
The Administration of Ethiopian *Däbr* Estates in the 17th and 18th Centuries

Namouna Guebreyesus¹ and Hiruy Abdu²

Abstract

Royal land endowment to individuals and institutions is an old phenomenon in Ethiopia. The economic viability and profitability of large estates required that their administration be regulated. The *Fəṭḥa Nägästä* (the Kings' law) affirms guiding principles for donators; it was incumbent to founders of estates to define management rules without infringing on the religious power. The present article examines hundreds of seventeenth and eighteenth century legal acts (foundation documents, sales, and land transactions) collected from churches in the regions of Goğgam and Gondär. The documents reveal the emergence of an administrative structure, whereby kings prescribed regulations for the material administration of estates borrowing the style and assignment of function from court and monastic customs. They proceeded in abundance by a seventeenth century royal decree that reaffirmed the delimitation of power between state and church. The present article discusses the organisation of officers who supervised incomes and kept landholding deeds in church domains. Some administrators were assigned to control revenues and run the treasury while others ensured the registration of charters, the transfer of deeds, and eventually judgment of conflicts.

Keywords: 17/18th century Ethiopian History, Management of Land resources, *gəbər* (taxation), *sərə'at* (administrative regulations), *Fəṭḥa Nägästä*, *Däbr* Estates

Introduction

In the tradition of their predecessors, Ethiopian royalties and dignitaries founded ecclesiastical domains in the seventeenth and eighteenth centuries. The churches endowed with land were called *ደብር* (*däbrs*) and were given lavish paraphernalia and books including gospels that were enclosed in covers minted from gold. The wealth of the churches generically called *ገንዘብ* (*gänzäb*) or *ክብሩ* (*käbt*) was guarded under penalty of anathema.³

¹ Research Fellow, Andemta Research, Boston, USA. Email: namounas@gmail.com

² Institute of Ethiopian Studies, Addis Ababa University. Email : hiruyab@gmail.com

³ 'ደብር' by Sergew Hable Selassie 1989, 5; Bibliothèque nationale de France, Éthiopien d'Abbadie 231, henceforth BnF d'Abbadie 231, fol. 98v (Chaîne 1912, 132); Bibliothèque nationale de France, Éthiopien 236, henceforth BnF Éthiopien 236, fol.121v (Chaîne 1913, 31).

The most prestigious foundations managed a network of smaller churches and had over a hundred **ደብተራ** (*däbtära*) ‘clerics’.⁴ Not only clergymen but also aristocrats related to the royal family, gentry whose status depended upon appointment to offices, and craftsmen who could be men or women were counted among the *däbtäras*.⁵ Those who did not have religious education served the church by employing clergymen or by paying contributions instead. Most *däbrs* did not have a cloistered monastic community who lived together. Some were instituted as cities of refuge that could harbour those accused as criminals from the king’s justice, but this privilege was rather characteristic of monasteries.⁶ In monasteries, abbots were elected by clergymen while many chief administrators of *däbrs* were nominated by kings.⁷

Chronicles report that for eminent *däbrs* that were not monasteries, kings regularly appointed new chief administrators called **አለቃ** (*aläqa*) in Amharic or **መልአክ** (*mäl’ak*) in Gə’əz.⁸ The title of these administrators borrowed the term *mäl’ak*, meaning ‘master, governor’⁹, and compounded it with the name of the church: the head of Däbrä Šähay Q^wəsq^wam Maryam in Gondar was thus called **መልአክ ፀሓይ** (*mäl’akä šähay*), the head of Däbrä Bərhan Səlasse (also in Gondar) **መልአክ ብርሃን** (*mäl’akä bərhan*) and so forth.

⁴ For example, several church domains are placed under the authority (the word used is **ገዢ** [*gäza*] ‘rule, dominate’; d’Abbadie 1881, 869) of Däbrä Bərhan Səlasse; see ms London, British Library, Or (henceforth BL Or), 481, fol. 4r (Wright 1877, 1-6 no.II). Lords and smaller churches could maintain their land on condition that they provide services to the diocesan church ms BL Or 481, fol. 209v (Wright 1877, 1-6 no.II). Namouna 2017, 97

⁵ Mf Illinois/IES 88.V.26 (Shumet 1988, 2); Illinois/IES 89.IV.31 (Daniel 1989, 3)

⁶ Cities of refuge cited as typical examples in an 18th century legal act are the monasteries of Waldəbba, Qoraša and Maḥdärä Maryam; but *däbrs* such as Este Mäkanä Iyäsus, Gondar Bä’ata also had that status. Mf Illinois/IES 88.XIV.26. Ms BL Or 481 fol.3v, 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. 126r (Goldschmidt 1897, 63–67, no. 18), Namouna 2017,75-76

⁷ The election procedure of the abbot of the Däbrä Wärq in Goḡḡam is for instance described in a regulation partly issued in the 17th century. Mf Illinois/IES 89.III.12, 15 (Daniel 1989, 2) It is reminiscent of the elections of clergymen administrators described in the fourth and fifth chapters of the Fəṭṭa nägäšt. Bnf Ethiopien 236, fol. 17-24

⁸ See for instance the appellation *mälak* for the chief of Däbrä Šähay in the royal chronicles edited by Guidi I., 1910, 90. The specific names of the *aläqa-s* of the different *däbr-s* are also given in the article on ‘ደብተር’ by Sergew Hable Selassie 1989, 5

⁹ "መልአክ" in Kidanäwäld 1955/1956, 554

Church administrators were in general called *šum* 'governor, attendant'¹⁰. The term referred to two categories of people. Some were under the authority of the *aläqa*; they were the *täwärag*¹¹ 'lieutenant, subordinate'¹². Others did not belong to this hierarchy but interacted with it according to the rules enacted by the founder of the estate.

The offices subordinated to the *aläqa* that are most frequently found are: the *gäbäz*, the *liqätäbäbt*, the *qän geta* and the *gära geta* (sometimes with a *märi geta* as their director), the *rə'əsä däbr*, the *əqa bet*, the *mäčän* and the *əm*¹³. Their designation and functions will be discussed in the core of our exposition, but we will indicate at this stage that most of them participated in the management of the material life of the estate, in addition to performing religious duties.

It is difficult to say whether their tenure was commensurate to the office of the *aläqa*¹⁴. The repetition of the lieutenants' name over a long period of time suggests that their appointment did not depend upon the succession or decision

¹⁰ "ሹም" in d'Abbadie 1881, 235. The etymology of the word refers to the act of appointment of the officer. The word "*šum*" comes from the radical *säyämä* or *šwämä* which means ennoblement, appointment, conferment of a rank. "ሹም" "ሹም" in Dästa 1970, 1228.

¹¹ Guidi 1906, document 32

¹² "ተወራጅ" in d'Abbadie 1881, 657. "ተወራጅ" in Dästa 1970, 459.

¹³ For the churches of Addäbabay and Qäranyo the *šum*-s 'appointed officers', other than the head of the church, are 10 and 9 respectively. For the church of Däbrä bərhan səlasse, they are 12. Mf Illinois/IES 88.IV.33 (Shumet 1988,2); ms BL Or 777, fol. 1r, 2v, 6r, 7r (Wright 1877, 255, no. CCCL). Crummey, Daniel and Shumet 1994, 104. There are seven officers in the 19th century notes of Arnauld d'Abbadie; Ficquet <https://halshs.archives-ouvertes.fr/halshs-01567862>. Yet the lists are 60% similar. Arnauld d'Abbadie's account, Qäranyo's list (1789) and the Däfäça documents (Mf. Illinois/IES 88.XLI.15; Shumet 1988, 10) make mention of the so-called 'əm' function, which does not seem to be known in the Addäbabay domain.

¹⁴ The question of the identity of the *gäbäz* as well as the duration of their tenure is difficult; there is no record of appointment of these officers in the legal acts from the Ḥamärä Noḥ church and several of them are said to be serving simultaneously. During the office of *aläqa* Wäldä' ewostatewos, for example, the sales give at least three names for *gäbäz* (Iqonyon and Zəkru in Guidi 1906, document 110, Hirut in Guidi 1906, 66); there is no indication that the three individuals were not *gäbäz* at the same time. On the other hand, it happens that new names suddenly appear among those most frequently mentioned. A man named Mäzḡäbu, for example, who is mentioned in only two acts under King Iyasu, is present in 21 sales (i.e., almost half of the sales) under King Iyoas; but it is only under Wäldäl'ul and Hezqel that he is clearly called *gäbäz*. Finally, the persons called *täwärag*-s under an *aläqa* may not participate in the performance of all acts under that same *aläqa* (e.g. Guidi 1906, document 36).

of the *aläqa-s*¹⁵ but was determined by the founders of the estate. In the register of the Addäbabay Täklähaymanot church of Gondär, the list of appointed officers on the one hand and the list of offices on the other were fixed.¹⁶ The register of Q^wäsq^wam reserves land for church wardens (*bet täbaqi-s*) whose names were listed.¹⁷ A document from the church of Mädhane'aläm enumerates about twenty people who acted, in shifts of service, in the capacity of *gäbäz*¹⁸. The record of service rotation and the enumeration of witnesses to sales in the domain of Ḥamärä Noḥ also indicate that the list of functionaries such as the *gäbäz*, *bet täbaqi* and *əqa bet* did not change much.¹⁹ These examples imply that the administrators were appointed at the time of the estate foundation. The king or his officers were probably involved in the appointment procedure. It is thus unlikely that each *aläqa* was allowed to change the list of the *əqa bets* or the *bet täbaqis* since this would call into question the original land distribution made under the supervision of the king's officers.

Other administrators of the church estate did not have religious duties. They cooperated with the *aläqa* in some administrative function or represented him and his officers. They were established as land holders in the estate of the church and served as judges, treasurers and tax collectors. The ones that are mentioned in all major domains are called *wämbär*, *čəqa*, *şafi* and *blatten geta*.²⁰ Since the estate management was organised at the discretion of its founder, other types of officers are mentioned in the documentation of the numerous churches.

¹⁵ Arnauld d'Abbadie suggests that it is the *aläqa* who appoints the *əqa bet-s*. Ficquet, <https://halshs.archives-ouvertes.fr/halshs-01567862> If our assumption from the examples of Addäbabay Täklähaymanot and Ḥamärä Noḥ is correct, the author's accounts do not represent a general practice in Gondär.

¹⁶ Mf Illinois/IES 88.IV.33 (Shumet 1988, 2)

¹⁷ Mf Illinois/IES 88.IV.16, mf Illinois/IES 88.I.16, Mf. Illinois/IES 88.III.31 (Shumet 1988,2)

¹⁸ Ms. BL Or 518, fol. 172r (Wright 1877, 23-24 no.34)

¹⁹ Namouna 2017, 345-346. The only sale that uses the term *bet täbaqi* instead of *əqa bet* is the one in Guidi 1906, document 83.

²⁰ Mss BL Or 778, fol. 2r, 5v, 6r (Wright 1877, 235-254, no. CCCXLVIII); BL Or 777 fol. 10r, 285v (Wright 1877, 255, no. CCCL); BL Or 508, fol. 282r, 283v (Wright 1877, 29, no. XLIV) BL 481, 4r (Wright 1877, 1-6 no.II); mff Illinois/IES 88.V.23, 26, Illinois/IES 88.XIV.27, Illinois/IES 88.XXII.27, Illinois/IES 88.XXIV.12, Illinois/IES 88.XXXIII.16 (Shumet 1988, 2,5, 7, 8); Illinois/IES 89.III.27; Illinois/IES 89.III.14 (Daniel 1989, 2). The terms will be discussed in detail below.

Problematization:

Administrators were appointed by the founder of the church estate in accordance with the law. The *Fəṭḥa Nāgāst* (the Kings' Law) and its commentaries explain that these *šums* or *gubāñas* were to be answerable governors of the estate.²¹ Nevertheless, in the section on grants, some provisions guard against deeds that would subjugate the church to state or civil authorities. In regards to votive gifts, it was advised that they should be refused if there was a debt that ought to be deduced from their value; and the reason is explicated in saying እስመ ኢመፍትው ትኩን ቤተ ክርስቲያን በታሕተ ምልክት/ ቤተ ክርስቲያን በሌላ እጅ መገዛት አይገባትምና [for the church shall not be ruled under the dominion of the laity].²² The same principle was reiterated in the section on land endowments where the grantor was forbidden from bestowing land that was tributary to the Crown.²³

How did kings organise the administration of churches to which they granted land without infringing upon the religious power?

In *səra'ats* 'foundational statutes, regulations' of church estates, kings defined administrative powers, their nature and limitations in abiding to the prevailing customs and the law.²⁴ This legal compliance ensured that the Crown did not overreach its dominion and that it acted in continuance with admissible practices. The offices that were prescribed in *səra'ats* can be classified under two categories.

²¹ Mss BnF Éthiopien 236, fol. 122r (Chaîne 1913, 31); BnF d'Abbadie 231, p.103 (Chaîne 1912, 132)

²² Mss BnF d'Abbadie 231, p.99r (Chaîne 1912, 132); BnF Éthiopien 236, fol. 116v (Chaîne 1913, 31);

²³ The commentary explains in the 17th section on gifts የንጉሥ ግብር ያጼ ቆሎ ቢኖርበት ግን ሳያስፍቁ አይቀበሉት ቤተ ክርስቲያን በሌላ እጅ መገዛት አይገባትምና (If there are debts such as *yase qollo* that ought to be paid deduced from the value of the goods, the gifts shouldn't be received; for the Church must not be a subject of lay powers). Ms BnF d'Abbadie 231, p.99. The same prohibition repeated for land gifts can be found in Ms BnF d'Abbadie 231, p.104

²⁴ The Gə'əz *səra'at*, the Amharic *səra'at* or *sərat*, have 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; Kidanä wäld 1955/1956, 678, Dästa 1969/1970, 894. In this article, we refer to documents that use the word in a specific sense as 'an administrative regulation that defines jurisdictional and fiscal relations'. See for instance mf Illinois/IES 89.IV.31 (Daniel 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 14–15th century; see MS Bodleian 29, fol. 30v (Dillmann 1848, 76-80, XXIX), ms BL Or. 481 fol.154 (Wright 1877, 1-6, no.II).

The first category is organized according to customs and is concerned with movable goods i.e. incomes in kind or in gold. The designation of its officers and the general scope of their competence were borrowed from royal or church administrations that were founded in earlier times. There can be an explicit reference to model regulations; it is said for instance that the administration of the churches of Qäranyo Mädhanealäm and Moṭa Giyorgis (both in Goḡgam) were in the tradition of the church of Q^wəsq^wam and that Čäläqot Söllase in Āndārta was instituted in the likeness of the Däbrä Bərhan Söllase church.²⁵

Administrative regulations were evidently not copies of their models. It would otherwise have been unnecessary to present them at length. As we have stated earlier, the administration was regulated according to the will of the founder of the estate. Since the record of the models have not reached us, we can only surmise in which respect they were followed. (Section 1)

The second type of administration dealt with real estate and land holding titles. Its organisation was influenced by customs but it was also bound by a *ወግ* (*wäg*) ‘tradition of age old legal precedent, case law’ that was enunciated during the reign of King Fasiläddäs (r 1632-1667).²⁶ This *wäg* prevailed even after the most troubled years of the 18th century.²⁷ It defined the respective jurisdictions of church and state officers. (Section 2)

The present paper offers a historical example of a competent and coercive administrative structure within a system of separation of powers. Our definitions and argument are based on primary sources of the seventeenth and eighteenth centuries that were produced in the regions of Gondär and

²⁵ Illinois/IES picture 84.5.36; mf Illinois/IES 89.04.31 and Gospel Manuscript of Čäläqot Söllase fol 12. Crummey 2000, 89, 111

²⁶ In its legal meaning, *wäg* is a binding normative tradition which authors and/or circumstances of enactment are known. While early examples of this usage of the word can be found in 14-15th century texts, it also attested in the 17th and 18th centuries. Mss Bodleian 29, fol. 32v, 33v (Dillmann 1848, 76-80, XXIX); Orient. Rüpp. 39, fol. 4r (Goldschmidt 1897, 63-67, no. 18). It designates more generally the recounting of normative traditions. In the 18th century it was used to signify ‘history’ since the legal precedents, after a while were recalled in stories told by the elders. See for instance ms Orient. Rüpp. 39, fol. 72v (Goldschmidt 1897, 63-67, no. 18). See also Dästa 1969/1970, 408. In common discourse, the word is loosely understood as ‘customs, tradition’; see Leslau 1987, 607, d’Abbadie 1881, 688

²⁷ Mf Illinois/IES 88.XVIII.2 (Shumet 1988, 6) records an application of the *wäg* in the early years of the 19th century. See also Namouna 2017, 315.

