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One Law For Us All: A History of Social Cohesion through Shared Legal Tradition
Among the Abrahamic Faiths in Ethiopia

A thesis submitted in partial satisfaction of the
requirements for the degree of Master of Arts
in African Studies

by

David Benjamin Spielman

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ABSTRACT OF THE THESIS

One Law For Us All: A History of Social Cohesion through Shared Legal Tradition Among the Abrahamic Faiths in Ethiopia

by

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Master of Arts in African Studies

University of California, Los Angeles, 2015

Professor Ghislaine E. Lydon, Chair

This thesis historically traces the development and interactions of Christianity, Judaism, and Islam in Ethiopia. This analysis of the interactions between the Abrahamic faiths is primarily concerned with identifying notable periods of social cohesion in an effort to contest mainstream narratives that often pit the three against each other. This task is undertaken by incorporating a comparative analysis of the Ethiopian Christian code, the *Fetha Nagast* (Law of Kings), with Islamic and Judaic legal traditions. Identifying the common threads weaved throughout the Abrahamic legal traditions demonstrates how the historical development and periods of social cohesion in Ethiopia were facilitated.

The thesis of David Benjamin Spielman is approved.

Allen F. Roberts

William H. Worger

Gislaine E. Lydon, Committee Chair

University of California, Los Angeles

2015

This thesis is dedicated to my ancestors Mary Salter Spielman, Mary Alice Salter, James Franklin Salter II; the entire Spielman, Dagimshet, Salter, Vaught and Jingco families; Sylvia and Rebekah; and most of all to Zinash and Abijah.

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I. Introduction

There is a common and established national narrative about Ethiopia, upheld by intellectuals and Ethiopian nationalists alike, which views the nation as an unconquered Christian Empire rooted in an Israelite lineage. This popular narrative does contain a considerable amount of validity made evident by the documented political dominance of Ethiopian Christianity over a time period of nearly two-millennia, beginning in the 4th century C.E. However, the narrative fails to acknowledge the historical development of Islam and the pre-exilic Judaic practice of Beta Israel ('Ethiopian Jews') in Ethiopia, albeit in periphery to the dominant Christian state. Despite Muslims and Jews generally experiencing exclusion from the civic and political sphere, everyday life outside of these realms provided ample space for social interaction among members of the three faiths. Further, Ethiopian Christianity and Islam possess legal traditions that are analogous with, if not grafted directly from Mosaic Law, which is practiced by Beta Israel. The similarities that exist between the three legal traditions facilitated the development of what scholars have referred to as "exemplary patterns of mutual interaction and tolerance," among the three religious communities in Ethiopia.¹

The Judeo-Christian template utilized to sketch the national narrative of Ethiopia is likewise applied in describing the history of the nation's legal traditions. Emperor Haile Selassie I (1930-1974), who notably during his reign accelerated the modernization process his predecessor Menelik II initiated, asserts that "Mosaic Law" governed Ethiopia, prior to the advent of Christianity and the arrival of a Christian code known as the *Fetha Nagast*.² There is much debate surrounding claims to a Judaic presence in Ethiopia prior to the 4th century

¹ Jan Abbink, "Ethiopian Islam and the Challenge for Diversity," *ISIM Newsletter* 4, (1999): 24

² Haile Selassie I, preface to *The Fetha Nagast: The law of The Kings*, trans. By Abba Paulos Tzadua, ed. By Peter

² Haile Selassie I, preface to *The Fetha Nagast: The law of The Kings*, trans. By Abba Paulos Tzadua, ed. By Peter L. Strauss, (Durham: Carolina Academic Press, 2009), v

conversion to Christianity of the Aksumite King, Ezana. Many have dismissed Ethiopian narratives and traditions which assert a Judaic/Israelite past as unfounded, or recent fabrications. Still others have argued the polar opposite, that the events detailed in the Old Testament, prior to the exile in Babylon in 586 C.E., took place in Western Arabia and the Ethiopia plateau rather than Palestine.³ The latter of these two arguments would do well to explain the pre-exilic Mosaic legal and religious tradition preserved by Beta Israel. However, Beta Israel's oral and literary heritage asserts that they are the descendants of Levites who arrived in Ethiopia in the 10th century B.C.E.. Regardless of stance on the issue, the middle ground is founded on the general acceptance of some early pre-Christian Judaic influence in Ethiopia.⁴

The high regard with which Ethiopians hold Mosaic Law is evident in the practice of the Ethiopian Orthodox Tewahedo Church (EOTC), whom adhere to Mosaic Laws such as male circumcision on the 8th day after birth and the prohibition of the consumption of pork, which otherwise are not legally prescribed for Christians.⁵

Further, elements of Mosaic and Islamic law have left their mark on Ethiopian jurisprudence in the form of the aforementioned Christian code the *Fetha Nagast* (Law of the Kings). An indigenized code with Egyptian Coptic origins, the *Fetha Nagast* was introduced into Ethiopia between the 15th and 16th century C.E. This paper examines the *Fetha Nagast* in three legal uses: usury (lending with interest), slavery, and marriage (specifically interfaith) and identifies through comparison, areas of overlap in Mosaic, Shari'a (Islamic) and Christian law in these three subjects. It must be acknowledged that there are few known case studies involving

³ Bernard Leeman, "The Sabaeen Inscriptions at Adi Kaweh—Evidence Supporting the Narrative of the Sheba-Menelik Cycle of The *Kebra Nagast*," (paper presented at the African Studies Association of Australasia and Pacific Conference, University of Queensland, St Lucia, Brisbane, Australia, Friday 2 October 2009): 2

⁴ Richard Pankhurst, "The Falashas, or Judaic Ethiopians, in Their Christian Ethiopian Setting," *African Affairs* (1992): 567.

⁵ Lule Melaku, *History of the Ethiopian Orthodox Tewahedo Church: Part I*, (Addis Ababa: 2008), 38

the application of the *Fetha Nagast* aside from a few references. This is owed in part to the fact that the Ethiopian political and religious elite accepted the *Fetha Nagast*, while hybrids of Christian and customary law governed much of the region. In like manner, Shari'a law was never fully enforced by Ethiopian Muslims; rather it was only partially applied and also quite commonly blended with customary law.⁶ Finally, Beta Israel traditionally adhered to the original Mosaic Law in the *Orit* (Torah) with an unrivaled strictness.

Further, since Mosaic Law existed in Ethiopia prior to Shari'a and the *Fetha Nagast*, and both Christian and Islamic beliefs are rooted in Israelite faith, there is bound to be vast areas of overlap in the three legal traditions as the three faiths have thrived alongside each other for over a millennium in Ethiopia. The cultural exchange that takes place in the course of living, trading, working, marrying, and interacting together will have vastly enhanced the overlap. Therefore, this paper is primarily concerned with identifying a few areas of religious overlap in the *Fetha Nagast*. It's purpose is to identify the familial ties between the three Abrahamic faiths and assert that the overlap enabled Judaism, Christianity, and Islam to develop side by side in Ethiopia without buying into the usual rhetoric of religious conflict. This is in no way an attempt to paint Ethiopia as a utopia for the Abrahamic faiths. Bitter conflict did occur between the groups. However, as we shall see, religion is not always the main source of conflict and, and conflict is not present without peaceful interactions and collaboration. Finally it must be noted that since Beta Israel did not practice Rabbinical Judaism, we will refer exclusively to the *Orit* in this comparative study. In like manner, since the *Qur'an* is considered the primary and intrinsic

⁶ Abbink, "Ethiopian Islam and the Challenge for Diversity," 24

source of Islamic law, it will serve as the main source of reference in this comparative study with the *Fetha Nagast*.⁷

II. The Historical Development of Christianity's Political Dominance in Ethiopia

Emperor Haile Selassie I of Ethiopia descriptively referred to his nation as an, “Island of Christianity.”⁸ Expanding upon Selassie’s statement former cabinet member of Haile Selassie’s government and former Dean of the Theological Seminary in Addis Ababa, Abba Melketsedek asserts, “Ethiopian culture, education, civilization and freedom are impossible to understand apart from the influence of Christianity.”⁹ Indeed Ethiopia’s status as a predominately Christian state is a robustly documented historical fact. Aside from brief time periods in the 9th and 16th century C.E., a Christian monarchy has controlled Ethiopia’s political landscape since the 4th century C.E. Beginning with the conversion of Negus (King) Ezana of the Aksumite kingdom (c. 330 C.E.), the Christian monarchy lasted until 1974 when Ethiopia’s last Christian Emperor, Haile Selassie I was deposed in a military coup.

