Women in the Historical Legal Tradition of Seventeenth and Eighteenth Centuries Ethiopia

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Abstract

Hundreds of legal records of the seventeenth and the eighteenth centuries attest that women were landholders, administrators, clerics and judges. In order to determine the exact significance of these historical documents, the paper examines the general legal context within which they were produced. The written law of the land, the Fəṭḥa Nägäśt, is very restrictive of women's rights. When analysed in light of contracts, judgments as well as historical narratives (such as chronicles), it becomes evident that women's legal status always depends upon the interplay of gender with other dimensions of inequalities, and in particular with inherited economic circumstances. It is by correlating functions and domainal privileges with landed wealth that could legally be owned by women that customs moderated gender prejudices.

Keywords: 17th-18th century Ethiopia, gender, women, legal tradition, landed wealth, Gondar

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Introduction

By examining hundreds of legal records from the seventeenth and the eighteenth centuries, this paper shows that even though women were in principle barred from any administrative functions and in general from the public arena, they were not forbidden from owning land. And through this liberty, they obtained administrative appointments that would not otherwise have been granted to them.

A compilation of canonical rules, developed under the influence of Islamic jurisprudence, was brought from Egypt and translated from Arabic into Ethiopic (Gə'əz). This corpus called the Fətḥa Nägäśt (the Kings' book of Justice) has two parts, one of which is dedicated to the spiritual domain, and the other to the secular and civil administration of the Christian society (Encyclopaedia Aethiopica II, 2005, pp. 534a-535b; Sergew, 1990, pp. 178-181; Dibekulu, 1993; Sand, 2020, p. 2). Women and their limited inferior rights are evoked in several of its chapters concerning familial authority, matrimony, succession, jurisdiction, and loan agreements.

The extent of application of these legal rules is accounted for in various types of documentation. Starting from the 16th century, royal chronicles mention that criminal cases were tried by the Fətḥa Nägäśt (Conti Rossini, 1907, p. 76). Jurisprudence was also registered in the form of regulations issued in compliance to this law.[3]

In the 17th and 18th centuries, legal commentaries were elaborated along with the exegesis of biblical, patristic, liturgical, and monastic texts (Stoffregen-Pederson & Tewedros, 2003, pp. 258a-259b). These centuries were also particular in that regulatory, administrative and contractual acts recorded on folia added to a core of religious texts proliferated. The acts registered judgments, transfers of land by donation, wills, sales and regulations organising the fiscal or jurisdictional administration of ecclesiastical estates (Crummey, 1979, pp. 469-470; Wright, 1877).

About 2300 land sales are found in the collections of Ethiopian manuscripts preserved at the British and Cambridge libraries alone. Women are mentioned as sellers, guarantors, or buyers in 21% of the sale documents (Crummey, 1981, p. 450). Material of similar content is extensively found in the manuscripts still held by Ethiopian churches, some of them having been microfilmed by the Ethiopian

[3] Jurisprudence consists of the decisions of the king and his judges that are called *wäg*. Frankfurt am Main, Stadtbibliothek zu Frankfurt am Main, Ms. or. 39 (previously Ms. Orient. Rüpp. I b, henceforth referred to as Ms. Orient. Rüpp. 39), fol. 98-99; Goldschmidt 1897, pp. 63–67, no. 18

Manuscript Microfilm Library (EMML)[4], and the University of Illinois - the Institute of Ethiopian Studies (Illinois/IES) projects.[5]

This documentation was produced in a specific socio-economic setting. In the middle of the 17th century, the royal court fixed its main residence at Gondär, in the North Western part of Ethiopia. Located at the crossroads of trade routes, the city of Gondär was inhabited from its beginnings by a commercial class that included merchants as well as craftsmen such as weavers, tailors, millers, weapon makers, tanners and smiths. In the 18th century, the foundation of churches endowed with vast estates resulted in the emergence of another social group, clergymen from modest families who were given church land both in the city and in its surrounding regions (Encyclopaedia Aethiopica II, 2005, pp. 838a-839b). The cohabitation of people with unequal economic means, the need for credit, and the availability of church land were all causes which contributed to the sudden increase in sales, donations and land management regulations.

Women appear in the church manuscripts not only as landholders, but as administrators, treasurers and judges. To a certain extent, the legal prescriptions seem to have been counteracted by these legal acts related to landholding and its transfer. At the local level, for matters not directly related to the royal court, customs more inclusive of women seemed to have overridden the canonical rules.[6]

How did the practice of this era relate to the canonical rules? By which legal interpretations did women come into exercising these administrative functions?

[4] The collection has been renamed Hill Museum and Manuscript Library. 'Ethiopian Manuscript Microfilm Library' (Macomber, 1975; Getachew, 1981), *Encyclopaedia Aethiopica*, II (2005), pp. 413a-414a

[5] The collection is known as University of Illinois at Urbana Champaign, Institute of Ethiopian Studies; it will henceforth be referred to as Illinois/IES. For a description of its content, see Crummey 2000, pp. 13, 14, 265 (note 42) and the catalogues of Shumet Sishagne and Daniel Ayana.

[6] The application of customary law ('the law of the landlords', 'the law of our fathers') at the local level, alongside the fəṭḥa nägäst, is attested in a region south west of Gondär. Illinois/IES 89. II. 35, 89.III.6, 89.III.17 (Daniel, 1989, p. 2). In gondärine church domains, a judgement could be passed in reference to the law of the ecclesiastical domain (called 'yädäbər wag'), see for instance Illinois/IES 88.XXI.14 (Shumet, 1988, p. 7). It could also be passed based on the royal legal code, see Cambridge, University Library, MS Add. 1570 (henceforth MS Cambridge Add.1570), fol. 263. Ullendorff and Wright 1961, pp. 1-2, II (Add.1570). See also Abera, 1998, pp. 39, 40, 183- 190.

Previous writings on women's role in pre-20th century Ethiopia proceeded in enumerating and recounting the lives of prominent women leaders and their relation to power and in studying the use of marriage as a patrimonial or political strategy that sometimes gave prominence to women (Belete, 2001, pp. 11-17; Shiferaw, 1990, p. 165). The contribution of women was also presented through the description of their activities (traders and artisans), their marital relation and the ritual surrounding motherhood, their fashion customs and social life based on travellers' accounts (Pankhurst, 1990, pp. 248-270). Closer to the data that will be examined, Donald Crummey proposed an appreciation of the economic power of women belonging to a certain social group in 18th century Ethiopia. He published a quantitative account of the proportion of acts mentioning women as owners and parties to sales, donations, and those acting as guarantors (Crummey, 1981, pp. 451, 461).

This paper will answer the problematic by adopting a methodology differing from the ones used until now in historical studies on gender in Ethiopia by describing the legal and customary contexts that determined a woman's rights. In laws and their commentaries, the definition of a woman's status intertwines considerations of gender, sexuality, religion, patriarchy as well as economic and occupational positioning. Since they formulate general rules and civil ideals, laws are not by themselves sufficient to represent social practices. The documentation that gives a better depiction of actual customs consists of transactions, devolution and court records as well as historical narratives; therein a woman's standing rather manifests as depending on her economic means and her hereditary familial rank.

We will start by defining the legal context in which these documents concerning land were produced. As mentioned, the Fəṭḥa Nägäśt prevailed in 17th and 18th century Ethiopia (EOTC, 1997/1998). Establishing the implementation level of these rules required that two types of sources be examined: legal commentaries and private legal acts. The commentators elucidated and illustrated the law by contemporary examples; they also adapted the regulations to the needs and customs of their time and society. The commentaries were passed on for generations until the beginning of the 20th century. We will use the ones prepared

by the famous 19th century Fəṭḥa Nägäśt scholar Mälakä Bərhan Wäldä Yohannəs[7] and early 19th century Fəṭḥa Nägäśt scholar Däbtära Täwäldä Madhən.[8]

In order to have a concrete understanding of the historical customs, the law and its interpretation will be contrasted to the content of private legal acts. The sales, donations, and judgments are practical testimonies of how gender influenced landholding in the agrarian economy of Ethiopia. Similar to the results of other researches on gender, there appears to be a gap between the reality of women's experience represented in the individual acts, and the dim view concerning them in the legal framework (Franck, 2010, pp. 97, 99, 103-105; Lufti, 1991, p. 102).

This gap is due to the fact that a woman's patrimonial and civic status depended upon the combined effect of several dimensions such as her social and religious background (Bryson, 2002, pp .112-115, 122-123). Based on considerations both biological and social, the legal tradition constructed gender, i.e. the social roles of the sexes. This construct was in turn remodelled, revised when it came to play with other factors that affected a person's behaviour and power in society.[9] Women do not appear as a homogeneous social group and their differentiations come from their bloodline, as well as the wealth, the power and the trade of their family.

This study will first demonstrate that women were in principle barred from any administrative functions and in general from the public arena (Section 1). The meaning we give to the word 'administration' is broad and could mean the management of household goods, the decision to end the marital community of goods by initiating divorce, the rendering of justice, and the exercise of a public office. The sphere that was considered public in the studied documentation comprises civic and religious debate, teaching and litigation. Even though women were excluded from many advantages, they were not forbidden from holding wealth. It is through this liberty to own land that they obtained appointments that would not otherwise have been granted to them (Section 2).

[7] The manuscript we used is from a private collection and will henceforth be referred to as "M.B. Wäldä Yoḥannəs commentary". For a biography of its author, see Sergew, 1988b, pp. 157-162

[8] These are the commentaries found in Bibliothèque nationale de France, Éthiopien d'Abbadie 231, henceforth BnF d'Abbadie 231 (Chaîne, 1912, p. 132). For a biography of its author, see 'Täwäldä Mädḫən', *Encyclopaedia Aethiopica*, IV(2010), pp. 875b-876a, (Tedros Abreha)

[9] The institutional biases against women and the socially entrenched power relations that define acceptable behaviour according to sex are reminders of the grounds for gender theories as discussed by Carver 2003, pp. 169-181.

The proposed argument holds true primarily for the era spanning from the 17th century to the middle of the 19th century. It is certainly a manifestation of customs[10] from selected Ethiopian regions. Its validity for different historical periods and comparison with situations in other systems of law remain to be explored in future research.

Women barred from the public arena

In the Fəṭḥa Nägäśt, girls and later on wives and mothers had inferior rights. They had to assume familial responsibilities very young while having less inheritance rights and while being refused any authority over the household. Women scarcely participated in public life; they could not teach, they were advised to be represented in litigation and they were prohibited from acting as guarantors (Section 1.1). Their inferior status was justified by the Christian legal tradition, in particular the one defended by Saint Paul and the Fathers at the Council of Nicaea (Section 1.2). But the law was moderated by its interpretation which distinguished among women, and presented exceptions to fundamental principles (Section 1.3).