Goḡḡam²⁸. Charters that were called *māṣṣhaf*, *ṭomar*, *dābdābe* of *gwālt* ‘writings of grants’ registered land donations to the church and some briefly described administrators and their benefits from the estate.²⁹ Others that were called *sər’ats* ‘statutes, regulations, provisions’ prescribed tributes that were to be paid to clerics and established administrative authorities.³⁰ Land transfer records known as *dābdabe* (writings) were acts by which land was sold, exchanged or given as surety.³¹

Later definitions will be considered to elicit the practices attested in these primary sources. The main lexical reference for the records written in Amharic is Antoine d’Abbadie’s dictionary since it is relatively complete and nearer in time and in the vernacular to the language of our documentation.³² Where it was found lacking in vocabulary and tradition, we resorted to Dästa Täklä Wäld’s dictionary.³³ Terms from the sources in Gə’əz have been explained using Kidanä Wäld Kəfle’s³⁴ and Wolf Leslau’s³⁵ dictionaries.

Semantic evolution of administrative terms will be presented with restraint in order to give perspective to the analysis without diminishing the peculiarities of the studied period. Our principal sources for the legal framework that could have oriented 17th and 18th century practices are the *Fəṭṭha Nəgāst* and the *ḥəg wā sər’atā māngəst*.³⁶ We have also considered as general references later accounts on church administration found in manuscripts such as those of the Gāwāra Q^wəsq^wam³⁷ and Däbrä ṣāhay³⁸ in Goḡḡam, Arnauld d’Abbadie’s notes on cities of refuge³⁹ as well as Mahteme Selassie Wolde Meskal’s *ገከረ*

²⁸ For other papers that use these primary documents of the 17/18 century, see Crummey 2000; Namouna 2014; Namouna 2017; Namouna and Hiruy 2018; Namouna and Hiruy 2022.

²⁹ Mss BL Or. 481, fol. 4r; BL Or 508, fol. 2v, 4r; BL Or. 777 fol. 4r (Wright 1877, 1-6, no.II; 29, no. XLIV; 255, no. CCCL). Namouna 2017, 38

³⁰ Illinois/IES 89.IV.31 (Daniel 1989, 3); Illinois/IES 84.V.36 (Shumet 1988, 1)

³¹ Namouna 2017, 38

³² D’Abbadie 1881, *Dictionnaire de la langue amariñña* [Dictionary of the Amharic language], Actes de la Société Philologique, 10 (Paris: F. Vieweg, 1881)

³³ Dästa 1970, *ዐዲስ ያማርኛ መዝገበ ቃላት* [New Amharic Dictionary], (Addis Abāba: Artistik mattāmiya bet)

³⁴ Kidanä wäld 1955, *መጽሐፈ ሰዋሰው ወግስ ወመዝገብ ቃላት ሐዲስ* [Māṣṣhafä säwassəw wägəs wāmāzgābā qalat ḥadis], (Addis Abāba: Artistik mattāmiya bet)

³⁵ Leslau, W. 1987. *Comparative Dictionary of Ge’ez*, (Wiesbaden: Otto Harrassowitz, 1987)

³⁶ The content of these texts is explained in the next paragraph.

³⁷ Mf Illinois/IES 89.XVI.23-26 (Daniel 1989, 14)

³⁸ UNESCO Series 6 no. 53 ([UNESCO Mobile Microfilm Unit] 1970)

³⁹ Ficquet 2017, <https://halshs.archives-ouvertes.fr/halshs-01567862>

ነገር [Of things memorable]⁴⁰, Gäbräwäld Ängədawärq's የኢትዮጵያ መሬትና የግብር ስም [Landholding and fiscal terminology in Ethiopia]⁴¹ and Habtämaryam Wärqənäh's ጥንታዊ የኢትዮጵያ ትምህርት [The ancient education system in Ethiopia]⁴².

The study is based on hundreds of legal acts sourced from several archives. 17th and 18th century grants, sales, loans, judgments, regulations registered as marginalia or addenda to religious manuscripts were microfilmed by Donald Crumme. The microfilms were deposited at the University of Illinois and the Institute of Ethiopian Studies (IES). The Illinois/IES collection was catalogued by Shumet Sishagn and Daniel Ayana.⁴³ Comparable documentation is found in manuscripts from the Orient collection of the British Library; this collection comprises codices looted from the royal library of king Tewodros by the British army in 1868 and it is now partly accessible online⁴⁴.

To understand the legislative system within which these legal acts were produced, we consulted the compendium known as አግ ወሥርዓተ መንግሥት (*hæg wä sər'atä mängəst*); it consists of constitutional, fiscal, jurisdictional and royal household administration rules that sometimes had their origins in *wäg* 'tradition of age old legal precedents, case law'. We used the *hæg wä sər'atä mängəst* found in manuscripts copied for James Bruce and Edward Rüppel, kept in the Oxford Bodleian and the Stadtbibliothek zu Frankfurt am Main libraries.⁴⁵ Another source for the legal system of the 17th and 18th centuries is

⁴⁰ It is a book compiling administrative regulations and describing the Imperial Court of the 19th and beginning of 20th century. Mahteme Selassie Wolde Meskal 1970, *ዝክረ ነገር* (*Zäkrä nägär*, 'Of things memorable') (Addis Abäba: Artistik Mattämiya Bet).

⁴¹ It is a book that defines and describes landholding regimes; Gäbräwäld Ängədawärq 1956. *የኢትዮጵያ መሬትና ግብር ስም* (*Yältyopäya märetana gäbər säm* 'Landholding and fiscal terminology in Ethiopia') (addis Abäba; Tənsa'e zäguba'e matämya bet).

⁴² This book describes traditional methods of education and church administration. Habtämaryam Wärqənäh 1970, *ጥንታዊ የኢትዮጵያ ትምህርት* (*ፒጎጥጎ ያልጥራት የኢትዮጵያ ትምህርት* [The ancient education system in Ethiopia]), (Addis Ababa)

⁴³ Shumet 1988, *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 1989, *A catalogue of land tenure related microfilm from churches and monasteries of Gojjam recorded between January and July 1989* (Addis Ababa).

⁴⁴ Wright, W. 1877. *Catalogue of the Ethiopic manuscripts in the British Museum acquired since the year 1847* (London. Longmans & CO., London–Berlin: Asher & CO., 1877)

⁴⁵ Ms. Orient. Rüpp. 39 (Goldschmidt 1897, 63–67, no. 18); MS Bodleian 28 (Dillmann 1848, 74–76, XXVIII). The king's judges, who also held the position of chroniclers, were in charge of compiling legal texts. Because of this combination of functions, the corpus of rules concerning jurisdiction is presented as an appendix to the royal chronicles such as these two

the **ፍትሐ ነገሥት** (Fəṭḥa Nāgāst), ‘the Kings’ Justice’.⁴⁶ Law scholars explain that the book, originally written in Arabic, was brought to Ethiopia in the 15th century. It is first mentioned as a basis for legal decision about a century later.⁴⁷ The *Fəṭḥa Nāgāst* was translated to Gə’əz and interpreted in Amharic; commentators evoke early annotations from Šäwa but most of the exegesis was completed and consolidated in Gondär in the 17th and 18th centuries by jurists such as Ṭəqur Kābte and Qob aṣṭəl Ḥaylu.⁴⁸ The commentaries were taught in the Gondärine tradition with examples contemporary to the time of their composition and we refer mainly to the manuscripts prepared by the 19th century scholars, *mälakä bərhan* Wäldä Yoḥannəs⁴⁹ and *däbtära* Tāwäld mädhən.⁵⁰

1. The Administration of Income

The Fəṭḥa nāgāst in its section on land endowment distinguishes between two types of movable goods⁵¹. Some were considered as accessory to land; these were revenues from the land, tributes and taxes. In the 17th and 18th centuries, sacks of grain, honey, oil, wood and the like were brought as payments in kind by tributaries. The church as well as its clerics depended for their livelihood on the adequate organisation of the fiscal administration. (Section 1.1.)

The other movable goods according to the book of law were those that could easily be lost or be taken away. These were the kind of goods frequently offered as votive gifts. They consisted of books, carpets, fabrics and of the various valuables donated to a church. (Section 1.2.)

manuscripts. "*Sər'atä mängəst*", *E Ae*, IV (2010), 632-634 (Nosnitsin D.) Kropp 2011, 112, 120, 123

⁴⁶ [Ethiopian Orthodox Church] 1997/1998. **ፍትሐ ነገሥት ንብሉና ትርጓሜው** [The law of the kings: the text and translation]

⁴⁷ Conti Rossini 1907, 76

⁴⁸ Ms BnF d'Abbadie 231, 1, 23 (Chaïne 1912, 132). Commentary [Ethiopian Orthodox Tāwəḥədo Church] 2002/2003, 581

⁴⁹ His commentaries of the religious section of the Fəṭḥa Nāgāst are found in BnF Éthiopien 236 (Chaïne 1913, 31). The same scholar has also commented on the second section dedicated to civil law; we used a manuscript in a private collection henceforth referred to as "M.B. Wäldä Yoḥannəs commentary". For a biography of Wäldä Yoḥannəs, see Sergew Hable Selassie 1988, 157-162

⁵⁰ BnF d'Abbadie 231 (Chaïne 1912, 132). For a biography of its author, see 'Tāwäldä Mädhən', *E Ae*, IV(2010), 875b-876a, (Tedros A.)

⁵¹ BnF d'Abbadie 231, 100-103 (Chaïne 1912, 132)

1.1. The Administration in Charge of Taxes and Tributes

The collection of taxes and tributes was a process which required a constant monitoring. Some officers surveyed the good use of resources in the estate. Their work benefited the church but also the clerics who were given land. (Section 1.1.1)

The levying and use of revenues by clerics was a private matter; and therefore church records rarely mention the management of these goods. Tributes and taxes owed to the church and its administrators on the other hand were a subject of *sər'ats*; the transportation of the goods from the production area to the church, expenditures and acquisitions were registered by officers. (Section 1.1.2)

1.1.1. The Good Use of Resources

In all domains, the main resource from which the clerics and the church obtained their revenues was the land. Some churches were also given taxation rights. Markets and the usage of water resources could also be taxed.

The management of the land

The officer who oversaw the cultivation of the land was called the *čəqa šum* or simply *čəqa* i.e. ‘manager of the soil’⁵². In a manuscript that belonged to the church of Addäbabay Täklähaymanot, an 18th century record describes the activity of one *čəqa* as follows:

የጉርተሌ ጭቃ ንጤ ነው የደብተራውን ምድር የሚመራ ምድሩም ያለ
በጉሪዝባ በጉርተሌ ነው።

The *čəqa* of Gwärtäle is Nəṭe. He supervises the land of the clerics. And the land [he is in charge of] is in G^wärizba and G^wärtäle.⁵³

⁵² ‘*čəqa šum*’, *E Ae*, I(2003), 707-708 (Pankhurst R.). A church regulation of the 19th century similarly states ምድሩን ሊቀ፡ ረዱን፡ ይዞ፡ ጭቃው፡ ባወቀ ፡ ለባለርስት፡ ሊያስጠምድ፡ ነው ‘the *čəqa* with the help of the *liqä räd* is to conduct the ploughing of the land at his discretion’. Mf. UNESCO Series 6 no. 53 p.12v ([UNESCO Mobile Microfilm Unit] 1970). Another later example from Šäwa indicates that the *čəqa* had a role in the collect of taxes on the products of the land, and in passing orders from the regional administration to the farmers working the land; Mahteme Selassie 1967/1968, 15

⁵³ Ethiopian Manuscripts Microfilm Library (EMML) 6359.06; mff. Illinois/IES 88.IV.16, 88.IV.19 (Shumet 1988, 2)

The term that we have translated as ‘supervises’ is *yämimär*. Its root *mär* has the meaning of ‘conduct, administer’ or ‘irrigate by means of channels, ditches’; the officer is thus sometimes designated as ‘märi’.⁵⁴

The *čəqa* is elsewhere called *məzakər* ‘fiscal controller, exchequer’.⁵⁵ The term is an old appellation for fiscal departments in texts ascribed to the fourteenth and the fifteenth centuries. In the parlance of the seventeenth and eighteenth centuries however, it was more often used as a designation of officers in the services of these departments.⁵⁶ In ecclesiastical estates, the *məzakər* could be a church⁵⁷ or an individual administrator like the head of a church, a metropolitan or a *čəqa*.⁵⁸ In this capacity these officers supervised not only the cultivation of the land but also the payment of tributes. They were given a living with incomes called *yäməzakər bəl*.⁵⁹

The word ብል (*bəl*) was used for tributary incomes from a land which could not be disposed of by the beneficiary of the income; it literally means ‘provisions’.⁶⁰ More generally however, the *čəqa*’s compensation was called የጭቃ ወርቅ (*yäčəqa wärq*) ‘the *čəqa*’s [compensation paid in] gold’. It was collected from the church land given to these officers as የጭቃ ማደር (*yäčəqa madäro*) or የጭቃ መጋራያ (*yäčəqa mägaräfyä*).⁶¹ *Madäro* is a word derived from *adärä* ‘to reside, dwell’; it designates land or income from plots given to officers such as the *čəqa* and mediators established in church estates.⁶² The

⁵⁴ This is close to the formulation ምድሩን፡... ሊያስጠምድ፡ ነው ‘(he) is to conduct the ploughing of the land’. Mf. UNESCO Series 6 no. 53 p.12v ([UNESCO Mobile Microfilm Unit] 1970). For the definition of the term *märi* see Dästa 1969/170, 801. Kane 1990, 169

⁵⁵ Ms. Orient. Rüpp. 39, fol. 25r (Goldschmidt 1897, 63–67, no. 18), Conti Rossini 1904, 35–36, "መዘክር" in d'Abbadie 1881, 722

⁵⁶ Mss Bodleian 28, fol. 10v (Dillmann 1848, 74–76, XXVIII), BL Or.481 fol.4r (Wright 1877, 1–6, no.II), Guidi 1910, 35,156, 191.

⁵⁷ Mss BL Or. 778 fol. 6v; Or. 481 fol.4r; Or.777 fol. 284r (Wright 1877, 235–254, no. CCCXLVIII; 1–6, no.II ; 255, no. CCCL)

⁵⁸ Ms BL Or. 481 fol.4r; Or.778 fol. 6v, 9r; Or.777 fol. 284r (Wright 1877, 1–6, no.II; 235–254, no. CCCXLVIII; 255, no. CCCL)

⁵⁹ Ms BL Or.778 fol. 6v. (Wright 1877, 235–254, no. CCCXLVIII)

⁶⁰ Ms BL Or. 660 fol. 165v–166r (Wright 1877, 153, no. CCXXXII); EMMML 1832 fol.2r, 340v (Getachew V, 292–301)

⁶¹ Mf Illinois/IES 89.IV.34 (Daniel 1989, 3); Illinois/IES 88.XXII.26 (Shumet 1988, 7)

⁶² The income from the *madäro* could be received in salt bars. Mf Illinois/IES 88.XLI.19 (Shumet 1988, 10); ms BL Or. 518 fol. 16r (Wright 1877, 23–24, no. XXXIV). The term *adärä* in Amharic has been defined in d'Abbadie 1881, 564, its Gə'əz equivalent is defined in Kidanä wäld 1955/1956, 473

mägaräfyä registered as *mägafäryä* in Antoine d'Abbadie's dictionary and as it is in later dictionaries has the meaning of 'provisions for tax collectors'.⁶³

The *čəqa*'s authority was territorial; in the example above from the church of Addäbabay Täklähaymanot, it was confined to the lands in G^wärizba and G^wärtäle. Information from other domains further attests to the territoriality of the office. Records from the churches of Q^wəsq^wam Maryam, Fänja Maryam, Ǝste Mäkanä Iyäsus and Hamärä Noḥ sälästu mə'ət all mention *čəqa*-s attached to specific lands⁶⁴. A legal act in the register of Mahdärä Maryam measures the lots assigned to the clerics of this church by fractions of *čəqa*, considering the territorial domain of the officer as a constant (በጭቃ፡አኩሌታ 'half a [territory of] *čəqa*')⁶⁵.

The regulations of the church of Mänbärä mængəšt Mädhane'aläm provided that certain persons may, upon payment of a fee, become *čəqa* officers⁶⁶. In the domain of Fit Michael, another church founded by King Fasiläddäs, the exercise of the office of *čəqa* is subject to the same conditions⁶⁷. The payment was owed to the head of the church and/or his officers. It was considered a መሸዋጫያ (*mäs^wamia*) 'a means of obtaining appointment to an office'⁶⁸. The amount of the payment may depend upon the size of the land which the *čəqa* managed; the sum varies in the records we have been able to consult, between half a *wäqet* (half an ounce) and an ounce of gold. The numerical value of the *mäs^wamia*, when it is paid in gold, does not change over time: half a *wäqet* is the price of the administration of six lands under King Fasiläddäs (r 1632-1667) as well as under king Täklähaymanot (r 1769-1777)⁶⁹.

