

A Supplement to the Bibliography of Ethiopian Law (1)  
by Jacques Vanderlinden

The introductory remarks to my "Outline of a Bibliography of Ethiopian Law," published a year ago are still true to-day. This supplement has no pretense of being complete and the work done has still been mostly a second-hand one; not only mine, but also that of my colleagues in the Law Faculty, Haile Sellassie I University, who have most willingly helped me in the venture. Let us hope that, with such help, some of the most shameful omissions of the first text will tend to disappear. As often, one does not see the most obvious things; this led me to neglect, among others, the capital contributions of our colleague G. Krzeczunovicz in the *Journal of Ethiopian Studies*. With his experience of Ethiopian legal documentation, I am sure he will forgive me for those omissions, and for possible others in the present supplement.

ከአንድ ፡ ዓመት ፡ በፊት ፡ በታተመው ፡ "ስለ ፡ ኢትዮጵያ ፡ ሕግ ፡ የሚገልጹ ፡ ጽሑፎች ፡ መግለጫ ፡" በሚለው ፡ አንቀጽ ፡ ውስጥ ፡ የቀረቡት ፡ የመግቢያ ፡ አስተያየቶች ፡ አሁንም ፡ እውነት ፡ ናቸው ፡ ይህ ፡ ማሟያ ፡ የተሟላ ፡ ነው ፡ ለማለት ፡ አያስገባም ፤ ሥራውም ፡ አብዛኛውን ፡ በሌላ ፡ ሰው ፡ አማካይነት ፡ የተሠራ ፡ ነው ፤ ይህ ፡ የሆነው ፡ በኔ ፡ ብቻ ፡ ሳይሆን ፡ በዚህ ፡ ሥራ ፡ በረዱኝ ፡ በቀዳማዊ ፡ ኃይለ ፡ ሥላሴ ፡ ዩኒቨርሲቲ ፡ የሕግ ፡ ፋኩልቲ ፡ ባሉት ፡ የሥራ ፡ ጓደኞቼም ፡ ሥራ ፡ ጭምር ፡ ነው ፡ በእንደዚህ ፡ ያለው ፡ እርዳታ ፡ በመጀመሪያው ፡ አንቀጽ ፡ ውስጥ ፡ የተተውት ፡ ጽሑፎች ፡ ወደፊት ፡ እንደሚጨመሩ ፡ ተስፋ ፡ እናድርግ ፡ ሁል ፡ ጊዜ ፡ እንደሚሆነው ፡ በጣም ፡ ግልጽ ፡ የሆኑት ፡ ነገሮች ፡ አይታዩንም ፤ በዚህም ፡ መሠረት ፡ ከሥራ ፡ ጓደኞቻችን ፡ አንዱ ፡ የሆኑት ፡ ጄ ፡ ክሸችናቪች ፡ በየኢትዮጵያ ፡ ጥናት ፡ መጽሔትና ፡ በሌላም ፡ የጻፏቸውን ፡ ዋና ፡ ዋና ፡ ጽሑፎች ፡ ሳልጠቅስ ፡ አልፈኩቸዋለሁ ፡ በፊት ፡ ሳልጠቅስ ፡ ሳለፍኳቸውና ፡ ምናልባትም ፡ በዚህ ፡ ማሟያ ፡ ውስጥ ፡ ለተዘለሉት ፡ ጽሑፎች ፡ በኢትዮጵያ ፡ ሕግ ፡ ሰነዶች ፡ ረገድ ፡ ልምምድ ፡ ያላቸው ፡ ክሸችናቪች ፡ ይቅርታ ፡ እንደሚያደርጉልኝ ፡ እተማመናለሁ ፡

፩ኛ የመጀመሪያው ፡ ዘመን ፡ (ከ፲፫ኛው ፡ መቶ ፡ ዘመን ፡ እስከ ፡ ፲፰፻፱)

I First period (from the 13th century to 1889)  
በዚህ ፡ ዘመን ፡ የሚናገር ፡ ምንም ፡ አዲስ ፡ ሰነድ ፡ አልተገኘም ፡  
No new documentation has been found on the period.

፪ኛ ሁለተኛው ፡ ዘመን ፡ (ከ፲፰፻፱ ፡ እስከ ፡ ፲፱፻፲፮)

II. Second period (from 1889 to 1916)

1 ስለ ኢትዮጵያ ፡ ሕግ ፡ የሚገልጹ ፡ ጽሑፎች ፡ አጭር ፡ መግለጫ ፡ የኢት ፡ ሕ ፡ መ ፡ ሾል ፡ የ I (፲፱፻፱) ፡ ገጽ ፡ ፪፻፳-፪፻፳፫ ፡  
(1) See "Outline of a Bibliography of Ethiopian Law", in J.E.L. vol. III (1966), pp. 256-283.