Inferior status of women

Women were placed in a disadvantageous economic and social position by the legal tradition. While not counted as incapables (such as slaves, under age children or the mentally disabled), women were treated no better in many respects (EOTC, 1997/1998, pp. 265-269). When young, they were placed under the authority of their father who could arrange their marriage as soon as they were twelve. For a boy on the contrary, he could be entered into matrimony only at the age of twenty. The difference in the age for capacity was justified in the commentary by yet another unequal treatment between children; it is said that a boy's adulthood starts later because he was breastfed longer than a girl (EOTC, 1997/1998, articles 883, 898). The age of emancipation from the father's authority was twenty five for both sexes but if they wanted to marry, the girl had to obtain her father's or her relatives' approval (EOTC, 1997/1998, articles 894, 907).

After the exchange of matrimonial promises, only the father of the betrothed could break the engagement for reasons defined by law. If a mother happened to be

[10] Customs is the *ləmadä hagär* 'usage, habit of the land' that judges referred to in addition to the legal texts. M.B. Wäldä Yoḥannəs commentary p. 84

head of a household, such rights were refused to her. Women's will and capacity, even when they were recognized, were thus enfeebled.[11]

This agrees with an 18th century chronicler's statement that a woman's marriage was a burden that she could not escape. He mentioned many cases where matrimony was negotiated between men. One party to the negotiation would be the father or a male relative with equal authority and the second the fiancé.[12] Donald Crummey even mentions cases where the father being deceased, a brother inherits his authority and arranges marriages for his sister (Crummey, 1988, p. 212).

It is true that women could initiate divorce and present their case to any judge they chose. A 17th century regulation, however, allowed the husband to appeal the judgement and be heard by the patriarch.[13] This harms women since it is more than likely that a clergyman will fervently uphold the patriarchal order described in the laws, be they religious or civil.

A married woman was therefore under the authority of her husband. This meant that he was the sole administrator of the family members and of the goods of the household (EOTC, 1997/1998, articles 890-891). The dowry he offered his wife was interpreted as an investment that brought him the wealth of his wife (EOTC, 1997/1998, articles 841). If he died without a will, the administration of their goods was given by law to his elder son. If the son was under age (less than twenty five years old), the authority was given to the deceased's brother, and if not to him to one of his nephews (EOTC, 1997/1998, articles 1297-1300).

Women were further expected to be more virtuous than men. Their virginity was a validating condition for the marriage (EOTC, 1997/1998, article 930). The wife's adultery was punished more severely both in moral judgment and penalty (EOTC, 1997/1998, articles 954-955, 964). Her promiscuity was believed not only to stain her chastity but also to reduce her ability to bear children (EOTC, 1997/1998, article 964). A woman risked excommunication in marrying a non-Christian while a man was only asked to order his wife to convert (EOTC, 1997/1998, articles 912-914). The mourning period for a deceased spouse was longer for a woman and she had an age limit for being eligible for remarriage.[14]

[11] M.B. Wäldä Yoḥannəs commentary p. 23

[12] Ms. Orient. Rüpp. 39 , fol. 137r, 139v, 154r, 155r (Goldschmidt 1897, pp. 63–67, no. 18)

[13] Ms. Orient. Rüpp. 39, fol. 100r (Goldschmidt, 1897, pp. 63–67, no. 18)

[14] [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, ,article 865, M.B. Wäldä Yoḥannəs commentary p. 20; see also more severe sanction if she does not comply with this rule in [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, article 916, M.B. Wäldä Yoḥannəs commentary p. 30). The age limit at which women can no longer marry is fixed by the articles 864 and 904 of the Fəṭḥa Nägäst (M.B. Wäldä Yoḥannəs commentary pp. 20, 27)

In the 17th century, lawmakers even wished to regulate women's relationships out of wedlock. While the legal code, reaffirmed by an 18th century law disapproved of all forms of concubinage,[15] masters of households often took maids as favourites. The same actions carried on by women on the other hand were judged to be opprobrious. A law proscribing aristocratic women who kept servants as male concubines was proposed. Although this law never came to pass, its discussion attests to the gender biased social conventions (Guidi, 1903, p. 36).

The objective of some provisions appears at first hand to be the safety of women. For instance men were prohibited from marrying women coming from communities practising severe types of genital excisions or infibulations. Families who aimed to live with Christians ruled by the Fəṭḥa Nägäśt were therefore likely to guard their girls from suffering these operations. This effect of the rule was however only incidental; it was not intended to stop these customs but to ensure that the woman was able to conceive, and that the marriage allowed procreation (EOTC, 1997/1998, articles 857, 946).

Other rules aiming for the economic welfare of wives and the couple's offspring were only partial safeguards. The unsparing castigation of the adulteress was said to prevent children born outside of wedlock from inheriting family wealth (EOTC, 1997/1998, article 964). Widows and wronged wives were also granted a privilege on their dowry, premarital and marriage gifts; their rights prevailed over their in-laws or the cheating husband (EOTC, 1997/1998, article 881). In certain situations however, even these privileges failed to serve them; if the couple had children for instance, the woman separated from her husband can only live on the interests that were supposed to protect her (EOTC, 1997/1998, article 954). The main part of the wealth was then reserved for her children.

Since wealth management and business ought to be men's world, women were prevented from giving sureties. The prohibition was envisaged in the section on credit where it was also said that loans were inherited and owed by children only if they were obtained by their father (EOTC, 1997/1998, articles 1001, 1013). These limitations must have made any loan of substantial value difficult to obtain for women.

It was recommended that women be represented by men in court, because of their lack of familiarity with public affairs (EOTC, 1997/1998, article 1475). Any

[15] London, British Library, Or 821 (henceforth BL or 821), fol. 483v col.2 and 3 (Wright 1877, pp. 315-318, no. 392). The punishment was more severe for monks; if they had mistresses, they were to be banished from the church. M.B. Wäldä Yoḥannəs commentary pp. 29, 41, 42.

case that concerned them was always to be judged by a man since a woman, considered incapable of serious wisdom or insight, could not be appointed to jurisdictional functions. A judge should not only be a man, but a clergyman.[16]

The law thus rendered women dependents, with the single role of child bearing and accomplishing household chores. This in turn justified further hierarchy between the sexes. For instance, the father had priority over a mother in inheriting from a deceased son. Since the son's wealth came from his father, the latter outranked the mother in getting back that which he gave (EOTC, 1997/1998, article 1357).

Several types of domination competed over women. The father, the husband and sometimes the church claimed authority upon her.[17] Her services in the household or in the church were, however, little valued. This is best illustrated by the explanations on compensation for votive promises. The custom according to which parents promised to give their son or daughter to serve the church was very widespread in Ethiopia. Sometimes it was the children themselves who wanted to devote their lives to the church, while still under their father's roof, or as adults after marriage. At the age of adulthood, the child would become a monk or a nun. Sometimes, however, such promises were retracted. If the child made the promise by his/her own accord, the father could demand its annulment in order to arrange his/her marriage. Similarly, a woman who had promised to become a nun could be prevented from fulfilling her wishes by her husband. In all cases where the vow was not kept, the legal code condemned the one who was responsible for breaking it. The only way to avoid divine punishment was to pay compensation for the services that the church would miss. The evaluation of the nun's services was by far inferior to that of a monk's. The rule that the woman could not teach was held against her and her contribution depreciated (EOTC, 1997/1998, articles 679-686).

Women's alleged inferior nature

The Fəṯḥa Nägäśt promotes a society dominated by fathers, husbands and sons. It was only by exception that the rules improved the situation of women; in

[16] [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, *Fəṯḥa nägäśt nəbabuna təargʷamew,*article 1415, M.B. Wäldä Yoḥannəs commentary pp. 122- 123. The words used in the legal text to designate the quality that women lack are 'kəbudä ləbuna' that we have translated as serious wisdom or insight, see definitions of the terms in Leslau, 1987, pp. 273, 306 and Kidanäwäld, 1955/1956, pp. 518, 556

[17] [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, articles 457, 460; MS BnF d'Abbadie 231, p. 80 (Chaîne, 1912, p. 132). This is similar to observations in other Easter Christian societies; see for example Shenoda 2010, pp. 27, 34

promoting monogamy and in asserting the principle of a marriage bond that cannot be broken upon the husband's will.[18] These legal rules were established tainted by the gender prejudice found in their sources.

On several matters affecting women's status, the rules referred to the letters of Saint Paul as well as the Old Testament. Women were as a consequence required to be submissive, more virtuous than men and to keep to their private home. They were prohibited from teaching, taking part in public affairs or becoming judges, in application of the Eastern Christian canons and the Letters of Saint Paul to the Corinthians12: 34-36 and to Ephesus 5:22 (EOTC, 1997/1998, article 1415). Concerning loans, the directives enunciated at the Council of Nicaea are quoted to forbid women from acting as warrantors for a borrower (EOTC, 1997/1998, articles 1001, 1013).

The rationale is the one presented in the commentaries when explaining the lesser worth of a woman's services to the church:

> ሴቲቱን: ባለሲሶ: ስለምን: አደረጋት: ቢሉ: ከተፈጥሮዋ: ገብቶ: የወንድ: ተፈጥሮ: መስፈርያ: ተኩል: እሳት: መስፈርያ: ተኩል: ነፋስ: መስፈርያ: ምሉዕ: መሬት: መስፈርያ: ምሉዕ: ውሀ: ነው: የሴት: ግን: ተፈጥሮ: የመስፈርያ: እኩል: ነፋስ: የመስፈርያ: እኩል: እሳት: በመሬትና: በውሀ: ትተካከላለች: ስለዚህ: ነው[19]
>
> Why is it that the woman's [value of services] is only a third [to the man's value of services]? It is in consideration of her nature. The elements in man's nature are one and half measure fire, one and half measure air, one full measure earth and one full measure water. Whereas for women the elements are half measure air, half measure fire, the proportion of earth and water being equivalent [to man's nature].

