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THE EDICT OF KING GĀLAWDÉWOS AGAINST THE ILLEGAL SLAVE TRADE IN CHRISTIANS: ETHIOPIA, 1548

HABTAMU MENGISTIE TEGEGNE

ON 12 FEBRUARY 1548, King Gālawdéwos of Ethiopia (r. 1540–59) issued a royal edict banning the trafficking of Christians and their sale to Arab owners under the penalty of death. The edict sought simultaneously to regulate and centralize the slave trade, protect freeborn Christians from enslavement, and ban the sale of already enslaved Christians to non-Christians. The edict did not, it is important to underline, challenge slavery itself. While the edict banned any trade in Ethiopian Christian slaves outside Ethiopian territory and their transfer to non-Christian masters within the country, it continued to permit the enslavement of adult converts to Christianity and those baptized as infants in slavery. In a pivotal passage, the king declared that the edict was to be the “established law of Ethiopia” and required universal obedience to it.

Currently held in the church of Tādbabä Maryam in northern Ethiopia, this edict has hitherto been unknown to scholars and has never before been published.¹ Furthermore, it is a remarkable text, of a type uncommon in the Ethiopian documentary tradition. Analysis of the edict’s content and context sheds light on a broad set of issues concerning slavery, the encounter between medieval legal worlds, and the discrepancy or congruence between actual behavior and documentary norms in late medieval Ethiopia. It also reflects the religious, legal, and ethical precepts already laid down in the law book *Fetha Nāgäst* (Law of Kings),

Some of the material used to write this essay was gathered on a research grant from the French Center for Ethiopian Studies, which I gratefully acknowledge here. An earlier version of this paper was read before the Seminar on Slavery in Ethiopia at Addis Ababa University on June 5, 2014, and I particularly thank Anaïs Wion and Giulia Bonacci for inviting me to present it and for facilitating my travel to Ethiopia. I would also like to thank the paper’s anonymous reviewers, whose constructive comments and suggestions have been very helpful, as well as my former colleagues Nicola Foote, Frances Davey, and Scott Rohr for their comments on earlier drafts. I also owe a debt of gratitude to Mitiku Demele, who helped me with the translation of the Ge’ez text of the edict. Special thanks go to Carol Symes and Elizabeth Lambourn for their insightful comments on several drafts of this essay. The views expressed here, and any remaining errors, are my sole responsibility.

I Tādbabä Maryam, MS Wängél, image no. 6650. Here, I reference my own digital photograph of the edict, preserved in this Wängél, or Gospel manuscript: see Plate 1.

Plate 1. The Edict of Gälawdéwos in its Manuscript Context: Tādbabā Maryam, MS Wängél. This manuscript page displays seven different texts. The edict begins at the top of the left-hand column and ends on line 13 of the right-hand column. Its scribe has distinguished it from the following charter (also issued by Gälawdéwos, appointing a Muslim governor for the province of Ifat) with a decorative row of alternating black and red dots. Another charter of Gälawdéwos, just below, is a donation to the church of Tādbabā Maryam, where the edict was recorded. However, this document has been partially erased and a later scribe has added a brief charter issued by King Iyasu I (1682–1706), recording his donation of land to one *Fitawrari* Mahdärä Mäläkot. Below it, following the final lines of the deleted charter, is an anathema clause warning the reader not to delete a charter made out in favor of one *Ras Yämanä Krestos*; the clause may refer to the last text in this column, a donation of land to that same man by the clergy of the church. The final text, inscribed in the lower margin of the page, records a donation by King Säršä Dengel (1563–1596) to soldiers assigned to guard the church of Tādbabā Maryam.

which was transplanted to Ethiopia from Egypt sometime in the late fifteenth or early sixteenth century: a complex blending of elements derived from thirteenth-century Coptic Christian and Islamic laws, as well as from postclassical Roman-Byzantine legal systems.² The intricate and hybrid Ethiopian legal system exemplifies the interconnections and translation processes involved in the production of normative texts in many areas of the medieval globe, the result of cross-border communication processes and a special fruit of enduring Coptic-Ethiopian religious ties and interactions. My discovery of the edict now prompts a reconsideration of Ethiopia's slave law as embodied in the *Fetha Nägäst* and also a reevaluation of that text's manuscript history and practical applications.

In this study, I therefore reconsider the whole process of legal encounter in medieval Ethiopia in light of the edict of 1548, focusing the discussion on four areas. First, I explore the legal theory of slavery expressed in the edict and its link to the *Fetha Nägäst*, reexamining the entanglement of Roman-Byzantine, Coptic-Islamic, and Ethiopian legal systems. Second, I consider the circumstances surrounding the edict's making and Gālawdéwos's intentions in publishing it in this textual format. I then provide a Ge'ez edition and English translation, in order to facilitate further research on this important document and its wider implications. Third, I offer a brief analysis of the immediate political context that prompted the promulgation of the edict, arguing that it was the outcome of sustained and violent regional conflicts between the kingdom of Ethiopia and the sultanate of Adal during the fifteenth and sixteenth-centuries, which produced a constant supply of Christian Ethiopian slaves for sale to Egypt, South Arabia, and South Asia. Since Arabs were its particular target, the edict reveals the disjuncture between the Islamic legal theory that exempted Ethiopia from *jihād* and enslavement, and the actual relations between Ethiopians and Arabs within the Muslim world more generally. Finally, I turn to issues of enforcement and to identifying the role that the *Fetha Nägäst* and the edict played in impacting legal decisions, as well as legal and social relations. Ethiopian law is generally assumed by scholars to have been widely violated and ignored. The inaccessibility of the language in which the *Fetha Nägäst* is written and the tenuous records of its practical use are often read as an indication of its limited social relevance. Instead, I suggest that the legal doctrine and principles of the *Fetha Nägäst* concerning slavery, later strengthened by Gālawdéwos's edict, can be shown to have been widely known and to have exercised a measurable influence among a broad spectrum of people in sixteenth-century Ethiopia.

² It has been translated into English by Abba Paulos Tzadua from the edition of Peter Strauss; cited hereafter as *Fetha Nägäst*.

Medieval Ethiopia as defined here covers the period roughly from 1000 to 1550 CE. Many elements of the civilization of this era were rooted in the Aksumite kingdom (1–800 CE). Named after its capital at Aksum, it developed in the northern highlands of Ethiopia and in the south-central region of what is now Eritrea, where it left a deep social and cultural imprint and a number of well-known institutional practices. Aksum bequeathed to its medieval heirs a script and a language of liturgy and learning, Ge'ez, a Semitic language which worked (and continues to work) in Ethiopia as Latin did in Europe for many centuries, after people stopped speaking it around 1000 CE. It also gave birth to a national church, the Ethiopian Orthodox Church, which is still deeply embedded in the popular culture of the northern and central highlands. Since its emergence in the mid-fourth century CE until 1959, when it became fully autocephalous, the Ethiopian Orthodox Church was headed by an Egyptian Coptic bishop, consecrated by the patriarch of Alexandria. More essentially, Aksum left an enduring church-state institutional relationship. With the rise of Islamic powers in eighth-century Arabia, Aksum abandoned the Red Sea coasts and, over the next seven centuries (a shadowy period of Ethiopian history), the political and cultural center of Ethiopia steadily shifted southwards from Aksum, first to Lalibela and then to the regions of Amhara and Shawa (see **Map 2**). The southward expansion of the state accelerated with the dramatic advent of the new “Solomonic” dynasty in 1270 CE, when Yekuno Amlak (r. 1270–85), who claimed direct descent from Aksumite kings, became emperor of Ethiopia.³

Historians such as Marie-Laure Derat, Stephen Kaplan, and Tadesse Tamrat have provided absorbing accounts of the unprecedented political, religious, and literary renaissance experienced during the early Solomonic era (1270–1527). The kings of the new dynasty, which lasted until 1974, revived the Aksumite tradition of charismatic and centralized monarchical rule and made remarkable territorial conquests. In religion, the period witnessed the rapid growth and expansion of the Ethiopian Orthodox Church and the establishment of a new model of church-state relations in which the state dominated. This process eventually made Christianity integral to Ethiopian national identity.⁴ Moreover, although medieval Ethiopia remained essentially an oral society, the growth of the Ethiopian Church and royal patronage of art and literature stimulated a rare outburst of literary activity during this period. In particular, King Zärä Yaqob (r. 1434–68) personally

³ Phillipson, *Foundations of an African Civilization*, 51–54, 79–106, 227–43; and Isaac, *The Ethiopian Orthodox Tāwahido Church*, 17–26, 109–14, 131–88.

⁴ Derat, *Le Domaine des rois éthiopiens*; Kaplan, *The Monastic Holy Man*; and Tamrat, *Church and State in Ethiopia*.

Map 2. Provinces of Ethiopia, Muslim Territories, and Major Trade Routes in the Horn of Africa.

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took part in this literary regeneration through writing, promoting, and disseminating juridical and religious books concerned with the regulation of religious life and political rituals.⁵

Despite the expansion of the Ethiopian state and church in the Horn of Africa, it has recently become increasingly clear that medieval Ethiopia remained culturally and religiously diverse. Based on information gleaned from newly discovered Arabic funerary inscriptions and more familiar documentary evidence, François-Xavier Fauvelle-Aymar and Bertrand Hirsch have shown that Islam was an integral part of the cultural landscape, not only of the broad coastal lowlands of the western Red Sea and Gulf of Aden but also in the eastern escapements of the northern and central highlands. Islamic cultural influence on Ethiopia came originally from the Dahlak islands in the Red Sea, where a thriving mercantile Muslim community had developed by the tenth century. The Dahlak and Massawa served as key transit points in a north-south axis of trade route linking Ethiopia to South Arabia and Egypt during the tenth through to thirteenth centuries. Islamic development accelerated in the Horn of Africa with the rapid development of the port of Zeila in the Gulf of Aden and the vibrant east-west axis trade route connecting the highlands of Ethiopia with the lowlands of the western Red Sea area in thirteenth century. Around the same time, the sultanate of Ifat was founded and grew rich from trade and control over Zeila.⁶

In 1332, Ifat and other Muslim polities were absorbed into the expanding Ethiopian state. With the advent of the Solomonids, then, Ethiopia appears to have lost its traditional rapport with Muslims in the Horn of Africa.⁷ By the fifteenth century, open rivalry and hostility had largely replaced the peaceful coexistence and economic cooperation between Ethiopia and Muslim powers in the Horn of Africa. In the period 1529–43, Ethiopia was occupied by a *jihadist* army raised from the sultanate of Adal, which grew from the remnants of Ifat in the late fourteenth century. The *jihad* resulted in the looting and destruction of churches and the enslavement of many Christian captives. In 1543, the *jihad* collapsed, its leader was killed, and Ethiopian hegemony in the Horn of Africa was reestablished.⁸ As a whole, the rise of the Solomonids animated Ethiopian Christian identity through its conflict against Islam and pagan peoples. This is the backdrop against which the 1548 edict of Gälawdéwos and the issue of legal encounter must be understood.

5 *Il libro della luce del negus Zar'a Yaqob; The Epistle of Humanity of Emperor Zār'a Ya'eqob.*

6 Fauvelle-Aymar and Hirsch, "Muslim Historical Spaces in Ethiopia"; idem, "Établissements et formations politiques musulmans"; and idem, "En guise d'introduction."

