

# SER'ATA MANGEST

## An early Ethiopian Constitution

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In a time of transition, when experts and the general public are very much interested in developing and drafting a new constitution, it might be of interest to look also backwards into history, to find within the legal tradition elements of constitutional character helpful in understanding better the social powers of integration and desintegration within a changing society. With such historical background it might be easier to explain the problems of a working western-style constitution and its implementation. When the first Ethiopian western-style constitution was adopted on 16. 7. 1931 and revised in Nov. 4, 1955, it was generally believed to be the first written one<sup>1</sup>. Foreign constitutional models, especially the Japanese Meiji Constitution of 1889 and the German Imperial Constitution of 1871, had been taken as samples by foreign advisors as well as by Ethiopian politicians<sup>2</sup>. A stronger Anglo-American influence can be detected in the revision of the constitution in 1955<sup>3</sup>. The new Ethiopian draft constitution of August 1974<sup>4</sup> again shows a strong foreign influence and might, if ever adopted, face the same problems of implementation being confronted by the traditional understanding of the power process and other factors inherent in the decision-making procedure in the Ethiopian society. Therefore, legal history seems to become more and more essential for Ethiopia in a period of transition from a traditional to a modern society because there are still many traditional elements which can be understood only by a comprehensive study of the past.

Thus, besides the actual interests in constitutional law, it seems necessary to start research and comparative studies in Ethiopian legal history. It is challenging for legal scholars and historians to compare the "Ser'ata Mangest" with other legal documents inside and outside Ethiopia. With regard to the Ethiopian land-charters we only want to draw attention to the fact that Huntingford discovered striking similarities between the Anglo-Saxon and the Ethiopian land-charters in structure and purpose<sup>5</sup>.

"The Ser'ata Mangest contains the description of a series of ceremonial activities to the "Fetha Nagast", which contains merely private law, the "Ser'ata Mangest" is a real constitution, certainly the oldest Ethiopian one. Varenbergh, who was the first to translate it and to comment on it, said:

"The Ser'ata Mangest contains the description of a series of ceremonial activities such as the ceremonies attending the King's ascending to the throne and the ceremonial naming of the Queen, the investiture of dignitaries in their functions

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1 J. Paul and Ch. Clapham, *Ethiopian Constitutional Development*, (2nd. ed., 1972), Vol. I, p. 341. Ch. Clapham, *Haile Sellassie's Government*, (2nd. ed., 1970), p. 34, 36. M. Perham, *The Government of Ethiopia*, p. 70.

2 K. R. Redden, *The Legal System of Ethiopia*, 1968, p. 99. J. Vanderlinden, *Introduction au Droit de L'Ethiopie Moderne*, 1971, p. 90.

3 See the "Explanation in regard to the Revised Constitution-Reasons for Constitutional Revision" (Archives of the HSIU, Law Faculty, unpublished).

4 August 6, 1974, published in *The Ethiopian Herald* of August 12, 1974 and *Addis Zemen* of August 6, 1974. Published in: Scholler/Brietzke, *Ethiopia, Revolution, Law and Politics*, Munich 1976, pp. 154.

5 G. W. B. Huntingford: *The Land-charters of Northern Ethiopia*, 1965, p. 16.

as administrative and judicial officers, church ceremonies and a hierarchical rank list. Although it also concerns itself with the competence of the law in cases of conflict between laity and church, as well as with divorce matters, it is, however, in the main, a handbook of Court and State.”

We cannot discuss the linguistic problems and therefore omit all reference to the linguistic importance. The text is written in the medieval Ge'ez, from which Amharic originated. However Varenbergh again remarked in this regard:

“The language of the document borrows titular names not only from Amharic, but also from neighbouring languages such as Somali, Agaw etc., knowledge of which seems to have been necessary for a complete understanding of the nature of the administration and its titles. If it is true that this highly developed system of administration goes back to the old Axumite Empire, one might suppose that it originated in Egypt, or more likely, in Persia. But this cannot be proved. Also, some ceremonies, such as the coronation and the investiture of officials, are similar to those of Byzantium. If these things had their origins in foreign precursors, in the course of time they would have been reformulated as a result of their eventual modification by the customs of the indigenous people, and the long isolation of Abyssinia, which forced the country to rely on its own resources.”

At least three unpublished different versions of the “Ser'ata Mangest” are known to the authors. These manuscripts are deposited at the Institute of Ethiopian Studies, Ex-Haile Sellassie I University; all of them are attached to general royal chronicles and all but one are in Ge'ez. The first one is preserved on microfilm made by a German research team led by Prof. E. Hammerschmidt in 1971 from the collection of the monastery of Rema in Lake Tana. (See I. E. S., Rema 17). The manuscript has 74 pages and is in Ge'ez. It is probably the same as or very similar to Varenbergh's text. The second text is also in Ge'ez and is found in a big parchment chronicle entitled “Kebra' Negast” or the Glory of Kings. (See I. E. S., MS. 681, pp. 147—157). The third one is in Amharic. (Probably translated from the Ge'ez) and is attached to a parchment document entitled “Tarika' Negast” a history of the kings. (See I. E. S., MS. 691, pp. 126—133). Four of them including the present text, are basically the same.

