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# Property Rights and Political Development in Ethiopia and Eritrea 1941-74

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*Property Rights  
& Political Development  
in Ethiopia & Eritrea*

1941-74

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*Ohio University Press*  
ATHENS

# One



## *Introduction*

### The Importance of Land

When academics and policy-makers discuss development, the motivating concern is the problem of poverty and trying to forestall its continuation. The effects of poverty – malnourishment, disease, poor education, lack of an adequate water supply, etc. – are relatively simple to measure. One can weigh a child and determine if it is malnourished, test a woman for literacy or assess the living conditions of a family. It is far more difficult to isolate the causes of poverty. This is particularly true in Africa, where extreme poverty has ceased to be a cause for wonder; instead, it is the appearance of affluence which is noteworthy. The causes of poverty are layered in an increasing population, production shortfalls and institutional structures that inhibit economic growth. The analysis within this book looks at the micro-foundations of poverty in the developing world, particularly those present in the institutions of property rights. As the layers are pulled back in the following chapters, it will become apparent that the local institutions governing land access and property rights are fundamental in affecting the distribution of wealth in a society. Property rights matter because they affect development and economic growth and, through these two processes, the degree of poverty.

The fundamental input of production in agricultural societies is land. Just as the pursuit of capital is a driving force in countries where access to capital is the key to future profit, in countries where agriculture is the

primary means of earning a living access to land occupies a similar role. In developed countries, laws governing land acquisition have undergirded the economy for so long and so consistently that they are no longer of compelling intellectual interest apart from those few areas in which disputes exist. On the contrary, in developing countries, particularly those that became independent in the twentieth century, institutions governing land allocation are not at all to be taken for granted.

Before examining the Horn in particular, we must first discuss the issue of property rights; therefore, this chapter begins with a few definitions followed by a discussion of the links between economic efficiency and property rights. The object in beginning the chapter thus is not to add anything to the intellectual discussion, but simply to firmly establish the link between the two in the mind of the reader. Next there will be a very short review of significant research on property rights in Africa, an overview of the thesis of the book will follow and the chapter concludes with the plan of the book.

## Defining Property Rights

Property rights refer to the rights of control over an object, a piece of land, or a resource, within the bounds of the law.<sup>1</sup> Land tenure systems are property rights allocation regimes. Rights to land or other resources are controlled by the legal system of a country and, to the extent that the legal system of a country is under the control of the state or a part of the state, we can think of these rights as being determined and enforced by the state. There may also be instances in which the state allocates property rights through methods other than law. Trade restrictions, quotas and government appointments give examples of the assignment of rights that occurs outside the legal system. In areas that are beyond the control of the state or in which other institution-making bodies are stronger than the state, the decision of a government to allocate property rights in a certain way may be irrelevant.

By custom, property rights are classified into three categories: collective, individualized and state-owned. These categories provide a rubric for the classification of the variety of rights or bundles of rights that exist. Yet they no longer appear sufficient when we examine the different layers of property

<sup>1</sup> Armen Alchian (1965), one of the pioneers of the theory of property rights, defines property rights as 'a method of assigning to particular individuals the authority to select for specific goods, and use from an unprohibited class of uses'.

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and use rights that may be present in common property regimes or those categorized as simply collective. Certain institutional arrangements require membership in a group before a person can plant, harvest land, graze cattle or collect wood. Though communal in nature, common-property systems restrict the number of members with access to valuable resources. Scholars such as Elinor Ostrom (1990) have identified a subgroup of communal regimes called common-pool resources or CPRs. Common-pool resources refer to specific institutional arrangements that arise to restrict access to common property resources such as water, fishing rights, wood, etc. Almost without exception, CPRs are spontaneously evolved, indigenous institutional arrangements. An additional category of property rights, nonproperty, is suggested by Bromley (1991). Nonproperty regimes are those systems of access to resources that restrict no one. In some areas grazing rights or access to water are nonproperty resources. No one has any exclusionary rights to their use or obligations regarding their upkeep. Nonproperty systems are uncommon. More frequently identified are instances of collective property regimes, in which access to a resource is limited to specific group members.

