

ORIGINAL ARTICLE

Abolitionist Decrees in Ethiopia: The Evolution of Anti-Slavery Legal Strategies from Menilek to Haile Selassie, 1889–1942

Takele Merid¹ and Alexander Meckelburg²

¹Institute of Ethiopian Studies, Addis Ababa University, Addis Ababa, Ethiopia and

²Department of History, University College London, London, UK

Corresponding author: Alexander Meckelburg; Email: alexander.meckelburg@ucl.ac.uk

Abstract

Slavery and the slave trade were fundamental institutions in Ethiopian history. Their abolition was a protracted process that involved developing, debating, passing, and applying multiple anti-slavery and anti-slave trade edicts and decrees under successive rulers. While slavery existed in various societies that were later integrated in the Abyssinian empire since the second half of the nineteenth century and took different forms based on different legal traditions, this article focuses specifically on the Christian kingdom and its successor empire. It analyzes changes and continuities in legal approaches to slavery and its suppression through consecutive Ethiopian governments starting with a discussion of slavery's regulation in the ancient Christian law code, the *Fetha nagast* ("The Law of the Kings"). The article then considers how successive Christian emperors developed anti-slavery policies in response to both local and global dynamics.

Slavery and the Law in Ethiopia

Customary laws of slave-holding societies across Ethiopian history determined how members of these societies used the labor of enslaved peoples and regulated their status. Analyzing these legal traditions highlights the cultural norms and ideologies of enslavement and may provide insights into the nature of slave-holding regimes in Ethiopian history. No coherent overview of different customary approaches to slave holding (including questions of property, inheritance, and manumission) and the roles, functions, statutes of slaves in various Ethiopian societies exists as of now.¹ Outside Islamic traditions

¹ Various regional slaving systems are discussed in the ethnographic literature, e.g., Lambert Bartels, *Oromo Religion: Myths and Rites of the Western Oromo of Ethiopia; an Attempt to Understand*,

observed in Ethiopia, which adhered to Quranic legal regulations, and Christian Orthodox traditions, which are the primary focus of this article, customary laws were predominantly conveyed orally. Only a limited number of these customs were documented in writing by foreign and domestic administrators and researchers.²

The emerging Ethiopian state was primarily composed of Christian societies such as the Amhara and Tsegreña. These, along with their allies, were themselves slave-holding societies. Their rulers derived economic benefits from taxing the slave caravans that passed through their territories along trade routes spanning northern Ethiopia, the Red Sea, and Sudan.³ These Orthodox societies relied on an early written text of codified law. The *Fetha nagast* regulated, among other civil and legal matters, slavery and manumission practices since the fifteenth century.⁴

During the mid-1870s to ca. 1900, the kingdom of Shewa, led by King (later, Emperor) Menilek, embarked on a significant territorial expansion. This expansion played a pivotal role in shaping the contemporary political boundaries of Ethiopia. As these newly conquered regions were integrated into the Ethiopian domain, the emerging center of authority in Addis Ababa assumed administrative control. In parallel with this territorial shift, Ethiopia underwent a transformative process. It evolved from a collection of diverse societies where slavery was customarily regulated, to a society where slavery became regulated under a common Christian legal code. The *Fetha nagast* hence provided the customary subtext for a legal system in transformation. The Christian law remained a point of reference for the modernization of the legal sector well into the twentieth century. By the 1950s, a Codification Commission convened legal experts from Ethiopia, Europe, and America to establish a new penal system. On the interplay between Western and Ethiopian legal traditions, Haile Selassie, in his opening remarks delivered before the Commission, emphasized, “the point of departure must remain the genius of the Ethiopian legal tradition and institutions which have origins of unparalleled antiquity and contiguity.”⁵

Collectanea Instituti Anthropos: Anthropos-Institut (Berlin: Reimer, 1983); Remo Chiatti, “The Politics of Divine Kingship in Wolaita (Ethiopia), 19th and 20th Century” (PhD thesis, University of Pennsylvania, 1984); Werner J. Lange, *History of the Southern Gonga (Southwestern Ethiopia)* (Wiesbaden: Franz Steiner Verlag, 1982).

² Friederike Kemink, “The Tsegreña Customary Law Codes,” *Paideuma* 37 (1991): 55–72; Abdulkader Saleh Mohammad and Hirt Nicole, “Conflict Resolution and Customary Law in Contemporary Eritrea—Case Studies of the Saho Community,” in *Tigre Studies in the 21st Century: Tigre-Studien im 21. Jahrhundert*, ed. Rainer Voigt, Studien zum Horn von Afrika 2 (Köln: Rüdiger Köppe Verlag, 2015), 153–68.

³ Alice Moore-Harell, “Economic and Political Aspects of the Slave Trade in Ethiopia and the Sudan in the Second Half of the Nineteenth Century,” *The International Journal of African Historical Studies* 32, no. 2/3 (1999): 407.

⁴ The presence of the textual record should not obfuscate the underlying reality that the implementation and legal protocols within a predominantly oral society remain enigmatic and deficient in empirical data.

⁵ “አዲሱ የፍትህ ነገሥት ኮሚሽን,” “The New Fetha Negast Commission,” 1955, Ethiopian National Library and Archive Agency/55 EMMML./1955.

Yet, scholars are divided on the impact of this legal change on the overall legal history of Ethiopia. One view downplays its influence claiming that it mattered primarily to Christian elites who could access sources in the Ge'ez language, often inaccessible to many non-Christian.⁶ We argue that Christian law strongly shaped pro-slavery and anti-slavery ideology. Legal pluralism and multiple, sometimes overlapping regulations remained influential at different times and in different places. We regard the *Fetha nagast* as a legal tradition, with Thomas Duve, transporting fundamental “modes of normativity other than those that resulted in the (Western) modern state.”⁷

The resilience of slavery in Ethiopia, despite official efforts to abolish it, is conventionally explained by the inability of Ethiopian rulers to exert power and authority across the entire territory, or by the impact of international pressure and the interplay of modernization and conservatism.⁸ Most studies on slavery have traditionally centered on British and Italian deliberations on the subject and the documentation produced by the League of Nations. Nevertheless, these studies often overlook the Ethiopian perspective, particularly in relation to internal political factors, ideological considerations, and conceptualizations of slavery. Additionally, a systematic analysis of the legal frameworks of slavery in Ethiopia is yet to be done.

This article contributes to addressing these gaps by examining the *Fetha nagast's* changing influence on the development of Ethiopia's national anti-slavery legislation over the period 1889–1942. The *Fetha nagast* served a dual purpose in Ethiopian society. On one hand, it regulated the treatment of slaves, effectively sanctioning the practice of slavery, while on the other hand, it delineated the rights and responsibilities of slave owners. These dual functions highlight how slavery became institutionalized and legitimized in Ethiopia. Simultaneously, by enforcing manumission and allowing it to take root in Christian society, the *Fetha nagast* also laid the groundwork for the eventual process of abolition in Ethiopia. A legal-historical perspective on the question of slavery and anti-slavery offers valuable insights into the coexistence of these opposing forces during Ethiopia's pursuit of nationhood. The *Fetha nagast*, steeped in Christian ethics, viewed both slavery and manumission as integral components of a broader moral framework.

In the ensuing sections, we will review selected anti-slavery laws, closely examining the texts and contexts of consecutive edicts enacted between 1889 and 1942. We focus on four consecutive proclamations beginning with the 1906 edict by Emperor Menilek, followed by the 1923 and 1924 laws passed under the government of Empress Zawditu, and Ras Tafari as well as the final proclamation of 1942. Our analysis explores how these proclamations related to

⁶ Norman J. Singer, “Modernization of Law in Ethiopia: A Study in Process and Personal Values,” *Harvard International Law Journal* 11, no. 1 (1970): 73–125.