[18] [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, articles 911 and 919; for the prohibition of concubines and extra-marital relations, see [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, articles 914, 943; M.B. Wäldä Yoḥannəs commentary pp. 29, 35; the source for the rule is the Gospel of Mathew 19: 3-10, see also M.B. Wäldä Yoḥannəs commentary pp. 30-31

[19] MS BnF d'Abbadie 231, P. 101 (Chaîne, 1912, p. 132); another commentary edition is similar in content [Ethiopian Orthodox Täwaḥədo Church] 2002/2003, p. 249

The harsh rules concerning women are thus justified by the proportional difference in the natural combination of the elements.[20] The fact that Eve, the archetypal woman, was named by Adam is further mentioned as confirmation of his dominion and their unequal nature. It is said that he gave her a name like a master would to his slaves.[21]

In other sections of the Fəṯḥa Nägäśt, women are described as naturally less violent. It is explained that men have an inherent disposition towards anger, and that the stricter punishment of women's adultery aims to dissuade them from an act that could result in bloodshed (EOTC, 1997/1998, article 964). The man who in a wrath kills his wife and the members of her family is not only a legal hypothesis; a 17th century chronicle recounts a case where a husband indulged in the killing of two consecutive wives without ever being prosecuted for these crimes.[22]

The feminine 'nature' was clearly a result of social misconceptions. Women were limited to their role as bearers of children, as helpers of their spouses, as life givers who continued the bloodline of their father and their husband (EOTC, 1997/1998, article 964). A woman during menstruation or the puerperium (the period after giving birth) was believed to bring ill omen, especially if she was to have intercourse; sexually transmittable diseases and children's sickness were considered to be its consequences (EOTC, 1997/1998, article 230). During menses, she was forbidden from entering the church. After giving birth , she could not go to church for forty days if the child was a boy and eighty days if it was a girl; and her midwives could not receive the Holy Communion for twenty or forty days depending on the sex of the child (EOTC, 1997/1998, articles 935-936). The woman's capacity to give birth seems to have been feared and justified her being secluded, separated from her husband and from the Christian community during maternity.

Nature was not solely a foundation of rules that were unfair to women. It was more generally evoked in laws assigning differentiated behaviour and poise to men

[20] This type of thinking is the basis for many gender related explanations, such as diagnosis for medical treatment. It is similar in spirit to ancient philosophy, such as Empedocles' and Hippocrates' natural philosophy. Ḥaddis 1988, pp. 30-33, 145-147; 'Empedocles', *Encyclopedia of Philosophy* (2006), pp. 208b-211b (Kahn C.H.); 'Hippocrates', *Encyclopedia of Philosophy* (2006), pp. 373a-376b (Hankinson R.J.)

[21] M.B. Wäldä Yoḥannəs commentary p. 184

[22] In this case a man condemned to death for high treasons sees his punishment commuted to flagellation. When he succumbs to the penalty, the chronicler interprets his death as a providential judgement for the two wives he had battered to death. Pereira, 1892, pp. 243-245

and women. These laws that prescribed customs were equally constricting to all concerned.

A chapter of the legal code on grooming customs stated that a man should not perfume or anoint his hair, nor let it grow too long; he should have a beard and either a shaved head or short hair. A woman on the other hand should have long hair although not braided. Both were to avoid vain adornment that would induce others into sin. The law is based on Saint Paul's letters to Timothy and a notion of gendered nature (EOTC, 1997/1998, pp. 432-451).

In a similar vein, two proclamations of king Iyasu I aimed to conform attire and behaviour to 'nature'. One of these prohibited women from following certain customs. In a locality called Ǧäfǧäf that the king traverses, he encountered women dressed in ankle length trousers, face veiled, rod in hand, riding mules mounted with a saddle. He passed a law forbidding them to ever conduct themselves in this manner. The reasoning, based on biblical quotes from Isaiah and Saint Paul is that such countenance is unbefitting a woman, that it is neither humble nor true to her nature (Guidi, 1903, p. 150). The second proclamation dictated that men and women shouldn't shave their head except when in grief. It also stipulated that men should not participate in the funerary dance performed by women mourners (Guidi, 1903, p. 138). The principal idea behind the laws seems to have been that appearance should signify to convention one's circumstance such as bereavement, one's sexual identity or gender.

In law, nature had therefore either one of two functions. It was mostly a postulate that justified hierarchy between the sexes. And seldom, it was a preconception for gender distinct appearances and behaviours.

Legal rules tempered by scholarly commentaries

The commentaries of the legal code suggest that there was not a status common to all women. Rights and social inclusion depended upon criteria other than gender. Being a member of a minority group and economic and/or social positioning were seen as cumulative determinants of one's advantages.

Women were treated differently in consideration of their religion. In the Fəṯḥa Nägäśt's chapter on matrimonial relations, it is said that a man can accept to marry a woman from inferior birth out of love. The commentary interprets this as meaning a marriage to a woman from Kayla or Fälaša origin, both terms designating Ethiopian Jews (Betä Israelites) (EOTC, 1997/1998, article 839). The inferior status of Jews was further strengthened by two laws passed in the 17th century stating that in the city of Gondär, separate quarters were to be assigned to

residents according to their faith and that Jewish merchants ought to pay more taxes than their peers (Guidi, 1903, p. 9).

Women are further differentiated based on the social rank of their parents. The legal code indicates that a common motive for a man to seek a woman's hand in marriage was to benefit from her parents' status. The commentary explains that the wealth and fame of a woman comes from the fact that her father is a *qäñazmač* or a *gərazmač*.[23] These are honorific military titles of courtiers and governors appointed by Emperors (*Encyclopaedia Aethiopica,* I, 2003, pp. 418b- 419b).

A woman's place in the society is further determined by her status at birth. In the legal code, the freeborn are always treated more favourably than slaves. And laws and sale records from the period under consideration imply that slaves were considered as movable goods.[24] For a slave, one who as a concubine was faithful to her master and a good mother to their children had higher social esteem and rights; she was permitted to convert to Christianity and receive the Eucharist (EOTC, 1997/1998, articles 965, 968). More than marriage in itself, the practice of communing was perceived as distinctive of righteous women who were loyal to their partner; this is evident in a will where a testatrix states "You are the husband for whom I have received the Eucharist for 30 years and to whom I give my land".[25]

In certain circumstances, the status of a husband can further affect his wife's. For example, the widow of a priest had to follow laws that were more severe. Contrary to other women, if widowed, she was to choose chastity and avoid remarriage. The commentary explains this rule in stating that she was allowed to marry again knowing that she would be punished; she would always receive the Eucharist last, after all the members of the congregation (EOTC, 1997/1998, article 939).

Commentators adapted laws to social needs and customs by distinguishing among women. It is therefore important to determine how much the commentators could stretch the law. According to Fəṯḥa Nägäśt's introduction, all of its rules were not to be complied with. This is partly because some provisions were contradictory, some were not well translated, and yet others contained mistakes made by copyists. Bearing in mind that these texts were manuscripts up to the 19th century, the consequences of such errors had to be averted. Jurists explained that

[23] M.B. Wäldä Yoḥannəs commentary p. 13

[24] Illinois/IES 88.XIX. 16, 17, 31 (Shumet, 1988, pp. 7-8); see also M.B. Wäldä Yoḥannəs commentary p. 64.

[25] Illinois/IES 88.XXXVI.17 (Shumet, 1988, p. 9)

one should consider the spirit of the law, in respect of common sense and local customs, and being guided by reason. In case of mistranslation or error-ridden manuscript copies, judges familiar with the texts were to correct them (EOTC, 1997/1998, p. 17).

The commentaries clarified the canons. They generally did not prescribe anything different from that which was stipulated in the law; but in some instances, they corrected or simply revoked its stipulation. When correcting, the commentary often improves the woman's situation. Some proclamations of the 18th century also brought amendments to the legal code, although maintaining its applicability. We will examine the points on which these proclamations and the practice represented by the commentators seem to differ from the legal code's prescriptions.

In the legal code, masculinity justified priority in succession. It was considered that the male siblings should have better inheritance rights than female ones. This statement was simply rejected in the commentary (EOTC, 1997/1998, article 1332). Furthermore, in the canons, a woman who spent a night in a place other than her father's house was treated as if she had committed adultery. The commentary indicated that while this might illustrate Coptic customs, the rule did not apply in Ethiopia (EOTC, 1997/1998, article 955).

Indications in the commentary that some rules of the Fəṯḥa Nägäśt were not enforced exist but are difficult to find. They must be complemented by other sources such as proclaimed laws, observers' accounts. A 17th century law aforementioned in the first section of this paper, determined jurisdictional competencies over matrimonial matters and placed men and women on an equal footing for the initiation of divorce procedure.[26] This contrasted with the ways of the legal code which, despite condemning repudiation, generally envisaged divorce from the point of view of men.

Another law at the end of the 18th century reasserting the Fəṯḥa Nägäśt, condemned the cohabitation of unmarried couples. It stated that they ought first to be united by the holy sacrament of marriage.[27] Nonetheless, a testimony given after a few decades indicates that the majority of people evaded this law (D'Abbadie, 1868, p. 128).

Practices can thus set aside the law or prefer its reinterpretation in a manner befitting the local customs. The holding of wealth is a good example of this second

[26] Ms BL Or. 821 fol.35r (Wright, 1877, pp. 315-318, no. 392)

[27] Ms BL Or. 821, fol 483v col.3 (Wright, 1877, pp. 315-318, no. 392); [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, article 999; M.B. Wäldä Yoḥannəs commentary p. 27.

attitude towards the law. The possibility of women to inherit land improved not only their income but their access to administrative functions.

Landed wealth and its associated offices

Legal rules on wealth possession, succession, donation, and contracts gave a certain margin for interpretation favourable to women. Unless they were under age, mentally disabled, or slaves, the legal code allowed them to have wealth and inheritance (EOTC, 1997/1998, articles 1065, 1066, 1349). Women could even possess land, the most prominent type of wealth in an agrarian society. As a consequence women from all social backgrounds were legitimately active in Gondärine church land transactions (Section 2.1).

In the tradition of this period, landholding that generally characterised the elite groups was accompanied by administrative and jurisdictional functions. This was partly because land was given as remuneration for determined services (EOTC, 2002/2003, p. 255). It was also due to the fact that regulation and donations attributed power to landholders.[28]

The functions were perceived as correlated to the land; they followed the transfer of the land by sale, donation or inheritance. This did not overtly contradict the law which only prohibited the appointment of women to administrative roles. A woman's entitlement to land therefore implied that she acted as an estate manager and as a judge; but the actual extent of her possessions depended on her familial origin (Section 2.2). Furthermore, the law applied only where no wish to the contrary was expressed. In some cases, it was disregarded by a will or a grant that favoured heiresses. This agrees with the legal liberty given owners and/or testators (Section 2.3).

