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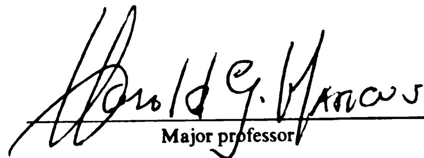

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APPROACHING ETHIOPIAN HISTORY: ADDIS ABÄBA AND LOCAL GOVERNANCE IN HARÄR, c. 1900 to 1950

By

Tim Carmichael

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

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Department of History

2001

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Abstract

APPROACHING ETHIOPIAN HISTORY: ADDIS ABÄBA AND LOCAL GOVERNANCE IN HARÄR, c. 1900 to 1950

By

Tim Carmichael

This dissertation investigates state-society relations in Harärgé, Ethiopia, during the first half of the 20th century. Based primarily on judicial, administrative, and security forces archival documents, it argues that in this region the Ethiopian state began to succeed in, but ultimately failed to extend a system of governance that earned the willing consent of local populations. The findings are of broader interest in that Harärgé was an Islamic region and the Ethiopian state was Christian dominated.

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TIM CARMICHAEL
2001

This dissertation is de
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This dissertation is dedicated to my mother, whose formidable health battles have taught me that scholarship's rigors are nothing, and that the joys of studying history are less important than living in the present.

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Acknowledgements

Michigan State University has been a fantastic place to study African History. Blessed by two Africanist faculty specialists who are professional in conduct and sincere in their devotion to students, the program has proven to be a rigorous and intellectually stimulating training ground. I am deeply grateful to Professors Harold Marcus and David Robinson, whose tag-team mentoring has shaped my studies of History and of Africa, informed my writing, and influenced my thinking on a wide range of issues. Truly, I cannot think of enough good things to say about 'Hal' and 'Dr. Doom,' each of whom is demanding in his own ways and complements the other exceedingly well.

Professor Alan Fisher was accommodating in planning my studies of Middle Eastern History, and his taciturn style often made me ponder, perhaps more than he realized. Professor David Dwyer guided me through the socio-linguistic and other sections of the Anthropological literature, and constantly grounded me by asking more detailed questions when I really just wanted to move on to something new. And in addition to performing the excruciating task of teaching me Amharic, Mämher Grover Hudson has kindly, if occasionally skeptically, tolerated my attempts to understand something of formal Linguistics. I hope my use of Amharic sources is some recompense for the hundreds of hours he spent explaining the obvious to me. Professors Ray Silverman and David Wiley have also assisted me greatly over the years, as has the amazing librarian Joe Lauer, who is a fount of vast and valuable knowledge.

The backbone of any graduate program is the students, and I have benefited enormously from my fellows, including: Benti Getahun, Kevin Brown, Michael Callahan,

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Ed Carlin, Matt Cenzer, Chris Conte, Ezekiel Gebissa, Fikru Gebre-Kidan, Getnet Bekele, Chege Githiora, Heran Sereke-Brhan, Hilary Jones, Donna King, Ghislaine Lydon, Liz MacGonagle, Mary Mwiandi, Megan Plyler, Trish Redeker-Hepner, Jody Ross, Tibebe Eshete, Shannon Vance, and Carolyn Vieira.

I cannot even begin to thank those in Ethiopia who made my research possible and my years there so wonderful. With apologies to the unnamed, I am particularly thankful to the following. In Addis Abäba: Abdu Ali Hegira, Dr. Abdulhamid Badri Kello, Ahmed Zekaria, Dr. Alula Pankhurst, Dr. Bahru Zewde, Belete Bizuneh, Dereje Feyissa, Makonnen Tegegn, Wäyzäro Mes'elal, Dr. Merid Wolde-Aregay, Dr. Tekalign Wolde-Mariam, and Dr. Taddesse Beyene. In Harär: Hajji Abdi Settar Mume Bashir, Abdullah Ali Shariff (and family), Dr. Abdurahman Mohamed Korram, Abdurrahim Ahmed, Ahmed Kumash (and family, and the Sunday *jama'a* group), Ayuub Ahmad, and Mufid Mohammed Ali (and family). Additionally, I learned a great deal about many things Ethiopian, past and present, at the Addis Ababa University History Department's Saturday beer and meat meetings, a venerable institution that I hope is still going strong. The History Department's acceptance of me as a visiting American researcher and friend deeply enriched my research and personal life in Ethiopia, and I remain most grateful.

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Ethiopia. I have tried to return the favor by doing the same for others over the years. Makonnen Tegegn was an awesome buddy, a great debater, and taught me a lot about Ethiopian life. Ced Barnes was a remarkable colleague in Addis Abäba, Harär and Jijjiga, as well as a gracious host in London. I learned a lot from Laura Hammond in Addis Abäba, Humera and elsewhere. I have been fortunate to overlap with Ezekiel Gebissa in East Lansing, Dire Dawa, Harär and Flint, all the while benefiting from our conversations. Much of my research and enjoyment of life in Harär would have been impossible without Abdullah Ali Shariff and his family. Mel Page has helped me in so many ways that I fear trying to list them. Randy Hepner and Trish Redeker-Hepner have been the best of friends, and their muscular frisbee dog Lion has been a punishing exercise partner. My roommate, Getnet Bekele, has put up with my quirks, helped out on language questions, stimulated my thinking with his sharp intellect, and fueled me with his impressive Ethiopian cooking, even if he still daintily refuses to eat raw meat.

For funding at MSU, I am grateful to the Dean's Office, History Department, Center for Integrative Studies, and Graduate School. It may be impolitic to single out one body, but my greatest appreciation is for the African Studies Center, which in many ways has been my life-blood here. I am also extremely thankful to the Social Science Research Council, Fulbright-Hays and the Wenner-Gren Foundation for paying me to do fieldwork, which I love.

For early mentoring in African Studies and languages, I am forever indebted to Richard Lepine, Carol Eastman, Donna Klump, Richard Wilding and Ivor Wilks. With two of them (and others) in mind, I might also loudly proclaim a 'hurrah' for language

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That I became an historian is probably my parents' fault, for as I grew up they surrounded me with books and regaled me with family stories. That I ended up focusing on Africa and the Middle East is also probably their fault, for having raised us abroad. If they could do it again, I hope they would do it all the same. My sister Chris, a reader too, remains a constant source of information and refreshing perspective, as well as many laughs, including hearty guffaws.

Finally, Kate Luongo eased the sometimes difficult process of writing the dissertation. She is a solid sounding-board and critic; a witch-conjuror of good ideas, big smiles and warm happiness; and her culinary excellence keeps me eating far more than I otherwise would. She is the sweetest.

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A Note on Transliteration

Most methods of transliterating Ethiopic characters have advantages and disadvantages, and the system employed here is no exception. Nevertheless, I believe it will be perfectly sufficient for the needs of anyone reading this dissertation.

Vowels

Vowels follow the Wright system, with the "fifth order" represented by *é* and the sixth by *e*. For example:

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ቢ	bi
ባ	ba
ቤ	bé
ብ	be
ቦ	bo

Consonants

Most of the consonants are transliterated as they sound, but there are some that warrant clarification:

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[1] The exception here is my preference for "azajj," rather than "azazy."

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Introduction

Approaching Ethiopian History

This dissertation investigates state-society relations in Harärgé, Ethiopia, during the first half of the 20th century.[1] The nature and content of my primary sources, generally official records, guide the analyses of judiciary, administration and internal security, and exposition is emphasized over 'traditional' narrative.[2] Harärgé was a largely Muslim region, and the Christian-dominated Ethiopian state began but ultimately failed to establish government rule there based on the willing consent of the governed. Significantly, there are indications of early success in that direction, as revealed by analysis of Harär civil court records during the 1910s and 1920s. However, the political agendas of organized post-second world war Somali and Haräri movements clarify that the apparent gains were illusory, and that simmering resentments against Addis Abäba's rule stimulated the development of pan-Islamic religious alliances that transcended more narrow ethnic concerns.

While many view 20th century Ethiopian history as either the 'modernization' of a 'traditional' empire, or as the development of an African colonial state, I see the 1900-1950 era as characterized by government attempts to 'professionalize' (or 'standardize')

[1] For my purposes here, I conceive Harärgé as consisting of the enormous region whose various local political officials were directly answerable to the Governor's Office in the city of Harär. The emphasis is on Harär town, but the larger picture includes areas that surface often in the records, resulting in a broad swathe from Dire Dawa in the west to Gebredehar in the southeast.

[2] For similarly structured studies, see Gebru Tareke, *Ethiopia: Power and Protest, Peasant Revolts in the Twentieth Century*, Cambridge: Cambridge University Press, 1991; Suraiya Faroqhi, *Approaching Ottoman History: an Introduction to the Sources*, Cambridge: Cambridge University Press, 1999; and Sandra Fullerton Joireman, *Property Rights and Political Development in Ethiopia and Eritrea, 1941-74*, Oxford/Athens: James Currey/Ohio University Press, 2000.

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state bureaucratic structures and processes. This notion emerges naturally from a close reading of various types of official documents, and is common knowledge among some Ethiopians. The idea of the 'modern' Ethiopian state being marked by novel bureaucratization is hardly original, but most scholarly accounts that attend to it are general in nature and/or derived from a perspective centered on the capital city.[3] This dissertation seeks instead to document prominent aspects of this little understood process by looking at actual praxis in a provincial region. The following chapters therefore focus on judiciary, administration and internal security, all of which were based on 'modernizing' institutions that mediated state-society relations.[4]

Over the last decade, debates about ethnicity have dominated Ethiopian Studies and often reduced the study of Ethiopian History to simplistic binary analyses of nation building versus domination and repression.[5] The last pair is usually interpreted in terms of ethnic tension, though perhaps as a reflection of the influence of present-day grievances on research into history and society, studies of religion in Ethiopia have also appropriated the approach.[6] Real-life situations, however, were (and are) vastly more complex, much messier, and like all social reality subject to change over time. Most

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[3] Among the literature sources, see Teshale Tibebu, *The Making of Modern Ethiopia, 1896-1974*, Lawrence, NJ: Red Sea Press, 1995, especially Chapter Five; David Abner Talbot, *Contemporary Ethiopia*, New York: Philosophical Library, 1952, Chapter Eight; Margery Perham, *The Government of Ethiopia*, London: Faber and Faber, 1948.

[4] In tracing the shift from Ethiopia's semi-feudal *gäbbär* system to that of a 'modern' state, Teshale Tibebu specifies that "...the means of rule had three aspects: military, administrative, and judicial." Teshale, *The Making of Modern Ethiopia*, 107.

[5] For a passionate diatribe against the nature of Ethiopian debates, see Genenew Assefa, "Thinking Out Loud of Fact and Fiction: Nostalgia for Empiricism," *Horn of Africa*, XVI, 1-4 (1998): 171-75.

[6] A leading example is Hussein Ahmed. See his "Islamic Literature and Religious Revival in Ethiopia (1991-1994), *Islam et Sociétés au Sud du Sahara*, 12 (1998): 89-108; and "Recent Islamic Periodicals in Ethiopia (1996-1998)," *Northeast African Studies*, 5, 2 (1998): 7-21.

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social scientists would agree with the proposition that ethnicity should not be viewed as a bounded category, nor should religion. Similarly, Ethiopian History need not be approached as a neat, unfolding narrative in linear terms, although conceptual links can certainly be drawn when required for specific purposes, whether those of scholars, political ideologues, or others.

This dissertation combines two predominant trends in Ethiopian Studies, namely, one concerned with or framed by nationalist narratives and issues, and another that comprises a varied collection of narrowly-focused research. Each, of course, has its advantages and disadvantages and is well represented in the scholarly literature. The nationalist narratives, consisting generally of the tradition of Greater Ethiopian nationalism and various counter-discourses against it, take on the risky but potentially fruitful onus of synthesis, eliding details for the sake of generalization. Various micro-studies eschew the broad picture in a quest to illuminate local particularities, or the minutiae of history that are inherently interesting but of little significance when viewed in isolation. Though the two approaches are not always related, even if they should be, finding an appropriate balance between them is always challenging. The strategy taken here seeks to synthesize the two by adopting a larger, familiar framework—that of the early development of the 'modern' Ethiopian state, especially as envisioned by its primary practitioner Haylä Sellassé and his intellectual allies—and exploring in detail some of the ways that the processes of state growth and the extension of its various branches (e.g., judiciary, administration, internal security) played out at local and regional levels, particularly in terms of state-society relations.

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Certain types of local and regional data from the Harär region reveal that the history of the Ethiopian state may not have followed a course that is easily reducible to the typical narrative structure so common in the existing literature. My work on archival materials suggests that further local and regionally focused research on different spheres of governance will be necessary to enable the production of new narrative syntheses that transcend the patterns that are well-established in the Ethiopian historiography. That is, broader and deeper knowledge about actual governance and local state-society relations will facilitate the construction of narratives that may or may not be nationalist—either Greater Ethiopian or ethno-linguistic—in orientation, but either way (or otherwise) are attuned to the vagaries and diversities of local experiences throughout time. By primarily focusing analysis on the specificities of one region, this study is intended as one example of the sorts of projects that, by linking the national to the regional to the local in specific ways, might be conducted to prepare the way for novel (chronological and/or topical) narrative syntheses in the future.

Nationalist Approaches

"The Horn of Africa is the site for a clash of nationalist struggles that offer competing narratives of the past and of contemporary forms of identity, imagining Ethiopia in sharply contrasting ways."[7] Scholars of the Greater Ethiopian variety view the country's history more or less as a linear progression dating from 3000 years ago, when King Solomon impregnated the Queen of Sheba, who then birthed King Menilek I,

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[7] John Sorenson, *Imagining Ethiopia: Struggles for History and Identity in the Horn of Africa*, New Brunswick, NJ: Rutgers University Press, 1993, 5.

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the progenitor of Ethiopia's famed Solomonic line of emperors.[8] Others, intent to dismantle this unsustainable epistemological platform by focusing instead on ethno-linguistic nationalisms, are clear in their view of the state as a recent creation, tracing back little more than 100 years. Although philosophically and politically opposed, the two approaches are intimately intertwined, probably because the larger battles are over interpretations of identity, and the self-other dichotomy is central to identity formation anywhere at any time.

Thus, at a higher conceptual level, these two approaches actually share more than their adherents seem to realize or care to admit. First, at some level each acknowledges the existence of a 'modern' Ethiopian nation-state, even if they disagree over its legitimacy. In agreeing on the former, the two approaches overlap at least in terms of geography, if not also in terms of the salience of certain topics that are especially relevant to present-day political issues. They differ, not insignificantly, in terms of the extent of their temporal vision, and in their interpretations of 'modern' Ethiopian history, in large part owing to the emphases they choose to place (or not) on regional examples of suppression or alleged injustice. The debates, based overwhelmingly on the secondary and tertiary literatures, have in my opinion come as far as profitably possible until further research is conducted on the basis of primary sources from throughout the country, or until radically new (and adequately documented) theoretical perspectives are brought to the table. Novel sources promise to confirm or discredit various enduring and recent

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[8] Bahru Zewde has recently commented while this myth long underlay central Ethiopian hegemony, it is a story that "no self-respecting historian could take seriously." Bahru Zewde, "A Century of Ethiopian Historiography," *Journal of Ethiopian Studies*, XXXIII, 2 (2000): 4.

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historical generalizations, and fresh theoretical inquiry may help to open up new ways of perceiving old issues.

For Greater Ethiopian nationalists, Ethiopia's history consists of a country that has long existed, at least conceptually, in proximate form to its present boundaries, even if in reality the reach of government control has expanded and contracted with the vagaries of time. This view was visible in early foreign accounts, such as those by A. H. M. Jones and Elizabeth Monroe, Margery Perham, and David Abner Talbot.[9] The neglect of Islam by these accounts was partially redressed by J.S. Trimingham's *Islam in Ethiopia*, an impressive monograph overall, but one that among other biases also suffered from the dominant viewpoint that sees Ethiopia explicitly as a Christian country and its Muslim peoples as second-class interlopers.[10] This one-sided imaging was reified by what arguably remains its most extremist articulation: Edward Ullendorff's highly partisan *The Ethiopians*, a book that treated with derision almost anything Ethiopian that was not Christian or highland in nature or origin.[11] Effectively continuing the standard dismissal of nearly half of Ethiopia's indigenous population was the biography of Emperor Yohannes, written by Zewde Gebre-Sellassie, who sought to play down his royal grandfather's fanatical policies against Ethiopian Muslims.[12]

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[9] A. H. M. Jones and Elizabeth Monroe, *A History of Abyssinia*, Oxford: Clarendon Press, 1935; Perham, *The Government of Ethiopia*; Talbot, *Contemporary Ethiopia*.

[10] Trimingham, J. S., *Islam in Ethiopia*, London: Oxford University Press, 1952.

[11] Edward Ullendorff, *The Ethiopians: an Introduction to Country and People*, New York: Oxford University Press, 1960.

[12] Zewde Gabre-Sellassie, *Yohannes IV of Ethiopia: a Political Biography*, Oxford: Clarendon Press, 1975. For a devastating critique of Zewde's 'analysis,' see Hussein, *Islam in Nineteenth-Century Wallo*, Chapter Six.

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Recent scholarship, on the other hand, has finally begun to become more attuned to some of the sensitivities of the region's historical realities. The most eloquent of the newer nationalist expositions is Harold Marcus' *History of Ethiopia*, which traces the country's past from 'Lucy' ('Denqenesh') to 1991.[13] Despite similar efforts at broad synthesis by Richard Pankhurst and Paul Henze,[14] Marcus' more analytical and smoothly-written text will likely remain the more important for years to come. Nevertheless, its central hypothesis about Ethiopia's historical continuity remains unproven, and the quest to unite the historical myths of Ethiopia's ruling classes and present-day nationalists upon empirical ground remains unfulfilled.

Within the same general Greater Ethiopian nationalist mindset, others argue for Ethiopia's national integrity, but instead of centuries of unity choose to emphasize 'modern' Ethiopian history, or the formation of the nation-state beginning in the late 19th century. Perhaps the foremost promoter of this view, if ironically so, is Bahru Zewde, whose articles and books are highly critical of Emperor Haylä Sellassé, yet not of the central government's legitimacy.[15] Bahru's work, owing to its emphasis on the period since 1855, makes a strong nationalist case for Ethiopia being a 'modern' creation, even

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[13] Harold G. Marcus, *A History of Ethiopia*, Berkeley: University of California Press, 1994.

[14] Pankhurst, Richard, *The Ethiopians: a History*, Oxford: Blackwell Publishers, 1998; Paul B. Henze, *Layers of Time: a History of Ethiopia*, New York: St. Martin's Press, 2000.

[15] Most notably, see his *A History of Modern Ethiopia, 1855-1974*, London: James Currey, 1991 (translated into Amharic as *Yältyop'ya Tarik, kä1848 eskä 1966*, Addis Abäba: Addis Ababa University Press, 1989E.C. [1996/7]); and "Economic Origins of the Absolutist State in Ethiopia (1916-1935)," *Journal of Ethiopian Studies*, 17 (1984): 1-29.

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[18] Holcomb, Bonnie K.

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[19] Holcomb and Sisai, 7

if he has recently tried to extend the country's national history back much further in time.[16]

The 100-year view of Ethiopian history, though under a conflicting guise, has also been adopted by various (anti-Greater Ethiopian) counter-discourses, which reject the idea of Ethiopia as an historical entity, portraying it rather as a recent, (indigenous African) colonial creation, and thus inherently illegitimate.[17] Their premise is that during the country's recent development, Ethiopian élites cooperated with foreign imperialists to subjugate dozens of ethno-linguistic groups who were then pressured to learn Amharic and adopt Amhara customs, if not also Orthodox Christianity. In this vein—yet outside of the Eritreanist literature, which subsequent counter-discourses have generally mirrored—the first major treatise was Bonnie Holcomb and Sisai Ibsa's *The Invention of Ethiopia*, and the most significant recent follow up was Asafa Jalata's *Oromia and Ethiopia*.[18] The occasional methodological naiveté of these accounts, such as privileging a single recent oral interview over reams of archival documents,[19] is regrettable, since it detracts from the merit of broader ideas that no serious Horn thinker should avoid any

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[16] Bahru Zewde, "YäSost Shi ways yäMäto Amät Tarik? (Three Thousand or One Hundred Years of History?)," *Weyeyet*, 3rd Series, I, 1 (1992): 1-15. In another—particularly useful and insightful—article Bahru avoids explicitly addressing the issue of Ethiopia's disputed "age," but assumes a longer-term view, "A Century of Ethiopian Historiography." It is worth pointing out that through his Amharic publications (including both translations of his English-language scholarship and original Amharic compositions) Bahru is emerging as one of the few professional historians trying to bridge the scholarly-popular gap in Ethiopia.

[17] It is worth pointing out that this type of logic, if accepted at face value, would undermine the legitimacy of most if not all Sub-Saharan African countries today. For a handy and brief, if occasionally melodramatic, outline of the various discourses discussed here (and others), see Sorenson, *Imagining Ethiopia.*

[18] Holcomb, Bonnie K. and Sisai Ibssa, *The Invention of Ethiopia: the Making of a Dependent Colonial State in Northeast Africa*, Trenton, NJ: Red Sea Press, 1990; Asafa Jalata, *Oromia and Ethiopia: State Formation and Ethnonational Conflict, 1868-1992*, Boulder: Lynne Rienner Publishers, 1993.

[19] Holcomb and Sisai, *The Invention of Ethiopia*, 172.

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longer. Greater Ethiopian nationalist scholars have, predictably, reacted with fury to these and related re-interpretations, which despite their methodological quality or lack thereof—in terms of scholarly expectations within the discipline of History—make useful conceptual contributions and highlight important issues neglected in the past.

Unfortunately, most of the counter-discourse historiography is based primarily on secondary and tertiary literatures, and as a result its conclusions may be more easily dismissed by critics than if new data had been presented as supporting evidence, which would require either further debate on the original sources or the discussion of new materials for purposes of effective rebuttal.[20] Similarly, the general history authored by Teshale Tibebu, while refreshingly original and one of the more exciting recent monographs on Ethiopia, adheres to the dominant nationalist narrative framework, and is marred by weak documentary support. Thus, its primary influence at the scholarly level will also probably be mostly that of a source for neglected or new ideas requiring more careful documentation.

What is needed now is less re-interpretation at the national level and more work in the provinces, work that will generate data and ideas that can then be used to reinvigorate or recast the nationalist debates. Such studies, at least for the last century, should keep the national framework in mind, for it was indeed a political reality. But they should concentrate on local details, which for most regions are what we know the least about. It is undeniable that there are a plethora of micro-studies—for example in the *Journal of Ethiopian Studies*, *Northeast African Studies*, the *Proceedings* of the past 13 International

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[20] Marcus, Pankhurst and Bahru, each of the Greater Ethiopian nationalist bent (though the latter by far the most critical among them), base their general histories on prolific and well-established track records of primary evidence research.

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Conferences of Ethiopian Studies, and the shelves of unpublished B.A., M.A. and Ph.D. theses at Addis Ababa University, as well as the various *Proceedings* of the A.A.U. Department of History Annual Seminars. Yet, this scholarship is diverse in nature and focus, and little effort has been made to establish any sort of novel synthesis amongst it, or to follow up on it with disciplined research on inter-related topics.[21]

Framework and Intent

In summary, this dissertation attends to the national framework, both because doing so is proper in a study of governance and because it is hoped that such an approach will be of relevance to the work of a majority of contemporary Horn scholars, who operate from a variety of perspectives but tend to focus on certain common issues. However, the emphasis here on increasing state bureaucratization is based more on various primary source materials in one region of the country, than it is on a re-narration of well-covered events at the national level. The approach is intended 1. to avoid direct confrontation with Ethiopian Studies' overwhelming factional differences that are rooted primarily in re-interpretation of secondary and tertiary literatures, 2. to illustrate that Ethiopian source materials contain rich detail relevant to present debates, and should therefore be consulted with greater diligence than has generally been the case, and 3. to suggest that until a much greater emphasis is placed on such sources, and until further studies are based on them, Ethiopian Studies' perennial debates will continue to spin in circles, or as the Amharic proverb puts it, *weha biwäqqet'ut emboc'* (when water is ground [in a mortar], it just swishes uselessly about).

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[21] In the epilogue below, I suggest that further systematic research on primary, Ethiopian-language sources will (or should) be crucial in future efforts to do so. Unfortunately, such research is more common in unpublished A.A.U. theses than it is in the published literature.

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The argument here is that the Ethiopian state, centered in Addis Abäba and under the primary leadership of Ras Täfäri/Haylä Sellassé, sought to extend and entrench its control over the country and its diverse peoples, by establishing and standardizing certain government bureaucratic structures in the provinces. This idea should not be surprising, since it represents what has been a goal of most 'modern' states in the 20th century. In the case of eastern Ethiopia, the government failed to earn the willing submission of various subject peoples, and in fact created lasting enmity through its actions, enmity which was exacerbated by Italian 'divide and rule' policies during the 1935/6-1941 occupation. In many ways, broadening our knowledge of this failure—after similar research on more regions throughout the country is conducted—may well help to improve our understanding of the roots of both the 1974 revolution and the present-day government's controversial political platform, as well as the contemporary, and fierce, opposition to the latter.

This dissertation is divided into five chapters, a brief conclusion, and an epilogue. To set the scene for what follows, the opening chapter provides a background history of late-19th century emperors and the nature of their interest in the western world, which under Menilek expanded from the technological/military to include ideas about governing structures. The next chapter argues that Western concepts of the 'law' were central to the political ideologies of Ras Täfäri/Haylä Sellassé and the emerging intelligentsia that generally supported him in principle. Ideology, however, is one thing, and action is another. To discern overlaps and disparities between the two, the next three chapters investigate judicial (1910s-1926), administrative (1933), and internal security (late 1940s) practice. Primary source evidence from each of these spheres reveals that at times

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ideology and praxis overlapped, but by the late 1940s the divide between the two had widened considerably. Charting this transformative split is central to understanding the development of the 20th century Ethiopian state and the problems that wracked it. Thus, this study is intended as one piece in the larger puzzle whose frame has been constructed, but whose middle is at present but partially visible.

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Chapter One

Background: Téwodros, Yohannes and Menilek, 1855-1907

Introduction

This chapter traces 19th century trends and events relevant to understanding the context in which the 20th century Ethiopian state emerged, having subjugated and begun to rule over a diverse population. Later chapters analyze examples of Ras Täfäri/Haylä Selassé's early- to mid-twentieth century efforts to fashion Ethiopia into a nation-state. Focusing on eastern regions of the country, the dissertation overall investigates: 1). provincial institutions controlled by the central government, and 2). reactions of Haräri and Somali subjects to the new structures. Masao Miyoshi observes that states "...define citizenship, control currency, impose law, protect public health, provide general education, maintain security, and, more important, guide national economies...all with revenues raised through taxation."[1] Such responsibilities require effective institutions, such as courts, regional administrations, and internal security forces. During the approximate period of 1900-1950, the Ethiopian state created or extended each of these structures throughout parts of Harärgé and the Ogaden.

Institutions, however, do not appear out of thin air, and background investigation is necessary in order to appreciate what inspires their creation or affects their development. This chapter therefore traces 19th century Ethiopian leaders' changing interests in the Western world; it argues that during the second half of that century

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[1] Miyoshi, "A Borderless World? From Colonialism to Transnationalism and the Decline of the Nation-State," *Critical Inquiry*, 19 (1995): 92.

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Ethiopian leaders were concerned primarily with obtaining European technology and military hardware. Over time their interest nevertheless came to encompass new ideas about government structures, and this chapter thereby prepares the way for the following one on Ras Täfäri/Haylä Sellassé's rise to power. In face of internal and external challenges, he followed his predecessors in looking to the West, in his case for (at least) ideological/strategic assistance in capturing national political control and protecting his country's political integrity against European imperialism. Influenced by both Ethiopian and Western political culture and ideas, Haylä Sellassé spoke of creating a 'modern' nation-state; moreover, it is clear he envisioned one that would be recognized as such by European observers. Subsequent chapters explore some of the means by which the monarch strove to accomplish the transformation of Ethiopia. Ideas about governance and nationalism are central to much of this narrative, and the concept of 'law' provides a link that enables an evaluation of the changing relationships between political ideology and praxis.

Emperor Haylä Sellassé perceived governance as a symbol of either 'modernity' or 'backwardness' and he thus aspired to a certain type of rule over his country. By viewing nationalism as the fabric that, by holding society together, would facilitate effective governance, the monarch strove to create a 'modern' Ethiopian nationalism within his realms. Haylä Sellassé's thought was shaped by both his intimate knowledge of Ethiopia and its complex, often vicious, internal politics and political system, and also by what he had learned about Europe and its traditional political systems. Although not always stated explicitly, a central thread of this dissertation is the movement of (Western/European) ideas across barriers of space, nation and culture, and their particular

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This approach to reinvestigating early 20th century Ethiopian history augments our knowledge of the political ideology and strategies of Täfäri Mäkonnen, the future Emperor Haylä Sellassé I, and begins to shed new light on the foundations of his alliance with the country's nascent intelligentsia. It also raises questions about how his government actually functioned and how its subjects reacted *at the time*. I propose that notions of 'modern' (Amharic: *zämänawi*) law, developed from European examples familiar to Täfäri, were central to his conceptualization of a 'developed' and 'civilized' nation; facilitated his forming working relationships with Europeans resident in Ethiopia, whom he wanted as allies in his struggles against older and more conservative Ethiopian rivals; and, at least until after his 1936-41 exile, influenced his policies in general. But such developments were made possible only by the reforms advanced by his predecessors.

From the mid-19th century on, the spread of global capitalism, closely followed by European imperialism, posed novel challenges for, if not threats to, Ethiopia's aristocratic ruling class. Ethiopia's elites no longer sat atop a stratified socio-political hierarchy within a relatively self-contained geographical unit whose location and topography facilitated the conscious and careful acceptance or rejection of goods imported from the outside world. Instead, they found themselves under increasing pressure from foreign powers, foreign peoples, foreign technologies and foreign ideas. As with most conservative ruling classes throughout world history, Ethiopia's élites were generally resistant to change and its accompanying uncertainties, with the exception of modern

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weaponry, which could either bolster or challenge preexisting power structures and patterns of military conflict. The youthful Ras Täfäri, however, saw value in some of the Western notions that were increasingly entering Ethiopia by the early 20th century, and he sought to apply them locally. As a member of the nobility he was not totally free of his social class' general mentalité. Therefore, to him 'appropriate' application assumed the continued dominance of his class, and he endeavored at all times closely to control and guide change toward that end. Overall, Western ideas and objects comprised tools which he might employ to his and his country's advantage when he deemed doing so to be expedient.

While no country's past can be simply explained as the product of 'Great Men's' actions or influences, Ethiopian historical narratives have long been replete with accounts of emperors and their arch-enemies. The emphasis has shaped the nature of historical knowledge about the country in ways predominantly political and economic, but these accounts evidence the importance of prominent individuals in shaping local events. Even attempts, such as that of Gebru Tareke, at highlighting the role of peasants as historical agents underscores the centrality of 'big men' in instigating historical change.[2]

All leaders, of course operate within specific historical contexts which offer both constraints and opportunities for policy and action, but these contexts do not necessarily determine the trajectories of political continuity and change.[3] Throughout Ethiopia's history, within the specific contexts of given historical moments, the country's leaders

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[2] Gebru Tareke, *Ethiopia: Power and Protest, Peasant Revolts in the Twentieth Century*, Cambridge: Cambridge University Press, 1991.

[3] For example, see David Robinson, *Paths of Accommodation: Muslims Societies and French Colonial Authorities in Senegal and Mauritania, 1880-1920*, Athens: Ohio University Press, 2000.

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have exploited new opportunities for personal/political purposes, and their actions have had far-reaching consequences on the economic and social lives of the country's masses. The point is most obvious in the relatively extensive literature on the histories of emperors and their reigns. As allegedly direct descendents of an ancient lineage of chosen rulers, whose genealogies traced back to a memorable evening union of King Solomon and the Queen of Sheba, Ethiopian emperors and their royal blood embodied and symbolized the country's divine blessing. Historically, Ethiopian Emperors had to combine qualities of military leadership, statesmanship and diplomacy, tolerance of regional diversity, the ability to win loyalty from varied subjects, and justice as the supreme judge of the land. Beginning in the mid-19th century, three men rose to Ethiopia's emperorship and sought to navigate the challenges of a period that was tumultuous worldwide. Emperors Téwodros, Yohannes and Menilek shaped the nature and structures of the state that Haylä Sellassé came to rule, but they did not do so in isolation.

Zämänä Mesafint

Before the ascendance of Emperor Téwodros, Ethiopia passed through a period of history known as the *Zämänä Mesafint*, commonly translated as the Era of the Princes/Judges but perhaps better rendered as the Era of the (Regional) Nobility.[4] This period, usually demarcated as lasting from 1769-1855, witnessed perennial political, religious and military conflict among autonomous regional rulers while politically impotent emperors confined themselves to their capitals. Although the dominant

[4] 'Era of the Judges' is a translation that seeks to draw Biblical parallels.

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scholarly image of the *Zämänä Mesafint* is one of total state collapse characterized by centrifugal political forces,[5] Shiferaw Bekele has argued that centripetal political forces remained the order of the day and that the maintenance of regional power over time by various ruling houses evidences structural continuities neglected in the literature.[6]

In Shiferaw's analysis, the era would be better viewed as one in which an interrelated non-monarchical 'power elite' struggled amongst itself for central power; thus, rather than a period of emperor-headed government (*mengest*; Amharic: government), the *Zämänä Mesafint* witnessed fractured, provincial rule by a small class of the nobility.[7] These power elites fought over and ruled the country's provinces, and their ability to develop clear ties with and to earn the loyalties of regular provincial armies permitted more independence than previously.[8] Yet they competed primarily for influence or control of an ill-defined 'center,' presumably the court of the puppet emperors. Summing up his revisionist account of the *Zämänä Mesafint*'s power elite, Shiferaw wrote "...they were at one and the same time a centripetal and a centrifugal force with, however, the centripetal tendency being the predominant trait."[9]

Regardless of the centripetal tendencies Shiferaw details, the political and military struggles of 1769-1855 undermined the security of historical land tenure systems, discouraged investment in or improvement of lands, disrupted or interrupted trans-

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[5] See, for example, J.S. Trimingham, *Islam in Ethiopia*, 104-108; and Mordechai Abir, *Ethiopia: the Era of Princes*, London: Longmans, 1968.

[6] Shiferaw Bekele, "Reflections on the Power Elite of the Wärä Seh Mäsfenate," *Annales d'Éthiopie*, 15 (1990): 157-79.

[7] Shiferaw, "Reflections," 162.

[8] Shiferaw, "Reflections," 173.

[9] Shiferaw, "Reflections," 168.

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regional trade routes, and ravaged local economies. It is difficult today to imagine the harshness of life for ordinary cultivators and pastoralists during the *Zämänä Mesafint*. Yet a few of its warring elites established an enduring historical pattern: From at least 1805, when Henry Salt visited *Ras* Wäldä Sellassie, the ruler of Tegray, they opened and pursued epistolary and diplomatic relations with both individual Europeans and foreign governments.[10]

The two primary interests that underlay their engaged contact with *ferenji*s (Amharic: Europeans, whites) and Arabs were religion and military. In the religious sphere, Ethiopian rulers were largely concerned with having an Abun (metropolitan) appointed from Egypt,[11] getting supplies and skilled workers to help build churches,[12] and with improving the lot of the Ethiopian Orthodox community resident in Jerusalem.[13] In regard to military issues, Ethiopians endeavored to build their supplies of European weaponry, from muskets to percussion cap rifles to cannon.[14] In fact, when Ethiopian elites dictated the letters that their dutiful scribes penned to foreigners, they blended their religious and military wants by requesting that their fellow Christian leaders send them

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[10] See, for example, *Letters from Ethiopian Rulers (Early and Mid-Nineteenth Century)*, translated by David L. Appleyard and A.K. Irvine, Oxford: Oxford University Press, 1985.

[11] *Letters from Ethiopian Rulers*, Ras Wäldä Sellassé to King George III, April 1810 (pg. 7); Däjjazmach Säbagades to Patriarch P'et'ros IV, c. April 1827 (pg. 49); Däjjazmach Webé to Queen Victoria, Spring 1841 (pg. 65).

[12] *Letters from Ethiopian Rulers*, Däjjazmach Säbagades to Henry Salt, 22 February 1827 (pg. 37); Däjjazmach Säbagades to King George IV, c. 24 April 1827 (pp. 41-43); Däjjazmach Webé to Consul Walter Plowden, February/March of 1849 (pg. 77).

[13] *Letters from Ethiopian Rulers*, 91-134.

[14] *Letters from Ethiopian Rulers*, King Sahlä Sellassé to British East India Company, 28 June 1840 (pp. 59-60); King Bäshah Weräd (Haylä Mäläkot) to Queen Victoria, spring 1849 (pg. 79); Ras Ali Alula to Queen Victoria, November 1849 (pg. 87); also see pg. 140 n. 7, pg. 141 n. 10.

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Téwodros

The continual warring, if not instability, of the *Zämänä Mesafint* came to an end with the rise of Kasa Haylu, a frontier bandit from western Ethiopia who married into the Tegrayan ruling elite and systematically defeated a series of powerful provincial rulers, including his father-in-law, on the battlefield. An ambitious and charismatic leader, Kasa envisioned a number of reforms designed to strengthen his country. Perhaps signaling how far-reaching they might be, at his coronation he referenced a well-known apocalyptic book by declaring "…that he was Téwodros, the King who was to come in the latter days and rule the world in righteousness, peace and prosperity for forty years."[16] For the first time in almost a century, Téwodros' political dominance marked—superficially and in popular memory at least—the reunification of Ethiopia under a *de facto* and *de jure* Emperor.

Since his early political vision transcended the mere retention of power, the emperor initially attempted to win the loyalty and support of his people through implementing certain reforms.[17] During the *Zämänä Mesafint*, the Ethiopian Orthodox Church had splintered into competing factions that disagreed over the birth and nature of

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[15] Some missionaries were surprised to find themselves, upon arrival at a northern Ethiopian court, ordered to begin fashioning weapons. *Letters from Ethiopian Rulers*, 140 n. 7.

[16] Sven Rubenson, *King of Kings Tewodros of Ethiopia*, Addis Abeba: Haile Sellassie I University/Oxford University Press, 1966, 49.

[17] The literature often labels Téwodros as the first of the 'modernizing' monarchs. The assessment seems to be based on four ideas: 1. military reform, 2. reunification of the church, 3. desire for a pan-Christian cooperation with Europe, and 4. desire to centralize administration.

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Christ. Téwodros supported the *Tewahdo* line (which maintained that Christ's human and divine natures were inseparable) and suppressed the *Sost Ledet* (triple birth) view. He thereby restored the unity of the church, for centuries a national symbol and necessary ally in establishing political legitimization in Abyssinia. Administratively, Téwodros appointed members of local dynasties to serve as his provincial governors. By this policy he perhaps hoped to lessen regional discontent and facilitate smooth administration. He also "...resolved that governors and judges should be his personal salaried appointees," an innovation aimed at ending the arbitrary taxation imposed by provincial rulers.[18] Militarily, he sought to create a national army with mixed regiments, new channels of command, regular salaries, and modern weaponry. Téwodros thought such changes would ensure the military's primary loyalty to the center, rather than to provincial governors, and would lessen the damage inflicted by marauding soldiers on hapless peasants.[19]

Finally, Téwodros employed European advisors and technicians, attempted to enlist European government assistance in repelling Turko-Egyptian threats to his western and northern borders, and sought Western technological skills. He endeavored to recruit "instructors, engineers, builders and artisans of all kinds "to improve and develop the resources of his country". According to the traveler Dufton he even "entertained the project of sending to England and France some of his more intelligent subjects, to learn

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[18] Rubenson, *King of Kings*, 54.

[19] Bahru Zewde, *A History of Modern Ethiopia, 1855-1974*, London: James Currey, 1991, 32-3; R.A. Caulk, "Armies as Predators: Soldiers and Peasants in Ethiopia c. 1850-1935," *International Journal of African Historical Studies*, XI, 3 (1978): 457-493.

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[21] Rubenson, *Kin*

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[24] Rubenson, *King*

useful arts and manufactures"."[20] Regardless, he was apparently most interested in increasing his supply of modern weaponry.

Despite his best intentions, Téwodros could not improve the lives of his subjects without strengthening his economic base. Therefore, he increased taxes and tried to confiscate tax-exempt church lands, "thereby [making] the clergy his implacable enemy."[21] The clerical opposition was matched by peasant resentment at increased taxation, and the discontent of these two social groups fanned the fires of rebellion among provincial elites. The unrest revealed that the internecine tensions of the *Zämänä Mesafint* had not been eliminated, and submission to the emperor's authority was often transitory.[22] Revolt after revolt flared up, and Téwodros moved from province to province suppressing unrest. Confronted with resistance to his efforts at every turn, by peasants, clergy and nobility alike, Téwodros resorted to increasingly heavy-handed responses in order to maintain his dominance. He scorched the lands of rebels, brutally punished lapses of discipline among his soldiers, and enslaved the followers of rebel leaders. In the end, he came to rely on violence to hold his state together.[23]

Téwodros' frustration was exacerbated by his perceived foreign relations failures. Around 1855 he had made it clear to Plowden, the British Consul in Mes'ewwa on the coast, that he would take the initiative in establishing foreign contacts based on sovereign equality.[24] In 1862, in response to Egyptian encroachment, he appealed to Queen

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[20] Rubenson, *King of Kings*, 63.

[21] Rubenson, *King of Kings*, 68-70.

[22] Bahru, *Modern History*, 31.

[23] Donald Crummey, "The Violence of Téwodros," *Journal of Ethiopian Studies*, IX, 2 (1971): 107-25.

[24] Rubenson, *King of Kings*, 65.

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Victoria and Napoleon III "...for assistance, at least moral support....Téwodros also informed the two sovereigns that he intended to send embassies to their courts and asked them to arrange for their safe travel through Turkish territory."[25]

The French answer was judged to be unsatisfactory, and the British failed to respond at all. After a series of minor incidents angered Téwodros further, he took several European hostages, hoping to force Western cooperation and aid. The British, however, were unimpressed by the move and, after failed attempts at resolving the dispute, sent the Napier Expedition to rescue the captives and restore British honor, at the cost of £5,000,000. In face of the British army, the hostility of his people, and overwhelmed at his failures as emperor, Téwodros committed suicide on 10 April 1868. This act has been misinterpreted by generations of young Ethiopians as a final and valiant act of resistance to European invasion, and Téwodros in general has been romanticized in fictional narratives such as Sahle Sellassie's *Warrior King*.

In fact, it is not inaccurate to view Téwodros as a poor politician. Inspired by a progressive though vague and undeveloped vision of his country's future, he was handicapped by historical forces which undermined national unity and frustrated his attempts at political and economic innovation. His response is easily understood within the epoch in which he lived. He reacted as would be expected of a military leader who had achieved his position by force—he naturally turned to force.[26] In the process he subjected his peoples to intense suffering, and his counter-insurgencies undermined local

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[25] Rubenson, *King of Kings*, 84.

[26] Donald Crummey's analysis of the emperor demonstrates that his character/personality was a disadvantage as well. Crummey, "Violence."

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economies. Although his ideas for the future could not be implemented during his time—indeed, he left the state as bad off as it was before he rose to power[27]—they appear to have been remembered by later emperors.

His policies of state centralization and the adoption and exploitation of foreign technology were pursued by subsequent emperors, and his incorporation of the province of Shäwa, which had expanded to the south under the leadership of King Sahlä Sellassé, signaled future directions of political strength. Téwodros' military reforms were not fully implemented at the time, but were eventually achieved under Haylä Sellassé. Similarly, his quest for modern firearms was taken up by Menilek and Haylä Sellassé, as detailed below.

Yohannes

After Téwodros' demise, Dejjazmach Kassa, who had helped to supply the Napier Expedition in its march inland and had acquired about £500,000 worth of modern weaponry in the process, made use of the weapons to secure the emperorship.[28] After a brief and unimportant interregnum under Emperor Täklä-Giyorgis, Kassa was crowned Emperor Yohannes IV in 1872. He followed Téwodros' precedent in striving to reintegrate Ethiopia, and he sustained the post-*Zämänä Mesafint* cooperation between secular/political leadership and the Orthodox Church. Yohannes did not push the idea of a centralized state though, instead opting for a looser form of federation with fealty paid to the emperor. The basic idea of state unity was still there, but aware of Téwodros'

[27] Rubenson, *King of Kings*, 90.

[28] The gift included "6 cannon, 850 muskets and rifles and a considerable supply of ammunition." Bahru, *Modern History*, 49.

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failure, Yohannes sought to bring about centralization through alternative means. He envisioned the emperor as a first among equals,[29] and he tried to establish a state structure which is analogous to the 10-year experiment with regional autonomy in present-day Ethiopia. The political arrangements he strove to implement were realized in 1878, when King Menilek formally acknowledged Yohannes' suzerainty.

Religion comprised a cornerstone of Yohannes' conceptualization of his state. He was fervently Christian and managed to unite his people behind him in resisting the incursions of Muslim Egypt. Furthermore, at the Council of Boru Méda in 1878, he resolved long-standing intra-Christian theological disputes by going further than Téwodros and declaring the *Tewahdo* as state doctrine and punishing those who refused to adhere to it. His persecution of members of other Christian sects and his infamous campaigns against Islam do not fit well with modern notions of the Ethiopian state, but they do conform to the historical view of Christian Abyssinia.[30]

Yohannes' mobilization of his Christian subjects, his successful military conquests, and his astute political compromises with regional rulers helped to unite the country more effectively than it had been in centuries. In its historical context, Yohannes' vision of a federated Ethiopia was a more realistic approach to unifying the country than Téwodros' absolute centralization had been. As a result, under Yohannes trade improved, agricultural production increased and peasant life improved.

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[29] This is actually what is meant by the name *negusa negest* (king of kings), which is usually translated as 'emperor.' At the outset, however, Yohannes, preferred *r'esa mäkwanent* (head of the nobility), a humbler title.

[30] Haggai Erlich, *Ethiopia and the Middle East*, Boulder: Lynne Rienner Publishers, 1994. For the recent re-analysis of Yohannes' policies and actions towards Islam, see Hussein Ahmed, *Islam in Nineteenth-Century Wallo, Ethiopia: Revival, Reform and Reaction*, Leiden: Brill, 2001, Chapter Six.

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Of the major late 19th century emperors, Yohannes was the least interested in European contacts or ideas. In hindsight his lack of external diplomacy is not surprising, since his reign was characterized by periodic regional revolts and conflicts with Turko-Egyptian forces in the west and north. These events distracted him from following up on early unsuccessful attempts to correspond with London and to send a mission there to recruit skilled craftsmen.[31] Furthermore, his misguided assumption that Christian Europe would support Ethiopia against Muslim Egypt was not realized, a failure that baffled the emperor.

The decisive defeats of Egyptian forces at Gundät (1875) and Gura (1876) netted considerable modern arms for his armies, "enhanced his prestige as the defender of faith and motherland,"[32] and provided a brief respite during which he was able to attend to internal problems, but the external Muslim threat had not been eliminated and Yohannes' attempts to sue for peace on his terms came to naught. Moreover, a perennial thorn in his side was the rivalry between two of his vassals, Adal of Gojjam and Menilek of Shäwa. Owing to Menilek's greater strength and Adal's closer proximity to the north, Yohannes often favored the Gojjami. At the Battle of Embambo in 1882, however, Menilek defeated his rival, thereby establishing his dominance in the southwest and increasing his potential threat to the emperor.

1881 marked a temporary change of fortune for Yohannes. Considering his harsh repression of Islam and its adherents, it is ironic that the rise of Mahdism in the Sudan strengthened the emperor's bargaining power vis-à-vis Egypt and Britain. When

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[31] Bahru, *Modern History*, 49.

[32] Bahru, *Modern History*, 53.

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Egyptian troops were cut off by Mahdist forces, Rear Admiral Sir William Hewett signed a treaty with Yohannes in 1884. The Hewett Treaty (or Adwa Treaty) met several demands Ethiopia had been making for years, including the free importation of trade goods and weapons through the port of Mes'ewwa, the restoration of Bogos, and improved Egyptian cooperation in appointing Patriarchs to the Ethiopian Orthodox Church. In return, Yohannes agreed to help evacuate Egyptian troops stranded in eastern Sudan. Although Ethiopia fulfilled its treaty obligations, Egypt did not, and Britain reneged by encouraging and allowing Italy to occupy Mes'ewwa. In the end, the treaty harmed Ethiopia more than it helped it:

> Ultimately...what Yohannes managed to achieve after two brilliant military victories and a belated peace treaty was, in the words of Sven Rubenson, to trade 'one weak enemy [Egypt] for two strong ones, the Mahdist state and Italy'.[33]

Yohannes' downfall was ensured in the mid-1880s. Although he had achieved a modicum of internal peace, border clashes with Sudanese Mahdists in the west and Italians in the north consumed his energies. King Menilek took advantage of these distractions and rebelled openly, even allying with his former rival *Negus* Täkla-Haymänot (Adal of Gojjam). Yohannes did not have the opportunity to deal with all these problems, however, as he was killed in battle against the Sudanese at Mätämma in March 1889.

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[33] Bahru, *Modern History*, 55.

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Menilek

A year after Yohannes' death, Menilek, with little competition, declared himself emperor. As king of Shäwa, Menilek had come to appreciate the riches of the lands to the south of his province and continued to exploit them after his rise to the emperorship. In the process he returned to the pre-Grañ conception of Ethiopia as including southern and western lands, in addition to the traditional central and northern provinces. By incorporating southern, southwestern, western and eastern lands into his realm he both increased the size of his state and considerably enriched his economic base. He also took advantage of British, Italian and French political maneuvering in the Red Sea region by playing them off against each other in his quest for modern arms. Menilek's forces later utilized such weapons at the Battle of Adwa (1896), in which they decisively defeated an Italian invasion and secured Ethiopia's independence during the era of European Imperialism in Africa. Menilek followed up his military success with a careful foreign policy that secured his country's boundaries, earned Ethiopia international respect,[34] led to economic concessions, and allowed him to pursue his plans for building his nation.

The emperor's plans and accomplishments were far-reaching. They included the founding of a new capital, a change from the roaming capital 'camps' of previous emperors, in which Ethiopia's nobility increasingly settled down.[35] Menilek also implemented new administrative and taxation structures staffed largely by northern officials, with whom he communicated through telegram and telephone services. And he

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[34] Harold G. Marcus, "The Black Men Who Turned White: European Attitudes Towards Ethiopians, 1850-1900," *Archiv Orientální*, 39, (1971): 155-66.

[35] See Ronald J. Horvath, "The Wandering Capitals of Ethiopia," *Journal of African History*, 10, 2 (1969): 205-19.

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improved the national judiciary, alleviating himself of a heavy burden and guaranteeing an allegedly more impartial and consistent application of the law. In short, he generally strengthened the central government's control over Ethiopia.

In the process, Menilek generated deep resentment among many conquered peoples, some of whom had suffered brutally at the hands of his forces. Their discontent was exacerbated by the staffing of local administrations by northerners, who were Christian, spoke unfamiliar languages, and ruled according to Menilek's wishes. Adverse changes in land tenure systems and new demands on peasant labor did little to placate the newly conquered peoples. There is little consensus about the impact of Menilek's territorial expansion and rule upon those who became his subjects.[36] However, a broad picture of the negative effects is suggested by scholarly accounts about southern peoples, which focus on local political structures and relations and economies (including changes in class relations), population movements as a result of military disruptions, and the difficulties suffered by women and children, in particular, during these times.[37]

Extending Menilek's administration southward and westward fulfilled the expansion of central state control envisioned by Téwodros (though in different directions), and was perhaps made possible by the lessons Menilek learned from the reigns and different styles of rule of Téwodros and Yohannes. In implementing his reforms, Menilek benefited from the opportunities posed by European interests in the

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[36] The best study in doing so remains Charles W. McClellan, *State Transformation and National Integration: Gedeo and the Ethiopian Empire, 1895-1935*, East Lansing: MSU African Studies Center, 1988.

[37] *The Southern Marches of Imperial Ethiopia : Essays in History and Social Anthropology*, edited by Donald Donham and Wendy James, Cambridge/New York: Cambridge University Press, 1986. Also see Asafa Jalata, *Oromia and Ethiopia: State Formation and Ethnonational Conflict, 1868-1992*, Boulder: Lynne Rienner Publishers, 1993, 55-57, 66-73.

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region. He presided over the beginning of the transition from an earlier age when Ethiopian emperors and elites drew upon the outside world primarily to acquire better weaponry, to one in which Ethiopians drew on Western ideas in pursuing rule and governance, laying the basis for the modern Ethiopian state. Although Menilek did not do so alone, his vision and charisma certainly deserve much of the credit for his success.

Menilek realized the importance of modern weapons to his own political maneuvers, and tried to obtain them at least as early as 1872. He also appreciated the need to tap new sources of wealth in order to pay for them, a need which contributed to his southern campaigns that conquered the regions presently comprising much of the southern region of Ethiopia. In addition, he began outfitting sizable caravans to the coast to ensure greater and more reliable access to the sea. More and better weapons facilitated his southern expansionism and the booty they provided enabled him to purchase more weapons.[38] This cycle helped Menilek to build the military power base that later guaranteed his claim to the emperorship. Until the post-Adwa era, to him the usefulness of the outside world consisted of its ability to sell Ethiopia modern firearms.

In the mid-1880s, the collapse of Egyptian power in the Red Sea, the rise of the Sudanese Mahdi and subsequent European competition for political and economic influence marked an increased availability and growing quantity of firearms in the Horn. In exchange for Ethiopian cooperation in evacuating Egyptian forces from the western Sudan, Britain and Egypt agreed in June 1884 to allow Emperor Yohannes free transit of

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[38] Harold G. Marcus, *A History of Ethiopia*, Berkeley: University of California Press, 1994, 75, 77-78.

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arms and ammunition through Mes'ewwa, in today's Eritrea.[39] Britain nevertheless did not intend for Ethiopia or France to take over the territories abandoned by Egypt, instead encouraging Italy to do so. The latter, late to join the rush to acquire African territories, was happy to oblige. Less than a year later Italy occupied Mes'ewwa and prohibited further arms imports to Yohannes, whose presence in the north was inimical to Italian desires for expansion there.

Along the coast, the French were anxious to curtail Italy's strength, and the British were in turn concerned to minimize French influence. In 1884-1885, France colonized Obok and Tajura (Jibuti), and the British took Zayla and Berbera (Somaliland).[40] The British, previously enjoying a monopoly of control over the arms trade which went through their ports at Aden (Yemen) and Zayla, were alarmed at the possibility of unlimited amounts of weapons being routed through French or Italian territories, as well as the loss of tax revenues such traffic would entail. British authorities therefore sought to limit arms shipments, arguing that the arms trade encouraged the slave trade and that an increase in weapons imports ran the danger of arming "uncivilized tribes."[41]

Italy was reluctant to impose limitations, owing to a desired alliance with Menilek against Yohannes. France agreed to restrict imports to agents who had been issued

[39] Article I of the "Hewett Agreement" stated that "from the date of the signing of this treaty, there shall be free transit through Massawah, to and from Abyssinia, for all goods, including arms and ammunition, under British protection." (FO 1/31, "Treaty Between Great Britain, Egypt and Abyssinia, 3 June 1884")

[40] In the face of likely war with China, the French also sought to establish a refuelling station in the Red Sea since British neutrality prevented French warships from utilizing British-controlled ports in the region. Harold G. Marcus, *The Life and Times of Menilek II: Ethiopia, 1844-1913*, Lawrenceville, NJ: The Red Sea Press, Inc., 1995, 75.

[41] Theodore Natsoulas, "Arthur Rimbaud: Trade and Politics in Northeast Africa, 1880-1891, Part II," *Northeast African Studies*, 3, 3 (1981-82): 44.

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official licenses, but granted such permissions liberally to protect French economic interests in the region and because of the larger dream of a united French Africa stretching from the west of the continent to the east. French circumvention of the agreements, and subsequent British fears of their 'legitimate' Zayla trade being diverted to the French ports through which arms were being imported, led to the collapse of regulations by 1889. Ironically, when Britain began permitting the arms trade through Zayla it argued that doing so would undermine the slave trade.[42]

In 1885 Menilek began considering conquering the eastern city of Harär, both to prevent a European power from doing so and to secure access to the coast for communication and trade. For centuries Harär had been the primary urban Islamic center of Ethiopia and had served as Imam Ahmad ibn Ibrahim al-Ghazi's (Grañ's) homebase during the famous sixteenth century jihads against Christian Abyssinia. After Emperor Galadewos and his Portuguese allies defeated the Muslim forces and killed their leader in 1543, Haräri attention focused much closer to home. Nur ibn Mujahid, successor to Imam Ahmed's amirship and inheritor of his widow, built the wall that still surrounds the original town, possibly as protection against the growing numbers of Oromo pastoralists in the region. In 1577, the seat of the Islamic sultanate was transferred to Awsa, and although Harär remained a potent symbol of a great past for Ethiopia's Muslims, scholars generally regard the following 300 years as a sort of Dark Age in Haräri history, about which we know little more than the names of ruling amirs.[43]

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[42] Richard Pankhurst, *Economic History of Ethiopia: 1800-1935*, Addis Ababa: Haile Sellassie I University Press, 1968, 596.

[43] See J. S. Trimingham, *Islam in Ethiopia*, London: Oxford University Press, 1952, 95-97, and Ewald Wagner, "Three Arabic Documents on the History of Harar," *Journal of Ethiopian Studies*, XII, 1 (1974): 214.

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By the second quarter of the nineteenth century the Harări and Oromo enjoyed a mutally dependent relationship. The Oromo cultivated Harări cereal fields and relied upon the town as an outlet for surplus produce and as a source for essential commodities such as salt, cloth and beads. In return, the Harări extracted as much as 70% of the Oromo harvest as rent.[44] As the century progressed, Harăr's economy rested increasingly upon the more militarily powerful Oromo, and Harări political dominance was undermined by local disputants enlisting Oromo backing for their causes. The balance of power in the region favored the Oromo by 1875, when Egyptian forces occupied Harăr as part of Khedive Isma'il's dream of an African Empire. The general population had suffered for nearly twenty years under the rule of Amir Muhammad ibn Ali, who advantaged his Oromo allies to the detriment of his Harări subjects, but his tyranny came to an end when an Egyptian soldier strangled him during evening prayers only hours after the occupation.[45]

Although brief, the period of Egyptian rule had important consequences for Harări society.[46] They improved the road from the coastal port Zayla, established postal services, introduced Egyptian currency, built an aquaduct to supply the town with fresh water, and erected houses. They ordered the registration of all marriages and divorces, real estate properties, houses, gardens and court cases. They started a hospital, improved

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[44] Sidney Waldron, "Within the Wall and Beyond: Ethnicity in Harar, Ethiopia," in *Urban Life: Readings in Urban Anthropology (Second Edition)*, edited by George Gmelch and Walter P. Zenner, Prospect Heights, IL: Waveland Press, Inc., 1988, 400.

[45] R. A. Caulk, "Harăr Town and its Neighbors in the Nineteenth Century," *Journal of African History,* 18, 3 (1977): 379-380. M. Sabry, *Épisode de la Question D'Afrique: L'Empire Égyptien Sous Ismaïl et L'Ingérence Anglo-Française (1863-1879),* Paris: Librairie Orientaliste Paul Geuthner, 1933, 419.

[46] For conditions prevailing at the time of occupation, see Mohammad Moktar, "Notes sur le Pays de Harrar," *Bulletin de la Société Khédiviale de Géographie*, 1, 4 (1886): 351-397.

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other health services, and required the notification of deaths to prevent epidemics. During their stay, the annual number of caravans arriving to and departing from Harär multiplied and the economy prospered.[47]

This period also witnessed transformations in the town's religious life. In 1875 The Egyptians found, apparently with some surprise, that Haräri children learned to read and write Arabic (though they spoke it only with difficulty), the adults met in the evenings with qadis to study Islamic jurisprudence (of the Shafi'i madhhab), and some Haräri were knowledgable about Egyptian literature and poetry, mathematical fundamentals, astronomy and the calculation of the Arabic, Coptic and Gregorian calendars.[48] Despite these discoveries, the Egyptians thought there was room for improvement, and they raised an impressive new mosque, suppressed beer-drinking and qat-chewing, combatted 'hommes de médecine' and 'docteurs de miracles,' and imported qadis to ensure better application of the law.[49] They also pacified the uncooperative Oromo and Somali of the region and spread Islam among them.[50] Ultimately, the Egyptian occupation of Harär checked the growing power of the Oromo, reinvigorated Islam and Islamic practice, and emphasized the cultural uniqueness of urban, Islamic Harär within the broader region.

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[47] P. Paulitschke, "Le Harrar Sous l'Administration Égyptienne, 1875-1885," *Bulletin de la Société Khédiviale de Géographie*, 2, 10 (1887): 588. Sabry, *Épisode*, 420-422. G. Douin, *Histoire du Règne du Khédive Ismaïl, Tome III, L'Empire Africain, 3e Partie (1874-1876)*, Fascicule A, Le Caire: Imprimerie de L'Institut Français D'Archéologie Orientale, 623-25.

[48] Moktar, "Notes," 376-77.

[49] Sabry, *Épisode*, 418-25; 429-30. The Egyptians thought that Harär's qadis crafted their judgements more to please their powerful amir than to abide by the tenets of Islamic law. (Moktar, "Notes," 364.)

[50] Sabry, *Épisode*: 427-28. It must be noted that Amir Muhammad ibn Ali earlier strove to convert the Oromo and restore the local power balance. (Caulk, "Harär Town," 380.)

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Owing to political and financial crises at home during the early 1880s, the Egyptians evacuated Harär in 1885, but the Islamic revival they stimulated retained some momentum. Abdullahi ibn Muhammad, who was the son and grandson of amirs and well-known for his Islamic learning, was installed as amir by the departing forces. He followed the examples of his father and the Egyptians by trying to convert the Oromo to Islam, and he "severely punished the laxity of the townspeople and all who came to Harär."[51] Although many Oromo revolted and refused to pay taxes during his brief rule, his proselytizting efforts and his strict enforcement of Islamic practices later earned him kudos in Haräri traditions.[52]

During this period of heightened Islamic religiosity, the Menilek conquered Harär. The town was situated on a major trade route outside Emperor Yohannes' control, allowing Menilek to import modern firearms to enhance his power. Harär's proximity to the sea facilitated communications with the outside world, in particular with the Italians, who like Menilek wished to weaken Yohannes' position in the north. Furthermore, Harär was in a rich province, whose tax revenues promised to swell the king's coffers. From the local perspective, however, the Battle of C'älänqo on 6 January 1887 marked the end of Haräri independence and the beginning of its subjugation to a Christian authority.[53]

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[51] Caulk, "Harär Town," 384.

[52] Muhammad Hassan, "The Relations Between Harar and the Surrounding Oromo Between 1800-1887," Senior Thesis, Haile Sellasie I University, 1973, 34; Caulk, "Harär Town," 384.

[53] Haräri say that the red earth floors of their homes symbolize the Haräri blood spilled at Ch'elenqo. Sidney Waldron, "A Farewell to Bab Haji: City Symbolism and Harari Identity, 1877-1977," in *Working Papers on Society and History in Imperial Ethiopia: The Southern Periphery from the 1880's to 1974*, Cambridge: African Studies Center, 1980, 251.

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In the process of occupying Harär in January 1887,[54] Menilek took possession of the arsenal left behind by the Egyptians, which included a few Krupp cannon,[55] between 1,200 and 10,000 rifles, and between 600,000 and 3,000,000 rounds of ammunition; reduced the period for travelling from Shäwa to the coast from "50 or 60 days to only about 35;" and frightened the Italians into increasing their gifts of weapons in order to prevent French dominance in the arms trade.[56] He thus established control over the trade entrepôt through which enormous quantities of arms and ammunition were imported in the years leading up to the Battle of Adwa. Under the governorship of Ras Mäkonnen, Menilek's relative and trusted friend, the majority of Shäwa's trade was routed through Harär and the arms trade flourished. "Better weapons" became available at "lower prices," duties were raised, and by September "the arms traffic in Harär overshadowed all other commerce."[57]

Although Greeks, Armenians and others participated, French merchants were the most important arms and ammunition traders in Harär, importing their goods from Obok, Tajura, and later the port of Jibuti.[58] Between 1882 and 1884, at least 200 breech-

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[54] See Richard A. Caulk, "The Occupation of Harär: January 1887," *Journal of Ethiopian Studies*, 9, 2 (1971): 1-20; and R. Caulk, "Menilek's Conquest and Local Leaders in Harär," paper presented to a conference of the History Society of Ethiopia, Addis Ababa, June 1975.

[55] Alfred Bardey put the number at two (Alfred Bardey, *Barr-Adjam: Souvenirs d'Afrique Orientale, 1880-1887*, Paris: Centre National de la Recherche Scientifique, 1981, 334), as did Paulitschke (Jonathan Miran, *L'Occupation Egyptienne de Harär (1875-1885)*, Mémoire de Diplôme de Recherche et d'Etudes Appliquées Est-Africaines et Malgaches, Institut National des Langues et Civilisations Orientales, Paris, June 1993, 132). Richard Pankhurst, citing official British correspondence, among other sources, counts six (Pankhurst, *Economic History*, 593).

