THE SEKYI
CHALLENGE TO IMPERIALISM

AN ANTHOLOGY OF THE PROSE, VERSE AND DRAMA

OF

KOBINA SEKYI

SELECTED AND EDITED

BY

J.AYO LANGLEY *AND* H.VAN HIEN SEKYI

"The events which led to the rise of Washington will undoubtedly lead to the rise in Africa of another champion of liberty and freedom in the sense according most with the highest conception of 'salus reipublicae', the public weal. But it must be borne in mind that the bloody revolutions of the old days are now obsolete; these are the days of bloodless revolutions, and the leaders of such revolutions are thinkers, realising the Platonic dream of the tine when kings will be philosophers, and philosophers kings. The kingdom of the philosopher is not a kingdom built on arms: it will be a kingdom of righteous thoughts, logical all the way, not afraid to draw inevitable conclusions even as to the demerit of the best loved, where such demerit exists"

KOBINA SEKYI: THOUGHTS FOR THE REFLECTIVE

THE PEN PICTURES OF MODERN AFRICANS AND AFRICAN CELEBRITIES

W.E.G.SEKYI, Esquire, M.A. (London); B.L.

(Popularly known as Kobina Sekyi)

Born at Cape Coast

The Herculean young Patriot

Friend Kobina Sekyi
Your pursuit of the arts has rewarded you with enviable weapons
For ‘knowledge is power’
And the pen is mightier than the sword.

Though you are young
You have followed in the footsteps of the patriots
With a heart bleeding for your country

You have championed your country's cause

Impartial and fearless
In the law you have been the idol of the public.
Where the battle is hottest and the braves are trembling
Sekyi would be called

There are hereditary traits which cannot be suppressed;
Lest we should forget, you are a descendant of a royal house.
A man cannot be a royal and a slave,
To cower under the mandate of another king.

The Caesar of the bar!
We congratulate you on your success
We hope, in emulation of your uncle Van Hien
You will, some day, give us the crowning from the legislature

The world is before you
With your adaptable disposition all will be yours in old age.
Courage is the chief adornment of manhood
This attribute being yours you have the sesame of life

West Africa recognizes your efforts in the Congress---
The Society which has conduced to reforms in politics
If judgment is tempered with high consideration
Congress will always bear good fruit.

Your parents share in the country's salutations,
For having bred you with a heart of gold;
Your charitable deeds to your countrymen in distress
Are some of the expressions of your laudable qualities.

For this virtue God will be with your young life.
Cape Coast needs more of you to leaven the historic town.
The Sarbahs and the Brews, in aura, present you with palm leaves,
And pledge you their support in all your national efforts.

Moreover, the country tenders you her Bouquets,
And prays that you may continuse your noble vigilance.
In her Gallery of Celebrities
Your portrait is one of her treasures.

VERSES (APPELLATIONS)
By
W.F.HUTCHISON (LONDON,1925)

EDITORS' FOREWORD

In these selections we attempt a portrait of a man by presenting a portrait of his thought. This is a case where we have little doubt that the thought does portray the man, of whom it is nearly all so uniquely typical. Apart from the autobiographical passages, often thinly disguised, which are found here and there in the text itself, its author actually *lived* much of his own writing in and by his life and work – whether as a lawyer or as a nationalist. Adequate portraits of such men and their times do fill, and are much needed to fill, the yawning chasms and voids in our fragmentary and often skewed historical 'knowledge'.

And who was this man anyway? Well, William Esuman-Gwira Sekyi, currently better known by his weekday name and nom de plume Kobina Sekyi, was one of the more striking and fascinating personalities produced by the first half of the twentieth century in West Africa. This is the period of our modem history most imperfectly known, because least often studied in any depth even today. Yet one authentic view is that the relatively early emergence of Ghana in Africa was due, at least in part, to the exceptionally long standing, high standard and early political activity of its educated elite; and this can only refer to the elite of the century from 1850 to1950. One former Cambridge scholar, Robert Stone, maintains that of this "old elite" one of the most brilliant political thinkers, not only in Ghana but in all West Africa, was Kobina Sekyi; although 'his work and importance, like his genius, had been seriously underestimated by the historians'. This looks all the more curious when one considers two assertions commonly made about him by his own countrymen, at least until he publicly rejected the newly introduced party system: first, that he was far in advance of his times; second, that without mention of his name the history of the Gold Coast would be incomplete.

It may be interesting to speculate momentarily on the reasons for the ‘underestimate’. Professor Langley has pointed out the strange fact that although Sekyi was one of the most prolific writers and political thinkers of his time, and was involved in almost every political development in the Gold Coast for almost forty years, he has rarely been mentioned in the modern history books on Ghana. On his name Ward, for instance, (still our most recent general historian of colonial and pre-colonial Ghana,) is totally silent even where obviously referring to the type of African of which even in Ward’s own day Sekyi was already one of the most conspicuous and outspoken examples; and to the special viewpoint and work of this group the same probably studied neglect applies. For this is the same Ward who criticizes his great predecessor, the historian Claridge, for displaying almost identical tendencies with respect to those educated Africans who were *his* contemporaries. Others have followed suit, and treated the man, his work and convictions with the same curious alternation or combination of studied neglect and almost wilful distortion. It is a well attested fact that during the thirties and forties in the colonially favoured state of Akim Abuakwa any public mention of the Sekyi name was an offence punishable with a fine by the traditional ruler of that day. There is equally authentic evidence that it was often official policy to encourage attempts of this kind to spin or obliterate the historical record. Among colonial officials any open mention of the Sekyi name was a sort of taboo, its suppression de rigueur except in confidential documents for the exclusive ear of the imperial government.

Whatever may have been its original causes or motivations there is absolutely no excuse now for any continuation of that often wilful or pretended ignorance. Of the collections of private papers now deposited in Ghana’s national archives by far the largest single example, and probably still the only one of any significant size, is that labelled the Sekyi Papers, a collection of over 400 items which has been there since the year 1962, forty years ago. (There is a fairly accurate annotated catalogue published in the by Dr. K.

Baku of the History Department, University of Ghana). The selection of these items made for the first ever exhibition of that type to be held by the Ghana National Archives (the Sekyi Papers Exhibition, December 1993) came to most of the visitors as a complete revelation, if one may judge by their recorded comments. This is the measure of the virtual oblivion which enveloped in the second half-century an undoubted celebrity of the preceding half.

To publish the entire Sekyi output would be a task far beyond the scope of our present effort, of which the aim is fairly modest: merely to present to the world, by means for the first time of selections from his writing in prose and verse, as well as drama, some adequate idea of the man; of his personality, his often prophetic convictions, his ruling mission, his catalytic role in the relay for that independence in democracy which he so fervently wished to be soundly, solidly and securely founded. We sincerely hope that after reading these pages the reader will more fully appreciate the inscription which sums it all up below his recently erected bust in Cape Coast, capital of Ghana's Central Region, the place of his birth and the base whence he launched his many campaigns to improve his countrymen's condition.

KOBINA SEKYI

LAWYER, PHILOSOPHER, STATESMAN, PUBLICIST, POET PLAYWRIGHT, NINTH PRESIDENT OF THE GOLD COAST ABORIGINES' RIGHTS PROTECTION SOCIETY (A.R.P.S), HE CO-FINANCED DELEGATIONS TO DEFEND HIS COUNTRYMEN'S RIGHTS ABROAD, NOTABLY THE A.R.P.S. DELEGATION IN BRITAIN FROM 1934 TO 1936 CONCERNING THE PROPER AND LEGAL LIMITS OF BRITAIN'S AUTHORITY ON THE GOLD COAST. AT HOME HE CHAMPIONED THOSE RIGHTS,

IN PERSON BUT OFTEN WITHOUT A FEE, IN THE COURTS AND COMMISSIONS OF INQUIRY. HE UNCEASINGLY FOUGHT COLONIALISM AND ITS METHODS OF 'INDIRECT RULE'; HE CONSTANTLY UPHELD THE WORTH OF THE AFRICAN AND HIS HERITAGE; AND HE ALWAYS URGED THAT FOR OUR SOUND SOCIAL AND POLITICAL PROGRESS WE SHOULD RELY MOST ON OUR OWN NATIVE INSTITUTIONS, DEVELOPING THEM WITH A 'LIBERAL REGARD FOR THE MARCH AND ADVANCE OF CIVILIZATION'.

J. AYO LANGLEY and H. VAN HIEN SEKYI

THE RELATION BETWEEN THE STATE AND THE INDIVIDUAL CONSIDERED IN THE LIGHT OF ITS BEARING ON THE CONCEPTION OF DUTY.

