

Traditional Constitution (Pre-1931)

Ethiopia has very little experience with a written constitution in spite of its long history of state formation. For this reason, the first written form of constitution promulgated in Ethiopia in 1931. But before that the country has a far back constitutional history of unwritten form. Such lack of written constitution does not necessarily implicate the total absence of constitutional rules and principles in the legal history of the country.

Beginning in the 13th Century until the early 20th Century the Ethiopian Orthodox Church was the chief legitimator of monarchical rule. However, the rights and obligations of the Crown and its subjects were not spelled out in a written secular constitution. Instead, there was developed by monks of the Church an elaborate set of codes rooted in an Ethiopian national epic. Despite the fact of existence of constitutionally significant documents in traditional Ethiopia, no written constitution in the modern sense formed the basis for the constitutional process. Thus, documents like the *Kebra Nagast*, the *Fatha Nagast* and *serate mengest* from the 13th Century until the early 20th Century were the precursors to the formal written Ethiopian national constitutions of the modern era.

Fetha Negest

The Fetha Negest (The Law of Kings) was a religious and secular legal provision than being a definite constitution. Law of the Kings, is a collection of laws which in use in Christian Ethiopia for many centuries. It was originally written in Arabic by the Coptic Egyptian writer Abu-l Fada'il Ibn al-Assal (commonly known as Ibn al-Assal) when Cyril III was the Patriarch of Alexandria (1235-1243). It was designed by monks in the Church the same time Kebra Negest penned. It set out the laws and regulations that were used to govern all activities of the Ethiopia society in the late middle age. It was used as the sources of constitutional, civil, and criminal laws. It was compiled from the Old Testament, the New Testament, and the Roman law. It serves as both religious laws and legal provisions of state. It was fundamental laws upon which the government and the administration were based and the king vested with absolute power. The throne was hereditary, the king was thought to be appointed divinely, that is derives his power directly from God. It contains the idea of divine rights of kings with the assumption that rules have a God given power.

Kibre Negest

Kibre Negest was another traditional document that has constitutional relevance. Literally, Kibre Negest means glory of king. The *Kebra Nagast* (The Glory of Kings) was written to document for the first time the mythical origins of the royal house. This document was written by six Tigrean clerics and completed in the early 14th Century. It was the most important traditional document that even defined who should become king in Ethiopia i.e., it determines the succession of the throne in Ethiopia. It was the principal sources of legitimacy for the kings. This document takes the Ethiopian history back to the Solomonic dynasty, where the queen of Sheba made romantic trip to King Solomon of Israel and gave birth to the first Ethiopia king Menelik I. Based on this the document determined that any king in Ethiopia must descend from the Solomonic dynasty or must have such blood relationship with the dynasty.

Ser'ate Mengist

Ser'ate Mengist was another traditional document that had been used as constitution by the traditional rulers before 1931. The *ser'ate Mengist* was one of the traditional documents of the nineteenth century that provided certain administrative protocol and directives in the 19th century. The Ser'ate Mengist can hardly be considered to be a document of Constitutional Law in its widest sense. Nonetheless, as it is the first document known to have been used for allocating power among the Crown, its dignitaries and the Church, by means of "... a protocol of ceremonies which had to be consulted whenever occasions required it..." and tried to lay out a pattern of succession to power, though the problem of primogeniture was more theoretical than practical as incessant rivalries among members of the royal house intermittently switched lines.