EOTC tradition credits the introduction of Christianity into Ethiopia to the conversion of an Ethiopian Eunuch by the apostle Phillip as told in Acts 8:26-29. However, coins, inscriptions, and documentary sources provide concrete evidence supporting the conversion of Ezana as the historical introduction point.¹⁰ Despite the conversion of Ezana, Christianity did not completely become part of the political landscape of Ethiopia until the 6th century C.E. under the reign of Negus Kaleb. Negus Kaleb asserted Axum as a Christian power on the Red Sea, engaging in military expansionist expeditions into the Arabian Peninsula, as well as introducing new legal

⁷ Chouki El Hamel, *Black Morocco: A History of Slavery, Race, and Islam*, (Cambridge University Press, 2012): 19,20

⁸ Haile Selassie I, “Conference of Oriental Orthodox Churches,” in *Selected Speeches of His Imperial Majesty Haile Selassie I: 1918-1967*, (New York: One Drop Books, 2000), 637

⁹ Abba Melketsedek, *The Teaching of the Ethiopian Orthodox Church*, (Danville: Alem Publishers), 89

¹⁰ Steven Kaplan, “Dominance and Diversity: Kingship, Ethnicity, and Christianity in Orthodox Ethiopia,” *Church History and Religious Culture* 89, no. 1 (2009): 293

codes and building churches.¹¹ However, Kaleb is best known for his invasion into Southern Arabia (ca. 525 C.E.) in response to the persecution of Arab Christians in the region at the hands of Jewish rulers. Specifically, Dhu Nuwas, the Jewish king of the city of Najran in Yemen, was responsible for the horrific emulaton of Christians, which in turn drew the violent response from Kaleb at the request of the Byzantine Emperor Justin.¹² The martyrs of Najran are remembered and recorded in Christian traditions, and they are also argued to be the, ‘true believers’ martyred by the ‘contrivers of the pit of fire’ referred to in the *Qur’an*, Sura 85.¹³ Kaleb, as a result of his piety displayed in defense of Christians, is canonized in both the EOTC as well as the Catholic Church. There was even a chapel and hospital dedicated to him in 15th century Seville, Spain illustrating the impact St. Kaleb and the incidents in Najran had on the broader Christian community.¹⁴

The reign of St. Kaleb and his pious actions in protecting and spreading Christianity represent a high point in the history of the Axumite Kingdom. However, the next several centuries would see the decline, occupation, and the eventual destruction of Axum in the 9th century C.E., in what is commonly referred to in Ethiopian sources as the ‘dark age’ of Ethiopian political history.¹⁵ The destruction of Axum came about at the hands of a queen known as Yudit, whose identity is unclear from available sources. Various Ethiopian oral traditions claim Yudit had Jewish origins and was the Queen of Beta Israel, while Egyptian Coptic and Arab sources make reference to “a pagan queen” who conquered and ruled over Ethiopia’s Christian empire.¹⁶

¹¹ Ibid., 295

¹² Laurence P. Kirwan, “The Christian Topography and the Kingdom of Axum,” *Geographical Journal* (1972): 171.

¹³ Ibid.

¹⁴ Núria Silleras-Fernández, “Nigra Sum Sed Formosa: Black Slaves and Exotica in the Court of a Fourteenth-Century Aragonese Queen,” *Medieval Encounters* 13, no. 3 (2007): 546.

¹⁵ Sergew Hable Selassie, “The problem of Gudit,” *Journal of Ethiopian Studies* (1972): 113.

¹⁶ Tekeste Negash, “The Zagwe Period and the Zenith of Urban Culture in Ethiopia, ca. 930-1270 AD,” *Africa: Rivista trimestrale di studi e documentazione dell’Istituto italiano per l’Africa e l’Oriente*, Anno 61, No. 1 (March 2006): 123-125

Regardless of religious identity, what is clearly articulated in all sources is the all out assault on Axum and Christianity executed by Yudit. According to one source upon entering Axum Yudit burned the palace first and then burned the church of Zion, which was built by Abreha and Atsbeha according to Ethiopian traditions.¹⁷ Accordingly, Yudit burned many more churches but was unable to completely wipe out Christianity from Axum. In view of Yudit's destructive rampage, it comes as no surprise she was nicknamed Empress Isat (fire) by the local Tigray people during her forty-year reign (850 - 890 C.E.).¹⁸

As previously noted, the era beginning with Yudit's conquest of Axum is commonly referred to as the 'dark age' of Ethiopian history. However, the reference extends to the era following Yudit by which a monarchy known as the Zagwe dynasty asserted power. The logic behind such a negative label for the era of Yudit is uncomplicated, in light of her aggression towards the dominant Christian power. However, the unfavorable characterization of the period in which the Zagwe dynasty was in power (*ca.* 930-1268) is puzzling to say the least, given the fact it was also a Christian dynasty. Further complications arise from the fact that three of the four Emperors canonized by the EOTC are from the Zagwe dynasty. Tekeste Negash argues that the Zagwes (Cushitic Agaw) were historically viewed as illegitimate usurpers as a result of their ethnic and linguistic difference from the Axumites (Semitic).¹⁹ Further, the Axumite monarchs claimed descent from King Solomon of Israel and the Queen of Sheba (Nigst Makeda) and thus were referred to as the Solomonic dynasty. Perhaps in an effort to counter the Solomonic ideology and to legitimize their power, the Zagwe's also claimed Israelite descent from the

¹⁷ Selassie, "The Problem," 116.

¹⁸ Reidulf K. Molvaer, "The Defiance of the Tenth-Century Empress Yodit (Judith) of Ethiopia from an Unpublished Manuscript by Aleqa Teklé (Tekle-Īyesus) of Gojjam," *Northeast African Studies* (1998): 49.

¹⁹ Negash, "The Zagwe Period," 120

Hebrew prophet Moses and his Cushitic wife.²⁰ However, ideologically they were still considered illegitimate by many including the Patriarchate in Alexandria, who according to Ethiopian sources refused to send bishops to serve under non-Solomonic kings.²¹ Despite the overall lack of recognition from supporters of the Solomonic dynasty, the Zagwe dynasty left a lasting impression on the development of Ethiopian Christianity.

By all account the Zagwe's distinguished themselves from the Axumite Solomonic rulers by limiting their engagement in long distance trade, focusing instead on the maintenance of an intimate relationship between the church and state.²² Viewing the EOTC as a path towards strengthening their position, the Zagwe dynasty made incredible efforts to support the arts of the church by patronizing local artistry and engaging in the construction of new churches.²³ Retaining a close relationship with the church may have facilitated the cultivation of a more theocratic based society. In accordance with a state focused on spiritual values, the zenith of development during the Zagwe dynasty is the construction of eleven monolithic rock-hewn churches in Lalibela. The location is named after the Zagwe monarch Lalibela (*ca.* 1185-1225), who initiated the construction of the churches in an attempt to create a 'New Jerusalem' for Christian pilgrims cut off from Jerusalem due to the Holy city falling under Muslim control.²⁴ Contemporarily the site remains an important location for the EOTC, attracting hundreds of thousands of tourists and pilgrims every year. The site remains a monumental testament to the Zagwe dynasty's development of Christianity as a political and social force in Ethiopia.

²⁰ Leeman, "The Sabaeen Inscriptions," 2.