Systems of property rights, or property rights regimes, are institutions. In developed societies, property rights institutions tend to be determined by the market, or by market forces mitigated by transaction costs. The groundwork for a theory of property rights rests on the concept of transaction costs. Transaction costs are the costs associated with the exchange of goods, or what Oliver Williamson (1985) calls 'the economic equivalent of friction'. Information gathering, transportation and measurement are all examples of transaction costs. Property rights and the limits placed on property rights become important when transaction costs are greater than zero. If transaction costs were zero, prices alone would serve as explanation for the assignment and allocation of goods and services. But, transaction costs are not zero when the market is not functioning perfectly or correctly. A perfect market is an illusion in any country, under any circumstances. Transaction costs always exist. In developing countries the costs of information gathering and exchange may be quite high. In less developed societies, institutions are often determined by the market and tradition or by tradition alone. Since systems of property rights define the use rights to land, their clarity is essential to the development of agricultural economies. Because different institutional arrangements allow access to a specific bundle of resources, the difference in institutional structures can have important ramifications; not surprisingly, then, the distribution of property rights often becomes the focus of political activity (Bates 1989; Berry 1993; Firmin-Sellers 1996). For instance, land ownership with title allows a peasant not only to cultivate

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land and to make choices as to which crops or farming methods he or she wishes to use, but it also imputes the right to sell the land and borrow against it, thereby transforming access to land into access to capital. Another arrangement on a similar plot with a collective type of ownership may allow all the above rights except for the right to sell the land and use it as collateral, thereby depriving the farmer of the potential access to capital gained from ownership.

## Property Rights and Economic Efficiency

Property rights are of concern because of their relation, both theoretical and empirical, to economic efficiency. Four specific links can be drawn between the system of property rights and the overall efficiency of the economy. These are the effects on migration, the availability of credit, incentives to invest in land and the transaction costs of land transfer. Markets in land are the badge of private property rights. Full and clear private rights to land are usually needed before land can be exchanged under most legal systems. There may be some exceptions to this rule in collective tenure systems where land is sold with the permission of the community which holds the right of ownership to that land, or with the permission of a chief or other overseer. The presence of a land market lends several benefits to the economic efficiency of the country or region in which it exists. A functioning land market allows peasants and entrepreneurs to buy land. This enables the reward of efficient farming with more land, in the case of the peasant who proves to be an exceptionally skilled farmer, or the development of land by entrepreneurs who seek to implement new technologies. Freely transferable land rights enable the purchase of land for the development of more productive farming techniques, whether developed locally or brought in by entrepreneurs.

## *Migration*

The possibility of land sale facilitates migration between regions. When a market for land is present, a peasant can take advantage of new market possibilities by selling land in the region where he or she was born and moving to another region, purchasing land there and beginning to farm in a new economic environment. Not every peasant will be eager to take advantage of opportunities to move from one rural area to another. Yet, for some, migration may provide a path out of an overpopulated and

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overfarmed area to one of less population and greater economic opportunities. Besides rural-rural migration, the existence of a land market provides opportunities for rural-urban and urban-rural migration. Rural farmers may choose to sell their land and move to urban areas in search of other employment opportunities. Freely transferable land rights may also coax entrepreneurs into the countryside to gain profits through the implementation of new technologies such as irrigation techniques or other farming practices. Thus, while the existence of a land market may lead to urban migration, it may also encourage others to invest in the countryside, potentially creating more rural wage employment.

Without a rural land market the costs of migration between areas are prohibitive. The difficulty of both selling the land that one farms and buying new land in another rural area makes mobility within the area in which one originates or between regions of a country extremely difficult. This means that peasants may be unable to take advantage of emerging market opportunities.