⁷ Thomas Duve, “Theorie und Methode der Analyse asymmetrischer Formen von Abhängigkeit,” *BCDSS Working Papers* (Bonn: Bonn Centre for Dependency and Slavery Studies, 2022).

⁸ Sterling Joseph Coleman, “Gradual Abolition or Immediate Abolition of Slavery? The Political, Social and Economic Quandary of Emperor Haile Selassie I,” *Slavery & Abolition* 29, no. 1 (2008): 65–82; Suzanne Miers, *Slavery in the Twentieth Century: The Evolution of a Global Problem* (Walnut Creek, CA, et al.: Rowman & Littlefield, 2003).

the principles of the ancient Christian legal code, providing a nuanced understanding of the evolution of slavery-related laws in Ethiopia. After all, these laws highlight “forms of knowledge, (...) constructed in discourses whose rules of formation bear the imprint of social structure.”⁹ Thus, a close reading of the laws can help us understand ideological, cultural, and political dynamics in the context of rising anti-slavery mobilization in Ethiopia.¹⁰

Slaves and Manumission in the *Fetha nagast*

The Christian law code has been subject to various studies, some of which dealt specifically with the handling of slavery and manumission.¹¹ The code encompasses regulations pertaining to ecclesiastical issues as well as civil matters, including family affairs, inheritance, criminal offenses and penalties, and various legal concerns. Chapter 32 of the code specifically addresses the regulation of slavery. Introduced to Christian Ethiopia in the fifteenth century and attributed to the Coptic monk Abu-l Fada-il Ibn al-‘Assal, the *Fetha nagast* contains Mediterranean, Judeo-Christian, and Greco-Roman elements. Its approach to freedom is, like Bernard Freamon argued for the Islamic tradition, “deceptively simple.”¹² While the Quran defines freedom as the absence of slavery, the *Fetha nagast*, in principle, asserts that all men are “born free” (አጋዚያን, “agaziyan”) based on natural law known as “ቡጥንተ ተፈጥሮ” (“betente taftero”), which upholds the God-given equality of all humans. Consequently, a person becomes a slave (ባሪያ, “bariyya”) as a result of captivity, in accordance with the “law of war and victory.”¹³ Furthermore, enslavable populations are categorized according to the Old Testament (Leviticus 25: 44–46):

Those whom you take from the 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 them, and from among their offspring born in your

⁹ Christopher Tomlins, “Subordination, Authority, Law: Subjects in Labor History,” *International Labor and Working Class History* 47, no. 47 (1995): 56–90.

¹⁰ We invert Lovejoy’s assertion, an “examination of ideology (of slavery) focuses on the legal and religious setting of Islamic culture” (Paul E. Lovejoy, ed., *The Ideology of Slavery in Africa* (Beverly Hills & London: SAGE Publications, 1981), 17).

¹¹ A. L. Gardiner, “The Law of Slavery in Abyssinia,” *Journal of Comparative Legislation and International Law* 15, no. 4 (1933): 180–202; Habtamu Tegegne, “The Edict of King Gälawdewos Against the Illegal Slave Trade in Christians: Ethiopia, 1548,” *The Medieval Globe* 2, no. 2 (2016): 73–114; Richard Pankhurst, “Slavery and Emancipation in Traditional Ethiopia: The Role of the Fetha Nagast, or Laws of the Kings,” *African and Asian Studies* 10, no. 1 (2011): 32–40; David Benjamin Spielman, “Law of Spirit and Flesh: The Law of Kings and Legal Development in Early-Modern, Christian Ethiopia” (PhD thesis, University of California, Los Angeles, 2021).

¹² Bernard K. Freamon, “Definitions and Conceptions of Slave Ownership in Islamic Law,” in *The Legal Understanding of Slavery: From the Historical to the Contemporary*, ed. Jean Allain (Oxford, UK: Oxford University Press, 2012), 41.

¹³ Peter L. Strauss, ed., *The Fetha Nagast: The Law of the Kings*, trans. Pawlos Tzadua (Addis Ababa: Faculty of Law, Haile Sellassie I University, 1968). We compare this with the Amharic and Ge’ez Text: ቆጥሩ ነገሥት (Addis Ababa: Tinsae Publishing Enterprise, 1998).

land, and they shall be for you and your children after you, and an inheritance.

It is noteworthy that Strauss and Tzadua's English translation uses the term "alien" to translate a word that literally means "heathen" (አሕዛብ, "ahzab") in the Ge'ez version of the text.¹⁴ Therefore, to summarize, legally enslavable individuals included non-believers/non-Christians and prisoners of war. In colloquial Amharic, etymologically, the term "bariya" is used to describe "someone who is forced to work like an ox" and is deprived of the ability to question their situation.¹⁵ This concept is intricately connected to words like አሸከር ("ashker"), which denotes a person without freedom, and, as we have already seen, to "war captive," or "merko" (ምርኮ).¹⁶

Thus, we argue, in Ethiopia's Christian traditions, *bariya* was a legal category based on religious norms that had significant practical implications for the *masters*. The religious nature of the *master-slave* relationship is illustrated clearly by the provisions regarding manumission, outlined in the *Fetha nagast*. Here manumission is described as "one of the deeds of perfection which must be done, for it is an excellent form of alms: it is granting to a man the right to become master of himself, according to the original law of his natural liberty." Therefore, slavery and manumission are intricately linked, as enslavement is understood as part of a transformative process aimed at preparing the slave for *civilization*, known as *seltane*. "Therefore," argues Yonas Ashine, "ḥalāṭāne was central to the justification of *barənāt* or slavery, which was defined by civilizational, cultural or religious otherness in the Ge'ez or Amharic discursive world."¹⁷ The baptism of a slave was encouraged and viewed as a civilizing procedure transforming a non-believer into a member of the Christian community. This sets the pretext and ideological foundation of slavery in Ethiopian public life. Slavery and manumission are deeply religious concepts and are comparable to Lovejoy's assessment of the institution of slavery in Islam as "a method of religious conversion and indoctrination."¹⁸

Seven criteria for manumitting enslaved persons may result in the latter's *freedom* (ነጻነት, "netsanet") which is the procedural result of manumission. First, if the slave has passed through the inheritance of three masters, e.g. from grandparent to grandchild, then the third owner ought to manumit the slave. Freedom can be complete or partial, which depends on the willingness of the master. Second, if the slave is baptized and becomes a deacon, priest, monk, or Godparent with the owner's permission, the slave must be set free.

¹⁴ The original Ge'ez passage reads: "አምላካዊብ፡አለ፡ይነብ፡ብዓው፡ድከሙ፡" ("əm'ahəzab 'əlla yənəbərəu bā'awədəkəmmu,"—"heathen and strangers who live around you"), quoted in Spielman, "Law of Spirit and Flesh," 125.

¹⁵ Desta Tekle Wold, አዲስ የአማራጅ መዝገብ ቃላት (*Addis yamariñña mäzḡäbä qalat*, A New Amharic Dictionary) (Addis Ababa: Artistic Printing Press, 1962).

¹⁶ Desta Tekle Wold, A *New Amharic Dictionary*; Säyfu Mätaferia. "የባሪያ ስም በ አማራው ባህል (Yäbariya Səm Bāamaraw Bahäl, Slave Names in Amhara Culture)," *Journal of Ethiopian Studies* 10, no. 2 (1972), 139.

¹⁷ Yonas Ashine Demisse, *Slaves of State, Intellectuals of Development: A Genealogy of Development in Ethiopia* (Makerere, Uganda: Makerere Institute of Social Research, 2022), 89–90.