²¹ Negash, "The Zagwe Period," 128

²² *Ibid.*, 133

²³ Kellen McClure, "No Shelter: UNESCO's Efforts to Save Lalibela's Culture," (Addis Ababa, 2007), 8

²⁴ Lelu Melaku, *History of the Ethiopian Orthodox Tewahedo Church Part Two and Three: From the Reign of Emperor Caleb to the end of the Zagwe Dynasty and from the Classical (Golden) Age to the Present*, (Addis Ababa: 2010), 46

Thus, Christianity's dominance over Ethiopia's political landscape was a norm from the 4th century C.E. onward. However, it was not until the 13th century that Christianity began to truly expand beyond the political sphere and exert power over Ethiopia's social order. Negus Yekuno Amlak is credited with reinstating the so-called Solomonic dynasty when he wrestled the throne away from the Zagwe dynasty in 1268 C.E. Scholars of the Ethiopian Orthodox Church consider the 200 plus years that followed the reinstatement of the Solomonic line, the 'golden age' of Christianity in Ethiopia. Notably Negus Zär'a Ya'eqob's ('Seed Of Jacob') 15th century reign, which lasted from 1434 to 1468, was critical to the consolidation of a divided church and the advancement of standardized religious practice. Described as the "greatest ruler and patron of the church among the kings of the Solomonic dynasty," EOTC scholars identify Negus Zär'a Ya'eqob's reign as a peak in Ethiopian political and religious development.²⁵ Policies introduced by Negus Zär'a Ya'eqob can be best described as those of a religious zealot, as they ranged from calling on all Christians to publicly acknowledge their faith by wearing the sign of the cross on their forehead, to legally prescribing torture and executions for accused devil worshippers.²⁶ Further, Negus Zär'a Ya'eqob expanded the kingdom's political and religious influence by building garrisons and churches all throughout Ethiopia. He appointed priests and government administrators, thus intertwining the political with the religious, while simultaneously endowing himself with complete power over the church and state.

Ethiopia's political landscape was thus dominated by a two-tiered power structure comprised of the EOTC, along with the Christian Emperors. However, from the early developments of the Church until the middle of the 20th century, the heads of the Egyptian church chose the leaders of the EOTC. Egyptian monks were always chosen, and for the most

²⁵ Ibid., 86

²⁶ Steven Kaplan, "Seeing is Believing: The Power of Visual Culture In the Religious World of Ase Zär's Ya'eqob of Ethiopia (1434-1468)," *Journal of Religion in Africa*, Vol.32, No.4 (2002), 123

part were under the control of the Emperors. Thus, the Emperors played the role of *de facto* leader of the EOTC. Both the church and the Emperors legitimized their power through the *Kebrā Nagast*, an Ethiopian national Epic that claims the Ethiopian monarchy was founded by Menelik I, the offspring of a union between King Solomon of Israel and the Queen of Sheba (Nigst Makeda of Ethiopia). Scholars date the development of the *Kebrā Nagast* to the 6th century C.E., however the epic experienced a revival in the 13th century C.E. as an aid to bolstering the position of the Solomonic Emperors.²⁷ According to the *Kebrā Nagast*, Menelik I was authorized by his father King Solomon, to establish an Israelite kingdom in Ethiopia. Solomon sent with his son Menelik I, a priestly delegation from the tribe of Levi in accordance with Mosaic Law, and it was these priests who appropriated the Israelite Ark of the Covenant (Tabot) and established Ethiopia as ‘Zion,’ and Ethiopians as the ‘chosen’ people of God.

The legitimacy of the Solomonic dynasty in the post Zagwe period stems from a royal edict promulgated by the Queen of Sheba, and recorded in the *Kebrā Nagast* chapter 87:

ወትቤሎሙ ለመኳንንቲሃ በሉኬ መሐሉ በጽዮን ሰማያዊት ከመ ኢታንግሡ አንስተ ውስተ መንበረ መንግሥተ ኢትዮጵያ ዘክንበለ ዘርዑ ለዳዊት ወልደ ሰሎሞን ንጉሥ ተባዕተ ክስከ ለዓለም ወኢታንግሡ አንስተ ክስከ ለዓለም ለዓለም። ...ወክንግሥኩ ዘክግዚአብሔር ክንግሡ።²⁸

And the Queen said unto her nobles: “Speak ye now, and swear by the heavenly ZION that ye will not make women queens or set them upon the throne of the kingdom of ETHIOPIA, and that no one but the male seed of DAVID, the son of SOLOMON the king, shall ever reign over ETHIOPIA...I have made king him whom God hath made king, and I have chosen whom God hath chosen.”²⁹

The royal edict coupled with the divinely chosen status, established the patriarchal basis for claims to the throne of Ethiopia, namely any male from the lineage of Solomon. As previously

²⁷ David W. Phillipson, “The Aksumite Roots of Medieval Ethiopia,” *Azania: Journal of the British Institute in Eastern Africa* 39, no. 1 (2004): 85.

²⁸ Sirgu Galaw, trans., *The Kebrā Nagast: Ge’ez and Amharic*. (Addis Abeba: መብቱ በሕግ የተጠበቀ ነው, 2005), 94

²⁹ Sir E.A. Wallis Budge, trans., *The Kebrā Nagast: Book of the Glory of Kings*, (Great Britain: Aziloth Books, 2013) 148, 149

noted, all Ethiopian Emperors, post Zagwe Dynasty, claimed direct descent from Solomon in harmony with the *Kebra Nagast*, legitimizing their right to rule.

Further, the *Kebra Nagast* reveals the EOTC as the legitimate religion of Ethiopia by God’s decree, as well as a tension between Christianity and the Judaic roots of Ethiopia. Chapter 95 explains:

ወንሐነሰ ክለ ክመነ በርትዕት ሃይማኖት ዲበ መንበርነ ንሄሉ። ወንትፊህሐ ምስለ መምህራን ሐዋርያት ለክመ ሐርነ በፍኖተ ክርስቶስ ወበትክዛዛቲሁ። ወሶበ ሰቀሉ መጽጎኔ ግለም ኮኑ ዝርዋነ። ወመንግሥቶሙ ኮነት ብዱተ ወጎልቁ ወተሠረዉ ክስከ ለግለመ ግለም።³⁰

But we who believe in the Orthodox Faith shall be upon our throne, and we shall rejoice with our teachers the apostles, provided we have walked in the way of CHRIST and His commandments And after the JEWS crucified the Saviour of the world, they were scattered abroad, and their kingdom was destroyed, and they were made an end of and rooted out forever and ever.³¹

The EOTC is the chosen faith as it is announced that believers will be upon “our throne” indicating Christian ownership of the political power in Ethiopia as well as the religious. Further, ‘our’ is employed a second time in describing the apostles as personal teachers thus giving a sense of originality to the EOTC’s theology. Finally the passage reveals what can only be described as an often but not always tense relationship between Christians and Jews in Ethiopia as the Jews are labeled as ‘Christ killers.’ Thus two ideological strands are developed in the *Kebra Nagast*, one embracing a Judaic lineage as the legitimizing factor for attaining the throne, the other a transfer of theological legitimacy from Judaism to Christianity.

Further, the compilation of the *Kebra Nagast* is believed to have been around the same time period as the Jewish persecution of Christians in Najran, and contains an account of the event documented in the latter chapters of the epic. Therefore the unfavorable view of Jews in the *Kebra Nagast* is undoubtedly linked with the memory of the persecution in Najran. Although

³⁰ Gelaw trans., *Kebra Nagast*, 109

³¹ Budge trans., *The Kebra Nagast*, 161

there are plenty of examples of social cohesion between Christians, Jews, and Muslims, there is no denying the latter two faiths have developed as virtual second-class religions in the shadow of the dominant Christian faith. Thus Christianity is ultimately unrivaled in terms of a political and social influence exerted on Ethiopia as evident from the nearly 2000-year-old Christian Monarchy.

