

LAND TENURE ON THE ERITREAN PLATEAU

By

S. F. NADEL

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S. F. NADEL

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### I. INTRODUCTION

IT has been said of the African that he does not possess his land but is possessed by it. The attitude of the Eritrean peasant towards his land cannot be more aptly described. Indeed, his preoccupation with his landed possessions shows a depth and passion not often paralleled among African races.

This attitude springs from various roots. The possession of land is intimately linked with the whole structure of Eritrean society; it enters, as a paramount factor, into distinctions of social status and forms of social unity. On the densely populated plateau, which is in large measure rocky and barren, arable land is comparatively scarce: the search for land, this vital resource, is intensified to a veritable struggle for existence. Political factors, finally, have lent to the titles and claims to land an almost disproportionate importance; for the various political forces which were at work in historical Eritrea invariably centred round land—its acquisition, expropriation, or redistribution. Land rights thus became rights which needed to be jealously defended and backed by physical force. They were objects of incessant struggle rather than the fruits of peaceful growth. The violence with which the Eritrean of to-day fights his disputes over land bears witness to the efficacy of all these motives.

It will be clear, then, that the system of land tenure in Eritrea cannot be fully understood without some reference to the social system and the political history of the country; without a description of the physical configuration—the background of the 'land-hunger'; and without an analysis of the intricate legal machinery which the people have evolved to safeguard their cherished titles to land.

### II. GEOGRAPHY AND POPULATION MOVEMENT

The country usually described as the Eritrean plateau lies in the south and centre of the Colony, comprising the administrative Divisions Hamasien, Serae, and Akkele-Guzai. It represents a table-land of an average altitude of 7,000–8,000 feet, which is somewhat lower in the west (6,000 ft.) and rises in the south-east to its highest point,

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Mt. Soira (10,000 ft.). This table-land is broken by many rifts, ravines, and river valleys, often with deeply eroded edges and banks. In the south the upper Mareb and its tributaries flow across a wide, open basin, the plain of Hazomo, which lies considerably lower than the plateau (4,200 ft.) and corresponds in climate and vegetation to the tropical African plain rather than to the highlands of Eritrea. A similar aspect characterizes certain other valleys and plains which break the continuity of the plateau, like the valley of the river Obel in the Seræ, or the plain of Ala on the border of the Hamasien and Akkele-Guzai.

In the east the plateau breaks up into the parallel folds of mountain chains, separated by the deep river-beds of the Aligedde, Haddas, and Komaile, to drop sharply to the narrow Red Sea littoral. In the west the plateau slopes down gradually to the plain. In the north it descends in steps, over the lower plateau of Keren (4,200 ft.) and the range of hills stretching northward.

Of the inhabitants of the plateau we need only say that their language is Tigrinya, and predominant religion Coptic Christianity. They are typical highland people: they build their villages in the high altitudes, often on the windswept tops of mountains and ridges. Whatever the origin of this predilection (probably the ancient need of self-protection), to-day it has become habitual, and the lower altitudes attract only few permanent habitations. The Hazomo plain, for example, is considered too hot and unhealthy, and the people succumb easily to its malarial climate. They visit these low-lying zones only seasonally, for grazing or cultivation.

The history of Eritrea is one of constant migrations—immigrations from without and migrations from place to place within the territory. These many movements, which have hardly come to an end, shaped the whole concept of land tenure, and were themselves often conditioned by that paramount motive—the search for land. The area of the plateau measures about 5,500 square miles, and has to maintain a population of about 430,000. The theoretical density of population is thus 80 per square mile; in reality, considering the ratio of men to arable land, it is much higher. For large parts of the plateau are barren, waterless, and uncultivable, while others are lost to cultivation because they were absorbed in the expansion of cities or expropriated by the Italian Government for the construction of aerodromes and military buildings or, to some extent, for the settlement of Italian farmers.

Among the results of the pressure on the land are three well-defined seasonal migrations away from the plateau region. The people of the southern Akkele-Guzai move in the summer months to the plain of Hazomo for the grazing of their animals and cultivation. The people of the northern Akkele-Guzai and the southern Hamasien move in the winter to the lower altitudes in the east, in the area of Ghinda. The people of the northern Hamasien cultivate in the winter months in the foothills and lowlands off the northern escarpment, in the so-called *Bahri* Crown Lands. Only the Seræ, the most fertile of the three plateau Divisions, has no seasonal migrations, though its people in the west and south occasionally cross the border into the neighbouring territory of Agordat, in search of new arable land or pasture.

The winter cultivation just mentioned, which is largely additional to the main cultivation on the plateau, is determined by the climatic conditions. On the plateau the rainy season lasts from May to October (with an annual rainfall of approximately 20 in.), while on the coast and the eastern escarpment the rains fall in winter, from

November to February (32 in. on the escarpment). Through their seasonal migrations the people are enabled to utilize this coexistence of two climates.

The migratory habits appear to be of old standing, as is shown in the ancient land rights which the plateau groups claim in the lowlands. Of what age or authenticity these rights are is difficult to say, especially since, as we shall see later, they have been overridden and obscured both by political developments in Ethiopian times and by Italian legislation.

No data are available which would show how far the natural increase of the population has contributed towards the pressure on the land. Day-to-day observations seem to prove that the plateau race is prolific, and the population on the increase. But we discover one motive, of a different order, which has undoubtedly, and in recent times, increased the land shortage. It lies again in the movement of groups, namely, in the westward movement of once nomadic Muhammadan tribes. These tribes, especially the Asaorta, used to live in the coastal plain and on the mountains to the west. In the last hundred years they gradually turned from nomadic to sedentary livelihood, taking up land on the eastern edge of the escarpment and in the midst of the plateau population. This trend is progressing, and is visible in the attempts of the one-time nomads to occupy more land, or to turn a temporary occupation into permanent ownership.

### III. AGRICULTURE

Cultivation and selection of crops vary with the altitude and the climatic conditions. In the higher altitudes, i.e. on the plateau proper, the main crops are: *taff* (*poa eragostis Abyssinica*), *dagussa* (*eleusine tocusso*), barley and *zangada* (an inferior variety of durra). In addition, there is a great variety of leguminous crops—chickpeas (*cheche*), beans, lentils, green pepper, onions, linseed. In the lower altitudes and in the sheltered valleys the main crops are durra and maize, as well as some of the legumes just mentioned. Here and there the banana is cultivated. In the total agricultural production of the plateau the typical highland crops (*taff*, barley, &c.) represent roughly three-quarters, the lowland crops (durra and maize), one-quarter. The present account is not concerned with the modern types of cultivation (of citrus fruit, coffee, and European vegetables) introduced by the Italians.

*Taff*, wheat, barley, durra, and maize are used primarily for flour and bread—bread playing an important part in native diet. *Dagussa* and *zangada* are used mainly for the brewing of beer. Barley, durra (if there is a surplus), or beans also serve as fodder for mules and horses. Peas, lentils, beans, pepper, and onions are staple foods on the plateau. Linseed, finally, plays an interesting part in the native diet; it is used as cooking fat by the population during Coptic Lent, when all food derived from animals (including butter and eggs) is forbidden.

