Property Relationships in Ethiopia and Their Implications for Development

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PROPERTY RELATIONSHIPS IN ETHIOPIA
AND THEIR IMPLICATIONS FOR DEVELOPMENT

by

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Introduction

Consciously or unconsciously, land reform\(^1\) has come to be regarded as a powerful force,\(^2\) and indeed often as a condition, for bringing about socio-economic and political change in the countries now diplomatically referred to as less developed. Thus, in support of this claim, no less an important international forum than the U.N. has lent its support to the prominence land reform deserves as a strategy for development.\(^3\) Indeed, given a proper conception, there is hardly any reason to believe otherwise. However, there appears to be little consensus on the content, extent, and modus operandi of land reform amongst both the political leadership of the less developed countries and the expert advisors that influence opinions and decisions of home and foreign governments. Thus, for example, except for platitudes calling for a "basic restructuring" of socio-economic and political institutions, the methods of acquisition of "private" lands for redistribution, the lands to be affected by a land reform program, methods of compensation, whether compensation should be made, the resultant tenure structure, etc. are all subjects of controversy. More importantly, there is a pernicious absence of attention given to the over-all conditions which must precede and accompany land reform programs. Consequently, for some land reform is
merely the redistribution of "property or rights in land for the benefit of small farmers and agricultural workers."\(^4\) For others, land reform is "any improvement in the institutions of land tenure or agricultural organization."\(^5\) For still others - and these are the ones that have been successful - land reform has been viewed and implemented in a much more comprehensive way than in just the mere redistribution of land or the improvement of agrarian institutions. In this latter conception, land reform is one - no doubt a major - weapon that is used in close conjunction with others such as industrialization and planning to revamp existing socio-economic and political institutions. In this sense, land reform is indeed more a strategy in social revolution than one of patchy reform.

In Ethiopia, land reform in the sense of any of the above variants has yet to come. Surely, the questions:

"Who shall own the land? Who shall own the countryside?"\(^6\) are too fundamental for long to remain in the background. These are the central questions in the wave of revolutions in Africa, Asia and Latin America.\(^7\) And, as William Hinton says,

"That revolution, far from dying away, is intensifying. Sooner or later, all those countries where agricultural production is a main source of wealth - and the relation between owners and producers a major source of conflict - will undergo great transformations."\(^8\)

In these circumstances, some say, the test of "good government" is its ability to provide solutions to these burning
questions before they attain "crisis proportions" rather than to merely hope that they would not arise or that they would be answered by some half-hearted and shoddy reform. Yet, that such is the extent of reforms or the attitude of power holders in feudal or semi-feudal societies is perfectly congruous with the incorrigible but normal habit of ruling classes who not only rely on the efficacy of their means intension management (aided and abetted by their allies), but also cannot seriously be expected to sign their own death certificate by passing laws that are seriously detrimental or wholly destructive of their class interests except to make a modicum of concessions.

Making necessary changes in agrarian institutions is made particularly vexing for the Ethiopian ruling class because, presently as in historical times, state and economic power are almost exclusively a function of the control and manipulation of land or its produce. The land in Ethiopia has been and remains today the basis of the organization of state power and, therefore, the instrument of rule. Except in the capitalist order of economy which creates the "sophistic illusion that it has no regulation of labour, that labour is the result of free and autonomous will", property relationships in Ethiopia as elsewhere where land is the major basis of the organization of society, are designed to regulate the distribution of power among institutions and individuals and labour amongst those who have to perform it. Accordingly,
the actual tiller of the land in Ethiopia is and has been the fundamental basis upon which, to use Philip A. Ran's expression, an "inverted pyramid of claimants to his output." It rests and has rested in historical times. Hence, the necessity to view real land reform as deeply affecting not only economic but also social and political relationships going down to the very foundations of the Ethiopian society and polity. Hence too, the necessity to view property relationships as explaining the tenacity with which power holders cling to existing arrangements and the reluctance with which they approach, if and when they do, requests for social change.

Since the agrarian situation holds, as we shall show later, grave implications for development and, in general, for the future course of events in Ethiopia, the question of change in agrarian institutions cannot be put off indefinitely, even in spite of the reluctance of those who stand to gain by the perpetuation of such institutions. Actually, even though the broad goals of socio-economic and political modernization may not, as we shall show later, be accomplished by the expedient of tenancy reform and even land redistribution, land reform once a "forbidden and subversive" topic has now attained at least paper prominence in the development programs of the country.

An apparent recognition of the need for land reform as a strategy, and indeed in the words of the Second Five Year Plan as a sine qua non, for development appeared for the first time in November of 1961, when the Emperor in a rather lofty
speech declared that:

"The fundamental obstacle to the realization of Ethiopia's agricultural potential has been, simply stated, the lack of security in the land. The produce of the land must be enjoyed by him whose toil has produced the crop."

The thinking expressed in this quotation represents a dramatic point of departure from the silence of the centuries, and even from the position taken in the regime of law adopted by the civil code, promulgated only a year earlier.

Why a sudden shift of attitude toward land reform? In December of 1960, a group of officers and civilians (one of whom was an intellectual) attempted and failed to oust the Monarchy. During the very short period that the coup lasted, its leaders seriously charged the Government with failure to bring about "economic development, education, and (better) living standards," despite its "mountain of promises."

Admittedly, the political statements of the leaders of the coup on land reform were not particularly prominent, except for occasional references to the fact that "most of the land is owned by a few people" and despite the long-standing interest of one of them in land reform, which interest, incidentally, he attended to very well by distributing land to the landless in a certain district of which he had been appointed Governor prior to the coup.

It is futile to argue whether the new leadership would have carried out land reform itself, and of what kind. The point here is that the coup was instrumental in providing the impetus for the idea of land reform in Ethiopia for the first
time. This is evident from the hurry with which "special" committees were appointed to "explore ways and means of speeding the development of our nation in various fields," one of which was the Land Reform Committee.

More recently, land reform has become livened by the desire to impress international opinion, to appease progressive elements in the bureaucracy and outside of it, and the necessity to obtain foreign aid. The latter pressure is particularly powerful in providing grist for the legislative mill. Currently, Sweden, the United States, and the World Bank have all embarked on agricultural development in the expectation that some kind of land reform legislation will soon become a reality.

Given the intensity and magnitude of the problem, however, foreign aid or no aid, land reform must become a reality. By its very nature, land reform involves to a greater or lesser degree, depending on one's view of it, a re-ordering of property forms and the norms that define them. This is true whether such forms take pre-feudal and feudal characteristics, or are completely liberated from such characteristics. Although it has been seen in many cases merely as a political gimmick, the process of land reform has also been regarded as intimately related to the goal of hastening the process of social and economic development. As such, the re-ordered property forms must be justified by the degree to which they promote the process of economic development and social well-being.
The purpose of this paper is two-fold: on the one hand, it attempts to examine the nature of property relationships in land extant in Ethiopia today with a view to outlining their implications for development and, on the other, offers a perspective by which existing relationships may be criticized and attempts at rearranging such relationships may be evaluated.
CHAPTER I
A Statement of the Problem

A. The Setting

Ethiopia is predominantly an agricultural country with as much as ninety percent of its labour force engaged in agriculture.\(^1\) About two-thirds of the gross domestic product originates from this sector.\(^2\)

These facts are not only enough to prove the importance of agriculture in the Ethiopian economy, but also indicate its low-level productivity. Indeed, for most Ethiopian peasants, agriculture is not merely a way of life as it is often bruited about, but more bleakly a means of survival. Since agricultural productivity is so very low, and the nature of property relations so inequitable, the living standards of the masses of rural people is one of the lowest in Africa. Consequently, poverty and suffering are widespread; and only five percent of the population is literate.\(^3\) Medical services, concentrated in a few big cities, and even then available as they are mostly to the landlords and ladies, and government employees, do not reach the broad masses of the people. Only one percent of the rural people can expect to be attended by a medical doctor during their life time.\(^4\)

Perhaps, one of the most discernible effects of low agricultural production has been the constant necessity to import foodstuffs to provide raw materials for small scale industries, and to counteract acute grain shortages that have been occurring in the country particularly in recent years.\(^5\) Reportedly, one of these shortages was responsible for
claiming the lives of as many as 1.5 million people. Significantly too, Ethiopia has increasingly become a recipient of "food for relief" and "charity" from the United States.

Paradoxically, this state of affairs happens in a country whose natural advantages in the excellence of her climate and the fertility of her soil, experts have for a long time now confirmed. Of a total of potentially cultivable area of about 79 million hectares, only about seventeen percent is presently under cultivation.

No one claims that the task of transforming traditional agriculture from its mould is a facile business. Yet, that is where the "battle for long-term economic development will be won or lost." To win the battle, the framework within which agriculture operates has to be laid down.

B. The Problem further Defined

The basic problem is the low level of agricultural production. This same problem may be seen in its many-sided aspects:--

1) Methods of Cultivation In general, farming implements and methods of cultivation recall and are more appropriate for biblical times than for the twentieth century. Typically, "Equipment in general use is very primitive. The plow is the principal farm implement in the plateau; the hoe is more common in the South. The typical plow only turns the top soil and operation must be repeated several times to prepare the ground for planting. Spades and hoes of numerous shapes and sizes are (also) used for a variety of chores."
Commercial fertilizers, new and better seeds, pesticides, etc. are used on a few commercial farms but are virtually absent on the typical peasant farms.27

Many would frown upon the level of technology and the general practice of farming but would find the explanation for these in the illiteracy of the peasants. Some, on the other hand, are impressed by the quality of Ethiopian peasants. Thus, Doreen Warriner says that:

"In spite of constraints, the peasant has developed very shrewd techniques of land and livestock management, and this native knowledge forms a very promising basis for development."28

In fact, in terms of farming knowledge, the peasant is the most literate in Ethiopian society.

2) **Farm Size Structure** Broadly speaking, the traditional agricultural structure is unsuitable for and inhibitive of a viable agriculture. In general, agriculture is organized in two land tenure systems – the so-called communal ownership of the Northern half of the country, and the large individual ownership of the South.