Women's share in ecclesiastical landholding and transactions

In transactions of church land which are widely attested in the 18th century, women were mentioned as sellers, buyers and guarantors. They were also testatrix acting freely in disposing of their land, sometimes disinheriting most of their descendants in favour of a beneficiary they chose (Guidi, 1906, doc. 143). Their actions in these transactions testify of a custom that seems more gender inclusive. Contrary to regulations favourable to male heirs, women seem to inherit equally from their

[28] M.B. Wäldä Yoḥannəs commentary of the chapter 32 of the legal code p. 63, Ms. UNESCO Series 10 no. 6 fol. 1 ([UNESCO Mobile Microfilm Unit] 1970, p. 65); Illinois/IES 89.IV.31-36 (Daniel, 3); Illinois/IES 88. XIII.32 (Shumet, 1988, p. 5)

parents. Without any regard to the law's prohibition, they also acted as guarantors for obligations entered into by a man or a woman (EOTC, 1997/1998, article 1013).

Although fewer than men, there were women who acquired church land through purchase (Crummey, 1981, p. 453). This seems at first to be an oddity since religious offices are reserved for men. However, the dues owed by those who held such lands were not only ecclesiastical; female "clerics" could be administrators, tax collectors, water carriers, bakers, providers of goods (such as raisin, wheat, oil, fire wood) to the church. Women could also be entitled to land granted to religious men and teachers (priests, scholars, chanters) as long as they delivered the services by employing a clergyman (Crummey, 1981, p. 451).

Nevertheless, even when they were rightful owners, women were reluctant in presenting their claims since the spirit of the law in matters of matrimonial wealth management was largely confirmed by customs. The administration of the household goods was usually given to the husband although the wife could object to some decisions by saying that she was entitled to half of the wealth (Tasfa, 1996, p. 128). A woman who was for instance named as benefactress preferred being represented by her husband in a conflict related to her inheritance (Guidi, 1906, doc. 42). Another woman was represented by her father in a trial where her sister in law demanded the restitution of the marriage gift; the father argued that the property was his marriage gift and that he was owed the expenses he paid for a memorial.[29] These cases present literal application of the legal code which councils against a woman getting involved in judicial matters considered too public.

In another case, a man sold the land bought by his father in law that his wife had presumably inherited; the land was not mentioned as his but he had evidently the power to dispose of it. This again complies with the authority given to the husband over goods commonly owned by spouses (Guidi, 1906, doc. 141). Other mentions of uncles and nephews helping to sell inheritances also suggest that

[29] BL Or. 777, fol. 9f (Wright, 1877, p. 255, no. 350). The circumstances that led the father to represent his daughter are not clear. It could be a case of common paternal authority. It could also be that this particular father, trained as a judge, intervened as a person familiar with court matters. A record of another lawsuit that will be presented in the second part of this paper favours the latter hypothesis; a woman of modest origins (she is named without any title) preferred to be represented by a lady who, as others from her social standing (women related by birth or by marriage to the royal family) was used to court procedures. MS Add. 1570, fol. 261r (third column), 264v (first column), Ullendorff and Wright 1961, pp. 1-2, II (Add.1570)

where the father had died, male relatives sometimes took charge of the household administration as dictated by the law.[30]

This confirms Crummey's observations according to which, men buy mostly from women and it is partly consonant with his remarks that transactions between women alone are rare (Crummey, 1981, pp. 453, 457). Of women acting as guarantors (10% of cases), half intervened (53%) to support a family member, and 8.7 % were warranting women's contractual engagements. This probably implies that women would not otherwise be chosen for this role. The cases where women act as guarantors for men are few (about 0.4%). Men guarantors are preferred, as they participate more in wealth administration and business (Crummey, 1981, pp. 454).

Moreover, the purchase price paid by women is relatively lower; it was often less than four ounces of gold. One time acquisitions by men could on the other hand amount to fourteen ounces.[31] Only ladies from the royal family or married to officers (designated by the title *wäyzäro* or *əmäbete*) acquired land valued at six, or eight ounces.[32] It appears that their social origin gave them better purchasing power.

Besides inherited wealth, trade profit could also encourage some women to take part in land transactions. A corpus registering 148 land sales in a church domain mentions a female *abäza* (baker) and a male roofer as the only two artisan buyers.[33] The baker, who had succeeded her mother to the trade, managed to buy a relatively expensive land. Since the church needed bread for its banquets, and that its buildings needed to be maintained, both bakers and builders were among the

[30] Guidi 1906, documents 109, 141, MS BL Or. 508, fol. 221v (Wright, 1877, pp. 29-30, no. 44). The only sale where the mother and the wife of the owner are sellers can be explained as a case where the owner died without any descendants. Guidi 1906, document 51. See also the regulations on succession [Ethiopian Orthodox Täwaḥədo Church] 1997/1998, articles 1317-1332, 1356-1357. M.B. Wäldä Yoḥannəs commentary, pp. 106, 107, 109, 110.

[31] See Guidi 1906, documents 2, 24, 27, 29, 51, 56, 57, 61, 78, 81 (two purchases), 87, 93, and MS BL Or. 508, fol. 282v (second act in the first column) (Wright 1877, pp. 29-30, no. 44). The highest value of 14 ounces is mentioned in Guidi 1906, document 127.

[32] Guidi 1906, documents 51, 93; two sales in MS BL Or. 508 fol.282v; MS BL Or. 508 fol. 285r (Wright, 1877, pp. 29-30 , no. 44)

[33] Guidi 1906, documents 20, 51, 81, http://ejol.aau.edu.et/http://ejol.aau.edu.et/83. The first sale transfers land to a roofer craftsman. The buyer is called 'kädañ' which means 'roofer'; see definition in D'Abbadie 1881, p. 633 and Täsäma 2009/2010, p. 888. The other sales record acquisitions by bakers.

few skilled manual workers who received ecclesiastical land as remuneration for their services. Succession and profession, especially when combined, could thus become advantageous for women.[34]

There are surely further distinctions to be made among women than those based on profession or familial status. The legal categorisation of women as freeborn and slaves must certainly have been an important one, since slavery was not yet abolished in 17th and 18th century Ethiopia.

A just representation of women in this historical period would nonetheless consider two other aspects. There is on the one hand fluidity between social groups. For instance the daughter of a baker married an officer in charge of land administration in a church domain. The husband bought several plots and appears as one of the wealthiest landowners in this domain.[35] On the other hand, inheritance and wills cancelling the effect of the law allowed women to receive more benefits than what the legal rules prescribed.

Landholding and domain privileges dependent upon familial origin

Some women shared the benefits of a relative or a husband. They were given land as well as ecclesiastical and administrative offices[36] that were usually vested on men. More importantly, they inherited wealth and offices from both their parents.

Among these exceptional women, those whose status was most elevated were the Emperor's wife and his concubines. In an administrative regulation inherited by Emperors based in Gondar from 14th and 15th century legislators, these women were assigned offices.[37] They became, by virtue of their relation to the king's tax collectors and controllers of defined provinces of the Empire.[38]

[34] Guidi 1906, documents 51, 81, 83 and MS BL Or. 508, fol. 282v second act in the first column (Wright, 1877, pp. 29-30, no. 44). See also Guidi, 1906, document 83 that establishes that the buyer from document 81 has inherited her trade (bakery) from her mother. See definition of 'abäza' in d'Abbadie 1881, p. 512.

[35] Guidi 1906, documents 140 and 146. See also MS BL Or. 508, fol. 287r (Wright, 1877, pp. 29-30, no. 44).

[36] For instance the daughters of Iyasu I received land in the estate of the Däbrä Bərhan Church. They were named as treasurers for the church Illinois/IES 88.V.26 (Shumet, 1988, p. 2)

[37] The regulation prevailed at least until the beginning of the 17th century as attested by the list of witnesses in legal acts of king Susenyos. See Bibliothèque Nationale de France, Ethiopien d'Abbadie 152 fol.64r, 70v (Chaîne, 1912, pp. 92-93).

[38] Oxford, Bodleian Library, MS Bodleian 029, fol. 34 (Dillman, 1848, pp. 76-80, XXIX)

In land holding records, filial relationship or birth is often evoked as a premise to claims of inheritance.[39] Sellers or donors transferred the land that they were *born into*.[40] The establishment of descent legitimised landholding for both sexes. Women then inherited the administrative attributes attached to the land that would otherwise have been forbidden to them. Donald Crummey had noted that when these attributes were clerical, women 'assumed responsibility for supplying the clergyman who actually carried out the clerical functions' (Crummey, 1981, p. 451). We would like to add to his observations in saying that women also occupied offices that in law were set aside for men; and they did so without any intermediary. These offices involved power and gave them fiscal and jurisdictional authority.

A judgement found in a manuscript from the church of Däbrä Bərhan Səlasse explains the idea behind the attribution of such power to women.[41]

> ባልድርጌ: ተክለ: ሃይማኖት: ወይዘሮ: ኤዶማዊት: በርስት: በጉልት: ይወለዳሉ፡፡ ጉልታቸው: በአፄ: ኢያሱ: መንግሥት: በ፲፯፻፲፰ዓመተ: ምሕረት: በዘመነ: ማርቆስ በፅ/ጫን: ስንዴ: በ፲፪ጨው: ደብረ: ብርሃን: ሥላሴ: አስቀድሰዋል፡፡ በርስታቸውም: እንደ: ታዴዎስ: እንደ: ዮስ..: እደ:[42] ቂስ: ገብሮ: ጭቅነት: ከግብዝና: አላቸው: ይሾማሉ፡፡ ይህ: ሁሉ: እንዳይፈርስ: አቡነ: ሲኖዳ: እጨጌ: ጸጋ: ክርስቶስ: በሥልጣነ: ጴጥሮስ: ወጳውሎስ: ገዝተዋል፡፡ መሳክርቱ: ሊቁ: ክፍሌ: ሊቁ: ኮላሳይ: ደብተሮች: ናቸው፡፡
>
> In [the lands of] Baldərge Täklähaymanot, *Wäyzäro*[43] Edomawit was born to *rəst* and *g*^{w}*əlt*. During the reign of Iyasu in the year of

[39] Guidi 1906, documents 41, 42, Illinois/IES 88.XL.14, Illinois/IES 88.XXI.07 (Shumet, 1988, p. 10, 7)

[40] The expression in Amharic is በርስት፡ በጉልት፡ ይወለዳሉ [she was born to *rəst* and *g*^{w}*əlt]*; *rəst* and *g*^{w}*əlt* being types of landholding. Expressions linking succession to birth can be observed in legal acts from several manuscripts, for instance in Illinois/IES DBS 7, in Illinois/IES 88.XL.14, 88.VIII.32, 88.XIV.02, 88.XXI.09. (Shumet, 1988, p. 10:3, 5:7) Wills continued with this same formula well into the 20th century; see Illinois/ IES 88.XL.12 (Shumet, 1988, p. 10)

[41] Illinois/IES DBS 7

[42] Sic. The scribe meant እ ን ደ

[43] This is a title for members of the royal family, and especially of ladies from the 16th century onwards. 'Wäyzäro', *Encyclopaedia Aethiopica*, IV(2010), p. 1166a-b, (M. Bulach and A. Meckelberg)

> Mark[44] 1798,[45] she held her *gʷəlt* paying a tribute of one *č̣an*[46] of wheat and 12 bars of salt for the services owed to the church of Däbrä Bərhan Səllase. On her *rəst*, along with Tadewos and Yos… she has a share in the offices of *č̣əqa* and *gäbäz*; she shall be appointed [to these offices]. For this to be upheld, the metropolitan Sinoda and the Abbot of Däbrä Libanos Ṣäga Krəstos have pronounced an anathema by the power of Peter and Paul [against the transgressors]. The witnesses were the *Liq*[47] Kəfle, the *Liq* Kʷəlasay and the clerics.