Being a dissertation for the degree of Master of Arts in Philosophy, University of London:

by

W.E.G.SEKYI, 1918

This paper is divided into three parts. The first two parts treat generally of the development of the relation between the State and the individual, and the bearing of this development upon the conception of duty. In the third part conclusions as to the ethical value of the development of the state are drawn from the results of the two preceding parts, and an attempt is made to determine the true line and character of human progress.

PART I

The relation between the state and the individual is based on the relation between the parent and the offspring. The parent as such is bound to look after the offspring, while the latter are immature: he or she has to provide food, shelter and instruction for the offspring, and to see that such offspring have every opportunity for developing into efficient adults. On the other hand the offspring as such are bound to obey the directions of their parents, and to serve them as long as they are capable of service. Similarly the state has to protect the individuals comprised within it; but such protection depends upon the position of the sovereign as representing the state. Now, just as the provision of food, shelter and instruction for the offspring by the parent depends upon the capacity of the parent to cope with the conditions that constitute his environment, so the protection that the sovereign of the state has to provide for his subjects depends upon the capacity of the sovereign to cope with the conditions that constitute the environment of the state. It is of course not for the sovereign literally to provide food or shelter for his subjects, because such subjects are adults and capable themselves of procuring food and securing what shelter they require; but it is for the sovereign so to regulate the affairs of his subjects that they can easily provide themselves with food and shelter in the territory which they occupy. Similarly it is not for the sovereign literally to provide instruction for his subjects, though his position requires him to rule in such a way that instruction, whenever needed,

can be secured without difficulty. On the other hand, the subjects have to obey the directions of their sovereign, showing their loyalty by such obedience and by supporting such sovereign whenever through him the integrity of the state is threatened.

The basis of the parent's duty to his or her offspring is the parental instinct. Similarly it may be said that the basis of the offspring's duty to the parent is the instinct of the young of most animal species to attach themselves to any adult that does not repel them, such attachment being in no other than the infantile manner, that is involving the imitation by such young of the movements of the adult, and involving submission to the guidance of such adult.

When, however, we come to ask what the basis is of the state's duty to the individual and of the individual's duty to the state, we find we have to take into consideration another characteristic of the relation between the parent and the offspring in order to arrive at a satisfactory answer. The relation of the parent to the offspring depends upon the immaturity of the offspring. From the very nature of things the parent as such is not immature. Where, therefore, the conditions of life are simple, the parent will have little difficulty in carrying out his or her duty to the offspring. Similarly, where the conditions of life are simple, the immaturity of the offspring does not extend beyond the physical immaturity of such offspring. Where, however, the conditions of life are not simple, the parent will in some cases find it difficult to do his or her duty to the offspring. In such a case he or she will depend upon the assistance of fellow-members of the group to which he or she belongs, and the first of such fellow-members to give such assistance will be the parents of such parent.

The question then arises: what is there in the relation between the state and the individual to correspond to that immaturity of the offspring which is the basis of the parent's duty to the offspring, and to that maturity of the parent which is the basis of the

offspring's duty to the parent?

Now, the first social group is the family group. In the family the relation of the mother to the child is the most unmistakable, and the parental instinct is said to be stronger in the mother than in the father. Between the father and the child, however, even where the relation between them may be said to be unrecognized, there subsists the relation between the adult and the non-adult, the relation, namely, between the more experienced and the less experienced, a relation which in this case would, until the child begins to speak, take the form of the relation between the example and the mimic. Even supposing that the father would not have the opportunity, because of rules such as those of exogamy, to stand in the relation of adult to his child, the adult brothers of the mother would have every opportunity of standing in such a relation. Within the family itself, then, we note the difference between the immediate relationship between the mother and the child and the mediate relationship the father or uncle and the child, the authority of the mother over the child being based on the parental instinct and the child's attachment to its mother, whilst the authority of the father or uncle over the child is based on the adult instinct to correct the child and the child's instinct of submission, that is, upon the child's immaturity and the adult's maturity.

But now, in the case of the parent living in conditions of life that are not simple, the immaturity of the parent who needs the advice or assistance of his or her parents extends beyond his or her physical immaturity, so that in a family the oldest and most experienced, being the most mature, is naturally above all the others who by reason of their lesser experience are dependent on his assistance and advice. Similarly when the conditions of life become more complex, for example by the local proximity of a number of families or the increase within itself of one prolific group, the immaturity of the least experienced of the oldest members of the different families will extend beyond the limits of the family into the wider social group, so that the most experienced member of all the

families thus grouped will be above all the other members of the groups. Here the authority of the most mature member of the group will be based upon such a social maturity, which will impose on him or her the duty of aiding with advice or in any other effective way all who need such advice or other assistance; and the duty of such as seek or need the aid of such most mature member will be based upon their comparative immaturity and on the modification of the instinct of submission which such comparative immaturity entails.

In the state the group has ceased to be a mere natural group constituted, for example, by the local proximity of a number of families, and has become a deliberately organized group under the rule of a person elected by the most mature members of the group to be sovereign. The nature of the state in each case depends upon the reason for the change from the natural or social rule of the oldest or most mature member to the political rule of the selected ruler, who thus becomes artificially the most mature member, and together with the naturally most mature members, who become his council, has the right to direct the conduct of the members of the community. The reason for the change must be something which renders the natural maturity of the most mature member inadequate to the task of leading the group in some undertaking required by some alteration in the environment; for otherwise there would be no need for election. But whatever the reason for the change, the sovereign owes to the community the duty of using for the good of the community the qualities which entitled him to be elected. His maturity consists in his fitness for the position of sovereign, his fitness, namely, to direct the conduct of his less talented fellow members in their reaction to some new stimulus in the environment. He has thus the national right to give orders to those below him in the state. Those below him owe him the duty of obeying such orders, since they have elected him and have confidence in him; and the immaturity which makes it their duty to obey the man they have elected is their incapacity to direct their own conduct for the purpose for which the state was created.

The elected head of the new political group is artificially the most mature member of that group. The group itself has ceased to be a natural group, since it does not hold together by reason of the gregarious instinct, but is held together by the allegiance that binds the members of the group to the sovereign, which allegiance is a political bond. Just as in the pre-political group the growing complexity of life extended the immaturity of the individual beyond the limits of his physical immaturity, just as the social immaturity become other than the physical immaturity, here now a new set of conditions has arisen which extends the immaturity of the individual beyond the social immaturity. Political immaturity differs from both social and physical immaturity in that it is not to be estimated in relation to such a fact as the growing complexity of life, which, being more or less experienced the every member of the group, imperceptibly modifies or rather amplifies the custom or usage of such group, but is to be estimated in relation to the object of the state, which, being fully known only to the sovereign and his council, can be pursued only by the open alteration of the custom or usage of the group by means of laws or commands issued by such sovereign and council. In addition, that is, to the physical and social conditions that determine the reactions of the members of the group, there are now the political conditions, which, in comparison with the social and physical conditions, are artificial.

But just as the physical and social conditions required different modes of reaction from young and old, from the less experienced and from the more experienced, so the political conditions require different modes of reaction from the ruler and his council and from the other members of the state. Those particular reactions for example required by the relation of parent to offspring, on the part of the parents, and which constitute parental duty, are more onerous than the corresponding reactions on the part of the offspring which constitute filial duty.

Similarly the social duties of the older and more mature members of the community are heavier than those of the younger and less mature. The state, though an artificial group, is based upon the pre-political community. Accordingly the rule which underlies the reactions of the ruler and his council is “Noblesse oblige”, which is really the expression in political terms of a social law. The fact that a sovereign is elected out of the members of a non-political group whose only law is the moral law precludes the possibility of tyranny in the early stages, at least, of the existence of the state. So long as the political conditions are new, and the memory of the pre-political life is fresh either as actual memory or in the form of tradition, the sovereign and his council, themselves retaining this memory, act only according to established usage, except where such usage directly interferes with the development of the state.

So long as the sovereign and his council are one in mind, as acknowledging the same customs and having the same view of life, with the rest of the community, their laws are such that they are implicitly obeyed. The natural and free obedience accorded by the less mature to the more mature member is the basis of the political obedience accorded to the sovereign. There is no question of sanction: it is felt to be right to obey; or rather the idea of disobedience does not occur to anyone, simply because no extraordinary demand is made upon any of the members of the state by whom the laws are intended to be obeyed. Disobedience can only be as it is in the case of the child. The child has to be taught to obey: his natural sense of freedom, his inexperienced will, has to be modified in order that he may grow up to be a worthy member of the community. If he disobeys the order of a parent or of any other adult, it is because his childish nature rebels against constraint of any sort. It is only gradually that he learns to submit to the direction or control of his elders. But there is little in the position of the member of the state newly formed out of the pre-political group which corresponds to the nature of the child: the object of the state is regarded as being safe in the hands of the sovereign and his council – had there not been some such confidence in the fitness of the person elected as

sovereign, the most mature members would not have chosen him. If, however, the state had been a state created by force of arms, then those who were compelled to become subject would be politically what the child is physically; and in such a state the problem of the subject disobedient to law would be a difficult one, for a time at least.

