Defining *Rim* within the 18th century Ethiopian System of Land Ownership, Administration and Taxation

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Abstract

The commonest object of land transaction in records of the 18th century was called *rim*. True to the etymology of its denomination, this type of land was carved from a larger estate (*gʷəlt*) granted to a church, and then distributed to clerics. By carefully examining hundreds of historical records of the period, *rim* will be redefined within the normative system in which it occurred. The reading of contractual writings against the law, its commentaries, regulations and historical narratives show that *rim* derived its regime from the provisions prescribed for the estate from which it was apportioned. The lot that each cleric received was composed with parcels of equal quality and was established as a living, a compensation for services or tributes owed to the church. The double requirement that *gʷəlt* holders should be masters of their domains and be given profitable land allowed *rim* owners certain liberties. They had dominion over the initial inhabitants of the land whose diverse status was revised. They became judges and administrators of a land on which exactions for the church overlapped with their claims; the taxation rules borrowed from the general fiscal tradition that prevailed in lay domains. They could also liquidate their asset by pledging it for a loan, selling only to redeem it later by exercising the faculty of recovery conferred by legal acts or custom. Several flexible doctrinal interpretations of inalienability supported the established practice of *rim* exchange.

Keywords: 18th century Ethiopia, Land Ownership, Legal History, Economic History, *Rim*, Land Tenure

Introduction

In 1723, two regiments were accused of abusive behaviour and conspiracy against King Bäkaffa (r 1721-1730). To keep them at bay and protect the citizens of Gondär, a decree ordered that they stay in the countryside where they had *rim*s.[3] In a grant by the same king, land that was confiscated of its

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[3] Guidi 1903, 283.

two-third portion from its heirs and given to clerics of the Qämuğ Kidanä Məḥrät church was called *rim*.[4]

In these early attestations, *rim* designated individual lots in situations where a domain was granted to collective entities. Charters instituted *g*^{w}*əlt* 'lasting endowment of inalienable land' for churches. By other grants expressed in terms of *sərə'at*, regiments received estates.[5] These vast territories were then apportioned and distributed to clerics or soldiers as *rim*.

Grammarians and lexicographers offer etymologies suggestive of these semantics of *rim* land as a parcelled out endowment. Among these, the most compelling in regards to historical evidence and comparative linguistics are the ones presented by Tayyä Gäbrämariam and Dästa Täkläwäld. The first author registered the Gə'əz verb ተርሕመ (*tärəḥmä*) with the translation ወለቀ (*wälläqä*) and ተሠራ (*tässärra*).[6] *Wälläqä* has the meaning of 'be taken off, be disjoined'.[7] In his section on numbers, Tayyä Gäbrämariam employed the expression ሪም: ክፋይ: መደብ (*rim kəfay mädäb*) 'sub divisional *rim*'[8]; these were grammatical classes which compositional elements had use in other contexts.[9] The second meaning of the word *rim* given as *tässärra* is translated as 'was established, appointed, ordained, was given dominion'.[10] Dästa Täkläwäld noted an Amharic verb ዐረመ (*'arrämä*) 'apportion land'.[11] The

[4] See ms London, British Library, Or (henceforth BL Or), 481, fol.208v (Wright 1877, 1-6, no. II); Mf Illinois/IES 84.1.6 (Shumet Sishagne 1988,1)

[5] Ms Frankfurt am Main, Stadtbibliothek zu Frankfurt am Main, Ms. or. 39 (previously Ms. Orient. Rüpp. I b, henceforth referred to as Ms. Orient. Rüpp. 39), fol. 50v (Goldschmidt 1897, 63–67, no. 18); Guidi 1903,139-140; Conti Rossini 1907,45,162

[6] Tayyä Gäbrämariam 1889, 103. A similar definition using Dillmann's 1865 etymology is proposed for ተርሕመ in Leslau 1987, 468. The Amharic terms which translate the Gə'əz verb are defined in the dictionary of Antoine d'Abbadie as follows: ሠራ meant 'founded by an edict' and ወለቀ meant 'disassemble', d'Abbadie 1881, 164, 645. The etymology of the word *rim* is also linked to the idea of dismemberment in note 11 of Bausi 2001, 147; see also ተሠርቸባችኋለሁ in ms BL Or 508 fol. 282v (Wright 1877, 29, no. XLIV); for an attestation of similar expression in Gə'əz see ሠርዐ : ቦሙ in the Chronicles of Susənyos, Pereira 1892, 218.

[7] Tayyä Gäbrämariam 1889, 103; ተርሕመ in Leslau 1987, 468; ሠራ and ወለቀ in d'Abbadie 1881, 164, 645; Bausi 2001, 147.

[8] Tayyä Gäbrämariam 1889, 329-337.

[9] ክፋይ, መደብ in d'Abbadie 1881, 637, 112. Numbers were classified in *kəfay* 'subdivisions' that related to: genre, chronology, the order of the alphabetical letters or the order of the days of the week. A second grouping of numbers under *mädäb* were differentiated according to: gender (feminine and masculine), proximity to the thing designated and number (singular or plural). The superposition of the two groupings resulted in a new category which used the classification criteria of the two groups; this category was called "*rim kəfay mädäb*".

[10] See note 12 below.

[11] Dästa Täkläwäld 1970, 957.

radical is found in other Semitic languages sometimes with this exact polysemy 'land gift/ to untie or remove'.[12]

In historical records, ecclesiastical *rim* became one of the widely mentioned types of land in the 18th century. The second half of the 1730s saw a brusque proliferation of ደብዳቤ (*däbdabe*) 'legal acts' inscribed as marginalia or on additional folia in manuscripts of religious texts; besides the usual charters that established church *gʷəlt*s, these included transactional records by which *rim* was sold, pledged or donated and judgments by which land conflicts were settled.[13] Grantors organised the management of resources, defined incomes and administrative tasks in regulations called ሥርዓት· (*śərə'at*).[14] The first regulations were integrated in the grant charter while later ones were presented as separate documents.[15] The endowment and the regulation were then detailed in acts that indicated the name of the plots, the labourers and the inhabitants of the land assigned to a cleric. These cadastral records were instruments of effectuation of the *gʷəlt* charter that carried out the general directives given by the grantor and served as title deeds for *rim* owners. The book in which they were gathered was known as the *mäzgäb*.[16]

Records of *rim* land from the 18th century can be found in three collections. The first two assemble manuscripts acquired mainly by looting and are kept in the Cambridge and British libraries.[17] The third is a microfilm collection

[12] In Assyrian *ramu/ rummu* meant 'to untie, to remove' as well as 'to grant, to deed an estate'. Biggs et al. 1999, 128,146. According to Leslau, in the Čäha, Muhər and Soddo languages *name* has the meaning of 'give me'; this seems to be a phonetic variant of the morpheme through a process of nasalization r>n or rotacism n>r, Leslau 1979, 51, 456. Kidanäwäld Kəfle proposed that *rim* was derived from the stem *ḥarim* 'set aside as sacred'. Kidanäwäld Kəfle 1955/1956, 462.

[13] Crummey 1979, 469-470; Namouna Guebreyesus 2017, 135-13

[14] The radical *särа* from which *sərə'at* is derived has the sense of 'give alms, grant'. See Isaiah 38.1 as interpreted in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2004/2005. 254. In Gə'əz and in Amharic, the word has the general meaning of 'ordinance, procession, ceremonial rite, rule, regulation, regime…'; it could mean 'status' of one who is given a living as well as 'establishment'. Ms. UNESCO Series 10 no. 6 fol. 1 ([UNESCO Mobile Microfilm Unit] 1970, 65); Conti Rossini 1907, 26; Kidanäwäld Kəfle 1955/1956, 678, Dästa Täkläwäld 1970, 894. We refer to documents that use the word in a specific sense as 'an administrative regulation that defines jurisdictional and fiscal relations'. Mf Illinois/IES 89.IV.31 (Daniel Ayana 1989, 3). Ms. Orient. Rüpp. 39, fol.126v (Goldschmidt 1897, 63–67, no. 18) This definition of the word is attested since at least the 14th century; see MS Bodleian 29, fol. 30v (Dillmann 1848, 76-80, XXIX), ms BL Or 481 fol.154 (Wright 1877, 1-6, no.II)

[15] Ms BL Or 481 fol.4r (Wright 1877, 1-6, no.II), BL Or 778 fol.2r (Wright 1877, 235-254, no. CCCXLVIII); Illinois/IES 89.04.31 (Daniel Ayana 1989, 3); Illinois/IES 88.22.25-27 (Shumet Sishagne 1988, 9)

[16] Illinois/IES 88.I-IV (Shumet Sishagne 1988, 2); 88.VII (Shumet Sishagne 1988,3)

[17] Ullendorff and Wright 1961. *Catalogue of Ethiopian Manuscripts in the Cambridge University Library* (Cambridge: University Press, 1961)

constituted by Donald Crummey who in the 1980s reproduced legal acts contained in manuscripts still held by churches in the provinces of Gondär and Goğğam.[18]

The pioneering publications on the earliest primary sources for *rim* land are those authored by Crummey. [19] He presented his findings in his book *Land and Society in the Christian Kingdom of Ethiopia*. He proposed its criticism and refinement in subsequent articles. One of them was presented at the conference in Bologna where the etymology, the history and the different local traditions of *rim* were discussed.[20]Another was included in the Encyclopaedia Aethiopica definition of this landholding. [21]

Crummey defined ecclesiastical *rim* in the 18th century as a 'tenure' which the holder could maintain as long as he performed the religious services which were expected of him; he considered it to be a *madärya*.[22] He observed that in Gondär *rim* was transferable by sale, gift or inheritance and deduced that Mahteme Sellassie Wolde Meskal's statement that *rim* – in the 19th and 20th centuries- was inalienable could not be supported by the old tradition.[23] Retaining the common distinction between *g*^{w}*əlt* and *rəst,* he classified *rim* under the category of *g*^{w}*əlt*. Levy rights which were superimposed on other land rights characterised *g*^{w}*əlt*, while *rəst* was regarded as a right transmissible by inheritance.

He specified that in light of Habtamu Mengiste's research, the creation of *rim* appeared to have been a cause of expropriation and displacement of heirs to the land (holders of *rəst*). He noted therefore that the categorization of *rim* was difficult; g^{w} *əlt* in principle allowed rights to overlap and did not require the displacement of the occupants of the land.[24] Habtamu Mengiste, based on a 19th century charter from the Goğğam region, observed that the cleric could cultivate his *rim* on his own or have it ploughed and deduced that *rim* holders

[18] Shumet Sishagne. *A catalogue of land tenure related microfilm from churches and monasteries of Gondar province recorded in 1984 and January and July 1988* (Addis Ababa). Daniel Ayana. *A catalogue of land tenure related microfilm from churches and monasteries of Gojjam recorded between January and July 1989* (Addis Ababa)
[19] Crummey 1979, 469.
[20] Bausi A., G. Dore and Taddia I., 2001, *Anthropological and Historical Documents on "Rim" in Ethiopia and Erithrea*, Turin.
[21] "*Rim*" in *EAe,* IV (2010), 391- 392 (Crummey D.)
[22] The term is ealborated below.
[23] Crummey 2001, 68
[24] See the following section for the definition of *rim* in relation to other rights holders.

had a right to the land and not only to its produce.[25] He explained that the former occupants who were expropriated of their land given to clerics as *rim* became subjugated*;* he saw the institution of *zegənnät* and the *zega* -which he compared to serfdom and serfs- as a social consequence of *rim* creation. Due to these expropriations, a greater number of people would have become, from the seventeenth century onwards, *zega*s.[26]

The classification of *rim* as a type of *g*^{w}*əlt* had first been proposed by Crummey.[27] In a later article, the author remarked that the difference between *rim* and *g*^{w}*əlt* remained undetermined and that he did not find it useful to distinguish between them.[28] He explained the thousands of *rim* transfers in the 18th century by the fact that this land, unlike *g*^{w}*əlt*, was less political since its beholder had no direct allegiance to the king. The ecclesiastical *rim* was an individual asset contrary to *g*^{w}*əlt* that could also be granted to collective entities; it was therefore easily transferred provided that the charges which were levied on the land were respected.[29]

Crummey, nevertheless, observed that complete identification of the two types of land is undermined by several factors. *Rim* was exclusively owned by individuals when *g*^{w}*əlt* could also belong to a church. The transactional legal acts from the 18th century were mostly concerned with *rim* rather than with *g*^{w}*əlt*. Furthermore, royal donations of the last decades of the 18th century transferred land as *g*^{w}*əlt* but also as *rim.* [30]

Problematization

The radical thesis that saw in the institution of *rim* a cause for *zegennät/zega*, should by the same token be re-examined.[31] A large number of documents suggest that the former occupant to whom the third of inheritance was left, although impoverished and called *zega* or *dəha* was often not the farmer who worked the land; the *ṣämad zega* 'labourers' were a different group of

[25] Habtamu Mengiste 2004, 45- 46
[26] Habtamu Mengiste 2011, 12, 16, 18
[27] Crummey 2000, 180, 185
[28] Crummey 2001, 70
[29] Crummey 2001, 70-73, 80
[30] Crummey 2001, 70-73. For the distinction of small and large *rim* holders in the 20th century see Mantel Niećko 1980, 109, 176, 177.
[31] Habtamu Mengiste 2011, 12, 13, 15, 180-188

people.[32] It is thus necessary to distinguish the status of the various former occupants of the land.[33]

Rim and *gʷəlt* could thus appear to be unrelated. The first was an individual asset that was freely transferred; and the writings that account for this type of land are cadastres and transactional legal acts registered by the thousands and kept in church archives. By opposition *gʷəlt* was a land granted to individuals as well as entities like a regiment or a community of clerics, it was rarely ceded, and was attested by grants and regulations. And yet, the documentations for these two types of land were complementary, interdependent.

The research into the definition of 18th century *rim* brings forth the following questions: to what extent can the definition of 18th century ecclesiastical *rim* be derived from the regime prescribed for *gʷəlt*? How can ecclesiastical *rim* be defined on the basis of the prescriptions for the *gʷəlt* from which it was apportioned? The questions raised by past researchers dealing with *rim* have been two-fold. On the one hand, the possibility of overlapping rights on this type of land was discussed. This is the issue of whether the *rim* holder was allowed to cultivate or only to harvest its fruits. On the other hand, the search for a legal category which takes into account all the characteristics of *rim*, did not lead to a satisfactory result.