It is said that a certain *Wäyzäro* Edomawit 'was born into' *rəst* and *gʷəlt* types of landholding. In simple terms *rəst* consists of familial inheritance while *gʷəlt* is conditional upon the performance of a service whether military or ecclesiastical (Namouna and Hiruy, 2018; D'abbadie, 1881, p. 652; Dasta, 1969/1970, p.465). The heiress holds the *gʷəlt* land upon the condition that she pays tribute to the church of Däbrä Bərhan Səllase. But she also has a share in the administration of the *rəst* land and she ought 'to be appointed as *gäbäz* and *č̣əqa*'.[48] The expression 'was born into' implies that *Wäyzäro*[49] Edomawit had a birth right to the land as well as its related managerial authoritative functions. The function of *gäbäz* was to keep the treasury, supervise the payment of tributes from certain lands, and judge the inhabitants of those lands.[50] The *č̣əqa* was a village

[44] According to the Ethiopian and Alexandrian calendars, years are grouped into four. Each year is then dedicated to an evangelist. Hiruy 2018, p. 68.

[45] The year 1798 in the Ethiopian calendar corresponds to the year 1805/1806 in the Gregorian one.

[46] It is a measurement of grain equivalent to 280 litres. D'Abbadie 1881, p. 960.

[47] The term *liq* designates judges of the royal supreme court. MS Bodleian 28, fol. 7r (Dillmann, 1848, pp. 75-76, XVIII), Ms. Orient. Rüpp. 39, fol.1r (Goldschmidt 1897, pp. 63–67, no. 18)

[48] Illinois/IES DBS 7

[49] This is a title for members of the royal family, and especially of ladies from the 16th century onwards. 'Wäyzäro', *Encyclopaedia Aethiopica*, IV(2010), p. 1166a-b, (M. Bulach and A. Meckelberg)

[50] Illinois/IES 88.XII.18, 88.VIII.6 (Shumet, 1988, p. 5). Illinois/IES 89.XVI.24, 89.III.16 (Daniel, 1989, p. 14 :2). Ms. BL Or.518 foll. 15v, 171v, 172r (Wright, 1877, pp. 23-24 , no. 34). Namouna, 2017, pp. 107-112; Namouna, 2014.

headman who controlled the production of crops on determined land plots.[51] Both officers were in charge of the collection of tribute from the land and the supervision of their payments. That is the reason for which they were involved in land transactions and related disputes. Another lady *Wäyzäro* Ǝsetu was appointed as a *ḉəqa*, and was cited among officers who condemned the contestation of a sale in the church domain of Gəšäna Täklähaymanot.[52] As a *ḉəqa*, a certain *Wäyzäro* Alṭaš also witnessed sales of land in the estate of the church of Mahdärä Maryam.[53]

With specific regards to jurisdiction, women's inheritance could be indicated implicitly. For instance in one land sale *Wäyzäro* Dinar, the daughter of a judge in the Emperor's high court, is mentioned among the judges distinct from cleric witnesses.[54] In another sale, this same person is considered as having brought two parties to enter into agreement, hearing their solemn declarations.[55] This task is usually undertaken by legal officers, or judges. The fact that it was accomplished by a woman was contrary to the legal prohibition (EOTC, 1997/1998, article 1415). In this case, *Wäyzäro* Dinar was not called a judge but her responsibilities were justified by her identification as 'the daughter of a judge'. This appears as a kind of legacy of legitimate children,[56] a possibility to participate in the benefit of their father's political and economic status.

In other records, women are manifestly designated as 'judges'. In a judgement settling a conflict on landholding in the estate of the Addäbabay

[51] See d'Abbadie 1881, pp. 852, 956. One example of control of the payment of contribution by the *gäbäz* can be found in Guidi, 1906, document 130.

[52] Illinois/IES 88.XXI.09 (Shumet, 1988, p. 7). The participation of *ḉəqa*-s as witnesses is frequent; for instance see Illinois/IES 88.V.4, 88.XIIIb.8 (Shumet, 1988, p. 2, 5), Guidi, 1906, documents 26, 85 are but a few examples. In other cases that seem to have been registered in the 19th century, the ladies *wäyzäro* Wälätta Həywät and Wälätta Abib are mentioned as *ḉəqa*-s. Illinois/IES 88.XIV.3 and 88.XIV.29 (Shumet, 1988, p. 5). The first participates in a decision on debt payment, and the other takes part in a judgment deciding on compensation.

[53] See for example MS Add.1570, fol. 264v first column. Ullendorff and Wright 1961, pp. 1-2, II (Add.1570).

[54] Guidi 1906, document 19; she has a similar role in one judgement registered in Illinois/IES DBS I.23

[55] MS BL Or. 508 fol.285v (Wright, 1877, pp. 29-30 , no. 44).The verb used to describe her role is that of an *afäṣaṣami*; the definitions for the word are from the dictionaries of Kane, 1990, p. 2340 and D'Abbadie 1881, p. 1014

[56] The father, by organising and naming his successors in a will, had confirmed the legitimacy of their legacy. Ms BL Or.508 fol. 283r (Wright, 1877, pp. 29-30 , no. 44)

Täklähaymanot church, the judge is a certain *Wäyzäro* Wälätta Həywat.[57] In a will, the testator chose a woman as the exclusive heir to the land wealth, and divided the income from taxation, jurisdiction, and appointment fees paid by officers of the land between her and another lady.[58]

In most cases, jurisdiction is transferred to women as a sort of accessory to landed wealth. It is also important to note that these women enjoyed a high social status. They were probably related to families who had hereditary offices or to the royal family, as their title (*wäyzäro*) indicates (*Encyclopaedia Aethiopica,* IV, 2010, pp. 1166a-b). As an exception, a woman 'mediator-judge' in another dispute had no particular title.[59] A mediator-judge is someone who eased the reconciliation and the subsequent judgement; as remuneration for this service, he/she was given lands (Namouna, 2017, pp. 307-308).

Women landholders thus exercised power over the farmers and inhabitants of their land. They also came into close contact with political power since they could in some measure modify the tributary system. Over their lands, they could for instance reduce the payment of tributes or change their regime.

For instance the grant of an estate to a church meant that those living on the lands benefited from tax alleviation and were exempt from military services. Since this type of venture affected revenues and duties to the Crown, it required an authorization from the king. One such case is attested during the reign of King Tewoflos (1708-1711). Upon complaint of the tribute paying farmers, a lady called Mammit decided to establish a church and grant its clerics her lands. The King condoned the initiative by giving a partial exemption and the land became ecclesiastical. The farmers were therefore freed from military services although they still owed other taxes both to the clerics and to the crown. [60] In another case from the second half of the 18th century, a lady who established a church domain seems to have obtained a full fiscal exoneration.[61]

In rarer circumstances, women could obtain an even higher authority. Regency was such a means to power and the chronicle of Emperor Ləbnä Dəngəl elucidates its traditional basis as follows:[62]

[57] Illinois/IES 88.IV.14 (Shumet, 1988, p. 1)
[58] Illinois/IES 88.XIII.32 (Shumet, 1988, p. 5)
[59] Ms BL Or. 545, fol.2r (Wright 1877, pp. 88-90 , no. 132)
[60] Ms BL. Or 518, fol. 15v et 171r (Wright, 1877, pp. 23-24 , no. 34)
[61] Illinois/IES 84.V.36 (Shumet, 1988, p. 1)
[62] Oxford, Bodleian Library, MS Oxford 029, fol. 40f (Dillman, 1848, pp. 76-80, XXIX)

ወአሜሃ: ትትሜገብ: መንግሥት: በትእዛዘ: ወላዲቱ: ንግሥት: ናአድ: ሞገሳ። ወበምክረ: ካልእታ: ንግሥት: እሌኒ: እስመ: የአምራ: ሠሪዓ: ቤተ: መንግሥት። ወፈድፋደሰ: ዛቲ: ጠባብ: እሌኒ: ተአምር: ሕገ: መንግሥት: ዘነበረት: በታዕካ: ፫ነገሥት: ክቡራን: እለ: አስመዩ: ስመ: ሠናየ።

> In those days, the government was under the care of Queen Na'od Mogäsa. Queen ∃leni gave her council since she knew about the administration of the Royal Palace. The wise ∃leni was also knowledgeable about the Constitution that prevailed under 3 kings whose name was honoured.

The word translated as *care* is ምግብና (Məgbəna). In the language of the Fətha Nägäst, it designates guardianship and governance. Guardianship was legally envisaged for minors and incapables. Governance was considered for any estate that the owner could not manage by himself/herself. It was said to be an art of accounting and administration that one learnt by apprenticeship in the royal palace (EOTC, 2002/2003, pp. 36, 304, 372). In the mind of the lawmakers, a female guardian or administrator was of course inconceivable. The chronicles are therefore presenting us with exceptional customs that were more relaxed. Conversance with palace administration and the law of the land was enough ground for the participation of queens to state councils.

