The Abolition of Slavery in Africa's Legal Histories

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Abstract

This introduction contextualizes the special issue's articles in the broader continental dynamics. It discusses the Eurocentric bias of the historiography and suggests that the view that Europe was responsible for the legal abolition of slavery in Africa should be nuanced and qualified. Some independent African polities abolished slavery before Europe's colonial occupation. Nowhere did European abolitionists encounter a tabula rasa: African polities had complex jurisdictions, oral or written, which formed the normative background against which slavery's abolition should be studied. To do so, however, it is misleading to imagine abolitionism as a unitary movement spreading globally out of Europe. What happened differed from context to context. Normative systems varied, and so did abolition's legal processes. This introduction examines the dynamics that led to the introduction and implementation of anti-slavery laws in African legal systems. It recenters the analysis of the legal abolition of slavery in Africa around particular African actors, concepts, strategies, and procedures.

The historiography of the legal abolition of slavery in Euro-America is so vast that it has a history of its own.[1] The main ideologues, ideas, and networks have been studied extensively. By contrast, research on African legal abolitions is a narrow field that focuses primarily on European anti-slavery activities. And yet, several African rulers passed anti-slave trade and anti-slavery laws and edicts before colonial occupation. Their initiatives were influenced by both external and internal processes, and by both foreign and local actors including intellectuals, persons of slave descent, liberated slaves, and progressive members of indigenous slave-owning elites. People occupying different positions in specific African localities were involved in nineteenth-century abolitionism as active

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[1] Christopher L. Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, NC: The University of North Carolina Press, 2006), 3.

agents. They shaped, as much as they were conditioned by, the course of regional and global abolition.

This special issue examines the processes that led to the introduction and implementation of anti-slavery laws in African legal systems. It recenters the analysis of the legal abolition of slavery in Africa around particular African actors, concepts, strategies, and procedures. What norms and ideas informed the decisions of individual African rulers, legal and religious specialists, free commoners and enslaved persons who acted in support of the delegalization or prohibition of slavery?[2] What concerns drove their actions? What strategies did they unfold? The articles in this issue address these questions by focusing, respectively, on the dynamics that led to the passing of the first abolition decree in Islamic Africa by Ahmad Bey in the Regency of Tunis in 1846 (Ismael Montana); the anti-slave trade edicts passed by the Sultans of Zanzibar, and in particular the 1890 decree issued by Sultan Seyyid Ali bin Saʿīd (Michelle Liebst); the anti-slavery arguments of Fante intellectuals in the Gold Coast and their critical engagement with the British abolition of 1874 (Michael Odijie); the evolution of abolition laws in Ethiopia from Emperor Menilek to Emperor Haile Selassie in the period 1889–1942 (Takele Merid and Alexander Meckelburg); and the strategies devised by enslaved persons to influence the legal procedures of official emancipation under German and British rule in western Tanganyika in the first third of the twentieth century (Salvatory Nyanto and Felicitas Becker).

Together, contributions highlight the historical specificities of Africa's abolitionisms by examining how they developed within local normative cultures and how the idiosyncratic approaches of individual African abolitionists contributed to slavery's suppression in their societies. This statement should be qualified. First, there is no unified African—or Hausa, Swahili, or Fante—abolitionist "culture": any such claim would be a misleading cultural essentialism; however, the actions of African critics of slavery were informed by cultural representations and normative traditions that varied from society to society. Second, at the individual level, what actors thought and did about slavery and abolition depended on their position in society: wealthy slaveowners, political rulers, religious authorities, and enslaved persons had different interests and tactics, which they developed in the political and economic circumstances of their times. The studies presented here shed new light on the

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[2] By "delegalization" I refer to the abolition of the legal status "slave," following which this status would not be recognized in a court of law and so slaveholders could not anymore rely on the support of the law when they sought to enforce what they perceived as their rights in relation to persons they thought of as their slaves. After legal status abolition, these pre-existing rights ceased to exist because the status "slave" ceased to have any legal significance. Those who had previously been classified as "slaves" acquired the same status as any other freeborn person. By prohibition of slavery I refer to the criminalization of slaveholding, which is different from the criminalization of slave trading. On delegalization, see Howard Temperley, "The Delegalization of Slavery in British India," *Slavery and Abolition* 21, no. 2 (2000): 169–87. For a discussion of the criminalization of slavery after legal status abolition and on how slavery's abolition was approached in international law, see Jean Allain, "Exploitation and Labour in International Law," in *The Law and Slavery: Prohibiting Legal Exploitation*, ed. Jean Allain (Leiden: Brill, 2013), 345–96.

struggles that surrounded abolition in Africa and advance our understanding of abolition as a global phenomenon. While more research is surely needed to paint a clearer picture of these dynamics at the continental level, it is already possible to make at least three generalizations: concepts of slavery differed in European and African languages and cultures; African approaches to abolition must be contextualized in local (and not just international) intellectual and political processes; and African enslaved persons and their descendants, acting within African or European institutions, were the most committed to abolition. The rest of this introductory section expands on these three points.

In most African societies, slavery was "not one social status, but many."[3] Enslaved persons occupied specific statuses in a range of hierarchically stratified slave roles that carried distinct names and had different characteristics and moral connotations. This resulted in ambiguities and misunderstandings between locals and Europeans. The latter tended to use the single generic term "slave" and, even when individual administrators were aware of translation problems, in official procedures they seldom sought to clarify how the English term corresponded to the slavery lexicon of specific African languages. For example, Odijie lists the names of eleven types of slaves in Fante language in the Gold Coast; he shows that Fante-speakers considered some regional forms of slavery harsher than others and that Fante abolitionist intellectuals and some indigenous rulers supported the abolition of certain forms of slavery, but not all.[4]

Also in Arabic, the terminology of slavery was more varied than it was in English in the second half of the nineteenth century. In her article in this issue, Liebst compares English and Arabic versions of the 1890 edict passed under Seyyid Ali's rule. While the English version used the word "slave" throughout, the Arabic one used "*abīd*" (slave) initially, but switched to the softer "*khādim*" (servant) in more specific articles of the edict. Liebst suggests that these linguistic distinctions had implications for how Arabic-speaking East Africans understood the new legislation to apply to different categories of enslaved persons; the newly introduced rights could be interpreted to apply only to domestic and urban slaves, as opposed to the more marginalized plantation slaves usually referred to as "*abīd*."[5] Debates about which labor relations corresponded to "slavery" (as defined in English) and which ones ought to be considered less severe forms of exploitation were critical to those directly involved. In various African places and languages, people who engaged in these debates were not just tinkering with definitions and categories; which terms were used in legal texts had major economic implications for which labor relations would continue being viable and which ones would be closely

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[3] James Searing, *West African Slavery and Atlantic Commerce: The Senegal River Valley, 1700–1860* (Cambridge: Cambridge University Press, 1993), 48.

[4] Michael Odijie, "Exploring African Abolitionism: Fante Perspectives on Domestic Slavery in the Nineteenth-Century Gold Coast," *Law and History Review*, 42, no. 1 (2024): 80–87.

[5] Michelle Liebst, "The Sultans of Zanzibar and the Abolition of Slavery in East Africa," *Law and History Review*, 42, no. 1 (2024): 49–74.

scrutinized by official authorities or declared illegal outright.[6] Delegalizing slavery, or certain forms of slavery, substantially reduced the ability of wealthier groups to control dependents. The African rulers who passed abolition decrees had to weigh the political costs of their policies against the benefits of assuming an abolitionist political stance.

Rulers had the power to change laws. But if they were to avoid harsh criticism by their peers, moral condemnation by legal and religious authorities, and popular discontent, they had to muster support for their actions. Montana's article shows that Ahmad Bey could not ignore the opinion of Islamic legal institutions in Tunis when he passed what in the 1840s were unprecedented reforms in the whole Islamic world.[7] Surely, he was also influenced by British abolitionist pressures in North Africa. But his arguments in support of abolition were rooted in Ottoman North Africa's jurisprudence and normative rationales; he had to follow, and be seen to follow, the required institutional procedures. He appealed to the *Majlis al-Sharʿī* (Sharia Council for Judicial Ordinance) without whose endorsement of his edict his actions would not be legitimate. The African rulers who opted for abolition were not only, and seemingly not primarily, acting out of respect for Europe's anti-slavery agendas or fear of Europe's potential retaliation. Interior politics and subregional power relations mattered a great deal. Historiographic interpretative paradigms that see African abolitionisms as entirely derivative and dictated by Europe's humanitarianism, or thirst for power, fail to appropriately contextualize these phenomena in the whole range of local and regional factors that worked sometimes in favor, and sometimes against, those who supported abolition in various African locations. Thus, in this issue Liebst shows that collaboration with British abolitionists and the passing of the unpopular 1890 decree exposed Sultan Seyyid Ali bin Saʿīd to the risk of uprisings against him in certain regions.[8] The Sultan found himself politically isolated and existentially troubled. His decree was passed in 1890 at a moment of intense tension in the area going from the East African coast to the western shore of Lake Tanganyika. Here, local "Arab" groups were rebelling against growing European imperialism. In the 1890s some leading traders and landowners connected to Zanzibar's Sultanate still thought it possible to resist Europe's imperialism and defend pro-slavery ideologies rooted in ideas of hierarchy and the management of labor and trade. To them, Sultan Seyyid Ali's attitude displayed weakness in the face of pressures by untrustworthy Christians.

Proper contextualization should account for local and regional, as well as international, factors. Thus, Merid and Meckelburg reconstruct transformations in approaches toward abolition in Abyssinia between the mid-1880s

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[6] When in the twentieth century European colonial governments became responsible for enforcing abolition laws, they sought to narrow down definitions of slavery precisely to avoid losing control over the labor of African workers on account of their own anti-slavery laws. For a general discussion, see Suzanne Miers, "Slavery: A Question of Definition," *Slavery and Abolition* 24, no. 2 (2003): 1–16, here 10.

[7] Ismael Musah Montana, "Ahmad Bey's 1846 Istiftāʾ: Its Dual Legislative Framework and Religio-Political Context," *Law and History Review*, 42, no. 1 (2024): 31–48.

[8] Liebst, "The Sultans of Zanzibar," *Law and History Review*, 42, no. 1 (2024): 63–69.

and the mid-1930s.[9] They see interior politics and local norms as primary forces that shaped Ethiopian responses to foreign agendas. As King of Shewa first, and as Ethiopia's Emperor after 1889, Menilek engaged in expansionist warfare. These wars resulted in massive enslavement by Menilek's armies at the same time as Menilek also claimed to be committed to Christian abolitionism against the "Muslim slave trade" in his correspondence with European rulers. What may appear as a contradiction was in fact consistent with Abyssinian ideologies of slavery, which saw legitimate enslavement as necessary for the integration of outsiders perceived as uncivilized into the allegedly superior Orthodox civilization. Incidentally, this is not dissimilar from what could also be seen as contradictions in Napoleon's approach to abolition about eight decades earlier: in his Italian campaigns, Napoleon or his generals sometimes liberated all slaves upon entering Italian cities that lacked a specific legislation on slavery.[10] And yet Napoleon also re-legalized slavery in France's overseas colonies in 1802 by revoking the emancipation decree of the Montagnard convention of February 4, 1794. A generically abolitionist stance was never incompatible with selective pro-slavery laws directed against discriminated groups that could still be portrayed as enslavable before the domestic public opinion.