[56] Pankhurst, *Economic History*, 593.

[57] Marcus, *History of Ethiopia*, 84; Pankhurst, *Economic History*, 410.

[58] The most important French traders included Soleillet, Leon Chefneux, and Armand Savouré, as well as lesser figures like the well known poet Arthur Rimbaud (Theodore Natsoulas, "Arthur Rimbaud," 44).

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loaders, 2000 muskets, 10,300 rifles, and tons of ammunition were shipped inland. In 1887, 1,000 Remingtons and between 30,000 and 300,000 cartridges arrived in Tajura.[59] In 1888, a British agent reported that Savouré had taken "125 loads of rifles and military stores" to Harär and that not much later "fifty camel-loads of rifles [had] left Jibuti... [and] there were still seventy-five loads of arms and ammunition awaiting the arrival of camels." The same year, a Greek allegedly brought in 2,000 rifles through Jibuti, and A. M. Brémond another 2,000.[60] In the early 1890s, Chefneux imported "ten quick-firing rifles" and Brémond 1,000 rifles. British intelligence reports enumerated 60,000 rifles in transit, including quick-firing models, possibly Hotchkiss, and mountain guns and machine guns, and a ship from Marseilles transported "30 tons of war material" to Jibuti. In 1893, it was estimated that 1,000 camels were regularly used in the trade from Jibuti and Zayla to Harär, carrying about 25,000 rifles a year, an amount which "exceeded the number of Italian troops in Africa." In 1894, the Italian Ambassador in London reported an active arms trade at Obok, including two recent shipments, one of 3,000 rifles.[61]

The visibility of the arms trade with Ethiopia varied with the climate of political relations between the European powers, but it continued unabated regardless. Though possibly apocryphal, a story told by Avidas Terzian suggests one way by which this was accomplished.[62] Mr. Terzian related that his father, Sarkis Terzian, resident in Harär and a friend of King Menilek, arranged for transporting the Egyptian arsenal to Shäwa after the conquest of Harär. When the king wanted more weapons, Terzian travelled to

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[59] Pankhurst, *Economic History*, 593-594.

[60] Pankhurst, *Economic History*, 596.

[61] Pankhurst, *Economic History*, 599-600.

[62] Interview of Avidas Terzian, Addis Abäba, 15 May 1994.

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Marseilles, where he traded gold and ivory for 80,000 *fusil gras*, 33 pieces of artillery and a machine-gun.[63]

In the few years preceeding the Battle of Adwa the arms trade continued to grow. Menilek's Swiss friend and advisor, Alfred Ilg, went to Paris to buy weapons. Chefneux provided guns left over from the Franco-Madagascar war, as well as more quick-firing rifles. 135 cases of rifles and loads of ammunition were obtained from Russia, and a French ship landed at least 250,000 cartridges at Jibuti. British officials estimated 7,000 rifles were imported from Belgium.[64] Undoubtedly, there were many other consignments as well, which will only be revealed by a purposeful combing of the archival records and first-hand accounts.[65]

By the time of the Battle of Adwa in 1896, therefore, Menilek's troops were clearly well armed:

> Vanderheym saw no less than 40 Hotchkiss guns and half a dozen machine-guns at the palace and reported that Ras Mäkonnen had perhaps a further 10 cannon, though the other major chiefs had no more than two each. In November, Piano and Traversi estimated that there were 82,000 rifles in the country (54,000 in the

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[63] Owing to prohibitions on the arms trade following the General Act of Berlin (1885), however, France was not willing to transport the weapons itself and suggested that he discuss the matter with the Belgians.

In Liège, Belgium's weapons center, Terzian packed the arms, including 80,000 sabres purchased there, in metal-lined, wooden boxes. The Belgians shipped the crates to Rotterdam, Holland, where they were loaded on a Dutch ship going to Java. En route, this ship entered the Gulf of Tajura, which owing to French connivance was conveniently free of British, Italian and French patrolboats, and dumped the crates in the sea, as close to shore as possible. That night, when the tide had receded, the goods were brought to the coast (Interview of Avidas Terzian, 15 May 1994). Though it is surprising to consider that such a valuable cargo would be off-loaded into the sea, the sending of foreign agents, supplied with gold and ivory, to Europe demonstrates the lengths to which Menilek was prepared to go in order to obtain weapons, and suggests one way in which illicit goods may have been smuggled into Ethiopia at the time.

Pankhurst notes that "Italian intelligence reported that the Armenian, Sarkis Terzian, was active in the summer of 1896 buying weapons in Belgium, payment being made in ivory and gold..." (Pankhurst, *Economic History*, 602).

[64] Pankhurst, *Economic History*, 600.

[65] Although Ethiopians did manufacture a limited number of cartridges, their own production was of limited significance.

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> hands of Menilek, 10,000 with Ras Makonnen, 7,000 with Ras Mangasha), as well as 5 ½ million cartridges, all but half a million of which were in the Emperor's possession; Donaldson Smith, who also saw large numbers of Remingtons and French breech-loaders in the possession of the Ethiopians, aptly commented: "any nation attacking them would have its hands full."[66]

Pre-war Italian estimates of the number of Ethiopian guns varied from 50,000-100,000, with additional reports of cannon, machine-guns and heavy artillery. The Italians could only boast of 17,000 soldiers (including about 10,500 Italians), who carried a total of less than 15,000 rifles.[67] If nothing else, the disparity in these numbers reflects the depth of Italian prejudice toward and ignorance of Ethiopians' fighting abilities. But how wrong they were: On 1 March 1896, within four hours of the start of battle the outcome was obvious, and by the end of fighting Italy had "lost 70 percent of its forces, an incredible disaster for a modern army."[68]

Although Menilek began obtaining modern weaponry more than a decade and a half before becoming emperor and although the Italians themselves supplied a huge quantity of arms to him, his arsenal could not have attained its size or quality without his control of Harär. The tribute and booty from his 'southern marches' provided the wherewithal to reimburse arms merchants, and Harär was well-situated on the trade routes leading to sea ports controlled by the French, who were willing to cooperate with Menilek in order to counter British and Italian influence in Ethiopia. Furthermore, the French assistance spurred the Italians to increase their own gifts and sales of arms to Menilek, further strengthening his forces. That the modern weapons thus supplied were

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[66] Pankhurst, *Economic History*, 600.

[67] Pankhurst, *Economic History*, 602. The full importance of these numbers cannot be realized without documenting the types and quality of weapons both sides were using.

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crucial to Ethiopia's victory at Adwa, and the irony of their origins, is well attested in the famous Amharic poem:

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> What a fool he is, the person from a European country;
> How, having made the instrument of his death, can he give it away?
> With the Wetterly which he brought, with the bullets which he brought,
> (Menilek) roasted and cracked the overseas barley.[69]

Menilek's 'southern marches,' which subjugated dozens of ethnic groups and provided him with the necessary wealth to purchase modern weapons, marked the first phase of the military and political processes which delimited Ethiopia's borders towards the end of the nineteenth century. Continuing the process of territorial expansion begun by his predecessors, Menilek conquered or reconquered regions to the west, south and east of Shäwa between 1875 and 1897. After becoming emperor he also acquired political overlordship of the northern provinces, formerly the domain of Emperor Yohannes. Although Menilek's activities were often military in nature, military planning and campaigning did not occupy all of his energies.

As king of Shäwa Menilek had taken his "judicial duties seriously and spent many hours a day dispensing justice," and Shäwa was known for its "respect for law and authority."[70] Still, legal concepts do not seem to have formed a central aspect of

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[68] Marcus, *History of Ethiopia*, 99.

[69] E. Cerulli, "Canti popolari amarici," *Rendiconti della Reale Accademia dei Lincei*, XXV (1916): 569.

[70] R. H. Kofi Darkwah, *Shäwa, Menilek and the Ethiopian Empire, 1813-1889*, London: Heinemann, 1975, 119, 121.

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Menilek's state ideology as emperor; he was much more concerned with securing political power, with resisting European intrusions and with tapping the economic resources of his realms. He nevertheless promulgated novel legal reforms which altered politico-legal structures and practices towards the end of his reign and proved to have long-lasting implications.

In *The Prison Notebooks*, Antonio Gramsci discussed various functions and purposes of the law, some of which are visible in Menilek's public proclamations. One such goal is for the state to try to homogenize the ruling class so that its interests are unified and, presumably, brought into line with those of the state.[71] The point is directly relevant to Menilek's creation of a Council of Ministers in 1907, a move inspired by Alfred Ilg, his Swiss advisor, and other such figures. For the first time in Ethiopian history, an emperor had devolved and delineated national administrative responsibilities in a formalized and usually clear way.[72]

Among other duties, the Minister of the Interior was the emperor's right hand man, deputy of the other ministers, governor of Shäwa and senior chief of the police. The Minister of Foreign Affairs delt with all matters pertaining to foreigners and acted as legal guardian of government interests in cases filed, by aliens at their consulates, against Ethiopian officials. The Minister of Finance assumed a plethora of responsibilities as head of the Government Treasury, the emperor's personal treasury, and the Crown

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[71] Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, edited and translated by Quintin Hoare and Geoffrey Nowell Smith, New York: International Publishers, 1992, 195.

[72] The following account of ministerial duties is by no means exhaustive, rather just a summary of what I regard as some of the officials' most important or interesting responsibilities. There were overlapping duties between various ministries which may have caused tension, confusion or confrontation, but this is not an issue I intend to explore here. Menilek's legal reforms also affected land tenure, taxation, criminal law, and judicial procedure, among others.

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Treasury. The emperor's army, weapons and granaries were commanded and administered by the Minister of War. Agriculture, industry and animal husbandry fell under the charge of the Minister of Agriculture and Industry, who also took on the onus of punishing those who did not work their lands well or keep them in order. The Minister of Commerce and Customs managed national commerce and customs, presented proposals for tax changes to the government and served as judge in commercial disputes. The Minister of Public Works supervised all government work projects, such as roads, the railway, bridges, buildings and dams. Although the Minister of the Palace, Post, Telegraph and Telephones directed the new communications networks, his primary tasks were overseeing the palace and attending to the emperor (in or out of the palace). The Minister of Religion and Education mediated between the Patriarch of the Orthodox church and the government, and was named guardian of churches, priests and schools. The Minister of the Pen (Keeper of the Seal) headed the palace secretaries, ran the government printing presses and was responsible for recording all outgoing correspondence in a register. The Minister of Health's myriad duties included looking after the physical well-being of all people and animals, as well as hospitals, public health measures and the conduct of physicians, pharmacists and veterinarians.[73]

Lastly, the Minister of Justice was the topmost judge (with the exception of the emperor), was to ensure that all verdicts passed in the country were both determined

[73] Mahtämä Sellassé Wäldä Mäsqäl, *Zekrä Nägär*, Addis Abäba: Artistic Publishing House, 1962 (E.C.): 104-5; 175-77; 194-97; 223-24 (As a matter of possible interest, Article 8 of the Minister of War Proclamation implies that the minister ranked below regional governors: "If the people of one region rise up against the government, and if the region's governor cannot effect conciliation, the Minister of War will bring soldiers, encircle the area and attack until he conquers it. Therefore, he shall agree with the Provincial Governor and assist him."); 318-20; 372-74; 414-15; 474; 502 (No duties concerning Islam or Muslims were specified for the Minister of Religion and Education.); 627; 688-89.

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according to the *Fetha Nägäst*[74] and recorded in official registers, and was to arrange for copies of all these documents to be forwarded to him for yearly review.[75] Although the minister's work was probably fairly onerous, Menilek believed that the reforms would lessen the judicial load which had come to weigh heavily on the minister's predecessor, the *Afä Negus* (lit: mouth of the king), who had supervised the entire country's court system with little assistance. He also hoped the changes would encourage fair judgments and would improve the functioning of the courts so that litigants would not languish in prison waiting for their cases to be heard while their farms and businesses suffered neglect.[76]

Menilek's intended judicial reforms were strategically sound. As Gramsci remarked, the law is one instrument which states use "...to create and maintain a certain type of civilisation and of citizen....and to eliminate certain customs and attitudes and to disseminate others..."[77] When a state attempts to do so, it is clear that "lapses in the administration of justice make an especially disastrous impression on the public: the hegemonic apparatus is more sensitive in this sector..."[78] A judicial system which is popularly viewed as fair or just is an excellent tool for earning the public's respect for state authority and—intended or not—this is the type of system Menilek was attempting to establish, at least in regions that had not been recently conquered.

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[74] Ethiopia's traditional canonical and civil law, based upon translations of laws from medieval Egypt.

[75] Mahtämä Sellassé, *Zekrä Nägär*, 68.

[76] Mahtämä Sellassé, *Zekrä Nägär*, 68-9.

[77] Gramsci, *Prison Notebooks*, 246.

[78] Gramsci, *Prison Notebooks*, 246.

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In founding the different ministerships and clarifying their respective duties, Menilek was the first Ethiopian emperor to draw upon Western ideas about political structures, and in effect he began to establish a new style of governing apparatus for the central state. Although its resemblance to the previous government structure of palace officials prevented its delimiting new spheres for political competition throughout the empire at the time, it did create relatively novel titles/positions with which the emperor might reward and empower loyal followers. More significantly, it facilitated the future distribution of the state's legal and coercive powers to a new type of élite (which was probably not imagined/conceivable by most Ethiopians at the time).

Thus, Menilek's 1907 Council of Ministers Proclamation changed the national political playing field, not drastically (in terms of national structures), but enough to free up space for future generations to be better able to assign new values to familiar structures. This ambiguous new political space comprised the system in which Täfäri Mäkonnen and his opponents would operate and compete, and laid the basis for the future emperor to initiate further reforms in pursuit of centralized control and hegemony throughout his lands. The following chapters elaborate on this idea by 1. Focusing upon Ras Täfäri's conceptualization of the law and how it was central to his rise to power, and 2. Analyzing selected political structures and practices in the eastern town of Harär and the neighboring Ogaden. The argument will be that despite apparent willing acceptance of at least one aspect of Addis Abäba's rule in the 1910s and 1920s, discontent grew increasingly strong by the 1940s, when various political movements attempted to reduce or end government power in the region.

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Chapter Two

Ideology: *Ras* Täfäri, *Berhanenna Sälam*, and the Law, early 1900s - 1931

At the center of Ethiopia's increasing state bureaucratization in the early 1900s was a political ideology, based largely on 19th century European thinking, that equated unity—in linguistic, if not also cultural terms—with strong nation-states. Accordingly, when a nation-to-be's peoples are heterogeneous, the state must extend its administrative and educational branches in order to influence public thought or to control opposition to official policy and action. The decisions made by government personnel are, however, not arbitrary, rather based on ideological premises. Later chapters of this dissertation investigate some of the structures by which the Ethiopian government sought to extend its influence and control, so the focus here is on the underlying ideology that shaped government decisions and practice. Since judiciary, administration and internal security are all linked by issues of the law and legality, this chapter focuses on the position of law and legality in the political ideology of Ras Täfäri/Haylä Sellassé—the most important political figure in 20th century Ethiopia—and his intellectual allies.

I propose that concepts of law comprised an important aspect of Täfäri's political ideology. I also believe that his advocacy of the development of a 'just' legal system and 'modern' laws for Ethiopia enabled him to steer a political course that wove a path between the conservative 'old guard,' which wielded considerable power throughout Ethiopia, and the fledgling intelligentsia class which was favorably disposed towards ideas of selective modernization.[1] At the same time, Täfäri's espoused ideas and

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[1] On the intelligentsia and its favored ideas and ideologies, see Bahru Zewde, *Pioneers of Change: Reformist Intellectuals in Early Twentieth Century Ethiopia*, forthcoming (James Currey Publishers),

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progressive demeanor impressed Europeans, including diplomats, resident in Ethiopia, who in turn painted favorable portraits of the young nobleman in their letters and reports sent back to governments and individuals in Europe. It is clear that by diligently advocating such a system when he was a regional governor, Täfäri strengthened his alliances with Europeans who subsequently supported him in central state political struggles against more conservative, anti-Western Ethiopian opponents. At the same time, the *Ras* never went far enough to allow his opponents to topple him from whatever positions of power he had attained at any given point in time.

Unlike Menilek, whose active utilization of new forms of law as a significant tool for governance and reform began late in life, Täfäri seems to have understood clearly from an early age that the law—and a western style one in particular—would be extremely important in Ethiopia's future. Most probably, his father's position as Ethiopia's "leading Europeanist,"[2] and his own childhood exposure to Westerners and their ideas laid the foundations for this realization. Why or when Täfäri singled out the law or legality as somehow qualitatively different from other ideas is a question that is most likely unanswerable. His personal letters, autobiography and public speeches nevertheless attest to the importance he attached to a well-regulated and consistent legal system, which he described as an integral component of a 'civilized' (read: 'modern')[3]

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especially Chapter Four. For a brief discussion of some of the most important members of the 'group' and their historiographical relationships to each other, see Bahru Zewde, "A Century of Ethiopian Historiography," *Journal of Ethiopian Studies*, XXXIII, 2 (2000): 5-6.

[2] Harold G. Marcus, *Haile Sellassie I: the Formative Years, 1892-1936*, Red Sea Press, Lawrenceville, NJ, 1995, 2.

[3] To express the political concepts that shaped their thinking, early 20th century Ethiopian elites commonly employed only Amharic words. Among them are *ermejja* (development, progress), *edgät* (development), *mäshashal* (progress, advancement), and *selt't'ané* (civilization, modern culture). In elite parlance, these terms carried meanings that rested on ideas about Europe and European ways; that is, to 'modernize' the

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and effective governmental administration. Situating this emphasis within the political-economic context of Täfäri's early career supports the notion that he aimed to implement such a system in order to assist both himself and the central government in several ways.[4]

The evidence also supports the notion that Täfäri's promotion of legal and other aspects of 'modernity' was not a simple or transitory political expedient. After securing his nomination in 1916 as Crown Prince, Täfäri could have loosened his contacts with the West or its diplomatic representatives in Ethiopia. Yet he did not. In fact, he later successfully promoted Ethiopia's admission to the League of Nations (1923), a membership which he hoped would help to guarantee Ethiopia's independence and the non-interference in its internal affairs by imperialist nations. Portraying the 'justness' and 'modernity' of the new style administration, developed in dialogue with foreign officials living in Ethiopia, was a necessary stratagem for maintaining the support of European diplomats and it proved to be helpful when the League considered Ethiopia's application. The great personal efforts Tafari went to at the time attest to his honest belief that League membership would mitigate future foreign attempts to intervene in the country's affairs.[5] Arguably, the *Ras* also thought that a solid, centrally-controlled legal

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country Ethiopian leaders spoke of 'development,' 'progress' and 'civilization' in implicit comparison with Europe. For example, Täfäri's speech at the opening of the Täfäri Mäkonnen School, 19 Mayazya 1917E.C. (27 April 1925), *Feré Känafer: Qädamawi Haylä Sellassé Negusä Nägäst Zältyop'ya* (*Oral Pearls: Emperor Haylä Sellassé I, Emperor of Ethiopia*), Volume I, Addis Abäba: Berhanenna Sälam Printing Press, 1944E.C. (1951-52), 9.

[4] It is also possible, if not likely, that for Täfäri a legally based political platform was more appealing than a military one, even though the latter was a historical prerequisite for secular political power. Despite Harold Marcus' overly-soft assessment that Täfäri "certainly played an honorable part in the battle [of Sägälé], staying with the reserves [at the rear] until noon, when it became evident that the government would win," (Harold G. Marcus, *Haile Sellassie I*, 23), and despite the jingoistic self-image the diminutive sometimes projected himself, he was undistinguished as a military figure/leader.

[5] Notably, the paradox of his soliciting European cooperation on the one hand and struggling to reduce its influence on the other, visible as early as the 1910s, was also characteristic of much of his 44 years as emperor, beginning 1930.

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system would bolster the central state's political power vis-à-vis that of regional lords, in the process helping to spread the idea of the supreme authority of the Addis Abäba government and encouraging the unification of Ethiopia and its peoples.[6] Accomplishing these goals, guaranteeing his own political supremacy, and once again signaling Ethiopia's 'modernity' to the world, were all surely factors that underlay his promulgation of Ethiopia's first written constitution in 1931.

The letters that Täfäri exchanged with Father André Jarosseau, a Capuchin Catholic and his former French instructor in Harär,[7] provide some of the earliest and best information about the future emperor's concerns and interests. Written between 1915 and 1935, the missives cover the period from Täfäri's rise to power to the brink of the Italian invasion and shed light on issues which preoccupied him during that time.[8] Although the two correspondents were occasionally fairly intimate, it is clear that they regarded each other as potentially useful in their respective pursuits and that a power imbalance in the relationship favored Täfäri. For example, Abba Endreyas, as the

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[6] I make this claim only for the pre-Italian occupation period. Studies of Haylä Selassé's government after his return to Ethiopia in 1941 reveal that he was primarily intent on regaining and maintaining absolute power, even if doing so exacerbated divisions among Ethiopians or necessitated the harsh suppression of perceived opposition. See, for example, Mäkonnen Tegegn, "Walda-Giyorgis Walda-Yohannes and the Haile Sellassie Government," *Northeast African Studies*, 4, 2 (1997): 91-138; Gebru Tareke, *Ethiopia: Power and Protest, Peasant Revolts in the Twentieth Century*, Cambridge: Cambridge University Press, 1991.

[7] The missionary was friends with Täfäri's father, *Ras* Mäkonnen, who in his efforts to acquire knowledge about the world "...learned most from Father André Jarosseau...a shrewd and ingratiating person who quickly became Makonnen's confidant and adviser." Marcus, *Haile Sellassie*, 2.

[8] The letters are housed at the National Archives (hereafter NA) in Addis Abäba: *Ras* Täfäri to Abba Endreyas, 22.03.18; 28.01.2-28.01.195; Abba Endreyas to *Ras* Täfäri, 22.03.17; 22.03.19; 26.06.07. Täfäri's letters are numbered individually; the missionary's letters are grouped under single numbers. The correspondence authored by Father Jarosseau covers only the period September 1916-August 1917 (for which there are only a few of Täfäri's), but some idea of what he wrote in later years can be discerned from references in Täfäri's letters. I would like to thank Bahru Zewde for calling these records to my attention. French translations are apparently available in the Capuchin archives in France (Marcus, *Haile Sellassie*, 230).

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Frenchman was known locally, appealed to Täfäri when he experienced financial difficulties or when he sought recompense for Catholic Ethiopian raiding victims in Arsi province. He also sent local and international news updates, personal notes on joyous and sorrowful occasions, and the occasional crate of delicious peaches. The Ethiopian milked the missionary for information about international politics, solicited his advice on issues concerning foreign individuals and governments, asked him for favors such as obtaining and forwarding Western-language books, translating letters into French or assisting Ethiopia to get favorable coverage in European newspapers. One theme which emerges clearly from the letters, and which informs the discussion below, is that Täfäri valued Father Jarosseau's commentary/analysis on things European.[9] Owing to the fact that few historians have utilized these letters they deserve this brief introduction, but for the sake of chronological clarity I will draw on them throughout the following narrative rather than discuss them separately here.

The first volume of Täfäri/Haylä Selassé's autobiography also provides important evidence about his thought about the law.[10] Composed during his exile in England, it expresses the political views of an emperor without a country but with the time and incentive to ponder both his past and future. Infuriated by the League of Nations'

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[9] For example, *Ras* Täfäri asking for or expressing thanks for information on the European issues during World War I: *Ras* Täfäri to Abba Endreyas, NA 28.01.30; NA 28.01.31; NA 28.01.44, etc.; about European workers in Ethiopia, ibid, NA 28.01.18; NA 28.01.34; NA 28.01.35, etc.; about Ethiopia's application for membership in the League of Nations, *ibid.*, NA. 28.01.46; NA 28.01.113; NA 28.01.114, etc.; soliciting advice about various other issues, *ibid.*, NA 28.01.11; NA 28.01.47; NA 28.01.52, etc.

[10] Emperor Haylä Selassé I, *Heywätěnna Yältyop'ya Irmeja*, (Volume I), Addis Abäba: *Berhanenna Sälam*/Haylä Selassé I Printing House, 1965E.C. (1972-73). The book was dictated, inscribed and edited during exile in England, between 1936 and 1941, and finally published three decades later. The extent to which the then emperor was selective—or deliberately misleading—about what he narrated has, to my knowledge, yet to be seriously analyzed. Towards such a study, I would suggest that his letters with Father André Jarosseau (Abba Endreyas; see previous two notes) comprise one valuable historical source for checking the general spirit of, if not the veracity of specific claims later made in, the autobiography.

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betrayal of his nation and himself after the 1935 Italian invasion, the then emperor was deeply preoccupied with international legal issues. The particular situation in which the book was written perhaps explains why he discussed, throughout the autobiography, both the legal constraints upon him and the legal reforms he worked to implement during his rise to supreme power.

Looking back on the beginning of his governorship of Harärgé, the then emperor emphasized the considerable difficulties that confronted him as a young provincial ruler, difficulties which could not possibly be fully appreciated by anyone who had not personally been responsible for a large province.[11] The same chapter is laden with examples of Täfäri's efforts to improve the regional administration in order to strengthen the hand of government and to please the people. Of the problems he enumerated, the one most relevant here is the fourth:

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> Menilek signed the Klobukowsky Treaty with the French government in 1900 to regulate all the business he conducted with foreigners. Because We were forced [by the treaty] to seek advice [from foreigners], this contract was a burden upon Ethiopia under which We had to work.

The Klobukowsky Treaty, as the Franco-Ethiopian Commercial Treaty of 1908 is usually called, granted French citizens "extraterritorial rights and fiscal privileges,"[13]

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[11] Emperor Haylä Selassé I, *Heywätänna Yältyop'ya Irmeja*, 20.

[12] Haylä Selassé, *Heywätänna Yältyop'ya Irmeja*, 20. See similar remarks of his about the treaty, the second of which emphasizes the especially problematic Article 7 which dealt which judicial affairs: Haylä Selassé, *Heywätänna Yältyop'ya Irmeja*, 48, 71.

[13] Bahru Zewde, *A History of Modern Ethiopia, 1855-1974*, London: James Currey, 1995, 85.

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rights which were subsequently enjoyed by most Europeans regardless of national origin. Bahru Zewde notes that the treaty was perceived as particularly problematic because controlling the customs administration was central to Täfäri's fiscal policy, a point undoubtedly correct for the 1920s. Then, the agreement's (article three) stipulation of "a flat 10 percent ad valorem duty on imports" inhibited the ruler's ability to raise money for nation building[14] and probably served as a constant reminder of his country's international political and economic weakness. However, Täfäri's initial disdain for it, conceived when he was yet the young governor of a province frequented by Europeans, may have been rooted more in its "serious curtailment of the sovereign rights of an independent state,"[15] of which the later customs issue was just one example. The Klobukowsky Treaty obviously contributed to Täfäri's aspirations to minimize European interference in Ethiopian affairs, but more specifically it may also have been a crucial influence in his desire to modernize the law in ways that would protect Ethiopia's autonomy.

If so, the concern was not ill-founded. Internal political problems during the 1910s had weakened government authority throughout the country and exacerbated the threat of and vulnerability to foreign interference in Ethiopia's internal affairs. Owing to poor health, the result of advanced syphilis, Menilek did not play an active role in Ethiopian politics after early 1909, when he named *Lej* Eyasu as his successor. The crown prince's youth and the emperor's physical condition enabled Empress T'aytu to build her power to a considerable extent, but her heavy reliance on her northern relatives and allies alienated the Shäwan nobles at the court. The latter resisted T'aytu's growing authority, and their political maneuvers in the capital and the surrender of *Ras* Wälé

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[14] Marcus, *Haile Sellassie*, 128.

[15] Bahru Zewde, *Modern Ethiopia*, 85.

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Bet'ul, T'aytu's brother and commander of one of the best armies in Ethiopia, brought about her downfall in March 1910.[16]

Lej Eyasu's regent, *Ras Bitwäddäd* Täsämma Nadäw, died in 1911, and the emperor's death followed in 1913. However, instead of pursuing and securing political power, the young ruler disrespected the old nobility, forged good relations with prominent Muslims, allegedly enjoyed sexual relations with any woman (married or not, including the wives of prominent men) he fancied, and otherwise offended the conservative and Christian Shäwan nobility. His administrative reshuffles, his crowning his father *negus* (king) of Wällo, his protracted absences from Addis Abäba, and his vision of an ethnically- and religiously-integrated ruling élite increased the hostility of his political opponents.[17] In the face of European fears of Ottoman (i.e., Islamic) influences in Africa after the outbreak of World War I, Eyasu's relations with Germany, rumors of his conversion to Islam, his preoccupation with the Ogaden region (inhabited by Muslim Somalis resisting British and Italian intrusions) and his communications with the Somali anti-colonialist Sayyid Muhammad Abdille Hassan ensured that Britain, France and Italy would oppose him as well.[18]

While Eyasu pursued closer relations with Germany, Täfäri—who had assumed the governorship of Harärgé in 1910—strengthened his connections with the discontented Shäwans.[19] As early as 1910 Täfäri, then a *däjjazmach* (governor/general), had been

[16] Solomon Gashaw, *Power Struggle in Addis Abäba, 1906-1916*, BA Thesis (History), Haylä Selassé I University, May 1971, Chapter 2.

[17] For the best analysis of *Lej* Eyasu's life and career, see Tibebe Eshete, "A Reassessment of Lij Iyasu's Political Career, with Particular Emphasis upon his Fall," in *Personality and Political Culture in Modern Africa*, edited by Mel Page et. al, Boston: Boston University African Studies Center Press, 1998.

[18] Bahru Zewde, *Modern Ethiopia*, 120-27. For the most recent biography of Muhammad Abdille Hassan, see Abdi Sheik-Abdi, *Divine Madness: Mohammed Abdulle Hassan (1856-1920)*, London: Zed Books Ltd., 1992.

[19] Solomon Gashaw, *Power Struggle in Addis Abäba*, 59.

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named by the Italians as a possible successor to the throne[20] and had also formed a good relationship with Wilfred Thesiger, head of the British legation in Addis Abäba. Thus, he had obtained the support of prominent political players, both Ethiopian and foreign, by the time that Eyasu's long forays away from the capital and his enemies' dissatisfaction brought tensions to a head.[21] Täfäri's careful maneuvering soon paid off. On 27 September 1916 *Lej* Eyasu was deposed, Menilek's daughter Zäwditu was named as empress, and Täfäri was promoted to the rank of *Ras* (duke) and declared crown prince and heir to the throne.[22] Demonstrating how Ethiopian national politics were now deeply affected by international concerns was the fact that "The monarch and the heir to the throne were, respectively, the candidates of the Shawan nobility and of the foreign legations, the two forces which had united to overthrow *Lej* Iyyasu."[23] For the first time in Ethiopian history a political appointment, though not the emperorship, had been directly affected by the interests of foreign governments.

Although Zäwditu represented the conservative or 'traditionalist' class of political interests, its 'acknowledged lay leader' was *Fitawrari* Habtä-Giyorgis Dinagdé, the Minister of War and a key leader at the Battle of Sägälé. Therefore, in reality, the new ruling coalition comprised an unequal triumvirate, with Täfäri at one corner and Zäwditu and Habtä-Giyorgis at the others. Having also agitated for the removal of *Lej* Eyasu, and remaining powerful subsequently, was the Council of Ministers that had been created by

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[20] Solomon Gashaw, *Power Struggle in Addis Abäba*, 63.

[21] Additionally, by December 1917 he claimed that the French Minister was his good friend (*bät'am wädajé*), *Ras* Täfäri to Endreyas, 9 Tahsas 1910E.C. (18 December 1917), NA 28.01.18.

[22] Although he later claimed to have also been appointed Regent at the time, he was not so named until 1928. See Bahru, *Modern History*, 129; and Abba Endriyas to *Ras* Täfäri, 4 Hedar 1916E.C. (13 November 1916), NA 23.03.17, in which the missionary refers to Zäwditu as Empress and to Täfäri as Crown Prince and Heir to the Throne (*alga wärash*), but not as Regent (*endärasé* or balä *mulu selt'an endärasé*).

[23] Bahru, *Modern History*, 128.

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Menilek in 1907.[24] Regardless of the realities of political power, when the coronation took place, "for the first time in Ethiopian history, at Tafari's invitation, European states sent official representatives, albeit the governors of the adjacent colonies, to witness a ceremony that stressed the continuities of an ancient tradition."[25] The pageantry and guest list of Zäwditu's coronation thereby anticipated Täfäri's later one, which was lavishly depicted in Western newspapers, magazines and newsreels.[26]

Meanwhile, the outbreak of the First World War, subsequent economic disorder, and political intrigue against *Lej* Eyasu had led to considerable turmoil throughout Abyssinia. In early 1916 Harär, according to Major J. H. Dodds, the British Consul there:

> Lawlessness, unrest and discontent [were] the order of the day throughout the Province. The courts [had] never been so busy, Taffari [told] me, and to use his own words, every chief, every soldier, every trader [was] tired of the condition of the country. From their point of view trade [had] diminished, prices [had] increased, revenue [had] decreased, and there [was] no security.[27]

This letter contains the first clear evidence of Täfäri associating political and economic insecurity with increased use of the judiciary, and the potentially negative views about the state such problems might create among important members of society. In the same letter Dodds commented that he received daily complaints "of murder, assault, false imprisonment, blackmail and interference," and that the *majlis* (Arabic: tribunal) which investigated them was "no more than a farce." Many Haräri were imprisoned for

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[24] Certainly, the Council had strengthened its power during Menilek's long illness and Eyasu's "rule." Bahru, *Modern History*, 115-16.

[25] Marcus, *Haile Sellassie*, 26.

[26] See, for example, Addison E. Southard, "Modern Ethiopia: Haile Selassie the First, Formerly Ras Tafari, Succeeds to the World's Oldest Continuously Sovereign Throne," and Robert Moore, "Coronation Days in Addis Ababa," *National Geographic Magazine*, LIX, 6 (June 1931): 679-738, 738-746

[27] Dodds to Thesiger, 14 February 1916, FO 371, 39, 2854.

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expressing their loyalty to *Lej* Eyasu, trade stagnated, and violence within the town increased.[28] Despite later British pressure to give up the Governorship of Harär, which in conjunction with the responsibilities of a Crown Prince was too much work for one person, he refused to do so. In explanation, he opined that transferring authority would not necessarily solve the province's problems, but would certainly cause a large number of loyal settlers in the region to desert him.[29]

The problems in Harär were just one manifestation of much broader unrest throughout Ethiopia which was not resolved largely because of the political intrigue in Addis Abäba. Täfäri apparently was quite concerned with the general state of affairs and discussed with at least two foreigners ways of improving it. In doing so he evidenced not just his involvement in the major political changes engulfing Ethiopia, but also his preoccupation with the future political ramifications of the World War which, though raging elsewhere, had contributed deeply to the socio-economic chaos afflicting the country.[30] In November 1916, Wilfred Thesiger reported that he had informed the recently crowned prince that if he were serious about reform Great Britain would meet him half way. Thesiger advised him to avoid the Council of Ministers, to set up a small Privy Council, and to draft "what would practically be a new constitution for Abyssinia."[31] Thus, soon after being named Crown Prince, *Ras* Täfäri was pondering further administrative reform to increase his own power and the idea of creating a 'new' constitution had been reinforced to him. I do not know if this was a new thought to him, or what he did with it during the next few years, but in December 1922 he requested that

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[28] Dodds to Thesiger, 5 November 1916; Dodds to Thesiger, 9 November 1916, FO 371, 39, 2854.

[29] Thesiger to Balfour, 1 May 1917, FO 371, 44b.

[30] For Täfäri's later acknowledgement of the obvious fact ("This war has put not only the combatants, but [also] the entire world in great straights."), see Täfäri to Endreyas, (incomplete document with no date, but content indicates it was clearly written at the war's conclusion), NA 28.01.28.

[31] Thesiger to Grey, 22 November 1916, FO 371, 39, 2595.

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copies of the *Code Compari* and the *Code Napoleon*[32] be sent to him, thus evidencing that he was (at least by that time) entertaining the issue in a potentially meaningful way.

Täfäri also carried on an extensive correspondence with Father Jarosseau, who served as an intermediary between Täfäri and some French interests,[33] offered advice on international events, and carried out certain tasks on the Crown Prince's request. Although Täfäri felt a personal attachment to the Frenchman,[34] he also clearly wanted to maintain good relations with France, and the missionary proved useful in doing so. Täfäri's ability to show sympathy for Jarosseau's evangelical work and to demonstrate his sense of justness were combined when a Catholic community in Arsi was raided. After being notified of the event by the French Minister, Täfäri wrote to the missionary that he had ordered 200 cattle and 3000 birr to be transferred to the victims.[35] Although the episode was a relatively minor one, it reveals the overlapping channels of communication between French missionaries, the French legation, and Täfäri, who—whether out of a true sense of justice, feelings of personal friendship for the European priest, or a desire to maintain good relations with the French—sought to make up for injustices committed against those with ties to persons or institutions with some political capital.

Täfäri also asked Father Jarosseau for advice about and insight into the course of events in WWI. The Ethiopian's sympathies clearly lay with the Allies, but when it came

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[32] On 19 Tahsas 1915E.C. (28 December 1922), Täfäri requested that Father Jarosseau send him first edition, unabridged (*yät'ent mätshaf talaqu*) versions of both *Code Comparé* and *Code Napoliwon*. Täfäri to Endreyas, NA 28.01.108.

[33] See, for example, Abba Endreyas to *Ras* Täfäri, 4 Hedar E.C. 1909 (13 November 1916), NA 22.03.17; *ibid.*, no date but immediately following previous letter; *ibid.*, 22 Hedar 1909E.C. (1 December 1916), plus attachments.

[34] This point is evidenced from Täfäri writing to Jarosseau and thanking him for sharing his happiness at the birth of a child (NA 28.01.15, NA 28.01.62), thanking him for sending peaches to eat (NA 28.01.62, NA 28.01.65, etc.), sending him photographs of his children (NA 28.01.94), sending him a photo taken the day after he was crowned King in 1928 (NA 28.01.147), etc.

[35] Täfäri to Endreyas, 1 Miyazya 1909E.C. (9 April 1917), NA 28.01.3.

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to action he was either constrained by the conservatism of the ruling elite or sought to hedge his bets by deftly hiding behind it. For example, in mid-1917 he wrote:

> ...የአሊዮች አሳብ ይህንን ነገር በስህተት ያስደረጉ ጀርመኖችና ቱርኮች ናቸውና እነርሱን ከዚህ አስነሥተን ወዳጅነት በጣም እንድንገልጥ ነበረ። የኔም አሳብ ከዚሁ ይመሳሰላል እንጅ አይራራቅም። ነገርግን ለታላላቁ አማካሪዎች የሀ ነገር በጣም እንዲገባው ለማድረግ ብዙ ጊዜ ያስፈልጋል። የደግ ሰውና የክፉ ሰው አሳብ በተቀላቀለ ጊዜ በቶሎ ለመለየት እግዚአብሔር ብቻ ያውቀዋል እንጅ ለ ሰው ብዙ ጊዜ ያቆያል።[36]
>
> … the Allied view is that the Germans and Turks are the ones who mistakenly caused this affair, and if we had expelled them from here we would have demonstrated clearly our friendship for the Allies. This view is similar to and certainly not far from my own. However, it will require a lot of time to get the major advisors [i.e., the Council of Ministers] to understand it. When the ideas of good and evil persons are mixed together only God knows the difference; for humans [the process of differentiating between the two] causes long delays.

Ras Täfäri was well aware of the Allies' early concerns about Ethiopia and possible Ottoman/Islamic influence there. Even if he could not push his government to take an openly pro-Allied position after 1916, he could work behind the scenes to attempt to convince Allied governments of Ethiopia's sympathetic leaning. In this sphere he found considerable and welcome aid in France, whose intentions and assistance for Ethiopia he found "amazing" (*ejeg yämiyasdänäq*).[37]

He also wanted to partake in the post-war discussions, but worried that Ethiopia's delay in declaring its pro-Allied loyalties may have cost it the opportunity.[38] In late 1918, following the armistice, "Zawditu, Ras Kassa, and Tafari deliberated often about Ethiopia's future relations with Europe, and they decided that it would be wise to send

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[36] Täfäri to Endreyas, 15 Säné 1909E.C. (22 June 1917), NA 28.01.11.

[37] Täfäri to Endreyas, 9 T'eqemt 1910E.C. (17 October 1917), NA 28.01.30.

[38] Täfäri to Endreyas, 11 T'eqemt 1910E.C. (19 October 1917), NA 28.01.31. Perhaps his sentiment was sincere, but Täfäri may have just been putting an interesting take on a matter that actually had more to do with European opinions that Ethiopia was too weak to be of much assistance. Marcus, *Haile Sellassie*, 29.

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missions to congratulate the victors and also to seek Ethiopia's participation in the peace process."[39] Täfäri was clearly keen to serve as a member of the mission and travel to Europe himself. Presumably, his inclusion would have enabled him to try to accomplish at least three things: 1. discourage European nations from making treaties concerning Ethiopia without consulting its government, as had occurred with the Tripartite Treaty of 1906,[40] 2. follow in his father's footsteps and learn more about Europe first-hand,[41] and 3. meet European leaders face-to-face, and perhaps better publicize the internal reforms he had championed and thereby broaden and strengthen his international image and political cachet.

Powerful though he may have been, Täfäri was nevertheless unable to guarantee his own selection, especially in the face of conservatives who viewed his pro-Western leanings as dangerous at best. On 18 January 1919 he wrote to Father Jarosseau in Harär that he did not know whether he would be going as a member of the mission or not. One week later he elaborated that he was troubled because the power to decide whether he would go was not his, but rather that of both the 'nobles' faction' (*mäkwanent wägän*), which supported him, and the *wätadär* (lit. soldier; here, probably special imperial gaurds [*mehal safar*]),[42] which did not want him to go. Yet it was not until sometime between 22 February and 8 March that Täfäri received the unwelcome news that he would not be one of the delegates and that the mission would only be charged with delivering greetings, not with conducting any official discussions. The limits of Täfäri's political influence at that time, as well as the value he attached to European advice, are revealed in one of his letters to Jarosseau: "You will realize that the decision that has just been made

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[39] Marcus, *Haylä Selassé*, 43.

[40] Harold G. Marcus, "A Preliminary History of the Tripartite Treaty of December 13, 1906," *Journal of Ethiopian Studies*, 2 (1964): 21-40.

[41] Marcus, *Haile Sellassie*, 2.

[42] On the *mehal safari*, see Bahru Zewde, *Modern Ethiopia*, 118-19, 127, 135.

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differs from my own view. I have exerted my influence (*selt'ané*) to the greatest extent possible. I am extremely sad that all the advice from all my [European?] friends was not realized."[43]

That Täfäri's power was limited does not mean that his political position was precarious. His reform-oriented ideas met stiff opposition in the Empress, the Minister of War and other members of the landed ruling elite to be sure. But, anticipating Addis Abäba's future political and commercial centrality to Ethiopia, Täfäri looked to the long-run and when possible appointed chosen men to administrative and financial positions in the capital as well as to the governorship of Shäwa.[44] He also hired skilled Europeans to assist in his projects. Justifying the high salaries he had to pay them, he explained:

> ...ባገራችን አንድ ተረት አለ እቂጡ ላይ ቁስል ያለበት ውሻ እንደልቡ አይ ጮህም ይባላል። ቢሆንም ካገራችን የተማረ ሰው ካልተገኘ ምን ይደረጋል...።
>
> ...in our country there is a proverb. They say 'A dog with a wound on his buttocks does not bark to his heart's content' [meaning: 'one who is in straits cannot do as he pleases']. Anyway, what is to be done if we cannot find an educated person from our country?[45]

Having failed to change policies from above, at least in the short term, he switched tack and, perhaps with an eye to the long-run, sought to staff seemingly lower- or middle-level positions with his men. United by their shared vision of a modernized Ethiopia, they might develop together the importance of those positions and/or later be able to convert

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[43] This paragraph is based on *Ras* Täfäri to Abba Indreyas, Letters NA 28.01.35 (10 T'ir 1911E.C.; 18 January 1919), NA 28.01.36 (17 T'ir 1911E.C.; 25 January 1919), NA 28.01.39 (15 Yäkatit 1911E.C.; 22 February 1919) and NA 28.01.40 (29 Yäkatit 1911E.C.; 8 March 1919). The cited quotation reads: "አሁን የየቆረጠው አሳብ ከኔ አሳብ የተለየ መሆኑን ይረዱታል። የኔ ሥልጣን እሚችለው ድረስ ደክሜ በታለሁ። ወዳጆቼ ሁሉ ስለመከሩኝ ሁሉ ባለመፈጸሙ እጅግ አዘንኩ...።"

[44] Marcus, *Haile Sellassie*, 28.

[45] Täfäri to Endreyas, 9 Tahsas 1910E.C. (18 December 1917). NA 29.01.18. The proverb is also found in Kane, *Amharic-English Dictionary*, 826, from where the bracketed gloss is taken.

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the economic capital generated by these positions to their advantage in the political sphere.

Few serious scholars, no matter what their personal dispositions to Täfäri, would disagree with the view of him as an astute and wily politician blessed with a keen and discerning intellect. While working with or through Thesiger and Jarosseau, among others, he was offered considerable politico-legal counsel. The Europeans' advice was framed in terms of Ethiopia's best interests but was directed at Täfäri,[46] an individual who recognized better than most of his countrymen that the world was changing rapidly, and who had determined that Europe was leading the way. Therefore, he gladly accepted European coaching; however, he was not a mere pawn of foreign powers and he acted or not upon their suggestions according to his own reading of a given situation. The way in which Thesiger, Jarosseau and perhaps others emphasized what was best for the country and enjoined Täfäri to accomplish it, may nevertheless have contributed to the future monarch's tendency to equate his person, his government and his empire, and to expound self-ingratiatingly about the countless personal sacrifices he had made for love of Ethiopia and his peoples and out of respect for God's favor in singling him out for particular greatness.[47]

In an autobiography succinctly and accurately described by Harold Marcus as "riddled with pomposity,"[48] *Ras* Täfäri/Haylä Selassé explained that from his appointment as crown prince and regent (1916) until the Italian occupation (1935) he never ceased his 'struggle' (*tegel*) to bring glory to the government and wealth to the

[46] For example, Abba Endreyas to *Ras* Täfäri, 4 Hedar 1909E.C. (13 November 1916) NA 22.03.17. Also see Alain Rouaud, *Le Negus Contre L'Esclavage: Les édits abolitionnistes du ras Täfäri, contexte et circonstances*," Paris, Association française pour le développement de la Recherche Scientifique en Afrique de l'Est, 1997, 12-13.

[47] For one example, see his speech upon the opening of Ethiopia's first parliament, *Feré Känafer*, 43-46.

[48] Marcus, *Haile Sellassie*, 35.

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people.[49] The impressively numerous efforts he remembered undertaking consisted of implementing structures and policies which he thought characterized 'civilized' (i.e., European) nations. He proudly located himself firmly at the center of any 'progressive' initiative and detailed the extensive administrative, legal, educational, economic, medical, military, communications, diplomatic and other infrastructural reforms achieved under his leadership.[50]

Among the many grand claims the emperor dictated in exile, the one most relevant here is his attempt to standardize the court system. He wrote about how he provided courts with written regulations and books, and allegedly pleased the people by abolishing the amputation of hands and feet, and other similar cruel punishments dictated by Ethiopia's historical law code, the *Fetha Nägäst* (1921).[51] Noting past judicial corruption, he also laid down a code specifying the amount of fine to be paid or prison sentence to be served for certain crimes so that judges could not favor their friends or unjustly punish their enemies.[52] Looking back on these reforms a decade and a half later, the emperor concluded that beginning at that time "Justice [took] a road of honor."[53]

While books, particularly French ones which Täfäri was well-known to read, and many other factors surely affected his thought, his own writings and the reports foreigners composed about conversations with him indicate that his experiences as Governor of Harärgé and his interactions with Europeans throughout the teens deeply

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[49] Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 46. Despite the claim, Täfäri was not, in fact, appointed regent until his promotion to the rank of king in 1928. See note 22 above.

[50] Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 46-54.

[51] Mid- to late-19th century European accounts tend to agree that, in Shäwa at least, mutilation was not practiced (Darkwah, *Shewa, Menilek and the Ethiopian Empire*, 120-21).

[52] The court records from Harär during this period would seem to support the claim (see Chapter 3). Undoubtedly, corruption continued long afterwards. For one alleged tale from the mid-1960s, see John M. Cohen and Peter H. Koehn, *Ethiopian Provincial and Municipal Government: Imperial Patterns and Postrevolutionary Changes*, East Lansing: African Studies Center, 1980, xvii.

[53] Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 47. ("ፍርድ ክብር ያለው መንገድ ይዟል።").

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influenced his ideas then and later about the law and legal reform. Certainly, considering Ethiopia's post-Adwa inability to acquire the advanced weaponry possessed by neighboring powers, Täfäri's intention to establish a strong legal foundation for Ethiopian central government administration was prescient. If Ethiopia could no longer protect itself militarily, as it had against the Egyptians at Gundät (1875) and Gura (1876), and against the Italians at Dogali (1887) and Adwa (1896),[54] then an internationally acknowledged legal status such as that conferred upon members of the League of Nations might do so:

> The fundamental concern of the Ethiopians was really to preserve the independence of their country. Realizing that it was impossible for them to do so by military means, they came to think that [Ethiopia's] admission to the League of Nations offered them the appreciable guarantee, particularly owing to Article 10 of its Pact "The members of the Society pledge themselves to respect and maintain against all external aggression the present territorial integrity and political independence of all members of the League."[55]

The politico-legal reforms which *Ras* Täfäri had pushed while governor of Harärgé and after becoming crown prince had developed infrastructures in Ethiopia to a point that made seeking League membership a realistic consideration.

Though confident of French support for Ethiopia's acceptance to the League, Täfäri knew that competing British, French and Italian interests in the Horn would affect the process. In order to stave off possible British and Italian opposition, Täfäri began tackling local problems that he deemed particularly threatening to Ethiopia's chances for

[54] For details on Gundät and Gura, see Sven Rubenson, *The Survival of Ethiopian Independence*, Addis Ababa: Kuraz Publishing Agency, 1991, 322-35. For Dogali, see *The Centenary of Dogali: Proceedings of the International Symposium*, eds. Taddesse Beyene, Taddesse Tamrat, Richard Pankhurst, Addis Ababa: Institute of Ethiopian Studies/Addis Ababa University, 1988. For Adwa, see Sven Rubenson, "Adwa 1896: The Resounding Protest," in *Protest and Power in Black Africa*, eds. R. Rotberg and Ali Mazrui, New York: Oxford University Press, 1970.

[55] Alain Rouaud, *Le Negus Contre L'Esclavage*, 12.

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League admission. For several years he had striven to punish crime against foreigners harshly, such as when nine Ethiopians involved in the killing of a Greek girl in Addis Abäba were executed in late 1919.[56] Also, well aware by the early 1920s that the issues of slavery and the slave trade would likely top a list of European grievances, he issued a proclamation outlawing the slave trade.[57] Once again, Täfäri had read the situation accurately and acted well; Ethiopia's 1923 application indeed generated considerable international controversy owing to widely-publicized allegations about slavery and the slave trade in Abyssinia.[58] Despite the fact that the final decision had more to do with intra-European political dynamics than with the abolitionist outrage dominating the newspapers, Täfäri's anti-slavery edict appeared to demonstrate an appropriate moral stand and seriousness of purpose that strengthened Ethiopia's arguments and contributed to its admission as a League member later that year.

Furthermore, he demonstrated his awareness of the media's potential to influence public and official opinion in Europe[59] and was wise enough not to expect his local initiatives inevitably to be trailed by reporters' praise.[60] A talented—if not always particularly subtle—propagandist, by 1923 he was actively attempting to launch a positive and effective counter-campaign to the bad press being generated by abolitionists

[56] *Ras* Täfäri to Abba Endreyas, 1 Pagume 1911E.C. (6 September 1919), NA 28.01.47.

[57] He did not prohibit slavery outright because he thought doing so would threaten the stability of too many social structures throughout the country and because he feared that freed slaves would resort to banditry and other disruptive practices. Alain Rouaud, *Le Negus Contre L'Esclavage*, 26.

[58] The most thorough account of British, Italian and French interests and concerns at the time, and how they reacted to Ethiopia's application, remains: A. Iadarola, "Ethiopia's Admission into the League of Nations," *The International Journal of African Historical Studies*, 8, 4, 1975.

[59] For Täfäri's cognizance of Ethiopia's "image problem in Europe" and his "public relations gambit" to improve it, see Marcus, *Haile Sellassie*, 40, 49, 54.

[60] Täfäri to Abba Endreyas, 10 Genbot 1910E.C. (18 May 1918), NA 28.01.23.

in Europe.[61] Even though Ethiopia's admission as a member of the League of Nations later that year had more to do with intra-European political competition and compromise than the efficacy of Täfäri's prior legal reforms or his attempted media manipulation, the episode as a whole was directly related to at least two significant points back in Ethiopia.

First, Ethiopia's admission to the League marked an important moment in the transformation of Ethiopian political culture, vindicating Täfäri's and others' championing of controversial 'progressive' reforms which had been strongly opposed by the old guard since at least the mid-teens. At the time of request, the outcome was not a foregone conclusion and, although Täfäri carefully endeavored to spread accountability for the decision to try to join the League, he alone signed the application. For him the move was a major gamble, but its ultimate success bolstered his status within the government at home and enhanced his political cachet abroad. When he was crowned emperor less than a decade later, the ceremony was attended by guests and observers from around the world. Secondly, it is clear that by at least 1922, and probably earlier, Täfäri was wholly cognizant of the power of the press to sway public opinion, a lesson whose political potentials and dangers did not escape him. His awareness of the printed word's potential to shape the attitudes of large numbers of people contributed to his starting the weekly *Berhanenna Sälam* (*Light and Peace*), Addis Abäba's second newspaper, in 1924,[62] following his historic first trip to Europe.

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[61] Täfäri to Abba Endreyas, 28 Säné 1914E.C. (5 July 1922), NA 28.01.104; Rouaud, *Le Negus Contre L'Esclavage*, 15-16, 20. Marcus, *Haile Sellassie*, 49.

[62] Marcus, *Haile Sellassie*, 72-73. Richard Pankhurst states 1923. Richard Pankhurst, *The Ethiopians: a History*, Oxford: Blackwell Publishers, 1998, 211.

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Although Täfäri was not able to travel to Europe at the conclusion of WWI (see above), he made up for the missed opportunity in 1924. After touring Jerusalem and Cairo, he moved on to France, Belgium, Luxembourg, Sweden, Italy and Great Britain. While in Europe, Täfäri sought to secure assistance for his efforts to modernize Ethiopia and to "test his country's new legitimacy by negotiating an Ethiopian access to the sea."[63] Despite some diplomatic frustrations, Täfäri was clearly deeply impressed by how he was received in various countries and what he saw. Writing from Europe to his old French tutor in Harär, Täfäri gushed:

> **የፈረንሣዊም መንግሥትና ሕዝብ በመልካም ደስታ ተቀበለን ወዳጅነቱን አልደበቀም። እቤልዥክም አገር ንጉሡ ራሳችውና ህዝቡም በደህና ተቀበሉን። ደግሞ አገር ለማየት ወደ ስዊደን ሔጄ ነበር። በደህና ተመለስሁ ድግሞ ወደ ኢጣልያ አገር ይኸው መሔደ ነው ወደፊትም እንደዚሁ እጽፍልዎታለሁ።**[64]
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> I have been in fine health ever since I arrived in France. The French government and people received me with great happiness and did not hide their friendship. In Belgium, the people and the king himself received me nicely. Also, I went to Sweden in order to see the country. I returned safely and am now getting ready to go to Italy. In the future, I will write more to you like this.

The Swedish military advisor to Ethiopia, General Eric Virgin, later commented that "knowledge gained on this tour he has since endeavoured to make fruitful in his Empire, and to that end he has invoked the aid of counsellors and helpers from those European countries which he considered ranked highest from both intellectual and material points of view."[65]

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[63] Marcus, *Haile Sellassie*, 58-59.

[64] *Ras* Täfäri to Abba Endreyas, 8 Säné 1916E.C. (15 June 1924), NA 28.01.125.

[65] General Virgin, *The Abyssinia I Knew*, trans. from Swedish by Naomi Walford, London: Macmillan and Col., Ltd., 1936, 49.

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Some writers apparently used *Berhanenna Sälam*, which reflected the climate of progressive opinion at the time,[66] to transmit their ideas to *Ras* Täfäri,[67] and the debates that took place on its pages were generally 'progressive,' though important 'traditional' subjects, such as the Orthodox church, also received prominent and respectful coverage.[68] The paper's political slant was, naturally, predominantly that of *Ras* Täfäri and his supporters, though writers cushioned their opinions in glowing, appreciative accounts of Ethiopian history, culture and continued independence. One topic discussed in numerous articles during the 1920s and into the 1930s was the law.

From when *Ras* Täfäri's became crown prince until his coronation as emperor, the emerging class of Ethiopian intellectuals seems to have shared his views on the law. Articles published in *Berhanenna Sälam* support this contention, as well as the fact that it was a venue in which various, though probably generally prominent, members of society circulated their ideas, analyses and opinions. *Ras* Täfäri's personal ideology probably influenced the intelligentsia's views since he was their primary patron, the founder of the newspaper itself, and had purchased and imported the printing presses that published local literary and scholarly works.[69] Furthermore, his understanding of the potential power of the press, evidenced above, likely ensured that he at least closely monitored, if not directly controlled the paper's production. A selective discussion of these articles

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[66] Bahru, *Modern History*, 107.

[67] For example, "*Yänä Muhammäd Ali Diskur* (Discourse by Muhammad Ali)," *Berhanenna Sälam*, 19 Yäkatit 1923E.C. (26 February 1931).

[68] Bahru, *Pioneers of Change*, 169.

[69] In planning to bring a printing press to Ethiopia, Täfäri hoped first to publish the moralistic story of Solomon and Sirak. (Täfäri to Abba Endreyas, 17 Miyazya 1915E.C. [25 April 1923] NA 28.01.111). A reprint of this popular book has appeared as recently as 1995/1996 (*Mäs'aheftä Sälomon Wäsirak*, Addis

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provides several preliminary insights about the 1920s-early 1930s legal system's problems, its envisaged potentials, and its perceived importance to good governance and the country's prosperity.

The first point concerns the accounts of trials at the emperor's *chilot*, or private tribunal/court, which summarized various crimes that had been committed and the punishments that they entailed. Generally, the emperor's *chilot* saw final appeals or cases of particular gravity, such as assault, grand theft, or murder. Its proceedings were covered by *Berhanenna Sälam*, often under the title "*Ferd Qän* (Judgment Day)." For example, in one session at least three cases were seen. In the first, the defendant Täsämma was a student who used to joke that he knew about medicine. When a neighborhood woman fell ill he was called to treat her and diagnosed her as possessed by the devil. He then held her over a smoking concoction while she cried that he was suffocating her. Claiming that her protests were those of the devil, he whipped her all night, ordering Satan to leave her. Soon after the conclusion of this treatment, the woman died and Täsämma was brought before the emperor's *chilot*, where he was sentenced to death. On the same day Belay Zägayé admitted killing *Fitarawi* Albisé, the *balabat* of Adal. His capital punishment was deemed by those present to be unfortunate, owing to his exceptionally good looks, and *Kantiba* Matäbé told him "even though you are handsome your behavior is wicked so you are our [government's] enemy." Not all cases at the imperial *chilot* ended with a death sentence, however. In the third case from the same court session, a woman from Gofa was charged with slaughtering, after a quarrel, her sleeping husband in front of the children. She pleaded insanity and the final comment

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Abäba: Tensaé Publishers, 1988E.C.). For a list of titles published by Täfäri's press, see Marcel Cohen, "La Naissance d'une Littérature Imprimée en Amharique," *Journal Asiatique*, April-June (1925): 354-61.

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in the case was that although her deed was terrible, to execute her would harm the children. The verdict is unclear, but the implication is that she was let off.[70]

Publishing the cases and judgments in *Berhannena Sälam* served an educative purpose, that of publicizing acts transgressing the law and clearly articulating the consequences that resulted from such acts. The theoretician Antonio Gramsci viewed schools as having a positive educative purpose, while the law has an inherently negative educative purpose.[71] This view, while extendable to society at large, might be better conceived at the level of the individual, at least in terms of the planting of new ideas so that they might grow and spread. Thus, publishing court cases in the newspaper was a clever way of blending positive qualities of education with negative ones of the law in order to promote, with double emphasis as it were, a certain message about certain behaviors.

Likely, too, is that printing and circulating the articles was part of a larger ideological strategy to incorporate individuals of diverse backgrounds, classes and cultures into the developing national framework of a single Ethiopia. When people understand the nature of a national law and respect the coercive powers that enforce it, they will ideally consent to its legitimacy and begin to change their behavior accordingly. The fact that the three above cases were heard on the same day yet originated in different regions—Wällägä, Balé and Harärgé—evidences the author's intention that the central/national legal system be understood as extending to all regions of the country

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[70] "*Ferd Qän* (Day of Judgment)," *Berhanenna Sälam*, 19 Yäkatit 1923E.C. (26 February 1931).

[71] Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, edited and translated by Quintin Hoare and Geoffrey Nowell Smith, New York: International Publishers, 1971, 247, 258.

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equally. Although no study of which I am aware delves into the consumption patterns of *Berhanenna Sälam*, I judge it likely that in a society, such as Ethiopia's, that valued both orality and literacy so highly, each issue of the newspaper was read aloud to many people and that its message reached a far broader audience (at least in Addis Abäba, if not elsewhere) than any available circulation numbers would seem to indicate. I do not want to overemphasize the impact the paper had on public thinking, but only to raise the issue, for at present we know very little about it.

Another *Behanenna Sälam* article mentioned a law against disseminating rumors and gave examples of some individuals who had broken it. The first was Ato Wäldä S'adeq Asräs who spread a rumor about a matter he had not personally witnessed. Because such conduct was deemed improper for a government employee, he was discharged from his position and incarcerated in his home district [as opposed to Addis Abäba, where he was tried]. *Fitarawi* Asrat, a palace employee, committed a similar offense that threatened to pit people against each other. This action was unexpected because he worked in the palace and should have known better, and as a result he was punished with a hefty 400 *birr* fine.[72] Clearly, these individuals were punished particularly harshly owing to their official connections with the government. By making examples out of them, the government illustrated its seriousness of purpose in establishing laws that could and possibly would be enforced against *all* persons, regardless of position of patron. Furthermore, by imprisoning *Ato* Wäldä S'adeq in his home district, as opposed to Addis Abäba where he broke the law, the court sent a clear

[72] "*Selä Hasät Wärė* (About Unverified Rumors)," *Berhanenna Sälam*, 8 Mäskäräm 1923E.C. (19 September 1930).

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message to the peoples of that region about the power of and enforcement of the government's law and the dominance of Addis Abäba throughout the country.

Several murder cases state that the verdict, the death penalty in the vast majority of instances, was passed in accordance with the *Fetha Nägäst*,[73] the ancient legal code on which Menilek's 1907 Minister of Justice Decree (see Chapter One) proclaimed all judgments in the country were to be based. One case indicates that regional officials (*abägaz*), though through the emperor, cooperated in locating, arresting, and charging criminals who had moved to a region other than the one in which they had broken the law. The intended lesson presumably was to emphasize the national applicability of the law, the broad, cooperative system of its enforcement, and its success at doing so, though in reality this example may have been extraordinary.[74]

Other articles were more openly ideological. One 1930 example, based on a single judgment by a single judge, sought to praise the impartial and just nature of the legal system. Although the type or nature of case at hand was not clarified, *Ato* Tässäma Däbalqé was exalted as an exemplary judge.[75] It was apparently his custom to listen to the plaintiff's testimony, and then to ask him to repeat it. After doing so, the judge would remark that "now your words have become two," and he would invite the defendant to respond. *Ato* Tässäma would also ask the defendant to repeat his testimony. Then he

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[73] For example, see "*Yäferd Qän* (Judgment Day)," *Berhanenna Sälam*, 8 Nähasé 1922E.C. (14 August 1930), 256. Only the emperor had the power to pass death sentences.

[74] "*Yämigäba Ferd* (Appropriate Judgment)," *Berhanenna Sälam*, 10 Miyazya 1921E.C. (18 April 1928), 123. Sixteen years earlier, as Governor of Hararghe, Täfäri had proclaimed that the *abägaz* were responsible for paying for thefts in their regions (Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 22). The case at hand, where one *abägaz* contacted another about the culprit, indicates that the 1905E.C. (1912) proclamation had been respected and had begun to bear fruit in at least one province.

