In 1900, less than a decade after the French had conquered the vast interior of French West Africa, Faama Mademba Sèye, the king of the states of Sansanding and dependencies along the banks of the Niger River, found himself under house arrest in the colonial capital of Kayes. Mademba had been ordered to Kayes as the colonial administration conducted further investigations into the allegations that he had systematically abused his power, engaged in ritual murder, raped countless women, and extorted significant wealth from his subjects. While under house arrest, Mademba wrote to the governor-general of French West Africa demanding that he be given the opportunity to clear his name in front of a French court. Mademba’s request went as far as the minister of colonies in Paris, who bluntly denied Mademba’s request. “[I]n no case should Mademba be permitted to bring this [case] before French courts.”¹ The governor-general argued further that “the Mademba affair . . . is at once more delicate and more serious than it would appear” in the official investigations into Mademba’s alleged abuses.² Why was the minister of colonies so afraid of letting Mademba try to clear his name in a French court? What made this case so “delicate” and so “serious”? How could Mademba, an African born in the French colonial town of Saint Louis du Sénégal, attempt to bring such a case before French courts, whose jurisdiction was limited to those who had French or European citizenship? And what did this case against Mademba reveal about the intersection of colonialism and the rule of law?

This book is a history of the early phase of colonialism: from conquest and the scrapping together of a colonial administration under military supervision to the development of a civilian administration. It examines how the moving parts that constituted colonialism adhered and repelled each other periodically. This study of colonialism also reveals that plans developed in the

metropole, in the colonial headquarters in Africa, or even in the forward barracks of the military command were rarely implemented as designed. Few colonial administrators understood the complexities on the ground, which differed from region to region and group to group. Nonetheless, colonialism was not merely an exercise in improvisation. Out of the constant give and take between changing metropolitan policy agenda and local conditions, broad patterns of rule were eventually established. This study focuses on the period when colonialism was still a work in progress, even as muscular efforts were undertaken to create order and regularity.

One of the defining features of colonialism was that it required the active or passive collaboration of subjected peoples. Force alone was never enough. Colonial subjects and colonial powers entered into bargains of collaboration that changed over time as colonial states evolved. This book examines an individual, Mademba Sèye, as he traversed the early phases of colonial rule, during which he transformed himself with the help of his French patrons from a telegraph clerk into an African faama (Bambara: king, ruler). Just as colonialism was a series of moving parts that articulated differently at different times, Mademba survived these changes by transforming and adapting himself to changed circumstances. Despite changes to colonialism and despite serious challenges to Mademba’s rule, Mademba remained faama until his death in 1918.

Tracing Mademba’s experiences within the emerging and maturing colonial state illuminates the conflicts of different forms of colonialism and the deep ambiguities of the rule of law in colonial societies. Mademba’s life was shaped by his embeddedness in these processes. As a student in the French colonial school for sons of chiefs and hostages and as an entry-level clerk in the nascent Post and Telegraph Department, Mademba spent almost all of his childhood and adulthood affiliated with the colonial state. As Mademba moved up the administrative ladder, he became even more enmeshed with the colonial state. This has implications for the nature of the sources I have. As research on biography makes clear, most of the evidence we have on subaltern lives is generated from “institutions of domination and regulation,” forcing the researcher to be explicit about his or her methods, about how those institutions produced those records, and about the wider silences in the historical record.3 This is also the case with Mademba; most of the documentary

Evidence that I have about him and written by him was produced through official correspondence, which shaped the nature of the evidence itself. I also have a handful of personal letters Mademba wrote to Louis Archinard, his long-time patron, which sometimes provide glimpses into the intimate worlds otherwise neglected in official correspondence. And I have oral histories collected in Sinsani and surroundings from elderly informants who at best were children when Mademba ruled his kingdom and whose interpretations of Mademba were shaped by their families’ experiences and subsequent history. There is a lot I still do not know about Mademba’s life.