Merid and Meckelburg show that the ancient legal tradition rooted in the *Fetha Nagast* legal code made slaving and abolitionism compatible by presenting enslavement as necessary to the expansion of civilization among groups perceived as uncivilized. Once civilized through enslavement to Orthodox masters, slaves would be eligible for redemption through manumission. The emphasis on manumission as an avenue to abolition was consonant with Ethiopia's former morality of slaveholding.[11] But in the early twentieth-century understandings of manumission were repurposed as part of a new discourse of Ethiopian nation building, itself inseparable from the nationalist struggle to preserve Ethiopia's independence in the main colonial era. Around the turn of the century the Abyssinian Empire stopped conquering new peoples and concentrated on consolidating citizenship. Ethiopia had struggled to be accepted as a member of the League of Nations. Key to its acceptance had been its ability to prove its abolitionist credentials. By the 1920s the African continent had been almost entirely colonized and Ethiopia's independence was exceptional. This context differed from East Africa in the 1890s, when the circles surrounding

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[9] Takele Merid and Alexander Meckelburg, "Abolitionist Decrees in Ethiopia: The Evolution of Anti-Slavery Legal Strategies from Menilek to Haile Selassie, 1889–1942," *Law and History Review*, 42, no. 1 (2024): 97–117.

[10] The Napoleonic Code of 1804 outlawed slavery and provided a unified legal framework for the entire Kingdom of Italy until 1814. Raffaella Sarti, "Tramonto di schiavitù sulle tracce degli ultimi schiavi presenti in Italia (secolo XIX)," in *Alle radici dell'Europa. Mori, giudei e zingari nei paesi del Mediterraneo occidentale, Vol. II: sec. XVII-XIX*, ed. Felice Gambin (Firenze: SEID, 2010), 281–97, here 289.

[11] Yonas Ahine, "Abolition and Manumission in the Bəherawi and Betäsäbawi Realms in Early 20th Century Ethiopia," paper presented at the online conference "African Legal Abolitions: Rethinking Actors, Chronologies, and Frameworks," University College London (UCL), 21–23 September 2021.

Zanzibar's Sultan Seyyid Ali could interpret his actions as cowardice before a threatening Europe. In Ethiopia in the 1920s, nationalist intellectuals saw their country as the last African stronghold against European occupation, which now appeared extremely likely. They strove to convince their compatriots that the emperor's efforts to demonstrate that Ethiopia was capable of effectively abolishing slavery were vital.

If freeborn people were concerned with national independence, suzerainty, and with preserving their privileges, these matters had a different significance for those who had been enslaved. To them, national independence mattered little if it meant continued exposure to the exactions of former masters. They aimed to take back control over their own lives and build families they could protect against slaveowners' claims that had heretofore been endorsed by local norms and laws. They developed strategies that improved their chances of leaving slavery behind at the least possible cost for them and their loved ones. They soon realized that their main allies were those who had shared their plight and could help them transition to free status. Nyanto and Becker show that enslaved persons seeking official manumission certificates relied on the oaths pronounced by community members willing to support them.[12] Having considered how different logics of slavery and manumission worked, they tried to turn to their advantage the new approaches that they came into contact with in missions, consulates, and local institutions inhabited by new ideas.[13] Nyanto and Becker argue that the struggles of enslaved persons succeeded, as colonial administrators progressively came to rely on public oaths to certify freedom. This shows, inter alia, that colonial legal procedures were as porous and hybrid as all other systems of legal thought. If this process did not release formerly enslaved persons from all coercive relations, it did however increase their ability to distance themselves from slavery.

If local and foreign approaches to abolition differed, different approaches occurred also within any one society and location. For most people in nineteenth-century Africa, much was at stake in the passing of laws that curtailed the power to sell, buy, and own slaves. The stakes were not the same for Emperor Menilek in 1889 or Haile Selassie in 1924; they were not the same for the Regent of Tunis or his Grand Mufti, the Sultan of Zanzibar or his interpreter, an Asante chief or a Fante lawyer, a Catholic Cardinal, an Anglican missionary, or a convert of slave descent in a Methodist mission. In all this, those enslaved were the first to consciously engage with legal procedures that had potential to broaden their limited capacity to choose how to live their lives. They, too, were an internally diverse group. Differences in how different groups

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[12] Salvatory Nyanto and Felicitas Becker, "In Pursuit of Freedom: Oaths, Slave Agency, and the Abolition of Slavery in Western Tanzania 1905–1930," *Law and History Review*, 42, no. 1 (2024): 119–141.

[13] For example, Jean Schmitz discusses the options of enslaved persons seeking emancipation through colonial avenues or alternatively through avenues that became accessible in Fulfulde-speaking societies when slaveowners realized that they had to act more like patrons than like masters, Jean Schmitz, "Islamic Patronage and Republican Emancipation: The Slaves of the Almaami in the Senegal River Valley," in *Reconfiguring Slavery: West African Trajectories*, ed. Benedetta Rossi (Liverpool: Liverpool University Press, 2009), 85–115.

perceived slavery were magnified by the many forms of slavery that existed in African societies. In broad comparative terms, this accounts for dissimilarities between how these processes unfolded in the African continent and in the trans-Atlantic and American world, where, by the end of the eighteenth century, slavery had come to be epitomized by the horrors of the trans-oceanic trade in humans and of plantation slavery integrated in capitalist commercial agriculture. These discrepancies contributed to the greater resilience of ameliorationist approaches to slavery in African contexts (discussed in the next section). The third and final section provides the broader context for the case studies examined in the issue's articles.

Ameliorationism, Critiques of Mistargeted Enslavement, and Abolitionism in Africa

For the greatest part of history, slavery was a legal institution.[14] "Master" and "slave" were legal statuses, usually further internally diversified, to which corresponded specific rights and duties encoded in written or orally transmitted laws. These rights and duties changed from place to place and across time, but generally slaveholders held substantial rights in the person and capabilities of those enslaved to them, rights more extensive than those they held on any other category of free dependent.[15] Although slaveowners usually had obligations toward their slaves, these were fewer and less constraining than the obligations of enslaved persons toward their owners. Enslavement was an abject condition that required ideological justification to exonerate slaveowners from the charge of inhumanity: the extreme coercion that slavery made possible had to be rationalized as somehow morally legitimate for it to be legally defensible.

The normative discourses that legitimated slavery followed othering logics. These logics constructed those enslavable as quintessential Others and blamed them for fundamental flaws that allegedly attested to their natural inferiority or, in the case of penal and debt slavery, for failure to abide by a society's norms. This made it possible for pro-slavery ideologies to justify slavery as a corrective process through which the enslaved were morally reformed. Manumission was expected to be granted when the enslaved person was

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[14] See, for example, Paulin Ismard, Benedetta Rossi and Cécile Vidal, eds., *Les mondes de l'esclavage: une histoire comparée* (Paris: Seuil, 2021); Damian Pargas and Juliane Schiel, eds., *The Palgrave Handbook of Global Slavery throughout History* (Cham, CH: Palgrave MacMillan, 2023).

[15] For recent contributions and debates on comparative approaches to the study of global slavery, see, for example, David Brion Davis, "Looking at Slavery from Broader Perspectives," *American Historical Review* 105, no. 2 (2000): 452–66; Joseph Miller, *The Problem of Slavery as History: A Global Approach* (New Haven: Yale University Press, 2012); Michael Zeuske, *Handbuch Geschichte der Sklaverei. Eine Globalgeschichte von den Anfängen zur Gegenwart* (Berlin/Boston: De Gruyter, 2013); Myriam Cottias, Elisabeth Cunin and Antonio de Almeida Mendes, eds., *Les Traites et les esclavages: perspectives historiques et contemporaines* (Paris: Karthala, 2016 [2010]); Paulin Ismard, "Ecrire l'histoire de l'esclavage: entre approche globale et perspective comparatiste," *Annales. Histoire, Sciences Sociales*, 72e année, no.1 (2017): 7–43; John Bodel and Walter Scheidel, eds., *On Human Bondage. After Slavery and Social Death* (Chichester, West Sussex: Wiley-Blackwell, 2017); Noel Lenski and Catherine Cameron, eds., *What is a Slave Society? The Practice of Slavery in Global Perspective* (Cambridge: Cambridge University Press, 2018).

thought to have progressed and to deserve belonging in society not as a slave, but as a freed person. For example, in Islamic Africa, ʿ-t-q (the Arabic root of words relating to the action of freeing a slave) "had the more general connotation of leaving a position of inferiority and entering a state of maturity and fullness."[16] Manumission was not meant to end the relationship between a slaveowner and his/her slaves, but to transform it into a patron–client relation in which manumitted slaves were raised in status and became junior clients in their former masters' families.[17] Enslavement and manumission were forms of social promotion to full "Muslim citizenship."[18] Also in Christian contexts, such as the Abyssinian Orthodox context discussed by Merid and Meckelburg, "enslavement is understood as part of a transformative process aimed at preparing the slave for *civilization*, known as *seltane*."[19] Beyond Islamic and Christian ideas, the extent to which those enslaved were othered and portrayed as re-humanized upon manumission in African traditional religions is a subject that would benefit from further research. Purification rituals aimed at erasing the impurity of slavery and enabling readmission into free social strata are broadly attested in African societies.[20] This has some similarities to rationales that posit a cycle going from the ideological othering of those seen as enslavable, to the allegedly flawed condition of the enslaved, to the redeemed one of the freedperson. All these transitions were often marked by rituals.[21]

For most of human history, struggles surrounding slavery focused on who could or could not be legitimately enslaved; how those enslaved ought to be

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[16] Sean Hanretta, "Islam and Emancipation," *Oxford Research Encyclopedia of African History.* Published online on April 2, 2022, retrieved June 29, 2023 from https://oxfordre-com.libproxy.ucl.ac.uk/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-949.

[17] Bruce Hall, *A History of Race in Muslim West Africa, 1600–1960* (Cambridge: Cambridge University Press, 2011), 279–97.

[18] Bruce Hall, "Memory, Slavery and Muslim Citizenship in the Post-Emancipation Circum-Saharan World," *L'Ouest Saharien* 10–11, no. 1 (2020): 95–108.