No study has yet been undertaken by the Government to determine the degree of concentration of ownership of land. However, information compiled from land tax registers confirms the common knowledge in Ethiopia that large chunks of idle and cultivated land belong to a few individuals, the Crown, the Church, and even the Government. According to the most recent report, the largest holdings recorded for Riste-Gult*, Gebbar,* and Semon* are 1535, 405, and 163 gashas* respectively.29
Even more revealing is a study made of Hararghe Province which shows that seventy-five percent of the measured land area in the whole province belongs to 0.2% of the total number of landowners in the Province.30

From this fact of concentration of ownership, some have argued that the problem of underutilization of resources arising from the "uneconomic" size of holdings is "out of the question."31 The point this argument confuses, however, is the practical difference between the concentration of ownership and its operational significance. In other words, whether in the North where "communal ownership" is said to prevail or in the South where extensive private ownership predominates, ownership has no significance to the size of agricultural operations. Consequently, in both parts of the country, sixty-five percent of the peasant farms are less than a hectare.32 Thus, for instance, both Tigre which is a

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For purposes of taxation these terms are defined as:

* Riste-Quilt: heritable tenure under which the person enjoying such right is entitled "to collect land tax prescribed by law" from persons holding land in the area to which his right extended. Out of the amount so collected, he was obliged to pay a portion of it to the Government.

* Gebber: individual ownership under which a person holding such right pays land and other taxes to the Government.

* Semon: "Land over which the Government has ceded its rights of taxation to the Church."

* Gasha: 40 hectares.

For an understanding of these property relations, see Chapter III.
Northern province and Keffa which is a Southern one report that 45% and 41% respectively of their holdings fall under the size-group of half a hectare. Therefore, the size of farm structure is a very relevant issue to the question of agricultural production.

Further, the problem of low agricultural production is compounded by the existence of large idle lands in the patrimony of a few individuals while the small farmers particularly in the North fret it out under the double pressure of a rising population and dwindling fertility of the soil.

3) Agricultural Surplus and Capital Accumulation It is obvious that the low level of technique extant in the subsistence sector, the uneconomic size of farm structure, and the existence of large idle lands are all not only irrational but also inhibitive of rapid capital accumulation.

Moreover, rents, tithe (asrat), fees, etc. paid to the class of landowners, and various forms of taxes paid to the Church and other right holders of a similar type are all sources of potential surplus capable of being fed back into agriculture and invested in more productive economic activities in other sectors of the economy.

Why the landlords, the Church, and other right-holders do not undertake productive activities either in agriculture or in other sectors of the economy, we shall attempt to explain later.
Obviously, this brief outline cannot pretend to exhaust the problems of Ethiopia's agricultural development or the miserable standard of living of its people. It is merely an attempt by a non-economist to concentrate on some aspects of the problems in an effort to relate them tentatively to their institutional setting.

Many authors have, by the use of what T. Szentes has called the "subtraction approach," found the explanation for the phenomenon of underdevelopment in the shortage of capital, the lack of natural resources, etc., and in the absence of a "long list of qualities, propensities, motivations, and incentives that, in contrast to the advanced countries, are missing in the underdeveloped..." (Emphasis in the original). Some like McClelland have gone ad absurdum and found the explanation in the absence of what the latter calls "n-Achievement." However, the "logic" of these explanations as Szentes points out is merely to say that the advanced countries are advanced because their nationals possess economically appropriate social and psychological behaviors. Quite apart from being hopelessly tautological and even racial, such explanations are incapable of answering, in the one case, the question of how such attitudes came to be possessed by the advanced countries in the first place, and in the other, of how surplus is produced, who appropriates it, and how such surplus is used.

In any discussion of the development process, the social relations of production, of which property relationships are a major aspect, figure as one of the most important and crucial
determinants of the favourability or unfavourability of the mode of production within which production and social existence take place. And to the extent that land reform, involving as it does a change in property relationships, may have a role to play in the development process, the question of what property relationships are most conducive to development becomes unquestionably important. By property relationships we understand more than the numerus clausus of real rights; we include in it social stratification, the distribution of power, and the material and cultural conditions of the toiling peasant masses.
CHAPTER II
The Nature of Property Relationships

A. Introductory:

It cannot but be admitted that the forms and the nature of property relationships in society are generally historically specific to the prevailing mode of production. As Marx's famous statement has it,

"In the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage of development of their material forces of production." 38

On this view, property relationships are the legal (or customary, as the case may be) expressions of the relations of production. Thus, just as it is unlikely to find private property in land, for example, in pre-historic times, so one does not find property burdened with feudal obligations in capitalist or socialist society.

While this much may be admitted, the general stage of development, and therefore the general mode of production a society has attained, particularly whether a society is feudal in the Western sense is often the subject of debate. Those who see feudalism only as a Western form of social, economic and political organization are reluctant to find such a system elsewhere. Often this is done by isolating certain unique Western European features merely to confirm their absence in other societies. Accordingly, the most important feature in "Western feudalism" is seen in the fact that feudal institutions arose out of a need for protection, which in turn gave
rise to the "protective relationship set up by one free man over another" called commendation. 39

So for example, discussing the property institutions of Persia, Lambton fails to find feudailism here precisely because "Whereas a contractual relationship was an essential characteristic of (Western Feudalism), the element of contract never became a feature of the Iqta," 40 an institution strikingly similar, if not identical, to Ethiopia's Gult, as we shall see subsequently.

Obviously, such a definition yields merely a juridical relation between a vassal and a prince and, indeed, may be no more than of ornamental value to the feudal system as a mode of production since it was not the idea of contractual relationship that was the motive force in changing feudal Europe. Maurice Dobb, on the other hand, has convincingly laid the emphasis on "the relation between the direct producer...and his immediate superior or overlord and (on) the social-economic content of the obligation which connects them." 41 The great merit of such a definition lies in its isolation of the dominant relation of production which nourishes in itself the elements of change in the system. Furthermore, this definition, unlike those which view European feudailism as a "distinctive genus" by emphasizing "juridical characteristics and differentia," admits of variations in the way in which surplus product is appropriated from the direct producers. 42
B. Property Relations at the Peasant Level

In the North: The fundamental property institution here is expressed by the term Rist (in Amharic) and Risti (in Tigrigna). Frequently, although mistakenly, the system in which this form of property occurs has been called communal. Under this system of rights, any landholding is theoretically traced back to a "first settler" or "founder father". Any member of a family that can trace back his lineage to such a progenitor is thus entitled to the perpetual use and enjoyment of the land. Thus, every rist right is ipso facto held by hereditary right. Often, since land can be inherited cognatically, a person may hold plots of land in different parishes. Indeed, he may even step into his wife's rights to augment the size and number of his holdings. Unlike elsewhere in Africa, no "chiefs" are responsible for the allocation of rights in land.

Now, the common view idealized especially by anthropologists, and those who fashion their opinions after them is that land rights under such a system belong to "the living, the dead, and the unborn". Ascribing land rights to the dead is as impossible a proposition as it is absurd. The purpose of the ideology, undoubtedly formed at a time when land was bountiful in relation to population, is merely to convey the idea that land cannot be sold, as indeed it is rarely sold. As a result, some have been led to believe that "ownership here is sui generis". Even the briefest encounter with Engel's "The origin of the family, private property and the
State is enough to dispel the notion that ownership is sui generis here. But let us examine the claim a little more closely since from a misunderstanding of the working rules of traditional property relations (or by deliberate calculations) have flowed inappropriate policy prescriptions. One such policy prescription in Ethiopia has been (although not yet implemented) a program of individualization of property in land in the Western fashion, as if mere individualization would by itself do the trick of increased agricultural production.

The concept of ownership is defined in most civil law jurisdictions as "the right of enjoying and disposing of things in the most absolute manner" subject to restrictions imposed by law. As such, the right of ownership is often rendered in terms of its three absolute characteristics: absoluteness, exclusiveness, and perpetuity. Even though the absoluteness of the right of ownership is frequently qualified by the final phrase which admits of restrictions imposed by law, the real gist, in practice, of the absoluteness of the right relates to its three attributes: the "right" of use and enjoyment, the "right" of abandonment, and the "right" of alienation inter vivos or mortis causa.

* As Karl Renner has pointed out, it is incorrect to "dissect ownership into individualized powers" just as it would be to "dissolve the right of personal liberty into the freedom to sleep, to take a walk, to make a sign of the cross", etc. Thus the right of ownership is one right - not a bundle of rights.
The exclusive quality of the right of ownership assures the owner "a privative interest in the property which does not permit of equal simultaneous ownership by more than one person". Obviously, this is not to say that two or more persons cannot own a thing jointly. But it is to say that in no case can each of them be the full owner of the thing at the same time.

Finally, the perpetual character of the right of ownership relates to the absence of any limit in time on its exercise, i.e. there is no such thing as "temporary ownership."

Now, in the Ethiopian case where the so-called communal tenure prevails, no serious observer can deny the customary principle encountered and expressed in these areas in the formula: "Beshih Ametu Lehale Ristu" meaning that "even after the lapse of a thousand years, the land belongs to him who is entitled to it". On the standard characteristic of the right of ownership being perpetual, i.e. unlimited in time, this principle expresses perpetuity even more tellingly and succinctly than the very civil law notion of ownership which has fathered Arts.1204ff of our civil code. In practice, it is true, the application of this principle is so complex, arising mainly from the practice whereby persons -- and they are so many -- claim rights on both sides of their ancestors, that the distinction Hoben has drawn is valid:
"In its most general sense, rist right refers to the right a person has to a share of the land first held by any of his or her ancestors in any line of descent. In its most restricted sense, by contrast it refers to a specific field held by virtue of such a recognized right".49

Legally, however, whether a person can successfully convert his claim of "rist right" into a tangible "specific field" is a question of proof, i.e. his ability to validate his claim to title, and not a consideration capable of excluding one of the characteristics of ownership, albeit insipient in form and strength at the moment.

Furthermore, rist rights are not collectively exercised. They are neither collectively owned nor collectively worked. The tenancy with which rist rights are defended and the exclusiveness whereby each rist land forms "an independent centre of production" i.e. the rist owner farms his land or leaves it idle, makes his own investment decisions, etc., which operations constitute, in part, the exclusive and absolute qualities of ownership, hardly lends credence to the notion of communality, particularly since rist rights rarely revert even to the nearest of kin let alone to a notional community.

