

Pre-Colonial Criminal Justice In West Africa: Eurocentric Thought Versus Africentric Evidence.

David Dalglish
Policy Development Officer (Crime & Safety)
Black Londoners Forum, England.

Abstract

Through the process of Eurocentric pro-colonialist propaganda people have been, and continue to be, led to assume that the European colonialists brought criminal justice and law and order to Africa. This article challenges those assumptions by using the work of scholars of African history to highlight the existence of criminal justice systems in Africa, in particular pre-colonial West Africa. In the context of a modern society dedicated to removing the tenets of discrimination on the basis of ethnicity, this work will hopefully inspire other criminologists to continue to address this under-researched area of criminology, and reassess how historical criminal justice in Africa has been viewed.

Introduction

The discipline of Criminology has grown hugely in the past thirty years. Its main concentration has been in English speaking countries, and western European countries, and this situation still exists to a certain extent. Its growth in other areas of the world is more recent. As a consequence, the western dominance of criminology has meant that these western countries have many more examples of work in certain areas of criminology. This is particularly the case regarding historical criminology. In Britain for example there are a great number of articles that relate to the history of crime and crime control (see Emsley, 2002; Gattrell et. al., 1980; Godfrey, 1999, for example).

However, the relative scarcity of criminological writings set in the African continent is starting to change as several authors have begun to advance criminology in this area of the world (See Ebbe (ed.) 1996, 2000; Onwudiwe, 2000; for example). Nevertheless, the historical criminology of this continent is under-researched. Further to this the penmanship concerning pre-colonial African history, especially that of sub-Saharan West Africa is largely ignored by mainstream academia. The authors that have contributed work to this field (for example, Karenga, Diop, Walker) are to be praised for introducing, explaining and furthering investigation in to Black (African) history. These advances are paralleled by historical and contemporary theories of Africa prior to colonialisation. These have been proffered by a number of influential individuals and organizations, ranging from political figures, historians, journalists and the British government itself.

The comparative lack of research concerning African criminology and the non-mainstream nature of pre-colonial Black History provide the basis for the apparent lack of examination of historical criminology in West Africa. That is not to say that the discipline remains completely uncovered. Diop, and Walker and Millar, for example have made references to (criminal) justice, much of which will be furthered by this article. However, any developments in this area have been and continue to be blighted by Eurocentric theories that not only deny that criminal justice existed in Africa prior to colonialism but actually maintain that law and order was a gift of it. This phenomenon has the added effect of being the mainstream view of the issue, devaluing the victims of European colonisation and decreasing the likelihood of alternative research being widely accepted or encouraged.

The part of the African continent that will be examined in this article will be the domain of the Songhai Empire, highlighting the existence of a criminal justice system. It is important to note at this point that the Songhai Empire should not be taken to reflect the entire continent of Africa (the reasons for which will become clear later in the piece). Nevertheless, the proponents of pro-colonial viewpoint describe Africa as a homogeneous entity (including the geographical area covered by the Songhai). This article will serve to disprove and undermine the aforementioned European colonialist propaganda showing it to be (however witting or unwitting) the falsification of African history to justify, or rationalise European colonialism.

Methodology

Following the traditions of *authentic* historical research the ultimate aim of this article was to find evidence of work by authors writing at the time of the described events (where possible). However, due to the fact that much of the literature relating to African history often comes from a Eurocentric pro-colonial stance, the literature that focuses on pre-colonial Africa from an alternative standpoint lies outside most of the realms occupied by the many other subjects concerning the African continent and its people.

In spite of this inconvenience, once those documents that are available were found, the process of following the references back to the original sources meant access to eyewitness accounts. Luckily, some of the accounts are described in vivid detail and where relevant are quoted in this passage. This is particularly useful to emphasise how much the pro-colonial theories, which often assume the position of fact or accepted position are based on misinformation.

Theory and propaganda

The activity of debunking pro-colonial viewpoints on a variety of topics is not a new phenomenon. Even so, many of those responsible for these views of pre-colonial Africa are - perhaps expectedly - still very much revered Western societies and often have celebrated status. Therefore it is unsurprising that echoes of their beliefs are still promoted in these societies' mainstream arenas such as popular newspapers and - in the case of Britain - government publications.