Detailed analyses of their similarities and differences in historical and literary values are, however, reserved for the next stage of study. Suffice it to state here that the “Ser'ata Mangest” is as useful a document as it was an important guideline of the political life of the royal court as well as of the ruling elements connected with it. The writing or compilation of the “Ser'ata Mangest” as well as its rewriting must have been necessitated by a complex of problems among which are the problem of succession to the throne and need for term of reference<sup>6</sup>. The problem of succession was indeed a recurring headache to the monarchy throughout Ethiopian history. The principle of primogeniture was more theoretical than practical as incessant rivalries among members of the royal house intermitently switched the lines. The long prosperous reigns of the outstanding sovereigns, were usually followed by political aberrations and civil strife. The tradition of mountain prison was doubtless a by-product of such an anomaly. The reasons for and the nature of the problem are beyond the scope

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<sup>6</sup> For a study in the problem of succession in medieval Ethiopia, see Taddesse Tamrat, “Problems of Royal Succession in Fifteenth Century Ethiopia: a presentation of the Documents”, IV. Congresso Internazionale di Studi Etiopici, Roma 10—15 Aprile, 1972, Tomo I. (Roma: 1974), pp. 501—535.

of this introductory note to discuss, but the “Ser’ata Mangest” seems to be an attempt toward minimizing the problem. The second significant factor that could have caused the compilation or rewriting of the “Ser’ata Mangest” must have been the need for term of reference. The “Ser’ata Mangest” was in fact a protocol of ceremonies which had to be consulted whenever occasions required it. The literary heritage of Medieval Ethiopia had suffered destruction from civil wars and invasions, and many documents were reproduced several years later from memories and/or fragmentary records.

Emperor Amde’Seyon (1314—44) and Emperor Gelawdewos (1540—59) are among the Sovereigns who contributed to the reconstruction of Ethiopian literature. The chronicler of Emperor Iyasu the Great (1682—1706), also tells that his master summoned all the learned men and grand officials to rewrite the rules and regulations legislated and practised during the reigns of his royal predecessors<sup>7</sup>. From all indications it was a custom for the sovereigns to consult the elders and the learned ones on past practices whenever new problems cropped up. Thus, one would assume that the “Ser’ata Mangest” was rewritten and became prominent in the late seventeenth and first half of the eighteenth centuries when prosperous Gonder enjoyed its grandeur.

As the Ser’ata Mangest had been translated only into German<sup>8</sup> and to a certain extent into Italian<sup>9</sup>, it has been necessary to present a translation in English<sup>10</sup>.

The importance of the Ser’ata Mangest had been already emphasized some years ago by another Belgian scholar of legal history Von J. Vanderlinden, who states: “This short collection (it contains altogether twenty-one articles of law) appears to record a continuous legislative activity which started in the 14th century and culminated in the 17th; the first elements are attributed by Goidi to Amda Sion (1314—1344) and the last to Fasilidas (1632—1667), although the eminent Italian scholar was apparently unable to date with precision every element of the collection. It consists mostly of enactments on the organization of the Ethiopian royal Court (including many provisions defining the status of dignitaries recognized as members of that Court), but it also contains some provisions on more general matters such as civil procedure, although these are always connected with members of the royal Court<sup>11</sup>.”

Naturally, we cannot expect to find human rights granted in this constitutional instrument which quite clearly states the hierarchical power so confronting the individual with the next higher ranking dignitaries. The large extent of organization power-rules shows typical features of a feudal system trying to centralize the imperial power. The state-church relationship is mentioned and a system of settling trouble-cases arising between both of them had been set up. The judicial power of the king and the dignitaries is mentioned in describing the process of decision-making. This process ends with the following statement: “Finally, the king would give verdict and all would be finished<sup>12</sup>.” Another interesting regulation refers

7 Richard K. P. Pankhurst (Ed.), *The Ethiopian Royal Chronicles* (Addis Ababa: Oxford University Press, 1967), pp. 108 and 111—113.

8 J. Varenbergh, *Studien zur abessinischen Reichsordnung*, *Zeitschrift für Assyriologie und verwandte Gebiete*, vol. 30, 1915, pp. 41—45.

9 I. Guidi, *Contributi alla storia letteraria di Abissinia*, I, II, *Ser’ata Mangest*, in *Rendiconti della Reale Accademia dei Lincei, Scienze morali*, vol. XXXI ser. V (1922), pp. 65—89.

10 For a translation of Varenbergh’s introduction see the authors’ mimeographed study, fn. 13.

11 J. Vanderlinden, *An Introduction to the Sources of Ethiopian Law*, 1966, Addis Ababa, p. 39.

12 R. A. Sedler, *The Chilot Jurisdiction of the Emperor of Ethiopia*, *J. Afr. L.*, Vol. 8, (1964), p. 59. H. Kebede, *The Endless Process of Litigation: The Appellate Process and the Imperial Chilot*. (Senior Theses, HSIU, Law Faculty, unpublished) April 1973. K. Redden, op. cit., pp. 140—148.

to the royal succession. It shows to what extent in Ethiopia the succession was left to the decision of the late king and the consent of the army: "If a king died, they would put his dead body in the Grand House. They would bring out one of his sons or brothers, chosen by the late king and his army, and they would enthrone him." (III 1) We cannot go into further details which should be done in a later study<sup>13</sup>.

## TEXT — SER'ATA MENGEST (Preamble)

This is a book of the Kings and the Lords<sup>14</sup> that is of many things including history, tradition and the list of the hierarchy.