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would explain to the two litigants that asking them to repeat what they had said was a way of separating the truth from falsehood. If they had spoken the truth, it would be repeated the second time around. If they had lied, however, their repeat testimony would differ from the first. When he had finished evaluating their statements, in line with the law books, he would give his response in a most eloquent manner, apparently reminiscent of honey and milk, of eating and sowing, and his verdict was like splitting a thread. Seeing that his verdict was fair, *Berhannena Sälam* alleged, both the plaintiff and defendant would go away happy. The gist of the article was to explain and to extol the impartiality and high competence of an Ethiopian judge, and the absolute justness of his verdict(s). The article ended with the important statement that "Truth is the foundation for everything and is understood in the heart."[76] If, as is reasonable within the context of this particular article, 'truth' can be interpreted to mean 'the law as properly applied,' then the quotation is a telling statement in regards to the image of the law which was being projected to the public: the law is not only the best foundation on which a state may rest, but it is also natural for all people.

The underlying message was repeated in other *Berhanenna Sälam* articles. "Fair Justice" provides an interesting example in which a judge responded to an earlier piece criticizing one of his judgments, possibly by the loser of the case. Qäyu Negäsé, the author, seemed to be responding to racial(ist) comments, observing that one might consider an eye: "the eye has a white background and then some black in the middle; you

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[75] Ato Tässäma had been appointed to the position seven months before he heard the following case. "*Shumsher* (Administrative Reshuffling)," *Berhanenna Sälam*, 29 Mäskäräm 1923E.C. (9 October 1930), 326.

[76] "*Beleh sishom mängest endiyasreq*," *Berhanenna Sälam*, 29 Miyazya 1923E.C. (7 May 1931). The last sentence is, "እውነት ለሁሉ መሰረት ነውና በልቡ ይረጻቃል።"

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see things with the black and not with the white." He drew parallels with gray and black hair (youth and elderhood, presumably) and white and red chickens. He concluded by stating "I have given a verdict against Däbtärä Gäbrä-Iyésus in favor of Mahtämä Wärq-Eshetè. Däbtärä, you are not honest. I think the verdict I have given is right."[77] In addition to the possibility that the author was implicitly defending Ethiopian traditions against the total adoption of foreign ('white') ones, the article is worthy of note for illustrating that the fairness of court judgments was not only discussed in *Berhanenna Sälam*, but that it may have been so between litigants (or their friends) and the judges who pronounced verdicts.

Another piece portrayed the legal system as nation-wide and equated a just and effective judiciary with economic prosperity.[78] It began by deploring the inconvenience caused by an increase of urban trouble-makers and the onset of the rainy season. The author stated that Haylä Selassé, knowing full well the problems inherent in the legal system and its bias against the poor, had appointed a small commission to review all judgments to the best of its ability, finishing those cases they could manage themselves and forwarding ones which they could not to the emperor. The author cautioned that if other officials did not follow the emperor's (legal) system, which was based on his goodwill, then as a result he would be overwhelmed with judicial responsibilities and would not be able to conduct all his imperial duties properly.[79] Therefore, provincial

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[77] Qäyu Negäsé, "*Ferd Madäladäl* (Fair Justice)," *Berhanenna Sälam*, 3 Yäkatit 1919E.C. (10 February 1927).

[78] Recall Dodd's reported 1916 conversation with Täfäri, quoted above (note 27).

[79] In other places Haylä Selassé emphasized the great amount of time that emperors and governors spent resolving legal disputes (see for example, Haylä Selassé, *Heywätènna Yältyop'ya Irmeja*, 46). For his impressively demanding official judicial schedule, see: Mahtämä Sellassé, *Zekrä Nägär*, 61.

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governors were reminded that God would be pleased should they prohibit petty cases from being brought to the cities and troubling urban judges, and such a situation would be consonant with uninterrupted cultivation and trade.[80] Furthermore, "Ethiopia's children" were reminded that wasting time at court on useless issues was a sin (*hat'iat*), and that unless forced to do so they should continue to work rather than follow their emotions (i.e., frivolously pursue legal issues).[81]

Related to the law and courts is, of course, the apprehension of criminals. Numerous articles detailed the apparently tenacious and competent efforts by police force to track down and arrest law-breakers. In one paean, Dägu Yemär praised the guards of Addis Abäba for their work in three instances. In the first, the guards stopped a man carrying lots of clothes. In the course of questioning him, they tricked him into making a mistake that revealed he had stolen the clothes. In the second, they apprehended a man in the marketplace whose posture and appearance was suspicious. Not only was he carrying a stolen *s'enatsel* (a small, liturgical music instrument), but he also confessed to having pilfered books and other precious items from churches in Wällo and Addis Abäba.[82] Finally, Lul Sägäd, a *baldäräba* of *Fitarawi* Wäldä Emmanuél, complained that his home was broken into and everything was stolen. Based on his suspicions about the robbers, the police found one of Lul Sägäd's shawls (*kuta*) with a certain Däbälo, who was sent to

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[80] For a related effort to minimize litigation's adverse effects on economy, see the Chapter 4 discussion of the 1933 *afärsata* proclamation.

[81] "*Yäsera Mashashalenna Yärehrahé Bezat* (Improving Work Conditions versus Excessive Sympathy)," *Berhanenna Sälam*, 11 Säné 1923E.C. (18 June 1931).

[82] In an era when prison conditions were notoriously bad, prisoners were often in chains, and epidemic diseases wreaked havoc among them, one wonders about methods of interrogation, especially when someone who was arrested confessed to crimes other than the one for which he had been arrested.

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jail and admitted that his roommate Gäbräyäs ordered him to steal everything. Gäbräyäs was then also punished, for collaborating with a thief.[83] The article concluded with optimism and some propaganda linking the enforcement of the law to the government:

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> After ensuring that he got back the stolen goods from Gäbräyäs, Lul Sägäd praised the amazing diligence of the guards and the knowledgeable research of the judge, thanked the government, and went happily home. We are confident enough to say that the above written words testify that the diligence of all the work of the Addis Abäba guards and the amount of goods they seize [as evidence] will probably lead to the control of theft.

Similarly, the following year four thieves who had stolen 40,000 *mähalläq* (2500 *berr*) were caught by undercover officers (*yämest'ir zäbäññoch*) when one of the quartet attempted to exchange the hot monies. He was taken to *Gerazmach* Amarä and revealed the names of his three accomplices, who were all *gwada* workers, probably meaning that they worked in the palace storerooms. They claimed to have stashed the money at the house of a European merchant who, "as is customary," remained with his consul. The article promised to reveal his name and further details about the matter in a coming issue of the newspaper, but I have not located anything more.[84]

The last example I will discuss here was written by a French teacher at the Tafari Makonnen School and titled "About the New Law."[85] It began by noting that the long

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[83] Dägu Yemär, "*BäAddis Abäba Zäbäññoch Tegat Täyzo BäMermära Yätägälät'ä: Yämiyasmäsägen Sera* (Proof of the Diligent Investigative Research of the Addis Abäba Guards: Work to be Extolled)," *Berhanenna Sälam*, 10 Tahsas 1922E.C. (19 December 1929).

[84] "*YäLéboch Mäyaz* (Arresting Thieves)," *Berhanenna Sälam*, 16 Tahsas 1923E.C. (25 December 1930).

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history of all Ethiopian kings witnessed good and bad acts, deeds and times, and that even thoughtful kings had lacked justice and under them the poor were mistreated. The reason was that there was no king who established laws.[86] Even if the *Fetha Nägäst* existed, it came from foreign lands and was not produced and established by an Ethiopian king. Despite this fact, Ethiopia still had a chance. So that Ethiopia would not remain backward, God had enthroned Haylä Selassé I to lead Ethiopia to the level of civilization. Thinking about Ethiopia, [God] gave her a wise king who, from his days as crown prince to the emperorship pursued cooperative relations with foreign governments which finally resulted in the promulgation of laws guaranteeing benefits for Ethiopia.[87]

The author recounted that ancient nations, such as Rome and Egypt, administered their countries according to established laws, just as modern 'civilized' nations do. That Ethiopia had newly established laws enabled her to be considered as one of the highly civilized peoples and to compete with other nations. The author was confident that no one would miss the point that Ethiopia's lagging behind was because of a lack of law.[88] He added that when laws are established there is no chaos or mutual criticism. Since the law directs, leads, rules and prescribes, the establishment of law in Ethiopia had eliminated every hindrance [to its progress]. Therefore there was no doubt that Ethiopia would push forward rapidly, be renewed, and its history would pick up and be brightened. The last two paragraphs of the article stated that future historians would look

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[85] Gäbré bäTäfäri Mäkonnen tämari bét yäfäränsay qwanqwa mämher, "*Selä Haddisu Heg* (About the New Law)," *Berhanenna Sälam*, 6 Mäskäräm 1924E.C. (17 September 1931).

[86] See also Haylä Selassé's autobiography, where the emperor recounted that during 3000 years of Ethiopian history there had been no king who had established a parliament or a constitution (Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 139).

[87] The article does not specify any of the new laws.

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upon that age as a golden one, enjoined the people to applaud happily, and thanked the emperor for making it all possible.

The articles published in *Berhanenna Sälam* evidence that the emerging class of Ethiopian intellectuals shared *Ras* Täfäri/Haylä Selassé's vision in which the law was central to elite conceptions of a just, progressive and civilized nation. More highly developed and coherent than Tafari's own public remarks on the law, they also comprised a type of intellectual propaganda which complemented and reinforced an important aspect of the ruler's political ideology. Perhaps Täfäri encouraged the intellectuals to air their ideas in more a developed form than he did so as to gauge public reaction, and thereby be better able to take credit for what worked or to distance himself from what did not. Either way, his involvement with *Berhanenna Sälam* and the political-economy of the times show that he approved at least in broad principle of the tenor of the paper's content. Indeed, his interest in fostering a progressive and modern 'public image,' clear in terms of the political slant of if not specific propaganda in the newspaper, manifested itself most clearly in terms of coverage of the emperor himself at his 1930 coronation.

Between late 1927 and mid-1928, Täfäri had succeeded in eliminating two of his old guard rivals, the governor of Sidamo, *Dejjach* Balcha Safo, and the chief of the palace guards, Abba Weqaw. Following confrontation with the latter, "...Tafari's men came to the fore, openly demanding the coronation of Tafari. The empress had no choice but to acquiesce. Tafari was made *negus* [king]."[89] Two years later, Zäwditu in Addis Abäba and her husband, exiled in Bägämdär and an implacable opponent of Täfäri, died

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[88] See also note 100, below.

[89] Bahru, *Modern History*, 135.

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within two days of each other. Täfari thus ascended to the imperial throne, choosing the regnal name Haylä Selassé (Power of the Trinity).

The coronation ceremony was the most magnificent in Ethiopian history. Addis Abäba was beautified by paving roads, installing electricity in the palace, clearing slums and undertaking other infrastructural alterations. The efforts were made both to awe the citizenry with the monarch's vision of the future and to impress the many official delegates in attendance from Europe and neighboring colonies with Ethiopia's modernity and progress.[90] The visual spectacles were, however, not confined to the capital. Harär, for example, witnessed several days of revelry. At the city wall's Shäwa Gate, which had been opened by the Christian conquerors sometime after 1887, officials pitched a tent and displayed a large picture of the emperor.[91] A band played music while priests watched military troops march by the tent offering *fukara* to the image.[92]

After the military parade, Aläqa Desta, an official at the province's Governor's Office, gave a speech on behalf of the nobility, recollecting Biblical history and the legendary foundations of the Ethiopian state. He thanked Haylä Selassé for making

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[90] Financing for the event also came from individuals' 'willing' contributions. Three years later, one official complained that he was in Addis Abäba "at the time when it was called for to donate money for the coronation [ceremonies]," and thus gave 100 *berr*. At the same time, his representative in Harär gave 60 *berr*. As a result, it was ordered that his Harär contribution be refunded to him. See Harär Governors Office to Gerazmach Bäzabeh, 14 Genbot 1925E.C. [22 May 1933], IES 933 "*YäQädamawi Haile Sellassie Negusä Nägäst Zältyop'ya YäHarärenna Yawrajawa Hulu Endärasé Wana YäS'eheft Bét*" ("Secretariat of Ethiopian Emperor Haylä Sellassés Deputy Governor of Harär Province and Environs"), 91.

[91] Distributing pictures or photographs of the emperor and the empress, probably throughout the country, continued in later years. For example, Harär Governors Office to Ato Bälehu, 21 Säné 1925E.C. (28 June 1933), 187; and Harär Governors Office to Azajj Keberät, 11 Hamlé 1925E.C. (18 July 1933), 226, in IES 933 "Secretariat of Ethiopian Emperor Haylä Sellassé's Deputy Governor of Harär Province and Environs."

[92] *Fukara* are "war boasts" in which warriors vociferously and vividly recount their past exploits, as well as those they will accomplish in the future. This paragraph and the following are based on "*BäHarär Kätäma: SiläQädamawi Haylä Selassé Negusä Nägäst yäZäwd Bä'al* (On the Celebrations in Harär of Haylä Selassé I's Coronation as Emperor)," *Berhanenna Sälam*, 2 Tahsas 1923E.C. (11 December 1930).

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arrangements with Egypt so that Ethiopian sub-patriarchs of the Coptic Church could be appointed, even if the Patriarch himself remained an Egyptian appointed by Cairo. And he praised the monarch's modernization efforts, singling out the importation of military aircraft. Following the speech, according to the newspaper account, all the Muslims who were sitting on top of the city wall observing the events proceeded to clap and ululate. Aläqa Desta then left the podium, holding Haylä Selassé's picture before him, and was followed by the nobles. They proceeded to Färäs Mägalla (the 'Horse Market,' the center of the old town) where a great feast was held. One the first day the nobility and soldiers were feted; on the second priests and commons attended; on the third the soldiers returned for food, foreign nobles were treated to a tea ceremony, and finally foreign traders were given champagne;[93] on the fourth day the maids and servants of the nobility ate; on the fifth day there was a feast for Harär's Muslims, among whom were Hajji Ahmad Aboññ and Hajji Mumé Bashir;[94] on the sixth day, the nobles and employees of the Customs House and other offices were treated. Less lavish ceremonies took place at Jarso, where Haylä Selassé was born. There, *Dejjazmach* Gäbrä-Maryam gave a church ceremony attended by persons from surrounding regions. A feast with champagne was enlivened by a certain Aläqa Feqrä-Yohannes, who had been in Jarso at the time of the emperor's birth, and entertained the other guests with his memories of the incident.

[93] It is interesting to note this observed social hierarchy among the European guests, which clearly privileged all of them less than even common Ethiopian soldiers.

[94] Although the Muslims were feted much later than others, including foreigners and Christian servants, they possibly took some solace from the fact that Christian officials, including Ato Eshete and Azajj Kebretem, sat on chairs at a lower level. (On Hajji Ahmad Aboññ, see Seifu Metaferia, "Sixteen Letters of Ras Mäkonnen and his sons to Hájj Ahmad Aboññ of Harar," *Journal of Ethiopian Studies*, XII, 2 (1974): 179-99; and on Hajji Mumé Bashir, see Sidney Waldron, "A Farewell to Bab Haji: City Symbolism and Harari Identity, 1877-1977," in *Working Papers on Society and History in Imperial Ethiopia: the Southern Periphery from the 1880's to 1974*, Cambridge: African Studies Center, 1980.). Hajji Mumé Bashir's son,

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The coronation thus marked an occasion for the state to use pomp in order to display power, both for foreign consumption in the capital and for local consumption in the provinces. The celebrations in Harär also afford a noteworthy insight into local social hierarchies according to religion, social status and occupation, matters that the celebrations reified and some of which become relevant in later chapters of this dissertation that focus on state institutions and local society. Finally, newspaper coverage enabled speeches, that may or may not have been made in Harär during the celebrations, to be published and circulated elsewhere in the country. They praised the "enlightened prince" and his modernization efforts, as well as his efforts to avoid "fanaticism" and to bring Christians and Muslims together in Ethiopia.[95]

Upon his coronation, *Ras* Tafari issued a proclamation announcing Empress Zäwditu's death and his succession as emperor. At the end of the speech he proclaimed that "I will extend the laws and regulations that have come down to us from my fathers,"[96] a remark that clearly underlined the significance of the law in his conceptualization of the ideal nature of the state and its responsibilities and indicated his intention to innovate further in the future. The following year he promulgated Ethiopia's first written constitution, which, he stated, would be a permanent institution transcending generations and benefiting everyone.[97] The only earlier references linking Tafari to the

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Hajji Abdi Settar, was an open and valuable informant and discussant about Harări history and culture when I did my research. In this dissertation I draw most on his rich knowledge in Chapter 3.

[95] See Hajji Abdulla Sharrif and the Harari Muslim Brothers, "*YäZäwd Bä'al Diskur* (Discourse on the Coronation);" Yelma Mängäsha, "*Diskur* (Discourse);" and others, in *Berhanenna Sälam*, 2 Tahsas 1923E.C. (11 December 1930).

[96] "*Käabatoché siyayaz bämät'aw hegenna danb asaderhalähu.*" (*Feré Känafer*, #17: 41).

[97] *Feré Känafer*, #19, 9 Hamlé 1923E.C. (16 July 1931), 43; Haylä Selassé, *Heywätenna Yältyop'ya Irmeja*, 150.

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[100] *Feré Kānafer*,
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idea of a constitution I have located are Thesiger's late 1916 suggestion and a request by Tafari for Father Jarosseau to send him copies of the *Code Compari* and the *Code Napoleon*.[98] But the emperor claimed that:

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> Although for various reasons Our idea had not been accomplished for some time, all of the efforts We had begun a long time previously were for establishing law for the government. Therefore, We are now executing the thought that We had conceived and followed steadfastly for Ethiopia and Our beloved people.

More significantly, in terms of articulating the importance of the law—within which he seemed to regard the constitution as foundational—he declared that:

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> It is beyond no one that law is the thing of greatest benefit to people. Respect and benefit are derived from legal equality. Disgrace and deficiency come from a lack of law. Violence and injustice thrive where no law is established.[100]

In the official proclamation to establish the constitution, the emperor developed the relationship of these ideas to the constitution itself. After mentioning that he had been

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[98] For Thesiger, see footnote 31 above; for the books, note 32.

[99] *Feré Känafer*, #19, 9 Hamlé 1923E.C. (16 July 1931), 44; Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 140. The emperor later explained that he had wanted to establish a constitution when he was crown prince. He also recounted that during 3000 years of Ethiopian history there was no king who had established a parliament or a constitution, but a few of the nobility had prevented him from doing so by saying that it would diminish the dignity and authority of Empress Zäwditu (Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 139, 147).

[100] *Feré Känafer*, #19, 9 Hamlé 1923E.C. (16 July 1931), 44; Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 150.

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[101] *Feré Känd*
Irmeja, 152.

[102] *Feré Känd*

[103] John Mark
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crowned “in full accordance with the law,”[101] he explained his efforts to repay God’s trust in him:

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> We worked hard and protected [Ethiopia] so that Our followers would accept Us legally and work hard. Except for issuing proclamations to protect Our country with a legal administration, We did not return Our creator’s favor. [But] because We hoped for Ethiopia’s prosperity; the stability of Our government; the prosperity and benefit of Our people; and for happiness, We decided to establish a constitution and are explaining and clarifying Our idea.[102]

Nowhere, however, did the emperor clarify how a constitution which declared his own “person sacred, his dignity inviolable, his power indisputable,”[103] and more than half of which focused on the last point, would protect the country, benefit the people or guarantee the happiness of others. It is reasonable to conclude that by that point in time Haylä Sellassé sought both to establish a legal institution common to all ‘civilized’ countries, while simultaneously strengthening the security of his own political power.

The 1931 Constitution marked not only a crucial moment in Ethiopian political and legal history, but also a notable, if subtle shift in the emperor’s own personal ideology. His rise to power had been characterized, if not guided by, an interest in and an emphasis on the law, a factor that facilitated his relations with and helped earn the

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[101] *Feré Känafer*, #20, 9 Hamlé 1923E.C. (16 July 1931), 46; Haylä Selassé, *Heywäténna Yältyop'ya Irmeja*, 152.

[102] *Feré Känafer*, #20, 9 Hamlé 1923E.C. (16 July 1931), 46-7.

[103] John Markakis, *Ethiopia: Anatomy of a Traditional Polity*, Addis Ababa: Oxford University Press, 1974, 272.

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political support of important and influential foreigners. His desire for Ethiopia to join the League of Nations had been driven by a belief that international law would preserve his country's independence when military might could not. And in speaking about the law he had discovered a stratagem by which he could assuage conservative fears while also promising fundamental social and political change. Even if legal equality, as we understand it today, was not a concept worthy of the consideration of Täfäri/Haylä Selassé, who was of noble birth and of the conviction that he had been divinely chosen to rule Ethiopia, he had undoubtedly endeavored all along to establish 'progressive' laws and to encourage a type of legal consistency throughout his lands. His efforts, if patronizing and self-serving, went hand in hand with an earnest desire to improve the country and 'uplift' its peoples. The establishment of the constitution, however, no matter how nicely he dressed it up, represented the beginnings of Haylä Selassé's later manipulation of the law in ways designed primarily to reify his own supremacy.

In the meantime, by 1931 the emperor viewed the law as the foundation of a strong state, and he utilized it in attempts to gain the consent of the governed, to earn international approval and acceptance, and to enshrine his own political power. His thought about the law and its role in modernization certainly developed during the course of his oral and epistolary dialogue with foreign friends and allies, including Wilfred Thesiger and Father Jarosseau. His autobiography recounts his attempts both as crown prince and as emperor to implement these ideas in practice by instituting various trappings of a 'modern' nation, as he saw it, including judicial reforms. At some point he came to judge the creation of a modern, written constitution as the best way to cement

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both the place of the law in society and his own political inviolability, as well as to attempt to earn a greater—willing—public acceptance of his authority.

While his general reforms helped to set the framework for future developments, the establishment of the 1931 Constitution comprised the most significant substantive action taken by Haylä Selassé to that point in time in his pursuit of extending central state hegemony in Ethiopia. Nevertheless, state-society relations were probably more directly mediated by various other formal institutions; and real-life or first-hand encounters with government bodies would have been more important than novel ideas in shaping ordinary Ethiopians' views of their government. In an attempt to ground and thereby evaluate the practical application of the ideological issues discussed above, and its reception by local peoples, the following chapters investigate selected administrative practices in Harär, including the civil court, the Governor's Office and the internal security apparatus.

The manner in which such institutions functioned would have signaled more to the populace about government sincerity in its statements on legal equality than any number of speeches and proclamations alone. Thus, consistent administrative practice, in line with established laws, would have commanded the respect of many peoples, particularly those who had earlier been subject to arbitrary or harsh treatment at the hands of conquering rulers. On the other hand, practice discordant with the government's emphasis on the law would have aroused resentment and disdain and adversely affected ordinary people's loyalties to the state.

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Chapter Three

Judiciary: State Courts in Harär, 1915-26

In evaluating the extent to which Ethiopian administrative practice throughout the country adhered to Ras Täfäri/Haylä Sellassé's emphasis on the importance of the law, courts are a logical venue to begin local or regional analysis. This chapter suggests that procedural continuities between Ethiopia's 'pre-modern' and 'modern' courts shaped the contours of 'reformed' legal practice in Harär from 1915-26, and seem to have facilitated the imposition of the state civil court and its acceptance by the ordinary populace. Thus, this particular institution appears to have functioned in line with official ideology and to have held the promise to assist in spreading the willing acceptance of rule from Addis Abäba. The point is potentially significant, since courts everywhere exercise a great deal of power over society.

As seen above, during the 1910s and 1920s *Ras* Täfäri Mäkonnen, the future Ethiopian Emperor Haylä Sellassé I, maneuvered to secure his political power and to develop political and legal structures that would permit him to control his country and guide it towards 'progress' and 'civilization.'[1] He became the patron and *de facto* leader of the burgeoning intelligentsia, a small group of Western educated[2] men, generally of humble origins, commonly known today as the Young Ethiopians. Well aware of European political and military power and economic dominance around the globe, and inspired by Japanese success in industrializing while maintaining independence in the

[1] On these terms, see above, Chapter Two, note 3.

[2] Here "Western educated" means both educated in Western countries and/or locally trained in European languages and subjects.

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late 19th century, the Young Ethiopians were disturbed by Ethiopia's backwardness and sought to modernize the country and establish its parity with European nations.[3] As a group they favored political reform aimed at lessening the landed nobility's considerable power, which they envisioned would be replaced by 'modern' government institutions staffed by themselves and other educated Ethiopians. Their prescriptions for reforming the body politic covered a gamut of topics including customs, education, administration and agriculture. A part of this story that has been little studied is legal reform, one aspect of which is judicial procedure. Yet, to better understand Ethiopia's legal practice—where it was coming from and what it was becoming—it is helpful to begin with a review of the empire's central legal system.

Historically, legal power was inseparable from political power in Ethiopia. In the sixteenth century the Portuguese missionary Father Francisco Alvares wrote of justice at the court of the *Baher Nägash*, the governor based in Tigré who controlled a swath of territory through the lowlands and extending down to Mitsawa, on the coast of present-day Eritrea. The northern governor had a full-time judge, an *alicaxi* (presumably from the Arabic, *al-qadi*) who heard cases in the governor's compound. He pronounced judgment himself in small cases; for more important ones he would explain everything to the *Baher Nägash* who would pass sentence himself. At all cases, whether determined by the *alicaxi* or the governor, a *mälkäñña*,[4] a representative of the Emperor, allegedly had to be present. If either litigant desired to appeal judgment to the Emperor he required an

[3] Bahru Zewde, *Pioneers of Change: Reformist Intellectuals in Early Twentieth Century Ethiopia*, (forthcoming).

[4] An archaic term generally translated as governor of a small district, though its specific meaning varied in time and place.

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affidavit from this official. Alvares added that "all the lords of the countries of any of the kingdoms of the Prester [Emperor] John have an Alicaxi and a Malaganha [*mälkäñña*] appointed by the Prester; so also have the Captains subject to the Barnagais [*Baher Nägash*] and to the other great lords."[5] Surely, the actual autonomy or influence of the *mälkäññas* varied from region to region, depending upon the relationship between Emperor and governor. However, the hierarchy which Alvares described shows not only that all legal channels led ultimately, in theory at least, to the Emperor, but that the Emperor appointed legal representatives throughout his realm to monitor local events where possible.

The Emperor's court, which also comprised the highest court of appeal, was located in a special tent, called a *säqälä*,[6] which was pitched about 800 yards directly in front of the Emperor's living quarters. Symbolizing the respect that must be shown to the Emperor, and perhaps to the justice he embodied and upheld, it was forbidden for people to pass between the two tents while mounted on mules or horses. The *säqälä* housed thirteen iron and leather chairs, one of which was taller than the others. Each day the chairs were brought outside and placed six to a side, with the largest one at the head. The judges nevertheless sat around them on the ground, where they listened to the plaintiff and defendant (or their representatives) argue their sides of a case. After arguments were presented, a time-consuming and sometimes elaborate procedure began during which a

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[5] Father Francisco Alvares, *The Prester John of the Indies: a True Relation of the Lands of the Prester John, being the narrative of the Portuguese Embassy to Ethiopia in 1520.* Trans. By Lord Stanley of Alderley (1881), revised and edited by C.F. Beckingham and G.W.B. Huntingford. Kraus Reprint: Millwood, NY, 1975, 128.

[6] Today meaning a rectangular shed or house, the word is related to the verb *säqqälä*, among whose meanings are "to appeal one's case to a higher court, move one's case from a lower to a higher court." Thomas Leiper Kane, *Amharic-English Dictionary*, Wiesbaden: Otto Harrassowitz, 1990, 504, 507.

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[9] Jules Borelli
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[10] Pankhurst, *I*

crier and each of the judges repeated in turn all the arguments that had been made and opined on the matter individually. If further evidence was required the case was postponed until it could be gathered. If everything was in order, however, the head judge spoke and then he and all the other judges marched over to the Emperor's tent and elaborated the case to him. After listening to his judgment they returned to the *säqälä* and announced the final verdict.[7]

While this procedure may appear reasonably just, it is unclear that appealing a case to that level was an easy thing to do in reality. Governors would likely have resented those under their rule seeking to appeal their judgments to the Emperor, and in the early 17th century Almeida suggested that only a few actually dared to do so. He explained that doing so "...is as good as to declare themselves enemies of the Governor or Viceroy ... and they are afraid that he may look for some pretended and very plausible pretext to destroy them."[8] Similarly, in the 1880s Jules Borelli observed that peasants exposed themselves to a governor's resentment if they appealed to jurisdictions above his.[9]

In instances when the identity of a law-breaker, such as a thief, was not known, collective or community responsibility was implemented. Usually relevant only to murder cases or other egregious transgressions such as the theft of a noble's horse or mule, collective punishment ensured that restitution would be paid or justice served.[10]

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[7] Alvares, *Prester John*, 439-40.

[8] Quoted in Richard Pankhurst, *An Introduction to the Economic History of Ethiopia, from early times to 1800*, London: Lalibela House, 1961, 124.

[9] Jules Borelli, *Éthiopie Méridionale: Journal de mon Voyage aux Pays Amhara, Oromo et Sidama, Septembre 1885 à Novembre 1888*. Paris: Ancienne Maison Quantin, 1890, 94.

[10] Pankhurst, *Introduction to the Economic History*, 127.

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The general practice bears some resemblance to the specific practices of *léba shay* and *afärsata*, for which there is more available information beginning in the late 19th century.

Léba shay means 'thief seeker' and refers to an institution by which thieves were identified and captured. The seeker was a prepubescent boy, usually from a non-highland or marginal ethnic group, or a slave.[11] Someone who had been robbed would go to a *léba shay at'äc'c'i*, or one who caused the young thief seeker to drink/smoke a special concoction.[12] The *léba shay at'äc'c'i* would administer his potion after the boy had spent a night without food or water, both of which were believed to contaminate the drug's efficacy. After ingesting it he would then get up and, with his waist tied by a sash that was held by a *léba shay täkättay* (*léba shay* follower/attendant), set out to locate the thief. As he wandered around or went house to house, the boy was believed to reenact the thief's movements and actions. If he came to a body of water he would be carried over it by the *léba shay täkättay*, so that the medicine would remain in force. If he encountered the thief, he would point him or her out. If he did not, he either gave up chase[13] or eventually collapsed exhausted. If the latter, the residence in which he did so, or the one proximate to him at the time, was assumed to house the thief. Alexander Nati has written about how this institution was abused in southwest Ethiopia by highland Abyssinian setters, who pawned or enslaved local people who—perhaps falsely accused by *léba*

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[11] Alexander Naty, "The Thief-Searching (*Leba Shay*) Institution in Aariland, Southwest Ethiopia, 1890s-1930s," *Ethnology*, 33, 3 (1994): 262.

[12] Some sources report that the boy drank it, others claim that he smoked it. The ambiguity may come from the fact that the Amharic verb *t'ät't'a* may mean either "drink" or "smoke." While today *mac'äs* is preferred for "smoke," in the early 20th century *t'ät't'a* was more common.

[13] Jules Borelli, *Éthiopie Méridionale*, 103.

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shays—could not pay the dictated fines after they had been singled out.[14] Emperor Haylä Sellassé outlawed the practice of *léba shay* in the 1930s.[15]

Afärsata was a communal inquest designed to determine the identity of those who committed crimes such as murder, arson or theft of money, property or cattle. Historically, when the perpetrator of one of these crimes was unknown, all the male adults of the area would be called together at a meeting place, where they had to remain until each had given confidential individual testimonies to a group of investigators selected from among the community. After everyone had done so, which might take a few days, the presiding committee would reveal the criminal's identity to a clerk, saying "A bird told us that so-and-so is the perpetrator." Then a judge or political officer would apprehend the named person. If he or she had left the region, all those at the inquest would contribute to paying the damages.[16] As with collective punishment, *afärsatas* inconvenienced the entire community, especially when they took place at times in the agrarian cycle requiring intensive labor inputs. Unlike the former, however, and despite the potential for the community to have to cover reimbursement, they usually imposed individual punishments.[17] On 2 August 1933, the government issued a proclamation detailing procedural and substantive rules for conducting *afärsatas*. The rules were designed both to limit the economic disadvantages and hardships that the inquests might

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[14] Nati also suggests that the institution "probably was originally introduced to Ethiopia from the New World by the Portuguese," but his evidence is circumstantial. (Nati, "Thief-Searching," 265-6; 270).

[15] Emperor Haylä Selassé I, *Heywäténna Yältyopya Irmeja*, (Volume I), Addis Abäba: *Berhanenna Sälam*/Haylä Selassé I Printing House, 1965E.C. (1972-73), 53.

[16] C. H. Walker, *The Abyssinian at Home*, London: Sheldon Press, 1933, 155.

[17] The best sustained and contextualized narrative of an *afärsata* is a novel: B. M. Sahle Sellassie, *The Afersata: an African Novel*, London: Heinemann (African Writers Series), 1974. Occasionally European writers describe *afärsatas* without really knowing what they are seeing; for example see Arnold Wienholt Hodson, *Seven Years in Southern Abyssinia*, London: T. F. Unwin Ltd., 1927, 26.

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create for individuals, as well as to safeguard against false complaints and untrue or malicious testimony.[18]

By at least the late 19th century and probably much earlier a certain style of litigation known as *tättäyäq muget* or *esät agäba muget* had developed in the regions controlled by the central government. *Tättäyäq* means "demand made of the defendant to respond in court to the charge made against him."[19] *Muget* may be translated as "argument, dispute, legal case or suit,"[20] or simply as "litigation." *Esät* is a "wager," and *esät agäba* is one possible phrase uttered by a litigant who accepts a certain type of judicial challenge from his/her opponent. Abera Jembere has glossed both *tättäyäq muget* and *esät agäba muget* as the "traditional Ethiopian mode of litigation."[21] It is important to understand this system because it continued to operate after legal reforms were undertaken by the state in the early 20th century; that is, its practice carried over into the subsequent 'modern' court procedures discussed below. The point may not be surprising since *tättäyäq muget* referred mostly to procedural law, as opposed to substantive law.[22] Therefore, the established procedures could be easily transferred to a new venue (e.g., a 'modern' courtroom) where new laws might be applied, but where the

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[18] Blatén Géta Mahtämä Sellassé Wäldä Mäsqäl, *Zekrä Nägär* (Things Remembered), Addis Ababa: Artistic Printers, 1962E.C. (1969-70), 92-94.

[19] Kane, *Dictionary*, 2174.

[20] Kane, *Dictionary*, 342.

[21] Abera Jembere, "Yatayyaq Muget: the Traditional Ethiopian Mode of Litigation," *Journal of Ethiopian Law*, 15 (1992): 82.

[22] Abera, "Yatayyaq Muget," 91.

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course of proceedings would remain familiar and recognizable to litigants and observers, not to mention judges themselves.[23]

Most of the historical evidence on *tättäyäq muget*, whose procedures incorporated interrogation and often wagering, traces to villages, towns and cities, although it took place in rural settings too. The Europeans who witnessed such events repeatedly likened them to dramatical performances and essentialized Ethiopians as 'natural' litigants who love the excitement, drama and theater of court cases.[24] Abera's article is the best European-language source on the topic of highland Ethiopia's time-honored judicial procedure, but it is generally ahistorical and its details sometimes differ from those that I gleaned from Harär court records. The differences may indicate regional procedural variations, or perhaps some reductionism or telescoping on Abera's part. Or both. Whichever way, his useful reconstruction of *tättäyäq muget* provides a helpful framework for summarizing the procedure.

Attempts to settle disputes, such as those at the marketplace or between neighbors, often began by soliciting a passerby to serve as judge. He was called a *yä-*

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[23] In the courts of early 20th century Sudan, "It is far more important to know the procedure...than the actual law, for the procedure can be subtly warped so as to do grave injustice, whereas it is a difficult thing to overrule a custom known to all concerned," J. A. Reid and J. F. P. Maclaren, "Arab court procedure and customary law," *Sudan Notes and Records*, XIX (1936): 160 (quoted in: Jay Spaulding, "The Birth of an African Private Epistolography, Echo Island 1862-1901," *Journal of African History*, 34, 1, 1993: 124, n. 4).

[24] For example, Ladislas Farago, *Abyssinia on the Eve*, London: Putnam, 1935, ("[Litigation] is the country's ruling passion." 31); Arnold Hodson, *Seven Years*, ("...[Abyssinians] are consummate actors..." 252); Eric Virgin, *The Abyssinia I Knew*, London: Macmillan and Co., Ltd., 1956, 91; "Open-Air Law Courts of Ethiopia," *National Geographic Magazine*, LXVIII, 5 (1935): 633-46. Donald N. Levine, *Wax and Gold: Tradition and Innovation in Ethiopian Culture*, Chicago: University of Chicago Press, 1965, 248.

Allan Hoben is one of the few authors who bothers to situate Ethiopia's apparently high rate of litigation within the larger framework of struggles over resources, especially land; see his *Land Tenure among the Amhara of Ethiopia: the Dynamics of Cognatic Descent*, Chicago: University of Chicago Press, 1973, especially Chapter Eight.

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weha wäraj daññā[25] (flowing water judge) because "…travellers flow here and there and may be lighted upon anywhere" [to serve as a judge].[26] If the disputants agreed to the proposed settlement, the matter was concluded. If one or both of the parties was not satisfied, however, they would proceed to the nearest court, sometimes escorted by the unsuccessful passing-judge. The lowest level courts were staffed by *cheqa shums*[27] or *mälkäññas*, who were occasionally assisted by *tächis*[28] or *kwärkwaris*[29] (assessors). Disputants doubting their own verbal dexterity or ability to think quickly and cleverly on their feet could, and often did, hire a legal representative or representatives, called *nägäräfäj*(es).[30]

Court proceedings began with the securing of *was* (guarantor or guarantee) by the two parties; the plaintiff then stated his or her accusations, to which the defendant responded. If the charge was denied the plaintiff went into more detail and the defendant was again permitted to respond. In the event of continued disagreement bets or wagers might be laid, as in: "I bet you honey (or a horse or a mule) that my version of events is

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[25] Kane, *Dictionary*, 1814.

[26] Walker, *Abyssinian at Home*, 169. Walker continues: "…the "descending water" judge receives nothing for his toil. Only it is the custom that all who hear should run to aid when a man cries out upon the road" [for a judge].

[27] Definition: "Village headman who assigns and collects taxes, is charged with lodging strangers on the villagers. Originally the lowest official in the government hierarchy (obs.)." Kane, *Dictionary*, 2221.

[28] Definition: "One who makes critical comments or judgment, critic, commentator." Kane, *Dictionary*, 979.

[29] Definition: "One who tickles, one who causes laughter; one who nags, importunes, who incites quarrels." (Kane, *Dictionary*, 1397) In legal contexts, *kwärkwaris* would probably best be viewed as serving a spurring or goading role. At present, I am unsure about the relationship(s) between *kwärkwaris* and *tächis*, or whether they may be regarded as synonymous.

[30] Abera, "Yatayyaq Muget," 83-4. *Nägäräfäj* is also sometimes translated as "advocate" or "lawyer," the former probably being preferable. For an early description of them and their activities, see Walker, *Abyssinian at Home*, 175-78.

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correct."[31] If the other party agreed, she or he submitted by stating *agwerah tännaññ* (I yield to you/your argument),[32] which was shortened from *bä-agwerah tännaññ yä-tärätta, mähal agädaw yä-tämätta* (a person who loses the litigation by [saying] *agwerah tännaññ* [is like a person who] has been struck on his shin). The imagery of a physically painful blow associated with losing a case this way captures the inherently competitive and combative nature of courtroom battles, much as the English word 'beaten' may be read two ways, though more prosaically. The judge then pronounced judgment and, in addition to damages or other expenses, the loser had to pay court fees.

If certain facts were disputed, or if a wager was accepted, the plaintiff could present evidence in the form of documents or witnesses. Abera notes that "...at least three witnesses from each side would be heard."[33] It was only after 1941, however, that defendants could call witnesses also. Before then defendants were limited either to demanding that the plaintiff's witness take an oath during Mass to demonstrate veracity,[34] or to attempting to discredit or disqualify witnesses, such as by saying "My lord [i.e., judge], they [i.e., the plaintiff and the witness] have been brought into agreement like a hand and ring, like a cat and milk; [therefore] may the witness who has come not testify

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[31] Historically, the loser would then have to pay in kind. On 21 September 1908, Emperor Menilek issued a proclamation in which he standardized the following monetary equivalents: mule (20 *berr*), horse (10 *berr*) and honey (one *berr*). Court fees were declared to be two *berr*. (Blatén Géta Mahtämä Sellassé, *Zekrä Nägär*, 71). Bets were sometimes made more specific, such as an "ambling mule," a "dun horse" or some "white honey." (Walker, *Abyssinian at Home*, 137; for an example of a "white honey" wager, see Institute of Ethiopian Studies (hereafter IES) 799, 7 Genbot 1914E.C. [15 May 1922].)

Several of the fees must have been reduced in later years, because on 2 November 1932 Emperor Haylä Sellassé issued a proclamation lowering them—apparently again—as follows: mule (10 to five *berr*), horse (five to three *berr*), court fees (two to one *berr*). (Blatén Géta Mahtämä Sellassé, *Zekrä Nägär*, 99).

[32] See: Kane, *Dictionary*, 1324; 2153; Walker, *Abyssinian at Home*, 142, 178.

[33] Abera, "Yatayyaq Muget," 86.

[34] Abera, "Yatayyaq Muget," 86; Walker, *Abyssinian at Home*, 140.

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against me.[35] Witnesses who owing to advanced age or poor health were unable to travel to the court were visited by a court-appointed representative (*yächebt daññа*)[36] and representatives from each of the litigants. The court representative then presented the absent witness(es)' testimony to the court, being subject to correction from the others who had accompanied him. After all witnesses, present and absent, had given testimony, the plaintiff and defendant were permitted to cross-examine each other.

Finally, prior to the judge announcing his verdict, each party would be permitted to speak once more. This stage was called the *werd mänzat* (closing arguments) or *bela lebelha* and during it speakers often incorporated poetry and harassed or ridiculed their opponents; the ability to do both simultaneously was highly respected and could even influence the judge.[37] It could also bring about unintended consequences, such as the events that transpired in one case an informant remembered hearing about. There, a defendant who said: *Saygäddälu gofäré, sayatäru wäré* (He wore an afro [a sign of prowess, of having slain an elephant or lion, etc.] before he had yet killed, [and] he babbled out news without elucidating [the matter])—meaning, what the plaintiff had said was valueless nonsense and should not be taken seriously. The plaintiff was so enraged by the comment that he pulled out his weapon, fatally shot the defendant in the forehead, and fled, escaping into the woods.[38] Hearkening back to the medieval court practice described above, after the *werd mänzat* the assessors would present their opinions in turn

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[35] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 8 August 1998.

[36] Definition: "Judge of lower rank who interrogates the parties in a case and then sends them to a higher court." (Kane, *Dictionary*, 1814). Abera defines it as a "commissioned judge." (Abera, "Yatayyaq Muget," 92, n. 10).

[37] See Abera, "Yatayyaq Muget," 89-90, for poetic closing comments from *werd mänzat*s.

[38] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 8 August 1998.

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and finally the judge would give his verdict and specify which litigant(s) had to pay court and/or wager fees.[39] Appeal could be made to the next higher court,[40] otherwise the case was concluded.

Africanist Scholarship on Law and Legal Themes

Eschewing top-down approaches, such as that employed in the previous chapter, and their tendency to silence subordinate voices, recent Africanist work on legal topics and materials has sought either to show the ways that ordinary people employ the law to pursue their own economic or social interests (which may include combating perceived state domination or local social attitudes), or to discern the subtle processes by which state-society relations are negotiated and altered in formal institutions. Collectively, the scholarship demonstrates the value of discerning both how the law was *applied* by states and how it was *received* and *utilized* by subjects or citizens. The interplay of these two processes can reveal much of interest, and court records provide an excellent historical source for the second type of investigation.

While Africanists have begun to draw more widely upon legal sources, they have not done so as scholars of law, but as social scientists seeking to use such sources to open new windows onto other, not-necessarily legal topics such as land and property. Throughout the 1970s Sally Falk Moore, an anthropologist, published on the Chagga

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[39] Abera, "Yatayyaq Muget," 85-90.

[40] The pre-1935 national hiearchary of courts (from top to bottom) was: *Zufan Chelot* (Crown Court), *Afä Negus Chelot* (Court of National Jurisdiction), *Shaläqa Chelot* (Court of the Governor), *Akal Daññа* (District Court), and the *Yäser* or *Yafär Daññа* (Court of First Instance). (Abera, "Yatayyaq Muget," 93, n. 28)

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people of Northern Tanzania.[41] She was interested in legal processes and cultural norms, and how the two fed off each other and were affected by the political climate. Looking at disputes over land and property, among others, Moore showed that changing political conditions resulted in cultural norms being applied in novel ways during the course of judicial proceedings.[42] In her Chagga cases, she found that skillfully manipulating the legal system became an excellent means of accumulating wealth. Similarly, F.G. Snyder showed, in a Senegalese case, how these sorts of land tenure laws shed light on social relations and proposed that more anthropologists should consider employing this type of data.[43]

For Ethiopia, the historian Donald Crummey studied litigation settlements and related documents penned in the margins of Gondari church documents from the mid-18th to mid-19th centuries. Based on these cases, he argued that women held the same rights to *rist* land[44] that men did, but that they did not enjoy those rights to the same extent.[45] The other contributors to *African Women and the Law* also concentrated on issues of land

[41] Sally Falk Moore, "Politics, Procedures, and Norms in Changing Chagga Law," *Africa*, 40, 4 (1970): 321-44; *ibid.*, *Law as Process: an Anthropological Approach*, London: Routledge and Kegan Paul, 1978.

[42] From a corpus of Northern Sudanese epistolary and legal documents, Spaulding has concluded that "Through comparison one learns that within the Echo Island community no legal act, however formally correct or ostensibly binding, did in fact carry enough force to override the collective will of the community leaders…" (Spaulding, "The Birth," 123-24.)

[43] F. G. Snyder, "The Use of Oral Data in Legal Anthropology: a Senegalese Example," *Journal of African Law*, 17, 2 (1973): 196-215. In a related vein, Marc J. Swartz argued that Muslim courts in Mombasa structured ethnic interactions in ways that reified Swahili group boundaries through time by drawing on common values or norms, and thus were central to the maintenance of a Swahili ethnicity. (Marc J. Swartz, "Religious Courts, Community, and Ethnicity Among the Swahili of Mombasa: an Historical Study of Social Boundaries," *Africa*, 49, 1 (1979): 29-41).

[44] *Rist* was land that was heritable through either paternal or maternal channels.

[45] Donald Crummey, "Women and Landed Property in Gondarine Ethiopia," *International Journal of African Historical Studies*, 14, 3 (1981): 444-65; *ibid.*, "Women, Property, and Litigation Among the Bagemder Amhara, 1750s-1850s," in eds. Margaret Jean Hay and Marcia Wright, *African Women and the Law: Historical Perspectives*, Boston: Boston University Papers on Africa, VII, 1982, 19-32.

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and property, looking primarily through the lens of gender.[46] They utilized moments of conflict and tension, of the law in action, in order to get at deeper social processes of state control, social relations and economic autonomy. Several of them used legal data to distinguish between land ownership and land management, revising previous studies which equated the two and silenced women historical agents in the process. The chapters are tied together only by the broadest conceptual links, but the volume remains an important one in illustrating the sorts of data and analyses that might be obtained by work on legal records.

The Africanist work on legal topics or sources has mostly investigated periods within the colonial timeframe. Allen Christelow's Algeria project showed how the French took over and controlled the Islamic legal system, seeking to give the impression of its continued autonomy in order to secure greater support from the people.[47] His northern Nigeria work revealed that the British were only selectively engaged with the Islamic legal system of Kano, focusing almost exclusively on cases involving violence or coercion.[48] David Robinson has traced how the French in Senegal constructed notions of 'customary law' in order to rule colonized territories under the rubric of local laws.[49] The innovative treatment of selected, major court cases by Michael Crowder (Botswana) and Richard Rathbone (Ghana) have demonstrated the potential for this sort of study to

[46] See previous note.

[47] Allen Christelow, *Muslim Law Courts and the French Colonial State in Algeria*, Princeton, NJ: Princeton University Press, 1985.

[48] Allen Christelow, editor, *Thus Ruled Emir Abbas: Selected Cases from the Records of the Emir of Kano's Judicial Council*, East Lansing, MI: Michigan State University Press, 1994, esp. 19.

[49] David Robinson, "Ethnography and Customary Law in Senegal," *Cahiers d'Études Africaines*, 126, XXXII-2 (1992): 221-37.

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illuminate myriad topics, including the strengths and weaknesses of the colonial state; metropole-colony relations in politico-economic spheres; colonial relationships with colonized subjects; intracolonial social and political relations; and Africans' understanding and manipulation of certain state structures.[50]

The exciting, though often frustrating *Burying SM* by David William Cohen and E. S. Atieno Odhiambo is one of the few African Studies monographs focusing on a legal topic in the post-colonial period.[51] It takes as its object a court case between a widow and her in-laws who competed over rights to bury her husband's body. The trial turned into a battle between customary and national laws and became a national event in Kenya, discussed everywhere, both formally and informally. The authors explored notions of culture and tradition, and how people from all walks of life debated these notions through the issues raised in court and disseminated by the media and word of mouth. For Cohen and Odhiambo the controversy provided an opportunity to investigate processes of culture and negotiation, or what in that context I see as a cross between popular politics and politicized culture. The authors tend to turn away from the most intriguing points they raise, thereby losing chances to take their analysis to deeper, more significant and more interesting levels, but the book is nevertheless an engaging read and one of the best examples I have seen of innovative scholarship drawing upon a legal topic.[52]

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[50] Michael Crowder, *The Flogging of Phinehas McIntosh: a Tale of Colonial Folly and Injustice, Bechuanaland, 1933*, New Haven: Yale University Press, 1988; Richard Rathbone, "A Murder in the Colonial Gold Coast: Law and Politics in the 1940s," *Journal of African History*, 30 (1989): 445-61; *ibid.*, *Murder and Politics in Colonial Ghana*, New Haven: Yale University Press, 1993.

[51] David William Cohen and E. S. Atieno Odhiambo, *Burying SM: the Politics of Knowledge and the Sociology of Power in Africa*, Portsmouth, NH: Heinemann, 1992.

[52] Similarly, Lawrence Rosen, trained both as an anthropologist and as a lawyer, investigated the relationship between law and culture. His study of Islamic courts in Sefrou, Morocco, revealed that the importance of law in maintaining social stability sometimes led to decisions that broke with legal precedent

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The literature on precolonial legal topics is also thin. One of the best pieces was authored by Jay Spaulding, who drew on a variety of sources to reconstruct the basic structures, practices and history of an Islamic judiciary in the Funj kingdom of Sinnár.[53] It provides an excellent example of how properly historicized data can paint a rich picture without resorting to Orientalist assumptions about Islam, its institutions or practices. On the other side of the continent Jean Marie Allman, a Ghana specialist, looked at Asante social history, and found that the colonial court records she consulted bolster other scholars' arguments that precolonial Asante women were objects in the male sphere of accumulation and competition.[54] Allman argued that the continuity between pre-colonial and colonial periods is striking, though she is sensitive to the processes of struggle and reconstruction which took place in order to maintain women's status as objects. She also demonstrated the ways in which the state intervened in social structures, such as the family, through the legal system.

Briefly, these selected examples indicate that Africanists presently working on legal topics or with legal sources—in precolonial, colonial and postcolonial periods—are doing so owing to the rich data about history, law, society and culture which legal records contain. Lighting up specific topics to illumine larger historical processes, they consider notions of power, domination, and the potentials and threats the law poses as a political

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but were justified by the greater social good (according to cultural values) that they would advance. Lawrence Rosen, *The Anthropology of Justice: Law as Culture in Islamic Society*, Cambridge: Cambridge University Press, 1989.

[53] Jay Spaulding, "The Evolution of the Islamic Judiciary in Sinnar," *International Journal of African Historical Studies*, 10, 3 (1977): 408-426.

[54] Jean Marie Allman, "Of 'Spinsters,' 'Concubines' and 'Wicked Women': Reflections on Gender and Social Change in Colonial Asante," *Gender and History*, 3, 2 (1991): 176-89; *ibid.*, "Adultery and the State in Asante: Reflections on Gender, Class, and Power from 1800 to 1950," in eds. John Hunwick and Nancy Lawler, *The Cloth of Many Colored Silks: Papers on History and Society, Ghanaian and Islamic, in Honor of Ivor Wilks*, Evanston, IL: Northwestern University Press, 1996.

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tool, both for the state and for subjects or citizens. Clearly, the law may be, as Gramsci would have it, an instrument with which the state will "create and maintain a certain type of civilization and citizen...and to eliminate certain customs and attitudes and to disseminate others..."[55] Yet, focusing on the law as a means of empowerment for otherwise disadvantaged persons, recent collections not limited to African material have documented a variety of cases showing how such people succeed in manipulating the law to combat injustice or perceived ill-treatment, sometimes at the hands of the state.[56] What was the case in early 20th century Ethiopia?

Law as Practice: The Civil Court in Harär (1915-26)

Harär presents a particularly interesting area in which to pursue the analysis of Ethiopian legal practice and to explore various topics on which it sheds light, here through the medium of court records. Not only was Harär *Ras* Täfäri's birthplace and childhood home, but for the period under discussion Täfäri headed the region, even if he resided in the capital for most of his gubernatorial tenure. Furthermore, the legal situation there was complex, consisting of various Islamic *sharia* courts staffed by *qadis*, and state courts run by government officials, in addition to indigenous informal dispute settlement institutions.

An Islamic center in Ethiopia for at least a millennium, Harär was captured in 1887 by King Menilek, who allegedly promised not to interfere with the Haräris'

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[55] Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, edited and translated by Quintin Hoare and Geoffrey Nowell Smith, New York: International Publishers, 1971, 246.

[56] For example, June Starr and Jane F. Collier, eds., *History and Power in the Study of Law: New Directions in Legal Anthropology*, Ithaca: Cornell University Press, 1989; Mindie Lazarus-Black and Susan F. Hirsch, eds., *Contested States: Law, Hegemony and Resistance*, New York: Routledge, 1994.

established Muslim institutions. After the occupation, however, the Friday mosque at the center of town was razed and an Orthodox Christian church constructed on the same site,[57] and new administrative structures were established, including courts, a police force and a school system. The state courts and the *sharia* courts then operated in a type of situation which at least one scholar has termed "imperfect legal pluralism."[58] That is, although they coexisted and both of them practiced and applied the law, the state system was clearly dominant and the Muslim one clearly subservient.

Before Harāri took disputes to a formal courtroom, they were expected to try to resolve their differences amiably.[59] An aggrieved individual would commonly complain about a situation or issue to his or her uncle, friend or neighbor, who would then speak to the other person(s) to find out what was going on. If that person denied that there was tension, the potential mediator would attempt to pry more deeply by asking specific questions. Either way, mediators would seek to resolve disputes reasonably. If the second person(s) agreed to straighten things out, he or she or they would be left alone. If further problems appeared likely, however, the quarrelers were called to a small meeting

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[57] This area borders the Färäs Mägalla (or Horse Market, the center of town), mentioned in the previous chapter in the context of the 1930 coronation celebrations in Harär.

[58] Filip Reyntjens, "The Development of the Dual Legal System in Former Belgian Central Africa (Zaire-Rwanda-Burundi)," in editors W. J. Mommsen and J. A. De Moor, *European Expansion and Law: The Encounter of European and Indigenous Law in 19th- and 20th-Century Africa and Asia*, Oxford: Berg, 1992, 115. The adjective "imperfect" seeks to overcome the clear power disparities that exist where more than one legal system is in operation. For a topically-arranged historiographical essay on the larger issue, see Sally Engle Merry, "Legal Pluralism," *Law and Society Review*, 22, 5 (1988): 869-896; for discussion of concepts within studies on legal pluralism, see Sally Falk Moore, "Legal Systems of the World: an Introductory Guide to Classifications, Typological Interpretations, and Bibliographic Resources," in Leon Lipson and Stanton Wheeler, eds., *Law and the Social Sciences*, New York: Russell Sage Foundation, 1986.

[59] For other Ethiopianist work on dispute settlement, see Million Tesfaye, "Mutual Aid Associations Among the *Kottu*-Galla of Harar," *University College of Addis Ababa Ethnology Bulletin*, 11, 1 (1961): 77-79; and the brief pieces by Marco Bassi, Solomon Gebre, Richard Pankhurst, Tsehai Berhane-Selassie, Jon Abbink and Alula Pankhurst in *Sociology Ethnology Bulletin of Addis Ababa University*, 1, 2 (1992): 50-79.

to try to hash things out. When that did not work, the dispute might be referred to an *afocha*,[60] which means 'neighbor' in Haräri but refers to community organizations that cut across neighborhoods, class, generation and occupation and serve primarily to provide assistance during the weddings and funerals of members and sometimes their relatives.[61] In extreme cases *afocha*s would also gather to pursue conciliation between disputing Haräri.

Irreconcilable problems dealing with land, inheritance and marriage issues might advance to the *Qadi* Court, which was located in the *Ras* Mäkonnen Addarash, today the public hall compound located at the center of town.[62] At the court, there were two *qadi*s, known as the Right *Qadi* and Left *Qadi*, whose allotted space was off to the side, near the pavilion sometimes used by the state court's Left Judge (see below). This spacial arrangement, with the *qadi* court physically marginalized from the state court, symbolized the actual relationship between state and Islamic law. That land cases, which did not necessarily fall under the rubric of religion and were certainly of great concern to the government and its administrators, were seen by the *qadi*s and not Christian officials, was probably owing to the fact that land records had long been kept in Arabic, which few highland Ethiopians knew. Also, the pre-conquest Haräri administrative apparatus, the Diwan, was divided into two sections, those of the *qadi* court and the land records office.

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[60] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 8 August 1988.

[61] See Sidney Ralph Waldron, *Social Organization and Social Control in the Walled City of Harar, Ethiopia*, Ph.D. Dissertation, Columbia University, 1974, especially, 149-200.

[62] The *Ras* Mäkonnen *Addarash* was built around 1905 and has recently been renamed the Amir Abdullahi Adarash. The *qadi* court was set up where in the late 1990s there was a coffee shop. It is unclear where the *qadi* courts were located before the 1887 conquest, though sessions were perhaps held at the amir's residence. Later, *qadi*s moved their headquarters around, sometimes in their homes, sometimes in the *Ras* Mäkonnen *Addarash*, sometimes in various buildings such as one that sat where today there is a school (across from the Jamiya Mosque).

In addition to fresh cases, *qadi*s also heard appeals from Islamic courts in Jijjiga, Asbä Täfäri and other neighboring regions.[63]

Until 1933, when a central Islamic court was established in Addis Ababa, appeals from the Harär *qadi* court were heard by the (Christian) governor. According to oral testimony from Hajji Abdi Settar Mume Bashir, whose father served as a *qadi* and administrator during the period at hand and often took the young Hajji Abdi Settar to observe court cases, the governor would call the *mäjlis*, a group of Muslim *alims*[64] whose 'president' was the (Christian) governor, to discuss the case with him. The *alim*s would interrogate the *qadi* about the reasoning behind and the legal texts supporting his verdict.[65] They would then give their opinion about the decision to the governor, who would adhere to their recommendation. One tradition has it that the *Qadi* Abdullahi[66] once refused to answer a summons from *Ras* Mäkonnen, who had been presented with an appeal case, explaining that the matter was a religious one and the *Ras* had no authority to entertain an appeal on it. After the official sent to bring *Qadi* Abdullahi to the governor was dissuaded from his mission by the presence of two lions at the *qadi*'s gate,[67] *Ras* Mäkonnen turned to the person who had requested the appeal and asked him:

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[63] Interview of Hajji Abdi Settar Mume Bashir, in Harar, 8 August 1998.

[64] Knowledgeable men, scholars, savants. See Hans Wehr, *Arabic-English Dictionary*, Third Edition, ed. By J. Milton Cowan, Ithaca: Spoken Language Services, Inc., 1976, 636-7.

[65] References to legal sources were not recorded in the court documents. As with the state court records (see below), the *qadi* court records primarily detail testimonies and judgments.

[66] *Qadi* Abdullahi was the son, father and grandfather of *qadi*s. Theirs was the only cross-generational "family" of *qadi*s in Harär that I know of.

[67] This story must be understood in the context of legends about *sehri*, a type of 'magic.' There are many Haräri stories about their *karama*, or blessing, which granted them the power to defeat or overcome the magic or sorcery of other peoples, often Oromo cultivators. In this case, the *sehri* of *Qadi* Abdullah enabled him to 'create' or to 'post' two lions at his gate in order to prevent state officials from bothering him improperly. It might also be interpreted as showing, for some past era, Haräris' perceived superior

"Are you Muslim?" (yes) "Is the *qadi* also Muslim?" (yes) "Okay. He judged you according to the laws of your religion and the verdict is exact. So go!" and he rejected the appeal.

The governor of Harär heard appeals not just from the *qadi* court but also from the state court, at the top of whose hierarchy he sat. However, during 1915-26, the governor, *Ras* Täfäri, resided in Addis Ababa, so his *endärasé* (or *hagärä gäzyi*), the deputy governor, would have sat in his stead. Appeals were heard on Mondays, Wednesdays and Fridays, and the governor allegedly read all the court records himself before making a decision.[68] In one observed case, the governor spent several hours listening to litigants from Asbä Täfäri argue with each other. Frustrated and bored, he eventually ordered the Right and Left judges to review the case and then report to him about it. Physically, the governor perched himself on the veranda of the courthouse, while the Right and Left judges were seated in front of and below him. Next came the secretaries, then the nobility.[69]

Depending on the number of cases in the docket, for regular court sessions the Right and Left judges could preside either together or separately. When they heard cases jointly they did so on the veranda (See Figure 1). When they did not, the Right judge took the veranda and the Left judge convened sessions in a *das*, or small pavilion located to the southeast of the

morality vis-à-vis the Christians. If so, it is noteworthy that *Ras* Mäkonnen, generally well remembered among historically-knowledgeable Harāris, respected *Qadi* Abdullah's *sehri* and took heed of it.

[68] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 21 June 1998.

[69] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 20 July 1998.

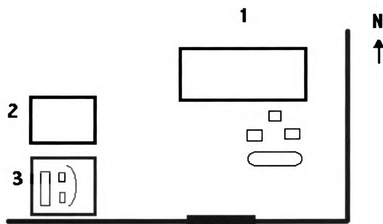

Figure 1: Amir Abdullahi Addarash, c. 1920s. Source: Hajji Abdi Settar Mume Bashir, interview, 20 July 1998.

1. Venue of the Right Judge, who sat on the veranda of a building. The three small boxes beneath the building are where the governor, and the right and left judges sat during appeals hearings. The elongated oval marks where the secretaries and nobility sat during proceedings.

2. The Qadi Court area.

3. The Left Judge's pavilion. The rectangle inside the pavilion was the raised platform on which the Left Judge sat. The two squares to its right are where the secretaries sat. The curved line marks the boundary behind which everyone else sat.

courthouse, next to the *qadi* court. As with the governor's appeal court, secretaries sat before the judges and there was a demarcated area behind which everyone else sat. Although the Right and Left judges often heard cases together, they were not appointed together and either could be replaced at any time.[70]

All the court sessions, but especially those at the appeals court of the governor, were attended by members of the nobility. They did so to be seen by the governor in hopes of getting an audience, and to gather news, both from speaking with other

[70] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 20 July 1998.

observers and from following the cases. Some aspired to become lawyers, so they studied how the cases were conducted and how judgments were passed; they concentrated on how each side presented its arguments, how statements were delivered and how answers were given. In effect, one interviewee laughingly summarized, the court sessions were like school. Observers who wanted to learn would listen silently, but there were also 'commentators' who would stand up and ask for the floor, which the judge would give them. They would then advise the plaintiff or defendent about what had been said and about how he or she should respond. Through such commentaries many otherwise 'hidden' things apparently emerged and were clarified.[71]

To begin to evaluate whether the state employed the law actively to secure and maintain state control in Harär, and to assess its influence on state-Haräri relations, the following account focuses on cases from the state administered civil court. There, one finds common disputes (e.g., debt, insult, theft) and more serious ones (e.g., beating, stabbing) among and between both Muslims and Christians. Although Menilek's 1907 ministerial proclamation (see Chapter One) decreed that the Minister of Justice should oversee the recording of all court cases, the earliest Harär state court cases that I have located date from 1915; the last ones I will consider here were tried in 1926.[72] I have not yet located any written documents detailing the formal structure, functioning or personnel of the court, though internal evidence from the cases permits a preliminary description.[73]

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[71] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 8 August 1998.

[72] 1915 was the year of the earliest records I have seen; 1926 is a purely arbitrary stopping point, reflecting the stage of my research on these records at this time.

[73] My methodology consisted of reading every 100th case, a strategy necessitated by the many thousands of pages of available court records, as well as their antiquated and legalistic language.

Although their names are rarely recorded it seems that a team of three judges presided over each dispute, as is often the case in Ethiopian courts today. That would have meant up to six judges sitting at any given time, three in the Right judge's venue and three in the Left judge's. The records do not distinguish between the two, and it would appear that one register was kept for both. When judges' names are noted at all, usually only one appears, though in a few instances two do. One example mentions *Daňňa Qäňňazmach* Zyimanäh and *Wänbär* Ato Manayé.[74] The different legal titles indicate that a senior judge (*daňňa*) and junior one (*wänbär*) sat together, as would be expected when the governor was not present to hear appeals. In this case, the political title of the head judge was *Qäňňazmach*, an old military rank meaning Head of the Right Flank (later referring to a mid-level official in the imperial hierarchy). From this coincidence it is tempting to view the record as originating in the Right judge's court. The fact, however, that the titles of judges are seldom noted, combined with the idea that all cases were apparently recorded in the same register, suggests that the 'right' and 'left' courts were basically equal in status. Various cases, while not specifying differences within the judges' ranks, demonstrate that all judges could, and did, speak during proceedings.