የተገኙት ፡ ሰነዶች ፡ የሚናገሩት ፡ አብዛኛውን ፡ ስለፍትሐ ፡ ነገሥትና ፡ ስለኤርትራ ፡ የባህል ፡ ሕግ ፡ (ሃይማኖታዊ ፡ ወይም ፡ ልማዳዊ ፡) ነው ።  
Documentation found deals essentially with the *Fetha Negast* and with Eritrean traditional law (either religious or customary).

1. L. De Castro, *Compendio delle leggi dei Re - Fetha Nagast - sulla traduzione di I. Guidi. Con commenti e note sulle procedura vigente e i costumi nell'Abissinia*, Livorno (1912).
2. G. De Stefano, *I costumi penali abissini ed il "Fetha Neghest" (Codice abissino tradotto in italiano dalla lingua Gheez)*, Firenze (1906).
3. I. Capomazza, *Usanze islamiche hanefite di Massaua e dintorni*, Macerata (1910)
4. G. De Stefano, *Il diritto penale dell'Hamasiem*, Asmara (1898).
5. *Raccolta di massime giurisprudenziale di diritto consuetudinario delle popolazioni dell'Eritrea*, Asmara (1909).
6. *Raccolta di norme di diritto hanafita e malekita*, Asmara (1909).

፫ኛ ሦስተኛው ፡ ዘመን ፡ (ከ፲፱፻፲፮ ፡ እስከ ፡ ፲፱፻፴፮)

III. Third period (from 1916 to 1936)

የጊዜው ፡ ዋና ፡ ችግሮች ፡ ስለ ፡ ነብሩበት ፡ (ሕግ ፡ መንግሥቱ ፡ የወንጀልኛ መቅጫ ፡ ሕግ ፡ የባርነት ፡ ጉዳይ ፡ ወዘተ ፡) ከተጻፉት፣ጥቂት ፡ አንቀጾች ፡ ሌላ አብዛኛዎቹ ፡ ጽሑፎች ፡ የሚያመለክቱት ፡ የኢትዮጵያና ፡ የኢጣልያን ፡ ግጭት ፡ በሕግ ፡ ረገድ ፡ የነበረውን ፡ ይዞታ ፡ ነው ።

Apart from a few articles on major problems of the time (the constitution, the penal code, the question of slavery, etc...), most of the titles concern the Italo-Ethiopian conflict considered from its legal aspects.

7. A. D'Emilia, *La compravendita nel capitolo XXXIII del Nomocanone di Ibn al-'Assal. Note storico esegetiche*, Milano (1938).
8. E. Poletti, *Il Codice Penale abissino, con le relative norme consuetudinarie; L'ordinamento giudiziario e processuale in vigore nell'Africa orientale italiana per i sudditi indigeni ed assimilati*, Milano (1938).
9. A. Pollera, *Le popolazione indigena dell'Eritrea*, Bologna (1935).
10. *Rapport du gouvernement éthiopien sur l'esclavage*, Genève (1924).
11. M.W. Steen, *The Ethiopian Constitution*, Washington (1936).  
On the Italo-Ethiopian conflict:
12. L.J. Cibot, *L'Ethiopie et la S.D.N.*, Paris (1939).
13. G.-S. Dagafo, *Die völkerrechtliche Lage Ethiopiens seit 1941*, Diss. der Rechts-und Staatswiss. Fakultät der Rheinischen Friedrich-Wilhelms-Univ. zu Bonn, n.d..
14. W. Freund, *Die völkerrechtliche Stellung Abessinians auf Grund von Verträgen*, *Jahrbuch der Konsular-akademie zu Wien*, (1936), pp. 30-42.
15. Von Freytagh-Loring-Hoven, "Sanktionen," *Deutsche Juristenzeitung*, (1935). pp. 1260-1267.
16. H. Gernhuber, *Der italienisch-abessinische Konflikt und das Völkerrecht*, Königsberg (1937).
17. W. Landecker, "Suezkanal und der italienisch-abessinische Konflikt," *Revue de droit international de sciences diplomatiques et politiques*, (1935), pp. 204-220.