¹⁸ Lovejoy, *The Ideology of Slavery in Africa*, 17.

Third, if the slave becomes a soldier, the slave must be set free. Fourth, if the slave saves his master, he should be set free. Fifth, as indicated above, if a pregnant slave has been manumitted, her child is born free. Sixth, if a slave is imprisoned by an enemy for a certain period and freed by the enemy, then if the slave is willing to return to his former master, he is to be set free. Seventh, should the owner die without heirs, the enslaved person must be freed.

Finally, re-enslavement might occur if the formerly enslaved person tries to attack his former master or family members.

In summary, the *Fetha nagast* provides for the legality of slavery and circumscribes the circumstances of enslavement. It is, at the same time, the critical legal instrument that regulates manumission. Orthodox Christianity obliges the master to give the enslaved person facilities for Christian religious worship. In addition, the master has the duty to compel his non-Christian slaves to accept baptism and to baptize any slave children born in the master's house.¹⁹ Ultimately, manumission is an act of piety and a Christian duty that accomplishes the integration of a non-believer, through enslavement, into a (Christian) community.

Anti-Slavery, Foreign Influences, and Domestic Politics under Menilek, ca. 1880–1906

The trade in slaves in and out of Ethiopia attracted growing British attention with the expansion of colonial interests in the East African region, the Red Sea and the Gulf of Aden since the mid-nineteenth century. Although Ethiopian rulers of the time gained revenue from the trade through their territories, it was a typical colonial practice to negotiate clauses providing for the suppression of the slave trade in the treaties between foreign powers and Ethiopian rulers. Menilek was no exception. These treaties usually included a paragraph in which the Ethiopian rulers agreed to suppress the traffic of slaves in their territory. However, such treaties have received relatively little attention due to their marginal impact.²⁰ But what was negotiated in their clauses, from an Ethiopian perspective?

Regarding the slave trade, the *Fetha nagast* is explicit: the “sale of a believer to an unbeliever is not allowed.”²¹ Regulations of the trade in slaves through Christian territories have been attested in various epochs. The first attested text that outlawed the trade of Christian slaves can be attributed to King Galawdewos in the sixteenth century. Habtamu Mengistie, who provided a critical edition of the edict of Galawdewos, found that it was “structured around the same legal and religious principles found in the *Fetha Nägäst*.” The text

¹⁹ Gardiner, “The Law of Slavery in Abyssinia,” 183.

²⁰ Rexford Henry Kofi Darkwah, *Shewa, Menelik and the Ethiopian Empire: 1813–1889* (London: Heinemann, 1975); Sven Rubenson, “The Adwa Peace Treaty,” in *Proceedings of the Third International Conference of Ethiopian Studies*, eds. Richard Pankhurst and Stanislaw Chojnacki, vol. I, III vols. (Addis Ababa: Institute of Ethiopian Studies, 1969), 225–36.

²¹ Strauss, *The Fetha Nagast*, 175.

states, “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.”²²

The next known edict dealing with the suppression of the slave trade is the 1884 appendix of the “Hewett treaty,” ending the military confrontation between Ottoman Egypt and Ethiopia. The treaty was firmly set in the context of British attempts to suppress the Arab slave trade in the Red Sea area. Unlike the Galawdewos treaty, it forbade the sale of slaves from any country, which is a clear deviation from the *Fetha nagast*. Meckelburg and Solomon, who edited the text, perceived it to be a translation of a British text.²³ In the context of British imperialism, Emperor Yohannis IV (r. 1872–1889) could not have advocated different measures/treatments for Christian and non-Christian enslaved persons. Therefore, Yohannis’ treaty introduced the generic term *bariya*, and made the selling of enslaved persons of all creeds in the territory under his control illegal. The treaty also laid the foundation for abolition as a central topic in inter-state negotiations within the Horn of Africa. The British Anti-Slavery Society played a significant role in supporting Ethiopian emperors in this regard.²⁴

In his diplomatic dealings, Menilek wrote international letters, referring to his anti-slavery commitments as a Christian.²⁵ Such efforts need to be seen in the context of Ottoman expansionism in the Red Sea area. Both Yohannis and Menilek stated that they wished to join the anti-slave trade struggles of European powers to establish a Christian alliance against the atrocities of the Arab slave trade.

While the abolition of slavery may not have initially been a major concern for Ethiopia’s rulers, it became one as relations with abolitionist European powers intensified in the late nineteenth century. Menilek demonstrated skill in navigating diplomatic relations with European rulers and authorities, portraying himself as a fellow advocate in the crusade against slavery and the slave trade.²⁶ During his campaign to conquer the southern regions of Ethiopia, Menilek pursued a dual objective: firstly, to establish his legitimacy as a ruler in these newly conquered areas, and secondly, to secure the support of European powers to consolidate his political and economic expansionist ambitions. Recognizing the growing hostility of European governments toward the slave trade, Menilek seized an opportunity to align himself with their

²² Habtamu Tegegne, “The Edict of King Gälawdēwos,” 87.

²³ Alexander Meckelburg and Solomon Gebreyes, “Ethiopia and Great Britain: A Note on the Anti-Slavery Protocol of 1884,” *Northeast African Studies* 17, no. 2 (2017): 61–82.

²⁴ James Heartfield, *The British and Foreign Anti-Slavery Society, 1838–1956: A History* (London: Hurst & Company, 2016).

²⁵ Harold G. Marcus, *A History of Ethiopia* (Berkeley, Los Angeles, London: University of California Press, 1994), 36.

²⁶ Richard Caulk, *Between Jaws of Hyenas. A Diplomatic History of Ethiopia (1876–1896)*, ed. Bahru Zewde, *Aethiopistische Forschungen* (Wiesbaden: Harrassowitz Verlag, 2002), 9.

interests. However, we contend that a nuanced perspective is necessary, as the suppression of the slave trade involving Christian subjects held a significant place in Ethiopian foreign policy.

Ethiopian concerns harmonized with the emerging British anti-slavery agenda, despite divergent emphases. British anti-slavery claimed to be guided solely by the principles of humanitarian imperialism, but British abolitionism was clearly connected with growing imperialism in Africa. Likewise, Ethiopian anti-slavery was motivated by an internal form of imperialism aimed at revitalizing Ethiopia's image as a modern imperial power. In contrast to British imperialist abolitionism, which sought to operate on a global scale, Ethiopian abolitionism possessed a nationalist and sub-regional imperialist character.

On November 9, 1878, in a letter to Queen Victoria, Menilek wrote, "I have heard moreover that Your Majesty has forbidden the slave trade. Thank God, the prisoners taken during the latest expedition have been sent back to their families. Only the people of the coast of the Red Sea trade with them."²⁷ In this letter, he leaves the responsibility for the slave trade solely with the Arab merchants and even affirms that he repatriated those enslaved during his own military campaigns. On December 6 of the same year, he sent three similar letters to Queen Victoria, King Umberto I of Italy, and King Leopold II of Belgium, confirming his anti-slavery stance and asking for support in weapons: "Let me protect myself, develop my country and abolish slavery."²⁸ In November 1883, he issued a decree persecuting Christians involved in the slave trade in territories under his control. In this decree, he also mentioned that "if any Muslim [is found] traveling with slaves [he] should be arrested, chained and taken to prison."²⁹ After the death of Emperor Yohannis, in March 1889, Menilek was crowned *King of Kings*. From this moment until in the mid-1890s, he took further measures to abolish slavery and the slave trade. In April 1889, he issued a decree formally abolishing slavery, but exempting war captives from this proclamation.³⁰ In this decree, the emperor mentioned that war captives caught in his campaigns were considered slaves, did not have any rights, and should provide service for the next seven consecutive years.³¹ On May 2, 1889, Menilek signed with Italy the treaty of Wuchale, which in article XIV abolished the slave trade but not slavery.³²

²⁷ Sven Rubenson, ed., *Internal Rivalries and Foreign Threats: Acta Aethiopica*, vol. III, Acta Aethiopica (Addis Ababa: Addis Ababa University Press, 2000), 288; s. Institute of Ethiopian Studies Archive, microfiche, IES, Men, 28–67.

