

Zelalem T.& Muradu A.



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Original Article

## Law and Development from Theory to Practice

Zelalem Tesfaye Sirna\* & Muradu Abdo Surur \*\*

\*Zelalem Tesfaye Sirna (LL.B, LL.M., Ph.D Candidate), Assistant Professor of Law at Salale University.

\*\*Muradu Abdo Surur (LL.B, LL.M, Ph.D), Associate Professor of Law at Addis Ababa University.

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### Abstract

The nexus between law and development remained varied, elusive, complex, and non-linear. This paper has three purposes; first, it introduces the historical development of 'law and development' in academic circles. Moreover, it engages with the scholarly debate on the nexus between law and development. Furthermore, it discusses the relevance of the state in bridging law and development praxis. This paper analyzes Ethiopia's law and development praxis from the Haile Selassie regime up to incumbent Prime Minister Abiy's Administration. This paper concludes that all Ethiopian regimes had inherited fragile states, and all assumed political power not through the ballot box but through guns or revolutions. Either way, the route to a throne has been violent. It concludes that underdevelopment and state legitimacy have remained unresolved issues further complicating law and development in Ethiopia.

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#### \*Corresponding

#### Author:

Zelalem T. &

Muradu A.

#### E-mail:

[zelalem\\_tesfaye@slu.edu.et](mailto:zelalem_tesfaye@slu.edu.et) &

[muradu.abdo@aau.edu.et](mailto:muradu.abdo@aau.edu.et)

[muradu.abdo@aau.edu.et](mailto:muradu.abdo@aau.edu.et)

[u.et](mailto:muradu.abdo@aau.edu.et)

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## I. Introduction

David M. Trubek and Alvaro Santos – describe the three phases of law and development as ‘moments.’ The first moment gained significance after the Second World War, which was influenced by *modernization* theory advanced in the 1950s and the 60s by scholars such as Walt Rostow.<sup>1</sup> The second moment was when law and development were resuscitated in the 1980s and the 90s after the fall of the Soviet bloc, with the *proliferation of neoliberal law reform* projects. The third moment took place in the late 1990s. Unlike the two preceding movements, the third advocates a more *holistic development*; and promotes the rule of law as an integral part of the development objective.<sup>2</sup>

In the 1960s American aid programs and foundations were believed to be the initiators of law and development movement. The approach to development was ‘modernization’ – mimicking the development trajectories of the West – was recommended to the developing countries. Ohnesorge notes also that ‘the modernization orthodoxy was not concerned only with economic development but saw development as a process by which ‘traditional’ or ‘backward’ societies would transform along a host of dimensions to become ‘modern’. Thus, it assumed that ‘underdeveloped countries would follow a path

roughly like that of developed capitalist countries. Legal scholars of the early law and development proponents embraced the modernization theory and attempted to transplant legal principles, standards, legal institutions, and legal theories from the West to the rest. In the 1960s, under the Haile Sellasie regime, Ethiopia opted to promote the modernist development approach.<sup>3</sup>

The modernization theory had faced significant criticism and was thus attacked by the ‘path dependency’ theorists, and experiences from the Northeast Asian Countries. For the dependency theorists, underdevelopment is a ‘self-reproducing structure’, and it needs to be understood from the historical trajectories of the third-world states. Today’s ‘third world’ countries were incorporated into the expanding capitalist economy through colonialism, slave trade, and exploitation of the resources of that region. Thus, ‘underdevelopment and dependency reflect more than the diverse historical origins of formulations that have fused into a single concept.’<sup>4</sup> In other terms, the development of the North is the underdevelopment of the South. Therefore, ‘isolated mode of observation that concerns the problems of developing countries as ‘domestic’

<sup>1</sup>Trubek, D. M. *The New Law and Economic Development: A Critical Appraisal*. Cambridge University Press, 2006.

<sup>2</sup> Trubek, David M., and Alvaro Santos. "The third moment in law and development theory and the emergence of a new critical practice." (2006). See also: Tamanaha, Brian Z. "The lessons of law-and-development studies." *American Journal of International Law* 89.2 (1995): 470-486; Davis, Kevin E., and Michael J. Trebilcock. "The relationship between law and development: optimists versus skeptics." *The*

*American Journal of Comparative Law* 56.4 (2008): 895-946.

<sup>3</sup>Tamanaha, Brian Z. "The lessons of law-and-development studies." *American Journal of International Law* 89.2 (1995): 470-486; Sonntag, Heinz, et al. "Modernism, development and modernization." *Pensamiento* (2000); Snyder, Francis G. "Law and development in the light of dependency theory." *Law and Society Review* (1980): 723-804.

<sup>4</sup> Snyder, Francis G. "Law and development in the light of dependency theory." *Law and Society Review* (1980): 723-804.

in the absence of factors of other world intervention is not possible.’<sup>5</sup>

Francis G. Snyder's work entitled ‘Law and Development in Light of Dependency Theory’ attempted to evaluate this issue from the dependency theory.<sup>6</sup> The ‘dependency theory’ was first propounded by Raul Prebisch and his colleagues in the 1950s.<sup>7</sup> The theory dichotomizes the world communities into "core/periphery," "center/periphery," or “dominant/dependent.”<sup>8</sup> The main gist of this theory holds that economic practices in the wealthy nations were instrumental in the poor countries’ deterioration. The exports made by the poor countries directly benefited the rich countries since they used them as raw materials for their industries, and the wealthy countries exported the end products back to the poor countries.

Drawing on the Marxist critique of the capitalist economy, the dependency theory seeks to expose the predatory, exploitative nature of the global economy. Therefore, the dependency theory is an antithesis to the modernization theory which was promoted by the West following the end of the Second World War. The modernization theory was criticized for it promotes Western liberalism

which exploits the poor in the global South. One of the limitations of the ‘modernization’ theory was that it failed to underpin the notion of ‘development’ and ‘under development’.<sup>9</sup>

The remaining part of this paper is structured as follows. Following the introduction, the first section discusses the debate over the nexus between law and development. The second section deals with the relevance of the state in law and development discourse. The third section details law and development – from practical scenarios – taking the case of developed and developing countries’ experience. Furthermore, Ethiopia’s journey from the Haile Selassie regime up to the incumbent government is analyzed.<sup>10</sup> Finally, concluding remarks are forwarded.