Nevertheless, we are far from asserting that this system acknowledges as yet individual ownership in the sense defined above. Clearly, the absence (or relative rarity) of sales in land — a significant characteristic of the absolute quality of ownership — creates the obvious missing link to a mature right of ownership. However, we are arguing that the absence of
this element is far from enough to warrant the notion that "ownership is sui generis" or does not exist. For the concept of ownership, which evolved into a mature form - the legal form in which it is found now, even though events have again overtaken the functional norms defining it\(^5\) - generally only after the breakdown of feudal society and its replacement by that of the market, is historically specific to the economic and social conditions in which it came to be recognized as such. The significance of the right of ownership must not be understood by whether the bill of norms by which it is defined is in practice satisfied or not. Rather, its significance lies in the "unlimited possibilities" of use and disposal, whatever the manner, it offers the individual. And the extent to which the right of ownership may be used and disposed is a function of the level of maturity of the economy. In subsistence economies such as in Ethiopia, as is well known, production is largely for use - not the market - both by the direct producers and, in the Ethiopian case, by a feudal class. Hence, one of the possibilities for disposal i.e. alienation inter-vivos or mortis causa is largely absent in the Rist system because of the nature of the economy which does not afford a ready market not only for the land but even for the produce thereof, and because of the social need for the continuity of the family organized around and predicated upon land and land rights. Hence too the fierce opposition by rist owners to anything that smacks of eventuation in land sales. It is this misapprehension that the anthropologist betrays when he denies the
existence of ownership in Northern Ethiopia or where he regards it as "sui generis" on the basis of an unhistorical method of analysis.

Viewed historically, however, there is of course ownership although limits are put on its exercise by the underdeveloped nature of the economy and the tasks of social and familial organization it is called upon to serve. As such, Rist is the medium by which social and economic relationships are expressed, on a horizontal plane between one peasant and another. As a legal institution, too, it serves the function of effecting the allocation and the social regulation of the major source of wealth — land. It is thus the fundamental basis upon which the peasant undertakes productive work and via which he participates in the national economy.

Thus, we have at the root of the socio-economic system a common human denominator — the small peasant — farming his own piece of land, forming as it does an "independent centre of production", with very little specialization and exchange.

In the South: The analogue of the peasant in the North is the share-cropper in the South. Share-cropping tenancy is predominantly an agrarian feature of the sedentary population of the eight (out of 14) provinces of Southern Ethiopia. Whereas the peasant in the North may have the psychological satisfaction of confidently asserting that "to be landless is to be subhuman",51 his counterpart in the South has to toil on a piece of land that he used to own but no longer does. In the a

North, as we saw above, rist is socio-economic and legal
institution uniting the peasants, in the South it unites not the tillers of the land but its owners. Here, the tillers are united by the institution of tenancy, and as in the North each with his own small piece of land with very little market relations.

The incidence of tenancy is high and often takes a character inconsistent with human dignity. That this is so is a function of the history of this part of the country in the late nineteenth century. In the wake of Emperor Menelik II's conquest of the Southern provinces, occurred a wave of near-full scale appropriation of land. In the course of this conquest Menelik wrote extensively upon the South, almost as if on a clean slate, the feudal property relationships of the North and some novel variants. As a preliminary measure, upwards of two-thirds of the land was confiscated and the rightful owners reduced, at one stroke, to the status of serfs. The conditions of serfdom were so brutal that Afework Gebreyesus, a chronicler at the time, wrote:

"When Christians are thus terribly oppressed by their brother Christians, one can imagine the condition of the poor pagans who are treated like dogs." Under such a status, the peasant was required to perform innumerable obligations for the overlords, including the payment of "rent", cultivating their lands, carrying wood and water for them, and in general performing any other kinds of labour services. Indeed this practice was nothing unfamiliar to the Northern peasant too. Of the latter, it has been said:
"...these velleins are like camels, they always cry, weep and groan when they are loaded, but in the end they rise with the burden that is put on them and carry it,"54 not mindful that

"...it is also true that they fail with their burden and then the owner loses both the camel and the load,"55 not to mention that, when they choose, they may also throw off the burden altogether.

Some of the worst features of this situation have been gradually removed in the last thirty to forty years. Yet, much remains of the previous social and economic conditions of the landless peasantry that even today, the rendering of personal services for no remuneration continues unabated.56 Not only do tenants have to entertain their absentee landlords with victuals when the latter fancy to visit their farms, but also bear the obligation to transport the landlords' share of the crop to a destination imposed by the latter.57 No wonder then that a group of tenants living only 45 kilometres from the nation's capital, where one would expect the influences of modernization to have taken root, could with bitterness summarize their situation and that of others by the statement: "Chisegna Malet Askar naa"58 - tenancy means servitude.

Apart from the reasons expressed above, the following bear out the statement.

Firstly, the payment of "rent" calculated as a fixed share of the produce of the land, which varies between one-third and one-half of the crop bears very little or no relation
either to the productivity of the land, or to the costs incurred by the tenant. Rent is determined by custom—custom which goes back to the time when the feudal class imposed all kinds of dues on a subject peasantry. In other words, such payments do not reflect much less embody "economic rent", arrived at by the rules of the law of supply and demand. The civil code speaks, therefore, of a legal fiction when it refers to this as a "contract of lease".59

Secondly, the payment of tithe commonly known as Asrat in Ethiopia—a feudal legal institution par excellence—is still part of the tenant's obligation to the landlord. To be sure, this obligation was legally supposed to encumber landownership. Even the civil code had made the landlord responsible for the payment of the "burden charging the immovable."60 More recently, the Agricultural Income Tax Proclamation of 1967 had also the purpose of abolishing the practice.61 In fact, however, all these have been nothing more than "phantom" legislation. Because of the evidently asymmetrical nature of the socio-economic and political structure pervasive in the society, it has been historically as well as contemporaneously an easy matter for the landowning class to shift their obligation to their tenants, not merely to offset such obligation but even to make profit on it:

"Where the market value of the 'asrat' (paid in produce) ... exceeds the tax in lieu of tithe, the landlord shifts to the tenant more than the tax. The likelihood of this is high: for the market value of a tenth of the gross output on a gasha (40 hectares) of fertile land is likely to exceed the maximum tax in lieu of tithe (i.e. Eth.$35.00)."62
Add to this the fact that in many cases, the tenant does have to pay also fees to obtain or renew tenancy rights from the landlord or his agent. In one area, the amount of such payment ranged between Eth.$20 and $40 per hectare of land. 63

Thirdly, notwithstanding the fact that tenancies may occasionally be of long duration - indicating the unavailability of alternative economic opportunities - the landlord has the right consecrated by custom to evict his tenant with impunity and on any pretext so much so that even a slight misunderstanding between the two is enough reason for forthwith eviction. For a person for whom daily bread is more important than expensive litigation in the entangled judicial system of Ethiopia, the choice is clear - he seeks no reinstatement nor any compensation - even when the civil code has provided some remedies. 64 But these remedies cannot reach the tenants for a more fundamental reason.

The mistake of viewing underdevelopment as the absence in the underdeveloped countries of certain features prevalent in the advanced ones does not end with development economists alone. It is a fallacy of their jurist colleagues too. The civil code of Ethiopia is a product of one such fallacy. Its chief weakness on the matter of tenancy relationships is the incorrect assumption that such relationships are susceptible of regulation under a formula of "freedom of contract", a formula unhistorically engrafted on essentially a feudal mode of production. By adopting such a formula the code regards the "parties" to agricultural tenancy relationships as
possessing equal bargaining power. Freedom of contract, with its twin-brother of personal liberty — both products of nineteenth century liberalism — presupposes equality, at least ideologically. But where one of the parties is in a socially, economically, and politically subservient position as the peasant is in Ethiopia — where even under the constitution he is a subject rather than a citizen — one must join a United Nations Study's reminder and conclude that "...the idea of equality before the law being consequently much weaker... the likelihood of a tenant actively seeking to achieve rights the law confers on him is a slight one"65 indeed.

C. Relations of Appropriation and Authority

It has been pointed out that the primary condition of any sort of appropriation of the labour of others (even when this is accomplished by robbery) is the possibility of such appropriation i.e. the possibility of production of a certain amount of surplus labour and surplus product.66 Indeed, without the generation by a socio-economic system of surplus product, no civilization, no progress is made possible. Also, the fact that the surplus produced by one group is appropriated by another means that there must be some authority capable of enforcing and sanctioning such appropriation. Thus, appropriation is predicated upon the possession of such authority and the attainment by society of a certain level of productivity. Without these, class exploitation is impossible.67

From this perspective, it is largely irrelevant to the
possessing class, whether relations of appropriation and authority were maintained upon the peasantry through the medium of rent or share-cropping tenancy so long as the content and function of appropriation remained the same or substantially the same. Consequently, in Ethiopia, whether in the North where rent prevails or in the South where share-cropping tenancy and even small peasant proprietorship exists, the function of appropriation of surplus has been substantially uniform in each of these cases. Thus, as Margaret Perham observed about three decades ago:

"This meant that the cultivator must, as the Ethiopians themselves express it, 'carry upon his shoulders' all that very large proportion of the population which had withdrawn themselves from work on the land.... The elaborate systems of land tenure and of tribute with all their provincial variations represent only the different means by which his services and produce were utilized by the Government and by other classes." 68

Often many observers have been befuddled by the great diversity of tenure forms so much so that some have even spoken of one-hundred one "types of ownership" 69 existing only in one area of the country while others have attributed the ownership of the land in the entire country to the Emperor. 70 Such statements are engendered often by a failure to distinguish between the rights of the appropriators and the socio-economic obligations imposed upon the tillers of the land. When this is avoided, we find at the fountainhead of Ethiopian feudal property relationships the power of the Emperors to grant, as they did, rights in land such as Maderia, and even ownership burdened with feudal obligations such as the duty
to transport artillery, tents, etc. and rights to surplus product such as Semen, Riste-Gult, Gult, and Feressnegnet. These terms will become clear subsequently, the essential point to see is that although the rights of the persons or institutions entitled to surplus took different appellations, the tillers of the land were the ones, in the final analysis, on whom these obligations were imposed. As in every feudal society, the power to appropriate surplus from the tillers, and the authority to dominate them vested in any person or institution had to be justified in the final analysis by a specific form of service to the crown. This is a cornerstone of feudal relationships, and to it there appears to be hardly any exception. From the standpoint of the tillers, however, the origin of their socio-economic and political subjugation can be nothing else but force as witness the military conquest of the South by Menelik's forces in the nineteenth century.

There have been many grants of rights in historical times, but here only the chief forms that have subsisted and continue to exist in a modern dress will be discussed.