²⁸ Rubenson, ed., *Internal Rivalries and Foreign Threats*.

²⁹ Richard Pankhurst, *Economic History of Ethiopia, 1800–1935* (Addis Ababa: Haile Sellassie I University Press, 1968), 100, 104.

³⁰ Pankhurst, *Economic History of Ethiopia, 1800–1935*, 104.

³¹ This part of the decree seems depended on the principles taken from *Fetha nagast*.

³² Article 14. The slave trade was against the principles of the Christian religion, His Majesty the King of Kings of Ethiopia is committed to prevent it with all his power, so that no caravan of slaves can cross his country, a copy with Ethiopian, English, and Italia translation is included in FO1/51/ Foreign Record Office, "Treaties and Conventions with Abyssinia."

Following the Wuchale treaty, Italy handled Ethiopia as a protectorate. Although this gave rise to considerable tensions both with Ethiopia and with other international powers in eastern Africa, in March 1890, Italy represented Ethiopia at the Brussels Anti-Slavery conference. Menilek later accepted the result of the congress to repress the slave trade.³³

Ambiguity arises with the expansion of the slave raids under Menilek's governors and army leaders in the wake of the southern conquest. Timothy Fernyhough addressed the contradictions in the behavior of Abyssinia's ruler, who was seen as a "slaver and abolitionist."³⁴ Initially, the Ethiopian army operated in a relatively decentralized manner, guarded by the legal doctrine of the *Fetha nagast*. However, the expansion of raids extended to the central regions, where the demand for labor was primarily fulfilled through the utilization of enslaved workers. Building upon Fernyhough's economic argument, it is worth emphasizing that slavery remained under the purview of the state. Rather than revealing contradictions in Ethiopian policies, slavery and manumission complemented each other as instruments of Ethiopia's state-building endeavors. Bogalä Wallälu's account of Menilek's Wolayta campaign illustrates how both enslavement and manumission were employed to subdue and patronize peripheral regions while also legitimizing imperial rule.

Emperor Menilek celebrated Sunday and spent the day at a town known as Delbo. The strong soldiers of Emperor Menilek, on hearing Menilek's decree that soldiers take captives for themselves, they preferred capturing to killing; and started to take as many men, women and kids. (...). The battle was victoriously concluded and Menilek marched back to Addis Ababa. On his way back, he spent a day at a village known as Jegi and passed an important announcement. He ordered soldiers to present what they had captured. Many captives, including children, male and female, were presented before him. At this point Emperor Menilek let women and elders remain in their homeland. In an immense kindness and fatherly advice, he told them to keep peace and security of their land.³⁵

Once Emperor Menilek had consolidated his control over the territory of modern Ethiopia, he began to introduce new regulations to modernize the state and its bureaucratic apparatus.

The office of the emperor remained central to the evolving state bureaucracy. The *awaj* ("proclamation," an order with the force of law) was the principal format for the king's laws. It was a decree read out by *awaj negari* ("proclaimer of the *awaj*") in villages, markets, and other public gatherings across the country.³⁶

³³ Pankhurst, *Economic History of Ethiopia, 1800–1935*, 105.

³⁴ Timothy Derek Fernyhough, *Serfs, Slaves and Shifta: Modes of Production in Pre-Revolutionary Ethiopia* (Addis Ababa: Shama Books, 2010), 109.

³⁵ Bogalä Walällu, የወላም ሕዝብ ታሪክ ባርነትም፡ እንደተወገደ (*The History of Wälamo and how Slavery was abolished*) (Addis Ababa: Berhanena Selam Printing Press, 1964), 53–55.

³⁶ The term *awaj* is still used for government's proclamation/decrees. The anti-slavery legislations are usually referred to as *awaj* (or proclamation) except for the 1924 law, which is named

Reforms of the judiciary would begin under Menilek, who created a three-tiered judicial system that also responded to the needs of an expanding territory where state laws had to be broadcast among diverse societies.³⁷ The speaker of the Emperors, the *afe negus*, literally “mouth of the king,” presided over the High Court proceedings in Addis Ababa.³⁸ Tribunals were set up in Addis Ababa to hear appeals from all regions of the Empire; provincial courts were manned by ministers of interior, who continued to refer exclusively to the regulations and interpretations of the *Fetha nagast*, disregarding indigenous systems that had previously existed.³⁹ Thus, the following proclamation of 1906 can be seen as the first national proclamation against slavery at a point when the political boundaries of the modern Ethiopia had recently been set:

ዳግማዊ ምኒልክ ንጉሠ ነገሥት ዘኢትዮጵያ
የሌባ ነገር የተቀጣህልኝ መስሎኝ ከዚህ ቀደም እጅህንም እግርህንም ቆረጥሁህ፤ በጅራፍም ገረፍኩ፤ ግንባርህንም ተኮስኩ፤ አንተ ግን መስረቅህን የማትተው ሆንክ። አሁንም ስትሰርቅ የተገኘህ ሌባ ባሪያ ሁነህ ትገዛለህ፤ ሌባነትክን ተወኝ። እንግዲህ ግን በከተማም በባላገርም ሲሰርቅ ባሪያም ሲፈነግል ያገኘኸውን ሰው እጁን ይዘህ አምጣልኝ፤ ግንባሩን እየተኮስኩ እስከ ልጅ ልጅህ ባሪያ አድርገህ እንድትገዛው መርቄ እሰጥሁለውና እያሰርክ ታሰራዋለህ። ሀምሌ 27፤ 1899 ዓመተ ምህረት
አዲስ አበባ ከተማ ተጻፈ።

Menilek the Second
King of Kings of Ethiopia

I thought you were punished for being a thief; I have already cut off your hands and feet, I have flogged you, I marked your forehead. But you have not stopped stealing. If you are still found stealing, you will be enslaved for the rest of your life. Now, therefore, stop stealing. From now on, if you find any man stealing and raiding a slave in the towns and the countryside, bring him to me, and I will give him to you and your grandchildren as a slave, and you will enslave him, tie him up and enforce him to work for you.

Hamle 27, 1899 (August 3, 1906)

Written in Addis Ababa⁴⁰

a *denb*, a “subordinate legislation issued by the emperor for (...) equal to proclamations and decrees. Cp. Aberra Jembere, *An Introduction to the Legal History of Ethiopia. 1434-1974* (Münster: LIT Verlag, 2000), 16-17. We refer to the anti-slavery legislation as *awaj*, “proclamation,” “edict,” and “law” interchangeably.

³⁷ Jacques Vanderlinden, “An Introduction to the Sources of Ethiopian Law from the 13th to the 20th Century,” *Journal of Ethiopian Law* 3, no. 1 (1966): 232.

³⁸ For observations of the legislature under Menilek, see also Georg Kurt Rein, *Abessinien. Eine Landeskunde nach Reisen und Studien in den Jahren 1907-1913*, vol. III: Geographie, Fauna und Flora, Sitte, Sprache, Kunst, Anthropologie (Berlin: D. Reimer, 1920).

³⁹ Singer, “Modernization of Law in Ethiopia,” 77-78.