It is however difficult to appreciate the exact value of the payment, since it depends on socio-economic circumstances about which we do not know

⁶³ D'Abbadie 1881, 895; the word መጋሪፊያ is registered in the meaning of 'provisions given as service fee for tax collectors' in Täsämma Habtämiika'el 2010, የዐማርኛ፡ መዝገበ፡ ቃላት [Yä'amarəñña mägäbä qalat 'Amharic Dictionary'], second edition, (Addis Abäba), 1173. Kane 1990, 1952.

⁶⁴ Mf. Illinois/IES 88.IV.16 and 88.IV.19; Mf. Illinois/IES 88.X.26-27; Mf. Illinois/IES 88.XXII.31 (Shumet 1988, 2 (for the two first microfilms); 4 ; 7). Ms BL Or.508 fol.284v (Wright 1877, 29, no. XLIV)

⁶⁵ Mf. Illinois/IES 88.XIV.6 (Shumet 1988, 5)

⁶⁶ Ms BL Or. 518 fol.16r (Wright 1877, 23-24, no. XXXIV)

⁶⁷ Mf. Illinois/IES 88.XLI.20 (Shumet 1988, 10)

⁶⁸ "ሸዋጫ" in d'Abbadie, 1881, 234- 235.

⁶⁹ Ms. BL Or. 518, fol. 15v, 16r (Wright 1877, 23-24, no. XXXIV). Mf. Illinois/IES 88.XLI.14, Mf. Illinois/IES 88.XLI.19. (Shumet 1988, 10)

enough. What does appear in the deeds is that the amount is sometimes determined with reference to legal fees. The *çəqa* of the estate of Däbrä Bərhan Səlasse established in 1694, for example, buys his office by transferring to the head of that church the court fees paid by the *tis*, 'the inhabitants of the land'⁷⁰. In the grant document of Aṭaṭami Mikael, the *mäs^wamia* was for one land paid in kind, in pots of honey and in salt bars; if it is not a scribal error the fee in this particular case seems to be the highest of all since it can be converted to two and a half ounces of gold.⁷¹

In some cases, the possibility of purchasing the office of *çəqa* was expressly reserved for the *balārəst* and possibly his descendants. In this context, the *balārəst* was a landholder by inheritance whose lands were allocated to a church⁷². *Çəqa*-s could indiscriminately belong to the laity or be clergymen.⁷³ By paying the *mäs^wamia*, they bought the right to the office of *çəqa*. This was not a tax on land inheritance as were some types of *mainmorte*⁷⁴, but a charge for the succession to the office.

The person who bought the office may also have been newly established as a 'cleric' when the estate was founded. He then received land in the capacity of a person who owed ecclesiastical services to the church. This type of officer is different from those who only had administrative duties. Their distinction is difficult especially as lands may be granted to *çəqa* officers as remuneration

⁷⁰ Photo Illinois/IES 84.DBS.VI

⁷¹ Ms. BL Or.778 fol.2r (Wright 1877, 235-254, no. CCCXLVIII); the overall payment that church officers received as *mäs^wamia* is said to amount to 7.5 ounces of gold. On each of four plots the *mäs^wamia* is half an ounce, on the fifth land an ounce and on the sixth 4 pots of honey and 80 bars of salt. This means that the 4 pots and 80 bars of salt value of barter was 4.5 ounces of gold.

⁷² Ms. BL Or. 518, fol. 15v (Wright 1877, 23-24, no. XXXIV). Mf. Illinois/IES 88.XXII.28 (Shumet 1988, 7). The persons who are called *çəqa* in one document are landholders by inheritance. Elsewhere, a few *çəqas* were mentioned as *balāhagär*; the term means land masters, natives and is used specifically to refer to former occupants of lands granted to a church. Guidi 1906, document 39. "Ⲓⲁ", "ⲒⲁⲚⲤ" in d'Abbadie, 1881, 327, 336. The chronicles in the manuscript Ms. Orient. Rüpp. 39, fol. 126r, 127v (Goldschmidt 1897, 63–67, no. 18). . The ms. BL Or. 518, fol. 171v (Wright 1877, 23-24, no. XXXIV)

⁷³ For an example of a *çəqa* who also acted as a chanter see Ms BL Or. 508 fol.280v (Wright 1877, 29, no. XLIV)

⁷⁴ *Mainmorte* was the tax paid to a lord by heirs if they wanted to assume possession of the land of a tenant who died. Bloch 1994, 366. When Arnauld d'Abbadie indicated that the lands of the church were of *mainmorte*, he seems to use the word in its other definition; just as its equivalent *mortmain* in English, it can mean 'condition of inalienability, perpetual holding of land. Ficquet, <https://halshs.archives-ouvertes.fr/halshs-01567862>

for their services. In the church domains of Q^w əsq^w am Maryam and Mänbärä mängəšt Mädhanealäm for example, a number of land were given to the *čəqa*-s⁷⁵.

The office of *čəqa* is the typical example of the venality of administrative functions in ecclesiastical estates. In traveller tales, it is said that when the reforms of Ras Gugsa Märsa at the end of the 18th century annulled hereditary rights, landowners tried to be employed in his court and administration to keep their social status.⁷⁶ The *čəqa* office was then sought by many and in the 19th century it will continue to be paid for, and to be reserved for certain families.⁷⁷

The *čəqa* could be assisted by other functionaries in his tasks. In the 18th century *sərə'at* of the Nazret Iyäsus church, officers called *əgər* were appointed. They were to help in the land survey and the valuation of tributes.⁷⁸

Another administrator called *qäbäle*, is mentioned in records of a few churches as a seller or a witness of land sales.⁷⁹ A *qäbäle* was an official who according to Antoine d'Abbadie⁸⁰, acted like a mayor. In an estate reorganized by Queen Məntəwab's (r. 1730 – 1769) daughter in Goğgam in the second half of the 18th century, this officer had the same function as the *čəqa*; he had to supervise the harvests and assess, calculate the contributions that were due⁸¹. Täsämma Habtärika'el's dictionary, though probably referring to more recent practices, states that the *qäbäle* has the responsibility for a district of the same name and confirms that his duties resemble those of the *čəqa*⁸².

⁷⁵ Ms. BL Or. 518, fol. 173r (Wright 1877, 23-24, no. XXXIV), የጥቃ: የምድራቸው: መሽ-ዋሚያው: አላድ [the payment for obtaining the appointment of *čəqa* to their lands is half an ounce (of gold)]. These are persons who in another deed on the same page obtain the lands as payment for their services as judges of the estate of the church of Mädhane'aläm. The same situation can be observed in the domain of the church of Q^w əsq^w am. Mf. Illinois/IES 88.IV.19 (Shumet 1988, 1)

⁷⁶ Pankhurst 1961, 137- 138

⁷⁷ Ms. UNESCO Series 6 no. 53, fol. 7r ([UNESCO Mobile Microfilm Unit] 1970)

⁷⁸ Illinois/IES 89.III.33 (Daniel 1989, 3)

⁷⁹ Ms BL Or. 508 fol.281v (Wright 1877, 29, no. XLIV); Mf. Illinois/IES 88.XXI.9 (Shumet 1988, 7)

⁸⁰ "ቀበሌ" in d'Abbadie 1881, 284

⁸¹ Mf. Illinois/IES 89.III.33 (Daniel 1989, 3)

⁸² "ቀበሌ" in Täsämma, 2009/2010, 377.

The management of other resources of the estate

Some churches were granted taxation rights on the use of other type of resources within the estate. The authorities in charge of levying such revenues were not always identified. The combined reading of records from different domains and more recent practices give nonetheless some indications.

King Tewoflos (r 1708-1711) transferred the taxes on wood sales from a market called *Ras gäbäya* to the Ḥamärä Noḥ church.⁸³ Similarly, the church of Ḥeste Mäkännä Iyäsus was entitled to a tithes on the proceeds of a market.⁸⁴ We do not know for certain who collected these taxes but officers called *qəre geta* are mentioned in transactional records of the Aṭaṭami Mika’el and Ḥamärä Noḥ churches; a *qəre geta* is an officer in chief of retailers who also judged their conflicts.⁸⁵

The church of Ḥeste Mäkännä Iyäsus was also given rights over the mineral water springs to which herders brought their cattle. The *aläqa* and three persons who held land in the estate as familial heritage were to share the income from taxation.⁸⁶ We learn from a judgment in the domain of the Atkanna Giyorgis church that there was an officer called *wuha šum* ‘manager of water’; it is probable that such an officer had a function comparable to the *azzaž zä wuha* who worked in the royal administration and that he collected water usage fees.⁸⁷ The office of *wuha šum* could be established as hereditary.⁸⁸

The tributes and taxes owed to the church reached their final recipient directly or through intermediaries. Especially since most debts were paid in kind, the services of couriers, porters had to be employed. And once the goods had arrived at the church, arrangements had to be made for their storage.

1.1.2. The Transportation and Storage of Goods

Goods received by the church were administered under the direction of the *aläqa*. Officers who managed the income from taxation belonged to the

⁸³ Ms BL Or. 508 fol. 278r (Wright 1877, 29, no. XLIV)

⁸⁴ Mf Illinois/IES 88.XXII.27 (Shumet 1988, 7)

⁸⁵ «ጥሬ» in d’Abbadie 1881, 263.

⁸⁶ Mf Illinois/IES 88.XXII.27 (Shumet 1988, 7)

⁸⁷ Mf Illinois/IES 88.XXXVI.13 (Shumet 1988, 9). The officer in the royal administration received a predefined jurisdictional fee for his services as judge. Ms. Orient. Rüpp. 39, fol. 5r (Goldschmidt 1897, 63–67, no. 18)

⁸⁸ Mf. Illinois/IES 88.XXXVI.13 (Shumet 1988, 9)

hierarchy of the *däbr šumamənt* ‘church dignitaries’. Besides their usual administrative duties, they took part in rituals and formal ceremonies. These dignitaries who are the subject of our first section are enumerated in the list of land sale witnesses and in regulations, as *gäbäz*, *qäñ geta*, *gəra geta*, *bet täbaqi geta*, *mäčän*, *əm* and *əqa bet*, *əqa täbaqi* or *tran täbaqi*. Their order of enumeration⁸⁹ is indicative of their rank since it corresponds to the chain of command described in the later tradition of the 19th century.⁹⁰ (Section 1.1.2.1)

Other functionaries acted as registrars of the sacristy, of the paraphernalia, books and miscellaneous riches that were given to the church by its founder or by the faithful. These, contrary to the *däbr šumamənt* were not all clergymen; they were judges of the civil order, officers assigned exclusively to the material government of the church. (Section 1.1.2.2)

1.1.2.1 *The administration of incomes from taxation*

There are records that deal with exchange and barter transactions that are particularly instructive for understanding the administration of church incomes. We will focus on a long record from the church of Yohannəs in Gondär. It is an account of incomes (ዘገባ *zägäba*) and expenditures (ዘገባ *zäwäša*) over a period of three years; it is detailed in subsidiary periods extending from a month up to a semester.⁹¹

The registered incomes were tributes to the church and its officers that were paid in kind, in measures of cereals and pulses; this is consistent with practices

⁸⁹ For instance in mss. BL Or. 778 fol 1v, 4v, 7r and BL Or. 777 fol 1r, 2v (Wright 1877, 235-254, no. CCCXLVIII ; 255, no. CCCL). These officers are also found in the domains of Q^w əsq^w am and Qäranyo Mädhanealäm; but the order of their enumeration in the regulation of Qäranyo slightly differs in reversing the *mäčän-s* and the *əm-s* and placing the *əqa bet aläqoč* over them; this latter change could be explained by the fact that *aläqoč* ‘chiefs’ were hierarchically superior to regular officers like *əqa bet* or *tran täbaqi* mentioned elsewhere in the same record. Mf. Illinois/IES 88.I.17 (Shumet 1988, 1), Illinois/IES 89.IV.31 (Daniel 1989, 3). Crummey, Daniel and Shumet 1994, 104.

⁹⁰ In church regulation of the 19th century, the *qäñ geta* and *gəra geta* organise service rotation of clerics and the *əm-s* regulate the beginning and end of services. The *bet täbaqi geta* assists the *əm-s* and is in charge of the paraphernalia that is used in ceremonies; they make inventories when delivering the articles and when storing them back into the treasury. The store keeper is the *əqa täbaqi* or *tran täbaqi*. Mf. UNESCO Series 6 no. 53, fol. 18v ([UNESCO Mobile Microfilm Unit] 1970)

⁹¹ The incomes of the first year are reported without a heading that indicates the period of registration. Ms BL Or. 521 fol. 152v-153r (Wright 1877, 32, no. XLVIII)

known from other domains.⁹² The expenditures are varied: by barter the church obtained raisins, incense, firewood, wax and oil needed for religious services; it also paid compensations to labourers who renovated buildings, loaded pack animals or pitted grinding slabs and to clerics who assisted the church by acting as housekeepers, registrars and bailiffs. Like other establishments, the church of Yoḥannəs was required to commemorate its founder; the expenses for the feast of remembrance are also reported in the record. There is even a mention of cats being acquired, most probably to protect the granaries and the rest of the treasury from rodents.⁹³

Certain monasteries whose *sər'at* was at least partially amended in the 17th century, had officers such as those called *bete ab-s* who travelled to the fields to bring back tributes.⁹⁴ Regulations of some estates dictated that certain dues be delivered; in the domain of Däbrä Bərhan Šəllase for instance, the agricultural produce owed to the *aläqa* and the officer called *liqä mäsämər* were to be brought to Gondär for imposition.⁹⁵ Most churches however do not seem to have had a specific personnel for this task. And thus the ledger of the Yoḥannəs Mätməq church notes that part of the contributions were loaded on the pack animals sent by the *aläqa*, that a ሎሎ (*lole*) 'page' of the *aläqa* brought other tributes, and that compensations called *ərat*⁹⁶ were paid to the ጫኞች (*čəñoč*) 'loaders'.⁹⁷

Over a period of four months, labourers who loaded the tributes on pack animals were allocated one ማድጋ (*madəga*) and four ስቤላ (*əbela*) of grain.⁹⁸

⁹² For instance mss BL Or. 495 fol.1r (Wright 1877, 17-18, no.XIX), BL Or. 508 fol.286v (Wright 1877, 29, no. XLIV)

⁹³ Ms BL Or. 521 fol. 152v (Wright 1877, 32, no. XLVIII)

⁹⁴ Mff Illinois/IES 88.XXXVII.16-17 (Shumet 1988,10); Illinois/IES 89.II.20, 23 (Daniel 1989, 2)

⁹⁵ Ms BL Or.481 fol.4r (Wright 1877, 1-6, no.II)

⁹⁶ The term that literally means 'supper' also designates the compensation given to certain judges and dignitaries, originally paid in subsidies. Commentaries of the Fəṯḥa nəgäšt edited by the EOTC p.511, mf Illinois/IES 89.2.5

⁹⁷ Mff Illinois/IES 88.XXXVI.16-18 (Shumet 1988,9); Illinois/IES 89.II.20, 23 (Daniel 1989,2)

⁹⁸ A *madəga* is a large vase used as one of the basic measure for liquids and grains; Book of Kings II, 5.10 commentary p.37; Cambridge, University Library, MS Add. 1570 (henceforth MS Cambridge Add.1570), fol. 260v. Ullendorff and Wright 1961, 1-2, II (Add.1570); mf Illinois/IES 88.X.16 (Shumet 1988, 4); ms BL Or 778 fol 2r (Wright 1877, 235-254, no. CCCXLVIII) ; 38th chapter in M.B. Wäldä Yoḥannəs commentary, p. 88. In the 19th century it had a capacity of about 30 litres. ማድጋ in d'abbadie 1881, 112-113. An *əbela* is in the 18th century a vessel used for small measures; its volume estimate based on the manuscript from

When it was on a yearly basis, they were paid a fifth of the load.⁹⁹ This closely corresponds to fees paid by clerics for the tribute they received for themselves. In King Dawit III's (r 1716-1721) grant record to the church of Aşaşami Mika'el, it was exceptionally prescribed that clerics established in the locality of Bäläsa could levy not only grain but also salt bars called አሞሌ (*amole*) to cover የወደል ጋዝ (*yäwädäl gaz*) 'transportation costs'; the fees amounted to 17-19% of the load's value.¹⁰⁰

Part of the tributes paid to the church fall under the purview of the *gäbäz*. Since at least the 13th century, the *qesä-gäbäz* in ecclesiastical terminology was the priest who guarded the church treasury¹⁰¹. When the *Fäthä Nägästä* was annotated, the provision concerning the priest of a church who received thanksgiving donations was therefore interpreted as pertaining to the *gäbäz*.¹⁰² In some church estates of the 17th and 18th centuries, those acting as *gäbäz* were chosen by the founders to perform their duties following a set rotation. In the Ḥamärä Noḥ estate, they were designated as *mämhär*, *abba*, *däbtära* or

the Yohannəs church is about 10 litres while another record suggests that it was a vessel smaller than the *ladan*. In the 19th century the *ladan* was defined as a measure which volume highly varied between 3 and 17 litres. Ms BL 521 fol 152v (Wright 1877, 32, no. XLVIII); Illinois/IES 84.IV

⁹⁹ Ms BL 521 fol. 152v (Wright 1877, 32, no. XLVIII)

¹⁰⁰ Ms BL 778 fol. 2r (Wright 1877, 235-254, no. CCCXLVIII). The calculation is based on the barter rate described in the ledger from the Yohannəs church. It is said that pulses measured by 1 *madäga* and 2 *mägäbäria* was exchanged for 1 *madäga* wheat while 6 *madäga* pulses were exchanged for 8 salt bars; therefore 3 *madägas* wheat was valued at about 8 salt bars, if the small measure of *mägäbäria* is omitted for simplification purposes. The clergymen established by King Dawit III were given 1 *čan* and 2 *madägas* tribute and 6 salt bars for transportation; since 1 *čan* is equivalent to 10 *madägas*, the tributes amounted to 12 *madäga* wheat. 6 salt bars were enough to procure 2.25 *madägas* wheat. Therefore transportation fees were about 18.7% of the load value. The same calculation for the transportation fees collected by the cantors gives a result of 16.6%.