But the laws of the state as promulgated by the sovereign and his council are as binding on themselves as they are binding on the other members of the state who are outside the council. This is a result of the simplicity of the structure of the state when it is first created. The respect for the more mature members by the less mature members, which is based on instinct, has become slightly modified and is now respect for the artificially most mature, namely, the sovereign; but it is still of very much the same nature as that of which it is a modification. Consequently that respect is not so thoroughly artificial as to support the transition from the rule “noblesse oblige” to the rule “the king can do no wrong”. The member of the newly-formed state has grown up to regard certain modes of reaction as natural: any marked deviation on the part of the sovereign or his councilors from such established modes of reaction calls for comment – the sovereign is not separated by any hardly surmountable barriers of ceremony from the subject in the early state.

(iii)

So far it is clear that the reactions constituting duty can have only one character in the state when newly formed out of the pre-political group, and that this character is only a slight modification of the character of the reactions constituting duty in the pre-political group. In the latter group duty had been determined by the physical structure of the individual and the social structure of the group. Now, the group had no object. Or rather the object of the group was independent of the will or schemes of the individuals composing such group: duty was simply such conduct as conduced to the continuance

and development of the common life, which common life many of the individuals never directly thought about. There was practically no room for such a conflict in the pre-political life: each adult member felt there was something which his or her position required him or her to do, and this he or she did according to the usages current in the group.

The character of the reactions constituting duty becomes modified in the state owing to the fact that the life of the group is now ordered to a certain end, and the adult member of the state now conceives it to be a duty to obey the directions of the ruler and his councilors as to how the end is to be attained. The range of action is now extended, and there is room for a conflict of the reactions constituting duty, which conflict is immediately detrimental not to the individual and thereby to the group, but to the state. When the two possibly conflicting sets of reactions are regarded in abstraction, it is even possible to conceive a conflict of duties: of the social duty with the political duty. But such a conflict is only potential as yet. As stated above, the sovereign and council of the newly-formed state would seek directly to alter established usage only where such usage is opposed to the development of the state; it is difficult to regard any of the usages of the pre-political group as likely to be thus opposed to the development of the state as it is when it is first created. The conflict of the reactions constituting duty in the state becomes actual only when such changes occur in the government of the state as involve the separation and opposition of the interests of the ruler and his council, on the one hand, and of the remaining members of the state on the other.

(iv)

Reverence for the sovereign, being based on the old reverence for elders or for the more mature, is reverence or respect for merit. Where the community is simply constituted and primitive in its ways the only merit recognizable as such is the merit of being more

experienced or fitter for any purpose than the person recognizing and respecting such merit. It may be said that the idea of merit is the social expression, much expanded, of the physical fact of superior age. As the constitution of the group becomes more complex newer forms of merit appear. The sovereign as artificially the most mature, comes to be respected more in that character than in the old scale of things. The reason for his ascendancy can be known at first hand only by his contemporaries. If he rules well, as he cannot but do whilst the state is young, he will rule long. In time he will be a ruler the exact reason for whose rulership is known to few of his subjects. Something, though not much, of the mysterious begins to attach to him as sovereign.

(It may be observed here, in passing, that the dread of the mysterious is the cause of the most implicit form of obedience that is possible in the pre-political group, since it is the basis of the religious reactions of the group. In the political group or the state it tends to clothe the sovereign with a mythical or superstitious character.)

Since tradition is strong, and each new generation is taught to observe a certain degree of deference to all their elders, and particularly to the sovereign, before any of the members of such new generation has attained years of discretion, the mysteriousness of the royalty of the sovereign is the deeper for such new generation. It is even possible for the foundations of a nobility to be laid during the lifetime of the first sovereign, although such foundations, in the state freshly built upon the pre-political group, cannot but be slight. These slight foundations of a Nobility are also the foundations of the ceremonial which is incidental to royalty and nobility, and which becomes more and more arbitrary as it recedes in character from the natural courtesy of which it is a refinement. If in the course of a single reign such pregnant changes may occur in the ideas of the group, much more likely are they to occur in the course of the reigns of a long succession of rulers. In each reign the complexity of the political group increases, and the mystery

attaching to the royalty of the sovereign spreads to everything about him. By a confusion of ideas reverence for the merit of the sovereign becomes reverence for the person of the sovereign and for everything that belongs to the sovereign. The result is that whereas originally it was the merit of the sovereign that was a title to respect, now nearness to the sovereign itself is a title to respect.

While the respect for the sovereign is passing through these evolutions, the object of the state is being forgotten. Royalty with most of its incidents has become an established institution, although, until reverence for the sovereign's merit is entirely superseded by reverence for everything appertaining to the sovereign, succession to the position of the sovereign is by election on the ground of merit estimated according to the ideas of the early days of the state. So long as the sovereign is thus elected, conduct in the state is regulated as much as possible upon the basis of the old usages which have now become customs: if there is any difference between duty to the state and duty to society as represented by the old pre-political group, such a difference is not marked as yet. There is as yet no sharp conflict between the reactions constituting duty in the state. There begins to be a marked difference or a sharp conflict only when the sovereign is elected not on the ground of merit but because of some relation in which he stood to the deceased sovereign; for at this stage the object of the state is forgotten, or has become of secondary importance what is now of primary importance being the maintenance of the sovereign.

The object of the state having been forgotten, a person elected by reason of some relation to the deceased sovereign is able to make as many changes in the usages of the people as he thinks fit. Innovations are deemed desirable not in relation to the object of the state, by considering whether they will further or impede such object: they are deemed desirable because the sovereign desires them. The reverence which has made his election possible is sufficient to ensure obedience of any orders or laws the sovereign

may lay down. The state now enters upon a stage in its development at which it is quite distinguishable from the pre-political group. The pre-political group was ruled by morality and custom. Duty was in every case reducible in the last resort to instinct. Under the newly-formed state the reactions constituting duty acquired an enlarged sphere, but did not include reactions differing from the previously recognized reactions to such an extent as to conflict with the latter. Now the state is ruled by the will of the sovereign: The state is ruled by law which, henceforth, instead of supplementing custom and morality, openly opposes them. The maxim applicable to the relation of the sovereign, as the sole representative of the state, to the other members of the state is now not so much “noblesse oblige” as “the king can do no wrong”. The reactions constituting duty therefore are directly opposed to the previously recognized reactions. Moreover, since the reactions determined by the orders or laws of the sovereign are sanctioned by penalties attached to the breach of them, whilst obviously the sanctions of moral and customary observances are weakening, obedience to law begins to be more commendable from the point of view of political prudence than obedience to mere morality or custom unsupported by law. Disobedience of law begins to be rarer than disobedience of morality. In time even honesty and kindred virtues become matters of policy.

Thus the state, from being society regulated to a certain end, that is to say, from being concerned with nothing other than the welfare of the individuals composing it, in the course of development, under the influence of forces generated within it, becomes an instrument with which the sovereign works out his will, or if he is a dreamer, realizes his dream. The sovereign, instead of being the highest officer of the state, the guardian of the interests of the individuals composing the state, has approximated more and more to, and at length reached, the position of master or possessor of the state. The reverence which made it possible for him to be elected because of some relation in which he stands to the deceased sovereign is as efficient in this respect as the force of arms by which

ambitious generals establish states under their rule. The individuals composing the state, therefore, have become servants to his will, and their humanity must subserve the functions of their position as subjects of one who owns them as slaves, in a sense. Duty now comes to be graded. Duty to the sovereign, that is, duty to the state, has precedence over the duty that springs from the humanity of the person owing such duty. The reactions which constitute duty are now in the main determined by law and the fear of punishment for the breach of law. If the humanity of the subject is recognized at all, it is only to the extent to which such recognition will further the desires or designs of the sovereign. A conflict of the reactions that constitute duty is now inevitable.