Regency was nevertheless an indirect and relatively weak exercise of sovereignty. In one case, Məntəwab, the mother of king Iyasu II (reg. 1730-1755) was anointed queen at the enthronement of her son, after the death of her spouse king Bakäffa (reg. 1721-1730). Named alongside her son, she acted as mistress of the lands of the kingdom. The role of former queens who contributed discretely to the foundation of church domains did not satisfy her.[63] She was named as the one who allocated lands, in the possession of others than herself or the Crown, to churches that she newly founded (Guidi, 1910, pp. 89, 102, 103). The clerics whom she carefully selected according to her own theological convictions shared the incomes with the former occupants of the land.[64]

[63] An example of such a foundation in the 17th century is for instance found in Illinois/IES 88.XIX.21 (Shumet, 1988, p. 6)

[64] This is evident from land grants to the churches of Qʷəsqʷam and Narga ; Ms BL Or. 508 fol. 4v(Wright 1877, 29-30 , no. 44); Guidi 1905, p. 242

She also approved land donations by officials, in accordance with regalia.[65] Kings were considered the ultimate judges of their kingdom. Məntəwab as a queen presided over civil and criminal cases, when they were perceived as significant. She was for instance a judge who supervised and validated an act by which a sumptuous dowry was given to a future bride.[66]She moreover decided penalty in a case of theft; she could choose to order flogging, death penalty or the exile of the guilty party (Pankhurst, 1982, pp. 94, 95).

She even intervened as a mediator in a violent theological controversy. This is noteworthy in a society where power relied on religious sanction from the Church, and where to the exception of a few ladies,[67] women were generally illiterate and considered unable to discuss doctrinal matters.[68] In 1765, Queen Məntəwab was able to appease the clergy by proclaiming the creed that she perceived as rightful (Guidi 1910, pp. 198-200). Her charisma in this last occasion avoided the upheaval that threatened the kingdom if such questions remained unresolved.

She was nonetheless aware that her role, at least in some of its aspects, had an extraordinary character. Some waged war against her and her young son, preferring the power of another male heir. In her address to the war council, she blamed the adversaries' wickedness in the following terms:[69]

> ለክሙኒ: መኳንንት: ኢይመስለክሙ: እስኩ: ብእሲተ: እመኒ: እከውን: ብእሲተ: በግዕዘ: ፍጥረትየ፡፡ አላ: ሀብትየ: የወንድ: ወንዶች: ነው: ዘተወከፍክምዎ: እምእግዚአብሔር: ዘታሕቱ: ወላዕሉ፡፡ በክሙ: ይቤ: ሐዋርያ: ያዕቆብ: እጉሁ: ለእግዚእነ: ኩሉ: ሀብት: ሠናይ: ወኩሉ: ፍት: ፍጹም: እምላዕሉ: ይእቲ: ትወርድ

[65] Guidi 1906, document 22 and Illinois/IES 88.I.11(Shumet, 1988, p. 1)

[66] Illinois/ IES 84.I.2 (Shumet, 1988, p. 1)

[67] In the 17th century for instance, Saint Wälättä Peṭros was a knowledgeable woman who opposed the king's religious reforms. She is said to have spent much of her time in reading patristic and other religious writing. Conti Rossini and Jaeger 1954, p. 43

[68] Women could nevertheless be involved indirectly in church matters. For instance a queen in the beginning of the 17th century is said to have supervised the upbringing of a cleric who was to become the metropolitan of the Ethiopian Orthodox Church. Ms. Orient. Rüpp. 39 fol.12r (Goldschmidt, 1897, pp. 63-67, no.18). Other ladies are remembered as martyrs who stood for their faith against the threat of Catholicism. Sergew Hable Selassie 1988a, pp. 96-101

[69] MS Bodleian 032, fol. 55v. (Dillman, 1848, pp. 81-82, XXXII)

> Thou high dignitaries, please do not think of me as a woman. Although my nature is that of a woman, the gifts I have received from the Almighty God are those of the best of men. As James, our Lord's brother said: *Every good and perfect gift is from above, coming down from Him.*

All women were not therefore foreign to public life. Other than the queen, ladies who came from families of dignitaries preferred to plead and defend themselves before courts. There is even a case whereby *Ǝmäyte*[70] Sänayt, a woman related to the royal family, acts on behalf of another who comes from a more humble background.[71] *Ǝmäyte* Sänayt pursues the case to the highest degree, thus proving that she could not only plead for herself, but also represent others. She managed to get payment in land for her services. It seems that this was not the first case where she obtained remuneration in land; in exchange of a sum advanced to a priest, she is also said to have received land, probably as a security.[72]

The women benefiting from landed wealth and its attached advantages (jurisdictional, administrative) used them in turn to maintain their social rank, and more generally their ability to make decisions that would impact people's lives. In the second half of the 18th century when new families came into governance, marriages were established by the royal family with the rising influential social groups. The marriages were concessions whereby a daughter and her rights were given to a husband who would preserve the status of his in-laws.

For instance, in a judgement settling a dispute on authority over one church land, a certain Ali received the power of jurisdiction; it is said that he ought to have this power because he married into a family who had hereditary right to the land.[73] The fact that the name of the husband is of Muslim origin is clearly significant. Starting in the 1780s, Muslim families who came from the region of Yäğğu began to dominate the political scene. And this type of matrimonial arrangement became very frequent (Merid, 1990, pp. 71-74; Shiferaw, 1990, pp. 163-167).

[70] This word is an abbreviation of *Ǝmäbete* which means "mistress of a household". D'Abbadie 1881, p. 470

[71] MS Add.1570, fol. 261r (third column), 264v (first column). Ullendorff and Wright, 1961, pp. 1-2, II (Add.1570).

[72] MS Add.1570, fol. 261r (third column), 264v (first column). Ullendorff and Wright, 1961, pp. 1-2, II (Add.1570). See also her mention in Crummey 2000, pp. 195-196

[73] Illinois/IES 88.XXIb.14 (Shumet, 1988, p. 7)

A phenomenon that remained stable throughout the century is nonetheless the recourse to donations and wills. Rather than relying entirely on the law, some families preferred to organise their successions. These acts generally improved on the law and gave the daughters better rights.

Grants and wills cancelling the effects of the law

From the 17th century onwards, the official appointment of women as governors or palace administrators was extremely rare. King Iyasu I nominated his sister for the governorship of the Səmen province (Guidi, 1903, pp. 62-63). This was an office highly ranked in counselling; during deliberation, the ruler of Səmen was one of the last dignitaries to be heard before the king decided on the course of action. Among the tributaries to Ethiopian kings, there was also a land called Arom that was customarily ruled by queens (Pereira, 1892, pp. 211-214; Huntingford, 1989, pp. 171-172). In the palace, an aristocratic woman (addressed with the *wäyzäro* title) was commissioned as a steward in charge of the provisions of honey; but this office was one of the lowest in the royal household.[74] Therefore, it was rather through private acts such as grants and wills that families could revoke some of the gender biased legal rules.

In some families in Gondär, women were well provided for by their parents. Their status was improved by the use of mechanisms mentioned in the legal code and by contractual modification of the law. They received land wealth through dowry or inheritance. As for dowry and marriage gifts, it was not only settled between men (the fathers of the future spouses), but also negotiated by mothers (Guidi, 1906, doc. 80). In one such case, a mother is addressed in the rare form of 'əmäbeto', a feminine equivalent for 'abeto', a title initially used in chronicles to designate members of the royal family.[75] In another case, a mother who gave her daughter a dowry, the administration of which she prescribed, is called 'wäyzäro'; a title that denotes royal blood.[76] In exceptional cases, the gifts and dowry exchanged in gold, land or labourers could be agreed upon between the spouses themselves.[77]

[74] Ms. Orient. Rüpp. 39 fol.150v second column (Goldschmidt, 1897, pp. 63–67, no. 18).
[75] Ms BL Or 508 fol. 283r (Wright, 1877, pp. 29-30 , no. 44)
[76] Ms BL Or 777 fol. 2r (Wright, 1877, pp. 255, no.350)
[77] Ms BL Or 777 fol. 2r. Another 19th century agreement where the husband decides the gift on his own accord is registered in Ms BL Or 777 fol.18v. (Wright, 1877, p. 255, no.350)

Donations need not always be dowries; they could also be gifts taking effect during the lifetime or after the death of the donator. Daughters were granted church land that was considered of secure tenure. For example, about 47% of land donations to individuals in the domain of the church of Hamärä Noh benefited women.[78]

If a parent had thought of making a will or a donation, she/he could give a larger share of the heritage to the daughters. The will of a cleric of high ecclesiastical rank is a good illustration of such results. It leaves all the lands in a church domain to a daughter. It disinherits other descendants as well as relatives and threatens that a curse will fall upon those who do not abide by its provisions; curses like anathemas were included in legal acts since they were much feared in a society that was both religious and traditional (Guidi, 1906, doc. 126).

Legal acts not only modified inheritance shares, but they also determined the person who would administer the heritage, and who would exercise power according to fixed rules. The heir received land with or without administrative privileges. Land given by donation or will, was transferred with or without an *aläqənnät*[79].

If a wealth was inherited without an *aläqənnät*, it meant that the beneficiary's incomes and lands were supervised by another person. An inheritance with *aläqənnät* on the other hand, enabled the beneficiary to have a larger share of the tributes from the land, to pass judgement, to take administrative decisions concerning the land of other heirs, to appoint officers who supervised the use of water and plots in the estate. While the customary power of the selected heir over the overall estate management was called *aläqənnät*, the person exercising such power was called an *aläqa*. This type of management was instituted for perpetuity and protected the estate from being sold out in small portions; it maintained the lands under a unified administration even when they happened to pass into the hands of buyers (Shumet, 1988, p. 9; Mahteme Selassie, 1969/1970, p. 119; Crummey, 2000, *pp*. 123-143; Namouna, 2017, pp. 263-264).

An *aläqənnät* could be given to wives or daughters as illustrated by the following case:[80]

[78] See Guidi, 1906, doc. 33, 42, 55, 58, 126, 143, and MS. BL Or. 508, fol. 282v (Wright, 1877, pp. 29-30, no. 44).