The various cereals are valued differently. The most highly appreciated variety is *taff*—bread made of *taff* flour is a recognized delicacy and the food of the well-to-do. Wheat is next on the list; then follow maize, durra, and barley. These three cereals are considered second-rate food, partly because their milling is more difficult and never as perfect as that of the fine-grained *taff* or wheat. In the Hamasien barley is preferred to durra; in the rest of the plateau the opposite is true, though on treks

and travels barley, easier to mill and transport, would replace durra and maize. *Dagussa* and *zangada* are considered the poorest food of all (though good enough for beer-making).

The Eritrean plateau has two cultivation seasons. The majority of the crops are sown in the main rainy season, in June-July, and harvested in November. Barley and peas are also planted in February-March, before the so-called 'little rains' (which fall in March and April), and harvested before the summer cultivation starts.

The Eritrean cultivator makes extensive use of terracing where his farms lie on sloping ground; the terraces are well built and are kept up with much care. Cultivation by the plough has fundamentally influenced the land position. The deforestation of the cultivated zones is in large measure due to the use of the plough which, unlike the hoe, demands a field clear of trees. Thus, before starting cultivation on a fallow or virgin field, the cultivator cuts and burns down all the trees and growing plants. The more thorough cultivation made possible by the plough, especially in the many areas where the layer of surface-soil is thin and light, has led to a considerable exhaustion of the land. The result is visible in the frequent periods of fallow which the Eritrean farmer must adopt; and these have in turn influenced the periodical redistribution of communal land, of which we shall speak later.

In most parts of Eritrea fields are cultivated for only three years in succession and left fallow for two. In more fertile areas the period of cultivation is extended to five years. In densely populated districts with poor land it may fall to two years, with one year's fallow. Only in a few areas, especially where the fields lie close to the settlements, are well watered and naturally manured by animal dung and by house refuse, cultivation is continuous, uninterrupted by fallow intervals.

The people are thus well aware of the value of manure. Indeed, the owners of land which is lying fallow will frequently offer it to neighbours as pasture in order to secure the manuring of their fields. At the same time manuring plays only an insignificant part in native agriculture. No effort is made normally to collect animal dung for manure. But on one occasion, when the present writer impressed upon the people of Senafe district the need for more intensive cultivation, they themselves proposed manuring as a means of reducing the frequent fallow intervals. Here, then, is surely room for improvement.

#### IV. SOCIAL STRUCTURE

In this section it cannot be attempted to give more than a bare outline of the social system on the Eritrean plateau. It is, essentially, a twofold system, determined by two different factors: political integration and kinship solidarity.

##### 1. *Political Organization*

The main political units of the Eritrean peasant society are the village and the district. On the Eritrean plateau, where the population lives concentrated in large settlements, the village is the traditional focus of social life. It is governed by a village head (*chikka*), who is nominated by the village or often the District Chief, and confirmed by the Government. The district, too, represents in many cases a traditional unit, though certain districts have been redefined or newly created under the Italian régime. Each district is under a District Chief or *meslenie*. In the tradi-

tional districts this office is mostly hereditary; in the others it is conferred upon *ad hoc* appointed men, often ex-soldiers or Government employees.

## 2. Kinship Organization

The basic kinship unit is the *enda*, or kindred. It consists of the offspring of a common ancestor, many generations back, by whose name the *enda* is known. Historically, then, the *enda* has grown out of the individual family; fully crystallized, it embraces a greatly varying number of individual families. The latter are mainly economic- and living-units, i.e. consist of the few family members (parents and children) who live together in the same house, work together, and share the fruits of their labour. Socially, in its civic rights and obligations, the family is completely overshadowed by the *enda*, and has no identity of its own; nor is it defined by a special collective term. Unlike the village community, the *enda* has no chief or head; where it acts as a body, it is guided or represented by chosen elders.

Though the *enda* unit is thus clearly defined, it is also a composite structure, and transitional forms occasionally blur the distinction between the *enda* and its component families. For some of these are very large; three or four generations of descendants may still be united by the narrower solidarity of the family and constitute an effective social unit, subordinate to the *enda*, yet itself an incipient *enda*. Moreover, an *enda* which grows very large would split up into several sections. They would be known by new, separate names, but might in size and structure closely approach to the 'incipient' *endas*. This reconstitution of the *enda* should, in theory, happen also to-day, under our eyes. In reality, the exact moment at which the *enda* splits up is mostly obscured; for it is only the last loosening of ties long since grown weak. Nor does the splitting-up of the *enda* invariably represent a final and complete severing of all links. The new sections would still acknowledge their mutual kinship for several generations afterwards. This is shown in the rule of customary law which excludes witnesses on the grounds of relationship, even though they belong to different *endas*, if they are descended from a common ancestor less than six generations removed, and admits them, i.e. disregards their kinship, only if the relationship is more remote.

It is important to emphasize the fluid, non-static nature of the *enda*, which appears only as one phase in the process of descent and procreation. For it explains certain aspects in the important conception of collective land rights; and it explains, above all, the strong awareness of one's ancestry, which characterizes the social consciousness of the Eritrean.

## 3. Political v. Kinship Unit

The relationship between the political and the kinship unit is largely that of two parallel structures which do not overlap. They are parallel, in particular, in their bearing on land tenure; for both groups appear as corporate owners of land, and number among the features which make up their social identity that of territorial control. Yet again, family ownership of land is sharply distinct from village ownership. In land disputes, therefore, the village community and the *enda* rarely come into conflict. Historically, the political unit has probably grown out of the *enda*. The names of certain villages and districts seem to indicate that these were once the domains of single *endas*, that is, of kinship groups which first occupied a stretch of

land and founded a settlement. To-day no village exists that would be peopled by a single *enda* only, the migrations of *enda*-sections having broken down the historical territorial limits. Nor have these migrations halted at the boundaries of districts, so that the same or related *endas* are to-day found in different districts. Yet this dispersal has not obscured the memory of descent, and the country of origin of an *enda* is as clearly remembered as its ancestors, and as naturally quoted as its name.

#### 4. *Imperial Sovereignty*

To these two social units, based on political integration and descent, we must add a third, extraneous, structure, which has to-day largely only historical significance. We are referring to the political sovereignty exercised in pre-Italian times by the Ethiopian Empire over its province Eritrea. It was embodied in the hierarchy of officials who administered the highlands of Eritrea for the Empire. At its head was the Imperial Governor (*gezza'i*). Under him were tax-collectors and Deputy-Governors (*ferresenya*). Most of these men were aliens from Ethiopia proper, but some were Eritrean chiefs who had been raised to the dignity of imperial officers. Finally, there existed feudal chiefs (*shumgulti*), heads of powerful families who were recognized as the leaders of their groups by the Imperial Government.

These 'extraneous' powers influenced land tenure in two ways: first, in the form of the imperial tribute, which was levied on the land; and secondly, through the creation of territorial fiefs (*gulti*), which were taken from the land of the people, often in disregard of older titles and land rights. The *gulti* lands were vested in chiefs and military leaders (for services rendered); in the priors of important monasteries; or they were conferred upon the military colonists whom the Empire settled in many of its outlying provinces to secure its power and safeguard the peace of the land.

The old land-tax survived, only slightly modified, in the present system of tribute. The *gulti* rights have largely disappeared. But as we shall see, certain privileges, reminiscent of the feudal land rights, still obtain and still represent these 'extraneous' titles to the native land.

