which she immediately passed on to her son *Däjjach* Birru.On folio 2v children of a certain Kidan Sahlu gave half of their agricultural fields and residential sites to the same woman. On folio 193r we read Wälätä-Giyorgis receiving all the *bota* and lands of two individuals called Kisadu and Laku. They transferred their property because of a crime they had committed. Wälätä-Giyorgis paid the legal fee to liberate them from imprisonment and in return took their land and *bota* since they were not able to meet the court expenditure. This much is known from the manuscript about the woman's land transactions.[91]

Birru added both urban lands and houses to the purchases of his mother and grandmother. One of his important purchases was a *darb* with its enclosure for two ounces of gold from a certain Adäy Wäldä-Kidan.[92] There are many purchase notes of Birru.Finally he was striped of his governorship of Eastern Gojjam and met violent death in 1868.All of his properties together with those

Ajämè and Wälätä-Giyorgis were apparently inherited by his daughter Mentewab. Birru's daughter Mentewab and her son *Lej* Goshu Wubenäh added nothing to the property of the family. Mentewab sold half of the *bota* which Birru had bought from Adäy for two thalers to two purchasers together with another plot of urban land that Birru had bought from a person whose name is missing in the document. The remaining property which, Ajämè, Birru and Wälätä-Giyorgis had brought were all disposed of by *Lej* Goshu.A *bota* which Wälätä-Giyorgis bought from a certain *Mägabi* Gwalu for seventeen thalers, probably in 1840s, was resold for more than double its original price of thirty-five thalers, later in the early decades of the twentieth century. The last document we have involving Birru's family was a gift of pastureland that his grandson made to a certain *Mämher* Zäwdu so that the latter would pray for him. This represented the last document involving Birru's family and we never hear of them after this. Thus Mentewab and her son preserved none of the properties they inherited nor invested anything in acquiring other lands.[93] Only few people seem to have succeeded in passing some of their urban properties to the next generations. However, it is important to investigate the case of two other families whose property dealings are kept in the record to enable us to enlarge the conclusions that can be drawn from these documents.

One very important family that was active throughout the nineteenth century and the early decades of the twentieth century was that of *Balambaras* Asägehäññ. Thanks to the record of the full range of property dealings that this family was engaged in it is possible to delineate the transfer of the property at every generation. There are bout thirty property documents from the Registry of Deeds which involve Asägehäññ's family. The documents provide us with a continuous record of the property dealings of this family over a span of three generations. Before the dramatic subdivision of property following Asägehäññ's death in 1890s there was a concentration of land in his family. The reverse process of disintegration began particularly after the death of Asägehäññ. He had eight children some of whom were active in the land market.[94] Two chronological vantage points suggest themselves from the record of the property dealings of Asägehäññ's family, the year 1899 serving as dividing line. Prior to the 1899 there was a concentration of holding but two decades later there was a dramatic disintegration of the holdings.

Asägehäññ was one of the extensive purchasers of land, especially urban land. Most of his purchases were *bota* and he spent sixty-four thalers and fifty salt bars on this. All the purchases were in Märtulä-Maryam, with the exception of one sale document, which refers to the countryside. He resold only one of his purchased *bota*. On folio 84v there is a record of a gift of urban land by the church of Märtulä-Maryam to Asägehäññ and on folio 2v there is a similar record of gift to Asägehäññ by a certain *Abba* Binor. On folio 84v four purchase notes of Asagehagn are recorded. One of the lands purchased is said to have been located in the countryside and bought for three thalers which Asägehäññ resold later on to one Asägehäññ Nureleññ at the original purchase price. This is the only sale by Asägehäññ. Asägehäññ acquired most of his parcels of land through purchase at third hand.[95]He also purchased agricultural fields from two vendors, one of which is called *Blatta* Andu Hodè, for fifty rock-salts. Andu-Hodè was one of the most important persons in the period buying and selling heavily and acting as a guarantor and witness to so many of the land transactions.[96]

Asägehäññ acquired his parcels of land through purchase from female and male vendors. One of the successful sellers of land from whom Asägehäññ purchased land is a certain Wäldä-Gäbru Tangut. We find Tangut's name in a number of documents as an important vendor. All in all Asägehäññ invested fifty eight thalers and fifty rock-salts on buying *bota* and agricultural fields, other than the land transactions he acquired through other means.[97] However, this does not certainly exhaust Asägehäññ's property dealings. This could be inferred from the fact that perhaps years after his death we read his children passing urban lands their father had bought on to a certain Abetäw Negusè,as according to the request Asägehäññ made before his death.[98] The original transaction note cannot be tracked down in the Registry. There were probably many transactions of Asägehäññ which were not recorded at all. All the lands Asägehäññ had brought together were passed onto his children. We do not know how the *Balambaras* disposed of his lands. He did not make a will. He might have settled much of his land on his heirs before his death during his lifetime and only his house and some of the properties he owned remained undisposed.We know from his grand daughter, Michu, presently residing at Märtulä-Maryam, that he died accidentally in Gondar while on a campaign with king Täklä-Häymanot's army. This may explain why he did not leave will.[99]

Following the death of Asägehäññ an irreversible shift towards the break down of his property started though some of his children, especially *Lej* Tsämru who succeeded in accumulating land. Tsämru joined in the land market as buyer and vendor while his father was alive. The kind of property documents we have for Tsämru is similar to those of his father. Tsämru inherited considerable part of Asägehäññ's property. He acquired most of his property before 1899 at the time when he applied to Täklä-Häymanot to get permission to register his land transactions and the lands that he inherited from his father. The rest of his property was acquired after 1899.[100]The methods of his land acquisition are very diverse: through sale, gift, inheritance, and bequeathal involving adoption.