7 Tamrat, *Church and State in Ethiopia*, 231.

8 Uṭmān, *Futūḥ al-Ḥabaša*.

Juridic Precedent and Legal Theory: The Law of Slavery in the *Fetha Nägäst*

The Ethiopian legal system was constituted through complex processes of appropriation, reformulation, and cross-border diffusion of legal institutions and norms: a process which scholars of comparative law call “legal transplant,” “legal transfer,” or the “translation” of normativity.⁹ Initially, postclassical Roman-Byzantine laws were borrowed and subjected to qualifications, then mixed with Coptic-Islamic laws and Ethiopian customs. Ethiopian translators and interpreters used local usage for reformulating the imported laws and norms, resulting in the production of a novel legal system, a mixture of the foreign template and many local elaborations and reconceptualizations. Though a hybrid, the Ethiopian legal system thus remained Ethiopian in its understanding and application. With respect to the legal theory of slavery and the juridical context of the 1548 edict, it is useful, therefore, to ask: How did the precepts of Ethiopian customary law penetrate into Ethiopia’s foreign-derived legal system? How was slavery conceptualized in indigenous Ethiopian law? What influences, if any, did the pre-existing laws have on the edict of Gālawdēwos?

Gālawdēwos’s edict did not develop in a legal vacuum. Its content was shaped by the juristic precedent of the *Fetha Nägäst* and the political milieu of fifteenth and sixteenth-century Ethiopia. And while the *Fetha Nägäst* bears the strong mark of Ethiopian legal culture and way of life, much of it is derived from Roman laws that found their way into Ethiopia indirectly, by means of truncated Byzantine handbooks written in Greek, which in turn had been translated into Arabic and redacted by Melchite Christians in Egypt in the twelfth and thirteenth centuries. These handbooks were later revised and rewritten, elaborated, and merged in Coptic Church legislation commonly known as the *Nomocanon* (Collections of Canons). Unsurprisingly, perhaps, underlying the *Nomocanon* are also many elements of Islamic law.¹⁰ It was compiled by Abu-l-Fada’il Ibn al-Assal, a Coptic Christian jurist who lived in thirteenth-century Egypt. Prepared to serve as a practical guide for Coptic Christians who lived amidst Muslims, the *Nomocanon* was officially promulgated in 1238 by Patriarch Cyril III ibn Laqlaq of Alexandria (r. 1235–43). It was then transplanted to Ethiopia and translated into Ge’ez from Arabic and renamed the *Fetha Nägäst*.¹¹ The accepted reasoning behind this change

⁹ The phrase was originally invented by Watson, *Legal Transplants*. In Watson’s words, “legal transplants” mean “the moving of a rule or a system of law from one country to another, or from one people to another” (21).

¹⁰ Sand, “Roman Origins of the Ethiopian Law,” xlii–xlix.

¹¹ Tzadua, foreword to *Fetha Nagast*, xvi–xvii.

of name, as given by its nineteenth-century translator Ignazio Guidi, is that the ecclesiastical portions (chapters 1–22) already existed in Ethiopia in the book titled *Sinodos*, long before the coming of the *Nomocanon*. The *Sinodos* is a canonical work of Egyptian Melchite Christian origin with great prestige and authority in the Ethiopian Orthodox Church to this day. What was new to Ethiopians was the secular law sections or the “Canons (or Laws) of the Kings,” chapters 23–51, from which the code derived its Ethiopian name.¹²

Much remains uncertain about the date, the motives, and the circumstances in which the *Fetha Nāgäst* came to Ethiopia. There is no evidence of its formal promulgation. Some scholars have speculated that the Egyptian archbishop of the Ethiopian church, Abunä Sälama (1350–90), was responsible for its translation,¹³ but this interpretation has lately fallen from favor. Ignazio Guidi has dated the translation to the sixteenth century, based on information gleaned from philological evidence,¹⁴ and records of *Fetha Nāgäst*’s practical use in courts during the reign of King Särṣä Dengel (r. 1563–94) conforms to this later dating. But it is unlikely that the principles, institutions, and norms of a complex legal system have been translated, received, studied, and applied in court all at once during such a short period of time, a period marked by profound political upheavals and disruption of social and religious life. The training of jurists in its legal principles and their effective application in courts must have required a long gestation period. This can be illustrated with reference to the better known history of the *Sinodos*, whose Ethiopian reception was not immediately followed by its effective application. It was King Zärä Yaqob (r. 1434–1468) in the fifteenth century who resolutely started the practical use of the *Sinodos*. Guidi, again, has used the evidence of its practical application to date the *Sinodos*’s introduction to the early fifteenth century. But there is conclusive evidence of its existence in the fourteenth century, offered by the royal chronicle of King Amdä Ṣeyon (1314–44).¹⁵ In both cases, we can conclude that the long process of translation and reception began much earlier.

According to Ethiopian tradition, the *Fetha Nāgäst* was introduced into the juridical system of the country in the fifteenth century at the initiative of King Zärä Yaqob, the very promulgator of the *Sinodos*.¹⁶ The larger historical developments of this period would seem to fit this scenario: Ethiopia appears to have stood at

¹² *Il Fetha Nagast o “Legislazione dei Re,”* 37–38.

¹³ Brietzke, *Law, Development, and the Ethiopian Revolution*, 32.

¹⁴ Guidi, “Der äthiopische Senodos.”

¹⁵ Bausi, “Heritage and Originality in the Ethiopic *Sinodos*,” 16 and 21–23.

¹⁶ Tzadua, foreword to *Fetha Nagast*, xvii; and Sand, “Roman Origins of the Ethiopian Law,” xlii.

the threshold of a legislative development under Zārā Yaʿqob. It is known that the king was the author a number of Ethiopian religious-juridical traditions, and his reign placed unprecedented emphasis on reform in religious practice, centralized authority, and legislative uniformity. His aspirations, and the widely felt inadequacy of the reliance on customary law to administer a diverse empire, influenced the king to seek the codification of a new law for the use of his subjects. Church scholars were called upon, and yet the ecclesiastical code they produced, *Fäwsä Mānfāsawi* (Spiritual Remedy), was not comprehensive and fell into disuse. According to tradition, it was the absence of a satisfactory indigenous law code that motivated Zārā Yaʿqob to borrow a more sophisticated foreign legal system, the Coptic-Islamic Arabic language *Nomocanon*, to best serve the demands of his centralizing state.¹⁷ In Ethiopian tradition, the translator of the *Fetha Nāgäst*, who gives his name in the colophon as “Petros son of Abdä Säyd,” was the same person who brought the text from Egypt at the expense and order of Zārā Yaʿqob.¹⁸ Although this cannot be confirmed by any independent source, this tradition cannot be dismissed lightly.

Ibn al-Assal divided the *Fetha Nāgäst* into two broad parts arranged by subject and divided into chapters treating, on the one hand, ecclesiastical law and ritual; on the other, secular law. I am concerned here with the secular law sections, which cover a broad range of human affairs, including slavery, property law, succession, criminal law, commercial law, family law, sumptuary and dietary law, and so on. Beside chapter 30, which deals exclusively with matters of slavery and freedom, references to slaves are found scattered across several other chapters.¹⁹ Thanks to the exacting investigations of legal historians, the main sources of the *Fetha Nāgäst* have now been identified. For the provisions regarding slavery and manumission, Ibn al-Assal drew directly upon the two handbooks of Roman-Byzantine law known as the *Syro-Roman Law Book* and the *Procheiros Nomos*. The former was originally written in Greek in 480 CE and later translated into Syriac in about 750. Although assumed to have a Syriac contribution, it was essentially a work of Roman jurisprudence. The *Procheiros Nomos* was enacted in 878 by the Byzantine emperor Basilios I the Macedonian (r. 867–86). Ibn al-Assal was able to access both handbooks via the Arabic translations of various Egyptian Melchite Christians made around 1100. The *Syro-Roman Law Book*, which is cited eighty-nine times in the *Fetha Nāgäst*, formed the basis for many of the enactments relating

17 Jembere, *Introduction to the Legal History of Ethiopia*, 187–89.

18 *Fetha Nagast*, 319; Jembere, *Introduction to the Legal History of Ethiopia*, 188.

19 *Fetha Nagast*, 175–78. References to slaves are too many to list here, but the most important ones are on 54, 186–90, 196–98, 204, 216, 224, 225, 227, 231, 232, 245, 258, and 317.

to slavery, such as the provisions against the traffic in Christians. By contrast, Ibn al-Assal's debt to the *Procheiros Nomos* was negligible, and it is cited infrequently. However, it is the source for his statements regarding natural law and justice, the origins of slavery, and the provisions about the methods and justification for manumission.²⁰

The third and the oldest source of Romano-Byzantine law available to Ibn al-Assal was the *Ecloga* (Selection). This handbook was written in Constantinople in 726 and is specifically ascribed to Emperor Leo III Isauricos (r. 717–41) and his son and successor Constantine V Copronimos (r. 741–75). The citations of the *Ecloga* in the *Fetha Nāgāst* are, according to P. H. Sand, "based on an excerpt made by Melchites in the thirteenth century from a previous Arabic translation of the *Ecloga*, into which the Nicaean canons were incorporated."²¹ The *Ecloga* provided the direct basis for the *Fetha Nāgāst*'s statement about the methods of manumission and return to slavery, offences by and punishments against slaves.²²

These three handbooks, which contain bits and pieces of the sixth-century Justinianic Code, were ultimately redacted into the *Nomocanon*, which in its transfer from Egypt to Ethiopia and translation into Ge'ez became the *Fetha Nāgāst*. This was the primary means through which Roman legal thought entered Ethiopia. But the *Fetha Nāgāst* was not entirely Roman in its essence. Although Ibn al-Assal does not directly credit other sources, he clearly had a knowledge of, and borrowed freely from, Islamic law. Thus, there are many examples in the *Fetha Nāgāst*, of terminologies, punishments, jurisprudential concepts, legal formulae, and commentary that present striking similarities with the Islamic law of slavery and manumission. This becomes apparent by comparing, for example, *Fetha Nāgāst*'s provisions relating to the method of manumission of a jointly owned slave with a comment attributed to the Prophet Muhammad. The hadith records that "[w]hoever frees [his share of] a slave owned by two persons shall be charged [for the other half] if he is well off; then [the slave] shall be [completely] freed."²³ The *Fetha Nāgāst* states that "[i]f a man is part owner of a slave, so that there is another who shares ownership, if one of them is a rich man, he must buy him entirely and

²⁰ Sand, "Roman Origins of the Ethiopian Law," xlv–xlvi; *Fetha Nāgāst*, 175–77, 224, 231–32, and 245; and *Manual of Eastern Roman Law*, ed. Freshfield, 90–91, 137–41. Ibn al-Assal cited the *Procheiros Nomos* and *Syro-Roman Law Book* (in that order) using the abbreviations TS and MAK, citations repeated in the Ge'ez version.

²¹ Sand, "Roman Origins of the Ethiopian Law," xlvii.

²² *Fetha Nagast*, 176–77, 302, and 303; and *Manual of Roman Law*, ed. Freshfield, 88–90. The *Ecloga* appears in the *Fetha Nāgāst* as MAG, citation repeated in the Ge'ez version.

²³ Quoted in Hunwick and Powell, *The African Diaspora*, 6 (citing the recension by Muhammad al-Bukhari, *al-Jami al-sahih*).

set him entirely free.”²⁴ I would contend that a considerable part of the provisions about manumission and slavery in the *Fetha Nāgāst* reflect Islamic law even more than Roman-Byzantine practices. The source of the theory of natural liberty in the *Fetha Nāgāst*, together with the presumption that slavery derives from warfare, were not of Ethiopian and Roman-Byzantine origin alone. In Muslim legal theory, too, it is also believed “that the innate condition of people is freedom” and slavery originated in war.²⁵ Evidence suggests that the *Fetha Nāgāst* also exhibits elements of Malikite Islamic jurisprudence (which was very popular in Egypt during the author’s time) in its form, literary and legislative style, and arrangement of materials.²⁶ Such Islamic touches are to be expected in a text compiled for Coptic Christians who had been living within Islamic lands since 642 AD.