## II. Law and Development Nexus

### A) Definitional Challenge

To begin with, there is no unanimously agreed definition of the concept of ‘development’ as well as ‘law’.<sup>11</sup> Often, when the term ‘development’ is stated, any layperson may presume it as a matter of economic growth – say in terms of GDP or Per Capita income of a country.<sup>12</sup> For instance, political economists may perceive development as ‘raising the level of productivity; that is, the capacity or potential

<sup>5</sup> Escobar, Arturo. *Encountering development: The making and unmaking of the Third World*. Vol. 1. Princeton University Press, 2011.

<sup>6</sup> Snyder, Francis G. "Law and development in the light of dependency theory." *Law and Society Review* (1980): 723-804.

<sup>7</sup> Prebisch, Raul. "The economic development of Latin America and its principal problems." (1962).

<sup>8</sup> Lisimba, Alpha Furbell, and Alpha Furbell Lisimba. "Theoretical understanding/literature review dependency theory." *China's Trade and Investment in Africa: Impact on Development, Employment Generation & Transfer of Technology* (2020): 21-47.

<sup>9</sup> Hout, Wil. "Classical approaches to development: Modernisation and dependency." *The Palgrave handbook of international development* (2016): 21-39.

<sup>10</sup> Kebede, Girma. *The state and development in Ethiopia*. Atlantic Highlands, NJ: Humanities Press, 1992; Kebede, Girma. "State capitalism and development: The case of Ethiopia." *The Journal of Developing Areas* 22.1 (1987): 1-24.

<sup>11</sup> Sen, Amartya. "The concept of development." *Handbook of development economics* 1 (1988): 9-26; Hart, Herbert Lionel Adolphus, and Leslie Green. *The concept of law*. oxford university press, 2012.

<sup>12</sup> Soubbotina, Tatyana P. *Beyond economic growth: An introduction to sustainable development*. World Bank Publications, 2004; Phillips, Anne. "The concept of ‘development’." *Review of African Political Economy* 4.8 (1977): 7-20.

for production or the 'capability over time to satisfy human needs and desires.'<sup>13</sup> However, economic growth is one dimension of development, not development in itself. Brietzke rightly problematizes such understanding of development as follows:

*Does the satisfaction of human needs and desires necessarily require that something be produced? If, for example, freedom of speech is valued, must such preconditions as political stability, participation, and tolerance be 'produced'? Is freedom of speech, which is valued by some people in all societies although it cannot be measured statistically or in per capita terms, to be forgotten or excluded automatically from development theories? If not, what priority ought to be accorded to this fairly vague concept?*<sup>14</sup>

Understanding the concept of 'development' requires multidimensional perspectives. A linear thinking which assumes development 'as mutually exclusive' of tradition needs critical observation.<sup>15</sup> As development studies have emerged as a specialized area of study, sociologists, anthropologists, and political scientists have approached from different orientations. As a result it has become very broad (social, political, environmental, and others) and dynamic. Acknowledging the vanity of attempting to define such vague

terms, for this paper, development in an economic sense is maintained.

The subject of development is primarily meant for society. In that sense, culture and development are two sides of the same coin. However, in practice, there might be dissociation – where the state alienates both – for it may guard the latter against its power – in this regard state is an intervening entity between society and development. The state is 'a necessary evil,' however.<sup>16</sup> Where it acts on behalf of the public – as a legitimate actor – then, development in social, economic, and political areas is positively attributed to it. Although it may not be sustainable, illegitimate regimes can also contribute to the development of its people.

The principal objectives of development may vary from state to state. It depends on what the political elites securitize and prioritize that development endeavors take root. For a country like Ethiopia, back in the 1950s or 1960s, the primary objective of the state might have been 'illiteracy, poverty, and health'. However, one may be critical of such assertion and argue that all development endeavors of the monarchy were meant to bolster the central authority, the throne than it was meant for the ordinary citizens of the country. Either way, the question 'what are the primary objectives of development' is a proper question worth further studies than reductionist reflections. Now, development cannot be brought into existence without an actor. And the central

<sup>13</sup> Alkire, Sabina. "Needs and capabilities." *Royal Institute of Philosophy Supplements* 57 (2005): 229-252; Sen, Amartya. "Development as capability expansion." *The community development reader* 41 (1990): 58; Sen, Amartya. "Capability and well-being73." *The quality of life* 30 (1993): 270-293.

<sup>14</sup> Brietzke, Paul. "Land reform in revolutionary Ethiopia." *The Journal of Modern African Studies* 14.4 (1976): 637-660.

<sup>15</sup> Maria, Teodorescu Ana. "Sustainable development, a multidimensional concept." *Annals-Economy Series* (2015): 82-86.

<sup>16</sup> Wills, Garry. *A necessary evil: A history of American distrust of government*. Simon and Schuster, 2002.

question is – who is/are the primarily responsible ‘agent’ of development. This leads to ‘structural’ or ‘institutional’ matters – and human actors – as ‘agents.’ The state representatives, the heads of the state, the heads of government, and the officials at different hierarchies are all the actors/agents of development. These actors may be regarded as ‘networked bureaucrats’ – interpreters of the rules of the game – enforcers and those who turn the black letters into living institution. The actors are supposed to enforce the rules – fairly – without any discrimination in whatsoever form. In this regard, they do serve as *embodiment* and *translators* of the law and development.

The nexus between law and development may be – understood as having positive, negative, or no relation at all.<sup>17</sup> We argue that it has a strong correlation. If law is understood as a ‘change agent’ – irrespective of the outcome of the change – be it positive or native – it is sufficing that law can induce change. In a positive sense, where states exist, there is a monopoly on violence – and the latter can only be expressed through the law. Weber Pistor notes that the power of law comes from the “state’s monopoly over the means of coercion.”<sup>18</sup> In this regard, legal rules are the projection of political manifestation. State-enacted laws are

‘instruments of development’. In this regard, law and development have a direct relation. For example, the enactment of the Nationalization of the Rural Land Proclamation in 1975 radically changed the feudal system Ethiopia practiced for centuries.<sup>19</sup> After all, the law follows the path of power – not the other way around. Naturally, ‘law likes to frame its rules, wherever possible, as if they were homely truths; or even as statements of fact about the physical world.’<sup>20</sup>

Put differently, the United States of America is a country built by the law.<sup>21</sup> The lawyers have crafted fifty autonomous states out of the thirteen colonies,<sup>22</sup> they drafted the Bill of Rights and in this regard, the founding fathers of the US may be acknowledged for establishing ‘the state of the union’ guaranteed by the constitution – through which separation power, impeachment of the president and division of power, among others, were grounded more than two centuries back and still functioning.<sup>23</sup> Where the law emanates from consensual processes, i.e., where it develops from elite negotiations, then it may serve for generations. Conversely, when it stems from violence – the continued use of force to ensure obedience implants as well as supplants it. As an instrument, therefore, it depends on the ‘will’ of the actor(s).<sup>24</sup> One of

<sup>17</sup> Dam, Kenneth W. *The law-growth nexus: The rule of law and economic development*. Rowman & Littlefield, 2007; Trubek, David M. "Toward a social theory of law: an essay on the study of law and development." *The Yale Law Journal* 82.1 (1972): 1-50.