¹⁰¹ "ገበዝ" in d'Abbadie 1881, 850-851; "ቁሰ ገበዝ በጸዮን" in Sergew 1978, 132; "ቀሰ" in Leslau 1991, 447. Merid Wolde Aregay explains that the *gäbäz* was a clergymen traditionally elected by the community of clerics. Because of the election of the *gäbäz* and the separation of the powers of the *aläqa* (jurisdictional, administrative) and the *gäbäz* (in charge of the economic and spiritual life of the monastery), this subordination can have limits, Merid 1985, 96. Arnauld d'Abbadie writing in regards to 19th century customs also wrote that the appointment followed an elective process but that the voters were the oldest occupants of the *däbr*. Ficquet, <https://halshs.archives-ouvertes.fr/halshs-01567862>.

¹⁰² BnF d'Abbadie 231, 99 (Chaîne 1912, 132), BnF Éthiopien 236, fol. 116v (Chaîne 1913, 31). The wording in Gə'əz that has been translated as *gäbäz* by the commentary is ቀሰ.ሰ ዘቤተ ክርስቲያን [Ethiopian Orthodox Täwahədo Church] 2002/2003, 243.

geta, all titles suggesting that they were clergymen.¹⁰³ In the monastery of Rema Mädhane'aläm whose regulations were re-enacted in the 17th century, the appointment to this office required that a payment in salt bars be made to the abbot¹⁰⁴.

The *gäbäz* is the officer in charge of the መሥዋዕት ሀገር (*mäswa'ät hagär*) i.e. the land that provided for the services of the Eucharist. His role in supervising the incomes from this territory is mentioned both in regulations and in grants.¹⁰⁵ In some estates, he was appointed upon payment of a fee and the office could be reserved to his family.¹⁰⁶ He could be assisted by officers such as the *blattengeta*¹⁰⁷. But those who were most frequently named as his adjutants were the ዕቃ ቤት (*əqa-bet*) 'officers of the treasury'; the land they were granted were governed by the *gäbäz*.¹⁰⁸ Together with them he received contributions to the church and sold a part to procure other goods.¹⁰⁹ In the commentaries of the *Fəṯha Nägäšt*, the phrase ይህሙ... መገባተ ከመ ደመግቡ ለዘይብውእ ወይወጽእ [administrators who account for the incomes and expenditures shall be appointed] was understood as referring to the *əqa-bets*.¹¹⁰

The *əqa-bet*, however, did not only manage incomes that were tributary. The house, called by the same name as the officer, was a storage of all the movable goods of the church.¹¹¹ Vestments, books and different objects were kept there.

¹⁰³ Later, at the end of the 19th century, the goods kept in the sacristy were of great value and the *gäbäz* then became laymen who belonged to the royal family. The *gäbäzanna* was an institution regulated by a 'charter'. Hailegabriel 1972, 67-80. For an account of the function from a liturgical perspective, see "Qəddase Paraphernalia", *EAE*, IV (2010), 275b-278 (Fritsch E.). "Churches and Church Administration", *EAE*, I (2003), 742 (Nosnitsin D., Fritsch E. and Dimetros W.)

¹⁰⁴ Mf Illinois/IES 88.XXXVII.16-18 (Shumet 1988, 10)

¹⁰⁵ Ms BL Or. 777 fol. 13v (Wright 1877, 255, no. CCCL)

¹⁰⁶ Mf Illinois/IES 88.XXXVI.13 (Shumet 1988, 9)

¹⁰⁷ Mf Illinois/IES 88.XII.18 (Shumet 1988, 5). For an example of the 19th century modelled on earlier regulations see Mf Illinois/IES 89.XVI.24 (Daniel 1989, 14)

¹⁰⁸ Mf Illinois/IES 89.IV.31 (Daniel 1989, 3)

¹⁰⁹ MS BL Or. 508 fol.286v (Wright 1877, 29, no. XLIV). Guidi 1906, document 130. Namouna 2017, 345

¹¹⁰ BnF d'Abbadie 231, 99 (Chaîne 1912, 132), BnF Éthiopien 236, fol. 116v (Chaîne 1913, 31). [Ethiopian Orthodox Täwähədo Church] 2002/2003, 243

¹¹¹ For an example of a treasury house storing miscellaneous movable goods see mf. UNESCO Series 12, no.10 p. 237 ([UNESCO Mobile Microfilm Unit] 1970)

1.1.2.2 The administration of the sacristy

There are three types of records from the 18th century that are useful in determining the work division between officers who were in charge of the sacristy. One is presented as a list of clerics ‘ጉልቁ ደብተራ’ and organises the service rotation of cantors (መራሕያን), wardens (ቤት ጠባቂ) and church scholars (ደብተራ). The authors of these writs are not known but it seems probable that they were dictated by founders of estate counselled by clerics since they show little alteration throughout the years.¹¹² The rotation was on a monthly basis and sometimes the particular assignment of wardens was indicated; one of them was for instance called ደባብ ያዥ (däbab yaz) ‘porter of a processional umbrella’.¹¹³

The second type of record that indirectly informs on administrative tasks is called የዕቃ ደብዳቤ (yä’äqa däbdabe). ዕቃ (äqa) or its Gə’əz equivalent ንዋይ (näway) is a generic name for items of the treasury. These are sometimes categorized under departments of ግምጃ (gəmjja) ‘brocades, vestments’, ምንጻፍ (mänşaf) ‘carpets’, መጻሕፍት (mäşəḥəft) ‘books’, and ንዋየ ቅድሳት (näwayä qəddəsət) ‘paraphernalia’.¹¹⁴ Although the distinction is not always clear-cut, it is partially concordant with the description in the legal commentaries: books were kept in the äqa-bet while ceremonial vestments could also be stored in the quarters of the gäbäz.¹¹⁵

The äqa-bet officers received these goods and then passed them on to their successors by complying with the inventories, eventually mentioning the barter exchanges that were made.¹¹⁶ The äqa däbdabe-s were such inventories; their copies were kept by several officers and since the counterparts were not identical, it is said in one of them that the list ‘is to be complemented’ by

¹¹² See introduction; the few changes in the records were made when land parcels changed hand; it was to remind the new holder that he/she owed some type of services and tributes to the church. Compare ms BL Or.508 fol.222 to fol.281v; see also ms BL Or. 777 fol.3v (Wright 1877, 255, no. CCCL)

¹¹³ Ms BL Or. 487 fol.202v (Wright 1877, 9-10, no.X)

¹¹⁴ Ms BL Or. 487 fol.2r (Wright 1877, 9-10, no.X); Or. 504 fol.1v-2v (Wright 1877, 21-22, no.XXVIII); Or. 491 fol.219r (Wright 1877, 14-15, no.XV); Or.521 fol.1v (Wright 1877, 32, no. XLVIII); Or.508 fol.278v (Wright 1877, 29, no. XLIV). an implicit distinction between gəmjja, näwayä qəddəsət and mäşəḥəft can be deduced from the content of paragraphs in ms BL Or.778 fol. 7v, 8v (Wright 1877, 235-254, no. CCCXLVIII)

¹¹⁵ BnF d’Abbadie 231, 82(Chaîne 1912, 132) ; BnF Éthiopien 236, fol. 93v (Chaîne 1913, 31)

¹¹⁶ Ms BL Or.487 fol.2r (Wright 1877, 9-10, no.X); Or.778 fol.3r,4v,7r, 7v (Wright 1877, 235-254, no. CCCXLVIII); Or.508 fol.279r (Wright 1877, 29, no. XLIV)

another. Those who conducted and kept the itemized report were the *aläqa*, and officers who acted as *wämbär* ‘judges’. The *wämbärs* in the services of the treasury could have the title of *liq* when they were high court judges, could be *bäžaronds* if they were trial judges or else could be clergymen¹¹⁷. The involvement of *liq*-s and clergymen judges in church estates is generally attested, while the *bäžarond*-s were found in domains such as those of Aşaşami Mika’el and Däbrä Bərhan Sellase.¹¹⁸

In the list of clerics established in the estate of the Däbrä Bərhan Šəllase, four *bäžaronds* were given land for their services as craftsmen.¹¹⁹ An officer by this title was also employed as a builder of the Qwəsqwam Maryam.¹²⁰ One *bäžarond* is said to have ‘received’ the goods of the church.¹²¹ Another is mentioned as one of the *bet täbaqi*-s. And yet another is named as a witness to a sale of books.¹²² The terminology and context suggest that he might have been considered as a *bet täbaqi* ‘warden’.

The third type of record is more forward in defining the tasks of officers; some grantors detailed the services owed by their beneficiaries.¹²³ In one such act, king Bäkaffa (r. 1721-1730) is said to have established tributes for the *bet täbaqi*-s of the Mahdärä Maryam church. These officers are described as porters, loaders and exhibitors of paraphernalia. They were in charge of processional umbrellas, tabernacles, icons, screens, ceremonial chairs, tapestry, drums and bells that were employed at festive and ceremonial occasions.¹²⁴

As movable property could easily be lost, two preventive measures were taken. The *bet täbaqi*-s were given arms to guard the goods from theft; a record from Narga Šəllase, an island church on Lake Ṭana, reports that its **ṁṁṁṁṁ** (*täbaqoč*) ‘wardens’ had 30 shields, 60 spears and 17 swords that were

¹¹⁷ Ms BL Or. 778 fol. 3r, 2v, 4r, 5r (Wright 1877, 235-254, no. CCCXLVIII). The clergymen are called *mämhäre* ‘abbot, teacher, master’ or *aläqa* ‘head of the church’

¹¹⁸ Ms BL Or. 778 fol.3r (Wright 1877, 235-254, no. CCCXLVIII), Or. 777 fol.1v,3v (Wright 1877, 255, no. CCCL); Or.508 fol.283r (Wright 1877, 29, no. XLIV)

¹¹⁹ Mf Illinois/IES 88.V.26 (Shumet 1988, 1)

¹²⁰ Guidi 1910, 91; It is unclear whether these were the same officers who acted as treasurers in this domain.

¹²¹ Ms BL Or.778 fol.2v (Wright 1877, 235-254, no. CCCXLVIII)

¹²² Ms BL Or.777 fol.1v,3v (Wright 1877, 255, no. CCCL)

¹²³ Mss BL Or 481 fol. 208v (Wright 1877, 1-6, no.II), Or 778 fol. 2r (Wright 1877, 235-254, no. CCCXLVIII)

¹²⁴ Mf Illinois/IES 88.XIIIb.25 (Shumet 1988, 5)

stored in the sacristy.¹²⁵ Some of them also acted as whips and ensured discipline during ceremonies¹²⁶. And to protect the goods from the vices of the *bet täbaqi*-s themselves, the officers were required to have guarantors.¹²⁷

The rules of the church of Fit Mika'el in Gondar permitted that the office of *bet täbaqi* be obtained upon payment of a fee.¹²⁸ Since the services of this officer were remunerated by the allocation of land, what he purchased is called **ማደሪያ** 'madäriya'. This term refers to the place of dwelling, accommodation, and is later used to designate the remuneration of soldiers¹²⁹.

In the estate of the church of Däbrä Bərhan Šəllase, there were officers called **ቤት ጠባቂ ጌቶች** (*bet täbaqi getoč*) and others called **ቤት ጠባቂ አለቆች** (*bet täbaqi aläqoč*).¹³⁰ There seems to have been a hierarchy between them, the former being subordinated to the latter. In earlier foundations like the monastrey of Dima Giyorgis in Goğgam, the *bet täbaqi geta* was in charge of all the movable goods and of the refectory.¹³¹

The nomenclature of titles and functions as well as the teaming of certain officers is reminiscent of the royal household administration. In the castle at Gondär, officers called *bäžəron*-s were appointed as heads of the treasury also called *əqa bet*.¹³² In the fourteenth and fifteenth centuries, the two houses that served as royal treasuries were managed by *bäžəron*-s who had *bet täbaqi* adjutants.¹³³ The administration of church estates is however not only

¹²⁵ Mf UNESCO Series 12, no.10 p.237 ([UNESCO Mobile Microfilm Unit] 1970). The terminology employed to designate wardens can be confusing; in writings from the estate of Hamärä Noḥ, an officer of the treasury usually designated as *əqa bet* was also called *bet täbaqi* and *əqa täbaqi*; but these officers are different from the ones mentioned as wardens (*bet täbaqi*) in the regulation of service rotation. Ms BL Or. 508 fol. 284r; 281v, 222 (Wright 1877, 29, no. XLIV). In the microfilm from the UNESCO series, the *täbaqi* seems to be the warden. In list of witnesses of certain land sales in the domains of the churches of Däbrä Bərhan and Aṭaṭami Mika'el, the *bet täbaqi* on the one hand and the *əqa bet*, *əqa bet täbaqi* or *əqa täbaqi* on the other hand are distinct. Mss BL Or. 778 fol. 4r (Wright 1877, 235-254, no. CCCXLVIII), Or.777 fol.1r, 2v, 285v (Wright 1877, 255, no. CCCL)

¹²⁶ Mf Illinois/IES 88.XIIIb.25 (Shumet 1988, 5)

¹²⁷ Mf. Illinois/IES 88.XIV.11 (Shumet 1988, 5) The document uses the term of address *ato* frequented at the end of the eighteenth century and later.

¹²⁸ Mf. Illinois/IES 88.XLI.14 (Shumet 1988, 10)

¹²⁹ "ማደሪያ" in d'Abbadie 1881, 565; Gäbräwäld 1955/1956, 34

¹³⁰ Ms BL Or. 777 fol.2v, 285r (Wright 1877, 255, no. CCCL)

¹³¹ Mf Illinois/IES 89.III.24 (Daniel 1989, 2)

¹³² Guidi 1910, 91; Guidi 1903, 146

¹³³ Ms BL or.481 fol 154r (Wright 1877, 1-6, no.II); MS Bodleian 29, fol. 32,33,34 (Dillmann 1848, 76-80, XXIX)

influenced by the organisation of the royal household. The participation of lay officers on matters related to ecclesiastical land is yet more significant.

2. The Administration of Land Titles

The *ሥርዓተ መንግሥት* (*śarə'atä mǎngəšt*) is of particular interest when defining competence for the administration of church land. It comprises the *wäg* (customs) adopted by King Fasiläddäs (r 1632- 1667) that affirms the principle of distinction between religious and royal jurisdictions.¹³⁴ It was said that the *ዳኝነት* (*dañänät*) 'jurisdiction' over any case, other than religious belonged to the *በዐለ ሕግ* (*bä'alä hæg*) and *ምዝክር* (*məzəkər*).

The *bä'alä hæg* 'upholders of the law' were originally twelve officers who were believed to have come with King Solomon's son Ibn Hakim from Isra'el. The regulation for their administrative order was written in the fourteenth century along with other rules. Later, probably after the 16th century, the twenty two *žan bet täbaqoč* who were initially chiefs of royal fiscal departments were also considered as *bä'alä hæg*-s.¹³⁵ The *məzəkər*-s were, as discussed earlier, 'fiscal controllers' and in 18th century chronicles they were mentioned as intermediaries/ liaison officers between the Crown and the land they were assigned to.¹³⁶ Both officers belonged to the jurisdictional hierarchy which was headed by the king.

The *bä'alä hæg*-s and *məzəkər*-s were trial judges whose decision could be reversed by high court judges (*fätahyan*) called *wänbär*-s or *azzaž*.¹³⁷ Those called *wänbärs* in the *wäg* set under the reign of King Fasiläddäs were four of the functionaries among *liqawənt*.¹³⁸ The word *wänbär* that signified 'office, jurisdictional office' was a denomination of a function while *liq* with its plural

¹³⁴ Ms. Orient. Rüpp. 39, fol. 9r-11r (Goldschmidt 1897, 63–67, no. 18). MS Bodleian 28, fol.11v-12v (Dillmann 1848, 74-76, XXVIII) Ms. BL Or. 821, fol. 35 - 36. (Wright 1877, 315-318, no. CCCXCII).