From this time onwards the state represents the interests now of one and now of another part of the community. The sovereign rules the nobles by whom he is surrounded, and, through the nobles, the common people. The reverence which has made his election possible operates to maintain him and his successors till some of the latter cease to consider the humanity of their nobles. The nobles, when they can no longer tolerate the sovereign's tyranny either overthrow the rule of the unfortunate sovereign or impose checks on the power of him and his successors. The sovereignty now remains in form in the sovereign, but in substance it is in the hands of the nobles. When the nobles in their turn tyrannise over the common people to a point beyond toleration, the latter rebel against such tyranny and either destroy the nobility or else place restrictions upon their power. The people thus become rulers in substance, whilst the sovereign and his nobles have only formal sovereignty and ceremonial precedence, being mere relics of past power and splendour. But tyranny is not made impossible because the people rule themselves. Tyranny is a potentiality inherent in the *possession* of the state by the ruling body, in whose name soever that ruling body may profess to rule; and when tyranny appears in the rule of the people by the people, the last mark of resemblance to society falls from the state. Such tyranny is the worst form of oppression, because the people, in states in which they come to rule through revolutions, are so debased that even their best

representatives sooner or later prove themselves to be unmistakeably of the people. *(Editor's note: The author is here probably thinking of the Terror during the French Revolution and, even more, of the purges and pogroms of the Bolsheviks, the earliest of which occurred while this thesis was being developed and written – 1917-1918.)*

PART II

(i)

The problem of punishment does not become serious until the state becomes the property of the sovereign. It is only then that disobedience of the law becomes so to speak a personal matter by threatening the success of the sovereign's schemes, and therefore calls for immediate suppression by the sovereign and his immediate supporters. It is at this stage that punishment becomes retributive.

Before the state becomes the property of the sovereign, punishment is merely educative, being deterrent only in so far as the normal member of the group, when he knows that certain modes of reaction will bring him pain or make him uncomfortable in some other way, refrains from repeating or imitating them. This educative function of punishment is clearly seen in the case where the meddlesome child plays with fire or seeks to get into the habit of pulling the cat's tail with all its might. In such a case the direct consequence of the false reaction of the child is to recede from the fire or run away from the cat. This moving away from the cause of pain is the basis of the deterrent character of punishment as an educative force in the group. The modes of reaction which have become established in the group can be acquired by the child or the stranger in two ways: positively, by imitating that which is approved, and negatively, by refraining from

repeating that which is disapproved. It will be difficult, I think, to maintain that the disapprobation thus expressed by the group has any other than an educative result, for example, that it is either reformatory or retributive. Where the religious and the moral ideas are closely connected or practically fused into one, the disapprobation takes a very pronounced form in some cases, being expressed by stoning the offender, for example. But in such a case it is not retribution that is aimed at, but the propitiation of some spirit or god believed to be annoyed by the misconduct of the culprit. Punishment in such a case is not educative directly, but is a precaution. But because it is educative, it is not reformatory, for reformation implies the undoing of something already done, and in that sense is on the same level with retribution, which seeks by vengeance to neutralise the memory of a wrong already done. Punishment in society and in the early state comes into play only in the dealings of the adults or persons mature naturally or artificially with the children of persons immature naturally or artificially. The characters of such persons, not being fully formed, cannot be reformed.

So long as the artificiality of the state consists merely in the artificial maturity of its elected head, and so long as in the conduct of everyday affairs the model of life in the pre-political group is closely followed, the sanctions of the laws promulgated by or under the head of the state are moral sanctions. The approbation or disapprobation expressed by the community at certain actions continues to be educative. In society and in the state in its early days, since punishment is educative, the man who deliberately and persistently contravenes the usages of the group has to be dealt with otherwise than by punishing him. It is in the dealings of the community with such a person that retribution comes into play. The public peace in the early state belongs not to the head of the state but to the whole people; therefore breaches of the peace are dealt with by those injured by such a breach, whilst the rest of the community help only by approving the conduct of those injured. The man who forcibly deprives me of what is generally recognized to be mine gives me the right to recover possession of my property by force or in any other way that

commends itself to my reason: similarly the man who deprives my kinsman of his life gives to me and my surviving kinsmen the right to avenge the murder on the murderer, or failing him, on the kinsmen of the murderer. This is clearly not punishment when regarded from the point of view of the stage of social development at which it prevails: it is simply justice. Even in these days when this kind of justice is administered by the state in the form of punishment it will be difficult to convince a man who abates a nuisance or resumes possession of his converted goods that he is punishing the author of the nuisance or the converter of is goods. But at the stage at which this mode of reaction is justice pure and simple, punishment exists, as we have now seen, as an educative force in society.

As punishment becomes less educative it becomes retributive. Retribution in certain forms can clearly be a very strong deterrent. Hence when punishment is retributive it is also deterrent. This change occurs when the artificial maturity that qualifies the head of the state for election is further artificialised in the way we have seen, with the result that the head of the state is elected not on the ground of merit but on the ground of some relation in which he stands to the deceased sovereign. The artificiality of the state at this stage is so far removed from the naturalness of society that the members of the state, being human beings and more amenable to physical influences than to artificial forces, cannot adapt themselves to the new changes without some external aid or goad; it is easier for the member of the pre-political group, or of the state before it begins to develop anti-social qualities, to learn the correct way to react by a careful consideration of his mistakes than for the member of the strictly political state to do so; for in the one case the guides of conduct are customs and laws based on custom, whilst in the other case the guides of conduct are laws out of all connection with custom. As we have seen in the state in its later development, it is a matter of intense personal interest to the sovereign and those immediately surrounding him that his ideas as to life in the state should be respected. Disobedience to law becomes a personal slight to the King. His dignity is

threatened. The public peace has now ceased to belong to the public and has become the King's peace. Therefore the King and his servants have to see that each breach of the peace is so dealt with as to provide an example unpleasant enough to deter others from committing such breaches. The element of retribution due to the personal character of infringement of the king's law increases the deterrent effect of the punishment.

(ii)

The nature of obedience as it is observable in the state in its later development differs materially from what it is in the early days of the state and in the pre-political group. Under the rule of law it becomes possible, by a judicious regard of the mistakes that bring one within the clutches of the law, to elude the law, for the law is something outside the man who obeys it and is much more outside the man who obeys because if he does not he will be punished than it is outside the man who obeys the law because, except where it contravenes his moral or religious convictions, it is moral to do so. Morality, on the other hand, is not outside the man who is moral; it is never possible, therefore, for a man to elude morality. If he learns from his mistakes at all, that is, if he does not repeat the false reactions which call forth the disapprobation of the community, he is moral; if not he is immoral. Obedience of the moral law thus has nothing to do with a punishment that deters. But obedience to law as law and not as a form of morality has everything to do with a punishment that deters.

When, therefore, in the state, the moral law is superseded by the law of the sovereign, so that obedience to law comes to be a mark of respectability in the state as distinguished from respectability in society, a new class of persons is created among the people. In the pre-political group and in the early state the people were divisible only into moral and immoral, and the conditions were such that immorality was not frequent. In the later

state, on the other hand, the people are divisible into the moral, the immoral who obey the law, and the immoral who also disobey the law; and the conditions are such that immorality is rampant. The first class obey the law because it is moral to do so; the second class obey the law because they will be punished if they do not; the third class disobeys the law in spite of the institution of punishment. This third class sometimes includes members of the second class who have failed to elude the law; but it is in connection with the whole class that the idea of the possibly reformatory character of punishment first appears. Those who repeatedly break the law although they know they will be punished for doing so may well be regarded as suffering from some disease or other which paralyses their wills or distorts their view of things, and may perhaps with advantage be subjected to some form of medical treatment. But where a man apparently belonging to this class begins to reform after undergoing the ordinary punishments a certain number of times, he may be regarded as feeling the educative rather than the reformatory influence of punishment, because he my be regarded in the same light as a boy who has a difficulty in learning a lesson. And where a man who habitually breaks the law is made to undergo a special treatment conducted in the hope of reforming him he is not being punished at all but is being experimented with, although in so far as his liberty is in some degree restricted, he may feel that he is being punished.

It is clear, then, that the ethical idea of duty as a course of action followed out not for a reward, or in order to avoid punishment or pain, is possible only where the moral law prevails, that is, by individuals who acknowledge the moral law. When, therefore, the state is ruled by law it is only those who are still under the old social influences that can do their duty in the strict meaning of the expression. I have endeavoured to show that this is entirely due to the highly artificial nature of the state in its later development. The state in its early days is artificial only in a slight degree, and is for all practical purposes indistinguishable from the pre-political group from which it arose. In the pre-political group duty was so closely connected with instinct and other vital functions that there was

hardly any scope for a conflict of the reactions constituting it. In the state when it first arose, in so far as the laws of the sovereign and his council were [merely] *based* upon instinct instead of being *determined* by instinct, like the usages of the pre-political group, there is a possibility of such a conflict. The conflict becomes actual when the laws of the state are not even based on instinct but entirely reflect the will of the sovereign, with the result that a new class of persons is created in society, the persons, namely, who obey the law in order to avoid being punished, and who therefore avail themselves of the earliest opportunity to evade the law.