Gult

By far the most pervasive and the queen of all feudal property relationships was Gult. Such right was usually granted to important personages in return for military service, and to individual churches for the propitiation of God. When the right was heritable, it seems to have been known as Riste-Gult. The combination of the terms "Rist" implying heritability and "Gult" (literally meaning "interposed between two
directly connected things") indicating intermediacy renders such interpretation correct. This difference may perhaps explain the relative rarity of the former and the relative abundance of the latter in present-day Ethiopia. In both cases, however, the essence of the right consisted in the appropriation of surplus product from the peasantry but never any interest over the land itself. As a group of Eritrean peasants themselves correctly pointed out, the Emperor could create Gult rights over any land, but could never interfere with their right rights. As such, Gult was mainly the medium by which the peasants' surplus was extracted, and from the Emperors' point of view, the formula by which the support and allegiance of the churches and nobles was secured and their maintenance provided. In an economy where the use of money was undeveloped, to say the least, the formula of Gult provided the means by which the services of such persons and institutions may be paid.

Such a relation of appropriation went hand in hand with a relation of authority. As such, Gult was also an instrument of rule. As Hoben has correctly observed,

"Gult rights were thus far more than just a type of land tenure. They were an integral part of the Amhara (Ethiopian) feudal polity for they represented the granting away by a regional ruler of an important part of his (the State's) taxational, juridical and administrative authority".

Consequently, not only could the Emperors and regional rulers (by derived authority) create Gult in any part of the country, but also in fact "virtually all arable and inhabited land was held by someone or some institution as Gult." There was no
land without a master". From such a juridical, political, and administrative point of vantage, the Gult holder was actually an autocrat in his own right virtually replicating at the regional level the absolute power of the Emperor at the top. Correspondingly, the peasantry was subject to an infinite number of dues and obligations (besides the basic land tax and tithe) ranging from labour service on Hudad lands (belonging to the Emperor, nobles, etc.) to the payment of dues on the marriage of their sons and daughters and the commemoration of a death in the family. Since the right of Gult was held always at the pleasure of the grantor, appointment to the position of Gult was regarded as a passport to wealth - an opportunity to make hay while the sun shined - particularly since the Gult holders were not, even in theory, held to any service to the peasantry. In a system which acknowledged only the divine right of kings, the peasants were treated little less than "camels", to be loaded and reloaded. To this day, the peasant toils under a system marked by a glaring absence of mutuality in the holding and exercising of rights and obligations. The peasant's is the duty to work, produce and relinquish a good deal of the fruits of his work. Gult was merely the most important form of relationship between the tillers and their overlords and between the latter and the Emperors. There are other less important and less pervasive relationships found to this day in a modern dress.

In the North, the lowest in rank, amongst the appropriators of surplus is the Chika-Shum (a veritable reminder
of the English "revee) whose power comes from his hereditary possession of local administrative functions. This person is not so much a member of the feudal nobility as the link between the Government and the population living on the land. He obtains such authority normally by selection from among the families whose ancestors first settled the land in a particular area. Being from the area, his local knowledge has been, as Perham says, "the stabilizing factor in a system in which changing governors, roving armies, and a distant Emperor played the more dramatic, but often the more superficial parts." In return for this important service, and by virtue of his primacy in local affairs, he is entitled to this day, at least in Begemides Province, to collect some 25 kilos of cereals from each tiller in the area over which has jurisdiction.

Above the Chika-Shum, and more important in rank, was the Feresegna (lit. horseman) who received amsho (1/5 of the produce of the peasant). This person had also the right to exact labour service for the cultivation of his land, the construction of his house, etc. and the right to demand collective gifts from the peasants on feast days, all in return for military service in times of war, and maintaining law and order in peace times. This tenure form has survived some of the changes wrought on it in the last thirty to forty years. Today, the Feresegna is used only to maintain law and order in the rural areas where police forces are not thought to be adequate.
As we indicated earlier in Chapter II, consequent to the conquest of the Southern half of the country, two-thirds of the land was confiscated from its original owners, and divided into several categories such as to support all that "large proportion of the population which had withdrawn itself from work" in the North and, a large proportion of cooptees of the same denomination in the South. As in the North, Gult and Riste-Gult became the archetypal forms of relations of appropriation and authority in the South. The Church too, became once again the veritable recipient of large Gult estates which it, in turn, distributed amongst its members in return for ecclesiastical service. In turn, the latter parcelled out their holdings to the much abused and impoverished sharecroppers.

The institution of Foreseegnet which in the North entitled the "horseman warrior" to collect several dues and obligations from the peasants was in the South converted into a right called Maderia to hold land from the Crown for as long as the right holder lived and continued to render military services. Being by profession mostly a fighter and not a cultivator, once again the task of productive work was left to the tillers of the land.

As a result of a process of modernization that was started some forty years ago, the above relations of appropriation and authority have undergone certain changes. In this respect, the major change has been the institutionalization of the relations of authority in an autocratic system of
bureaucracy, and the relations of appropriation in a system of agricultural land taxation. As such, today, Gult rights, for instance, do no longer carry with them the authority to administer an area or to dispense justice.

With respect to the appropriation of surplus, however, albeit now in the form of taxes paid in cash, the system has remained substantially the same. Although we do not possess now any data on the amount of appropriation in the form of tax, the following table may give a rough indication of the major surviving forms of appropriation* and the extent of it in the measured areas of ten out of fourteen provinces of the country.

* To be sure, Proclamation 230 of 1966 had abolished, save in respect of the Church, Gult, Riste-Gult and Sisso. In fact, however, such rights continue to belong to their holders.
### DISTRIBUTION OF MEASURED LAND ACCORDING TO DIFFERENT TENURES (in Gashas of 40 ha.)

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<th>Church Gult</th>
<th>Mengist</th>
<th>Madera</th>
<th>Rista Gult</th>
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Source: Condensed MLR Department of Land Tenure (1971).
The table does not include the size of the areas within the appropriate reach of the numerous churches and private individuals in the Northern provinces, since here the system of taxation is not based on land measured in units of a gasha. Nor does it include the rights of these persons or the churches in the unmeasured areas of the South itself.

It shows, however, even if roughly that the following rights pertain to various classes of people and various church establishments.

1) The Church enjoys two sorts of rights. On the one hand, it is permitted by law to collect and retain for its own use land and education taxes, at the rates of taxation the Government has laid down in respect of other lands, from persons who themselves own such lands. The rights of the churches to enjoy such taxational authority is known as Semon. In this regard, the Church is really a Government within a Government. Notice the size of land area to which Semon extends. If only the land tax, and only for Shoa Province, were converted into figures, the amount of such tax alone would total to something in the order of Eth.$ 1116888 gashas x 15 or 10 or 5.*

On the other hand, the Church has the right to own land for itself - land which it in turn distributes among its ecclesiastical members from whom it collects ecclesiastical services,

* The amount of land tax on a gasha of land is Eth.$15, 10, and 5 for fertile, semi-fertile and poor land respectively.
and agricultural income and education taxes. The right of the Church to hold land under such arrangements is known as Church Gult. However, the Church itself does not pay land tax, which in theory is imposed on all lands.

2) Similar rights enjoyed by private persons are known by different names as Gult, Riste-Gult and Sisso.* Although quite distinct in historical origin, the content of these rights appears to be identical today. They all refer now to the right of a person to collect, from landowners within the area to which his right extends, the land tax of Eth. $15, 10 or 5 after he has paid a straight rate of $3.50 to the Government.

Nadera tenure has been, beginning with 1945 Ethiopian calendar, permitted to crystallize into individual ownership. Yet, even now there remains a large number of holdings under this form. Because it was only the use and enjoyment of the land that was granted to the holder of such right, he never had to pay land tax. Consequently, even now after his right has been converted into full ownership, he pays no land tax.

In terms of the size of appropriation, the most important category of relationships is Gebbar (individual ownership). Today, the significance of this term lies merely for tax purposes, i.e. the owners of such lands do not pay land or other

* The difference between Riste-Gult and Sisso appears to be merely one in origin and the rank of the recipient. Sisso right seems to have been given to persons of inferior rank.
taxes to churches or private individuals in the form of Gult or Riste-Gult. When this character is removed from this category, however, it becomes obvious that the rights of owners of such lands are not different from those owning lands subject to Semon or Gult. In this sense then, the Gebbar category of relationships is more pervasive than the table above indicates. The model of relationships that emerges from this observation, then, is that at the bottom of the social relations of production we have the landless and small part-owners and part-renters. Above them are the landlords who are, as the analysis on tenancy showed, the appropriators of feudal rent, tithe, fees, etc., and above the landlords are the Gult, Riste-Gult and Sisso holders who appropriate the surplus product of the tillers in the form of taxes. This does not mean, however, that the latter are not landowners themselves. In fact the converse is true. The point is simply that while the actual cultivators of the land are united by, and have access to the national economy through, the medium of share-cropping tenancy and small peasant proprietorship, the landlords are united by, and have access to the surplus product of the cultivators through the medium of the sovereignty of ownership, and the nobility by Gult and such similar rights. Such are the network of social relationships that govern the regulation of labour, the appropriation and distribution of the social surplus product amongst those that control the powers of the State; and these are the relations within the framework of which agricultural production takes place.
CHAPTER III

Implications for Development

In this part, we shall consider some of the major implications for development of the dominant forms of property relationships: Rist and Gult in the North, and share-cropping tenancy, large land ownership and traditional feudal rights pertaining to surplus appropriation in the South. Of course, a paper such as this cannot pretend to offer interpretations that are exhaustive or final.

Renner has well observed that every legal institution is designed primarily to ensure the individual in society with his means of reproduction, his subsistence, however meagre, for plainly the "preservation of the species is the natural law of every social order". In this regard, Rist is at once the economic and legal institution which serves this function. By the same token, so is share-cropping tenancy - the institution through the medium of which the landless peasant in the South, and even in the North, participates in the production of food, and the distribution and consumption of it. Juridically, the difference between the two lies in the amount of power and liberties the former right gives as opposed to the latter. Economically, the latter institution offers no security of access to any definite source of income while the boast of the institution of Rist is its distinctive quality as a guarantor of some land, however little. Hence, the ideological boast of the Northern peasant: "to be landless is to be
sub-human" even though in terms of the income he gets from his land, he might be no more "human" than his Southern counterpart. Be that as it may, the process by which the peasant in both areas may become progressively less "sub-human" is a function of the nature of development in which he must be ready and willing to participate. And when viewed from the needs of such development, neither the institution of Rist nor that of tenancy hold promising prospects. To an analysis of these impediments both institutions present we shall now turn.