¹³⁵ MS Bodleian 29, fol. 34r (Dillmann 1848, 76-80, XXIX), MS Bodleian 28, fol. 7r (Dillmann 1848, 74-76, XXVIII); Ms. Orient. Rüpp. 39, fol. 1r (Goldschmidt 1897, 63–67, no. 18)

¹³⁶ Some acted as ushers '*asalafi*' at the royal court, and one of them was appointed as a spokesperson for the king. Guidi 1910, 35,156,191.

¹³⁷ For the classification of these officers as *fätahyan* see ms. Orient. Rüpp. 39, fol. 1r (Goldschmidt 1897, 63–67, no. 18)

¹³⁸ MS Bodleian 28, fol. 7r (Dillmann 1848, 74-76, XXVIII), Ms. Orient. Rüpp. 39, fol. 1r (Goldschmidt 1897, 63–67, no. 18)

liqawənt was a title.¹³⁹ In a tradition that goes back to the 14th and 15th centuries, the *liq*-s had seats in the high court presided by the king himself; their old title was *liqä mäṭani* and *liqä qaqeytat*.¹⁴⁰ In the 17th and 18th centuries their title was often abbreviated as *liq* and when used as a form of address *liqe*.¹⁴¹

The officers called *azzazi* in the 17th century *wäg* were four judges with a slightly higher level of jurisdiction than the *liq/wänbär*-s. While the latter sat at the left side of the king during court sessions, the *azzazi*, or the *azzaž* in Amharic, sat on the right. And following a custom that gave more authority to officers of the right, they could quash the decision of the *liq*-s.¹⁴² In the rules concerning rank in the king's council, both *liq*-s and *azzaž* were called *azzaž of the left and of the right* and in later versions just *azzažoč*.¹⁴³

Matters considered religious in the 17th century were faults against the veneration of the *tabot* (table of the law placed on the altar during the celebration of the Eucharist¹⁴⁴) or disrespect against the order of monastic communities, and matrimonial affairs¹⁴⁵. Besides jurisdiction over land disputes, the non-religious sphere of competence defined by default included inheritance claims and penal offenses.

The *šarə'atä mängəšt* thus gave general guidance to jurisdiction. The general principles were expounded into church-specific regulations. They defined

¹³⁹ The Gə'əz equivalent for *wänbär* is 'mänbär'; MS Bodleian 29, fol. 12v (Dillmann 1848, 76-80, XXIX). For officers addressed by other titles exercising the function of *wänbär*, see below. The *wänbär* is among the *Agaw* the wise man to whom the community turns to resolve conflicts. Kaplan S., 2010b, "wänbär", p. 1125- 1126. The term in Amharic refers to a judge; the word is based on the root *näbärä* 'sit' and *mänbär* in Gə'əz or *wänbär* in Amharic means 'seat, chair' as well as 'function, office'. "ወንበር" in Dästa 1970, p. 834. Leslau 1987, 384

¹⁴⁰ MS Bodleian 29, fol. 17v (Dillmann 1848, 76-80, XXIX)

¹⁴¹ See for instance mf Illinois/IES 88.XIV.26 (Shumet 1988, 5), mf MS Rema 17, fol. 49r (Hammerschmidt 1977, 153-155, Tanasee 106), ms BL Or.777 fol.4v (Wright 1877, 255, no. CCCL)

¹⁴² Ms BL Or. 777, 2r (Wright 1877, 255, no. CCCL)

¹⁴³ These rules organized the level of jurisdiction of the officers seating in the council of the high court. Each level presented its deliberation and judgment in an order that proceeded from the lower to the higher degree; officers could assent to or dissent from the preceding judgment. The sentence was ultimately decided by the King. For the rules that were said to have been transcribed in the 17th century see mf Illinois/IES 88.IX.25 (Shumet 1988,4); for the later version see ms. Orient. Rüpp. 39, fol. 6r (Goldschmidt 1897, 63-67, no. 18)

¹⁴⁴ "Tabot" *EAE*, IV(2010), 802-804 (Heldman M.).

¹⁴⁵ There are precedents where the king participated as a judge even in these matters; he is for instance present during a judgment concerning a divorce. Ms. BL Or. 821, fol. 483v (Wright 1877, 315-318, no. CCCXCII)

mandate to judge, allowing for a partial maintenance of the seigniorial status prior to the foundation of the church. And the judgments preserved by the churches enable us to follow the application of these norms at a more localised level.

We will refer mainly to the founding charter and *sarə'at*-s of the churches of Bā'ata and Qāranyo Mādhane'alām. They are representative of the reigns of King Täklähaymanot (r 1769-1777) and King Täklägiyorgis (r 1779-1800 with several interruptions). The first church is located in Gondär and the second in the region of Goḡḡam.¹⁴⁶ Records of 18th century judgments from the church domains of Gəmja bet Maryam, Ḥamärä Noḣ šälästu mə'ət, Däbrä Bərhan Šəllase and Aṭaṭami Mika'el will moreover be considered to have a better understanding of litigation processes in land matters.

The term *dañənät* that we have translated as jurisdiction is used for two types of administrative activities.¹⁴⁷ It firstly designated services of the notary. The *daña* was thus an officer who witnessed and authenticated land transactions (Section 2.1). He/she could also be a judge, a conciliator to whom conflicts were referred. (Section 2.2.)

2.1. The authentication of land records

Some church administrators kept deeds that helped to prove and substantiate the legitimacy of land holdings. The registration of deeds served a dual purpose. On the one hand, it offered a guarantee to the purchaser of ecclesiastical land. The buyer could prove the land was his and eventually defend himself against a seller who would go back on his word. It was precisely for this reason that the *Fəṭha Nägäšt* urged the buyer to transcribe the sale¹⁴⁸.

¹⁴⁶ Although these are indicative of a custom, different provisions could be stipulated by grantors. Other rules can certainly be seen in 19th century Goḡḡam (the region southwest of Gondär) and may have origins in older practices. For example, the founding texts of Bičäna Giyorgis, a church with a landed estate in the 19th century, provided for territorial competences shared between the *aläqa*, the treasurer and the clerics. Conversely, the charter of Gəmja Bet Kidanä Məhrät distributes the competences according to the judged matter. Habtamu 2004, 89, 98.

¹⁴⁷ The dual use of the term can be seen in the commentaries of the paragraph 27, 33 and 43 of the *Fəṭha nägäšt*; M.B. Wäldä Yoḣannəs commentary, p. 46, 66, 125-126.

¹⁴⁸ [Ethiopian Orthodox Täwahədo Church] 1997/1998, ፍትሐ ነገሥት ንብዑና ትርጓሜው. (Legal Code of Kings), Article 1081.

The record of agreements was also a means of administering the estate. The contracts transferred church land on which charges were levied. Their registration allowed the identification of debtors of contributions and services who could be compelled to pay when necessary. Most of the documents that have reached us were those entered into religious manuscripts in the margins of the main text or on additional folia.

These however do not give a complete picture of the administrative control of church estate transactions. In the domain of the Hamärä Noḥ sälästu mə'ət church for instance, sale records mention previous transfers that can no longer be found¹⁴⁹. The acquisition summaries for buyers who made several purchases also recall sales of which written evidence has not been preserved¹⁵⁰. Reference is made to registration of agreements in punctuated stages, accomplished in different places and involving various officers. This implies that there were copies of the same legal act¹⁵¹.

The custom of establishing acts in multiple exemplars prevailed in many church estates. A sale in the domain of Däbrä Bərhan Šəllase mentions an agreement that was registered by church officers as well as by judges called *liq-s*.¹⁵² When a testator had lands in many church domains, the will could be entered in the *māšhaftä adbarat* 'church manuscripts', in the *māšhaftä liqawənt* 'manuscripts held by the *liq-s*' and in the *māšhaftä azzaž* 'manuscripts held by the *azzaž*'.¹⁵³ The whereabouts and owners of the manuscripts could be named or be generally indicated; one land donation was for instance 'recorded by 8 *wänbär-s*'.¹⁵⁴ Time that elapsed between the agreement and its registration could also be indicated.¹⁵⁵

¹⁴⁹ There is a reference to sales of which records have not been preserved in Guidi 1906, documents 24, 76, 90.

¹⁵⁰ Guidi 1906, documents 56 and 94

¹⁵¹ Guidi 1906, document 135, perhaps also document 24 which cites as witnesses 'the people of Qäläy'.

¹⁵² Ms BL Or. 777 fol.12v (Wright 1877, 255, no. CCCL)

¹⁵³ UNESCO Series 10 no. 6 p.171 ([UNESCO Mobile Microfilm Unit] 1970); and two versions of the same matrimonial agreement in mf Illinois/IES 84.I.2 (Shumet 1988, 1) and ms BL Or. 481 fol. 208r (Wright 1877, 1-6, no.II)

¹⁵⁴ Ms BL Or. 777 fol.12v (Wright 1877, 255, no. CCCL)

¹⁵⁵ Ms BL Or. 777 fol.16v የተገዛው ባለቃ የሥላሴ ባርያ ነው ጽሕፈቱ ግን ሰንብቶ ነበር ባለቃ ደንገላ ነው የተጻፈው [the (land) was bought when aläqa Yäsəllase Barya was in office but its (the sale agreement's) belated registration was accomplished during the office of aläqa Dängola]. (Wright 1877, 255, no. CCCL)

The choice of the manuscript in which deeds were registered compensated for the absence of a distinctive subscription or seal that would authenticate the acts; seals or insignia that identified the scribe or one of the agreeing parties are rarely found.¹⁵⁶ The *liq-s* and *azzaž* recorded land deeds and transfers in books of frequent use such as Psalms or the *Fəṯha Nəgäšt*.¹⁵⁷

In churches, the golden gospels which were prepared under the king's orders¹⁵⁸ were the favoured manuscripts for transcribing founding charters of ecclesiastical estates. The copies were noted in codices like the *Fəṯha Nəgäšt*, the Tā'ammərə Maryam (Marian Miracles), Hagiographies and Patristic writings.¹⁵⁹ Land transfers between individuals were similarly registered in codices such as the *sənkəsar* (Synaxarium), theological treatises like the *māšhafä Hawi*.¹⁶⁰ All these manuscripts were safely kept in the treasury of the church.

The land records fell under two categories. They were, for some, cartularies called መዝገብ (*mäzgäb-s*); they described allotments in the estate along with a census of people with different statuses living in each lot. Others reported land grants and sales, loans guaranteed by lien on the land and sometimes exchanges that were witnessed by notary officers.

Although some administrators could sometimes be in charge of both type of documentation, the two categories were sufficiently distinct and required special appointees. The distinction is along the lines of the legal commentaries of the *Fəṯha Nəgäšt*'s paragraph on judges.¹⁶¹ Therein, the judges who established title deeds are described as አጻፊ (*aṣafi*) or አቃፋፊ (*aqafafi*) 'dictators of legal acts, allocators of land' (Section 2.1.1). The ፊፊጅ (*färağ*) on the other hand were 'deliberative officers' who made sure oaths were respected and contracts executed (Section 2.1.2).

¹⁵⁶ See for instance ms BL Or.778 fol. 2v (Wright 1877, 235-254, no. CCCXLVIII), BL Or. 508 fol.286v (Wright 1877, 29, no. XLIV) transcribed with the same cross insignia in BL Or. 778 fol.6v (Wright 1877, 235-254, no. CCCXLVIII), and BL Or. 508 fol.284v (Wright 1877, 29, no. XLIV)

¹⁵⁷ UNESCO Series 10 no. 6 p.171 ([UNESCO Mobile Microfilm Unit] 1970)

¹⁵⁸ Sergew 1989, 2

¹⁵⁹ Ms. Orient. Rüpp. 39, fol. 126r (Goldschmidt 1897, 63–67, no. 18)

¹⁶⁰ UNESCO Series 10 no. 6 p.171 ([UNESCO Mobile Microfilm Unit] 1970); mf Illinois/IES 84.I.2 (Shumet 1988, 1) and ms BL Or. 481 fol. 208r (Wright 1877, 1-6, no.II)

¹⁶¹ *Mälakä bərhan Wäldä Yoḥannəs'* commentary of the paragraph 43 of the *Fəṯha Nəgäšt* p.127

2.1.1. The Registration and Custody of Cartularies

When church estates were established, the transcription of the founding charter was followed by the distribution of land to clerics. The anathema at the end of the enumeration of localities given to the church was a reminder that the መዝገብ (cartulary) had the same authority as the royal donation, of which it only represented the detail¹⁶². Two terms used in title deeds አቃፊ (aqafäfä) and ደለደለ (dälädälä) expressed the allotment of land.¹⁶³ The distribution of lots to clerics was undertaken by officials (lawmen, regional governors) who acted at the king's behest. Their appointment to the office of *aqafafi*, i.e. as officers of the king in charge of this land distribution, is sometimes evoked in chronicles¹⁶⁴.

These officers may be *liq* or *azzaž*¹⁶⁵. When King Iyasu II (r 1730 – 1755) and Queen Məntəwab gave land to Qäha Iyäsus in 1752 for instance, the procession along the boundaries of the new estate was led by Ras Wäldä Lə'ul, who was the king's uncle. The *liq* Täklähaymanot accompanied him and was in charge of allocating the land to the church's clerics¹⁶⁶. Another *liq* had a similar role in the domain of Aşašami Mika'el.¹⁶⁷

Royal functionaries of different ranks could nevertheless be appointed as *aqafafi* or named as *aşafi* 'dictator of grants'.¹⁶⁸ There were furthermore ቸመኔ (čämäne) officers who were counted among clerics of some churches and who

¹⁶² Mf Illinois/IES 88.XI.3 (Shumet 1988, 4)

¹⁶³ Ms BL Or. 518, fol. 16r (Wright 1877, 23-24, no. XXXIV), where 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. Illinois/IES 88.I.19 (Shumet 1988,1) refers to the *dälädäl*, i.e. the division into shares and apportionment of the estate.

¹⁶⁴ The appointment of *Dağğazmač* Haylu as *aqafafi* is mentioned in the chronicles. Ms Orient. Rüpp. 39, fol. 168v (Goldschmidt 1897, 63–67, no. 18). The terms ቸፋፋ and ደለደለ (*qafaf* and *dälädäl*) are best defined in Kane 1991, 851b, 1712b; Dästa 1969/1970, 352.

¹⁶⁵ For instance a *liq* lists the lands for Q^wəsq^wam and Bä'ata while an *azzaž* does the same for the church of Qämuḵ Kidanä Məhrät. Guidi 1910, 102, mss. Orient. Rüpp. 39, fol. 126 (Goldschmidt 1897, 63–67, no. 18), BL Or. 481, fol. 208v (Wright 1877, 1-6, no.II). A *liq* was also appointed as *aqafafi* in the domain of Aşašami Mika'el. Ms BL Or.778 fol.5r (Wright 1877, 235-254, no. CCCXLVIII)

¹⁶⁶ For examples of a *däğğazmač* and an *asalafi* officer being assigned to such tasks see ms Orient. Rüpp. 39, fol. 168v (Goldschmidt 1897, 63–67, no. 18) and mf Illinois/IES 88.V.4 (Shumet 1988,2)

¹⁶⁷ Ms BL Or. 778 fol.5r, 8r (Wright 1877, 235-254, no. CCCXLVIII)

¹⁶⁸ Ms BL Or. 518, fol. 16r (Wright 1877, 23-24, no. XXXIV)

acted as witnesses to land sales. In the royal administration, these were functionaries in charge of land allotment and the establishment of deeds; but it is unclear whether they were involved in church administrations in that competence.¹⁶⁹

The officers who distributed land worked in collaboration with scribes and with clergymen who knew the total number and names of clerics who served at the church. Sometimes part of the estate was allotted by the *aläqa*; in the register from the church of Q^wäsq^wam Maryam, just before the descriptions of landholding in the locality of Bajäna, it is stated: ከዚህ ወዲህ የጽራግ ማሰራ ሕዝቅያስ ድልድል ነው ‘The allotment that follows was accomplished by *šarag masäre* Həzqyas’. In the royal chronicles, Həzqyas who by his honorary title as head of the church of Qwəsqwam Maryam is called *mälakä šähay*, was sent to survey this precise area; he went there along with *liqe* Giyorgis and *bäžər wänd* Zena Gäbr’el to witness the transcription of the cadastre.¹⁷⁰

The chronicles give another example where the head of the church and a *liq* cooperated in distributing land to clerics.¹⁷¹ King Täklähaymanot II asked these two officers to protect the land from intruders and unlawful claims. They however contested saying that they did not know the precise categorization and name of the plots. They advised the king to assign this task to the church’s scribe (*šähafi*).¹⁷²

This suggests that scribes had a more thorough knowledge of the cartulary. Nonetheless, the services of the *šähafis* extended beyond the foundational moment of the estate. Like other officers who were given a living on the church domain, they were law enforcers rather than distributors of land.