PART III

(i)

Since the development of the state means the development of artificiality, if it is conceived as involving the progress of man the object of that progress must be to make him less and less a man, to divest him gradually of his human nature and to make him entirely artificial, a product, so to speak of his own impulsive activity. But, clearly, the development of the state cannot be rightly conceived as involving the progress of man. If it involves the progress of any thing at all, it is the progress of that class of persons created by law as distinct from morality, by the state in its later development – the class of persons who are protected by law although they defy the moral law and obey law itself only in order to avoid being punished. This class of persons are the only representatives of the human race capable of surviving in the state as such. The merely moral man is at a complete disadvantage when opposed by a person of this type in the environment natural to the latter, namely, in the state as ruled by law. Since this class of persons is the result of artificiality, it is only natural that its development should result in its becoming

more artificial. This sort of development is not good for man, because man was not produced by artificiality, and cannot be said to develop at all when at each stage of his development he becomes a little less a man. For the growing artificiality, which is sometimes referred to by those who do not see far enough as an “improvement in Nature” is in reality nothing other than the supplementation of Nature made defective through human short-sightedness.

A good example, on the physical side, is the case of the man who is pampered and becomes extremely delicate in health. He requires more care than the normally healthy person. But it would be altogether incorrect to say that the healthy man is coarser than the delicate man or that the delicate man is more refined, having had his nature improved upon to a greater extent, than the healthy man. Similarly, on the social side, the man who through being socially pampered, so to speak, loses the moral sense cannot be said to be more developed than the man who retains the moral sense. Man can be said to develop only when at each stage he becomes more and more a man, when, that is, both physically and socially he improves in humanity, becomes more mature and sound physically and morally; and, since development does not end with the death of the individual, so long as the species survives that development is continued in the development of the race.

Now, since man was originally a nomad, the development of his humanity must have required that when, in the course of his wanderings, he acquired certain habits which made it necessary or possible for him to settle down in a particular locality, the conditions of such settlement should be such as would give his humanity free play. In the natural course of events, he must have, after a number of unsuccessful reactions to the new stimuli to which his new habits had made him subject, found a way of reacting correctly. In all this it is clear that he was experimenting, and that, therefore, these reactions were unmistakeably and perhaps painfully deliberate and unskilful at first. Development could

not but mean the acquisition of skill in these reactions, and in proportion to the skill must have been the slackening of the deliberation. So that as these reactions became correct, then uniform, and gradually become reduced into usage in the group, they became less and less deliberate and involved less and less self-consciousness. But although so many thousands of years have passed since the time when man first ceased to be a nomad, it is not by any means unlikely that he should be still experimenting as far as many of the reactions conditioned by his settled life are concerned. History clearly proves that man has not yet attained the uniformity in his social reactions which his humanity would seem to demand. For in spite of the external racial differences, or, within each race, the national and political differences, man's common humanity is unmistakeable.

Now, since in his physical reactions the required uniformity has been in all essentials attained, and the physical structure of man seems other than uniform only when it is superficially observed, it would not be too wild a leap of the imagination to conceive the possibility of a physical basis of uniformity in the social reactions and to hold that, just as in each group certain habits grow into customs, so, when all the essential customs become established, they will in the end become congenital, or instinctive. This position is suggested also by the contrast between custom or old-established usage and law in any political group, and, in the sphere of law, by the contrast between old law and new law; the customary reactions are more uniform and less deliberate than the legal reactions, and the older legal reactions than the newer.

The size of the globe and the manifold climatic differences that characterise different parts of it make it impossible for the reactions of the inhabitants of different parts to be exactly the same. But when these sets of reactions, different only because they are called forth by different sets of stimuli, are compared by sound minds, they will be found to be based on the same law of nature: an organism in a certain set of conditions reacts in a definite way to each distinguishable stimulus. But in each part of the globe, within

the limits of any environment, certain modes of reaction, at first very deliberate and involving much self-consciousness, in time become established as custom and become correspondingly less deliberate and self-conscious. The impossibility of effecting, except by artificial means, changes in the different environments so as to make them all uniform, and the possibility of the development of such artificiality to a point at which it will begin to create a new type of human being, differing in all essentials from the normal human type, would, on our argument, be as bad as the development of the state as it is in its later stages.

As a matter of fact this is one of the results of the further development of the state after it has entered well upon its later stages, for example when the state becomes an empire in the modern sense. One would have to conclude, then that if man is to develop as man, making use of his powers of imitation to create shelter from outbursts of Nature wherever shelter is possible, rather than making use of this same power of imitation to re-create himself, there must be differences in the reactions called forth in different parts of the globe, so long as the climatic conditions of the globe vary. But within the limits of any one environment, social development is sure to proceed at least up to the stage at which the state begins to differ in its character from society, that is, up to the stage at which it becomes possible for the law of the state to supersede the moral law.

We have seen that the condition for that mal-development of society which produces and maintains the state as ruled by law is the excessive artificialisation of the qualification for the headship of the group. It follows that if, in the course of the social development of any group, no such deviation from the normal line of development occurs, then, instead of the reign of law and the increasing and bewildering diversity of reactions it requires each year, the continual transformation of new law into old custom and of old custom into something practically the same as instinct if not the same, would result in the gradual diminution and ultimate elimination of the self-conscious purposiveness that would seem

to be essential to what is known as morality. The final result would be that, in Nature's own time, which no one can compute, the social reactions would become congenital, and man would be moral by instinct or as if by instinct, just as the bees and the ants – creatures which, too, like man, must have at one tine been nomad and only later developed the incidents of settled life – obey the law of the hive or of the nest by instinct.

(ii)

It may be objected to this view of morality as correct social reaction that it degrades morality by conceiving the possibility of its being reduced to instinct. But the alternatives are, either to regard morality as capable of becoming congenital in time and thus to harmonise the theory of morality with the theory of man as evolved in the course of ages without having to presuppose anything supernatural, or else to regard morality as essentially purposive in character and have to conceive it as being in some way opposed to nature, as being the expression of some extraordinary, inexplicable supernatural element in man. This latter view has to presuppose a unique soul in man, so that, in order to account for the fact that the moral rule of duty comes to be superseded in the state by the legal rule of compulsion, one has to presuppose an immortality of the soul in order not to abandon the hope of the attainment of perfection by man.

But it is this doctrine of the inferiority of some part of man, namely the body and its impulses, and of the superiority of another part, namely the soul and its aspirations, which has, since the time of Plato, of perhaps of Pythagoras, made the moral problem difficult to solve. The doctrine is undoubtedly based upon persistent remains of the prejudices of the days when man first had time in which to look upon himself and his surroundings and reflect upon his position. Just as the geocentric theory of the universe is the first that naturally suggests itself to an inhabitant of the earth, so the anthropocentric theory of

progress is the first that naturally suggests itself to man. Moreover, these prejudices have been made well-nigh ineradicable by the fact that speculation upon the nature of the universe and its parts was first systematised, in a way, in the form of mythology – that is, under the influence of the religious instinct – and has since been complicated by the reflections of priestly thinkers. Consequently those who enter, for example, upon moral reflection with a firm belief in some if not all of the religious instruction they received in their younger days are less likely to simplify the problem than are those who have succeeded in controlling the effect of such instruction upon their thought. Practically, then, any objection to the point of view taken in this essay is an objection from the point of view of orthodoxy, if one may use such a term in relation to philosophy – an objection from the point of view of those who feel or think that without the theory of the soul and its immortality there can be no Ethics worthy of the name.

The problem has been further complicated by the riddle of self-consciousness. This, however, seems to me just the ground for concluding that morality as purposive may be regarded as a social experiment whose result will be the creation of a congenital basis of correct social reaction in the individual. The consciousness that is involved in any deliberate act is accompanied by hesitation much more in the earlier efforts than in the later. The expert, in executing a piece of work that is within his powers, proceeds with much less hesitation than the novice. Both the expert and the novice are conscious, but the expert is less conscious of his effort than the novice: the latter has not yet acquired the confidence that comes with the attainment of skill, and is painfully aware of his clumsiness; his anxiety to avoid a mistake often leads him to make great blunders, and his work is slow and heavily laboured. The novice would be called self-conscious, in the ordinary meaning of the term. I think that in this case the ordinary usage is quite correct and throws a great deal of light upon the problem of self-consciousness. Just as self-consciousness characterises the novice in any trade or occupation, so in any complex reaction by the members of any animal species to a change in their environment, self-

consciousness must characterise the earlier much more than the later efforts. In any reaction that is experimental in its nature there is involved a greater element of self-consciousness than is involved in the same reaction when it becomes correct. Self-consciousness, then, may be regarded as a mark of uncertainty in reactions.