Given the evidence I have, I share Alice Kessler-Harris’s unease about how an individual life could speak to larger historical processes. In many ways, this project cleaves closest to the challenge laid out by Charles Tilly regarding the task of European social history: “reconstructing ordinary people’s experiences of large structural changes.” Tilly had in mind the rise of nation-states and rise of industrial capitalism. While neither the modern nation-state nor industrial capitalism emerged in late nineteenth-century French West Africa, the changes unleashed by colonial conquest were no less transformational. In addition, Tilly, who called for a collective biography of working people who lived these big transformations, would unlikely recognize this study in the terms he framed. However, this book is about how one individual lived these big transformations and how he used these transformations to transform himself. Circumstances provided the raw material for how Mademba transformed himself, but he was the actor who often recognized the changes underway and seized the opportunities available to him. My approach to Mademba and his life is much like the one proposed by Kessler-Harris:

Rather than offering history as a background, or introducing it in order to locate an individual in time, I want to ask how the individual life helps us make sense of a piece of historical process. I want to see through the life … I think an individual life might help us to see not only into particular events but into the larger cultural and social and even political processes of a moment in time.*

This study of Mademba’s life astride the transformations of colonialism provides texture to the processes of change unleashed by French conquest. In so doing, it illuminates three significant bodies of scholarship: the changing nature of colonialism; intermediaries and bargains of collaboration; and the rule of law.

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6 Kessler-Harris, “AHR Roundtable,” 626.
Changing Nature of Colonialism

In a memorial lecture celebrating the life and work of Frederick Lugard given in 1963, former French colonial governor and scholar Hubert Deschamps reflected on the practices of French and British native policies and on their consequences for newly independent African states. Deschamps argued that while both British and French native policies failed to achieve their stated goals, they both nonetheless succeeded “belatedly and inadequately” in generating modern political institutions that promoted independence. In making his case, Deschamps argued in a retrospective justification of colonialism that despite periodic efforts to promote “assimilation” as native policy, the French relied on native authorities to manage colonial rule, as did the British. By assimilation, Deschamps meant the effort to normalize French metropolitan political forms in colonial Africa, which had been abandoned in the nineteenth century with colonial conquest only to be applied again in the 1930s, abandoned again during Vichy, and applied again in the period after 1945. In this mock conversation with the deceased Lugard, Deschamps argued that “In black Africa, everywhere where we found kings, except in extreme cases where we had fierce opposition or a lack of traditional institutions, we have inducted them, we made them our superior agents, just like the British and for the same reasons: convenience for the conquest, facilitating the administration [of conquered lands], and for economic stability.”

Michael Crowder took issue with Deschamps’s comparison of French and British reliance on African chiefs and rulers. Admitting that both used African chiefs in their native administration, Crowder argued “What is important is the very different way in which these authorities were used” and how the use of chiefs fit into a coherent colonial policy. In his defense of British colonial policy of indirect rule, Crowder missed the significant challenge Deschamps raised: that despite their invocation of grand theories of colonial rule, both French and British colonialism were inherently pragmatic and improvisational. D. K. Fieldhouse better captured Deschamps’s insight.

Colonialism was not a rational or planned condition. It was rather the product of a unique set of circumstances before and during the later nineteenth century that resulted unpredictably in the formal partition of much of the world between the great powers. Few of these, it was argued, had a coherent preconceived idea of what they would do with these territories they claimed or of the problems these would create. Colonial rule was thus a complex improvisation and an ideology of empire was evolved to justify what it was found necessary to do.

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8 Michael Crowder, “Indirect Rule: French and British Style,” Africa 34 (3) 1964, 197, emphasis in the original.
A. G. Hopkins distinguished between the two classic forms of colonial rule: direct, which had a strong military component; and indirect, which relied on local collaborators. Hopkins wrote that “direct rule was more likely to be oppressive, usually created a focus for resistance, and even terrorism. It was also costly. Indirect rule was less visible and far cheaper, but it obliged the colonial authorities to meddle in local society and to juggle endlessly with landlords, warriors, bureaucrats, merchants and peasants.”