### I. (Fides Historica)

These laws and regulations came forth from Jerusalem with the son of Solomon, whose name was Menelik. With him came twelve students of law. One of them was Jan-Massare, in charge of justice, who was judge of the right with the silken whip, Egre Zakune<sup>15</sup> and Jan-Hatsena who was in charge of the Ten Commandments and the Holy Water. At this point the Falasha were separated<sup>16</sup>. Since the children of Levi were passing correct judgements, and their words were true, the kings used to choose these priests to be judges. They were made judges during the time of Amde Tsion<sup>17</sup>.

With him also were Tsirag-Massare, who was responsible for the horn of the holy ointment, Like-Safe, responsible for horses, Like-Ayesenefo, in charge of mules, Harb-Zeni, responsible for food, Beale-Harb, responsible for the golden blades with which they would mark the soldiers. Beale-Hareffa was the person who gave clothes to the Kings<sup>18</sup>. Tseha Sorgue had the golden ring which was known as Belul. Akembesai (Akabe-Anbessa) was the person who kept the lions. Besete Egre, with Debena Bet Haitse<sup>19</sup> conveyed the belonging of the Tsion (Zion). After these, the following orders were instituted: Kegne-Bitwodet<sup>20</sup>, Gerra-Bitwodet<sup>21</sup>; then Ras Gerra Getta<sup>22</sup>; Kegne-Getta<sup>23</sup>; Wast Azzaje<sup>24</sup> of the right and of the left; Jan-Dereboc<sup>25</sup> of the right and of the left; Akabe-Seat<sup>26</sup>;

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13 Prior to this publication a study on the Ser'ata Mangest has been done as a joint project of the Institute of Ethiopian Studies and the Law Faculty of former Haile Selassie I University. The authors would like to express their gratitude to both institutions and especially to Dr. M. Fuchs-Karsch and Ato Serawitu Yimer, who assisted in translating. This original study comprised three parts:

1) Varenbergh's introduction to the Ser'ata Mangest with footnotes translated into English;  
2) The Ge'ez text of Ser'ata Mangest without the comparative footnotes of Varenbergh;  
3) The English translation of the Ge'ez text of the Ser'ata Mangest together with the footnotes of Varenbergh translated from German into English.

14 Judges. The Ge'ez root word for Lord could mean both to govern or to judge.

15 Lower Court Official probably with Clerical Status.

16 By which the Ethiopian Jews were known (Varenbergh's translation into German) = (V. T.).

17 Emeror 1314—1344 as mentioned in the text.

18 This sentence is not found in Varenbergh's translation.

19 Tent a house of the emperor.

20 The one who is in charge on the right side.

21 The one who is in charge on the left side.

22 Master of the left.

23 Master of the right.

24 Chief of the inner chambers of the Palace.

25 The one who keeps the finances of the Palace.

26 Time-keeper in the Palace with the duty of blessing the Royal table.

Kesse-Hatse<sup>27</sup>; Like-Debterra<sup>28</sup>; Like-Maermeran<sup>29</sup>. Hereafter 22 masters of the right and 22 masters of the left were instituted by law<sup>30</sup>: they were called Jan-Bet-Tebakoc<sup>31</sup> and Likewant<sup>32</sup>. These were two Like-Metani of the right and two Kakitoc of the left. From among the Debterra, came the Like-Maereran, Like-Debterra, Kase-Hatse and Tsirag Massare.

## II. (The Regional Organisation)<sup>33</sup>

We also tell the order of the districts and towns<sup>34</sup>. . .

## III. TRADITIONS AND REGULATIONS

1. If a king died, they would put his dead body in the Grand House. They would bring out one of his sons or brothers, chosen by the late king and his army, and they would enthrone him<sup>35</sup>. He would dress in white clothes, and they would place a crown on his head, saying "You set a crown on his head that is more precious than pearls." After this the Azzajoche and the Womber Hidug Kakitoche would stand and would order the proclamation, saying "We are crowned as our fathers<sup>36</sup>". Then they would trace back 5 or 7 generations of kings. Right at the entrance, the Bahir Jegole would announce the proclamation to the Hidug Kakitoche, saying, "We are the ones who died, and we are the ones who are crowned; mourn for our death, and delight at our coronation." The Queen's maids would say, "Ellel<sup>37</sup>", and the Bagamotche and Jan-Teshekamotche<sup>38</sup> would say, "Eyoha, Eyoha"<sup>39</sup>. After this they would bring the corpse out through another door, with the sound of Nessre Kana<sup>40</sup>, Deb-Anbessa<sup>41</sup> and Sendek<sup>42</sup>. The new king would mourn for one day wearing black clothes and the next day he would put on his royal robes.

2. **Procedure:** When the King reached Axum he would mount on a white horse, would draw his sword and cut the white ribbon placed there by a lady whose profession is instituted by law. Then she would say to the King, "Truely, you are King of Tsion", and she would sing and praise him. Then the King would dismount from his horse and sit on a throne of stone, and at his feet would sit the two Like-Metanotche<sup>43</sup> of the right and the left.

3. **Procedure:** When the Queen is crowned, on a Sunday, she would be decorated before hand, and would seat herself on a small throne to the right of the King,

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27 Private confessor of the King.