18. A. Mandelstaum, *Le conflit italo-éthiopiens devant la S.D.N.*, Paris (1937).
19. O. Von Nostitz-Wallwitz, "Die Annexion Abessiniens und die Liquidation des abessinischen Konfliktes," *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 7, pp. 38-66.
20. O. von Nostitz-Wallwitz "Die diplomatische Vorgeschichte des Abessinien-konfliktes," *idem*, vol. 5, pp. 760 ff.
21. O. von Nostitz-Wallwitz, "Die Entwicklung des Abessinienkonfliktes bis zu Beginn der Sanktionen," *idem*, vol. 6, pp. 496-537.
22. O. von Nostitz-Wallwitz, "Das Kriegsrecht im italienisch-abessinischen Krieg," *idem*, pp. 680-722.
23. O. von Nostitz-Wallwitz, "Der Zwischenfall von Ual-Ual und seine Behandlung durch den Völkerbund und die Schiedskommission," *idem*, pp. 75-89.
24. H. Rolin, "Der italienisch-abessinische Konflikt," *Friedenswarte*, vol. 36, pp. 236-245.
25. G. Scelle, "Die Annexion Abessiniens durch Italien und der Völkerbund," *Völkerbund und Völkerrecht*, vol. 3 (1936-37), pp. 167-172.
26. A. Serup, "Aufhebung der Sanktionen im italienisch-abessinischen Konflikt," *Friedenswarte*, vol. 37, pp. 14-17.
27. A. Serup, "Die Inkraftsetzung des Art. 16 im italienisch-abessinischen Konflikt," *idem*, vol. 36, pp. 197-200.
28. C. Terlinden, *Le conflit italo-éthiopiens et la S.D.N.*, Liège (1936).
29. E. Zienert, *Rechtsfragen der Kriegsführung im italienisch-abessinischen Krieg*, (Innsbrucker Diss.) (1936).

፩ኛ አራተኛው ፡ ዘመን ፡ (ከ፲፱፻፵፩ እስከ ፡ አሁን ፡ =)

IV. Fourth period (from 1941 to the present)

ሀ. በአዋጅ ፡ የወጡ ፡ ሕጎች ፡ =

A. Legislation

አዋጆችን ፡ ኪያዘው ፡ ልዩ ፡ ቮልዩም ፡ የሚመስለው ፡ የሚከተለው ፡ አለ ፡ —  
Similarly to the special volume including Proclamations (no. 226), there is:

30. *Negarit Gazeta - Decrees and Orders*, Addis Ababa (1951).  
በአ.ት.ዮ.ጽ.ያ ፡ ንጉሠ ፡ ነገሥት ፡ መንግሥት ፡ የፕብሊክ ፡ አድሚኒስትራሲዮን ፡ አ.ንስቲትውት ፡ የተዘጋጀ ፡ የነጋሪት ፡ ጋዜጣ ፡ ማውጫም ፡ አለ =  
There is also a table of contents of the *Negarit Gazeta* (no. 214), prepared by the Imperial Institute for Public Administration:
31. *Negarit Gazeta - Alphabetical index*, vols. 1-17 (1942-1958), 2nd ed., with Supplements, Addis Ababa (1959).  
በመጨረሻም ፡ በአንግሊካ ፡ አስተዳደር ፡ መጨረሻና ፡ በአ.ት.ዮ.ጽ.ያ ፡ በኤርትራ ፡ አንድነት ፡ መካከል ፡ በነበረው ፡ ጊዜ ፡ በኤርትራ ፡ ውስጥ ፡ አንድ ፡ ጋዜት ፡ ኤርትራያ ፡ ይታተም ፡ ነበር = የዚህን ፡ ጽሑፍ ፡ አድራሻ ፡ በአዲስ አበባ ፡ ልናገኘው ፡ አልቻልንም =

Finally a *Gazzetta Eritrea* would have been published in Eritrea between the end of the British rule and the union with Ethiopia. We have been unable to find any trace of that publication in Addis Ababa.

A. ገጽ

B. Custom

33. Ambaye Zekanos, *Land tenure in Eritrea (Ethiopia)*, Addis Ababa (1966)
34. M. Hofner, *Das Feteḥ Mahari. Sitten und Recht der Mänsa*, Wiesbaden (1951).
35. A. Lauro, *Il nuovo diritto eritreo e gli statuti dell'Hamasien in particolare*, Asmara (1944).
36. G.T. Mary, "Eigentumsrechte der Kaffitscho in Äthiopien," *Zeitschrift für vergleichende Rechtswissenschaft*, vol. 68 (1966), pp. 216 ff..
37. W.A. Shack, *On Gurage Judicial structure and African political theory*, Addis Ababa (1965).
38. Silieshi Wolde-Tsadik, *Land ownership in Hararge Province*, Dire Dawa (1966).

ሐ. ከዳኞች ፡ ውሳኔ ፡ የሚገኙ ፡ ሕግ ።

C. Case-law

የአሠሪና ፡ የሠራተኞችን ፡ ግንኙነት ፡ የሚመለከቱ ፡ የተመረጡ ፡ የፍርድ ጉዳዮች ፡ ተዘጋጅተዋል ፡—

A selection of labour cases has been prepared by:

39. Syoum Gebregziabher, *A sample collection of Labour disputes and the ruling of the Labour Board*, Addis Ababa (1967).