¹⁶⁹ Mff Illinois/IES 88.V.26 (Shumet 1988, 2), Illinois/IES 88.XII.17 (Shumet 1988, 5); Ms BL Or. 778 fol.5v, 6r (Wright 1877, 235-254, no. CCCXLVIII); Or. 777 fol 14v, 16r (Wright 1877, 255, no. CCCL); paragraph 43 of the Fəṯṯa nägäšt in M.B. Wäldä Yoḥannēs commentary, 127

¹⁷⁰ Guidi 1910, 102

¹⁷¹ Ms Orient. Rüpp. 39, fol. 121r, 126r (Goldschmidt 1897, 63–67, no. 18)

¹⁷² Ms Orient. Rüpp. 39, fol. 127v (Goldschmidt 1897, 63–67, no. 18). The word *šähafi* comes from the root *šähafä* 'he wrote' which is known not only in Gəʿəz but also in other Semitic languages. "ሕረፊ", "ሕረፈ." in Dästa 1969/1970, 1017. Scribes employed in the services of a church are distinct from royal chroniclers called *šähafe-təʿəzaz* or from scribes appointed in private households. See a history of *šähafe təʿəzaz* office by Sergew 1990, 57- 61. A private secretary of the queen also called *šähafi* is mentioned in ms BL Or. 777 fol.285v (Wright 1877, 255, no. CCCL)

2.1.2. Enforceable Land Transfers

In records of *sərə'at*, the jurisdictional power of church officers is described. In the domains of Däbrä Bərhan śəllase and Aşaşami Mika'el, the *aläqa* and *liqä mäsäməran* were judges who witnessed land transfers.¹⁷³ Other than these, people who were given church land such as the *šähafî*, *wänbär* and *daña*¹⁷⁴ were also present during the agreements. They could be enumerated and named separately from other witnesses; they were also introduced deictically or by a cataphora which imply that their presence was mandatory.¹⁷⁵

The first one of them, the *šähafî*, is seldom identified in his capacity as scribe¹⁷⁶. Sales during the reign of King Iyasu II (r 1730 – 1755) and King Iyoas (r 1755 – 1769) sometimes ranked *šähafîs* as witnesses of the left and of the right¹⁷⁷. Those called *šähafî* in the domain of Däbrä Bərhan Śəllase are elsewhere qualified as *əqa bet* ‘treasurer’ or *qän geta* ‘chanter of the right order’; this indicates that the function could be exercised by officers who had different titles even though it was usual that a scribe be established in church domains.¹⁷⁸

In general, deeds that transferred land by grant, sale or security did not name their writer. According to the *Fəṯha Nägäst*, the seller may himself transcribe the deed or, for a fee, entrust the transcription to a scribe¹⁷⁹. We have not been

¹⁷³ Ms BL Or. 778 fol.1v, 4r (Wright 1877, 235-254, no. CCCXLVIII), BL Or. 777 fol.1r (Wright 1877, 255, no. CCCL)

¹⁷⁴ Mff Illinois/IES 88.V.26 (Shumet 1988,1); Illinois/IES 88.XXII.27 (Shumet 1988,7); a *wänbär* is listed among the clerics who received plots of land in Addäbabay Täklähaymanot Illinois/IES 88.IV.33-34 (Shumet 1988,1). Ms BL Or. 508 fol. 2v (Wright 1877, 29, no. XLIV)

¹⁷⁵ Ms BL Or.777 fol.1r (Wright 1877, 255, no. CCCL); Or.778 fol.7v (Wright 1877, 235-254, no. CCCXLVIII); Or. 508 fol. 280v, 281r, 284r, 283v (Wright 1877, 29, no. XLIV) Guidi 1906, documents 24, 26, 29, 76. After the usual enumeration of witnesses at the sale, it says: ወልደ፡ ማርያም፡ ጸሐፊው [the scribe (is) Wäldämaryam]. Ms BL Or. 508 fol.283v (Wright 1877, 29, no. XLIV). Guidi 1906, document 66. For examples of acts where these officers are presented separately from other witnesses by punctuation see Ms BL Or. 778 fol.5r,5v,6v,8r,9v (Wright 1877, 235-254, no. CCCXLVIII)and BL Or.777 fol.1r,2r,4v (Wright 1877, 255, no. CCCL).

¹⁷⁶ Ms BL Or. 777, 287r (Wright 1877, 255, no. CCCL); Or. 778, 6r (Wright 1877, 235-254, no. CCCXLVIII); BL Or. 508, 282r, 283v (Wright 1877, 29, no. XLIV). Guidi 1906, documents 41, 66

¹⁷⁷ Guidi 1906, documents 40,41

¹⁷⁸ Ms BL Or. 777 fol. 1r,2r, 12r (Wright 1877, 255, no. CCCL)

¹⁷⁹ [Ethiopian Orthodox Täwahədo Church] 1997/1998, article 1081; M.B. Wäldä Yoḥannəs commentary, 64.

able to find a proof that church scribes received such fees; it may be that the land they were given for their services was considered enough compensation. There were nonetheless buyers who preferred to write or at least dictate the agreement themselves.¹⁸⁰ These were among the officers called *wānbār*s.

Officers assigned to the function of *wānbār* formally acknowledged contracts disposing of ecclesiastical land. Judges with the title of *liq* acted as *wānbār*-s not only in the royal high court but also in church estates. Nevertheless, in these lands, the function could also be assigned to officers addressed as *bāğrond*, *blattengeta* or even to clerics with no honorary title.¹⁸¹

We have described the *bāğrond/ bāžrwānd* officers in the first section on treasurers. We will briefly define the title *blattengeta* before passing on to the competences of the *wānbār*. In church estates, the *blattengeta* ‘seneschal, ruler’ is a treasurer, who just like his counterparts in royal administrations acted as a commissary.¹⁸² Jurisdiction could be delegated to him by the *alāqa*, the *liqāṭābāt*; he may be required to pay for his appointment to the office.¹⁸³ The regulation of the church of Qāranyo Mādḥanealām allows the appointment to this office upon payment of a fee¹⁸⁴.

The only examples of deeds reported by the buyer in the domain of Ḥamārā Noḥ śālāstu mā’ət are purchases by a *blattengeta*¹⁸⁵. The deeds to which

¹⁸⁰ Ms BL Or. 508 fol. 283v, 285r (Wright 1877, 29, no. XLIV). Guidi 1906, documents 72, 94

¹⁸¹ Ms BL or.778 fol.3r, 5r, 5v, 6r; BL Or. 777 fol.2v, 6r, 8r, 10v, 11v; BL Or. 508 fol.284r. (Wright 1877, 235-254, no. CCCXLVIII; 255, no. CCCL; 29, no. XLIV)

¹⁸² The *ṭəqaqən blatten geta* led a fiscal administrative unit in the royal household. MS Bodleian 28, fol. 7 (Dillmann 1848, 74-76, XXVIII); Guidi 1910, 184. The *blattengeta* that was the commissary of the *bəhtwāddād* (officer second in rank to the king) was a commander of the army who could appoint and dismiss officers, had the power to govern the king’s military camp and sat in the court of the *azzaž* and the *wānbār* to hear litigation. MS Bodleian 28, fol. 9r (Dillmann 1848, 74-76, XXVIII). A *blattengeta* adviser of the *balambaras* ʿĪṣāte led the military campaign against regions that did not want to pay taxes. In the chronicles of the 18th century, this official supported high ranking civil dignitaries with his advice or by taking part in the execution of their orders. Chronicles mention the participation of *blattengeta*-s in war expeditions Guidi 1910, 188. For travellers’ description of the *blattengeta* in royal and dignitary administrations, see Paez 2011, 100. Arnauld d’Abbadie compared the *blattengeta* Teumro to ‘Hazazel’, the name of the scapegoat in the Bible, because he was always responsible for unpleasant actions. d’Abbadie 1868, 467. For a general presentation of the function in royal administrations see “blattengeta” in *EAE*, I, 595- 596 (Chernetsov S.)

¹⁸³ Mf Illinois/IES 89.IV.35 (Daniel 1989, 3)

¹⁸⁴ Crummey, Daniel and Shumet 1994, 106

¹⁸⁵ Several sales are reported in Guidi 1906, document 94. There is a subscription in the first person singular.

officers thus titled were parties (as sellers or buyers) were less formal. Their function would be, to some extent, interchangeable with that of the *liq*. In some sales where the *blattengeta* is a buyer, no *liq* is cited as a witness¹⁸⁶; this is presumably because the buyer could complete the contractual formalities himself.

The question on whether the *wänbär* received a fee for his services is difficult to answer. On the one hand dignitaries who were granted land benefits for their services customarily did not charge payment. The *aläqa* who was given a share from contributions called *amästyä* was thus prohibited from asking payment from litigants who were landholders in the church estate.¹⁸⁷ The commentaries of the *Fäthä nägästä*'s paragraph on judges explains that those whose purview it is to deliberate and pronounce judgments like the four *liq*-s and the four *azzaž* should not receive payment for their services nor be required to pay for their appointment as judges. On the other hand, dictators of legal acts and distributors of land such as the *čämäne* officer were appointed upon discharge of a fee and permitted to receive compensation.¹⁸⁸

In regards to their scope of power, *wänbärs* who kept legal records acted in two competences that are described in the *Fäthä Nägästä* and its commentaries. To ensure the proper administration of estates, they were mandatory witnesses to land grants. To be able to enforce contracts, they were also present for the registration of any act that disposed of land.¹⁸⁹

As enforcers of contracts, *wänbärs* had to be informed of the specificities of agreements transferring land. They administered oaths to contracting or litigating parties. The exchange of oath is referred to as **አፈላላሽ** (*afäšašäm*) 'the bringing to an end, the completion'; the root of the word **ፈጠመ**, has the meaning of 'administered an oath, caused a solemn declaration to be made in court'¹⁹⁰. The person responsible for these formalities was sometimes designated in this specific function as the *afäšašämi*¹⁹¹.

¹⁸⁶ Guidi 1906, documents 23, 70, 86, 97, 109. Also sales to a *liq* are made without witnesses having the quality of *liq*, *azzaž* or *blattengeta*; Guidi 1906, documents 56, 59).

¹⁸⁷ Mf Illinois/IES 89.IV.31 (Daniel 1989, 3)

¹⁸⁸ M.B. Wäldä Yoḥannəs commentary, 127

¹⁸⁹ M.B. Wäldä Yoḥannəs commentary, 125-126

¹⁹⁰ "ፈጠመ" in D'Abbadie 1881, 1014

¹⁹¹ *Bäğrond*, *liq* and *blattengeta* officers were designated as *afäšašämi* in ms BL Or. 777 fol.7v (Wright 1877, 255, no. CCCL), Guidi 1906, documents 26, 62. For definitions see "ፈጠመ" "አፈላላሽ" in d'Abbadie 1881, 1014.

This step of perfecting the act (the *afäṣaṣām*) could be performed at the time of the price payment. A sale record from the Hamärä Noḥ ṣälästu mä'ət domain indicates that it was a person in the service of the house of the *asalaḥi* Eṣäte who performed the *afäṣaṣām* by paying in gold¹⁹². The sale was considered completed when the payment was given to the seller¹⁹³.

Several officers could receive contracts. The number of *afäṣaṣämi* augmented with the price of the sale; jurisdiction seems to have depended on the monetary value of the transferred land. In the domain of Hamärä Noḥ ṣälästu mä'ət, sales of building plots and entire lots of clerics, sales with a high price (higher than the average over a reign), required the presence of many judges (*liqs* and *azzaḥ*).¹⁹⁴ In the domain of Däbrä Bərhan Šöllase, even sales of a value of three ounces of gold were witnessed by four *liqs* and four *azzaḥ*.¹⁹⁵

One of the *afäṣaṣämi* (such as a *blattengeta*) may be in charge of the *afäṣaṣām* when the other is merely present as a judge (*liq*).¹⁹⁶ This may suggest that the two officers oversaw different stages of the agreement process¹⁹⁷. The role of the *liq* is sometimes described as an acknowledgment akin to witnesses in expressions such as ወንበሩም ሊቁ ገብሩ ያውቃሉ 'and the *wänbär liqe* Gäbru had knowledge (of the contract)' ወንበሮቹም አብረው ያውቃሉ 'all the *wänbärs* had knowledge (of the contract)'.¹⁹⁸

¹⁹² Guidi 1906, documents 51, 52.

¹⁹³ Guidi 1906, document 79.

¹⁹⁴ For the sale of *bota-s*, at least two *wänbärs* were present. For the presentation of officers mentioned in sales of land with high value, see Namouna 2017, 123

¹⁹⁵ Two sales in ms BL Or. 777 fol. 1r (Wright 1877, 255, no. CCCL)

¹⁹⁶ Guidi 1906, document 26. In this document, the *afäṣaṣämi* who is a certain *blattengeta* Lukios is different from the *liq* who is Bätre. In another sale record, the *afäṣaṣämi*s were two *liqs*; ms BL Or. 777 fol.7v (Wright 1877, 255, no. CCCL)

¹⁹⁷ The *afäṣaṣām* does not seem to have a direct connection with the diction of the promise formula 'Aṣe yəmutu'. The *afäṣaṣämi*s are *liqs* and *blattengetas* while those who cause the formula to be said are *liqs*, *azzaḥ* as well as *bäḡərond-s*, *aläqa-s* or even teachers (*mämḥər*) of religious literature (see Guidi 1906, documents 62, 66). Some acts mention confirmations of the transfer (e.g. Guidi 1906, documents 24 and 80). It may be a renewal of the title of ownership as well as a description of the steps involved in the formation of the sale. The completion of formalities of registration may have to be repeated in several localities with possibly a travel of witnesses (Guidi 1906, document 76 seems to indicate that some of the witnesses travelled to the place where the contract was registered by the term ወረዳ-(*wärädu*) 'descended (from the highlands), visited'. A sale under Iyasu II (Guidi 1906, document 132) is also said to have been transcribed in a register kept outside the city of Gondär: the deed lists a second set of witnesses for the formalities in the city.

¹⁹⁸ Ms BL Or. 777 fol.10v (Wright 1877, 255, no. CCCL). For the same expression being used for cleric witnesses see ms BL Or. 508 fol.285v, 286r (Wright 1877, 29, no. XLIV)

The liq's witnessing however was of a particular kind since it was mandatory and of more weight.¹⁹⁹ And therefore, officers who were ordered by kings to transcribe a land grant went to *liq*-s to make the registration.²⁰⁰ As executor of ecclesiastical land grants, *liqs* kept copies of deeds. Four judges (*liqs*) for instance entered the charter of the Mäkanä Iyäsus church in their ባሕር ደብዳቤ (*bahr däbdabe*) 'registers'²⁰¹. *Liqs* also dictated donations to individuals of land annexed to ecclesiastical estates.²⁰² The scope of power of these officers, and more generally of *wänbärs* also included other competences that become manifest in situations of conflict.

2.2. The Resolution of Conflict

Jurisdiction was entrusted to officers according to two criteria. A principle of territoriality dictated that judges be competent only within the territory they were appointed to govern. Moreover, their competence was matter specific; for litigation over land, the capable authorities were the *bä'alähäg* and the *məzəkər*. These were officers answering to the jurisdictional hierarchy of the royal administration headed by the *liqs* and *azzāz*²⁰³.

The *bä'alähägs* were represented in church domains by the administrators appointed as *wänbärs*. They had authority over matters that involved clerics who were given land in the church estate. The jurisdictional activities at the

¹⁹⁹ A legal act states for instance that the witnesses were those in the surrounding area and 'above them' the *liq* has knowledge of the contract (ከኒገ በላይ ሊቁ ኃይሉ ታላቁ ያውቃል); the expression indicates that a notary witness had a higher authority. Ms BL Or. 777 fol. 14v (Wright 1877, 255, no. CCCL)

²⁰⁰ Ms BL Or. 778 fol.9r (Wright 1877, 235-254, no. CCCXLVIII); BL Or. 777 fol. 10r, 12r, 13r (Wright 1877, 255, no. CCCL)

²⁰¹ For *liqs* compelling a king to observe a former royal land grant see ms Orient. Rüpp. 39, fol. 128v (Goldschmidt 1897, 63–67, no. 18). The registration of the Charter of Ἔστε Mäkanä Iyäsus in *bahər däbdabe* is mentioned in Mf. Illinois/IES 88.XIV.27 (Shumet 1988, 5). "ባሕር ደብዳቤ" in Dästa 1969/1970, 161. The founding documents of this church are studied in Crummey 1988. It is possible that the term *bahər* means 'foreign', and that the *bahər däbdäbe* was an imported register. Nevertheless, the documents that have come down to us are mainly those that are inscribed as margins or appended to religious texts written on parchment. Arnauld d'Abbadie confirms that in the 19th century, the *liq* preserved a copy of the founding document of a church with a landed domain. Ficquet, <https://halshs.archives-ouvertes.fr/halshs-01567862>.