## *Credit*

The availability of credit has often been noted as one of the benefits of private property. A foundational study by Feder *et al.* (1988) found that credit was readily available where title to land existed. The study was important because it confirmed the link between private land ownership and productivity. The results determined that private ownership increased productivity, not because of the increase in investment on private lands, but because of the access to credit which possession of a title to land facilitated. Place and Hazell (1993) determined that the same was true of informal lending as well, with land serving as a source of required collateral for loans. There are those who have argued against the importance of a title to land as collateral which gives the necessary access to credit. Pinckney and Kimuyu (1994) have noted that access to credit is so limited overall in Africa that a title to land and legal ownership has no effect in securing funds which might lead to investment in land.

Empirical evidence then does not support the greater benefits of one system over another. The perceived lack of credit arrangements, even in African societies in which title does exist, points to a methodological problem rather than a dearth of borrowing possibilities. None of the studies on credit and title to land in Africa have investigated the ubiquitous traditional credit institutions, such as rotating credit schemes, familial lending

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or other informal lending practices,<sup>2</sup> or the credit options. Without such an investigation it is impossible to assess conclusively the effect of title to land on the availability of credit.

## *Investment*

Incentive to invest in land is another link between economic efficiency and property rights. Investments in land are highly varied. Most African peasants engage in some small-scale investment, such as the fertilization of a field with manure from farm animals. Larger investments, such as the planting of fruit trees, the digging of ditches to channel rain through fields or the refurbishment of farm buildings or fences, occur regularly with little capital outlay. Thus it is unnecessary to think of investments as indivisible large-scale irrigation projects or machinery. We know that peasants will be reluctant to invest if they cannot reap the rewards earned from the investment. They will therefore be unwilling to take the risk of investing capital or labour without the certainty that they will remain in possession of their land. This particular disincentive is most effective in discouraging long-term investments, such as tree planting or fence building. Other, less costly investments, such as manuring a field or letting it lie fallow, are less likely to be discouraged by risk because their input costs are minimal. Gavian (1993) argues that ownership had little effect on these small-scale investments. Besley (1995) supports this conclusion. A second reason why peasants may be unwilling to invest in land is that investment may make the land more likely to be expropriated. Land that has trees or that has been protected by bunding may seem particularly attractive to a person seeking new land. Thus, an investment in a particular plot may make it a target of litigation or other attempts at expropriation. Investment will occur if the farmer feels that his/her hold on the land is secure enough for him/her to receive the payoff from the investment. Small investments, such as the fertilization of fields with manure, are observable in areas in which farmers' expected time horizon for land tenure is two years. We still would not expect to see the planting of coffee or tea plants, which take some time to mature, on land that is not retained with some expectation of permanence.

Because of a lack of clarity of usufruct and possessory rights in some

<sup>2</sup> For an example, see *Money-Go-Rounds* (Ardener, 1995). There are other locally available forms of credit that may prove an adequate substitution for formal credit arrangements. In Ethiopia it is common for households to circumvent the credit problem by engaging in share contracts. For example, one household will buy a chicken and another household will be responsible for feeding it. The eggs and the meat are shared between the two households.



collective landholding systems, security of tenure may be much less certain. When a peasant perceives his/her security of land tenure to be unstable (whether it truly is or not), he/she will invest little in the land. Instead, farmers will put their excess cash into other investments such as their children's education or social networks, thereby diversifying their portfolio and decreasing their long-term risk. Investment will depend on the perceptions of risk by the peasant.

Alston *et al.* (1996) note the coincidence of title and investment in land in a frontier area of Brazil. Title was demanded by those landowners who wished to make investments on their land as the value of the land increased. This is much the way we expect investment to occur, as the security of land is guaranteed. However, it is important to note that titling programs, where implemented, have not always brought about the benefits of access to credit and increased investment that economists predicted. Experiences in Kenya demonstrate that land registration and titling often bring huge costs and a confusion of rights to land, which may take years to be sorted out in the courts (Coldham 1978).