[19] Meckelburg and Merid, "Abolitionist Decrees in Ethiopia," *Law and History Review*, 42, no. 1 (2024): 101; Yonas Ashine Demisse, *Slaves of State, Intellectuals of Development: A Genealogy of Development in Ethiopia* (Kampala, Uganda: Makerere Institute of Social Research, 2022), 89–90; For an example of similar logics operating in Yoruba ethics, see Olatunji Ojo, "The Atlantic Slave Trade and Local Ethics of Slavery in Yorubaland," *African Economic History* 41 (2013): 73–100.

[20] For example, Bosha Bombe studied the purification ritual called "wozzo" practiced in Western Ethiopia, Bosha Bombe, "Slavery, Exclusion and Integration in South Western Ethiopia," *Carnet français des études éthiopiennes*, research note posted on June 16, 2015, https://cfee.hypotheses.org/588 (accessed on September 30, 2023); for an analysis of these rituals in coastal Kenya, see Samuel Nyanchoga, "The 'Bombay Africans': Between Abolitionism, Resistance, and Integration in the Kenya Coast in the Second Half of the 19th Century," paper presented at the online conference "African Legal Abolitions: Rethinking Actors, Chronologies, and Frameworks," University College London (UCL), 21–23 September 2021; cleansing rituals that remove the "stain" of slavery in one's ancestry are also practiced in communities supported by grassroots abolitionist non-governmental organizations in south-eastern Nigeria, as attested by presenters at the workshop "Local Strategies for Abolishing Osu and Ohu Slavery in Southeastern Nigeria," co-organized by the University of Nsukka (Nigeria) and University College London (UK) on September 16, 2023.

[21] For a comparative discussion of rituals marking entrance into and exit from slave status, see Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 2018 [first published 1982]), 51–62 and 214–19.

treated; and under what circumstances (and with what consequences) enslaved persons should be manumitted. Well before the eighteenth-century, Christian and Muslim reformists denounced what they saw as mistargeted enslavement or excessive cruelty toward slaves. Particular individuals stood out for the force of their arguments. These individuals included Africans, and it is possible that persons originating from various parts of Africa were in fact the majority of those who protested the injustices of Atlantic slavery at an early stage in the development of global abolitionism. For example, José Lingna Nafafé has shown that Lourenço da Silva de Mendonça, a descendant of the royal family of Ndongo of Kongo in modern-day Angola, brought a legal case to the Vatican against Atlantic slavery in the early 1680s. Mendonça collaborated with pan-Atlantic networks that sought to defend those oppressed and enslaved in the trans-Atlantic space.[22] Organized pan-African and pan-Atlantic resistance to the Atlantic slave trade system is documented in studies on multiple locations from West Central Africa and the Coast of Guinea to the metropoles of Europe's slave-trading empires, to the Americas and Brazil.[23] Many victims of enslavement and their allies defended themselves or others at trials, and demanded that courts listen to their legal arguments against what they saw as unjust enslavement. Some defended the rights not just of individuals, but of entire groups. For example, Anton Wilhelm Amo (a scholar from the region of today's Ghana) wrote a dissertation titled "De jure Maurorum in Europa" (About the Rights of Africans in Europe), which contested the lawfulness of the trans-Atlantic trade in enslaved Africans at the University of Halle in 1729.[24] Amo based his defense of the legal rights of Africans on Roman laws that had granted specific rights to the kings of Africa.[25] He argued that according to these laws the Atlantic slave trade was illegal.[26]

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[22] José Lingna Nafafé, *Lourenço da Silva Mendonça and the Black Atlantic Abolitionist Movement in the Seventeenth Century* (Cambridge: Cambridge University Press, 2022), 44.

[23] Chloe Ireton, "Black Africans' Freedom Litigation Suits to Define Just War and Just Slavery in the Early Spanish Empire," *Renaissance Quarterly* 73 (2020): 1277–319; José C. Curto, "The Story of Nbena, 1817–20: Unlawful Enslavement and the Concept of 'Original Freedom' in Angola," in *Trans-Atlantic Dimensions of Ethnicity in the African Diaspora*, eds. Paul E. Lovejoy and David Trotman (New York: Continuum, 2003), 43–64; José C. Curto, "Un butin illégitime: razzias d'esclaves et relations luso-africaines dans la région des fleuves Kwanza et Kwango en 1805," in *Déraison, esclavage et droit: les fondements idéologiques et juridiques de la traite négrière et de l'esclavage*, eds. Isabel de Castro Henriques and Louis Sala-Molins (Paris: UNESCO, 2002), 315–27; Mariana P. Candido, "The Transatlantic Slave Trade and the Vulnerability of Free Blacks in Benguela, Angola, 1780–1830," in *Atlantic Biographies: Individuals and Peoples in the Atlantic World*, eds. Mark Meuwese and Jeffrey A. Fortin (Leiden: Brill, 2013), 193–210.

[24] The dissertation appears to be lost, information about it comes from the Annals of Halle University, November 2, 1729. For biographic information see William Abraham, "Anton Wilhelm Amo," in *A Companion to African Philosophy*, ed. Kwasi Wiredu (Oxford: Blackwell, 2004), 191–99, here 192–94.

[25] Paulin Hountondji, *African Philosophy: Myth and Reality* (Bloomington, IN: Indiana University Press, 1996 [first published 1976]), 116–17.

[26] Harry Odamtten discussed the influence of Amo's scholarship on later antislavery texts, such as the work of French abolitionist Abbé Henri Grégoire, Black English author Wilson Armistead, William Edward Burghardt Du Bois and Edward Blyden, see Harry N. K. Odamtten, *Edward*

African Muslim scholars, too, developed legal critiques of mistargeted slavery. The best-known among them is the Sanhaja scholar Ahmad Baba who wrote the treatise *Mi'rāj al-ṣu'ūd ilā nayl ḥukm mujallab al-Sūd* (The Ladder of Ascent Towards Grasping the Law Concerning Imported Blacks) in his hometown of Timbuktu in 1615.[27] The "imported blacks" mentioned here were the enslaved Black West Africans traded across the Sahara into North Africa. Ahmad Baba wrote in reply to the questions of Sa'id ibn Ibrahim al-Jirari, probably a merchant, from the northern Saharan oasis of Tuwat.[28] He stated that the peoples mentioned by al-Jirari had never been conquered but had embraced Islam of their own free will, and therefore could not be legitimately enslaved by fellow Muslims.[29] Other Islamic scholars, both before and after Ahmad Baba, criticized the indiscriminate unjust enslavement of Black Africans.[30] Others yet, opposed the enslavement and sale of Muslims in the trans-Atlantic slave trade and developed policies aimed at stopping this trade. These critiques belong to a long-standing tradition of debate about the wrongful enslavement of Muslims, a problem that Ghislaine Lydon and Bruce Hall characterize as "as old as Islam."[31] The question of how to interpret the position of Islamic reformers with regards to the abolition of slavery has been at the heart of scholarly debates since the mid-2010s.[32] It is clear that some of the African Muslims who objected to Atlantic slavery did not condemn all forms of slavery. For example, the leaders of jihadist regimes in nineteenth-century West Africa entrenched and expanded the forms of slavery which they considered legitimate within their societies even though many of them opposed the sale of enslaved Muslims to Christians in the Atlantic slave trade.[33]

W. Blyden's Intellectual Transformations: Afropublicanism, Pan-Africanism, Islam, and the Indigenous West African Church (East Lansing, MI: Michigan State University Press, 2019).

[27] Ahmad Baba, *Mi'raj al-Suud.* Translated and edited by John Hunwick and Fatima Harrak (Rabat: Publications of the Institute of African Studies, 2000).

[28] Timothy Cleaveland, "Ahmad Baba al-Timbukti and His Islamic Critique of Racial Slavery in the Maghrib," *The Journal of North African Studies* 20, no. 1 (2015): 42–64.

[29] These arguments do not imply that Ahmad Baba did not hold racialized views. He probably relied on Ibn Khaldoun's theory of race, which was replete with negative stereotypes about Blacks, see Marta García Novo, "Islamic Law and Slavery in Premodern West Africa," *Entremons: UPF Journal of World History* 2 (2011): 1–20.

[30] Ghislaine Lydon and Bruce Hall, "Excavating Arabic Sources for the History of Slavery of Slavery in Islamic Africa," in *African Slavery/African Voices*, Vol. 2 (Methodology), eds. Alice Bellagamba, Sandra Greene, Carolyn Brown and Martin Klein (New York: Cambridge University Press, 2016), 15–49, here 17.

[31] Lydon and Hall, "Excavating Arabic Sources," 27–28.

[32] Rudolph Ware III, "Slavery and Abolition in Islamic Africa, 1776–1905," in *The Cambridge World History of Slavery*, Vol. 4, AD 1804–2016, eds. David Eltis, Stanley Engerman, Seymour Drescher and David Richardson (Cambridge: Cambridge University Press, 2017), 344–72; Bernard Freamon, *Possessed by the Right Hand: The Problem of Slavery in Islamic Law and Muslim Cultures* (Leiden: Brill, 2019); Paul Lovejoy, *Jihad in West Africa in the Age of Revolution* (Athens, OH: Ohio University Press, 2016), 206–33; Lydon and Hall, "Excavating Arabic Sources"; Hanretta, "Islam and Emancipation."

[33] Paul Naylor, "Slavery and the Making of West African Muslim Empires in the 19th Century," in *The Oxford Research Encyclopedia of African History* (Oxford University Press) (forthcoming in https://oxfordre.com/africanhistory/).