28 Chief of the singers.

29 Chief of the scholars.

30 The King's house guards were named (V. T.).

31 Jan-Bet-Tebakote-Guards of the Imperial house.

32 Likawnt = learned men.

33 Section II was not translated by Varenbergh.

34 The following 23 sections which have been omitted, give a detailed enumeration of ranks and places.

35 This regulation shows the important role the traditional Ethiopian army had played in selecting a King. The Derg functions as a kind of a continuation and institutionalisation of the traditional army.

36 We have accepted the leadership like our fathers.

37 A high sound produced by females in the Middle East and Africa to express excitement and joy.

38 The law-givers, butchers and the King's equipment-bearers.

39 An expression of joy.

40 Trumpet.

41 A big drum.

42 A sort of musical instrument.

43 Court Judges.

while the latter sat on a large throne. The Tsirag-Massare<sup>44</sup>, Like-Debterra<sup>45</sup>, Kese-Hats<sup>46</sup> and the Like-Maameran<sup>47</sup>, would give benediction, and would put the crown on her head, and there would be cheering. Then the Queen's maids would sing, and bring her out on a divan<sup>48</sup> to the sound of Deb-Anbessa and Nessre-Kana being carried by the two Tseha-Sergotche<sup>49</sup>.

**4. Procedure:** When the Queen wants to sue, or is to be sued, judges are summoned to her house.

**5. Procedure:** If one of the princesses died<sup>50</sup>, they would pitch the Melajan (tent) and spread the arwa (silk cloth); the King would sit there. Then one of the chief Debterras<sup>51</sup> would pronounce, "May he give peace to the soul of so and so<sup>52</sup>." The Queen's maids, the Dereba-Bet<sup>53</sup> and the Woizzazer (princesses) would weep and cry. They would bring the corpse in front of the King with the sound of Nessre-Kana (trumpet), Deb-Anbessa (drums), and the Sendek<sup>54</sup>. In the absence of a dead body, the King would weep in the same fashion.

**6. Procedure:** When there were weddings for the princesses on Sunday, they would make them sit before the King; after that they were decorated with gold and purple and with crowns on their heads. The bride-groom would come; they would decorate him with clothes of honour and then, mounting a horse, he would leave with his wife.

The army would mount their horses, and follow him, singing with the sound of Nessre-Kana and Negarit (big drum); and would go with her (the bride) and put her into the place which the King had directed<sup>55</sup>.

**7. Procedure:** Also, in the case of the daughters of the Queens, they would veil the arwa sora (tent) and they would furnish the floor with Bessatte (carpets) and then the bride-groom would come. He would go out on the 10th day and the King would decorate him.

**8. Procedure:** If the princesses wanted to sue their enemies, the servants of the princesses would do so in the Sekella<sup>56</sup>. If they were sued, they were to be sued at their houses. Their Rak-Massare<sup>57</sup> would assemble in the tent with the Azzajotche and the Womber (judges).

**9. Procedure:** When they named the Bitwoded<sup>58</sup>, they would put up a tent at the right side of his house. The King would decorate him, they would bring him with joy, the Kegne Azzajotche<sup>59</sup> on his right side, the Gerra Azzajotche<sup>60</sup> on his left side; with singing and torches in front of him.

**10. Procedure and Regulations of the Bitwodedotch:** One was responsible for war, the other for government, to keep law and order, camping outside the town in

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44 Clerical Dignitary, who had to participate in the coronation ceremony.

45 Head of the learned clergymen.

46 Chief priest at the Imperial Court, who had to bless the royal table.

47 Head of the ecclesiastical teachers.

48 Under a veil (V. T.).

49 Assistants in the ceremony.

50 Princes (V. T.).

51 An unordained learned clergyman whose role was to present songs.

52 "May God give peace to the soul of him to the 5th generation, and especially, may God give peace to the soul of him who died today." (V. T.).

53 House of the pages.

54 See fn. 42.

55 And the soldiers would accompany them wherever the King had ordered (V. T.).

56 Court of Justice.

57 High official.

58 High ranking official who has to participate in the coronation ceremony.

59 Judges on the right side.

60 Judges on the left side.

collaboration with the eight Azzajotch<sup>61</sup> who would sit and judge in a tent. On Wednesdays and Fridays, they would bring cases to the King. The rest of the week, they would handle cases of maltreated persons, and none of these people were to be forbidden to be in contact with the sovereign, no matter how many. The 44 men of law always functioned according to their orders, and one of them would stay all night as a guard<sup>62</sup>.

**11. Procedure in the Appointment of a Dej-Azmatch<sup>63</sup>:** The Like-Metan and the Wuraje would bring him Ras-Work (golden crown<sup>64</sup>) in accordance with the number of the regions of his appointment. They declared him Dej-Azmatch, decorated him with Kiftan, and he bowed before the King, and they gave him one Ras-Work delimiting the boundaries<sup>65</sup>, and he would leave, mounting the King's horse. When he came out, Nessre-Kana (trumpets) and Negarit (drums) would be heard on Sundays, and he would take the Ras-Work, paying alad<sup>66</sup> 67.