<sup>18</sup> Pistor, Katharina. "The value of law." *Theory and Society* 49.2 (2020): 165-186.

<sup>19</sup> Abebe, Mengistu. "Which Kind of Land Reform for Ethiopia: The Debate Preceding the 1975 Land Proclamation." *Ethiopian Journal of Social Sciences* 1.2 (2015): 30.

<sup>20</sup> Sherwin, Richard K. "Law frames: Historical truth and narrative necessity in a criminal case." *Popular Culture and Law*. Routledge, 2017. 177-221.

<sup>21</sup> Haggard, Stephan, Andrew MacIntyre, and Lydia Tiede. "The rule of law and economic development." *Annu. Rev. Polit. Sci.* 11.1 (2008): 205-234.

<sup>22</sup> Ford, Richard T. "Law's territory (a history of jurisdiction)." *Michigan Law Review* 97.4 (1999): 843-930.

<sup>23</sup> Stamp, Kenneth M. "The Concept of a Perpetual Union." *The Journal of American History* 65.1 (1978): 5-33.

<sup>24</sup> McWilliams, Wilson Carey. "On Violence and Legitimacy." *Yale LJ* 79 (1969): 623; Cook, Deborah. "Legitimacy and political violence: A Habermasian perspective." *Social Justice* 30.3 (93 (2003): 108-126; Couto, Richard A. "The Politics of Terrorism: Power,

the qualities of formal law is the capacity to create formal uniformity or ‘legality’ where one can predict its outcome.<sup>25</sup> Predictability or relative certainty is crucial for a business to flourish. Hence, in this regard, law and development are interlinked – for the demand predictable environment. Law, as a logical and rational balancer of political goals, may serve this end.<sup>26</sup>

### B) Law and Development Nexus

Snyder makes clear that the law and development movement was characterized by a lack of specificity and consensus concerning basic concepts, hypotheses, and explanations. Where some argue that law has a strong correlation with development, others argue that yes, there is a relation but with a weak correlation, and still others maintain that there is no such connection.<sup>27</sup>

The term which we often take for granted, say, ‘the law’, or ‘development’ may raise serious academic discussion. Some scholars tend to embrace ‘liberal legalism’ (see the capitalist law),<sup>28</sup> ‘Marxist legalism’,<sup>29</sup> and others ‘neo-Marxist legalisms.’<sup>30</sup> Ohnesorge, accounting to

the liberal legality’ notes that ‘the common law legal origins provide protections to the businesses creating less bureaucratic system and institutions than the civil law legal origins. He further argued that:

*The existence of a comprehensive legal system that is effectively, impartially, and cleanly administered by a well-functioning, impartial, and honest judicial and legal system accompanied with the protection of human and property rights and comprehensive legal frameworks are the key determinants of development.*<sup>31</sup>

Nevertheless, the enactment of black law letters, on its own, may not transform the socio-economic conditions of the people. To put the law into motion, it may require institutional frameworks, state capability, and above all cultural orientations toward achieving economic growth. Thus, in the correlation between law and development – there is optimism as well as skepticism. *Davis and Trebilcock* had attempted to explicate the fact

Legitimacy, and Violence." *Integral Review: A Transdisciplinary & Transcultural Journal for New Thought, Research, & Praxis* 6.1 (2010).

<sup>25</sup> Braithwaite, John. "Rules and principles: A theory of legal certainty." *Australasian Journal of Legal Philosophy* 27.2002 (2002): 47-82; Varuhas, Jason NE. "The principle of legality." *The Cambridge Law Journal* 79.3 (2020): 578-614;

<sup>26</sup> Aleinikoff, T. Alexander. "Constitutional law in the age of balancing." *Yale Lj* 96 (1986): 943; Weingast, Barry R. "The political foundations of democracy and the rule of the law." *American Political Science Review* 91.2 (1997): 245-263.

<sup>27</sup> Davis, Kevin E., and Michael J. Trebilcock. "The relationship between law and development: optimists versus skeptics." *The American Journal of Comparative Law* 56.4 (2008): 895-946; Boettke, Peter, and J. Robert Subrick. "Rule of law, development, and human capabilities." *Supreme Court Economic Review* 10 (2003): 109-126;

<sup>28</sup> Dossa, Shiraz. "Liberal legalism: Law, culture and identity." *The European Legacy* 4.3 (1999): 73-87; Shiffrin, Steven. "Liberalism, Radicalism, and Legal Scholarship." *UCLA L. Rev.* 30 (1982): 1103.

<sup>29</sup> Hunt, Alan. "Marxist theory of law." *A companion to philosophy of law and legal theory* (2010): 350-360; Tomlins, Christopher. "Marxist Legal History." *Forthcoming, The Oxford Handbook of Historical Legal Research* (2017).

<sup>30</sup> Papke, David Ray. "Neo-Marxists, Nietzscheans, and New Critics: The Voices of the Contemporary Law and Literature Discourse." *American Bar Foundation Research Journal* 10.4 (1985): 882-897; Fitzpatrick, Peter. "Marxism and legal pluralism." *Austl. JL & Soc'y* 1 (1982): 45.

<sup>31</sup> Ohnesorge, John KM. "Law and Development Orthodoxies and the Northeast Asian Experience." *Law and Development in Asia*. Routledge, 2012. 9-42.



that ‘countries that possess similar legal culture or legal system are not achieving equal economic success.’<sup>32</sup> For example, Ghana and Hong Kong have similar legal systems but vary in economic achievements. Legal reform can indeed play a great role in creating an enabling environment for development.