By denouncing the cruelties imposed against unjustly enslaved persons, some seventeenth- and eighteenth-century African ideologues developed moral and legal arguments against what they saw as mistargeted slaving. Extant studies of these critiques belong to a revisionist historiography skeptical about older interpretations that exclusively glorified European abolitionists and marginalized the role of Black critics who had been denouncing the horrors of slavery.[34] This research is improving our knowledge of early critiques of slavery in the African continent and diaspora. But at the current state of knowledge, it is not clear yet (at least to the present author) whether some of these critics were already attacking the enslavement of any and all humans, or whether their objections were directed against the illegitimate enslavement of particular groups and not against slavery itself. Concurrently, at least since the late eighteenth century, many protests against the horrors and magnitude of the trans-Atlantic slave trade led to global mobilization against this phenomenon. Progressively these protests turned into full-fledged abolitionist positions that initially developed independently among different groups in different places. They eventually tended to coalesce, as struggles to end the Atlantic slave trade led to collaborations and alliances aimed at greater efficacy.[35]

Abolitionism happened when people, as a result of their own experiences or their reflections on the experiences of others, came to see slavery as unjust and mobilized politically to bring about its end. It is different from ameliorationism and reformism aimed either at avoiding mistargeted slaving or at improving the circumstances of the legally enslaved within pro-slavery ideologies. Aspiring to manumission in a society where slavery is legitimate and legal is not the same as claiming freedom in a society that sees slavery as a moral aberration and a crime. Ameliorationism and critiques of mistargeted enslavement aimed to either improve the treatment of statutory slaves or to protect certain groups from legal enslavement, but left other groups exposed to persecution. They co-existed with pro-slavery ideologies for centuries. For example, Montana's article in this issue discusses institutionalized forms of protection against the ill-treatment of slaves in pre-abolition Tunis.[36] Similar measures were integrated in most slave systems. But it was only after the delegalization of slavery that slaveowners could not make claims to the persons, labor, and offspring of any category of others on grounds that these persons were their "slaves." Only after the abolition of slavery, slaveholders lost the support of the law when they sought to have fugitive slaves returned to them; or to gift or transfer through inheritance the latter and their children. Undeniably laws were not always applied, but they *could* be applied and so abolition

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[34] Manisha Sinha, *The Slave's Cause: A History of Abolition* (New Haven, CT: Yale University Press, 2016); Lamin Sanneh, *Abolitionists Abroad: American Blacks and the Making of Modern West Africa* (Cambridge: Harvard University Press, 1999); Nelly Schmidt, *Abolitionnistes de l'esclavage et réformateurs des colonies, 1820–1851: analyse et documents* (Paris: Karthala, 2000); Hideaki Suzuki, ed., *Abolitions as a Global Experience* (Singapore: National University of Singapore Press, 2015).

[35] Benedetta Rossi, "Global Abolitionist Movements," *Oxford Research Encyclopedia of African History*. Published July 19, 2023, retrieved October 5, 2023, from https://oxfordre.com/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-945.

[36] Montana, "Ahmad Bey's 1846 Istiftāʾ," *Law and History Review*, 42, no. 1 (2024): 41–2.

made a real difference. It influenced the strategies of both slavers and enslaved persons. It affected political, economic, and social dynamics in any one place, and migrations between places where slavery was legal and places where it had been de-legalized.[37] This doesn't mean that abolitionism should be thought of as a single journey of human improvement, or that "abolitionists" were always considered "good" and those who held pro-slavery views "evil."

Many elites who were involved in abolitionism sought to protect the interests of their social class, nation, or political constituency. When abolitionists succeeded in the struggle to enroll governments in their visions, state officials and jurists had to define slavery for the purpose of legal reform. In this process, the status and condition of "slave" was disentangled from other coercive relations. This ushered a semantic narrowing of slavery, as states and the elites professionally involved in law-making sought to distinguish from "slavery" (that would be abolished) other forms of coercion that would continue to be legally defensible.[38] European state representatives strove to distinguish slavery from forced and indentured labor, domestic servitude, and penal punishment. In African contexts where slavery was an internally diversified status and condition, slaveowners wanted some forms of slavery to remain legitimate. The interests of higher classes influenced the contents of abolition laws. In Africa abolition was a protracted process and successive decrees, laws, and edicts had to pass for the law to become progressively less tolerant of all forms of this institution. In this, African legislation was not at odds with contemporary European approaches to slavery in Africa. In *The Dual Mandate*, published in 1922, Frederick Lugard commented that in Africa "sudden emancipation would dislocate the whole social fabric. Men wholly unaccustomed to any sense of responsibility and self-provision would be thrown on the streets to fend for themselves. Slave concubines would become prostitutes. Masters, albeit with money in their pockets, would be ruined; industry would be at a standstill; and plantations would be wrecked before the new order could adjust itself."[39] Similar ideas were circulating in France at the same time. In 1923 the Governor of the Colony of Niger forcefully advocated gradual emancipation, though this went against the spirit of the French abolition of 1905.[40] By the 1930s, the Lieutenant General of French West Africa could not openly advocate gradual emancipation anymore but argued that since slavery

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[37] Paul Lovejoy and Jan Hogendorn, *Slow Death for Slavery: The Course of Abolition in Northern Nigeria, 1897–1936* (Cambridge: Cambridge University Press, 1993), 31–63; Martin Klein and Richard Roberts, "The Banamba Slave Exodus of 1905 and the Decline of Slavery in the Western Sudan," *Journal of African History* 21 (1980): 375–94; Martin Klein, *Slavery and Colonial Rule in French West Africa* (Cambridge: Cambridge University Press, 1998), 159–77, 197–215.

[38] Examples of how these dynamics played out in the preparation of the League of Nations' and United Nations' Slavery Conventions can be found in Jean Allain, *The Slavery Conventions: The Travaux Préparatoires of the 1926 League of Nations Convention and the 1956 United Nations Convention* (Leiden: Brill, 2008).

[39] Frederick Lugard, *The Dual Mandate in British Tropical Africa* (Oxford: Frank Cass, 2005 [first published 1922]), 367, 372.

[40] Acting lieutenant-governor of Niger to governor-general of French West Africa, June 1, 1923, National Archives of Niger 381.1.

was abolished by French law, all those called "slaves" were now *ipso facto* voluntary servants, which he knew not to be true. In the first third of the twentieth century, many European colonial administrators "were hostile to the policies they were supposed to enforce."[41]

Historians have tended to contrast abolitionist Europe, and particularly abolitionist Great Britain, to other countries and cultures that were allegedly more tolerant of slavery. But in practice the representatives of Europe's colonial empires held hierarchical and racist ideologies that accepted enslavement when the latter could be represented as a social and economic necessity or imagined as benign or in the interest of "civilization." At least up until the early 1920s, colonial administrators turned a blind eye to their own abolition legislation, which had made slave-dealing or slave-owning punishable offences. In this issue, for example, Nyanto and Becker tell of a British political officer in Tabora who contacted the Catholic mission *on behalf of a slave owner*, to query the actions of a freed slave who had allegedly exhorted other "slaves" (a term that should have carried no legal status at this point) to leave their owner's household (an action that they should have been legally entitled to take).[42]

Abolitionists were seldom saviors, even though the success of their endeavors depended on convincing people that they were. An abolitionist is someone who engages in political action aimed at bringing about the suppression of slavery and the slave trade. This, per se, tells us nothing about his or her motives. It tells us nothing about the sincerity of his/her compassion toward enslaved persons; or about the (intended or unintended) consequences of the anti-slavery strategies s/he advocates, including their actual emancipatory potential. Abolitionists mobilize against slavery. It is the historian's task to investigate why they do so, with what consequences, and what exactly they aim to see abolished in their own, or in foreign, societies. In the nineteenth century adopting an abolitionist stance was not only a humanitarian decision; it was also—for all countries and official institutions—instrumental to political, military, and economic agendas. When African rulers passed abolitionist laws and decrees, they were also aligning themselves with international policy supported by the main world powers and were making a claim to belonging to history's civilizing forces. This was the mantra of the times, and African rulers were no less subject to its allure than Europeans. But arguments, strategies, and obstacles differed from place to place. Change wasn't homogenous, and, in spite of political rhetoric, wasn't always progressive.

The Problem of Apparent Homogeneity: What was Abolished, When and by Whom?

Many studies link together the dates of different abolitions "like the beads of a rosary."[43] The use of the same word—"abolition"—suggests homogeneity.

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[41] Klein, *Slavery and Colonial Rule*, 196.

[42] Nyanto and Becker, "In Pursuit of Freedom," *Law and History Review*, 42, no. 1 (2024): 137.

[43] Walter Benjamin, "Theses on the Philosophy of History," in *Illuminations: Essays and Reflections*, ed. Hannah Arendt (New York: Schocken Books, 2012 [first published 1947]), thesis XVIII a, 253–63.

This is misleading. Legal systems varied, languages varied, and so did approaches to abolition. In some places and moments legal abolition was intended to bring about radical change immediately. In others, laws were expressly designed to avoid abrupt transformations of the status quo. Two points deserve attention from the outset. First, the oversimplified contrast between "abolitionist Europe" and "non-abolitionist Africa" is misleading and must be nuanced. The European legal abolitions that had implications for Africa were not far, chronologically, from the early African independent abolitions. And second, there is greater internal difference in the legal measures leading to abolition in any one legal culture and location than is usually acknowledged.

Following the French Revolution, the "Decree that abolishes the slavery of Blacks in the Colonies" of 15 Pluviose, year 2 of the revolution (February 4, 1794), declared that "the slavery of blacks [*nègres*] in all the colonies is abolished; [...] all men, without distinction of color, who live [*domiciliés*] in the colonies, are French citizens, and will enjoy all the rights guaranteed by the constitution."[44] This law was inspired by the radical egalitarian ideals of the Revolution. When it was passed, France's African territories were limited to the communes of Senegal, the Île de France (Mauritius) and La Reunion.[45] Ideas of liberty circulated broadly in the entire Atlantic space.[46] However this first French abolition had consequences primarily for the Caribbean, where about 700,000 enslaved persons were legally freed without any compensation paid to slaveowners.[47] It was rejected by French slaveowners in France's limited African territories. Vijayalakshmi Teelock has described the mission of Jean François Cossigny who reached Mauritius from France to direct the gunpowder mill in the Republican period that followed the French Revolution.[48] Mauritian slave owners opposed to abolition had already sent back to France two representatives of the Republican government. Cossigny, too, was forced to return to France leaving government-owned slaves in the same conditions as he had found them. France's short-lived first abolition did not end slavery in the Mascarenes. Then, having restored the monarchy, Napoleon re-legalized slavery in 1802. Slavery overseas was still defensible in Europe.[49]

After the 1807 British abolition of the slave trade, the official representatives of the British Empire intensified their anti-slave-trade activities in Africa. In the first two decades of the century, two distinct processes fused

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[44] Louis Rondonneau, *Collection Générale des Lois, décrètes, arrètès, sénatus-consultes publiés depuis 1789 jusqu'au 1er avril 1814*, Vol. 4, Part II (Paris: Imprimerie Nationale, 1818), 918, my translation.

[45] Boubacar Barry, *Senegambia and the Atlantic Slave Trade* (Cambridge: Cambridge University Press, 1997).

[46] Julius Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (London: Verso, 2018); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

[47] David Geggus, "Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly," *The American Historical Review* 94, no. 5 (1989): 1290–308, here 1291.

[48] Vijayalakshmi Teelock, "'In Defence of the Empire': Mauritius' Government Slaves in Eighteenth-Century Mauritius," *Bulletin of the Institute of Classical Studies* 64, no. 2 (2021): 60–79.