### V. PRINCIPLES OF LAND TENURE

Three main categories of land ownership exist in Eritrea: (1) individual ownership (including ownership by the heads of individual families); (2) family ownership, more precisely, ownership by the kindred (*enda*); and (3) village ownership. As we shall see, this threefold distinction, based on the nature of the owner, is in certain respects inexact; for the three categories shade over into one another and partly overlap. Thus the *enda*, in which the second type of ownership is vested, may, through partial extinction, be reduced to a small individual family, so that family and individual ownership coincide. Or land originally owned by a family may, through inheritance and progressive division of the family estate, become individual property. *Enda* ownership of land, finally, is in certain cases operated by a mechanism of communal control which closely approximates to that governing village ownership.

The types of ownership just enumerated all entail permanent titles to land, that is, ownership in the strict sense of the word. In addition we also meet with the temporary titles of lease and other forms of limited usufruct. A third category of land rights is best described as 'extraneous'. It is extraneous in the sense that it is derived

from institutions which do not form an intrinsic part of the peasant society and economy of Eritrea, and largely from the factors described as extraneous in a preceding section—that is, political and religious prerogatives.

The detailed description of the various forms of land tenure will start most appropriately with the most widespread and important form of tenure—family ownership.

#### 1. *Family Ownership of Land*

This type of ownership is known as *resti*. It represents the paramount land title in Eritrea and one which is deeply rooted in the social structure. Indeed, the people speak of *resti* as a 'fundamental' right and a 'sacred' possession. But, as has been said before, this form of tenure covers a wide range of types, from land owned by an individual to land owned by the large kinship group. The concrete mechanism by which this land right is operated, that is, by which the titles of the family group and its individual members are balanced against each other, is equally varied. The term *resti* covers almost the whole of this multiform series of land titles. They have in common only these three features: their relative absoluteness; their hereditary nature; and their derivation from the historical right of a first possession by some remote ancestor. This first occupation of the land has long receded into the background of ancient, often semi-mythical, happenings; yet it still determines in many ways the conception of present-day *resti*.

Indeed, the conception of *resti* can be fully understood only historically, as an evolution, admitting of several variants, from an originally sharply defined and single concept of ownership—that founded on the first occupation of land by an individual or individual family. With the natural growth of the family of original occupants the title to the land changed from an individual to a collective title. From here onward the process of evolution could be by one of two roads: either the collective title was maintained, and certain mechanisms were evolved to ensure that the individual members of the group could exercise their rights of usufruct; or the individual nature of the *resti* would be re-established through inheritance and the division of the family estate between the various descendants. The first form of *resti* tenure is known only by this same term, *resti*; the second is called *tselmi* or *tselema*.

*Collective Resti.* The collective *resti* can be operated in two ways. In the first, the individual members of the group are invested with a secondary, derived, right of ownership. Each individual family within the large kinship group has a certain plot of land or number of plots, corresponding to its size and needs. This land is held in quasi-absolute ownership for life. It is worked by a man, his wife, and his unmarried sons and daughters. The latter move on marriage to their husbands' family and as a rule share his land. Only in certain special cases (to be discussed presently) can women or their offspring claim a share in the paternal hereditary land. Sons who marry and found families of their own apply for new land, through their father, to the family council charged with the administration of the hereditary lands. The rules differ in different parts of the country. In some places the son is expected to continue working on his father's land for one year after marriage; in others the period which must elapse before the son may receive land of his own is three years. The plot of land held by the individual family has no special name; it is generally referred to as



*grat*—farm or field. The fields of deceased family members fall back to the common store of family land from which new claims will be met.

The absoluteness of these individual titles is thus limited: while the title to a share in the *resti* lands is hereditary, the individual land is not (in theory, for sons may be allotted their father's land when he dies). The individual titles are, besides, subordinated to the collective title at significant junctures. Disputes over *resti* land are always fought on the *enda* title, never on the derived individual titles; and for the disposal of individual land holdings the agreement of the family group is essential. An individual may sell his lands, let them, or give them away (e.g. to an adopted son); but he must first offer them to the other *enda* members or, if they decline the offer, to his fellow-villagers; only when both have shown themselves disinterested can he dispose of the land.

The second type of collective *resti* represents a much stricter control of the group over its hereditary lands. The title of the individuals is limited to a usufruct, rigidly circumscribed in time and space. The family land is allotted to the individual family members by means of a periodical redistribution by lot. This system corresponds closely to that applied in the case of village land (except that the periods between redistributions are usually shorter in *resti*), and will therefore be described in that context.

*Tselmi*. The division of hereditary land between the various descendants follows no precise rules. It is impossible to say when or how often it takes place. That it happened repeatedly in the past, of this the present distribution of *resti* lands among kindred families is clear evidence. To-day, too, the division of hereditary lands (for example, between brothers) is often proposed; but it frequently tends to remain a proposal, owing to the strong tendency to retain family land undivided. It will be understood that the individual nature of *tselmi* depends essentially on the continued and progressive subdivision of the hereditary estate. If this is discontinued, especially in expanding families, the *tselmi* will soon coincide with the collective *resti*. Yet it will coincide only in fact, not in name; for the term *tselmi* is applied to all family land which has once been divided, irrespective of the actual size and nature of the group which controls it.

The inheritance of *tselmi* (and *resti*, so far as it admits of inheritance) follows these rules: the main heirs are invariably the sons; only where there are no sons can brothers inherit. In the absence of male issue daughters and sisters are entitled to inherit the family land, either for themselves or their male offspring. Otherwise daughters can claim a share in the paternal estate only in lieu of dowry. Thus if a woman has been married in the secular marriage of *berki*, which is usually contracted without dowry, she or her descendants can, after her father's death, claim a share in the family estate equal to that of her brothers, as compensation for the omitted dowry. A Tigrinya proverb formulates this equation of dowry and daughters' land: 'To the sons', it says, 'the inheritance; to the daughters, the dowry.' There are certain exceptions. The customary law of one district in the Akkele-Guzai, Tedrer, gives daughters an equal right of inheritance with sons. In most parts of the Hamasien a husband may choose to move with his wife to the latter's village (for example, if land in his own village is scarce), and request the use of land belonging to his wife's family. His children, too, enjoy this right of usufruct while the father is alive. After-

wards they may be asked to return to their paternal home, but often they are tacitly allowed to stay on the land of their maternal relations and to claim, after forty years, the property rights derived from this prolonged occupation (see *Squatters' Right*).

*Resti* in the wider sense of the word exists everywhere in the highlands of Eritrea. But the two types, collective *resti* and *tselmi*, occur in different parts of the country. The former is typical of certain districts in the Seræ and Akkele-Guzai; the latter is widespread in the Hamasien and Seræ.

The right of *resti* can never be forfeited by absence from the land or failure to work it. Some peasants, with little land, may view this 'absenteeism' with disfavour; but custom would never countenance any stricture on the 'sacred' right of *resti*. The question of abandoned *resti* is, moreover, largely academic. For the owner of *resti* land too ample for his needs will normally dispose of it, according to custom, and profitably. He can let it—to his kin or strangers; he can offer it in metayer; or his abandoned *resti* can be used temporarily by one or the other of his kinsmen according to the custom of *kwah mahtse*. Of this and other temporary titles we shall speak later.

*Resti and Social Structure.* Derived as it is from the first occupation of land by a family, the *resti* ownership is, in principle, limited to the home district of a group. But this local limitation is no longer true; through marriage with wives who come from other districts and have inherited their father's land, many men have been able to bequeath to their sons land situated in more than one district. Moreover, any man may acquire land in areas other than his home country by purchase, and this purchased land will in the course of time come to be considered like *resti* proper. Finally, land acquired through the extraneous factors of political prerogatives will equally, after a long period of ownership, become indistinguishable from hereditary *resti*.