### *Transaction Costs of Land Transfer*

Reduced transaction costs (the costs associated with the transfer of land) are the final economic effect of freely transferable land rights. Ambiguity in the definition of any of rights to land leads to an increase in transaction costs and a 'residual uncertainty' after any land transfer or contract (Johnson 1972). High transaction costs due to uncertainty or the unclear definitions of rights have two consequences. First, the value of any immobile property is reduced by the raised cost of establishing clear ownership of the resource. Offsetting this effect may be the prevalence of undefined land rights throughout a society, thus reducing the value of all property in a certain area. High costs of exchange also prevent productive users from obtaining more land, thus leading to the inefficient allocation of resources. With high transaction costs, a potential user will be unable to acquire land either through rental or purchase at the point at which he/she could assure a higher return, because the marginal product of the owner's use plus transaction costs exceeds the marginal product of the more efficient user. Thus, high transaction costs can impede the efficient allocation of land within a society. Unfortunately, many traditional tenure institutions do restrict the distribution of land through the market. Indeed, buying and selling, or the transfer of land to more efficient users, must entail a transition in the institutional structure or a complete change in property rights. There

are ways around this problem that allow collective tenure and a market to coexist on a limited basis, such as the acceptability of land sales within a specific group such as a village or a lineage, or simply through the use of long-term leases.

In this book the focus is on the transaction costs of land transfer which can be measured in terms of litigation over land. In every society, for a variety of reasons, individuals will wish to transfer land. Land transfer does not mean exclusively the sale of land. The more problematic land transfer is, in other words the greater the transaction costs which occur, the less efficient the system of property rights will be overall.

## Property Rights in Historical Perspective

It has long been accepted, by both economic historians and agricultural economists, that population growth puts pressure on the economic structure of a society and leads to changes in land rights (Pingali and Binswanger 1986), as well as changes in technology (Boserup 1992). As population density increases, land acquisition becomes more difficult, particularly for those individuals outside the group or lineage that control access to land. The ultimate result of pressures created by a growing population is more clearly defined property rights. A strong position would suggest that this means privatized property rights in which titles are held by individuals and the right to buy and sell land is present (Pingali and Binswanger 1986). A somewhat milder statement of the same idea would be that high population densities lead to individualization of tenure arrangements (Bruce and Migot-Adholla 1994). Individualization need not be equated with privatization as it can be achieved under collective tenure systems.

Platteau (1992a, 1996) notes that the process of adapting to population pressure does not necessarily happen without conflict. Rather, when population pressure increases there will be rising disputes over ownership and increasing costs of litigation as an indicator of induced or spontaneous change in a system of property rights. Platteau identifies the problem of efficiency losses in the rural economy resulting from litigation over land, as a symptom of stress on the tenure institutions.

## Property Rights in Eritrea and Ethiopia

In the Horn of Africa, and Ethiopia in particular, there has been a sense of fatalism about the system of land rights, and a reluctance to analyze these

rights in comparative perspective. One might attribute this attitude to the ponderous role the state played in changing property rights after the Ethiopian revolution. The Ethiopian revolution occurred in 1974, overthrowing one of the oldest ruling monarchies in the world. One of the effects of the revolution was the implementation of a unified system of land tenure in a country that had previously been host to perhaps hundreds of different landholding arrangements. The multiple forms of land tenure were due, in part, to the various modes of production that existed in Ethiopia and also to the lack of a comprehensive government policy on land tenure. The presence of multiple tenure systems in a single country until the 1974 revolution make Ethiopia and Eritrea an ideal environment in which to conduct comparative case studies on property rights. There was a fundamental division in property rights in imperial Ethiopia between the north and the south. In the northern part of Ethiopia, sedentary agriculture was practiced with collective landholding arrangements in various forms. Collective land tenure systems, such as *rist* or *risti*, could be found on the highland plateau of Ethiopia in the regions of northern Shoa, Gojjam and parts of Wollo and Tigray, as well as in Eritrea. Rented lands and sharecropping were also found throughout these areas. The southern parts of the country, the regions south of Addis Ababa, were privatized throughout a large part of the most settled area and were pastoralist in the far south near the Kenyan border.