**12. Procedure:** Preparation of Demerra (bonfire) on the eve of the festival of the Holy Cross. On the 16th of Maskeram, at 3 p. m., the Azzajotche<sup>68</sup> and the Womber<sup>69</sup> would come to the entrance of Bahire Jegole and the Azzajotche go on to the King. The Bitwoded<sup>70</sup>, the Blatten-Getta<sup>71</sup>, the Likewant-Debterra<sup>72</sup>, the Akabe-Seat<sup>73</sup> all the major officials of the right and the left<sup>74</sup> would enter. The Jan-Tesche-Kamotch<sup>75</sup> would bring four bound trees. The Jan-Takel-Demsash<sup>76</sup> and Tsat-Demsash<sup>77</sup> would enter carrying four bound trees called Anbessa-Gedd<sup>78</sup>. Then they would veil the arwa up to the Bahire Jegole, and they would give wood to the Womber, saying "Prepare a bonfire, like your fathers." The Womber would take the wood, while being curtained by the arwa<sup>79</sup>. Then they would go down and sit in chairs<sup>80</sup>. The Jan-Teshakamotch<sup>81</sup>, the Aysenifo<sup>82</sup>, the Bet-Ansa<sup>83</sup> would bring trees; the other men of law would make walls, and guard the Kegne-Womber with the Bejerond<sup>84</sup> of the Anbessa-Bet (lion house) until dawn. The Bitwoded, the Blatten-Getta, the Akabe-Seat, the four Likewant-Debterra and the six Azzajotch would enter; Jan-Tekel-Demsash and Tsat-Demsash would bring the Anbessa-Gedd before the King and would disclose the Arwa. The Like-Debterra would bless the King, and order the crowd to say the Lord's Prayer. All the officials enumerated earlier would go out to the sound of the big drum and trumpets, up to the Bahir-Jegole. They would order the Womber to light the Demerra like their fathers. The scholars would sing the

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61 Ten Azzajotche (V. T.).

62 One of them was responsible for order (V. T.).

63 Second ranking senior commander of the army.

64 And a short robe (found only in V. T.).

65 It is a vague phrase which also means that the crown was stained or soaked in water.

66 A kind of money.

67 He takes off the golden helmet and gives an alad.

68 See fn. 59 and 60.

69 Appointed judge.

70 One of the highest Imperial Court officials.

71 One of the highest officials with the function of supervising the Imperial Palace.

72 Learned cantor.

73 See fn. 26.

74 And the governors.

75 Literally, carriers of the Emperor.

76 Groups of pages and minor officials.

77 Officers of the Court.

78 The Anbessa means lion.

79 The high judge greets them, and lays silk cloth on the Anbassa Gedd.

80 They step down and sit by the high judge.

81 See fn. 75.

82 A group of servants in charge of the stables.

83 Servants who are in charge of the tents.

84 An official of the King's treasury.

song of that particular day, which is “Yebelomu Eyesuse le Ayhud” (Jesus said to the Jews). They would bring the Womber to the Demerra as previously, and they would burn the light of four likawant, singing.

**13. Procedure:** On the 25th of Meskerem would be the Flower Festival (Beale Tsegiat). At 3 o'clock the Queen's maids would bring flowers of different kinds up to the entrance. The Debterra would stand at the left and right side of the entrance. They would sing, “Atsegeyu Hizb Mehayimnan<sup>85 86</sup>”. Thereafter the Azzajotch would tear the two Beftas<sup>87</sup> right and left in front of the King. Jan-Tekel-Demsash and Tsat-Demsash would bring flowers and give them to the Azzajotch. Before all, the Tsirage-Massare would give the Befta and the flowers to the King. Then these would be distributed to the high-ranking army officials and to the Debterra outside. Then they would enter<sup>88</sup> (the Debterras) and sing “Teketsel Tsegie<sup>89</sup>” so and so (the name of the year). After this they would recite Sellassie. None but the Debterra and the Azzajotch would remain for the evening with the King.

**14. Procedure at the appointment of the Itchegue<sup>91</sup>:** The King would decorate him at the Rasge-Bet<sup>92</sup> with two Beftas, Kemis<sup>93</sup>, Shabori<sup>94</sup>, Kiftan<sup>95</sup>, white leb-alba<sup>96</sup>, shemet Kuffar<sup>97</sup>. The King would sit in the tent, then they would seat him (Bitwoded) before the King on a throne, with carpets under his feet. The King would put a piece of cloth around the head of the Itcheque, and place a crown on his head. The Itchegue would bless the King, they would get up, and the King would accompany the Itchegue to the latter's house. The Itchegue would mount the King's mule, and would go with the sound of trumpets and drums and in the company of a huge force. As to the other learned men, they appoint them in Aklil<sup>98</sup> according to the traditions of our fathers and they would not call them “our servants<sup>99</sup>”.

**15. Procedure:** If the Itchegue sues or is sued he remains in his house. The palace would provide him with a cow, tej (honey wine) and bread for one day.

**16. Procedure:** For administering justice by the right and left Womber at the tent. They would first and foremost sing the prayers of Yared<sup>100</sup> and say “Halleluiah, on the day of judgement, on the day of sentence, on God's day what can we say to our soul, when mothers would not save their daughters<sup>101</sup>, when the earth gives back what she has in her, when God the Father puts on His clothes of judgement and revenge, what shall we say to the soul if he threatens us with the horrors of judgement day? On what day our deeds would be displayed and everything that we have done will be said. While Jesus was sitting on the Mount of

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85 The people have flourished like flowers.