It has been argued that the *Fetha Nāgāst* contains many judicial precepts and terminologies which were largely unfamiliar and irrelevant to the Ethiopian experience. A more accurate assessment is that of Abba Paulos Tzadua, the most highly regarded authority on the subject, who sees a great “influence of the Ethiopian way of life on the *Fetha Nāgāst*.”²⁷ As noted above, the Ethiopian reception of Roman-Byzantine and Coptic-Islamic legal systems was neither unqualified nor wholesale. Even if the *Fetha Nāgāst* reflects what might be seen as alien, its interpretation and application were thoroughly Ethiopian. For example, as noted by Tzadua, the understanding of the notions of mandate in the Ge’ez version is divergent from the Arabic version. He finds that the chapter on mandate was “relegislated” and reconceptualized to refer to “stewardship in the house of the Emperor or some member of the nobility.”²⁸ In this and countless other instances, Ethiopian customs and legal principles were blended and reconciled with the foreign body of law, thereby facilitating its reception.

To take one salient example, “the [state of] liberty” is understood in the text of the *Fetha Nāgāst* to be “in accord with the law of reason, for all men share liberty on the basis of natural law.”²⁹ It follows that liberty is a universal and natural right. This conception of natural law is founded partly on the local customary law and usages of Ethiopia, existing since at least the introduction of Christianity in the fourth century CE, and partly on Roman law and Greek philosophical precepts. The customary law commonly held in learned ecclesiastical circles, in

²⁴ *Fetha Nagast*, 177.

²⁵ Hunwick, “Islamic Law and Polemic,” 44.

²⁶ Sand, “Roman Origins of the Ethiopian Law,” xlvii–xlix.

²⁷ Tzadua, foreword to *Fetha Nagast*, xxi.

²⁸ *Ibid.*

²⁹ *Fetha Nagast*, 175.

particular, was natural law, with “natural justice” recognized by the technical term *fethe feṭerātawi*. Aberra Jembere, the author of an important book on the legal history of Ethiopia, maintains that “a conception of natural law—as the law of reason ‘inborn by nature’ and as such perceived in Ethiopia—was considered to be the source of many of the old laws of the country that was elaborated and solidified later on the basis of Christian beliefs and values.”³⁰ Jembere adds that “Ethiopian legal culture is consistent with” the view that “human rights [...] are an endowment from a ‘natural fact’ to any person, as the result of he/her being created as a human being.”³¹

While the Ethiopian notion of natural law and human rights therefore has a long history, its elaboration and articulation in writing came only later in the seventeenth century as a critique of slavery and the slave trade. The notion of equality, justice, and belief in the shared humanity of all God’s children, profoundly rooted in the teaching of the Ethiopian Orthodox Church, was then expounded by Wäldä Heywät in a treatise entitled *Hatäta Zärä Yaqob* (The Treatise of Zera Yacob):³²

Moreover, God created all men equal just like brothers, sons of one father; our creator himself is the father of all. Therefore, we should love one another and observe this eternal precept which God engraved upon the Tables of our heart and which says: “Love your fellow men as yourself, and do to them what you wish others to do to you; do not do to them that which you do not want to be done to you”; observation of this primary precept is the perfection of all other deeds and of all justice. Do not think that the doctrine of fools who say the following is good: “the word ‘fellow men’ is confined only to relatives, or our neighbors, or our friends, or members of the same faith.” Do not say the same as they do; for all men are our fellow men whether they are good, or evil, Christians, Mohammedans, Jews, pagans: all are equal to us and our brothers, because we are all the sons of one father and the creatures of one creator. Therefore we ought to love one another, and to behave well with all as much as we can and not to inflict evil on anyone.³³

30 Jembere, *Introduction to the Legal History of Ethiopia*, 31.

31 Ibid.

32 Quoted in Sumner, *Ethiopian Philosophy*, 225.

33 Lacking any literary precedent or classic model, the *Hätata’s* originality has resisted any classification, and for this reason its authorship was questioned by Conti Rossini, “Lo Hatata Zaraa Ya’qob.” He attributes the work to a nineteenth-century Catholic missionary to Ethiopia, Giusto da Urbino. This view has never been adequately elucidated, much less universally accepted.

Since they sprung from a common origin, Wäldä Heywät teaches that all men are natural kinsmen and members of a great family. Therefore, there is no inherent distinction between human beings and every man by nature is a born free and equal to other men. From this argument of universal fraternity, it follows that “there can be no chosen people, no more than there is the right of the stronger over the weaker, and the priority of man over woman!”³⁴ Since no one is created slave or master by nature, the slave trade was accordingly an affront to the fundamental rights and liberties of individuals. Although this treatise was written centuries after the *Fetha Nāgäst*, it echoes ideas that had already penetrated into the *Fetha Nāgäst*, which considers slavery to be unnatural and without any ethical foundation. Not only is slavery unnatural but also it is unwarranted, for the inequality inherent in the system extinguishes justice.

If slavery was dishonorable and incompatible with human nature, the inevitable question is: Why was it accepted as a legitimate institution in Ethiopia in the first place? The *Fetha Nāgäst* gives an explanation for this: slavery was the function of war and violence, because the strongest and the victorious used violence and coercion to make the weakest and vanquished accept it: “[b]ut war and the strength of horses bring some to the service of others, because the law of war and victory makes the vanquished slaves of the victors.”³⁵ This closely corresponds to the explanation of the origin of slavery given in the *Procheiros Nomo*, where it is stated that “[s]lavery is consequent upon the *jus gentium* [law of nations] whereby one man is made subject to another man. By nature all men were made free; by war men were made slaves. For the law of war prescribes that the conquered shall be the property of the conquerors.”³⁶ By the manmade law of war, those defeated in war are held to belong to the victor; slavery was therefore justified on moral grounds: that is, it accorded with human *mores*. The *Fetha Nāgäst* therefore joined other legal traditions in conceding the morality of the institution of slavery. Indeed, in one of several similar provisions it treats slaves with cool indifference, as objects: “The price of a slave is like that of an object at any given time. It may increase or decrease.”³⁷ The Bible is also cited as an authority on the religious and political conditions that justified slavery. The proof text quoted in the *Fetha Nāgäst* is Leviticus 25:44 and following: “[t]hose whom you take from the

34 Sumner, *Ethiopian Philosophy*, 232. The legal and ethical precepts on liberty and universal right were based on the Judeo-Christian belief in that man was made in the image and likeness of God.

35 *Fetha Nagast*, 175.

36 *Manual of Eastern Roman Law*, ed. Freshfield, 138.

37 *Fetha Nagast*, 177.

people who dwell around you and the aliens who dwell among you, let them, men and women, be your slaves. You shall buy [slaves] from among them, and from their offspring born in your land, and they shall be for you and your children after you, as an inheritance.”³⁸ Religion determined who fell within the boundaries of those protected from enslavement and those who could legitimately be enslaved. Based on this, freeborn Christians were a priori of free status and off-limits, while non-Christians captured in war could be enslaved. Slavery was therefore caused by unbelief, and yet the conversion of pagan slaves to Christianity subsequent to the establishment of the right of ownership by masters did not extinguish slavery. In this way, the code provided the ground for a religiously justified exclusion and enslavement of non-Christians and Christians whose slavery was caused by previous unbelief.³⁹

While granting legitimacy to the institution, the *Fetha Nägäst* insists that slavery should be confined within the boundaries of Christian conduct and civilized values. First, it imposes a ban on the sale of “a [Christian] slave accustomed to the usages of a country to a foreigner; unless the slave gives his consent.”⁴⁰ The Amharic gloss is more specific and goes further, stating that Christian slaves were not to be sold to aliens, “especially if the buyer belongs to another faith and speaks another language.”⁴¹ Second, it discusses the many circumstances under which slaves might be given freedom. It encourages individuals to buy Christian slaves from the *ahzab* or infidels and praises manumitting slaves as an act of charity and compassion “that must be done for it is an excellent form of alms.”⁴² Entailing as it does “the granting to a man of the right to become master of himself, according to the original law of his natural liberty,” releasing a slave from bondage is deemed “a deed of perfection.”⁴³ Freedom from transfer to non-Christians was acquired from the moment of baptism, so while it was acceptable to make a pagan slave a Christian, it was flatly forbidden to sell a Christian slave to infidels.⁴⁴ The *Fetha Nägäst* also imposed capital punishment against those who stole children, be they free or slave. The trade in Christian slaves (whose servitude was caused by a previous

38 Ibid., 175.

39 Ibid.

40 Ibid., 190.

41 Ibid., 190, n. 61.

42 Ibid., 175. The *Fetha Nägäst* also states that “A buyer may not return to the seller, invoking their defects, a slave who was bought from an infidel and then baptized or a Christian female slave whom he married or give away in marriage” (187).

43 *Fetha Nagast*, 175.

44 Ibid., 188.

unbelief) to infidels such as Muslims was offensive because these Christian slaves could thereby be converted to a despised religion, and their souls could not be saved. In the end, it was only the slavery of freeborn Christians that was considered inconsistent with humanity and natural law.

The newly discovered edict of Gālawdéwos was structured around the same legal and religious principles found in the *Fetha Nägäst*. As will be discussed below, the king considered slavery exclusive to non-Christians and thereby recognized a link between religion, slavery, and freedom. But before discussing Gālawdéwos's intention in publishing the edict, the impetus for its promulgation, and the manner of its preservation and transmission, the text deserves to be published in its entirety.

The Edict: Text and Analysis

So far as I am aware, this is the only written edict by an Ethiopian king prior to the twentieth century. Indeed, African scholarship has not brought to light anything like the edict of Gālawdéwos, which also constitutes the first documented articulation of something analogous to anti-slavery sentiment generated in reaction to the slave trade. It also has implications for the study of Arab-Ethiopian/African relations and the history of law.

King Gālawdéwos's edict is preserved in a sixteenth-century parchment Wängél, or Gospel manuscript, held by the Tādbabä Maryam church in Amhara, a major foundation of Gālawdéwos.⁴⁵ The manuscript is undated, but the main text is datable to the sixteenth century date and thus roughly contemporary with the edict. Remarkably, it also contains a rich variety of texts written on its front and back flyleaves, dating from the sixteenth through to the late eighteenth centuries and covering a broad range of issues, though mainly concerned with land and its control.⁴⁶ I recently had direct access to this manuscript and was able to photograph the edict and other historical sources at the church. The edict is written in Ge'ez, on parchment. It is only 340 words long in the original and is written as one continuous text consisting of four basic parts: the proem; general provisions regulating the slave trade and prohibiting the traffic in Christians; the anathemas and

⁴⁵ A contemporary chronicle details the circumstances leading to the founding of the church. See *Chronique de Galāwadēwos*, 49–54, 58–59, and 123.