III. The Roots and Growth of Islam in Ethiopia

As previously noted, there is a tendency in certain circles to analyze Ethiopia through a fixed lens. The analytical view is exclusively focused on past imperial rhetoric, grounded in the belief that Ethiopia is historically and contemporarily exclusively a Christian state. Scholars such as Spencer Trimingham have asserted that, “Islam in the region is not significant in itself but only in relation to the history of the Christian State in Northern Ethiopia.”³² This view is not justified given the history of Islam in Ethiopia, which dates back to the 7th century C.E. It has been further noted that Ethiopia historically is a heterogeneous society, where elements of Islam, Judaism, and indigenous faiths were present, and share equal historical value to Christianity.³³ In addition, it is thought that the earliest converts to Islam outside of Muhammad’s inner circle of followers were Ethiopians.³⁴ It is no wonder that Tekeste Negash would make the firm assertion that “Islam in Ethiopia is as old as Islam itself.”³⁵ However, the historical links between Ethiopia and Islam date back much further, some 40 years before Muhammad received his first revelation.

³² J. Spencer Trimingham, in *Islam in Africa*, James Kritzeck and William H. Lewis eds., (New York: 1969), 21

³³ Hussein Ahmed, “The Histiography of Islam in Ethiopia,” *Journal of Islamic Studies* 3, no. 1, (1992): 16

³⁴ Jon Abbink, “An Historical-Anthropological Approach to Islam in Ethiopia: Issues of Identity and Politics*,” *Journal of African Cultural Studies* 11, no. 2 (1998): 111.

³⁵ Tekeste Negash, “Distressed, yet Confident, Ethiopia Enters the Third Millennium,” *International Journal of Ethiopian Studies* (2008): 1.

The religion of Islam and Ethiopia has an intertwined history that dates back to the birth of the Prophet Muhammad in 570 C.E. According to Islamic tradition Mohammed was born on June 8, 570 C.E. in what is referred to as, “the year of the elephant.”³⁶ The tradition is traced back to the reign of Negus Kaleb of the Aksumite Kingdom and the military campaigns he initiated in the Arabian Peninsula. According to tradition, the Aksumite forces under the leadership of General Abraha, with the use of war elephants, conquered as far as the gates of Mecca before his forces were repelled.³⁷ Islamic tradition holds that Allah intervened in order that the birth of Muhammad would take place. The Qur’an confirms this in Surah 105, “Al-fil”(The Elephant) where it states:

1. Don’t you see how your Lord dealt with the companions of the elephant? 2. Did He not make their treacherous plan go astray? 3. And he sent against them flights of birds, 4. Striking them with stones of baked clay. 5. Then did He make them like an empty field of stalks and straw, (of which the corn) has eaten up.³⁸

Therefore, Ethiopia, in much the same way it is connected to the Christian faith by way of Aksum, is also connected to Islam, all be it in a vastly contrasting manner to the conversion.

Forty-five years after the birth of Muhammad, and only five years after the angel Gabriel delivered the first revelation of the *Qur’an*, Islam and Ethiopia’s history crossed paths, by which Islam became a permanent part of the Ethiopian religious landscape. In 615 C.E., under persecution in Mecca, Muhammad sent a delegation of fifteen Muslims seeking refuge, to Aksum in what is known in Islamic tradition as the first Hijra (migration).³⁹ The Aksumite Negus, Ella Saham, welcomed the Muslim refugees into Aksum where they were allowed, under

³⁶ Sayed Ali Asgher Razwy, *A Restatement of the History of Islam and Muslims*, (Lulu Press, Inc, 2014): 16

³⁷ Christopher Ehret, *The Civilizations of Africa: A History to 1800*, (Charlottesville: University of Virginia Press, 2002), 291

³⁸ Abdullah Yusef Ali trans., “Surah 105 Al-fil, or the Elephant,” *The Qur’an*, (Istanbul: Asir Media, 2002)

³⁹ Fawaz Mansour, “The Immigration to Abyssinia: A New Interpretation.” *Al-Qasemi College* (2009): 61

the Negus' orders, to practice Islam freely.⁴⁰ In response to the shelter provided by Aksum for the Muslim refugees, Muhammad declared to his followers that Abyssinia (allegedly derived from Al-Habasha, the Arabic name for Aksum, Ethiopia) should never be targeted for jihad.⁴¹ Further, Islamic chroniclers have asserted that Muhammad kept in contact with Ella Saham and upon his death "performed the Salat Al-Gha'ib, or prayer in absentia – the first such prayer in Islamic history."⁴² In light of early Islam establishing roots in Ethiopia, scholars have argued that because the Prophet Muhammad was not yet established in Mecca, Islam developed in Ethiopia while selectively borrowing beliefs and traditions from the already established Christian political power.⁴³ Conclusions of this sort are founded in common practices between the two faiths such as prostration in prayer in the direction of Jerusalem shared by early Muslims and Ethiopian Christians.⁴⁴

While there definitely exists overlap in EOTC and Islamic traditions and beliefs, it can be debated as to who influenced whom. However, a valid claim can be made that the overlap in EOTC and Islamic beliefs and traditions is rooted in the fact that they both fall under the banner of Abrahamic faiths, with Judaism being a common ancestor. Therefore, a common root equals common practice, tradition, and belief between the two religions.

Finally, while the history of Islam in Ethiopia is rich with examples of Islam and Christianity functioning side-by-side, and even intermingling outside of the political realm, it would be remiss to not discuss the infamous jihad of Ahmad Ibn Ibrahim El Ghazi. El Ghazi was born in the sultanate of Harar in 1506 C.E., and prior to his jihad against Christian Abyssinia,

⁴⁰ Hussein Ahmed, "Aksum in Muslim Historical Traditions," *Journal of Ethiopian Studies* no. 2 Issue 29, (1996): 47

⁴¹ Jan Abbink, "Ethiopian Islam and the Challenge for Diversity," *ISIM Newsletter* 4, (1999): 24

⁴² Gamal Nkrumah, "A Leap of Faith," *Al-Ahram Weekly Online*, no. 666 (Nov. 27- Dec. 3, 2003).

⁴³ Professor Mehari Zemelek, interview by author, personal interview, Addis Ababa, Ethiopia, January 26, 2015

⁴⁴ Ibid.

initiated his career by deposing the Sultan of Harar and replacing the deposed ruler with his own brother, Umar Din, as a puppet ruler.⁴⁵ In order to fund his desired jihad against the ‘unbelievers’ (Christians), Ghazi attacked and pillaged Imperial merchants, economically assaulting the Christian polity in preparation for an all out war against the Negus, Lebna Dengel.⁴⁶ EOTC historians consider the time period in Ethiopia as the ‘golden age’ of Christianity, because of the expansion Christianity experienced beyond the political sphere, and the consolidation of the Christian political power under the banner of the Solomonic Dynasty. Therefore, Ghazi’s task was seemingly an impossible one, as the dominant Christians vastly outnumbered him and his forces.

However, with economic security to marshal forces within Ethiopia and from abroad (Turks and Arab mercenaries), El Ghazi took his fight directly to Negus Lebna Dengel. The battle of Shembera Kure in March of 1529 is the major victory for Ghazi and his jihadists that propelled their march towards conquering Ethiopia. It is recorded that El Ghazi defeated Negus Lebna Dengel’s army composed of 16,000 cavalry and 200,000 infantry, with his own forces of only 560 cavalry and 12,000 infantry.⁴⁷ While El Ghazi was vastly outnumbered, the deciding factor that tipped the battle in his favor was the supply of firearms and canons he received from the Turks.⁴⁸ Thus, with the fall of Lebna Dengel, El Ghazi was seemingly free to expand throughout Ethiopia, leaving in his wake a trail of burnt churches, forced conversions, and executions. El Ghazi’s jihad reportedly conquered two thirds of Ethiopia, and forced the Ethiopian Christian political power to seek aid from a Portuguese contingent. Eventually El

⁴⁵ Richard Pankhurst ed., “Lebna Dengel (1508-1540),” in *The Ethiopian Royal Chronicles*, (Addis Ababa: Oxford University Press, 1967), 50