The problem of the overlapping benefits was discussed in regards to the effects of *rim* creation on the people who had inhabited the land before the establishment of the ecclesiastical domain. Some authors have argued that the establishment of *rim* impoverished the former occupants and caused their migration.[34] However, these effects occur according to some variations that we will try to understand by distinguishing between the different statuses of land occupants. While some were indeed displaced, others managed to keep part of their land and remained or received compensation for their losses[35].

These differences in treatment of the inhabitants took account of the titles (inheritance, service fees etc…) by which the former occupants held the land.

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[32] This is a designation of the cultivator of land held by someone other than himself. See **ጽማድ** and **ዜጋ** in d'Abbadie 1881, 908, 726.

[33] The former occupant, different from the 'serf', is for example listed among the inhabitants of the lands of *rim* in the register of the Qʷəsqʷam Maryam church, Mf. Illinois/IES 88.I. (Shumet Sishagne 1988, 2)

[34] Habtamu Mengiste 2004, 16, 50; Donald Crummey takes up this author's thesis in "*Rim*" in *EAe,* IV (2010), 392 (Crummey D.)

[35] For example the ms BL Or 481, fol. 4r, fol. 209v (Wright 1877, 1-6 no.II)

The management of the terrain also differed; while some supervised cultivation by themselves, it was often that others received land income as contributions from labourers.[36]

Conceptual Terms

In the 18th century, ecclesiastical land was sometimes presented as *madärya*, a term that meant that the grantee would receive a tributary income or a land for his livelihood.[37] Nonetheless, we have not found a record where *rim* is directly identified as being a *madärya*, a *gʷəlt* or a *rəst*. These were not the principal categories of the law on property but only examples of the granted objects generically called *habt*.[38] In theory, *gʷəlt* was obtained by donation that took effect during the lifetime of the grantor while *rəst* was an inheritance; in situations where the former was bequeathed to successors, the differentiation lost all meaning. Besides, the abundant transactional records attest that there were other ways to acquire land. As Crummey wrote, the consideration of *gʷəlt* and *rəst* as fundamental categories 'failed to do justice to the complexities of land-holding in historical Ethiopia'.[39]

A better lay out of the culture into which *rim* occurred can be drawn from Gondärine legal discourse. In church records, *rim* and the *gʷəlt* domain from which it was apportioned were regarded as **ገንዘብ** (*gänzäb*) 'goods, belongings' or **ሀብት** (*habt)* 'granted assets'.[40] The notion of a single type of privileged ownership called property is of very recent import.[41] In former times, many genres of ownership subsisted on the same land and their exact benefits, even within a same category, depended upon the regime prescribed in legal acts

[36] The regulation and the cadastre prescribed for the Bä'ata church offer a good illustration of the numerous status of the original heirs to the estate. Ms BL Or 481, fol.209v (Wright 1877, 1-6 no.II)

[37] See the term employed in King Bäkaffa's grant to the church of Anbäza Giyorgis in ms BL Or 481 fol.208v (Wright 1877, 1-6 no.II); the term or its derivatives are encountered for livings granted to church dignitaries and officers in ms BL Or 518 fol.173r (Wright 1877, 23-24, no. XXXIV); Illinois/IES 89.03.33 (Daniel Ayana 1989, 3)

[38] Paragraph 26 as interpreted in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003

[39] '*Rim*' in *EAe,* IV (2010), 381 (Crummey D.)

[40] Manuscript in a private collection henceforth referred to as "M.B. Wäldä Yohannəs commentary 152; Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, .147; UNESCO 10.6.171 ; paragraph 36 of the law book in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 409, 418, pargraph 18 of the law book in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 253 ; Bibliothèque nationale de France, Éthiopien d'Abbadie 231, henceforth BnF d'Abbadie 231, 98 (Chaîne 1912, 132); Bibliothèque nationale de France, Éthiopien 236, henceforth BnF Éthiopien 236, fol.121v (Chaîne 1913, 31). *Gänzäb* is the equivalent of the Gə'əz **ንዋይ**, see paragraph 27 of Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 355.

[41] Article 1204 of the Ethiopian civil code is almost a verbatim translation of the French civil code on property. The Ethiopian civil code; Proclamation No. 165 , 1960, 255

such as grants and regulatory documents. The name of the land such as *rəst*[42], *rim*, *g*^{w}*əlt*, **ጨውነት ሥራት** (*ṭäwənät śərat*)[43], **ባላምባራስ ቀመስ** (*balambaras qämäs*)[44] etc. often signified either the process by which the goods came to be in one's possession or the obligations which the holder had to perform to remain lord of the estate.

The **ባለቤት** (*bäläbet*) was in the language of jurists an appellation of landlords and owners. These were also referred to in terms specifying the type of asset they had as **ባለምድር** (*bälämədər*) 'lord of the land', **ባለቦታ** (*bäläbota*) 'lord of the constructible plot', **ባለተክል** (*balätäkəl*) 'lord of the garden' etc. The *rim* owner was called **ባለ፡ሁለት፡እጅ** (*balä hulät əǧǧ*) 'owner of a two third portion of the land' while the heir who lost part of his estate was the **ባለሲሶ** (*bäläsiso*) 'owner of a third portion of the land'.[45] *Bäläbet* just as *geta* was a translation of the Gə'əz terms **መላኪ** (*mälaki*) and **ገዛኢ** (*gäza'i*) that designated one who could dispose of the income and/or the use of the land.[46]

አላባ (*'alaba*) in the 18th century had the meaning of 'crops, fruits of the land' and belonged to the **ባለግብር** (*bälägəbər*) 'the owner of tributes' whose benefits were called **ብል** (*bəl*); **የምበላውን** (*yäməbälawən*) meant 'land from which I obtain *bəl*'. **ምድር** (*mədər*) was on the other hand the realty, and its owner the *bälämədər* had the use of the land. His governance of it was called **ቅኚ** (*qəñi*) while **የምገዛውን** (*yämägäzawən*) meant 'land that I use'.[47] Those who had *alaba* and/or *mədər* could transfer their asset at will if their term of entitlement, defined in a grant or a purchase record, did not forbid such power.

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[42] Inherited land; the word translates the Gə'əz *kəfəl*. It can be instituted as a perpetual holding or as a lifelong holding; in the second case, the owner lived on the farm produce and after his death, the expenses for commemorative prayers in his favour could be drawn from the land; Kidanäwäld Kəfle 1955/1956, 543; Ms. Bibliothèque nationale de France(BnF), Éthiopien d'Abbadie 152, fol. 57v (Chaîne 1912, 92)

[43] The Gə'əz text calls it **ሥርዓቶሙ፡ ዘጨውነት** in Conti Rossini 1907, 26, 27,28

[44] Land from which officers titled *balambaras* received tribute. The word *qämäs* is found with other qualifiers in expressions such as *ras qämäs, Maru qämäs, Fares qämäs, zällan qämäs*; all specifying the person or regiment exacting tribute from the land. Mss BL Or 777 foll.8r, 282, 283r (Wright 1877, 255, no. CCCL), BL Or 778 fol. 2v; Namouna Guebreyesus 2017, 87.

[45] Paragraph 36 of the law book in M.B. Wäldä Yoḥannəs commentary, 75, 76, 79; Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003,410,411.

[46] Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 253 ; BnF Ethiopien d'Abbadie 236, fol.121v (Chaîne 1913, 31); BnF Ethiopien d'Abbadie 231, 103 (Chaîne 1912, 132)

[47] BnF Ethiopien d'Abbadie 231,104 (Chaîne 1912, 132); paragraph 36 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003,410,411,415; M.B. Wäldä Yoḥannəs commentary, 45,75, 76,77; BnF Ethiopien d'Abbadie 236, fol.121v (Chaîne 1913, 31); ms BL Or 660, fol.165v (Wright 1877, 153, no. CCXXXII). *Gäza* is the Amharic equivalent of the Gə'əz *qänäyä* to which family *qəñi* 'dominion' belongs. **ቀንይ** in Kidanäwäld Kəfle 1955/1956, 799; **ቀነየ** in Leslau 1987, 437

The relationship of grantors, sellers or pledgers to their landed benefits was expressed in terms of appropriation or possession. In a cadastre of *rim* land, an heir was allowed to remain in his status as proprietor; **በገንዘበዎ፡ ቀርተዋል** (*bägänzäbäwo qärtäwal*) 'he has remained in his proprietary status.'[48] King Bäkaffa is said to have granted to a church **በእጁ፡ የጨበጠውን፡ በእግሩ፡ የረገጠውን** (*bä'əgğu yäçäbäṭäwən bä'əgru yärägäṭäwən*) '[land] which he possessed, land which he had surveyed'.[49] Asset transfers were generally rendered by the expression **ወፅአ፡ እምእድ** (*wäṣ'a 'əm'əd*) 'changed hands' comparable to the Amharic **እጅ፡ ማድረግ** (*əğğ madräg*) 'to take possession of'.[50] Owners who bestowed or sold *'alaba* ceded their source of regular income; and the *bäläməd*ər who disposed of *məd*ər lost use of the land.[51] The different beneficiaries were all considered owners; there was no hierarchy between them as to their ability to alienate, although the object of their claim (land use, tribute) varied.[52]

Legitimate, rightful claims that ought to be defended within a limitation period were called **አገባብ** (*'agäbab*); judges pronounced that an ecclesiastical land rightfully belonged to a cleric saying **ምድሩም፡ አላባውም፡ ይግባው** (*məd*ərum *alabawm yəgbaw*) 'may the land and its fruits be appropriately restored to him'. Jurists explained: **ቤትህንም፡ አስረዝመህ፡ መስራት፡ አገባብ፡ ባይኖርህ** (*bethənm asräzmäh mäsrat agäbab baynorəh*) 'if it is not right for you to construct a tall building', **አገባብ፡ አለኝ፡ ማለት፡ ለኔ፡ ይገባኛል** (*agäbab aläñ mälät läne yəgäbañal*) 'it is appropriate for me to say that I have a claim'. From the same stem as *agäbab*, were derived **ይግባው** (*yəgbaw*) 'may it be

[48] While *gänzäb* is a general name for goods or assets, when employed with a preposition **በ** and the possession pronoun **ዎ**, it has the sense of proprietary status. The expression **ገንዘብ፡ አድርጎ** 'having taken into account, to bear in mind' also sees the thing considered as something to be owned. See the use of *gänzäb* as 'consideration' in the interpretation of Saint Paul's Letter to the Romans 12.3 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2014/2015b, 137; Acts of the Apostles 28.18 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2014/2015a, 191; Kidanäwäld Kəfle 1955/1956, 131

[49] Mf Illinois/IES 88.XLI.19 (Shumet Sishagne 1988, 10); Tenants who had discharged their rent were similarly allowed to use the land once they took possession of it; the saying that expressed their legitimate use of the land was **ዳሩን፡ በሳት፡ አውራውን፡ በስለት፡ አጥፍቶ፡ ማረስ፡ ለገሸ ፡ይገባዋል።።** M.B. Wäldä Yoḥannəs commentary, 75

[50] Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 255, **እጅ፡ለማድረግ** is a translation of the Gə'əz **አጥረየ** in paragraph 36 of the law book as interpreted in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 408

[51] The overall perception is radically different from the one described in the third book of the 1960 Ethiopian civil code dedicated to real rights, and the chapters on property and usufruct (article 1309,1318); the Ethiopian civil code; Proclamation No. 165 , 1960, 278, 280.

[52] Mff Illinois/IES 88.I.4 (Shumet Sishagne 1988, 2); Illinois/IES 84.III.5-8 (Shumet Sishagne 1988, 1); Ms BL Or 777 fol.11r (Wright 1877, 255, no. CCCL)

restored to him, **አይገባሽም** (*ayggäbašəm*) 'you have no claim'; **ከተቀደሰበት፡ አግቡኝ፡ ቢል፡ አገቡት** (*kätäqäsäbät agbuñ bil agäbut*) meant 'upon his request they allowed him to have a stake in the real estate for which religious services were owed'.[53]

The word **መብት** (*mäbt*) did not designate as in present day all individual rights. It is derived from the radical **በሐተ** (*bäḥatä*) that meant 'to begin, to be appointed to a function, to acquire power over someone'[54]. In pre-modern literature, it was often encountered in its Gə'əz equivalent **መባሕት** (*mäbaḥt*). It designated a power, an authority given by the king, the metropolitan or a superior officer.[55] The compounded term **መጽሐፈ፡ መባሕት** (*mäṣḥafä mäbaḥt*) was employed, in the bible, hagiographic narratives and royal chronicles, for decrees that enabled to persecute criminals or wage war against rebels.[56] In the 16th century, **አበውሐ** (*abäwḥa*) from the same root as the word *mäbaḥt* was used to express the act of giving a particular power to an officer just as *bəḥut* was a qualifier of legitimate power.[57] Nonetheless, in the 18th century's legal language the term **ዘብውሕ፡ ሎቱ** (*zäbəwəh lotu*) '[things] over which he has power, authority' was understood as '[things] he can alienate' when discussing the ability to transfer, dispose of an asset.[58]

The numerous legal records attesting of *rim* land were produced within the legal system that we have just briefly described. Their formulation and authentication was supervised by jurists who also served as judges and legal councils to the King. The officers who acted as notary public were judges consulted on the interpretation of the law.[59] Sometimes the party to the transaction was a learned scholar like Qob Asṭəl Ḥaylu who had commented upon the *Fətḥa Nägäśt* 'the Kings' Justice'[60] section on succession rules.

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[53] Ms BL Or 508, fol.282v (Wright 1877, 29, no. XLIV), BL Or 777, fol. 3r, 6v, 10v. The expression **አገባብ : አለው** is sometimes abbreviated; **አለኝ**: **ብሎ** : **በመጻ**: **ጊዜ** 'when the plaintiff undertook action saying that he had [a claim]. Ms BL Or 777, fol. 3r (Wright 1877, 255, no. CCCL); paragraph 36 of the Fətḥa nägäśt in M.B. Wäldä Yoḥannəs commentary, 69; paragraph 37 of the Fətḥa nägäśt in M.B. Wäldä Yoḥannəs commentary, 81.