⁴⁶ Tādbabä Maryam, MS Wängél, image nos 6597–6654 (the author's own digital photographs of documents in this Wängél).

the date on which the edict was issued; and finally the provisions concerning the regulation of the slave trade in Damot and Gamo provinces, specifically.⁴⁷

በስመ ሥሉስ ቅዱስ ዘይሴባሕ ስሙ ወይትሌዐል ዝከሩ ወውእቱ ረዳእየ ወቦቱ እትቈክል ወበረድኤቱ እስምከ ወበኃይሉ እትፌሣሕ ሎቱ ኃይል ወስብሓት ወሎቱ ክብር ወስዘዝ በኩሉ ዓለማት ለዓለመ ዓለም አሜን።

እነ ንጉሥ ገላውዴዎስ ወልደ ንጉሥ ወናግ ሰገድ አዘዝኩ እምይእዜ ከመ ኢይረድ ነጋዲ ኢእስላም ወኢክርስቲያን ኅበ ባሕረ ወኅበ አዳል አው ኅበ ኩሉ መካነ ዘየሐውሩ ውስቱታ ነጋድያን ዘእንበለ ይብፀሕ ኅበ ዴዴየ። ወያምጽእ ኩሉ አግብርት ዘውስቱቱ ተባዕተ ወእንስተ ኅቤየ። ወዘእንበለ ይጽሐፍ ሎቱ ክታብ ኅሩልቆሙ ለአግብርቲሁ ከመ ያርኢ ለመኳንንት ወለመሳፍንት ወለስዩማን ሀገር ዘውስተ ፍኖት። ወኩሉ ዘተረከበ ምስሌሁ ምንትኒ ዘይተርፍ እምኅሩልቁ ዘተጽሕፈ ይንሥኡ እምኔሁ። ፡ ወኩሉ ዘተረከበ ምስሌሁ ገብር ክርስቲያናዊ ወእመ ኮነ ውእቱ እምደቂቁ ዓረብ ይንሥኡ ኩሉ ንዋዮ ወይፈንው ኅቤየ። ወዘሆሎ ለገብር ክርስቲያናዊ በውስተ ምስያጥ ይቅጥልዎ። ወእመስ ኮነ ነጋዲ ዘሆሎ ለክርስቲያናዊ እመሂ እስላም ወእመሂ ክርስቲያን እምሰብኣ ሀገረ ኢትዮጵያ ይቀትል ዘሆሎ። ወለተሳየጦሂ እምደቂቁ በረብ እንዘ የአምር ከመ ውእቱ ክርስቲያናዊ ይንሥእዎ ኩሉ ንዋዮ።

ወኩሉ አዛዥ አው ፈታሕት አው መኮንን አው ሰዩመ ሀገረ ዘኢይፈትሕ በዘ አዘዝቦ ቦቱ ይትቀተል ዘእንበለ ምሕረት ወይትበርበር ኩሉ ንዋዮ ወይኩን ውጉዝ በአፈ አብ ወወልድ ወመንፈስ ቅዱስ ወበአፈ ኩሉሙ አበው ዘተወከፈቆሙ ቤተ ክርስቲያን። ወእነ ንጉሥ ገላውዴዎስ ፈታህኩ ፍትሐ ወእጽናዕኩ ዘንተ ክታብ። ወትኩን ዛቲ ሕገ ወሥርዓት ጽንዕተ በምድረ ኢትዮጵያ እስከ ለዓለመ ዓለም። ወኩሉ ዘተዐደዋ እምነገሥታት እምድኅሬየ አው እምፈታሕት ይኩን ታሕተ ዝከት ወኢይኩን ሎቱ ኃድገት ኢበሞቱ ወኢበሕይወቱ። ወኩሉ ዘይደመስስ ዘንተ መጽሐፈ አው ዘያደርዖ እምድረ ኢትዮጵያ እግዚአብሔር ይደምስስ ስሞ እመጽሐፈ ሕይወት ወይኩን መክፈልቱ ምስለ ሐና ወቀያፋ ወይሁዳ አስቆሮታዊ ወሴምን መሠረ ወትፍታሕ ምድር አፈሃ ወትሐብ በአምሳለ ዳታን ወኢቤሮን። ወዘንቱ ብርዐ እዲየ ትኩን ስምዐ ላዕሌየ። ወተጽሕፈት ዛቲ ክታብ በዓመተ ሰማንታት ፲፯ወ፳፻፳፱ወ፳፻ዓመት ፲፱ወ፳፻ ዓ.ም. ለወርኃ የካቲት ቡሩክ በ፳፻ዓመት ወበ፳፻ ወርኅ እምእመ እንገሠኒ እግዚአብሔር። ስብሐት ለእግዚአብሔር በሰማያት ወሰላም በምድር ሥምረቱ ለሰብእ ለዓለመ ዓለም አሜን።

ወእመቦ ዘተሳየጦ ገብረ እምዳሞት አው እምገሞ ይጽሐፍ ስመ ብእሲ ዘሆሎ ሎቱ ። ወይጽሐፍ ካዕበ ኅሩልቆሙ ለአግብርቲሁ ውኅልቄ ንዋይ ዘወሀበ ወያርኢ ለመኳንንት ወለመሳፍንት ወለሥዩማን ሀገር ዘውስተ ፍኖት። ወለእመ ኮነ ነገሩ እሙነ ሐቲቆሙ ይፈንውዎ። ወእመስ ሞተ ገብር ዘተሳየጦ ውእቱ ብእሲ እምዳሞት ወገሞ ወእምጽኦ ክልኦ ገብረ ክርስቲያናዊ ከመ ይምላእ ሎቱ በኅሩልቁ። ወእመ ተአውቀ ወተጠየቀ ቦቱ ዝንቱ ነገር ይንሥእዎ ኩሉ ንዋዮ። ወከያሁስ አሢሮሙ ያምጽእዎ ኅቤየ። ወሶበስ ይጽሐፍ ይበል ከመዝ ብሃልቂ አግብርት ዘተሳየጥኩ እምዳሞት የክክል ዘንተ ወዘተሳየጥኩ እምገም የክክል ዘንተ። ወይፍልጥ ኩሉ በበስመ ብሔሩ።⁴⁸

⁴⁷ For the sake of convenience, I have divided the edict into paragraphs and have disregarded the punctuation marks in the original text in favor of the current conventional system used by the *Journal of Ethiopian Studies*.

⁴⁸ Tädbabä Maryam, MS Wängél, image no. 6650.

Praise be, Blessed Trinity, to Your name and exalted be Your memory. He is my Helper and I trust in Him. I delight in His power and shelter in His grace. Praise and power be to Him. Glory and rule over all worlds be to Him. Forever and ever. Amen.

I, King Gālawdēwos, son of Wānag Sägād,⁴⁹ have ordered that from now onwards any merchant [traveling with slaves], whether he be Muslim or Christian, shall not proceed to the sea, to Adal, and to other market places visited by merchants, without coming to my gate [for inspection]. Let him bring both female and male slaves before me. Let him write down the number of slaves [he is traveling with] and report them to the *mākwānant*,⁵⁰ *māsafent*,⁵¹ and *seyuman*⁵² of the district along the route they pass through. When any captive who is not in the list reported to the [mākwānant, māsafent, and seyuman] is discovered, let them take him into custody. If the captive turns out to be Christian and the one [who knowingly bought him] is an Arab, let them deprive him of all his merchandise and send him to me. Let them kill the seller who [knowingly] puts up for market and sale [to the Arab merchant] the Christian slave. If the seller who [knowingly] sold a Christian is a merchant, whether he be Muslim or a Christian Ethiopian compatriot, let them kill him. If an Arab [merchant] knowingly purchases a Christian, let them confiscate all his property. Any *azaj*,⁵³ whether he be *fātahit* (judge), or *mākonnen*, or *seyum* of the district, who [slacks on his obligation] and does not follow our commands, deserves to be killed without mercy and his house ransacked; and let him be damned by the mouth of the Father, the Son, and the Holy Ghost, and by the mouth of all Church Fathers.

49 Wānag Sägād is the regnal name of King Lebṇā Dengel (r. 1508–40), Gālawdēwos's father.

50 *Mākwānant* is generic term, which historical sources from the thirteenth to the twentieth centuries use to refer to the higher nobility collectively. Modern Amharic dictionaries conform to usage of the historical sources. See, for instance, Kane, *Amharic-English Dictionary*, 1443; Wolf Leslau, *Comparative Dictionary of Ge'ez*, 287; and Baetman, *Dictionnaire Amarigna-Français*, 734.

51 *Seyuman* (sing. *seyum*) is a general term for officials appointed by the monarch. It is derived from the root word *säyyāmā* "to designate (appoint), give the title of" (Kane, *Amharic-English Dictionary*, 571).

52 This word is generally used to refer to the hereditary nobility or princes. Kane renders its singular form *māsfen* as "prince" (Ibid., 599).

53 Kane (Ibid., 1281) defines *azaj* as "commander, chief, intendant, major-domo." Baetman's dictionary shows that the word has a connotation of legal authority (*Dictionnaire Amarigna-Français*, 614). He renders the word as "juge de tribunal supreme" or "supreme court judge."

I, King Gälawdéwos, legislated this law and sanctioned this writing. Let it be the established law and regulation of the land of Ethiopia forever and ever. Anyone who violates my decree, whether they be future kings, or judges, is under perpetual anathema both in his life and after his death. Whosoever destroys this book, or takes it away from Ethiopia, may God delete his name from the Book of Life; may his lot be with Caiaphas and Annas, Judah of Iscariot and Simon the Magician; may the earth open her mouth, and swallows him up like Dathan and Abiram. My handwriting shall be my testimony. This was written down in the year of the martyrs 1264; on the 18th day of the blessed month of Yäkatit, 7 years and 7 months after God made me king [February 12, 1548].⁵⁴ “Glory to God in the highest heavens, and peace on the earth, [and] His good will to men” [Luke 2: 14]. Forever and ever. Amen.

If one buys a slave, whether be it from Damot, or Gamo, [first], let him write down the name of the seller; second, let him write down the number of slaves and the price of purchase and report it to the *mäkwannent*, *mäsafent*, and *seyumanä hagär* along the routes the [caravan] is passing through. If, upon examination, the matter is found to be true, they shall let him [the merchant] go. When a slave bought from Damot and Gamo dies, and the owner subsequently buys a Christian slave as replacement, let them deprive such a person so offending and duly convict all his property; let them handcuff and bring him to me. When he [the slave merchant] writes down his merchandise, let him [use this formula “I hereby specify that] the slaves I purchased from Damot numbered this many; the slaves I purchased from Gamo numbered this many.” Let him classify them by regional origin in this way.

It is difficult to determine precisely where and how this edict was promulgated. My conviction is that it was passed in the presence of many higher officers at the royal court whose principal residence in 1548 was at a place named Agraroha. By far the strongest evidence comes from the Tädbabä Maryam Gospel itself. Our

54 Two methods of dating are used here. First, the document is dated by the era of martyrs, named for Christians killed by the order of the Roman emperor Diocletian, the beginning of whose reign is the first day of the year of martyrs: a convention used by the Coptic and Ethiopian Churches. The second is the regnal year of Gälawdéwos, who came to the throne after the death of his father on September 3, 1540 (the source for this is Perruchon, “Notes pour l’histoire d’Éthiopie,” 278 and 280). There seems to be an error in calculating the number of years and months since the first day of the king’s reign and the date of the decree. The edict could not have been issued seven years and seven months after he came to power unless Gälawdéwos had started to exercise power at least one month before the demise of his father.

edict is inscribed just before another copy of a royal document, in this case a charter recording Gālawdēwos's appointment of a local Muslim governor over the province of Ifat. Recorded in the Gospel is also Gālawdēwos's land charter issued sometime after the foundation of Tādbabā Maryam in 1552, for the support of the memorial services of a deceased royal servant named Besratā Mikael.⁵⁵ Although the handwriting is identical to the other two documents, the land charter is not helpful in determining the manner in which the edict was promulgated. However, the edict and the charter of appointment were not only written by the same scribe but at the same time, because both the handwriting and the ink are identical; the charter of appointment appears in the middle left column next to the edict and is stated to have been issued while the king was staying in Agraroha.