This brings us to the last aspect of *resti* ownership. *Resti* represents much more than merely an economic benefit. Its derivation from an original first occupation lends it an important social significance—that of a qualification for enhanced social status. The social status founded on *resti* possessions is permanent and inalienable, more so than are the possessions themselves. The owner of *resti* land can sell or let it; but the fact that he once owned *resti* will rarely be obscured. It invests him almost for ever with the status of a member of the hereditary families, almost of a landed aristocracy, which looks down upon 'newcomers' who have come later and had to acquire land by purchase or lease. Indeed the term *restenya*, *resti*-owner, is hardly ever used without this secondary meaning.

The status of a *restenya* entails a number of valued prerogatives (called, collectively, *rim*). They vary greatly from Division to Division, even from district to district. Some are purely symbolic: there is the Easter-gift of the small reed-crosses (*setti*), dipped in holy water, which the village priests in the Hamasien and Seræ offer to the *restenya* families; the Hamasien also has the custom of *Lezane-manka* (from *leza*, 'tongue')—the right of the *restenya* elders to be presented with the tongues of all oxen slaughtered at weddings or funeral feasts. Other prerogatives are political. They are summarized in the concepts of *shimgilnet* (Hamasien and Seræ) and *nebrinet* (Akkele-Guzai), which embrace all the administrative concerns of the village community. Thus the supervision and organization of communal labour; the care of the village church; the appointment of (or the right to act as) guardians of the village fields and pastures; and the right to act as arbitrators in land disputes—all devolve

on the members of the *resti*-owning *endas* (on elders or young men, according to the task involved). Where these rights and duties represent a regular office, this changes hands periodically, often annually, being taken in turn by each of the families. Finally only a *restenya* is eligible for the office of village chief, which right is known as *chikkenet* or *helkinet*.<sup>1</sup>

Certain of these prerogatives entail economic benefits. Thus the guardians of the village fields receive a share of the crops or, when guarding pasture lands, a part of the fines they may collect from trespassers. The village chief and the elders acting as arbitrators in disputes derive a certain income from the legal fees which they charge. But more important than these financial assets is the privilege of being entrusted with the welfare of the community, in which business 'strangers' have no part.

When *resti* land is bought and sold, the *restenya* prerogatives do not change hands automatically. If a *restenya* sells all his lands, he also cedes his prerogatives to the new landlord; but this must be expressly stated in the pact of sale. More often, the vendor retains a small portion of the land, possibly only a token plot, and its retention secures his continued enjoyment of the rights and privileges derived from his one-time *resti*.

We shall hear later that in certain communities *resti* ownership has been superseded by village ownership of land. Yet the prerogatives of the *restenyatat* (plural of *restenya*) have not been allowed to lapse, but have been renewed and adapted to the new conditions. The right of administering and apportioning the communal land (*helkinet*) is still vested in the *restenya* elders. There is also the right of *ebi* (Hamasien) or *tserhi* (Akkele-Guzai), which entitles the heads of the *restenya* families to claim an extra field in the apportionment of village land. In the Hamasien this right is still practised; in the Akkele-Guzai it has been disallowed, notwithstanding the pressing requests of the old landowning families, when the communal system was introduced by order of the Italian Government. The insistence on the preservation of the *restenyatat* prerogatives is considered of the greatest importance; for they testify to rights of ownership which, though suppressed for the moment, may (as many hope) one day be revived.

## 2. Individual Ownership: Purchase

The purchase of land and the land so acquired are called *worki* (lit. 'gold'). This system of tenure is widespread throughout the country. The purchase is invariably for money, the price varying with the size and value of the land. We have already spoken of the restrictions to which the sale of land is subject. As regards the re-sale of *worki* land, the rules differ in different parts of the country. In the Seræ this second sale is unrestricted; in the Hamasien and Akkele-Guzai the *worki*-owner who intends to sell his property must first offer it to the old *restenya*; only if the latter refuses the offer can the *worki* land be sold to other buyers.

The transaction of sale follows a well-defined routine. It must be performed in the presence of three witnesses and two guarantors, one for each party. The guarantors

<sup>1</sup> The term *helkinet* is derived from the old, now obsolete, name for village chief, *halakha*. *Helkinet* has two other meanings: the right of administering

and apportioning the communal land (see below); and legal representation (see Sec. IX, 1).

#### LAND TENURE ON THE ERITREAN PLATEAU

must testify to the bona fides of vendor and buyer, and are held financially responsible for the proper execution of the contract of sale. If the land is *resti*, offered to a stranger, the guarantor of the vendor must be one of his kinsmen, able to testify that the vendor's relations have raised no objection to the sale. If this guarantee has been omitted and the land sold without the sanction of the vendor's relations, the sale can at any time be revoked, and any relation of the vendor who happens to learn of the transaction can claim the land for the price for which it was originally sold. Of the three witnesses one must be a Coptic priest, one a man of Muhammadan faith, and the third a blacksmith or goldsmith. The inclusion of the priest lends solemnity to this weighty transaction. The Muhammadan witness and the gold- or blacksmith represent the community of strangers in the Coptic highlands, that is, that class of landless foreigners which can never own *resti*; their inclusion ensures the unassailable testimony of persons of necessity disinterested in land deals. For several years after the acquisition of the land, on the first Sunday after Easter or the first religious feast falling after the anniversary of the purchase, the buyer will make a small gift in kind to the late owner, again in the presence of witnesses. This gift is characteristically called *kolo meriet*, 'guarding of the land', and this custom, too, is intended to preserve the memory of the deal and prepare evidence against some future date, when the purchase title may be disputed by the heirs of vendor or buyer. In the absence of written records, the details of the transaction—date, place, purchase money—are thus carefully stored in the memory of the people. In disputes over land an alleged purchase that could not be substantiated by this circumstantial evidence would be dismissed as 'not proven'.

It would seem that a confusion between *worki* and *resti* is well guarded against and could hardly ever arise. The privileges of the *restenyatat* thus appear well protected. Yet even the longest memory becomes blurred; the people themselves admit that many *resti* rights of to-day probably originated in *worki*. Indeed, we have seen that it is possible to acquire, with the *worki*, also the prerogatives normally entailed only in *resti*. The two titles are assimilated also by the rules of inheritance, which are the same in *worki* and *resti*. An historical event, moreover, transformed, once at least, the original land-right of *worki* (as well as other land titles derived from non-hereditary acquisition) into full *resti*.

In 1888 Ras Alula, Imperial Governor of Eritrea in the reign of Emperor John, before setting out for the war against the Mahdist armies, issued a famous edict. It started with the words—still remembered by the people—'man is free; land is tributary'. It laid down that every owner of land, by whatever title, who paid the tribute on the land in his possession there and then would henceforth hold his land by the right of *resti*. Ras Alula's hope, to realize by this tempting offer the large tribute needed to finance the war, was not disappointed; and many 'foreigners' were enabled to buy their entry into the jealously guarded ranks of the *restenyatat*.

#### 3. Village Ownership

This form of ownership is known as *shehena* (Akkele-Guzai) or *diesa* (Hamasién and Serae). It is almost universal in the Hamasién and widespread in the north and south of the Akkele-Guzai; it is weakly represented in the Serae and the central Akkele-Guzai.