The court records do not include opening oaths, but an eyewitness reports they were fairly informal, as in the following:

Judge: Is there a witness?
Some court official: Yes.
Judge: Bring him forth! [and after the witness was brought] Are you a

[74] IES 802, 22 Hedar 1918 E. C. (1 December 1925). Qäňňazmach Zyimanäh appears for the first time that I have seen in 1925-26. Ato Manayé was around since at least 1915-16.

	witness?
Witness:	Yes.
Judge:	Okay. Testify![75]

In the written records, each case began with the plaintiff presenting his/her charge(s), followed by the defendant's response. If the defendant confessed to the accusations, the judges gave their verdict and the case was finished. If the defendant denied the charges, however, the usual procedure was for the plaintiff to repeat them and then offer a 'wager' of honey, a mule, or infrequently a horse, that his or her version was correct. If, in the face of the wager, the defendant decided to back down, then he or she conceded by saying *agwerah tännaññ* and paid accordingly, though the amount is not listed in the court records.[76] If the defendant did not give in, he or she restated the defense and accepted the wager. Witnesses were then called, presumably only by the plaintiff, though the namer is not specified.[77] One case reveals that the person who named some witnesses went together with a judge (*zäbteya dañña*)[78] to inform the witnesses of their being called; however, a written summons was not always presented.[79] After the witnesses gave their versions of events the individual against whom they testified then apparently withdrew his or her wager, often with the phrase *Menilek yimut* (lit: May [Emperor]

[75] Interview of Hajji Abdi Settar Mume Bashir, in Harär, 8 August 1998.

[76] Abera states it amounted to one *berr*, but his article is neither historically nor geographically specific, and I suspect there were variations in time and space. Abera, "Yatayyaq Muget," pg. 85. I have located no evidence suggesting that different fees were assessed for cases that ended at different stages. In one debt case the plaintiff was a prisoner and although he 'won' a wager of honey he was not permitted to accept payment (IES 800, 15 Hamlé 1914E.C. [22 July 1922]). Possibly, it was earmarked for whatever debts may have caused his incarceration.

[77] When the witnesses were not available the case was rescheduled (see for example: IES 799, 13 Tahsas 1913E.C. [22 December 1920]).

[78] *Zäbteya*, of Arabic origin, may be translated as "police station, police post." (Kane, *Dictionary*, pg. 1647). In Harär, however, it most commonly meant 'jail' or 'prison.'

[79] IES 801, 20 Teqemt 1917E.C. (30 October 1924]).

Menilek die [if I am lying]).[80] The judges then pronounced judgment and assessed court fees and wager fees. If the defeated party could not pay he or she called a guarantor; if a guarantor could not be found he or she was jailed instead. The following is a rough translation of a short case that illustrates some of these generalizations:

> **ኡስማኤል አሊ ጉሌድን ከሰሰና ፬ ወር ሰርቼልህ ፭ ብር ፲፪ መሐለቅ የሰራሁ በትን ገንዘቤን እንደሰረቀብኝ ማር እሰጥ አለው። የሰራህልኝም ሶስት ወር ነው ፬ ወርም አልሰራህልኝ የ፫ቱን ወር ከወንድሜ እንደተቀበልህ እማርህ አገባ አለ ምስክር ራሱን ቆጠረው ራሱ በነገረ ተፈጣጠሙ። ጉሌድ ለራሱ መሰከረ። ኡስማኤል አሊ ተረታ ዳኝነት ከፈለ 2 ቀን መስከረም**[81]
>
> Usmaél Ali brought suit against Guléd, [saying] "I bet honey that I worked for you for four months and you stole the five *berr* and 12 *mähalläq*[82] of money that I earned." [Guléd] said "I accept your bet of honey, [but my version is] that you worked for me for three months; you did not work for me for four months; and during those three months you received [your salary] from my brother." [Usmaél Ali] testifying for himself, swore [about his version] on the matter. Guléd gave witness for himself. Usmaél Ali lost and paid the court fees. 2 *Mäskäräm*

The original document, which does not list the judge or judges' names, begins "Usmaél Ali Guléd brought suit..." That the plaintiff was 'Usmaél Ali' and the defendant 'Guléd,' as opposed to the possible reading of 'Usmaél' and 'Ali Guléd,' is clarified only later in the text.[83] This initial ambiguity is characteristic of these documents. The fact that Usmaél wagered honey when he made his first accusation is an unusual occurrence, however. More commonly bets were made only after the plaintiff

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[80] *Täfäri yimut*, *Iyasu yimut*, and *Abdullahi* (the last amir of Harär) *yimut* are occasionally seen as well. The most unusual phrase I have seen was *Menilek Iyasu yimut*. (IES 797, 22 Nähasé 1907 E.C. (28 August 1915).

[81] IES 797, 2 Mäskäram 1908E.C. (13 September 1915).

[82] There were 16 *mähalläq* to one *berr*. Bälay Geday, *Gänzäb Bankenna Mädhan Bältyopya* (Money, Banking and Savings in Ethiopia), Addis Ababa: Berhanna Sälam Printing Press, 1990-91, 62.

[83] In Amharic, if a direct object is a determined noun or personal name it is marked by the suffix -(e)n. Since the direct object suffix markers in these court records distinguish only one name, it is not always clear where the first name(s) begins, unless the entire name is listed separately later in the record.

and defendant had narrated contrary stories a couple times and had begun to argue about specific points of contention.

It is impossible to determine, from this record and others, how testimony was weighed. Outside witness testimony is often recorded, so if Guléd's brother had been present and backed up his version, the evidence would probably have been included and would imply that two witnesses were more persuasive than one; its absence, however, indicates that the brother probably was not there. Similarly, the verb *tärätta* may mean either "lost a lawsuit," "lost a bet," or "yielded/gave in [to a wager]." Since Usmaél Ali is not quoted as submitting willingly by replying *agwerah tännaññ*, it is reasonable to presume that he instead lost the case by judge's decision. If this record is a reasonably accurate report of the case's main events, it would thus appear that Guléd's testimony was somehow weighed more heavily. It is tempting to accept the likelihood of this possibility by looking no further than the fact that in a highly hierarchical society Guléd was an employer and Usmaél Ali a mere laborer. Regardless, Usmaél then paid the court fees which, if Menilek's proclamation were applied (see above, Note 31), would have been two *berr*. After that, however, he would also have owed Guléd for the bet of honey, a debt that would by law have set him back one *berr*. If we extrapolate his three months salary from that listed for four we get about four *berr* and four *mähaläq*, less a probable three *berr* after a day in court. For Usmaél Ali, the plaintiff, the verdict was financially disastrous, but at least he was able to pay the court fees and thereby avoid incarceration.

The length of prison sentences, either for crimes or for failure to pay court or wager fees, was not specified in the court records, unless it included hard labor (i.e., moving earth/quarrying stone), most likely on government projects such as building the

city's first hospital,[84] the *Ras* Mäkonnen *Addarash*,[85] or the Mädhané Aläm church.[86] More commonly, the defeated party went to jail 'for a while'[87] and then appeared before the *chelot* (tribunal) of a *däjjazmach* or *qäññazmach* who issued a pardon and set the person free.[88] This procedure shows both part of the hierarchy of the local judiciary, with the civil court judges deferring to the personal tribunals of higher-level state officers, and the continued close relationship between judicial practice and political power as late as the 1920s.[89] It is possible that in some cases the judges were not willing to decide upon the term of a sentence and instead just sent the person to jail, knowing that sooner or later he or she would appear in another *chelot* where the senior official would make a binding decision.[90] No one in 1990s Harär whom I asked about the issue could shed any light on

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[84] Constructed in 1903. *Semeur d'Éthiopie*, 4th Year, January 1908, 339.

[85] A brief history of Harär housed in the Harär Municipality archives dates the building of the *Ras* Mäkonnen *Addarash* to the governor's reign from 1887 to 1906. It adds that the compound cost 60,000 Maria Theresa thalers, and explains that the type of stone used in its construction is called *hash* in Haräri or *borti* in Oromo. The stone is found in the hills outside of the walled town and during construction there were continual lines of workers carrying the stones back and forth. (File HM83, A, Archives, "Harär Kätäma Ammäsärachet (Founding of Harär Town)," 3). One elder posited that the Adarash was built in 1905 (Interview of Hajji Abdi Settar Mume Bashir, in Harär, 8 August 1998).

[86] Erected a few years after the hospital, i.e., post-1903. *Semeur d'Éthiopie*, 4th Year, January 1908, 340.

[87] *Ezäbteya qoyto* is the common phrase. Occasionally there is brief elaboration, as in ...*ezäbteya qoyto näbbärenna bähwala lämängest afär agezo täfätta*, (he stayed in jail and later, having moved earth for the government, was released). (IES 801, 1 Tir 1916E.C. [10 January 1924]).

[88] Walker wrote that "Those who lack the money for the fees may remain in the prison in chains, but on a day of festival the Governor will order them to be set free, saying "For the sake of Mary I have pardoned you!" Walker, *Abyssinian at Home*, 149-50.

[89] The relationship is underscored by one reference to where court fees went: "Because the income is for the crown prince, it went there." (IES 802, 30 Hamlé 1918E.C. [8 August 1926]).

[90] Sometimes the jailing was bypassed. One stabbing case between brothers was referred directly to a *däjjazmach* (IES 798, 11 Miyazya 1912E.C. [19 April 1920]). I do not know whether any of the *chelots* of government officials kept written records, but if they did an examination of them might clarify the *chelots'* relationships with the civil court.

it, perhaps hinting at the extent to which the Harări later came to feel aloof from state law, or constrained or oppressed by its authority.

The court system under discussion was that of the central (i.e., Christian) state, but—as determined by the names of litigants—it was used extensively by Muslims as well as Christians. In only 12 of the 61 cases under consideration here were both plaintiff and defendant Christian; in 27 of the cases both litigants were Muslim (e.g., see Usmaël Ali vs. Guléd, above). Muslim patronization of the state court obviously transcended 'mixed' cases, those involving both a Muslim and a Christian; the point shows for Harăr, like elsewhere, "...how important cultural interchange was in spite of the rigid social boundaries that existed..."[91] Half of the debt cases were between two Muslims,[92] as were a majority of insult cases. A few examples evidence quarrels for which mediation through Muslim elders failed, but the extent to which this reason accounted for cases being brought to the civil court is unclear.

It is necessary to try to infer why Muslims were willing to go to the state court during 1915-26 since there has been little written of Harăr's history at that time and because my oral sources had nothing to say about the matter. First, Muslims would probably not have regarded the state court as a totally alien and incomprehensible legal culture because its courtroom procedures resembled those of the *qadi* court.[93] Also, in terms of the substance of the law, had the verdicts of the state court contravened Islamic

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[91] Roger Gocking, "British Justice and the Native Tribunals of the Southern Gold Coast Colony," *Journal of African History*, 34, 1 (1993): 94.

[92] Hajji Abdi Settar Mume Bashir, who attended both *qadi* and civil court sessions as a child with his father and was by far the most knowledgeable person on Harăr's legal history I have met, believed that some Muslims may have avoided the *qadi* court and gone directly to the state court for financial disputes. (Interview of Hajji Abdi Settar Mume Bashir, in Harăr, 8 August 1998).

[93] Interview of Hajji Abdi Settar Mume Bashir, in Harăr, 8 August 1998.

sensibilities or differed radically based upon the ethnicity or religion of litigants, Muslims would likely have avoided the court and its judges, at least for intra-Muslim disputes. Since they do not seem to have stayed away, one might presume that sentences and decisions did not vary greatly according to social factors and that they did not offend Muslims generally. And in fact, a comparison of similar cases involving Christians, or Muslims, or Christians and Muslims supports the assumption. Whatever the real reasons may have been, the fact that Harär's Muslims charged each other in the state court indicates that during this period a number of them regarded it as a valid arena in which to pursue certain contestable interests, at least some of which could presumably have been settled through less public cultural or religious institutions.[94]

The judges seem to have been generally understanding and willing to be a bit flexible, if not lenient, in both procedure and punishment. In two cases a Muslim elder was brought into the state court to effect conciliation between disputants, and one of those cases was between a Christian guard and a Muslim man who had objected to his house being searched and therefore pushed the guard.[95] When a Muslim stabbed his brother the court ordered the attacker to be imprisoned until the health of the victim was ascertained. Having begun to heal, the injured sibling informed the court that he would collect compensation according to the *qadi's* judgment. The court assessed only a five *berr* fine on the attacker and released him.[96] In a unique instance a Christian guard went

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[94] Some Muslim/Muslim cases were disputes between relatives. For a sister charging her brother, whom she raised, with assault, see: IES 799, 20 Mäggabit 1914E.C. (29 March 1922).

[95] IES 798, 1 Mäggabit 1912E.C. (10 March 1920); IES 800 1 Tir 1915E.C. (9 January 1923).

[96] IES 797, 8 Nähasé 1909E.C. (14 August 1917). This decision might evidence that the court 1). Acknowledged the jurisdiction of the Qadi Court but 2). Still needed to signal that violence was unacceptable conduct and would be punished, financially at least, by the state.

to an Islamic household to break up a wife-beating, and was pummeled and had his clothes torn by the husband who was blind.[97] The defendant admitted to hitting the guard and tearing his clothes, explaining that he did so when the guard dragged him away from his wife. The court assessed a one *berr* fine and also ordered the defendant to pay the guard one *berr* in damages, a fine considerably less than was levied on sighted persons for similar altercations.[98] Each of these examples demonstrates the court's readiness either to recognize alternative legal authority and to allow it space to operate, or to adjust its verdict under apparently special circumstances. These points undermine the idea that the court system in Harär was actively employed by the state to impose its cultural values or ideology during this period. Rather, it would seem that the 'just' and 'fair' legal system *Ras* Täfäri often spoke idealistically about (see previous chapter) had taken root in his model province of Harär, and the fruits he envisioned had begun to appear.

The potential problem of buying and then being caught with stolen property was also handled in an understanding manner by the judges. In four cases which I have seen, the plaintiffs explained that they had lost property previously and later discovered it in the possession of the defendants. When the defendants explained that they had not stolen it, but had purchased it from so and so, the judges told them to call guarantors or post guarantee and gave them a certain amount of time to bring the persons who had sold them the goods to court. In one incidence, regarding a stolen donkey, the defendant said he had rented it in Jijjiga (70km east of Harär) and was consequently given a longer period to bring evidence back to court. The approach of the judges in these cases acknowledged

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[97] IES 801, 15 Hamlé 1916E.C. (18 July 1924).

[98] For example, elsewhere an accomplice to a beating was fined three *berr* for his partial involvement (IES 798, 1 Mäggabit 1911E.C. [10 March 1919]).

that the defendants may very well have been innocent victims, but ensured that someone would be held accountable sooner or later. Requiring them to bring the sellers themselves was probably just a practical solution based upon an insufficient number of court personnel to do the job.

In one particularly interesting case Asfaw Täka, usually a *zäbteya daññä* (a lower-level judge) but the plaintiff here, explained that he had gone to Ahmad Ali's house, told him he had been called as a witness, and said "[In the name of] Menilek's and Täfäri's God, let's go."[99] However, according to Asfaw, instead of cooperating Ahmad replied "I do not know who Täfäri is." The Muslim defendant responded to the charge by saying that he was at home engaged in some accounting when Asfaw arrived, entered quite freely and demanded that he go with him to the court. The defendant claimed that what he really said was: "Without a paper [summons/warrant] I am not going. I do not know who Täfäri is." The presiding judge, a certain *qäññazmach*, explained that Ahmad's glib retort was a punishable offense and he therefore needed to call a guarantor (or go to jail). Perhaps owing to the case's potential political gravity, the named bondsman stayed away from the court for a few days, but a week later the case was re-presented to *Däjjazmach* Imru,[100] who assessed a 15 *berr* fine, explaining: "15 *berr* will suffice for the punishment for the affair. What made it less was that you all went without a summons to call him [to testify]. Because of this 15 *berr* is enough."

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[99] IES 801, 20 Teqemt 1917E.C. (30 October 1924). *Ato* Abdu Ali Hegira, Registrar of the Central Supreme Court of Ethiopia, once informed me that this phrase was a common legal one at the time. In this context, however, with a Christian official speaking to a Muslim in the latter's own home, it may very well have been provocative, and perhaps intentionally so.

[100] See the chapter on him in: Reidulf K. Molvaer, *Black Lions: the Creative Lives of Modern Ethiopia's Literary Giants and Pioneers*, Lawrenceville, NJ: Red Sea Press, 1997.

This case reveals a number of things. First, in 1924 procedural rules such as the requirement for a written summons were not always followed in practice in Harär, although the citizenry apparently knew about them and expected them to be respected. Second, even casual disrespect of *Ras* Täfäri's name was punished harshly (and by a judge famed for his even-handed justice), in comparison, for example, to a five *berr* fine for stabbing and a three *berr* fine for insulting a judge.[101] Third, in his mediation between disputing Christians and Muslims, at least one (political agent cum) judge either was or attempted to appear just and impartial, acknowledging fault on both sides and effecting what he thought was a mutually fair solution. Regardless, at the time a 15 *berr* fine was a hefty one, and word about it would likely have spread through town quickly. In this instance, application of the law may be seen as sending a pointedly strong message to Harär's Muslim (and non-Muslim) community: disrespect of the governor/Crown Prince [*Ras* Täfäri] would not be tolerated.

State judges did not hesitate to be stern at other times either. In 1915 an unnamed judge ordered a woman thief to pay back, with interest (*bäet'ef*), what she had stolen.[102] Perhaps she was a recidivist, or perhaps she just appeared to have the potential. Elsewhere a man caught stealing *qat*[103] in the fields, citing his habituation (*harara*)[104] as

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[101] IES 797, 8 Nähasé 1909E.C. (14 August 1917); IES 802, 22 Hedar 1918E.C. (31 November 1925), respectively.

[102] IES 797, 21 *Teqemt* 1908E.C. (1 November 1915).

[103] *Qat* is a leaf whose juices, when chewed or drunk, produce narcotic-like effects. It is most commonly grown and/or consumed in Kenya, Somalia, Jibuti, Ethiopia and Yemen.

[104] *Harara* is the mental or physical condition experienced by a habitual chewer who cannot get *qat*. Some people liken it to a smoker trying to go without cigarettes. Others explain that it makes people short-tempered, angry or aggressive. Of course, like with any habitual habit or addiction, going without will do different things to different people.

an excuse, was sentenced to one month in jail with hard labor (quarrying stone).[105] Clearly, the Christian judge viewed *harara* as a threatening condition or state of mind that should not be tolerated among people in his jurisdiction, thus hinting that among Christians at least members of the ruling class perceived *qat* as a powerful drug and social danger at the time. Overall, however, and regardless of issue or charge, my sampling of court cases has not revealed great variance in punishments nor many examples which seem harsher than others.

Comparing Versions of Procedural Law

Overall, it should be clear that the procedural law of Harär's state court was basically that of *tättäyäq muget*, whose main forms were outlined by Abera Jembere and may be supplemented and enriched (and better historicized) by Ethiopian primary sources and European descriptions. Comparing the two nonetheless raises a number of questions about our knowledge of Ethiopian legal procedure, the methods by which courtroom oral events were inscribed in writing, and the possibility of regional variations in practice.

On some issues Abera's account is more detailed than the data in the Harär court records. Abera listed, for example, eight different types of guarantee (*was*),[106] while the Harär cases did not specify what type—if there were in fact different ones—of guarantee or guarantor was requested or secured in individual cases.[107] It is possible that Abera described a more complex historically-developed system than that which emerged in Harär after its 1887 conquest, or that in Harär procedures had gradually relaxed over the

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[105] IES 797, 7 Säné 1909E.C. (14 June 1915).

[106] Abera, "Yatayyaq Muget," 84.

[107] Instead, the phrase was commonly *was tärto ejjun yezo hédda* (having called a guarantor he took his hand and left).

years. It is also possible that Harär practice distinguished between different types of guarantee but that they were not specificied in the records. As the latter possibility would have meant the exclusion of only a single adjective, however, I deem it unlikely. Moreover, Abera's *tättäyäq muget* commenced with the securing of *was*, while in Harär securing a guarantee was not necessary unless a defeated litigant was unable to pay court or wager fees at the end of proceedings. The Harär style may have been better for poor people who were not able to post guarantee yet still wanted to sue someone. Thus it may actually have *encouraged* litigation among those who could not easily afford court expenses (but were willing to pay the price if they lost). It is tempting to link the lack of requirement for *was* to the state's need for cash income, as well as labor for its development projects, but there is no direct evidence for the idea. Nonetheless, the different stages at which guarantee was demanded show at least two varieties of practice, and I would suggest that in Harär's civil court different types of *was* were not commonly employed.

While Abera specifies that *cheqa shum*s and *mälkäñña*s were the lowest level judges, the titles do not appear in the Harär records. There, *dañña* and *wämbär* seem to have been the appellations of choice. In both versions, though, special types of judges (Abera: *yächebt dañña*s; Harär: *zäbteya dañña*) provided supportive, service-oriented roles. Abera noted that they gathered testimony from persons physically unable to come to the court, while in Harär one is mentioned as going to a named witness' house to call him to testify. Abera also described the advisory or assessing roles of the *tächi*s and *kwärkwari*s, titles and functions absent from the Harär cases. Oral testimony, however, indicated that commentators—even though they may have been only observers without

official status—did participate in legal proceedings in Harär, further evidencing the highly abridged nature of the records, how cautiously they must be handled, and why it is worth comparing them with more general descriptions.

Some of the Harär records amount to only a few lines of writing in the register, while others extend to several pages. Surely, some cases were settled more expeditiously than others, but the point remains that the records seem in most instances only to summarize the main features and comments made during proceedings, with the notable exception of the *werd mänzat*, which is not included. If poetic and clever closing oratory did indeed sometimes influence a decision, the absence of the closing arguments in the records is unfortunate. Its inclusion would have facilitated the task of trying to understand how witness testimony was weighed and how it generally affected judicial outcomes.

If most of the case summaries seem, on their own, to offer relatively little detailed information for thick social history, I suggest the lack of basic historical literature on this period in Harär exacerbates the impression. A more developed understanding of Harär's political-economy, culture(s) and demography would permit scholars to ask more and various types of questions of these records, to which answers may well be forthcoming. Above, I nevertheless sought to tap the cases' most obvious data, that pertaining to procedure, and to contrast it with that of the published literature. At the same time, however, the exercise opens windows onto other topics such as court structures, written summons, punishments, politics, wagering, witnessing and the religious demographics of litigants.

Just as some historical high-level government positions corresponded fairly neatly with the new ministerships created by Emperor Menilek in 1907 (see Chapter 1), so did highland Ethiopia's *tättäyäq muget* legal procedure wend its way into Harär's ostensibly 'modernized' (or 'modernizing') courtrooms in the 1910s and 1920s. As will be discussed in the following chapter, as late as 1933 the community inquest known as *afärsata* was still not only widely practiced throughout Harärgé, but was sanctioned and monitored by the state. I would suggest that much of the story of early 20th century Ethiopian political reform might be viewed as a process of transferring old wine into new bottles. And even when it cannot, holding that imagery in mind may still help to illumine other 'smaller' issues pertinent to larger debates.

Concluding Remarks

By extending state law, *Ras* Täfäri/Haylä Sellassé took a step in the direction of building nationhood on the basis of a *legal community*, a form of socio-political organization that "protects its members only insofar as they acquire the status of bearers of individual rights."[108] During 1915-1926, however, individual rights were a nascent concept in Ethiopia, to say the least; class rights would be a better way to put it, with 'class' differentiating between the nobility, the church officials, and the peasantry and slaves, though fortunate peasants might avail themselves of some protection from a noble patron. Thus, despite Haylä Sellassé's emphasis on the law in his political ideology, the

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[108] Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg, Cambridge, MA: MIT Press, 452.

entrenched social distinctions inherent in Ethiopia's semi-feudal society mitigated against the ideal of forming a nation (and inspiring nationalism) in terms of a legal community.

But it must be kept in mind that this period also witnessed *Ras* Täfäri's controversial battles to limit the slave trade in Ethiopia and to gain his country's admission to the League of Nations (1923). In other words, it was a tumultuous era in terms of shifts in the ways some Ethiopians thought about themselves, about their relationship(s) with the state and each other, and about Ethiopia's place in the world. Within that context, *Ras* Täfäri's vision of the law and things legal was potentially farsighted and astute. As argued in the previous chapter, he conceptualized the law as foundational to the status of a 'modern nation.' And he understood that to be respected the law must be consistent, since "lapses in the administration of justice make an especially disastrous impression on the public."[109] But that does not mean that courts throughout the country would function as Täfäri envisioned or hoped. He could espouse certain ideals, of course, but whether administrators throughout the country implemented them or not was an entirely different matter.

While in the 1910s and 1920s, and later, Ras Täfäri was undoubtedly engaged with issues of 'modern' governance and the law, and thus may seem to have been ahead of his time in some ways, it is appropriate to view his larger task in more Machiavellian terms: "...the objective of the exercise of power is to reinforce, strengthen and protect the principality, but with this last understood to mean not the objective ensemble of its subjects and the territory, but rather the prince's relation with what he owns, with the

[109] Gramsci, *Prison Notebooks*, 246.

territory he has inherited or acquired, and with his subjects."[110] Beginning with his appointments to various governorships, over time Täfäri built up valuable political and administrative experience and eventually succeeded in capturing the emperorship. Thereafter, he battled to extend his control throughout his realms, to secure his country's national sovereignty, and to gain acceptance of those under his rule. Among these challenges, he endeavored strongly to protect his country against foreign encroachment, which posed the greatest of the threats facing him. He may have chosen to seek national security in various aspects of the law, but he also manipulated the law to reify his own personal power. Linking the common good, in terms of economic prosperity and national development, to his own policies, the emperor continually equated his leadership with Ethiopia's hope for a bright future. This point is important because:

> If we look closely at the real content that jurists and theologians give to it, we can see that 'the common good' refers to a state of affairs where all the subjects without exception obey the laws, accomplish the tasks expected of them, practise the trade to which they are assigned, and respect the established order so far as this order conforms to the laws imposed by God on nature and men: in other words, 'the common good' means essentially obedience to the law, either that of their earthly sovereign or that of God, the absolute sovereign.[111]

While this observation is relevant to every competent politician in modern history, it fits the Ethiopian case particularly well owing to Haylä Sellassé's post-coronation view of himself as divinely chosen to rule his country. Thus, any citizen—or at least those who were good Orthodox Christians—would be expected, as were their forefathers, to submit

[110] Michel Foucault, "Governmentality," in *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*, eds. Graham Burchell, Colin Gordon and Peter Miller, Chicago: University of Chicago Press, 1991, 90.

[111] Foucault, "Governmentality," 95.

not only to God's sovereignty, but also to the emperor's. In this sense, it is understandable that Ethiopian historiography has long been dominated by studies of prominent individuals and political history, accounts that offer useful frameworks for any number of different types of projects today. Recent literature, however, too often rehashes the same arguments based on the same, and often secondary or non-Ethiopian, sources. With Ethiopia's long history of literacy and record keeping, there is no valid scholarly excuse to keep doing so. Instead, I believe, new sources should be consulted and mined for the fresh insights they might reveal.

This chapter aimed at beginning to do such a task by drawing on court records to investigate aspects of legal culture in Harär and to compare its practice with espoused ideology in Addis Abäba. The town was the capital of a province whose politico-economic importance in the empire and personal ties to *Ras* Täfäri make it a logical place to extend and deepen our understanding of the country's modern past. Nevertheless, Harär's close connection with and the fact it was governed by *Ras* Täfäri during 1915-26 would support the notion that this analysis may not be broadly applicable throughout Ethiopia. My brief analysis of Harär's state court records during this period indicates that legal protection and legal punishments were applied fairly evenly, regardless of religion, gender or class. Probably as a result, though other factors—such as similarities between *qadi* and state court procedures—may very well have been at play, Muslims utilized the state court system extensively. In the process they, perhaps unwittingly, lent it legitimacy, buttressing it from below and opening the door to direct and forceful state interference in their lives from above.

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The fact that they did so as late as 1926, however, stands in stark contrast to their late-1940s organized political opposition to the local administration.[112] The events that brought such change about will be discussed below. But for now, the exercise of examining court case records demonstrates the importance of studying local administrative practices rather than just political ideology or just episodes of prosperity and happiness, or oppression and conflict. Historicized studies of local administration and judiciary elsewhere in Ethiopia hold the potential to reveal variations and continuities in state practices and in state-society relations throughout time, raising new questions and leading to more nuanced analyses than are presently the norm. To support this view, the following chapter looks at administration in Harär Province, stepping back to take in a broader view of state praxis, yet simultaneously zeroing in on a more limited time period in hopes of achieving 'thicker' or 'richer' description.

[112] The disturbances of 1948 are generally known as Kulub-Hanolato. See: Rahji Abdella, "The Kulub-Hannolatto Movement By the Harärі, 1946-1948," Senior Thesis, Addis Ababa University, November 1994; and Mahdi M. Shumburo, "A Background Account to the Hannolatto Movement in Harar, and Reminiscences of its Aftermath (circa 1945-1960)," unpublished mss. (1998).

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Chapter Four

Administration: Harär Governors Office, 1933

Continuing the analysis of administrative records in order to evaluate the relationships between ideology and practice, this chapter investigates various aspects of state praxis in Harärgé during six months in 1933, when the governor's office was deeply engaged with issues of taxation, regional instability, law and legal jurisdiction. The governor's office register, along with that of the Islamic Diwan,[1] shows some of the ways that, in the early 1930s, Ethiopian national administration embodied an extreme paradox. On one hand, the central government under Emperor Haylä Sellassé continued to espouse the myth of political power being absolutely centralized in the person/office of the emperor.[2] On the other, at least in Harärgé, the government had to rely heavily on 'indirect rule' because the state was not all-powerful. It used pre-existing structures as the most cost-effective and least disruptive way of advancing its various agendas for the envisioned nation, which in the early 1930s remained much more an idea than a reality.

[1] An important difference between the two registers is that the governor's office Register consists of out-going correspondence, and the Diwan's contains incoming-correspondence. The former register is: IES 933, *YäQädamawi Haylä-Sellassé Negusä Nägäst Zältyopya YäHarärenna Yawrajawa Hulu Endärasé Wana Yäs'eheft Bét* (*Secretariat of Ethiopian Emperor Haylä Sellassé I's Deputy Governor of Harär Province and Environs*); it covers 2 Miyazya 1925E.C. to 29 Mäskäräm 1926E.C. [10 April 1933 to 5 October 1933]. Hereafter: GOR (for governor's office Register). In the GOR specific authors are not always indicated. In translations below, most punctuation and all paragraphing is added, since most of the originals lack either, with the exception of a full stop at the end of a letter. Owing to difficulties with the different Ethiopic programs I have used, the numerals (mixed here) may not accurately reflect those of the original documents (also mixed). The latter register is IES 909, *YäDewan Mashegiya Mamälkächa* (*Scrapbook of Diwan Correspondence*). Hereafter: *DS*. It runs at least 6 Miyazya 1924E.C. to 22 Genbot 1925E.C. [14 April 1932 to 30 May 1933].

[2] "A considerable gap between the powers and the pretensions of monarchies is no new thing in history but in Ethiopia the gap seems, for much of her record, to have been unusually wide." Margery Perham, *The Government of Ethiopia*, Evanston: Northwestern University Press, 1969: 72. For the ideological bases of 20th century monarchical power, see Donald Crummey, "Imperial Legitimacy and the Creation of Neo-Solomonic Ideology in 19th-Century Ethiopia," *Cahiers d'Études Africaines*, XXVII, 1987: 13-43.

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In the process of employing such structures, it may have increased its potential to gain the willing consent of the governed, but the data reveal myriad challenges that mitigated against the larger goal. Additionally, it is clear that in at least some cases Addis Abäba exercised a restraining influence over its zealous provincial administrators, who seemed far more concerned with angering their superiors in the capital than with local violations of the law.

Political control of Harärgé in the early 1930s required administrative (cum military) regulation of various social, economic, and legal practices. The effort was handicapped by unclear statutes, uncertainty over various forms of legal jurisdiction, and lack of funds. In juggling a variety of local and national concerns, the Harärgé administration exerted its authority through both force and apparent consent. It also employed various combinations of oral and written instructions to circulate news, intentions, and orders.[3] Far more than the court records of the previous chapter, administrative correspondence opens windows onto the functioning of the state and its articulations with local populations in and around Harär, as well as what comprised the basis of state power. Government officials used state administration when possible, but they often resorted to extra-statal institutions to maintain a quiescent and tax-paying population that accepted centrally-based authority. Since regional and local administrations throughout the country comprised the venues in which most Ethiopians

[3] James McCann is the only scholar, to my knowledge, who has explored and theorized the written/oral interface in modern Ethiopian administration. See: James C. McCann, "Orality, State Literacy, and Political Culture in Ethiopia: Translating the Ras Kassa Registers," in Mel Page et. al, eds., *Personality and Political Culture in Modern Africa*, Boston: Boston University African Studies Center, 1998: 15-22. The article is also available, under the same title, as AH Number 10 in the *Discussion Papers in the African Humanities*, Boston University, 1991.

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interacted with the state, it is regrettable that the literature on provincial administrations is so limited.[4]

One goal of this chapter is therefore to propose the type of project or projects that can be undertaken through further research on primary documents from the provinces. Also, since there is relatively little literature in Ethiopian historiography about source materials, I will quote at length from some of the governor's office correspondence. I hope thereby to give an idea of the documents' nature(s), and to illustrate how I am reading them so that readers may follow and evaluate my analysis more closely.

The previous chapter investigated some aspects of Harär's legal world, focusing on the state-controlled Civil Court. At least one record showed that disputes within the system were not necessarily restricted to the courtrooms, but that they might also incorporate informal mediation by community elders. Other historical documents indicate that aggrieved litigants might also choose their course of action based on knowledge of national reforms. One example serves to make the point, while also setting the tone/framework for the rest of the chapter.

On 17 April 1933, the Secretariat of the Deputy Governor of Harär (the governor's office) wrote to the judge Qäññazmach Bäqqälä Waqé about what was perhaps—or perhaps not—a slightly lurid matter for the government sphere. A man who had been punished for committing adultery was ordered to pay damages to the cuckolded

[4] The major exception to this observation is John M. Cohen and Peter H. Koehn, *Ethiopian Provincial and Municipal Government: Imperial Patterns and Postrevolutionary Changes*, East Lansing: MSU African Studies Center, 1980. It is surprising that this exceptionally good monograph has been so little used by scholars. Unfortunately, it concentrates on a period later than that covered here. The following incorporate local aspects of national administration: Charles M. McClellan, *State Transformation and National Integration: Gedeo and the Ethiopian Empire, 1895-1935*, East Lansing: MSU African Studies Center, 1988; and James C. McCann, *From Poverty to Famine in Northeast Ethiopia: a Rural History, 1900-1935*, Philadelphia: University of Pennsylvania Press, 1987.

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husband and to pay a fine to the government for his transgression. When pressed for payment by Harär's administrators, he claimed that a central government proclamation granted a general criminal amnesty for the relevant period of time, and he therefore did not have to pay. Upon learning of the man's appeal, the governor's office instructed Qäññazmach Bäqqälä to look into the man's claim and, were it found to be valid, to respect his right not to pay.

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May this arrive to Qäññazmach Bäqqälä Waqé,
Because the wife of Wäldä-Mädhan arrived at and spent the night at the house where Gétahun Yefru was, her husband, Wäldä Mädhan, said "You will pay compensation to me, and you will be punished by the government."

Regarding the matter of punishment, at first when she was being investigated/interviewed she [the wife] explained: "Other men came to the house where I was and troubled me, so I fled. When I went to the house where Gétahun was, the house's owner, Wäldä-Mikaél, invited me in and told me to wait for him. Because he spent the night out, and because I spent the night in the same house as Gétahun, we spent the night together [having sex]. [However,] we did not have that sort of idea before. On that day he did not call me [earlier, i.e., to set up a rendezvous]."

[5] GO to Qäññazmach Bäqqälä Waqé, 9 Miyazya 1925E.C. [17 April 1933], (GOR: 14).

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Then we said to [Gétahun]: "Because she said this, and she came without you calling her, and it was his [Wäldä-Mikaél's] house [i.e., you were also a guest] and you could not ask her to leave, you should have informed the judge [when you were tried] or else you should have spent the night elsewhere [yourself].[6] However, as you testified as to where you [pl.] spent the night, and as she said "We spent the night together [having sex], you [sg.] will pay compensation to her husband and a fine to the government." Thusly it was that we decided against him.

Now, he [Gétahun] says: "I have paid to her husband the compensation which was decided against me. [Also,] the [local] government decided on a fine against me, but on 16 Hamlé 1924E.C. [23 July 1932] the [national] government issued a proclamation of a treaty of amnesty for punishments until 16 Hamlé (*Hamlé Kidanä Mehrät*)[7] for court fees, wagers, marriage contracts,[8] and insults that one may enter into. Thus, I was forgiven [and do not have to pay this fine]. But then somebody told me to pay [again]."

He has [thereby] appealed and [I want you to check] to see if it [announcement of an amnesty] is in a proclamation paper (*awaj wäräqät*). If it is the case that he was forgiven [by the proclamation], the compensation to her husband has been paid and let it be that he does not have to pay the fine to the government.

This letter reveals a number of issues related to Ethiopia's provincial administration in Harärgé. First, the charge of adultery and claim for damages was heard in the state civil court. Although there is no specific reference to the venue, the Christian names of the litigants, the reference to a court, and the fact that a fine was levied to be paid to the government leave no other possible alternative. Second, when the defendant disagreed with part of the decision he did not complain to the court, but rather to the

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[6] Such moralistic lessons may have been a normal part of the law at the time, but the nature of the court records makes the point difficult to determine. Either way, this example lends support to the view of Ethiopian judges employing the law to enforce certain social values.

[7] 16 Hamlé was Haylä Sellassé's birthday. While I have not been able to locate the proclamation that Gétahun cited, a similar example is found in Belatén Géta Mahtämä-Sellassé Wäldä-Mäsqäl, *Zekrä Nägär*, Addis Abäba: Artistic Printers, 1969-70: 95-99.

[8] I translate *sämaneya* as "marriage contracts," though it could also be a "summons to appear before the judge for breach of which the guilty party was fined 80 *berr* (now obs.)..." Thomas Leiper Kane, *Amharic-English Dictionary*, two volumes, Wiesbaden: Otto Harrassowitz, 1990: 474.

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governor's office, which held the authority of final appeal at the regional level. Third, the governor's office did not know how to respond since it claimed not to know if such a proclamation had been issued. Administrators passed the issue to a judge, asking him to verify whether or not the Central Government had declared the amnesty. One is struck by the fact that an apparently ordinary citizen knew about an imperial proclamation of which local government officials were (or claimed to be) ignorant.[9] While at present I cannot say much about how effective regional administrators were in circulating central government laws and proclamations, the evidence reveals overlapping spheres of authority whose boundaries were not always clear. However, the apparent confusion in this event helps one to picture what administration was generally like throughout the region during the period under investigation, as well as hint at the type of communications that took place between officials.

The rest of this chapter will analyze various aspects of local and regional administration through focusing on various topics, including: the Diwan, officials' salaries, corruption, legal procedures and jurisdiction (qadis, *afärsata*, *mäjlis*), channels of authority, taxation, and the state's relationships with Somalis. One theme that remains constant throughout each topic, either at the forefront or behind the scenes, is the care or eagerness of local officials to correspond with Addis Abäba about events with security, international or certain legal implications. Before getting into details, however, it is useful to sketch a brief outline of the administrative hierarchy throughout Harärgé.

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[9] Proclamations were normally sent to the governor's office for distribution to regional political appointees. For example, see governor's office (hereafter GO) to Shefära Abänäh, 23 Genbot 1925E.C. [31 May 1933] (GOR: 115). Also,I have found one document in which the governor's office forwarded the Islamic Diwan a proclamation from Addis Abäba, instructing that it be posted in every relevant place. GO to Hajji Ahmäd Aboññ, 23 Hedar 1925E.C. [2 December 1932], *DS*, 72.

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Broadly, the administration of Harärgé was structured like a pyramid, with the apex being the governor's office. It was responsible, essentially, for maintaining peace throughout the region and collecting taxes. That is, all matters of economy and security, as well as public health and the law, among others, fell within the purview of the governor's office. All the high-level (if not *all*) officials there were Christian, though their regional or ethnic backgrounds cannot be determined from the register. In running the region, officials at the governor's office directed lower-level administrators within Harär town, as well as political appointees scattered throughout the province who composed the base of the administrative pyramid.[10]

The hierarchy of structures and processes linking Addis Abäba, the governor's office, and local administrators is on one level fairly simple: from around the province everything pointed to the governor's office, and from there everything went to Addis Abäba. On the other hand, how this centralized hierarchy actually functioned in practice is difficult to describe, since praxis combined different types of local and national structures and authorities. While this chapter will not pretend to have excavated even a fraction of the complexities involved, governmental operations will emerge in greater clarity as the narrative progresses.

One observation about administrative structures that can be made with confidence is that by 1933, and probably much earlier, the Harär Diwan was not an extra-state institution. The Diwan had been co-opted early by Ras Mäkonnen's government,

[10] Officials at that level could be ordered to appear at the governor's office at a day's notice. See, for example, GO to Balambaras Gäbrä-Mikaél, 9 Miyazya 1925E.C. [17 April 1933] (GOR: 15). I do not have detailed information about how the hierarchy of local officials throughout the region was organized, but they were classified by region/levels such as: *abägaz*, *wäräda*, *mälkäñña*, *agar*, *damina*, *gärad/mälaq*. I base this tentative list on: Wärqu to Hajji Ahmäd Aboññ, 8 T'eqemt 1925E.C. [18 October 1932], *DS*, 59; GO to Hajji Ahmäd Aboññ, 11 Mäggabit 1925E.C. [20 March 1933], *DS*, 96; Wäldä-S'adäq Zälläläw to Hajji Ahmäd Aboññ, 23 Mäggabit 1925E.C. [1 April 1933], *DS*, 102.

probably for reasons of practicality as much as to assuage the conquered Muslims' fear of Christian domination. It did continue to derive some real importance from its administration of land records,[11] its controlling the qadi court that conducted marriages and tried inheritance and divorce cases, and its power to arrest and jail people.[12] One should not come to the mistaken conclusion, however, that the Diwan enjoyed significant independence. During 1933 the governor's office issued numerous commands (written in Amharic, not Arabic) to Hajji Ahmäd Aboññ, the Haräri head of the Diwan.[13] A typical example is:

> ይድረስ ከሐጂ አህመድ አቦኝ
> አቶ ባሻ የገራዝማች በዛብህ ባልደረባ ሐጂ አብራሂም አህመድ የሚባል ቡዳ በ
> ር ውጭ መሬት ሸጠልኛል ብሏልና እውነት ሸጠለት እንደሆነ እንደደምቡ እንዲ
> ገባ ይሁን።[14]
>
> May this arrive to Hajji Ahmäd Aboññ,
> Ato Basha, a *baldäräba*[15] of Gerazmach Bäzabeh, says that he has bought land outside of Buda Bärr[16] from Hajji Abrahim Ahmäd. If he truly did sell him the land, let it be registered according to the regulation[s].

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[11] In addition to proof of ownership, title deeds (for land and/or houses) were also employed as guarantee in various legal situations. For example, see GO to Captain Long (British Consul), 28 Säné 1925E.C. [5 July 1933] (GOR: 218); GO to Hajji Ahmäd Aboññ, 24 Hedar 1925E.C. [3 December 1932], *DS*, 74. It is worth noting that political appointments came with deeds, and holders could sell them if they wished. Haylä-Maryam Yäshäwanäh to Hajji Ahmäd Aboññ, 2 Mäskäräm 1925E.C. [12 September 1932], *DS*, 48; Balambaras Haylé to Hajji Ahmäd Aboññ, 18 Mäggabit 1925E.C. [27 March 1933], *DS*, 100.

[12] On imprisonment, see: GO to Hajji Ahmäd Aboññ, 19 Miyazya 1925E.C. [27 April 1933] (GOR: 29); GO to Ato Bälehu, 3 Hamlé 1925E.C. [10 July 1933] (GOR: 231).

[13] On Hajji Ahmäd Aboññ, see Seifu Metaferia, "Sixteen Letters of Ras Mäkonnen and his sons to Hájj Ahmad Aboññ of Harär," *Journal of Ethiopian Studies*, XII, 2 (1974): 179-99. "The *Diwan Shum*, by virtue of his religious affiliation and prominence in his public service, has acted as representative or head of the Muslim community of Harar town." (pg. 180).

[14] GO to Hajji Ahmäd Aboññ, 19 Miyazya 1925E.C. [27 April 1933] (GOR: 33). The structure of most of these letters is nearly identical, though additional details may be included. In one letter, someone's heirs are identified as the land sellers: GO to Hajji Ahmäd Aboññ, 30 Genbot 1925E.C. [7 June 1933] (GOR: 133). In another, a woman land seller is described as a "Harärgé Muslim," GO to Hajji Ahmäd Aboññ, 20 Säné 1925E.C. [26 June 1933] (GOR: 187).

[15] Kane defines *baldäräba* as "person of status at court who is assigned to s.o. to provide him with protection and to settle his complaints (obs.); member of a military unit or a civilian organization." Kane,

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This and many similar letters verify that, at least in and around Harär town, the Diwan continued to supervise and handle land registration matters. The absence of any letters from the governor's office to the Diwan asking that land sales between two Muslims be processed hints that Muslims went directly to the Diwan, while Christians instead went to the governor's office.[17] In some cases involving foreigners, the Ministry of Foreign Affairs in Addis Abäba might get involved. On 22 May, Hajji Ahmäd Aboññ received the following:

> ይድረስ ከሐጂ አህመድ አቦኝ ሹም
> አብዱል ማግድ ሳሊህ አልማንዘለቂ ስለሚባለው ምስር ዜጋ ቤት ነገር ባ19 ጥ
> ቅምት በ69 ቁጥር ስለጻፍከልን ይህ የሰጣችሁን መልስ የበቃ አደለምና አሁንም
> በውል ነገሩን አጣርታችሁ ቤቱንም የያዙትን ሰዎች ምን ያህል ዘመን እንደሆን
> ከሰርም ባለርስቱ የማን እንደሆነ በሁሉንም መዝገቡን መርምራችሁ በፍጥነት እን
> ድታስታውቁን ይሁን አሁንም ስለዚሁ ነገር ከውጭ ጉዳይ ሚኒስቴር ጥያቄ መ
> ጥቶብናልና።
>
> አለቃ ደስታ[18]
>
> In regard to the 19 Teqemt, [letter] #69 that you wrote to me about the house matter with Egyptian citizen Abdul Maged Salih al-Manzälawi, the response which you gave is insufficient. Now, look into the matter thoroughly. As for the house, how long have the present occupants been there? Who is the original holder of the deed for the house? On all these matters, look into the register and quickly inform me [of what you find]. Finally, these questions came to me from the Ministry of Foreign Affairs [and therefore are of some gravity].
>
> Aläqa Dästa

Dictionary, 869. As political appointees had *baldäräbas* under them, I will gloss the term as "follower" below.

[16] Buda Bärr is one of the five original gates of the old walled city.

[17] Non-Ethiopians may also have done the same, since one letter asked Hajji Ahmäd Aboññ to check the title deed of some land purchased by British Muslim subjects. GO to Hajji Ahmäd Aboññ, 1 Genbot 1925E.C. [9 May 1933] (GOR: 58). This latter order may also be the result of a grievance that the British Consul filed with the governor's office (see below for more detail on the interactions between foreign consuls and the governor's office).

[18] Aläqa Dästa to Hajji Ahmäd Aboññ, 14 Genbot 1925E.C. [22 May 1933] (GOR: 91).

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Normally, in such a dispute the matter would be handled locally. In this one, however, one of the parties was Egyptian, and his consul in Addis Abäba had notified the Ministry of Foreign Affairs in Addis Abäba about his problem.[19] A letter from the Ministry then stimulated bureaucratic action in Harär.[20] In this incident, channels of authority extending from the Ministry of Foreign Affairs, to the Harär governor's office, to the Harär Diwan, are clear. On other occasions, instructions sent to Hajji Ahmäd Aboññ ordered him to verify the citizenship of persons who had been arrested (but not yet charged),[21] to discover why the Diwan had imprisoned someone known to be a foreign citizen,[22] or to come to (the state civil) court to discuss a case pending there.[23]

The Diwan's *de facto* lack of independence is further seen in who had the power to appoint or confirm officials who worked in it or under its authority:

> ይድረስ ካቶ ወልደ ጊዮርጊስ
> በድዋን ውስጥ ያቶ ኃይሌ እጅግነህ ሥራ የነበረውን ለአስፋው አበጃ ስለተሰጠ ሥራውን ካቶ አበበ ሸብሬ ጋራ ሆናችሁ እንድታርካክቡትና ካሁን ቀድም የተሠ ራበትን ጅምር መዝገብ ሁሉ በፌርማችሁና በማኅትም ዘግታችሁ ወደፊት እንዲስ ራበት ይሁን።[24]
>
> May this arrive to Hajji Ahmäd Aboññ,
> [Please] know that because Asfaw Abäjä was given the job formerly held by Ato Haylé Ejegenäh, we have appointed Ato Wäldä-Giyorgis and Ato Abäbä Shäberé

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[19] Egyptian Government Consul to Governor of Harärgé, 7 Hamlé 1924E.C. [14 July 1932], *DS*, 28-29.

[20] The matter had been pending for some time, though this fact is not clear from the GOR. See previous note, and Haylé Ejegenäh to Hajji Ahmäd Aboññ, 4 Mäskäräm 1925E.C. [14 September 1932], *DS*, 46; Qadi Muhmäd Mudir to Hajji Ahmäd Aboññ, 12 T'eqemt 1925E.C. [22 October 1932], *DS*, 60.

[21] GO to Hajji Ahmäd Aboññ, 28 Miyazya 1925E.C. [6 May 1933] (GOR: 50).

[22] GO to Hajji Ahmäd Aboññ, 19 Miyazya 1925E.C. [27 April 1933] (GOR: 28).

[23] GO to Hajji Ahmäd Aboññ, 16 Genbot 1925E.C. [24 May 1933] (GOR: 95).

[24] GO to Hajji Ahmäd Aboññ, 22 Genbot 1925E.C. [30 May 1933] (GOR: 105). Also see Haylä-Maryam Yäshéwanäh to Hajji Ahmäd Aboññ, 20 Genbot 1925E.C. [28 May 1933], *DS*, 120; Aläqa Dästa to Hajji Ahmäd Aboññ, 22 Genbot 1925E.C. [30 May 1933], *DS*, 121. None of these letters are identical. The latter describes Ato Wäldä Giyorgis and Ato Abäba Shäberé as "transferal judges" (*aräkakabi daññа*).

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> to supervise the handing over. Everything that has been previously done, all registers, should be closed with their signatures, and in the future may he [Asfaw Abäjä] work [there].

Similar versions of this letter were sent to Ato Wäldä-Giyorgis and Ato Abäbä Shäberé, who were Christians working at the Diwan and assigned to train the newly hired secretary. They were also instructed to follow, from then on, the procedure of closing out employees' registers when they left or were transferred out of the Diwan.[25] Finally, the governor's office had authority over salaries paid to Diwan officials.[26]

The Diwan was a dependent administrative structure beneath the authority of the governor's office. This clarification is supported by the types of instructions sent to the Diwan from the governor's office; the fact that Christians supervised and staffed the Diwan; the orders for Christians there to train new employees; and the governor's office's dictating proper administrative procedures for the Diwan to observe, as well as its paying Diwan employee salaries. For these reasons the Diwan should not be classified with the various extra-statal institutions used by Ethiopian officials to administer the country. Yet the Diwan's incorporation into Harär's governor's office perhaps served as a successful model for the long-term absorption of other indigenous socio-cultural or administrative institutions, according to Haylä Sellassé's vision for the nation's development and modernization.

The governor's office registrar also reveals everyday details or realities about local government workers. Administrative officials seem to have received both monthly

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[25] GO to Wäldä-Giyorgis, and GO to Ato Abbäbä Shäberé, both dated 22 Genbot 1925E.C. [30 May 1933] (GOR: 105).

[26] GO to Gerazmach Bäzabeh, 21 Miyazya 1925E.C. [29 April 1933] (GOR: 37).

stipends (*yäwär qälläb*) and yearly salaries (*yammät dämoz*), and to have been paid with a combination of cash and grain. Interestingly, one letter specifies that the yearly salary for a certain position was 5 *berr*, while the monthly stipend for the same position was 20 *berr* and one *dawla* of grain.[27] The annual salary for a certain level position may have been the same everywhere in the empire, while monthly stipends may have been adjusted for cost of living in any given location. Complicating the issue, other documents specify "cash salaries" (*yäberr dämoz*) and grain stipends (*yäehel qälläb*), though explanations are not offered.[28] An additional type of salary provided by the state was the temporary allotment of *madäriya*[29] land to political appointees throughout Harärgé. This arrangement is seen in records threatening fines against or land confiscation from officials refusing to go on military campaigns against Somali or Oromo groups (see below).

Notably, those who were appointed to some administrative offices needed to have guarantors before their appointments were confirmed. One affair demonstrates the point, while also fleshing out other ideas that provide glimpses into administrative flexibility. On 19 May, the governor's office replied to Gerazmach Bäzabeh Seläshi, who had previously written that a civil court treasurer, Räta Anbässa, had disappeared from his work and that a replacement was needed. The governor's office replied that it had hired Abbäbä Kasahun, a secretary who was a *baldäräba* of a high level official at the

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[27] GO to Minister of the Pen Wäldä-Mäsqäl, 2 Miyazya 1925E.C. [10 April 1933] (GOR: 3).

[28] GO to Gerazmach Bäzabeh, 21 Miyazya 1925E.C. [29 April 1933] (GOR: 37); GO to [??], 21 Miyazya 1925E.C. [29 April 1933] (GOR: 39).

[29] *Madäriya* lands were "allotted in return for military service [temporary or for life of the holder]." Kane, *Dictionary*, 1305. Also see Allan Hoben, *Land Tenure among the Amhara of Ethiopia: the Dynamics of Cognatic Descent*, Chicago: University of Chicago Press, 1973: 75.

governor's office. So that Abbäbä could take over the vacancy, Gerazmach Bäzabeh was instructed to accept a reliable bondsman for him and then to meet with Qäññazmach Bäqqälä Waqé, a judge who would see to the required legal paperwork.[30]

It is also notable that Räta's replacement was a *baldäräba* of a high level offical. In other instances, employees were the followers of prominent personages, too. That those in positions of power looked out for their own is not at all surprising, of course, but most of the Ethiopian literature focuses on the practice only at higher (or national) level positions. Arguably, the ways these practices played out at the local level are more important in terms of understanding, through time, both how the Ethiopian state has functioned in relation to the general populace, and what opportunities were available—or not—to ambitious men everywhere. Owing to the governor's office's power to appoint officials or employees to all aspects of local administration, there was little or no separation of powers—another continuation from Ethiopia's historical governance patterns. The administration and its officials enjoyed considerable influence or control over the courts, apparently the treasury, and probably other administrative branches too. Still, since the early 1930s was a period of administrative transition, in many fields it is difficult to discern clear boundaries or to generalize about patterns of authority.

In the case of the wily treasurer Räta Anbässa, the story took some interesting turns. The reason for his disappearance was that he had embezzled funds, and as a result his guarantor, Ato Abatä, was called on to reimburse the stolen monies. Ato Abatä

[30] GO to Gerazmach Bäzabeh Seläshi, 11 Genbot 1925E.C. [19 May 1933] (GOR: 84); see also GO to Qaññazmach Bäqqälä Waqé, 11 Genbot 1925E.C. [19 May 1933] (GOR: 84). "Waqi" appears in some of the documents, but consistency and clarity require "Waqé."

appealed the decision, requesting instead that Räta's wealth and *rest* land[31] in C'ärc'är be confiscated. Harär acted accordingly and directed Azajj Wärqenäh[32] in C'ärc'är to seize and sell the land.[33] Räta's tale of embezzlement touches more or less on modern notions of law, consideration of which broadens our view. As the governor's office transformed the Diwan into a coordinate body, it would also modernize the historical institution of *afärsata*, which as discussed in Chapter Three was a communal inquest designed to identity those who committed crimes such as murder, arson or theft of money, property or cattle.

The *afärsata* proclamation of 1933 began by explaining that the legal procedure was in need of reform because, as previously practiced, it required removing everyone from his/her work for a significant period of time, thus affecting productivity and sometimes causing more enduring damage to individuals and the community than the alleged crime.[34] Additionally, the proclamation stated, the inquiry comprised an opportunity for enemies to target each other, regardless of any allegation's veracity. To minimize such problems, a number of regulations were implemented. The 11th clause read:

> **11ኛ፤ ወፍ መርማሪዎችንም ዳኛና እማኝ ጸሓፊ በሻለቃው እምነት እየተመረጡ ንብረታቸው ለቅጣት የሚበቃ ቃላቸው ለምስክርነት የበቃ ትምህርት ያላቸው እ**

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[31] On *rest*, see Hoben, *Land Tenure*.

[32] Azajj Wärqenäh, or Dr. Charles Martin, was an Ethiopian child taken to India by a British officer after the Napier Campaign of 1868. Trained as a medical doctor, he later returned to Ethiopia and entered Haylä Sellassé's service. After serving as an administrator in C'ärc'är, he went to London as Ethiopia's Minister.

[33] GO to the Honorable Azajj Wärqeneh, 12 Genbot 1925E.C. [20 May 1933] (GOR: 86).

[34] "*Selä Afärsata Dänb Awajj*" ("Proclamation About *Afärsata* Regulations)," 26 Hamlé 1925E.C. [2 August 1933], in: Mahtämä-Sellassé, *Zekrä Nägär*: 92-94.

ግዚአብሔርን የሚፈሩ ሰዎች አገረ ገዢው እየመረጠና እየጨመረ ይሥራ እንጂ ፤ እንዳለፈው ሁሉ ባላገር ብቻ እየተቀመጠ አይሥራ።[35]

Formerly [*afärsatas*] were comprised only of rural people, and that will not be the case now. [Instead], the provincial governor will choose the "bird investigators,"[36] a judge and a secretary.[37] [He will choose them] from those persons selected, on the Major's assurance, who have sufficient property to cover a [financial] punishment [for wrong-doing during an investigation], who are trustworthy, who are educated, and who fear God.

Such broad guidelines left considerable room for local officials to staff *afärsata* committees as they chose. While the secondary literature is insufficient to allow generalization, a letter from Harär shows at least one possibility of how an appointment was made:

ይድረስ ከቀኛዝማች ጓንጉል ኮላሴ
በወበራ ክፍል የአፈርሣታ ዳኛ ግራዝማች ከፈለው ስለሞቱ ስለሳቸው ቦጅሮንድ ዘለቀን አድርገናል ብለህ በ4 ሐምሌ ስለጻፍክልኝ መልካም ነው እንዲሰራ ይሁን።[38]

May this arrive to Qäññazmach Gwangul Kolasé,
You wrote on 4 Hamlé [11 July] that because Gerazmach Kefäläw, the *afärsata* judge in Wäbära, died, you replaced him with Bäjerond Zälläqä. That is fine, let him do the job.

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[35] Mahtämä-Sellassé Wäldä-Mäsqäl, *Zekrä Nägär*: 94.

[36] At *afärsatas*, the "bird" was the individual who identified the law-breaker. I assume that the "bird investigators" were the members of the *afärsata* committee who interviewed each member of the community in the process of discovering the allegedly guilty party. From my reading of historical records in Harärgé, I judge it well within the realm of possibility that certain prominent Muslims, as "fearers of God," could have been chosen to serve on *afärsata* committees. However, I have seen no clear evidence either way.

[37] "Emmañ s'ähafi": an "eye or ear witness secretary." I assume this title meant that the secretary would write down only what witnesses reported seeing or hearing. An informant who revealed a law-breaker's identity was known as a *wäf*, literally bird, or a *wäf/wof nägär* (*nägärä*=speak, inform, report). An *afärsata* judge was sometimes known as a *wäf sämi*, or "one who listens to the bird."

[38] GO to Qäññazmach Gwangul Kolasé, 4 Hamlé 1925E.C. [11 July 1933] (GOR: 240).

This brief instruction is significant in several respects. First, it indicates that a single individual was appointed to an apparently standing position of "*afärsata* judge," rather than a different judge being appointed for each *afärsata*—a distinction that is not clear in the national proclamation. Second, this note was sent less than a month *before* the emperor's proclamation was announced. I conclude that the emperor's regulations were based on his broad knowledge of existing practices throughout the country, and perhaps especially in his homeland of Harärgé.[39] Third, the appointment could not simply be made locally, but also needed confirmation at the regional level. While I cannot determine what reasons underlay the choice or acceptance of the official, Zälläqä's title—Bäjerond[40]—suggests that he was known and at least somewhat important in the community, which may well have been a factor. This episode provides clear evidence of the state taking control of the key positions and procedures in an important and widespread legal institution—a phenomenon that will be seen again below.

On 6 May, the governor's office wrote to Captain Long, the British Consul in Harär, about a certain Hajji Ahmäd Abdullah who had paid an 81 *berr* fine after being identified by an *afärsata* as the owner of an illegal firearm.[41] The governor's office ruled that since the *afärsata* was conducted *after* the weapon had been found, the inquest was

[39] I cannot claim that this particular incident or even general practice in Harärgé had anything to do with the proclamation. Nevertheless, the apparent similarity between this case and the later proclamation raises questions about how *afärsatas* were conducted throughout the country as a whole, both before and after 1933. Because I believe that Haylä Sellassé would not issue a national proclamation to regulate an institution as important and widespread as *afärsata* without first familiarizing himself with the issue thoroughly, I judge it likely that Clause 11 (and the rest of the proclamation) was devised from known practice(s).

[40] *Bäjerond*: "Treasurer; chief of the storehouse (obs.); person in charge of the finances of a province..." Kane, *Dictionary*, 940.

[41] GO to Captain Long, 28 Miyazya 1925E.C. [6 May 1933] (GOR: 42). The gun had been found stashed in a sugarcane field.

illegal and the 81 *berr* fine should be returned to Hajji Ahmäd Abdullah. In addition to showing that the state possessed the power to overrule *afärsatas*, the fact that the letter was sent to Captain Long indicates that Hajji Ahmäd Abdullah was a British subject. Similarly, another letter to the consul explained that a report from a second *afärsata* had come to the governor's office, and that at the next *mäjlis* meeting the European and his Ethiopian counterpart could look at it together.[42] These incidents show that one's foreign citizenship/subject status did not provide immunity from community inquests, and that the written procedures called for in the 1933 *afärsata* proclamation were followed at least some of the time.

Afärsatas articulated with other sections of Harär's bureaucracy too. When a community inquest found someone guilty of a crime, he/she could be imprisoned by the administration.[43] In one case a man was murdered, and after the *afärsata*, his killers were incarcerated. The victim's son and the convicts then appeared in Däjjazmach Gäbrä-Maryam's court, where they agreed upon a blood-money (*guma*) settlement. However, their *dämina*[44] was in Asbä Täfäri at the time, so accompanied by guards for the prisoners, the group came to register the payment in Harär, which presumably was closer or more accessible than Asbä Täfäri. Apparently this course of action was impossible, because the governor's office appointed a head guard and sent them on again to Asbä Täfäri—where they apparently did not want to go initially—with a written request to

[42] See also GO to Captain Long, 4 Genbot 1925E.C. [12 May 1933] (GOR: 66).

[43] GO to Balambaras Ashageré, 7 Genbot 1925E.C. [15 May 1933] (GOR: 73). On the filthy and sometimes deadly conditions of the state prison, see Haylä-Maryam Yäshéwanäh to Ato Bälehu, 6 Miyazya 1925E.C. [14 April 1933] (GOR: 12). For a prisoner breaking his chains and escaping jail, see Qadi Muhmäd Mudir to Hajji Ahmäd Aboññ, 12 T'eqemt 1925E.C. [22 October 1931], *DS*, 60.

[44] *Dämina*: "chief administrator attached to each area, tribe or locality (Harärghe Administrative Region only) (obs.)," Kane, *Dictionary*, 1726.

accept them and finalize the matter.[45] The administration's imprisonment of persons identified by *afärsatas*, as well as the fact that officials were responsible for registering the appropriate paperwork, provides further evidence that the previously localized practice of communal inquests had become (or was becoming) just another aspect of regional government.