[49] Manuel Covo, "Race, Slavery, and Colonies in the French Revolution," in *Oxford Handbook of the French Revolution*, ed. David Andress (Oxford: Oxford University Press, 2015), 290–307.

into Britain's global anti-slavery campaign. On the one hand, in North Africa British officers signed treaties with North African rulers in which the latter committed themselves to treating British and European captives as prisoners of war and not as slaves. These actions belonged to a long history of inter-imperial efforts to regulate slavery and military captivity in the Mediterranean, where Christian and Islamic powers had been mutually enslaving each other since medieval times.[50] On the other, the normative framework that regulated the status of prisoners of war started being affected by abolitionist mobilization in the Atlantic, which resulted in the Act for the Abolition of the Slave Trade passed of 1807. The contemporary operation of these two legal discourses initially gave rise to inconsistencies: either discourse could be applied to Blacks captured in different circumstances and locations; which interpretation prevailed in court depended more on the arbitrary inclinations of the jury than on the coherent application of any internationally agreed norms.[51] But the anti-slavery discourse that had originally developed in the Atlantic space gradually asserted itself as Britain's official stance on the slave trade after 1807.

In 1807 Britain had no direct territorial control over any large African region, but it started developing a system of treaties from its main bases on the continent: Sierra Leone became a Crown Colony in 1808 and the Île de France became British and was renamed Mauritius around the same time; wars with French and Dutch armies at the turn of the century resulted in the British occupation of Cape Town and territorial expansion in South Africa. From these sites Britain started exercising growing influence on surrounding regions and signing treaties that regulated extraterritoriality, trade, and slavery.[52] The treaties varied from case to case, but generally African rulers committed to observing specific clauses on friendship, peace, trade, and slavery in exchange for "protection."[53] The fact that Britain sought to enter in agreement with native rulers was in itself a recognition of these rulers' suzerainty and an acknowledgment of their theoretical freedom to refuse to sign treaties, or to propose different terms and conditions for the treaties, which they sometimes did.[54] But clearly "protection" was an ambiguous concept in a context

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[50] Renaud Morieux, *The Society of Prisoners: Anglo-French Wars and Incarceration in the Eighteenth Century* (Oxford: Oxford University Press, 2019); for the Ottoman context, see Will Smiley, *From Slaves to Prisoners of War: The Ottoman Empire, Russia, and International Law* (Oxford: Oxford University Press, 2018). Hannah Weiss Muller discusses the status and redemption of captives in the Mediterranean in the eighteenth century, Hannah Weiss Muller, *Subjects and Sovereign: Bonds of Belonging in the Eighteenth-Century British Empire* (New York: Oxford University Press, 2017), 80–120.

[51] I am grateful to Renaud Morieux for sharing with me his unpublished paper "De la mise en esclavage des prisonniers de guerre, et inversement: le cas de l'espace Atlantique au XVIIIe siècle."

[52] Inge Van Hulle, *Britain and International Law in West Africa: The Practice of Empire* (Oxford: Oxford University Press, 2020).

[53] Van Hulle looks at what the term "protection" implied in principle and in practice and discusses particular African examples, see *Britain and International Law in West Africa*, 112–64.

[54] Robin Law examines the case of negotiations over the seizure of slave ships between Britain and King Gezo of Dahomey in the 1840s and between Britain and King Glele (Gezo's successor) in the 1860s, Robin Law, "Abolition and Imperialism: International Law and the British Suppression of

characterized by rising European imperialism. "Protection" paved the way to British interference in internal African politics.[55]

Early treaties make explicit reference to the native rulers' understanding of their nations' prospects for economic development and how abolishing the slave trade would impact it. They reveal official rationales on the slave trade and slavery. The proclamation of King Radama of Madagascar on October 23, 1817, one of the earliest African anti-slave trade treaties, is a case in point. It shows that Britain's diplomatic influence in the Mascarenes and Indian Ocean went beyond its limited areas of direct territorial and legal control in Mauritius. The treaty was signed at Tamatave by Radama's commissioners and approved by R.T. Farquhar for Britain. Its opening refers to Malagasy relations with the closest British authority in nearby Mauritius:

> "Inhabitants of Madagascar, you are none of you ignorant of the friendship we enjoy with the Governor of the Mauritius, and the devoted attachment we have avowed to him. His attention, unlike that of all other foreign nations that have visited our shores, has been directed to increase our happiness and prosperity; he has never deprived us of our rights and our properties; *he has not suffered the white men to carry off our children into slavery*; he has sent us people to teach us arts and industry unknown before, to defend us against our enemies, and to prevent famine, by more extensive cultivation.
>
> [...]
>
> *His nation and King have made laws to prevent you from being carried out of your island into slavery; and he has punished such of the whites as have presumed to violate this law.*
>
> He has called on us to assist him in this work, *for our own benefit*; and he has promised his powerful assistance to punish such as may be refractory and disobedient."[56]

As these passages show, Radama objected to the enslavement of his subjects for the purpose of external trade in slaves. But *interior* slavery was not considered a problem. Indeed, it was presented as economically desirable. The treaty also mandated that those found guilty of slave trading would be punished by enslavement: "we hereby declare, that if any of our subjects or persons depending upon our

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the Atlantic Slave Trade," in *Abolitionism and Imperialism in Britain, Africa, and the Atlantic*, ed. Derek Peterson (Athens: Ohio University Press, 2010), 150–74, here 155–59.

[55] Although focused on a different, earlier, colonial context, Tamara Herzog's analysis of how consent and "protection" were imagined in Spanish treaties in the Americas is conceptually relevant, Tamara Herzog, "Imagining Native Consent and Native Resistance in Europe's Overseas Expansion," public lecture given at University College London, January 16, 2023.

[56] Lewis Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations at Present Subsisting between Great Britain and Foreign Powers, and of the Laws, Decrees, and Orders in Council, Concerning the Same; So Far as They Relate to the Repression and Abolition of the Slave Trade; and to the Privileges and Interests of the Subjects of the High Contracting Parties*, Vol. 3 (London: Henry Butterworth, 1827), 239, my italics. On the same date of the Proclamation a Treaty was signed that listed the yearly articles that King Radama would receive from Britain "in consideration of this concession," Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 1, 354–56.

power, shall henceforward be guilty of selling any slave or other person, for the purpose of being transported from the island of Madagascar, *the person guilty shall be punished, by being reduced to slavery himself,* and his property shall be forfeited to me."[57] The Proclamation blames the external slave trade for carrying workers who could contribute to local development and wealth creation away to be sold in other lands. It suggests that such slaves should rather be made to work for landlords and other slaveholders in Madagascar, as the country would benefit more from keeping them than from losing them to the external slave trade:

> Let my subjects then who have slaves, employ them in planting rice and other provisions, and in taking care of their flocks, in collecting bees-wax and gums, and in manufacturing cloths and other articles which they can sell. I set them the first example myself, by abandoning the tax payable to me upon the sale of slaves for exportation.
>
> I direct my brother, jean René, and other chiefs upon the sea coast, *to seize for their own use and profit all such slaves as may be attempted to be exported in their respective provinces.* They will also give every support and assistance to the Government Agent of Mauritius in the execution of his duties.
>
> I command all my subjects and dependents, and invite all my Allies, to abstain from any maritime predatory excursion whatever; and more particularly neither to practise nor allow any attack or attempt upon the friends of our Ally the British nation.
>
> [...]
>
> Such is my will; let it be known to every inhabitant of this island: it is for their own happiness and their own safety to pay obedience to this proclamation.[58]

A later Proclamation of October 11, 1820, always by King Radama, prohibiting the exportation of slaves, reiterated the principles of the 1817 text and reasserted that convicted slave traders would be punished through enslavement, a configuration also found in Ethiopia's Emperor Menilek's treaties in the late 1870s and early 1880s.[59] However in this later treaty the emphasis on humanitarian and civilizational arguments became stronger, as shown by the opening paragraph: "The King Radama, *moved by the same principles of humanity, which have animated the Sovereign of Great Britain and other Powers*, to abolish and prohibit the exportation of slaves, by these presents makes a proclamation, in the which he *forbids in a solemn manner all and every person, to export the natives of Madagascar, under the penalties of themselves, in their own persons, being reduced to slavery*."[60] Additional articles were signed on May 31, 1823, which referred to the two previous treaties as aimed at "improving the people

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[57] Ibid., my italics.

[58] Ibid., 239–40, my italics. Jean René was the hereditary prince of Tamatave, Henri d'Escamps, *Histoire et Géographie de Madagascar* (Paris: Firmin Didot, 1884), 95–96.

[59] Meckelburg and Merid, "Abolitionist Decrees in Ethiopia." *Law and History Review*, 42, no. 1 (2024): 106.

[60] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 3, 242, my italics.

of Madagascar in their moral and religious habits and in laying the most sure foundation for their rapid advancement to ultimate civilization."[61]

The alleged connections between abolition, civilization, and modernization became increasingly explicit in the treaties' wording from 1817 to 1823. But the treaties also revealed the political and economic consequences of abolition. One of the articles of the 1823 treaty gave British ships full power to seize and detain ships found to carry out the traffic in slaves in Malagasy harbors and waters. Radama engaged himself to appoint a special commissioner specifically responsible to deal with these ships which, if lawfully convicted, could be "confiscated and forfeited, together with their cargoes, guns, tackle and furniture, for the benefit of King Radama, to be by him applied as he shall judge fitting." Three scenarios were foreseen for the enslaved persons found on board: natives of Madagascar would be returned to their homes and families; natives of any other African country, "where it can be conveniently done," would be restored to their native countries; "or if that shall be found impracticable, or greatly inconvenient, then these shall be enrolled and classed with the corps or body called the Serundahs, which is a corps or body belonging to the establishment of King Radama, and maintained and provided for by him."[62] Thus, as for liberated Africans in the Atlantic, here too the abolition of the slave trade led to the onset of a new regime that did not restore autonomy for all those liberated from slave ships. Many, possibly the majority, of those freed would not regain their pre-capture subjecthood, but would become trapped in new coercive relations at the service of their alleged liberators.[63] Great Britain also signed a treaty with Muscat on September 10, 1822, in which the Imaum of Muscat engaged himself to abolish the foreign slave trade in his dominions; to order the seizure of all vessels found to be attempting the foreign slave traffic, and to seize and punish the captain and crew as Pirates; to punish all persons who did not give information on slave dealing; to make available dwellings for British consuls; and to authorize British cruisers to seize all Arab vessels that may be found loaded with slaves.[64]

Concurrently in North Africa treaties of peace or friendship had provided particular privileges to the signatory states in the event that their citizens happened to be enslaved by third parties. Here the principle that war captives ought to be treated not as slaves but as prisoners of war had been in vigor since the eighteenth century and influenced the development of treaties concerning the slave trade at the beginning of the nineteenth century. For example, Britain had signed a treaty of Peace with "Mulay Abedela Ben Ismael, King and Emperor of Fez, Mequinez, Morocco, and all the West of Africa" on December 15, 1734. In its 2nd paragraph, the treaty specified that "If any of the Emperor's subjects shall be made slaves, and escape to an English man

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[61] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 3, 243.