Since the charter of appointment appears at the end of the edict, the edict was the first to be written. What is more, both documents were issued on the same day and in the same month and, although the year is not given in the charter of appointment, it is highly probable that the two royal decrees were issued together at Agraroha.⁵⁶ A contemporary chronicle confirms that at this period the king's court was based here, in the province of Dāwaro, although the exact location of this capital has yet to be identified.⁵⁷ The Tādbabā Maryam church was not established until 1552, and it seems clear that the manuscript through which the edict comes down to us must antedate the foundation of the Tādbabā Maryam church by at least five years. The manuscript thus had a special association with Gālawdēwos's court and originally belonged, it appears, to the king before its subsequent transfer to Tādbabā Maryam's collection at a later date.

This conclusion would fit what we know from the fourteenth-century *Seratā Māngest* (Law of the State) about the appointments and coronations of officials and governors. This source attests that the appointment of dignitaries was made in the royal court and with a lot of pageantry.⁵⁸ The king therefore deliberately chose the auspicious occasion of the appointment of a governor of a key province to advertise and strengthen the authority of this new law. Ifat was the Ethiopian province with the longest history of Islamic presence, and it was the birthplace of militant leaders of Islam in the Horn of Africa. Gālawdēwos's issuance of this edict at this particular time and place was therefore a politically astute move.

The structure of the edict reflects many elements of analogous legal documents found in Ethiopian manuscripts of the thirteenth through sixteenth cen-

⁵⁵ Ibid., image no. 6626.

⁵⁶ Ibid., image no. 6650.

⁵⁷ *Chronique de Galāwadēwos*, 33.

⁵⁸ *Serata Mangest: An Early Ethiopian Constitution*, 35–36, 38, and 40.

turies.⁵⁹ The document is formulaic in its assumption of the first person. The king assumed the first person in the land charters he issued for three monasteries and two individual beneficiaries.⁶⁰ In the case of the anti-slavery edict, Gälawdéwos went further and underlined his intimate involvement in the production of the text by noting that it was in “my handwriting.” Conventionally, though, kings dictated to professional scribes, and so Gälawdéwos’s statement that he is the author of his edict is metaphorical and intended only to strengthen its authority. The language of the proem and the anathema clauses are unusually flowery and lengthy, but by no means unique.⁶¹ The method of dating is also conventional, but its precision and the two styles of dating is uncommon

In terms of its substance, legal diction, the procedures set in place for the enforcement of the law, and the death penalty imposed against violators regardless of social rank, the edict fundamentally departs from many legal documents issued in late medieval Ethiopia. It is, moreover, singular in taking up issues related to *gäber*, a generic word for “slave,” to illegal traffic in Christians, and to the regulation of the slave trade more generally. This is not to say that a demographically significant number of slaves did not exist in medieval Ethiopia: although slaves were not ubiquitous, trade in slaves and slavery was an old Ethiopian institution.⁶² Nor was the idea of a Christian slave a paradox. Yet slaves rarely make it into written sources of any genre. In a key passage where the king sums up his new regulation of the slave trade, the crucial words *fetha* and *hegg* appear: “I, king Gälawdéwos, legislated this law (*fetha*) and sanctioned this writing. Let it be the established law (*hegg*) and regulation of the land of Ethiopia forever and ever.”⁶³ The literal meaning of both words is “law.” The word *fetha* also perfectly matches with the notion of justice.⁶⁴ Use of such words in the document is revelatory of the legislative character of Gälawdéwos’s deed. There is no doubt that the document was intended to have the force of law. We are dealing with what was meant to be a new slave code, but my rendering of “edict” best characterizes the substance of the document and

⁵⁹ For analysis of the structure of legal documents from the thirteenth to the seventeenth century, see Huntingford, *Land Charters of Northern Ethiopia*.

⁶⁰ Ibid., 54–55; and Tādbabä Maryam, MS Wängél, image no. 6626.

⁶¹ Ibid., 6–7 and 20–21.

⁶² For the traffic in Ethiopian slaves, see Medard et al., *Traites et esclavages en Afrique orientale*; Jayasuriya, *African Identity in Asia*, 3–7 and 19–32; Erlich, *Ethiopia and the Middle East*, 11–14; Pankhurst, *Ethiopian Borderlands*, 18, 28, 122–23, 167–69; idem, *Introduction to the Economic History of Ethiopia*, 3–44, 54–57.

⁶³ Tādbabä Maryam, MS Wängél, image no. 6650.

⁶⁴ Kane, *Amharic-English Dictionary*, 33 and 2308.

avoids the anachronism implied in the notion of a fully fledged slave code. Before discussing its political contexts and social effect, it is worth examining the thrust of its terms and provisions.

Objectives of the Edict

The primary intentions of Gālawdéwos's edict were twofold. First, the edict aimed at *protecting freeborn Christians from enslavement and preventing the export of Christian slaves from the country*. Gālawdéwos's edict does not make a distinction between freeborn Christians and Christian slaves who were born into slavery or who became Christian while subject to the ownership of their master. It appears that he was strongly opposed to the commercial traffic in freeborn Christians and the transfer of any Christian slaves to non-Christians. The king found both crimes so offensive that he condemned any transgressor to death. Buying a captive while being aware of his true Christian religious identity fell under the penalty of the law. A merchant was under the obligation to avoid buying a Christian. A captive could not be deported unless he or she was proven to be non-Christian. Although the word is not used in the edict, *ahzab* was the generic term for pagans found in contemporary documents, including Gālawdéwos's regnal chronicle;⁶⁵ in our edict instead it is simply *gāber* or "slave" that is used without additional religious marker.

The decree also imposed heavy burdens of proof on merchants. How could merchants and captors establish the religious identity of a person and prove that their captives were non-Christians? The sumptuary regulations and religious rules to which Christian Ethiopians were subjected produced recognizable physical markers of religious identity which merchants could use to distinguish Christians from non-Christians. Circumcision was a requirement of religious law in the Ethiopian Orthodox Church. As part of his religious reform, King Zärä Yaqob had also required every Christian to "bear the names of 'the Father, the Son, and the Holy Ghost' branded on his forehead" as well to fasten the emblem of the cross "on all the belongings of the Christians—on their dress, their instruments of war, and even on their ploughs."⁶⁶ As a norm, Christian Ethiopians wore a cross necklace, or *matāb* (neck chord) given at the rite of baptism to distinguish themselves from non-Christians. Furthermore, Christians in the highland areas of rural northern and northwestern Ethiopia used to get a cross-shaped tattoo permanently etched on their faces as a marker of their religious identity. These and similar religious attributes could help merchants to identify a Christian from a non-Christian. The

⁶⁵ *Chronique de Galāwadēwos*, 51 and 54–56.

⁶⁶ Tamrat, *Church and State in Ethiopia*, 239.

penalties on Ethiopian merchants, Muslim and Christian alike, convicted of illegally trading in Christians was confiscation of property and death. Moreover, if a non-Ethiopian Arab merchant knowingly purchased a Christian captive, and that fact was concealed, the king instructed government officials to “deprive him of all his merchandise and send him to me.”

The edict neither advocates nor condemns slavery itself, but takes it for granted. It should be firmly born in mind that Gälawdéwos was not opposed to the traditional idea that one Christian could hold another Christian in a state of bondage. He certainly owned slaves without qualms, and his chronicler tells us that the king occasionally raided *ahzab*, or pagans, for captives, some of whom he distributed among his kinsmen.⁶⁷ Since the *Fetha Nägäst* required masters to convert their nonbelieving slaves to Christianity, the majority of slaves in the country were thus very likely Christians.⁶⁸ The conversion to Christianity therefore did not eliminate slave status. Nor did conversion exempt slaves from being purchased and sold, as long as the transacting parties were Christians. The intention of Gälawdéwos was not to end trade in Christian slaves completely, *it was their trade to local non-Christian owners and their export abroad which the king regarded as outrageous.*

The second objective of Gälawdéwos's edict was to regulate and control the slave trade. Any merchant traveling with slaves must register and make a report of their names and numbers to government officials before proceeding to the coast, to Adal and other markets. Merchants operating in the only partially Christian provinces of Damot and Gamo (the former long the most important source of slaves)⁶⁹ were specifically required to record the name of the seller, the price of purchase, and the origins of the slaves. The slaves that had gone through customs and official inspection in this way could be exported to South Arabia and Egypt. Here, as well as in other sections of the edict, Arab and local Muslim merchants appear to have been its particular targets. This is not surprising because Arabs and Muslim merchants had almost single-handedly run the trade in slaves for a considerable period. Arabs and Africans, in this case Muslims and Christians in Ethiopia and the Horn, alike participated in the enslavement of enemies and the commercial trade of slaves for centuries.⁷⁰ Ethiopian slaves show up in South Arabian records as early as the mid-seventh century. As will be discussed later, the number of slaves being exported from Ethiopia increased particularly in the late fifteenth

⁶⁷ *Chronique de Galâwadêwos*, 33 and 40–41

⁶⁸ Gardiner, “Law of Slavery in Abyssinia,” 183.

⁶⁹ Bouanga, “Le Damot dans l’histoire de l’Ethiopie,” 78, 82–86.

⁷⁰ Pankhurst, “The Ethiopian Diaspora to India.”

and first half of the sixteenth centuries, when local Muslim merchants and slave raiders captured and sold them or send them as gift to Arabs in South Arabia. Trading in Ethiopian slaves also increased after the Dahlak islands, Massawa, and the ports of the southern Red Sea and Somali coast became accessible to Arab merchants beginning in the tenth century. In the fifteenth and sixteenth centuries, the port of Zeila on the Somali coast (modern Somaliland) was the largest market for slaves in the Horn of Africa, where merchants from Arabia acquired slaves.⁷¹

Even though Christian Ethiopians perhaps did not engage in slave trading as actively as Muslims and Arab merchants did, Marie-Laure Derat has shown that Christian Ethiopians were involved in capturing, transporting, and selling human cargo from the Ethiopian region, for which they are duly targeted by the edict. In fact, without the active participation of Christians in the kidnapping and selling of slaves, there could not have been Arab and Muslim slave trade in the first place. According to Derat, the Christian kingdom did in fact try to “take a more direct role in long-distance trade and therefore in the slave trade in the fifteenth and sixteenth centuries.”⁷² The edict provides concrete evidence of this.

The edict further explicates the obligations of government officials and states that it was incumbent upon them to prevent the enslavement of freeborn Christians. Authorities seen as negligent and complacent towards merchants who enslaved and sold freeborn Christians and trafficked Christian slaves to non-Christian masters were considered as culpable as the merchants who operated illegally. The edict thus provided for measures by which state officials would monitor the activities of merchants and protect the rights of Christians, be they freeborn or servile. Noblemen, princes, judges, and local officials are instructed to inspect merchants traveling with slaves, and if anything was found amiss, they were to take necessary measures. If merchants were found transporting enslaved freeborn Christians, Gālawdēwos instructed officials to confiscate their caravan’s merchandise and to send them in chains to the king himself for investigation. State officials were to enforce the free release of Christians wrongly taken captive. The king asked his officials to obey the new law, mixing threats with pleas. If officials neglected their duties and failed to take action against illegal enslavement, they would be regarded as committing a culpable offence. The edict required them to be put to “death without mercy and [their] house ransacked.”⁷³

71 Francois-Xavier and Hirsch, “Muslim Historical Spaces in Ethiopia,” 39–42; Tamrat, “Ethiopia, the Red Sea and the Horn”; Fauvelle-Aymar et al., “Le Porte de Zeyla et son arrière-pays au Moyen Âge.”