Regardless, as might be expected, *afärsatas* did not always produce the right persons:

> ይድረስ ከቀኛዝማች ጓንጉል ኮላሴ
> ኡስማንና ሙባሪክ የሚባሉ አረቦች ካሁን በፊት ነፍስ ገድላችኋል ተብለን አገር አፈርሣታ አውጥቶን ለባላገራችን ስምንት መቶ ስልሳ ሰባት ብር ጉማ ከፍለን ከታረቅን በኋለ ገዳዩ ሌላ እንደሆነ ታውቅ ተፈርዶበት ስለሞተ ያላገባብ የከፈለነው ገንዘባችን ይመለሰልን ብለው ለግርማዊ ጃንሆይ ቢያመለክቱ ለባላጋራቸው ጉማ ከፈልን ያሉትን ስምንት መቶ ሥላስ ሰባት ብር እንዲያስከፍላቸው ብለዋል ብዩ በስልሳ አንድ ቁጥር ጽፌልዎ ነበር አሁን ወደ ደጃዝማች ገብረ ማርያም በርስዎ በኩል ጽፈውላቸው ገንዘባቸውን እንዲያስከፍሏቸው ብለዋል ብሉ ያቶ ብልሁ ቀላጤነቱን በፈርማው አስታውቅኛልና ከዚህ በላይ እንደተጻፈው ቃል ይህንኑ ከፈልን ያሉትን ገንዘባቸውን እንዲያስቀብላቸው ብላው በ5 ግንቦት አፈ ንጉሥ አጥናፌ ስለጻፉልን እንድዚሁ ከዚህ በላይ እንደተጻፈው ቃል እንድትፈጽም ይሁን።
>
> May this arrive to Qännazmach Gwangul Kolasé,
> Usman and Mubarik, two Arabs, said that an *afärsata* convicted them of murder and they paid 867 *berr* blood-money to the plaintiffs. After reconciling [the matter with the deceased's family], events took a turn. The real murderer died and now the two Arabs say that their payment was made unduly. Therefore, they want their money returned to them. I wrote to you in [letter] #61 that when Germawi Janhoy [His Majesty Emperor Haylä Sellassé] looked into the matter he said that they should get their money back. Now, it has been written to me in a signed letter on the authority of Ato Bälehu that your section should write to Däjjazmach Gäbrä-Maryam to return the money to the wrongly convicted. Afä Negus At'nafé wrote to us on 5 Genbot [13 May] saying the same thing. As written above, those who say 'pay us [back the blood money we unduly paid]' should receive their money. See to it that this matter is concluded accordingly.[46]

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[45] GO to Azajj Wärqenäh, 22 Genbot 1925E.C. [30 May 1933] (GOR: 105).

[46] GO to Qäññazmach Gwangul Kolasé, 28 Genbot 1925E.C. [5 June 1933] (GOR: 130).

In this episode, two foreigners were incorrectly convicted of murder by an *afärsata*, though it is not clear how the mistake was determined. Because it was a murder case, the details were communicated to authorities in Addis Abäba, including the emperor. Both he and one of his high officials, the Minister of Justice At'nafé, ordered that the blood-money the Arabs had paid should be refunded. Consequently, Ato Bälehu in Harär wrote to the judge Qännazmach Gwangul Kolasé in Dire Dawa, instructing him to have Däjjazmach Gäbrä-Maryam, the Deputy-Governor of Harärgé, arrange the repayment.[47] This channel of communication defies what one would expect if orders about such matters were to follow what Ethiopia's political hierarchy patterns would suggest should have been done. Thus one might infer that by 1933 certain legal processes overrode historical political structures, thereby lending support to the view of those who view modern Ethiopian history as a process of modernization under Haylá Sellassé's benevolent guidance.

The governor's office was cognizant of the potential for such *afärsata* mistakes. On 20 June it wrote to Azajj Wärqenäh about another case in which two Christians were identified by an *afärsata*. Because the case was one of murder, after events were recorded in a local register, the two men were arrested and sent to Harär. There, "they testified that they did not commit the murder, but were [instead only] singled out by the *afärsata*."[48] To try to get to the bottom of things, the governor's office requested that the

[47] Däjjazmach Gäbrä-Maryam did much to extend Ethiopian rule throughout the eastern regions, but his supposedly old-fashioned ways made him a convenient scapegoat for Somali grievances when Haylä Sellassé sought Somali support against the Italians in 1935. Harold G. Marcus, *Haile Sellassie I: The Formative Years, 1892-1936*, Lawrenceville, NJ: Red Sea Press, 1995: 158. Nonetheless, he was then promoted to the position of Minister of the Interior. Mahtämä-Sellassé, *Zekrä Nägär*: 3117.

[48] GO to Azajj Wärqenäh, 13 Säné 1925E.C. [20 June 1933] (GOR: 155).

deceased's full brother and maternal uncle, who were said to live in a certain *burqenät*,[49] be contacted and sent to Harär. While the condemned men may have found some solace in the governor's office refusal simply to accept the *afärsata* verdict without further investigation, one wonders how helpful the testimony of the murder victim's relatives was to their cause.[50]

The potential for the governor's office (or Addis Abäba) to override local judgments raises the issue of appeals, various types of which shed light on some of the channels of judicial authority in Harärgé. For legal appeals, as in every other field, the governor's office was the region's final stopping point, beyond which Addis Abäba was the only recourse. The governor's office took its regional court responsibilities seriously and generally observed proper procedures. On 14 April, a certain Wagayé Bisäwer sent a telegram from Jijjiga complaining about having been arrested. Balambaras Haylä-Maryam Yäshéwanäh, a high level official at the governor's office, responded, informing Wagayé that although Harär saw all appeals from Jijjiga, it was proper to inform the Jijjiga officials before contacting Harär.[51]

A letter from Dire Dawa received a similar, though more detailed, response:

ከልጅ ወርቁ ጎበና ድሬ ዳዋ
ሀብተ ማርያም ስለሚባለው ሹምህ መታሠር በ23 ግንቦት ስላሳለፍክልኝ የድሬ ዳዋን ዳኝነት የሐረር ወንበሮች ስለሚገቡት አስቀድሞ ማመልከት የሚገባው ለነ ሱው ነውና አሁንም ይህንኑ ለባለክፍሉ ወንበር ለቀኛዝማች ጓንጉል ኮላሴ እን ድታስታውቀው ይሁን።

[49] A *burqenät* is the office of *burqa* (an official in charge of a sub-district). In this case, the *burqa* was Hajji Gurach, a Muslim. The detail may be of interest in that Christians lived in his political jurisdiction.

[50] This incident also highlights the potentially adverse economic consequences of certain legal procedures. When the two relatives were called to Harär, they would have had to leave their jobs, whatever they were. Unless they were relatively well-off or had employees or others who could pick up the slack during their absence, coming to Harär may well have been a hardship.

[51] Haylä-Maryam Yäshéwanäh to Wagayé Bisäwer, 6 Miyazya 1925E.C. [14 April 1933] (GOR: 12).

ጽፈሬ አበነህ[52]

To Lejj Wärqu Gobäna   Dire Dawa
Regarding what you wrote me on 23 Genbot about the imprisonment of Habtä-Maryam, your official. Although the Harär judges have authority over Dire Dawa, it is proper to first notify them [about your complaint]. Thus, you should inform the regional judge, Qäññazmach Gwangul Kolasé, of the matter.
Shefäré Abänäh

This letter hints that at least some local officials who had been arrested had to go through the same legal processes as ordinary people. Also, persons desiring to appeal to the governor's office were first supposed to notify their local court before Harär would hear the appeal. Interestingly, in the case of Dire Dawa, notification was to be made to the regional judge, undoubtedly a position of some importance.[53]

On occasion, the governor's office eschewed these channels and intervened directly from above. In mid-May, Ahmäd T'ahir from Jijjiga complained to the governor's office in Harär that he and his son had been beaten up and imprisoned in Dägähabur. Fitawrari Admasu then wrote to Balambaras Afäwärq in Jijjiga, demanding to know the reason for Ahmäd's incarceration.[54] A similar letter about a separate case was sent to Dire Dawa the following month.[55] In each of these documents it seems that the complainers had not first notified a local judge or other authorities that they were

[52] Shefäré Abänäh to Lejj Wärqu Gobäna, 23 Genbot 1925E.C. [31 May 1933] (GOR: 111).

[53] From the GOR, the only evidence I recorded for such a position was for the one around Dire Dawa.

[54] Fitawrari Admasu to Balambaras Afäwärq, 4 Genbot 1925E.C. [12 May 1933] (GOR: 66). This Harär-Jijjiga-Dägähabur channel is of course an extension of the Addis Abäba-Harär one.

[55] Balambaras Haylä-Maryam Yäshéwanäh to Lij Täfära Gäbrä-Maryam, 2 Säné 1925E.C. [9 June 1933] (GOR: 134). This request was provoked by a letter from the Italian Consul in Harär, see Fitawrari Admasu to Musé Ambéräto Kampini, 2 Säné 1925E.C. [9 June 1933] (GOR: 134).

appealing to Harär, but that their failure to do so presented no problems. This suggestion is sustained by another letter:

> ይድረስ ከባላምበራስ ገብረ ሚካኤል
> አቶ በረደድ የሚባል የፊታውራሪ ወጋየሁ ባልደረባ ባንተ ውስጥ የቀላድ ሥራ የሚሰራአላገባብ አሰረኝ ብሎ ልኮብኛልና እንደታሰረ ሆኖ የታሰረበትን የመዝገብ ግልባጭ ጠምረህ ወደዚህ እንድትልከው ይሁን።[56]
>
> May this arrive to Balambaras Gäbrä-Mikaél,
> I have been notified that Ato Bärädäd, who is a *baldäräba* of Fitawrari Wägayähu and does *qälad* work in your section, has been unjustly jailed. If he was arrested, make a copy of the reason [as] listed in the register and send it to me.[57]

In addition to requesting information, the governor's office also sometimes ordered regional officials to send certain persons to Harär. When the governor's office wanted quick court action it did not blunt its words. One official was ordered: "See to it, and finalize, that Lejj Yerdawn and Ato Yezähawel are found in Harär within two days. Have a guarantor called for [them] and send them [here]."[58] Considering the expanse of Harärgé, I cannot imagine that it was a particularly easy task, depending upon one's location, to find the two people, have them arrange for guarantee, and then transport them to Harär at such short notice.[59] Perhaps the most unique of this type of order found in the 1933 register is:

> ከፊታውራሪ ሺፈራ ጌሪ

[56] GO to Balambaras Gäbrä-Mikaél, 29 Genbot 1925E.C. [6 June 1933] (GOR: 131).

[57] The governor's office may have been willing to ignore normal procedures in these incidents since they each concerned possible abuse of power by police/security forces or other government officials, but that is a suggestion that begs further research.

[58] GO to Lejj Abärra Gezaw, 11 Genbot 1925E.C. [19 May 1933] (GOR: 85).

[59] This order is similar to those sent out to political appointees at times when soldiers needed to mobilize for possible campaigns or defensive reasons (see below).

ሳበይፋት ስለምትባለዋ ሴት በሃያ ሶስት ግንቦት ስላሳለፍክልኝ የባለህግም ሚስ
ት ብትሆን ከባለህግ ጋራ አቆራኝተህ በቶሎ ወደዚህ እንድትልካት ይሁን።[60]

To Fitawrari Shifära, Géri
Regarding the woman named Sabäyfat, about whom you wrote me on 23 Genbot.
If she is legally married, chain her to her husband and send her up here.

This episode is significant in its implication that *qwerañnennät*, the practice of shackling prisoners to guards (or debtors to lenders), posed a problem in the case of a legally married (*baläheg*) woman. The governor's office solved the problem by ordering that she be chained to her husband (rather than a [male] guard) and brought up to Harär that way. However, six days later a Harär administrator wrote again to the local official:

ከፊታውራሪ ሸፈራ ባልቻ ጌሪ
ሰባይፋት ስለምትባለው ሴት በሰንሰለት ወደዚህ እንድትልካት በሃያ ሶስት ግንቦ
ት ቴሌግራም አሣልፌልህ ነበር እስካሁን ሳትልካት የቀረህው ስለምንድነው አሁ
ንም ለነገ ችሎት እዚህ እንድትገባ ነገ እዚህ ሳትገባ የቀረች እንደሆነ 100 ብር
መቃጫ መክፈልክን እንድታውቃው ይሁን።[61]

To Fitawrari Shefära Balcha,
I sent you a telegram on 23 Genbot instructing you to send the woman named Sebayefat here in chains. What is the explanation for her not being sent yet? She should attend tomorrow's tribunal. If she does not come tomorrow, know that you will have to pay a 100 *berr* penalty.

Clearly, officials at the governor's office were annoyed that their orders had not been promptly followed. Since this was a second warning, essentially, the demand that the woman appear in Harär the following day was perhaps not so onerous a command as it might seem. Either way, the administration's seriousness seems clear in its threat of a 100 *berr* fine for non-compliance, even though such warnings were not uncommon in the governor's office out-going correspondence (see below).

[60] GO to Fitawrari Shifära, 23 Genbot 1925E.C. [31 May 1933] (GOR: 115).

[61] GO to Fitawrari Shefära Balcha, 29 Genbot 1925E.C. [6 June 1933] (GOR: 131).

Sometimes the governor's office dealt with disputes within the administration. In one case Mämré Dästa Säyem had been fined 50 *berr* in court and then found his pay at work docked, too. After he complained, the governor's office ordered his boss to pay him, since he had already been punished by the court.[62] Not much later, Aläqa Mäkuriya accused Mämher Sahlé of an accounting matter (*yämäzgäb nägär*), and the governor's office ordered him to come to discuss the procedure/imprisonment (*seratu*).[63] It must be pointed out that there was one situation in which the governor's office did not hear final appeals: when foreign citizens were involved in a case. In those situations the *mäjlis* (which will be discussed in greater detail below), consisting of a European consul and an Ethiopian official, heard the cases.[64]

Several letters provide insight into what might be called the modernization or, better, the professionalization of Harärgé's legal system. The first is related to the above remarks on the governor's office dealing with administrative disputes or issues:

> ይድረስ ከቀኛዝማች ሽፋው
> ወንደፍራሽና ወልደ አማኑኤል የሚባሉ የቤት ርስት ጸሐፊዎች በሥራ ነገር እኛ ባስቻልንበት ችሎት ተቃርበው ወልደ አማኑኤል ካሁን ቀደም የጽሕፈት ደምብ ስለሌለው ወንደፍራሽ ግን ደንቡ ጸሐፊ ስለሆነና ይህንኑም ሥራ የወሰደው በጽ ሕፈት ሹሞች ማመልከቻ ስለሆነ ሥራው ለሱ ይገባዋል ብለን ብይነናልና ሥራ ው ትለቀለት እንዲሰራ ይሁን።[65]
>
> May this arrive to Qäññazmach Shäfaw,
> Wändäferash and Wäldä-Amanuél, secretaries at the Land Office (*béta rist*) came together to our tribunal about an employment matter. Because previously Wäldä-

[62] GO to Gerazmach Gezaw Kätäma, 16 Genbot 1925E.C. [24 May 1933] (GOR: 98).

[63] GO to Mämher Sahlé, 26 Genbot 1925E.C. [3 June 1933] (GOR: 124). I imagine that an "accounting matter" could be anything from an arithmetic error to graft. Knowing exactly what was meant by the phrase would help to determine which meaning of *seratu* (i.e., imprisonment or procedure) was intended in this letter.

[64] For example, Fitawarari Admasu to Musé Tomazini, 6 Säné 1925E.C. [13 June 1933] (GOR: 146).

[65] GO to Qäññazmach Shäfaw, 10 Genbot 1925E.C. [18 May 1933] (GOR: 76).

Amanuél did not have any written regulations, yet because Wändäderash is a [professional] legal secretary and got his job through a secretarial officials' application, we decided that [Wäldä-Amanuél's] work would be more appropriate for [Wändäferash]. May it be that [the former's] work is transferred to [the latter] that he may work.

One may imagine that Wäldä-Amanuél was less than pleased with the decision, but from an administrative perspective it was logically the best one. Reforms extended beyond personnel choices, too. In another instance Lej Taddässä Wäldä-Giyorgis was informed that the governor's office would not accept a letter from him stating that he was someone's legal representative (*nägäräfäjj*). Rather, a signed letter from the person to be represented would be required.[66] Though trying to abide by proper procedures, the governor's office nevertheless faced challenges:[67]

ይድረስ ከቀኛዝማች ጓንጉል ኮላሴ
ደዱ የሚባል ሰው ወልደ ማርያምን ገድሏል ተብሎ ታስሮ በመጣበት ነገር ፍር ዱን ለመፋረድ ባለ ደሙ ባለመምጣቱ ተቸግረናልና የሟቹ አቅራቢያ ዘመዶቹ ተጠይቀው እንፋረዳለን ቢሉ እስከ 8 ቀን እንዲመጡ መንግሥት ይፋረድልን ወይንም በጉማ እንተረቃለን ቢሉ ቃላቸው በመዝገብ ተጽፎ መልሱ በቶሎ እን ዲመጣልን የሚል በ13 ሐምሌ ከወንጀለኛ ቅጣት ፍርድ ቤት ቴሌግራም አልፏ ልና እንደዚሁ ቃል እንድትፈጽም ይሁን።[68]

May this arrive to Qäññazmach Gwangul Kolasé,
About the matter of Dédu having killed Wäldä-Maryam and being jailed. We have encountered problems because the *balädämu* [those entitled to blood-money] have not come to call for the case to be tried. On 13 Hamlé the Criminal Court [in Addis Abäba] sent a telegram asking about whether the deceased's close relatives want to bring charges, or if the government should bring charges on their behalf, or if they will reconcile through blood-money. Within eight days they should be questioned [about what they want to do], and their response written in the register. Fulfill this order.

[66] GO to Lej Taddässä Wäldä-Giyorgis, 28 Miyazya 1925E.C. [6 May 1933] (GOR: 49).

[67] The only clear evidence I have for the governor's office possibly interfering inappropriately in a legal case is in a request to hold off a case for a month before hearing it. GO to Qäññazmach Bäqqälä Waqé, 15 Hamlé 1925E.C. [22 July 1933] (GOR: 269).

[68] GO to Qäññazmach Gwangul Kolasé, 18 Hamlé 1925E.C. [24 July 1933] (GOR: 279)

This letter clarifies at least three legal options available to murder victims' families, and the governor's office could not proceed until it had received word. Here, the Addis Abäba Criminal Court wrote to Harär seeking clarification, and the Harär authorities directed the regional judge to follow up. As should be clear by this point in the dissertation, the issue of legal jurisdiction was complex. Beginning at the top, Addis Abäba received reports about all murder cases. Most of the direct correspondence from Harärgé was exchanged with the Criminal Court, though there is evidence that Haylá Sellassé followed and commented on certain cases, too. At times the Minister of Justice was brought into the loop:

> ይድረስ ከክቡር አፈንጉሥ አጥናፌ
> አሰቦት ገልሞና ጠደቾ ጆጆባ ኦዳ ወዳይ የሚባሉ ሙሉ ወንዝ ላይ አደሉች ስ ለገደሉናእሥረኞቹን በየካቲት ወር በዘበኛ ወደ አዲስ አበባ ስለላክናቸው የሟቾ ቹ ደም ፈላጊዎች ከዚህ በታች የተጻፉት ናቸው [...]። በ2 ግንቦት...አዛዥ ወ ርቅነህ ስለጻፉልን እነዚህ ከዚህ በላይ የተጻፉት ሰዎች ከገዳዮቹ ለመፋረድ ወደ ዚያ መምጣታቸውን በማክበር አመለክታለሁ።[69]
>
> May this arrive to the Honorable Afänegus At'nafé,
> Regarding Asäbot Gälemo and T'ädäch Jojoba Oda Wäday, who killed some Adals at Mulu Wänz and whom we sent as guarded prisoners to Addis Abäba in Yäkatit (February). The names of those who want revenge for the murders are [...]. Azajj Wärqenäh wrote to me on 2 Genbot [10 May] that the above listed people want to bring charges against the killers... [Therefore], I respectfully submit to you that they [the killers] should [be brought] here [to stand trial].

Because it was a murder case, though other factors were probably at play too, the killers were initially sent to the capital. When their relatives then decided to bring charges in Asbä Täfäri, the local governor Azajj Wärqenäh (Dr. Charles Martin) wrote to Harär asking that Addis Abäba send the killers back down. That an official as powerful

[69] GO to Afänegus At'nafé, 6 Säné 1925E.C. [13 June 1933] (GOR: 142).

as Azajj Wärqenäh did not write directly to the capital may indicate either his respect for proper bureaucratic channels, or that the times when officials did not follow such channels were moments of particular sensitivity.

In light of the previous chapter's analysis of Harär's legal system, it is not surprising that murder cases between two Muslim parties were seen by the governor's office. In one example, a Muslim killed his brother, who was said to have written a last will and testament and whose wife was pregnant at the time of his death. The judge Qäññazmach Bäqqälä Waqé was instructed to verify the existence of the will, whether the wife was pregnant at the time of the murder, and whether or not the deceased's "close relatives" (who were cousins) Ali Abrahim and Yusuf Abrahim wanted to bring murder charges against the killer.[70] The significance of the question over a will was, perhaps, not just to know how to distribute the deceased's property, but also to determine who would receive at least some of the blood-money, should reconciliation take place. The widow's pregnancy status at the time of murder is self-explanatory and was surely related to the same concerns as about the will. Notably, the decision of whether charges should be filed in court was not left to the widow, but rather to two sons of the victim's "mother's uncle." Until those (male) relatives decided about which course of action to pursue, the court could (or would) do nothing.

In another case, a Muslim man in Asbä Täfäri killed his Muslim wife:

> ከወንጀለኛ ቅጣት ፍርድ ቤት አዲስ አበባ
> አብዱላ ሀሰን የሚባል ሚስቱን ከድጃ አብዱላን በገደለባት ነገር በ27 መጋቢት ስላለፈልን የሚስቱ የከድጃ ወገኖች አባቱ አርጋያ አሊና ያብዱላ ጉራ አባት የ ጉራ ቡሉን ነገረፈጅ ወዳይ ቡሉን አሰበ ተፈሪ ፍርድ ቤት ቀርበው እንዳበታች ን ጉማ እንቀበላለን እንጂ ይሙትልን ብለን ፍርድ አንፈልግም ብለው ተፈጥ መው ስለለቀቁ የገዳዩ የአብዱላ ሃሰን ወንድም ዑመር ጃርሶ ጉማውን እንዳበታ

[70] GO to Qäññazmach Bäqqälä Waqé, 29 Genbot 1925E.C. [6 June1933] (GOR: 132).

ችን እቀበላለሁ ካለ እኔም እሰጣለሁ ብሎ ዋስ ጠርቶ ወዳይ ቡሎና አርጋያ አ
ሊም ቀጥረው በመዝገብ ፈርመዋል ብለው በ7 ሰኔ አዛዥ ወርቅነህ አስታወቁኝ
። ንጋሽ[71]

To the Criminal Court, Addis Abäba
On 7 Säné [14 June], Azajj Wärqenäh notified me about the matter of Abdullah Hassän's killing his wife Kädeja Abdullah. We were notified that on 27 Mäggabit [5 April], in Asbä Täfäri's court, these had appeared: from the deceased Kadeja's people, the elder[72] Aregaya Ali, Abdullah Guras' father, and Bura Bulo's legal representative Wäday Bulo. They testified that if they cannot receive blood-money according to custom they want [the murderer] to die, but they do not want a court case. As they freed him [from being charged in court by them], Abdullah Hassän's brother, Umär Jarso, said that if they are willing [to accept it] he will pay the blood-money. He called a guarantor and Wäday Bulo and Aregaya Ali made an appointment for another day. The register was signed. Negash

Here, notably, the victim's family stated that they did not want to bring charges against her husband, but clarified that if they were not to be given blood-money then they wanted him to die (i.e., after the state brought charges against him). This stance may well have been a legal strategy intended to put pressure on the other side to settle out of court, preferably with a generous blood-money payment. It may also show that there were advantages—perhaps social, economic or both—to stepping back and requesting the state to prosecute.[73] My reading of these records leads me to feel, though I cannot yet prove it, that the state's record of executing murderers actually encouraged (intentionally or not) the continued salience of historical institutions such as reconciliation. In this particular case, after the family had agreed to settle financially and the murderer was released on bail, the governor's office wrote to Azajj Wärqenäh informing him that reconciliation had

[71] Negash to Criminal Court (Addis Abäba), 13 Säné 1925E.C. [20 June 1933] (GOR: 165).

[72] "Abatu": "leading elder of a district who is accepted by popular consensus as the arbiter for public affairs." Kane, *Dictionary*, 1199.

[73] Socially, refusing to prosecute and letting the state do so might be a means to avoid possible community condemnation or lesser social tensions. Economically, allowing the state to prosecute would eliminate any payments for lawyers or court fees.

succeeded and, since Harär had heard no complaints (against that decision—presumably from other relatives who might have a claim to make), the Azajj should finalize the settlement (and then notify Harär of it).[74]

A double murder, across religious lines, sheds more light on these issues:

ይድረስ ከቀኛዝማች ጓንጉል ኮላሴ
ይገኛል ሁሉ የሚባል የዑስማን ሀሰንን ልጅ ዘይነባንና ሚስቱን ሐዋን ገድሏል ተብሎታስሮ መጥቶ ተፋራጁ ስላልመጣልን ኡስማን እፋረዳለሁ ቢል እንዲመጣ እታረቃለሁ ወይም መንግሥት ይፋረድልኝ የሚል እንደሆነ ተጠይቆ መልሱ ይ ምጣልን ብለን በመጋቢት 27 ቀን ስለጻፍንልዎ። የዘይነባ አባትና የሐዋ ባል ኡስማን ጉማ ከሰጠኝ እቀበላለሁ። ካልሰጠኝ ግን መንግሥት ይፋረድልኝ የሚ ል በ 7 ሰኔ ስላለፈልን ይገኛል ሁሉን አቅርበን ብንጠይቀው። የጌታዬ ወን ድም ደብተራ ዘነበ ጉማውን ይከፍልልኛል ብሏልና ኡስማን በልጁ በዘይነባ ደ ም ቢታረቅ በሚስቱ በሐዋ ደም የታረቀ ስላልሆነ ሐዋም ልጅና ሌላም አቅራቢያ ዘመድ እንዳላት ዘይነባም ልጅ እንዳላት ተጠይቆ እንድ ኡስማን ጉ ማም እንቀበላለን ቢሉ ቃላቸው ተጽፎ። ደብተራ ዘነበም ያለው ከንቦልሻ ማ ርያም ነው ስለተባለ በሁለቱም ደም ጉማ እከፍላለሁ ማለቱን ተጠይቆ ወደዚያ ው እንድንሰደው መልሱን በቶሎ እንዲያስታውቁን። አንታረቅም ወጥተን እን ፋረዳለን ቢሉ ግን እስከ 8 ቀን ድረስ እንዲልኩልን መንግሥት ይፋረድልን ቢሉ የዚህኑ መልስ በቶሎ እንዲያስታውቁን የሚል በ21 ሰኔ ከወንጀለኛ ቅጣት ፍርድ ቤት ቴሌግራም ስላለፈልን ይህንኑ ከዚህ በላይ የተጻፈውን ቃል ፈጽመ ህ መልሱን በፍጥነት እንድታስታውቀኝ ይሁን።

May this arrive to Qäññazmach Gwangul Kolasé,
It is said that Yegäññal Hulu was jailed for murdering Usman Hasän's child Zäynäba and wife Hawa. We wrote to you on the 27th day of Mäggabit [5 April] requesting a response to the following. Because no one has come to us seeking justice, ask around to see if Usman wants to reconcile, or if he wants the government to bring charges, or if he wants to bring the matter to court [himself]—in which case he should come forward.

We were notified on 7 Säné [14 June] that Zäynäba's father and Hawa's husband, Usman, said that if they [Yegäññal Hulu's side] will pay blood-money he will accept it. If they do not give it to him, however, the government should bring charges on his behalf.

We asked Yegäññal Hulu to appear [before us]. It is written that he said that his lord's brother, Däbtära Zänäbä would pay the blood-money for him, [thus] reconciling the matter of blood for Usman's child Zäynäba. [Also written is]: Regarding reconciliation over the wife Hawa's blood: we asked around about Hawa's children and other near relatives, and about Zäynäba's children.[75] Like Usman, they said they would accept blood-money.

[74] GO to Azajj Wärqenäh, 13 Säné 1925E.C. [20 June 1933] (GOR: 165).

[75] That is, presumably, to see if Hawa had other children or if her child Zäynäba did.

> Quickly notify me if Däbtära Zänäbä, who is at Känbolsha Maryam [church], is willing to pay the blood-money; and if so send him here. However, if they [the victim's family] say they will not reconcile, [but rather the state should] go out and bring charges in court, [then] send them to me within eight days [to notify me of the fact]. If they say they want the government to bring charges, quickly inform me of the answer. [The above] is what a 21 Säné [28 June] telegram from the Criminal Court [in Addis Abäba] informs us. Having finalized all the above written orders, quickly inform me of the response.[76]

Once again, the state's hands were tied until it knew what the aggrieved relatives wanted to do, yet there are a number of interesting details. After no one came forward, the governor's office sought information from the Dire Dawa regional judge. The widower had agreed to a blood-money settlement, but specified that if the killer's side were unwilling to pay, then he wanted the state to prosecute. Notably, although mother and daughter were killed together, the matters of their prospective blood-money settlements were apparently handled separately. The father, Usman, held the authority to reconcile over his daughter's death, but for the mother, investigators had to verify whether she had other children or close relatives—thereby suggesting that such persons would have had some voice in the decision. Those who were found (though who they were is not specified) agreed that they would accept blood-money too. The governor's office concluded the letter by asking the judge to inquire whether or not Däbtära Zänäbä was willing to pay the blood-money, and emphasizing that the source of these demands was the Criminal Court in Addis Abäba.[77]

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[76]GO to Qäññazmach Gwangul Kolasé, 24 Säné 1925E.C. [1 July 1933] (GOR: 208).

[77] Five days later another official was rebuked. Apparently, on 28 June, Mämher Sahlé had been told to look into the matter in the same way Qäññazmach Gwangul Kolasé was on 2 July, and on 6 July Mämher Sahlé was again instructed to check on Däbtära Zänäba's willingness to pay. In that letter, the fact that Addis Abäba's Criminal Court requested the action is highlighted in order to underline the order's repetition. GO to Mämher Sahlé, 29 Säné 1925E.C. [6 July 1933] (GOR: 221).

On 29 July, the governor's office wrote to the Addis Abäba Criminal Court that Qäññazmach Gwangul Kolosé had communicated: 1. that Usman Asan [sic.] was willing to accept blood-money for both his daughter and wife; 2. that if blood-money were not paid then the government should prosecute; and 3. that Usman's brother-in-law also testified similarly. Däbtära Zänäba, however, claimed insufficient funds to pay blood-money for even one person, let alone two. Although I did not see other correspondence on this issue, the named bondsman's refusal to pay suggests that the case then entered a new phase, perhaps one of the government bringing charges against the killer and then executing him. It is also possible, though, that the refusal to pay was a strategic initial response designed to lower the stakes in blood-money negotiations.

Another remarkable case surfaces in the governor's office register. On 19 January the the Minister of Justice in Addis Abäba informed the Harär governor's office that because a certain Abrahim Tätu [Gutu?] was found dead in Asha Galib's house, his heirs should receive 1000 *berr*.[78] To acquire the funds, her house and properties were to be auctioned, with the treasury making up any difference. The governor's office replied on 19 June that the sale of Asha Galib's possessions brought in 173 *berr*, leaving a difference of 826 *berr* and 15 *mähalläq*.[79] It then requested a "written order that identifies from which treasury and from whose section's budget the heirs should collect this remaining amount."[80]

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[78] Although the wording does not indicate murder, its similarity to other letters dealing with murder and the order for a 1000 *berr* settlement strongly indicate that Abrahim was killed in Asha's house.

[79] I have no idea about how to account for the missing 1 *mähalläq*.

[80] GO to Aféanegus At'nafé, 12 Säné 1925E.C. [19 June 1933] (GOR: 162).

While the reasons for the central government deciding that Abrahim Tätu's heirs should receive 1000 *berr* are not explained, the fact that the difference between that amount and Asha Galib's total worth should be paid by the government is the only such decision I have seen. Regardless of the case's significance in other spheres, the governor's office response is particularly valuable. It clarifies that there were different treasuries within the government, each with various sub-sections, and that they had different responsibilities. Unfortunately, other correspondence in the governor's office register gives no hint about the various treasuries, their structures, or their jurisdictions. One follow-up letter nonetheless does provide a glimpse into Ethiopia-Harärgé political culture in action:

> **ለክቡር አፈንጉሥ አጥናፌ**
> **የኢትዮጵያ መንግሥት የፍርድ ሚኒስቴር** **አዲስ አበባ**
> **አብራሂም ጉቱ የሚባል አሻ ጋሊብ ቤት ሞቶ ስለተገኘ ለወራሾቹ ስለሚሰጠው ገንዘብበ** 12 **ሰኔ በ**5**ኛ ኮፒ በ** 162 **ቁጥር ጽፌን በፖስታ ልከንልዎ ነበር። እስካሁን መልሱ ስላልመጣልን ወራሾቹ በየጊዜው ሁሉ አስቸግረውናልና ስለዚህ በፊት የጻፍነው ወረቀት ታይቶ የሚሆነው መልስ በቶሎ እንዲመጣልን አመለክታለሁ።**[81]
>
> To the Honorable Afänegus At'nafé,
> Justice Minister of the Ethiopian Government, Addis Abäba
> On 12 Sane [19 June] I mailed you [a letter], file 5, #162, about the matter of Abrahim Gutu's heirs' getting their money after he was found dead in the home of Asha Galib. We have not received a response yet, and the heirs are constantly troubling me. Therefore, I request that what I wrote earlier be reviewed and that the response be quickly sent to me.

Here, after a respectable wait of one month, regional officials were emboldened by their earlier correspondence to re-ask the central authorities to review the evidence and send instructions about what should be done. It is important to note that the request was not for a legal judgment, but rather for a fiscal clarification. The decision to make up

[81] GO to Afänegus At'nafé, 11 Hamlé 1925E.C. [18 July 1933] (GOR: 253)

the difference having already been given, local authorities wanted to know who would have to provide the money promised by the central government. Clearly, local officials did not question Addis Abäba's orders, but no one was volunteering to finance them, and owing to the family's persistence they were anxious to know who would have to do so.

Within the basic hierarchy of local-Harär-Addis Abäba communications and authority, the role of Islamic law raises many questions about jurisdiction and autonomy. The governor's office register, however, provides only a confusing series of contradictory answers. One impression is that qadis (and, thereby, Islamic law) were somewhat independent, at least in theory and in government eyes. On 27 April the governor's office wrote to Hajji Ahmäd Aboññ that a certain Abdullahi Isa had complained of his wrongful arrest by the qadis, and his (British) consul therefore wanted to know why Abdullahi had been arrested.[82] On 19 May the governor's office wrote to Captain Long that an official at the Diwan had said that "when the qadis were asked about the matter, they replied that no one was imprisoned by them."[83] While the government did not question the qadis' right to arrest, they were expected to account for such actions to the state. On the surface, this incident seems to indicate that the governor's office trusted or backed up the Diwan's legal actions, but was prepared to overrule them if necessary, particularly if a foreigner were involved.

This impression is bolstered by two other letters that shed light on the topic of qadis' jurisdiction. The first is of regional significance:

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[82] GO to Hajji Ahmäd Aboññ, 19 Miyazya 1925E.C. [17 April 1933] (GOR: 28).

[83] GO to Captain Long, 11 Genbot 1925E.C. [19 May 1933] (GOR: 85).

ይድረስ ከልጅ ተፈራ ገብረ ማርያም
በየውጭው አገር ያሉት ቃዲዎች ከቀድሞ እስካሁን ድረስ ሲሠራ የቆየውን የኃ
ይማኖታቸውን ሥራ አሁን አበጋዞች ማናቸውንም ነገር ዳኝነቱን እኛ እናያለን
እያሉ ያስቸግሯቸዋል የሐጂ አህመድ አቦኝ ሹም አስታውቆናልና እዚህ እኛ ዘ
ንድ በጋብቻን በፍቺ በሃይማኖታቸው ነገር ዳኝነቱን የሚያዩ ቃዲዎቹ ስለሆኑ
በዚህ ነገር በክፍሉ ያሉት ቃዲዎች ይዩ እንጂ እናንተ እንደትደርሱባቸው ይሁ
ን።

ኃይለ ማርያም የሸዋነህ[84]

May this arrive to Lej Täfära Gäbrä-Maryam,
Hajji Ahmäd Aboññ has informed us that the Abägazes are now saying that they will oversee all cases that, in all foreign countries, are religious [in nature] and which qadis have seen from time immemorial, and thereby are making problems for the qadis. Because it is the qadis who should deal with marriage and divorce according to their religion, on this matter—in all regions—qadis should see the cases and you should refer [such cases] to [the qadis].

Haylä-Maryam Yäshäwanäh

Here, clearly, political appointees (of whatever religion or ethnicity) were attempting to increase their local authority (and personal wealth) by conducting marriages and dealing with divorces, even when such events took place between Muslims. The qadis were, understandably, alarmed by this development, and they railed against it, perhaps inspired by one of Haylä Sellassé's perennial refrains: "religion is a personal matter, but the country is a communal matter." The complaint was deemed reasonable, and Lej Täfära Gäbrä-Maryam, the Director of the Treasury in Dire Dawa, was told to control the political officials in his jurisdiction.

A related incident shows that political officials were not the only ones trying to interfere in the qadis' sphere. Asfaw Abäjä, probably the same Christian official whose appointment to the Diwan was discussed above, wrote to the governor's office that Muslims had complained that officials at the Mäkanä Sellasé monastery were intervening

[84] Haylä-Maryam Yäshäwanäh to Lej Täfära Gäbrä-Maryam, 19 Miyazya 1925E.C. [27 April 1933] (GOR: 33).

in their work. The governor's office then wrote to Aläqa Lämma, presumably a government official in the monastery's region, reminding him that "it has been forbidden for any one at all to interfere with Muslims, their religion, or their marriage cases."[85] Aläqa Lämma was told that if he believed the monastery officials were doing nothing wrong, he should come [to Harär] to explain the situation. If, however, they were transgressing their authority, the qadis should be left alone.

While the state sometimes supported the quasi-independence of the qadis, it also controlled them in various ways. For example, it regulated who was permitted to work as a qadi. When the qadi Muhammad Abdullah was alive, his representative, Hajji Yonis, performed his legal duties. After his death, Hajji Ahmäd Aboññ requested that Hajji Yonis be allowed to continue performing these duties "to prevent the court from ceasing to function." The governor's office agreed that Hajji Yonis could continue to serve as a qadi "until another employee is appointed."[86] That qadis were answerable to the state is further seen in the appointment of Yusuf Bädri as an auditor to travel around Harärgé inspecting the qadis' marriage records.[87] While qadis might be permitted to apply Islamic law in some situations, they were still expected to channel some of their proceeds to the state.[88]

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[85] GO to Aläqa Lämma, 27 Säné 1925E.C. [4 July 1933] (GOR: 212).

[86] Aläqa Dästa to Hajji Ahmäd Aboññ, 13 Genbot 1925E.C. [21 May 1933] (GOR: 89). A copy of the letter is also in *DS*, 116.

[87] GO to Fitawrari Bälachäw, 7 Genbot 1925E.C. [15 May 1933] (GOR: 73); GO to Hajji Ahmäd Aboññ, 1 Mäggabit 1925E.C. [10 March 1933], *DS*, 94. For another case of an auditor sent out to inspect qadi marriage records and collect the appropriate government cut, see Wäldä S'adiq Zälläläw to Hajji Ahmäd Aboññ, 14 Tahsas 1925E.C., [23 December 1932], *DS*, 80.

[88] This practice was expected of all judges. For example, beginning sometime around October 1932, Ato Shahregät began traveling around Harär working for the Slavery Emancipation Court (*yäbariya näs'a daññenät*) and was expected to deposit all his proceeds in the Harär treasury. GO to Gerazmach Bäzabeh (treasury official), 11 Miyazya 1925E.C. [19 April 1933] (GOR: 20); GO to Ato Shahregät, 11 Miyazya

One area in which the state did not have ultimate authority was in disputes between Ethiopians and foreigners. In Addis Abäba, such cases were seen by the Mixed (or: Special) Court, which was established in 1922 and gave *de jure* status to *de facto* practice.[89] Other mixed courts existed throughout Ethiopia, including in Harär, where since at least the turn of the century it had been called the *mäjlis*. The *mäjlis* was composed of an Ethiopian official and the British, French or Italian consul, and met when necessary. The governor's office register does not contain especially detailed information about the *mäjlis*, but it is possible to discern some aspects of its procedures as well as some of the tensions that surfaced between European consuls and Ethiopian officials in its sphere.

According to the sources at my disposal, the days and times when the *mäjlis* met were set by officials at the governor's office and then communicated to the appropriate consul.[90] A consul who wanted to call a *mäjlis* would write to the Deputy Governor, who would then instruct a subordinate to set up the appointment.[91] Since the *mäjlis* saw all mixed cases for Harärgé, it was sometimes necessary to coordinate paperwork from officials throughout the region. On 26 May, for example, an official in Dire Dawa was told to forward a copy of a weapons investigation for a case to be heard at the *mäjlis* in

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1925E.C. [19 April 1933] (GOR: 20); GO to Ato Azaryas (Jijjiga official), 11 Hamlé 1925E.C. [18 July 1933] (GOR: 253). Before working on the Slavery Emancipation Court, Ato Shahregät was a judge at the Land Office (*beta restu*), Wärqu to Hajji Ahmäd Abofifi, 8 T'eqemt 1925E.C. [18 October 1932], *DS*, 59.

[89] On the Addis Abäba mixed court, see Heinrich Scholler, *The Special Court of Ethiopia, 1920-1935*, Stuttgart: Franz Steiner, 1985; Heinrich Scholler, "The Special Court of Ethiopia 1922-1936: Mixed Jurisdiction as an Instrument of Legal Development," in Sven Rubenson, ed., *Proceedings of the Seventh International Conference of Ethiopian Studies*, Addis Abeba: Institute of Ethiopian Studies, 1984: 381-92.

[90] For example, Fitawrari Admasu to Musé Ambéro Kampini, 2 Genbot 1925E.C. [10 May 1933] (GOR: 56); GO to Captain Long, 15 Genbot 1925E.C. [23 May 1933] (GOR: 93); Fitawrari Admasu to Captain Long, 28 Genbot 1925E.C. [5 June 1933] (GOR: 129).

[91] GO to Musé Ambérto Kampini, 5 Genbot 1925E.C. [13 May 1933] (GOR: 70).

Harär.[92] When a case had substantial economic implications, Addis Abäba was informed.[93] At other times, disputes may have been worked out before appearing in the *mäjlis*, perhaps merely by a consul inquiring into why foreign subjects had been arrested (and thereby questioning the validity of any charges).[94] When the *mäjlis* met, officials from each side were responsible for guaranteeing that their subjects were in attendance.[95]

Because the *mäjlis* saw cases of mixed jurisdiction, there was often noticeable tension between Ethiopian officials and European consuls, and agreement was not always attained.[96] The tension reflected in the documents also helps to shed light on broader legal issues at the time. In mid-May, the governor's office told the British Consul that in future correspondence he should add not only his own signature, but also that of his translator, and the consulate stamp should be affixed.[97] Whether the request was intended to inconvenience or annoy the consul, or to identify his translator or secretary of specific correspondence, it was clearly an attempt to dictate the parameters of acceptable bureaucratic practice. Most commonly, disagreements focused on the nationality of litigants or law-breakers, much to the frustration of Ethiopian officials:

> **ቀዳማዊ ኃይለ ሥላሴ ንጉሠ ነገሥት ዘኢትዮጵያ አዲስ አበባ አበበን የባላምባራስ ይሱፍን ልጅ ኢሣ ወስጥ ጎግቲ ላይ የገደለው ሱማሌ ዘግነ ቱ የኛ ነበር አላገባብ መግደሉን አውቆ በሐሰት የእንግሊዝ ዜጋ ነኝ ስላላ የ እንግሊዝ ሚኒስቴር የኛ ዜጋ ነው ብለው ለውጭ ጉዳይ ሚኒስቴር ስላስታወቁ**

[92] GO to Ato Bäshah Därsäh, 18 Genbot 1925E.C. [26 May1933] (GOR: 101).

[93] Aläqa Dästa to Captain Long, 26 Hamlé 1925E.C. [2 August 1933] (GOR: 296).

[94] For example, GO to Qäññazmach Gwangul Kolasé, 23 Genbot 1925E.C. [31 May 1933] (GOR: 113); Fitawrari Admasu to Musé Amérãto Kampini, 2 Säné 1925E.C. [9 June 1933] (GOR: 130).

[95] GO to Captain Long, 3 Genbot 1925E.C. [11 May 1933] (GOR: 64).

[96] GO to Captain Long, 13 Säné 1925E.C. [20 June 1933] (GOR: 163).

[97] Fitawrari Admasu to Captain Long, 4 Genbot 1925E.C. [12 May 1933] (GOR: 67).

> እጁን ለቆንሰሉ ሰጡ የሚል የውጭ ጉዳይ ሚኒስቴር ቃል አልፎልን ስንት ና
> ቸው በነሱ እጅ ቆይቶ ነበር አሁን በቆንሰሉ እጁ ስለቀረበ የኛ ዜጋ ስለሆነ
> አስመሰከረን በኛው ዳኝነት እንይ ወይም የኢንግሊዝ ዜጋ መሆኑን ያስመሰክሩና
> አብረን እንይ ብላቸው አንድጊዜ እጁን ከሰጣችሁን በኛው በኩል ይታያል እን
> ጂ እናንተም እኛም አናስመሰክርም ስላሉ ባለስማማታችን የቀረውንም መጅሊስ
> ሁሉ ስላቆምን ከግርማዊነትዎ የሚመጣልኝን መልስ እጠብቃለሁ።[98]
>
> Haylä Sellassé, King of Kings of Ethiopia   Addis Abäba
> It is known that Abbäbä, Balambaras Yesuf's son, was killed in Isa territory at
> Gogti, and the Somali who killed him without reason is of our citizenship.
> Because he said says that is not true and that he is a British citizen, and the British
> Consul said the same thing to the Minister of Foreign Affairs, the Minister of
> Foreign Affairs told us to hand the [murderer] over to the British Consul.
>
> How many [other Ethiopians] have remained in their custody? Now, he came in
> the Consul's custody and we produced evidence that he is our citizen, so should
> he be tried in our courts? Or because they testify that he is a British citizen,
> should we see it together? One time he [the British Consul] said that if we give
> up custody then their court will try the case, but that they will not testify in our
> court. Because of our failure to reach an agreement, all other work in the *mäjlis*
> has ground to a halt. Therefore, I await a response from your majesty.

This episode shows both that local officials sometimes felt undermined by decisions made in Addis Abäba, and that tensions in the *mäjlis* might grow to the point that the institution virtually ceased to function until one side or the other backed down or was ordered by superiors to do so. About two weeks after this letter was sent, Harär wrote again, a bit more desperately, to the emperor:

> *ደግማዊ ኃይለ ሥላሴ ሥዩመ እግዚአብሔር*
> *ንጉሠ ነገሥት ዘኢትዮጵያ*
> *አበበን የባላምባራስ ይሱፍን ልጅ ስለገደለው ሱማሌ ከእንግሊዝ መንግሥት ቆን*
> *ሰል በነገሩ ስላልተስማማን በዚህ ምክንያት የሌላውንም ነገር ማቆማችን በ 8*
> *ሰኔ ለግርማዊነትዎ አመልክቼ ነበር። እስካሁን መልሱ ስላልመጣልኝ እነሱም*
> *ለሚአቀርበት ክስና የኛም ወገኖች በነሱ ዜጋ ላይ ለሚፈልጉት ነገር ሁሉ ከቆን*
> *ሰሉ ጋራ በመጅሊስ ለመነጋገር ችግር ስለሆነብን ይህንንም ዘለን የቀረውን እንነ*
> *ጋገር እንደሆነ የፈቃድዎን እንዲያስታውቁኝ ግርማዊነትዎን እለምናለሁ።*
> *ባሪያዎ ፊታውራሪ አድማሱ*[99]

[98] Fitawrari Admasu to Emperor Haylä Sellassé, 8 Säné 1925E.C. [15 June 1933] (GOR: 154).

[99] Fitawrari Admasu to Emperor Haylä Sellassé, 24 Säné 1925E.C. [1 July 1933] (GOR: 198).

Haylä Sellassé I, Elect of God,
King of Kings of Ethiopia,
We have been unable to come to agreement with the British Consul about the Somali's murder of Abbäbä, the son of Balambaras Yesuf. For this reason, and other matters, I wrote to your majesty on 8 Säné [15 June], yet have received no response until now. It has become difficult for me to speak at the *mäjlis* [with the British Consul] about the accusation they are bringing, as well as about claims our peoples have against their citizens. I beg of your majesty to please inform me of your permission if we are to speak with them about this and other unsettled matters.

Your slave, Fitawrari Admasu

Clearly, matters involving foreigners were sensitive enough that local officials would not press forward without express permission from the capital. At the same time, local officials employed legal loopholes to reify their jurisdiction. In one case, a certain Abdullahi Isa had lost both his certificate (*yämesekker wäräqät*) and his passport. Without either, new documentation could not be issued, and the British consul was informed that Abdullahi Isa would therefore be tried (for an unspecified crime) in an Ethiopian court rather than the *mäjlis*.[100] The impression is that Abdullahi had claimed to be a British subject, but could produce no proof of the fact. The Ethiopians thus concluded he was really Ethiopian, and by blocking his request to have identity forms re-issued they created the conditions necessary to trying him in their courts.[101] Soon afterwards, though, they wrote to Hajji Ahmäd Aboññ at the Diwan asking him to look

[100] GO to Captain Long, 16 Miyazya 1925E.C. [24 April 1933] (GOR: 27).

[101] In at least one case, Qadi Muhammad Mudir at the Diwan confiscated the passport of a British subject, Farah Wa'is. When Qadi Muhammad refused to return it, the British Consul complained to the governor's office, when then wrote to the Diwan. GO to Hajji Ahmäd Aboññ, 16 Hedar 1925E.C. [25 November 1932], *DS*, 70.

into and report back on the matter of Abdullahi's nationality.[102] Perhaps the Diwan found that Abdullahi really was British, since the following month the governor's office wrote to Captain Long that the qadis had denied arresting anyone.[103]

A final example underscores the frustrations felt by Ethiopian officials working on the *mäjlis*, as well as highlighting some of the legal system in action:

> ይድረስ ከደጃዝማች አባሻውል ሹም
> ገብረ ማርያም የሚባል ሰኢድ አብራሂም የሚባለውን ሰው ከሶት እንዲቀርብ ፫-፬ ጊዜ ብንጽፍ የእንግሊዝ ዜጋ ነኝና አልዳኝም እያለ አወከን ብሎ ወምበሩ ቀኛዝማች ጓንጉል ኮላሴ ስላስታወቃን እቀርባለሁ ቢል እንዲመጣ አልቀርብም ያለ እንደሆነ ግን መደብሩን እንዲያዝጉት በ 16ና በ25 መጋቢት ለደጃዝማች አባሻውል ቴሌግራም አሳልፈንላቸው ነበር አሁን ገንዘቡ የባዝራና የሱይድ ዑመ ር ስለሆነና እኔም አሽከር ስለሆንኩ የቱጃር ገንዘብ ለማዝጋት አልችልም ብሎ አሸቸግሮናል ብለው በ25 መጋቢት ስላሳለፉልኝ ተከሳሹ ሰኢድ አብራሂም ሆኖ እንዲቀርብ ፫ እስካ ፬ ጊዜ ተጽፎ እንቢ ብሎ መደብሩ ይዘጋ ቢባል ባለመደብ ሮቹ ሌሎች ናቸው እኔም አሽከር ነኝ እያለ ለማወክ አይሆንምና ከሳሹም እዚህ ስለሚጉላላ አሁንም እቀርባለሁ ያለ እንደሆነ እንዲመጣ ያለዚያ ግን መደብሩ ከ ተዘጋ በኋላ እቃ ጠፋኝ እንዳይል ደህና ደህና የታመኑ ሸማግሊዎች መርጠህ አ ሳይተህ መደብሩን እንድታዘጋና ለመደብሩም የጠነከሩ ዘበኞች አዘህ በጥንቃቄ እ ንድታስጠብቅ ይሁን።[104]
>
> May this arrive to Däjjazmach Abashawel Shum,
> Someone called Gäbrä-Maryam has charged someone else called Säid Abrahim. We have written three or four times asking that he appear [before us], [but] he says he has British citizenship and will not be judged [by an Ethiopian court]. The judge Qäññazmach Gwangul Kolasé says this has been difficult for him. If [Säid Abrahim] says he will come [to the court], that's fine; [but] if, when he is about to come, [he] says that he is not coming, then close his shop. We sent telegrams to Däjjazmach Abashawel on 16 and 25 Mäggabit [25 March and 3 April] that his [Said's] shop be closed down. Now, on 25 Mäggabit [3 April] he tells us that because the property is Bazra's and Suyed Umär's, and as he is just a servant, he cannot close up the store.
>
> [Again], the defendant Said Abrahim was told in writing three to four times to appear [before us], yet refuses. It will not do that when he is told that the shop must be closed down, he replies that he is not one of the owners, but rather only a

[102] GO to Hajji Ahmäd Aboññ, 28 Miyazya 1925E.C. [6 May 1933] (GOR: 50). See also Haylä-Maryam Yäshéwanäh to Hajji Ahmäd Aboññ, 28 Miayzya 1925E.C. [6 May 1933], *DS,* 110. The only difference between these two copies is that the latter lists the name of the letter's author.

[103] Haylä-Maryam Yäshäwanäh to Captain Long, 11 Genbot 1925E.C. [19 May 1933] (GOR: 85).

[104] GO to Däjjazmach Abashawel, 30 Miyayza 1925E.C. [8 May 1933] (GOR: 56).

servant, thus making things difficult. Because the plaintiff is facing hardships, if he [the defendant] says that he will appear, may he [really] come. So that after the shop is shut he might not claim that goods were stolen, choose some extremely trustworthy elders and show it to them when it is being closed down. Also, place some strong guards who will carefully watch over the shop [after it has been closed].

This incident shows some of the excuses that people could use to avoid either appearing before a court or official, or executing an unpopular order. The reference to choosing trustworthy elders is another example of the government employing extra-statal institutions or structures to back up or advance its own wishes. Additionally, the effort to ward off a potential complaint of stolen or otherwise disappeared goods (after the shop had been shut down) hints that government officials (or police) sometimes helped themselves to a few "bonuses" in the course of doing their duty, and that state officials were aware of the practice and sought to prevent it in this instance of mixed jurisdiction.

In addition to vying for greater legal jurisdiction over persons throughout all regions of Haylä Sellassé's Ethiopia, government officials also expended a good deal of energy and resources to collect taxes. As roads were built or improved and traffic increased, both private and commercial vehicles were taxed.[105] When Egyptian teachers received personal effects in the mail, they had to pay customs duties on them.[106] The government even issued a limited monopoly for marketing *qat* in certain regions.[107] As

[105] Fitawrari Admasu to Emperor Haylä Sellassé, 23 Miyazya 1925E.C. [1 May 1933] (GOR: 41); GO to Ato Bälehu, 28 Miyazya 1925E.C. [6 May 1933] (GOR: 48).

[106] Balambaras Haylä Maryam Yäshéwanäh to Ato Berhana Sellassé (Director of Customs in Harär), 27 Säné 1925E.C. [4 July 1933] (GOR: 212).

[107] GO to Fitwarari Mäzläqiya, 20 Genbot 1925E.C. [28 May 1933] (GOR: 103); GO to Fitwarari Alämayähu, 20 Genbot 1925E.C. [28 May 1933] (GOR: 104). Also see: GO to Fitwarari Mäzläqiya, 5 Miyazya 1925E.C. [13 April 1933] (GOR: 11); Fitwarari Admasu to Fitwarari Alämayähu, 4 Genbot 1925E.C. [12 May 1933] (GOR: 68); GO to Ato Berhana Sellassé, 22 Genbot 1925E.C. [30 May 1933] (GOR: 107).

Ethiopia continued its shift to a cash economy, taxes were payable on the hoof, and animals thusly obtained would be sold and the cash deposited in a treasury.[108] Government funds in turn were used to pay salaries, extend roads and open guardhouses, open schools for the poor, provide medical treatment for soldiers or government officials, and sustain lesser tasks such as buying two *gabis* for Lejj Iyasu, who was in jail in Gara Muläta.[109]

But the local collection of taxes and their deposit in government treasuries are different things. Some local officials were less than diligent in turning collected taxes over to the government, and administrators also had to deal with corruption in the treasury, such as in the Räta Anbessa episode recounted above. In July, Balambaras Wäldä-Egziabehér Jema was given two days to deposit taxes he had allegedly collected from Isa Somalis but not yet handed over.[110] Earlier, Nebuä'ed Täklä-Haymanot had been rebuked for not having deposited monies in two years; he was given eight days to settle his account or risk having his *madäriya* land confiscated.[111] Identifying such problems would depend upon competent accounting, and the government was clearly well aware of the fact. In May a circular was sent to *abägazes* (chiefs) of Harärgé,

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[108] GO to Azajj Keberät, 14 Miyazya 1925E.C. [22 April 1933] (GOR: 26); GO to Gerazmach Bäzabeh, 9 Genbot 1925E.C. [17 May 1933] (GOR: 75); GO to Azajj Keberät, 10 Genbot 1925E.C. [18 May 1933] (GOR: 76); GO to Blattä Habtä-Maryam, 26 Genbot 1925E.C. [3 June 1933] (GOR: 125).

[109] GO to Ato Bälehu, 19 Miyazya 1925E.C. [27 April 1933] (GOR: 28); GO to Qäññazmach Shefaw, 21 Miyazya 1925E.C. [29 April 1933] (GOR: 38); GO to Aläqa Lämma, 21 Miyazya 1925E.C. [29 April 1933] (GOR: 38); GO to Musé Antwan (Antoine), 28 Miyazya 1925E.C. [6 May 1933] (GOR: 50); GO to Musé Antwan (Antoine), 23 Genbot 1925E.C. [31 May 1933] (GOR: 113); GO to Fitawrari Ali Yemamu, Ato Wäldä-Giyorgis and Fitwarari Wazequ [three separate letters], 23 Genbot 1925E.C. [31 May 1933] (GOR: 116); GO to Gerazmach Bäzabeh Säläshi, 2 Säné 1925E.C. [9 June 1933] (GOR: 133).

[110] GO to Balambaras Wäldä-Egziabehér Jema, 14 Hamlé 1925E.C. [21 July 1933] (GOR: 266).

[111] GO to Nebuä'ed Täklä-Haymanot, 13 Miyazya 1925E.C. [21 April 1933] (GOR: 24).

explaining that an auditor would be traveling around to inspect the books and should be given every needed assistance in his job.[112] In addition to their fiscal implications, such instructions were probably aimed at providing protection for government agents on unpopular assignments. While measuring land in Goro Gutu, for example, at least one government land surveyor had been beaten up while local officials did nothing.[113]

Nevertheless, the government did rely on taxation as an important component of its effort to extend its authority throughout the country. To encourage taxable economic activity, officials might be sent out to open government markets in different areas. In one case, someone was sent to do so in Il Gobäya, but after arriving there he suggested that Igo, near Babilé, would be a better location. His recommendation was accepted, and local political appointees were instructed not to interfere with his efforts to establish the market there.[114] Such activities by the government could encourage the permanent or semi-permanent settlement of pastoral groups, stimulate trade, and collect more taxes. Each of these goals were important to the government's efforts to develop/modernize the country and control its peoples.

One of the greatest challenges or difficulties confronting administrators in Harärgé was the Somali. Whether it was the collection of taxes or the maintenance of law and order, government officials clearly regarded the Somali as a problem. Since at

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[112] GO to Harär Province Chiefs, 6 Genbot 1925E.C. [14 May 1933] (GOR: 72).

[113] Haylä-Maryam Yäshäwanäh to Däjjazmach Abashäwel and Qäññazmach C'äbudé, 3 Säné 1925E.C. [10 June 1933] (GOR: 136). Land measurement was unpopular everywhere, "...a difficult and thankless job, sure to rankle victims." McClellan, *State Transformation,* 87. McClellan's choice of the word "victim" was right on the mark, for few if any ordinary people who endured government measurement of their land came out ahead.

[114] GO to Gerazmach Ashageré, n.d. [but probably during 9-12 Säné 1925E.C. (16-19 June 1933)] (GOR: 158).

least the sixteenth century, Ethiopian-Somali relations had overall been less than warm. Beginning with Imam Ahmad bin Ibrahim's *jihad* in the early-mid 1500s, and continuing through Lejj Iyasu's communications with Sayyid Muhammad 'Abdille Hassan in the 1910s, Christian Abyssinians generally feared and/or hated Somalis. While these attitudes may be seen as originating in historical conflicts, more contemporary events likely contributed to them as well. When Ogadeni Somalis, ostensibly of Ethiopian citizenship, raided British Somalilanders, the incident's settlement required a peace conference in Hargaysa (Somaliland) and Ethiopian-British communication at the international level.[115] The Ethiopian government's efforts to extend phone lines throughout eastern Ethiopia were occasionally hampered by Somali attacks.[116] And a certain Abdi Dolé was said to have raided Anya five times, taking cattle, killing a government servant and stealing a rifle, in addition to having risen up two times since the town of Fiq was established.[117] These events, however, were of relatively minor importance, and reflect Somali opposition to Ethiopian rule. The depth of animosity towards Somalis by Ethiopians is perhaps best captured by an order from the Ministry of Foreign Affairs that two Somali men, who had accompanied an Englishman from Berbera to Addis Abäba, not be restricted or interfered with during their return trip.[118] The order does not list the two men's names, specifying only that they are Somali. It would not have been issued if there were no reason for the duo to expect problems on their trip home from the capital.

[115] GO to Balambaras Afäwärq (Dägähabur), 24 Hamlé 1925E.C. [31 July1933] (GOR: 293).

[116] GO to [??], 14 Miyazya 1925E.C. [21 April 1933] (GOR: 26).

[117] GO to Däjjazmach Gobäna (Gära Muläta), 22 Genbot 1925E.C. [30 May 1933] (GOR: 108).

[118] GO to Fitawrari Mäzläqiya (Jijiga), 11 Miyazya 1925E.C. [19 April 1933] (GOR: 19).

Despite historical prejudices, the Ethiopian state did, in good indirect rule fashion, attempt to court prominent Somali individuals within the familiar framework of clientage. Gerazmach Gezaw Kätäma, for example, was ordered—twice in the same day—to rent two houses and to hand them over to two groups of Somalis coming to Harär from Wäbé Shebelle.[119] When 14 Somalis came to Harär from the Ogaden, the group was given expense money, distributed among them according to rank.[120] On another occasion, two Somalis coming from Lägä Ahmäd were granted five *berr* each (though the two Christians with them were given 20 *berr* total).[121] It seems these same two Somalis (or another one—the language is not clear) were also given sergeant's (*hamsa aläqa*) uniforms before they continued their journey to Wäbärä.[122] Finally, the state's soft touch might even include emergency medical care, such as when the Ugaz Muhammad Abdi Sälam, a Somali *balabat* in the Ogaden, was bitten on the hand by a camel.[123]

Nevertheless, at least according to the governor's office register, Ethiopian officials were far more often concerned with how to pacify, subdue or punish various Somali groups. Even when the primary intent was relatively mild, such as to effect reconciliation between hostile clans, military force was the order of the day:

ከፊታውራሪ ዓለማየሁ ጉርሱም

[119] GO to Gerazmach Gezaw Kätäma, 10 Genbot 1925E.C. [18 May 1933] (GOR: 74); Gerazmach Gezaw Kätäma, 10 Genbot 1925E.C. [18 May 1933] (GOR: 76).

[120] GO to Gerazmach Bäzabeh, 16 Genbot 1925E.C. [24 May 1933] (GOR: 93).

[121] GO to Gerazmach Bäzabeh, 9 Genbot 1925E.C. [17 May 1933] (GOR: 75); GO to Gerazmach Bäzabeh Seläshi, 10 Genbot 1925E.C. [18 May 1933] (GOR: 77). It will be recalled from above that 5 *berr* was the annual salary of at least one government official.

[122] GO to Gerazmach Bäzabeh Säléshi, 9 Genbot 1925E.C. [17 May 1933] (GOR: 75).

[123] Shäfära Abänäh to Musé Anton (Antoine), 23 Genbot 1925E.C. [31 May 1933] (GOR: 113). Monsieur Antoine was probably a French doctor in the Harär hospital.