⁴⁶ *Ibid.*, 52,53

⁴⁷ *Ibid.*, 54

⁴⁸ Abbink, “An Historical-Anthropological Approach,” 114

Ghazi was defeated and killed in 1543 by Lebna Dengel's son Negus Galawdewos.⁴⁹ However, El Ghazi is an important figure in Ethiopian history, since he represents one of only two periods when Christianity did not politically control Ethiopia albeit for a short period of time, as well as the conversion of many Ethiopians to Islam. Further, his jihad was repelled with the help of the Portuguese, who brought western influence into Ethiopia. Portuguese influence was felt mainly in the stylistic patterns of religious paintings and artwork produced by craftsman who remained in Ethiopia.⁵⁰

Historically, a level of tolerance displayed by the Christian state facilitated the development of Islam in Ethiopia. Notably, the examples of the Gondarine monarchs (16th-17th century C.E.), Lij Iyasu (1913-1916), and Haile Selassie (1930-1974) lent credence to a society tolerant of Islam, as they attempted to incorporate Muslims into the Ethiopian state, albeit on a limited basis.⁵¹ However, periods of extreme abuse and forced conversions at the hands of the Christian monarchy (Tewodros 1855-1868, Yohannis IV 1872-1889) strained this environment of religious tolerance and social cohesion. Overall, the development of Islam in Ethiopia has taken place in the periphery of the Christian state, characterized by large periods of peaceful coexistence intertwined with moments of conflict perpetrated by both sides.

Space does not permit us to traverse through the entire history of Islam in Ethiopia. I have touched upon a few points to highlight that Islam in Ethiopia should not be viewed, only through the 'traditional' lens of conflict with Christians. However, the conflicts, especially the jihad of El Ghazi, should not be ignored in fear of sacrificing the image of Ethiopia as a religious utopia. Further, outside of El Ghazi's jihad, conflicts with Christians and Jews were considerably

⁴⁹ Panlhurst ed., "Galawdewos (1540-1559)," in *The Ethiopian Royal Chronicles*, 72

⁵⁰ Stanislaw Chojnacki, introduction to *Major Themes in Ethiopian Painting: Indigenous Developments, The Influence of Foreign Models and their Adaptation*, (Weisbaden: Steiner, 1983), 24

⁵¹ Abbink, "An Historical-Anthropological Approach," 114-116

smaller in scale, and tended to be motivated by a variety of factors outside of religion. However, far too often “religion is the picture the conflict takes in the ideological field.”⁵² Bearing this in mind, it is important to note that Islam spread through Ethiopia by means of peaceful expansion, and for the most part was tolerated by the Christian monarchy.⁵³ Therefore, Ethiopia stands as a historical example in contestation with mainstream narratives, which dictate the violent expansion of Islam and the ‘inconceivable’ idea of the two faiths coexisting.

IV. Beta Israel in Ethiopia

Many scholars openly assert that Mosaic Law was practiced in Ethiopia prior to the 4th century C.E. conversion to Christianity.⁵⁴ Despite this general assertion, there is very little documented history of Beta Israel and even less in regards to their origins in Ethiopia, which more often than not leads to debate. Most speculation is grounded in the Ethiopian tradition, which states that most of Aksum was composed of Jews prior to the conversion to Christianity in the 4th century.⁵⁵ This in turn is cited as the reason for the EOTC’s faithfulness to the, “letter and spirit of the old testament,” being unsurpassed by any Christian faith in the world.⁵⁶ Further there is the *Kebra Nagast*, which, as noted previously, asserts that Israelite religious practice was introduced into Ethiopia in the 10th century B.C. during the reign of King Solomon of Israel. Oral traditions of Beta Israel align with the *Kebra Nagast*, asserting that their ancestors were members of the group of Levites sent with Menelik I to establish an Israelite kingdom in Ethiopia.

In light of the plethora of indirect evidence of a pre-conversion presence of Jews in Aksum, one would expect there to be a documented history. However, scholars have pointed out

⁵² Tony Karbo, “Religion and Social Cohesion in Ethiopia,” *International Journal of Peace* 4, no. 3 (2013): 48

⁵³ Abbink, “An Historical-Anthropological Approach,” 112

⁵⁴ Melaku, *History of the Ethiopian Orthodox Tewahedo Church*, 16-17

⁵⁵ Ibid.

⁵⁶ Steven Kaplan, *The Beta Israel (Falasha) in Ethiopia: From Earliest Times to the Twentieth Century*, (New York: University Press, 1992), 17

that Beta Israel rely primarily on oral history, and in turn introduced theories as to perhaps why there is a lack of historical documentation in a nation renowned for developing its own script. One theory is based upon the near Islamic conquest of Ethiopia during the jihad of Ahmad El Ghazi. At the onset of El Ghazi's jihad, Beta Israel served as guides for the Muslim army at the time of the invasion of the Simien Mountains and even fought alongside the Muslim invaders against Negus Lebna Dengel's troops.⁵⁷ The collaboration between the Jews and Muslims from a Beta Israel perspective may have been opportunistic, perhaps fighting alongside El Ghazi with the hope of reasserting their independence away from imperial Christianity.⁵⁸ However, Beta Israel eventually switched their allegiance to side with the Portuguese backed imperial army of Negus Galawdewos. In early defeats suffered by Negus Galawdewos to El Ghazi, the Beta Israel stronghold in the Simien Mountains known as Amba Ayhud, was utilized as a place of refuge from El Ghazi's army.⁵⁹ With the defeat of El Ghazi in 1543, Beta Israel had many of their rights and independence restored, which had been taken away under previous Christian Emperors. However, it has been theorized that during the wholesale destruction of Christian intellectual heritage, initiated by Ghazi's jihad, most of the Beta Israel records were destroyed in the plundering.⁶⁰

Theories and speculation abound as to the origins of Beta Israel in Ethiopia. However, the one fact that cannot be disputed is the historical 'othering' of Ethiopian Jews by the dominant Christian society. Beta Israel has historically been referred to in Ethiopia as the 'Falasha.' The term is derived from Ge'ez, the language of Aksum, and is defined as 'exile' or 'stranger.'⁶¹ The

⁵⁷ Ibid., 83

⁵⁸ Ibid.

⁵⁹ Ibid., 84

⁶⁰ David Kessler, *The Falashas: A Short History of the Ethiopian Jews*, (Portland: Frank Cass and Co. LTD, 1996), 97

⁶¹ Ibid., 10

term is for the most part considered pejorative, however, some Judaic scholars do not view it as a problematic term since Jews throughout Europe and the world often shared the belief that they were living in exile from their homeland of Israel.⁶² The term itself originates in the 15th century C.E. with Negus Yisshaq (1414-1429 C.E.), who notably took a violent and oppressive stance towards Beta Israel. The term is first used and recorded in a proclamation by Yisshaq that states, “He who is baptized in the Christian religion, may inherit the land of his father; otherwise let him be Felasi.”⁶³ Additionally, superstitious beliefs held by Christians generated disparaging tales and labels aimed at Beta Israel. In particular, Christians claimed the Jews had *buda*, the evil eye, and thus sought physical separation from Beta Israel as a means of protection.⁶⁴ The superstition and pejorative terminology aimed at Beta Israel illustrate the degree of social ostracism promoted by Christian society.

Further, despite the claim of an Israelite lineage by the Christian Emperors, and despite EOTC belief and tradition being saturated with Hebraic elements, there has often been a negative view of Jews among Christians in Ethiopia. Much of this may stem from the incidents of Christian persecution at the hands of Jews in Najran, as well as the all out assault on the church and state of Axum by the allegedly Jewish Queen Yudit. Additionally, Beta Israel often suffered persecution at the hands of the Christians for the so-called ‘guilt,’ they held as Jews in crucifying Jesus.

Notably, Negus Sartsa Dengel mounted a campaign against the Beta Israel King, Radai, from 1577 to 1594. Negus Sartsa Dengel initiated the seventeen-year campaign allegedly for Radai’s failure to pay tribute to Dengel. In Negus Sartsa Dengel’s Royal Chronicle, the bravery

⁶² Ibid., xiii

⁶³ James Quirin, “The process of caste formation in Ethiopia: A study of the Beta Israel (Felasha), 1270-1868,” *International Journal of African Historical Studies* (1979): 238.