A. **Size of Farm Structure and Technical Backwardness**

By far the most serious consequence of the Rist system is its capacity to precipitate literally millions of small sized holdings. Since it is a basic norm of this system for the offspring of a Rist owner to divide and subdivide progressively the inherited land equally amongst them, and since it is the rule to inherit land on both lines of descent, peasant holdings are found not only in small sizes but also scattered in one or several villages. The result is dwarf holdings of usually no more than half a hectare or less. At a time where land is no longer plentiful and rural over-population ever more rising, holdings are correspondingly ever more dwindling in size. The exodus of peasants from Welo Province into what they believed or were led to believe to be unoccupied land in Gojjam Province is a case in point. So is the case of hundreds of poor peasants, particularly from Tigre Province,
flocking into Addis Abeba and other cities. In these and other provinces in the North, centuries of cultivation has, additionally, so sapped the fertility of the soil that the effort of the peasant on so miniscule holdings is hardly any more compensated.

In his work *Amhara Land Tenure*, in a miniscule region in the North, Allen Hoben has attempted to disprove the observation that many peasants in this region are land-poor by claiming that "with the exception of artisans, former slaves and strangers..., most farmers are able to obtain substantial amounts of land rent-free". He forgets, however, that "social institutions are as much important as available land in determining whether or not peasants are land-hungry". If he means by "land-poor" that generally peasants are not entirely without land, however small, the point is easily conceded since, as we saw above, the great merit of the *Rist* system is its capacity to provide everyone with a rightful claim with some land and thus with some security for subsistence. The question, however, is the quality of life that such land assures the peasant. As Hoben himself must admit, better quality life is a function of more and better land. Hence the numerous disputes and endless litigation over land. The *Rist* system is also an impediment to the fuller utilization of the labour resources of the individual and his family members and the expansion of agricultural activities on rational sizes of land. Since the agricultural sector is
characterized by such a form of labour organization, i.e. many petty individual centres of production with virtually no organic connection between the one and the rest, there is very little division of labour, and still less need for adopting modern productive methods such as mechanization and the expansion of the internal market. From this perspective, it should be obvious that significant technical progress is a requirement that accompanies the proper organization of the forces of production of both land and labour. Without this, it is only natural that the Ethiopian peasant just as his counterpart everywhere (except the Japanese peasant, and then only once) should continue to use the same methods and instruments of cultivation in a repetitive and orthodox fashion. Hence too, the conservatism of the peasant and his aversion to everything that is new.

The Rist system is inhibitive of expanded production in yet another sense. The time wasted, the extra expenses incurred in farming discontinuous and small plots of land, the endless litigation arising over claims to land and boundaries and the resultant social conflicts are the veritable consequences of a system of property relationships that merely ensures the subsistence needs of the family and the appropriation by those who have claims to the peasant's produce. In this sense, what the Rist system does is to perpetuate poverty, limit the extent to which the peasant participates in the market, and inhibit the process of capital accumulation precisely because agricultural operations are conducted on very
small holdings incapable of yielding larger surpluses for more production and consumption, and reinvestment into agriculture or other sectors of the economy. Even for those persons who, by manipulating the inherent weaknesses of the system or even by legitimate means, acquire large enough lands, the fact that such lands may usually be had only in different parishes has meant that it is impossible to operate such lands as a unit in order to rationalize agricultural operations.

Assuming that there are elements in the society who are interested and have the economic capacity to engage in a rational and more productive agriculture, the method of distribution of land, the ideology of the system which excludes the possibility of the sale of land, and the fact that Ethiopian Feudalism gave the feudal classes few or no rights in land means when viewed genetically, that on the one hand these classes cannot even now deprive the peasant of his means of production and, on the other, that rules of the Rist system do not permit easily the practice of socialist agriculture. Considered in this light, it is possible to argue that one of the reasons for the success of the lords of the manors or their farmers in medieval England in undertaking the enclosure movement was the nature of the rights these classes had in the land. It was much easier for the English landlords and yeomen to enclose on the poor peasant, given the economic conditions such as a prosperous wool trade which called for such a movement, than for their Ethiopian counterparts who enjoy no similar rights in land in the Northern part of the
country. This is not to say that depriving the peasant of his means of production for the prosperity of capitalist agriculture is what is needed. That alternative, in the form of a proposal to "individualize" property in land, has already been peddled to the Ethiopian Government by foreign advisors, as if such a proposal would, in and of itself, accomplish more than the documentation of land rights in individual names, and as if, even if such proposal were to accomplish more, such accomplishment would be in the interests of the broad masses of the poor people.\textsuperscript{90} On the contrary, such a proposal has merely the advantage for those with money of depriving the peasant of his land and converting him either into an agricultural worker, a landless peasant or an entirely jobless person.

The experience gained in the Chilalo Agricultural Development Unit concretizes some of the implications outlined above. In this project area (in the South), where a system of more individualized property, although not completely liberated from feudal trappings, is the dominant mode of relations, has been highly facilitative of the rise of capitalist relations in agriculture.\textsuperscript{91} Here, with the advent of a package program of agricultural and marketing services (tractors, fertilizers, etc.) the landowning class was quick to conspire with an emergent class of contract farmers in order to evict the share-croppers and consolidate small holdings to sizes appropriate to the available technology.\textsuperscript{92} In other words,
the fact that in the South the tillers of the land are not necessarily the owners of it has meant, economic conditions permitting, a much freer leeway for the landowners themselves and/or with the alliance of contract farmers to make the transition to a new mode of production. As well, it has been much easier for international development agencies such as CADU, AID and the IBERD to become catalysts in this process in the areas of the South than in the North precisely because of the difference in the degree of individualization in the nature of property relationships between the two regions. For these agencies, the system of property relationships in the North is seen as anathema to the starting of "development" projects which have as their purpose the catalytic introduction of capitalist relations. Apart from the undesirability of the consequences of such relations, the system of international intervention is likely to generate and perpetuate uneven development within the same country.* That appears to be the reason for the current flurry of package programs of "development" in the South and the virtual absence of similar programs in the North.

Many of the consequences for development outlined above apply with equal force in the Southern half of the country too. Even though there is a high degree of concentration of

* For this point, I am indebted to Professor Donald Harris of the Department of Economics of the University of Wisconsin, Madison.
ownership here the size of ownership is unimportant to the mode of its use. In other words, since landownership, especially when it is concentrated, is divorced from farm management — in Ethiopia he must indeed be an exceptional landlord who soils his soft hands in the dirty cycle of agricultural work — concentrated ownership is operationalized by "renting out" small plots of land to individual share-croppers on the basis of verbal agreements. In terms of the size of farm structure and the petty individual nature of agricultural production and the consequences of these on capital accumulation, fuller labour utilization, division of labour etc., the tenanted holdings of the South are as much irrational as the small owned holdings of the North.

Share-cropping tenancy has other consequences that are too well-known. The share tenant who pays half or more of the produce to the landlord will not improve the land or apply any extra labour or capital unless he is convinced that his extra input will bring him a return more than twice its cost.\textsuperscript{93} In very simple terms, what this means is that a share tenant who incurs a production cost of say, a $100 will have to expect a return more than $200 to justify his effort and investment, otherwise his own returns will at best cover his expenses which neither will increase his income/nor compensate his extra work.\textsuperscript{94} Moreover, under conditions of insecurity and feudal subservience i.e. under conditions which permit the landlord to see himself as sovereign and the tenant as always subject to his whims and caprice, the tenant is not
likely to experiment and innovate. The resultant lack of technical backwardness is particularly aggravated by the fact that, after the payment to his landlord of feudal rent, tithe, fees, etc., the tenant has little or nothing left for endeavors in the direction of technical progress.

Some have put forward the argument that the "negative effect of share-cropping upon agricultural development could be greatly reduced were input costs to be shared in the same proportion as returns, and that this would ensure the share-croppers a marginal rate of return comparable to that of an owner-cultivator." However, and as Erich Jacoby has correctly pointed out, this solution makes only theoretical sense. In practice, as we saw above, since the landlord does not take part in the process of agricultural production beyond parceling out land to his tenants, such a solution will almost certainly run counter to the interests of the landowning class. More importantly — and this is where this solution misses the point altogether — "a considerable part of the costs, the cultivator's labour, cannot really be shared by the landowners without breaking up the entire structure of established tenure system." The juridical opposite of the institution of tenancy of every variety is ownership. Traditionally, the concept of land ownership has been viewed as a relationship between man and matter i.e. between a "property — subject" and a "property — object". The petty peasant proprietorship of the North might be said to involve this relationship whereby the
institution of Rist secures the object of farming i.e. the land, to the farmer and the institution of succession ensures the continuity of labour and consumption and the reproduction of the species. In the Southern part of the country, however, where landownership is usually divorced from productive function, to own large areas of land is actually to own large numbers of people, particularly where the tenant, as in Ethiopia, has few or no alternative opportunities and no education which he might otherwise have used to improve his position. In the South it is not the ownership of land but the institution of tenancy that, for the most part, serves the function of production of food and the regulation of agricultural labour. Ownership of land, on the other hand, is a title to feudal rent, tithe and fees, and the source and basis of the socio-economic and political power of those who have a monopoly of it and the consequent subjection of those who do not have it. And it is this institutionalized monopoly that is called the State which decides the fate of those who are engaged in productive work after having systematically excluded them from participation in the political processes of decision-making. Small wonder then that in a social system in which the productive work of the tiller of the land is viewed with contempt, even the opportunity to be elected to Parliament, (more aptly described as a "committee of landlords") as well as it may be, is foreclosed by election laws requiring parliamentary candidates to be themselves the owners of land.
The fundamental quality of landownership as it occurs in Southern Ethiopia is the sovereignty it bestows upon its enjoyer to do as he pleases not merely with the people subject to his domination but also with the land and the income illegitimately, unproductively, and parasitically obtained from it. Hence, the reason for leaving the land idle in the midst of general landlessness and abject poverty. From such a vantage point of absoluteness, it is irrelevant whether such use (or the absence of it) is inconsistent with the needs of development or the dignity of others as much as it is irrelevant to the conception of ownership whether the owners of land work it themselves. The owner qua owner is under no duty to society; neither is he under any duty to work his land nor under any duty to exercise his powers in a manner that does not compromise the needs and requirements of development of the welfare of others. Consequently, not only do particularly the large landowners often leave their lands idle but even when they parcel out their lands to poor share-croppers they use the income derived therefrom in a variety of unproductive ways precisely because, juridically speaking, ownership as a legal concept being indifferent to the property - object of it gives the owner of such income the right to fiddle with it just as he idles with the land.