አበራወሎችና ውጋደኖች ስለተዘራረፉ እንዲያመላልሱ ከታዘዙት ወታደሮች ከጕርሱ
ም ጥቂት ሰው ስለገባ እነሱ ብቻቸውን ተይዙ ብሎ ባላምበራስ አፈወርቅ በ9
ግንቦት ቴሌግራም አሳልፏልና አሁንም ይህ ቃል እንደ ደረሰህ የቀረውን ሰው
እንድትልክ+ ከእንግዲህ ወዲያ ሰው አልመጣም ቢባል 500 ብር መቀጫ መክ
ፈልክንና ወደፊትም 1 እግር ቢሆን ለጥፋቱ ሁሉ አላፊ መሆንክን እንድታውቀ
ው ይሁን።

ኣለቃ ደስታ[124]

To Fitawrari Alämayähu, Gursum
On 9 Genbot, Balambaras Afäwärq sent a telegram explaining that the Habr Awal (Abärawäloch) and Ogadeni (Wegadénoch) had raided each other. In order to get them to exchange properties and peoples [and thereby reconcile], soldiers were sent. Of those from Gursum, [however], only a few showed up and being on their own were captured. As for now, right when this communication reaches you, you should send [all of] the remaining people. Likewise, if it is said that somebody did not come, you must pay a 500 birr fine. And I hereby inform you that in the future if anything bad happens you will be [held] responsible for all of it.

Aläqa Dästa

Apparently, the only soldiers who appeared for this exercise were the *baldäräba*s of Qäññazmach Märäc' and Balambaras Afäwärq.[125] The latter was outraged, and probably owing to his complaints, soldiers (i.e., the *baldäräba*s of other political appointees) who had failed to go were threatened with a fine or imprisonment.[126] The final two sentences of the above letter imply that government officials were not especially pleased with Fitawrari Alämayähu either.

The demand that political appointees mobilize their followers and go on military campaigns must have been an economic drain on the officials as well as for their followers, who were forced to leave their livelihoods for a period. First, each day that

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[124] Aläqa Dästa to Fitawrari Alämayähu, 13 Genbot 1925E.C. [21 May 1933] (GOR: 88). Also see Aläqa Dästa to Balambaras Gäbrä-Mikaél (Babile), 13 Genbot 1925E.C. [21 May 1933] (GOR: 89).

[125] Aläqa Dästa to Fitawrari Sheffära Balcha, 13 Genbot 1925E.C. [21 May 1933] (GOR: 89).

[126] GO to Däjjazmach Gäbrä-Maryam (Gara Muläta), 16 Genbot 1925E.C. [24 May 1933] (GOR: 94). Correspondence in the GOR was sent to Blattä Afäwärq both in Jijjiga and in Dägähabur. Whether he was stationed in one or the other, he was clearly responsible for administering Somali territories. This fact, I believe, accounts for the strength of his reaction to the poor turnout.

they were away from their shops or farms was one day that they could not spend at work or at rest. Also, soldiers require weapons, but even when the state ordered military actions it did not necessarily provide the weapons.[127] Thus, local commanders would have had to do so at their (or their followers') expense.

Another major concern in such campaigns was the issue of provisions. When Abyssinian soldiers went down into the arid lands of the Somali, they took grain with them. Short mobilization notice, naive miscalculations, or campaigns that lasted longer than expected all resulted in food shortages. At such times, the government might intervene to help coordinate and pay for shipments. For example, in response to a telegram from Harär's Deputy Governor, on 13 April Blattä Habtä-Maryam was told to send 150 gunny sacks (*jonya*) of millet to soldiers campaigning against the Isa. While Blattä Habtä-Maryam was to provide the grain, Ato Bälehu, probably an official in the Municipality,[128] was to rent his truck, for which the treasury would pay. Blattä Habtä-Maryam asked that the treasury help pay for his grain, too, but I recorded no response to the request.[129] When the shipment arrived in Dire Dawa, it was stored at Customs before distribution.[130] That some of the grain thus earmarked for campaigns was "liberated" in

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[127] GO to Ato Bälehu, 22 Genbot 1925E.C. [30 May 1933] (GOR: 109). This letter explains that most of the weapons in the government Armory (*Barud Bét*) were broken and in need of repair. On 12 April 1932, the Ministry of War had ordered that all government weapons (*yät'or mäsariya*) in Harärgé, including cannons and machine-guns, be enumerated and recorded by type, and that the information be sent to Addis Abäba within two months. The governor's office then gave Hajji Ahmäd Aboññ one month to send an accurate report on the government weapons in the Diwan, as well as those in his own and his followers' possession. GO to Hajji Ahmäd Aboññ, 26 Miyazya 1924E.C. [2 May 1932], *DS,* 11.

[128] I make this supposition based on the contents of the many letters addressed to him.

[129] GO to Blattä Habtä-Maryam, 5 Miyazya 1925E.C. [13 April 1933] (GOR: 10); Blattä Habtä-Maryam to Gerazmach Bäzabeh, 5 Miyazya 1925E.C. [13 April 1933] (GOR: 10); Gerazmach Bäzabeh to Ato Bälehu, 5 Miyazya 1925E.C. [13 April 1933] (GOR: 10).

[130] GO to Ato Mäkonnen Gäbrä-Heywet (Dire Dawa), 11 Miyazya 1925E.C. [19 April 1933] (GOR: 19).

transit is likely, since one letter indicated a disparity in the amounts of supplies supposed to have been given to soldiers in Gara Muläta and the amounts that actually arrived.[131]

That weapons and food are necessary for a successful military campaign is obvious, but even more fundamental is a supply of soldiers. Thus, a *baldäräba* who was called to fight and did not show, could be punished by fine, by imprisonment, or by loss of land. If he did appear, he might risk injury or death, but he could hope to make off with whatever loot he did not have to turn over to the government.[132] Nevertheless, the state frequently encountered the problem of soldiers failing to masse or to remain in the field as ordered. A certain Wäldä-Sellassé, for example, deserted during a campaign against the Isa and, before being released on bail, was jailed for an unspecified period.[133] Däjjazmach Abäshäwel and Qäññazmach C'äbudu, in Goro Gutu, were rebuked when soldiers failed to muster by a certain deadline. The two political appointees were warned that they would be fined and held responsible for any resulting problems if their followers did not come by a newly appointed time.[134] Excused absences, however, were permissible. In one case a soldier's land had been confiscated, but after he brought three witnesses who testified to his illness, his property was returned.[135]

The threat of land confiscation transcended the local level. Fitawrari Wägayähu was ordered, apparently by the emperor, to campaign in the Ogaden, but he abandoned

[131] GO to Kazaz Keberät, 11 Miyazya 1925E.C. [19 April 1933] (GOR: 19).

[132] GO to Gerazmach Bäzabeh, 26 Genbot 1925E.C. [3 June 1933] (GOR: 125); GO to Blattä Habtä-Maryam, 26 Genbot 1925E.C. [3 June 1933] (GOR: 125).

[133] Balambaras Haylä-Maryam Yäshéwaneh to Qäññazmach Gwangul Kolasé, 11 Hamlé 1925E.C. [18 July 1933] (GOR: 254).

[134] Haylä-Maryam Yäshéwaneh to Däjjazmach Abäshäwel and Qäññazmach C'äbudu, 2 Säné 1925E.C. [9 June 1925E.C.] (GOR: 134).

[135] Aläqa Dästa to Fitawrari Shäfära, 12 Genbot 1925E.C. [20 May 1933] (GOR: 88).

the effort. The governor's office heard that he had traveled to Addis Abäba, so it imprisoned his guarantors and called for his land to be confiscated.[136] Däjjazmach Abäshäwel and Qäññazmach C'äbudé were then told to carry out the order.[137] Five days later, however, that command was rescinded on the emperor's orders,[138] thereby once again undermining the authority of local officials and exacerbating the challenges facing them. Regardless of the imperial pardon, threats of both land confiscations and fines are common in the governor's office out-going correspondence, thus hinting at the national government's difficulties in enforcing its orders locally/regionally, and raising questions about how unified Ethiopian rule during the early 1930s actually was in practice.

Correspondence about Isa and Ogadeni Somalis and Gurgura Oromo reveals some military aspects of Ethiopian rule in the region, as well as the different policy perspectives brought to the table by local officials and those in the capital. For 1933, some of the richest evidence covers the Ethiopian state's reactions to feuding between the Isa and Gurgura. The latter complained to the *wakil* of the Director of the Dire Dawa Treasury that Isa had raided them in early-mid-May, looting cattle and killing four people. An Isa *balabat* similarly complained that the Gurgura had attacked his people twice in early-mid-June. Ethiopian intelligence indicated that both sides were gearing up for war in the near future. In communicating this information to the emperor, Fitawrari Admasu in Harär made the memorable observation that "because there is no governor

[136] GO to Haylä Sellassé, 22 Hamlé 1925E.C. [29 July 1933] (GOR: 291). This document indicates that before political appointees went on campaign they were obliged to call guarantors, presumably to put additional pressure on the appointees to fulfill their given orders.

[137] GO to Däjjazmach Abäshäwel and Qäññazmach C'äbudé, 24 Hamlé 1925E.C. [31 July 1933] (GOR: 292).

[138] GO to Däjjazmach Abäshäwel and Qäññazmach C'äbudé, 29 Hamlé 1925E.C. [5 August 1933] (GOR: 301).

(*gäzyi*) among the Isa, this [situation] is a real problem for us."[139] Apparently, even though there were Somali *balabat*s, the lack of a governor complicated matters for regional administrators, who were accustomed to dealing with local officials of a certain rank to solve problems. In the absence of a leader of acceptable stature who could be pressured or punished, Ethiopian officials at the regional and local levels were unsure of how to proceed.

On 20 June, the Harär governor's office ordered officials in Dire Dawa to mobilize soldiers, either to intervene between the Isa and Gurgura or to protect the town against any spill-over effect from the conflict.[140] The next day the following instructions were added:

> ከልጅ ተፈራ ገብረ ማርያም ድሬ ዳዋ
> ስለ ኢሳና ጉርጉራዎች ጠብ ስላስታወቃችሁኝ ለጃንሆይ አመልከቼ ደጃዝማች ገ
> ብረ ማርያም እመጣ ድረስ ለሁለቱም ጎሣዎች እንዲልከባቸው አስታውቀው የገ
> ደለውንም አውጥታችሁ የተዘረፈውንም ከብት አላልሳችሁ ሥራታችሁን ካልተነጋገ
> ራችሁ ጥፋቱ በሁላችሁም ላይ ይሆናል ብሉ ያስታውቅ የሚል ባሥራ ሶስት ሰ
> ኔ አልፎልኛልና እንደዚሁ ቃል እንድትፈጽም ይሁን።[141]
>
> To Lejj Tafara Gabra-Maryam Dire Dawa
> Regarding what you informed me about the Isa and Gurgura conflict. I wrote to Janhoy [Emperor Haylä Sellassé], who responded on 13 Säné [20 June] that Däjjazmach Gäbrä-Maryam should be sent against both tribes. He should tell them that if they do not surrender the killers, restore the stolen cattle, and make peace between themselves, then disaster will befall all of them. See to it that this order is carried out.

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[139] Fitawrari Admasu to Emperor Haylä Sellassé, 8 Säné 1925E.C. [15 June 1933] (GOR: 148); GO to Ato Bäshah Däresäh, 8 Säné 1925E.C. [15 June 1933] (GOR: 148).

[140] Balambaras Hayla-Maryam Yashawanah to Lejj Tafara Gabra-Maryam, 13 Säné 1925E.C. [20 June 1933] (GOR: 165).

[141] GO to Lejj Tafara Gabra-Maryam, 14 Säné 1925E.C. [21 June 133] (GOR: 166). That Haylä Sellassé's order specified the Deputy-Governor of the region indicates the level of concern.

The first response from the emperor, then, was to send a quick mission to warn the Somali and Oromo to reconcile and settle down, or else face Ethiopian military might. On 22 June, Fitawrari Säkasha and Fitawrari Wazequ were ordered to send their *baldäräba*s down to guard Dire Dawa.[142] The next day nine political appointees were given orders to mobilize their *baldäräba*s within two days and to await further orders.[143] While most were told just to mobilize troops, some were instructed to bring machine guns (with ammunition), tents, or pack animals.[144] Owing to the situation, Fitawrari Wazequ was to have Gerazmach Mäléwon return 20,000 Mauser rifles, with 50 bullets each, to the government.[145] And Fitawrari Wazequ was himself to contribute "1000 Läbän bullets, 3200 Wäc'äfo bullets, 2250 for the Mawzér, 1000 for the Imdefor [Limdefor?], and 5000 Wejegera bullets."[146] That regional authorities were gearing up for a major expedition is clear from these letters. The reasoning for this planning is found in a communiqué to the emperor:

> **ቀዳማዊ ኃይለ ሥላሴ ሥዩመ እግዚአብሄር**
> **ንጉሠ ነገሥት ዘኢትዮጵያ** **አዲስ አበባ**
> **በ15 ሰኔ ያለፈልኝ ቃል ደረሰኝ። ኢሶችና ጉርጉሮች የሚዋጉት እንደሊብነት ዓይነት ስለሆነ በድንገት ብቅ ብሉ ለማጥቃት ይመች አይመስለኝምና የኢሶችም ጥጋብ በጣም የበዛ ስለሆነ የባቡሩንም ሐዲድ የሚያስፈራ ሆኗል ማለት ስለሰማ ን ፈረንጆቹም ዜጎቻችን ተዘረፉብን ብለው እንደያመካኙ አስታውቀን በርከት ያ ለ ሰው አዘን እንደደጃዝማችህ መንገሻ ጊዜ ብንቀጣው ይሻል ይመስለኛል ለሁ ሉም የግርማዊነትዎን ፈቃድ አጠብቃለሁ።**

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[142] GO to Fitawrari Säkasha, 15 Säné 1925E.C. [22 June 1933] (GOR: 171); GO to Fitawarari Wazequ, 15 Säné 1925E.C. [22 June 1933] (GOR: 171).

[143] For example, GO to Fitawrari Bälachäw, 16 Sane 1925E.C. [23 June 1933] (GOR: 173); GO to Balambaras T'assäw, 16 Sane 1925E.C. [23 June 1933] (GOR: 173); GO to Gerazmach Wäléwon, 16 Säné 1925E.C. [23 June 1933] (GOR: 173).

[144] GO to Fitawrari Wazequ, 16 Säné 1925E.C. [23 June 1933] (GOR: 173); Balambaras Hayla-Maryam Yashawanah, 16 Säné 1925E.C. [23 June 1933] (GOR: 174).

[145] GO to Fitawrari Wazequ, 17 Säné 1925E.C. [24 June 1933] (GOR: 177).

[146] GO to Fitwarari Wazequ, 17 Sane 1925E.C. [24 June 1933] (GOR: 177).

ባሪያዎ ፊታ አድማሱ[147]

Hayla-Sellassé I, Elect of God,
King of Kings of Ethiopia,
I have received your 15 Säné [22 June] communication. Because the fighting between the Isa and Gurgura resembles thieving [or generally unlawful behavior], it does not seem to me that a surprise assault is suitable. We have heard that the railway is threatened because the Isas' power [or arrogance: *t'egab*] is so excessive, and the Europeans informed me that their citizens have been raided. We have ordered [the mobilization] of a large number of people, and it seems to me that it is best if we [instead] punish [the Isa and Gurgura] like in Däjjazmach Mängäsha's time. On everything, I await your majesty's permission.

Your slave, Fitawrari Admasu

Harär administrators thus saw this local disturbance not just as an ongoing problem, but as one capable of affecting the continued functioning of the railroad and international relations with the British. Therefore, "punishment," as opposed to a quick assault, was deemed to be the appropriate course of action. It is also notable that Fitawrari Admasu felt able to disagree with the emperor's earlier decision, though he was careful to provide reasons for his opposition.

The emperor, however, was not one to base decisions on the recommendations of only one person. While Fitawrari Admasu in Harär was waiting for Hayla Sellassé's response to his proposal, the potentate was in touch with Lejj Täfära Gäbrä-Maryam in Dire Dawa, who had a different view of the matter, and one with which Fitawrari Admasu was not in full accord:

ቀዳማዊ ኃይለ ሥላሴ ሥዩመ እግዚአብሔር
ንጉሠ ነገሥት ዘኢትዮጵያ   አዲስ አበባ
ስለኢሣና ጉርጉራ ነገር በ16 ሰኔ አሳልፌ ነበር መልሱ አልመጣልኝም። አሁን
ም እንደግርማዊነትዎ ትእዛዝ ልጅ ተፈራ ገብረ ማርያምን አሳልፈለሁ አስታው
ቀኝ ብልወ በያለበት ባጠያይቅ እንደልማዳቸው የስርቆት አገዳደል ነው እንጂ

[147] Fitawrari Admasu to Emperor Hayla Sellasse, 17 Säné 1925E.C. [24 June 1933] (GOR: 179).

እንዳሰብነው ዓይነት ሆነው የሚገኙ አልሆኑም አሁን ለጊዜው አንተን የሚያሳሰ
ብ አይመስለኝም ነገር ግን አደጋ የሚያደርጉት በድንገት ነውና በዋና በዋናው
በር ኢሣዎች ወደ ጉርጉራ በማዘምቱበት ጠባቂ ጦር ቢደረግበት መልካም ነው
ብሎ አስታወቀኝ። ስለዚህ ዘበኛም ለዘወትር ለማስቀመጥ አገሩ ቆላ የበሽታ
አገር ስለሆነ ለተቀማጩ ሰው በጣም ችግር ነውና እነሱም ዘወትር ማጥፋታቸ
ውን የማይተው መንግሥትን የማይፈሩ ስለሆኑ እንደዚያው በ 16 ሰኔ እንዳሳለ
ፍኩት ቢቀጡ የሚይሻላል ነው የሚመስለኝ ለሁሉም የግርማዊነትዎን ፈቃድ እ
ጠብቃለሁ።

ባሪያዎ ፊታውራሪ አድማሱ[148]

Haylä Sellassé I, Elect of God,
King of Kings of Ethiopia Addis Abäba
On 16 Säné [23 June] I communicated about the Isa and Gurgura matter, [but] no response has come. Now Lejj Täfära Gäbrä-Maryam informs me that your majesty has ordered him to make some surveillance and report back. He says that they [the Isa and Gurgura] are not permanently in one place, raiding and stealing from each other, like we thought. For the time being, it does not seem to me that [this issue] concerns/worries you. However, the surprise attacks they launch are sudden. He informed me that he said that if the Isas go on military campaigns through the main routes against the Gurgura and make a war of it, that is fine. But, permanently stationing guards means their [the soldiers'] continual destruction, because the country is in the lowlands and is [thus] a country of sickness, and it is very difficult for those [highlanders] stationed there. Because they [the lowlanders/Somalis] do not fear the government, it seems to me that it is best to punish them, as I wrote to you on 16 Säné [23 June]. On everything, I await your majesty's permission.

Your slave, Fitawrari Admasu

Fitwarari Admasu's jingoistic approach to the problem may be partially explained by his belief that a punitive expedition was preferable to stationing guards in the region, owing to its allegedly inhospitable climate. Yet conflict causes instability, and in unstable times "no one is around to work in and protect the crops, which will be lost,"[149] thus, perhaps, making it more difficult to administer and tax ordinary people. Perhaps with this idea in mind, the emperor decided in favor of Lejj Täfära Gäbrä-Maryam's proposal. On 6 July, he ordered that the soldiers guarding Dire Dawa could return home,

[148] Fitwarari Admasu to Emperor Hayla Sellasse, 20 Sane 1925E.C. [27 June 1933] (GOR: 188).

[149] GO to Fitawrari Bälachäw, 6 Hamlé 1925E.C. [13 July 1933] (GOR: 241).

but 100 "extremely strong soldiers" should be selected and, under an appointed first lieutenant (*mäto aläqa*) and provisioned for 15 days, trek to guard Jälduysa, which lay north of Harär on the main route between the two groups.[150] There was little additional correspondence about the problem, though a circular was sent to seven Isa *balabat*s telling them not to complain about Gurgura attacks since officials had heard that the Isas began everything in the first place. They were also told to stop fighting until other Isa *balabat*s, then in Addis Abäba on unknown business, returned and explained "what was decided" (by the emperor, presumably).[151]

While regional or local officials might differ in their views of what policies were best locally, on important issues Addis Abäba had final say. The documents on the Isa-Gurgura conflict of mid-1933 reveal communications from the emperor to the Harär governor's office, and from it to Dire Dawa as well as to the political appointees who would bring and command soldiers in any campaigns. At the same time, however, the emperor was also eschewing these channels to communicate directly with Dire Dawa, which in one case then wrote to Harär with information the emperor in Addis Abäba had requested. Such overlapping spheres of authority make it difficult to discern clear structures through which power flowed consistently. Whether Haylä Sellassé was trying to guarantee a better supply of information, to get as much or as accurate information as possible, or to build his own authority by undermining regional officials is debatable.

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[150] GO to Balambaras Mälka, 1 Hamlé 1925E.C. [8 July 1933] (GOR: 226); GO to Fitawrari Mäkäsha, 1 Hamlé 1925E.C. [8 July 1933] (GOR: 226).

[151] Fitawrari Admasu to Hajji Säyyed, Gidé Adän, God Robdon, Abdullahi Farah, Deyé Adän, Abdullahi Yefär, Hoshé Dereyé, 15 Hamlé 1925E.C. [22 July 1933] (GOR: 271).

What is beyond doubt is that, on sensitive or important issues, regional and local officials were not free to act without the emperor's stamp of approval.

Concluding Remarks

This chapter presented glimpses into several aspects of administration in Harär and surrounding regions. I believe that these snapshots provide relatively narrow windows onto larger processes that collectively shed light on the general nature of administration in Harärgé during 1933, and I submit that analyzing selected topics found in the governor's office register and related documents serves the purpose. The administration's control of the Diwan, the nature of its engagement with *afärsatas*, and its authority over political appointees stationed throughout the province, support the contention that Ethiopian governance was then analogous to the indirect rule employed by Great Britain in its colonies in India and Africa. While numerous letters show that important legislative, judicial, executive and military/security matters were deferred to Addis Abäba, on a daily basis local (state-appointed) officials employed various extra-state institutions to facilitate their administration of the Harärgé region. Scholars may argue about the reasons for these arrangements, and it is not my intention here to enter the larger debates, but it is indisputable that in Harärgé in the early 1930s, the fledgling Ethiopian state relied upon a wide variety of non-state institutions to maintain social, economic and political control.[152] The situation might be explained by the relationship

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[152] One reason I do not engage the larger debates here is that, unlike this chapter, they are usually based on existing secondary sources, rather than on detailed fieldwork in new or previously under-utilized primary sources, especially those in regional archives. Also, my position is that until similar locally-based studies are completed, the larger debates will only continue to rehash existing data and haggle over existing interpretations, instead of generating new data and insights of local and regional significance.

Despite this studies' successes or failures, an example of the sort of study with a regional focus or a sensitivity to regional variations (based on work with regional sources) with national implications that I

between available economic resources and administrative development, but that is a subject which requires a great deal of further research from all over the country.

A major difference between Ethiopian rule and its British colonial counterpart may have been that Addis Abäba, while soliciting the opinions and analyses of its regional and local officials, did not accept the view of "the man on the spot" as readily as Great Britain often did. At the same time, however, Ethiopian provincial administrators occasionally enjoyed some leeway in their interpretation of national proclamations and laws, and thereby could either soften or exacerbate the blow of political transformation.

Generally, administration in Harär generally conformed to the letter of the law, but ambiguity and overlapping forms of authority indicate that, structurally, Ethiopia's political culture had not changed fundamentally. Government officials in Harär were most concerned about keeping Addis Abäba satisfied, and often wrote to the capital requesting instructions for proper procedure. Control was in most cases maintained, but there is evidence of instability, which was perhaps encouraged by the lack of centralized authority at the local/regional level that necessitated the cooptation of extra-statal institutions. The issue of instability leads into the next chapter, which continues the analysis of local administration in Harär, necessarily including its relationship with Addis Abäba, through an investigation of security forces archives in the 1940s. Considering the ways that the Ethiopian state treated Somalis in the early 1930s, it should not be

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am thinking of is: Hussein Ahmed, *Islam in Nineteenth-Century Wallo, Ethiopia: Revival, Reform and Reaction*, Leiden: Brill, 2001. Also see Tekalign Wolde-Mariam, "A City and Its Hinterlands: the Political Economy of Land Tenure, Agriculture and Food Supply for Addis Ababa, Ethiopia (1887-1974)," Ph.D. Thesis, Boston University, 1995; Ezekiel Gebissa, "Consumption, Contraband and Commodification: a History of Khat in Harerge, Ethiopia, c. 1930-1991," Ph.D. Thesis, Michigan State University, 1997; Benti Getahun, "The Dynamics of Migration to Addis Ababa (Ethiopia) and the Overurbanization of the City, c. 1941-c. 1974," Ph.D. Thesis, Michigan State University, 2000.

surprising that in the 1940s they enthusiastically embraced the idea of Greater Somalia, which included significant parts of eastern Ethiopia.

It will become clear that during the 1940s, Ethiopian officials not only remained deeply concerned about local instability, but also became almost paranoid about it in regions inhabited, visited or bordered by Muslim Somalis. Such official fear is explicable not only at the local level, but also within the context of certain contemporary international events. Additionally, documented local security and military operations demonstrate the extent to which officials were prepared to go in order to establish government control and dominance throughout what they wanted to secure as eastern Ethiopia. The qualitative differences between their actions in 1933 and in the 1940s reflect how much stronger Haylä Sellassé's state had become, at least in Harärgé, during that relatively brief period, and how the willingness of local administrators to violate or bend the law for specific purposes increased along with growing state strength.

Chapter Five

Internal Security: Somali-Haräri Nationalisms, 1940s

In contrast to the Harär Governor's Office's willingness in 1933 to work through pre-existing institutions, or to underline its orders with threats of fines or land confiscations against political appointees, Ethiopian administration a decade and a half later evidenced an invigorated sense of centralization and an apparently greater readiness to employ coercive powers, as well as to openly manipulate the law. This observation emerges from studying two, eventually allied 1940s political movements in the greater Harärgé region, and their monitoring by Ethiopian security forces. The administrative transformation is significant in that it lends support to the view of Haylä Sellassé's rule becoming far more authoritarian only in the post-1941 period.

In the interim period the country had witnessed tremendous change, suffering a five year *de facto* colonial occupation and then British interference in internal affairs. Emperor Haylä Sellassé himself resided abroad during the occupation, and seems to have returned to Ethiopia intent never to lose control again. Among the regions that faced state wrath during the post-1941 consolidation of central power was Harärgé, which housed the emperor's home city and enjoyed close historical, economic and religious links with the Ogaden, a huge arid expanse that in the late 1940s was quickly becoming a hotbed of Somali nationalist activity. In broad view, eastern Ethiopia in general posed one of the most difficult challenges to the emperor's claims of national sovereignty. Notably, however, even when Haylä Sellassé allowed his officials to embark on brutal

crackdowns to nip or crush existing or potential opposition, he managed to maintain the image of being separate from—and disapproving of—his agents and their rash actions.

Pre-1941

After its spectacular defeat at the Battle of Adwa in 1896 (see Chapter One), Italy continued to harbor aspirations over Ethiopia. The Tripartite Agreement of 1906, between Great Britain, France and Italy defined the Ethiopian hinterlands of Eritrea and Somalia, as well as a 'territorial connection' between the two colonies, as spheres of Italian interest. After the first World War, when the Allies pondered the fate of African colonial territories, Italy struggled to increase its power in the Horn and strove to acquire the French and British Somalilands, as well as primary jurisdiction over the Franco-Abyssinian Railway and the Bank of Abyssinia. The rise of Fascism in 1922 spurred Italian colonialism, in which Benito Mussolini "pursued a policy of attaining Italian objectives by diplomatic means," although publicly he purported friendliness.[1] Italy and Ethiopia signed a twenty-year Treaty of Friendship and Arbitration on 2 August 1928, which masked Italy's more aggressive policies, including fostering discord in northern Ethiopia and seeking British and French recognition of Italian economic rights throughout the independent African nation.

When Italian expansion in Europe was blocked by Adolf Hitler in 1934, the Italian economy was suffering and Fascism was failing, so Mussolini logically looked to Africa as the place to pursue "power and glory" and provide distractions from the

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[1] Bahru Zewde, *A History of Modern Ethiopia, 1855-1974*, London: James Currey, 1991, 151.

problems at home.[2] Although he seems to have decided in 1932 to invade Ethiopia, it was not until the Wälwäl incident of 1934 that he had the excuse. In the 1920s, Italian forces from Somalia had effectively occupied the waterhole, which was located about 100km inside Ethiopian territory, but Ethiopia was not strong enough at the time to challenge the move. In December 1934, a combined force of British and Ethiopian troops approached the outpost as part of an Anglo-Ethiopian border demarcation project. In the face of Italian hostility, the British retreated; the Ethiopians stayed, however, and several days later a battle erupted. Utilizing planes and armored cars, the Italians defeated and inflicted heavy casualties on the Ethiopians.

Italy demanded an apology and reparations, which Ethiopia refused. Citing the terms of the 1928 Treaty of Friendship, Ethiopia instead pressed for outside arbitration, an action which Italy rejected, spuriously claiming that Ethiopia's 'aggression' rendered the agreement irrelevant. Emperor Haylä Sellassé then took the case to the League of Nations, where the fear of driving Mussolini into the Axis camp resulted in procrastination and inaction.[3] Subsequently, with the implicit approval of Great Britain and France, Italy invaded Ethiopia on 2 October 1935, taking Adwa on the sixth and Axum on the fifteenth. A simultaneous invasion of the Somali-inhabited Ogaden encountered stronger resistance, but ultimately succeeded. The Italian advance there was

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[2] Bahru, *A History of Modern Ethiopia*, 153.

[3] For the emperor's speeches to the League of Nations in 1936 and 1938, see *Selected Speeches of His Imperial Majesty Haile Selassie First, 1918-1967*, Addis Ababa: The Imperial Ethiopian Ministry of Information, 1967, 304-328.

facilitated by the use of mustard gas, which had been banned by the Geneva Convention of the International Committee of the Red Cross in 1925.[4]

After joining in combat to the north, Haylä Sellassé found himself back in Addis Abäba in late April 1936, facing the imminent fall of his capital. He had decided to move west, join his old friend Ras Emru, and fight a guerrilla war against the Italians. Led by Ras Kassa,[5] however, a meeting of the Imperial Council voted that the emperor should leave the country "to symbolize Ethiopia's refusal to accept defeat."[6] They also thought that he should appear before the League of Nations in person, to appeal once again for aid from the free world. Before departing, Haylä Sellassé named Ras Emru as regent and set up a provisional government in Goré, Illubabor. There are various versions of what transpired next. The emperor is said to have prevailed upon the mayor and the Orthodox Christian Metropolitan to stay in Addis Abäba and attempt to maintain order and to encourage the citizens not to resist. The Russian soldier and advisor Colonel Theodore Konovaloff claimed that in a rage the emperor shouted: "Take everything, plunder, but don't burn the gebi [palace]. That will bring misfortune. Don't leave anything to the Italians."[7] The drug-smuggling French adventurer Henri de Monfreid reported that the emperor gave orders for sacking the capital and massacring the whites.[8] Others maintained that he only told the members of his entourage to take what they needed for

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[4] P'awlos Ñoño, *Yältyop'yaenna Yält'aliya T'ornät* (Ethiopian-Italian War), Addis Abäba: Bolé Printing House, Mäskäräm 1980E.C. (1987), 70-71; 136-38.

[5] For accounts on Ras Kassa, see James C. McCann, *From Poverty to Famine in Northeast Ethiopia: A Rural History, 1900-1935*, Philadelphia: University of Pennsylvania Press, 1987.

[6] Harold G. Marcus, *A History of Ethiopia*, Berkeley: University of California Press, 1994, 145.

[7] Angelo Del Boca, *La Guerra d'Abissinia, 1935-1941*, Milano: Feltrinelli, 1965, 185.

[8] Quoted in Del Boca, *La Guerra d'Abissinia*, 185.

subsistence from the palace storerooms.[9] Considerable anxiety and tension prevailed during Haylä Sellassé's last days in the capital, but the police worked to keep the public under control.

Owing to the worsening situation, on 2 May 1936 the Emperor boarded a train for Jibuti along with his family, a party of senior officials, 250,000-300,000 Maria Theresa thalers, two royal lions and the empress' pet puppy. When news of his 4am flight spread, chaos ensued. The palace keys were thrown into the streets and a growing number of looters was joined by Imperial soldiers. They broke into the palace arms and munitions storeroom and helped themselves to Mauser rifles and cartridges. By 9am shooting was taking place all over the capital. Oromo and Gurage inhabitants of neighboring regions came to town to join in the mêlée. Masses of people roamed the streets, destroying property and plundering the goods they found in shops and warehouses.[10]

The spate of violence, looting and burning concentrated at Arada, the commercial center. Bahru Zewde wrote that "it was a puzzling phenomenon, combining elements of mass psychosis and inchoate class warfare, of despair and defiance. Inasmuch as the violence had any target at all, it was the rich and the expatriate."[11] Of the approximately 500 persons who were killed over the next four days, however, only 14 were non-Ethiopian;[12] many of the bodies were left lying in the streets.[13]

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[9] Gontran de Juniac, *Le Dernier Roi des Rois: L'Éthiopie de Haïlé Sélassié*, Paris: L'Harmattan, 1979, 177.

[10] de Juniac, *Le Dernier Roi des Rois*, 177-78.

[11] Bahru, *A History of Modern Ethiopia*, 160.

[12] Del Boca, *La Guerra d'Abissinia*, 272. Gentizon put the number at 28. Gentzion, Paul. *La Conquête de l'Éthiopie*. Paris: Berger-Levrault, 1936, 196.

There were also attacks on the foreign legations, where most Europeans holed up, supplied with provisions and planning for a siege. The French legation gave refuge to 2000 people of 16 nationalities and was defended by a handful of Frenchmen organized specially for the task. The British legation was defended by 200 Sikhs and three barbed wire fences. The Sikhs also protected the nearby Belgians, who were attacked by 500 members of the Imperial Guard, whom they had helped to train. Owing to the poor defenses of their compounds, the Americans and Turks sought shelter with the British as well.[14] The Germans, who counted only five rifles among them, were able to buy enough Mausers and Wetterlies from looters in the street to defend themselves. After four days of mahem, on 5 May 1936 Italian forces led by Marshal Pietro Badoglio occupied the capital and restored order by the following day.

The Fascists naturally seized upon the anarchy in Addis Abäba to promote themselves as the "harbringers of peace and order." However, they might have entered Addis Abäba a few days earlier than they did, and "some have...interpreted [their] delay in entering the capital as a cynical design to give their entry the image of an act of deliverance."[15] Merging Ethiopia with their colonies in Eritrea and Somalia, they declared the Italian East Africa Empire, the Fascist version of the Holy Roman Empire, which was to last until 1941, when combined Ethiopian and British troops liberated the country.

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[13] See Maréchal Badoglio's *Commentaires sur la Campagne d'Éthiopie*, Trans. Juliette Bertrand. Paris: Bernard Grasset, 1937, 224-225, for photographs of several victims.

[14] Because of communications difficulties within the capital, the American minister telegraphed Washington, whence London and then the British Legation in Addis Abäba were contacted and arrangements made (Gentizon, 198).

[15] Bahru, *A History of Modern Ethiopia*, 160.

Aside from the general and often sensationalist remarks summarized above, however, no scholar has yet to undertake an in-depth study of the unrest in Addis Abäba from 2-6 May 1936. This lacuna is unfortunate, since the extreme brutality and violence of the period attests to widespread and deep dissatisfaction, and the details of this period would likely reveal a great deal about society and politics immediately preceding Italian occupation. There are archival sources that will be of use to future work on the task, including damage reports filed by British and French citizens with their consulates. These documents are available in the British Public Records Office, in the Foreign Office file 915.[16] They contain a mass of information on a variety of subjects, some of which is discussed below.

The extent of damages to properties of Europeans and European subjects is noted on special "Constat de Dommages/Statement of Loss" forms which were printed to report "damage suffered as a result of the events of May 2 to 6, 1936." The forms record nationality, profession, neighborhood of residence, business address, stock on hand as of 30 April 1936, the availability or condition of account books,[17] and general and detailed descriptions of damage. These forms are appended by copies of official receipts when claimants had previously registered properties with their Consulates. Most of the records that I have seen were for British subjects.

Reading descriptions of what items were stolen or destroyed and how shops and homes were broken into and sacked gives an impression of the ferocity of violence that

[16] My survey of the documents is based on photocopies donated by Jon Edwards and stored at the Michigan State University Library, Special Collections. They are located in the Ethiopian Materials Collection, Box 4, and their numbers run FO 915/539 - FO 915/549.

[17] In many cases the account books were reported missing or destroyed (for example, FO 915/542 GB192). In one case, the accounts were kept in Armenian (FO 915/541 GB258).

prevailed. In many instances it seems that such a large amount of heavy items could only have been carried away by trucks, or at least carts. Not including goats, mules and horses, stolen items included tables of all sorts, cup-boards, sofas, beds, safes, chairs, sewing machines, typewriters, buffets, lamps, cars, dressers, steel trunks, wardrobes, entire collections of clothing, and pianos.[18] What was not taken was often destroyed. The stores, shops and warehouses of the prominent Indian firm G. M. Mohamedally & Co. were either completely burned down or badly damaged. Doors and windows were smashed; floors, walls, ceilings, and corrugated iron roofs were riddled with bullet holes; counter tops were torn up; ladders, stairs, trapdoors and railings were broken.[19] The British and Foreign Bible Society recorded in detail the damages that its suffered; in addition to the breaking, smashing or shooting of most things left in its offices, the fireplace mantle was loosened.[20] The violence was surely exacerbated by the theft of weapons. In addition to those pillaged from the palace stores, numerous claims listed revolvers, rifles, shotguns, hunting guns and cartridges.[21]

The horrific violence was not contained within Addis Abäba. Several merchants filed loss reports for long-distance caravans, traveling to and from Läqqämté, Jimma and elsewhere. Among other urban centers, Harär experienced looting and devastation as well. There, the brief period of instability preceding Italian control became known as "Yawn al-khamis" (Thursday), named after the day on which it began. Testimonies vary

[18] For example: FO 915/543 GB151; FO 915/543 GB363; FO 915/544 GB5; FO 915/544 GB116; FO 915/544 GB359; FO 915/546 GB196.

[19] FO 915/546 GB201.

[20] FO 915/546 GB354.

[21] FO 915/541 GB99; FO 915/543 GB355; FO 915/544 GB46; FO 915/546 GB196.

widely about the details, from only the shops of G. M. Mohamedally & Co. being looted, to all sorts of businesses around town. Some believed that there was killing, while others disagreed. Some thought the violence lasted several days, while others maintained the Italians entered after only one day. All agreed, however, that the name "Yawn al-khamis" became important only later on, when persons jealous of wealthy Harări would accuse them of having gotten rich through looting then. Regardless, the insecurity was great enough that many Harări fled the town to seek refuge with friends and relatives in the countryside and smaller towns nearby, some staying there for several months afterwards.[22]

With his country occupied by Fascist forces, the emperor remained in exile for five years, most of it in London. From there he unsuccessfully petitioned the League of Nations to respect its covenant and condemn the Italian aggression; he also maintained regular contact with patriot forces who continued a guerilla resistance back home in Ethiopia; and he endeavored to publicize his country's plight and sway international public opinion to his country's cause. Additionally, he constantly sought British assistance in regaining his rightful position as emperor of Ethiopia.

Meanwhile, Italian colonial authorities pursued a generally unorganized, if not chaotic, series of often contradictory policies inside Ethiopia. Many pre-conquest assumptions, such as Ethiopia's potential to become a prosperous and self-supporting Italian settler colony, proved to be naïve, and expense estimates for an array of development projects were revealed as woefully low. Expecting that Ethiopia would not

[22] For example, interviews of Abdullahi Ali Sharifff and Ato Effendi (19 July 1998); Hajji Zadeen Negayo (6 August 1998); Abdi Husayn (7 August 1998).

only finance itself, but also contribute to the metropole, authorities in Rome were frustrated by the huge amounts of capital that Ethiopia's occupation required.[23]

A major Italian assumption that was partially realized, though again much less so than anticipated, was that a policy of 'divide and rule' would facilitate pacification. Fascist officials thought that they could expect cooperation from a large number of Ethiopians for various reasons, for example: from northern Ethiopians, owing to their resentment at Shäwan domination; from Oromo, because of their past oppression by Amharas; and from Muslims, who had long been second-class citizens on the basis of their religion.[24] It appears that as a result of the way Italian practice actually played out in reality, this policy was most successful with Muslims, primarily in Harär in the east and Oromo-Sidamo in the southwest. Otherwise, the trust of many Ethiopians in the benefits of Italian rule was undermined by changing policies, selectively-enforced laws, broken promises, inconsistent administration, and extreme brutalities.

Finally, in 1940, the British government decided that the monarch was useful to the larger war effort and sent him to Sudan, whence he would enter Ethiopia from the west along with British forces, as part of a multi-branch assault on the Fascists. Almost five years to the day after his controversial flight from the country, Haylä Sellessé triumphantly reentered his capital in 1941.

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[23] Alberto Sbacchi, *Legacy of Bitterness: Ethiopia and Fascist Italy, 1935-1941*, Lawrenceville, NJ: Red Sea Press, 1997, Chapter Five.

[24] Alberto Sbacchi, *Ethiopia Under Mussolini: Fascism and the Colonial Experience*, London: Zed Books, 1985, 157.

Post-1941

Almost immediately, the emperor resumed the centralizing and bureaucratizing efforts he had begun before the Italian invasion. His mission was one of nation-building, and he openly and implicitly emphasized Amharic as the national language and Orthodox Christianity as the dominant religion. One major challenge to the reconstituted Ethiopian security forces was the rapid and far-ranging spread of separatist ethno-religious ideologies, prominent among which were those propagated by Somali Islamic organizations in the eastern one-third of the country. The reasons for their discontent, as with other peoples throughout the country, were myriad, but the primary expression of their views followed ethno-nationalist lines, supplemented by a religious stress on Islamic identity. Led by members of the Somali Youth League, Somali nationalists strove to foster pan-Somali forms of identity and political loyalty that were actively opposed to Haylä Sellassé's centralizing vision, which was (and still is) understandably but simplistically interpreted as one of 'Amharicization.' In the post-World War II Horn of Africa, their activities were deemed particularly threatening by the Ethiopian regime because international boundaries and their concomitant sovereignties were still uncertain and highly contested between governments and ordinary people. Discontent among subject peoples was high, and alliances between them were possible. In the end, the Ethiopian state responded to such challenges with force, but only after gathering a huge corpus of security reports.

Somali Youth Club/Somali Youth League (SYC/SYL)

The Somali Youth Club was the first openly political organization to be founded in the Somalias and recognized by European colonial or protectorate authorities.[25] Until Somali independence in 1960, it was the dominant political party and its ideologies heavily influenced those of competing organizations. The way towards founding a Somali nationalist organization was paved in the years leading up to and during WWII. Saadia Touval, author of an important book on Somali nationalism, identified three main factors in the process. The first was resentment against institutionalized government, whether French, British, Italian or Ethiopian. The second was "religious antagonism," since each of these governments was dominantly Christian and the vast majority of Somalis was Muslim. And finally there was the "deliberate encouragement of Somali national feelings by various governments" which "was usually given with the purpose of undermining the authority of a neighboring government."[26]

Two other factors that Touval addressed are worth emphasizing. The first is that during WWII Somalis listened to Arabic language radio broadcasts from London calling for Somalis to kick the Italians out of their country, fight against the Germans, and attain freedom. This propaganda resonated with southern Somalis owing to the second factor, which is that Fascist rule was severe and life was tough for the Somalis, who had few or no rights under Italian domination.[27]

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[25] Not all of its ideas were original, however. "As Somalis moved to townships before 1940, they formed social clubs and welfare societies to assist themselves and destitute people without regard for clan attachments." Charles L. Geshekter, "Anti-Colonialism and Class Formation: the Eastern Horn of Africa Before 1950," *International Journal of African Historical Studies*, 18, 1 (1985): 13.

[26] Saadia Touval, *Somali Nationalism: International Politics and the Drive for Unity in the Horn of Africa*, Cambridge: Harvard University Press, 1963, 61-62.

[27] For life under fascist rule in Ethiopia, see Alberto Sbacchi, *Ethiopia Under Mussolini*, Chapter 17.

In this context, the Somali Youth Club (SYC) was founded in May of 1943.[28] Initially it was limited to young men between the ages of 15 and 30 "in order to exclude from the party "reactionary elders who did not understand modern requirements," but in March, 1947, a new party statute extended the age limit to 60."[29] Within only a few years, the group witnessed impressive success in spreading and establishing itself throughout Somali-inhabited regions. In 1947, before the arrival of a United Nations Commission to investigate local views about the future of former Italian colonies, the SYC was reconstituted as a political party and renamed the Somali Youth League (SYL). By that year, it had opened branch offices in all Somali inhabited areas, including southern and eastern Ethiopia.

Considering the centrality and prominence of the SYC/SYL in Somali politics over the last half century, it is surprising and unfortunate that no sustained historical analysis of the party has yet appeared. Although this section is not intended to fill that void, it does aim to outline what I regard as some of the fundamental events, issues and personalities in the early years of the SYC/SYL. I hope that the exercise will both be useful to others and encourage further work on the organization, its members, and its

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[28] It was founded on 13 May 1943 in an effort to "abolish the wasteful clan rivalries of the past and to establish a new conception of nationhood." It was renamed the Somali Youth League by late 1947, by which time it had evolved into an organized political machine. I. M. Lewis, *A Modern History of Somalia: Nation and State in the Horn of Africa*, London: Longman Group Ltd, 1980, 121-122.

[29] A. A. Castagno, Jr., "Somali Republic," in eds. James S. Coleman and Carl G. Rosberg, Jr., *Political Parties and National Integration in Tropical Africa*, Berkeley: University of California Press, 1964, 521. The policy change perhaps resulted from the opposition of older men, who feared that the political party threatened their authority in society. See Gerald Hanley, *Warriors: Life and Death Among the Somalis*, Eland: London, 1993, 143-44.

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historical impact on the Somalias.[30] The following somewhat lengthy outline of the organization's establishment is based primarily upon Ethiopian archival sources and oral interviews I did in 1998 with an elderly Harāri, who as a young man was an SYL member.[31] Some elements of the account are possibly apocryphal, but I include everything for general reference and to encourage others with more or better data to make it publicly available.

Life under the Fascists was, naturally, exceedingly difficult for Somalis. If they were arrested for anything they were severely punished; they could not go to see movies, for only Italians were permitted to enter the movie theatres; the buses in town were divided into two sections, with the front one reserved for whites and the back one for blacks; at the Post Office Somalis did not have boxes, instead an Italian would take the mail for Somalis out to a spot in the sun and would call out the names of Somalis who had received letters; when Italian soldiers walked down the street Somalis were required to salute them, and those who did not were arrested.

During these times, three persons who tuned in to London radio broadcasts—Abdulqadir Saqawa, Yasín Usman Ali and Hajji Muhammad Husayn—hung out regularly, but separately, at the Muqadishu shop of a merchant named Ali Kar. Each complained incessantly to Ali about the necessity of freeing their country from the yoke of colonial slavery.[32] Apparently exhausted by listening to their similar diatribes

[30] In addition to Touval's general study of Somali nationalism, useful existing sources include I.M. Lewis, "Modern Political Movements in Somaliland, I" *Africa*, XVIII, 3, 1958 (244-61); ibid., "Modern Political Movements in Somaliland, II," *Africa*, XVIII, 4 (1958): 344-63; and Castagno, "Somali Republic."

[31] Interviews of Yusuf Mäindäré, Harär, 16 February 1998, 24 March 1998.

[32] The phrases "yoke of slavery" and "yoke of Ethiopian slavery" appear often in the security force's reports of interviews or interrogations of Somali and Harāri men who were questioned about why they were involved in nationalist organizations opposed to the Ethiopian state.

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separately, the shopkeeper resolved to introduce the trio. After doing so, he assisted them further by bringing them foreign books and magazines published in Arabic, English and Italian. Yasín knew English and Italian, and he translated those materials for the other two.[33]

After the Italians were defeated, British forces came to Muqadishu. They abolished the blatantly racist policies and practices of the Italians and, despite British parochialism and arrogance, the general situation for Somalis improved. Eventually the British called a meeting and told the Somalis not to remain quiet, but rather to speak up about their wishes. The British then founded an organization called the *Jam'íya Islamíyya al-Wataníyya* (The National Islamic Organization), whose goal was to motivate and inspire the people. Membership was diverse and crossed generational, class and other social lines.

In mid-May 1943 the Somali Youth Club was founded by Somalis to address contemporary problems by uniting all Somali people and attaining the country's freedom. Initially, it was called the Tea Drinking Club and billed as a social group. The ruse was necessary in order to sidestep opposition from the British, who viewed it as a potential rival to the *Jam'íya Islamíyya al-Wataniyya*, which they had founded and sought to manipulate according to their own interests.

The impetus for establishing the SYC came from Abdalqadir Saqawa, Yasín Usman Ali and Hajji Muhammad Husayn, who had continued to meet regularly at Ali

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[33] These three were not the only Somalis engaged with ideas about overcoming colonialism. For example, a shaykh named Shaykh Sharifff Mahmud returned from abroad and began speaking at mosques and elsewhere about "getting up" and reversing things. He spoke about the badness of the Italian government and the need to get freedom. Interview of Yusuf Mädäré, 16 February 1998.

Kar's shop, and perhaps elsewhere. When they decided to set up an Establishment Committee there were 23 persons present. Because that number was a little high, a few people suggested postponing the task. When Yasín insisted that it should be done then and there, others suggested that he choose the members of the committee for them. He stood and, because he was Muslim, turned to his right side, and selected (for unknown reasons) the first thirteen people sitting in the circle there. They were:

1. Abdulqadir Saqawa al-Diin (President)
2. Muhammad Nur Hirsi (second founding member, but did not have a formal position)[34]
3. Yasín Usman Ali (Secretary)
4. Hajji Muhammad Husayn (Treasurer)
5. Usman Ali Gédi Ragé
6. Hajj Déré Hajji Déré
7. T'ahir Usman Ali (Yasín Usman Ali's brother)
8. Ali Husayn Muhammad
9. Muhammad Ali Nur
10. Muhammad Farah Hilolé
11. Muhammad Abdullahi Hiyaysi
12. Halif Hodu
13. Muhammad Usman Bariyé

It was suggested that Yasín serve as the first president, but he declined in favor of Abdulqadir Saqawa, whose father was a noted shaykh and whose grandfather was leader of the Qadiriyya sufi order and author of many books, and had been killed by Muhammad Abdille Hassan's forces. Therefore, apparently, when Abdulqadir spoke people listened.[35]

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[34] A later Ethiopian security report stated that 'Muhammad Hirsi Nur' was purged from the SYL after one-year's membership because he forgot his oath and publicly asserted his clan affiliation. The report added that he requested but was denied readmission. Harär 7-1-1, Statement of Haji Nur, 14.3.40 (24 November 1947).

[35] Castagno notes that Abdulqadir was "the nephew of a famous religious leader" and Yasín Haji Ali was "the son of a noble Daarood chief." Castagno, "Somali Republic," 521.

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The SYC gathered monies through charging a joining fee and a monthly membership fee (about three shillings/month).[36] They also solicited donations from wealthy individuals, only some of whom were members. They rented a house for 30 shillings/month, a large amount of money at the time (one shilling was allegedly enough for one person's daily expenses).

After three months, the British authorities became suspicious and sent a policeman to create a disturbance (*räbsha*), and thereby a pretext with which they could close the organization down. Ironically, perhaps, although the SYC heard about the plan in advance from a policeman member, the same informant and the provocateur sent by the British later met in the road and quarreled, providing the British with their needed excuse to close the organization down.

Upon notification, the SYC members went as a group to the Municipality in order to find out why they were shut down. Yasín entered alone, but did not receive a satisfactory answer. While he was inside, the rest of the youths were waiting outside. One got riled up and smashed the windshield of a British car with a big stone, shouting out "Somalia hanolato!" (Long live Somalia!) as he did so. From that moment onwards the phrase became the organization's rallying slogan.

The British soon permitted the SYC to resume its work again, but they wanted it and the *Jam'íya Islamíyya al-Wataníyya* to work together. Although the two groups did not do so, the SYC continued to grow and spread, and within five years had opened

[36] Lewis specifies only "an entrance fee and a small monthly subscription" Lewis, "Modern Political Movements," 257. Ethiopian reports claimed that five shillings was the joining fee and, after a grace period of three months, there was a monthly membership fee of one shilling. To purchase an SYL pin, one had to pay three shillings. Harär 7-1-1, Incomplete interview of Haji Nur, document following his statement of 14.3.40 (24 November 1947).

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offices in all Somali regions. By 1946, the British estimated that the SYC had at least 25,000 members.[37] In that year the British Military Administration lifted its ban on political parties, and in April 1947, in anticipation of the arrival of the UN-appointed Four Power Commission to determine the post-war fates of Italian colonial territories, including Somalia, the club was reconstituted as a political party and renamed the Somali Youth League (SYL). The occasion was marked by the promulgation of a Constitution[38] and the declaration of nine points that summarized the group's main principles:

1. To end colonialism in all Somali lands, and then to make the people live in unity under one government and one flag;
2. To make the country into the Somalia Democratic Republic;
3. To increase Somali nationalism, to eliminate tribalism, to eliminate *heer*[39] (which had spread from the countryside and started to enter the towns), and to advance modern education among Somali youth;
4. To inform the United Nations about the SYL and to create good relations with the international organization;
5. To protect the rights of foreigners in Somalia and to preserve relations with them;
6. To found a government based on Islamic principles, with all laws and judgments being based in the religion;
7. To uphold the rights of Somalis;
8. To use one language—Somali—in the government, publications, etc.[40]
9. To reject utterly the idea of the Italians returning to Somalia (to rule).

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[37] A year later Ethiopian records enumerated 300,000 SYL members. Harär 7-1-1, Incomplete interview of Haji Nur, document following his statement of 14.3.40 (24 November 1947).

[38] A hand-written Arabic copy of this Constitution is available in Harär, in the archives of Abdullahi Ali Shariff. ("al-Qawánín Limazu' Saláwaha") I am presently working on an English translation.

[39] *Heer*, sometimes glossed as "(Somali) traditional jurisprudence," is "the legal foundation for traditional Somali politics...an informal contract by which Somali society settles its legal and political disputes. The *heer* forms the basis of Somali political sanctions." David D. Laitin and Said S. Samatar, *Somalia: Nation in Search of a State*, Boulder: Westview Press, 1987, 41. Also see Margaret Castagno, *Historical Dictionary of Somalia*, Metuchen, NJ: Scarecrow Press, Inc., 1975, 74.

[40] The initial idea was to establish the use of the Osmania script for writing the language. Castagno, "Somali Republic," 521. Also "al-Qawánín Limazu' Saláwaha," Section 1, Article 5d. On Osmania, see B. W. Andrzejewski, "Language Reform in Somalia and the Modernization of the Somali Vocabulary," *Northeast African Studies*, 1, 3 (1979-80): 60.

The ninth point allegedly led to Haylä Sellassé's support for and aid to the SYL. In addition to these points, party laws that went with them were proclaimed:

1. Branch offices should be opened in all regions, and each office should have officers elected locally rather than assigned from above;
2. The elected officers should include Presidents, Vice Presidents, Secretaries and Treasurers (one each in each office);[41]
3. Membership should be open to all Somalis and to those who live with Somalis (meaning the Arabs, Pakistanis, and others like that who were born in Somalia and grew up with Somalis);
4. No member may be a member of another organization;
5. When a member is registered in the register (*mäzgäb*), he must make an oath for Somali Unity.

The SYL subsequently witnessed amazing success in spreading and establishing itself throughout Somali-inhabited lands.[42] After the initial period of tension with British authorities in Muqadishu, by the time the SYC was constituted as the SYL it enjoyed the sympathy and even encouragement and assistance of British officers. Their motives for supporting Somali nationalism were varied and probably more complex than most of the published literature indicates, but it is clear that the Ethio-British rivalry, particularly its Ogaden manifestation, exercised a significant influence on British officials.[43] Either with British support or without British opposition, the SYL expanded rapidly and marked its presence in new areas by opening branch offices and electing local officials, as called for in the 1947 party laws. According to Ethiopian records from late that year, there were

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[41] Ethiopian sources reported that in SYL branch offices only the head secretary and office guard received salaries (100 and 30 shillings, respectively). Harär 7-1-1, Incomplete interview of Haji Nur, document following his statement of 14.3.40 (24 November 1947).

[42] Ethiopian Security Forces at one point reported on the SYL in Jibuti, where officials apparently knew the head of the organization, the place where its meetings took place, and how much money each member contributed (50 French francs per month). Harär 7-1-18, Harär Police Secretariat to Vice Chief of Police (Addis Abäba), #M/127, 23 Hedar 1943E.C. (2 December 1950).

[43] On British-SYL relations, see Castagno, "Somali Republic," 522-24.

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SYL offices in Jibuti, Somaliland, the Ogaden, Somalia, Kenya and even Tanganyika.[44] One of the many specific locales in which the SYL opened an office was Harär, a city which one side viewed as being in eastern Ethiopia and the other regarded as in western Somalia.

Ethiopia's Security Apparatus

Ethiopia was aware of these developments, which were perceived as a threat and were consequently closely monitored, especially around Harär and in the Ogaden. The Ethiopian public security apparatus, or የህዝብ ፀጥታ ጥበቃ . (yähezb s'ät'eta t'ebäqa) or የዝዝብ ፀጥታ ጦር ሠራቂት. (yähezb s'ät'eta t'or särawit), stretched its tentacles into even seemingly remote regions of the desert. Top Secret security reports in the Harär archives reveal an impressive hierarchical organization that fed a steady stream of intelligence about Somali activities to Ethiopian authorities, who passed the information on to their superiors.

In brief, during the mid- to late-1940s individuals filed reports with military officials, who then forwarded them up the ladder to Brigadier General Asfaw Wäldägiyorgis, who was Commander of the Third (Army) Division and Governor of Jijjiga. General Asfaw's office then selected the information that would be sent on to the Governor's Office in Harär, which was headed in the late 1940s by Deputy Governor Blattä Ayälä Gäbré. Blattä Ayälä, perhaps in consultation with the Governor, Prince Mäkonnen (who was Emperor Haylä Sellassé's favorite son), would then either decide on

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[44] Harär Province/Jijjiga Region, M1, #8/307, 26 Genbot 1939; Harär 7-1-1, Incomplete interview of Haji Nur, document following his statement of 14.3.40 (24 November 1947).

a course of action or write to the Ministry of Interior in Addis Abäba, apprising it of the situation and requesting instructions.

While reading the security forces records, a number of points struck me. The first was how organized the security apparatus actually was. Reading reports going up the hierarchy, seeing who was being copied on them, and watching the responses come back down, reveals that this aspect of the Ethiopian bureaucracy actually worked as it designed. Many scholars or critics of the Ethiopian state today will not surprised that such efficiency, if it were to exist anywhere, was found in the security apparatus, one of the coercive, potentially repressive wings of a government that still had not brought all regions of the country under close control. But the details in Harär and elsewhere are well worth exploring and comparing.

Second, some of the security individuals viewed what was essentially spying to comprise an avenue of personal advancement.[45] As such, some individuals joined the SYL for the singular purpose of gathering information to feed to the Ethiopian government.[46] Also, both they and others would pass on any information that they could, however sensationalist or questionable it may have been. Phrases such as "as we heard,", "[it] being said," "meaning," "it is said," "it is rumored," and "we heard from a reliable source" appear regularly.[47] Although watching the logic of the informants' arguments

[45] Major K. Flowers, a British Civil Affairs Officer in the Reserved Area, responded to Ethiopian accusations of British Somalis smuggling weapons and ammunition into Jijjiga by saying: "…it appears that your informers were members of the Somali National Society, who are at enmity with the Somali Youth League." #96, M/2, Dossier 12, Sleeve 1, Flowers to Governor of Jijjiga, 10 July 1947.

[46] #96, M/2, Dossier 12, Sleeve 1, Tässämma Alämu to Blattä Ayälä Gäbré, 1 Hamlé 1939E.C. (8 July 1947).

[47] "ስለሠማን፡ ተብሎ፡ ማለተን፡ ይባላል፡ ይወራል፡ ከተረጋገጠ ምንጭ ሰማን" (seläsämman, täbbelo, malätän, yebbalal, yewärral, kätärägagät'ä menc' sämman).

unfold is sometimes fascinating, it is clear that much of the information that fills this impressive corpus of documents is at least partly speculative, if not exaggerated or totally fabricated. In fact, at one point the Deputy-Governor of Harär himself wrote to the Governor of Ogaden and complained that every report from the region was based on hearsay. He explained that he had yet to receive any proof of certain alleged, illicit activities having taken place, and he patronizingly (or snidely) suggested that 'proof' might be comprised by the signed testimony of a reliable eye-witness.[48]

The third point that struck me is that in at least one remarkable group of documents, about which I will elaborate below, the typical sycophancy often associated with low-level (and other) functionaries in Haylä Sellassé's government was absent. In its place was a self-assured and confident individual—unfortunately a missing page precludes knowing his name—who clearly had a grasp of the local reality, including the Somali situation, and was able to see the reasonableness of some Somali grievances. Unlike other local-level agents, he dared to voice his opinion that some Somali (and that also meant *Muslim*) complaints were legitimate, adding that if the state entertained them as seriously as they deserved, benefits could be had. In the context at hand, this nameless individual was a visionary, ahead of his time. Possibly more amazing than his willingness to express views in opposition of government assumptions is that his regional superiors forwarded his ideas on to Addis Abäba, thereby signifying at least some agreement with his propositions' possible validity. But, before elaborating on this

[48] Maqtil T'ahir 7-1-11, #530/3, Blattä Ayälä Gäbré to Brigadier General Asfaw Wäldä Giyorgis, 9 Hedar 1942E.C. (18 November 1949). This communiqué was probably influenced by a letter Blattä Ayälä had received from the Ministry of Interior suggesting that a certain individual (Maqtil T'ahir) be charged in a court of law. See, #7/4144, Vice-Minister (Ministry of Interior) to Blattä Ayälä Gäbré, 3 Hedar 1942E.C. (12 November 1949).

particular historical episode, I want to discuss some of the issues that were of particular concern to the Ethiopian Government.

Ethiopian Government Paranoia

Paranoia is a strong word, but its use here is appropriate, because the Ethiopian government was extremely preoccupied with the *symbols* of Somali nationalism. These included pins, shoulder sashes, hats, flags and language. In the security reports, informants did not only relate that meetings of Somalis had taken place, or that marches had taken place, or that so-and-so had been seen in such-and-such a place. They often emphasized that when apparently anti-Ethiopian activities occurred, the individuals under scrutiny were wearing SYL pins, hats and/or sashes, and/or were carrying SYL flags.[49] In fact, the presence of any of these symbols in any context was often enough to generate a report to a superior officer. It is worth point out that the cognitive associations between flags and the SYL (in particular) was solid enough that some documents refer to SYL members as "the people who wear cloth (with) symbols" or "the Somali organization people who wear cloth (with) symbols." The Amharic word *c'erq* may mean either cloth or flag, and in the case of the SYL it referred to both the organization's flag and the sashes that members wore across their torsos. The distinction is perhaps important, but display of the SYL logo, no matter what the form, was the main issue. The archives

[49] For example, Maqtil T'ahir 7-1-11, Tilahun Yefru to Colonel of 20th Security Forces Secretariat, 14 Hamlé 1940E.C. (21 July 1948); Anon to Governor of Jijjiga, Mäskäräm 1941E.C. (September/October 1948); Brigadier General Asfaw Wäldä Giyorgis to Blattä Ayälä Gäbré, #M 210/8, 11 T'eqemt 1942E.C. (21 October 1948); Anon. to Blattä Ayälä Gäbré, #201, 12 Nähasé 1941 (18 August 1949); Germa Säbhat to Brigadier General Asfaw Wäldä Giyorgis, #6/31, 6 T'eqemt 1942E.C. (16 October 1949).

contain dozens of letters about the SYL raising its flag in various areas, or taking down the Ethiopian flag in various areas, or allegedly intending to do either one or the other.[50]

Although I am concerned here only with the SYL,[51] the concern with symbols was also extended to other Somali nationalist organizations, particularly those of British Somaliland such as the Somali National Society (later Somali National League) or the National United Front. In a few cases, reports are accompanied by illustrations of these organizations' symbols and summaries of their alleged symbolic significances. (See Figure 2)

These images were included in an early June 1947 security forces report filed in Jijjiga.[52] Like many similar documents, it was sent from the office of the sub-governor of Jijjiga to that of the governorship of Harär, in order to keep higher officials apprised of local developments. In the above images, a number of similar symbols or shapes are discernable. The first is the crescent moon and the star, both symbols of Islam. In the case of the SYL, there is also a clover, whose provenance is the source of conflicting versions, most of which are probably influenced by later events. For example, one maintains that it was actually based on a spade shape, like that in the SUI logo, and

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[50] See, for example, the letters of #96, Special File M/2, Dossier 12, Sleeve 1.

[51] For correspondence specifically concerned with the raising of SYL flags—sometimes along with, but lower than, the British flag, and sometimes allegedly in the presence of British officials—throughout the Ogaden, see letters in Harär Province Secretariat, File 96, 1st Office, Dossier 12, Sleeve 6.