On this view of self-consciousness the fact that self-consciousness enters more into the social reactions of man than in their physical reactions proves no more than that in his social reactions man is much less an expert than his physical structure is in its reactions to stimuli from the environment. It does not in the least prove that his social reactions, in so far as such reactions when of certain character are approved by the community and are therefore called moral, are higher reactions than the physical reactions On the contrary, from the point of view of correctness, the purely physical reactions are higher, being truer to Nature than the social reactions. If, then, morality is essentially purposive and must always involve self-consciousness, then morality must ever remain an experiment carried on by the human species in the endeavour to find out a way of living a settled life without discord. If however, there is no other objection to the application of the term morality to the totality of human reactions favourable to the development of man in society, then the term moral may be conveniently applied to what are now acts of morality, then later to such acts when they begin to assume the shape of custom, and lastly to such acts when they arrive at the stage of perfection at which they can become congenital.

(iii)

We have already noted the effect upon morality of the artificiality that is involved in the development of the state. Let us, in conclusion briefly consider the nature of this artificiality when viewed in the light of its relation to the development of the medical

sciences.

It is clear that the development of learning as such, does not depend upon the artificiality we are now discussing, because there is nothing to make its development impossible in the pre-political group and in the early days of the state; but in the state as it becomes later on, the development of learning is much more rapid than in the earlier days of the state. It is the development of the medical sciences which helps to prolong the life of the group in the state as ruled by law, that is, the state as essentially artificial. Man's power to imitate Nature is useful to him only so long as he employs it to protect himself from the dangers or inconveniences of his environment. As soon as he uses this power to create dangers and inconveniences for himself and seeks to counteract their effects by applying his learning, he enters upon a period of degeneration. The artificiality that characterises the state in its later stages is so far removed from the natural model upon which it is ultimately based, that not even the development of the medical sciences can save the race which maintains such artificiality.

When viewed in the light of its relation to the development of the medical sciences, this artificiality is instantly seen to consist in the development of abnormal conditions of living, the evils of which are to some extent neutralised by the application of the results of medical research. The physical frames of the individuals living in these conditions are ever degenerating, and the more degenerate they grow, the more dependent upon artificiality they become. As a consequence the last traces of the morality that was superseded by the rule of law disappear. Clearly, the set of social reactions which expresses this artificiality is not likely to last beyond a certain period. If the immorality of the state does not lead to some all-consuming conflict, which will destroy the substance which supports the artificiality and compel a return to a more natural way of life, or else extinguish the race altogether, there must come a time when some vital element in the physical structure of those refined by such artificiality, whether directly in the higher

orders, or indirectly in the lower, will be refined completely away. It is thus that the social experiment proceeds. The wrong reactions result in the extinction of some individuals; and those who survive, survive because they avoided the wrong reactions. Thus the only immortality that one need presuppose in order to believe that ultimately man will attain to perfection, not in a life beyond this, but in this very life, is the immortality of the individual, that is, the continuation of the species.

APPENDIX

A Note on the Social Function of Religion

The religious instinct, in the earliest times, was excited by such phenomena as storms, floods, earthquakes, which in addition to being of a terrifying and destructive nature were inexplicable at the time. The effect of such phenomena was undoubtedly heightened by the surrounding darkness, when they occurred at night. The necessarily anthropocentric view held by the human beings of those times concerning the world around them interpreted these things as signs of the wrath of no one knew what entities, which lived in trees, streams, the sky, etc. These entities, as thought became more coherent, were elevated into spirits and these, in their turn, into gods. In time the idea of a supreme god was evolved, possibly after the idea of the headship of the group had received definite recognition. The idea of a sole god is a much later development, and belongs to the period of systematic thought.

But from the time when the idea that the storms and floods etc. were the expression of the anger of some mysterious being was conceived, the corresponding idea of propitiation of these dreadful beings began to have its effect on conduct. We nave noted that what we should call punishment of the murderer or the thief in the pre-political group and in the early state had more of the character of a precaution against the anger of the

gods. There must have been certain other forms of non-conformance with usage or breaches of duty which came to be regarded as peculiarly offensive to the gods; so that it may be concluded that the function of punishment in the later stages of the development of the state is performed by the idea of the possible wrath of the gods in the pre-political group and in the early state. The only difference is that the rules obedience to which is compelled by law are more arbitrary than those obedience to which was compelled by religious dread, the latter being the ordinary morality and usages of the group. Religion in the earlier stages of social development is an aid to social uniformity. It plays no small part also in the transformation of the reverence due to the merit of the sovereign into the reverence due to everything that appertains to the sovereign.

It is clear from the nature of the religious instinct that religion ceases to function properly as a social force when the mystery that has made its object worshipful is penetrated. It is when the object is known to be just an ordinary object, and nevertheless the religious attitude is required to be maintained towards it, that religion becomes detrimental to society. In other words, when religion becomes compulsory and artificial because its natural basis no longer exists, it becomes harmful to the group. In the pre-political group and in the earlier days of the state the general level of intelligence as to the causes of certain startling phenomena is such that religion is justified: but the development of a priestly caste, if it is possible in the early days of the state, would result in the retention of some forms of religious worship after the substance has been forgotten; this is quite conceivable, considering the conservatism of early society. In such a case religion would have ceased to be based ultimately on instinct, and would have become as arbitrary as law in the later days of the state; and according to the power of the priesthood would be the likelihood of having a class of people, like those who obey law merely to avoid punishment, who would obey the religious laws in order to avoid the anathema of the priests, and the result of the effect of such anathema upon the regard for those anathematised entertained by those whose religious bases were intact by reason of their

ignorance. It is clear that in the state as ruled by law, if the sovereign is under the influence of priests of any persuasion whatever, there will be a state religion whose maintenance will result in much danger to morality, because by reason of the development of the sciences most of the old ideas of mystery attaching to the causes of certain terrifying phenomena will have been exploded, so that there would be no religious bases at all in certain classes. In the classes, however, which have fewer opportunities for learning or for training their powers of reasoning, these religious bases will be more or less intact, and their religion would be more or less unconstrained except in so far as ritualistic innovations are made by the priesthood.

FINIS

Traditional Society in West Africa

1. Custom and Law in West Africa: A Study in Social Evolution

This essay written in ..... and delivered to ..... at ..... is interesting for its direct statement of the views of Kobina Sekyi concerning traditional West African society. The favourable opinion which Sekyi offers of the kind of society which had evolved before the disruption caused by colonisation points to his basically evolutionist view of 'progress' in its more unsophisticated forms – or, as he himself would have put it, in its less artificial forms.

Clearly based on the ethical views already argued, many of the statements put forward recur throughout his writings and will be found in later sections of the book. For instance the distinction he draws between custom and law is one he returns to time and again in illustrating his thesis that colonial administrators were ignorantly imposing law completely antithetical to African custom. (e.g. Our White Friends, Thoughts for the Reflective etc.)

The emphasis which Sekyi places here upon the position of the chief and the position of women within traditional African society is also central to his philosophy. It was his view that the colonisers had failed to realise what role these two important groups played within the social structure, and consequently damaged the structure by priggish

and ignorant interference.

Altogether this essay illustrates Sekyi's deep belief that society is a 'living organism'; that it is evolutionary, and can securely progress only if it does not seriously deviate from the correct lines of evolution from its time tested traditions and practice – what Cicero, the foremost political philosopher of the Roman republic, would certainly have termed the 'mos ac instituta maiorum', the usage and institutions of the ancestors. Sekyi thus continues and further develops the line of thought pioneered by his great predecessors, Sarbah and Casely-Hayford, whose original contributions he acknowledges with evident respect.

Account No. 203/65
Regional Archives
Cape Coast

(Written between 1924-1929)

Custom and Law in West Africa

Introduction — Custom and Law: Definitions – Origin and Development of Customs — The Household, Village and Tribe — The Man's and the Woman's Spheres – The Council of Elders — The Constitution of the Family — Marriage Customs – Origin of the Rule of Succession — The Position of African and English Women Compared – Status — Appointment of the Chief — What Does the Chief Succeed to?— The Family Land – Worship of Ancestors: The Family Priesthood – The Idea of Succession: Illustration – The Fanti Clans — Persistence of the Idea of Kinship — Collective Responsibility — Panyarring — The Chief and his Council – Rise of a Priesthood — Introduction of Ceremonies — Summary and Conclusion.