Earlier proponents of this stance were dismissive of pre-colonial African achievement and humanity. These individuals include Hegel who in one of his most celebrated works stated:

The peculiarly African character is difficult to comprehend, for the very reason that in reference to it, we must give up the principle which naturally accompanies all our ideas - the category of Universality...The Negro exhibits the natural man in his completely wild and untamed state (Hegel, 1956:93).

Hegel is an example of a number of revered figures who engaged in the exclusion and devaluation of Africa. However, by highlighting the direct quotes of individuals with similar opinions the article would expand considerably and for this reason it is necessary to point readers towards work that directly highlights their view on Africa (Young, 2000; Said, 1993). Similar articles are laden with negative statements about references to Africa and its people from such celebrated figures as David Hume, John Stuart Mill, Winston Churchill, and Theodore Roosevelt, to name but a few. In the context of this essay perhaps one of the most relevant is that made by one of Britain's most famous historians Arnold Toynbee who stated:

When we classify mankind by colour, the only one of the primary races...which has not made a creative contribution to any of our twenty-one civilizations is the black race (From 'The Study of History, Vol. 1', as quoted in Jackson: 1972: 184).

The views espoused by Toynbee and his contemporaries reverberate in the writings of famous and fêted modern historians such as Andrew Roberts, Senior Honorary Scholar of Gonville & Caius College, Cambridge. Roberts can be regarded as slightly more moderate (at least in his language) than the likes of Toynbee, or Churchill who on the topic of Empire and those who were colonised he is eager to defend. Unlike Churchill who believed Europeans to be "a stronger race, a higher grade race" (Churchill to the Palestinian Royal Commission, 1937), Roberts' denial of African achievement is based on the need for colonialists to improve the systems in Africa as a recent newspaper article show: "But in the short time that Britain ran large parts of it [Africa], a system of laws and good government was imposed that meant that endemic inter-tribal massacres were banished" (Daily Mail, January 6, 2005).

Roberts does not offer any evidence as to why these laws and 'good government' needed to be imposed, but uses them to justify why: "Churchill and his contemporaries believed that the most developed countries, such as Britain, had an absolute moral duty to bring civilisation to those that were less developed" (ibid).

Whilst Roberts does state that those beliefs are outdated today, his view of pre-colonial Africa is based entirely on opinion, as is evidenced from another article concerning Africa:

Africa has never known better times than during British rule, whereas before-hand there was anarchy and all too often afterwards, tyranny...Might not a reintroduction of the English speaking world's cultural creed, such as technical expertise, impartial justice, financial rectitude and ethical business practices, be exactly what so many countries

- in particular those in Africa - need right now? (Daily Mail, January 8, 2005).

Yet again the supposed 'anarchy' of pre-colonial Africa is not evidenced. However the facts uncovered later in this article might be contrary to the author's needs, and his rather sinister message about the re-colonization of Africa. To put into context how popular this message is, or could be, the newspaper that printed both of Roberts' articles, the Daily Mail had - according the Audit Bureau of Circulation Figures - an average daily circulation of just under 2.5 million in 2004, making it the second most popular UK Daily National Newspaper (ABC, 2004).

The view of Africa being in need of law and order is not just the mainstay of neo-colonialist discourse. It is also the favored standpoint of the British Government themselves, who have commented in a recent publication:

For many indigenous peoples in Africa and elsewhere the British Empire often brought more regular, acceptable and impartial systems of law and order than many had experienced under their own rulers...The spread of the English language helped unite disparate tribal areas that gradually came to see themselves as nations (Home Office, 2004).

From Hume to Toynbee to the present day, the supposed lack of civilization or achievement or in more recent times, the assumed impartiality of law and order that needed to be replaced, is clearly premised entirely on beliefs and judgments. Searches for evidence for any of these statements from appropriate eyewitness accounts highlights that none exist and that the above statements are purely theoretical and at best rely on the retrospective views of individuals contributing to, or benefiting from Africa's colonialist oppression.

In contrast, the scholars that seek to show the opposite are able to provide references to first hand evidence that shows that there were civilizations, systems of governance and several achievements that mirrored Europe at the same time or were even more advanced – when compared to systems utilized in modern societies.

Nevertheless, those that have shed light on the Songhai and engaged in similar debunking of colonial propaganda have been subject to the same character assassinations as pre-colonial Africans. The most famous example in Britain is Stephen Howe's book 'Afrocentrism: Mythical Past and Imagined Homes', a critique on the 'movement' of 'Afrocentrism'. Howe dedicates an entire chapter to Diop, who in the opening chapter Howe describes as "the most important single figure in the development of what is now called Afrocentric thought" (Howe, 1998: 163).