Thus, the unproductive nature of the ways in which surplus from agriculture is used and the unproductive role of the spenders of such surplus can already be anticipated from the notion of ownership itself, but more particularly from the
large landownership variety. For unlike in the North where small peasant proprietorship serves the functions of providing the subsistence needs of the tiller and the locus of production and consumption, in the South landownership is an instrument of political rule. To the general prodigality and disdain for physical work of the landowning classes, the Ethiopian case is no exception.* Such characteristics have been observed in widely disparate societies, say as that between England and China, and are the same characteristics that raised the ire of Adam Smith and Ricardo.

In a similar vein, Philip M. Raup has wondered why it is that:

"Paradoxically, cultures that have placed social and economic (and political) premiums on land acquisition and ownership have not always accompanied this with high levels of land improvement or agricultural production."100

Although there is very little "paradoxical" about it, the question is a valid one to raise in the Ethiopian case too. As in other similarly situated countries, the landowning class does not engage in productive investment in agriculture or, to extend Raup's question, productive investment outside of agriculture. On the contrary, a good deal of the economic surplus accruing to it is spent - thanks now to the modern American and European amenities of life - on conspicuous

* The French nobility, for instance, used to speak of "derogation" i.e. a noble should refrain from taking up productive work in agriculture or commerce. Else he derogated his status.
consumption goods and services of all kinds: Mercedes Benz, medical check-ups, sumptuous residences, etc., and opening bank accounts outside of the country. Such attitude, as Paul Baran notes, "may be to some extent irrational, nurtured by the tradition, style of life, and social conventions peculiar to landed squires".101 To a large degree, however, it is explicable by the existential economic realities obtaining in the country. In the absence of studies and data, such explanation can only be tentative.

Firstly, under conditions of a simple technology and cheap and abundant labour the landlord can hardly perceive the need to rationalize agricultural production.102 On the contrary, with rents, tithe, fees already high enough for maintaining his station in life - normally sedentary bureaucratic life - it is much easier and simpler for the landlord to sit back in the towns and cities than gamble with his money on the hazards of agriculture which normally does not pay off returns quickly.103 In this regard, the expensiveness of imported agricultural machinery militates against investment in agriculture.104 In contrast, and particularly in the city of Addis Abeba where, partly from the allocation of plan expenditure, partly from private investment in industries, and partly from other government expenditure, there is a growing concentration of economic development, the landlords have found it exceedingly profitable to invest the income obtained from agriculture in building modern apartment blocks to lease them to the official class and officials of international
agencies.\textsuperscript{105} On the other hand, foreign enterprise has preempted the non-agricultural sector - 75\% of the paid-up capital belongs to foreigners.\textsuperscript{106} This phenomenon has, among other things, the consequence of crippling the rise of an indigenous capitalist class worth the name.\textsuperscript{107} Why the landowning class does not invest more in the non-agricultural sector than it does presently has to be investigated further by more competent persons. Tentatively, however, one can offer the following hypotheses: 1) It may be that foreign enterprise in industry is already providing the landowning class with handsome profits.\textsuperscript{108} As the Ethiopian manufacturing sector is highly geared to the processing of food, textiles and beverages, it might be that foreign enterprise has provided "the outlet for the produce of the landed estates."\textsuperscript{109} 2) The primary concern of this class is political stability. We need not prove here the connection between foreign enterprise (backed by the governments of their countries of origin) and the preservation of the status quo.

Secondly, the absence of a wide enough market in agricultural products may go so far to explain the lack of enterprise on the part of the landed classes.\textsuperscript{110} As is well known, historically in the now advanced countries of Europe the expansion of the market\textsuperscript{111} was crucial to the rise of commercial agriculture and the concomitant alliance between the landed and the emerging capitalist classes. In England, for instance, the wool trade was decisive in setting the enclosure movement in gear and marking the transition "from the feudal
conception of land as the basis of political functions and obligations to the modern view of it as income-yielding investment."

In today's world of multi-national corporations and imperialism, this condition is no longer available to the landed classes in underdeveloped countries. At the same time, the subsistence character of the economy and the absence of well-developed towns and cities has the effect of limiting the size of the internal market, and therefore limiting the productive investment possibilities of the landed classes.

B. Surplus Appropriation and Capital Accumulation

We have seen above how the petty owned holdings of the North and the similarly petty character of the tenanted holdings of the South are inconducive to the process of capital accumulation in so far as they do not permit a much fuller utilization of labour resources or the adoption of modern agricultural machinery. Here, we shall focus attention on the consequences for capital accumulation of the conception of land-ownership and the ownership of income derived therefrom, and traditional relations of appropriation such as Gula, Madera, etc.

As is well-known, every socio-economic system generates economic surplus and the "size and mode of utilization" of such surplus determines "the rate and direction of economic development in a country." Admittedly, the quantification of especially some of the forms of such surplus may be a
difficult task but not the conceptualization of it.* Accordingly, Paul Baran has conceptualized economic surplus in terms of actual and potential categories of surplus. According to Baran — "Actual economic surplus" is the difference between society's actual current output and its actual current consumption. On the other hand, "potential economic surplus" refers to "the difference between the output that could be produced in a given natural and technological environment with the help of employable productive resources, and what might be regarded as essential consumption." Needless to say, the realization of the latter category of economic surplus is predicated upon the presupposition that there would be a basic reorganization of the production and distribution relations of society. With this assumption in mind, let us see what may be considered as categories of "potential economic surplus" as they are represented by the property relationships existing in Ethiopia at the level of relations of appropriation and authority.

* The difficulties of quantification are quite apart from the absence or inadequacy of statistical information, "essentially reducible to the fact that the category of the potential economic surplus itself transcends the horizon of the existing social order, relating as it does not merely to the easily observable performance of the given socio-economic organization, but also to the less readily visualized image of a more rationally ordered society." Paul A. Baran, The Political Economy of Growth. p.24.
a. The Concept of Ownership and "Potential Economic Surplus"

As we saw above, because of the socio-economic realities of the country and because of the sovereignty with which private ownership of land is imbued, the large landowners are permitted to wantonly refrain from putting their holdings to productive use. As a result, and even though there are no data showing these, it is common knowledge that areas of land are either underutilized or not utilized at all. Obviously, this state of utilization, or the lack of it, sets a definite limit to agricultural production and the process of capital accumulation. The general state of cultivation in the country may be gleaned from the following table:

**Land Use in Ethiopia**

<table>
<thead>
<tr>
<th></th>
<th>Million hectares</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Land,</td>
<td>84.1</td>
<td>68.8</td>
</tr>
<tr>
<td>of which:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultivated land</td>
<td>12.9</td>
<td>10.6</td>
</tr>
<tr>
<td>Pasture land</td>
<td>66.0</td>
<td>54.0</td>
</tr>
<tr>
<td>Swamps</td>
<td>5.2</td>
<td>4.2</td>
</tr>
<tr>
<td>Forests</td>
<td>8.8</td>
<td>7.2</td>
</tr>
<tr>
<td>Barren or Built-up</td>
<td>17.2</td>
<td>14.1</td>
</tr>
<tr>
<td>Water and Water Courses</td>
<td>12.1</td>
<td>9.9</td>
</tr>
<tr>
<td><strong>Total area</strong></td>
<td><strong>122.1</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Source: Third Five Year Development Plan (1968-73).

The table shows that about 65% of the country's total area is potentially cultivable. However, of this amount only about 17% is presently under cultivation. We need not quarrel here with the accuracy of the above data. Despite its
limitations, it brings home one cardinal fact: the irrationality and wastefulness of the system of property relationships which permits the coexistence of large areas of under- and un-utilized land belonging to private persons and the Government and the small tenanted and owned holdings of the South and North. Obviously, even if this paradoxical and irrational situation may have been the result of some "historical necessity" in the past, its continued existence has no justification. On the contrary, it calls for drastic reorganization.

The second major form by which economic surplus is dissipated is also tied to landownership. Since private land ownership gives the property-subject the right not only to receive rent, tithe, fees, etc. but also to spend these unproductively (or less productively than is desirable as in urban buildings) in conspicuous consumption of all sorts, this category of economic surplus too remains potential. It is impossible to be precise on the amount of such surplus. Considering, however, that landlordship is an ubiquitous institution in much of the country - about fifty-five percent of the rural population are tenants - and considering that the value represented by the payments of rent, tithe, fees, etc. to the landlord class, amounts between 40-55% of the produce of the land, the magnitude of such surplus must indeed be high.

b. **Traditional Rights and Potential Surplus**

Potential economic surplus occurs here in the form of taxes paid to the Church and private persons. Conservatively
estimated, the land area over which the Church alone has
inghts of taxation either in the form of Gult and Semon, and
then only in the South is about 13% of the total land area.
In the North, in addition to these, there are numerous other
forms of surplus appropriation by which the interests of the
Church are protected. For instance, quite apart from the
numerous services and dues parishioners are obliged to pay for
the maintenance and construction of church buildings, the
Church of Axum has, for one, rights to collect produce from
the peasants cultivating what are known in Tigre Province as
Dimit (cat) and Beklo (mule) lands. Such are lands whose
tillers are required to relinquish a portion of their produce
for the purchase, ostensibly at least, of cats to chase away
or kill mice so the latter might not damage church property
such as vestments and liturgical books, and mules for the
annual pageantry that is characteristic of the celebrations
of the holidays of this particular Church. This is only one
out of many similar ways in which surplus is squeezed out of
the peasantry and dissipated in economically unproductive
ways in the maintenance of the higher strata of an idle
priestly class.