72 Derat, “Chrêtiens et musulmans d’Éthiopie,” 124.

73 Tādbabā Maryam, MS Wāngél, image no. 6650.

Gälawdéwos stops far short of calling for the abolition of the slave trade altogether. As long as merchants did not illegally capture Christians and followed the rules, they could trade in non-Christian slaves. So the edict does not signify a change in political and public feeling towards slavery. However, the very fact that such an edict was drafted at all commands our attention. Clearly, the *Fetha Nägäst* provided the basis for Gälawdéwos's idea of the freedom of freeborn Christians from slavery and the ban on the sale of Christian slaves to non-Christians. But despite the conceptual link between them, the tone of Gälawdéwos's edict is very different from that of the *Fetha Nägäst*. Gälawdéwos toughened the restrictions on slave dealers and went much further than the *Fetha Nägäst* by criminalizing not only the enslavement of freeborn Christians and the trade in Christian slaves to non-Christians but also acts of negligence by government officials. The following pages attempt to understand the contextual pressures that inspired Gälawdéwos's edict.

Political Context: *Jihad* and Enslavement

Gälawdéwos's edict of 1548 suggests the new legal strategies adopted by Ethiopian rulers to address the perennial problem of an illegal slave trade. This was not a sign of any humanitarian sensibility, which arguably did not emerge among Ethiopian elites until the twentieth century.⁷⁴ But if slavery and the slave trade had been established systems for so long a period, and there was public indifference to them, then Gälawdéwos's edict begs several urgent questions. What was it that inspired legislative action? Why did the protection of freeborn Christians and the sale of Christian slaves to non-Christians become a major policy concern? If there was a preexisting law regulating slavery, the *Fetha Nägäst*, why then did the king issue the edict? This section attempts to answer these questions. In doing so it will investigate the political, economic, religious factors that propelled the illegal slave trade in Ethiopia and how the slave trade, in turn, affected those factors. Furthermore, since Arabs are specifically targeted in the edict, the dynamics of the Arab-Ethiopian encounter in this era require assessment. Any understanding of the making of the 1548 edict needs to take into account the Adal's *jihad* war of the sixteenth century.

The simplest reason behind the edict's promulgation might be the king's sense of justice and a personal abhorrence of the enslavement of freeborn Christians and the sale of Christian slaves to nonbelievers. Gälawdéwos is depicted by con-

⁷⁴ Gardiner, "Law of Slavery in Abyssinia"; Whyte, "Everyone Knows"; and Coleman, "Gradual Abolition or Immediate Abolition?"

temporary sources as a just, clement, and intelligent young monarch. The king is deemed by Merid Wolde-Aregay, a specialist on the period, as the most “remarkable” and one of the few “humane persons to ascend the throne.”⁷⁵ Yet personal outrage alone cannot in itself explain why he acted decisively against the illegal slave trade. Recent scholarship has shown that it was often the flagrant breach of old laws that justified the enactment of new laws. The historian Jill Harries, for instance, found that in the Roman Empire of late antiquity a flood of new laws were issued by emperors primarily because of the need “either to clarify and/or supplement existing legislation, or because an existing law was being broken or got round, or in order to reclassify anti-social or inconvenient behavior as a legal offence.” She added that “[i]n a sense, therefore, laws existed because they were broken. What is not established by their existence is the scale on which they were broken, not enforced, got round or ignored.”⁷⁶ This explanation applies to the Ethiopian experience as well. The edict of Gālawdēwos was issued because the law protecting freeborn Christians from enslavement and Christians slave from being trafficked was being widely breached. So it is of the utmost importance to understand the reasons for the violation of the law and the expansion of the traffic in Christians.

Normally, as noted above, slaves were captured in war and slaving raids and taken from the pagan inhabitants of Ethiopia’s weak neighboring states and borderland societies.⁷⁷ The traffic in Christians prior to the reign of Gālawdēwos was therefore probably so negligible that Ethiopian kings felt no urgent need to legislate specifically against it. Hence, something else happened during the reign of Gālawdēwos, or shortly before, that led to a substantial expansion of the illegal slave trade and spurred the promulgation of our edict. Between 1527 and 1543, Ethiopia faced repeated attacks and then military occupation by the sultanate of Adal to its east and northeast. These attacks, termed *jihad* by the sultanate, controverted traditional Islamic legal doctrine which had long exempted Ethiopia from *jihad*. This war resulted in heavy material, human, and territorial losses and the enslavement of large numbers of Christian Ethiopians.⁷⁸ While the Sultanate of Adal and its occupying army was defeated in 1543, I propose that this edict was intended to reaffirm the law against illegal trade in Christians and reestablish order following this long period of disturbance.

⁷⁵ Wolde Aregay, “Southern Ethiopia and the Christian Kingdom,” 164–65.

⁷⁶ Harries, *Law and Empire in Late Antiquity*, 80.

⁷⁷ Bouanga, “Le Damot dans l’histoire de l’Ethiopie,” 78, 82–86; and Pankhurst, *Ethiopian Borderlands*, 18, 28, 122–23, 167–69.

⁷⁸ Uṭmān, *Futūḥ al-Ḥabaša*.

The fifteenth and first half of the sixteenth centuries were marked by incessant conflict and competition between Ethiopia and the Islamic state of Adal over the control of the trade routes of the lowlands and the resources of the highland regions of Ethiopia. The Christian kingdom was in control of “the *resources* of the highlands” while “Muslims were in charge of the *routes*.”⁷⁹ These conflicts produced a continuous stream of new slaves as both sides supported the raiding, seizing, and sale of captives. The army of Adal had the upper hand in these conflicts and most of those captured and sold into slavery were Christian and pagan Ethiopians.⁸⁰ But we must go back a few centuries in order to understand the broad shifts in the balance of power between the Ethiopian state and the sultanate of Adal, as well as Islamic doctrines concerning *jihad* and Ethiopia’s historical role in them.

The term *jihad* has multiple and complex meanings, but one prominent significance of the term (from the point view of some Islamic jurists) was that *jihad* signified a just war against non-Muslims who had refused the call to join Islam. Islamic legal theory also recognized the legitimacy of enslaving captives in a legally perpetrated *jihad*. In theory, therefore, *jihad* was waged against non-Muslims, and slavery was the price for refusing to accept Islam. By definition, slaves were to be exclusively non-Muslims or their descendants, since Muslims could not enslave fellow Muslims. But according to Muslim tradition, the Prophet Muhammad had exempted Ethiopians and Turks from *jihad*. One of the medieval legal opinions concerning this immunity was given by Ibn Rushd (d. 1198), better known as Averroes, a famous physician, judge, and philosopher from Córdoba in Al-Andalus (modern Spain). In 1167, he wrote an influential legal handbook which discusses *jihad* and Ethiopia as follows.⁸¹

Scholars agree that all polytheists should be fought. This is found on [Qur’an 8:39]: “*Fight them until there is no persecution and the religion is God’s entirely.*” However, it has been related by Malik that it would not be allowed to attack the Ethiopians and the Turks on the strength of the tradition of the Prophet: “*Leave the Ethiopians in peace as long as they leave you in peace*” [*Utruku al-habasha ma tarakukum*]. Questioned as to the authenticity of this tradition, Malik did not acknowledge it, but said: “People still avoid attacking them.”

⁷⁹ Fauvelle-Aymar and Hirsch, “Muslim Historical Spaces in Ethiopia,” 42.

⁸⁰ Pankhurst, “Ethiopian Diaspora to India.”

⁸¹ Quoted in Peters, *Jihad in Classical and Modern Islam*, 30.

According to tradition, the Prophet granted Ethiopia immunity from *jihad* and legal tolerance out of gratitude for its ruler having given asylum to some of his early followers. The crucial role played by Bilal ibn Rabbah during Islam's formative history further contributed to the positive image of Ethiopia among Muslims. In Muslim tradition, Bilal was a slave of Ethiopian origin and belonged to the father-in-law of the Prophet. Bilal was the first male convert to Islam and had the dignity to become the first muezzin.⁸² Furthermore, the most famous leaders of early Islam such as Caliph Umar and Amir Ibn al-As, conqueror of Egypt, and the greatest Arab poet-warrior in pre-Islamic time, Antara, all had Ethiopian ancestry and contributed to Ethiopia's positive image among Muslims.⁸³ In the words of Haggai Erlich, who has studied this subject extensively, "Ethiopia was to become the only 'land of neutrality,' a proclaimed state of political immunity positioned midway between the concept of the 'land of Islam' and that of the infidels' 'land of war.'"⁸⁴

Malik ibn Anas (d. 795), founder of the Malikite school of Islamic law whose opinions were referenced by Averroes, was responsible for collecting and spreading the Prophet's instruction to leave Ethiopia in peace. Hence, Averroes believed that Muslims "avoid[ed] attacking Ethiopians" because of Muhammad's requirement that they be left alone. It is true that this legal theory was not often translated into practice, but the strength of this tradition is not to be taken lightly. It no doubt influenced the action and policy of some stratum of Muslim legists and leaders in dealing with Ethiopians, particularly during the era of Islam's phenomenal expansion in the two centuries after its rise. However, in later centuries, the message of tolerance was either forgotten, ignored, or circumvented. Arab owners purchased Ethiopian slaves and received them as gifts from their Muslim counterparts in the Horn of Africa without qualm. Šihāb ad-Dīn Aḥmad bin Abd al-Qāder bin Sālem bin Uṭmān, a Yemeni lawmaker who accompanied and chronicled a *jihad* war against Ethiopia in the sixteenth century, never questioned its legitimacy and the enslavement of thousands of Ethiopians. In fact, in the late fifteenth and sixteenth centuries, *jihad* was a primary method of obtaining Ethiopian slaves.⁸⁵

Muslim leaders and scholars in the Horn of Africa could justify the war and enslavement of Ethiopians on the grounds of Ethiopian aggression against Muslims in the Horn of Africa. As we have seen earlier, in 1332, a resurgent Ethiopian kingdom had subdued most of the Muslim principalities in the Horn of Africa.