Philip Curtin went even further. He argued that “[t]heorists of administration constructed elaborate frameworks on paper in which they argued the advantages of ‘direct’ or ‘indirect’ rule.” In practice, however, “[t]he first stages of colonial rule, to about 1920, were marked by a great variety of administrative expediencies.”

Expediency, improvisation, and meddling had their own unintended consequences requiring periodic intervention and colonial reform.

With its elaborate bureaucracy and clearly identifiable hierarchy, the Sokoto Caliphate served as the ideal model for Lugard’s indirect rule policy that he first laid out in his 1906 Political Memoranda and then set to the level of imperial ideology in his The Dual Mandate in Tropical Africa, published in 1922. Already by the time he published his Dual Mandate, it was clear that indirect rule along the caliphate model could not apply seamlessly throughout British colonial Africa. Where indigenous chiefs with robust institutions did not exist – or were not legible to colonial officials – British policy was to “invent” them. Such invention could take many forms, including the warrant chiefs of southeastern Nigeria and what Moses Ochonu has labeled as sub-colonialism – in which Africans drawn from regions with denser institutions of rule and higher levels of “civilization” were employed in regions with weaker institutions of rule. “The reality of colonial rule,” Ochonu writes, “is that colonial regimes sometimes broke the habit of ruling through indigenous elites in the interests of governing ease . . . In fact, flexible and improvised colonial practices were more common than one might discern from the colonial archive. For the African colonial state, the range of flexibility in colonial practices was nearly infinite.”

To the British, as with other European colonial officials, the most significant attribute of colonial rule was...
whatever worked. “Functionality,” according to Ochonu, “sometimes trumped colonial doctrine no matter how elaborate or canonical such doctrine had become.”

As Thomas Spear reminds us, there were limits to what could be invented in terms of African political institutions under colonial rule. Africans retained a robust sense of history and historical precedent that provided legitimacy to political institutions. Those institutions invented by colonial officials in collaboration with Africans that did not resonate with ongoing political discourse might well fail to be seen as legitimate and result in disputes and rebellions. Sara Berry remarked that such “hegemony on a shoestring” often gave rise not to stability but to a proliferation of disputes over customs and authority. By making so-called traditional systems of authority the cornerstones of their strategies for colonial rule, the colonial administrators built colonial rule on conflict and change rather than on age-old stability. Conflict and change necessitated further intervention in African societies, thus employing increasingly elaborate improvisation and experimentation of colonial rule.

All of these historians who have debated the flexibility of colonialism seem to have missed the importance of the legal underpinnings of empire, namely the protectorate. As I discuss more fully in Chapter 3, the protectorate emerged in the late eighteenth and early nineteenth centuries as the prominent instrument of international law that furthered imperial expansion. At its most basic, the protectorate was an arrangement “whereby one state, while retaining to some extent its separate identity as a state, is subject to a kind of guardianship by another state.” The protectorate usually came into being through military conquest or a treaty ceding a certain degree of sovereignty to the superior power. Alfred Kamanda, a Sierra Leonean scholar and one of the few students of the protectorate treaty, argues that “by reason of its very vagueness and nebulousness, [the protectorate] could be a cloak for many different, and even diametrically opposed, administrations in practice.” According to Steven Press, a protected polity established a “quasi-sovereign position,” or


Ochonu, *Colonialism by Proxy*, 214.


as Mary Lewis argues in the case of Tunisia, a “co-sovereign” in relationship to the colonizing power that permitted a variety of subterfuges regarding who or what the colonizing power was and permitted significant changes over time.19