The tax revenue that goes to private persons in the
forms of Gult, Riste-Gult, Sisso etc. is no less considerable,
and to the extent that such surplus is used in conspicuous
consumption and for other prestige-oriented purposes, it too
remains potential. Although the number of such persons is not
known, the total land area to which their rights to collect
taxes of Eth.$15, 10 or 5 (after a straight rate of $3.50 is
paid to the Government) extends, constitutes eleven percent of the total taxable land area, and then only in the South. At the same time, other persons are exempted from the payment of land taxes as in the South (cf. Maderia and Galla landholders) or are given tax disbursements as in the North (cf. Feresegna), or are permitted to collect produce from the peasants for their own use (cf. Chika-Shum). Occasioned primarily by the absence or paucity of material and data on the modalities of such surplus appropriation, and the magnitude of potential economic surplus they represent, the discussion has necessarily been much briefer than the importance the subject deserves. Nonetheless, it has attempted even if sketchily the identification of what might be regarded as some major sources of potential economic surplus - sources that are necessarily connected with the prevailing mode of production and the nature of property relationships appropriate thereto. If the irrationality and wastefulness of this mode of production is to be halted, and the character of our civilization and progress to be meaningful to the toiling masses of people, it is a foregone conclusion that the existing relations of production i.e. the existing property relationships, must be revamped. To say that these relationships must be revamped raises the question of with what they may be replaced. To this, and by way of conclusion, we now turn.
Conclusion: The Organizing Principle

The fundamental conclusion that emerges is that the goal of increased agricultural production — in the many-sided aspects in which we defined it — is impossible under the existing property relationships. Fundamentally, this is so precisely because property relationships (and indeed society) are not organized on the basis of productive functions. The absence of productive functions as the basis for property organization is evident when one considers, as we have in the course of the paper, that landownership and other relations of appropriation are blatantly divorced from use and from any productive duty to society. Fundamentally, and not simply because they spend the social surplus product wastefully, landlords and other traditional appropriators of surplus such as the Church perform no productive work themselves that one is tempted to ask: Would there be a decrease in agricultural production, a disintegration in the organization of agriculture and labour were such rights to cease to exist? Clearly, except for the callous and those blinded by self-interest, when such rights are used for the purpose of ensuring an idle and parasitic life and the perpetuation of the domination of productive persons in society, their defense becomes not only a difficult task but also a mindless one.

Less evidently "functionless" but nonetheless unjustifiable is the organization of agriculture on the basis of Rist.
Not that it does not perform a productive function in the sense of guaranteeing the subsistence needs of the family and its continuity at the level of the peasant, but that from the standpoint of increased agricultural production it is a brake to a rational agricultural and property organization capable of permitting fuller labour utilization, technical progress, and capital accumulation. This is the confluence of the irrationality — the lack of productive function — of the property relationships, at the level of the peasant, in the North as well as the South. At the same time, this confluence suggests the necessity to look for more or less identical solutions, on the basis of productive functions, for both North and South rather than emphasizing superficial differences and characteristics. Yet, it is precisely here that land reform of the variety suggested for Ethiopia betrays a profound misconception of the problem.

It will be recalled that in various places in this paper, we have hinted en passant that any policy of land reform which views as the problem the absence of individualization of ownership in land in the North is entirely misconceived. We have argued that in the North too there is individual ownership. It has been our contention that the content of private ownership of land, as any other right, is historically specific to the economic and social conditions upon which it is predicated. As such, the Riot owner has the right to use and enjoy the land, and the right to decide what to do with the land including the important decisions of leaving the land idle —
which is one element of the absolute character of individual ownership – and making all management and investment decisions. Consequently, the absence of land sales does not detract the sovereignty of the owner. In this regard, the owner is subject to the control of neither any notional community nor that of any family nor even that of the State. Given that land sales and the juridical notion of contract are structural ingredients of a developed market economy, the absence of these ingredients in a much less developed economy does not mark the end of ownership. On the contrary, they mark the path that the institutions of private ownership traverses in the course of history. On this view, therefore, the consciously or unconsciously internalized notion of ownership, borrowed from a more mature economy, which equates ownership with sale is profoundly wrong.

It is from this perspective that we will question the relevance of land reform i.e. of the policy of individualization of the already individualized form of property relations in the North. Conventional reform, conceived in this sense, has been pushed in Ethiopia as a condition for economic development. The magic wand to be waved to usher in such development is simple as it is simplistic. It proposes to document the right of ownership in individual names although in social and economic terms land is held by individual persons for own account – in the wake of which, it is believed, land will be freely sold. Fundamental to this proposal is the belief that as land now becomes saleable, the "more enterprising" persons in society (meaning really the ones with money) will develop
the lands more efficiently and more rationally. The equation is simple: a free market in land will bring about economic development.

Quite apart from the perverted notion that equates "enterprising persons" with anything more than money-bags, the proposal begs the following fundamental questions.

Firstly, it begs the question of where such enterprising persons will emerge from. In other words, absent the economic conditions and the social attitudes appropriate for free market relations i.e. absent a market for the produce of the land and without removing the immobilizing effects of the relations of appropriation, it is difficult to see how the mere legalization of the sale of land will usher in market relations. Had it not been for the absence of a wide enough market for the produce of the land and other products, the present form of property relations would have given way before our own eyes.

Secondly, even if some "enterprising persons", presumably bureaucrats in Addis and elsewhere, were to be interested in agriculture, the proposal equates the consequent deprivation of the masses with economic development. The effects of enforcing such a policy will certainly be the following: On the one hand, a great majority of the peasants will be made destitute, with no land to work on any longer in agriculture, or any opportunities in manufacturing, small to begin with and preempted as it is by foreign enterprise which often employs non-labour intensive methods. On the other hand, in the absence of restrictions on the power of the "enterprising
persons" to do as they please with the income they obtain from agriculture i.e. in the absence of any planning which would direct surplus to productive investment, it is obvious that the important tasks of capital accumulation and investment are once more flamboyantly skirted.

What is the alternative? To let the existing property relationships remain, of course, just as bad as to attempt to break them down with a contrived policy of creating a market in land. The alternative lies in a planned system which calls for the justification of rights in property by the productive - socially and economically - function they perform in society. It is impossible to be precise now on what might be regarded as the content of this productive function. Nonetheless, it is possible to outline some of its essential elements in terms of the problems we set out to explain by the nature of property relationships. This means that rights in land (e.g. individual ownership) must be justified by the extent to which they enhance development, which in the case of agriculture is a function of reorganizing farm structure, adopting new technology, capital accumulation and investment. Implicit in this criterion of productive function is the belief that all socially and economically relevant questions as to what constitutes productive function must pertain to the State representing the masses.

Once it is agreed that rights in land must be justified by their productive function, as defined by planning, it is a relatively easier question as to what form of property is
more rational to economic development. The ones that jump into mind as the basis for a guaranteed and well-rounded and social justice progress are producer cooperatives, collectives etc. To discuss the advantages of these and related forms of agricultural and property organization is beyond the scope of this paper. Suffice it to point out the rationality and superiority of these forms in the opportunity they offer for "large-scale agriculture, the application of technology, a more efficient labour utilization, ...economy of available administrative and extension staff resources" and "a built-in mechanism for saving, investment, and the administration of tax."

Thus, if land reform is to be relevant in the North, it ought not to justify the principles under which it reorders property by market forces which not only do not exist but even if they do sooner or later become run-away forces over which the majority of the peasants will have no control. Given the underdeveloped nature of the economy and the international constraints to development such as foreign enterprise, price monopoly, trade limitations, the State must be the one organization in society on which must rest the responsibility for directing the rhythm and tempo of the economy on the basis of planning and discipline. The individual, as sovereign over his property, now as under the proposed policy is basically incapable of undertaking such responsibility beyond his own narrowly defined ends.

In the South too, the principle of productive functions
applies with equal force precisely because the fundamental problems of increased agricultural production, the rationalization of agricultural and property organizations and the alleviation of poverty are common to both regions even though the relations of property are slightly different. Hence, here too one is forced to ask what the conception and relevance of land reform ought to be.

As is well-known, in many predominantly agrarian societies where there exists a great bifurcation between those who concentrate in their patrimony excessive landownership but who perform very little or no productive functions and those who are landless but who perform productive functions, land reform has been conceived mostly as a political gimmick to satisfy the demands of clamourous peasants (and even of docile ones) by breaking up large estates amongst them. This is done on the assumption that the redistribution of land provides the framework for future political stability as well as economic growth and social justice. Politically, it is assumed - that the breaking up of large landownership will liberate the masses and help involve them in the processes of decision-making by Government. While it is difficult to deny here the advance in political participation such a measure may represent, it is impossible to regard land redistribution as being capable of reordering the political structure of a country where, just as before, political power will undoubtedly remain - reinforced by a compensation scheme of one sort or another that usually goes with redistribution - in the
hands of the "expropriated" landowners and others in Government.

Economically, it is fallacious to think, as the proponents of land redistribution do, that the "breaking up of large estates, endowing some landless peasants with plots of their own, and freeing tenants of their oppressive obligations" would increase agricultural production, ensure saving and investment and capital accumulation. Here it is necessary to quote Baran at length:

"Undoubtedly the immediate effect of such measures would be a more or less significant increase in the peasantry's disposable income. Yet with the income level as low as it is, and as it would remain even after the large estates had been split up into a multitude of dwarf holdings and after the payments of rent had been entirely abolished, little if anything would be saved out of the income increments ...Worse still, the parcelling of land would reduce the possibilities for achieving what is obviously the foremost need in backward countries: a rapid and substantial increase of its aggregate output. For an agricultural economy based on tiny farm units would offer little opportunity for an increase of productivity. To be sure, something can be achieved by improvement of seeds, by increased usage of fertilizers, and the like. As noted before, however, a major increase of productivity and output depends on the possibility of introducing specialization, modern machinery, draught power, a possibility present only under conditions of large-scale farming."

The reader will notice that Baran's arguments are couched in language - "splitting up large estates" - that assumes that large estates in Ethiopia are operated as a unit. That this is not so for Ethiopia has been made clear in Chapter II. Yet, even if large lands are not so operated in Ethiopia, and therefore there will be no "splitting up", were land redistribution to become a goal of Ethiopian policy, it is quite
obvious that since the effect of land redistribution is to confirm the already split up tenanted holdings in individual ownership, the arguments are equally well applicable.