82 Cerulli, "Ethiopia's Relations with the Muslim World," 575–76.

83 Lewis, *Race and Slavery in the Middle East*, 24–25.

84 Erlich, *The Cross and the River*, 25.

85 Uṭmān, *Futūḥ al-Ḥabaša*.

Later in the fourteenth century, the most militant leaders of Islam in the Horn of Africa moved further east and established the kingdom of Adal in the Harar plateau. For over two centuries after 1332, raiding and counter-raiding marked the relations between the rulers of Adal and the Ethiopian kingdom.⁸⁶ As the fifteenth century progressed, the Christian state declined. The death of King Bädä Maryam (r. 1468–78), which left his six-year-old son Eskender (r. 1478–94) as heir, opened up a troubled period in which the Ethiopian kingdom was plunged into internal power struggles while constant Muslim raids of the frontier provinces continued down to the 1520s. Morale in the Ethiopian army dropped sharply as the result of the political disorganization and confusion in the kingdom.⁸⁷

While Ethiopia was fragmenting and without its traditional military strength, the kingdom of Adal was growing stronger and more united. In the late fifteenth and early sixteenth centuries, in particular, the weakness of the Ethiopian army encouraged Adali raiders to intensify their raiding campaigns. In the fourteenth century, slaves had been primarily the consequences of war; during this new era, booty in the form of captives and cattle was the primary motivation. A fifteenth-century sultan of Adal, Jamal ad-Din II (d. 1433), is said to have boasted that he “flooded Middle Eastern markets, India, Greece, and Persia with Abyssinian slaves.”⁸⁸ Adali raiders under the leadership of a capable general, Mahfuz, conducted more successful and protracted slave raiding campaigns throughout the late fifteenth and early sixteenth centuries. Most of the captives were probably sold to merchants while some were sent as gifts to the ruler of Yemen. This can be illustrated by the case of an important Ethiopian military commander, who was captured by Adali forces sometime during the reign of King Eskender: this unnamed commander and fifty other captives were sent as presents to Yemen, where the former commander became the servant of Abu’l Faṭḥ, who was born to a Jewish mother and Arab father. In 1498, probably accompanied by his Ethiopian slaves, Abu’l Faṭḥ immigrated to Ethiopia as a merchant, where he converted to Christianity and was renamed Embaqom (Habakkuk), subsequently becoming abbot of a major monastery and authoring a polemical work against Islam.⁸⁹ This instance shows that Christian populations in frontier areas and in Muslim-controlled ports along the Red Sea coast increasingly found themselves vulnerable to enslavement because of frequent raids. During the reign of King Lebnä Dengel (r. 1508–40), the balance of power between the Ethiopian kingdom and the sultanate

86 Tamrat, “Ethiopia, the Red Sea and the Horn.”

87 Tamrat, “Problems of Royal Succession in Fifteenth-Century Ethiopia.”

88 Derat, “Chrétien et musulmans d’Éthiopie,” 139.

89 Ibid., 135; and *Anqaša Amin (La Porte de la Foi)*, 18–19.

of Adal tipped decisively in favor of the latter, and Ethiopia was overwhelmed by the *jihad*.⁹⁰

Ahmad ibn Ibrahim al-Ghazi, the Adali ruler and the son-in-law of Mahfuz, escalated the raids, culminating in the battle of Shembra Kuré in 1529, in which the Ethiopian army was trounced. Ahmad followed up his victory by launching a *jihad* and occupying the highlands of Ethiopia for fifteen years. In the 1530s, his army of Somali and Afar tribesmen, some seventy al-Mahra Arab tribesmen from the Arabian Peninsula and two Indian mercenaries (who served as gunners) swept into the highlands of Ethiopia. By 1540, Ahmad controlled all the regions previously under Ethiopian rule. The Muslim seizure of Ethiopian provinces led to a tremendous expansion in the slave trade within the region, and included the enslavement and forced conversion of Christians. Before the *jihad*, Christians had had special protected status within the Ethiopian kingdom. During the *jihad* and immediately afterward, their legal protection against enslavement was lifted. The *jihad* of Ahmad ultimately had as its object the conversion of Ethiopia to Islam. Šihāb ad-Dīn, Ahmad's Yemeni follower and chronicler, constantly referred to Ethiopians as "infidels," "polytheists," and "idol-worshippers" who deserved to be fought, converted, and enslaved. With the exception of those located in inaccessible areas, all churches and monasteries were looted and razed to the ground and an estimated nine out of every ten Christians converted to Islam.⁹¹

In his discussion of Adali's *jihad* war, Vô Vân David underscores that medieval Islamic legal theory about *jihad* and slavery, especially the Shafite jurisprudence, goes far to account for, and shed light on, the motivations of the *jihadists* and their treatment of the Christian population. In Shafite law, a leader of *jihad* had the options of enslaving and killing prisoners as well as pardoning and releasing them either on ransom or as non-Muslim subjects of the Islamic state in return for paying tax.⁹² Ahmad used all these options. Sometime Ahmad showed finesse in his treatment of Christian captives, releasing them on ransom. Frequently he killed and enslaved captives while sparing and sending some of them as gifts to his friends and allies in southwestern Arabia. Šihāb ad-Dīn records that, in a single minor raiding campaign in 1527, 484 Ethiopians were taken prisoners, some of whom were killed and some others were "enslaved to the emir of Zabid," a commercial town and political center of southwest Arabia.⁹³ In another of several instances, Šihāb ad-Dīn describes that following a triumphant raiding campaign in

90 Tamrat, "Ethiopia, the Red Sea and the Horn," 163–76.

91 *Chronique de Galāwadēwos*, 5; and Abd al-Qader, *The Conquest of Abyssinia*, 11–385.

92 David, "À propos du Čihād dans le Futuh al-Habasha," 137–38.

93 Uṭmān, *Futūḥ al-Ḥabaša*, 26.

1528, Ahmad himself took a fifth of the booty which included, among other things, “five-hundred heads of slaves” and distributed it “among the eight categories that the Most High God described in his illustrious book [Qur’an].”⁹⁴ It appears that this raid had yielded in a total of 2500 captives.

Besides ordinary captives, several high-ranking noblemen and women were also taken prisoner and sold as slaves or sent as gifts. Among these captives were the future king Minas and his two cousins. In 1542, Ahmad presented them as gifts to the ruler of Zabid. The experience of Minas and his cousins demonstrates that practically everyone faced the possibility of enslavement after the Muslim conquest. In 1543, when Gālawdéwos finally defeated the army of Adal and killed its leader, with the help of a small contingent of Portuguese soldiers, Minas and two other high-ranking captives were eventually ransomed in 1544.⁹⁵ Not all of the Christians taken as captive to the Arabian Peninsula and elsewhere could have been ransomed and returned to their families, however. This is, then, the immediate context in which the edict regulating the slave trade and banning the enslavement of freeborn Christians and the export of Christian slaves must be placed.

The victories of the Sultanate of Adal had shaken Ethiopian confidence in their army, religion, and self-esteem. Gālawdéwos’s edict emerged as a legal force in this atmosphere of trauma and profound political and spiritual crisis in Ethiopian society. Regulating the slave trade and banning the enslavement of freeborn Christians were therefore among the more prominent of royal concerns for Gālawdéwos. The captivity of Minas and his cousins in particular touched a raw nerve and drove the issue of Christian enslavement home. Furthermore, there was probably public pressure on the king, especially from those who had lost family members and relatives to slavery, to take up the cause of illegal enslavement and act decisively. In this way the pre- *jihad* complacency about the unregulated slave trade and illegal enslavement gave way to the stern political and legislative action and edict of 1548. It remains now to explore the question of how well the edict was implemented.

The Enforcement of the Edict and of the *Fetha Nägäst*

How well the *Fetha Nägäst* and the edict were implemented is a good question. This section deals with the complex relationship, or the huge gulf, between the legal principles and norms expressed in the *Fetha Nägäst* and in our edict, and actual practices. How enforceable was Ethiopian law concerning slavery? To what

⁹⁴ Ibid, 41.

⁹⁵ *Chronique de Galāwadēwos*, 34–35 and 123; and *Historia de Minas*, 22–23.

extent was the law known among the people at large? In anticipation of fuller elaboration below, suffice here to say that there was a general reluctance to enslave freeborn Christians among Ethiopian slave raiders, such as government officials and soldiers who derived their wealth partly from the slave trade in the sixteenth century. It is hardly surprising, therefore, that throughout the second half of the sixteenth century, the various *ahzab* or pagan subjects of Ethiopia fervently implored authorities to convert them to Christianity. Equally unsurprising is the fact that slave raiders were entirely averse to evangelization during the same period. However, in the long run, the law could not be rigorously enforced—in southern Ethiopia in particular. With the withdrawal of the Ethiopian state from southern Ethiopia by the end of the century, the general insecurity of life and the difficulty of reporting a captive's religion and origins all played a part in the eventual failure of the law to protect Christians from enslavement.

As I mentioned at the outset, scholars have generally assumed that Ethiopia's various laws have been widely violated and ignored throughout the country's history. Royal edicts are thought to be valid so long as "an emperor had the means to enforce them physically" and many proclamations "have been lost or disregarded."⁹⁶ According to the historian Aṣmä Giyorgis: "In Ethiopia a law is legislated, but not put into practice."⁹⁷ The practical use of the *Fetha Nāgäst* in courts is believed to have been limited in scope, an argument enhanced by the acute poverty of evidence on its application in the century after its introduction around 1450 and the tenuous records of its actual use in the sixteenth century and thereafter. But this verdict is too sweeping. Drastic differences between written law and real behavior doubtless existed, but how far laws were enforced cannot be ascertained simply by using the records of their practical use alone. A people's knowledge of a particular law is a better guide to its applicability and social effect. I propose here that the law in question (that freeborn Christians could not be enslaved, and once baptized slaves could not be resold to non-Christians) was widely known and largely observed in the sixteenth century.⁹⁸ Even on the basis of the fragmentary evidence

⁹⁶ Brietzke, *Law, Development and the Ethiopian Revolution*, 32–33.

⁹⁷ *Asma Giyorgis and His Work*, 119.

⁹⁸ The history of the actual role of the *Fetha Nāgäst* in the legal life of Ethiopia is yet to be written. Largely unknown to scholars are the records of private individuals, held in church archives, which show the *Fetha Nāgäst's* relevance in the daily realities of people's lives. This evidence comes largely from recent centuries and consists chiefly of brief references to the use of the *Fetha Nāgäst* in administrative manuals, charters, land registers, and wills. See Mengistie, *Lord, Zega and Peasant*, 113, 115–16. See also Märtulä Maryam, MS Däqiqä Nābeyat (the Minor Prophets), fol. 219r; and Illinois/IES 89. II. 16, Däbrä Wärq Maryam, *Tarikāa Nāgäst*. This last reference is to a microfilm catalogued and on deposit at the Univer-

we possess, it is certain that the edict of Gälawdéwos and the *Fetha Nägäst* were of great social and legal relevance in sixteenth century Ethiopia.

Knowledge of the *Fetha Nägäst* was kept alive through its study in church schools up to the twentieth century. The administration of justice was placed in the hands of higher government official as well as jurists, who were often ecclesiastics trained in the study of the *Fetha Nägäst* via schools attached to churches and monasteries. These legists of the Ethiopian church were distinguished from other clergy by the bestowal of an honorific title: *liqé* or *liqä ma'emran*, "one who excelled others, one who is versed in the studies of law."⁹⁹ The *Fetha Nägäst* was studied as part of the "study of the [works of Saintly] Doctors [and the Fathers of the Church]," a curriculum which included theology, the highest rank of learning in Ethiopian church schools.¹⁰⁰ It was also studied as a field of specialization in its own right. Church scholars wrote commentaries on the *Fetha Nägäst* and its practice and developed a complex system of teaching and exposition called *andemta*—the first of its kind in Ethiopian history. Individuals trained in the *Fetha Nägäst* were professional jurists in the accepted sense of the term. In the lands beyond the reach of Church administration, most appear to have served only occasionally as itinerant judges when they were summoned to the courts of the emperors and higher officials to administer justice in important decisions.¹⁰¹

Gradually, then, knowledge of the *Fetha Nägäst* spread among the nobility and ordinary people. Chronicle sources demonstrate that some strata of the nobility were acquainted with the *Fetha Nägäst* as early as the sixteenth century. The earliest certain point for the practical application of the *Fetha Nägäst* recorded in chronicle sources comes during the reign of Särsä Dengel (r. 1563–97), when criminals were condemned to death by "the great men of the kingdom and the chief of the people" by referring to the *Fetha Nägäst*.¹⁰² In the second oldest written instance, recorded in the chronicle of Susenyos (1607–32), higher govern-

sity of Illinois, Urbana-Champaign, and at the Institute of Ethiopian Studies in Addis Ababa University. It was made by the late Donald Crummey; however, it should be noted that the Däbrä Wärq material catalogued by Crummey is actually an administrative manual rather than a copy of the *Tarika Nägäst*.

99 Tzadua, foreword to *The Fetha Nagast*, xx; and Jembere, *Introduction to the Legal History of Ethiopia*, 37–38. In the manual of the Däbrä Wärq monastery, they bore the title of *liqä ma'emran*: Illinois/IES, 89. II. 16, Däbrä Wärq Maryam, *Tarikäa Nägäst*.