[52] Harar Province/Jijjiga Region M1, #8/307, Anon. to Harär Governors Office, 26 Genbot 1939E.C. (3 June 1947). This remarkable document is a response to a previous written order and comprises the findings of a certain Abdi Ali, who traveled around the region on special assignment. It presents summaries of the name(s), identifying symbols, goals, headquarter's geographic location, by-laws, and activities of more than a dozen Somali organizations. In the introduction, the author opines that while the Somali were divided between wanting British or independent administration, if they were to become free and establish an Islamic government, then *no* Somalis would consent to Ethiopian rule.

Figure 2: Somali Organization Symbols

Somali Youth Club/
Somali Youth League

United Nation and Brotherhood (?)

Somali National Society

Sayf al-Nassar

Somali United and Islamic Society

Garhajis

thereby reflects communist inspiration, but that it was altered to disguise the fact.[53] Another one says that because Somalis liked to play cards, including a clover was a strategy to interest non-members; and another claims it actually aroused opposition because it was said to have been a British suggestion, thus accounting for its resemblance to a cross. Other obvious symbols that we see are the heart and spade, and a sword, though at present I am unable to comment more about them.[54]

Threatened by the symbolism of SYL flags and pins (the latter made of bone), the Ethiopian government outlawed them. To circumvent this new prohibition, SYL members instead began wearing sashes and hats that displayed the organization's emblem. Frustrated, Jijjiga's governor requested permission from the governor in Harär to confiscate any cloth on which the SYL logo was printed or embroidered. Blattä Ayälä, however, responded that doing so was going too far. However, he added, it had long been "known" that the SYL's goal was to divide Ethiopian unity, and it was therefore illegal in the emperor's realms to advance the organization. Therefore, those persons openly wearing any SYL symbols were in breach of the law, so they—but they alone—should be apprehended and punished.[55] Most likely some arrests were made, but the only

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[53] Castagno states "Although the party's statement on economic change and its religious orientation belied any Marxian influence, the SYL organizationally bore a resemblance ot the Communist Party. It adopted a red flag with a crescent and a three-leaf clover, strikingly similar to the hammer and sickle." Castagno, "Somali Republic," 522.

[54] I.M. Lewis mentions that the badge worn by Somali National League members "also bears a replica of the Black Stone of Mecca." Lewis, "Modern Political Movements," 225, n. 1.

[55] #96, Special File M/2, Dossier 16, Sleeve 6, Governor of Ogaden to Governor of Harär, #8/220, 30 Yäkatit 1941E.C. (9 March 1949); Governor of Harär to Governor of Ogaden, #1293/3, 12 Miyazya 1941E.C. (20 April 1949).

evidence I have seen concerns security officers who confiscated SYL pins and then beat the wearers up.[56]

In addition to visual symbols, use of languages other than Amharic was sometimes singled out as indicative of nefarious intentions. Some reports state that the conversations of suspicious persons could not be comprehended because they were speaking Somali, a phenomenon that often captured the attention of non-Somali Ethiopian security officers.[57] In regard to the Haräri, one report warned that "they probably discuss political matters in *their* language," and cautioned that telephone operators should speak Haräri and inform their bosses whenever they heard sensitive information being discussed.[58] These government men seem not to have regarded Somalis who were speaking Somali or Haräri speaking Haräri as normal people, but rather as probable rebels engaged in anti-Ethiopian political intrigue. The idea was surely, and understandably, reinforced by numerous SYL public marches that were accompanied by songs and political speeches and sometimes ended in large-scale feasts.[59] Occasionally, the general substance of the discourses at these events is reported, based upon summary translations into Amharic by Somalis friendly to Ethiopian authorities or by Ethiopians of highland descent who were raised in the area and spoke Somali. In the majority of such incidences I have seen, the overall gist of public remarks, songs or

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[56] #96, Special File M/2, Dossier 12, Sleeve 1, Vice-Governor of Jijjiga to Jijjiga Internal Security Forces Secretariat, #8/882, 17 Hamlé 1939E.C. (24 July 1947).

[57] For example, #96, Special File M/2, Dossier 12, Sleeve 1, Official Copy of Anon. Statement, attached to #7/1760 (Ministry of Interior to Blattä Ayälä Gäbré), 7 T'eqemt 1940E.C. (18 October 1947).

[58] #96, Special File M/2, Dossier 12, Sleeve 1, Adhana Agabo [of Jijjiga Post Office] to Governor of Jijjiga, #97/39, 13 Säné 1939E.C. (20 June 1947), emphasis added.

[59] In Southern Somalia "a prominent feature common to all" SYL weekly meetings was "the recitation and singing of patriotic verse (usually in the form of *gabay*) and songs epitomizing the aims of the party." Lewis, "Modern Political Movements," 258.

speeches was a call to shake the "yoke of Ethiopian colonialism" and to pursue national unity with all Somalis in neighboring territories.

However, apparently far worse than the use of the Somali language were the situations in which Arabic was spoken. Haggai Erlich has referred to it as the language of politicization for Muslims in the Horn.[60] From the late 1940s to at least the early 1960s, the government archives I have seen in Harär would support the point, or at least that that was how the state interpreted it.[61] Confiscated documents written in Arabic were of great concern and translated as rapidly as possible, and any public meeting in which Arabic was spoken aroused immediate suspicion from the authorities.[62] These reactions were possibly strengthened by the recent Italian policy of promoting Arabic among Ethiopia's Muslims.

Thus, while certain languages such as Somali, Haräri and Arabic were deemed particularly bad, all languages other than Amharic might be at least questionable, and their teachers suspect.[63] The influence of the British in Somaliland and the Italians in Somalia is well known, as is their opposition to Ethiopian hegemony in the Ogaden or parts of it. Related to this factor is an obvious Ethiopian concern with "modern" schools

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[60] Erlich, Haggai, *Ethiopia and the Middle East*, Boulder: Lynne Rienner, 1994, 61.

[61] E.g., #96, Special File M/2, Dossier 12, Sleeve 1, 2nd Captain of Internal Security Forces (Jijjiga) to T'assäw Ayälä (Vice-Governor of Jijjiga), 14 Mäskäräm 1940 (25 September 1947).

[62] #96, Special File M/2, Dossier 12, Sleeve 1, 2nd Captain of Internal Security Forces (Jijjiga) to T'assäw Ayälä (Vice-Governor of Jijjiga), 14 Mäskäräm 1940E.C. (25 September 1947); ibid., 15 Mäskäräm 1940E.C. (26 September 1947).

[63] One report said that armed Somalis were circulating between Darim (S'arim?) and Anäno Mét'I, and half of them were carrying books and "pretending" to be teachers. #96, Special File M/1, Dossier 12, Sleeve 90, Secretariat of 1st Battalion of Public Security Forces to Harär Provincial Secretariat, #2045, 11 Säné 1940E.C. (11 June 1948).

in Somaliland that offered English instruction.[64] Haylä Sellassé regarded the establishment of Amharic as the national language as central to the successful creation of a widespread and united Ethiopian national identity. Similarly, throughout the 1930s, articles to that effect appeared in *Berhanenna Selam*, Ethiopia's major newspaper. The idea would certainly have been in the minds of Ethiopian security personnel, who would have recognized that the entrenchment or spread of languages other than Amharic could inhibit the establishment of an Ethiopian nationalist identity among them, or aid in their communications with the broader Islamic world, which might have the same effect, too.[65]

In summary, then, the symbols of Somali organizations were deemed dangerous because they encouraged loyalties to ideas/forces other than the prevailing form of Ethiopian nationalism. The fact was especially threatening to the Ethiopian authorities because Somali loyalties to the state had not been secured, and, until 1948, political sovereignty over the Ogaden had not been determined. Language issues were closely related to these concerns. The use of Somali, English and Italian did not please Ethiopian authorities because, at the very least, it contravened Haylä Sellassé's nation-building mission in which a common language was essential to a common nationalist identity.

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[64] Additionally, the SYL was known to provide literacy instruction "in English and Arabic in all major towns." Castagno, "Somali Republic," 521.

The Ethiopian government was concerned even about the main *madrasa* in Harär, which was reported to *not* be teaching any "useful or religious lessons." Rather, apparently, it only instructed in History, thus guaranteeing that the school was a source of "bad" ideas and viewpoints. Harär 7-1-12, Sergeant Bäqqälä Mogos to Harär Regional Police Chief, 13 Säné 1941E.C. (29 June 1949).

[65] An interesting symbolic episode of another sort took place in C'enahsen in July 1947. Apparently, in response to SYL members' active preaching about the wealth of the SYL and its government, Christian prostitutes began tearing off their 'mahtäbs,' which are cord necklaces signifying Orthodox Christian identity (the word also means 'faith'). The action is symbolic of renouncing Christianity, as seen in the phrase 'mahtäb bät't'äsä,' which is 'snap/break the mahtäb,' but means more specifically 'to convert from Christianity to Islam.' Although the prostitutes probably were not becoming Muslim, the informant was disturbed that they were so concerned about money that they would publicly pull off their 'mahtäbs,' and wished his superiors to know about the event, too. #96, Special File M/2, Dossier 12, Sleeve 1, T'elahun Gäbré to Internal Security Forces (Jijjiga), 25 Hamlé 1939E.C. (1 August 1947).

The use of Arabic did the same, but, perhaps more importantly, it also linked Somalis more closely to the Islamic world, which was deeply interested in the fate of Ethiopia's Muslim population and often critical of Haylä Sellassé.

Maqtil T'ahir

Qäññazmach Maqtil T'ahir was a well-known Somali figure in eastern Ethiopia whose name appears time and time again, and then some more, in the Security Forces archives in Harär. He was acknowledged as an important Somali leader, capable of exercising considerable influence over his fellows. Therefore, he was highly suspect to the Ethiopian government, which was not comfortable with such unchecked individuals circulating freely. Thus, perhaps, it sought to reign him in by awarding him with titles, such as Balambaras and Qäññazmach. Yet such accolades seem to have failed to accomplish the presumed goal, at least some of the time.

Maqtil's official image was not helped by the fact that reams and reams of security reports were devoted to detailing his alleged violent/terrorist activities, such as attacking police stations (and later bragging about it), or his seemingly continual efforts to incite Somalis against the Ethiopian state which, he claimed, cared little for the Somalis.[66] At the same time, there are numerous statements claiming that other Somalis either suspected or openly accused Maqtil of collaboration with Haylä Sellassé's government, or disagreed with his opposition to it.[67] If anything is clear, it is that he was

[66] See numerous letters in Maqtil T'ahir (MT) #7-1-11. For example, Head of Security (Dägähabur) to General Asfaw Wäldä Giyorgis, #6/66, 18 Teqemt 1942E.C. (28 October 1949).

[67] MT 7-1-11, 11th Brigade to 3rd Division Headquarters, #011/15 [10/2/42] (20 October 1949); Head of Security (Dägähabur) to General Asfaw Wäldä Giyorgis, #6/66, 18 Teqemt 1942E.C. (28 October 1949).

politically adroit enough to accomplish the seemingly impossible in late 1940s Ethiopia: that is, he managed to make himself suspect in the eyes of both Ethiopians and Somalis, including Somalis both for and against Ethiopian governance.

Dozens of reports about Qäññazmach Maqtil, all marked "top secret" or "very urgent" or something similar, fail to clarify what his ultimate loyalties may have been.[68] Many of them quoted Maqtil as saying that serving Ethiopia was a worthless endeavor and, without having founded the SYL, the Somali in Ethiopia would not have achieved as much as they had. However, two letters stand out from the bunch, and may well be crucially important in efforts to come to grips with questions about where Maqtil stood, or what his positions were at different points in time, all of which are highly vexing from both Ethiopian and Somali perspectives.

The first was a telegram, dated 16 December 1947, to the Ministry of the Pen in Addis Abäba, sender unknown owing to a missing page. The note states that the sender borrowed both money and a car to travel from Harär to Jijjiga to meet Maqtil T'ahir. He opined that unless Maqtil T'ahir were carefully and strategically to repair the political "bending" (*yäzäbawn politika*) he had already done, the poisonous inspiration (*mänfäs*) he had spread would cause huge problems in *all* of Harärgé region. Yet, if Ethiopia were able to get him "back," then it would get all the Somalis "back" on its side. In order to

[68] The mother-lode source here is MT 7-1-11, which in Abdullah Ali Shariff's personal collection resembles a substantial "course pack." Containing mostly official correspondence about Maqtil, this file is a major source for the study of Somali nationalism in the Ogaden. Deeper analysis of Maqtil's politics will require a far closer and deeper reading than I was able to allot to it. In the mid-1990s, Maqtil returned to Harär for the first time in many years, and he apologized publicly to the citizens, though he did not clarify his reasons for doing so. Since this incident, most local discussions of Maqtil—according to my experiences and what people told me was common—have focused on what he did in Harär at the time of Kulub (see below). Such conversations, incidentally, do not take place in the streets, but rather among older and middle-aged men who are engaged with Haräri history, either for the sake of knowing or for the sake of forging political platforms and strategies. There are sustainable rumors that Maqtil betrayed Harär in favor of Haylä Sellassé's government, but I need further study and reflection on the historical context before elaborating on these rumors and the events they cover.

get the Somalis to believe the government, however, the author suggested that authorities must meet with Maqtil and allow him to go free. By doing so, it was advanced, the trust of the Somalis would be attained. The telegram sender added that if Haylä Sellassé were willing to pardon Maqtil, the sender would escort him to Addis Abäba.[69]

If such a letter seems astonishing to students of Haylä Sellassé's Ethiopia, that is to students accustomed to Haylä Sellassé's yes-men and their lack of independent initiative from low level positions,[70] the next letter by this individual and Maqtil's accompanying statement are perhaps more impressive:[71]

18 September 1947
To the Minister of Pen, Addis Abäba
Cc: To the Minister of Interior; Public Security Division Director, Addis Abäba

....I was able to meet Qäññazmach Maqtil T'ahir, balabat to Rér-Harun, in Jijjiga where he has been staying since he left Harär airing grievances against the government. While in Jijjiga, I was able to talk to several older [respected] people and to Maqtil. I was able to convince him to return to Harär for, I believe, his peaceful comeback will render public [Somali] confidence in us [the government]. I have asked him [Maqtil] to explain [in writing] the reasons for his dissatisfaction.

As I see it, Maqtil is concerned about the rights of the Somali people, and his views are shared by the entire Somali population. I suggest that it would not harm [the government] if a concerted effort were made to establish a closer link between the government and the Somali [people].

Although Qäññazmach Maqtil did not mention it in his writing, the fact that he was not rewarded and compensated for his patriotism during the war has made him unhappy. It will please him and his supporters if he is promoted and paid for everything that he did during the war.

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[69] This journey was apparently eventually made, for Sylvia Pankhurst interviewed Maqtil in the capital. See Sylvia Pankhurst, *British Policy in Eastern Ethiopia: the Ogaden and the Reserved Area*, Richard Mayne's Press: Newcastle, 1946(?), 15-17. I would like to thank Dr. Cedric Barnes for calling this source and its mention of Maqtil T'ahir to my attention.

[70] Emmanuel Abraham, an official in Haylä Sellassé's government from the 1930s to 1974, has detailed many of the frustrations he encountered in trying to execute his duties competently, rather than just competing for imperial favor. Emmanuel Abraham, *Reminiscences of My Life*, Oslo: Lunde, 1995.

[71] MT File 7-1-11, Anon. to Minister of the Pen, #505/4, 6 Tahsas 1940E.C. (16 December 1947); Maqtil T'ahir statement, ibid., 6 Tahsas 1940E.C. (16 December 1947).

He is now back in Jijjiga but he is willing to return as soon as he hears the word of clemency from the emperor. In addition, he has promised to convince [the leaders of] the [political] association [i.e., the SYL] that has been created in what was known as Italian Somaliland [to become pro-Ethiopian]. Therefore, it is really important [to try to satisfy Maqtil].

Secret
Harär, 16 January 1948

Qäññazmach Maqtil T'ahir, balabat of Ogaden Rér Isaq Rér Harun, has presented the following grievances against the [Ethiopian] government:

1. The emperor has proclaimed that the Ethiopian people, although they may differ in religion and ethnicity, are one people and no group is better than another. However, this statement is not duly respected [in practice].[72] I say so for the following reasons:

   A. Whereas old and retired Amharas who are not able to work are paid pensions for their service and enjoy social security, the elderly Somali are not entitled to the same rights.
   B. For example, the notable Abdulla T'ahir, who founded the city of Jijjiga, did not get anything from the government for his service. In fact many Somalis, who have rendered great service for the independence of their country and its development, have passed away without getting any sort of recognition from the government. When it comes to the Amhara, however, [people who have rendered similar kind of service to their country] have been rewarded one way or another.
   C. Whereas there are many qualified Somalis who can do government work in administration, justice, and secretarial roles, they are not given [these jobs] and only the Amhara, who are not really better qualified than the Somali, are [given them instead].
   D. Whenever there is a [serious] issue regarding public administration and governance only the Amhara [officials] meet and decide on what to do; not even a single Somali is called and asked [about the matter] unless he takes the initiative himself.
   E. The emperor has taken the initiative that the future of the country rests on education and, as such, has taken on the task of building schools all over the country. In general, there are over 200,000 Amhara boys and girls [children] attending school, whereas only fewer than 100 Somali kids are [currently] able to attend schools.

[72] የኢትዮጵያ ሕዝብ አንዱ ካንዱ ምንም በዘርና በሃይማኖት የተለያየም ቢሆን በኢትዮጵያዊነቱ አንድ ከ ሌላው የማይበላለጥ ሕዝብ ነው ብለው ያወጁት ንጉሣዊ ቃል አልተከበረም። (Yältyop'ya hezb andu kandu menem bäzärenna bähaymanot yätäläyayäm bihon bältyop'yawinätu and kälélaw yämaybäl;alät' hezb näw beläw yawäjut negusawi qal altäkäbäräm).

2. Whereas all the Somali believe in and worship Islam, their religion is looked down upon [is not equally respected] by the Ethiopian government. I say so for the following reasons:

   A. The judges in the Sharia court are forced to undertake their deliberations in Amharic rather than, as is customary, in the language of Islam [Arabic].
   B. According to our religion any kind of inheritance, after a person is deceased, should be determined by the Sharia court according to Islamic laws. However, the government has denied the Sharia court this right and has ordered all inheritance cases to be handled by [government/Christian] courts.
   C. We hear that [Catholic missionaries are allowed to proselytize] Muslims in Arsi and neighboring Galla [Oromo] regions.[73] Such activities denigrate religion [i.e., Islam]. Here, we see that the emperor's edict that "belief is up to the person, but the country belongs to all"[74] is once again ignored in practice.

We Somalis, who have sacrificed a lot for this country from childhood to old age, have gotten nothing in return and no recognition is made for our contributions and sacrifices.

In fact, we are now witnessing that the government is favoring those who did their utmost to undo it by being agents of the enemy [the Italians] than those who [fought] on the side of the government, and this has created immense dissatisfaction [among us].

In general, we feel that what our government has done so far has marginalized the Somali rather than integrate them. Although there is no time to explain everything in more detail, these are the key issues that have antagonized/dissatisfied me with the government.

After receipt of this statement, Keflé Ergätu (Deputy Minister at the Ministry of Interior) telegrammed Jijjiga to keep Maqtil T'ahir there for one more day, until Blattä Ayälä Gäbré could fly down in person and tell the aggrieved Somali what Addis Abäba's order was.[75]

Although Maqtil's complaints were hardly unreasonable, it is surprising that in 1947 a Somali was willing to travel to Addis Abäba to meet with Haylä Sellassé, under

[73] For Catholic missionaries in Arsi two decades earlier, see Abba Endreyas letters to Ras Täfäri, discussed in Chapter Two.

[74] "ሃይማኖት የእግዚአብሔር ነው አገር ግን የጋራ ነው።" (haymanot yäegziabehér näw agär gen yägara näw).

[75] MT 7-1-11, Keflé Ergätu to Qäññazmach Wäldä Ammanuél, #404, 8-4-40E.C. (18 December 1947).

the impression that the emperor had read or been informed of such a statement of discontent. Maqtil's willingness to do so evidences that he was acutely aware of how tenuous Ethiopia's control over the Ogaden was, and how much Ethiopia needed prominent locals, like himself, to cooperate with government. He is but one example, though a remarkable one, of how the Somali population in the Ogaden was either divided over the issue of supporting Ethiopia or Somalia or willing and capable of taking advantage of inter-state and/or international rivalries for personal purposes. The willingness of Ethiopian authorities to work with him, despite questions about his loyalty, not only testifies to Ethiopian weakness in the Ogaden in the 1940s and 1950s, but also raises questions about the nature of Ethiopian rule. Clearly, in the late 1940s, the Ethiopian state felt the same need it had in the early 1930s, to court certain Somalis, hoping thereby to influence the majority. The concern was not ill-founded, especially in light of the historical fact that Maqtil and the SYL soon branched out in an attempt to radicalize the Haräri as well.

Harär

For the Haräri, a brief respite from allegedly harsh Ethiopian rule occurred during the Italian occupation. The Fascists gave back previously confiscated lands to their original Haräri owners, encouraged Islam, and favored Haräri over Oromo and others in local administrative positions. When Haylä Sellassé returned to Ethiopia, however, his administration revoked these Haräri gains and allegedly added insult to injury through

policies such as assessment of back taxes for the years of the Italian occupation.[76] Furthermore, Haräri recount that their Muslim forefathers were then not able to find employment, especially in the administration, join the military, assemble publicly, use their own language or Arabic in official settings, and did not have access to quality facilities for Islamic education. Some Haräri consequently formed a political organization called the *Jam'íya al-Wataníya* or *Jam'íya Hurríya al-Haräríya.*[77] Highly conscious of Harär's long Islamic history, and certainly inspired by the recent Islamic revival under the Italians, their purpose was to regain the rights guaranteed to the Muslim Haräri by Menilek in 1887. They also took inspiration from a group called Firmach (Haräri: "signatures") that had been founded in the 1920s to encourage education among the Haräri and to reform certain cultural practices that were deemed economically harmful to the community.[78]

The *Jam'íya* sent a group of representatives to Addis Abäba to present Haylä Sellassé with a petition stating their grievances and requesting his help.[79] Accounts of their reception vary. Most informants claimed that Haylä Sellassé was sympathetic and

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[76] Ejetta Feyessa Basha, "Newcomers and the Peoples of Harar in the early 20th century," no date, unpublished (on file at the Institute of Ethiopian Studies), 4. If this information is valid the situation in Harär was unique, since the general practice was to grant pardons on taxation for the years of occupation.

[77] Interview of Hajji Zekaria Abu Bokr, 6 July 1994. These Arabic names mean, respectively, The National(ist) Organization and the Organization for Haräri Freedom. Rahji traces the genesis of these names and although he notes that "it is generally called Jam'iya," he prefers to use 'Watani' in his essay. ("Kulub-Hannolato," 20) I use *Jam'íya*, which was favored by my interlocuters. The group's meeting place was the home of Hajji Ibrahim Sulayman. (Interview of Hajji Ibrahim Sulayman and Hajji Abdullah Shariff, 7 July 1994; Rahji, "Kulub-Hannolatto," 50)

[78] Interviews of Hajji Zekaria Abu Bokr and Hajji Abdurahman al-Tabalali, 22 February 1998; Hajji Abdi Settar Mume Bashir, 21 June 1998; Abdi Husayn, 7 August 1998.

[79] The *Jam'íya* disseminated its ideas more widely through written documents circulated around town and poetry composed and sung in Arabic. Interviews of Hajji Ali, 15 April 1994; Hajji Abd al-Rahman Abu Bokr and Hajji Zekaria Abu Bokr, 10 July 1994.

sent a letter back to Blattä Ayälä, who chose to ignore it.[80] One individual maintained that Haylä Sellassé gave the party a lukewarm reception and falsely promised to do something.[81] In any case, the appeal led to no discernible changes in the situation.

Meanwhile, the Somali Youth Club (SYC), under the leadership of Maqtal T'ahir, opened an office in Harär. The Haräri believed that the SYC sought to educate the Haräri and other peoples about freedom, and to stir things up a bit.[82] In the Ogaden the SYC slogan was "Somalia hanolato, Ethiopia hadimto" (Long live Somalia, death to Ethiopia).[83] In Harär the goals and philosophies of the SYC and the *Jam'íya* apparently did not conflict, and Haräri joined both organizations in large numbers.[84] Certainly, the groups shared a Muslim religious identity and a common sense of oppression, but at present little more is known by scholars about the specifics of their agendas in Harär.[85] When news reached Harär that the Council of Foreign Ministers' Four Power Commission of Investigation for the Former Italian Colonies was coming to Muqadishu to ask Somalis what they wanted for their country after the departure of the Italians,

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[80] For example, interview of Hajji Ibrahim Sulayman and Hajji Abdullah Shariff, 7 July 1994.

[81] Interview of Hajji Ali, 15 April 1994.

[82] Interviews of Hajji Ibrahim Sulayman and Hajji Abdullah Shariff, 7 July 1994; Hajji Abd al-Rahman Abu Bokr and Hajji Zekaria Abu Bokr, 10 July 1994.

[83] Tibebe Eshete, "The Root Causes of Political Problems in the Ogaden, 1942-1960," *Northeast African Studies*, 13, 1 (1991): 17. On Maqtil T'ahir, see 28, n. 61.

[84] Interview of Muhammad Ibrahim, 7 July 1994. Rahji reports how SYC members, wearing badges on their chests, verbally harassed non-Kulub Haräri. (Rahji, "Kulub-Hannolatto," 43). However, he cites an unpublished document written by the individual most often mentioned in Harär as a traitor to his own Haräri community and as a lackey of Haile Sellassie. It is possible that this harassment was done by another group founded by the government to try to divide the SYL and the *Jam'íya* . This group was described to me as the Somali League, headed by Farah Aidiid, and distinguished by the badges they wore on their chests. (Interview of Hajji Abd al-Rahman Abu Bokr and Hajji Zekaria Abu Bokr, 10 July 1994).

[85] This alliance recalls a later one in Bale, where Islam served as an ideological matrix that helped foster anti-state cooperation between Somali and Oromo. Gebru Tareke, *Ethiopia: Power and Protest, Peasant Revolts in the Twentieth Century*, Cambridge: Cambridge University Press, 1991, Chapter 5.

urgency compelled the SYC (by then reconstituted as the Somali Youth League - SYL) and the *Jam'iya* to settle their differences, collaborate and secretly send a 13- or 14-member delegation to Muqadishu to inform the commission about the mistreatment of Harär's residents and the Ethiopian government's refusal to address these problems.[86]

On 20 January 1948, while this group was still in Muqadishu, Ethiopian government forces seized the Harär offices of the (by then reconstituted) SYL and the *Jam'iya* , confiscating all documents and membership registers and arresting those then present in the offices.[87] Members of both groups marched peacefully to the government offices to find out what was happening. Informants claimed that there were few Haräri who had not joined one of the organizations, so the gathering must have been quite large. They added that Blattä Ayälä came out on the balcony and told the crowd that he could not speak with them all, and that they should select five individuals to meet with him inside.[88]

[86] Rahji, one of whose informants was a member of this delegation, breaks it down into eight *Jam'iya* members, four SYL members, and an independent. He also gives a detailed account of its reception in Muqadishu. (Rahji, "Kulub-Hannolatto," 41-49). I have not been able to find any evidence of this party from the Somali end. The closest reference is the "Petition from the Issa Somalis" (22 January 1948) which describes Harär as "an important economic and commercial link between the various tribes of the west" and asks for its incorporation into a "Greater Somalia." *The Portion of Somali Territory Under Ethiopian Colonization*, Mogadishu: Government Publications Somali Democratic Republic, 1974, 58.

[87] My informants all agreed on this date (11 *Tir* 1940, Ethiopian calendar, which is Epiphany), as does Rahji. (Rahji, "Kulub-Hannollato," 50). The Ethiopian government of course knew in advance of the coming of the Four Power Commission, however it was also aware of SYL plans to petition it over continued Ethiopian rule. The Haräri participation, however, may have come as a sudden surprise. #96, Special File M/2, Dossier 12, Sleeve 1, Vice Governor of Jijjiga to Harär Governor's Office, #8/119, 12 T'eqemt 1940E.C. (23 October 1947).

[88] Interviews of Hajji Ibrahim Sulayman and Hajji Abdullah Shariff, 7 July 1994; Hajji Zekaria Abu Bokr and Hajji Abd al-Rahman Abu Bokr, 10 July 1994.

Hajji Abd al-Rahman Abu Bokr, one of the quintet,[89] recounted that after they were seated in Blattä Ayälä's office, in the presence of the governor-general of Harär, Prince Mäkonnen Haylä Sellassé, the deputy governor held up a piece of paper and asked them if they sent some people to Egypt with a petition stating various grievances.[90] They admitted they had done so and explained that everything was written down in the letter he was holding, which was a copy of the one taken to the U.N. Four Power Commission, and which was one of the documents seized that day. Blattä Ayälä stepped out on the balcony and announced that discussions would take quite a while, so everyone should return home and wait until the following day for his response. Back inside, the governors spoke with the five Harāri for a few minutes and then asked them to wait while they checked on some things. After a few hours the five were arrested and jailed.

In the minutes from a meeting of the Harär Provincial Administration held the following day, Blattä Ayälä offered a slightly different version.[91] He said that when the crowd initially gathered he spoke with three elders and instructed them to select the most respected community leaders and have them return in the afternoon to present their thoughts in writing. When they came, at about four o-clock in the afternoon, they informed him that all of Harär's Muslims were in full agreement with those who had

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[89] The following account is based on interviews with Hajji Abd al-Rahman Abu Bokr, 2 July 1994; Hajji Zekaria Abu Bokr, 6 July 1994; and the two of them together, 10 July 1994.

[90] In light of the fact that Prince Mäkonnen, the governor-general, was generally not involved in active administration, it is significant that he was present at this meeting with the deputy governor.

[91] Those in attendence were: Harärgé Governor-General Prince Mäkonnen Mesfen, Harärgé Deputy Governor Blattä Ayälä Gäbré, Harärgé Director Qäññazmach Wäldä Ammanuél Täklä Haymanot, Abba Mäzgäbä Sellassé, Harärgé Treasurer Qäññazmach Yohannes Bitaweleññ, Harärgé Police Chief Shalaqa Yimam Goshu, Gerazmach Ashageré Qursé, Fitwrari Alämayahu Darbé, Fitwrari Gwangul Kolasé, Harärgé Justice Vice President Blattä Asfaw Häbta Giyorgis, Harärgé Army Commander Lieutenant Colonel Waqchira Sarada, Ato T'assäw Ayälä, and Ato Aklilä Däjän. ("Prosévérval," 14 T'ir 1940 (23 January 1948), minutes of a meeting of the Harări Provincial Administration, 1).

been arrested the previous day and they requested him therefore to issue a pardon and release them from jail. Furthermore, they acknowledged that they had sent the party of 13 to Muqadishu in order to request that Harär be released from the rule of the Emperor's government and that the Haräri be permitted to administer the region themselves. Surprised by their total lack of fear, Blattä Ayälä made them sign the paper which they had presented and then, armed with this proof of their cooperation with Somalis in Muqadishu [i.e., the SYL] and their conspiracy against the state, ordered their arrest.[92]

The following morning, after news of the arrests spread, a meeting was held at the *jum'a* mosque, and the Haräri chose 50 other representatives. They went to the governor's office to inquire about the detainees, whereupon they were also arrested. Then government forces began going door to door, incarcerating more people and seizing Haräri private properties, including houses and land.[93] Shaykh 'Abd al-Jawad, the late guardian of the tomb of Shaykh Hashim in Harär, recalled in 1994 that so many people were arrested that people viewed him as some sort of sorcerer (*tänqway*) since he remained free.[94]

The Provincial Administration meeting was called the day after the mass arrests in order to decide what to do next. In his opening remarks, Prince Mäkonnen spoke repeatedly of the "Haräri Muslims" (*Yádäri Islámoch*), implying that the movement possessed both ethnic and religious dimensions. He pointed out that at "this hour in which all Ethiopians must unite like they are one family," the Haräri had become

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[92] "Proséverval," 4.

[93] During this time many books and papers, including unpublished local histories were burned or carried away. Interview with Muhammad Abu al-Khays, 10 July 1994.

[94] Interview with Shaykh Abd al-Jawad, 23 April 1994. He recalled that the only other adult male at large was the guardian of the tomb of Aw Abadir, the patron saint of Harär.

individualistic and were trying to get the Four Power Commission to investigate the internal conditions of Ethiopia. Blattä Ayälä added that the administration really knew very little about the Kulub movement because they had no one who would provide them with inside information.[95] Perhaps owing to this lack of intelligence, he stressed the relationship between Kulub and Somalis in Muqadishu and the relevance of their combined activities to the issues of Eritrea and Somalia returning to their "Mother Ethiopia." He added that everything the administration had learned pointed to a collaboration between the Somalis and the "Islamic Organization" founded in Harär (*Jam'iya*).

The meeting then shifted to a discussion of what to do. It was agreed that someone needed to go to the capital to brief the emperor in person, but those assembled were undecided as to whether that should be Blattä Ayälä or someone else. The necessity of asking for external military forces to help control the local situation was debated, as was the need for an exhaustive search for caches of weapons. Finally, they considered the best forum—Harär or elsewhere—for the trial of the detainees.[96] Assuming responsibility for resolving the questions, Blattä Ayälä concluded the meeting by stating that additional troops were not necessary; that the trial should be held locally since the judges were more likely not to let the prisoners go (and that the judges should be carefully selected after some investigation); that the ultimate location for the Haräris'

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[95] This observation stand in stark contrast to Ethiopian officials' evolving knowledge of Somali activities in Harärgé and the Ogaden.

[96] According to the Public Security Proclamation of 1942, "The Commissioner of Police may order the arrest without warrant and detention of any person who in his opinion would...be a danger to Public Security if he remained at large." But it added that "Any person so arrested shall without any delay be brought before the High Court." (*Negarit Gazeta*, Year 1, #1, No. 4 of 1942, 30 March 1942, 8) Therefore, assuming that the Provincial Administration sought to abide by national law, there was a pressing need to determine the proper judicial jurisdiction.

incarceration would be determined by higher authorities; that the issue of hidden weapons was not important any longer; and that he would be the one to travel to the capital to speak with the emperor.[97]

In addition to the mass arrests, the government took over public properties, including Haräri *madáris* (Islamic schools). Several informants bitterly recalled that the main *madrasa*, which had been established (by the Firmach organization in the 1920s) and administered with private funds, was changed into a non-Islamic government-run school, which it remains to this day.[98] Since the jails in town were overflowing, some detainees were released but were required to report every morning to show that they had not fled. Meanwhile Haräri were prohibited from leaving Harär without special permission.[99] Over the next few months, the authorities narrowed down the number of prisoners to 81 of the better educated, most politically active and locally knowledgeable, and shipped them off to prisons in Jimma, Goré and somewhere in Gojjam.[100]

Meanwhile, the joint SYL/*Jam'íya* group from Harär had experienced a disappointing reception in Muqadishu. After local political disturbances the party was told by British authorities to leave the country, but it was reluctant to return to Harär, or to anywhere in the Ogaden for that matter. The members thus decided to try their luck in Egypt. They first went to Aden, Yemen, where prominent personalities such as Husayn

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[97] "Prosévérval," 11-12.

[98] Especially, interviews of Hajji Zekaria Abu Bokr, 6 July 1994; Muhammad Abu al-Khays, 10 July 1994.

[99] Interview with Hajji Zekaria Abu Bokr, 6 July 1994.

[100] Hajji Abdullah Shariff and Hajji Abd al-Rahman Abu Bokr described in detail the terrible conditions of their confinement. Abdi Husayn recalled being confined in the same cell as Hajji Abd al-Rahman Abu Bokr (Interview, 7 August 1998). Also, I have seen a reference indicating that the 27 Harări shipped off to confinement in Goré were listed by name in *Addis Zämän*, 7th year, #50, but I have not yet been able to follow up on the lead.

al-Attas (who had spent time in Harär) provided welcome assistance, which was repeated by the new Imam Ahmed bin Yahya when they went north. In Jidda, Saudi Arabia, they met Foreign Minister (later king) Faisal, who provided hospitality. Finally, in Egypt, they met with Mustafa al-Nahhas Pasha, head of the Wafd party; 'Abd al-Rahman 'Azzam Pasha, head of the Arab League;[101] and Hasan al-Banna, of the Muslim Brotherhood.[102] These men helped the group to publicize its plight in various newspapers, some of which were supportive and others not.[103]

Back in Harär, some Haräri did not want to have anything to do with the central administration, while others wanted a démarche to defuse local/national tensions.[104] Some informants reported that Haräri who lived in Addis Abäba, and their followers in Harär, wanted conciliation. The government, on the other hand, harbored no doubts about what it wanted. A letter from the Ministry of Foreign Affairs to Blattä Ayälä in late November 1948 expressed paranoia about the possibility of negative propaganda—of

[101] 'Azzam Pasha was "known widely...for [his] devotion to Arabic-Islamic causes." Richard P. Mitchell, *The Society of the Muslim Brothers*, 1969 reprint, New York: Oxford University Press, 1993, 23.

[102] Mohamed Yusuf Ismail, personal communication, 16 June 1998. I am grateful to Mr. Mohamed, today of Melbourne, Australia and one of two or three still living members of the SYL/*Jam'iya* group, for writing me a long letter about their voyage, including persons and groups with whom they met, their intentions, the problems they had, and their occasional intra-group disagreements. I also thank Mr. Mohamed Omar Hamo, of Harär, for providing me with a most useful working translation of the letter.

[103] Rahji also reports that the Muslim Brotherhood assisted the Haräri party in Egypt. (Rahji, "Kulub-Hannolatto," 49) Owing to the Brotherhood's interest in Islamic movements in other countries, and its information gathering and storage activities, I suspect its archives contain valuable information about Kulub. (See Mitchell, *Society of the Muslim Brothers*, esp. 172-73). If the Egyptian government ever releases the Brotherhood's documents to the public, its connections with Ethiopian and other African Muslims would be well worth investigating.

[104] For a published example, see the only newspaper report of Kulub, "Abétuta," *Addis Zämän*, 2 Miyazya 1940 (10 April 1948), 1-2. This article contains a petition delivered to the emperor from "Ethiopia's Muslims" on 30 Meggabit 1940 (8 April 1948). The petition refers to the harm done against the nation and its government by 50 worthless Haräri traitors, bemoans the threat of their actions to the long-standing unity between Ethiopian Muslims and Christians, and calls for their immediate and severe punishment. Clearly, this petition is sycophantic propaganda, but it is worth noting the delay between the crackdown in Harär and official acknowledgement in the press, the article's failure to provide any details about the allegedly treacherous deeds, and its indications of divisions within the country's Muslim community.

Ethiopia as an oppressor of Muslims—being spread among Arab countries, and instructed the deputy governor to utilize every means possible to get relatives of the Cairo group to convince them to return to Ethiopia.[105] When a few Haräri in Addis Abäba approached the Ethiopian government soon afterwards, they were told that if the 13 delegates who went to Egypt would come back then the government would release the 81 who were being held in jail.[106]

About a year and a half after the initial arrests, a small group of Haräri and government officials traveled to Cairo to try to convince the exiles to return. Although the Palestine war had overshadowed the Haräri grievances, and the group was making little headway, its members were hesitant to return to Ethiopia, fearing arrests and/or other reprisals. Eventually, most of them were coaxed back and the 81 prisoners were released.[107] The Minister of Agriculture and Commerce, Mäkonnen Habtä-Wäld, then brought the prisoners, delegates and negotiators together at the National Theater in Addis Abäba and admonished them: "With your activities you Haräri created something like an abdominal disease. Since abdominal illnesses are incurable you are the permanent disease of Ethiopia. But since Haylä Sellassé has said that you are to go free, you may go home."[108]

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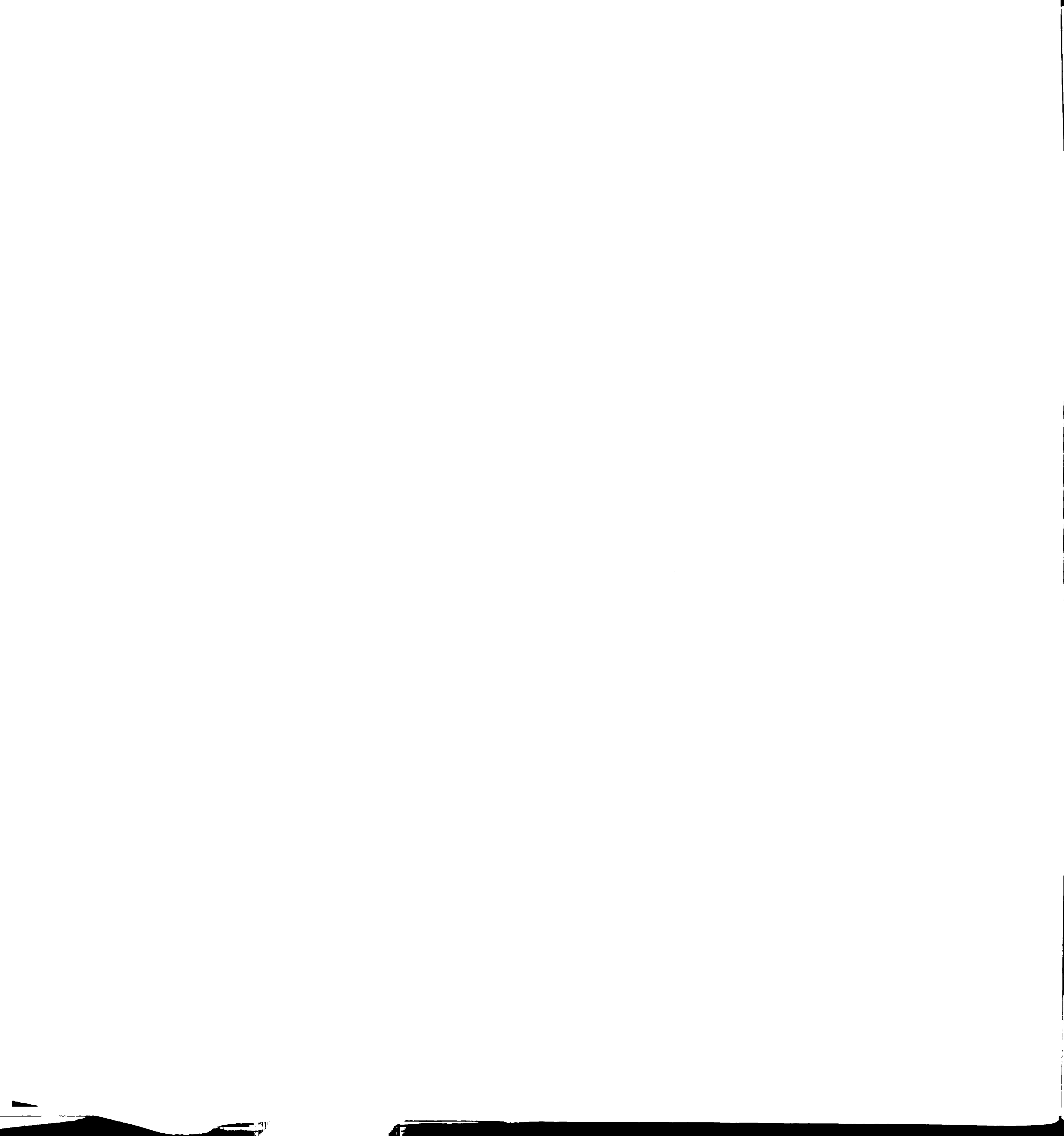
[105] Ministry of Foreign Affairs to Blattä Ayälä Gäbré, 11 Hedar 1941 (20 November 1948), No. 144/41; see also: Ministry of Foreign Affairs to Blattä Ayälä Gäbré, 16 Hedar 1941 (25 November 1948), No. 180/41. One press example was "Al-Ám Harar," *Sauta Arrabita Alislamia Al Eritrea*, 2 July 1949. I would like to thank Jonathan Miran for sending me photographs of this article, which I have not yet worked my way through.

[106] Rahji, "Kulub-Hannolatto," 52.

[107] Interviews with Hajji Ibrahim Sulayman and Hajji Abdullah Shariff, 7 July 1994; Hajji Zekaria Abd al-Bokr, 6 July 1994. Rahji, "Kulub-Hannolatto," 52-53. For those in Cairo, the decision to return was not an easy one. Mohamed Yusuf Ismail, personal communication, 16 June 1998.

[108] Interview with Hajji Abd al-Rahman Abu Bokr and Hajji Zekaria Abu Bokr, 10 July 1994. Rahji's informants recalled three days of "political education and propaganda." (Rahji, "Kulub-Hannolatto," 53).



Their release marked the effective end of the Kulub movement of 1948. Waldron's informants in the 1960s recounted that Kulub was "...the time when the integrity of the city was lost."[109] One local Oromo proverb refers to the event as: "On that day [Harӓris] were eliminated from earth."[110] Certainly, Kulub still remains a vivid moment in the popular historical consciousness of the Harӓri. Why did Blattӓ Ayӓlӓ react so harshly to the *Jam'íya* , whose purpose was simply to increase Harӓri rights to levels guaranteed by agreement with Menilek? The primary answer to this question lies in the threat that Ethiopia might lose Eritrea and the Ogaden. Haylӓ Sellassé was not entirely politically secure, and to prevent these regions from breaking away from Ethiopia he needed to demonstrate internal stability and strength in order to promote a positive image of his administration to the world. Such an image could not be sustained in the face of widespread social unrest.

The International Context

After his return to Ethiopia in 1941, Haylӓ Sellassé's more militarily powerful ally Great Britain assumed effective control of Eritrea and the Ogaden. At that time, Britain sought to unite the Ogaden with the other Somali territories to form Greater Somalia. Similarly, they sought to separate Eritrea from Ethiopia and to carve it into two parts, one of which was to be joined with Sudan and the other with Ethiopia's Tigrayan highlands to constitute a separate state. Despite Ethiopia's continued claims over these territories, in 1944 it was forced to allow Britain to remain in the Ogaden, and in 1945

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[109] Sidney Waldron, "Farewell," 255.

[110] "Gafas Adarenfa lafara yom hafte." Ejetta, "Newcomers," 7.

"the London Conference of the Allied powers rejected Ethiopia's claims to both Eritrea and the Ogaden."[111]

The Ogaden's fate remained largely an issue between Ethiopia and Great Britain, but Eritrea's future was also a matter of concern to Italy, the Soviet Union and neighboring Arab countries and was taken up in the United Nations. While trying to convince the world of his point of view, Haylä Sellassé also endeavored to weaken anti-Ethiopian forces in Eritrea. Although those wanting union with Ethiopia comprised the largest political bloc there, the emperor sought to inflame Muslim/Christian rivalries in order to undermine the growth of a separatist, Eritrean nationalism.[112] The anti-Muslim sentiment that was generated led to numerous violent confrontations, and the religious tensions allegedly were followed closely by the Arab press.[113] Well aware of how religious discord could weaken a country, Haylä Sellassé encouraged it in Eritrea in order to ensure Ethiopia's control there, but he could not endure it closer to home (especially in his homeland of Harär). Furthermore, owing to the weakness of his international diplomatic position he had no desire to foster poor relations with neighboring Islamic governments, especially those with close relations to Britain like Egypt and Saudi Arabia.

Neighboring the Muslim Ogaden, and with long historical ties to the Arab world, Harär was simply too close to the action for any problems associated with Islam or its perceived persecution to be tolerated. The Ministry of Foreign Affairs, based upon communications with the Ethiopian Legation in Cairo, informed Blattä Ayälä on 20

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[111] Bahru Zewde, *A History of Modern Ethiopia*, 180-181.

[112] Jordon Gäbré-Medhin, *Peasants and Nationalism in Eritrea: A Critique of Ethiopian Studies*, Trenton, NJ: Red Sea Press, 1989, Chapter Five.

[113] Jordon, *Peasants*, 88.

November 1948 that the Haräri in Cairo were spreading the false rumor that all Ethiopian Muslims were persecuted, and that this propaganda must not reach other Islamic countries. The Ministry added that the Ethiopian Government was attempting to solve the problem of the Haräri's presence in Egypt diplomatically,[114] but requested Blattä Ayälä very carefully to coopt the Haräri in Harär to get their relatives and friends to return voluntarily and as soon as possible. To facilitate his task they appended a list of the Haräri in Cairo, their home neighborhoods in Harär and the names of persons believed to be in contact with them. Two individuals were singled out as being homesick and therefore particularly vulnerable to persuasion.[115]

This letter—labeled Top Secret (*tebeq mestir*)—clearly demonstrates that the central government was closely monitoring the situation. Also, it sought to resolve the problem quickly and with a minimum use of force, which might have generated bad press internationally and perhaps have harmed Ethiopia's chances of regaining control over Eritrea and the Ogaden. The initial brutality of Blattä Ayälä's administration stands in stark contrast to this careful, cautious approach and must therefore be explained. The trajectory of local events, which also illustrates contemporary Ethiopian political culture in practice, is best clarified by considering the structure and goals of Haylä Sellassé's post-war government and the position of officials like Blattä Ayälä within it.

[114] This statement was not, apparently, inaccurate. Mohamed Yusuf Ismail, personal communication, 16 June 1998.

[115] Ministry of Foreign Affairs to Blattä Ayälä Gäbré, 11 Hedar 1941 (20 November 1948), No. 144/41, plus attachment.

Blattä Ayälä

Born in 1896 in Garamulata, near Harer, Blattä Ayälä attended the same Capucin Mission school where Haile Sellassie was educated. Blattä Ayälä's career began in Dire Dawa, first in the railway; later in the Post Office, where he was one of the first Ethiopians to learn Morse code; and finally in Customs, where he became Director. He was then promoted to Acting Head of Customs in Addis Abäba. In 1929 he was named Director of the Municipality of Addis Abäba, "an appointment which always [went] to one in whom the Emperor [had] special confidence."[116] He was suspended from this position in early 1932 for suspected graft, but nothing came of the charges.[117] A few months later he became Head of the Special Court, which tried cases between Ethiopian nationals and foreigners, and he played an important role in establishing modern Ethiopian law.

Blattä Ayälä submitted to the Italians soon after occupation, helped them to develop the local judiciary, and participated in the search for those responsible for the 19 February 1937 assassination attempt on Marshal Rodolfo Graziani, the Italian Viceroy of Ethiopia.[118] By April 1937, however, he was a prisoner at Asinara, Italy, where the famous scholar/colonial official Enrico Cerulli interviewed him.[119] Marcus notes that

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[116] "Ayela Gabré," U.S. State Department, Confidential Biographical Data, 9 July 1932.

[117] Addison E. Southard to Secretary of State, #906, 23 February 1932.

[118] Alberto Sbacchi, "Italy and the Treatment of the Ethiopian Aristocracy, 1937-1940," *International Journal of African Historical Studies*, X, 2 (1977): 216.

[119] Sbacchi, "Italy and the Treatment," 215-216.

Ayälä's stay in Italy lasted until 1939,[120] when he was repatriated to Ethiopia, probably as part of Italy's efforts to bolster local support for its government.[121]

After Haile Sellasie's return Ayälä was appointed Minister of Justice, then in 1942 he was assigned as Envoy Extraordinary and Minister Plenipotentiary in London, where he reopened the legation and made world news the following year with the comment that "Fascist blood would turn to water. The Ethiopians will not be satisfied until they can rip an Italian gullet."[122] He returned to Ethiopia in 1947 and began an eight-year-stint as Hararge's deputy governor.[123]

Governor-generalships were sometimes sinecures administered on the ground by deputy governors who exercised the same powers, and such seems to have been the case with Blattä Ayälä in Harer.[124] According to a 1942 decree, provincial governor-generals were responsible to ministers. In practice, however, those governor-generals with some influence might deal directly with the emperor.[125] Owing to Blattä Ayälä's good relationship with Haile Sellassie he likely possessed such privilege. I would nevertheless maintain that from the standpoint of political authority he would have preferred to be in

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[120] Haile Sellassie, *My Life and Ethiopia's Progress, Vol. II*, ed. and annot. By Harold Marcus et al., trans. by Ezekiel Gebissa et al., East Lansing: Michigan State University Press, 82, n. 152.

[121] Sbacchi, "Italy and the Treatment," 219. Scholler incorrectly states that Ayälä supervised "all traditional courts during [the] occupation." (Heinrich Scholler, *The Special Court of Ethiopia, 1920-1935*, Stuttgart: Franz Steinger, 1985, 84).

[122] *Negarit Gazeta*, Year 1, #6, No. 8 of 1942, 27 August 1942, 55; *Time Magazine*, 14 June 1943, 36; *Negarit Gazeta*, Year 1, #1, General Notice #1, 30 March 1942, 26.

[123] Haile Sellassie, *My Life, Vol. II*, 82, n. 152.

[124] John Markakis, *Ethiopia: Anatomy of a Traditional Polity*, Addis Ababa: Oxford University Press, 1974, 292-293; American Legation, Addis Ababa to Secretary of State, #436, enclosure, 5 July 1947.

[125] Perham, *Government*, 346-347; Christopher Clapham, *Haile-Selassie's Government*, New York: Praeger, Publishers, 1969, 99.

Addis Abäba, closer to the emperor and to the possibility of another ministership. Blattä Ayälä would thus have sought to administer the region as effectively as possible in order to be invited back to the capital.

The Local Context

As mentioned above, after Haylä Sellassé's return in 1941 his primary concern was to attain the centralization of power in his person. To do so he appointed, whenever possible, officials at all levels of the government bureaucracy whose loyalty to himself was unquestioned. The emperor tolerated little opposition and forbade any sort of organized political activity, especially if it threatened to establish institutionalized power apart from his own.[126] If he disapproved of the conduct of any of his officials, or if he suspected any of them of becoming too popular or powerful, he reshuffled his administration accordingly. In this context, no position was secure, yet at the same time no fall from his grace was irreversable. As a result, there was considerable competition among the emperor's subordinates, and many long careers experienced rising and falling fortunes.

The coercive powers available to government officials, and governor-generals in particular, were extensive and enabled these men to carry out the emperor's wishes and thereby prove their continued loyalty to him. Governor-generals were responsible for law enforcement, taxation and the administration of justice,[127] and they could order the arrest of anyone they suspected of challenging official authority and detain him or her for

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[126] Markakis, *Ethiopia*, 331. For the emperor's suppression of other challenges to his authority, see Gebru Tareke, *Power and Protest*.

[127] Markakis, *Ethiopia*, 301, 303.

as long as they thought necessary.[128] As Deputy Governor of Harärgé, Blattä Ayälä possessed these powers and would have been aware of his potential to regain a ministership should he employ his powers skillfully. In the context of international threats to Ethiopia's retention of Eritrea and the Ogaden, SYL activities in nearby Jijjiga soon provided him the opportunity to do so.

By 1946 the SYL had opened a branch office in Jijjiga and hoisted its own flag. The SYL organized meetings and marches, "which were accompanied by chanting and slogans...meant to create an atmosphere of intimidation."[129] The group also harassed American Sinclair Oil Company representatives who were surveying in the Ogaden.[130] As discussed above, Ethiopian authorities were exceedingly concerned about the long term national ramifications of these activities. The Ogaden's perceived importance to national security, strikingly phrased in a letter from Haylä Sellassé to Blattä Ayälä, compounded these concerns.[131] The degree of tension between the SYL and Ethiopian officials became apparent in June 1948, when Ethiopian police attempted to have the SYL flag lowered and an ensuing fight led to the deaths of about 25 League members.[132]

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[128] Markakis, *Ethiopia*, 303. See also note 96 above.

[129] Tibebe Eshete, "Root Causes," 18. Although the SYC was reconstituted as the SYL during this period, in the following section I refer to the organization only as the SYL for the sake of consistency.

[130] See Harold G. Marcus, *The Politics of Empire: Ethiopia, Great Britain and the United States, 1941-1974*, Lawrenceville, NJ: The Red Sea Press, Inc., 1995, 69-71.

[131] "A house without a fence is not secure, and Ethiopia's most important fence is Somalia and its desert." (no date given) Original quoted in Tibebe Eshete, "Root Causes," 14.

[132] Tibebe Eshete, "Root Causes," 18. Tibebe follows Drysdale's account. Lewis attributes these deaths to a riot which erupted, when the eventual transfer of Jijjiga to Ethiopia was announced. Laitin and Samatar follow Lewis, adding that "at the same time, the Ethiopian secret service mounted a massive purge in Dire Dawa, Harär, and other towns to weed out SYL adherents and sympathizers." Presumably, this process had already been under way for at least six months, beginning with the crackdown on Kulub in Harär. John Drysdale, *The Somali Dispute*, London: Pall Mall Press, 1964, 71. I. M. Lewis, *A Modern History*, 130. David Laitin and Said S. Samatar, *Somalia: Nation in Search of a State*, Boulder: Westview Press, 1987, 64-65.

As the province's deputy governor, Blattä Ayälä was in touch with Ethiopian officials in Jijjiga, and been monitoring the situation there for at least a year. Certainly well aware of Haylä Sellassé's maneuvering to regain the Ogaden and having received a letter from him emphasizing the importance of the region, Ayälä was doubtless particularly intent to follow political developments in the greater region. As a high official, he would also have been aware of Haylä Sellassé's fear of organized political activity, and Prince Mäkonnen's presence at the early meetings with the Haräri indicates that the emperor would at least eventually be fully aware of the local situation and its potential.[133] Although the violence in Jijjiga followed that of Harär, Blattä Ayälä's evolving knowledge of the political situation and SYL activities in Jijjiga and other regions to the east was surely a major factor in his actions towards Kulub in Harär. The opening of an SYL office in Harär—the seat of the Governor's Office—must have been alarming in itself. But when Blattä Ayälä learned that the SYL and *Jam'íya* had sent a combined group to Muqadishu to meet with the Four Power Commission, he must have assumed that the organizations had merged or, at least, had begun coordinating their actions.[134] Well aware of the highly tense atmosphere in Jijjiga, which was to explode only six months later, he sought to prevent similar tensions from escalating in Harär, and

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[133] Prince Mäkonnen was Haile Sellassie's favorite son. (Harold G. Marcus, *Haile Sellassie I: The Formative Years, 1892-1936*, Lawrenceville, NJ: The Red Sea Press, Inc., 1995, 174; American Legation, Addis Abäba to Secretary of State, #1371, 21 May 1934.

[134] In April 1948 a petition "which requested the British Government to give the people of Harrar assistance in their movement for independence from Ethiopia" was signed by at least two Somalis. One was Maktel Dohir (Maqtil T'ahir?), who was said to have been a SYL leader in Muqadishu and also responsible for attacks on Sinclair Oil Company equipment in Dagabur [Dägähabur]. (American Legation, Addis Abäba to Secretary of State, Airgram 2243, 16 May 1948).

thus aimed to crush the movement(s) completely. It is only after he did so that we have evidence of his consulting other administrative officials on how best to procede.

Blattä Ayälä's status as an ex-collaborator also helps to explain his heavy application of state force. As such, he was viewed by many as a "traitor and thus suspect." Knowing that his career was always entirely dependent upon Haylä Sellassé's support, but especially so after his cooperation with the Italians, he must have particularly "feared any misstep that might end [the emperor's] patronage."[135] It follows logically that Blattä Ayälä was more concerned with loyally administering Haylä Sellassé's policies and staying in the emperor's good graces, than with determining and implementing plans more appropriate to the local situation or desired by the local population.

Post-Kulub Representations of Haylä Sellassé and Blattä Ayälä

It is worth noting that, in 1994, Harӓri recollections of Kulub condemned both Blattä Ayälä's unwillingness to entertain Harӓri grievances and his unjustified application of intense force. The same accounts, however, contained measured praise for Haylä Sellassé's readiness to receive a Harӓri petitition and consider their complaints. The "good guy/bad guy" dichotomy of Harӓri reminiscences reinforces common assumptions about the emperor's self-representations and raises questions about how he ruled his country.

There is no debate that Haylä Sellassé fostered a domestic image of himself as a divinely ordained emperor, above reproach or fault. In Harold Marcus' words, "...he

[135] Charles McClellan, "Observations on the Ethiopian Nation, its Nationalism, and the Italo-Ethiopian War," *Northeast African Studies*, 3, 1 (1996): 58.

submerged his personality into the emperorship by making himself into an aloof and distant symbol, surrounded by a deep moat of ceremony, for whom the form, not the substance was paramount."[136] In the Constitution of 1931, "the emperor's person was declared 'sacred', his dignity inviolable, his power indisputable." In fact, the subject of his powers occupied more than half the constitution, which was first drafted on the assumption "that all power emanated from the Emperor and could be enjoyed by others only in the form of temporary and revocable delegation by him."[137] Haylä Sellassé was also concerned with his image in international circles.[138] As part of his conscious posturing, he subordinated his officials, yet distanced himself from them publicly.[139] His representatives also facilitated the construction of these images, as when Mäkonnen Habtä-Wäld insulted the Haräri to their faces, but allowed them to return home thanks to the emperor's magnanimity. Haylä Sellassé was thereby able to take "personal credit for all that [was] praiseworthy," and "disclaim[] all responsibility for the opposite."[140] Indeed, the common distinction between him and his venal and heavy-handed representives was articulated by groups as diverse as Tigrean peasants recounting the 1943 *Weyane* revolt, urban Haräri rememembering Kulub, and even foreign observers of the Ethiopian scene.[141]

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[136] Marcus, *Haile Sellassie*, 97.

[137] Markakis, *Ethiopia*, 272; John Markakis and Asmelash Beyene, "Representative Institutions in Ethiopia," *Journal of Modern African Studies*, 5 (1967): 201. (quoted in Marcus, *Haile Sellassie*, 117.)

[138] Clapham, *Government*, 50.

[139] Clapham, *Government*, 52.

[140] Markakis, *Ethiopia*, 228.

[141] On *Weyane*, see Gebru, *Power and Protest*, 92. On foreigners, see Clapham, *Government*, 52. Clapham comments that the pursuit of such a status, in which one receives all praise but escapes all blame, is

I suggest that this process could not have been successful across such a broad spectrum if the emperor did not personally follow and influence events taking place throughout his empire. His information networks depended on his family members, often assigned to such posts as governor-generalships, while more qualified representatives effectively administered the country, constantly aware of the emperor's observers and informants. This arrangement provided the emperor's kin with wealth and prestige, assigned actual administration to more talented or respected individuals, and monitored those persons to ensure continued loyalty and adherence to the throne's wishes. The Kulub movement provides one example of how Haylä Sellassé appeared to take a largely "hands-off" approach when, in fact, he and his explicit policies directly shaped events on the ground in the provinces.

Concluding remarks

Harär has not been just the homeland of the Haräri, or Oromo or Somali, or others, it has also served as an important base of state power over the last century, for different reasons at different times, such as generating personal revenue for the emperor or for stationing regional military forces to counteract Somali irredentists. As such, it houses an important archive of government documents of great interest to scholars of the entire Horn, and not just of Ethiopia. Hopefully, this chapter has given a hint of the rich knowledge that lies in those archives, and convinced readers that it is of interest not just of scholars of Ethiopia's peoples, but also to those of at least the Somalias.

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common to politicians the world over, but that Haile Sellassie was particularly adroit in attaining and maintaining this paradox.

In summary, uncertainty about the futures of Eritrea and the Ogaden prevented Haylä Sellassé from tolerating perceived insurrections elsewhere that might raise doubts about the stability of his administration and Ethiopia's capability to regain and retain contested territories. Locally, no matter how moderate Haräri demands may have been, Somali politics in the Ogaden led to Ayälä's association of the Haräri *Jam'íya* with the SYL in Jijjiga and elsewhere. This viewpoint, along with his determination to prevent Somali nationalism from taking root in Harär, caused him to overreact to events around him. Further, Blattä Ayälä was well aware of Haylä Sellassé's intolerance of alternative sources of power, especially ones rooted in potentially enduring institutions, and of the importance of the Ogaden in the emperor's conception of Ethiopia. Blattä Ayälä's total dependence on the emperor, and the potential to regain a ministership, account for the vigor with which he set out to suppress Kulub and its organized structures. The physical force at his disposal as deputy governor guaranteed his success at crushing the movement. Lastly, modern Haräri representations of Haylä Sellassé's and his deputy governor's styles of rule in Harär complement general published analyses and, when juxtaposed against the emperor's administrative structures, reveal the seemingly-aloof monarch as directly involved in provincial administration during the post-war consolidation of his power.

Much of this chapter focused on Harär, and the security forces' archival documents available there are dominated by surveillance of the Somali, a bias that is explicable by two factors. The first is, simply, that the Ethiopian government did not have a spy that could feed them inside information about the Haräri side of things, and there was consequently nothing about which to write reports. The second is that the

Somali were (and are) a couple hundred times more numerous than the Haräri, and they inhabited much vaster regions whose politics were international and closely monitored and influenced by European and other countries. The fact that Somalis inhabiting five different countries were being mobilized for unification was no small thing to Ethiopia, nor to the Italians, French, British or the U.N. The Somalis therefore posed a much greater threat to Ethiopian territorial integrity than the Haräri, especially when the future fates of Eritrea and the Ogaden were as yet unsure. That it was a politics of scale is obvious, but the international dimension is also crucial, as is the fact that—from an Ethiopian perspective—the Haräri represented a purely 'internal problem' with the potential to link themselves to international events, while the Somali were already both an 'internal' and an 'external' problem.