On a legal plane, in many countries the policy of land redistribution, with all the above weaknesses and in spite of them, has been justified by and carried out under the theory that individual ownership must perform a social function. Contextualized in this way, the effect of the principle of social function has been to look upon latifundia with disfavour either because they are not used productively or because, in spite of the state of their productive use, the consequence of the monopoly of landownership is the deprivation of the millions. As such, the purpose of social function is to provide the justification for the taking of land, often after a reserve has been left for the previous landowners, and the establishment of family farms — millions of individual farms which do not ensure increased agricultural production, employ modern machinery or guarantee saving and investment. For Ethiopia to redistribute property on the basis of this principle is to replicate the pattern of ownership in the North and to advance agriculture as Paran would say, little beyond leaving the peasantry with more disposable income to be spent unproductively. In this sense, and in terms of the tiny size of the resultant farms (euphemistically called "family farms") unlikely to provide the locus for increased agricultural production, or if they were favoured by policy to exist, very likely to be swallowed up
anyway by bigger farmers, money lenders, land speculators, etc., redistribution on a "family" basis performs little productive function and suggests the necessity, by the State, to organize agriculture and property on cooperative, collective or related bases.

Secondly, because the principle of social function does not question private ownership of land - indeed reinforces it! - the consequence has been the entitlement of the landowners to claim and receive compensation in the course of a land reform program. Since the purpose of land redistribution, at least ostensibly, is to readjust wealth, to break the back of an unproductive and parasitic landowning class, one fails to see why compensation should be made - why the landowners should be permitted, in effect, to raise public taxes for private use - particularly since redistribution is sought precisely because private ownership of land has failed to perform its so-called "social function." Indeed, the actual tiller of the land as in Ethiopia has paid so much in liberty, dignity, rent, tithe, etc. that one is compelled to ask if compensation is not due the other way around. Moreover, as Edmundo Flores says, summarizing the Mexican experience:

"Judging by the Mexican experience, it can be said that any attempt to pay compensation - except symbolically - leads to an insoluble solution... An agrarian reform needs to be followed by a vigorous effort to increase the rates of capital formation. It would be self-defeating to take resources from investment and give them to the old oligarchy, particularly if we consider that giving buying power means putting in their hands more elements with which to finance counterrevolution."
Our purpose is not to discourage land reform per se but to raise the question of what type. If it is to be meaningful to the broad masses of the people on a more lasting basis, to be catalytic in releasing their creative energies, to increase agricultural production, investment and capital accumulation, land reform must be grounded in the principle that agriculture must be organized around a property form that is justified by the degree to which it performs productive functions. In large part, the question of what is productive can only be decided by the State representing the masses. And in the final analysis, increased agricultural production, investment, capital accumulation, etc. are a function of cooperative and collective forms of property organization which encourage industry to look to agriculture and agriculture to industry. In turn, these are possible only under planning by the State.
Footnotes

1. In this paper the term "land reform" is used interchangeably with "agrarian reform."

2. Except in socialist countries, the experience of many other countries which have been said to have undertaken land reform is far from reassuring. As Andre Gunder Frank correctly points out, the experiences of Japan and Taiwan are rather the exceptions, for obvious reasons, that prove the rule. See Andre Gunder Frank, Latin America: underdevelopment or Revolution (Essays on the development of under-development and the Immediate Enemy, New York, 1969), p.273.


5. Ibid.


7. Ibid.

8. Ibid.


15. Ibid., p.371.


20. Ibid.


22. Ibid. It is interesting to note that in the period between 1540 and 1800 alone, twenty-six major periods of famine have been known to occur in the country. See Richard Pankhurst, "Some factors depressing the standard of living of peasants in traditional Ethiopia," Journal of Ethiopian Studies (vol.iv, no.2, July 1966), p.46.

23. U.S. Department of Agriculture, supra note 17, p.40. In 1966, the value of this "aid" amounted to U.S.$292,000. Ibid.

24. See infra, p. 55


27. Ibid., p.13.

28. Doreen Warriner, A Report on Land Reform in Ethiopia (unpublished, March-April 1970), P.F. It is interesting to note that the Ethiopian Government itself treats the peasantry as a "problem" rather than as an asset. This view has led to putting the emphasis on commercial farms. See Imperial Ethiopian Government, Third Five Year Plan 1968-73, pp.189-190.

30. Sileshi Wolde-Tsadik, *Landownership in Hararghe Province* (Experiment Station Bulletin No. 47, College of Agriculture and Mechanical Arts, Dire Dawa, June 1966), p. 18. In fact, "further analysis of these large individual holdings shows that 95.4% of the total hectare land is owned by two people." *Ibid.*


To the same effect, see Karl Marx, *Capital* (vol. III, International publishers, New York, 1972), p. 791, particularly the passage where he says:

"The specific economic form, in which unpaid surplus - labour is pumped out of direct producers, determines the relationship of rulers and ruled, as it grows immediately out of production itself and reacts upon it as a determining element... It is always the direct relationship of the owners of the conditions of production to the direct
producers... which reveals the innermost secret, the hidden basis of the entire social structure, and with it the political form of the relation of sovereignty and dependence, in short, the corresponding specific form of the State. This does not prevent the same economic basis... from showing infinite variations and gradations in appearance... "


46. which would therefore make it incorrect to maintain the fiction that the right is absolute. Ibid., p.380.


48. Ibid.


50. Karl Renner, Supra note 10, has shown how, over time, ownership which at the stage of simple commodity production served the individual needs of the property-subject has today acquired the functions, among other things, of command over wage workers and the organization of the latter on the basis of capital. Ibid., pp.104-118.


52. Richard Pankhurst, Economic History of Ethiopia (Addis Ababa, 1968), pp.153-160. Pankhurst enumerates the various purposes for which the land so appropriated was used. Ibid.


54. Ibid., p.91.
55. Ibid.


57. Ibid.

58. Ibid.

59. Civil Code of the Empire of Ethiopia, Articles 2875ff.

60. Ibid., Art. 2915.


63. I.E.G., Supra note 56, p. 19.

64. Cf. Art. 3016, for instance.


67. Ibid.


69. Often statements are made to this effect about land tenure in Wollo Province. Cf. the speech of the Minister of Land Reform to the seminar on agrarian reform, Supra note 9, p. 11.


72. Pankhurst, Supra note 70, p. 30

73. Hoben, Supra note 49, p. 6.
74. Ibid.
75. Ibid.
77. Ibid.
79. Ibid.
81. Mahteme Selassie, *Supra note 76*, omits the institution of Fereygenet for no apparent reason even though this institution is still very widespread in Begemidir Province.
82. Renner, *Supra note 10*, pp.69-70.
83. Hoben, *Supra note 49*, p.11.
86. Moore, *Supra note 84*, p.468.
89. Ibid., pp.195-198.
90. See infra, p.
92. Ibid., pp.6-9.
94. Ibid.
95. Ibid.
96. Ibid.
97. Ibid.

98. Renner, Supra note 10, p.150. Cf. Art. 1204ff. of the Civil Code of Ethiopia (1960) which defined ownership as a relationship between a property-subject and a "corporeal thing."

99. Proclamation No.152 of 1956 which provides for the election of Deputies to the lower Chamber of Parliament, declares (in Art.18) that a candidate for election must be, among other things, a person with "immovable property of a value of not less than one thousand dollars, or of movable property of a value not less than two thousand dollars."

100. Raup, Supra note 11, p.253.


102. Moore, Supra note 84, p.170, has advanced this argument for the failure of the Chinese landlords to commercialize agriculture.

103. Baran, Supra note 101, p.166.

104. Ibid.

105. Warriner, Supra note 28, p.18.

See further Baran, Supra note 103, p.194-196.

107. Ibid., p.17.


109. Ibid.

110. Cf. Moore, Supra note 84, p.179ff. who posits the absence of a wide enough urban market as part of the explanation for the failure of the Chinese landowning class in taking up commercial agriculture.

111. For the English case see Tawney, Supra note 88, pp.195-200.

112. Tawney, Supra note 88, p.189
In the course of European history between the 16th and the 18th centuries, this transition implied the following changes.
"In the first place land had to be turned into a commodity, possessed by private owners and freely purchasable and salable by them. In the second place it had to pass into the ownership of a class of men willing to develop its productive resources for the market and impelled by reason, i.e., enlightened self interest and profit. In the third place the great mass of the rural population had in some way to be transformed, at least in part, into freely mobile wage-workers for the growing non-agricultural sector of the economy." See Eric J. Hobsbaum, The Age of Revolution (1789-1848) (New York, 1962), p.181.

113. It appears that, in historical times, one of the major differences between Ethiopian and European feudal structures is the apparent absence in Ethiopia of a community of craftsmen living in towns. The development of towns is crucial to the development of production for exchange values which creates the possibility, and indeed the basis for capital accumulation. Cf. Ernest Mandel, The Formation of the Economic Thought of Karl Marx (Trans. by Brian Pearce, New York, 1971), p.123.

114. Baran, Supra note 103, p.44.
115. Ibid., pp.22-23.
116. Ibid., p.23.
117. The Government itself believes this fact. That is why there is currently draft legislation purporting to penalize (by taxation) large landowners who keep their lands not only idle but even underutilized.

118. I.E.G., MLR, Supra note 29, p.39.
119. I.E.G., MLR, Supra note 56, p.18.
120. I.E.G., MLR, Supra note 29, pp.11 and 13.
121. Ibid.
122. United Nations, Supra note 65, p.43 cites, besides eight other reasons, the following as the argument on which the so-called individualization program (which program this document itself equates with "the registration of communal tenures") is based:
"There is, ... the argument that economic development depends on rewarding and encouraging enterprising individuals, even at the expense of the less able or the less enterprising."
123. For an analysis of these forms of agricultural organization, and what Ethiopia may "opt" for, see Teame Beyene, Supra, note 19.

124. Jacoby, Supra note 93, p. 218.

125. Teame, Supra note 19, p. 39.

126. Baran, Supra note 103, p. 167.

127. Ibid., pp. 167-168.

128. First developed by Leon Duguit at a time when the non-cultivation of land was no serious problem, the principle of social function has now been incorporated in the constitutions of several Latin American and European countries. See Leon Duguit, "The Functional Theory of Property," The Rational Basis of Legal Institutions (New York, 1923).

129. Cf. the amended Art. 10 (10) of the Chilean Constitution of 1925.

130. Ibid.

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c) The Major Features of the Prevailing Land Tenure system in Ethiopia.


e) Third Five Year Development Plan (1968-73), Addis Abeba, 1968.

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4. The Amended Article 10 (10) of the Chilean Constituion of 1925.