[62] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 3, 244.

[63] Jake Subryan Richards examines the legal rationales of these measures and the strategies of liberated Africans to resist extended coercion, Jake S. Richards, *Captives and Empires in Atlantic Anti-Slave-Trade Law*, unpublished manuscript (New Haven, CT: Yale University Press, forthcoming).

[64] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 3, 265–70.

of war, or to Gibraltar, Port-Mahon, or any of the English Dominions, they shall be protected, and with all convenient speed, sent to their respective homes. The like treatment to be given to the English who shall be slaves, and escape to any part of the Emperor's Dominions."[65] Similarly, a detailed treaty was signed between Great Britain and Morocco's "Muley Suliman Ben Mohamed Ben Abdala" on June 15, 1801 and reconfirmed on January 19, 1824. These detailed treaties did not question the legitimacy of slavery or seek to end the slave trade.[66] They merely aimed to establish reciprocity of treatment for the co-signatories' war captives. Hence, on August 28, 1816, a year marked by multiple British and European naval attacks on Algiers, the Dey of Algiers "Omar Bashaw" issued a Declaration in the presence of Baron Exmouth, which stated: "In consideration of the deep interest manifested by His Royal Highness the Prince Regent of England for the termination of Christian Slavery, His Highness the Dey of Algiers, in token of his sincere desire to maintain inviolable his friendly relations with Great Britain, and to manifest his amicable disposition and high respect towards the Powers of Europe, declares, that in the event of future wars with any European Power not any of the prisoners shall be consigned to slavery, but *treated with all humanity as prisoners of war, until regularly exchanged according to European practice in like cases, and that at the termination of hostilities, they shall be restored to their respective countries without ransom; and the practice of condemning Christian prisoners of war to slavery is hereby formally and forever renounced.*"[67] But rationales focusing on the management of captives in wartime started being replaced by rationales centered on slavery's abolition. For example, in September 1816 British Admiral Lord Exmouth attacked Algiers again with Dutch support. His victory resulted in a Treaty of Peace that included "the abolition forever of Christian slavery; the delivery to Admiral Lord Exmouth's flag of all the slaves in the dominions of the Dey of Algiers, to whatever Nation they may belong; to deliver also to His Lordship's flag all the money received by the Dey for the redemption of slaves since the commencement of this year, particularly the sums paid by H.M. the King of the Two Sicilies and H.M. the King of Sardinia...." On September 14 that same year, a second offensive by Lord Exmouth led to the liberation of about 2000 slaves, belonging to different Christian powers.[68] Other complex dynamics were unfolding at the same time and modifying other geopolitical relations. About a decade later the Bey of Tunis "Mahmoud Bashaw" issued a Declaration on January 1, 1824 which mentioned the specific case of Greek slaves. He engaged himself to "observe our promises, that if any slaves, Christians, or Greeks, should arrive here in future, *we shall neither sell them nor allow anyone to buy them, but we shall keep them as prisoners of war until peace shall be made, and then they shall return us those they have, and we shall return*

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[65] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 1, 95.

[66] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 3, 17–27.

[67] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 1, 88, my italics.

[68] Gibraltar Chronicle, Extraordinary Issue, September 10, 1816.

them those we have without any ransom; and this we do contrary to the orders of our master the [Ottoman] Sultan, as the Greeks are his subjects; but notwithstanding, out of regard for you, we have hereby agreed to your demands...."[69] It is noteworthy that already at this stage Tunis distanced itself from Ottoman policies on a subject as sensitive as relations with Greeks in the aftermaths of the Greek independence wars which had inflicted major losses to the Porte that in the mid-1820s was still seeking to retain territorial control over some of its former Greek territories. Unlike in the Indian Ocean, Mauritius and Madagascar, these treaties were the latest stages in a long history of Mediterranean slaving in which Christian and Islamic parties enslaved each other.

It was not until 1833 that the British Empire abolished slavery everywhere in its colonies. Until then, British law supported slavery and the benefits that slavery accrued to some British subjects in its overseas territories including narrow African possessions.[70] The "British Act for the Abolition of Slavery throughout the *British* Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves" of August 28, 1833 was a long and detailed act that contained over 60 articles. It turned enslaved persons into apprenticed laborers and, in the case of children 12–21 of an apprenticed mother, into indentured laborers. It was concerned with protecting the privileges of slaveowners more than with restoring the freedom of the enslaved, which in fact it did not do. For example, the Act distinguished between three different types of apprenticed laborers (plantation-based or not) and stipulated that apprenticed laborers couldn't be removed from the colony or plantation where they found themselves at the Act's passing. This Act had consequences primarily for the West Indies. In Africa, Britain continued to expand its network of bilateral treaties with local rulers. Bilateral treaties at this point in time reflected the way that Britain saw the slave trade's abolition as connected with the development of so-called legitimate trade in raw materials needed by British industries.[71] Thomas Fowell Buxton had been lobbying the government to develop a strategy in relation to the slave trade in Africa.[72] *The African Slave Trade and Its Remedy*, published in 1840, summarized his main arguments as he had been developing them in correspondence with the government in the previous two years. He favored the replacement of the slave trade with trade in African raw materials and recommended the development of treaties with African states. Between 1837 and 1846 a series of treaties were signed

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[69] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 3, 30.

[70] Catherine Hall, Nicholas Draper, Keith McClelland, Katie Donington and Rachel Lang, *Legacies of British Slave Ownership: Colonial Slavery and the Formation of Victorian Britain* (Cambridge: Cambridge University Press, 2014).

[71] The transition from the slave trade to legitimate trade and its consequences has been the subject of important studies, see, for example, Robin Law, ed., *From Slave Trade to "Legitimate" Commerce: The Commercial Transition in Nineteenth-Century West Africa* (Cambridge: Cambridge University Press, 1995); Adiele Eberechukwu Afigbo, *The Abolition of the Slave Trade in Southeastern Nigeria 1885–1950* (Rochester, NY: University of Rochester Press, 2006); Robin Law, Suzanne Schwarz and Silke Strickrodt, eds., *Commercial Agriculture, the Slave Trade and Slavery in Atlantic. Africa* (Woodbridge: James Currey, 2013).

[72] Thomas Fowell Buxton, *The African Slave Trade and Its Remedy* (Oxford: Frank Cass, 1967 [first published 1840]), 283–300.

between Great Britain and "Native Princes and Chiefs of the West Coast of Africa, relating to Commerce and Slave Trade."[73] Not all the conventions signed mentioned the abolition of the slave trade. Their main purpose was to facilitate British "legitimate trade" and the protection of British traders and agents in Africa.[74] In order to achieve the effective abolition of the slave trade, specific clauses or additional acts for the abolition of the slave trade were integrated in most, but not all, of these treaties.

Conflict between local rulers was rife in the interior politics of West African coastal states in the mid-nineteenth century. Alliance with Great Britain was instrumental to rulers involved in frequent conflicts that produced slaves. If this betrayed a superficial commitment to abolitionist principles, it is worth noting that the treaties were not aimed at abolishing slavery as an institution or at delegalizing slave status at this stage. They focused only on the external slave trade. For example, on June 10, 1840 the rulers (referred to as "Kings" in the treaties) Ndumbé Lobé Bell and Akwa (often spelled Acqua or Aqua in British sources of the times) signed a Declaration at King's Town, Cameroon, which stated that in exchange for an annual payment of "dash," they would not allow their people to, nor would they themselves, trade for slaves and would inform British cruisers of the arrival of any slave vessel in their waters. The dash consisted of 60 muskets, 100 pieces of cloth, two barrels of powder, two puncheons of rum, one scarlet coat with epaulettes, and one sword.[75] On January 11, 1841 "King Freeman" and "Prince Freeman" of New Cestos (New Sesters) to the west of the Republic of Liberia signed a treaty to the effect that "the Slave trade is now and forever abolished."[76] Only one month later, on February 13, 1841, "the Chiefs of the Timmanees" (Temne) in Port Logo (Port Loko in Sierra Leone) signed a treaty in which Article 2 stated that "No persons whatever shall be taken out of the Timmanee country as Slaves; and no person in the Timmanee country shall be concerned in any ways in seizing, keeping, carrying, or sending away any persons, for the purpose of their being taken out of the Timmanee country as Slaves; and the chiefs of the Timmanee country

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[73] Jean Allain, "The Nineteenth Century Law of the Sea and the British Abolition of the Slave Trade," *British Yearbook of International Law* 78, no. 1 (2007): 342–88. On how these treaties influenced British and American relations, see Mark Hunter, *Policing the Seas: Anglo-American Relations and the Equatorial Atlantic, 1819–1865* (Liverpool: Liverpool University Press, 2008), 133–68; Roger Clark commented on these treaties as evidence of the early importance of extraterritorial enforcement to the expansion of transnational criminal and anti-slavery law, see Roger Clark, "British Anti-Slave-Trade Treaties with African and Arab Leaders as Precursors of Modern Suppression Conventions," in *Histories of Transnational Criminal Law*, eds. Neil Boister, Sabine Gless and Florian Jeßberger (Oxford: Oxford University Press, 2021), 128–46.

[74] "Within the confines of the Foreign Office, a model standard agreement was devised that was to be concluded with African rulers, which furthered an agenda based on the idea of replacing the slave trade with 'legitimate commerce'. The model agreement built on an existing tradition of including abolition clauses in treaties since the abolition of the slave trade in 1807. Second, the implementation of the model agreement ran parallel to the increase in commercial power and the use of force to suppress the slave trade through the use of naval blockades and the bombardment of the coastline of West Africa." Van Hulle, *Britain and International Law in West Africa*, 73–111.

[75] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 7, 6.

[76] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 7, 8.

shall punish severely all who break this law."[77] In this region, these articles reflected British efforts to control slave trafficking that was already illegal in Freetown and the Crown Colony, but was ongoing in surrounding regions.[78]

The treaties gave local signatories access to goods, weapons, and ammunition that increased their power against their rivals.[79] They were not exempt from criticism in Great Britain at the time.[80] Without richer contemporary documentation, it cannot be concluded that the signing of anti-slave-trade treaties meant that the signatories held abolitionist principles. However, other less powerful persons in their societies, and particularly those who had direct experience of enslavement, undoubtedly did.[81] A closer examination of the actions of those involved in the negotiations of these treaties is not always possible because sources are limited. When possible, though, it reveals a complex picture marked by multiple positions and agendas. This complicates any simplistic opposition of generic "European" vs "African" anti-slavery approaches. Internal differences based on class, lived experience, and moral outlook varied from group to group, and from individual to individual, within both European and African parties. For example, the 1841 Niger Expedition included negotiations with "Obi Osai Chief of Aboh," the Ibo ruler on the Niger Delta, aimed at abolishing the slave trade. It included an additional article on human sacrifice.[82] Its wording was particularly thorough; for Britain, the treaty was negotiated by a diverse party that included navy officers, linguists, missionaries, administrators, and liberated slaves. Article 1 of the treaty stated that

> the Slave-trade shall be utterly abolished in the Aboh country, and from the signing of this Agreement, no person whatever shall be removed out of the country for the purpose of being treated or dealt with as slaves; nor shall any persons whatever be allowed to be brought through the country or any part thereof, for the purpose of being treated or dealt with as slaves by way of exportation or otherwise...
>
> ... no subject of the Aboh country shall be in any way concerned in the exporting or importing of slaves, or carrying on the Slave-trade, either within or without the limits of the country. The Chief promises to inflict reasonable punishment on all his subjects who may break this law.