²⁰² Ms BL Or. 777 fol.8v, 9r, 16r (Wright 1877, 255, no. CCCL)

²⁰³ Ms Orient. Rüpp. 39, fol. 98r- 100r (Goldschmidt 1897, 63–67, no. 18) and ms. BL Or. 821, fol. 35v- 36v (Wright 1877, 315-318, no. CCCXCII)

level of the church domain are attested by judgment reports; the decisions of *alāqas*, *wānbārs* and *azzaž* that have been preserved.

As shown in section 1.1.1, the *məzakərs* were officers such as dignitary clergymen or *çəqas*. Others who were clerics or *gäbäz* were appointed as judges of the church domain which provided for themselves and their services. The latter seem to fall under the category of *səyumä hagär* ‘landlord’ that King Fasiläddäs’ regulation counted among the civil law judges.²⁰⁴ Their power was confined to a limited territory within the estate but in land matters, it was unrivalled by higher judges; the only competence that was reserved to the head of the church and other clergymen was for criminal offenses perpetuated in these lands. The jurisdictions of *məzakərs* and the *səyumä hagär* are best described in *sərə’at-s*.²⁰⁵

In a regulation which seems to have been copied in the 19th century, there is a provision concerning the *çəqa* of the estate of Däbrä Bərhan Səlasse founded in 1694. The *çəqa* was appointed on payment of a charge that he collected as judgment fee from his *tis*, i.e. the inhabitants of the land he governs²⁰⁶. According to Antoine d'Abbadie who wrote in the 19th century, these fees were called *አራት* (*ərat*); in these later years, an appeal that challenged the judgment of the *çəqa* was presented before the head of the church domain.²⁰⁷ In the 18th century *sərə’at* of the church of Qäranyo Mädhanealäm, the clerics, as owners of the allotted land, acted as ultimate judges. They received a payment called *akafay* for their jurisdictional activities²⁰⁸. The *gäbäz* was appointed judge of the *መሥዋዕት ሀገር* (*mäsəwa’ət hagär*), land which contributed the incense, wheat, raisin, firewood necessary for the services of the Eucharist; and he received payment for this role²⁰⁹. The *gäbäz* could delegate his jurisdiction, and in the estate of Däbrä Məṭmaq, his commissary

²⁰⁴ Ms. Orient. Rüpp. 39, fol.5v (Goldschmidt 1897, 63–67, no. 18)

²⁰⁵ Mf Illinois/IES 89.IV.31 (Daniel 1989, 3)

²⁰⁶ Illinois/IES 84.DBS.VI

²⁰⁷ "አራት" in d'Abbadie 1881, 136. Regulations of the Däbrä Wärq church in Goḡgam in Mf. Illinois/IES 89.III.14- 15 (Daniel 1989, 2)

²⁰⁸ One *akafay*, is worth ten *dərgos*, or 4.7 litters according to a 19th century definition; see "አከፋይ'ድርጎ", "ድርጎ" in d'Abbadie 1881, 636, 765.

²⁰⁹ *sərə’at-s* of the churches of Qäranyo and Däbrä Məṭmaq in Crummey, Daniel and Shumet 1994, 104 and mf. Illinois/IES 88.XII.18 (Shumet 1988, 5). Another grant to a church called Bärägäḡa ṣəyon also suggests the authority of the *gäbäz* over this type of land. In Goḡgam, a regulation which states that it is a continuation of the Gondärine tradition assigns jurisdiction over these lands to the *gäbäz*. Mf. Illinois/IES 89.XVI.24 (Daniel 1989, 14)

had to act in consultation with a representative chosen by the church administration²¹⁰.

Jurisdictional competences were also articulated according to the order of referral of the judges. The act of judgment was reserved to the person who had jurisdiction. However, it could occur that this person was not the first to be called upon by the litigants. The lord to whom the dispute was presented then heard the case without judging it. For example, in religious matter, the competent judge was the metropolitan/patriarch; if the conflict was referred to the abbot of Däbrä Libanos or the king's judges, they heard the allegations without pronouncing a judgment²¹¹.

And therefore, authorities that had no jurisdiction in land matter could nonetheless conciliate the litigants. If a dispute concerning church lands was presented to the metropolitan/patriarch, he resolved it only if the parties came to an agreement; he acted as a mediator and not as a judge. When the metropolitan played the role of a mediator in affairs of land, he had to refer the case to the competent authority if the litigants did not reach terms of agreement.²¹² In church domains this conciliatory stage had its specific officers (Section 2.2.1). If the conflict persisted after the attempt of reconciliation, it was submitted to high court judges (Section 2.2.2.)

2.2.1. Conciliatory resolution of land related conflicts

In church domains of the 17th and 18th centuries, land was granted to *šamagalles*. These were described by jurists as ወጥተው ወርደው የሚያስታርቁ ሰዎች ‘those who conducted the business of reconciliation’.²¹³ There is evidence that *šamagalles* received land as compensation for their services in the church estates of Mänbärä Mängəšt Mädhane'aläm,²¹⁴ Q^wəsq^wam Maryam and Gəšäna Täklähaymanot²¹⁵. The conciliators were landholders through inheritance, clerics and also judges of the king²¹⁶.

²¹⁰ Mf Illinois/IES 88.XII.18 (Shumet 1988, 5)

²¹¹ Ms. Orient. Rüpp. 39, fol. 98r- 100r (Goldschmidt 1897, 63–67, no. 18) and ms. BL Or. 821, fol. 35v- 36v (Wright 1877, 315-318, no. CCCXCII)

²¹² Ms. Orient. Rüpp. 39, fol. 5v-6r (Goldschmidt 1897, 63–67, no. 18)

²¹³ Paragraph 43 of the fəṭḥa nägäšt in M.B. Wäldä Yoḥannəs commentary, 143

²¹⁴ Ms. BL Or.518, fol. 173r (Wright 1877, 23-24, no. XXXIV). Mf. Illinois/IES 84.I.9 (Shumet 1988, 1)

²¹⁵ BL Or. 508, fol. 1v (Wright 1877, 29, no. XLIV). Mf. Illinois/IES 88.XXI.6 (Shumet 1988, 7)

²¹⁶ In the ms BL Or.518, fol. 173r (Wright 1877, 23-24, no. XXXIV), persons who may be named *čəqa* on lands they occupied before the foundation of an ecclesiastical estate received

The *Fəṭḥa Nāgāst* states that conciliation should aim one of three outcomes: acceptance of the debt by one of the parties to the dispute; acceptance of the debt with a claim for compensation for damages allegedly suffered by the debtor; and acceptance of the debt by the debtor indicating his insolvency and requesting a period of time for payment. If the accused party was silent, the *šəmagalles* investigated to know if it was a tacit admission of debt that could not presently be paid. If it was a case of insolvency, they gave a moratorium.²¹⁷

In case reports, the *šəmagalle* who conducted the process of deliberation was called *yäšəmagalle daña* ‘judge of conciliators’.²¹⁸ There are examples of conciliations where debtors accepted their obligation outright²¹⁹. Other cases evoke a period of delay for the payment of compensation or the reimbursement of losses.²²⁰ The decision of the mediators is then declared. The one who pronounced the terms of the reconciliation (ዕርቁን ያፈሰሰ- *ərquṇ yafäsäsä*) in a case also acted as a high court judge.²²¹

In conciliations, which were more contractual in nature than judgments, the parties exchanged oaths after they had reached an agreement²²². Warrants of

land as mediators (*šəmagalles*). Mf. Illinois/IES 88.XIX.19 (Shumet 1988, 6). Guidi 1906, documents 74, 146. In the domain of Däbrä Bərhan sellase, people with honorific title such as *abeto*, *blatten getas* and lay men with no title were mentioned as conciliators. Ms BL Or. 777 fol 282v (Wright 1877, 255, no. CCCL). High court judges who acted as mediators are mentioned in ms BL Or. 777 fol.282v (Wright 1877, 255, no. CCCL) and mf UNESCO Series 10 no. 6 p.171a ([UNESCO Mobile Microfilm Unit] 1970); in the latter case the *šəmagalles* are said to have judged (ፈፈዱ) but the word is not used for other mediators who only reconcile the parties (the verb used is አስታረቁ). The meaning of the word *färädä* will be discussed below.

²¹⁷ Paragraph 43 of the *fəṭḥa nāgāst* in M.B. Wäldä Yoḥannəs commentary, 136. The investigative powers of the *šəmagalle* is described by the saying: ጣዘጣ ይሰረሰራል ሽግግሉ ይመረምራል a *taḥma* bee burrows (into the ground); the *šəmagalle* investigates (the matter)

²¹⁸ Mf UNESCO Series 10 no.6 p.171a ([UNESCO Mobile Microfilm Unit] 1970); ms BL Or. 660 fol.165r (Wright 1877, 153, no. CCXXXII), BL Or. 777 fol. 1r, Or. 508 fol. 286v-287r (Wright 1877, 255, no. CCCL)

²¹⁹ Guidi 1906, document 74. In another case, the party who lost the argument states: ያለ፡ ካሣ፡ ሰጥቻለሁ [I ceded without asking for compensation]. Ms BL Or. 508 fol. 286v-287r (Wright 1877, 29, no. XLIV)

²²⁰ Ms BL Or. 508 fol.282v (Wright 1877, 29, no. XLIV), BL Or. 491 fol.1r (Wright 1877, 14-15, no.XV); the obligation of reimbursement in the second case was pronounced by a judge.

²²¹ Ms BL Or. 777 fol 282v (Wright 1877, 255, no. CCCL). The verb *afäsäsä* was also used for witness statements and in more recent times for the reading of wills. Paragraph 43 of the *fəṭḥa nāgāst* in M.B. Wäldä Yoḥannəs commentary, 140; Dästa 1969/1970, 1060

²²² Guidi 1906, documents 134, 137

the reconciliation and compensations are also evoked in cases where *šəmagəllēs* were involved.²²³ The only example we have found that names a penalty imposed on litigants who went through mediation comes from the church of Gəməḡa bet Maryam; but this (ድንጅ - *dəngǧ*) penalty could have been decided by a higher judge who presided over the procedure.²²⁴ Whether or not such penalties were customary in mediation is not certain.

More characteristically, whenever there was mediation, it meant that the conflict had been presented to someone other than the legally competent judge. In the *wäg* established during the reign of King Fasiläddäs, it was provided that clergymen who acted as mediators in land matters could resolve the case only if the litigants came to an agreement. If not, they had to send the case to the *wänbärs* and *azzaž*. In church estates, the reconciliation by *šəmagəles* was first tried before high judges within the domain²²⁵.

2.2.2. High court judges in land related conflicts

The management of land related conflicts relied upon general principles that ensured the quality of justice. Its specific procedures however were derived from the hierarchy of power described in the 17th century *wäg* and in church regulations.

The quality of justice

Parties who were not accustomed to public affairs were sometimes represented by lawyers in procedures.²²⁶ The lawyers could be laymen although officers who had better cognizance of administration such as the *blattəngeta* could also be employed.²²⁷ A *blattəngeta* in this mandate was described as *tämwagač*; the root of the word means ‘to argue in a contradictory, adversarial procedure’.²²⁸ The related verb መገላጸ (mägwäšä) in Gə’əz has the meaning of ‘reproach,

²²³ For instance two cases in ms BL Or. 508 fol.284 r (Wright 1877, 29, no. XLIV); Guidi 1906, documents 74, 79

²²⁴ Ms BL Or. 660 fol. 165 (Wright 1877, 153, no. CCXXXII); for a general definition of the word ድንጅ as ‘determined by law, custom’ see Dästa 1969/1970, 368; d’abbadie 1881, 781

²²⁵ Mf. Illinois/IES 88.XIX.19 (Shumet 1988, 6). Ms BL Or. 777 fol. 282v (Wright 1877, 255, no. CCCL)

²²⁶ Paragraph 43 of the fəṭṭa nägäšt in M.B. Wäldä Yoḥannēs commentary, 133, 135. Ms BL Or. 508, fol. 282r (Wright 1877, 29, no. XLIV)

²²⁷ Ms BL Or. 508, fol. 282r (Wright 1877, 29, no. XLIV); Ms BL Or. 777 fol.2r (Wright 1877, 255, no. CCCL)

²²⁸ Ms BL Or.777 fol.2r (Wright 1877, 255, no. CCCL)

rebuke, rebut'.²²⁹ This officer assisted a party, especially the defendant, in validating or rebutting the testimonies.²³⁰

The hearing of witnesses guided the decision of judges; witnesses were seen as advisers whose counsel should be examined²³¹. Because of their contribution to the judicial decision, they had to have the same qualities (religious education, sense of fairness and good morals) as the judges. The intervention of witnesses was part of the process of good justice and could even replace the oath of the parties during the trial²³². Judges like the *bägrond* who registered deeds that transferred land, the *aläqa* and more generally clerics of a church were called in to give testimonies²³³.

The trial resorted to witnesses even when there was a written record, seen as a form of first-hand testimony²³⁴. Records of judgments evoke both possibilities. In a case from the Ḥamärä Noḥ śälästu mə'ət domain, a winning argument was based on a letter that granted land.²³⁵ In a conflict that was judged in the estate of Däbrä Bərhan Śällase, the judgment relied on testimonies. The witnesses who were cited in the high court appear to have been the same as those who

²²⁹ Kidanä wäld 1955/1956, 576; Leslau 1987, 333

²³⁰ Paragraph 43 of the *Fəṭṭha nägästä* in M.B. Wäldä Yoḥannəs commentary, 133, 134, 137.

²³¹ The examination is called *ምርምር* (*mərəmər*). Paragraph 43 of the *Fəṭṭha nägästä* in M.B. Wäldä Yoḥannəs commentary, 141. Testimonies had to be given by several witnesses in order to give better insight to the judge; there is a saying that the statement of one witness is not conclusive just as seeing with one eye isn't enough to ascertain the observation. አንድ ምስክር አያስደነግጥ አንድ ዓይን አያስረግጥ Paragraph 43 of the *fəṭṭha nägästä* in M.B. Wäldä Yoḥannəs commentary, 142. Another proverb compares the elucidation by witnesses to the light of the moon for night travellers, የጨረቃ ሕያዥ የምስክር ፈራጅ. Paragraph 43 of the *fəṭṭha nägästä* in M.B. Wäldä Yoḥannəs commentary, 132, 135, 138- 139; [Ethiopian Orthodox Täwahədo Church] 2002/2003, 481 and 507.

²³² [Ethiopian Orthodox Täwahədo Church] 1997/1998, article 1496 commented in M.B. Wäldä Yoḥannəs commentary, 139 and in [Ethiopian Orthodox Täwahədo Church] 2002/2003, 507.

²³³ Guidi 1906, document 42.

²³⁴ M.B. Wäldä Yoḥannəs commentary, 94. The rules of evidence validated legal acts by calling witnesses but the Legal Code warns of the imprudence of the testator who does not leave a written will; [Ethiopian Orthodox Täwahədo Church] 1997/1998, article 1243 commented in M.B. Wäldä Yoḥannəs commentary, 94; [Ethiopian Orthodox Täwahədo Church] 2002/2003, 440

²³⁵ Ms BL Or. 508 fol.282v (Wright 1877, 29, no. XLIV). The writing is called a *däbdabe* [ደብዳቤ]. This word today reserved for the epistolary is in legal matters used to designate writing. "ደብዳቤ" in d'Abbadie 1881, 775.

testified in the low court; this agrees with the book of law and its commentaries.²³⁶

The parties express their commitment to enforce the decision by an oath. The exchange of oaths just like in contracts was called *afäsašäm* or *fäšame*; it was sworn by a lord's name, generally the king.²³⁷ In the last years of the 18th century, when kings no longer had much authority, the reconciled parties swore by the king but also by the most influential regional chief²³⁸.

Administrator-judges in church estate had coercive power. The scribe of the church of Betälhem clearly reported that they could seize any land for non-payment of contributions. They released the land once the debts were paid.²³⁹ They also required securities for the conciliation agreement concluded after they pronounced a judgment. It was the defendant that accepted the allegations who had to give a warrant.²⁴⁰

These አርቅ ዋስ (*Irq was*) 'warrants of reconciliation' would be forced to pay compensation if the agreement was breached; they barred any other person from making claims on the land.²⁴¹ In exceptional cases, the written document replaced the guarantees and was considered as *was* i.e. as a guarantee of payment²⁴². Judges also set penalties called *gəyəd* (ግይድ) to refrain the parties from engaging in further contraventions and litigation.²⁴³

²³⁶ Ms BL Or. 777 fol.2r (Wright 1877, 255, no. CCCL); M.B. Wäldä Yoḥannəs commentary, 135

²³⁷ Ms BL Or. 777 fol.2r, 3v (Wright 1877, 255, no. CCCL); mf UNESCO Series 10 no.6 p.171a ([UNESCO Mobile Microfilm Unit] 1970). The oath had to be given by the name of one who was higher in rank than the one who pledges. M.B. Wäldä Yoḥannəs commentary, 129.