⁶⁴ Allison Mickel, “Themes of Unity and Division in Beta Israel Identity Formation,” *The Monitor Journal of International Studies*, (Summer 2010): 8

of the Beta Israel is praised, however Dengel also makes mention that it is, “better to war against those who are guilty of the Blood of our Lord Jesus Christ.”⁶⁵ Further, Negus Susenyos (1607-1632 C.E.) who notably converted to Catholicism waged war against Beta Israel and issued edicts calling for the execution of Jews wherever they were found.⁶⁶ Beta Israel lost nearly all of their land and power through warfare with the dominant Christian state between the 15th and 17th centuries. It is interesting to note that many of the Solomonic kings who engaged in maltreatment of Beta Israel, were both celebrating and despising Judaism. They embraced an elitist view that held the doctrine to be a descendent of the Israelite King Solomon was the requirement to sit upon the throne of Ethiopia, however to be a Jew was considered to be a ‘Christ killer,’ and as previously noted in the *Kebrä Nagast* chosen for destruction by God.

Despite the historical tendency of the Christian elite to ‘other’ the Beta Israel community, there have existed notable periods of peace and collaboration between the two groups. In particular the Gondar era (1632-1755) was a time period of considerable social cohesion in which Beta Israel were more or less incorporated into the political-economic structure of the state. Exchanging work as craftsman for land grants from the state, Beta Israel was able to mitigate some of the land losses they had endured during the previous three centuries of war with the Christian state.⁶⁷ Accordingly, Christian and Beta Israel’s economic interaction during the Gondar era has motivated the scholarly assertion that the two groups were “indispensable to each other.”⁶⁸ Further, historical collaboration between Beta Israel and Christians was not limited to times of peace. The aforementioned war with Negus Susenyos was part of an anti-Catholic uprising by supporters of the EOTC against the converted Susenyos. Beta Israel provided

⁶⁵ Kessler, *The Falashah*, 98

⁶⁶ Quirin, “The Process of Caste Formation,” 243

⁶⁷ James Quirin, “Oral Traditions as Historical Sources in Ethiopia: The case of the Beta Israel (Falasha),” *History in Africa* 20 (1993): 304.

⁶⁸ Mickel, “Themes of Unity,” 12.

military aid to the EOTC in their uprising, which accordingly provoked the acrimonious edicts from Susenyos.⁶⁹ Accordingly, Beta Israel found it opportunistic to collaborate with Christians, in moments of peace as well as moments of conflict.

Contemporarily, few Beta Israel remain in Ethiopia as the majority was repatriated to Israel in the mid-eighties and early nineties. As with Christianity and Islam, space will not permit a fully detailed history of Judaism in Ethiopia. However, the points that can be gleaned from our discussion is that Judaism at best can be described as having a ‘love hate’ relationship with Ethiopia. It has been loved and incorporated into Christian national and religious beliefs, and despised for ‘shedding the blood of Christ.’ However, as with Christianity and Islam it is the norm for people of different cultures and beliefs to come in to conflict and to collaborate at times. Whether in time of peace or war, Beta Israel flourished in Christian Ethiopia embracing their own statutes and cultural values at the same time, sharing many with Christians and Muslims.

V. Background on the Fetha Nagast

The history of the *Fetha Nagast* in Ethiopia is a debated subject. The general consensus among scholars is that the *Fetha Nagast* is not an indigenous code to Ethiopia, but most of the debate itself is centered on the origins and dates of introduction into Ethiopia. The general belief, which adds to the prestige associated with the codes, is that the *Fetha Nagast* originated with the 318 Orthodox Sages at the council of Nicea. However, evidence from the text itself has prompted scholars to assert that the origins are more than likely Egyptian Coptic.⁷⁰ Specifically, research points to the eldest son of Assal Ibn al-‘Assal, an Egyptian Copt, as the author the *Fetha*

⁶⁹ Quirin, “The Process of Caste Formation,” 242.

⁷⁰ Aberra Jembere, *An Introduction to the Legal History of Ethiopia: 1434-1974*, (Münster: Lit, 2000), 188-189

Nagast sometime in the 12th or 13th century C.E.⁷¹ The code is divided into two main sections, the first governing laws of the Church and the second dealing with secular law. Elements of Shari‘a law are evident in primarily the secular section of the code, and in particular the Maliki School of interpretation. It has been noted that the Islamic influence comes from the codes Egyptian origins and it was written specifically for Christians living in a Muslim dominated society.⁷²

Introduced into Ethiopia between the 15th and 16th century, the *Fetha Nagast* is a blend of Mosaic, Islamic and Roman Byzantine legal traditions. Originally written in Arabic and translated into Ge‘ez, the law was ‘Ethiopianized’ and accepted primarily by the Emperors and the Church. To illustrate the reverence attached to the *Fetha Nagast* for the Christian Kings, Emperor Haile Selassie I points out that in the past Christian Kings would be buried with a copy of the law as a sign that in dispensing justice they had not deviated from the *Fetha Nagast*.⁷³

The *Fetha Nagast*, although adopted by the Emperors and the Church, never replaced customary law completely, however some areas of the code were adopted into the modern codes of Ethiopia introduced in the 20th century. Contemporary Ethiopia does not utilize the *Fetha Nagast* as a legal code. However, the EOTC still holds the code in high regard, studying the religious provisions and even bestowing the honorary title of ‘Lique,’ which means one who is an authority on the code.⁷⁴

There are many traditional methods of interpreting the provisions of the *Fetha Nagast*. However, the remainder of this article will focus on the actual comparison of a few examples of Judaic and Islamic overlap in the Christian *Fetha Nagast*.

⁷¹ Ibid., 191

⁷² Ibid., 36

⁷³ Selassie I, “Addressing Judges on Justice and the Law,” in *Selected Speeches*, 417

⁷⁴ Jembere, *An Introduction*, 37

VI. Legal Prohibitions of Usury (Charging Interest on Loans)

Historically, the practice of charging interest on loans (usury) was widely considered morally reprehensible. Correspondingly, Blitz and Long assert that in world history “there are few pieces of legislation as ubiquitous as measures pertaining to usury.”⁷⁵ Further, the practice has been traced back more than four thousand years, and is more often than not condemned on religious grounds. Several of the world’s major religions are included among those in opposition to usury.

The Abrahamic faiths are perhaps the best known example of religions that traditionally condemn usury as sinful and thus prohibited, and the *Fetha Nagast* does not deviate from its roots. To illustrate how negatively usury is viewed, provisions are set forth to punish those who engage in usury in both the Religious and Secular sections of the *Fetha Nagast*. Under the first section of laws regulating the church, Chapter VI deals with Priest and the provisions set out for appointment, ordination, ranks, precepts, causes of deposition, and matters which are not causes of deposition. Under section V. dealing with causes that would bring about a priests deposition it is stated that, “one who lends with interest,” shall be deposed.⁷⁶

Further, in the second half of the *Fetha Nagast* under the section dealing with secular law, Chapter L. details the law against usury. Section II under the title Usury states:

In the first Law, God forbade the taking of usury, and in the second He commanded the giving of a loan without being repaid. In the canon it is said abstain from this and to impose penance for this. If there is a priest or a layman who takes any usury, he shall abstain from this or be deposed. Do not sin before God by being desirous to take usury from your brother...you shall be despised by God.⁷⁷

⁷⁵ Rudolph C. Blitz, and Millard F. Long. “The economics of usury regulation,” *The Journal of Political Economy* (1965): 608

⁷⁶ Tzadua trans., *The Fetha Nagast*, 45

⁷⁷ *Ibid.*, 304-305

In the passage, Mosaic Law is evoked and referred to as the ‘first law’ as well as references to the canons set forth by the 318 Orthodox fathers. Usury is presented as a sin against God, and the Christian and Mosaic principle of desiring to sin by taking usury is evoked. Thus, Christian and Mosaic laws mirror each other on the subject of usury in the *Fetha Nagast*.