For the legal system to play its role, the culture, political, and social environment in which the law operates also matters most. Chua, Amy is critical of the liberal economy – which claims to be ‘color blind’ and ‘individualistic’.<sup>33</sup> Unlike the Western countries, developing countries in Sub-Saharan Africa, South and East Asian countries house diverse ethnic groups, and their role in the political and economic market cannot be underestimated. When ethnic minorities are economic majorities in a certain country, they can be targeted by an aggrieved majority. Therefore, in developing countries, law and development theorists and practitioners cannot take ethnicity out of the equation.<sup>34</sup>

Interestingly, Lee emphasized that ‘legal culture influences the manner in which the public perceives law and the degree to which they comply with it.’<sup>35</sup> He also corroborated this claim through the empirical presentation of the case of the South Korea (1962–1996). Lee further discussed, in fair detail, the interplay

between law and development employing three technical terms; first, “regulatory design” (which in turn consist anticipated policy outcome, organization of law, legal frameworks, and institutions “LFIs”); second, “regulatory compliance” (which refers to the conduct of the general public in complying with law); and third, “quality of implementation” (which assesses the degree to which a state meets the requirements of law). Nevertheless, for a quality implementation of the law, there needs to be ‘state capacity’ and ‘political will.’<sup>36</sup>

Concomitant to Lee, John K. M. Ohnesorge appears to have been convinced that the Northeast Asian countries ‘economic miracle’ indicates the strong relation between law and development, but in the modernization theory sense.<sup>37</sup> The Northeast Asian experience tells us that the legal systems failed to conform to any of the claims of law and development orthodoxies. Ohnesorge notes the reasons as it was associated with how these theories have been produced, which have not included the careful study of Northeast Asian practices, rapid economic growth and the respective legal system.<sup>38</sup> Ohnesorge was not rejecting the idea of ‘liberal legality’, rather he was against the fact that ‘law and development’ was his direct correlation.

<sup>32</sup> Davis, Kevin E., and Michael J. Trebilcock. "The relationship between law and development: optimists versus skeptics." *The American Journal of Comparative Law* 56.4 (2008): 895-946.

<sup>33</sup> Chua, Amy L. "Markets, democracy, and ethnicity: toward a new paradigm for law and development." *The Yale Law Journal* 108.1 (1998): 1-107; Chua, Amy L. "Privatization-Nationalization Cycle: The Link between Markets and Ethnicity in Developing Countries, The." *Colum. L. Rev.* 95 (1995): 223.

<sup>34</sup> Chua, Amy L. "Paradox of Free Market Democracy: Rethinking Development Policy, The." *Harv. Int'l. LJ* 41 (2000): 287.

<sup>35</sup> Lee, Yong-Shik. "General theory of law and development." *Cornell Int'l LJ* 50 (2017): 415; See also: Lee, Sang M., and Suzanne J. Peterson. "Culture, entrepreneurial orientation, and global competitiveness." *Journal of World Business* 35.4 (2000): 401-416; Friedman, Lawrence M. "Legal culture and social development." *Law and Society Review* (1969): 29-44.

<sup>36</sup> Lee, Yong-Shik. "General theory of law and development." *Cornell Int'l LJ* 50 (2017): 415.

<sup>37</sup> Ohnesorge, John KM. "Developing development theory: law and development orthodoxies and the Northeast Asian experience." *U. Pa. J. Int'l Econ. L.* 28 (2007): 219.

<sup>38</sup> *Ibid.*

Lee evaluated the “*Asian values*” which put socio-economic progress first, and civil and political rights second, and pinpoints ‘the third way’ – ‘developmental state’ – which is neither purely ‘liberal legality’ nor ‘Marxist legality’ – as a viable policy for developing countries. Criticizing Amartya Sen for not adequately addressing the social constraints that inhibit the realization of the holistic goals of development (*development as freedom*), Lee argues that ‘without economic development, which enables a developing country to secure necessary economic resources to promote non-economic values, the effective promotion of ‘political’ values as constituent elements of development may not be realistic.’ Thus, he advises developing countries ‘to focus on what they need most so that they may secure necessary resources to promote non-economic values.’<sup>39</sup>

We argue that law and development are inextricably linked. Development is dynamic, and to keep pace with new progress, legislators revise laws and refine old ones to make them ‘fit for purpose.’ In this process, the environment in which laws as well as development operate needs to be ‘democratic’ or at least such a state needs to have legitimacy. Had dictatorship brought development, Africa would have been the number one global economy. Thus, we argue that, although the Chinese, South Korean and other rising East Asian Tigers are not fully practicing liberal democracy, they do have their forms of rule of law, good governance with zero tolerance for

corruption accompanied by a culture of industriousness.

### III. The Trilogy of Rule of Law, Institutions and Democracy

Fukuyama seems to be convinced that sustainable development needs to consider ‘the state, the rule of law, and mechanisms of accountability.’ Fukuyama describes the notion of the state as follows:

The state is a hierarchical, centralized organization that holds a monopoly on legitimate force over a defined territory. Early states were indistinguishable from the ruler’s household and were described as “patrimonial” because they favored and worked through the ruler’s family and friends. Modern, more highly developed states, by contrast, make a distinction between the private interest of the rulers and the public interest of the whole community.<sup>40</sup>

He further notes that the rule of law does not exist:

*If rulers can change the law to suit themselves, the rule of law does not exist, even if those laws are applied uniformly to the rest of society. To be effective, a rule of law usually has to be embodied in a separate judicial institution that can act autonomously from the executive. The rule of law should be distinguished from what is sometimes referred to as “rule by law.” In the latter case, the law represents commands issued by the*

<sup>39</sup> Lee, Yong-Shik. "General Theory of Law and Development: An Overview." *Law and Development Review* 12.2 (2019): 351-375.

<sup>40</sup> Fukuyama, Francis. "Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy." *Farrar, Straus and Giroux* (2014).



*ruler but is not binding on the ruler himself.*<sup>41</sup>

The third and most important element is democratic accountability, which means that:

*The government is responsive to the interests of the whole society—what Aristotle called the common good—rather than to just its narrow self-interest. Accountability today is understood most typically as procedural accountability, that is, periodic free and fair multiparty elections that allow citizens to choose and discipline their rulers.*<sup>42</sup>

For law and development to function in a certain country, ‘the state, rule of law and accountability’ need to operate in a balanced way. However, there might be variance among implementers, and the states. For instance, a country may have a strong state but lack the rule of law and democracy (see China); or it may be a fragile state with no rule of law as well as democracy (see Ethiopia), or it may have strong state (which fails in providing social services but able to crush political descendants) and weak rule of law (see Russia); or failed states like Somalia, Haiti, and the Democratic Republic of the Congo. Fukuyama takes Denmark as a typical example that fulfills ‘the three sets of political institutions in perfect balance.’<sup>43</sup>