⁴⁰ Our translation; the *awaj* is quoted in: Mahtama Selasie Wolde Meskal, *ዝኒረ ነገር* (“Memorable Things”) (Addis Ababa: Artistic Printing Press, 1969), 72.

Several aspects of the *awaj*, and Menilek's legislation more generally, are noteworthy: the *proclamation* focuses on raiding and selling people for private gains, which is equated with theft. It is directed against all slave traders, not Muslim traders specifically. Slavery itself is not considered an offence. The corporal punishment announced in the *awaj* relates to the *Fetha nagast's* provisions for stealing from a church, where Chapter 49 established that anyone who stole from a church ought to be marked with a red-hot iron. The same passage prescribes the cutting of limbs for the continued stealing of cattle. The abduction of children and women is punishable by death or exile. Here the *awaj* then takes a paradoxical position: the enslavement of people is punished by enslavement.⁴¹

The ambiguity arises regarding whether the law advocated the actual enslavement of slave traders or whether the term "enslavement" should be understood metaphorically as a form of punishment, possibly implying imprisonment or subjugation. This seeming paradox becomes clearer when considered within the broader context of the legal framework and cultural norms related to slavery. Enslaving slave dealers can be seen as a way of banishing them, akin to the punishment for abduction. In this interpretation, "enslavement" metaphorically represents the permanent exclusion of the offender from the Christian community.

In a state where all Christian subjects were forbidden to engage in the slave trade, the emperor alone retained the power to enslave legitimately. This was essentially in accordance with the *Fetha nagast*: "A slave who has been liberated must return to servitude when it is proven before the judge that they insulted their master or damaged their master's property intentionally, with the assistance of others, with the intent to harm."⁴²

Anti-Slavery and the League of Nations

After Menilek's death in 1913, the country plunged into a period of relative instability. *Lij Iyasu's* foreign politics alienated Britain and France by getting closer to Germany and the Ottomans. He was opposed by parts of the nobility. Ethiopia's historiography characterizes *Lij Iyasu* as decadent and often refers to the restoration of slave raiding in the south and the depopulating of entire administrative districts under his rule.⁴³ After an attempted *coup d'état*, *Lij Iyasu* was deposed and in 1916 replaced by Zawditu as Empress and Ras Tafari (later known as Haile Selassie) as Prince Regent. The period between Menilek's death and the 1920s was marked by insecurity in the provinces. Indigenous groups in the south returned to be "more valuable as marketable commodities than for their agricultural labour."⁴⁴

⁴¹ Strauss, *The Fetha Nagast*, 302.

⁴² Strauss, *The Fetha Nagast*, 177.

⁴³ Cp. Christine Whyte, "Everyone Knows That Laws Bring the Greatest Benefits to Mankind: The Global and Local Origins of Anti-Slavery in Abyssinia, 1880–1942," *Slavery & Abolition* 35, no. 4 (2014): 652–69.

⁴⁴ Timothy Fernyhough, "Slavery and the Slave Trade in Southern Ethiopia in the 19th Century," *Slavery & Abolition* 9, no. 3 (1988): 125.

The 1920s were characterized by intense debate about the nature, future, and place of slavery in Ethiopian society. As during Menilek's time, anti-slavery was both a matter of domestic and international relations. The formalization of anti-slavery laws was accelerated in the context of modernization/bureaucratization and international developments, particularly in the context of Ethiopia's attempts to become a member of the League of Nations since 1919. This is particularly obvious from the succession of laws issued by Ras Tafari and the ensuing legislation across the country.⁴⁵ Slavery and the slave trade also continued to influence the debates on Ethiopia's admission to the League of Nations. These were tainted with diplomatic barriers and the growing criticism of some of the most prominent European anti-slavery activists.

In the years before and after Ethiopia's accession to the League of Nations in 1924, Ras Tafari intensified his efforts to meet the international institution's expectations in terms of anti-slavery policies. In his quest to modernize the country, he implemented various reforms and actions to tackle persisting slavery and the trade in slaves.⁴⁶ Consecutive edicts were informed at once by earlier Christian legislation and by new legal approaches and recent reforms to the legal sector in Ethiopia. The 1923 edict issued by Zawditu and Ras Tafari, as Regent of the Ethiopian government, is a one-page document, resembling Menilek's *awaj*.⁴⁷ The proclamation explicitly acknowledges Menilek's previous edicts and forbids the "buying and selling of slaves." It follows the *Fetha nagast*'s rationale to convert and civilize prisoners of war. However, its portrayal of slave raids as a thing of the past also attests the establishment of a new normative order (Figure 1).

This proclamation is a complex blend of legal and ideological influences, fusing together traditional Ethiopian values, as articulated in the *Fetha nagast*, and the more contemporary language of international abolitionism. Unlike its predecessors, the text marks a departure by placing a strong emphasis on emancipatory measures. In contrast with prior edicts, it promises the liberation and repatriation of those who have been enslaved. It serves as a precursor to the subsequent 1924 law, paving the way for the introduction of the certificate of liberation and the reintegration of returning slaves into the labor force. Notably, the legal landscape shifts from penalizing slave raiding and trading with enslavement to imposing the death penalty.

⁴⁵ Suzanne Miers, "Britain and the Suppression of Slavery in Ethiopia," *Slavery & Abolition* 18, no. 3 (1997): 257–88; Jean Allain, "Slavery and the League of Nations: Ethiopia as a Civilised Nation," *Journal of the History of International Law* 8 (2006): 213–44; Coleman, "Gradual Abolition or Immediate Abolition of Slavery?"

⁴⁶ It seems in most cases, "modernization" ("zemenawinet) and "civilization" ("seltane") are used interchangeably in relation with the abolition of slavery.

⁴⁷ Our translation of the whole edict is in the Appendix at the end of this article. An earlier English translation of this text can be found in Marcel Griaule, "Labour in Abyssinia," *International Labour Review* 23 (1931): 173. We are grateful to Benedetta Rossi for sharing a copy of the original document found in the Historical Archive of the Italian Ministry of Foreign Affairs, section on Italian Africa (Archivio Storico del Ministero dell'Africa Italiana, hereafter ASMAI, Vol. II, Posiz. 180–38a).