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Tonight I propose to consider with you the origin and meaning of some of the Customs by which the social life of the West African Peoples is regulated. I can claim one qualification for forming an opinion on the origin of West African customs in which I have an advantage over all the authorities which I have consulted, with two exceptions. As a Native of West Africa, and therefore a member of a West African group, family, and tribe, I have been able to understand the mentality of the people living under them. I do not approach the subject with the cold detachment of an observer whose material is gathered from books, and who studies early societies as a student studies an anatomical specimen - a motionless, inanimate corpse - on the dissecting table. The subject of my observation and study has been the living organism of which I am a member, in its full activity; into whose mental and physical life I am able to enter with sympathy.

The two writers on West African customs who stand on the same footing in that respect are the late John Mensah Sarbah and the Honourable Casely Hayford. The too early death of the former in the maturity of his powers caused an irreparable loss to his country's progress, but the latter is still with us to add to the public services which he has already rendered to his country. It would be presumptuous in me to enter into rivalry with either of them on their own ground. But Sarbah was a lawyer, and in his book on Fanti Customary Law treated the subject as a jurist; he dealt with the statement, interpretation, and juridical application of the Customary Laws. Mr. Hayford treats of them as a politician interested in their bearing on political rights. I

propose to deal with the Customs themselves, and to endeavour to explain how they originated.

As a social animal man is a maker of institutions and the inventor of laws. The study of the development of law is, therefore a branch of sociology which may well engage the attention of the anthropologist. I do not propose to deal (tonight) with the earliest dawn of human society; our study begins with association in groups, the members of which recognise a common tie, and have advanced to the use of tools. I assume the family as existing, but not yet fully organised. I shall deal specifically with Gold Coast customs, they being the ones with which I am most familiar, but I believe that my conclusions will be broadly applicable to most West African peoples in regard to the origin of general customs, though many variations of detail have arisen in course of time and through differences in local circumstances.

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Gold Coast Native Institutions~~st edition, London and Maxwell Ltd.;4903; 2nd

edition and Co. Ltd., Loii~1on, 1970

Very early in the course of social development it became necessary to lay down rules of conduct between man and man. At first these rules were vague and general; they were plastic and subject to the circumstances of application. There were underlying principles but they were not yet clearly grasped nor definitely expressed. European travellers have given us many codes of primitive law and custom, but these have a rigidity and systematic character which are foreign to the primitive mind. The first step towards system is analysis, but the mentality of primitive man is not analytical; the satisfaction of his daily needs leaves him no time for reflection on abstract subjects; his field of experience is small, therefore his ideas are few and limited to his immediate needs and their satisfaction. He does not consciously and deliberately lay down general rules for application to particular cases; he treats each occasion as it arises. His guide is custom; what has been done before is his guide to what ought to be done now, and thus a custom grows up (develops). As Hooker says: - “Of things once received and confirmed by use long usage is a law sufficient”

As time passes the problems which arise become more numerous and more complex; it becomes ever more difficult to say what is the custom applicable to each case, and the declaration of the proper custom to be followed in the case under consideration becomes the office of specialists who begin to refine the customs and systematise them, and thus custom is gradually developed into law. We all know Austin’s4/ definition of a law as ‘a definite command, addressed by a sovereign to his subjects, to perform or abstain from performing definite acts towards certain persons, and to breach of this command a definite penalty is attached, called a sanction”, therefore, before there can be a law in this sense there must be an authority to issue and enforce it, but this takes place at a comparatively late stage of social development, when the society has grown into a state under a supreme head

supported by sufficient physical power to enforce the sanction. Long before such an authority can be established some method of regulating social relations is required. This is furnished by Custom enforced by the opinion supporting the general rule. Austin's definition is, therefore, not applicable at this early stage of social development with which we are dealing, and we must seek for one more suitable to the empirical rules of this state of society.

Now, every custom is an expression of the moral ideas of the society and

3/ Thomas Hooker, The Laws of Ecclesiastical Polity

4/ J. Austin - The Province_of Jurisprudence Determined. For further clarification of
Austin's definition of law , see Glanville Williams "The Controversy Concerning the
Word 'Law'; in the P. Laslett (ed.) Philosophy. Politics and Society. Oxford, Basil
Blackwell, 1956, 134-156. Student~of African customary law may usefully consult V
Tashim 0. Elias - The Nature of African Customary Law (Manchester University Press,
1954).

prescribes a line of conduct to be followed. These rules are the result and expression of the stage of moral development which the Society has reached, and though unsupported by an irresistible power to enforce obedience are perhaps better obeyed than, in a later stage, are the laws in Austin's sense. Their efficacy depends on the consent of those who are subject to them, and that consent is readily given because they arise from and are in accordance with, the environment. As Sarbah puts it:- "They are rules of life naturally simple, which were observed more because they were in accordance with the general notions, views and convictions obtaining among them (the Fanti people), than from any undesirable results their violation or breach may cause" The severest punishment of an offender was the disapprobation of the community. To primitive man the world is very small and is filled with unknown perils; outside his own community there are vague terrors and dangers. To depart from or to be driven out of the community in which he was born, is not merely to be deprived of the accustomed sustenance and shelter, but also to be abandoned to the enemies, human, animal, and spiritual, who are lying in wait for him outside the community's domain. To sum up: while law comes down from above, and is enforced by an irresistible power which dominates the society by superior physical force, customs ascend from below, and depend on the consent and acceptance of those subject to them for their efficiency. Law is a command; custom is an accepted rule of conduct.

These unwritten, unrecorded, and unsystematised rules of conduct are what I mean by Custom. A certain line of conduct becomes fixed by frequent repetition, the practice appropriate to each social problem being carried in the memories of the Elders, who declare it as occasion arises. The earliest Customs are those which

regulate the relation of the members of the society to each other; and this is inevitable, because as soon as two or three are gathered together in a continuing association it becomes necessary to the preservation of the community that there shall be an understanding among themselves as to how they stand in relation(4) to each other, and as to their mutual obligations. The practice is adapted and moulded by the ideas, the needs, or the policy of the moment; it changes slightly with changes of conditions, and through its changes is kept in accordance with the mentality and the state of development of the society. It arises from the environment and varies with it, but each modification retains some trace of its origin and history. This is illustrated by the procedure of the Native Tribunals as described by Sarbah:- “It will be found in the Native Tribunals that whenever there is a new case, the like of which has not been known previously, the difficulty is got over by making a new rule concealed by a fiction that it is only an old pre-existing custom perhaps fallen into the background, that is being applied, restated and made prominent”

Men of science have put forward many elaborate theories to account for the origin and reason of the various customs which are found among primitive peoples, but I believe that the origins of most of these, at least among the West African people, are extremely simple and are to be found in their domestic habits and ways of living. I cannot think that in the earliest stages of social development men deliberately set themselves to organise their lives and to live by rule. At the beginning “It just happens” and having happened once it is taken as a guide when a similar contingency arises. Human institutions have grown out of the circumstances of the natural primitive life, and persist by their utility.

Looking back to the beginnings of social life the first institution which we see emerging is the family, the group of a man and woman and their children living together,

and this is the most widely spread and general basis of society. The family and its life are the roots from which society has sprung, and it has left indelible traces upon the most advanced social systems. A great deal of customary law grows out of the family and its manner of life, the constitution of the household, and the way of living in the villages which are the outcome of the growth of the family.

One of the oldest of human customs, perhaps older than humanity, is the rule of the male progenitor. In consequence of the mother being fully occupied by the care and nurture of the young, the father becomes the procurer of food, and by virtue of his strength and greater pugnacity, the defender and ruler of the little group. Here we have the origin of the paternal authority and all its derivatives, patria potestas, kingship, and even primogeniture and the worship of gods. As the male children become in turn progenitors of children each sets up his own household, all clustering round the dwelling of the founder, and often surrounded by a wall for protection from enemies. Thus the village comes into being, the inhabitants of which grow their food upon the adjacent land, which is regarded as belonging to the group. As the population of the village increases and some of them have to travel inconveniently long distances to reach their food-plots, some move out and settle on a fresh portion of the common land on which they can establish farms at a convenient distance from the new village. By repetition of this process the family, in time, grows into a tribe, all acknowledging a common head and believing themselves to be of common descent.

And just as the village and tribe are extensions of the household, so the village and tribal life is an extension of the household life. The women remain in the protection and safety of the village precincts, taking care of the children and the house, preparing the food, and working up the materials procured by the men into articles of utility and ornament. The men as the warriors and hunters have to face the dangers from men and

beasts which lurk outside the village; they go out to hunt for meat and to clear the tract of ground for the farm on which the year's food-crop is to be grown. When the ground is cleared and comparatively safe the women go out with the men to sow and later on, to weed and cultivate the crop. So, on a journey the man, as the protector, walks in front unencumbered by a burden, ready to fight for the protection of the burdened women. The man's work lies outside the villages where there is danger, the women's in the village where there is safety. Consequently, when a travelling European passes through an African Village he sees the men lounging about while the women are working, and jumps to the conclusion that the African man is a "lazy nigger" who is entirely supported by his wives, of whom he is always supposed to have a large number. Polygamy is certainly largely practised in Africa by the rich and powerful, a retinue of wives being as much a mark of rank and influence as a retinue of male followers. The small tribal wars, although the loss of life in each may be small, do, in the aggregate, levy a heavy toll which falls mainly on the male population.