Several anthropological studies were conducted before the revolution on the land tenure called *rist* or *risti*, which is the dominant collective tenure arrangement in northern Ethiopia (Weissleder 1965; Bauer 1972; Hoben 1973; see also Bruce 1976). In the south there has been far less published research, though Charles McClellan (1988) has examined the tenure system in one area of southern Ethiopia. All of these studies, whether specifically focused on the topic or not, identify land as a fundamental asset in Ethiopia, with the methods of allocation hotly contested.

Studies of land in Ethiopia and Eritrea after 1974 have been concerned with the agricultural policies of the socialist government of the Derg (Alemnah Dejene 1987; Alemayehu Lirensen 1988; Griffin 1992). Few have looked further down to the traditional institutions that existed as a second layer of property rights beneath the governmental policies. This concern with the first, governmental layer of property rights is exactly the reverse of what was happening during the imperial era, when most of the research analyzed the traditional systems of tenure without serious concern for government actions in allocating land rights.

## Overview of the Argument

In the following chapters of this book patterns of land tenure in Ethiopia during the late imperial era, 1941–74, are examined. Three tenure institutions are followed through time as they experience market development, population increase and exogenous shocks. The point of tracking these systems through time is to determine to what extent the tenure systems did evolve spontaneously towards individualized, if not private, tenure and how they did so. A second and no less important goal is to determine the role of the state in impeding or promoting property rights change. Property rights changes that occur do so in a very particular political environment, which influences both their timing and their direction. Here the linkages between the strength of the state and its ability to enforce changes in property rights are examined, as well as the role of the state in implementing and enforcing property rights changes ‘from above’. The points at which interest group preferences have the potential to influence the state agenda and how they might do so are identified. Key to this part of the model is the importance a state attributes to societal interests and, correspondingly, whether it is democratic or nondemocratic.

## Case Selection

There are several reasons behind the concentration on Ethiopia and Eritrea in this study. First, Ethiopia was never colonized by a European power; it is only one of two countries in Africa (the other is Liberia) for which this is true. Italian attempts to colonize Ethiopia during the late 1800s were only successful in gaining the land that composed the area of Eritrea, which had been incorporated loosely into Abyssinia, the political entity that preceded the Ethiopian state. The similarity of the two countries of Eritrea and Ethiopia, particularly the fact that they shared political boundaries at one time, allows for comparison and an assessment of the effect colonization had on the property rights of the Eritrean highland area. Ethiopia and Eritrea have been selected for this study because they aptly demonstrate how alterations in landholding institutions can be diverted from the goal of improved economic efficiency or development.

Due to the need for detail and because of the diversity of institutional arrangements that existed in Ethiopia, two very distinct regions in Ethiopia have been chosen for the study and one region in Eritrea. The breadth of study at the regional level compensates to some degree for the narrowness

of the study at the national level. An additional reason for selecting Ethiopia for testing these theory developments is because it had a well-documented area of the country (Tegulet and Bulga, north Shoa) where, over an approximately seventy-year period, population increases and the commercialization of agriculture did not lead to any significant change in property rights. This area became one of the case studies. However, there remained a question as to whether this was typical of the country as a whole or an anomalous case. To answer that question two other sites were added: Hamasien in Eritrea, which had been colonized by Italy prior to 1941 when this study begins, and Sidama in the Sidamo province, one of the coffee-growing regions of the south.