In the *shehena* system all land is conceived of as the common property of the village. Descent plays no part in this land title, which is based exclusively on residence. Every member of the village community (known as *gebar*) who has a *tisha* (habitation) in the village has a right to a share in the village land. This share, called *gebri*, is of equal size, and bears no relation to the size of the individual family and its needs. Nowadays an exception is made in the case of widowers and widows, who are allotted half a share only—though at one time, when land was plentiful, they too were entitled to a full share. Above all, strangers and original inhabitants are placed on the same plane. It was easy, formerly, for immigrants to obtain land in *shehena* communities. But this traditional hospitality has long ceased to be true; to-day the tendency is rather to exclude the settlement of foreigners on the over-crowded lands of Eritrea.

A causal nexus between this more equitable system of land tenure and the many immigrations which have swept over Eritrea in historical times seems highly probable. The influx of 'foreigners' must have helped to break down, in some areas at least, the exclusiveness of *resti* tenure. Yet it broke down only partially. As we have seen, the social privileges derived from *restenyä* descent still survive where *shehena* has only recently succeeded the older *resti* régime. Even in the communities where *shehena* has existed as far back as memory goes a sharp distinction is still drawn between 'strangers' (though they may have immigrated several generations ago) and the families of original inhabitants. The latter are known as *ballabat* or *dekkibat*, terms which are almost interchangeable with *restenyatat*, and they hold the same privileges which the *restenyatat* claim in *resti* communities. But in *shehena* communities these privileges are less assured. For here the gulf between original inhabitants and strangers must have become more easily obscured. Certain of the prerogatives, like the *tserhi*, mentioned before, are to-day only a memory of an older, less 'democratic', *shehena* society. And to-day disputes often arise in which the immigrant families, more numerous than the 'original' *endas*, demand a fuller share in the administration of village affairs. The attitude of chiefs and elders in these disputes is undecided, as is natural in conflicts reflecting a change in social values.

While in *resti* the same family may own several lots of land in different areas and communities, *shehena* precludes, within its unit, multiple ownership of land. No *gebar* can own more than one share of communal land or belong to more than one *shehena* unit. Conversely, no resident member of the community can be refused his share. But a *shehena* share in the community where one resides can be combined with a *resti* title elsewhere; for example, a *resti* title derived from descent in another district and claimed by the right of inheritance. Some *shehena* communities have shown a tendency to question this 'unfair' right of double ownership, and villages have tried to refuse a resident stranger his *gebri* on the grounds that he owned *resti* elsewhere. Customary law, however, is very explicit in its sanction of this combined land title, a sanction which, once more, reflects the 'fundamental' and inalienable nature of family ownership.

The members of the community receive their share of the communal land by means of a periodical redistribution of the village land, called *warieda*, carried out by lot. The individual usufruct is limited to the periods between these redistributions. Under the supervision of the chief, the village priest and three chosen elders, the villagers

draw lots for their share of the land. The lots are represented by wooden sticks, and the drawing of lots is known as *echa*—‘wood’ or ‘stick’. The three elders are called *akwaro*, and one of them is elected ‘president’, or *halakha*. The office of these elders (which is taken in turn by the families of original inhabitants) entitles them to a choice of fields, before these come up for distribution; the *halakha* can usually also claim an extra *gebri*.

To ensure an almost mathematically exact division, the available village land is graded according to its fertility. In the most common system of grading we meet with three categories (though some communities have adopted more numerous grades). They are known as *walakha* (the most fertile land), *dukha* (land of medium quality), and *gereb* (poor land). The drawing of lots is repeated for each category of land, every *gebar* receiving his share of each. In each category of land the single plots for which the lots are drawn are compact landholdings. But occasionally land in the same grade is distributed over different localities—the main locality and a subsidiary one, known as *wotse* (‘supplementary’). In this case the individual farmer will again receive shares of each.

The periods of redistribution follow the cycle of cultivation and fallow. The changing-hands of the village fields takes place after the fallow period: villages which cultivate their fields for two years and leave them fallow for one as a rule redistribute them every three years; those which cultivate for three years, with two years’ fallow, every five years. The maximum period (especially in communities where the land is worked continuously) is seven years. It is usual to hold an annual *warieda* each year for different fields. If it is for fallow fields, it is held in August, and the land is sown in the winter or spring. If the *warieda* is for fields worked continuously it takes place at Easter, in time for immediate sowing. It is clear that, where land must be left fallow, a family must possess several fields to have at least one field under cultivation each year. The general rule seems to be that the single family ‘owns’, in this restricted, changing ownership, three fields, or multiples of three fields, at the same time.

Young members of the community who have founded families and are in need of land of their own, strangers who have moved to the village, or villagers who have returned to their home after a period of absence, must wait till the next *warieda* before they can claim their share. The store of communal land from which these new demands are met is replenished periodically by the recovery of unused land; for when a family becomes extinct, its land falls back to the community; or when a man dies, his widow can keep only half his *gebri*, the other half being withdrawn by the community after the *teskar* (the memorial feast for the deceased).

The principle of *shehena* excludes the sale of land, as it excludes also the land rights of absentees. An exception is made, however, in the case of men who leave the village for service in the Army or with the Government, and whose families stay behind. Though these men do not forfeit their *gebri*, this may be reduced to a half or quarter share, according to their income and the size of the family which they left in the village.

In certain regions of the Eritrean plateau (in the northern Akkele-Guzai and in the greater part of the Hamasien) the *shehena* system is an old institution. In other districts it is comparatively new, having replaced the older *resti*. This change was initiated both by the will of the people and by the order of the Italian Government. The

former change was on a small scale, concerning only a few scattered communities, while the latter embraced whole districts and groups of districts. Thus certain villages in the Hamasien districts Dekki-Teshim, Tekkela-Ageba, and Karneshim were made to convert their *resti* into *diesa* (or *shehena*) in 1935. The reason for this move was the bitter, incessant feuds over *resti* claims, which endangered peaceful administration in these districts. The Government saw the remedy in communal ownership—a remedy which proved on the whole effective. In the southern districts of the Akkele-Guzai (in the area of Senafe) *shehena* and *resti* existed for a long period side by side. In 1935 the Italian Government issued a decree making the *shehena* system universal in that area. This measure followed upon the expropriation of a large stretch of land, needed for the building of Senafe aerodrome. The Government intended to compensate the communities most closely affected with land in other, adjacent areas; in order to make this possible the old *resti* rights had to be overridden and all private land converted into land owned communally.

Needless to say, this change decreed from above has not yet disposed of the old *resti* claims or silenced the dispossessed *restenyatat*. A significant dispute between two factions among the people of Senafe, one defending the new *shehena*, the other attacking it, may here be quoted. It was brought before the writer in 1942, when he acted as Senior Political Officer of the Akkele-Guzai. Defenders and attackers presented their arguments with equal passion and conviction. Those in favour of *shehena* argued as follows: the return to *resti* would revive the old invidious distinction between rich and poor; those in favour of a return to *resti* complained that, through *shehena*, the people of the country (clearly meaning the big landowners of old) had all been reduced to the common level of landless paupers.

This dispute raises the question of the respective merits of *resti* and *shehena*. In the general social and economic sphere the relationship between the two systems corresponds closely to that between individual enterprise and communal control, and between privilege and socialism (or communism) in our own society, and like the latter it has its technical-economic aspect.