Whilst Howe does not counter the evidence concerning criminal justice in Songhai, he does feel that the University at Timbuktu, was not "a 'university' in anything like a modern sense" (ibid: 151). Although, when reading Diop or any of the authors used in this article when writing about this issue it is clear that they do not claim this to be the case. Furthermore, when discussing legal issues in Songhai, Howe is at lengths to state that comparisons to the twentieth century are an anachronism. Firstly, none of the authors examined have done this, nor does this devalue their findings. On this note it would be appropriate to examine the Songhai in more detail.

Evidence

The Songhai civilisation is most relevant when addressing the theories purported above because as we will see below its geographical mass covers many of the modern countries that were subjected to European – and in many instances British – rule. Additionally, it provides some of the most comprehensive factual evidence on pre-colonial Africa that is available in the European languages. However, before the evidence is examined, for the purposes of the uninitiated, a brief history of the Songhai Empire is provided.

Emergence

The Songhai Empire took shape in the mid-fourteenth century when Ali Kolon claimed the Songhai throne and independence of the Malian Empire. Songhai remained independent until a later emperor Sonni Ali Ber captured most of the Malian Empire and further territories. Several generations after Sonni Ali Ber, the most prolific emperor, Askia Muhammad (b. Muhammad Toure, a.k.a. ‘Askia the Great’) came to power. Many scholars have documented Askia’s reign in great detail each based on evidence from authors writing at the time, or by quoting authors that have based their findings on the original evidence (see Diop, 1987; Walker, 1999:52-58; Walker and Millar, 2000;).

Maulana Karenga gives a great impression of the impact of Askia’s reign, citing Dubois who stated: “[D]uring his reign [he] conquered and consolidated an empire two-thousand miles long by one-thousand miles wide at its greatest extent - a territory as large as all Europe” (Dubois:1975, 47-8 in Karenga: 2002, 109).

To give a clearer picture the modern countries that were covered by the then Songhai Empire include: Senegal, Gambia, Guinea-Bissau, and almost all of modern-day Mali. Further to this it included large parts of Niger, Guinea and Mauritania and small parts of Sierra-Leone, Cote D’Ivoire, Benin, Burkina-Faso, and the northern part of modern Nigeria, known as ‘Hausaland’. Therefore in terms of land mass the Songhai Empire became the largest West African civilization ever witnessed and was famed for its many educational institutions. In their informative account of the Songhai Empire, Robin Walker and Sif Millar make us aware that: “The subjects taught at the higher level were mathematics, accountancy, grammar, Islamic law, logic, astronomy, geography, poetry and art” (Walker and Millar, 2000:49).

At this point it is important to revisit Howe to show how these authors have not tried to compare such institutions with modern universities. They have only provided evidence from original accounts, which as well as being important factual evidence about pre-colonial Africa, serves to undermine the statements in relation to there being a distinct lack of achievement or contribution to civilization, as Toynbee asserted.

Moreover, the issue of good government and impartial law and order - raised by Roberts and the Home Office respectively - can be addressed by examining the evidence concerning Songhai. The Songhai Empire included an organized government and administrative system consisting of a number of ministers. Ministerial positions included: *Tari-mundio* (inspector of agriculture);

Barei-koi (Chief of etiquette and protocol); and *Tara-farma* (cavalry chief). Several other ministerial positions existed both at central and local level. Interestingly there were ministers whose responsibilities were for minorities in the empire or the relevant province or locality, for example the *berbuchi-mondio*, for Berabic Arabs, and the *korei-farma* for white minorities (Diop, 1987:111-112).

Once again, this evidence can be traced back to the period concerned, and by the very nature of having ministers for minorities, the notion of the lack of impartial justice is dented. From these findings we can start to see a pattern emerge of how fitting the phrase 'Western thought' is. Until clear time-bound evidence that substantively counters the proof offered here emerges, theory is what it will remain to be.

Before investigating the Songhai in relation to criminal justice and the law, it may be useful to report how the Songhai Empire came to an end. In 1529 Askia Muhammad was overthrown by his son Musa and gradually the Songhai Empire fell in to decline. Several leaders followed and eventually it was largely destroyed after a Moroccan invasion in 1591. After the invasion the Songhai people became vulnerable to the affects of enslavement.