86 And the people with faith call it Asgayu (V. T.).

87 White linen cloth.

88 All come in, calling on the reigning King by name (V. T.).

89 Get decorated.

90 A kind of poem composed for the occasion.

91 Administrative head of the Church.

92 A small chamber-hall of the Palace, containing the King's throne.

93 Gown.

94 Special cloth.

95 Kafthan.

96 Decorated hand-woven woman's dress.

97 When the Itchegue is appointed, in the Rasge-Bet, the King gives him two shirts of Bafta, a kaftan of Sabori, a pair of white trousers, and a cloth of white silk (V. T.).

98 A small crown.

99 The other holy men are appointed, in that he puts a crown on their heads, and says to them, “My fathers” and not “My servants” (V. T.).

100 Famous Church musician of 6th century inventor of the Ethiopian Church Hymns.

101 What shall we say to the soul, if the mother does not save her children? (V. T.).



Olives, all His disciples came close to Him on the Sabbath day. It is better for a man if he helps the poor and does good.” They would repeat this three times and hear explanations (Exegsis) of this from the Tsirag-Massare and the Like-Maameran. Then they would sit at the right and the left in the King’s house for judgement. No one other than the sick, women and the teachers would be tried sitting<sup>102</sup>; whether young or old, they would come in front of the judges, even if one was an official Bitwoded and Dejazmatch<sup>103</sup>. When the masters preside in the tent for judgement, the Nebureed<sup>104</sup> of Axum (presided) in rank.

**17. Procedure:** Tradition of the Bitwoded<sup>105</sup> and the Blatten-Getta<sup>106</sup>: Formerly there were two Bitwodedotch, one for the right and one for the left. One led expeditions and the other took care of the government. The Blatten-Getta, lower in rank, would order the army by promoting and demoting, would keep order in the town and occasionally give judgement with the Azzaje and the Womber. After the Bitwodedotch perished, the country was sacked and robbed at the hands of the Galla and Emperor Melleke Segged<sup>107</sup> came to Dembia as a fugitive. There was only one Bitwoded. They promoted Ras Wold Kristos<sup>108</sup> over Begemder and Abetto Hun Maemero<sup>109</sup> was given the office of Blatten-Getta. When the Ras departed for the country of his appointment, the Blatten-Getta rose in importance and has done so until this day. The Bitwodedotch also practiced going to the country of their appointment. When the Bitwoded came to the town, he would give judgement at the tent. In the absence of the Bitwoded, the Blatten-Getta would administer justice in his stead. Whenever the maltreated complained to both of them, they would order the Azzajoch to administer justice with their legal witnesses<sup>110</sup>, in accordance with the law instituted since before the time of Menelik’s reign. During the reign of Atse (Emperor) Yacob<sup>111</sup>, who was young and liked to play, Ras Atnatius<sup>112</sup> cane and he did everything by himself. Ras Zeselassie also had ordered and governed as a King for one year in defiance<sup>113</sup>.

**18. Procedure of Rak-Massare<sup>114</sup> and Kentibba<sup>115</sup>:** After the notables consulted and calculated with the King, the Rak-Massare brought in provisions on the month of Sene sufficient for the banquet; the rest was provided by the Kentibba.

**19. Tradition of the Basha (Pasha):** After appointing him by coronation, they would decorate him with Kappa<sup>116</sup> or otherwise with Kiftan, Ambar (bracelet), Zenar (belt), golden sword, piece of cloth for his head and he would sit in a chair below the meddeb<sup>117</sup>, in front of the King and they would spread bessatt (carpet) under his feet. They would give him mead in a golden cup. He would rise and go to his house, soldiers before and after him; guns are fired in front of him and after him; the King’s army and his soldiers would follow him. They would give him

102 No cases would be heard while he was present (V. T.).

103 Great and small they come before them into the Saqala, including the Governors, the Beht Wadad, the Dej-Azmatch, but excepting the sick, the women and the holy men (V. T.).

104 Dean of the Cathedral of Axum.

105 See fn. 70.

106 See fn. 71.

107 The name of the King of Sarsa Dengel (1563—1597).

108 The Ras, a military head was promoted to a civilian function.

109 A Prince who was appointed supervisor of Court.

110 The Azzajotch with his scribe, a law-giver (V. T.).

111 Son of Malak Sagad. For Ras Atnatewos and Za-Sellassie.

112 After the death of the Emperor three Princes competed between 1597 and 1607. During this power struggle Ras Atnatius was the leading military head.

113 Ras Za-Selassie ruled for a year as a usurper (V. T.).

114 See fn. 57.

115 A title borne by the governors of Hamasien and Dembia.

116 A dress (toga).

117 A sitting place, constructed with stone and mud in the shape of a bench.

12 swords and 2 cows from the palace. All would be prevented from entering the thronehall until sun-set.

**20. Tradition of the Akabe-Seat<sup>118</sup>:** They would bring and put a cloak on him according to the tradition. They would cover his face with a veil at the Rasge-Bet. He would sit on a throne and they would spread bessatt under his feet. The lords would accompany him up to the gate and he would go to his house with lights, sitting on the King's mule which has a genfel (cushion).