[54] **መብት** in Dästa Täkläwäld 1970, 208

[55] Turiaev 1908, 193, 215, 223; Kur 1972, 28

[56] Ms. Orient. Rüpp. 38, p. 9 ((Goldschmidt 1897, 58-62, no. 16); Commentary [Ethiopian Orthodox Täwaḥədo Church] of the Acts of the Apostles 9.2 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2014/2015a, 85; Conti Rossini and Jaeger 1954, 60.

[57] Conti Rossini 1907, 54 , 128; Cerulli 1958, 3.

[58] Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 253; Leslau 1987, 115.

[59] MS Bodleian 28, fol. 11v (Dillmann 1848, 74-76, XXVIII)

[60] [Ethiopian Orthodox Church] 1997/1998. **ፍትሐ: ነገሥት: ንባቡና: ትርጓሜው** [The law of the kings: the text and translation]

The *Fəṭḥa Nägäśt* was a translation of a law book written in Arabic believed to have been brought to Ethiopia in the 15th century. It was first mentioned as a basis for legal decision about a century later.[61] It was translated into Gə'əz but was interpreted in Amharic; commentators evoked early annotations from Šäwa but most of the exegesis was completed and consolidated in Gondär in the 17th and 18th centuries.[62] Its sections on *gʷəlt*, other types of donations, sales, securities, rent, succession and jurisdiction are particularly relevant for understanding the context of *rim* land. The commentaries taught with examples from the time of their composition offer a precious insight into how the legal text was applied. We will refer to those prepared by 19th century scholars, *mälakä bərhan* Wäldä Yoḥannəs[63] and *däbtära* Täwäldä mädḫən as well as the ones compiled under the direction of the Ethiopian Orthodox Church.[64]

The transactional and jurisdictional records on *rim* are partial manifestations of their contemporaneous taxation regime and the jural relationship with respect to realty. The writings of scholars have often followed a method which, starting from supposed social and economic consequences, defined tenures. The attempt to classify *rim* in a meaningful legal category and to propose a definition that brings together the different traditions of this type of land may have failed, in part at least, for methodological reasons. We propose to resituate the questions that have been raised in their normative context. In view of the continuum between regulatory, transactional, legislative and doctrinal writings, our definition of *rim* will represent this land from within its own legal system and account for its traits that have been considered incongruities.

The foundational acts found in the primary sources confirm that land grantors prescribed the characteristics of the *gʷəlt* and its apportioned *rim*. Even though the prescriptions varied, they bear discernible similarities due to compliance to the law of the Fəṭḥa Nägäśt, reference to regulatory precedents and the employ of standard fiscal mechanisms and concepts. Just as the term *gʷəlt* referred to

[61] Conti Rossini 1907, 76.
[62] BnF d'Abbadie 231, fol. 1, 23 (Chaîne 1912, 132). Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 581.
[63] His commentaries of the religious section of the Fəṭḥa Nägäśt are found in BnF Éthiopien 236 (Chaîne 1913, 31). The same scholar has also commented on the second section dedicated to civil law; we used a manuscript in a private collection. For a biography of Wäldä Yoḥannəs, see **ወልደ: ዮሐንስ** in Sergew Hable Selasie 1988, 157-162.
[64] BnF d'Abbadie 231 (Chaîne 1912, 132). EOTC, 2002-2003, **ፍትሐ : ነገሥት: ንባቡና: ትርጓሜው**. For a biography of its author, see 'Täwäldä Mädḫən', *EAe,* IV(2010), 875b-876a, (Tedros A.)

the act of donation that established an estate, *rim* evoked the apportionment procedure that allocated land lots to individual clerics. Church *g*^{w}*əlt* was called *kələl* 'cloister' with respect to its borders and *yäqəddase* 'ecclesiastical' or *yäzämäča* 'military' when qualified by its assignment.[65] The delimited lot of the cleric was similarly called **ቁፋፍ/ቅፋፍ** (*qufaf/qəfaf*) 'carved parcel'[66] and in its specific use **የደብተርነት፡ ሪም** (*yädäbtärənät rim*) 'rim of church scholars', **የደጓሽ፡ ሪም** (*yädäg*^{w}*aš rim*) 'rim of book binders'[67] etc. (Section 1).

The law required that immovable assets granted as *g*^{w}*əlt* be profitable; the commentary described these as **ረብኅ፡ ጥቅም፡ የሚያገኝበት፡** (*räbḫ ṭəqəm yämiyagäñbät)* 'affording him [the grantee] gain and profit'.[68] *Rim* owners who were allotted a small part of the estate lived on the land produce or obtained liquidities by selling, pledging part of it or by re-acquiring the plots they had sold. They behaved, just as it was explained by jurists for the *g*^{w}*əlt* grantee,[69] as masters of the land (Section 2).

Being charitable donations, *g*^{w}*əlt* land and its parts parcelled out as *rim* were declared inalienable by the law. The aim was to ensure at least a lifelong income, if not a heritage for the grantees. The beneficiaries of ecclesiastical domains were churches, while the cleric's land share was individually owned; perpetuity was therefore interpreted differently for *g*^{w}*əlt* and *rim* (Section 3).

In view of the change in the way legal realities are perceived and expressed, we will avoid the modern sense of property and the related idea of dismembered rights. We will introduce the adequate Gə'əz and Amharic terms, define and describe them. In order not to limit our understanding of the matter by resorting to imperfect equivalents, we will also refrain from using highly debated European concepts such as 'usufruct', 'fief' in the course of our explanations. [70] We will nevertheless refer to later 19th century accounts of

[65] Mf Illinois/IES 84.IV.33, Paragraph 18 of the law book in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 256.

[66] Ms BL Or 777, fol.4v (Wright 1877, 255, no. CCCL). The term was originally employed for pieces carved into parchment. See BnF Éthiopien 236, fol. 18v (Chaîne 1913, 31); **ቀፈፈ** and **ቅፋፍ** in d'Abbadie 1881, 320- 321; see also the word **ክፋፍ** that seems to be derived from the same radical, with the meaning of land which can be freely disposed of in d'Abbadie 1881, 640.

[67] Mss BL Or 777, fol.4v (Wright 1877, 255, no. CCCL); BL Or 778, fol. 5-6 (Wright 1877, 235-254, no. CCCXLVIII)

[68] BnF Éthiopien 236, fol.121r (Chaîne 1913, 31)

[69] BnF Éthiopien 231, fol.103 (Chaîne 1912, 132)

[70] For the controversies around these notions, see Bloch 1994, 103, 235-239,241-243; Reynolds 2001, 5-9, 22, 24, 64-73; Brutau 1954, 45-46; Herman 1981, 679, 689. Kagan 1946, 159, 160-162, 163, 164; Gretton 2007, 804-830, 840-844; Aylmer 1980, 87, 92, 96; Tierney 1991.

European travellers when we have found that their observations, apart from the approximate legal classification they suggest for *rim* land, concur with the information in primary sources. We will particularly turn to the dictionary of Antoine d'Abbadie, the synthesis on ecclesiastical land by his brother Arnauld d'Abbadie and to works prepared by Mahteme Sellassie Wolde Meskal and Gäbräwäld Ǝngədawärq who were both well acquainted with land administration under Emperor Haile Səllasie I and Emperor Menelik II.[71] The dictionary of Dästa Täkläwäld will also be considered for its rich vocabulary and lexicology even though of much later date than the period we are here considering.[72] Gə'əz terms will be translated based on Kidanäwäld Kəfle's and Leslau's dictionaries.[73]

1. An individual's estate carved from a *g^{w}əlt* domain: a *qəfaf*

The Fətḫa nägäśt indicated that *g^{w}əlt* grantees could develop the land in different ways as long as they do not contract agreements that deprive them of income. The commentaries offered to interpret this statement as allowing *gulma* 'land apportioned from a large acreage'.[74] Those entitled to this type of lot could not be expelled as long as the tribute and services owed to the lord of the domain were paid.[75]

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[71] Antoine d'Abbadie 1881. *Dictionnaire de la langue Amarïñña*, Actes de la Société Philologique, 10 (Paris: F. Vieweg, 1881). Ficquet, E., 'Manuscript notes by Arnauld d'Abbadie on the administration of religious establishments in Ethiopia in the 1840s-1850s', July 2017. Mahteme Selassie Wolde Meskel 1969/1970. **ዝክረ ነገር** (*Zəkrä nägär*, 'Record of things') (Addis Abäba: Artistik Mattämiya Bet, 1962 EC = 1969/1970 CE). Gäbräwäld Ǝngədawärq 1955/1956. **የኢትዮጵያ መሬትና ግብር ስም** (*Yäityoṗəya märetəna gəbər səm* 'Landholding and fiscal terminology in Ethiopia')

[72] Dästa Täklä Wäld 1969/1970. **ዐዲስ ያማርኛ መዝገበ ቃላት** (*ʿAddis yamarəñña mäzgäbä qalat*, 'A new Amharic dictionary') (ʿAddis Abäba: Artistik mattämiya bet, 1962 EC = 1969/1970 CE).

[73] Kidanä wäld Kəfle 1955/1956. **መጽሐፈ፡ ሰዋስው፡ ወግስ፡ ወመዝገበ፡ ቃላት፡ ሐዲስ።** (*Mäṣḥafä säwassəw wägəs wämäzgäbä qalat ḥadis*, 'A book of grammar and verb, and a new dictionary') (Addis Abäba: Artistik mattämiya bet, 1948 EC = 1955/1956 CE); Leslau, W.1987. *Comparative Dictionary of Ge'ez* (Wiesbaden: Otto Harrassowitz, 1987).

[74] D'Abbadie gave a definition of **ጉልማ** as 'part of a betrothal endowment reserved for a chosen descendant' in d'Abbadie 1881, 810. For the use of the word in land administration see **ጉልማ** in Dästa Täkläwäld 1970, 265. For a definition of *rim* as *gulämа* see Gabräwäld Ǝngədawärq 1955/1956, 36

[75] There is a saying to this effect **አይሾንም፡ እንጂ፡ ከሾነማ፡ ከመጋዙ፡ ይሻላል፡ ጉልማ** [Although unthinkable, if it can be, one would prefer *gulma* to rented land] see '**መጋዙ**' in Dästa Täkläwäld 1970, 243. Joanna Mantel Niećko classified the holder of the *rim* in the 20th century among the farmers who did not have the 'ownership' of the land and indicated that his social situation was better than the other peasants without land; the charges he owed were fixed and his use of these lands was relatively stable as long as he performed the drudgery and paid the contributions which were required of him. Mantel Niećko 1980, 109, 176, 177.

Rim was a particular type of *gulma*; in the 18th century it proceeded from the division of the entire *g*^{w}*əlt* into private holdings. Its exact composition is supervised by officials (lawmen, regional governors) appointed by the king as *aqafafi*, 'distributors of land'. The equitable apportionment method that resulted in the creation of *rim*s that were of similar size, quality and that included plots with a specified type of cultivation, is called **ድልድል** (*dələddəl*) 'fair, impartial division of estate'[76] and the individual domain was the *qəfaf*.[77] A *mäzgäb* contained a cadastre that listed the plots and their quality, and the names the people that depended on the land (Section 1.1).

Qəfaf was a generic designation for land allotted to individuals. *Rim*, on the other hand, is a denomination that represented the cleric's holding in its interrelation to the estates from which it was sectioned. A fraction of two-thirds of estate land was usurped from inheritances and transferred as *g*^{w}*əlt* to churches. This method of allocation was known as **የጨዋ: ሥርዓት·** (*yäčäwa śərə'at*) 'statute of soldiers', probably in reference to the origin of the prescription in regimental land endowments.[78] The *čäwa*s were soldiers who started to serve the king as war captives and they were by custom given land as compensation.[79] It was as a portion of two-third that the individual lots of soldiers and clerics came to be called *rim* and to be recognized as a share of an inherited estate.[80]

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[76] Ms BL Or. 518, fol. 16r (Wright 1877, 23-24, no. XXXIV), 64 clerics share the land voluntarily submitted to the church by permission of king Iyasu II. Ms BL Or. 481, fol. 208v (Wright 1877, 1-6, no.II), where *azzaž* Tewodosios divides the land among 52 clerics under the order of king Bäkaffa. Mf. Illinois/IES 88.I.19 (Shumet Sishagne 1988, 2) refers to the *dələddəl,* i.e. the division into shares and apportionment, of the estate. The terms **ቅፋፍ·** and **ድልድል** are defined in Kane 1991, 851b, 1712b; see also **ድልድል** in Dästa Täkläwäld 1970, 352. The appointment of *Dağğazmač* Haylu as *aqafafi* is mentioned in the chronicles; Ms. Orient. Rüpp. 39, fol. 168b (Goldschmidt 1897, 63–67, no. 18)

[77] Ms BL Or 777, fol.4v, 287r (Wright 1877, 255, no. CCCL); Ms BL Or 518, fol. 173r (Wright 1877, 23-24, no. XXXIV). Guidi 1910, 102. **ክፋፍ·** (*kəfaf*) noted by Antoine d'abbadie and defined as 'land that is not *g*^{w}*əlt* and can be sold' seem to be from the same root; D'Abbadie 1881, 639.

[78] UNESCO Series 10 no. 6.171 ([UNESCO Mobile Microfilm Unit] 1970); Guidi 1903, 139

[79] *Čäwa* comprised infantry, horsemen, riflemen, cuirassiers, helmeted divisions and were distinguished from volunteer soldiers (**ወድ: ኃደር**). Conti Rossini 1907, 26, 27,28, 128 ; Pereira 1892, 249-253, Guidi 1903,100, 128. Mss BL Or 635, fol.1r (Wright 1877, 51-52, no. LXXXIII), BL Or. 481, fol. 209v (Wright 1877, 1-6, no.II)

[80] The tradition of inheritances being given for a portion of two third to churches is attested in Illinois/IES 84.I.10 (Shumet Sishagne 1988, 1); mss BL Or 481 fol.4r (Wright 1877, 1-6, no.II), Or 777 fol. 16r (Wright 1877, 255, no. CCCL), Or 518 fol.173r (Wright 1877, 23-24, no. XXXIV). For the designation of the portion of two third of land as *rim* see ms BL Or 481 fol. 208v (Wright 1877, 1-6, no.II). This type of apportionment is described in Arnauld d'Abbadie notes, Ficquet 2017.