[79] The use of this expression can be seen in Illinois/IES 88.XXXVI.20; 88.XXXVI.26 (Shumet, 1988, p. 9)

[80] Illinois/ IES 88.XIII.32 (Shumet, 1988, p. 5)

ደጅ: አዝማች: ብርክያኖስ: ቤተ-ሥን: ሲሰሩ: አለቅነት: ለወይዘሮ: ተወዳጅ: ከርስትም: ከጕልትም። ዓለቃይቱ: ሹማ: ሽራ: ከግብርም: ከዳኝነትም: ከመሸዋምያም: ሲሶ: ለወይዘሮ: ነጭት: ትስጣት: ለቀሩት: ልጆች: በዳኛ: ተማጸነ: አይበልዋት: ተማፀነ: ቢልዋት: ግን: ተለጉሉም: ክጃለሁ: አይድረሱ: እርስዋም: ብታፈርስ: እርግማኔ: ይድርሳት

> When Däğ Azmač[81] Bərkyanos established a will, he gave the aläqənnät to Wäyzäro[82] Täwädağ over the lands he inherited and those that were granted to him [by kings]. The aläqa will [have the power of] appointing or dismissing officers and she will share with Wäyzäro Näčit a third of the income from [the fees received for] jurisdiction, from tributes, and from appointment fees.[83] My other descendants will refrain from presenting claims to her by appealing to a judge; I have otherwise provided so that they be [completely] disinherited. And if she [is the one who] does not abide by this will, may my curse be upon her.

This above will transferred the entire estate and its benefits to a wife, cancelling the odds of the simple application of succession rules. However, the bestowment of an *aläqənnät* on a woman could also be motivated by the security of her descendants. In an 18th century record, the descendants of a daughter were selected for *aläqənnät* when a dowry was given to her by her father. This was done to protect her from claims of other heirs to the husband's fortune.[84] Through the combined effect of *aläqənnät* and the law that saved the dowry for wives and their children, a testator could therefore effectively ensure income for his progeny.

It is only in approximately fifteen percent (15%) of cases that an *aläqənnät* was given to women.[85] This rather low percentage indicates that their inclusion in

[81] It is a military rank and title given to governors of provinces such as Damot, Bagemə… Səmen, Šäwa, Təgre especially in the 18th century. Ms. Orient. Rüpp. 39, fol.6r (Goldschmidt, 1897, pp. 63–67, no. 18)

[82] This is a title for members of the royal family, and especially of ladies from the 16th century onwards. 'Wäyzäro', *Encyclopaedia Aethiopica*, IV(2010), 1166a-b, (M. Bulach and A. Meckelberg)

[83] These are fees paid by candidates to be appointed to offices of land administration, taxation, and judgement.

[84] Illinois/IES 84.I.2-3 (Shumet, 1988, p. 1)

[85] This ratio is based on the sampling taken by Donald Crummey to which we added 7 cases. Crummey, 2000, p. 124 and also Illinois/IES 88.XIV.4, 88.XIX.28, 88.XXV.09,

land administration was restrictive. But as mentioned earlier, there were other administrative functions that they exercised. They could for instance be established on ecclesiastical land as custodian of church storehouses, mediators, or tax controllers.[86]

Women benefited from grants unequally since their share in land wealth and administration also depended on the economic positioning and social behaviour of their parents. This can be illustrated by matrimonial negotiations. In one case, the marriage agreement involved the fathers of the bride and groom, without the spouses being assigned any obvious role. The two fathers belonged to the section of the clergy that received administrative offices from the head of a church. One of them was a treasurer and the other was a head of cantors.[87] Economically speaking, treasurers were among the buyers of multiple plots in church estates; they were situated above ordinary clerics.[88] By contrast, the marriage contract of family members of high officials of the kingdom was described as occurring between the bride and the groom, and both were named. This suggests that these spouses were more active in making their fate than the clerics' children (Pankhurst, 1979, p. 462).[89]

Women's social background also influenced the level of their economic integration, especially in church estates founded by kings. Most female "clerics" were relatives of the royal family, or of the kingdom's high officials. In the church domain of Narga, women represented about 3.7% of clerics; they were all members of the royal family (Guidi, 1905, pp. 252-260). In the domain of the church of Hamärä Noḫ, women who figure in the calendar organising the services[90] amounted to 8% of clerics; 6% were designated by the address reserved for royalties (wäyzäro) or as daughters of a high official. It was only the remaining

88.XVIII.29-30, 88.XXXVI.14, 88.XXXVI.13, and 88.XXXVI.26 (Shumet, 1988, pp. 5, 7, 8, 10)

[86] Ms BL Or 508 fol. 222 (Wright, 1877, pp. 29-30 , no. 44); MS BL Or 518, fol. 16r (Wright, 1877, pp. 23-24 , no. 34); Illinois/IES DBS 6

[87] Guidi 1906, document 80; one of the fathers is mentioned as church treasurer in Guidi, 1906, documents 13,14, 24, 26, 31, 32, 36, 59, 64, 70, 74, 76, 77, 79, 80, 82, 85, 86, 88, 90, 92, 94, 95, 96, 97, 107, 108, 109, 110. He is the buyer in Guidi, 1906, documents 49 and 138.

[88] Guidi, 1906, documents 49, 69, 71, 96, 138. These are the purchases made by persons mentioned as treasurers in Guidi, 1906, documents 66, 67, 68, 69, 71, 75, 80, 81

[89] Illinois/IES 84.I.2 (Shumet, 1988, p. 1).

[90] See Guidi 1906, document 35, MS BL Or 508, fol. 222 (Wright, 1877, pp. 29-30, no. 44). This percentage is deduced from the names mentioned in the calendars of services.

2% who were without rank or title. Even among these, one named Mammit was mentioned as 'däbari' i.e. a person who had founded a church; she is probably the lady related to the royal family who upon the authorization of the king had established a church during the reign of king Tewoflos (1709-1711).[91] Ecclesiastical land was owned by these women all over the regions surrounding the town of Gondär.

It is sometimes easy to know the identity of the women. Four of the eight descendants of king Iyasu I (reg. 1682-1706) received land in the domain of the Däbrä Bərhan Səllase church. All of them acted as treasurers of this church, a function which is accessory to their possession of the lands.[92] Similarly, at least one of the ladies who were bestowed land in the domain of the Narga church is counted among the *däqiqä mängəst*, i.e. royal family (Guidi, 1905, p. 255).

In other church estates, women of the same social group received land given to *šəmagəle*-s.[93] This term designated elders, people revered for their knowledge of tradition who will act as conciliators in conflicts.[94]The *šəmagəle* has an authority resembling gerontocracy. His/her ruling is justified by the familiarity with the tradition, and he/she belongs to a family of lords who have administered the lands for several generations.

The administrative or jurisdictional role was related to landholding in the cases that have been examined. It was extremely rare that a woman got an administrative appointment independent from the holding of an estate that she came into by grant, donation or inheritance.[95]In the 17/18th century Ethiopia in which they lived, land could be possessed either by heirs or by appointed officers who received them from the king as remuneration for their services. The daughters of these lords are those who succeeded them in their wealth, and in the related authority to manage the domain and judge those who inhabit the lands.

[91] See a woman of the same name as founder of a church in Ms BL. Or 518, fol. 15v et 171r (Wright, 1877, pp. 23-24 , no. 34)
[92] Illinois/IES DBS 6
[93] Illinois/IES 84.I.10 (Shumet, 1988, p. 1)
[94] See Guidi 1906, documents 74, 137. MS BL Or 508, fol. 282v, 287v (Wright, 1877, pp. 29-30, no. 44). See definition of the term in D'Abbadie 1881, p. 216. See also women in this role in Crummey 1981, p. 464.
[95] As seen above in Ms. Orient. Rüpp. 39 fol.150v (Goldschmidt, 1897, pp. 63–67, no. 18) and Guidi 1903, pp. 62-63

Conclusion

According to the canonical legal tradition, women could not make decisions, they could not administer a household, and they had to keep away from any matter that would require that they be seen in public. They were to be dependents of fathers, then of husbands and eventually of their elder son or the male relatives of their deceased husband. This representation of gender was based on an alleged inferior nature of women and a part of the culture that undermined them.

Some provisions of the Fəṯḥa Nägäśt were judged too severe even by the standards of 18th century jurists. In compliance with the freedom of interpretation given by the law, commentators construed and adapted rules in order to make them acceptable in their society. Customs, in particular those regarding landholding, gave liberal interpretations of the law. The fact that women were on the one hand permitted to own and inherit wealth, and on the other forbidden from administrative offices was contradictory. Without an overt inconsistency with the law, it was therefore admitted that offices could be held by women if attached to the possession of land. Since in an agrarian economy, the most important wealth and source of power was arable land, women by this reasoning were admitted not only to the administration of patrimony, but also to ruling people living in their domains.

This paper is based on data produced by churches in Gondär and its surrounding, chronicles and legal commentaries of the 17th and 18th centuries. The canon rules continued to be applied, until the first half of the 20th century. Customs certainly evolved in time and from one region to the other. Comparable researches in social history will have to be undertaken in order to determine women's rights and their evolution prior to the proclamation of the Ethiopian Civil Code in 1960.

References

Abera Jembere (1998). *Legal history of Ethiopia 1434-1974,:Some aspects substantive and procedural laws*. Shama Books.

Belete Bezuneh (2001). Women in Ethiopian History: A Bibliographic Review. *Northeast African Studies*, 8(3), 7- 32.

Berry, LaVerle (2005). Gondär. *Encyclopedia Aetiopica*, vol. 2, p. 838-843.

Bryson, V. (2002). Gender. In Georgina Blakely and Valery Bryson (Eds), *Contemporary political concepts, a Critical Introduction* (pp. 108-125). Pluto press.

Carver, T. (2003). Gender. In Richard Bellamy and Andrew Mason (Eds), *Political concepts* (pp. 169-181). Manchester University Press.

Chaîne, M. (1912). *Catalogue des manuscrits éthiopiens de la collection Antoine d'Abbadie*. Imprimerie nationale.

Conti Rossini, C (1907). *Historia Regis Sarṣa Dengel.* Parisiis-Lipsiae.

Conti Rossini, C. and Jaeger C. (1954). *Vitae sanctorum indigenarum. I. Acta S Walatta Ṗēṭros. II Miracula S. Zara- Buruk.* Imprimerie Orientaliste L. Dubecq.

Crummey, D. (1979). Gondarine Rim Land Sales: an Introductory Description and Analysis. In R. L. Hess(Ed.), *ንባኤ ኃምሥ በሐውርታዊ ዘትምህርተ ኢትዮጵያ Proceedings of the Fifth International Conference on Ethiopian Studies, Session B, April 13–16, 1978, Chicago, USA* (pp. 469-479). Office of Publications Services, University of Illinois at Chicago Circle.

Crummey, D. (1981). Women and Landed Property in Gondarine Ethiopia. *The International Journal of African Studies*, 14(3), 444 - 465.