Adamant to the logic of law and development, it is often argued that ‘strong political institutions are often necessary to get economic growth going in the first place. It is precisely their absence that locks failed or fragile states

into a cycle of conflict, violence, and poverty. Therefore, ‘the reason that this part of the world is so much poorer in terms of income, health, education, and the like than booming regions like East Asia can be traced directly to its lack of strong government institutions.’<sup>44</sup>

The work of Lee can be a good example of what Fukuyama claims that strong government can lead to economic growth. Lee notes that South Korea is a clear indication of a strong state where law between law and development interplay well. One of the crucial roles the Korean government played was the facilitation of financial, legal, and investment spaces for private investors. Astonishingly, the political will as well as the commitment of the then Korean leader, President Park, had consistently managed “Extended Meetings for Export Promotion”, every month and continued for fourteen years, i.e. from 1965 to 1979.<sup>45</sup>

#### **A) State, Law, and Development**

In law and development, the role of the state, especially the quality of government, cannot be taken out of the equation. For instance, a state that is democratic may fail to deliver for reasons such as corruption, patronage, neo-patrimonialism, rent-seeking, and clientelism. Corruption impedes development in two ways:

*First, distortion of ‘economic incentives by channeling resources not into their most productive uses but rather into the pockets of officials with the political power to extract bribes’; second, ‘the vast bulk of misappropriated funds goes to elites who can use their positions*

<sup>41</sup> Fukuyama, Francis. "Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy." *Farrar, Straus and Giroux* (2014).

<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> Ibid

<sup>45</sup> Lee, Yong-Shik. "General theory of law and development." *Cornell Int'l LJ* 50 (2017): 415.

*of power to extract wealth from the population.*<sup>46</sup>

In an undemocratic state, corruption charges are used not to make the top officials accountable and not to improve the quality of government, but often it is used as a weapon to quash politically competitive personalities (i.e. for power grab).<sup>47</sup> Nevertheless, a 'political order is not just about constraining abusive governments,' but it also requires resource redistribution by controlling 'the richest and most powerful elites in society, so that the latter would not appropriate and use the political system at everyone else's expense.'<sup>48</sup> Therefore, 'it is impossible to run a large organization, public or private, without a bureaucracy, where the latter, as 'agents do not have their own goals.'<sup>49</sup> A state where its existence is tainted by corruption, patronage, clientelism, and rent-seeking, it leads to distrust by the society they govern. The source of distrust is believed to be not because of culture but because of the 'historical absence of a strong, impersonal state and a rule of law.'<sup>50</sup> The fundamental problem of developing states is that – laws as well as policies are top-down and it fails to take into account the lived realities of its society. Often developing countries emulate the development paths of the Western or Eastern countries, which in itself is not bad, but fails to succeed in achieving desired goals; it may be even counterproductive. Fukuyama notes also that

'one of the big problems with developing countries' governments is copying the outward forms of developed countries' governments while being unable to reproduce the kinds of outputs.'

James Scott is one of the acclaimed authors on the discordance between state development plans and society. The state in developing countries is much more known for failed projects than successful ones. There is a serious problem of discontinuity between the outgoing and incoming regimes, and above all regimes promote agendas that come with taking the concern of the masses into account. Therefore, social packages intended to transform society through the instrumentality of authoritarian state plans or schemes remain failed. Therefore, he is critical of 'development theory' and argues against top-down state planning which sidelines the values, desires, and objections of its subjects.

Interestingly, he elucidates:

*Certain kinds of states, driven by utopian plans and an authoritarian disregard for the values, desires, and objections of their subjects, are indeed a mortal threat to human well-being.*<sup>51</sup>

In his seminal work, *Seeing Like State*, Scott describes the strategy the state normally uses in two technical terms, 'project legibility' and 'simplification' – which aims to create

<sup>46</sup> Fukuyama, Francis. "Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy." *Farrar, Straus and Giroux* (2014). See also: Lash, Nicholas A. "Corruption and economic development." *The Journal of Economic Asymmetries* 1.1 (2004): 85-109;

<sup>47</sup> Pandemic can also be used as a means of power grab, see: Guasti, Petra, and Lenka Bustikova. "Pandemic

power grab." *East European Politics* 38.4 (2022): 529-550.

<sup>48</sup> Fukuyama, Francis. "Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy." *Farrar, Straus and Giroux* (2014).

<sup>49</sup> Ibid

<sup>50</sup> Ibid

<sup>51</sup> Ibid

‘homogeneous citizenship.’<sup>52</sup> States use these – not for the sake of ‘sustainable development’ of the society – rather for ‘taxation, prevention of rebellion, and conscription.’ He regards this process as ‘a project of internal colonization, often glossed, as it is in imperial rhetoric, as a ‘civilizing mission.’ For example, the mass villagization process that happened in Ethiopia under the *Dergue* regime in the 1970s and the similar case from Tanzania were planned, partly or wholly, by officials of the central government. The *Dergue* regime regarded this state-planned action as a ‘civilizing mission.’<sup>53</sup> However, such top-down planning damaged the ecosystem and contributed to the under productivity of crops in the country’s agricultural history.

The cultural characteristics of African society are collective rather than individualistic and have a strong attachment to their ‘clan land’ and ‘ancestral graves.’ Parker Shipton, in his work *‘Mortgaging the Ancestors: Ideologies of Attachment in Africa’* elaborates on the notion of property rights, and the mortgaging system imposed on Africans is antithetical to their ways of survival.<sup>54</sup> For example, for the Luo community of Kenya land is everything – it defines their existence from birth to death. However, with the introduction of the mortgage system, where the community fails to pay their debts, mortgaged land that harbors ‘graves of ancestors, farms, and prayers’ as collateral will be dispossessed.<sup>55</sup> Even worse, the mortgage system instituted conflict in Luoland for it

‘divide families by bringing about new disputes over control of title.’<sup>56</sup>

In terms of efficiency, the traditional system of resource governance has long been perceived as unproductive, and thus privatization was suggested as a viable option. In 1986, Hardin published a breakthrough paper ‘The Tragedy of commons’ in which he advocated private ownership of natural resources including land.<sup>57</sup> Elinor Ostrom also tried to analyze the theory of ‘the tragedy of the commons’ through comparative study taking the case of the meadows in Japan and Switzerland, water projects in the Philippines and California, and fisheries in Canada and Turkey vis-à-vis commonly held natural resources and its efficacy.<sup>58</sup> Ostrom also calls for the management of a ‘common-resource-pool’ (CRP) through ‘indigenous, self-organizing, and self-ruling institutions’ – a move from traditional collective ownership to progressive small number of appropriators. However, Ostrom argued against a ‘one-fit-all’ approach to CPR management; instead, she alternatively argued pragmatic problem-solving approach needs to be followed where dynamic institutions where appropriators play active roles contributing to the sustainability and productivity of CPRs. In this process, however, the public-private partnership which lends itself to co-management plays a significant role in CRP management.