D. Legal Science

On Ethiopian constitutional law:

40. Alemayehu Seifu, "The significance of the recent administrative reform in Ethiopia", *Journal of the Political Science Association*, vol. 1 (1966) pp. 18-19.
41. Bereket Habte Selassie, "Constitutional Development in Ethiopia," *Journal of African Law*, vol. 10 (1966), pp. 74-91.
42. Gebru Mersha, "Censorship and prior-restraint", *Journal of the Political Science Association*, vol. 2 (1967) pp. 15-31.
43. J. Kerri, "The role of the Parliament", *Journal of the Political Science Association*, vol. 2 (1967), pp. 9-14.
44. G. Krzeczunowicz, "The regime of assembly in Ethiopia", *Journal of Ethiopian Studies*, vol. 1 no. 1 (1963), pp. 79-82.

On Ethiopian criminal law:

45. *The criminal law system of Ethiopia*, Washington (1962).
46. P. Graven, "Les circonstances aggravantes en droit éthiopien," *Revue internationale de droit pénal*, vol. 36 (1965), pp. 499-526.
47. P. Graven, "Les effets internationaux de la sentence pénale en droit éthiopien," *idem*, (1963), pp. 80-91.
48. P. Graven, "La protection pénale de la moralité publique et de la famille en Ethiopie," *idem*, (1964), pp. 729-754.
49. Habte-Mariam Assefa, *Die vorsätzlichen Tötungsdelikte im Äthiopischen und Deutschen Strafrecht*, Diss. Bonn (1965).

50. S. Pankhurst, "The New Ethiopian Penal Code," *Ethiopia Observer*, vol. 2 (1958), pp. 259-270. The latter title includes more detailed articles by the same author on:
  51. "Contraception and abortion," *idem*, pp. 282-287.
  52. "Copyright," *idem*, p. 270.
  53. "Juvenile offenders," *idem*, pp. 271-275.
  54. "Offences against morals," *idem*, pp. 281-282.
  55. "Prison conditions and work," *idem*, pp. 277-279.
- Finally, we have, on various aspects of Ethiopian law:
56. Desalegne Benti, "When workers strike," *Ethiopian Business Journal*, vol. 4 (1967), pp. 35-40.
  57. *Ethiopian Income Tax Service*, St. Petersburg (1962).
  58. A. Giovene, "I nuovi codici," *Sestante*, vol. 1 no. 1, (1965), pp. 49-51.
  59. A. Giovene, "Organicità del Codice di procedura civile," *idem*, vol. 1 no. 2, (1965), pp. 23-25.
  60. R. Gramby, "The effect of government policies on economic development in Ethiopia," *Ethiopian Business Journal*, vol. 4 (1967), pp. 27-33.
  61. Hampartsum Ghazarossian, "The Board of Directors in the Ethiopian Share Company," *Business Journal*, vol. 3 (1965), pp. 50-72.
  62. G. Krzeczunowicz, "The Ethiopian Civil Code: its usefulness, Relation to Custom and Applicability," *Journal of African Law*, vol. 7 (1963), pp. 172-177
  63. G. Krzeczunowicz, "Ethiopian legal education: Retrospect and Prospect," *Journal of Ethiopian Studies*, vol. 1, nr. 1, (1963), pp. 68-74.
  64. G. Krzeczunowicz, *The law of filiation in Ethiopia*, Addis Ababa (1966).
  65. R. Pankhurst, *State and Land in Ethiopian History*, Addis Ababa (1966).
  66. K. Redden, *The law-making process in Ethiopia*, Addis Ababa (1966).
  67. K. Redden, "Legal research and law reporting in Ethiopia," *Liberian Law Journal*, vol. 2 (1966), pp. 122-129.
  68. R. Sedler, *Ethiopian Civil Procedure*, Addis Ababa (1967).
  69. S. Tedeschi, "Sulla gerarchia delle fonti nel sistema giuridico etiopico," *Journal of Ethiopian Studies*, vol. 5 (1967), pp. 87-94.
  70. J.B. Tener, "Industrial relations in Ethiopia," *Business Journal*, vol. 2 (1965), pp. 46-49
  71. J. Vanderlinden, "Civil law and common law influences on the developing law of Ethiopia," *Buffalo Law Review*, vol. 16 (1966), pp. 250-266.
  72. Workeneh Fitte, "A commentary on the income tax proclamation of 1961," *Business Students Association Journal*, vol. 1 (1964), pp. 23-37.
  73. Süleshi Wolde-Tsadik, *Land Taxation in Hararge Province*, Dire Dawa (1966).