Investigation showed that the role of the state was different in each of the three areas studied. To be specific, the strength of the state vis-a-vis the interest groups that existed in each locality was different. This had the effect of turning what might have been a single case into three very different analytic narratives.

## Data and Methodology

Qualitative data for this study were derived through interviews and archival research in Ethiopia, Eritrea, Italy and England. Interviews were essential both to interpret the data properly and to establish the social context in which they occurred. Peasants, lawyers, judges and policy-makers were interviewed in the three areas studied.<sup>3</sup> In addition, supplementary interviews were conducted in other areas of the countryside. Further interviews were conducted in the capital city with government officials and scholars of the land tenure system from the imperial era. I spent a year in Ethiopia and Eritrea, including time in each of the three case-study areas. Time in the study sites was used not only to gather data and conduct interviews, but also to gain knowledge of the geographical endowments, climate and cropping patterns.

Archival research in Ethiopia, England and Italy was conducted in order to find assessments of the tenure system by outside observers, as well as to obtain an understanding of the position and intentions of the Ethiopian imperial government. In Ethiopia, the archives of the Ministry of Natural Resources, the Ministry of Agriculture, the Institute for Ethiopian Studies (in particular, the deposited files of the Ministry of Land Reform and

<sup>3</sup> No peasants were interviewed in Hamasien because clearance for research and interviews in the rural areas of Eritrea was never granted.

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Administration) and the Institute of Development Research proved extremely helpful. In Rome, the archives of the Ministry of Foreign Affairs were very important in understanding the intentions and actions of the Italian colonial government in Eritrea. Finally, in Oxford, England, the Rhodes House Manuscript Collection and the papers of Margery Perham, Frank de Halpert and Sir Gerald Kennedy Trevaskis contributed to my grasp of the early imperial era in Ethiopia.

Quantitative data were gathered through a survey of litigation at a regional level. Studying litigation allowed me to operationalize the more abstract problem of property rights and the difficulties associated with their poor definition. Conflict over rights to land was articulated through the courts in Ethiopia and court records compose one of the sources of primary data for this study. Legal documents are an excellent source of information on land disputes and one of the few available records of pre-revolutionary Ethiopia. Ethiopia was and is a litigious society; as a consequence the records are generally well kept and abundant. By investigating land disputes, it is hoped that generalizations about the outcome of litigation and specific demands for rights to land which were articulated will be clarified.

It is very important for the reader to note that Ethiopia is unlike other countries in Africa in that competing court systems did not exist. Most land cases began with a hearing before the *atbia dagne*, the local judge and the only localized conflict resolution institution that was available. If the conflict was not resolved there, as was often the case, the dispute entered the national court system at the *woreda* (county) or *awraja* (sub-province) level, depending on the value of the land that was disputed. The majority of land cases originated in the sub-provincial courts, where I conducted my survey. Ethiopia is unique in Africa in this regard, due to the fact that it was not colonized. There are no traditional courts which replicate the national court structure. As a result of the fact that Ethiopia was not colonized, and even within Eritrea, which was, the national courts are used as the only forum for dispute resolution beyond the village or lineage community. Moreover, since the disputes we are interested in concern land, and lineages or villages often held land, national courts were the *first* forum for conflict resolution. This point should be absolutely clear. When we begin to see extensive conflict over land in primarily agricultural societies, it tends to flood the national court systems even in countries and areas where there is an alternative traditional conflict resolution mechanism. There are two clear reasons why this is the case. First, traditional conflict resolution mechanisms – councils of elders, local judges and wise men – are often seen as being biased. They can be related to parties involved in the dispute or have an interest in a particular outcome. Secondly, traditional conflict resolution mechanisms

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tend to promote compromise. No one wants compromise in a land case, as it rewards the plaintiff and encourages others to begin conflicts in the hope of gaining more land as well. For these reasons, national court systems were tremendously important to the development of land tenure systems in the Horn and to the legal development of both Eritrea and Ethiopia.