As concessions, *rim* lots were regulated by the *g*^{w}*əlt* provisions for the church estate.[81] The provisions as well as the expropriation redefined the status of former owners of the land. These former owners not only lost a significant part of their inheritance but they were also subjugated to the cleric. They were seen as successors who inherited poorly and although free to leave, they were in a subordinated relation that was transferred with the land. They were mentioned as having been ceded with the estate in donations and sales.[82]

The kings who deprived them of their estates acted as masters of the kingdom's land. Any protestation was considered an aberration and if expressed through crime, it was sanctioned by a complete dispossession and a death sentence.[83] This perception of their power is best expressed by King Iyasu I who, faced with an upheaval of disowned landlords, said 'Shall the work say to whom that made it, He made me not? Or shall the thing framed say of Him that framed it, He had no understanding?' By this quote from Isaiah 29.26, the king assimilated his decreeing acts to deeds of divine creation.[84] He thus legitimised the custom of expropriation of a fraction of two-thirds of an estate (Section 1.2).

1.1 *Rim* as a particular type of apportioned land

The subdivision of the church domain considered prior use of the land and soil fertility. Each *rim* was a portion of land in which plot type and proportional area were predefined, although the number of parcels varied. The typology was organised following the characteristics of the soil and the particular use of plots.

In some estates, the *qəfaf* comprised *mədər* and *bota*, arable and constructible plots.[85] In conformity with the requirement for *g*^{w}*əlt*, most *mədər* corresponded to kinds of fertile soil called **ዋልካ** (*walka*), **ዕግማ** (*əgma*), **ባሕረሸሸ** (*bahräšäš*) or **አቆምራ** (*aqomra*).[86] Due to limited availability of fertile

[81] Ms BL Or 481 fol.4r (Wright 1877, 1-6, no.II); because tributes were given to scholars of Aṭaṭami Mika'el, the land from which these were collected is latter called 'the scholar's *rim*' ms BL Or 778 fol.1v, 2r (Wright 1877, 235-254, no. CCCXLVIII)
[82] Ms BL Or 777 fol.11v (Wright 1877, 255, no. CCCL)
[83] Mf Illinois/IES 88.V.25 (Shumet Sishagne 1988, 2); Guidi 1903, 142.
[84] Guidi 1903,141.
[85] Mf Illinois/IES 84.I.8-11 (Shumet Sishagne 1988, 1) ; Ms BL Or. 777, 287r (Wright 1877, 255, no. CCCL)
[86] Ms BL Or. 777,4r, 286r,11v, 280r (Wright 1877, 255, no. CCCL) ; BL Or.481 fol.4r (Wright 1877, 1-6, no.II). *Aqomra* is considered as a synonym of **ባሕረ ፡ ሸሸ** (*bahrä šäš*) and a translation of the Gə'əz **ድንጋገ ፡ ፈለግ** (*dəngagä fäläg*) 'bank of a river', and **ተግነሠተ፡ ማይ** 'littoral' in Isaiah's 19.7 as interpreted in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2004/2005,143 and Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003,408; Kidanäwäld Kəfle 1955/1956, 354; Leslau

land, some terrain could be ጭንጫ (*č̣ənč̣a*) 'hard, stony grounds' and ባድማ (*badma*) 'barren, wasteland'. [87] *Aqomra* could dry up since it was a river bed; *č̣ənč̣a* was arable although of dry quality. [88] In domains of churches like Ḥamärä Noḫ, each cleric received four to six *mədər*s [89] scattered all over the *g*^{w}*əlt*. In larger estates, the *rim* area was measured in *gaša*; each lot consisting of two *gaša*s that were composed of 10 to 31 *mədər*s.[90]

Plots were also characterised by the use to which they were destined. In the domain of Q^{w}əsq^{w}am Maryam, *rim* land seemed to have been terraced.[91] These were subdivided into ploughed fields and መደብ (*mädäb*) 'raised horticultural beds'.[92] *Mädäb*s were also known in the domains of Däbrä Bərhan Səlasse, and Fit Mika'el.[93] The cultivation of vegetables on raised beds was in fact an old monastic tradition.[94] In the regulation of Fit Mika'el, the land of each *rim* is classified as *mädäb* and ለአጽቂያ (for *aṣqya*).[95] This last terminology is also encountered in a record from Aṭaṭami Mika'el.[96] *Aṣqya*-s seem to have been orchards if the root of the word *aṣq* is defined like in Gə'əz

1987,137. *Walka* or *wälqa* is a black fertile cotton soil that was also used for tincture, ወልቃ in d'abbadie 1881, 645; ዋልካ in Kane 1990, 1486.

[87] ጭንጫ in d'Abbadie 1881, 962; the word is equivalent to the Gə'əz በድው [*bädəw*], see Kidanäwäld Kəfle 1955/1956, 253, Leslau 1987, 87. The word ባዶ [bado] 'deserted, unoccuppied' found in a 16th century grant is derived from the same root. Ms BL Or. 481 fol.92v (Wright 1877, 1-6, no.II); see ባዶ in Dästa Täkläwäld 1970, 154.

[88] Mff Illinois/IES 88.I.34 (Shumet Sishagne 1988, 2); Illinois/IES 84.I.1 (Shumet Sishagne 1988, 1); Illinois/IES 88.IV.15-18 (Shumet Sishagne 1988, 2); Mss BL Or 777 fol 4r, 286r (Wright 1877, 255, no. CCCL), Or 481 fol 4r (Wright 1877, 1-6, no.II); interpretation of 37th chapter of the law book in M.B. Wäldä Yoḥannəs commentary, 85. Namouna and Hiruy 2018,151.

[89] Ms. d'Abbadie 265, fol. 19v, as quoted by Joseph Tubiana, 2001, 59; Ficquet 2017. Donald Crummey indicated that in the largest estates, the most prominent *rim* holdings averaged 6 *gasha*, a *gaša* being equivalent to 8 or 9 plots, Crummey 2000, 175.

[90] Mf Illinois/IES 88.I.20-34 (Shumet Sishagne 1988, 2) A gaša is a measurement that seems to have originally been employed for land endowed to military officers. In the 19th century and early 20th centuries, a gaša's surface area varied between 35 and 50 hectares 'ታ ሸ ' in d'Abbadie 1881, 842.; Pankhurst 1969a, 52

[91] A commentator reminisces እርከን፡ እንደ፡ ቍስቋም፡ መደብ፡ እንደ፡ ማንኪት [Land terraced like (in the domain of) Q^{w}əsq^{w}am, *mädäb* like (in the domain of) Mankit. Commentaries of Saint John's gospel 5.2 in Täsfa Gäbräśəlase. 1996, 477

[92] Mff Illinois/IES 88.I-4 (Shumet Sishagne 1988, 2); Illinois/IES 84.III (Shumet Sishagne 1988,1); Dästa Täkläwäld 1970, 751

[93] Ms BL Or. 777 fol.11r (Wright 1877, 255, no. CCCL) ; Mff Illinois/IES 84.III.3 (Shumet Sishagne 1988, 1) ; Illinois/IES 88.XL. 32-37 (Shumet Sishagne 1988, 10) ; Illinois/IES 88.XLI. 3-9 (Shumet Sishagne 1988, 10)

[94] An early mention of such cultivation can be found in the hagiography of Saint Täklähaymanot. Conti Rossini 1896, 26

[95] Illinois/IES 88.XL. 32-37 (Shumet Sishagne 1988, 10); Illinois/IES 88.XLI. 3-9 (Shumet Sishagne 1988, 10)

[96] Ms BL Or. 778 fol.6r (Wright 1877, 235-254, no. CCCXLVIII)

as ‘fruits that grow in cluster, fleshy fruits’.[97] These gardens were sometimes cultivated in polyculture in a ወጀድ (*wägäd*) ‘enclosed field, vegetable patch, a stockyard’.[98]

The cadastre of Q^{w}əsq^{w}am Maryam contained a census of the ጢስ (*ṭis*) ‘inhabitants of the land’, the labourers assigned to the different type of plots and where applicable, of the debtors of specific contributions.[99] The tillers who ploughed fields were called ጸማድ: ዜጋ (*ṣämad zega*) while the horticulturist was in some records called by his appointed land *mädäb*.[100] The same person could be put in charge of the fields and of the gardens.[101]

There was a partial maintenance of social status since some labourers were assigned to the ‘plots they had been ploughing previously’. [102] The apportionment is nevertheless an occasion to reorganise the cultivation as well as the tribute owed from the land. The change in status is more radical for owners who had acquired the land by succession especially if they were qualified as *ṣämad zega* ‘impoverished (land owner) who yoked oxen’[103]; the establishment of church estates then meant that they had become the cleric’s tillers.

1.2 The subjugation of impoverished heirs to the *rim* owner

Mədər ‘arable, cultivated fields’ and in some domains *bota* ‘constructible plots’ were divided up in portions of two-third and ሲሶ (*siso*) ‘one-third’.[104] The disowned heir was called ዜጋ (*zega*) ‘subject, tributary, client’ or ድሃ

[97] The adjective suffix *ya* at the end of the word indicates genre, it has the meaning of ‘pertaining to, relative to’ as shown by examples in Dästa Täkläwäld 1970, p. 625. For the definition of the word in Gə’əz, see ዐጽቅ Kidanäwäld Käfle 1955/1956, 703 and Leslau W. 1987,75

[98] Mf Illinois/IES 88.XL.32 (Shumet Sishagne 1988, 10)

[99] Mff Illinois/IEs 88.I (Shumet Sishagne 1988, 2); 84.III.9 (Shumet Sishagne 1988, 1)

[100] Mf Illinois/IES 84.III.7-10 (Shumet Sishagne 1988, 1)

[101] Mf Illinois/IES 84.III.7,9(Shumet Sishagne 1988, 1)

[102] Mf Illinois/IES 84.III.8-10 (Shumet Sishagne 1988, 1)

[103] An example of an heir who became a labourer can be found in mf Illinois/IES 88.I.24 (Shumet Sishagne 1988, 2)

[104] Ms BL Or 508, fol. 282v (Wright 1877, 29, no. XLIV); mf Illinois/IES 84.I.9 (Shumet Sishagne 1988, 1). The *mədər* was a ገራህት (*gäraht*) ‘arable land, farm’, if it was used for the cultivation of እክል (*əkl*) ‘grain’ and አታክልት (*atakəlt*) ‘plantation, horticulture’. *Bota* is the Amharic equivalent of the Gə’əz *mäkan* ‘space, place’; it was a ክ ቦ ብ (*kəbäb*) ‘compound’ where the cleric could build his house. Guidi 1910, 102-103; ገራህታት, መካን, አታክልት in Kidanäwäld Käfle 1955/1956, 331, 590, 897 and Leslau 1987, 15, 299, 202, 573

(*dəha*) 'impoverished'.[105] *dəha* is employed in testaments for successors who had inherited poorly and who were fiscally subjugated to the privileged heir.[106]

The comparison between the expropriated and the disfavoured heirs was particularly apt in explaining the obligations weighing on *siso* land. Just as legatees who inherited poorly, the *dəha*s who gave two-third of their land to the cleric owed tribute on the income they obtained from their remaining plots.[107] Their *siso* was a taxation base for grain tributes like the ቆሎ (*qollo*),[108] for contributions paid in meat and other supplies for banquets organized on religious festivals by church dignitaries[109], and for taxes valuated in salt bars.[110]

Required duties could be of service as indicated in the regulations of Qämuğ Kidanä Məḥrät and Gäwära Qʷəsqʷam Maryam that entrusted liturgical assignments, maintenance and construction works on church buildings upon *siso* owners; the master of the *rim* controlled the performance of these obligations.[111] These type of debts were characteristic of land transferred as መስቀል፡ ምድር (*mäsqäl mədər),* የቅዳሴ፡ ምድር (*yäqəddase mədər)*, and የውስጥ፡ ጉልት (*yäwusṭ gʷəlt)*.[112] The owners of *mäsqäl mədər* were lords whose estate was included in a church domain; they paid contributions for feasts.[113] Owners of *qəddase mədər* had to discharge liturgical services

[105] Ms BL Or 481 fol.4r (Wright 1877, 1-6, no.II), Ms BL Or 508, fol. 282v (Wright 1877, 29, no. XLIV); Guidi 1903, 169; mf Illinois/IES 89.IV.31-35; (Daniel Ayana 1989, 3) ; Guidi 1906, document 94; ድሀ, ዜጋ in d'Abbadie 1881, 726, 744; ዜጋ in Kidanäwäld Käfle 1955/1956, 418

[106] Mf Illinois/IES 88.XXXVI.26 (Shumet Sishagne 1988, 9); land of the *dəha* is transferred in mf Illinois/IES 88.XXXVI.20 (Shumet Sishagne 1988, 9) and ms BL Or 777 fol. 14r (Wright 1877, 255, no. CCCL); Crummey 2000, 123.

[107] For the contributions exacted by the privileged heir from the other legatees, see Mf UNESCO Series 10 no. 6 p.171a ([UNESCO Mobile Microfilm Unit] 1970)

[108] Mf Illinois/IES 88.X.16 (Shumet Sishagne 1988, 4); Mss BL Or 481, fol.4r (Wright 1877, 1-6, no.II), 208v, BL Or 518 fol.172v (Wright 1877, 23-24, no. XXXIV); the *qollo* will be defined and described in the next section. See also Arnauld d'Abbadie's report that the *qollo* was the usual contribution paid by the *siso* owner to the *rim* holder in Ficquet 2017.

[109] Illinois/IES 88.XVI.24 (Shumet Sishagne 1988, 5). It is a statute said to have been stipulated in the likeness of the 18th century Moṭa Giyorgis regulation.