Robert C. Ellicksson has brought an alternative legal order to the ‘legal centralism’ of the state, taking the case of Shasta Country’s legal norms

<sup>52</sup> Scott, James C. *Seeing like a state: How certain schemes to improve the human condition have failed.* Yale University Press, 2020.

<sup>53</sup> Ibid

<sup>54</sup> Shipton, Parker. *Mortgaging the Ancestors: ideologies of attachment in Africa.* Yale University Press, 2009.

<sup>55</sup> Ibid

<sup>56</sup> Ibid

<sup>57</sup> Hardin, Garrett. "The tragedy of the commons." *Environmental ethics.* Routledge, 2013. 185-196.

<sup>58</sup> Ostrom, Elinor. "Tragedy of the commons." *The New Palgrave Dictionary of Economics 2* (2008): 1-4.

in California into the equation of law and development. Ellicksson attempted to challenge the assumption of ‘legal centralism’ would transform the behavior of the rural community.<sup>59</sup> Among the local community such as the Shasta Country – there is a gap in knowledge about the state law; the payment for legal services is considered unfriendly practice, and above all laws that are made to regulate extra-contractual behaviors of the local community become irrelevant.<sup>60</sup> Realizing this fact, Ellickson, recommends ‘self-discipline to legal rules, in which social norms engage an intermediate space.’ Finally, he argues that among close-knit communities such as the Shasta Country, norms are preferred over state laws. Therefore, he recommends that an approach needs to be that lowers ‘transaction costs’, and thus, legal centralism remains ineffective in the face community-oriented normative orders.

Hernando de Soto, in his praised work *‘The Mystery of Capital, Why Capitalism Triumphs in the West and Fails Everywhere else?’* explored the source of capital and explained how to correct the economic failures of poor countries in a ‘bell jar’.<sup>61</sup> He argued that these failures have nothing to do with deficiencies in cultural or genetic heritage, but it has to do with ‘lacking entrepreneurial spirit or market orientations.’<sup>62</sup> The central hypothesis of de Soto was that ‘the poorest of the world already possess the assets they need to make a successful capitalism, but they lack the process

to represent their property and create capital. The central problem of the poor, for de Soto, is not lack of resources, rather they have ‘representational problem’ – lack of legal titles, deeds, statutes and documentation that would turn them into capital. Thus, he identified ‘the five mysteries of capital’ – the missing information (saving and dead capital), the capital (capital and money), the political awareness (city and rulers), the missing lessons of US History, and the legal failure.<sup>63</sup>

He argued that capital is the result of discovering and unleashing potential energy from the trillions of bricks that the poor have accumulated in their buildings. Citing the works of Adam Smith’s economic specialization, he argued ‘entrepreneurship – increase capital accumulation – which has potential to deploy new production.’<sup>64</sup> To explicate this matter, he used the energy analogy – turning ‘mountain lake’/potential energy/ into kinetic energy to mechanical energy to electric energy. Capital, like energy, remains until transformed for further production.<sup>65</sup>

Pistor, Katharina also recognizes that ‘it is the lawyer who embodies code to these properties, ‘lawyers are the masters of the code.’<sup>66</sup> Pistor argues that property is a legal construct, and it plays an indispensable role in the creation and distribution of wealth in society. Like de Soto, Pistor argues that ‘an asset turns into capital when the legal code bestows certain qualities to it. The nature of the coding varies over time and

<sup>59</sup> Ellickson, Robert C. *Order without law: How neighbors settle disputes*. Harvard University Press, 1991.

<sup>60</sup> Ibid

<sup>61</sup>Soto, Hernando. *The mystery of capital: why capitalism triumphs in the West and fails everywhere else*. Basic Books/New York, 2013.

<sup>62</sup> Soto, Hernando. *The mystery of capital: why capitalism triumphs in the West and fails everywhere else*. Basic Books/New York, 2013.

<sup>63</sup> Ibid

<sup>64</sup> Ibid

<sup>65</sup> Ibid

<sup>66</sup> Pistor, Katharina. "The code of capital: How the law creates wealth and inequality." (2019): 1-320.

space, affecting assets and the social relations that take shape around them.’<sup>67</sup> The masters of the code, Pistor explains, “don’t just use and apply existing law; they actively fashion new law—subject only to ex-post scrutiny by a court, or, if they so choose, by private arbitrators, many of whom, of course, are their peers.”

#### IV. Ethiopia’s Law and Development Trajectory (1950s to Present)

Law – is an expression of the economic, political, social, and cultural development of society. The law that Ethiopia had in the past, cannot be dissociated from the political, economic, and social organization Ethiopia had at the time. Brietzke argues that:

*Ethiopian social systems are permeated with an Indigenous 'feudal colonialism', and the tenacity of many Ethiopian cultures and the absence of the disruptions associated with European colonialism make for a historical continuity like that of the states of Western Europe. It is the extraordinary degree of continuity in Ethiopian history that makes a historical perspective essential to an understanding of the processes of underdevelopment, and the constraints and choices relating to development in the future.*<sup>68</sup>

However, this statement began to change when Western legal principles and structures were

transplanted into Ethiopia in the 1950s and thereafter – in the name of ‘modernization’.

#### A) The Haile Sellasie Regime

The Haile Sellasie government, supported by a few elites of Ethiopians and expatriates had played significant roles in transplanting the Western legal systems into Ethiopia. When the major codes (i.e., the Civil Code, Commercial Code, Penal Code, Maritime Code, Civil Procedure Code, Criminal Procedure Code) were enacted, most Ethiopians were ‘economically, socially and politically isolated and ethnically fragmented’ and they ‘utilize a wide variety of customary rules to regulate their daily lives.’<sup>69</sup>

Brietzke regards Ethiopia not as a ‘developing’ but ‘undeveloped’ country – since:

*In 1968 estimates of per capita incomes in Ethiopia ranged from US \$60 - 85 per year (\$90 in 1973) which means that Ethiopia lags behind roughly 39 of the then 43 countries in Africa ..., with modest annual growth in Ethiopian agricultural production of 1.8% throughout the 1960s was swamped by annual population increases of 2%, resulting in a net deterioration in living standards ... In 1970 it was estimated that the average life expectancy of Ethiopians is 35 years, and infant mortality before one year is somewhere in the range of 16 – 30.*<sup>70</sup>

<sup>67</sup> Ibid

<sup>68</sup> Brietzke, Paul. "Land reform in revolutionary Ethiopia." *The Journal of Modern African Studies* 14.4 (1976): 637-660.