[77] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 7, 9.

[78] Mégane Coulon and Suzanne Schwarz, "Slave Trading, Slavery, and Abolitionist Intervention on the Sierra Leone Peninsula in the Late Eighteenth and Nineteenth Centuries," in The *Oxford Research Encyclopedia of African History* (forthcoming in https://oxfordre.com/africanhistory/).

[79] Svend E. Holsoe, "A Study of Relations between Settlers and Indigenous Peoples in Western Liberia, 1821–1847," *African Historical Studies* 4, no. 2 (1971): 331–62.

[80] See, for example, Robert Thorpe, *A Commentary on the Treaties Entered into between His Britannic Majesty, and His Most Faithful Majesty signed at London, the 28th of July 1817; between His Britannic Majesty, and His Catholic Majesty, Signed at Madrid, the 23rd of September, 1817; and between His Britannic Majesty, and His Majesty the King of the Netherlands, Signed at the Hague, the 4th of May, 1818 for the Purpose of Preventing Their Subjects from Engaging in Any Illicit Traffic in Slaves* (London: Printed for Longman, Hurst, Rees, Orme and Brown, Paternoster Row, 1819).

[81] See, for example, Lisa A. Lindsay, "The Autobiography of Jacob Von Brunn, from African Captive to Liberian Missionary," *Slavery and Abolition* 37, no. 2 (2016): 446–71.

[82] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 7, 22–27.

Art 2. The officers of the Queen of Great Britain may seize every vessel or boat of Aboh found anywhere carrying on the trade in slaves, and may also seize every vessel or boat of other nations with whom a similar agreement has been made, found carrying on the trade in slaves in the waters belonging to the Chief of Aboh: upon such seizure, and after regular condemnation, according to the provisions of this Agreement, the slaves shall be made free, and the vessels or boats shall be destroyed.

...

Art 4. That from and after the signing of this Agreement, no person whatever coming into the country shall be reduced into slavery, or treated or used as slaves.

Art 16. The Chief of Aboh shall within forty-eight hours of the date of this agreement, make a law for carrying the whole of it into effect, and shall proclaim that law; and the Chief of Aboh shall put that law in force from that time for ever.

Art 17. The Queen of Great Britain, out of friendship for the Chief of Aboh, and because the Chief of Aboh has made this Agreement, gives him the following articles...

The treaty goes on to list a number of articles, including cloth, buttons, razors, a saw, an oil press, clothing, ornaments, mirrors, and umbrellas. Several participants in the 1841 expedition to the river Niger wrote accounts of these events that describe the actions that surrounded the signing of these treaties. Authors included liberated Africans such as Samuel Ajayi Crowther. Apparently, the Ibo ruler did not try to hide his disengagement. His reactions during the palaver that preceded the treaty's signature—uninterested, bored, amused, pressed to come to a conclusion of the meeting—reveal perhaps an intention to humiliate his interlocutors before his local subjects. James Frederick Schön, a linguist and missionary who had been studying Hausa and other West African languages, accompanied the expedition. Schön "began to read the address drawn up for the purpose of shewing [sic] the different tribes what the views of the expedition were; but Obi soon appeared to be tired..." and laughed "immoderately when an account of liberation of slaves is provided," which British commissioners interpreted as a mocking gesture based on the Obi's knowledge that a large number of slaves were not actually freed: "the abundance of Brazilian rum in Aboh, shewed [sic] that they often traded with nations who have avowedly no other object [than trading in slaves]."[83] But if the Ibo ruler's attitude betrayed scarce interest in the cause of abolition, the same cannot be said of Simon Jonas, a liberated Ibo slave who accompanied the British expedition as translator:

"The interpreter, Simon Jonas, was a practical illustration of the advantages which the Commissioners wished the King to assist in procuring

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[83] William Allen and Thomas Richard Heywood Thomson, *A Narrative of the Expedition Sent by Her Majesty's Government to the River Niger in 1841 under the Command of Captain H.D. Trotter* (London: Richard Bentley, 1848), 221.

for his country. He was, therefore, told to state how he came to be with us; he said: 'I was once taken from my country and parents, and sold as a slave; but an English man-of-war captured the ship I was sent in, and, after having been well treated, and taught how to write and read in Sierra Leone, I am as free as a white man.'"[84]

Simon Jonas' speech is reported more fully in the journals written by James Frederick Schön and Samuel Ajayi Crowther. Schön noted that when King Obi mentioned that it would be difficult for him to give up the slave trade, Simon Jonas gave a long speech to convince the King that he ought to find it harder to keep it than to give it up.[85] Describing his own personal experience, he highlighted the state of continued insecurity that the slave trade entailed for the Ibo country and how this impacted on society as a whole. Samuel Crowther, also a liberated slave who would go on to become the first Anglican Bishop in West Africa, gave similar speeches and advocated abolition in Europe and Africa in the course of the expedition. Some Africans who had experienced enslavement became instrumental to the spread of strong anti-slavery views that would promote normative and legal transformations in African societies.

In the 1840s Britain continued to sign similar treaties with a large number of native rulers along the coast and, in smaller number, in the interior. Compared to earlier decades, three new trends appeared: first, British agents were matched by a capillary network of liberated slaves many of whom opposed slavery and began a quiet revolution at the grassroots, supporting fugitive slaves and introducing anti-slavery ideas in the communities where they settled following their liberation. Second, the British Act no. V of 1843 was passed by Legislative Council of India on April 7. It imposed abolition measures that showed how different Britain's approach was in colonies where compensation would be paid to British slave owners (the 1833 Act) and where compensation would not be paid to the majority of indigenous slaveholders (the 1843 India Act).[86] After colonial occupation the British abolitions of slavery in occupied African countries would follow the Indian model, not the West Indian one, a fact that, as Odijie shows in this issue, did not pass unnoticed to African slave owners who expected to be compensated for the loss of their property in slaves. Third, the second French abolition of April 27, 1848 was passed. It had consequences primarily for Algeria, Senegal (Saint Louis, Gorée, and few fortified posts), Mayotte and La Réunion. As in the first

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[84] Allen and Thomson, *A Narrative of the Expedition*, 221.

[85] James Frederick Schön, "Reverend Frederick Schön's Journal," in *Journals of the Rev. James Frederick Schön and Mr. Samuel Crowther Who, with the Sanction of Her Majesty's Government, Accompanied the Expedition Up the Niger on 1841 on Behalf of the Church Missionary Society* (London: Richard Watts, 1842), 67. See also Sandra Greene and Oluwatoyin Oduntan, "African Intellectual Ideas in the Age of Legal Slavery and the Slave Trade," in *African Voices on Slavery and the Slave Trade in Africa, Volume 2: Essays on Sources and Methods*, eds. Alice Bellagamba, Sandra E. Greene and Martin Klein (New York: Cambridge University Press, 2016), 93–113.

[86] Early comments comparing abolitions in India and Africa about fifty years since the passing of the British Abolition Act noted the differences, see Henry Bartle Edward Frere, "Abolition of Slavery in India and Egypt," *Fortnightly Review*, 33, no. 195 (1883): 349–68.

French abolition, the wording of this law suggests a more thorough commitment to freeing the enslaved than in the British laws.[87] The 1848 French law denounced slavery as an offense against human dignity and states that: (art. 1) slavery is completely abolished in all French colonies and possessions from two months after promulgation of this decree; (art. 2) the indentured labor system (*système d'engagement à temps*) in Senegal is forbidden; (art. 3) governors must apply all measures necessary to ensure freedom in la Martinique, Gouadeloupe and dependancies, la Réunion, Guyane, Sénégal and the French establishments on the West African coast, Ile Mayotte and dependencies, and Algeria. The law gave amnesty to slaves punished for crimes that would not have implied punishment to free men. It established that an indemnity would be paid to colonial slaveowners (art. 5); and it prohibited to all French abroad to own, buy, and sell slaves; infraction would result in loss of French citizenship (art. 8). All actions required by the decree had to be implemented within three years.

By this point in time, some African independent polities had already passed the earliest independent African abolitions. The Regency of Tunis had abolished the slave trade on April 26, 1846. And in Liberia the Declaration of Independence of July 26, 1846 led to the passing of a constitution that exalted freedom and abolished slavery in Section 1 and Section 4, respectively:

> Section 1: All men are born equally free and independent and have certain natural, inherent, and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.
>
> Section 4: There shall be no slavery within this republic; nor shall any person resident therein deal in slaves either within or without this republic.

Meanwhile Britain had started penetrating the interior of Africa, a region substantially less known to Europe than the coast. Already in the 1820s a first expedition of Dixon Denham, Hugh Clapperton, and Walter Oudney had traveled from Tripoli to Bornu in Central Africa near Lake Chad.[88] The British explorers traveled accompanying an expedition to the Central Sahel organized by the Pasha of Tripoli Yusuf Karamanli. The Tripolitan contingent captured slaves in the course of the trip, which was apparently not challenged or contested by the British mission.[89] However, when Hugh Clapperton was able to meet Sultan Muhammad Bello in 1824, he reached an agreement with the Sultan to prohibit the exportation of slaves from the Sokoto Caliphate in the interior to the harbors on the Niger and the coast.[90] As

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[87] Roger Botte, "L'esclavage africain après l'abolition de 1848: Servitude et droit du sol," *Annales. Histoire, Sciences Sociales* 55, no. 5 (2000): 1009–37, here 1020.

[88] Dixon Denham, Hugh Clapperton and Walter Oudney, *Narrative of Travels and Discoveries in Northern and Central Africa in the Years 1822, 1823, and 1824* (London: John Murray, 1828).

[89] Lovejoy, *Jihad in West Africa*, 217–18.

[90] The original image of the treaty is reproduced in Jamie Bruce Lockhart and Paul E. Lovejoy, eds., *Hugh Clapperton into the Interior of Africa: Records of the Second Expedition 1825-1827* (Leiden: Brill, 2005), 444 plate 29.