Justice and the Songhai

In addition to the local ministers highlighted above, there were also local head-judges or Cadi (Qadi). The justice system was twofold: that of the king and that of the Cadi. The Cadi was appointed by the king and dealt with common-law misdemeanors or disputes either between citizens and foreigners or amongst citizens themselves. The disputes were settled in the form of a tribunal, administered by the Cadi. The Cadi also had the power to grant a pardon or to offer refuge. Given that the Cadi was a Muslim head-judge, the common-law in this context would appear to be that of Qu'ran, that is, Sharia Law. Diop also states that due to large-scale commercial immigration another judge besides the Cadi was appointed. This judge was able to settle disputes between the immigrant merchants. (Diop, 1987:124). Evidence of these Cadi's, judges and their functions is provided by two writers of that time Kati and Sadi, these authors and their work are explored in more detail later in this passage (see Kati, 1913; Diop, 1987, Hunwick, 1999).

Royal justice concerned crimes such as treason. The king did not always judge the defendants but sometimes insisted on doing so, and in Diop's book there is reference to two kings doing so: Askia El Hadj and Askia Ishaq II (Diop, 1987:126). The town crier announced results of trials or tribunals that were of public interest. Punishment usually meant confiscation of merchandise, or imprisonment, as there were a number of prisons in the Songhai Empire. In fact:

There was a state prison for political offenders, which seems to have served a purpose similar to that of the Tower of London, and the courtyard of the prison of Kanato was no less famous in local annals than Tower Hill (Lady Lugard: 1906:199-200).

In addition to the more common forms of punishments, there were some rather *unusual* ones, such as being buried alive inside a sewn-up bull's hide (Diop, 1987:126). However, the latter

punishment concerned a local minister and may have been afforded to him because of his rank. There was no information pertaining to the extent of his crime. The use of the word ‘unusual’ is emphasized because in comparison to those used in Britain at the time it was no more anarchic or uncivilized, nor less acceptable than that carried out in Britain during the same period, as Farrington has highlighted:

The penalty for not attending church in the time of Henry VIII was the loss of one or both ears...His son and successor, Edward VI [made] the crime of brawling in a church or churchyard...punishable by mutilation...Poor standards of hygiene meant that the punishment of mutilation was tantamount to a death penalty for many (Farrington, 1996: 27).

As previously mentioned the Cadi worked at a local level and several were posted in key cities such as Djenne, or Timbuktu. This was also the case for the assara-mundios. These were police chiefs, and are documented in Diop (1987), and in Hunwick (1999) who are both modern writers who used the documentary evidence of a number of Arab scholars including Kati, and Sadi, African scholars whose work dates back to the 16th century. Diop states that the assara-mundio “was a kind of police commissioner” (1987:111). Hunwick only offers a brief synopsis in his glossary, claiming that the ‘ashar-mondyo’ could have been an assistant to the Cadi (Hunwick, 1999:336).

Kati (who was translated from Arabic in to French by Houdas and Delafosse in 1913) mentions this administrative position a number of times. The translated text mentions the following: “assara-moundio de la ville de Djenné” and “...chef de la police ou exécuteur des jugements...” in the related footnote (Kati, 1913:60); “Le Tombouctou-moundio” and “...commissaire de police de la ville de Tombouctou” in the related footnote (Kati, 1913:202); and “[L]e moundio et le tassara-moundio” and “inspecteur ou chef de la police de la ville” in the related footnote (Kati, 1913:239), which also contains cross-references to p.60 and p.202.

These phrases translate in to English as “assara-moundio of the town of Djenné”, “chief of the police and executor of judgements”, “police commissioner in the town of Timbuktu”, and “inspector and chief of the police of the town” respectively. There are further references to the assara-moundio, police commissioner and executor of judgements in both the text and the footnotes (Kati, 1913:223).

Despite these sources being interpreted from Arabic, it is interesting however anachronistic Howe believes it to be, to see how – like today - the systems of governments and policing are regionalized. That is not to say that these are anything like the systems in Britain today, however, again in addressing the statements of Toynbee, Churchill, Roberts and the Home Office there does not seem to be a lack of good governance or administration, nor did ‘better’ systems need to be imposed given that Britain had similar a system at that time. This post was known as “shire-reef” in 16th Century England as the reef (kings’ representative) was responsible for keeping the peace and collecting taxes in the shire (region).