<sup>69</sup> David, Rene. "Sources of the Ethiopian civil code." *Journal of Ethiopian Law* 4.2 (1967): 341-367;

<sup>70</sup> Brietzke, Paul. "Land reform in revolutionary Ethiopia." *The Journal of Modern African Studies* 14.4 (1976): 637-660.

When it comes to education, health, and other social services – Ethiopia is one of the underdeveloped states in Africa. In education, ‘it is paradoxical that the only sub-Saharan country with a 2,000-year-old literate culture should have the lowest literacy rate in Africa. For example;

*In 1962, 104 top officials were surveyed and the 95 respondents included 66 Amhara, 9 Tigreans from Tigre Province, 13 Tigres from Eritrea (including one Protestant and at least one Muslim), and 7 Oromos. A few persons entered these elite groups through indigenous commerce or by serving as window-dressing for the growing number of foreign corporations. Many bureaucratic and business activities were dominated by what were termed modernizing members of the feudal nobility, and the patron-client relations found among rural Amharas and Tigreans were reproduced in the new urban areas.<sup>71</sup>*

In the healthcare sector, the focus of the service was limited to towns and wealthy city dwellers. For instance, ‘in 1969, there was one doctor for every 2,300 residents of Asmara, while the ratio in the rural areas was 1:63,000.’ If colonizers underdeveloped Africa, who underdeveloped Ethiopia? Brietzke addresses this question as follows: ‘If, as Walter Rodney argues so forcefully, Europe underdeveloped

Africa, how much more was Ethiopia underdeveloped through her traditional political systems?’<sup>72</sup>

Nonetheless, the Haile Selassie regime was paternalistic – turned the father-child relationship into a basic moral justification – and thus the ‘children were not to question what was best for them and State institutions did not merely act in loco parentis; they were direct manifestations of the parent’s will.’ This goes with the logic of the source of power. The 1955 Constitution restates: ‘The Imperial dignity shall remain perpetually attached to the line of Haile Selassie I, descendent of ... the Queen of Sheba, and King Solomon of Jerusalem.’<sup>73</sup>

### **B) The Derg Regime**

Although the Haile Sellasie government succeeded in aborting the 1960 coup d’état, and co-opting most students by offering well-paid bureaucratic positions, it could not do so in 1974. However, did the revolution bring new change, a new development that transformed Ethiopia from ‘poverty to prosperity’? Brietzke responds, ‘the 1974 Revolution grows no crops and has not; [...] the political style continues to follow historic patterns of manipulation, repression, paternalism, and factionalism.’<sup>74</sup> The first major change was the shift from monarchical administration to Provisional Military Administration Council or *Derg*, the Amharic word for committee. Following this, it nationalized private businesses, and rural and urban lands to consolidate its power. Under Haile Selassie's regime, where capital formation was neglected, under the Derg

<sup>71</sup>Brietzke, Paul. "Land reform in revolutionary Ethiopia." *The Journal of Modern African Studies* 14.4 (1976): 637-660.

<sup>72</sup>Rodney, Walter. *How Europe underdeveloped Africa*. Verso Books, 2018.

<sup>73</sup>Selassie, Bereket Habte. "Constitutional development in Ethiopia." *Journal of African Law* 10.2 (1966): 74-91.

<sup>74</sup>Brietzke, Paul. "Land reform in revolutionary Ethiopia." *The Journal of Modern African Studies* 14.4 (1976): 637-660.

regime it was ignored. The Derg enacted laws that allow ‘confiscations, pricing policies and the projected mobilization of investible surpluses mean that upper- and middle-income groups will bear most of the costs of attempts at Ethiopian development.’<sup>75</sup>

Broadly speaking, the Derg regime rejected ‘Ethiopian constitutionalism’, and downplayed the civil and political rights of the citizens. The historical tragedy committed under the Derg regime was in 1978 – the purge of thousands of the political opponents – tagged as “enemies of the people” – mainly targeting those who ‘participated in the emperor’s regime and/or who opposed the Derg.’ For instance, the so-called ‘revolutionary measures’ reports ‘suggest that ‘some 32,000 people were killed in the urban areas as a result of urban political activity from November 1974 to April 1978.’<sup>76</sup> Nevertheless, some of the changes under the Derg regime were:

*The bureaucratic organization in Proclamation 110 with an expansion of the Auditor General’s powers of inquiry into budgetary processes and the efficiency of governmental units. ... The formal pension scheme was introduced for employees of public enterprises, and minor changes were made in arrangements for retaining the services of civil servants after retirement age. ... the Derg has also eliminated many of the patron-client relations that were so productive of corruption in the past.*<sup>77</sup>

In 1979, Brietzke predicted that the Derg ‘may not convince the vast majority of peasants of the validity of its vision may well constitute its Achilles Heel in terms of acquiring legitimacy in the long run.’<sup>78</sup> Finally, after a bloody civil war, the Derg’s regime was ousted from power and the EPRDF (Ethiopian Peoples’ Revolutionary Democratic Front) assumed power in 1991.

### **C) The Ethiopian Peoples’ Revolutionary Democratic Front Regime**

Constitutional democracy, at least formally, was reinstated in 1994 – with the official nomenclature the ‘Federal Democratic Republic of Ethiopia.’ The FDRE Constitution encompasses fundamental human rights principles, division of powers, separation of power (not strict), and guiding policy objectives. Besides, the constitution recognizes customary laws dealing with civil laws and the social and recognizes cultural rights of all Ethiopians. However, there was a deficit in the rule of law, democracy, and prevalence of justice.<sup>79</sup>

Comparatively, the EPRDF is acknowledged for its economic growth – especially from 2007 to 2017. Under the late Prime Minister Meles Zenawi, the Ethiopian government adopted the East Asian developmental state model of growth which puts socio-economic development as the primary value, where civil and political rights were assumed as it naturally follows from the former. The rise of China as the economic powerhouse of the world, and the financial, technical, and technological

<sup>75</sup> Ibid

<sup>76</sup> Ibid

<sup>77</sup> Ibid

<sup>78</sup> Ibid

<sup>79</sup> Abebe, Adem. "Rule by law in Ethiopia: Rendering constitutional limits on government power nonsensical." *University of Cambridge• Centre of Governance and Human Rights• Working Paper 1* (2012).



assistance of the same had contributed to the economic growth of Ethiopia.