[110] Illinois/IES 89.IV.33 (Daniel Ayana 1989, 3)

[111] Ms BL Or 481, fol.208v (Wright 1877, 1-6, no.II); in a statute said to have been stipulated in the likeness of the 18th century Moṭa Giyorgis regulation, the obligations of the *siso* owners consisted in the maintenance and construction work on church buildings. Illinois/IES 88.XVI.24 (Shumet Sishagne 1988, 5)

[112] Mss BL Or 518, fol. 16r (Wright 1877, 23-24, no. XXXIV); BL Or 481, fol. 4r, 209v (Wright 1877, 1-6, no.II)

[113] Ms BL Or 642, fol.180r (Wright 1877, 53, no LXXXVI), BL Or 650, fol. 7r; BL Or 481, fol. 209v (Wright 1877, 1-6, no.II), although the exact nature of the debt in this last case is unclear. According to Arnauld d'Abbadie's account probably more representative of the 19th century practices, owners of

themselves or by a proxy they compensated.[114] *Yäwusṭ g^{w}ält* were estates endowed to individuals or churches that were included in a newly established domain; their holders owed tribute to the governor of the domain, and when it was ecclesiastical to the appointed abbot.[115] These three categories of lords whose land was integrated in a church domain kept at least half if not the entirety of their estates; moreover, they were subjects of the church and its dignitaries, not of the cleric who was given *rim*.[116]

On the other hand, the status of *dəha/zega* in some domains implied a jurisdictional subjugation.[117] *Rim* owners were enabled to judge any litigation between his *zega*-s, an activity for which they received procedural fees. Their jurisdiction could be unrivalled or be shared with other officers who managed the church estate depending on the administrative rules that were prescribed. In the estate of Bä'ata, clerics were the sole judges of conflicts in their individual estates, answering only to a civil judge made independent from the royal administrative hierarchy.[118] In the lands of the Qäranyo church, they shared their power with the ቄቢቃ (*č̣əqa*) 'officer in charge of the soil resource'[119], to ensure that all debts owed to them were paid. There was in some cases a *č̣əqa* invested with a fiscal authority specifically over *siso* land. The payment of debts executed the church statutes that aimed to provide a long term subsistence and income to clerics.

2. A gainful and profitable land under joint administration

The Fətha Nägäst asserted that the donator of a *g^{w}ält* ought to specify the s*əra* 'administration, statute'[120]; this provision was interpreted in commentaries as

mäsqäl mədər had to do maintenance work on church buildings under penalty of expropriation. Ficquet 2017. This partially agrees with the definitions of the offices of *mäsqäl mədər* holders in the 19th/20th centuries , see Berhanou Abebe 1971, 65-66.

[114] Mf Illinois/IES 88.XIV.2 (Shumet Sishagne 1988, 5); Illinois/IES DBS picture 1; Mss BL Or 778 fol. 1v (Wright 1877, 235-254, no. CCCXLVIII); Or 777 fol. 3r, 8, 284r, 285v (Wright 1877, 255, no. CCCL).

[115] Ms BL Or 481, fol.4r, 209v (Wright 1877, 1-6, no.II)

[116] For an analysis of the fiscal regime of *rim* in the 19th-20th century see Berhanou Abebe 1971, 18, 20-21, 68.

[117] Mf Illinois/IES 89.VIII.23 (Daniel Ayana 1989, 7); see also the statutes of the Gäwära Q^{w}əsq^{w}am Maryam Church inspired by the 18th century regulations of Moṭa Giyorgis in Mf Illinois/IES 89.XVI.24-25 (Daniel Ayana 1989, 14); mf Illinois/IES 89.IV.31-35 (Daniel Ayana 1989, 3)

[118] Ms. Orient. Rüpp. 39, fol. 126v (Goldschmidt 1897, 63–67, no. 18)

[119] For a detailed discussion of this officer's role, see Namouna and Hiruy 2023.

[120] The stem of the word, *särа*, has the meaning of 'stipulate in a will, grant' as attested by mss BL Or 778, fol. 9v (Wright 1877, 235-254, no. CCCXLVIII), BL Or 777, fol. 17v, 281v (Wright 1877, 255, no. CCCL) and the interpretaion of Isaiah 38.1 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2004/2005, 254

dictating that the object of the grant be explicitly described as ፍሬ (*fəre*) or *mədər*. *Fəre* and *alaba* were two words used interchangeably for fruits or yields. [121] *Fəre* was further explained, inspired by the customs of the eighteenth century, as a levy of a quarter (ርቦ- *rəbo*) or a fifth (አምሾ - *amšo*) of the land produce (Section 2.1).[122]

The book of law further required that the grantee be established as *gäza'i* 'lord, master, governor, owner' [123] who would never have to depend upon charity. Expanding on this statement, it stated that he should be able to sale or transact otherwise; its commentary explained ጌታ፡ ይሁን፡ ሸጦ፡ ለውጦ፡ ያማረውን፡ ይመገብ፡ ዘንድ (*geta yəhun šəṭo läwṭo yamaräwən yəmägäb zänd*) 'may he be a seigneur who can get the provisions he desires by sale or exchange'[124] *Rim* was almost exclusively transferred by its owner except in the few occasions where there were debts guaranteed by the land. This indicates that the cleric was considered lord of the *rim*, unlike the other beneficiaries (Section 2.2).

2.1. The beneficiaries of the produce from *rim* land

The s*əra* established two types of claims over the *rim* land. As compensation for his services, the *rim* owner was allowed to receive tributes (Section 2.1.1). Since the domain was ecclesiastical and its running required officers, the other beneficiaries were churches and their administrators. From the debtor's point of view, the cumulated debt was expressed by the term ደርቦ፡ ገበረ (*därrəbo gäbbärä*) 'he paid taxes for several recipients'.[125] From the point of view of the regulator, it seems to have been called አጸፋ (*aṣäfa*) (Section 2.1.2).[126]

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[121] ፍሬ in d'Abbadie 1881, 987. These terms continued to be used until the 20th century, as shown in 20th century dictionaries: አላባ in Dästa Täkläwäld 1970, 928; አላባ in Kane 1990, 1108. The word *alaba* is also translated as 'usufruct' in the Ethiopian civil code; Proclamation No. 165 , 1960, 278.

[122] EOTC1965/1966, 256, BnF d'Abbadie 231, fol. 104a (Chaîne 1912, 132). The fifth of produce tax is designated as መጠነ፡ ሐምሳይ፡ እድ 'to the measure of a fifth' in Ms. Orient. Rüpp. 39, fol. 126v (Goldschmidt 1897, 63–67, no. 18)

[123] EOTC 2002/2003, 253; Kidanäwäld Kəfle 1955/1956, 306; Leslau 1987, 210

[124] BnF d'Abbadie 231, fol. 103 (Chaîne 1912, 132); EOTC 2002/2003, 253. The word translated as 'seigneur' is *gäza'i* in the Gə'əz text.

[125] Ms BL Or 518, fol.171r (Wright 1877, 23-24, no. XXXIV); but the verb *därräba* is also used for a successor who becomes entitled to the share of a coheir in ms BL Or 777, fol.4r, 284v (Wright 1877, 255, no. CCCL)

[126] This is based on the combined reading of the regulations in Illinois/IES 88.V.23-25 (Shumet Sishagne 1988, 2) and ms BL Or 481 fol.4r (Wright 1877, 1-6, no.II); the definition of አጸፋ is close to the word ዐጠፌታ registered in Dästa Täkläwäld 1970, 921.

2.1.1. The living established for the *rim* owner

Church estate regulations established the income from *rim* land in certain localities as proportional taxes called *amšo*[127] or *qollo*. The latter known in its complete appellation as ያዄ፡ ቆሎ (*yaṣe qollo*) 'the king's share of parched grain' was a tithe that owed its name to its traditionally being paid to the royal treasury.[128] *Qollo* was proportional only when not specified otherwise. Its minimal value, besides the additional estimate by tax collectors, and/or its ceiling could be fixed.[129] Founders could moreover define tributes from *rim* land በቍርጥ (*bäq*^{w}*urṭ*) 'in definite terms', in bundles of wood, sacs of grain etc.[130]

Both types of exaction could apply in one estate; in the domain of Aṭaṭami Mika'el for instance, clerics who had *rim*s in the locality of Wäṭämb were paid *amšo* while choristers and scholars established on lands situated in Bäläsa received crops and salt bars in which the amount was specified *bäqurṭ*.[131] In an account from the church of G^{w}ənd Täklähaymanot, written or copied in the 19th century, *amšo* was collected from certain church parcels, alongside fixed taxes from other plots [132].

The above case concurs with the 18th century fiscal rules of the church of Aṭaṭami Mika'el. If clerics wanted to work the land or supervise its cultivation themselves, there was in principle no legal hindrance. The fact that labourers were assigned in cartularies indicates nonetheless that this was not the custom. Besides, the ploughing of land in distant regions could present difficulties for a church cleric serving in town.[133]

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[127] Illinois/IES 88.V.23 (Shumet Sishagne 1988, 2); ms BL Or 778, fol.2r (Wright 1877, 235-254, no. CCCXLVIII)

[128] Illinois/IES 88.X.16 (Shumet Sishagne 1988. 4); Mss BL Or 481, fol.4r, 208v (Wright 1877, 1-6, no.II), BL Or 518, fol.172v (Wright 1877, 23-24, no. XXXIV)

[129] Mss BL Or 778 fol.2v (Wright 1877, 235-254, no. CCCXLVIII), BL Or 518, fol.15v, 172v (Wright 1877, 23-24, no. XXXIV), BL Or 778, fol.2r (Wright 1877, 235-254, no. CCCXLVIII); Guidi 1903, 293

[130] Ms BL Or 778, fol. 1v, 2r (Wright 1877, 235-254, no. CCCXLVIII); BL Or 508, fol.284r (Wright 1877, 29, no. XLIV)

[131] Ms BL Or 778, fol. 2r (Wright 1877, 235-254, no. CCCXLVIII)

[132] Mff Illinois/IES 88.XXXIX.10; Mff Illinois/IES 88.XXXVIII.02/3 (Shumet Sishagne 1988, 10). The last document records a practice that continued until the reign of Yohannəs IV (r. 1871-1889).

[133] For clerics observed cultivating their land and their freedom to do so, see James Bruce quoted by Pankhurst 1961, 196-197 and Ficquet 2017.

In cases where the cleric was granted *fəre*, his advantage was considered as a **ግብር** (*gəbər*) 'tribute, tax' or **ገቢ** (*gäbi*) 'revenue'.[134] His entitlement was called *bəl* 'provision'.[135] When the tax was proportional, the *bəl* was specified as **እጅታ** (*əğğäta*), the word derived from **እጅ** (*əğğ*) 'share, part'; **የሪም: እጅታ** (*yärim əğğäta*) was the proportional share that a *rim* holder was allowed to claim.[136] Since the revenue thus divided depended upon yield, regulations did not determine its exact amount but the number of plots from which it was to be extracted. [137]

The act of levying was expressed by the verbs **አነሳ** (*anässa*) 'levy', **ሰፈረ** (*säfärä*) 'measured, weighed', **ተቀበለ** (*täqäbälä*) 'received'.[138] *Anässa* was used for proportional taxes as well as tributes like the *aməstəya* destined for dignitaries.[139] *Säfärä* and **አገባ** (*agäba*) 'he delivered, gave over' described the levy of fixed and proportional taxes while *täqäbälä* seems to have been preferred for tributes of predetermined amount.[140]

The grantees of *fəre* and *bəl* were distinguished from those who received *mədər* and which governance was expressed by the Amharic verb **ገዛ** (*gäza*). A *rim* owner who was granted *mədər* could not only live from the land but also expel anyone who prevented his rightful use of the estate by getting an injunction from a judge.[141] The stipulation in the Fəṯḥa Nägäśt that *gäza'i*-s

[134] Mf Illinois/IES 84.I.8 (Shumet Sishagne 1988, 1); Ms BL Or 778, fol.2r (Wright 1877, 235-254, no. CCCXLVIII); **ግብር** in d'abbadie 1881, 847; **ገቢ** in Dästa Täkläwäld 1970, 214.

[135] Mf Illinois/IES 89.VIII.23 (Daniel Ayana 1989, 7); Ms BL Or 660, fol.165v (Wright 1877, 153, no. CCXXXII); the **ብሉኝታ** in BL Or 777 fol. 14v (Wright 1877, 255, no. CCCL), seems to be a variant of the word. For older references to the income as **ብልዕት** in Gə'əz texts, see ms BL Or 481, fol.92v (Wright 1877, 1-6, no.II)

[136] Mff Illinois/IES 84.III.5-6; Illinois/IES 84.III.8 (Shumet Sishagne 1988, 1); Ms BL Or 777, fol.12v, 13v, 14v (Wright 1877, 255, no. CCCL); '**እጅ**' in d'Abbadie 1881, 570; '**እጅ**' in Dästa Täkläwäld 1970, 84.

[137] Ms BL Or 508, fol.282v (Wright 1877, 29, no. XLIV); BL Or 481, fol.208v (Wright 1877, 1-6, no.II)

[138] **ተቀበለ** in d'abbadie 1881, 283.

[139] Ms BL Or 776, fol.271r; BL Or 777, fol. 12v (Wright 1877, 255, no. CCCL); the *aməstəya* will be described in the next section.

[140] Ms BL Or 508, fol.282v (Wright 1877, 29, no. XLIV), BL Or 777, fol. 4r (Wright 1877, 255, no. CCCL); BL Or 481, fol.4r (Wright 1877, 1-6, no.II); BL Or 508, fol.286v (Wright 1877, 29, no. XLIV); Illinois/IES 88.XIX.30 (Shumet Sishagne 1988, 7); 88.V.24 (Shumet Sishagne 1988, 2); Ms BL Or 777, fol. 1r, 6, 9v, 11v, 12v, 16r (Wright 1877, 255, no. CCCL) ; Ms BL Or 481 fol.4r (Wright 1877, 1-6, no.II). The Gə'əz The equivalent of *anässa* is '*ansə'a*' and is used in the chronicles of king Bäkaffa (Guidi 1903, 292). The terms *gäbi* and *agbit* that can be found in records from the Aṭaṭami Mika'el and the Hamärä Noḫ churches are from the same root. Ms BL Or. 778 fol.2r (Wright 1877, 235-254, no. CCCXLVIII), BL Or 508, fol 284r (Wright 1877, 29, no. XLIV). For the definitions of the verbs see respectively **ሰፈረ**, **ተቀበለ**, **ነሣ** in d'abbadie 1881, 207-208, 283, 411. See also **ሰፈረ**, **ገቢ** and **ተቀበለ** in Dästa Täkläwäld 1970, 1199, 214, 126; **ነሥአ** in Leslau 1987, 404.