²³⁸ Mf. Illinois/IES 88.XIX.31 (Shumet 1988, 7). The parties took an oath by the name of *ras* Ali.

²³⁹ Guidi 1906, document 130. Mf. Illinois/IES 88.XXXVI.16 (Shumet 1988, 9)

²⁴⁰ M.B. Wäldä Yoḥannəs commentary, 135

²⁴¹ Ms BL Or. 508 fol 282v (Wright 1877, 29, no. XLIV). *Irq was* means 'warrant of reconciliation; sometimes they were just called *was*. See Ms BL Or. 777 fol 2r (Wright 1877, 255, no. CCCL). For the role of the *was* as a warrant whose obligation is to pay in lieu of the debtor, see Namouna 2017, 210, 216, 218, 226

²⁴² Mf Illinois/IES 88.XIV.4 (Shumet 1988, 5)

²⁴³ Mf UNESCO Series 10 no. 6 p.171a ([UNESCO Mobile Microfilm Unit] 1970) ; mf. Illinois/IES 88.XIV.29, 88.XXXVI.13(Shumet 1988, 5, 9). Ms BL Or. 549 fol.2r (Wright 1877, 94-95, no.CXXXIX). The penalty set in wills by testators was called by the same name; mf. Illinois/IES 88.XVIII.17 (Shumet 1988, 6)

The effectiveness of the jurisdictional constraint was also measured by the restoration of the situation that the conflict had disturbed. It was therefore necessary that litigants, who prior to the trial, had performed acts of private justice, be sanctioned. The *Fəṭha nāgāst* provides that in such cases the party in contravention of the rights must pay damages and procedure costs²⁴⁴.

The legal acts of Ḥamärä Noḥ śälästu mə'ət which mention such a sanction²⁴⁵ relate precisely to situations where contraventions caused the dispute. One judgment deters against future wrongdoing more than it punishes. Another compels restitution of earnings to the person who had been denied recognition of his land advantage. A third judgement was followed by the immediate payment of contributions to the church.²⁴⁶ In the domain of Däbrä Bərhan Šəllase, there is a mention of a payment in salt bars for አካሉይ (*akaluy*); it seems to be a judgment fee given to the high court judge who is generally called *akal daña*.²⁴⁷

Coordination of jurisdictional powers

If the conflict was not resolved by first degree judges, litigants resorted to courts knowledgeable in the law and customs of the land. Consultation of the *Fəṭha nāgāst* was sometimes required by the parties to the dispute.²⁴⁸ In this case, lawmen such as the *balähəg*, *liq* or *azzaž* intervened; in the founding documents of Nazret Iyäsus, ፍትሐ ነገሥት ተመልካች ‘consultants of the Fəṭha nāgāst’ were among the clerics established in the estate.²⁴⁹ The collection of

²⁴⁴ [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, articles 1488, 1489 interpreted in M.B. Wäldä Yoḥannəs commentary, 137-138 and in [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, 506

²⁴⁵ Guidi 1906, document 134 where it says: በደረሰ፡ ጊዜ፡ እጻ፡ ይሆናል i.e. if there is a contravention, compensation will be demanded [from the offender]. ms. BL Or. 508, fol. 282v (Wright 1877, 29, no. XLIV), it says: ሁለት፡ እጅ፡ ምድር፡ ስለጠፋ ... አንጽፋ i.e. Since two-thirds [of the grain, incomes] of the land have been lost, [it is your responsibility to] give compensation.

²⁴⁶ Ms BL Or. 508 fol.286v (Wright 1877, 29, no. XLIV); Guidi 1906, document 130

²⁴⁷ Ms BL Or. 777 fol. 3r (Wright 1877, 255, no. CCCL). Judgment fees called *dañənät* that were paid to judges are evoked in the commentaries of the *Fəṭha nāgāst* and in the regulation of Qäranjo Mädhanealäm. M.B. Wäldä Yoḥannəs commentary, 122, 125, 132, 135; mf Illinois/IES 89.IV.31 (Daniel 1989, 3)

²⁴⁸ Ms. Cambridge Add. 1570, fol. 263 Ullendorff and Wright 1961, 1-2, II (Add.1570). Ms. Orient. Rüpp. 39, fol. 5v, 6r(Goldschmidt 1897, 63–67, no. 18)

²⁴⁹ Mf Illinois/IES 89.III.33(Daniel 1989, 2)

court fees from this type of case is reserved to them²⁵⁰. Later, at the beginning of the nineteenth century, cases heard by the church administrators of Šöme Giyorgis were judged according to the case law of the estate²⁵¹.

There were two types of judges who had an authority higher than conciliators. Some were established as አካል ዳኛ (*akal daña*) by estate regulations; their power was limited to the domain of a church. These regulations served as ‘the letter of appointment of the judge’ that is mentioned in the Fəṯḥa Nägäšt and its commentaries.²⁵² Other judges participated in the መጋቢያ (*mägabiya*) ‘highest appeal courts’ which in land related affairs were determined by King Fasiläddäs’ wäg.²⁵³ We will start with the common characteristics of the procedures conducted in these courts; these were general insurances of the quality of justice in land related affairs. The specificities of each court and the power relation between the royal and church administrations will then be presented.

Akal daña-s had first level jurisdiction in conflicts over land.²⁵⁴ In a case, one of the mediators who firstly pronounced the terms of reconciliation then acted as *akal daña*.²⁵⁵ More often, however, this function was exercised by officers appointed as judges within the church estate like the *bäğrond*-s and *aläqa*-s. These had to examine the case prior to its challenge before officers of the royal administration.²⁵⁶

A *bäğrond* who decided over a conflict initially submitted to mediators is mentioned in the role of an *akal daña*.²⁵⁷ Another is called የደብረ ብርሃን..

²⁵⁰ Ms. Cambridge Add. 1570, fol. 263 Ullendorff and Wright 1961, 1-2, II (Add.1570). Mf. Illinois/IES 89.III.17 (Daniel 1989, 2)

²⁵¹ The church estate’s case law is called የደብረ: ወግ (*yädäbr wäg*) in Mf. Illinois/IES 88.XXI.34 (Shumet 1988, 7)

²⁵² M.B. Wäldä Yoḥannəs commentary, 127

²⁵³ The word *mägabya* in legal acts from the 16th to the 19th century means ‘appeal judge or appeal court’. Antoine d’abbadie’s translation as ‘assembly held at a prince’s house’ is thus only partially true. Mf Illinois/IES 88.XXXVI.22 (Shumet 1988, 9); Ms. Orient. Rüpp. 39, fol. 99v-100r (Goldschmidt 1897, 63–67, no. 18), MS Bodleian 28, fol. 9r (Dillmann 1848, 74-76, XXVIII); d’Abbadie 1881, 846.

²⁵⁴ The word *akal* is here used in the sense of ‘grand, high’ recorded in the Gə’əz dictionary of Kidanä wäld 1955/1956, 218

²⁵⁵ Ms BL Or. 777 fol. 282v (Wright 1877, 255, no. CCCL)

²⁵⁶ This is by application of King Fasiläddäs’ wäg confirmed in a decision at the - beginning of the 19th century. Mf Illinois/IES 88.XVIII.2 (Shumet 1988, 6)

²⁵⁷ Ms BL Or. 491 fol.1r (Wright 1877, 14-15, no.XV)

ዳቫው ‘the judge of Däbrä Bərhan’.²⁵⁸ *Bäğronds*, be they in the services of the church or the state, had the power to resolve conflicts. To give privileges to his beneficiary, one king even thought to expressly forbid *bäğronds* from judging in the estates he was granting.²⁵⁹

The *aläqa* is another officer often named as an *akal daña*. In regulations that appointed him to this function, he either had exclusive or shared jurisdiction²⁶⁰. When it was shared, officers such as the *liqätäbäbt* judged with the *aläqa* also acting as an *akal daña*.²⁶¹ They judged conflicts between landholders in the estate as well as criminal offenses.²⁶² They did not receive court fees for land disputes; their remuneration was considered to be the አምስትያ (*aməstyä*) i.e. the crop share they received from contributions to the church administration.²⁶³

To start a procedure, the plaintiff generally referred his claim to the tribunal of the *aläqa* and his subordinates. There is, however, a case in the domain of Däbrä Bərhan Šəllase that was judged by a tribunal comprising three judges who at different periods were appointed as heads of the church.²⁶⁴ It is probable that one of them acted as the presiding judge, while the others were witnesses.²⁶⁵

When the initiation of procedure is expressed, it is said that the plaintiff instituted a suit ‘by the jurisdiction’ of the *aläqa*.²⁶⁶ In Gə’əz, the plaintiffs are

²⁵⁸ Ms BL Or. 777 fol.2r (Wright 1877, 255, no. CCCL)

²⁵⁹ Ms. Orient. Rüpp. 39, fol. 95r (Goldschmidt 1897, 63–67, no. 18), see also the participation of the king’s officers by the title of *bäğrond* in a trial procedure in the chronicles of king Bäkaffä. Guidi 1903, 317-318

²⁶⁰ Ms. Orient. Rüpp. 39, fol. 126 (Goldschmidt 1897, 63–67, no. 18). Crummey, Daniel and Shumet 1994, 104- 106. Ficquet, <https://halshs.archives-ouvertes.fr/halshs-01567862>

²⁶¹ For a sharing of jurisdictional power between the two officers, see mf Illinois/IES 89.IV.31 (Daniel 1989, 3). For the two officers (*aläqa* and *liqätäbäbt*) acting as *akal daña* see ms BL Or. 777 fol.1r (Wright 1877, 255, no. CCCL)

²⁶² Ms. Orient. Rüpp. 39, fol. 95r (Goldschmidt 1897, 63–67, no. 18); Crummey, Daniel and Shumet 1994, 104; Mf. Illinois/IES 88.XII.18 (Shumet 1988, 5)

²⁶³ Crummey, Daniel and Shumet 1994, 104

²⁶⁴ Ms BL Or. 777 fol. 284v (Wright 1877, 255, no. CCCL)

²⁶⁵ There is an adage to the effect that the appointee in office acted as a judge while his predecessors were witnesses who gave testimonies: በተሻረ ይመሳከሩ በተሾመ ይነጋገሩ. Paragraph 43 of the *Fəṯha nägäšt* in M.B. Wäldä Yoħannəs commentary, 124

²⁶⁶ The words used are በመልክ ገነት ወልደ ማርያም ያዙ in ms BL Or. 778 fol.9v (Wright 1877, 235-254, no. CCCXLVIII). See also this type of tribunal in Ms BL Or. 508 fol.282r, 284r, 287r (Wright 1877, 29, no. XLIV). Guidi 1906, documents 42, 74, 79, 134

said to have ‘brought forth (the dispute) to the jurisdiction of’ some officer.²⁶⁷ The judge then determined the debtor or the faulty party. If the parties agree with the verdict, the case was closed. Otherwise, the appeal was presented to *liqs* who were also called *wänbärs* by their function and eventually to the *azzaž*.

The structure of the appeal tribunal was mixed. The *wänbär* presided over a court in which administrators of the ecclesiastical domain sat as *dañas*. In a case from the Ḥamärä Noḥ šälästu mə’ət, the *wänbär* was accompanied by the head of the church and his subordinates.²⁶⁸ A judgment in the estate of Däbrä Bərhan Šəllase was pronounced in the presence not only of church officers but also of *bäğronds*.²⁶⁹

It seems that the tribunal was mixed by application of the old rule of ብር ከፋሮ (*bär kāfač*)²⁷⁰. The rule dictated that a judge to whom a case was referred should conduct trial only when assigned an officer by the lord of the estate where the conflict arose.²⁷¹ This officer called *bär kāfač* co-chaired procedures with the judge who was allowed entrance; his appellation which can be translated as ‘one who opens the passage; usher, leader’ is indicative of his function.²⁷²

The appeal procedure is better described in a record of judgment from the domain of Däbrä Bərhan Šəllase which followed the provisions of King Fasiläddäs’ *wäg* to the letter. The *wänbär* presided in a tribunal where *bäğronds* were present. He was called ፈገገ (*färağ*) while the *bäğronds* were called ገገ (*daña*). Both *färağ* and *daña* are terms that can be translated as ‘judge’; but in Amharic, the root of the first word, *färädä*, has the meaning of

²⁶⁷ The expression is አውጽኦ ሕግግግ Ms. Orient. Rüpp. 39, fol.5v (Goldschmidt 1897, 63–67, no. 18). We have opted for translation the preposition ሕግግግ as ‘to’ since the other meaning (‘by’) is considered by grammarians to be subsidiary. Kidanäwäld 1955/1956, 225

²⁶⁸ Ms BL Or. 508 fol.282v (Wright 1877, 29, no. XLIV)

²⁶⁹ Ms BL Or. 777 fol.2r (Wright 1877, 255, no. CCCL)

²⁷⁰ Pedro Paez who was in Ethiopia from 1603 to 1622, wrote that a *bär kāfač* was given to a judge of the royal administration who wanted to conduct trial in the domain of a lord. Paez 2011, 182

²⁷¹ Ms. BL Or. 821, fol. 36 (Wright 1877, 315-318, no. CCCXCII)

²⁷² The term is not registered in dictionaries; but in the language of grammarians, the *bär kāfač* is a liaising conjunction or particle that is suffixed to some prepositions. See the definition of ሕግግግ and አከከ and the grammar treatise in Kidanä wäld 1955/1956, 140-141, 225, 617. For a definition of the elements of the compound word, see "ብር", "ከፈተ", "ከፋሮ" in d'Abbadie 1881, 341, 637, 638. "ከፋሮ" in Kane 1990, 875.

‘condemn, sentence’.²⁷³ The *wānbār* in this case from Dābrā Bərhan Šəllase seems to have confirmed the decision of the *bägronds*.

Since the claimants were still not content with the decision they applied to the court of the *azzaž*. The *liq* who appealed the judgment is called **ግራ ግዛሽ** *gəra gāsaš* ‘the challenger of the left’, in an expression that reminds of the classification of judges in the left and right orders during court sessions conducted by the king.²⁷⁴ In this case, the tribunal comprised the four *azzaž* and the officer second in rank to the king, a *ras*.

Although the royal administration had the highest jurisdiction in all land matters, judicial review by the king himself of judgments rendered in church domains is not attested in the sources that we have been able to examine. On the other hand, in the last quarter of the 18th century, the regional lords with the title *ras* often intervened in the resolution of church land disputes²⁷⁵. The supreme role of the king in jurisdiction as portrayed by travellers seems to have been exaggerated²⁷⁶.

The jurisdiction of the church domain administrators could be further undermined in some situations. A document from the Dābrā Giyorgis church presents this case where an administrator who had been in office for forty years was accused and convicted of gross misconduct.²⁷⁷ The guilty officer was held prisoner by the person who later became his warrant. It was said that if the prisoner escaped, the warrant would pay compensation to the *liqs* according to customary rules²⁷⁸. The jurisdiction over this type of offense thus seems to have belonged to the king's judges.

Conclusion

The administration of church wealth was primarily a management of incomes from tributes and votive gifts. Many of the ecclesiastical tax collectors

²⁷³ See Dästa 1969/1970, 998 and d'Abbadie 1881,991. The nuance is found in Gə'əz in an exactly reversed order. See Kidanä wäld 1955/1956, 346,355, 731; Leslau 1987, 146, 165

²⁷⁴ For the use of the word *gāsaš* as ‘challenger of a judicial decision’ see **ፍርድን ግሥ** under **ግሥ** in d'Abbadie 1881, 840.

²⁷⁵ Mf. Illinois/IES 88.XXXVI.13; Mf. Illinois/IES 88.XVIII.03; Mf. Illinois/IES 88.XXI.09 (Shumet 1988, 9, 6, 7)

²⁷⁶ Bruce 1790b, 280. d'Abbadie 1868, 120-121.

²⁷⁷ He is said to be a *betäkrəstyān tākwaš* ‘destroyer of churches’; in an expression recorded by Dästa Täkläwäld this type of delinquent is compared to those who breach legal agreements (**ፍጹም አፍራሽ ቤተ ክርስቲያን ተካሽ**), Dästa1969/1970, 1256

²⁷⁸ Mf. Illinois/IES 88.XXXVI.25 (Shumet 1988, 9)

resembled in title and in task to those appointed in lay seigniorial domains. Clergymen as well as accountants and wardens were employed in the treasury which stored objects used in rituals, levies paid in kind or in gold. In church estates, registration of title deeds and land transfer was supervised by administrators with jurisdictional power. The judges executed legal acts and resolved conflicts within a framework set by a 17th century *wäg*. Nonetheless, the good governance of these estates was not only a matter of economy and land deed enforcement. Further research on the control of people living from the land through census, determination of different social statuses and jurisdiction over matrimonial and criminal offenses would be a complement to the present study.

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