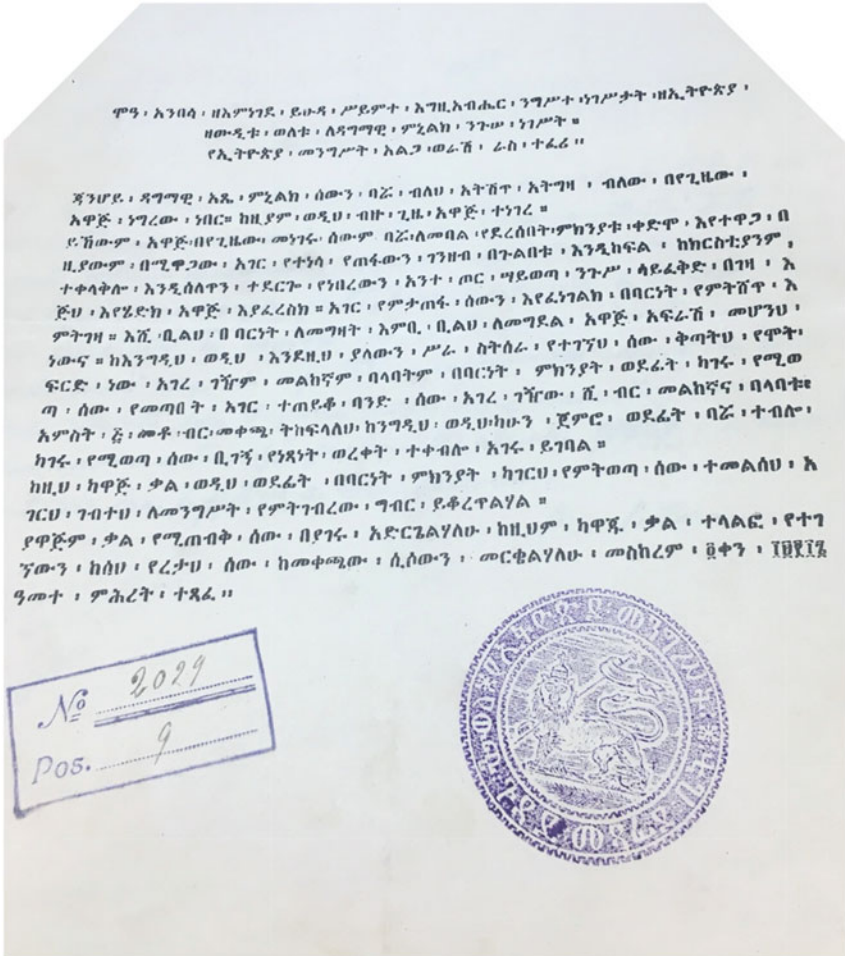


Figure 1. Original Amharic version of the 1923 edict issued by Empress Zawditu and Ras Tafari (as Regent of the Ethiopian government), Historical Archive of the Italian Ministry of Foreign Affairs, section on Italian Africa Vol. II, Posiz. 180-38a. Photograph by Benedetta Rossi; written permission to reproduce this image for publication obtained from the Archive's direction (Direzione Generale per la Diplomazia Pubblica e Culturale).

Crucially, this proclamation shifts the responsibility of safeguarding individuals from enslavement onto the regional governors of the empire. It charges the Ethiopian state's administrators with the duty of protecting their subjects, who are no longer to be regarded as slaves or enslavable. The edict embodies the spirit of extending certain rights to all members within the Ethiopian empire. In the subsequent year, Ras Tafari reinforced the aspect of state-building in a letter to the League of Nations endorsing the 1924 law,

underscoring the evolving stance toward the recognition and protection of the rights of individuals within the Ethiopian realm.

Only when the unity of the Empire was attained under the Emperor Menilek II, and the chiefs of the provinces as well as the chiefs of the kingdoms under the suzerainty of the emperor were definitely subjects to his authority, could the slave trade be effectively be suppressed.⁴⁸

Hence, abolitionism served as a dual-purpose instrument for Ethiopia: firstly, to assert its commitment and emphasize its status as a civilized and civilizing state within the international community; and secondly, as a mechanism for consolidating internal power dynamics and promoting state modernization.

The Formalization of Anti-Slavery Laws, 1924 and 1930/31

In this context of rampant *modernization*, the proclamations may be read as *manuals for state building* that outlined the functions envisaged for the future centralized state. The law of 1924 was the first comprehensive legal text dealing with the trade in slaves that for the first time made serious efforts to implement the emancipation of slaves. The text was annexed to a report submitted to the League of Nations by the Ethiopian government.⁴⁹

While acknowledging prior abolition efforts, the report predominantly focuses on the period of integration under Emperor Menilek, curiously omitting any discussion related to the rule of Yohannis. The report's central concern is with how to streamline authority across the provinces to effectively eradicate the slave trade. The report highlights that the "present Government" pursued a relentless and vigorous campaign against the slave trade, coming close to its suppression. Furthermore, the report posits that the slave trade was believed to persist only in isolated instances. Concerning domestic slavery, the report outlines that the 1924 regulation aimed to ensure humane treatment for the majority of enslaved individuals while granting freedom to a select few. The immediate emancipation of all enslaved people was not regarded as a desirable course of action.⁵⁰

Article 1 opens with the premise, that "If all slaves (ባሮች, "barotch") who belonged to their masters before the publication of this Edict were emancipated (ነፃ ቢጠጡ, "natsa biwatu") at the same time, they might become thieves (ሌባ, "leba"), bandits (ቀጣፊ, "qetaffi") and malefactors (ወምባዴ, "wembade"),

⁴⁸ League of Nations: "Report from the Government of Abyssinia on the Question of Slavery" and "Regulations for the Emancipation of slaves and their conditions of Life," Geneva, May 14, 1924, League of Nation Archive (I/35704x/23252). More research is needed to appraise the exact process of drafting this document. It seems likely that foreign advisors like Daniel Sandford and Ethiopian legal and religious advisors were involved in the drafting process.

⁴⁹ Merse Hazen Wolde Qikos, የዘመን ጊዜ ጉዞታዬ ካየሁትና ከሰማሁት, ("Yāzāmān Gize Təzəṭayə Kayāhutəna Kāsāmāhut"), 1935: 1938, a.m. (i.e., 1943, 1946).

⁵⁰ League of Nations: "Report from the Government of Abyssinia on the Question of Slavery" and "Regulations for the Emancipation of slaves and their conditions of Life," Geneva, May 14, 1924, League of Nation Archive (I/35704x/23252). In this paper, we use the official translation recorded at the League of Nations and for key terms we use the Amharic document recorded at the League Archive.

thereby disturbing the public peace. They shall remain in the hands of their masters."⁵¹ Furthermore, the law stipulated that judges were to be employed to certify the good treatment of the slaves. Owners should supply their slaves "with sufficient clothing and food and not make them work in an inhumane manner."⁵² This emphasis on the benevolent treatment of slaves is a direct reference to the principles of the *Fetha nagast*, which informs many other aspects of the edict, such as the preconditions for manumission. Baptized slaves, Article 3 stipulated, "shall be emancipated, as their former masters may not treat them as slaves." Had they been made deacons, priest, or army officers they should be emancipated, too (Article 4). Here the law resembles the customary ideology of acculturation in the Christian society as an avenue to manumission.

The following paragraphs introduce significant changes to earlier provisions on slavery: Slaves who left their homes would be held in government custody for up to 8 days. Should no one claim their ownership, they would be emancipated (Article 6). It was outlawed to transfer ownership of slaves, either by sale or gift, to another person (Article 8), and generally, slaves had to be freed 7 years after the death of the master (Article 8). Any form of transfer of property rights in slaves would be null and lead to emancipation (Article 9). Article 15 stipulated that judges were to make censuses of slaves married to free peasants. Owners were held accountable to notify officials upon the death of their slaves.

Article 22 stipulated the required form of freedom certificates: they had to mention the province, place, month, and year of emancipation, be stamped with a government seal, and signed by an appropriate judge. Interestingly, they had to include detailed information on the master: the master's name and occupation and the chief under whom the master lived.⁵³ The certificate would also stipulate that "the slave has been emancipated and is authorised to reside in any place he may desire." The accountability of the master is an important aspect of continuity with earlier views about the masters' guardianship of the slaves. However, now the master is made accountable for the lawful emancipation of his/her slaves. This has to be officially certified and recorded, which also signals the bureaucratization of emancipation.

Article 27 urged to prioritize freeing slaves who had learned to read and write and send them to schools and churches for further education. Moreover, Article 30 clarified that even if slaves committed crimes, they would not be sold back into slavery but punished under civil law, which points at a departure from the *Fetha Nagast* principle of *revocation in servitute*.

From Article 31, the edict deals with the "Penalties imposed on slave traders." Those prosecuted for slave trading were punishable with heavy fines and imprisonment. Calling an emancipated person, a "slave" could also be fined 50

⁵¹ This was an opinion that was widely held in the colonial abolitionist circles.