When examined alongside the *Orit* we find confirmation that the *Fetha Nagast* is in fact aligned with Mosaic Law. Exodus 22:25 states, “If thou lend money to any of my people that is poor by thee, thou shalt not be unto him as an usurer, neither shalt thou lay upon him usury.”⁷⁸ In addition the punishment for usury is also mentioned in the *Orit* in Ezekiel 18:13 which states, “Hath given forth upon usury, and hath taken increase: shall he than live? he shall not live: he hath done all these abominations; he shall surely die...”⁷⁹ The law is nearly identical in the *Orit* and in the *Fetha Nagast*, in that both condemn and describe usury as a sin against God. However, the letter of the law drastically differs in the prescribed punishment for usury. The *Fetha Nagast* recommends deposition, which falls in line with Christian principles, however the *Orit* prescribes death for the sin of usury.

In like manner to its Abrahamic cousins, Islamic tradition holds that usury (*Riba*) is haram or forbidden. Similar to the *Fetha Nagast* and the *Orit* the *Qur’an* specifically condemns usury and announces the punishment set forth by Allah. In Surah 2 Al-Baqara 275 states:

Those who devour usury will not stand except as one stands whom the Evil One by his touch has driven to madness. That is because they say, “Trade is like usury,” but Allah has permitted trade and forbidden usury. Those who desist after receiving direction from their Lord shall be pardoned from the past; their case is for Allah (to judge). But those who repeat (the offence) are companions of the fire. They will abide therein (forever).⁸⁰

⁷⁸ Exodus 22:25, (KJV)

⁷⁹ (KJV)

⁸⁰ Ali trans., *The Qur’an*

Islamic law aligns with the *Fetha Nagast* and the *Orit* in the outright condemnation of usury, however it presents punishment that differs from both. The Islamic tradition leaves the judgment and the punishment in the hands of Allah, but warns that eternal hellfire is the punishment for usury. Interestingly, the punishment prescribed in Islamic tradition is akin to contemporary views of Christian punishment in Western Christianity, which prescribes leaving judgment and the punishment of sins to God. Further, it is implied that the Satan touches one who engages in usury, and the law also provides for repentance in sharp contrast to the Judaic and Christian law.

There is a clear case of overlap in all three legal traditions with regards to usury, however the differences in punishment prescribed are drastic. The overlap in the actual condemnation of usury by all three traditions present in Ethiopia, gives an understanding as to how the three faiths may have interacted economically at times. Having a shared legal view when engaging in economic activities would certainly give a sense of comfort knowing that one would not be charged more than the actual cost in terms of loan agreements. Further, contemporary Ethiopian society contains notable levels of contempt for the practice of usury. Usurers (*aratta abadari* in Amharic) are contemptible characters who are regarded by Ethiopian society as “blood suckers.”⁸¹ The overlap in legal traditions regarding usury undoubtedly facilitated the contempt for the practice evolving into a social more across religious boundaries in Ethiopia.

VII. Legal Provisions on Slavery

The institution of slavery has a protracted history in Ethiopia and was abolished relatively late in 1942 by Emperor Haile Selassie I. Although a number of Selassie’s predecessors had attempted to enact abolition, it has been noted that these efforts were usually halfhearted proclamations that never received any external or internal political pressure to fully enforce the

⁸¹ Zemelek, interview, 2015

declared prohibition.⁸² To illustrate the pervasiveness of slavery in Ethiopia, estimates on slave routes in the 19th century have reached as high as 13,000 to 17,000 slaves exported per annum for routes headed west.⁸³ Thus slavery was a normative institution in Ethiopia with all groups including Beta Israel, Christians, and Muslims engaging in the institution extensively.⁸⁴ In alignment with the Abrahamic faiths participation in the institution, strict legal parameters for slavery are set out in the *Orit*, *Fetha Nagast*, and *Qur'an* that undoubtedly facilitated the growth of the institution in Ethiopia.

The *Fetha Nagast* extensively regulates the purchase, ownership, and manumission of slaves. For the sake of clarity this analysis will only cover two specific areas of the code: identifying candidates for potential enslavement and by what means they could be brought into bondage. Chapter XXXI of the *Fetha Nagast* deals with “Liberty, Slavery, and the Manumitted,” and delves directly into the process by which slaves can be acquired. Specifically, conflict and commerce are the two methods prescribed for the acquisitions of slaves. The *Fetha Nagast* states “war and the strength of horses bring some to the service of others, because the law of war and victory makes the vanquished slaves of the victors.”⁸⁵ Further the code establishes a slave market asserting, “You shall buy slaves from among them and from among their offspring born in your land.” Therefore according to Christian legality slaves could be acquired directly through warfare or by commercial means.

Regarding candidates for enslavement, the *Fetha Nagast* explicitly states “Mosaic Law shows that unbelievers and their children must be held as slaves since it is written there: Those

⁸² SEID A. Mohammad, “A Social Institution of Slavery and Slave Trade in Ethiopia Revisited,” *African Journal of History and Culture* 7, no. 3 (2015): 90

⁸³ Alice Moore-Harell, “Economic and Political Aspects of the Slave Trade in Ethiopia and the Sudan in the Second Half of the Nineteenth Century,” *International Journal of African Historical Studies* (1999):

⁸⁴ Hagar Salamon, “Cow Tales: Decoding Images of Slavery in the Ethiopian Jewish Community,” *Slavery and Abolition* 29, no. 3 (2008): 415-435.

⁸⁵ Tzadua trans., *The Fetha Nagast*, 175

whom you take from the people who dwell around you and the aliens who dwell among you, let them, men and women, be your slaves.⁸⁶ The code is definitive in identifying non-Christian men, women, and children for enslavement. Furthermore, the provision for the acquisition, through war or purchase, of non-Christian slaves set forth in the *Fetha Nagast* is grafted from Mosaic Law as the provision is a direct quotation from the *Orit*, found in the book of Leviticus 25:44. The transcription of the Christian code directly from the *Orit* further accentuates the EOTC's reverence for the Mosaic Law as well as the similarities between the EOTC and the beliefs of Beta Israel.

In terms of the acquisition of slaves in Islamic tradition, the *Qur'an*'s provision aligns with both the *Orit* and the *Fetha Nagast*. On the acquisition of slaves Surah 33: 50 states, "O Prophet! We have made lawful to you your wives...those whom your right hand possesses out of the prisoners of war whom Allah has assigned to you."⁸⁷ The passage is interpreted as follows; slaves are those who have been acquired through war. Wael Hallaq confirms this interpretation when he states, "Captivity was the single means by which slavery could come into existence, provided that the captive was not Muslim at the time of capture."⁸⁸ As made evident from the *Qur'an* and by Hallaq, only non-Muslim slaves could be acquired through warfare. Further, according to Islamic tradition slaves could be purchased and sold once they were given status as slave through warfare.⁸⁹

Falling in line with Abrahamic legal prescription for enslavement through warfare, the demand for slaves within Ethiopia and abroad ultimately led to an expansion of slave raiding and

⁸⁶ Ibid.

⁸⁷ Ali trans., *The Qur'an*

⁸⁸ Wael B. Hallaq, *Sharī'a: Theory, Practice, Transformations*, (Cambridge University Press, 2009), 307

⁸⁹ Ibid.

warfare in the region, especially in the Southern regions.⁹⁰ However, we must call attention to the fact that the prohibitions on enslavement of ‘believers’ were not strictly adhered to, as evident by continual slave raids upon members of their own respectable faiths.⁹¹ Nonetheless, knowledge of the prohibition of enslavement of ‘believers’ motivated groups to convert as a strategy against capture and eventual enslavement.⁹² Conversion as a strategy against enslavement indicates at least some measure of adherence by members of the Abrahamic faiths to their legal traditions. However, adherence to the law further stimulated the growth of the institution and promoted conflict between the groups. Slave raids against ‘unbelievers’ (including non-Abrahamic faiths) were routine, and markets for slaves grew, as the requirement to purchase ‘believing’ slaves from ‘unbelievers’ was legally prescribed.⁹³ Thus, the legal views on slavery promoted conflict and cohesion between the Abrahamic faiths depending on the level of adherence to the law. Further, overlaps in legal traditions governing other social institutions provided opportunity for a cohesive existence in Ethiopia.