At its base, however, the protectorate had its origins in the circumstances that obliged the second party to submit to the protection of the first, most often through force or the threat of force.20 In his classic 1929 study of French colonial policy, Stephen Roberts compared French policy of association, which was in vogue at the time of his writing, to the protectorate. Roberts understood these different forms of colonial rule through the lens of British indirect rule. “Association stresses a compulsory advance suitable to native mentality and to the existing situation, but still imposed by Europeans; whereas a ‘protectorate’ implies development by the natives, with Europeans supervising to a lesser degree, and not interfering unless given practices are considered anti-social.”21

In the protectorate, Roberts argues, the “native authorities have been maintained . . . The natives govern themselves under French supervision, and this has done much to minimize the disruptive features of the changes in their moods of existence, especially because with the utilization of native officials went a large degree of toleration for native customs, even those directly opposed to European concepts.”22 Such a policy of colonial rule fits neatly the agenda of colonial military leaders, whose objectives were to conquer territories often preemptively and to protect conquered territories once acquired. During the active phase of conquest, few colonial military leaders wanted to invest time and resources in administering conquered territories at the expense of chasing further glory on the battlefield.23 The protectorate, whether established with relatively minor chiefs or strong kingdoms, provided the means to acquire territory, quickly establish some semblance of rule drawing on real or imagined native authorities, and keep pursuing military victories. Stephen Roberts understood this when he noted that the “conquest of the Omars and the Ahmadous and the Samorys made the


22 Ibid., I, 316.

occupation of West Africa far and away the most difficult task of France. But there was a curious compensation that, to some extent, this pre-existing organization could be utilized for instance, when it came to reviving the economic life of the occupied areas” and, of course, to establish forms of native administration.²⁴

Improvisation clearly remained central to colonial rule, but it was improvisation within the context of changing ideas about colonialism. That was what Deschamps was trying to explain in his fictive debate with Lugard. Changing ideas about colonialism matter for our story of Mademba because he was caught up in the swirling tides of changing policies. Upon his appointment to direct a crew that was establishing the telegraph system in the Upper River region in 1879, Mademba joined the aggressive phase of colonial conquest of the Soudan. Building and maintaining the telegraph proved Mademba’s worth to the military leadership and he was increasingly drawn into the inner circle of advisors and counselors to the supreme military leader as the French planned and executed their military advance. Concerned more with the security of their troops and the advance of their mission to conquer, the French military leaders probably thought little about what the administration of conquered territories would be like. They were likely drawn to the protectorate, which had been applied in Egypt under Napoléon and in Algeria.²⁵ It had also been used in Senegal under Governor Louis Faidherbe’s expansion. As the French moved into the Soudan, they established protectorates with chiefs and rulers who sided with them and in polities that they conquered militarily. Colonel Louis Archinard, who oversaw the largest territorial conquests in the Soudan, raised the standard for the protectorate when in the course of the campaign against the Umarian state at Segu, he justified conquest by claiming to want to return the kingdom to its rightful Bambara rulers, who had themselves been conquered by the Umarians.

In Archinard’s hands, as I examine more fully in Chapters 3 and 4, French efforts to apply a variant of indirect rule through the reinstatement of legitimate African rulers in Segu failed miserably. Archinard’s model of indirect rule worked somewhat better in Bandiagara, where he placed Aguiibu, one of al hajj Umar’s sons who has broken with Umar’s eldest son and successor and sided with the French.²⁶ Archinard’s policy of indirect rule attained its most improvisational form at Sinsani, where in 1891 Archinard made Mademba king in a region that had never had kings before and over which Mademba had no obvious claim on indigenous legitimacy. Between French conquest in 1890 and

1893, widespread rebellions convulsed the wider region around Segu and Sinsani that necessitated significant French military intervention. Archinard then suppressed his effort at indirect rule at Segu, but maintained Mademba and Aguibü in power.