## Plan of the Book

This book will be of interest to three distinct groups of people and the text has been organized in such a way that all groups can easily find what they seek. For those interested in theories of institutional change and property rights development, the following chapter articulates the specific theory regarding property rights and the state. An alternate model for property rights change is tested in the second section of the book. Those readers interested in the empirical studies rather than the theory might want to move directly ahead to the second section of the book. This is composed of four chapters: a historical background to the cases in Chapter 3, which will be of use to those with little prior knowledge of the Horn of Africa, followed by the analytic narratives of Eritrea, Sidamo and north Shoa in Chapters 4–6. The divergence of the three cases from the population pressure–individualization model presented in the first two chapters is addressed. The third section of the book consists of a concluding chapter that brings together the theory and the evidence and proposes some alternative formulations for both theory and policy. There is a third group of readers who will be interested in both the theory and the case studies. For this group the chapters should follow a logical progression from start to finish.

## Appendix

### *Methodology*

In Ethiopia and Eritrea, where there were restrictions on the land market, transaction costs observed in the costs of litigation were particularly high. Indeed, this is true for most countries in the Third World, where the costs of gathering information and conducting any formal transaction are large due to lack of available information, corrupt government and local officials and transportation problems.

Litigation is a rough measure of the transaction costs of contract and

exchange because it gives a record of disputes that exist when there is a conflict over exchange great enough to demand outside arbitration. Litigation also captures the issue of information costs, as the legality of a transaction may be unknown until it is heard by a court. This is not to say that every court case measures transaction costs, only those which concern the rights of an individual or group to sell, bequeath or enter into other contractual arrangements.

The bulk of the quantitative data used in the following chapters come from a survey of court cases that was conducted at the site of three sub-provincial capitals in Ethiopia and Eritrea. The sub-province that provided the case studies were Tegulet and Bulga sub-provinces in Shoa, Sidama sub-province in Sidamo province and Hamasiem sub-province in Eritrea. The court records for these areas can be found in Debre Berhan, Yirgalem and Asmara, respectively. The sites were chosen because they represent three distinct patterns of land tenure in the Horn of Africa, in areas that were all under the aegis of the Ethiopian state during the period of this study.

Surveys of court records were conducted for four years during the thirty-year pre-revolutionary period. Initially, attempts were made to collect data from the years 1947, 1957, 1967 and 1974. If this failed because of a lack of availability, the years closest to those target years were collected. Pre-revolutionary data were selected because with the revolution came the Nationalization of Lands Proclamation, which *inter alia* put a stop to land litigation, stating that 'As of the effective date of this Proclamation, no person may put claims to land in *Rist* or *Diessa* areas' (Provisional Military Government 1979). The Proclamation also prevented any new court cases over land from being instigated.

In any given sub-province, information on all of the cases that were lodged in the specified year was collected; however, this does not necessarily mean a record of every case was acquired. In many instances, case records had disappeared.<sup>4</sup> Additionally, it was not unusual to see two series of numbers existing for the same year. For example, in one file case number 999 for 1970 could be found and in another file an additional case number 999 for 1970 with a completely different plaintiff and defendant. It is impractical to be specific about the exact number of cases that existed in a certain year because of these problems. It is also impossible to determine exactly what percentage of cases was observed, though an estimate is that we were able to gather one-third to one-half of all of the court cases for any particular year in most of the sub-provinces.

<sup>4</sup> In one instance the disappearance of case files was attributed to soldiers burning government documents to keep their barracks warm.



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Each court case was assessed for the nature of the case, a vector of characteristics associated with each participant in the conflict, the value of that which was disputed, the length of the case and other essential information. Numerous statistical measures of the data were used, including frequency, cross-tabular and probit regression analyses. Data from the cases allow us to see a snapshot of what was happening in the sub-province during the years which we observed. Additionally, by assessing what percentage of total cases involved disputes over land, we can see the degree to which the land tenure system was a source of conflict. The exact breakdown of ethnicity, status, sex and plurality is presented in Table 1.2.