**21. Tradition on the Camping of the King in his Journey:** The Queen would camp behind him opposite the mergef<sup>119</sup>, a little farther from the camp, and on her left side lay a wide road. Then the major and minor Blatten-Gattas, the Bejerond and the Teresmba Demssash<sup>120</sup> respectively would camp. The Pasha and the lords would camp up to Gerra-Feres Deharawi according to the order of Blatten-Getta. At the Gerra-Feres<sup>121</sup> Deharawi<sup>122</sup> the Rak-Massare and the Derebba-Bet<sup>123</sup> would camp, in the front but not close to the King. At Gerra-Kulf<sup>124</sup> the Gerra-Azmatche<sup>125</sup> would camp with Gerra-Kurban<sup>126</sup>. To his right was a wide road, a church and tents starting from the middle and (extending to) Darhinda-Feres<sup>127</sup> and Fit-Feres. The Bitwoded along with the people of Begemder<sup>128</sup> would camp on the left, opposite to the Kulf. At Fit-Feres the Balambaras would camp to the left and in front of him the Aysenifo Demssash<sup>129</sup>. Then the Azzajotch and the Likawant on the left.

**22. The Order of Camping at the Right Side:** On the right side of the Queen up to the Kegner Feres Deharawi<sup>130</sup>, the ladies and the Melmel (princes) would camp. At Kegne-Kulf<sup>131</sup> the Kegne-Azmatch<sup>132</sup> would camp with Kegne Kurban<sup>133</sup> and to his left was a wide road, a church, and tents in the middle. The Bitwoded appointed over Gojam would camp at the right, far from the town, opposite to the Kulf. At Fit-Feres<sup>134</sup> of the Kegne would camp the children of Abetohun Yonael<sup>135</sup> of Emperor Melak-Seged. Then the Azzajotch and the Likawant of the Right. At Fit-Feres the Fit-Awrari would camp, to the right of a wide road. In the case of an enemy's country however, the Kegne Azmatch, the Gerra-Azmatch and the Teresmba-Demssash would camp on the outskirts of the town.

**23. Tradition and order of the King's palace:** In the morning the Bejerond of the throne and the minor Blatten-Getta would drive out the people who were in the King's room. They would prepare the room with curtains and carpets and would authorize the Pasha to forbid people to enter. The Pasha would authorize the Jan Tekel<sup>136</sup> and Wotsat<sup>137</sup> and they in turn authorize the Bet-Anse-Ras in order to

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118 See fn. 26.

119 This appears here to be a section of the camp.

120 Unknown group of functionaries.

121 Section of the camp.

122 Camping on the left side at the rear.

123 See fn. 53.

124 Gerra-Kulf correspond to Kegne-Kulf, see fn. 131.

125 A Military officer in charge of the left wing of the army.

126 A Branch of the army.

127 Names of sections of Gondar.

128 The Beht Wada who had received the fiefdom of Begemder (V. T.).

129 See fn. 82.

130 Camping on the right side at the rear. Compare fn. 122.

131 Counterpart of Gerra-Kulf.

132 Counterpart of Gerra-Azmatch.

133 These form the guard of Sarsa Dengel.

134 Front horseman.

135 Son-in-law of King Galawdewos.

136 Group of functionaries.

137 Group of functionaries.

prevent others from entering. The minor Blatten-Getta and the Bejerond of the Ambessa Bet (lion house) would do the same.

**24. Tradition:** When the King is on his journey, a throne and a horse would follow him. After the throne follow the Betirwajoch-Demsash<sup>138</sup> and the Terasmba-Demsash. After him would go the lords<sup>139</sup>; they would not go before him. In front, at the left and the right of the King would go the Degaffotch<sup>140</sup> holding axes and preparing the way. Before them went the Ayseifo Demsash<sup>141</sup>, mounted on the King's mule and covering his face with a kerchief, also a horse and two followers. In front of him, would go the Tsat-Demsash and the Jan-Tekel, forbidding others to come near. Before these would go the Azzajotch and the Gerra-Kegne Womber, before and after the Negarit (drums).

**25. Tribute of the Gerra<sup>142</sup>:** Ten Woket<sup>143</sup> from the Dej-Azmatch of Tigre<sup>144</sup>.

**26. Tribute of the Kegne<sup>145</sup>:** 10 woket from Sere<sup>146</sup>,

#### IV. (Church and State)

**1. Interpretation of Law:** If the Hatsege<sup>147</sup>, the Abune<sup>148</sup> and the Itchege rivalled with each other in setting church cases<sup>149</sup>, the tradition would be as follows:

They would choose ten persons, namely: Abba Mekane Kristos of Debre Rama<sup>150</sup>, Abba Libanos from Debre Mariam, Abba Ezira a hermit from Debre Mariam, Abba Seme-Kristos from Debre Rama. From the Azzajotch, who were chosen by permission of the Abune and the Itchege to be witnesses were: Hidug Ras from Hawariat, Azzaje Wolde Tensay and Azzaje Enkko Hawariat. Members of the Abune's household were Kesse (priest) Amha, Zerrai Gurba Yemano and Kiflo, the son of Gurba. Due to this matter, a quarrel took place, when Abba Markos took the law in his own hands from the judges and the witnesses in all cases of the church<sup>151</sup>.

2. The tradition and regulations that existed during the time of the late bishops from Abune Simon up to Abune Selama<sup>152</sup>; and from the Itchege, teachers of Debre Libanos, from the time of Abba Zewongel and Abba Abraham up to the end of the respected teachers who sat on the throne of Tekle Haimanot<sup>153</sup>, were testified to be those witnesses whose name we have noted in this document. Previously, they were forbidden by the words of the Abune, to add and/or deduct, instead they had unanimously to give all judgement concerning marriage and if a priest neglected the order of priesthood and that of the Tabot, if a wife

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138 An officer, whose duty it is to lead the King's horse.