VIII. Legal Provisions Governing Interfaith Marriage

The social institution of marriage among followers of the Abrahamic faiths is highly influenced by religious law and their respective sacred texts. Given the prolonged historical presence of all three of the Abrahamic faiths in Ethiopia, there is minimal deviation from this pattern. Accordingly, the *Fetha Nagast* has an entire chapter dedicated to Christian legal views on marriage, betrothal, and dowry. Specifically dealing with interfaith marriage, in Chapter XXIV of the *Fetha Nagast* under the definition of Marriage, the following mandate is issued:

If a Christian marries an unbelieving woman, he must command her to embrace the faith; women who are believers must not marry men who are not of the faith, lest the men

⁹⁰ Mohammad, “A Social Institution,” 85

⁹¹ Moore-Hall, “Economic and Political Aspects,” 408

⁹² Abbink, “An Historical-Anthropological Approach,” 113

⁹³ Tzadua trans., *The Fetha Nagast*, 177

convert them to their faith and cause them to lose the [true] faith. If a Christian woman marries a non-Christian man, she shall be expelled by the community.⁹⁴

The law presents the image that women are easily influenced; therefore men should seek to marry and to convert women and are given freedom to do so. In sharp contrast the law mandates that since women are the sole sinners in the act of marrying an unbeliever they are the only ones judged and punished by way of expulsion from their respective community.

Islamic traditions seem to differ from the *Fetha Nagast* in that it states that under no circumstances are men or women allowed to engage in interfaith marriage unless conversion takes place prior to marriage. The *Qur'an* Al-Baqara 2: 221 states, “Do not marry unbelieving women (idolaters), until they believe...Nor marry (your girls) to unbelievers until they believe...Unbelievers do (but) beckon you to the fire.” The given reason for avoiding marriage with unbelievers matches the *Fetha Nagast*, which is the fear of being drawn into sin, which in the Islamic tradition leads to punishment in the afterlife. Further, the *Qur'an* reveals another area of Islamic tradition that aligns with the *Fetha Nagast* in Al-Maida 5:5 where it states, “...(Lawful to you in marriage) are (not only) chaste women who are believers, but chaste women among the People of the book, revealed before your time...” The *Qur'an* draws a line of demarcation between ‘unbelievers’ and ‘people of the book’ (Jews and Christians) revealing that in fact interfaith marriage without conversion is acceptable within the Abrahamic faiths. This contrasts the provisions of the *Fetha Nagast*, but overlaps with the Christian code in that both are androcentric in their legal approach to interfaith marriage.

Contrastingly, Judaic law is much more rigid than the *Fetha Nagast* and Islamic tradition in their approach to interfaith marriage. In the *Orit*, Deuteronomy 7:3,4 lay out the Judaic view of interfaith marriage when it states:

⁹⁴Ibid., 144

3 Neither shalt thou make marriages with them [unbelievers]; thy daughter thou shalt not give unto his son, nor thou daughter shalt thou take unto thy son. 4 For they will turn away thy son from following me, that they may serve other gods: so will the anger of the Lord be kindled against you, and destroy thee suddenly.⁹⁵

The overlap with Islamic tradition and the *Fetha Nagast* is primarily in the fear that marrying an unbeliever would take the believer away from worshipping God (Allah, God). However, Judaism differs from both the *Fetha Nagast* and the *Qur'an* in that the punishment is not delayed until the Day of Judgment (Islam) nor is it delivered by human intervention (Christianity), rather it is delivered swiftly by God at any given moment.

What cannot be ignored in examining the law from an Ethiopian perspective is that records point to a lack of rigidity in the boundaries legally established against interfaith marriage. Some sources call attention to incidents of interfaith marriage between Beta Israel and Christians during the Gondar era.⁹⁶ Further, Abbink points to historical patterns of cooperation between Muslims and Christians, which in turn works to facilitate marriages between the two groups creating extended families belonging to both faiths.⁹⁷

Taken at face value, patterns of interfaith marriage would seem as though the legal provisions held little to no weight with practitioners of the three faiths. However, it has been noted that these marriages more often than not, were facilitated by conversion by one of the matrimonial partners.⁹⁸ Further, as noted by Prouty, living in close proximity to each other undoubtedly facilitated cross-cultural influence among the Abrahamic communities and their marital traditions.⁹⁹ Thus although there exist overlap in the prohibition of interfaith marriage, the letter of the law is often ignored, or circumvented by way of conversion in what I refer to as

⁹⁵ (KJV)

⁹⁶ Mickel, "Themes of Unity," 12

⁹⁷ Abbink, "Ethiopian Islam," 24

⁹⁸ Abbink, "An Historical-Anthropological Approach," 118-119

⁹⁹ Chris Prouty, *Empress Taytu and Menilek II: Ethiopia 1883-1910*, (Trenton: The Red Sea Press, 1986), 226-228

an Ethio-Abrahamic marital pattern. What the pattern highlights is the pliable nature of religious identity evident in historical records as well as in contemporary Ethiopian society.¹⁰⁰ Overall, it further identifies a level of respect for the prohibitions against interfaith marriage, and adds to the evidence, which assists in explaining the historical and characteristic periods of social cohesion that existed among the Abrahamic faiths in Ethiopia.

IX. Conclusion

Maintaining stability within a society is often hinged on a sustained level of social cohesion. Correspondingly, Tony Karbo asserts “Religious traditions can...help to tie a society together by reinforcing a feeling of unity in its people.”¹⁰¹ The overlap in the religious legal traditions of the Abrahamic faiths undoubtedly contributed to the high levels of coexistence amongst members of the usually exclusive faiths in Ethiopia. Further, it has been noted that the three religious groups shared a common “Ethiopian way of life... as well as many related-and in some respects...identical...religious ideas and concepts.”¹⁰² Beyond a shared “Ethiopian way of life” it is of importance to note that the Abrahamic faiths in Ethiopia share a religious framework as well as a theocratic approach to law.¹⁰³ Thus the shared legal traditions historically aided in the creation of a more or less socially cohesive Ethiopian society.

The notable development of the Abrahamic faiths, with relatively high levels of social cohesion in Ethiopia, stands as an example pertinent to contemporary global discourse on the interactions of the three faiths. Post 9/11 has seen the acceleration of a global divide between the west and Islam, and has further fueled western hegemonic ideologies pitting Islam as the

¹⁰⁰ Abbink, “An Historical-Anthropological Approach,” 118

¹⁰¹ Karbo, “Religion and Social,” 45

¹⁰² Richard Pankhurst, “The Falashas, or Judaic Ethiopians, in Their Christian Ethiopian Setting,” *African Affairs* (1992): 582

¹⁰³ Judith Romney Wegner, “Islamic and Talmudic Jurisprudence: The four Roots of Islamic Law and their Talmudic Counterparts,” *The American Journal of Legal History* (1982): 28.

‘natural’ enemy of Christianity and Judaism. Therefore, this study expands beyond the regional constraints of Ethiopia and provides a historical reminder that the Abrahamic faiths are inseparably related and fully capable of coexisting with minimal levels of social conflict.

Finally, what this study also reveals beyond the overlap of legal traditions is the often-ignored fact that Judaism, Islam, and Christianity all developed in Africa nearly from their respective inceptions. Bigoted views of Africa tend to discount the Abrahamic faiths historical presence in Ethiopia as unoriginal and second-class. It is the author’s hope that this brief study will be developed further, with a view of the Ethiopian Religious experience as a unique one. However, it should be viewed as unique for it’s specific cultural development and not merely because it is ‘African.’

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