In addition to the sub-provincial data, a standard random sample of every twenty-fifth case was collected of all of the Shoa High Court cases from 1947, 1957, 1967 and 1974. A total of 412 cases were collected. The provinces of origin are detailed in Table 1.1. This data set is problematic, however, as by 1967 the jurisdiction of the court had changed from being a court of appeal for the country as a whole to a court of appeal for Shoa alone. Thus the data are not consistent across time. However, for most of the cases we have a complete summary of the dispute, which is a valuable record. Throughout the text individual cases forming this data set are used anecdotally.

**Table 1.1.** Province of origin/year of record: cross-tabulation

Province of Origin	Year of Record				Total
	1947	1957	1967	1974	
Arsi	2	4			6
Gondar		2	1		3
Eritrea		2			2
Gamu Gofa		1			1
Gojjam	2	3			5
Hararghe		3			3
Illubabor		4			4
Kefa		1			1
Shoa	31	58	145	120	354
Sidamo		1			1
Tigray	1	1	1		3
Wollega	1	1			2
Wollo	1	1			2
Unknown	8	8	3		19
Total	46	90	150	120	406

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**Table 1.2.** Case characteristics for all sub-provinces

	Tegulet and Bulga		Sidama		Hamasién*	
<b>Ethnicity</b>						
Amhara v. Amhara	175	(73.9)	37	(14.3)		
Amhara v. other	21	(8.8)	57	(22.0)		
Amhara v. Unknown	5	(2.1)	32	(12.4)		
Other v. Other	13	(5.4)	95	(36.7)		
Other v. Amhara	24	(10.0)	18	(6.9)		
Other v. Unknown	2	(0.8)	20	(7.7)		
<b>Total</b>	<b>240</b>		<b>259</b>			
<b>Elite Status</b>						
Elite v elite	4	(1.6)	12	(3.2)	6	(1.6)
Elite v. nonelite	18	(7.3)	76	(20.2)	32	(8.3)
Nonelite v. nonelite	213	(85.9)	270	(71.8)	313	(81.5)
Nonelite v. elite	13	(5.2)	18	(4.8)	33	(8.6)
<b>Total</b>	<b>248</b>		<b>376</b>		<b>384</b>	
<b>Sex</b>						
Male v. male	103	(41.5)	191	(50.8)	121	(31.5)
Male v. female	31	(12.5)	17	(4.5)	26	(6.8)
Male v. no sex	29	(11.7)	43	(11.4)	28	(7.3)
Female v. male	24	(9.7)	44	(11.7)	123	(32.0)
Female v. female	18	(7.3)	6	(1.6)	22	(5.7)
Female v. no sex	14	(5.6)	9	(2.4)	6	(1.6)
No sex v. male	15	(6.0)	48	(12.8)	32	(8.3)
No sex v. female	2	(0.8)	0	(0.0)	1	(0.2)
No sex v. no sex	12	(4.8)	18	(4.8)	25	(6.5)
<b>Total</b>	<b>248</b>		<b>376</b>		<b>384</b>	
<b>Plurality</b>						
Individual v. individual	166	(66.9)	278	(74.1)	296	(77.1)
Individual v. multiple	50	(20.2)	65	(17.3)	40	(10.4)
Multiple v. individual	19	(7.7)	19	(5.1)	23	(6.0)
Multiple v. multiple	13	(5.2)	13	(3.5)	25	(6.5)
<b>Total</b>	<b>248</b>		<b>375</b>		<b>384</b>	

\* In Hamasién it was impossible to distinguish Amhara names from Eritrean names because of their joint Abyssinian roots. Additionally, less than twenty cases had participants of non-Abyssinian background and these were mostly Italians. As a result I was unable to develop an accurate ethnic breakdown for Hamasién.