[141] Ms. BL Or. 508, fol. 282v (Wright 1877, 29, no. XLIV)

could profit from their estate by sale or other acts of estate administration was understood as allowing contracts such as lease; it was said of them **አስጠምኖ፡ ይመገብ** (*asṭäməno yəmägäb*) 'may he get provisions by leasing'.[142] This freedom to let was reserved to the *balämədər* 'master of the land'; clerics who were given tributes could only dispose of that which was given to them, i.e. of their regular income.[143] Land rent was called **በቁዔት·** (*bäq^{w}ə'et*) in the legal text; jurists offered examples of this payment as **ገመታ·** (*gämäta*), *amšo* and *rəbo*.[144]

In a grant charter, Atakəlt Qəddus Giyorgis is enumerated among **ለታቦት፡ ሥላሴ፡ የሚገዙ፡ ታቦት·** (*lätabotä śəlasse yämigäzu tabot*) 'church [estates] that are governed by [Däbrä Bərhan] Səlasse'. The locality of Dablo was expropriated for its two-third portion from a certain Abeto Esdros and was given to church scholars.[145] We read elsewhere that the clerics of Däbrä Bərhan Səlasse who were given *rim* by king Iyasu I, founder of the church estate, collected *amšo* from Dablo Maryam and Boč Atakəlt Giyorgis.[146] The use of the word **የሚገዙ** (*yämigäzu*) 'governed', and the mention of the *amšo* as a type of rent in the legal commentaries lead to recognize these cases as leasing. This agrees with Arnauld d'Abbadie's account that clerics gave their *rim* to lessees for a rent of a fifth of produce.[147]

Albeit being distinct, both *bəl* and g*əzat* were assets that could be disposed of, if their owner was established with such power. A clear evidence of this can be found in a testament of a dignitary called Däğğazmač Näčo where the bestowed lands were described as *yäməbälawən* '[land] from which I obtain *bəl*', and *yäməgäzwən* '[land] which I govern'.[148] While the cleric enjoyed this

[142] Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 253. For the definition of **አስጠመነ** as 'grant lease' see Dästa Täkläwäld 1970, 564.

[143] The owner who gave land in lease was identified as *balämədər* 'master of the *mədər*', *balabet* 'master of the house' in the commentaries of the 36th chapter of the Fətḥa Nägäśt in M.B. Wäldä Yoḥannəs commentary pp. 75,77,79

[144] BnF d'Abbadie 231, 23 (Chaîne 1912, 132) ; Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003,407; cf. For the later tradition of **ርዮ፡ አፍሳሽ** as a lessee in a *mägazo* (lease) contract, and the definition of **መጋዘ** see Dästa Täkläwäld 1970, 243, 1127. The *gämäta* was a tax established as a proportional or fixed imposition; mf Illinois/IES 88.XXII.26 (Shumet Sishagne 1988, 7); mf Illinois/IES 89.III.24 (Daniel Ayana 1989. 2). It is proposed to be an equivalent of the Gə'əz *bənät*, see **ገመቱ** in d'Abbadie 1881, 823. For the rent called **ገ መታ**, see Dästa Täkläwäld 1970, 278

[145] Ms BL Or 481, fol.4r (Wright 1877, 1-6, no.II)

[146] Mf Illinois/IES 88.V.25 (Shumet Sishagne 1988, 2)

[147] Ficquet 2017.

[148] Ms BL Or. 660, fol.165v (Wright 1877, 153, no. CCXXXII). While this will is explicit as to the nature of the claims over the land that was bestowed, other acts that transfer *rim* or *rəbo* give indirect testimonies. See the many sales of *rim* in Ms BL Or. 777 and BL Or 508 and the transfer of *rəbo*

freedom of exchange, others profited from *rim* land in so far as they were church administrators. Their privileges ended with their term of office.

2.1.2. Other beneficiaries of *rim* land income

It was usual that in the fiscal system of the 18th century, several entitlements overlapped on a same estate. From *rim*, besides clerics who owned the land, churches and their dignitaries were permitted to claim revenues. From the land in Bäläsa that was given to the church of Aṣaṣami Mikael, for instance, tributes were established for scholars as well as clerics who took turns in weekly liturgical services.[149]

One common type of income prescribed for dignitaries was known as **አምስት·ያ** (*aməstəya*) 'five part dividends'[150]. This was a contribution of a fixed amount[151] that was divided in unequal shares between church officers; the shares were called *əğğ*.[152] The allocation procedure of *aməstəya* is best described in the regulations of Moṭa Giyorgis and Gäwära Qʷəsqʷam Maryam. The income was divided into two, one share being reserved to the head of the church. The second share was then divided into two portions, one of which was given to the officer called *liqäṭäbäbt*. The other portion was then subdivided in three shares allocated to different church dignitaries. Although the size of the dividend could vary, the procedure that ended up with five shares gave the tribute its name.[153]

claims in Ms. BL Or 508, fol.285v (Wright 1877, 29, no. XLIV), BL Or 777 fol. 11v (Wright 1877, 255, no. CCCL).

[149] Ms BL Or 778, fol.2r (Wright 1877, 235-254, no. CCCXLVIII)

[150] For an example of *aməstəya* levied from *rim* land see ms BL Or 777, fol.12v (Wright 1877, 255, no. CCCL). Land especially granted for the collect of this type of tax are also listed in mf Illinois/IES 88.IV.18 (Shumet Sishagne 1988, 2), mf Illinois/IES 88.VI. 29-32 (Shumet Sishagne 1988, 3). See also Crummey et al. 1994, 104.

[151] Mf Illinois/IES 88.VI.32-33 (Shumet Sishagne 1988, 3). The contribution from the produce of these lands was fixed just like for the lands of former owners simply included in the domain; Mf Illinois/IES 88.VII.14 (Shumet Sishagne 1988, 3) presented above.

[152] እጅ in d'Abbadie 1881, 570; እጅ in Dästa Täkläwäld 1970, 84.

[153] Mf Illinois/IES 89.XVI.24-25 (Daniel Ayana 1989, 14); Mf 89.VIII.23 (Daniel Ayana 1989, 7); an *aməstəya* from which a two third portion was allocated to the head of the church is mentioned in ms Orient. Rüpp. 39, fol. 126v (Goldschmidt 1897, 63–67, no. 18). We depart from Donald Crummey's appreciation of the *aməstəya* as a synonym for *amšo* 'a contribution of the fifth of harvest'. He had deduced this equivalence from the title of the register of the church of Bä'ata; he interpreted the title '*däbtära aməstya mədər*' (which needs to be translated as '*aməstya land* of the clerics') as laying down a general rule which fixed the amount of contributions to a fifth of yield. Crummey 2000, 177.

The verb *anässa* for the levy of *aməstəya*[154] is of significance. Although it was also used for proportional taxes, it had the particular meaning of 'to pay jurisdictional fees'.[155] The regulation of Qäranyo Mädhane'aläm stated that this tribute was considered a compensation for jurisdictional services provided by church officers; any *rim* owner who happened to get involved in litigation was therefore exonerated from legal costs on account that she/he had paid the *aməstəya*.[156] The regulation for the Bä'ata domain equally suggests that jurisdictional fees were paid by way of tribute.[157]

Churches and their officers could moreover be granted proportional taxes on *rim* land. The chronicles registered that the head of the Bä'ata church was given **መጠነ፡ ኃምሳይ፡ እድ** (*mäṭänä ḫamsay əd)* 'a share of a fifth [of produce]' from each *rim* land. This appears to be the *amšo* 'the payment of a fifth portion of the yield' that has been mentioned in the previous section.[158] In a judgment from the domain of Ḥamärä Noḫ, tributes that were owed to the church and its officer in chief were identified as: "the share of a fourth (of produce) that was owed to the Church", "the tithe owed to the head officer".[159] These seem to correspond to the tributes called *rəbo* and *qollo*.[160]As we know for certain that the officers of Däbrä Bərhan Səllase received a *qollo* of a fixed amount from plots in the locality of Säraba,[161] the last two establishments must have had comparable rules.

The overall aim of estate regulations was to ensure that the church's assets were well administered. This meant a proper use of the land and a control of

[154] Mf Illinois/IES 88.XIV.6 (Shumet Sishagne 1988, 5); ms BL Or 777, fol. 12v (Wright 1877, 255, no. CCCL)

[155] Mf Illinois/IES 88.XVIII.6 (Shumet Sishagne 1988, 6) ; mf Illinois/IES 88.XIX.30 (Shumet Sishagne 1988, 7); Illinois/IES 88.XIV.6 (Shumet Sishagne 1988, 5); **አነሣ** is defined as 'paid court fees' in Dästa Täkläwäld 1970, 862

[156] Mf Illinois/IES 89.IV.31 (Daniel Ayana 1989, 3)

[157] Ms Orient. Rüpp. 39, fol. 126v (Goldschmidt 1897, 63–67, no. 18)

[158] Ms Orient. Rüpp. 39, fol. 126v (Goldschmidt 1897, 63–67, no. 18) Arnauld d'Abbadie also wrote ambiguously that the *head of the church* 'eats the fifth of the *rim*-s', surmising an income of a fifth of the produce. Ficquet 2017.

[159] **ለቤተ፡ ክርስቲያን፡ የሚገባውን፡ ከ፬ አንዱን፡ ያለቃም፡ ከ፲ አንድ**, Ms BL Or. 508, fol 286v (Wright 1877, 29, no. XLIV); Guidi 1906, document 130

[160] Ms BL Or 508, fol.286v (Wright 1877, 29, no. XLIV); another reading of this act could see the sale as a transfer of a fourth part of tributes that had already been paid to the Church. This interpretation is however grammatically untenable since the tribute said to have been sold by the treasurers of the Church failed to be delivered to the treasury because an individual had illegitimately taken possession of these; the text would not have used the future tense in **የሚገባውን**.

[161] Ms BL Or 481, fol.4r (Wright 1877, 1-6, no.II)

tax income. It also implied that whenever land was transferred by clerics, all interested parties would be involved as witnesses or as notary officers.

2.2. The transfer of *rim* land

In the 18th century, a great number of legal acts by which ecclesiastical land was ceded were registered in church manuscripts.[162] The frequent transfer of *rim* by a variety of agreements led to its being compared to movable properties (Section 2.2.1).[163] Contrary to movables however, there was nothing definitive about the conveyance of real estate; transferred *rim* could revert back to its original owner (Section 2.2.2).

2.2.1. Rim transferred by various deeds

Rim land was the object of *inter vivos* donations and wills that benefited family as well as unrelated successors.[164] It was also given as security and was eventually sold in case of insolvency.[165] Nonetheless sales were by far the most numerous type of *rim* transfer. Out of one hundred and seventy-eight deeds entered in the Ḥamärä Noḫ Gospel for instance, approximately 90% were *rim* sales.[166] The entire estate of a cleric or its parts could be ceded.[167] Some deeds mention multiple buyers or sellers, inferring that there may be a plurality of *rim* holders.[168]

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[162] Crummey 1979, 469-470.

[163] The expression **እንደ: ባርያ: እንደ: ባዝራ** [like a slave, like a mare], in the documents from the church of Qoma, seems to be a reminder that the *rim* is nothing more than a movable property with regard to exchanges; Crummey 2000, 125, 186. Likewise in an act from the Ḥamärä Noḫ church, the *rim* is given to a person to whom the giver owes much property or livestock; Guidi 1906, document 41. It became so customary that the cleric's *rim* be transferred that a 19th century dictionary registered **ኩፋፍ** (a devoiced form of the word **ቁፋፍ**) as 'land that could be freely sold'; d'abbadie 1881, 639-640

[164] Ms BL Or 777, fol.1r, 1v, 2r (Wright 1877, 255, no. CCCL); BL Or 778, fol.8r, 9r (Wright 1877, 235-254, no. CCCXLVIII). Guidi 1906, documents 18, 33, 58, 84, 87, 97, 111, 118, 119, 131, 121, 17, 114, 127, 115. The shares of *rim* inheritance that were transferred were called *əṣa/əṭa*. **እጣ** in d'Abbadie 1881, 578; **እጣ** in Dästa T. 1970, 917; **እጣ** in Kane T.L. 1990, 1334a. Guidi 1906, documents 97 and 109. The term *əṣa* kept the meaning of inheritance until the 20th century as shown in Täklähawaryat Täklämaryam 2011/2012, 7.

[165] Ms BL Or 777, fol.12v, 16r, 17r (Wright 1877, 255, no. CCCL); BL Or 778, fol.8r, 9r (Wright 1877, 235-254, no. CCCXLVIII). Guidi 1906, documents 31, 111, 121, 131, 136.

[166] Ms BL Or 508 (Wright 1877, 29, no. XLIV)

[167] Entire *rim*s can be identified by the term *muluwən* as in the expression **የሐመረ: ኖኅን: ሪም: መ·ሉ·ው·ን**, [the *rim* in (the domain of Ḥamärä Noḫ) in its entirety], but are otherwise described as the *rim* owned by someone. If the cleric's estate is sold only for a part, the exact share is given in fraction and the geographical location is specified. Crummey 1979, 472; Namouna Guebreyesus 2017, 136.