Paul Lovejoy has shown, Sultan Muhammad Bello convinced Clapperton that he was determined to put an end to the export of West African Muslims and could effectively enforce the treaty within and beyond the territory in his power in exchange for arms, ammunition, and other goods. In a report on this expedition, Clapperton stated:

> I remained with Bello nearly three Months, and from a daily intercourse with this Prince I am thoroughly convinced that he is sincere in his wishes for a friendly footing with England; Indeed I cannot speak too highly of this excellent Man, whom—should he live and the Government here feel disposed to cherish a friendly Relation with him,—*would be able, with very little assistance from us, to put an End to that detestable Traffic in Slaves, by opening to him a free and uninterrupted Passage to the Sea Coast, from which he is now no more than ten days distant.*[91]

This agreement was not implemented in the 1820s. Clapperton should have renewed and formalized the agreement with Sokoto's Sultan in his second expedition of 1826–27, but he died in West Africa before he could complete his mission. About twenty-five years later, the explorer and scholar Heinrich Barth traveled to West Africa in an expedition organized by the British government and was tasked with negotiating treaties, written in English and Arabic, with a number of Islamic suzerains in the West African interior. The Sovereign (Emir) of Borno Umar I, son of Shehu Muhammad al-Amîn al-Kânemî signed a treaty with Barth on September 3, 1852.[92] This was a generic treaty of Friendship and Commerce aimed at guaranteeing that British subjects be able to enter in, and freely exit from, Borno and trade freely in all kinds of merchandize of lawful commerce. It did not mention slavery. As can be evinced

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[91] Clapperton to Horton, June 6, 1825, in Edward W. Bovill, *Missions to the Niger*, vol. 4 (Cambridge: Cambridge University Press for the Hakluyt Society, 1966), 773, my italics. Paul Lovejoy provides a transcription and analysis of the English translation of the agreement between Sultan Bello and Hugh Clapperton in *Jihad in West Africa*, 220–24. On diplomatic relations and position of Islamic states, see, Paul Lovejoy, "Diplomacy in the Heart of Africa: British-Sokoto Negotiations over the Abolition of the Atlantic Slave Trade," in *Distant Ripples of British Abolitionist Wave in Africa, Asia and the Americas*, eds. Myriam Cottias and Marie-Jeanne Rossignol (Trenton, New Jersey: Africa World Press, 2017); Roger Botte, "Les rapports Nord-Sud, la traite négrière et le Fuuta Jaloo à la fin du XVIIIe siècle," *Annales. Économies, Sociétés, Civilisations* 6 (1991): 1411–35; Jean Boulègue, "L'expression du refus de la traite négrière dans les sociétés sénégambiennes, XVIIe–XVIIIe siècles," in *De la traite à l'esclavage: Actes du Colloque International sur la traite des noirs*, ed. Serge Daget (Nantes: Centre de Recherche sur l'Histoire du Monde Atlantique, 1985), 247–52.

[92] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 10, 703–4. The location where the treaty was signed is not specified. The title used for the Sultan in the signature line, beyond the term "Sovereign" in the text, was "Sheikh." The date of the treaty published in the Hertslet edition refers to the version of the treaty signed by all parties. The Sheikh had already signed the treaty by early August 1851, see Barth to Lord Palmerston, Kouka, August 8, 1851, The National Archives (hereafter TNA) FO 101/30. I am grateful to Christof Marx for giving me access to some letters in his critical edition of Barth's correspondence before the edition became fully accessible online at: https://heinrich-barth.ub.uni-due.de/ (accessed on 21 November 2023).

from a sentence in a letter by Barth to British Foreign Secretary Lord Palmerston, this omission had been decided by British officers who had prepared the treaty in advance, probably because the issue was deemed too sensitive in Borno at the time.[93] Barth also signed a treaty with the Sultan of Sokoto at Wurno (the actual site of government) on May 2, 1853:

> The Queen of England, Victoria, wishing to conclude a Treaty of Commerce with the Emperor of the Believers, has sent Abd el Kereem, Henry Barth, and the Emir of Sokoto, Aliu Emir el Mumeneen, after having heard and fully understood the discourse of Abd el Kereem, the Messenger of the Queen of England, has given his consent and has given the English security of commerce under the following conditions: The merchants of the English Empire shall travel in security with their people, their merchandize and their beasts in the whole extent of the empire of Aliu Emir el Mumeneen, and not even a rope shall be lost, while they may come and go at their pleasure. They (the merchants of the English Empire) shall not hear an offensive word, nor shall anybody wrong or injure them [...] if any body denies them payment of a debt, the Sultan Aliu will pay them, or take care of them being paid. If any body among them should die, the tenth part of his property will be claimed by the Sultan, and the rest shall remain in his hand till he has sent news to the nearest among her British Majesty's Agents, who will take care of it. *They may buy or sell everything except slaves; but the Emir el Mumeneen will not allow them to buy slaves.*"[94]

This treaty was followed by another document titled "Engagement of the Emperor of Gando" which perhaps was a letter written from Gando and dispatched to Sokoto. It echoed Sokoto's treaty in stating that "they [British subjects] will sell and buy everything they wish in our countries, *excepting slaves; this we are not willing they should do.* [...]"[95]

While opposing the sale of slaves to Christians, the rulers of Borno and Sokoto were not generally opposed to slavery. Slaving and slave-owning were rampant in their polities, and rulers sought to enforce their interpretations of Islamic prescriptions regulating these institutions. At the present state of knowledge, it appears that the abolition decrees issued autonomously by African rulers acting on their own account were the exception, not the rule, in the mid-nineteenth century. The resistance of African rulers who objected to abolition is better known than other African legal approaches toward abolition. Hence, Seymour Drescher opens his global history of abolition by reporting the reaction of a representative of the Sultan of Morocco when British abolitionist James Richardson (who was later to become Barth's companion

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[93] Barth to Palmerston, Kouka, May 24, 1851, TNA, FO 101/30.

[94] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 10, 704, my italics. Abd el Karim was the Islamic name that Heinrich Barth adopted in his travels.

[95] Hertslet, *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations*, Vol. 10, 704–5, my italics.

in the mission to Central Africa) proposed that the Sultan consider abolishing the slave trade in the territories under his control in March 1844:

> The governor replied that Richardson's mission was "against our religion; I cannot entertain it, think of it or interfere with it in any way whatever." The purchase and sale of slaves was authorized by the Prophet himself. If the governor were even to accept the petition, he told Richardson, the Sultan, he claimed, would order the governor's "tongue to be cut from my mouth." Moreover, recorded the Englishman, were the Moroccan Emperor to agree with the Society and abolish the traffic in slavery throughout his dominions, all the people would rise in revolt against him and the Emperor would be the first to have his head cut off. The governor, he concluded, "politely declined to receive the petition."[96]

Some rulers at particular moments in time took strong pro-slavery positions. On a continent-wide scale, the edicts and treaties in which African rulers engaged themselves to abolish and actively repress the slave trade were exceptional. Furthermore, the impact of these anti-slave trade treaties was severely limited in practice. This was because the traffic in enslaved persons was a thriving business that yielded major profits to those who benefited from it. It was also because certain forms of slavery were, and would remain, ideologically acceptable in African societies for decades. Economic interest and normative rationales were interconnected. The slave trade and slavery (especially allegedly "milder" forms of slavery) continued to be tolerated in many social milieus, well beyond Africa. Cuba—a Spanish colony—rejected the Spanish ban and only abolished slavery in 1866. Brazil fully abolished slavery only in 1888. The protracted legality of slavery in Cuba and Brazil, important centers of commodity production, stimulated the endurance of illegal slave trading across the Atlantic Ocean and in the Indian Ocean in the nineteenth century.[97] In spite of British efforts to patrol African shores and intercept slave-trading vessels, the illegal slave trade to the Americas continued into the 1860s. In Africa, slavery continued into the twentieth century, initially supported by European administrators who turned a blind eye to it and occasionally openly advocated its maintenance in spite of the metropoles' abolition, reasoning that the institution was appropriate for African societies.[98] This is the broader legal and institutional framework in which the

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[96] Seymour Drescher, *Abolition: A History of Slavery and Antislavery* (Cambridge and New York: Cambridge University Press, 2009), 3. The passages cited by Drescher are from TNA (PRO) FO84 (Slave Trade) fols. 103–6. See also Chouki el Hamel, *Black Morocco: A History of Slavery, Race, and Islam* (Cambridge and New York: Cambridge University Press, 2012), 241–69.

[97] See, for example, David Eltis, "A Brief Overview of the Trans-Atlantic Slave Trade" (2007), *Voyages: The Trans-Atlantic Slave Trade Database* [http://slavevoyages.org/assessment/essays]; Robert Harms, Bernard Freamon and David Blight, eds., *Indian Ocean Slavery in the Age of Abolition* (New Haven, CT: Yale University Press, 2013).

[98] There is a rich historiography that leaves no doubt that colonial policy was largely responsible for the slow end of slavery in colonial Africa, see, for example, Suzanne Miers and Richard Roberts, eds., *The End of Slavery in Africa* (Madison, WI: University of Wisconsin Press, 1988); Lovejoy and Hogendorn, *Slow Death for Slavery*; Klein, *Slavery and Colonial Rule*; Benedetta Rossi, "Periodizing

regionally focused processes discussed in the following articles unfolded. These studies illustrate the unique trajectories of abolition in specific African societies from the mid-nineteenth century onward.

Conclusion

The view that Europe was responsible for the legal abolitions of slavery in Africa must be qualified and revised. Individual African politicians developed different visions and strategies concerning slavery and the slave trade. If these African rulers' commitment to abolitionism is questionable, the motivations of Europe's rulers are equally dubious. European and African legal abolitions should be assessed in connection to their advocates' respective motives, means, and objectives. Contributions to this special issue begin to unravel this complexity. They explore the specific dynamics behind the abolitionist stances and strategies of particular African rulers, intellectuals, and liberated slaves. For rulers and policy makers, they show that their actions were based on considerations of interior and external policy. For other subjects, they reveal multiple engagements with opportunities that were geographically and historically contingent and were not equally accessible to everyone. Already at this preliminary stage of research, it is clear that those Africans who had experienced slavery directly were the most radical supporters of abolition, and developed antislavery strategies within both European and African institutions. By contrast, in nineteenth and early twentieth-century Africa, neither African nor European political elites actually intended to legally abolish all forms of slavery. In this, if nothing else, they were remarkably similar. Slavery, and in particular domestic slavery, continued to exist in spite of extant anti-slavery legislation at least until the 1920s, when the intervention of the League of Nations and the continuous resistance of those confronted with slavery and its legacies changed the rules of game.

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the End of Slavery: Colonial Law, the League of Nations and Slave Resistance in the Nigerien Sahel, 1920s–1930s," *Annales. Histoire, Sciences Sociales* 72, no. 4 (2017): 983–1021.