A number of regions in England known as 'shires' still exist today (Yorkshire, Buckinghamshire, Cheshire), and records show that this post continued well into the 18th Century in England (See Open University: 'Sheriffs of Buckinghamshire', 2000). The most famous representation of this post would – however accurate – would be the 'Sheriff of Nottingham' in the famous Robin Hood stories. Furthermore, this post still remains in name at least in the United States of America. It is reported that the post originated when it was brought to America by the British (Fresno Sheriff's Department of History, 2005)

The educational institutions in Songhai also contained a number of jurists (scientists of law). Some of these jurists were renowned throughout the Empire and beyond (e.g. Professor Abu Bekr a.k.a. Mohammad Baghayoko). These professors were often courted to take up administrative positions in the empire. Professor Abu-Bekr was asked to become Cadi on several occasions. Dubois (in Walker and Millar) states how Abu-Bekr: "...multiplied obstacles to avoid being made Grand Kadi [Chief Justice]" (Dubois:1897, 285 in Walker & Millar: 2000, 48). This again shows that the arrangements in contemporary societies (in the UK or USA for example) are no different to, and have their origins in pre-colonial times, That is, the state approaching academic practitioners to take up administrative posts within the criminal justice system.

Justice and the law before Songhai

In addition to information on the Songhai Empire itself, there are references to justice in western Africa in several texts prior to the establishment of the Songhai Empire. These accounts come from Muslim scholars and merchants who traveled to West Africa between the 11th and 15th centuries.

In the 11th century when traveling in Ancient Ghana, Al-Bakri referred to the king's "court of justice" (Levtzion & Spaulding (eds.) 2003:15). Al-Idrisi, writing a century later, also in Ancient Ghana spoke of the "widely-known justice" of the ruler Takruri. He also refers to the people of his region who were "black in color, with crinkled hair" (Levtzion & Spaulding (eds.) 2003:29). Al-Idrisi also refers to another ruler in Ancient Ghana, about whom he describes the following:

One of his practices in keeping close to the people and upholding justice among them is that he has a corps of army commanders who come on horseback to his palace every morning...When all the commanders have assembled, the king mounts his horse and rides at their head through the lanes of the town and around it. Anyone who has suffered injustice or misfortune confronts him, and stays there until the wrong is remedied... His riding, twice every day, is a well-known practice and this is what is famous about his justice (Levtzion & Spaulding (eds.) 2003:32-33).

Ibn Khaldun wrote in the fourteenth century that "Mansa Musa [a king in Medieval Mali] was an upright man and a great king, and tales of his justice are still told" (Levtzion & Spaulding (eds.) 2003: 94). Also, in the fourteenth century Al-Qalqashandi mentioned judges, magistrates and jurists, with reference to the king of Borno, Borno being located in the same vicinity as it is now, in north east Nigeria, although in those times Nigeria did not exist as a state. Furthermore,

Ancient Ghana was not situated in the same area as modern Ghana. It was situated where modern Senegal and western Mali stand and was a geographical precursor of Songhai. It is believed to have began in around A.D. 300

This evidence of the existence of justice (despite the lack of detail) preceding that of Songhai and that regarding Songhai itself shows that criminal justice was already addressed by the inhabitants of Africa, prior to colonial influences. Not only that, but the justice was organized and organized by central government (i.e. the emperor) and administered at local level.

Eurocentric thought and Africentric evidence

Returning to Roberts' comments, the vast majority of the above facts are attributable to writers of period in question. They highlight a variety of ministerial posts, a regional structure of the government, ministers for minorities, judges, police commissioners and academics. Not only are these individuals verified they are shown to be of standard seen in England at that time making the comments about the need to impose systems of government or references to anarchy empty and unjustified.

Furthermore, they provided for minority groups in their country something which is a relatively modern concept in Europe. Whilst being mindful of Howe's disdain for comparing these achievements with modern societies, examining Songhai and Britain between the 14th and 16th centuries on a purely like for like basis would be interesting in the context of knowing how the two were similar or different.

What is unclear - perhaps as a result of the Eurocentric skewing of Africa's past and partial destruction of the knowledge from it - is that there is little information provided beyond that given about how these individuals carried out their ministerial or administrative tasks. The additional writings about Songhai's predecessors' pose further questions such as, who set these posts up and why? The evidence suggest that between 10th and 16th West Africa moved towards a system of criminal justice and governance unlike that portrayed by the colonizers, their successors, or modern commentators.