[168] Guidi 1906, documents 27, 71, 125, 8, 44, 95; ms BL Or 508, fol. 282v (Wright 1877, 29, no. XLIV)

Sellers could furthermore transfer a share of the agricultural produce. In such agreements, after mentioning the price and the *rim* that the parties agreed upon, sale records indicated that the estate was henceforth to be divided between the buyer and the beneficiaries that preceded her/him.[169] Owners could otherwise choose to give their *rim*, for a price or a service rendered, to a buyer who would take turn alongside them in the use of the land. It was said for instance that a buyer who had already settled the price ought to pay tribute to the seller's son who then remitted the sum to the church.[170] The alternation between the new comer and the initial owners of the *rim* was called **ዘንቅ** (*zänq*).[171] Just as in the case where a share was sold, owners who conceded some of their advantages from the land for which they owed church services found a co-debtor who alleviated their duties. The difference was that the sale of shares apportioned the estate from the onset; the *zänq* on the other hand resulted in **ዕጻ** (*əṣa*) 'shares' only if the parties disagreed on service rotation and took their dispute to a judge.[172]

The common effect of sales is best illustrated by a court case from the domain of Aṣaṣami Mika'el. Three claimants protested that their *rim* had not been sold. Their action was dismissed after witnesses gave testimonies saying: [173]

> **እንደገዙ፡ እንደበሉም፡ እንደቀደሱም፡ እናውቃለን**
> 'We have witnessed that the buyer had acquired (the land), levied tributes and performed church duties'.

The word **እንደገዙ** ('*əndägäzu)* that we have translated as 'had acquired' had this other meaning of 'governed, used the land'. We have discussed in previous sections that the stem of this word *gäza*, specifically designated the use of land; it was applied to owners as well as lessees who owed part of their produce to landlords.[174] The verb therefore did not necessarily refer to the completed action of taking possession of a purchased *rim*; it signified, as when

[169] The expressions **ከ፫ ያደረጉ፡ ከ፬ ያደረጉ፡ ከ፭ ያደረጉ** indicate the division of the *rim* in 3, 4 and 5 shares respectively; the seller was evidently not the sole beneficiary of the land and shared income with other owners and the buyer. Ms BL Or 777, fol.1v, 2r, 287v (Wright 1877, 255, no. CCCL)

[170] Ms BL Or 777, fol.11v (Wright 1877, 255, no. CCCL)

[171] Ms BL Or 777, fol.2v, 3r, 6v, 11v, 287v (Wright 1877, 255, no. CCCL). BL Or 778, fol.2v (Wright 1877, 235-254, no. CCCXLVIII), BL Or 508, fol.284r (Wright 1877, 29, no. XLIV)

[172] Ms BL Or 777, fol.3r (Wright 1877, 255, no. CCCL)

[173] Ms BL Or 778, fol.9v (Wright 1877, 235-254, no. CCCXLVIII)

[174] See the indifferent use of the term in the paragraph 33 on rent and the paragraph 36 on sales in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 407, 385 ; M.B. Wäldä Yoḥannəs commentary 63, 75

it was employed in a continuous grammatical tense[175], the type of claim that the buyer had over the land. **እንደበሉ** (‘*əndäbälu)* that was translated as ‘levied tributes’ by contrast referred to land benefits of a person who did not always have the use of the land. The services meant by **እንደቀደሱ** (‘*əndäqäddasu)* may be religious or consist in contributions paid to the church administration.

The plaintiffs were therefore ordered to withdraw their possession claim; the solemn expression used was: **ትለቁ፡ በቃ** (*täläqqu bäqqa)* ‘it has been decided that you ought to surrender the land’. This decision was compliant with the law on recognition of debt. If a plaintiff admitted to having sold his land, he ought to surrender possession (jurists said **እጅ፡ ለቀ** [*əǧǧ läqqo*]) and eventually ask for the unpaid price. If the buyer had failed to pay that which was agreed upon, he was said to have a **ፍንጅ** (*fənǧ*); in the context of the legal commentaries, the word designated interests, receivables, debts that a party could still claim.[176]

In this trial from the Aṣaṣami domain, the selling price had been paid. And therefore neither *əǧǧ* nor *fənǧ* could be claimed. The levying was mentioned as a further proof of the sale agreement; if the land had been transferred while the benefits from the land were not, the contract could have been interpreted as a rent or a sale of land with part of the produce still reserved to the seller.[177] The fact that the buyer discharged church duties owed by *rim* owners added legitimacy to his entitlement to the land. In certain cases where obligations of the land owner were performed by another, the land ended up being divided between them.[178]

The indices that were used to prove *rim* ownership in this case were not absolute even though they represented a general trend. This particular buyer had the *qəñ* and the *bəl* as a result of the combined effect of the regulation of the church domain and a sale agreement. We have seen how both types of advantages could be held by a same person or by different owners who could dispose of them at will. This was true for all realty.[179]

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[175] Ms BL Or 777, fol.8r, 12r, 14r (Wright 1877, 255, no. CCCL). For an example of the use of the verb in the continuous tense, see **በቆብም፡ በወርቅም፡ የገዙ·ት·ን** in ms BL Or 777, fol.281v (Wright 1877, 255, no. CCCL)

[176] See the discussion of the obligation created by a debt recognition in these terms in M.B. Wäldä Yoḥannəs commentary, 89

[177] In another legal act, it was reported that a third of a *rim* was sold with all its benefits, thereby inferring that the fruits and produce were not necessarily sold with the land. Ms BL Or 777, fol.1r (Wright 1877, 255, no. CCCL)

[178] Ms BL Or 660, fol.165r (Wright 1877, 153, no. CCXXXII)

[179] Paragraph 33 of the Fəṭḥa Nägäśt in M.B. Wäldä Yoḥannəs commentary, 65.

Church duties on the other hand were obligations weighing only on owners of land granted with the charitable intent of rewarding religious services for perpetuity. Ecclesiastical *rim* had an additional peculiarity that was unknown for other lands. It could be repossessed after having been donated or sold.[180]

2.2.2. Transferred *rim* that reverted to its original owner

A sale in principle caused the seller to lose all his claims on the transferred good.[181] The study of the legal acts from the domain of Hamärä Noḫ showed that a person who sold an entire *rim* ceased to be mentioned in the administrative or transactional records from then on. There was no evident temporal limitation to *rim* ownership, except in the case of a *g*^{w}*əlt* charter which provided a lifelong term for the donated land; the *rim* apportioned from *g*^{w}*əlt* would naturally be affected by this term[182].

The regulation of the Bä'ata domain stipulated that the *rim* of clerics deceased intestate reverted to the church.[183] There are moreover indirect indications that land was recovered by church administrators. The administrators are mentioned as giving land to a chorister and to other clerics.[184] Since estates were subdivided in *rim*s, this seems to imply that they had repossessed some of them. It is unclear, however, if they acted on their own or on the king's order.

The time limitation of *rim* ownership could also be set in contracts. Just as a *g*^{w}*əlt* grant that defined a lifelong benefit, sales and donations of *rim* could transfer advantages which would terminate after a certain period. In a record, for instance, it was reported that a *rim* was bought and bestowed upon others; the grant was formulated as a tontine between the beneficiary spouses and when one of them died, the *rim* was to be divided between the surviving

[180] In the Ethiopian Civil Code, the right of recovery recognized to the family when an immovable was sold may have had its origin in this practice. See David 1967, 345.
[181] This is apparent from the paragraph 33 of the Fəṯḥa Nägäśt. Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 384.
[182] Gifts of land that last for a lifetime are known from other Gondärine records; the grantor transferred, for example, to a beneficiary for the duration of the life of the latter, specifying that the property would be transferred to a second donee, after this prescription had lapsed. Mf. Illinois/IES 88.XXXVI.33 (Shumet Sishagne 1988, 9). An act from the church of Ḫamärä Noḫ that seems to suggest a temporary transfer of a *rim* is obscure, the scribe noted that the sale was once known to the inhabitants of a locality. This could be interpreted as a confirmation of a transfer and as proof of time limitation. However, it could also simply refer to the recording of a verbal contract of sale. Guidi 1906, document 24.
[183] Ms. Orient. Rüpp. 39, fol. 126v (Goldschmidt 1897, 63–67, no. 18)
[184] Ms BL Or 777, fol.1v, 2v,16v (Wright 1877, 255, no. CCCL)

spouse, the relatives of the benefactor and the guarantor of the sale.[185] In another will from the early years of the 19th century, part of the inheritance was to provide subsistence to the beneficiary while the *rim* and a constructible plot were given as alienable goods.[186] A transfer of land did not always enable the acquirer to bestow the land to heirs; and for that reason, sellers expressly indicated when the buyer was allowed acts of disposition.[187]

Inheritance claims for *rim* as well as other types of land were valid only in the absence of provisions to the contrary. These provisions could be dictated by the owner of the land or by authorities such as the king that established the church domain. Donations and sales therefore stated the condition of succession, or that there was no restriction of transfer. One donation, for example, prescribed that the grantee was to live from the land till his death and that the next beneficiary was then to succeed him for forty years. [188] Grants stated that a land was given as a heritage, reminding of the fact that inheritance was not a rule.[189] For the same reason, *rim* sales specified that the land was bought as *rəst* 'inheritance'.[190]

The last stipulation disclosed that there was a custom of recovering transferred *rim*s. Clauses prohibited claims of appropriation, and of inheritance shares by successors who judged that their interest had been abused by the seller.[191] Often, arable land as well as constructible plots reverted to heirs without them needing to establish a ground for the buyer's expropriation.[192] The grandson of a seller, for instance, was successful in reclaiming his inheritance by paying back the price of sale to the buyer; he presented his action saying that the holder 'was unworthy' of the land. It seems that he meant that she was not a legitimate heiress; but he did not indicate the quality that made him the rightful successor.[193] Other buyers were said to have acquired for their descendants a *rim* that used to belong to their parents.[194] Several sales of *rim*

[185] Ms BL Or 777 fol.1v (Wright 1877, 255, no. CCCL)
[186] Ms BL Or 777 fol.17r (Wright 1877, 255, no. CCCL)
[187] Ms BL Or 777, fol.2r (Wright 1877, 255, no. CCCL)
[188] Ms BL Or 777, fol.4r (Wright 1877, 255, no. CCCL)
[189] Ms BL Or 777, fol.1r, 4r (Wright 1877, 255, no. CCCL)
[190] Ms BL Or 777, fol.2r, 287v (Wright 1877, 255, no. CCCL); see note 40
[191] Mss BL Or 508, fol.282v (Wright 1877, 29, no. XLIV), BL Or 777, fol.4v, 14r (Wright 1877, 255, no. CCCL), Cambridge, University Library, MS Add. 1570, fol.261r (Ullendorff and Wright 1961, 1-2, II (Add.1570))
[192] Ms BL Or 777, 10v , 12r; 17r, 287v (Wright 1877, 255, no. CCCL)
[193] Ms BL Or 777, fol.10v (Wright 1877, 255, no. CCCL)
[194] Ms BL Or 777, fol.12v, 287v (Wright 1877, 255, no. CCCL)

in the domain of Ḥamärä Noḫ present situations where the land was sold a second time by a seller who had already disposed of it. [195]

In some cases, the recovery of *rim* land was expressly envisaged. Wills allowed heirs to have a share in the inheritance if they were to pay a certain sum to the successor. This kind of clause was typical of indebtedness; the testator having bestowed a land to a creditor reserved the possibility for successors to claim their inheritance by settling the debt.[196]

Transferred land thus reverted to the Church or the cleric who were its initial owners. This particularity touches upon a fundamental aspect of *rim* apportioned from *gʷəlt*.[197] The law declared this type of estate inalienable and its regime was designed to ensure that the patrimony remained in the hands of the original beneficiaries.

3. Inalienability of a transferable land

The ecclesiastical archives from the 18th century show that *rim* was frequently transferred. The devolution of *gʷəlt* on the other hand was scarce; its few examples were of individually held land. [198] This gave the impression that the two types of land differed as to exchangeability. Yet the Fəṯḥa Nägäśt declared them both inalienable (Section 3.1). The law foresaw however the sale of *gʷəlt* under certain conditions. The exceptions to inalienability were discussed by the doctrine. The different readings built the substantive law on *rim* land (Section 3.2).

3.1. The diction of the inalienability principle in the Fəṯḥa Nägäśt

The Fəṯḥa Nägäśt stated that the object donated as *gʷəlt* should not be something that could easily be transferred. It could not consist in sums of money and movable property[199], and more generally in goods that could be lost, stolen, or perish.[200] The domain of a church had moreover a sacred

[195] Guidi 1906, documents 124, 90; ms BL Or 508, fol. 284v (Wright 1877, 29, no. XLIV)
[196] Ms BL Or 777, fol.3r, 4v (Wright 1877, 255, no. CCCL), Illinois/IES 88.XIX.29 (Shumet Sishagne 1988, 7); Namouna Guebreyesus 2017, 181-182, 236-241.
[197] Arnauld d'Abbadie notes that the *rim* was a type of 'mainmorte' according to the customs he was able to account for in the 19th century. One definition of m*ainmorte* is the repossession of land by a lord due to escheat, Bloch. 1994, 366. The author however could have used the word in its other definition; just as its equivalent mortmain in English, it can mean ‘condition of inalienability, perpetual holding of land, Ficquet 2017.
[198] Crummey 1979, 469; Crummey 2001, 72-73.
[199] EOTC 1997/1998, article 691. Commentary in BnF d’Abbadie 231, 102, 103 (Chaîne 1912, 132)
[200] EOTC 1997/1998, article 692. BnF d’Abbadie 231, fol. 103a (Chaîne 1912, 132)

character; its integrity was protected by anathema and the clerics were exempt from the usual taxation rules.[201]

The idea behind these provisions was that a charitable donation of this type had to provide at least a lifelong income. *G*^{w}*əlt* was but one type of *habt* 'donations' that were regulated in the 26th chapter of the Fətḥa Nägäśt.[202] Its perpetual and inalienable characters required that a supplementary section be dedicated to it under the 17th chapter on alms. And it was by measure of protection that the grantees were prevented from disposing of their land.