The practical significance of this communal ownership 'by rotation' is evident (and is borne out by the explanation which the people themselves offer). It represents a system supremely adapted to a country where land is of very unequal value and where the pressure on the land is great. Through this system every family is given an equal share, or the chance of such a share, of good and bad land alike. But against this it may be argued that no real interest in the land, and no progress or desire to improve the land, can be expected where the ownership changes every few years. This argument has been used by many British officers who were for the first time facing this unusual system, and equally by some of the Eritreans themselves, by highly educated, keen, and progressive chiefs.

The argument ignores an important fact—the spirit of communal responsibility in these communities, which makes the temporary landholder work in the interest of his successors as well, since they all belong to a closely knit social unit. The rules of fallow-lying and the building and upkeep of terraces, which outlive individual tenure, prove this communal spirit convincingly. Unless it obtained, the individual would work his land to exhaustion, not caring in what state he would hand it over to his fellow-villagers. In communal ownership, moreover, you must work your



land, lest you forfeit it; while *resti* ownership involves absenteeism and various forms of tenancy, which can hardly be called a spur to improvement and interest.

What can be meant, besides, by those critics who decry the impossibility of 'progress' and 'improvement'? Clearly they are thinking of modern methods of agriculture—irrigation by means of wells and pumps, artificial manuring, market-gardening; methods which are far above the average native group; methods, in other words, which follow the principles of individualistic and capitalistic enterprise. Such modern improvements, encouraged by the Italian Government, have been adopted here and there by individual Eritreans, above all, by prosperous, go-ahead chiefs. These improvements are indeed opposed to the traditional communal system of land tenure. But we must also note that no attempts were made under the Italian régime to improve native agriculture on a communal basis; nor have the potentialities of the 'communal spirit' ever been explored. Whether it is indeed to be deplored that the natives of Eritrea have not yet been converted *en bloc* to the economics of free competition and individualistic enterprise we will not discuss.

It cannot be denied that the 'communal spirit' may have been weakened by the impact of modern changes. Yet we must not forget that the communal system of land tenure is not universal in Eritrea. *Shehena* and *resti*—the system expressing the 'communal spirit' and that based on individual (or family) interest—exist, and have long since existed, side by side. Nor have we any conclusive proofs that *shehena* represents a stage (more advanced or backward) in an organic social and economic evolution. The criticism of communal ownership by the enlightened chiefs which we just quoted cannot be called either reactionary or progressive: it merely expresses a divergent and, as it were, contemporaneous economic outlook.

#### 4. Temporary Ownership

*Individual Lease.* This lease is generally known as *krai*.<sup>1</sup> It is universal in Eritrea, and can be contracted for fields as well as pasture land or houses, both for long and short terms. It is always concluded between individuals, and for a certain period—either a specified number of years or one year, with the possibility of annual renewal. The lease is against the payment of rent, either in money or kind.

In the *Serae* lease and rent are known as *gemit*, and here the tenancy takes a slightly different form. It is contracted only for agricultural land, both between relations and strangers (though not between the Coptic landlords and Muhammadan immigrants). The rent is assessed in grain, but payable either in grain or money. The rent per field is standardized in the whole district, though the landlord may, in a bad year, or out of friendship for the tenant, remit a portion of the *gemit* rent.

Here we may mention, finally, a transaction which corresponds to a free loan of land. It is called *grat messah* (lit. 'free field'); it is concluded between friends or relations, and normally for three years, with the possibility of renewal.

*Family Lease.* Unlike the *krai* lease, which is a purely economic transaction, this type of lease represents a social contract between groups. It is called *sedbi*, which means 'alliance', and is considered primarily a means by which groups—*endas* and

<sup>1</sup> Another, somewhat wider, term is *kolo meriet* (lit. 'fruits of the land'). It embraces all forms of temporary ownership of land against rent or a share

of the produce. For a second meaning of this term see Sec. V, 2.



tribal groups—enter into a pact of friendship and mutual assistance. The *sedbi* is said to have originated in the pacts which the Muhammadan immigrants on the plateau concluded with the land-owning Coptic groups. Though the *sedbi* is no longer restricted to these pacts between aliens and *restenyatat*, the geographical distribution of the *sedbi* lease seems to bear out this historical explanation; for *sedbi* occurs only in the Akkele-Guzai, that is, in the area where Muhammadan and once nomadic tribes have penetrated into, and settled among, the Coptic plateau population.

The *sedbi* pacts thus link group with group. Mostly they are many generations old. They are concluded for indefinite periods—‘for ever’, as the people sometimes say—and cannot be easily terminated. As a rule both parties must agree to the termination. A unilateral notice by the landlords can be given only for two reasons: their own need of the land, or a failure, on the part of the tenants, to fulfil the many social obligations entailed in the *sedbi* pact.

For this pact involves, over and above the payment of rent, a complex set of rules which govern the relationship of landlord and tenant. The rent itself is mostly nominal, and may even be waived altogether. But the tenant (*sedbinya*) must show respect towards his landlord, must pay him an annual ceremonial visit, and must assist him in every way. This aspect of an ‘alliance’ bought with land was most important in the times of constant civil war; it is still reflected in the rule of customary law which rejects, in land disputes (unless they concern the *sedbi* pact itself), the testimony of a *sedbinya* for the *enda* with which he is allied. Other obligations involved in *sedbi* serve to emphasize the property rights of the landlords and to prevent unjustified claims to the land by unscrupulous tenants. Thus the payment of the rent is surrounded with formalities. Annually, after the *maskal* feast (which marks the end of the agricultural season), the tenant will visit his landlord, bringing with him small gifts as well as the rent. The landlord will in turn make this visit the occasion for a feast to which many guests are invited. The rent is paid over in their presence, the guests acting as witnesses. The landlord will regularly visit his tenant and inspect the land in order to ascertain, again in the presence of witnesses, that the tenant has observed the terms of the lease and has not illicitly extended his cultivation. Thus all due precautions are taken to preclude disputes or an abuse of the pact. It is the practice also when leasing land to a group to divide the land between the individual members of the tenant group, lest the latter raise, at some future time, a collective claim of ownership to the *sedbi* land. With the land divided between many tenants, each of them becomes a potential witness as well, whose testimony would help to establish the facts of ownership. A tenant must not, finally, sub-let his land without the consent of the landlord, a consent which would rarely be given; for this disposal of a leasehold might obscure the rights of ownership, and would look too much like ownership itself.

*Sedbi* disputes happen nevertheless. In recent years, especially, these disputes have increased. Many tenants accuse their landlords of having given notice without justification and of attempting to terminate a lease which had come to be regarded as ‘eternal’. This tendency to terminate old *sedbi* pacts is due, above all, to the increased pressure on the land. Not a few landlords can now plead that they are themselves in need of land. Yet often they only wish to increase their landed property so as to exploit it by profitable modern methods—a ‘need’ which, alien as it is to the traditional economic system, is denied by the tenants.

One of the most dangerous features of the *sedbi* disputes is the religious antagonism which they may easily evoke. The Christian landowners, in demanding the termination of *sedbi*, are trying to oust the alien Muhammadans from the Christian-owned land; the Christians frankly admit their fear that this interminable lease might obscure the 'sacred' rights and privileges of *resti*—rights and privileges from which all aliens must remain excluded. The Muhammadans, in turn, accuse the Christians of wishing to deprive them of the ancient rights acquired by their forefathers. Claims and counterclaims are both justified, and the disputes over land threaten to turn into religious and racial feuds.