Crummey, D. (1988). Theology and Political Conflict during the Zämänä Mäsafent: The Case of Esté in Bägémder. In A. A. Gromyko (Ed.) *Proceedings of the Ninth International Congress of Ethiopian Studies, Moscow, 26–29 August 1986*, vol. VI (pp. 201-211). Nauka– Glavnaja redakcija vostočnoj literatury.

Crummey, D. (2000). *Land and Society in the Christian Kingdom of Ethiopia: From the Thirteenth to the Twentieth Century*. University of Illinois Press.

D'Abbadie, Antoine. (1881). *Dictionnaire de la langue Amariññа*. F. Vieweg.

D'Abbadie, Arnauld. (1868). *Douze ans de séjour dans la haute Ethiopie (Abyssinie)*. Librairie de L. Hachette.

Daniel Ayana. (1989). *A catalogue of land tenure related microfilm from churches and monasteries of Gojjam recorded between January and July 1989*.

Dästa Täklä Wäld (1969/1970). *ዐዲስ ያማርኛ መዝገበ ቃላት* (*ʿAddis yamarəññа mäzgäbä qalat*,). Artistik mattämiya bet.

Dibekulu Zewde. (1993). *ፍትሐ ነገሥት፡ ብሔረ ሕግ ወቀኖና (‘Fetha Nagast: Nomocanon’)*. Berhanena Selam Printing Press.

Dillmann, A. (1848). *Catalogus Codicum Manscriptorum Bibliothecae Bodleianae Oxoniensis*. Oxford University.

Encyclopaedia Aethiopica (2003). S. Uhlig, ed., , I: *A–C*; II: *D–Ha*; in cooperation with A. Bausi, ed., IV: *O–X*. . Harrassowitz Verlag.

Encyclopedia of Philosophie (2006). D. Borchert (ed.) Thomson Gale.

EOTC [Ethiopian Orthodox Täwaḥədo Church] (1997/1998). *ፍትሐ ነገሥት ንባቡና ትርጓሜው* (*Fətḥa nägäśt nəbabuna tərgʷamew*. Tənśaʾe yämäṣaḥəft masattämiya dərǧət.

EOTC (2002/2003). *ፍትሐ ነገሥት ንባብና ትርጓሜው* (*Fətḥa nägäśt nəbabəna tərgwamew*). Tənśaʾe zägubaʾe mattämiya bet.

Franck, K. (2010). Jewish women and property in fifteenth century Umbria. In Jutta Gisela Sperling and Shona Kelly Wray (Eds), *Across the religious divide: Women property and law in the wider Mediterranean* (pp. 95-108). Routledge.

Getachew Haile (1981). *A Catalogue of Ethiopian Manuscripts Microfilmed for the Ethiopian Manuscript Microfilm Library, Addis Abeba and for the Hill Monastic Manuscript Library, Collegeville*, (IV-X).

Goldschmidt, L. (1897). *Die Abessinischen Handschriften der Stadtbibliothek zu Frankfurt am Main (Rüppell’sche Sammlung) nebst Anhängen und Auszügen*. Berlin: Calvary.

Guidi, I. (1903). *Annales Iohannis I, Iyāsu I, Bakāffā: Textus*. Otto Harrassowitz.

Guidi, I. (1905). Il racconto di Narga., *Rendiconti della Reale Accademia dei Lincei*, 5(14). Tipografia della Accademia.

Guidi, I. (1906). Gli archivi in Abissinia. In *Atti del Congresso internazionale di scienze storiche (Roma, 1–9 aprile 1903), Volume III, Atti della Sezione II: Storia medievale e moderna, Metodica–Scienze storiche ausiliarie* (pp. 651-698). Tipografia della R. Accademia dei Lincei.

Guidi, I. (1910). *Annales regum Iyāsu II et Iyoʾas: Textus*. Otto Harrassowitz.

Ḥaddis Gäbrämäsqäl (1988). *መጽሐፈ መድኃኒት* (*Mäṣḥafä mädḥanit*, ‘A book of medicine’). Haddis Publications.

Hiruy Abdu (2018). *ታሪካዊ የዘመን አቆጣጠሮችና ስሌቶች* (*Tarikawi yäzämän aqoṭaṭäročna səletoč* ‘Historical chronography and calculations’). Andəmta Asatami.

Huntingford, G.W.B. (1989). *Historical Geography of Ethiopia*. Oxford University Press.

Kane, T.L. (1990). *Amharic–English Dictionary*, II: ኘ–ፐ. Otto Harrassowitz.

Kidanäwäld Kəfle (1955/1956). *መጽሐፈ፡ ሰዋስው፡ ወግስ፡ ወመዝገበ፡ ቃላት፡ ሐዲስ።* (*Mäṣḥafä säwassəw wägəs wämäzgäbä qalat ḥadis*, ‘A book of grammar and verb, and a new dictionary’). Artistik mattämiya bet.

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

Lufti, H. (1991). Manners and customs of fourteenth century Cairene women: female anarchy versus male Shari’a order in prescriptive Muslim treatises. In Nikki R. Keddie and Beth Baron (Eds), *Women in Middle Eastern History, Shifting Boundaries in sex and gender* (pp. 99-121). Yale University press.

Macomber F. (1975). *A Catalogue of Ethiopian Manuscripts Microfilmed for the Ethiopian Manuscript Microfilm Library, Addis Abeba and for the Hill Monastic Manuscript Library, Collegeville*, (I-III, V-VII).

Mahteme Selassie Wolde Meskel, (1969/1970). *ዝክረ ነገር* (*Zəkrä nägär*, ‘Record of things’). Artistik Mattämiya Bet.

Merid Wolde Aregay (1990). **የቴዎድሮስ ዓላማዎች ከየት እንደመነጩ** [the origins of Tewodros’ strategies]. In Taddese Beyene, Richard Pankhurst and Shiferaw Bekele (Eds.), *Kassa and Kassa, papers on the lives, times and images of Tewodros II and Yohannes IV*. Institute of Ethiopian Studies, Addis Ababa University.

Namouna Guebreyesus (2014). Rim Transactions of liqe Bätre: A Preview of the Transactions on Lands in the mäzgäb of Ḥamärä Noḫ. *Aethiopica*, 17, 96–120.

Namouna Guebreyesus (2017). *Les transferts fonciers dans un domaine ecclésiastique à Gondär (Ethiopie) au XVIIIe siècle*. PhD Thesis. n.pub.

Namouna Guebreyesus and Hiruy Abdu (2018). The Establishment of *Gwəlt* and *Rim* Landholdings in Eighteenth Century Gondärine Churches with a Special Focus on Ḥamärä Noḫ Śälästu Məʾət Däbr. *Aethiopica 21*, 137-163.

Pankhurst, R. (1979). An Eighteenth Century Ethiopian Dynastic Marriage Contract between Empress Mentewab of Gondar and Ras Mika’el Sehul of Tegre. *Bulletin of the School of Oriental and African Studies*, 42(3), 457-466.

Pankhurst, R. (1982). The visit to Ethiopia of Yohannes T’ovmacean, an Armenian jeweler in 1765- 1766. *Journal of Ethiopian Studies* 15, 79- 104.

Pankhurst, R. (1990). *A social History of Ethiopia, The Northern and Central Highlands from Early Medieval Times to the Rise of Emperor Tewodros II*. Institute of Ethiopian Studies, Addis Ababa University.

Pereira, F.M.E. (1892). *Chronica de Susenyos, rei de Ethiopia* . Imprensa Nacional.

Sand, P. (2020). Roman law in Ethiopia: traces of a seventeenth century transplant. *Comparative Legal History*, 8(2), 116-143

Sergew Hable Selassie (1988a). **ወለተ ጴጥሮስ** (Wälätta Ṗeṭros). In Sergew Hable Selassie (Ed.), **የአማርኛ የቤተ ክርስቲያን መዝገበ ቃላት**. *Amharic Church Dictionary*, VIII (pp. 96-101). n.pub.

Sergew Hable Selassie (1988b). **ወልደ ዮሐንስ /መልአከ ብርሃን/** (‘Wäldä Yoḫanəs / Mälakä bərhan/). In Sergew Hable Selassie (Ed.), **የአማርኛ የቤተ ክርስቲያን መዝገበ ቃላት**. *Amharic Church Dictionary*, V (pp. 157-162). n.pub.

Sergew Hable Selassie (1990). **ፍትሐ ነገሥት** (‘Fəṯḥa nägäśt’, ‘Kings’ Book of Law’)’. In Sergew Hable Selassie, (Ed.), **የአማርኛ የቤተ ክርስቲያን መዝገበ ቃላት**. *Amharic Church Dictionary*, XIII (pp. 178-181). n.pub.

Shenoda, M. (2010). Regulating Sex: A Brief Survey of Medieval Coptic Canons. In Jutta Gisela Sperling and Shona Kelly Wray(Eds.), *Women property and law in the wider Mediterranean* (pp. 25-37). Routledge.

Shiferaw Bekele (1990). Reflections on the Power Elite of the Wärä Seh Mäsfenate (1786- 1853). *Annales d’Ethiopie*, 15, 157-179.

Shumet Sishagne (1988). *A catalogue of land tenure related microfilm from churches and monasteries of Gondar province recorded in 1984 and January and July 1988*.

Stoffregen-Pederson, K. and Tewodros Abreha (2003) Andəmta. in *Encyclopedia Aethiopica*, 1, 258-259.

Täsäma Habtämichael (2009/2010). ***የዐማርኛ፡ መዝገበ፡ ቃላት*** [*Yä’amarəñña mäzgäbä qalat* ‘Amharic Dictionnary’], second edition.

Täsfa Gäbräsəllase (1996). ***ወንጌል ቅዱስ*** [*Wängel Qəddus* ‘The Gospels]. Täsfa Gäbräsəllase.

Ullendorff E. & Wright S. (1961). *Catalogue of Ethiopian Manuscripts in the Cambridge University Library*. Cambridge University Press.

[UNESCO Mobile Microfilm Unit] (1970). *Catalogue of Manuscripts microfilmed by the UNESCO Mobile Microfilm Unit in Addis Ababa and Gojjam Province*. Ministry of Education and Fine Arts, Department of Fine Arts and Culture.

Wäldä Yoḫannəs (n.d). **ክፍል ዳግማዊ ትርጓሜ** [*Kəfəl dagmawi tərəgwame* ‘Commentaries of the second part of the Fəṯḫa nägäśt’]. n.pub.

Wright, W. (1877). *Catalogue of the Ethiopic manuscripts in the British Museum acquired since the year 1847*. Longmans & CO.