The law, under the EPRDF regime, was ‘facilitative’ and meant to pave ways for social, political and economic growth – of course, in a way that serves the interest of the political elites. For instance, the land had remained the property of the Ethiopian ‘nations, nationalities, and peoples’ of Ethiopia, and the state administered it on behalf of the people. Therefore, the legal order the EPRDF deployed was substantial in building a developmental state – the state took an active role in the economic growth of the country.

#### D) Prime Minister Abiy’s Administration

The economic growth that the country registered could not save the EPRDF. The civil and political rights repression under the EPRDF regime, the economic inequalities and the so-called Addis Ababa Integrated Development master plan, and the opposition to the project transformed into widespread protest, first across Oromia Regional State and later propagated into neighboring regional states such as Amhara Regional State. After three years of continuous protests, the EPRDF brought Prime Minister Abiy Ahmed as a champion of change, in March 2018. A year after coming to power, the Prime Minister Abiy abolished the EPRDF vanguard party and established the Prosperity Party.

In terms of ascendance to power, like Mengistu Hailemariam, Abiy Ahmed ‘revolution’ or ‘social movement.’ However, the former was socialist, and the latter pragmatic liberalist.<sup>80</sup> In

the first year in office, the Prime Minister induced changes such as signing a peace agreement with Eritrea, releasing all political prisoners and journalists, amending civil society organization laws, and repealing the anti-terrorist proclamation (although redeemed again on 1<sup>st</sup> May 2021).

Under the Abiy Administration, Prosperity Party, Ethiopia has shifted from a developmental state economy to the so-called ‘home-grown’ economy to full economic liberalization.<sup>81</sup> It appears too early to evaluate law and development under the Abiy Administration. However, from reading the book ‘*Medemer*’ which means synergy – one may grasp the economic vision the incumbent Prime Minister has for Ethiopia. *Medemer* – is a concept which begins with “human nature” – ‘*ye sewu lij tefetro*’, and goes on discussing ‘human needs’, ‘*ye sewu lijoch filagot*’ and ‘human capability’ – ‘*yeseu lijoch akim*’. *Medemer* attempts to reconcile ‘socialism’ and ‘liberalism’, and it tries to transcend the ideological dichotomy of the West and the East. As a solution, it recommends revisiting the ‘sovereign and Ethiopian philosophical foundation’ (“*andach lualawina Itiopiawi filsifina yasfeligal*”).

*Medemer* appears to have been convinced that Ethiopia has sufficient natural resources for development, but lacks the necessary skill, entrepreneurship, and leadership to turn it into capital. Although the author did not acknowledge the works of Hernando de Soto, especially the *Mystery of Capital*, the idea that ‘the poorest of the world – already possess the assets they need to make a successful

<sup>80</sup> Gardner, Tom. *The Abiy Project: God, Power and War in the New Ethiopia*. Oxford University Press, 2024.

<sup>81</sup>On July 28/2024 Prime Minister Abiy Ahmed announced that Ethiopia has embarked on full

implementation of macroeconomic reform policy. See: [https://www.ena.et/web/eng/w/eng\\_4869646](https://www.ena.et/web/eng/w/eng_4869646) (Accessed in October, 2024).

capitalism' has been implicated in the book. Moreover, the 'Ease of Doing Business committee which the Prime Minister heads – seems to have adopted from the experience of South Korean – President Park's "Extended Meetings for Export Promotion" from 1965 to 1979. De Soto also criticized the challenge of doing business in developing countries and recommended taking lessons from the liberal economic history of the US.

Like its predecessors, the law has remained as an 'instrument of change' under the Prosperity Party led by Prime Minister Abiy Ahmed. Apparently the Prosperity Party fully liberalized the the foreign exchange regime in August 2024. In understanding Ethiopia's political quagmire and explaining the roots of poverty *Medemer* has plenty of flaws; however, it had envisioned a 'new dimension.' It must be noted that unless one man's vision becomes shared visions of the majority of Ethiopians, a well-intentioned vision may turn into a nightmare.

There is one thing that all regimes in Ethiopia share – that is state fragility. All regimes attempt to consolidate central authority through the use of force and yet state fragility persists. The Ethiopian state remained weak – especially in terms of delivering basic services to its citizens, ensuring peace and security in its territory. The legitimacy crisis persists, and it is not yet free from foreign aid and exploitation (dependency).<sup>82</sup> As the government's impunity, corruption, and underdevelopment were the defining characteristics of the Ethiopian state under the EPRDF, issues of rule of law, peace

and security, unemployment, state legitimacy and corruption has remained critical issues.

### Concluding Remarks

Throughout this paper, an attempt is made to understand the notions of 'law', and 'development' by drawing on the diverse literature. Under the academic discussion of 'law and development', concepts such as 'liberal legality', hybrid-legality, and others were given emphasis. In addition, the trilogy of the rule of law, institutions and democracy are the cornerstones of any country's sustainable development. This indicates that the enactment of black letters of the law may not change anything – but it can only induce change when it becomes the rules of the game of the institutions and such institutions are periodically checked through periodic elections. This is because development is a learning process, an exchange between the political and administrative system – which in turn confers benefits upon the socio-cultural system to obtain public loyalty.

Law as an instrument of change can be used for the betterment of the society it rules or it can also be used to exploit the subjects. It can emancipate slaves, or it can enslave the citizens. It can perpetuate corruption, and clientelism and pave the way for political decay. Equally, it can establish political order and perpetuate free society and entrepreneurship. Therefore, the law can be an indispensable instrument for the sustainable development of a certain state. However, it is only one string among the multitudes of strings of development.

<sup>82</sup>Tausch, Arno, and Almas Heshmati. "Learning from Dependency and World System Theory: Explaining Europe Failure in the Lisbon Process." *Alternatives:*

*Turkish Journal of International Relations* 9.4 (2010): 3-90.

Coming to the case of Ethiopia, the paper has indicated that all Ethiopian regimes have a commonality; all inherit fragile states, and all assumed political power not through the ballot box but either through guns or revolutions – either way, ‘blood’ is the route to power.

Once regimes assume power, they fail to redeem legitimacy, and thus could not create a strong state that can deliver. Besides, they remain dependent on the aid and technical support of the developed countries.

Therefore, despite their dissimilarity, all regimes continue to centralize power, the rule of law and democracy remains a paper value, and underdevelopment remains the defining character of the Ethiopian state. Ethiopia’s effort to liberalize her economy amid peace and security deterioration in Amhara and some parts of Oromia may not produce the desired change.