The children of Asägehäññ succeeded in retaining their father's house within the family for one generation only,as we will see below. On folio 205v there is a document recording the purchase by Tsämru of his father's house from his siblings. To judge from the evidence in this purchase document Asägehäññ had eight children by three different mothers. Tsämru represented one segment of the Asägehäññ's family and he bought his father's house for 102 thalers well after Tsämru had established himself as buyer and vendor.He acquired the house through purchase from Asägehäññ's children.[101] The transfer of Asägehäññ's house occurred after his death and at latter point in the life course of the junior generation. This can be understood from the fact that the purchase document is not included in the Däbrä-Marqos record in which Tsämru's land transactions were recorded in 1899.

Tsämru consolidated his urban lands by exchange. Like his father the church gave him *rim* lands. However, Tsämru bequeathed his *rim* land, which he acquired through gift from the church, to *Ras* Häylu Täklä-Häymanot whom he also adopted.[102] He included in the document that his children were not to challenge Häylu. This is his only disposition of property to a person outside of his family. Tsämru passed the rest of his property to his daughters whom we will meet below. These included Bähärditu, Tämäsgän and Mentewab Tsämru. Only Mentewab added land through mechanism other than inheritance. Mentewab acted as money lender and on her debtor failing to repay debt he was forced to pass his ancestral land to her. This is the only acquisition of additional land to Tsämru's property by Mentewab.Tsämru made Bähärditu *aläqa,* main successor or inheritor of much of his property ,and the rest of his property was divided

among his children. Unlike the church title,*aläqa* here refers to the right given to part of the family property which is not subject to division. The process of the disintegration of Asägehäññ's lands was completed in a very dramatic way during the lifetime of his grand children, i.e. during Tsämru's children. On folio 227r there is a document recording the transaction of Tsämru's daughter, Tämäsgän, who sold her portion of the urban sites she inherited from her father to *Ras* Häylu for 100 hundred thalers. Moreover, Tämäsgän resold the house of Asägehäññ that Tsämru had purchased from his siblings at a price of 130 thalers to the same purchaser, Häylu, at the net profit of twenty-eight thalers. Another important disposal of Tämäsgän is found on folio 227r which records the transfer of an urban site which the woman inherited from her father through sale to Häylu at the price of 100 thalers. On folio 225r the daughter of Asägehäññ called *Wäyzäro* Däbritu sold her portion of the urban land that she inherited from her father for fifty thalers, again to Häylu. The extensive sale of Asägehäññä's children in 1910s and 1920s brought them 380 thalers, many times more than Asagehagn's and Tsämru's purchase put together. Indeed a transfer on this scale and in such a short space of time from a single family to one individual is very rarely found in the Registers. The process of the breakdown of Asägehäññ's urban lands was completed within the lifetime of his grand children. This is a very fine testament to the low degree of trans-generational continuity.[103]

Thus concentrated holdings did not survive three generations. Besides the weak sense of intergenerational continuity increase in land values provided incentive to sell land. Häylu was one of the richest persons in the country in the early decades of the twentieth century. Only rich persons like him could afford to buy land at any price and individual owners were prepared to make outright sales. Thus a great deal of Asägehäññ's family property went into the hands of new owners, in particular to wealthy and powerful people like Häylu who could readily afford to make large investments. Dr.Abdussamad in his doctoral dissertation has discussed the land purchases of Häylu elsewhere in the region. Häylu also heavily invested his money at Märtulä-Maryam on the purchase of urban lands and agricultural fields. He acquired lands through all kinds of means,including purchase and adoption. He invested a total of 1442 thalers on building plots, houses and agricultural fields. There are innumerable numbers of documents involving Haylu.[104] Thus, there was at one and the same time dispersal and concentration of holdings. Very few of the urban and agricultural lands at Märtulä-Maryam remained unsold. Sale brought in at one and the same

time new landowners and eliminated old ones. Similar archetype families exist whose property documents are carefully preserved in the Registry.

Thanks to this record of land transaction one is able to explore the changes in land value over the time spread of eighty years,from 1840s to the 1920s. These particular documents evoke a view that land value had increased tremendously over the century. The examples of the two families discussed above will have to suffice to draw conclusions about the history of land transfers between the 1840s and 1920s. The series of documents of the families discussed above and preserved in the Registry show that the same pieces of lands were dealt and redealt with several times and there was constant change of land ownership.It also helps to elucidate changes in the price of land. The record helps to argue strongly in favor of an increase in the land value. Undoubtedly there was tremendous increase in the value of land between 1840s and 1920s. As we have seen above some of the vendors sold land to *Ras* Häylu and to others in the 1920s sometimes at the net profit of double their original prices in the nineteenth century.

Thus the process of fragmentation in the 1920s was spurred by the growth of land price. Most of the sale documents do not tell the precise dimensions of the lands transacted, the reference frequently occurring in our records with the regard to the size of land transacted being simply one land, a *bota*, etc. As a whole land had increased in value for the same surface area.A century later the same piece of land was sold many times its original price in the 1840s, considering that there was not much change in the value of the Maria Theresa Thaler.

Appendix Number 1
The Land Charter of Dabra-Marqos Church

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The Land Charters of Mota Giyorgis and
Dabra-Eliyas Churches

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Sources:
Wana_Mazgab.MS.Dabra-Eliyas, 89.XIX, 9-33 deposited at the IES and
Gebra-Hawaryat, MS. Yagwara Qwesqwam, 89, XVI, 23-25, deposited at the IES.

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