The whole *sedbi* position will undoubtedly have to be reviewed in the future. It will be a thorny problem; for to-day many *sedbi* pacts are closely interlocked. Landlords who in the past let their lands, when they had more than they needed, had subsequently to rent new land, from other landlords, for their own use. Indeed, this problem cannot be solved without a complete revision of the system of land tenure. For the moment the Administration has gained a breathing space; for the chiefs of the Akkele-Guzai wisely decided to defer all *sedbi* disputes until after the war.

*Tenant Farmers.* An absentee landlord who does not intend to work his own lands may hand them over to a tenant who, in lieu of rent, pays with his services. This system is known as *halau resti*, lit. 'guardianship of *resti*', and the tenant-farmer is known as *gebar*. He is thus tenant and steward combined; he farms part of the land himself, watches over the rest, and arranges, on behalf of his landlord, tenancy agreements (e.g. of the metayer type) with other, paying, tenants. The landlord, in turn, pays the tribute for his *gebar*. This combination of servitude and tenancy can exist only where there are large landowners, above all, landowners who owe their wealth in land to ancient feudal rights, and where the feudal tradition is still alive. Thus it exists in Eritrea only in the Serae, the province where feudal landownership was once widespread and where it survived in the large landholdings of a few powerful families. It is, however, of paramount importance in Ethiopia.

*Metayer.* This contract of tenure, known in Tigrinya as *grat ferekha* (lit. 'half-field'), is widespread in Eritrea. It is entered into by a landlord who has more land than he can work or who, for certain reasons (ill health, old age, lack of plough-oxen), is incapable of working it, and by a tenant who is in search of more land. The tenant may be a relation of the landlord, his fellow-villager, or a stranger; in the latter case the landlord must first make certain that no one among his relations or fellow-villagers is willing to take the land under metayer conditions. These are of two kinds. In the first, the landlord contributes the land, half the seed, and half the manual labour; the tenant contributes the other half of the seed and labour, and the plough-oxen; landlord and tenant share the crops in equal parts. In the second type, the landlord contributes only the land, while the tenant provides labour and seed; in the division of the crops the landlord takes one half only if the land is exceptionally fertile, and one third or one quarter if the land is of poorer quality. The metayer contracts must be for at least two harvests if the land is virgin or fallow; there are no rules in the case of other land—the contract may be for one year only or for longer periods.

*Squatter's Right.* This customary right, which the Italian Government recognized and embodied in its land ordinances, lays down that forty years' undisputed occupation of land constitutes legal ownership, tantamount to *resti*. The 'Forty Years'

Right' is said to have been formulated in the reign of Emperor John and his Governor of Eritrea, Ras Alula. This may well be so: it fits in well with the other edict of the time, converting long-held land into *resti*. And like the latter it crystallized in a period of considerable immigrations and military colonization, and as a sanction of the squatter's right of landless foreigners in a country still amply supplied with vacant land.

Needless to say, the formal pacts of tenancy preclude the plea of the 'Forty Years' Right'. This right, as understood in the country, is, moreover, strictly limited: it cannot overrule the title of *resti*. If, for example, the *resti* owner of certain land emigrated, and his land was occupied by a squatter for over forty years, the owner and his heirs could always, on their return, recover the land.

An Italian decree of 1929, on the other hand, rules that the 'Forty Years' Right', if proved, can override all claims by *restenyatat* who abandoned their land. Indeed, a subsequent decree of 1934 openly admits that this interpretation fundamentally changes existing custom. The original decree is qualified only in one respect: if *restenyatat* who have forfeited their land (through absence or emigration) return to their country and find themselves landless, the Administration should attempt to find them land in their community (it is not said how); but the *ex-restenyatat* should be made to realize that this new apportionment of land implies no recognition of their former rights and status as *resti* landlords. The possibility of an unfavourable effect of this reinterpretation of the 'Forty Years' Right' on the 'landed aristocracy' was not overlooked: nevertheless, officers were instructed to put the decree into effect through the 'persuasion of the better and more competent' elements of the people. The decree expresses the Italian policy of weakening the privileged *restenya* class—the same policy which led later to the large-scale abolition of *resti* estates.

A special form of 'squatter's rights', the *kwah mahtse*, occurs only in a few districts of the Serae and Akkele-Guzai. It is by its very nature restricted to the areas where there is still unused land, especially to the wide stretches of low-lying plain (like the plain of Hazomo or the Obel valley), where habitations are scarce and the populations small. The term *kwah mahtse* means 'stroke of the axe', and refers to the first clearing of virgin or long uncultivated land from which this title is derived. It can be exercised only on *resti* land and by members of the *enda* owning the *resti*. No aliens may enjoy this land right, which enables an individual who is in need of land to utilize without formality the unwanted land of his kinsmen. The *kwah mahtse* is for no fixed period; it is not, in theory, hereditary, though it may become so in practice. If the 'squatter' leaves the land uncultivated for one agricultural season, the *kwah mahtse* right lapses in August of that year.

##### 5. Extraneous Land Rights

*Crown Lands.* By the Italian Land Statute of 1909 (revised in 1926), certain originally native-owned tracts of land in Eritrea became the property of the Crown, or *terre demaniali* (domanial lands). This expropriation by the Crown comprised a large variety of lands—lands in the case of which the native titles were abrogated for military or economic reasons, or for reasons of public utility (e.g. building-land, roads, rivercourses, land needed for fortifications or aerodromes, mines, quarries, and forests); lands in the case of which the old titles were repealed for political reasons;

and lands to which no clear native titles existed. We are concerned here only with the last two categories.<sup>1</sup>

They comprise these types of land: land not inhabited by a settled population (as in the low-lying plains in the east and west of Eritrea); feudal land in the possession of individuals, families, or religious bodies; land of extinct families or ethnic groups; land of abandoned villages, if left ownerless for over three years; and land which, by native custom, would fall to the State (for example, land of rebellious chiefs). In all these cases, however, the Statute also rules that all the existing native rights must be respected. We have seen that native land tenure provides for numerous rights claimed on vacant or abandoned land. The application of the Statute thus often led to an ambiguous coexistence of two land titles: State titles of property, and native titles of (tacitly allowed) usufruct or tenancy. Occasionally the State rights gave way before the traditional claims. The Hazomo plain is an example; almost uninhabited by a settled population, it was at one time declared Crown Land, but was later handed back to the people. In other cases the State rights remained in force, though repeatedly assailed and appealed against.

On the plateau proper there are only a few, small and scattered 'demaniale' areas. The tracts of Crown Land with which we are mainly concerned lie on or at the foot of the eastern escarpment. They are the *Bahri* lands in the north-east of the Hamasien, and the lands of Ghinda and Damas, which lie to the east of that Division. These are the areas referred to in the Introduction, which are visited annually, during the coastal rains, by large numbers of seasonal cultivators whose home is on the plateau and whose lands there are meagre or insufficient. Many *endas* from the plateau claim ancient *resti* rights in these Crown Lands. But as we already said, these rights are doubtful, and difficult to establish in an area without settled population. It is certain that the plateau groups never inhabited the escarpment permanently. The *Bahri* lands, moreover, formed before the Italian occupation part of the church lands of the wealthy monastery of Bizen. Whatever they may have been, these alleged *resti* rights were overruled by the decree of *indemaniamiento*. To-day the peasants can cultivate in these areas only as tenants of the Government, on annual lease (though usually prolonged from year to year) and against a rent (called, rather misleadingly, 'cultivation tax').