This information and much more may well be uncovered as more works from the period are translated.

Finally, the literature examined despite being rooted in primary evidence does not seem to even infer a lack of civilized behavior. It is these and other findings above that show that:

- In terms of administration and governance there are similarities with Western systems (especially Britain);
- In some cases the Songhai governments went beyond their European counterparts, providing ministers for minorities in their kingdom; and

- That any unrest or conquest was a mirror-image of European events of a similar time: the conquering of Mali does not seem odd when examined alongside similar European attempted invasions such as the Spanish Armada.

This final point seems to explain the views by all of the Eurocentric theorists: that what occurred in pre-colonial Africa despite the similarity of events or achievements, the pre-colonial Africans was, and is not viewed as equal. The evidence provided only serves to show that not only are these ideas – and that is all they are – are not premised on fact. This is especially troubling because these ideas are the nearest to the mainstream view in many societies all over the world. Consequently, this viewpoint prevents further work from being carried out, due to the scarcity of funding for this type of work, in comparison to other areas of historical criminology. Additionally, this makes a more accurate African Historical Criminology become less likely, and unless the imbalance is redressed this will be, as it has always been, the recurrent situation.

Methodological reflections for future research

It is disheartening that there seems to be a comparative lack of information about other areas of Africa, although more thorough searches need to be carried out. It could be that much of this work may not yet be translated, or may not be found outside Africa itself. This places extra constraints on scholars outside Africa without access to the continent, and moreover encourages a request to scholars within Africa to carry out such work.

Nevertheless, the process of finding the literature on view above within Britain has been exceptionally challenging. For instance, in England at least, much of material about Songhai is not to be found on the shelves of high street bookshops or local libraries and many are out of print and only exist in private libraries and the main national library, the British Library in London. Additionally, a number of the titles can be found in Independent (often Africentric) bookstores or through a number of online booksellers. The difficulty of finding and interpreting the work was increased by not being fluent in French or Arabic, however, more positively the availability of Africentric booksellers in London, and access to the British Library made the search for literature less demanding.

Conclusions

The evidence presented highlights the workings of a criminal justice system in pre-colonial West Africa. One main feature was a two-tier system of justice where common-law/Sharia law matters were dealt with by the Cadi and royal justice administered by the King which concerned crimes of treason. As previously mentioned the King's involvement in all cases was discretionary. The other notable characteristic was that of a regional police chief. Less information is documented about the work of the police chief, although Hunwick suggests that the police chief assisted the Cadi, which given their provincial responsibilities does not seem unlikely. (Hunwick, 1999)

The comparison of historical criminal justice in Songhai shows that there were a number of parallels with Britain's criminal justice system of the same period, for example the practice of

common-law. That is, the judicial interpretations of local customs – in this case by the Cadi concerning the interpretation of Sharia law – and the decisions made thereof. This has been the foundation of the laws – including criminal law - in many countries around the world, including England and Wales. The similarities in terms of the more common punishments meted out – imprisonment and confiscation of goods – and also the systems of policing are also apparent.

In terms of the eyewitness accounts that pre-date Songhai, they do not give any specific information about the minutiae of a criminal justice but merely serve to point out that like Songhai, the concept of justice was deemed as extremely important, not least ceremoniously and that as a result west African people created their own criminal justice system to address law and order issues. It has already been shown that the notion of colonialism as a ‘civilizing agent’, thus bringing law and order to Africa, was, and is laden with Eurocentric bias.

The strength of the evidence that has been presented is not exempt from criticism as it relies on secondary sources, most of which have been interpreted once, or even twice from their original script. However, this is not uncommon when examining historical information and is certainly not specific to text concerning pre-colonial Africa, as any English translation of the Bible, or text from Ancient Rome, or Greece, would confirm.

There are four additional points that add to the reliability of these sources:

- All of these accounts originally come from eyewitnesses accounts, i.e. primary evidence;
- The original eyewitness accounts come from visitors to the country that had no interest in exaggerating their accounts, because they either came from countries or empires that rivalled Songhai (such as Sadi, from Morocco) or that were enemies of them;
- With specific reference to criminal justice issues, the eyewitnesses had nothing to gain in over-egging, or misreporting their findings; and
- There is no evidence to the contrary from sources with the same level of reliability.