139 Judges.

140 Supporters.

141 Leaders of Cawas' troops.

142 Of the left.

143 Ounces.

144 A province in the north.

145 Counterpart of Gerra. See fn. 142.

146 A district in Tigre.

147 Or Emperor.

148 Bishop metropolitan.

149 In reality this was probably mostly concerned with revenues.

150 Monastic Island in Lake Tana.

151 There was therefore a legal suit, since the people of the Abba Marqos overstepped the King's laws and took from the law protectors and the secretaries, all the income which belonged to all the churches (V. T.).

152 Bishop Selama, which is of course not identical with the famous bishop Selama during Emperor Tewodros II.

153 The first Ichege of Debre Libanos.

said that she disliked her husband, and if a husband said that he disliked his wife; to give judgement on this matter was not allowed to others except to the Abune. husband and a wife could not be allowed to be separated by a secular judgement. A Judgement concerning the ordination of priests and deacons also would not be passed by any but the Abune.

3. Before the case of any church's minister was taken away from the Itchege, the Itchege would listen to it and send it to the Abune for (final) administration of justice<sup>154</sup>. As to the judicial income, he (the Abune) would not share it, but leave it to the Itchege who examined the case before, even when there was no appeal<sup>155</sup>. However, unless the gate-guards were involved in a case with the owner of the estate or regional governors, neither the Abune nor the Itchege<sup>156</sup> would be involved in administering justice<sup>157</sup>. If the accuser calls a judge from among the witnesses, the Beale Hig would form the court from the Womber and the Azzaje<sup>158</sup>. After the hearing, they would send somebody to the Abune to tell what had happened; they would not pass judgement on such cases as marriage, clerical cases and those involving the Tabot. As to judicial income, they would share from that which was in the hands of the Abune as prescribed by the canonical and matrimonial laws. If the judicial case concerned the church and reached the Abune in advance, the Abune would ask the accused if they would like their case to be heard by the Womber and the Azzaje. If they agreed, he would send them, and after the Menabert (judges) and the Azzajotch heard it, they would send them back with the administrators to the Abune. All cases concerning judgement of the church would be concluded by the verdict of the Abune; they would not share with him the judicial income.

4. If ministers of the church, a priest, a deacon or a tentant who was on the church's land quarreled; it was said and told that the Abune and the Itchege would not pass judgement instead, judges (those instituted by law) or district governors would do so. If people who were on the church's land quarreled with each other like the people of Maye Guagua<sup>159</sup>, Gondar, and others, if those who give judgement agreed, the case is settled. If the Abune and the Itchege allowed people to go to the court<sup>160</sup>, no one would hinder them. And when the high judge and the Azzajotch had heard them, they would not lead the court meetings to the Itchege and the Abune. All cases concerning land, inherited arba land<sup>161</sup>, and other cases than those concerning the church, would be finished by the judgement of the King. When the Sebro-Gebba from the estate of the Abune and the Itchege complains to the King or the witnesses they should give him a judge so that his case would be heard by the Womber and the Azzajotch<sup>162</sup> and the case would be concluded by the judgement of the King as we have noted earlier.

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154 In a case of appointment of one of the servants of the church by the Itcheque, the Itcheque shall summon a court meeting for the Abun, after the Abun has considered the case.

155 But the fees should not be distributed amongst themselves, but should be left for the Itcheque.

156 The exact description of this position is still unclear.

157 Except for the case when the guards of the gate are taken from those who had fiefdoms or from the Governors of the provinces, they should not be accepted and should not judge; neither the Abun nor the Itcheque (V. T.).

158 In a case in which a confidential adviser is appointed to be a judge, either by a provincial governor, or by the secretary of the law-giver, then the assembly should proceed to the high judge and to the Azzaz.

159 A place near Adua Tigre.

160 If the Abune and the Itcheque wanted to settle the case (V. T.).

161 The Varenbergh's translation includes here cases of blood and adultery.

162 And if the fiefdom of the Abune and the Itcheque is concerned, the judge will transfer the case to the King or the secretary, and the court meeting will consist of the high judge and the Azzajotch (V. T.).

## V. (The Judiciary)

The first ones to comment were Yeshalekkotch<sup>163</sup>, next to them the Seyoume Messe would comment, next to him the Bejerond of the Ambessa-Bet (lion house) next to him the Bejerond of the Zufan-Bet (throne house), after him the Like-Meqnoise, next to him the Balamba-Ras, after him the Fit-Awrari, next to them the Gerra-Azmatch and Kegne-Azmatch, after them the minor Blatten-Getta, next to him Tsehafte-Tezaz (verdict scribes) and the Azzajotch, after them the Rak Massare (ceremonial master), next to him would comment the Pashas and Dej-Azmatches of Damot, Gojam, Amhara, Begemder and Semen. Next to them would comment the Dej-Azmatch of Tigre who is appointed as Neburra-Ed. Next to him could comment the Akabe-Seat, next to him the Blatten-Getta, next to him the Ras. Finally, the King would give verdict and all would be finished.

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<sup>163</sup> The rank order of opinions delivered should be considered as rising in rank from the first to the last.