Even if colonial conquest was popular among the public, French metropolitan parliamentarians resented the military leadership’s independence, their disregard for ministerial orders, and the constant budget overruns. After Archinard was recalled in 1893, the Minister of the Navy, who was charged with oversight over overseas colonies, appointed a civilian, Alfred Grodet, as governor of the Soudan. Grodet, who had served as governor in Martinique and French Guyana, saw his role in part to tame the French military and to establish civilian rule. As I shall discuss, Grodet sought to tame the military by promoting the rule of law. Two aspects of Grodet’s efforts stand out: he ordered military officers to suppress the slave trade, which had been prohibited in French territories since 1848, and to suppress corporal punishment, which the French military considered necessary to control their African subjects. Grodet’s policies to shape colonial rule in the Soudan through French metropolitan ideas of civilization and civilian rule of law bumped up against the French military’s sense of its mission, its prerogatives, and its own rule of law. Most French military officers in the Soudan disregarded Grodet’s orders and Grodet was recalled before his term had fully ended.

Grodet’s concern with regularity and the rule of law foreshadowed the reforms underway in metropolitan France. In 1894, the Ministry of Colonies was formed out of the Ministry of the Navy with broad mandates to reform the much enlarged French empire. The year 1894 also marked the onset of the Dreyfus Affair, which tightly enveloped the French military leadership and led to sustained political instability in France and the colonies. As part of its reform of empire, the new Ministry of Colonies created the French West Africa Federation (Afrique Occidentale française) in 1895 under the authority of a governor-general based in Dakar. Jean-Baptist Chaudié, a former administrator of the Ministry of the Navy and a senior officer in that ministry’s General Inspection Service, served as the first governor-general with a mandate to oversee the budget of the colonies of this far-flung federation, to establish order and uniformity among the disparate colonies, and to hold lieutenant-governors accountable. With Grodet’s recall in 1895, the minister of colonies appointed Colonel Louis Edgar de Trentinian as

lieutenant-governor of the French Soudan. Trentinian was an officer in the infantry of the Marines, and thus part of the military ensconced in administrative and leadership positions in the colony, whose formative colonial military experience was mostly in Indochina. Trentinian was thus simultaneously an outsider to the core of French military leaders in the Soudan whose careers were shaped by conquest but also deeply part of the ethos of the Marines. As such, Trentinian treaded a delicate path through the mandates emanating from Dakar and Paris to regularize colonial practice, to promote economic development, to control budgetary expenses, and yet to assist his military colleagues eager to complete the conquest of the region. It was under Trentinian that Mademba received his first administrative sanction for his alleged abuse of power, which I explore more fully in Chapter 5. Under Trentinian’s leadership, the military completed its conquest of the region by 1898. But also under Trentinian’s leadership, the Voulet–Chanoine mission, which was charged with demarcating the vague boundaries between French and British territories, spun drastically out of control and resulted in a major scandal that further shook the French military and colonial establishment. As I explore in Chapter 6, in order to impose additional constraints on the leadership of the French Soudan and to punish the military for its persistent budgetary indiscipline, in 1899, the Ministry of Colonies reorganized the colony and allocated some of its parts to neighboring colonies. In the face of this decision, Trentinian resigned in protest. Trentinian’s resignation coincided both with the aftereffects of the Voulet–Chanoine scandal and with the emerging scandal surrounding the investigations into Mademba’s alleged crimes and abuses of authority. The three nested investigations into these allegations form a central point of inflection in the history of French colonialism in the Soudan. These investigations pitted the colonialism of Archinard’s indirect rule against the colonialism of regularity and the rule of law. These investigations also illuminated the practices of relying on African intermediaries whose position and authority were founded on loyalty to the French against the stated goals of the mission to civilize. I unpack these investigations in Chapter 7.

Amédée William Merlaud-Ponty, know more widely as William Ponty, who assumed the position of lieutenant-governor following Trentinian’s resignation, oversaw the investigations into Mademba. Ponty, whose real title was delegate of the governor-general in the French Soudan, was a civilian with significant military and administrative experience in the Soudan. Ponty served as Archinard’s private secretary and in the course of this role had firsthand