⁵² In an interview carried out with the emperor, conducted by the Anti-Slavery Society, in 1930, Haile Selassie referred to this aspect: "The slaves in Ethiopia were well treated, which showed that it was a Christian country. They were better off than free servants in some other countries" (s. Lord Noel-Buxton, "Report of the Anti-Slavery Society on Slavery in Abyssinia," League of Nations, B 21943/2053).

⁵³ The word for master is *geta*, i.e., "lord" originally in the Christian sense.

thalers (Article 32). It is noteworthy that much of the responsibility to enforce the edict was left with the governors, headmen, and chiefs of the areas where slave dealing took place. These were to be fined and could be dismissed if they were unable to protect their subjects from the slave trade. We see these approaches as aligned with the government's attempt to pacify the provinces, decentralize some administrative tasks, and achieve uniformity of regulation across Ethiopia's regions.

In 1930, a delegation of the Anti-Slavery Society headed by Lord Noel-Buxton bemoaned that the edict did not offer a clause for voluntary manumission, and concluded, "... if the law be properly administered throughout the land (and that is doubtful now), would result in a very gradual diminution of slavery."⁵⁴ This attitude overlooked the social atmosphere captured in the proclamation, which resonated with the progressive minds in the Ethiopian society. Slave owners like *Aleqqa* Taye manumitted their slaves who remained salaried as servant in their households, and landlords like *Ras Desta* manumitted 500 slaves at once and offered them employment as laborers on their land. Hakim Warkenah's *Love and Service Association* raised money to build schools for manumitted slaves.⁵⁵ Since 1923, Gustav Arén concluded, "nothing short of a social revolution" was on the way.

The 1924 law remained Ethiopia's slavery law until 1931. It was successively incorporated in the 1930s Penal Code, which was amended in 1931.⁵⁶ The amendments of 1931 among other clarifications delayed the manumission of slaves upon the death of their master, and stipulated that slaves should "render what is due" to the slaveowners' heirs before obtaining certificates of freedom. The supplement provided for the protection of aged slaves, and supported the integration of emancipated slaves in the labor market:

If it is a matter of adult slaves capable of working, after having received their certificate of freedom, they will be repatriated by the governors of the respective provinces and will take up employment of their choice (1.1).⁵⁷

Despite the legal adjustments and the quest to phase out slavery, by the 1930s, large parts of the international community had taken a *too-little-too-late* approach to the emperor's efforts. The British parliamentary debates and

⁵⁴ Lord Noel Buxton, "Report of the Anti-Slavery Society on Slavery in Abyssinia," League of Nations, B 21943/2053.

⁵⁵ Peter P. Garretson, "Fəqrən Na Ağəlgəlot Mahbār (Love and Service Association): Hakim Wārəqnāh and an Early Ethiopian NGO," *Northeast African Studies* 17, no. 2 (2017): 83–100; Institute of Ethiopian Studies, "Brigadier Daniel Sandford Papers," Slavery and Gabbar Laws, D, 17–21; Gustav Arén, *Envoys of the Gospel in Ethiopia: In the Steps of the Evangelical Pioneers 1898–1936*. Bd. LXXV. Studia Missionalia Upsaliensia (Stockholm—Addis Abeba: EFS förlaget—The Evangelical Church Mekane Yesus, 1999).

⁵⁶ Hamle 20, 1923 (1931 GC *awaj*): "Any slave who wants to get his freedom he can appeal to a judge and can claim his freedom." This *awaj* was published in the *Neqarit Gazeta* of 1934 EC.

⁵⁷ "Abyssinian Criminal Code 1930 and Decrees relating to Loans, Arms and Slavery," Bodleian Library, De Halpert Papers, MSS AFR s 1459, 2.

communication with the League of Nations were rife with depictions of insecurity and slaving in the Ethiopian borderlands and criticized Haile Selassie's inability to protect the victims of slave raids. Other bad publicity followed, including an accusation against Empress Menen, on grounds that she had received enslaved children from the borderlands of Beni-Shangul and had distributed among her relatives.

Upon request by the League of Nations, Frank De Halpert reported the failure of the Slavery Department due to corruption among the regional elites and their involvement in slave raids. Lord Noel-Buxton and other supporters of the Ethiopian government had a hard time promoting a more patient approach to the anti-slavery efforts of Ethiopia.⁵⁸

On the other hand, Italians did what they could to present the grimmest and most outrageous picture of Ethiopia at the time as a barbarous nation unwilling to stop the atrocities of slavery. In the second volume of his autobiography, Haile Selassie proclaimed, that,

The most exaggerated accusation against Ethiopia was the issue of slavery. For this reason, when We began laying the foundations for rehabilitating the country, We immediately issued a proclamation to abolish the master-slave relationship. This proclamation stated that Our pre-war proclamation had come to fruition. The institution of slavery was deeply rooted in tradition... [and] it was impossible to uproot such an ancient institution simply by writing laws.⁵⁹

In its efforts to underscore Ethiopia's incapacity to abolish slavery, Italian authorities issued a decree upon their occupation of Ethiopia. This decree declared slavery illegal and specifically targeted what was characterized as the "feudal" core regions of Ethiopia. Marshall Badoglio's decree, characterized by blunt and straightforward language, contrasted Ethiopia's purported inability to abolish effectively with Italy's civilizational impacts and greater administrative capacity.

People of Tigre, of Amhara, of Gojjam take heed. Slavery is a remnant of ancient barbarism. There can be no slavery where the flag of Italy flies. Therefore, slavery is hereby abolished in the (sic) Tigre, in Amhara, in Gojjam. I have forbidden the buying and selling of slaves. These slaves in your territories are free men from this day. Those who are in need of help let them get in touch with the Italian authorities they will get both help and protection. Whoever disobeys this order will be punished according to the law. Given at Makale (sic) on April 12, 1936.⁶⁰

⁵⁸ Miers, "Britain and the Suppression of Slavery in Ethiopia"; Whyte, "Everyone Knows That Laws Bring the Greatest Benefits to Mankind."

⁵⁹ Haile Selassie I, *My Life and Ethiopia's Progress: Addis Ababa, 1966 E.C.*, ed. Harold Marcus and Ezekiel Gebissa (East Lansing, MI: Michigan State University Press, 1994), 275.

⁶⁰ Institute of Ethiopian Studies, "Brigadier Daniel Sandford's Papers," B85b: Anti-Slavery and Gabbar Laws 1941-42.

The Italian war and occupation brought the Ethiopian abolition efforts to a standstill. Only upon the return of the emperor in 1941, a revised law declared slavery illegal (“A proclamation to provide for the abolition of the legal status of slavery and certain matters”). The proclamation consisted of only five articles. After the violent Italian occupation, this law put an end to the legality of slavery and to Ethiopia’s pre-occupation gradualist policies that had been aimed at phasing out slavery rather than suppressing it. Article 3 of the 1942 proclamation declared, “The legal status of slavery is abolished.” Slave dealing and slave holding were punishable by imprisonment, the death penalty, corporal punishments, and fines depending on the gravity of the circumstances.⁶¹

Still reeling from international criticism for its failure to eradicate slavery and feeling deceived by the League, the proclamation also afforded Ethiopia the legitimacy to proceed with its nation-building endeavors without facing further scrutiny from European powers. With the conclusion of World War II, these powers shifted their attention toward different humanitarian issues.⁶² Furthermore, we would argue, the proclamation was meant to mark entrance into a new area of sovereign statehood. The end of Italian colonialism was portrayed as end of colonial enslavement. The new independent, nationalist, and fiercely anti-colonial Ethiopia ceased to refer to its ancient legal rationales of slavery.⁶³ But these rationales would nevertheless linger on as normative values that informed social hierarchies and relations especially in the peripheries of the Ethiopian state.