100 Tzadua, foreword to *The Fetha Nagast*, xx.

101 Jembere, *Introduction to the Legal History of Ethiopia*, 37–38.

102 Quoted in Tzadua, foreword to *The Fetha Nagast*, xxi. The reference is to *Historia regis Sarsa Denegel*, 87.

ment officials along with “the learned men of the Church who were versed in the *Fetha Nāgäst*” were summoned to a royal assembly and there condemned a rebel to death.¹⁰³ Some of the royal justices referred to as “the great men of the kingdom” could presumably be laymen unfamiliar with the legal principles of the *Fetha Nāgäst*, but others may have been familiar with it. And more would become so, as custom that had the force of law and was applied side by side with the *Fetha Nāgäst*. Gradually, the legal principles and the doctrines of the *Fetha Nāgäst* became fossilized into custom in their own right.¹⁰⁴

There is evidence, direct and indirect, that shows the observance of the ban on the traffic in freeborn Christians. Two of the clearest indications of the law’s influence come from the reign of Sārṣā Dengel in the second half of the sixteenth century. The first indication may be found in the oppositions put up by soldiers and noblemen of Sārṣā Dengel against evangelization, since pagan slaves constituted one element of the wealth of the military class at that time; the regnal chronicler records how these court officials and soldiers rejected conversion of the pagan subjects of Ethiopia by explaining that they feared that Christianity would allow the pagans to become too similar to them. Once they became Christians, soldiers and noblemen argued, by law the pagans could not be made to serve them.¹⁰⁵ Clearly, these arguments remind us of the provisions in the *Fetha Nāgäst* and of Gālawdēwos’s edict. This opposition to conversion by soldiers can therefore be attributed to knowledge of the law.

The second piece of evidence that points to the observance of the edict is the frequent requests for conversion to Christianity from the pagan subjects of Ethiopia attested throughout the second half of the sixteenth century. This indicates a popular knowledge of the edict especially in the region where captives were most often taken, including Damot, which the chronicler of King Sārṣā Dengel described as “the land of slaves.”¹⁰⁶ Among those who requested conversion were the Gafat people in the former district of Shat in Damot; Sārṣā Dengel granted their request in 1581. Similarly, the people of Ennarya in southwest Ethiopia turned to Christianity to avoid enslavement. But tellingly, the conversion of Ennarya was preceded by strong argument and resistance from soldiers and noblemen at the king’s court, as discussed above. After several years of procrastination, Sārṣā Dengel

103 Quoted and translated in Tzadua, foreword to *The Fetha Nagast*, xxi. The reference to this court ruling is found in Pereira, *Chronica de Susenyos*, 298.

104 Gardiner, “Law of Slavery in Abyssinia,” 181–82.

105 *Historia Regis Sarsa Dengel*, 136–44.

106 *Ibid.*, 35; and Wolde Aregay, “Southern Ethiopia,” 278–79.

finally allowed the people of Ennarya to convert to Christianity which they did en masse in 1587.¹⁰⁷

The chronicler of Sārṣā Dengel was neither the first nor the last to report the fervent requests for conversion by pagans. For instance, a letter which the Jesuit missionary Gonçalo Rodrigues wrote from Ethiopia to Rome in 1556 corroborates the details provided by the chronicler.¹⁰⁸ Similarly, in 1564, the head of the Jesuit missionaries in Ethiopia, Bishop Andre de Oviedo, wrote that the Shinasha people in Bizamo, in western Ethiopia, implored members of the royal family to convert them to Christianity in order to avoid enslavement.¹⁰⁹ What is important for us here is that the soldiers and court officials, as well as the pagans of Ethiopia, knew that the law of the land protected freeborn Christians from enslavement and equated Christianity with the condition of liberty. The opposition of slave raiders to evangelization and the request for conversion can therefore be regarded as an indication of the enforcement of the edict.

All this is not to say that Ethiopian laws were always effective. The observance of the law banning the traffic in freeborn Christians was not entirely successful. The slave trade left virtually no further documentation in Ethiopia, but there can be no doubt that Christians continued to be swept into slavery through the breach of the law. The Jesuit missionary Lusi de Azevedo, for instance, reports the following incident which illustrates the breach of the law during the reign of Susenyos (r. 1607–32):

A rich Muslim trader was subsequently accused of exporting slaves from Ennarya, and on being found guilty was executed, his head being stuck on a pole in the market-place as a warning against future law-breakers. The emperor reiterated his opposition to the trade, declaring that anyone caught trading in slaves with either Moor or Turk would be sentenced to death and have all his property confiscated. At the same time, he summoned all his governors, the ministers of the court, and instructed them, on pain of severe penalty, to enforce the law, as God wished to protect the unfortunate Ethiopians, who, we are told, were then being transported in large numbers to Arabia, India, Cairo and Constantinople.¹¹⁰

107 *Historia Regis Sarsa Dengel*, 136–44; and Wolde Aregay, “Southern Ethiopia,” 299–302.

108 Wolde Aregay, “Southern Ethiopia,” 104.

109 *Ibid.*, 298–99.

110 *Rerum Aethiopicarum Scriptores Occidentales*, 421. The text is quoted and translated by Pankhurst, *Introduction to the Economic History of Ethiopia*, 378.

The punishment, as recorded by Azevedo, against an illegal trader was meant to deter potential violators and demonstrate the consequences of disregarding the law. Yet the deterrent effect of such public punishment is uncertain. Slaves from the Ethiopian region continued to be distributed in Middle Eastern markets down to the twentieth century. The legal system regulating slavery in sixteenth-century Ethiopia was deeply destabilizing and hypocritical, intending to prevent illegal enslavement of Christians while encouraging the expansion of slave raiding activities by wholly legitimizing and supporting the trade in non-Christians. Some of the elaborate provisions of the edict were almost certainly wildly ambitious and unenforceable. It should be recalled that the edict required slave traders to avoid buying a Christian slave and called for reporting the names of slaves, their purchase price, origins, and vendor to government officials—in writing. This provision presupposes the use of documents and the existence of literate merchants and government officials; but in actual fact, such widespread literacy cannot be assumed to have existed in sixteenth-century Ethiopia.

Reporting the origins and religious affiliation of slaves was also a difficult matter. We have already seen how the sumptuary regulations and laws instituted by King Zärä Yaqob, which required Christians to put religious symbols on their dress and body, could have been used by merchants to differentiate Christians from non-Christians. But it is not clear at all if these religious requirements were effectively met by Christians. Some experienced local traders might have easily distinguished between slaves of differing origins by language and other identifying features. But although we may expect some merchants to have been well informed about the identity of their human merchandise, this was an impossible demand for many of them, especially those of foreign origin, because of the stunning linguistic and ethnic diversity of the country. In most cases, they had to rely on what their local suppliers told them about the identity of their captives. Slave raiders could thus deliberately falsify the true identity and origins of their captives and the merchants would have had no way of knowing it.

For much of this period, in sum, the compliant governors and noblemen, the political stability, and well-regulated administration taken for granted in the edict never existed. Gālawdēwos began the long process of picking up the pieces of Ethiopia's shattered defense system and royal administration after the end of the wars with the sultanate of Adal. He died prematurely in 1559, while repulsing another slaving raid from the sultanate. The Christian court was then in the midst of upheaval throughout the reigns of Gālawdēwos's brother Minas (1559–63) and his nephew Särsä Dengel (1563–97).¹¹¹ It was thus relatively easy to evade the

111 Wolde Aregay, "Southern Ethiopia," 174–94, 204–30.

regulations of the slave trade set down in the edict of 1548 because of the chronic insecurity and political instability of the period. In this situation, only their sense of morality—rather than the fear of punishment—could prevent individuals from buying and selling Christians.

By the turn of the seventeenth century, southern Ethiopia was largely out of the political control of Ethiopian rulers. With the withdrawal of the Ethiopian state from these areas, whatever protection this edict could have provided to the Christians of the region was lifted. Most Christians, left to fend themselves, did not survive the new Oromo invasions and the attendant slave traders.¹¹² The enslavement of the region's inhabitants persisted into the nineteenth century, by which time the Gamo, Damot, and Ennarya Christians had disappeared entirely.

Conclusion

Gälawdēwos's edict of 1548 shows that the sixteenth century witnessed a serious, if ultimately unproductive, effort to protect Christian Ethiopians from illegal enslavement. And it is arguably the first Ethiopian document to take up the issue of illegal enslavement prior to the twentieth century. The edict gives us an idea of the scale and strength of the illegal slave traffic and the legislative act it elicited. The king sought to prevent the enslavement of freeborn Christians while simultaneously allowing for the long-distance slave trade in non-Christians to go on. Economic necessities prevented the king from a wholesale ban on all forms of slave trade, including the trade in non-Christian slaves. In the areas under the firm control of the state, the ban on the traffic in freeborn Christians was generally respected. Nevertheless, in the long run, the political and legal environment which recognized the raiding and enslaving of pagans rendered Gälawdēwos's legal pronouncements ineffectual. Some aspects of the edict were also unenforceable or out of touch with the political and administrative realities of sixteenth-century Ethiopia. In the southern part of the kingdom, especially, the state was not in a position to enforce the law after the end of the sixteenth century. Despite their theoretically protected status, Christians in this region appear to have been taken captive along with non-Christians through politically sanctioned raids, warfare, and illegal slave raiding.

Nevertheless, the edict of 1548 was effective and also a reaffirmation of the older *Fetha Nägäst*. It therefore holds significant value for the study of comparative slavery while providing a new perspective on the struggle for domination between the sultanate of Adal and the kingdom of Ethiopia, and the larger encoun-

112 *Some Records of Ethiopia*, 111–33.

ter between Arabs and Africans in the region. My recent discovery of Gālawdēwos's edict also has important methodological implications for the study of Ethiopian history. The edict and the establishment of the church of Tādbabā Maryam were key events in Gālawdēwos's reign. The contemporary royal chronicle discusses the circumstances of Tādbabā Maryam's establishment at unusually great length, but the edict is not mentioned in the chronicle itself.¹¹³ And accordingly, Ethiopian historians have often looked at narrative sources such as this chronicle for evidence of the origins and impact of legislation; and they have drawn conclusions based on that. Gālawdēwos's edict indicates that anything can be left out from such chronicles, and that nothing conclusive can be said about legal developments in medieval Ethiopia without further archival research.

113 *Chronique de Galāwadēwos*, 49–54, 58–59, and 123.

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Abstract This study explores the relationship between documentary-legal prescriptions of slavery and actual practice in late medieval Ethiopia. It does so in light of a newly discovered edict against the enslavement of freeborn Christians and the commercial sale of Christians to non-Christian owners, issued in 1548 by King Gālawdēwos. It demonstrates that this edict emerged from a dramatic and violent encounter between the neighboring Sultanate of Adal, which was supported by Muslim powers, and the Christian kingdom of Ethiopia, which had the support of expanding European powers in the region. The edict was therefore issued to reaffirm and clarify the principles and doctrines of preexisting legislation codified in the *Fetha Nāgäst* (Law of Kings). The study includes a full transcript and translation of the edict and also analyzes its place within the broader framework of Ethiopia's encounter with other legal traditions, including older Romano-Byzantine and Coptic-Islamic systems. This study further argues that the legal principles enshrined in the *Fetha Nāgäst* were strengthened by the edict and were more widely known than previous scholarship has been able to establish, and that the edict did inspire actual legal practices that affected daily life in sixteenth-century Ethiopia.

Keywords Ethiopia, slavery, *Fetha Nāgäst*, Gālawdēwos, Christianity, Islam, law, jihad