G^{w}*əlt* thus became an asset outside of commerce for the lifetime of the grantee. [203] The law proscribed the donation, pledge or sale of this kind of land; it extended the prohibition to parts of the estate by adding 'nothing shall be sold from the *g*^{w}*əlt'*. Since *rim*s were only concessions, they counted as part of g^{w}*əlt* that were banned from exchange.[204] These realties belonged to the category of things placed under the title [that which cannot be sold or exchanged].[205] The chapter dedicated to sale in this same legal code did not foresee any effect for the transfers of goods under this category, thus implying that these were simply considered null and void.[206] The principle enunciated in the law suspended alienability, with the land eventually reverting to the donator upon the death of the beneficiary.[207] This legal provision was clearly

[201] EOTC 1997/1998, article 710. Commentary in BnF d'Abbadie 231, fol. 104a (Chaîne 1912, 132)

[202] M.B. Wäldä Yoḥannəs commentary p. 43

[203] The wording used is **ኢይፃእ፡ እምእደ፡ ዘገሙሉቱ፡ ሎቱ** [it (the *g*^{w}*əlt*) shall remain in the hands of the grantee and not be transferred]. Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 255. In this regard, the *res extra commercium* and institutions such as *waqf* resemble *g*^{w}*əlt*. See for instance Caballeira-Debasa 2010.

[204] The Gə'əz text **ኢይሤጥ፡ እምኔሁ፡ ምንተኒ** was translated into Amharic as **ከንልቱ፡ ምንምን፡ አይሸጥ፡** Paragraph 700 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 255. For a later tradition where *rim* was considered inalienable see Mahteme Selassie Wolde Meskel 1970, 117-118; third part of the 1935 proclamation presented in Mahteme Selassie Wolde Meskel, undated, 42 (Amharic version)

[205] **ሊሸጡ፡ ሊለውጡት፡ የማይገባው** chapter 33 of the law book in M.B. Wäldä Yoḥannəs commentary,68

[206] Chapter 33 of the law book in M.B. Wäldä Yoḥannəs commentary, pp. 67-69; the sale of other goods outside of commerce although 'invalid' (the expression used was **መሸጡ፡ እውነት፡ ያይዶለ** [that which in truth could not be sold]) were allowed to produce some effects to protect the buyer in good faith. Comparable discussions exist for other legal systems, see Kuonen 2005.

[207] It is doubtless that this character of inalienability brings *g*^{w}*əlt* closer to other forms of immobilization. Claude Cahen raised the question of the suspensive term for perpetual goods called *habus* before their regulation by classical Muslim doctrine. He explained that in the first centuries of Islam, the founders of the *habus* did not always make provisions for more or less distant times; the conceptual distinction between suspensive *habus* and other unconditional perpetual goods only occurred in the ninth century. Cahen 1961, 44; see also Hennigan 2004, 50-66. Caballeira-Debasa 2010.

conceived with individual beneficiaries in mind. Regiments and churches that were given *g*^{w}*əlt* and were sometimes established as estate owners did not have, by nature, a predetermined term of existence. This meant that charitable land grants to collective entities were inalienable for perpetuity while individual *rim*s and *g*^{w}*əlt* re-entered into commerce due to death. [208]

Nevertheless, the dispositions of *rim* and individual *g*^{w}*əlt* by the grantees of the land found justification not in the principle of inalienability but in its exception. After stating the principle, the drafters of the Fəṭḥa Nägäśt contemplated situations that could constitute exceptions to the rule. It was said that if *g*^{w}*əlt* land was sold, its **ሣዒጥ** (*seṭ*) rendered as **ዋጋ** (*waga*) in Amharic, 'its value'[209], must be remitted to the grantee.

There was consensus as to the scope of this laconic statement: the owner of both type of estates was allowed to sell under certain conditions. The numerous *rim* sales were therefore not contrary to the law. And the modest count of individual *g*^{w}*əlt* sale records was probably due to the quality of the archives; ecclesiastical repositories had no evident cause to register the sales of private land that was unrelated to a church, even if they happened to be frequent. The exact meaning of the legal provision on the other hand, and in particular the significance of the word *seṭ* or *waga*, was subject to discussion.

3.2. The Ethiopian interpretation of inalienability

Part of the legal doctrine considered that the law in envisaging an exception to inalienability meant to preserve the destination of the land. *G*^{w}*əlt* and *rim* could be disposed of on the condition that they remained fees for the specific services for which they were intended by their establisher. This meant that transfers ought not to alter the land's character as a compensation for **ቅዳሴ** (*qəddase*) or **ዘመቻ** (*zämäča*) 'church or military services'; any acquirer of the land would be bound by the duties that the estate founder had prescribed.[210]

The reasoning was that acts of disposition had to comply with the foundational documents of the estate completed in accordance with procedure; a jurist

[208] Guidi 1906, document 2.

[209] The word **ዋጋ** has in common parlance the meaning of 'value, price, cost', just as its Gə'əz equivalent **ሣዒጥ**. See **ዋጋ** in d'Abbadie 1881, 88; **ሣዒጥ** in Kidanäwäld Kəfle 1955/1956, 666; and in Leslau 1987, 540.

[210] Commentary [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 255b. BnF d'Abbadie 231, 102b (Chaîne 1912, 132). The precision of the ecclesiastical or military services required from the grantee is found only in the second commentary. Gifts intended to create a lifetime income for their beneficiary are known in other East African countries, as shown by Anderson 1959, 152 , 157-164.

explained by saying 'one shall not provide for transfers that would abrogate perfected legal acts'.[211] In other words, the prohibition to dispose of the *gʷəlt* was not intended to prevent all type of land transfer. It was only that legal acts that changed the type of obligations expected from the land owner needed to be approved by the king.[212]

The *qəddase* or *zämäča* were considered as *gəbər* 'occupation, service, dues, tributes'.[213] *Qəddase* in strict parlance meant liturgy.[214] In the broad sense to which the commentaries refer, the word covered all duties benefiting the church. *Rim*s were identified by the various obligations of their holders, as **የዳዊት ድጋሙን** (*yädawit dəgamun*) 'belonging to chanters of psalms', **የምራት ሪም** (*yämərat rim*) '*rim* of choir masters', **የሰሞን** (*yäsämon*) 'belonging to those who take turn in weekly services' **በገና የሚመታበት** (*bägäna yämimätabät*) '[land] for which [the owner] had to perform lyre music', **የደንሽ ሪም** (*yädägʷaš rim*) 'rim of bookbinders', **የእጣን ነጋዴውን ሪም** (*yä'əṭan nägadewən rim*) 'rim of incense traders' etc.[215] In some records, the claim that the owner had on his *rim* was presented as contingent upon the discharge of these duties. Using expressions that compared them to taxes, a *rim* 'of which its use was conditional upon monastic duties' and another 'of which its use was conditional upon payment of a tax estimated in gold' were ceded.[216]

The terms of the *rim* ownership were maintained despite its transfer: the acquirer owed the services and fixed contributions payable to the church. This practice respected the inalienability and perpetuity of the *gʷəlt* since the existence of the church or its ownership of the domain was not threatened. As the founding king did not seek to reward the clerics personally but to

[211] **ፍጽም፡ ስጦታን፡ የሚያፈርስ፡ ትእዛዝ፡ ማዘዝ፡ አይገባም** chapter 26 of the law book in M.B. Wäldä Yoḥannəs commentary, p. 45

[212] For example, a case of donation of *gʷəlt* inherited from relatives. The lands are given to the church of Qʷəsqʷam with a confirmation of the donation by the King. Mf. Illinois/IES 88.I.11 (Shumet Sishagne 1988, 2). One of the king's officers also asked for permission to give his estate to a church in ms Orient. Rüpp. 39, fol. 164r (Goldschmidt 1897, 63–67, no. 18)

[213] For a definition of the word **ግብር** see Leslau 1987, 178. For its use in the context of occupational duties see Pereira 1892, 51, letter to the Hebrews 9.21 in Commentary [Ethiopian Orthodox Täwaḥədo Church] 2014/2015b, 442

[214] **ቅዳሴ** in Leslau 1987, 423

[215] Ms BL Or 777 foll. 4v, 7v, 1r, 11v, 287r (Wright 1877, 255, no. CCCL); BL Or 778 fol. 2f, 4v, 5r, 6v (Wright 1877, 255, no. CCCL); BL Or 660 fol.165r. These obligations are defined in the founding document of the church estate in compliance with the requirement of Article 706 of the Fətha Nägäst. Examples of contributions can be found in the church records of Bä'ata and Fänja Maryam ; mf. Illinois/ IES 88.VI-VII (Shumet Sishagne 1988,3), mf Illinois/ IES 88.X.25s (Shumet Sishagne 1988, 4)

[216] Ms BL Or 777fol.17r, 281v (Wright 1877, 255, no. CCCL). The Amharic expressions were **በቆብም፡ በወርቅም፡ የገዙትን** and **ርስቱንም፡ የቆቡንም፡ ምድር፡ ሰጥተዋል**

encourage their services, the transfer of *rim* was not contrary to his intention as long as the domain and its rules of operation were observed. Through the commerce of *rim*, the legal framework of church *g*^{w}*əlt* gained flexibility and consistency. [217].

Another interpretation saw in the exception to inalienability a confirmation of the grantee's status as a lord.[218] The value of the sale was understood as encompassing the *qəñ* 'use of the land' and its *waga*, here meant as 'benefits'. Following this line of reasoning, a judgment from the domain of Ḥamärä Noḫ pronounced the beneficiary of an ecclesiastical land grant as having been given the *mədər* 'use of agrarian land' and *alaba* 'fruits'. [219] This explains transactions after which the *rim* seller remained on the estate as a user and those in which the buyer paid part of the land produce as tribute to the seller.

A third type of license to cede *rim* can be deduced from an act of sale registered in a manuscript that belonged to the church of Däbrä Bərḥan Səllase. It was agreed that the transferred land would be bequeathed to a guarantor when the acquirer died. The bequest was said to be the *waga* 'value, cost' of the surety.[220] Considering that guarantors were often relatives of *rim* sellers, this transaction was tantamount to land reverting to the family of its initial owner. This is a case where the effect of the exception to inalienability was annulled by the restitution of value. Schemes of land reversion to the initial owner can thus be construed in light of this logic.

The doctrine aimed to perpetuate the charitable intent of estate founders while recognising a certain freedom of transaction to the grantees. [221] While the principle of inalienability was initially discussed to elucidate the provisions on *g*^{w}*əlt,* the applications of its interpretations were found in legal acts that dealt with *rim*. Both confirm that there was no distinction between the two types of land with respect to commerce[222].

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[217] In the same spirit, it was permissible in Egypt to concede the land as long as the perpetual title of the grantee was maintained. See Egyptian annuity contracts in the17th and 18th centuries that transferred the long-term use of the land in Nelly 2011, 139.

[218] BnF Éthiopien 236, fol.121v (Chaîne 1913, 31)

[219]Ms. BL Or. 508, fol. 282v (Wright 1877, 29, no. XLIV)

[220] Ms BLOr.777, fol.1v (Wright 1877, 255, no. CCCL); the transaction is akin to the issuance of guarantee by a surety agency.

[221]BnF d'Abbadie 231, 103 (Chaîne 1912, 132)

[222] It is necessary, from this point of view, to contrast the Ethiopian situation with what was known in Lower Egypt, for example, concerning perpetual goods of the *waqf*- type. The Egyptian archives meticulously distinguished between the *waqf* which is inalienable and the *iltizam*, equivalent to

Conclusion

In the ecclesiastical tradition of the eighteenth century, *rim* was conceived in relation to two estates. Kings gave land that they had expropriated as *gʷəlt* to churches. Individual lots to clerics were conceded from this domain.

The allotment procedure followed a common standard; *rim*s in a given domain were of a same surface area and comprised plots whereby quality and use was determined. The distribution of the expropriated land to clerics not only impoverished former owners but also redefined their fiscal status.

The disowned were accorded different status in the church domain. Some retained a significant portion of their land. A few who received *rims* had the same duties as clerics. Still others obtained *mäsqäl mədər*s or *yäwusṭ gʷəlt*. Many remained on their land and were subordinated to the church and the *rim* owner to whom they owed taxes. Heirs to the land became subjects of the cleric who acted as their judge and they could exceptionally be registered as his labourers. It could also occur that people were displaced because of the foundation of an ecclesiastical domain.

The church's tax rights overlapped with the *rim* holder's advantages. The latter could collect produce from the land or oversee its cultivation himself. It all depended on how his entitlement was prescribed. The taxation typology was not specific to ecclesiastical land; it was borrowed from the general fiscal regime. Tributes were of fixed terms, proportional, or destined to be shared among a number of recipients.

The legal system in which multiple ownerships subsisted over the same land allowed for more contractual freedom. As long as their term of entitlement had provided for such power, the owners could dispose of the asset they owned. *Rim* land was thus transferred by sale, donation, inheritance, and security pledges. Owners could set time limits to sales or consent to their benefit becoming an inheritance to its acquirer. The disconcerting characteristics of *rim* sales can be explained by the fact that this land was considered by law to be inalienable just as *gʷəlt* gifted out of charity.

The reverting of *rim* land to its seller, the indebtedness of a buyer to the seller after the sale price had been settled, find justifications in the interpretation of the law that permitted transfer of inalienable land under certain conditions.

usufruct, which can be disposed of. The terms of the contracts were careful in specifying that the transfer of the *iltizam* does not correspond to an alienation of the *waqf* . Cuno 1993, 81-83.

Because they were issued from an act of alms, *gʷəlt* land and its parts called *rim* were counted among goods that were out of commerce. By enabling the *rim* owner to get back some of the benefits he had ceded and to set a time limit to the validity of the transfer, by admitting that perpetuity of granted land meant continuation of the services prescribed by grantors, jurists gave flexibility to the law. *Rim* owners transacted and converted land value into liquidity while abiding by the rules of the estate in which they were given allotments.

The definition of 18th century *rim* land is useful in the study of its later occurrences in Shäwa and Eritrea where some aspects of its establishment by an apportionment procedure or its inalienability had survived. A close examination of the legal acts yet more profuse in the 19th and 20th centuries will tell how coterminous these traditions were. The socio-political considerations of lawmakers who regulated *rim* land are contemporary ones even though their legal system has long fallen into desuetude. Protecting a class of owners from market inequities, ensuring their economic freedom, while controlling that statutory and fiscal obligations are met with, requires an equilibrium that modern legislators still seek.

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