To reiterate, the Songhai Empire was only one corner of a vast continent. In creating a picture of pre-colonial criminal justice the surviving material is extremely helpful. Nonetheless, it is too suggestive to state that Songhai reflected other areas of the continent, nor is it possible without further evidence to compare and contrast the different regions of Africa at that time. Further research into geographical areas can be made in order to attempt to accomplish this feat, such as an analysis of the ‘Law of the Kings’ (Fetha Negast) from Ethiopia, or a more detailed scrutiny of Ancient Egyptian laws and ceremonies. It might be helpful to note that the Fetha Negast is a text used by Rastafarians as a spiritual guide.

In the terms of the needs and desires of modern scholars the material available does not describe the minutiae of the Songhai criminal justice system nor does it explain the result of its implementation in any great detail (for example, whether there was consistency of judgements

between regional Cadi's), nor does it venture to describe the junior ranks of the police for example. However, this is to be expected given the lack of mainstream interest, the destruction of many written texts during enslavement and colonial times, and that some of the potential evidence is yet to be translated.

Therefore the present situation seems to suit those in favour of colonialism. In order to redress this, it is hoped that the thousands of texts that have not been translated that lie in the archives of the Universities at Timbuktu, Agadiz (Agades, Niger), Chingetti (Mauritania), will soon be made available to modern scholars. However, it is only with the necessary interest and considerable financial backing that this can be achieved. When this becomes a reality the historical part of African criminology can be addressed more correctly than at present and further closure can be made regarding the previous mis-education and disinformation from the colonial perspective.

Finally, with reference to the notion of impartiality of British justice, history books are full of examples of how this was not the case (for women, Jews, Catholic, Gypsies, for instance). Additionally, contemporary academics have written at great length about the lack of objectivity of the criminal justice system in Britain and other western countries (see Mhlanga, 1997; MacPherson, 1999; Bowling & Phillips, 2002; Phillips & Bowling, 2002; Young, 2002; Agozino, 2003). This again serves to undermine the validity of 'impartial justice' and the convenience of being able to use this as a reason to colonize Africa now, just as it is, and was an inappropriate, inaccurate, subjective justification or explanation with reference to pre-colonial Africa.

Recommendations

- Scholars should examine other potential areas of interest concerning historical African criminology, for example the 'Law of the Kings' (Fetha Negast), or Ancient Egyptian laws and customs;
- The number of archived documents in the University at Timbuktu which may uncover more details should be translated from Arabic or local dialects, into modern African and non- African languages such as - for selfish reasons of this author - English. This is especially the case of vital documents such as the *Tarikh al Fettach* which is only currently translated into French;
- To assess the extent of how much Africa's past – and therefore present and future – has been tainted by Eurocentric misinformation. Modern scholars from those countries that were accomplices in the colonization of Africa – such as Portugal, France, Belgium and Germany – should assess this evidence against what is purported in their countries;
- The literature examined in this article should be (equally) available in local libraries and throughout mainstream bookshops;

- As previously stated, a more detailed comparative investigation of the similarities and differences between the criminal justice systems of Songhai and her European contemporaries, such as Britain between the 14th and 16th centuries should take place;
- Therefore, the financial support and investment from research councils, other grant-holding bodies, universities and governments, is very much needed;
- Finally, scholars and academics should engage in the dissemination of relevant information as widely as possible, to promote knowledge and further interest.

References

- Agozino, B. (2003). *Counter-Colonial Criminology: A Critique of Imperialist Reason*. London: Pluto Press.
- Audit Bureau of Circulation Figures (ABC). (2004). *Annual Report 2004*.
<http://www.abc.org.uk/pdf/annreport2004.pdf>
- Bowling, B. & Phillips, C. (2002). *Racism, Crime and Justice*. London: Longman.
- Churchill, W. (1937). 'Speech to the Palestinian Royal Commission'. January 2005. Wikipedia.
http://en.wikiquote.org/wiki/Sir_Winston_Churchill
- Diop, C. A. (1987) *Precolonial Black Africa*. New York: Lawrence Hill Books.
- Dubois, F. (1897). *Tombouctou la Mystérieuse*. ('Timbuktu the mysterious', translated from the French by D. White). London: Heinemann.
- DuBois, W.E.B. (1975). *Black Folk: Then and Now*. New York: Kraus-Thomson.
- Ebbe, O. N. I. (Ed.) (1996). *Comparative and International Criminal Justice Systems: Policing, Judiciary, and Corrections*. Boston: Butterworth-Heinemann.
- Ebbe, O. N. I. (Ed.) (2000). *Comparative and International Criminal Justice Systems: Policing, Judiciary, and Corrections (2nd Ed.)*. Boston: Butterworth-Heinemann.
- Emsley, C. (2002). 'The History of Crime and Crime Control', in Maguire, M., Morgan, R. & Reiner, R. (Eds.). *The Oxford Handbook of Criminology (3rd Ed.)*. 203-230. Oxford: Oxford University Press.
- Farrington, K. (1996). *History of Punishment and Torture*. London: Chancellor Press.
- Fresno Sheriff's Department. (2005). 'Fresno Sheriff's Department of History'.
<http://www.fresnosheriff.org/Sheriff/DepartmentHistory.htm>