Conclusion

The *Fetha nagast*, an ancient Ethiopian legal manuscript, provides a relatively narrow framework for classifying and regulating dependency and enslavement. Among its fundamental tenets are the idea that slavery emerges as a consequence of warfare; the obligation to convert slaves to Christianity and gradually integrate them into the Christian community as liberated individuals; and the prohibition of trading or enslaving fellow Christians. These principles constituted the foundational moral and ideological basis of Ethiopia’s anti-slavery legal system. Despite evolving international dynamics, diplomatic pressures, and shifting domestic conditions, the legal framework rooted in this ancient law exhibited remarkable resilience throughout successive legislative iterations. This paper advances two central arguments: firstly, we assert that attitudes toward slavery and anti-slavery continued to be profoundly influenced by the principles of the *Fetha nagast* well into the twentieth century. Its emphasis on war captivity and birth to enslaved parents as the sole justifications for slavery still influenced official arguments underpinning the 1924

⁶¹ “The Abolition of Slavery Proclamation,” *Negarit Gazetta*, 1942, August 26, 1942, no. 22.

⁶² Bronwen Everill, “The Italo-Abyssinian Crisis and the Shift from Slave to Refugee,” *Slavery & Abolition* 35, no. 2 (2014): 349–65.

⁶³ Demisse, *Slaves of State, Intellectuals of Development*.

legislation, as attested by Ras Tafari's letter accompanying the submission of the anti-slavery law to the League of Nations:

The origin of slavery in Abyssinia dates to very ancient times. The first slaves were prisoners of war unable to pay their ransom and remained, therefore, in the service of the conquerors. (...) The Abyssinians, who were constantly at war, increased the number of their prisoners and, consequently, the number of their slaves. Accordingly, there gradually grew up a caste of slaves which became very numerous. Such slavery, moreover, was in conformity with the precepts of the Hebrew Law with which the Abyssinian were imbued and which formed the basis of their religion.⁶⁴

Secondly, this paper has examined the legal transformations that accompanied the establishment of a centralized Abyssinian Empire under Menilek. We argue that anti-slavery legislation passed between 1884 and 1930 was part of a broader political process of bureaucratization and modernization. Studies of Ethiopian anti-slavery have tended to focus on the inability of consecutive emperors to carry out their legislation. These interpretations assumed that Ethiopian anti-slavery efforts were nothing but reactions to European initiatives. In this paper, we argue that, from an Ethiopia-centered perspective, the apparently contradictory co-existence of expansionist slaving and civilizational manumission functioned as two sides of the same nation-building rationales that supported the expansion of the Ethiopian state at the beginning of the twentieth century. The rule imposed on newly conquered territories was seen as a civilizing process. "Civilization" etymologically rests on the idea of the metropole that radiates and incorporates (i.e. civilizes) neighboring peoples, by force and through enslavement. Consecutive proclamations reflect the ideology of *seltane*; this has been most pronounced in the 1923 proclamation, which makes a direct reference to the civilizing purpose of nation-making wars imagined as expanding Orthodoxy, by gradually turning captives into Christians.⁶⁵ Once the process of civilization and acculturation had been accomplished, Ethiopia's politics shifted from a focus on producing Ethiopian subjects to governing (and protecting) the emperor's subjects. The prohibition of the trade in Christians has been foregrounded in all proclamations. By contrast, the notion of protecting all subjects (including those integrated by force in the new territories) first appeared in the *awaj* of 1906. By this point, the differentiation between Christian and non-Christian subjects had become obsolete; in its place had emerged the idea of the government's obligation to protect all subjects from enslavement. Responsibility for protecting national subjects from slavery was placed on the governor or provincial administration. Slavery was de-legalized.

⁶⁴ League of Nations, "Report from the Government of Abyssinia on the Question of Slavery" and "Regulations for the emancipation of slaves and their conditions of life," Geneva, May 14, 1924, League of Nation Archive (I/35704x/23252).

⁶⁵ ASMAI, Vol. II, Posiz. 180-38a.

From the 1920s, the League of Nations promoted a new approach to antislavery in which an international body and ad-hoc committee held individual empires accountable for enforcing their anti-slavery legislation. This had many consequences worldwide. In the Ethiopian context, it imposed a profound rethinking of the acceptability of slavery itself. The Christian ethic of manumission was mobilized in the 1924 edict, to encourage the freeing of slaves through religious institutions and the provision of education and training to freed slaves. And although domestic slavery was not challenged, these ideals encouraged various actors in civil society and the government to emancipate their slaves. This could happen while normative ideals continued to conform to the principles of the *Fetha nagast*. Until 1930, the institution of slavery itself remained undisputed. For example, in the Penal Code of 1930, slaves were still expected to render what was due to their master's children. The edicts addressed themselves to the slaver owner, who was encouraged to free those enslaved to him.

But the resilience of slavery and the slave trade in Ethiopia was hotly debated both internally and internationally: had Ethiopia reached the same level of civilization as Europe? The answer to this question hinged on whether Ethiopia's authorities could, or could not, prove the efficacy of their antislavery policies. While Haile Selassie was seeking to demonstrate such efficacy, the international public opinion and Italy's imperialism temporarily imposed their negative answer to this question. The failure of the League of Nations to protect Ethiopia, one of its member states, left the country vulnerable to Italian occupation, which proposed its own answers to the slavery question. Following the end of the Italian colonial regime, Haile Selassie's 1942 law finally abolished slavery in Ethiopia. A new normative approach toward slavery had replaced the old slavery ethics of the *Fetha nagast*.

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Takele Merid Director of the Institute of Ethiopian Studies, Addis Ababa University, Addis Ababa, Ethiopia <takele.merid@aau.edu.et>.

Alexander Meckelburg Research Fellow, History Department, UCL London, London, UK <alexander.meckelburg@ucl.ac.uk>.

APPENDIX

EDICT CONCERNING THE SLAVE TRADE⁶⁶

The Conquering Lion of the Tribe of Judah, the Elect of God
Empress Zauditu of Ethiopia, daughter of the Emperor Menilek II,
Ras Teferi, Heir to the Throne.

⁶⁶ Translation by Takele Merid and Alexander Meckelburg. This translation is similar to, but not identical, to the translation by Griaule, "Labour in Abyssinia," 181.

Emperor Menilek II had announced an Edict forbidding the people to purchase or sell slaves. This Edict has several times been repeated. We now once more confirm the said prohibition by the present Edict. For if in former times captures of slaves were carried out among certain peoples, this was solely for the purpose of levying an indemnity to cover the expenses of the military operations caused by their rebellion and in order that they might become civilized and live under Christianity. Today, however, you unlawfully carry out raids for slaves and sell them when you have succeeded, and you kill those who do not submit with docility to your oppression.

Any person henceforth found committing such an offence will be condemned to death.

Governors of provinces who shall in future allow persons placed under their jurisdiction to be reduced to slavery and removed from their own district shall be liable to a fine of 1,000 Ethiopian Birr per individual. The fine shall be 500 Ethiopian Birr for the chief of any village and the notables who fail to observe the present Edict.

Any person henceforth found outside his district of origin on account of slavery must be furnished with a certificate of liberation which will allow him to return to his home.

You slaves who, after the publication of the present Edict, are residing outside your district of origin on account of slavery shall, on returning to your home, pay the tribute which the Governor of your province shall fix.

For the execution of the present Edict, officials have been appointed to hold enquiries in the provinces. Any person accusing another of a contravention and proving his accusation shall receive by way of reward one-third of the fine imposed.

Done on the 4th day of Meskerem 1916 (September 15, 1923).

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