After the joint Haräri-Somali party left Harär in late 1947 to present their grievances before the Four Power Commission in Muqadishu, the Ethiopian government stormed the offices of both organizations, arrested all those present in each one, and confiscated all papers and documents. They then proceeded to incarcerate huge numbers of men throughout town. As a result of the events, 81 Haräri men eventually spent several years languishing in jails throughout the country. I have been unable to locate any court records relevant to Kulub, but the security forces archives I have seen provide little evidence of Haräri 'crimes' appropriate to the severity of imposed punishment. Lack of decisive evidence, however, did not pose an insurmountable barrier to the authorities. Blattä Ayälä's decision, at the provincial administration meeting discussed above, that the Haräri should be tried locally because state judges in Harär were less likely to free them—and that the judges should be carefully chosen by the

administration—shows that by the late 1940s, at least in special cases, the judiciary was not independent and the law was no longer an institution applying to all Ethiopians equally.

Concluding Remarks

Reflections on Ethiopian Governance, c. 1900 to 1950

It has been the contention of this dissertation that the processes of Ethiopia's state formation during the first half of the 20th century should be viewed largely as bureaucratization. Already in place was an historically developed political culture, generally decentralized though with fealty owed to the emperor, and various structures designed to ensure ruling class dominance over conquered or subjugated peoples. By the turn of the 20th century, however, this system was inefficient by international standards and a potential invitation to European imperialism. A few members of Ethiopia's ruling elite, and some of those whom they patronized, were drawn to Western concepts of governance, both to protect their country's independence and to develop it along 'modern' lines.

The way had been prepared by their predecessors in the 19th century. Emperors Téwodros and Yohannes had worked, with varying degrees of success, to effect national unity according to the prevailing Ethiopian ideas of their time. They were followed by Menilek, who in many ways straddled the divide between 'Old Abyssinia' and 'New Ethiopia.' In extending his country's borders, Menilek conquered dozens of peoples and established local officials to control and tax them. For these efforts, he has been both lauded and derided, by scholars and laypersons alike. Perhaps equally as significant as his military adventures, however, was his creation of a Council of Ministers, which indicated future directions of political change and paved the way for further innovations, particularly under Ras Täfäri/Haylä Sellassé.

The young Ras Täfäri shared his father's interest in the Western world, and beginning with his childhood studies under a French missionary often forged friendships or alliances with Europeans whom he believed could help him attain his goals. A brilliant politician, Täfäri was able to make himself an acceptable leading figure to old guard Ethiopians, western-leaning Ethiopians, and European officials resident in the country. This feat alone is impressive, but more important is how he did so. His strategies were complex and not as well understood as they should be. A prominent part of Täfäri's political maneuverings was his focus on the law in articulating his political ideology. The law was essentially a discoursive device that enabled him to appeal to a variety of conflicting interest groups, but it also became central to his personal political ideology and was shared by other 'progressive' thinkers.

Talking about ideas is one thing, though, and implementing them in practice is another. Therefore, to improve our understanding of the history of the Ethiopian state we should investigate regional and local administrative praxis, as well. Harär was selected as a promising provincial capital in which to do so because it was historically the Islamic center of the Horn of Africa, before being conquered and brought into the Christian-dominated Ethiopian state. Moreover, aside from the inherent interest of its Muslim-Christian relations, it was Täfäri's hometown and his strongest regional base for material and political support during his rise to the emperorship. Therefore, if he was indeed the 'modernizing' monarch that so many observers have claimed, one may reasonably expect to find supporting evidence in Harär's administrative practice. The archives, however, reveal a more complicated, nuanced picture that was subject to change over time.

Civil court records from the 1910s and 1920s reveal that Harär's Muslims and Christians permitted state officials to solve many of their imbroglios, even when other venues for dispute settlement were available. The verdicts that judges issued show that the law was fairly evenly applied, regardless of the religion or gender of the litigants. Also, the civil court's procedures bear distinct similarities to those of both previous Islamic courts and Abyssinian 'traditional' litigation, a continuity that may well have encouraged use by Muslims and Christians alike. Based on the demographics and verdicts of the court cases, I proposed that these records support the notion that this form of practice followed Täfäri's ideology, a situation conducive to the state's earning the willing consent of the governed. Courts are nevertheless special sites, obviously important in many ways, but probably not indicative of state-society relations broadly writ.

General administrative correspondence, on the other hand, promises to broaden our picture of the past. For Harär, there is a 1933 governor's office register, the contents of which shed light on the nature of and challenges facing state rule in the province. The letters show that, owing to government weakness, administrators were forced to rule through pre-existing institutions, Islamic and otherwise. Thus, Ethiopian governance in Harär at the time was analogous to contemporary European styles of colonial indirect rule. Additionally, there were problems of the sorts found in most administrations anywhere: corruption, conflict of authority, and policy disagreements. While many historical practices and precedents were respected by Ethiopian provincial officials, it is notable that the governor's office's overriding concern seems to have been to stay in the good graces of their superiors in Addis Abäba, thus indicating the growing reality of state

centralization, even if it was not fully realized. Moreover, the 1930's priority to heed the capital's wishes helps to explain a brutal crackdown on a Haräri political movement in the late 1940s.

Haylä Sellassé's rule was interrupted by five years of fascist Italian occupation, during which the emperor lived in England. In Ethiopia, the Italians were failing to implement their various dreams of taking over the country and creating prosperity and development, though they were making some progress in exacerbating social divisions. When the British eventually decided that Haylä Sellassé was useful to their second world war strategies, he was sent back to Ethiopia with accompanying British forces, and a combined assault liberated the country. The ensuing years witnessed struggles over authority throughout Ethiopia, with the emperor regarding Ethiopia as his realm and British officials generally regarding it as equivalent to one of their colonies. In the end, the emperor generally won out.

The Italian period, as well as continued political uncertainty in the early 1940s, nevertheless fostered contrary attitudes among some subject peoples. Around Harär, the most visibly discontented were the Haräri and the Somali. The latter were 'divided' by the borders and administrations of five countries, and the Somali Youth League was formed to unite all of them within one, independent nation. The SYL espoused an ethno-linguistically integrationist ideology with a central Islamic component. The Ethiopian government was particularly threatened by the movement because the enormous Ogaden desert, which Addis Abäba considered an integral part of Ethiopia, was almost entirely populated by Somalis. Thus, during the 1940s, Ethiopian administration of Somali-

inhabited regions became increasingly challenging, and internal security forces busied themselves with monitoring SYL activities.

The situation worsened when the Somali established political ties with their Haräri co-religionists. Although Ethiopian officials knew virtually nothing about the Haräri movement, they reacted with fury and suppressed it decisively, arresting large numbers of Haräri and confiscating private and public properties. In the wake of this event, Haräri began to leave their hometown in large numbers, permanently, for the first time in their history. Though apparently a small episode in the histories of Ethiopia and of Somali nationalism, Kulub marks a watershed in the Haräri peoples' past. From the perspective of Ethiopian state bureaucratization, it also demonstrates an increased willingness of the state, in this region at least, to resort to force to ensure subject peoples' compliance.

By viewing early 20th century Ethiopian history as a process of bureaucratization, we are able to see when and how ideology and practice overlapped or diverged. Despite earlier evidence that the state extended a broadly accepted rule of law, during 1933, after Haylä Sellassé had been crowned emperor, there is evidence of state violence against groups who were not quiescent. Conceivably, the instances could be explained as reflecting Ethiopia's older political culture, or as actions typical of many governments' practice at the time in dealing with groups or individuals threatening broader social stability and the inevitable progress of 'modernization.' However, I think that in Ethiopia's case they are more indicative of a post-1941 transformation in the nature of the state and its regional praxis.

One of my Haräri informants recalled that when the masses of Haräri were arrested in January 1948, he was in Jijjiga where he had opened a *madrasa* and joined the SYL. There were not many Haräri there at the time, but after the crackdown about 60 fled to the town, and were well received. Since, as an SYL member, he could not return to Harär, he decided to go to Muqadishu. Traveling in a friend's car, when they arrived in Bulaburté they were told that Abdalqadir Saqawa (the Somali Youth League President) was there, visiting from Muqdishu. They stopped to inform him of events in Harär, explaining that the Haräri had been arrested because of Somalia. They also wanted to know what he could do to help rectify the situation. Abdalqadir told them that he was sorry about the news, but added that all he could do was be sad because he had long advised others not to antagonize the Ethiopians since they were 'strong.' He stated that his own stance had long been one of *not* creating tensions with Ethiopians, but rather one trying slowly and carefully to form closer relations with them. Therefore, he concluded, all he could do was to write a letter of support or condolence.

This Somali viewpoint about Ethiopian strength, along with the later U.N. decision to grant Ethiopia a federal relationship with Eritrea and sovereignty over the Ogaden, testifies to the combination of bureaucratic state-building and external politicking and image-projection Haylä Sellassé had succeeded in securing by the late 1940s. In following decades other problems would continue to confront the monarch, but by then his political position was much stronger and he no longer needed to be as patient or cautious as he had been during his rise to power (pre-1930), during his exile (1936-41), or during his battle with the British for authority throughout Ethiopia (early 1940s).

Epilogue

Ethiopian Literacy and the Study of Ethiopian History

Based as much as possible on Amharic-language documents, the preceding chapters aimed to investigate both Ethiopian ideology and praxis, roughly over the first half of the twentieth century. During that time, the state was being formed around and, as it existed, was held together by, varied institutions and processes. A central factor in the story is that, whether one thinks in terms of structures or processes, or both, the written word was becoming increasingly important to Ethiopian governance. Because Ethiopia was a centralized monarchy whose political life was dominated by powerful individuals, I sought to discern ideology in the speeches and writings of the most successful and lasting politician, Ras Täfäri/Haylä Sellassé, and in the public writings of the burgeoning intelligentsia. An alternative approach may have been to try to extrapolate ideology from practice, but Ethiopia's unevenly developed and generally flexible national political structures, the differentiated nature of 'centralization,' and the myriad challenges that faced the central government in various regions at different times, make the option at best a risky theoretical venture with questionable pay-offs.

At the same time, praxis, a notion that encompasses both theory and practice, is worth investigating because its variations promise to reveal more about governance and state-society relations than any study of ideology by itself. In an attempt to flesh out regionally-specific forms of praxis over time, I looked at judiciary, administration and security forces records for the period 1915 – c. 1950. Despite (or perhaps partially because of) the apparently optimistic insight derived from the court records (see Chapter Three), the documents reveal that in Harär the central government gradually strengthened

its ability to control the region, and as it did so it demonstrated greater willingness to employ coercive powers to ensure public order. The government correspondence exchanged between Addis Abäba and Harär in 1933 and during the late 1940s reveals that officials in Addis Abäba enjoyed a preponderant degree of influence over the handling of regional issues deemed to be of particular importance, but that in the late 1940s this influence was far greater than previously. In light of the local documentation leading to these findings, the ways in which Ethiopian bureaucracy was built and enlarged attest to the importance of literacy in twentieth century Ethiopian governance.

The antiquity of Ethiopian literacy—a factor that supposedly sets the country apart from much of the rest of Africa—is often mentioned by scholars, but the country's historiography does not begin to reflect the diversity, depth or potentials of available indigenous sources. Even classics, such as Taddesse Tamrat's excellent *Church and State in Ethiopia*, rely heavily on European language material, including translations of Ethiopian documents by long dead Italian, French and German scholars.[1] The pioneering philological work of Carlo Conti-Rossini and Enrico Cerulli, among others, have provided a crutch for generations of Ethiopianists, including Ethiopians, and one which few, if any, scholars have seen fit to question.[2]

A small number of recent historians, mostly Ethiopian, have begun locating and using neglected and original Ethiopian-language private and official documents to open

[1] Taddesse Tamrat, *Church and State in Ethiopia: 1270*-1527, Oxford: Clarendon Press, 1972. To this list might be added, among others, Donald Crummey, "Imperial Legitimacy and the Creation of Neo-Solomonic Ideology in 19th-Century Ethiopia," *Cahiers d'Études Africaines*, XXVII (1987): 13-43; James McCann, "The Ethiopian Chronicles as Documentary Tradition: Description and Methodology," in Robert L. Hess, ed., *Proceedings of the Fifth International Conference on Ethiopian Studies*, Chicago: Office of Publications Services, University of Illinois at Chicago Circle, 387-96.

[2] Space and sanity preclude my trying to cite even a fraction of Conti-Rossini's and Cerulli's many hundreds of articles and books.

up new avenues of inquiry.[3] Only by stepping up and expanding such efforts, I believe, will the literature finally begin, meaningfully, to break free of the overtly centrist (if not implicitly Christian) approaches that continue to dominate it. The preceding chapters attempted to take a new look at certain national processes by focusing on some of the specificities of the greater Harär region. I am confident that similar work on other parts of the country, when considered together, will facilitate a much needed re-thinking of the history of the Ethiopian state and its relationships with various subject peoples. Reeling from the "splitting off" of Eritrean and Oromo Studies, in particular, the historiography has arguably entered a period of crisis, which may well be a welcome development. However, too much of the recent literature relies on reinterpretation of long-existing published secondary and tertiary literatures.[4] While this new literature highlights useful avenues of inquiry and charts potential directions for future research, to resolve the

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[3] For example, in addition to the many BA and MA theses at Addis Ababa University, see: Tekalign Wolde-Mariam, "A City and Its Hinterlands: the Political Economy of Land Tenure, Agriculture and Food Supply for Addis Ababa, Ethiopia (1887-1974)," Ph.D. Thesis, Boston University, 1995; Ezekiel Gebissa, "Consumption, Contraband and Commodification: a History of Khat in Harerge, Ethiopia, c. 1930-1991," Ph.D. Thesis, Michigan State University, 1997; Benti Getahun, "The Dynamics of Migration to Addis Ababa (Ethiopia) and the Overurbanization of the City, c. 1941-c. 1974," Ph.D. Thesis, Michigan State University, 2000; Donald Crummey, *Land and Society in the Christian Kingdom of Ethiopia: from the Thirteenth to the Twentieth Century*, Urbana: University of Illinois Press, 2000. For an example of unearthing and employing private archival materials, see Makonnen Tegegn, "Walda-Giyorgis Walda-Yohannes and the Haile Sellassie Government," *Northeast African* Studies, 4, 2 (1997): 91-138.

Also, more broadly, see: Sven Rubenson, *The Survival of Ethiopian Independence*, Addis Ababa: Kuraz Publishing Agency, 1991; and *ibid.*, ed., *Correspondence and Treaties, 1800-1854*, Evanston/Addis Ababa: Northwestern University Press/Addis Ababa University Press, 1987.

Edward Ullendorf has contributed much of linguistic and source value, however his extremist Christian and highland biases have generally ensured that his attempts at historical analysis of the entire country are questionable, at best. E.g., *The Ethiopians: an Introduction to Country and People*, London: Oxford University Press, 1960. Among his less tainted contributions is (co-authored with Abraham Demoz): "Two Letters from the Emperor Yohannes of Ethiopia to Queen Victoria and Lord Granville," *Bulletin of the School of Oriental and African Studies*, XXXII, 1 (1969): 135-42.

[4] For example, Asafa Jalata, *Oromia and Ethiopia: State Formation and Ethnonational Conflict, 1868-1992*, Boulder: Lynne Rienner Publishers, 1993; and Bonnie K. Holcomb and Sisai Ibssa, *The Invention of Ethiopia: the Making of a Dependent Colonial State in Northeast Africa*, Trenton, NJ: Red Sea Press, 1990. Although I am highlighting these two books as examples of the sort of recent scholarship that needs to be transcended, I should point out that they are actually of great conceptual use, despite the generally hostile reaction of established Ethiopianists to them.

present crisis, or to move beyond it into an era of truly fresh and novel thinking, renewed interrogation of primary historical evidence, including vast amounts of available but un-consulted sources, will be necessary.

New studies would usefully be accompanied by careful analysis of the nature of the sources being utilized. Such analyses will not only be of benefit to future researchers, but will also facilitate cross-regional comparisons, enabling greater appreciation of Ethiopia's cultural, religious, social and political diversity across time and space, either within or outside of the nation-state framework that has been a political reality for most parts of the country for over 100 years. However, to make such analyses more broadly applicable, it is necessary to explore the articulation(s) of Amharic literacy and 'modern' Ethiopian governance. In the rest of this epilogue, therefore, I will review official thinking about the Amharic language in 20th century Ethiopia; discuss some of the Amharic documents consulted for and/or cited in this Harär-focused dissertation; and explore the orality/literacy interface in Ethiopian history, with a particular focus on its relationship to governance.

Language and Society: the Haylä Sellassé Years

As part of his larger strategy to forge a unified nation out of diverse peoples, Emperor Haylä Sellassé promulgated Ethiopia's first official language policy in the early 1940s, in the wake of Fascist Italy's five year occupation of the country. He chose Amharic, a Semitic language whose roots trace to around the 13th century, when a variety of it first became the court language, and which early in the 19th century also began to replace the liturgical Ge'ez as the primary language of secular writing. By the turn of the

20th century, for administrative and other purposes Amharic was widely spoken throughout Ethiopia (then still Abyssinia), and as a trade language it was also spoken in at least present-day Eritrea, Jibuti and Eastern Sudan.

The practical utility, if not necessity, of using Amharic as a national language was clear to Ethiopian élites before Italy's invasion in 1935/36.[5] In the early 1930s, Amharic-language government schools were established in a number of urban centers, such as Ambo, Jimma, Gondar, Däbrä Markos, Adwa and Mäqälé. Similar institutions had already been opened in Addis Abäba, Goré, Jijjiga, Näqämté and Diré Dawa.[6] Missionary schools were also founded, mostly throughout Ethiopia's countryside. The fact that the foreign missions chose to communicate through local languages inspired a concerned article, obviously aimed primarily at the expatriate evangelists, in *Berhanenna Selam*, the government's semi-official newspaper:

> በየአውራጃው በየሀገሩ ብዙ ዓይነት ሚሲዮኖች ያስተምራሉ። ትልቁ የኢ ትዮጵያ መንግስት የሃይማኖት ነጻነት ስጥቷል። ስለዚህ መንግስት መመስገን ይገ ባዋል። ነገር ግን ሚሲዮኖች ሁሉ እንደኢትዮጵያ መንግስት ሃሳብ ቢሄዱ መልካ ም ነበር። የኢትዮጵያ መንግስት አሳቡ ግልጽ ነው። በየሃገሩ ያለው ሕዝብ ሁሉ በአማርኛ ቋንቋ እንዲናገርለት ይወዳል። ቋንቋውም አንድ ሲሆን አሳቡ ም አንድ ይሆናል። ከዚሁም የተነሳ እርስ በርሱ እየተጋባ ኑሮው እየተሳሰረ ለመለያየት አይችልም። እንዲያውም በኢትዮጵያ ዙሪያ ያለው ሕዝብ ከመካከለኛ ው ከዋና ከዋናው ሰው ጋራ እንዲጋባ ማድረግ የመንግስት ዋና መሠረቱ ነው።
> …
> በኢትዮጵያ አውራጃ ያሉት ሚሲዮኖች ሁሉ ወንጌልንና የጸሎት መጻሕፍ ቶችን ያሳተሙት የጋላውን በጋላ የጉራጌውን በጉራጌ የወላሞውን በወላሞ ቋንቋ እያደረጉ ማስተማር ጀምረዋል። ይህም የማይገባ ነው። ላንድነት እንድቅፋት ይሆናል።
> የኢትዮጵያ መንግስት የሚወደው ሕዝቡ ባማርኛ ቋንቋ ተምሮ ባንድ ቋ ንቋ እንዲናገር ነው። በየቋንቋው እንዲለያይ አይፈቅድም። የሃይማኖት ነጻነት

[5] Although French may have been a possibility, too, it was never a practical option because the powerful Orthodox Christian Church would have condemned the decision and worked more widely to undermine the 'modern' governing élite's influence.

[6] Marcus, *Haile Sellassie*, 137.

ስለ አገኛችሁ በጣም ደስ እንዳላችሁ ሁሉ የኢትዮጵያ መንግስት ሕዝቡን ባማር ኛ ቋንቋ ብታስተምሩት ይኸውም ቋንቋ እንዲሰፋ ብታደርጉለት ደስ ይለዋል።[7]

In every subprovince and in every region many kinds of missions are teaching. The great Ethiopian government has given religious freedom. Therefore, it is appropriate to thank the government. Indeed, if the ideas of all the missions were like the Ethiopian government's, it would be fine. The Ethiopian government's thought is clear. It would like all the people in every region to speak Amharic. For when the [peoples'] language is one, then the [peoples'] thought will be one. On top of this, if people were to intermarry, live together and cooperate, it would not be possible for them to become divided. Likewise, the main keystone of the government is for the ordinary and the chiefly [noble] people in Ethiopia's environs to intermarry....

All the missions that are in Ethiopia's subprovinces have begun teaching by publishing the Gospel and prayer books in the Galla [Oromo] language for the Galla [Oromo], in Guragé for the Guragé, and in Wälamo for the Wälamo. This is objectionable. It will be a hindrance to unity.

What the Ethiopian government would like is for the people, having learned in the Amharic language, to speak in one language. It does not condone their being divided by various languages. Because you (pl.) [i.e. you missionaries] got religious freedom you are very happy; if you teach all the Ethiopian government's peoples in the Amharic language, and if you facilitate the spread of this language, it will be pleasing [too].

During the Italian occupation, the colonial policy of 'divide and rule' included discouraging the use of Amharic. After returning to Ethiopia in 1941, however, Emperor Haylä Sellassé resumed his attempt to centralize power upon the capital, and himself, and thereby continue to implement his personal vision of 'modernization' and nation building. In addition to naming a Council of Ministers, he set the education and language policies that were followed until his 1974 deposition.

One of Haylä Sellassé's most pressing goals was to continue his efforts to form a unified and well educated nation, welded together through a common political culture

[7] "Andenät" ("Unity"), *Berhanenna Selam* (*Light and Peace*), 19 Tahsas 1926 (28 December 1933): 6. (Quoted in Lapeso G. Delébo, *Yältyop'ya YäGäbar Ser'atenna Jemer Kapitalizem* (*Ethiopia's Feudal System and Nascent Capitalism*), Commercial Publishers: Addis Abäba, 1983: 113). Marcus also discusses this article. Marcus, *Haile Sellassie*, 137.

and a common language (Amharic), and headed in the direction of 'progress.' Although the term 'progress' and the notion that the emperor thought of leading his nation toward it seem to smack of European colonial thought, its use here is appropriate. In the English translation of the first volume of Haylä Sellassé's 'autobiography,' Edward Ullendorff rendered the title as *My Life and Ethiopia's Progress*; Harold Marcus et al. followed suit in their translation of the second volume.[8] The Amharic word *ermejja*, or progress, is derived from the verb *arrammädä*, whose meanings include "to help to step or stride; to let proceed; to promote, further."[9] The paternalism that is apparent in translating this word as 'progress' is fully in line with the way that Haylä Sellassé viewed himself in his role as Ethiopia's leader; and the reforms that he implemented reveal that he perceived 'progress' as resting on the development of new political structures closely modeled on those of Europe, as well as the careful adoption of selected aspects of 'modern' foreign technology. But the ruler did not seek simply to transplant European ideas and structures; he sought instead to establish versions of them over which he would still maintain full control.

Crucial to Haylä Sellassé's efforts would be the roles played by 'modern'-educated Ethiopians,[10] whom he envisioned staffing the ministries and faithfully executing his plans for development. He nevertheless realized that to produce a class of educated élites, he needed the aid of foreign missions in establishing and running modern

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[8] Haile Sellassie I, *My Life and Ethiopia's Progress, 1892-1937*, Volume One, translated and annotated by Edward Ullendorff, London: Oxford University Press, 1976; Haile Sellassie I, *My Life and Ethiopia's Progress*, Volume Two, trans. and ed. By Harold Marcus, Ezekiel Gebissa, et al., East Lansing: Michigan State University Press, 1994.

[9] Thomas Leiper Kane, *Amharic-English Dictionary*, Volume I, Wiesbaden: Otto Harrassowitz, 376.

[10] Again, they consisted of those educated in Ethiopian government schools, and sometimes abroad (see Chapter Two).

schools throughout the country. The Ministry of Education and Fine Arts therefore spoke to the missionaries through an Imperial Decree promulgated in late August 1944. Conveying ideas similar to those of the pre-war newspaper article quoted above, the decree declared that Amharic was the country's primary language of instruction, and all missionaries should therefore learn it. But, the pronouncement continued, until the time when all the missionaries and the peoples amongst whom they worked were able to speak Amharic well, they would be permitted to speak local languages.[11]

The scenario thus set, national drama was dependent on how a range of local scripts would play out. The possibilities are seemingly endless, but the clear importance and salience of Amharic makes it a central character, regardless the story or region. Thus, for studies of past Ethiopian governance, historical investigations of Amharic and its use in and by the state are fundamentally necessary, whatever the nature of research at hand. However, James C. McCann is the only scholar, of whom I am aware, who has so far begun to explore this issue.[12] While his studies of Ras Kassa's register potentially risk over-emphasizing an exceptional or unique body of documents, they do promise to

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[11] "Misiyonaweyan Mahbär" ("Missionaries' Association/Society"), *Nägarit Gazéta*, 3, 3 (21 Nähasé 1936 EC) [27 August 1944], discussed in Lapeso, *Yältyop'ya*, 114.

[12] James C. McCann, "Orality, State Literacy, and Political Culture in Ethiopia: Translating the Ras Kassa Registers," in Mel Page et. al, eds., *Personality and Political Culture in Modern Africa*, Boston: Boston University African Studies Center, 1998: 15-22. The article is also available, under the same title, as AH Number 10 in the *Discussion Papers in the African Humanities*, Boston University, 1991.

Grover Hudson and Tekeste Negash earlier highlighted an early 20th century Amharic history book as "a unique and important example...of the transition in quite recent times from reliance on oral history to reliance on the written record," but they did not elaborate. Aläqa Tayyä Gäbrä Maryam, *History of the People of Ethiopia*, trans. by Grover Hudson and Tekeste Negash, Uppsala: Uppsala University, 1987, i.

My proposals are inherent in the work of Bahru Zewde, though he does not explicitly engage the issues. The omission is unfortunate, since towards the development of these ideas few are as well-placed or as highly qualified as he. Bahru Zewde, *A History of Modern Ethiopia, 1855-1974*, London: James Currey, 1995; *ibid., Pioneers of Change: Reformist Intellectuals in Early Twentieth Century Ethiopia*, (forthcoming). When the latter monograph is published, it will become the only major (English-language) history based overwhelmingly on Ethiopian-language sources.

establish important benchmarks, and they also point to some central issues that require further exploration.

The historically oral nature of Ethiopian governance is, on one hand, clear and well known. However, McCann is the only historian who has shared serious thoughts in print about the transition from orality to literacy as an important component of Ethiopia's 'modernization' process. This situation is perhaps, the result of McCann being one of the few non-Ethiopian historians who knows enough Amharic to think meaningfully at such a 'high' level. Possibly, too, it is because Ethiopians who know Amharic do not slow down enough to ponder, at such a 'low level,' such seemingly basic issues. Whatever the reasons, I suggest that such projects will be fundamental to future efforts to rethink Ethiopian history in novel ways. The effort would be best undertaken by Ethiopians, who command the necessary linguistic skills and background cultural knowledge, but since the existing literature is basically non-existent, any contributions would be welcome. It is in this spirit that I include the following sections.

Court Records

As detailed in the middle of Chapter Three, the last decade has witnessed renewed attention by Africanist historians to court records, which are potentially rich depositories of data for economic and social history. Frameworks for Ethiopian economic history are in place, but the present study of Ethiopian social history is embryonic at best. Thus, the availability of Ethiopian court records for different periods would seem to make this type of document a priority source for scholars interested in social history. The Institute of Ethiopian Studies, at Addis Abäba University, houses probably more than ten thousand

court records for Harär alone, and likely some for other regions, too. Thus, unlike other documents, working with such records need not necessarily entail great difficulties in attaining research access.

At the same time, my work on Harär's court records convinced me that without a politico-economic framework in which to interpret the records, conclusions will rest on a shaky base. Court records are produced by people in certain places at specific times. They render various amounts of data about contentious processes, often with personal wealth and/or status at stake. Moreover, the complexities of court proceedings must be kept in mind as one reads and considers the documents. For the 1910s and 1920s, Harär's court records are truncated accounts, preserving only a small fraction of case details. Therefore, they and others like them should be treated with particular care. For later periods, at least in certain areas (notably Addis Abäba), when case files became more detailed, the situation is different. However, we know very little of the transformation of Ethiopia's legal system, and studying changes in the way records were inscribed and kept, as well as their legalistic and formulaic language, should be part of future research on the topic. Also, while the historical importance of oral testimonies in court proceedings (anywhere in the world) is clear, it would be useful to disentangle the relationships between orality and literacy as the keeping of written records by the state became more common and regular.

Regrettably, owing to the state of the historiography, I do not believe that at this point in time we are in position to take full advantage of these potentially rich sources. Scholars first need to reconstruct the contexts in which judicial proceedings took place and in which court records were inscribed. Afterwards, the documents may perhaps be

more profitably mined for a wide array of data. Yet, until then, they might be used to show what certain existing structures were and perhaps the potential they held, and case records remain of value as supplementary sources to broader studies looking at religious or ethnic relations, economics, or gender issues.

Administrative Correspondence

Ethiopian historiography is replete with generalizations about Haylä Sellassé's rule, about either the beneficent or oppressive nature of his regime, and about how the state functioned.[13] A number of studies have focused on the *naftäñña-gäbär* system, land measurement and distribution, and/or tax collection to demonstrate the tensions and collaborations between various social groups or categories in different places at different times.[14] Unfortunately, these studies have too often been used to generalize across time and space, when further local research should instead first be undertaken. Administrative records, of the sort relied on in Chapter Four, are a great source for discerning the nature of the state and its interactions with subject peoples. As such, they should be regarded as rich sources, free of overt propaganda yet indicative of daily government praxis.

For starters, administrative records reveal important realities about how officials were hired; how orders were transmitted at the national, regional and local levels; about what national, regional and local hierarchies of political authority were respected in

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[13] For example, Harold G. Marcus, *A History of Ethiopia*, Berkeley: University of California Press, 1994; *ibid., Haile Sellassie I: The Formative Years, 1892-1936*, Lawrenceville, NJ: The Red Sea Press, Inc., 1995; Margery Perham, *The Government of Ethiopia*, Evanston: Northwestern University Press, 1969; Christopher Clapham, *Haile-Selassie's Government*, New York: Praeger, Publishers, 1969; Holcomb and Ibssa, *The Invention of Ethiopia.*

[14] E.g., Charles M. McClellan, *State Transformation and National Integration: Gedeo and the Ethiopian Empire, 1895-1935*, East Lansing: MSU African Studies Center, 1988; Asafa, *Oromia and Ethiopia.*

practice; and about state finances. Overall, this type of correspondence promises to shed light on the actual *functioning* of the state, as opposed to its structural organization, which is easier to reconstruct (and is arguably better established anyway) but may be misleading. Administrative records from 1933 Harär show that the nature of the state was changing in important ways, but staying fundamentally the same in others. Comparison of administrative records throughout the country would be an excellent means to add layers of nuance, perhaps even complexity, to knowledge about the history of the Ethiopian state and its administration. The continuities and disjunctures that these documents reveal will be centrally important as scholars continue to reexamine the state and its rule. A brief example illustrates how administrative archives can highlight contradictions within local governance, and thereby the dangers of trying to discern ideology from practice.

In the 1920s, *Fitawrari* Täklähawariat was appointed governor-general of C'erc'er, a particularly fertile and economically and politically important region near Harär. There, he sought to have Muslim Oromo cultivators uproot all their *qat* shrubs and instead plant coffee. Challenged about the necessity for implementing such a strong order, he "argued that chewing would lead to reduced productivity, diminished reproductive capacity and increased mental problems."[15] Two decades later, numerous security reports from in and around Harär clearly linked the *bärc'a* (*qat*-chewing sessions) of Muslim Haräri and/or Somali men with the threat of political subversion[16]—

[15] Translated and quoted in Ezekiel, "Consumption, Contraband and Commodification," 85.

[16] For examples of official opposition to *qat* in the Somalias and Kenya, see Lee V. Cassanelli, "Qat: changes in the production and consumption of a quasilegal commodity in northeast Africa," in Arjun Appadurai, ed., *The social life of things: commodities in cultural perspective*, Cambridge: Cambridge University Press, 250-55.

an especially worrisome possibility at the time (see Chapter Five).[17] Thus, it seems clear that over this extended time period state officials did not approve of *qat*.

In the meantime, however, the state sanctioned the cultivation, trade and consumption of the shrub, and secured a regular and not insufficient cash income by doing so. Sayyid Ali, an Italian subject and thus probably from southern Somalia, had contracted with the Ethiopian government to pay the hefty amount of 200 *berr* each month, in exchange for exclusive rights to trade *qat* (that he purchased from Harärgé farmers) in Jäldisa, Fuñan Bira, Jijjiga, Zaylä, Berbera, Hargaysä and Bulhar. He surfaces in the administrative correspondence because he apparently tried to abuse the contract he held by refusing to pay market prices to *qat* cultivators, instead insisting the contract granted him the right to pay less. Also, he later failed for several months running to make his monthly payment to the government.[18] While Sayyid Ali and his *qat* dealings are probably of little lasting historical importance, when compared with other available sources the communications about him reveal that the government's position towards *qat* was neither uniform nor consistent, therefore raising doubts about other policies and issues.

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[17] For example, see the Internal Security Forces statements of Ahmad Hassan, (no title), 29 *Teqemt* 1939 (8 November 1946); and of Captain Tafara Badane, "News from Town" 16 *Säné* 1939 (23 June 1947). Both are contained in the Haräri National Archives, File #96, Special File M/2, Dossier 12, Sleeve 1.

[18] IES 933: "YäQädamawi Haile Sellassie Negusä Nägäst ZäItyop'ya YäHarärenna Yawrajawa Hulu Endärasé Wana YäS'eheft Bét," GO to *Fitawrari* Mäzläqiya, 5 Miyazya 1925E.C. (13 April 1933) (GOR: 11); GO to *Fitawrari* Alämayähu, 4 Genbot 1925 E.C. (12 May 1933) (GOR: 68); GO to to *Fitawrari* Mäzläqiya, 20 Genbot 1925E.C. (28 May 1933) (GOR: 103); GO to *Fitawrari* Alämayähu, 21 Genbot 1925E.C. (29 May 1933) (GOR: 104); GO to Berhana Sellassé (Director of Harär Customs), 22 Genbot 1925E.C. (30 May 1933) (GOR: 107); GO to Musé Unbérto Kampini (Italian Consul), 23 Genbot 1925E.C. (31 May 1933) (GOR: 113); GO to Tafäriya Feréw, 23 Genbot 1925E.C. (31 May 1933) (GOR: 113); GO to to Musé Unbérto Kampini, 5 Säné 1925E.C. (12 June 1933) (GOR: 140).

Security Forces Reports

Like administrative correspondence, security forces records present a wealth of information about how the state ruled and how it treated its subjects. If Harär is an accurate example, they will be richer for certain periods (i.e., those of unrest) than others, and thus should be combined with sources that better set the broader context, including Addis Abäba-provincial communications and the grievances of subject peoples. However, regardless the political situation at any given time, such records will likely be valuable indicators of the degree of state concern about or engagement with different regions.

Among the topics that security forces sources might partially illuminate, I might point out the issue of symbols and activities that state officials deemed dangerous or threatening (see Chapter Five). However, while it is well known that Haylä Sellassé's state was not a heaven on earth for most of its peoples, in professional studies of history present-day historical grievances should not be privileged over past historical realities, even if the two are usefully considered in tandem.

Security forces records are among those offering data that can help clarify disagreements about past state-society relations. As we learn more about the histories of the Ethiopian state's engagement with different peoples and cultures, we should consider—for the sake both of general knowledge and for meaningful comparison—the condition of national and local infrastructures, including roads, air strips, motorized vehicles, telegrams and telephones. Although consideration of such issues may not immediately make one think of security forces archives, such repositories actually contain documents relevant to these issues.

In another sphere, one cache of security forces files consulted for but not cited in Chapter Five consists of interrogation records. In 1994 and 1998, Haräri oral testimonies indicated that most male adults in town were arrested by state police after the SYL and *Jam'iya* offices had been seized and closed. When recollecting those times, informants often discussed their terms of imprisonment, but even when asked specifically about interrogations they had little to say. Nevertheless, each person was apparently asked about 11 questions, to each of which his answers were recorded. The questions included:[19]

1. Are you a member of either the SYL or *Jam'iya* (or not)?
2. Who is the head of the organization, and who is his primary representative?
3. Have you all not signed and submitted a petition to the Four Power Commission?
4. In the petition that you all signed and sent, what are you claiming has happened to you?
5. Who was it that wrote the petition and who convinced the rest of you to sign it?
6. How many persons were sent [to take the petition] to Muqadishu?
7. What are their names?
8. Have you not given money for the travel expenses of those sent [to Muqadishu]?
9. How much money did you yourself contribute?
10. Who collected the money?
11. Before the Italian invasion, was there not a Haräri organization called "Firmach?"

At present, I find the questions more interesting than most of the answers. In Chapter Five I wrote of Haylä Sellassé's fear of enduring institutions or organizations other than those over which he exercised direct control. This concern is reflected in the above questions, which sought to identify: 1. leading (non-state) local individuals and their economic resources, 2. the nature of local grievances against the state, and 3. any ties between the late 1940s political movements and an earlier cultural group.

[19] The many hundreds of interrogation reports, including both questions and answers, are found in files titled "Testimony of the Haräri Imprisoned during the 1940E.C. Hanolato Movement." Copies are available in Abdullahi Ali Shariff's personal library in Harär.

Additionally, the financial and human resources expended in compiling the records that comprise these fat files were obviously considerable, thus testifying to the seriousness of government purpose. Although the idea is certainly debatable, I find it hard to imagine the Ethiopian state marshalling the resources to gather such extensive surveillance records on such a large percentage of the Haräri population as recently as 15 years earlier, especially documents that are (for the Haräri) so self-incriminating. But, for Ethiopia and much of the rest of the world, the national and international contexts were entirely different in the late 1940s. Moreover, having such information on file could have have been to the Ethiopian state's advantage later, as it could threaten Haräri individuals with it, and thereby more easily keep them "in line."

The Letters of Ras Täfäri/Haylä Sellassé

Chapter Two provided an introduction to this corpus of documents, which is housed in the National Archives in Addis Abäba and consists of letters sent by Ras Täfäri/Haylä Sellassé to his old French tutor in Harär. Remarkably, in light of the emperor's predominant position throughout much of 20th century Ethiopian history, few scholars have cited these records. As with all caches of private letters, they can be mined for a variety of purposes, ranging from the search for minute details about a host of issues, to trying to discern an individual's frame of mind at a given time. In this case, they are of additional value in the ways that they evidence part of the 'human' side of a person who, after becoming emperor, became increasingly aloof and stiffly formal, giving few indications of his 'normal' character.

The reality seems to be that while Ras Täfäri long anticipated gaining the emperorship, his transition to embodying it was not immediate, at least according to evidence of his use of personal pronouns and related grammatical indicators. Like other Semitic languages, Amharic employs the royal "We" (or "Our"), by which emperors or other powerful persons referred to themselves in the first personal plural. For years, Täfäri's letters show him referring to himself as "I," and to his things and ideas as "my." After his 1928 coronation as *negus* (king), however, he began using "We/Our" with greater frequency, but mostly in opening remarks. This fact alone indicates little, since as an epistolary greeting it is a general formulaic. But in the months leading up to his coronation as emperor, the "We" form appears more often, including in various verb constructions and possessive forms throughout the texts of the letters.[20] A 23 August 1930 missive is the first that I have seen in which Täfäri employs *only* the "We" form,[21] but the switch was not permanent. As late as 1934 he still sometimes used the first person singular.[22] It should be pointed out that this information might be interpreted different ways. I do think it evidences: 1. that Haylä Sellassé did not suddenly, like a light switch, alter his entire being after becoming emperor, and 2. that he actively made an effort to embody the institution of the emperorship in a certain way. However, the long-term and relatively close, if not intimate, nature of his friendship with Father Jarosseau may well have been a factor in his digressions into informality, too.

[20] A good example is Täfäri to Abba Endreyas, 28.01.156, 8 Säné 1922E.C. (15 June 1930). Notably, even though Täfäri's official coronation ceremony did not take place until November, he earlier referred to himself as emperor in this and other letters.

[21] Täfäri to Abba Endreyas, 28.01.160, 18 Nähasé 1922E.C.

[22] E.g., Täfäri to Abba Endreyas, 28.01.180, 14 Genbot 1926E.C. (22 May 1934).

Whatever the case, it is likely that the existing "I" references would have been fewer or none in number were Haylä Sellassé writing his own letters, for writing is usually a slower and more deliberate process of communication than speaking. Instead, he dictated his letters to scribes rather than penning them himself, and this point leads back to the issue of orality versus literacy in Ethiopian governance.

Orality versus Literacy

Walter Ong, one of the leading scholars in literacy/orality studies, explained that writing, the process of committing words to paper, increases a language's potential as a vehicle of communication and alters the structures that shape human thought and expression.[23] In the process, however, writing has not reduced orality but rather made possible the organization of its constituent parts so that its explanatory power is increased. Ong posited that this effect demonstrates that writing is a "particularly pre-emptive and imperialist activity that tends to assimilate other things to itself," and the codification of scientific and other knowledge in written form makes accessible vast complexes of power to those who are literate.[24] He added that "print encourages a sense of closure, a sense that what is found in a text has been finalized, has reached a state of completion."[25] By its very nature, writing is structured, organized and non-spontaneous, and the spread of literacy was often accompanied by the belief that writing can freeze and

[23]Ong, *Orality and Literacy*, 7, 78. Much of the literature on literacy/orality explores the relationship between the modes of thought in oral societies and the changes in these modes with the introduction of writing. See, for example, Jack Goody, ed., *Literacy in Traditional Societies*, Cambridge: Cambridge University Press, 1968. Here, however, I am more interested in the effects on actual governance.

[24]Ong, *Orality and Literacy*, 12, 15.

[25]Ong, *Orality and Literacy*, 132.

store memory; consequently events stored in writing can be later retrieved and understood.[26] This point is at the center of McCann's arguments about resistance to the gradual shift to literacy of Ethiopian society's dominantly oral culture.

In regarding Ras Kassa's registers as "signposts of a transition from orality to literacy," and in regarding Täfäri Mäkonnen/Haylä Sellassé as "reforming administration as a means of preserving autocracy," McCann hit the nail on the head.[27] He points out that Kassa was one of Täfäri's key allies, and that:

> From the beginning of his tenure Kassa proceeded to install a new administrative, judicial, and fiscal structure to systematize procedures and put in place a cadre of loyal state functionaries. These actions included new regulations for the tithe, customs, and military service; judicial procedures were streamlined and centralized; local censuses were mandated and church revenues regularized. Although often couched in moralistic Christian metaphor, the purpose of these reforms was in very specific terms to break the economic base of the local elite and expand the reach of the central state.[28]

Some of these procedures, as found in Harär, were discussed in earlier chapters. There were undoubtedly differences according to region and time period, but the unifying factor was the extension of a certain type of literacy throughout the realms over which the central government claimed sovereignty.

However, owing to the alleged power of literacy, when a large percentage of society can read there will presumably be conflict over written traditions. Considering the fields of judiciary, administration and internal security, the possibilities for conflict were extensive. Disagreement over written documentation is complicated by the way in

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[26]Ivan Illich, "A Plea for Research on Lay Literacy," in eds. David R. Olson and Nancy Torrance, *Literacy and Orality*, Cambridge: Cambridge University Press, 1991.

[27] McCann, "Orality, State Literacy, and Political Culture," 15, 16.

[28] McCann, "Orality, State Literacy, and Political Culture," 16-17.

which writing detaches discourse from its author and its original context, theoretically preventing direct questioning or contestation of the ideas it proclaims. The best strategy to express disagreement, then, is to produce alternative texts which advance different interpretations. Thus, the area of education becomes salient, especially in light of the central government's efforts to found (Amharic-language) schools throughout the country. As 'ordinary' people acquired literacy, they also strengthened their ability to engage with the state, on the state's own terms. Those who opposed government decisions, of myriad sorts, might thereby formulate creative responses—in writing—to advance their own interests, perhaps at the expense of the state. I therefore wonder about what private archives throughout Ethiopia might reveal, to complement or oppose the findings of primarily official archival documentation, such as has been overwhelmingly employed in this dissertation.[29] Regardless of the nature of available documents, putting words to paper "assures [writings's] endurance and its potential for being resurrected into limitless living contexts by a potentially infinite number of living readers."[30] Therefore, previously unemployed sources should be sought out and brought back to life in whatever form, but the larger context in which they were originally inscribed must be kept in mind.

As documents are located, they will be 'revived.' A text's revival may take various forms, including that of a speech event, which, contrary to writing, is often spontaneous and open-ended, though still structured by social context and the

[29] See Makonnen, "Walda-Giyorgis Walda-Yohannes." While Makonnen was able to access an impressive collection of private documents, it should be pointed out that they were those of a high-level government official, and therefore are probably not representative of general possibilities throughout the country.

[30]Ong, *Orality and Literacy*, 81.

relationships between participants.[31] The history of Ethiopia's centuries long literacy and its predominantly oral social, political, economic and legal cultures needs to be studied and debated. On one hand, we might think that the oral revival of a textual document in the 20th century (such as in or after a court case, or in a land dispute) is a novel phenomenon, but on the other hand such incidents were most likely part of Ethiopian life for centuries.[32] Real life situations were obviously complex, and I propose that focusing on the orality-literacy interface, as far as the sources allow, may well be an effective means by which to come to a more complex understanding of Ethiopian state-society relations over time. However, for most periods and places in the past, we cannot resurrect speech events. Therefore, we must resort to theory.

In conceptualizing speech events, or the social use of language, I find the writings of socio-linguists and linguistic-anthropologists particularly useful. Dell Hymes has emphasized that in speech events meaning is situationally contingent, rather than completely embedded in language itself, as in written texts.[33] This idea would be wisely kept in mind while doing oral interviews in the field, a task that is now well-established as part of the standard methodology of historians and anthropologists (and others) working on the last century or two, which in Ethiopia's case is the majority of scholars. Joel Sherzer conceives context both in terms of the "social and cultural backdrop, the ground rules and assumptions of language use," and "the immediate, ongoing, and

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[31]Robin Tolach Lakoff, "Some of My Favorite Writers are Literate: The Mingling of Oral and Literate Strategies in Written Communication," in ed. Deborah Tannen, *Spoken and Written Language: Exploring Orality and Literacy*, Norwood, NJ: Ablex Publishing Corp., 1982, 239.

[32] E.g., see James C. McCann, "Literacy, Orality and Property: Church Documents in Ethiopia," *Journal of Interdisciplinary History*, 32, 1 (2001): 81-88.

[33]Dell H. Hymes, ""The Ethnography of Speaking," in ed. Ben G. Blount, *Language, Culture and Society: a Book of Readings*, Cambridge, MA: Winthrop Publishers, 1974.

emerging actualities of speech events."[34] He proposes a focus on discourse as the junction of language, culture and thought, defining 'discourse' as "a level or component of language use ... [which] can be oral or written and can be approached in textual or sociocultural and social-interactional terms."[35] Sherzer is particularly interested in the relationship between discourse and the construction or modification of 'culture,' which for my purposes here Ethiopianists might conceive in narrow terms: the articulation of orality and literacy in a changing political system and social environment, over time.

In light of Hymes and Sherzer, the most relevant discussion of culture that I have seen is by Brian Street, who sees culture as a process of "defining words, ideas, things and groups" and believes that our understanding of it is important because "we all live our lives in terms of definitions, names and categories that culture creates." Culture, then, represents the making, remaking and reification of different types of meaning, and thus is a field in which one may expect considerable contestation.[36] Street is also concerned with the implicitly political nature of culture, which is relevant here.

Street presents "everyday speech and politeness patterns and certain contexts of more formal oratory, [as] key sites of political transaction."[37] In this light, the many Haräri testimonies about the insults that Amhara and other Christians have long leveled against the them and other Muslims become more important than just signifying personal

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[34]Joel Sherzer, " A Discourse-Centered Approach to Language and Culture," in *American Anthropologist*, 89 (1987): 296.

[35]Sherzer, "Discourse-Centered," 296.

[36]Brian Street, "Culture is a Verb: Anthropological Aspects of Language and Cultural Process," in eds. David Graddol, Linda Thompson and Mike Byram, *Language and Culture: Papers from the Annual Meeting of the British Association of Applied Linguistics Held at Trevelyan College, University of Durham, September 1991*, Clevedon: British Association of Applied Linguistics, 1993, 25.

[37]Street, "Culture is a Verb," 28.

hostilities. As the state was identified primarily as a 'Christian' one, and as Harär was an historically Islamic and recently conquered city, issues of social empowerment permeated daily life. In terms of broader conceptions of 'political transactions,' one should recall the late 1940s meetings of Haräri and Somali that the Ethiopian security forces sought to monitor (see Chapter Five).

Street also argues that discourse may follow certain formalized patterns, but it may allows for a degree of flexibility and therefore creative change within them. He comments, "the reification, and naturalization of 'culture' hides the kinds of questions about power and social change that are currently at the forefront of anthropological inquiry."[38] If it is the case, as I believe it is, that Street's analysis of culture is applicable to 'modern' Ethiopian rule and the development of its praxis, then the nature of Ethiopian national culture must be interrogated in greater local detail than has so far been the case.

Norman Fairclough's *Language and Power* offers an overarching investigation of language and politics. He bases his treatise on the notion of discourse, which he defines as "language as a form of social practice."[39] Fairclough conceptualizes the phenomenon of power in language as representative of "ideology." Thus, for him, language is a site of social struggle and attempted applications of power, which is reminiscent of many Ethiopian peoples' views on Amharic's past promotion as Ethiopia's national language. Whereas Street conceptualized such processes as "culture," Fairclough prefers "ideology," perhaps because struggle in culture encompasses a series of competing ideologies. The task for Fairclough, then, is to analyze discourses (oral or written) in

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[38]Street, "Culture is a Verb," 27.

[39]Fairclough, *Language and Power*, 20, 24.

terms of their participants, their participants' individual socio-cultural-economic-political backgrounds (and the assumptions that they bring to discourse based on their backgrounds), the context of the prevailing political culture, and the patterns of language that are being utilized. If this project seems daunting, Fairclough convincingly presents the case that it is an excellent way to discern underlying patterns of social relations. I have only partially fulfilled this ambitious agenda above, but I wish to suggest it as a standard worthy of aspiration.

There are clearly great differences between written and spoken discourse, and they result in varied effects on audiences. Angela Hildyard and David R. Olson suggest that listeners tend to retain the 'gist' of what they hear, while readers will recall a story's structure or certain, specific details.[40] Elsewhere, Olson argues that "children who read [a] text [are] better able to differentiate what the text had said from the inferences they [make] in the process of interpretation, while those who listen[] [are] less able to make that differentiation."[41] Thus, in terms of social and political relations, literacy is potentially dangerous.

In this vein, and more broadly, Jonathan Friedman has proposed that present productions of history and constructions of identity occur in a global context and are sparked by the decline of Western hegemony.[42] Hegemony, he declares, fosters homogeneity, and its failure opens a Pandora's Box of debates about group identity and

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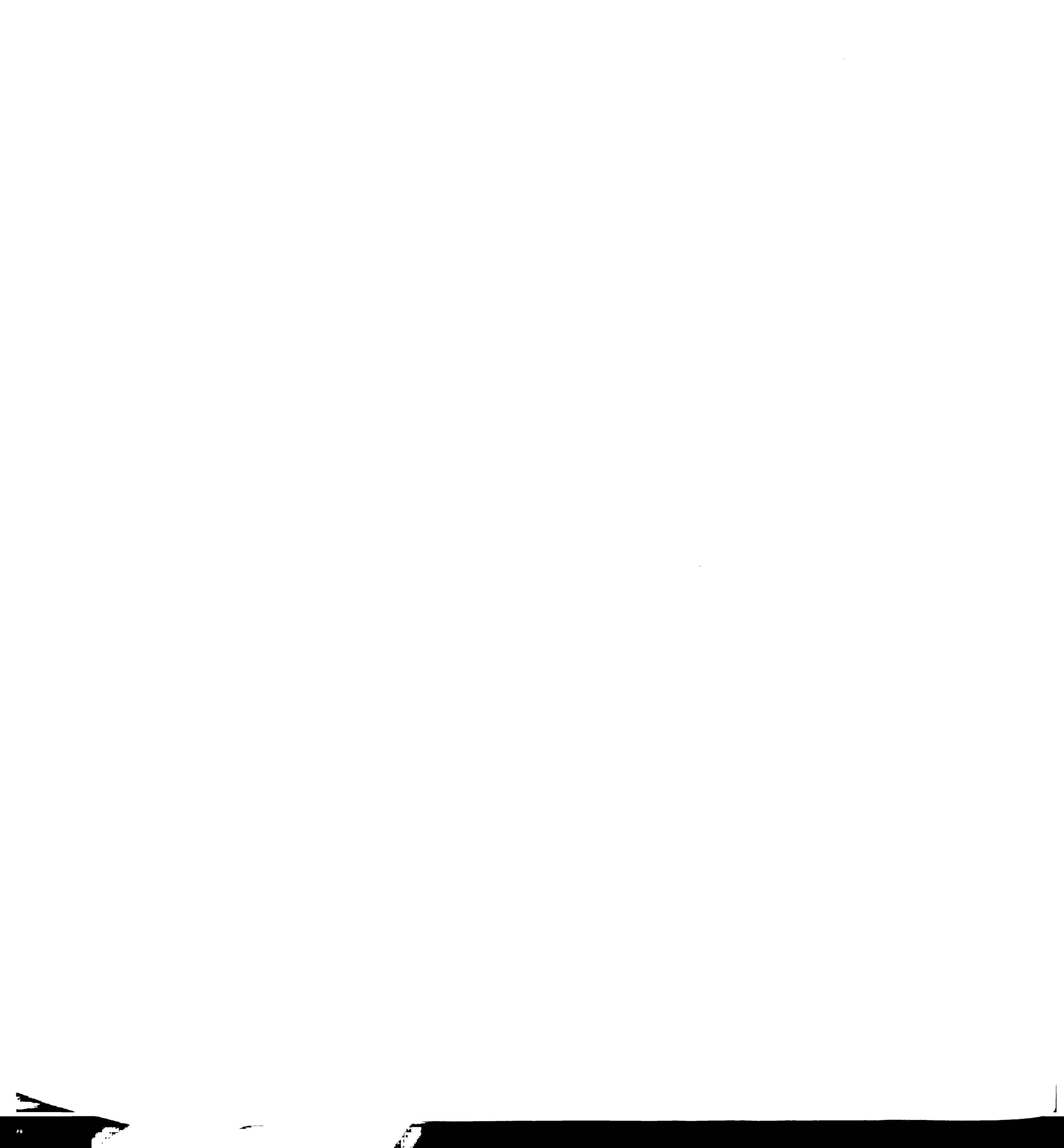
[40]Angela Hildyard and David R. Olson, "On the Comprehension and Memory of Oral vs. Written Discourse," in ed. Tannen, *Spoken and Written Language*, 20.

[41]David R. Olson, "On the Language and Authority of Textbooks," *Journal of Communication*, 30, 1 (1980): 191. This point should be considered when studying the historical nature of Ethiopian litigation.

[42]Jonathan Friedman, "The Past in the Future: History and the Politics of Identity," *American Anthropologist*, 94 (4): 837-859.



the past. He is implicitly concerned with the political implications of producing history and constructing identity and emphasizes the need to situate these processes in both their social and political contexts. Contrasting Greek and Hawaiian cases, he argues that Greeks have utilized foreign definitions of what is 'Greek' to "forge a viable cultural identity in the present," while Hawaiians reject such conceptualizations and invoke present realities to "forge a viable past."[43] He labels this contrast the "difference between a politics of integration and a politics of disintegration."[44]

In the past decade, it has been the battle between these two approaches that has dominated studies of Ethiopian history. From a purely scholarly perspective, such debates should be welcomed; as suggested above, the time is ripe for fresh historical research, rather than continued reinterpretations of the secondary literature. I suggest that Ethiopian language documents must form the primary basis of such reinterpretations, at least if they are to establish a useful foundation for future research.

What kind of Literacy?

As more scholars begin working with Ethiopian language sources, we need to think more deeply about the changing nature of Ethiopian literacy and various types of Ethiopian documentation. The most easily available of such materials—both published and unpublished—are in Amharic, but as McCann wrote, "The use of the vernacular Amharic language in written form and for overtly political purposes is a relatively recent

[43]Friedman, "The Past in the Future," 845.

[44]Friedman, "The Past in the Future," 845.

phenomenon in the history of Ethiopian literacy."[45] In dealing with one exceptional example, he has written of "state," "administrative," and "secular" literacy. The fact that he is the pioneer scholar in this field is appreciated, but his lack of precision highlights the need to grapple more carefully with terminology. Ethiopia is a country with a long tradition of Ge'ez literacy, and shorter traditions of literacy in other languages. Significantly, state use of literacy made a fundamental turn sometime in the first third of the twentieth century. Ras Kassa's register, which McCann has called to our attention, is an important corpus of documents for studying the roots of this transformation, but a fuller understanding, as well as the ability to generalize, will require far broader work. In the meantime, I suggest that 'bureaucratic literacy' should be the preferred working term. The adjective "state" is simply too broad, and owing to my work (see Chapter Four) I regard "administrative" as most relevant to the regional/local level. Yet, despite the variety of written documents employed by the state, all were part of bureaucratic processes.

Some of the most useful sources for twentieth century Ethiopian history are the translations of Emperor Haylä Sellassé's two volume "autobiography."[46] Others include compilations of the emperor's public speeches, which are reliably available only in

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[45] McCann, "Orality, State Literacy, and Political Culture in Ethiopia," 17.

[46] I put the word in quotation marks because the two volumes cannot possibly be considered, by any reasonable-minded scholar at least, as 'autobiographies' in a meaningful sense. They are rather official versions of biography and national history, approved by the central character, who was an emperor. See, for example, Harold G. Marcus, "Translating the Emperor's Words: Volume II of Haile Sellassie's *My Life and Ethiopia's Progress*," *History in Africa*, 20 (1993): 416; *ibid.*, "Introduction," in Haile Sellassie I (King of Kings of Ethiopia), *My Life and Ethiopia's Progress, Volume II*, East Lansing: Michigan State University Press, 1994: xvii. Marcus usefully reconstructs the procedures by which an editorial committee wrote and revised the document, occasionally aided by the 'autobiographer' himself. Marcus' pieces also succeed in conveying some of the difficulties involved in translating Amharic to English. For others, see Hudson and Tekeste, *History*, x-xiii.

Amharic.[47] However, another source, which is one of the most important and most easily available Amharic language volumes in print, is Mahtämä Sellassé Wäldä Mäsqäl's *Zekrä Nägär* (Things Remembered).[48] While many source materials are important and potentially valuable in various ways, *Zekrä Nägär* is a particularly remarkable corpus of mostly central government records, and it is a strong candidate for selection as the object of the next major Amharic language translation project.[49] Until then, while its language will restrict it readership, it should be consulted whenever possible.

Final Thoughts

Much of twentieth-century Ethiopian history is written with the underlying idea of 'modernization' either in mind or at the forefront. Based upon the research for this dissertation, as well as my thinking about orality and literacy, and about government praxis in Harär, I wish to conclude this study with the suggestion that Ethiopia's recent history should not be simply or simplistically regarded in terms of 'modernization.' The extension of state structures and authority throughout Harärgé under Haylä Sellassé's rule attests much more to the pursuit of 'professionalization' within a bureaucratic context. In other words, past views of 'modernization' may well have been over-generalizations

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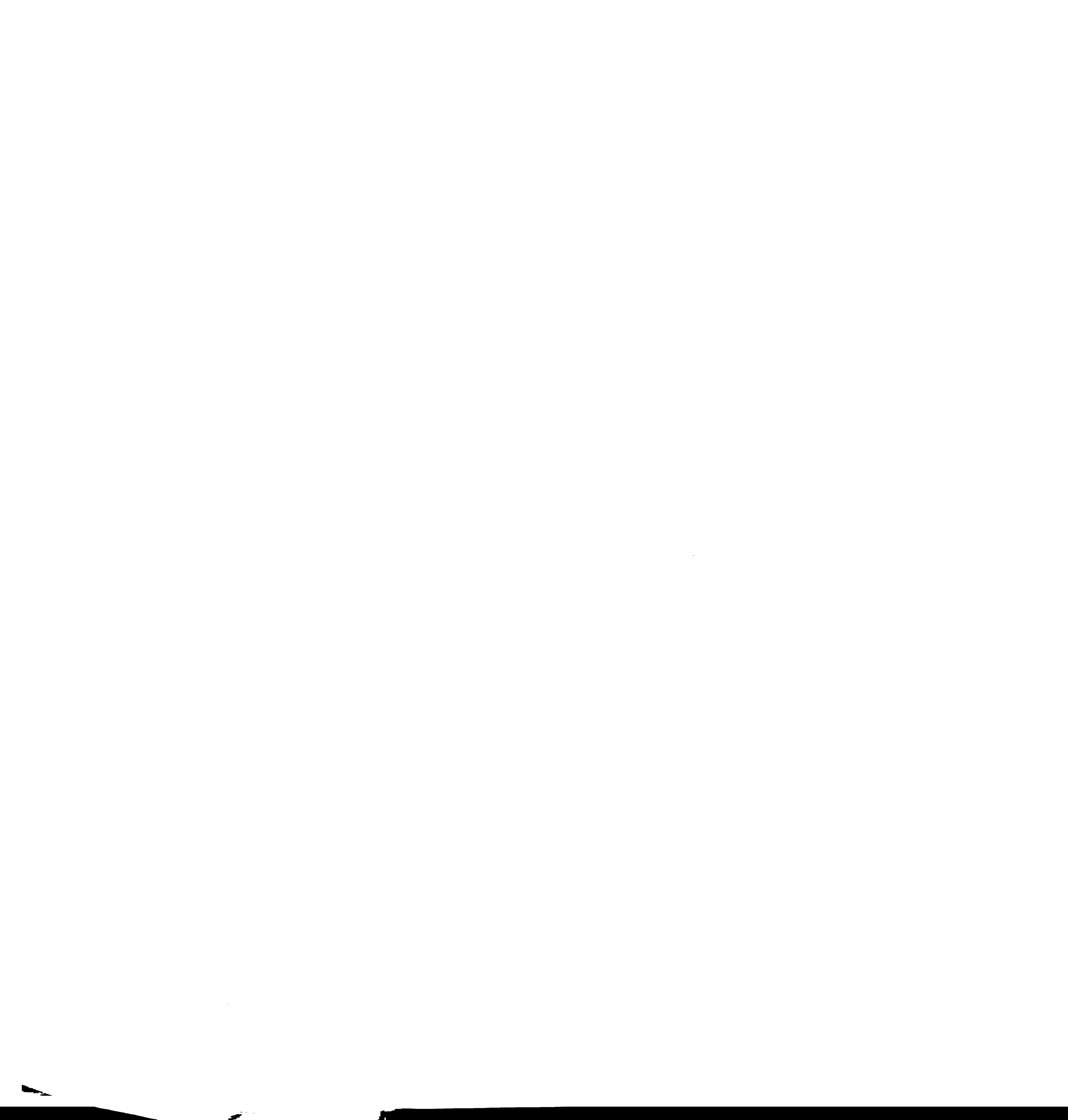
[47] For the Amharic, see *Feré Känafer zäQädamawi Haylä Sellassé Negusä Nägäst zältyop'ya*, (7 Volumes), Addis Abäba: Berhanenna Selam, 1944E.C. (1951-52) to 1964E.C. (1971-72). For two compilations of selected translations, see *An Anthology of Some of the Public Utterances of His Imperial Majesty, Haile Selassie I*, Addis Abäba: Press and Information Department, 1949, and *Selected Speeches of His Imperial Majesty Haile Selassie First, 1918-1967*, Addis Ababa: The Imperial Ethiopian Ministry of Information, 1967.

[48] Mahtämä Sellassé Wäldä Mäsqäl's *Zekrä Nägär*, Addis Abäba: Artistic Publishing House, 1962E.C. I am grateful to James McCann for emphasizing the importance of this source to me in 1994, and thereby starting my thinking about it in a more focused way.

[49] Among previous translations of books or significantly lengthy documents, see the two volumes of Haylä Sellassé's autobiography (discussed above); Hudson and Tekeste, *History*; Gabrahiwot Baykadgn, *The State & Economy in Early 20th Century Ethiopia: Prefiguring Political Economy, c. 1910*, trans. and introduced by Tenkir Bonger, Lawrenceville, NJ: Red Sea Press, 1995.



based primarily upon limited knowledge or upon over-emphasis on certain sectors of the state's engagement with society and economy. A broader view, or at least one that takes regional praxis into consideration, indicates that while previous studies have highlighted important topics, they have neglected others that in terms of daily state-society relations are perhaps more significant in understanding the nature of Ethiopian governance, how its peoples viewed it in the past, and how they regard it today.

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