- Gattrell, V. A. C., Lenman, B. & Parker, G (Eds.) (1980). *Crime and the Law: The Social History of Crime in Western Europe since 1500*. London: Europa.
- Godfrey, B. (1999) 'Law, Factory Discipline and 'Theft': The Impact of the Factory on Workplace Appropriation in Mid to Late Nineteenth-Century Yorkshire', *British Journal of Criminology*, 39/1: 56-71.
- Hegel, G. (1956). *The Philosophy of History*. New York: Dover.
- Home Office. (2004). *Life in the United Kingdom: A Journey to Citizenship*. London: Home Office.
- Howe, S. (1998). *Afrocentrism: Mythical Pasts and Imagined Homes*. London: Verso.
- Hunwick, J. O. (1999). *Timbuktu and the Songhai Empire: Al-Sadi's Tarikh al-sudan down to 1613 and other contemporary documents*. Netherlands: Brill.
- Jackson, J.G. (1972). *Man, God, and Civilisation*. U.S.: Citadel Press.
- Karenga, M. (2002). *Introduction to Black Studies (3rd Ed.)*. Los Angeles: University of Sankore Press.
- Kati, M. (1913 republished 1981). *Tarikh el-Fettach*. ('History for the truth seeker', translated in to French by O. Houdas & M. Delafosse). Paris: A. Maisonneuve.
- Lady Lugard. (1906). *A Tropical Dependency*. U.K: James Nisbet & Co.
- Levtzion, N. & Spaulding, J. (eds.) (2003). *Medieval West Africa: Views from Arab Scholars and Merchants*. Princeton: Markus Wiener Publishers.
- MacPherson, W. (1999). *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William of Cluny*. London: The Stationery Office.
- Mhlanga, B. (1997). *The Colour of English Justice: A Multivariate Analysis*. Aldershot: Avebury.
- Oliver, R. (1991). *The African Experience*. London: Pimlico.
- Onwudiwe, I. (2000). 'Decentralization of the Nigerian Police Force'. *The International Journal of African Studies*. 2/1: 95-114.
- Open University. (2005). 'Sheriffs of Buckinghamshire' January 2005. Open University. <http://met.open.ac.uk/genuki/big/eng/BKM/sheriffs/>

- Phillips, C. & Bowling, B. (2002). 'Racism, Ethnicity, Crime and Criminal Justice', in Maguire, M., Morgan, R. & Reiner, R. (Eds.). *The Oxford Handbook of Criminology (3rd Ed.)*. 579-619. Oxford: Oxford University Press.
- Roberts, A. (2005). 'Some Racist!'. *Daily Mail*, January 6, 2005.
- Roberts, A. (2005). 'Recolonise Africa'. *Daily Mail*, January 8, 2005.
- Said, E. (1993). *Culture and Imperialism*. London: Chatto and Windus.
- The Times Concise Atlas of the World. (2000). London: Times Books.
- Toynbee, A. J. (1939). *A Study of History*. Oxford: Oxford University Press.
- Walker, R. (1999). *Classical Splendour: Roots of Black History*. London: Bogle L'Ouverture.
- Walker, R. & Millar, S. (2000). *Sword, Seal & Koran: The Glorious West African Empire of Songhai (250 BC - 1660 AD)*. Birmingham: Concept Learning.
- Young, J. (2002). 'Crime and Social Exclusion' in Maguire, M., Morgan, R. & Reiner, R. (Eds.). *The Oxford Handbook of Criminology (3rd Ed.)*. 457-490. Oxford: Oxford University Press.
- Young, L. (2000). 'Imperial Culture', in Back, L & Solomos, J. (Eds.). *Theories of Race and Racism*. 267-286. London: Routledge.