With more obscure justification small stretches of pasture land on the plateau were equally declared Government Land or, more precisely, land 'reserved' for the Government. This reservation implies the right of the Administration to cut the hay on these pastures for its own needs—such as fodder for Army and Government mules. When the hay has been cut, and until the new grass begins to grow, the pastures revert to the peasants. The village can use these reserved pastures only as grazing land, on a communal basis (without rent), and must not divide them up for

<sup>1</sup> The expropriations by the Crown, though derived from the Statute, had to be put into effect by special decrees. It often proves difficult to discover these decrees or to verify their precise terms. But it is clear that they were applied liberally and, not infrequently, with considerable laxity. The regard for the Italian colonists often overruled all other considerations, so that the expropriations ex-

ceeded the terms of the Statute and became indistinguishable from expropriations *ad hoc*. The banks of rivers are a typical instance: here it became the established practice to regard as domanial, not only the rivercourses themselves, but also the land on the banks to a depth of 20-30 yards—land, that is, which is specially adapted for the European type of cultivation.

cultivation. Of this, however, there is little danger; for the plateau is in most parts poor in grazing land; and even before the expropriation by the Government these lands were used in a similar fashion, as 'reserved' pastures (*hezati*) of the village, on which cultivation was forbidden, and to which the herds from other villages were not admitted, as a rule, even on payment of rent.

*Chief's Land.* In *resti* communities the District Chief, like all other *restenyatat*, owns his hereditary family land—large or small. The 'communistic' régime of *shehena*, on the other hand, allows the District Chief a special, additional share of the communal lands in virtue of his office. This share is known as *arbeita* (lit. four, or fourfold) in the Akkele-Guzai and as *hedat* (lit. corvée) in the Serae and Hamasien. In spite of the name, the extension of *arbeita* land is not clearly defined; nor is the chief's title to it quite unequivocal. According to custom the chief holds this additional share of land only by the grace of the villagers; they can, in theory, refuse it to an unpopular chief. But traditionally, too, the chief can claim one field in each *shehena* community under his command, and in practice this claim would never be refused, even to an unpopular man. Indeed, a powerful chief might exact more than his fair share of *arbeita* land.

*Territorial Fiefs.* We have mentioned the territorial fiefs (*gulti*) and gifts of land conferred, under the Ethiopian régime, upon Eritrean chiefs, upon the henchmen or relations of governors and emperors, and upon military leaders or imperial troops. Other chiefs or heads of powerful Eritrean families were confirmed as the feudal lords of territories which they had seized in wars or otherwise occupied. The feudal landlord (*gultinya*) became the owner of all land so granted, and the peasants on his domain, whatever their original title to the land, were reduced to tenant status. Unlike all other land, *gulti* land was free of tribute. This feudal tenure developed mainly in the Serae and Hamasien. It was partly abolished towards the end of the last century, by Emperor John of Ethiopia, and finally disappeared under the Italian rule, though the landed possessions themselves are still largely in existence.

The feudal tenure survived, however, in a modified form. Powerful chiefs, favoured by their Italian rulers, could still amass land by various means—by occupying village land or the land of extinct families, by claiming disproportionately large *arbeita* land, which, against all tradition, they would convert into hereditary possessions, even by false claims of inheritance. Or the Italian Government would invest their favourite chiefs with tracts of Crown Land, especially land that had fallen to the Crown through the expropriation of the landed possessions of rebellious chiefs. In theory, the land would be assigned to the new owners in trust, or as agricultural concession; but the trusteeship became soon obscured; and the concession, granted without rent or time limit, became indistinguishable from permanent property. Now, under British rule, the old, rightful owners of such land have not been slow to contest these new semi-feudal titles.

*Church Lands.* Coptic monasteries, like the feudal families, used to own large territorial fiefs in Ethiopian times. These, too, have largely disappeared, though a few monasteries still own small tracts of *gulti* land tribute free. Two examples are the monasteries of Enda Selasse in the Akkele-Guzai and Bizen in the Hamasien. A portion of the land is worked by the monks themselves; the rest is given in metayer to the peasants of neighbouring villages (once villages on the monastery domains). These metayer agreements are of a special type, involving a division of the harvest in

five parts; one-fifth goes to the monastery (which furnishes the land, and nothing else); four-fifths go to the tenant-farmers.

Village churches and their priests are entitled to minor privileges in the share-out of village land. These privileges vary considerably with local custom. In the *resti* communities of the Seræ the village church and its community of priests own special land, tribute-free, almost in the form of *gulti*. The same applies to certain districts in the Akkele-Guzai (e.g. Dekki Admokhom), where land is held in *shehena*. Here the land allotted to the village priests is divided off from the communal land and is not subject to the periodical redistribution. In other *shehena* districts (in the Akkele-Guzai and Hamasien) the village priest has, like every member of the community, the right to one *gebr* only; but, unlike the ordinary peasant, the priest is exempted from all communal labour and from tribute, and has, moreover, the right of choice when the village land comes up for redistribution. In the districts of Senafe, finally, another *shehena* area, the priests can claim an extra *gebr* over and above that to which they are entitled as members of the village community.

These various privileges extended to priests are in recognition of their spiritual services and hold good only for the period of their office. The precise qualification lies in the priest's right and duty of celebrating mass. If for some reason the priest forfeits this right, e.g. by breaking the Coptic law forbidding priests to divorce their wives or to remarry when widowed, he also forfeits the privileges pertaining to the land. Disputes over church land between villagers and priests are by no means rare. Partly they arise from legitimate complaints of the village against unfrocked priests; but partly they are based on weak arguments, and reflect merely the land hunger of the peasantry, which would override even the traditional privileges of the church.

(To be concluded)

### Résumé

#### L'ORGANISATION AGRAIRE SUR LE PLATEAU ÉRYTHRÉEN

APRÈS une esquisse des conditions géographiques et des institutions sociales sans laquelle il serait impossible de comprendre le système agraire du Plateau Érythréen, l'auteur décrit trois catégories principales de propriété agraire: 1°. *Resti*, la possession par la famille, ou plus exactement par le groupe familial (*enda*). Cette catégorie de propriété est héréditaire, et remonte à une occupation du sol par un ancêtre lointain. Les fils héritent; les frères, seulement quand il n'y a pas de fils, et les filles, seulement quand il n'y a pas d'héritier mâle. On ne peut être disqualifié du droit de *resti* pour cause d'absence prolongée ou pour avoir laissé la terre en friche. Ce droit a pour propriété de donner à ceux qui le possèdent une certaine position sociale, permanente et inaliénable comme un rang aristocratique, et il entraîne un certain nombre de prérogatives précieuses et de bénéfices économiques. 2°. *La propriété individuelle*. L'acquisition du sol et le sol ainsi acquis sont appelés *worki* ('or'). Comme il n'y a pas de titres de propriété écrits, on attache une grande importance aux trois témoins sans lesquels la vente ne peut avoir lieu: l'un d'eux doit être un prêtre copte, un autre un musulman et le troisième un forgeron ou un orfèvre. 3°. La propriété par le village, qui est appelée *shehena*. Le sol qui entoure le village est considéré comme la propriété commune des villageois. Chaque *gebar* (propriétaire d'une maison) a droit à