The father and head of the oldest household, as the representative to the common ancestor, becomes the chief of the group, and the judge to whom disputes are referred. In the beginning the court is simply the head of the family or the Patriarch, sitting at the door of his house in the cool of the evening, conversing with the older males on the affairs of the group whom the members of the family approach with their disputes, as children take theirs to a parent, to be discussed and settled by the Elders. This Court is attended by the heads of the junior families, who, being all interested in the dispute, offer opinions, and as the group increases in numbers become important enough to claim a voice in the decision, and thus the Council of Elders comes into being. The family court, or council, grows out of the African's love of litigation and his willingness to refer his disputes to arbitration. As the family grows into a tribe the heads of the affiliated villages are called in on great occasions, and we get the Chief

and his Council, who are not only Judge and Jury, but also the parliament and the Government. The authority of the Court is extended from the settlement of personal disputes to the oversight of the general interests of the community.

The bond of the family and the group is kinship by descent through females from a common ancestor; therefore a family consists of the women and their children, and is exactly the opposite of a European family, which consists of males and their children. In the primitive family the older men and women of their household are addressed by the children as father and mother; the father's and mother's brother and sisters are also called father and mothers by the children. The relationship is viewed as arising from attachment to a common household implying descent from a common ancestor. The distinction between uterine and agnatic relationship is a comparatively recent development; very few primitive languages have a word to express the relationship of cousins. The agnatic relationship only becomes important when property increases, and the bond of kinship is replaced by a territorial basis of society; when the society is becoming complex by breaking up into groups of varying classes the adjustment of whose varying claims and rights calls for careful and exact classification of relationships, and custom is developing into law. At the early stage of social development with which we are dealing the bond which holds the group together is kinship – the belief that all the members are descendants from a common ancestor. The members have rights because of their birth within the group; their kinship confers political powers and property; it is at a much later stage of social evolution, when societies have become industrial, that property confers citizenship.

There are at this stage two classes of property – the property of the household on which only members of the household have claims, and the common property on which

all members of the group have claims. There are three classes of Chiefs – the heads of the household, the heads of villages, and the heads of tribes. One of the first questions of general interest which will arise in the family, as involving the welfare of the household, is that of succession on the death of the Head. How is the successor to be found? At first, no doubt, it was settled by mere violence – the strongest clubbed the weaker into submission – but as this was found to tend to break up the society recourse was had to more peaceable methods, methods which induced general consent in accordance, or supposed accordance, with he community's idea of its original condition.

The head of the household and his brothers and sisters being regarded as fathers and mothers, the younger members of the family are brothers and sisters to each other, related in the first degree and therefore incapable of intermarriage. The Head of the tribe is "Grandfather", the members of the separate households are therefore inter-related in the second degree, and are capable of intermarriage. This leads up to the rules regulating marriage, and as these ultimately regulate questions of kinship, the inheritance of the family property, and the succession to the Chieftainship, customs regulating marriage are among the first to be fixed, and so elaborate "marriage customs" are to be found amongst the most primitive peoples who have hardly any idea of rules in any other department of life.

The "marriage customs", like all other customs, are founded on and grow out of the people's daily life. Among nomadic peoples, whose life is a constant predatory warfare upon their neighbours, we find "marriage by capture", the simulation of a raid and the carrying off of the women as part of the booty. West Africans were, and are, mainly agriculturists, and their chief occupation has always been the cultivation of the ground for the production of the food of the group. As the condition of primitive life is a constant

warfare between group and group, and as the growing of food-crops requires a considerable and constant supply of labour, the two great needs are defenders and labourers, and so one object of the household policy is to increase the number of its members, and for this purpose to have as many women, the producers of children, as possible. But marriage between members of the same household being barred by their real or supposed consanguinity, the women must seek husbands outside, and if they were to become members of their husband's families their children would do the same, and would thus be lost to their mother's family. Therefore, having married, a woman remains a member of her mother's household, and so of her family, visiting her husband in his house, but having her "permanent place of residence" in her mother's house. She retains her independent individuality after marriage, her property remaining her own, and does not become her husband's chattel. The husband pays for the exclusive material right to her body, and her domestic services. In a polygamous marriage the wife has her stated periods of cohabitation with her husband, during which she cooks his food, attends to his house and assists him with his farming. At other times she lives in her mother's house with her children, who are therefore members of their mother's and not of their father's family. It is his sister's children who are of the same household, and therefore of the same family, as the man, and who inherit his property and thus keep it in the family while his own children would carry it away to the strengthening and enriching of their mother's household. Sisters, being of the same household, inherit from each other as does a daughter from her mother.

This, I believe, is the true explanation of the West African rule of tracing descent through females, and of the nephew inheriting in preference to the son, and also of the importance of the Queen-Mother in African States. It is certain that the explanation commonly given – that a man can be sure that his sister's children are of his own blood, while he cannot be sure that his wife's are – is not the correct one. It may be taken for granted that people do not base their rules of conduct on the

assumption that their women are grossly immoral. The turn of thought which suggests this explanation is too complex in its cynicism for the mentality of primitive man which is simple and direct. And in fact the primitive family provides safeguards of female chastity, and punishments for inchastity much more stringent than are to be found among more advanced nations.

I take the opportunity to protest against what I consider to be a general misunderstanding of the position of women in the West African aboriginal social system. It is generally assumed that she is degraded, and that her position is far lower than in Europe. I contend that the legal position of the West African woman was far higher than that of her European sister. Under the West African Customary laws, as I have pointed out, a woman on marriage does not become a member of her husband's family, but retains her individuality and her property. Under English law a married woman becomes a member of her husband's family, and, until the passing of the "Married Women's Property Act" a few years ago, her individuality was merged in that of her husband. She sank to the legal position of an infant or of a lunatic, her husband being her guardian; he took over her property, and even the earnings of her labour could be appropriated by him. She had no right even to her children, of whom her husband was the legal guardian. Contrast this with the position of the West African woman – an independent individuality, with her own property and the guardianship of her children. Which of the two is the more degraded?

In public life also the West African woman is in the higher position. While in the British Parliament women had no voice either as electors or as representatives, and at the meetings of the legislature were relegated to an obscure gallery and hidden behind a screen, like the Purdan women of an Indian zenana, the West African mother was the nominator of the future ruler and took part publicly in the deliberations of the Chiefs. In

social life women as wives and mothers, always and everywhere, wield great power whatever legal disabilities the law may impose upon them. The misunderstanding as to the West African woman's position has arisen mainly from a misconception of the nature of the pre-marital payment to the wife's family. A man is said to buy his wife; but as she remains free and does not become his slave, there is no purchase and no sale; she remains independent except in regard to the conjugal relationship.

As long as the group consists only of members connected by common descent there is no distinction of class, and no conflict between claims of varying strength. The Group is a close corporation admission to which is only by birth or adoption. When people from outside are admitted, either by capture as slaves, or by adoption there arise differences of status. The position of status is the next important one to be settled. The difference between children both of whose parents are of "the blood", and children both of whose parents are "foreigners", is obvious; the former are full members of the family and have an indisputable right to share in the family property; the latter are parasites with such rights only as have been expressly granted to them. The difficulty is in dealing with children of a union between members of the two classes. What is the position of the son of a free father by a slave mother? Strange as it may seem to Western jurists, the son of a slave mother can succeed to his father's property, while his free-born brother cannot, but this is the logical corollary of the reasoning on which the succession of the nephew is based, because the slave-wife and her son belong to the husband's household, and the succession of her son does not alienate the property of the family.

In the appointment of the head and controller of the group, the chief, customary law keeps in view two great principles lost sight of in modern European law, which is based on individualism. The first is, that individual interests must be subordinated to the

common interest; and the second is, that rule can only be peaceful when carried on with the consent of the ruled. The chief common interest of the group is to maintain its strength and to preserve its possessions. The first will be diminished if any considerable portion of the members is hostile to the Head; the second will be imperilled if the Chief is incompetent or improvident. Therefore while birth gives a claim to succession it does not confer the right; the succession is hereditary in a certain line, but it is subject to selection within that line. The Councillors of the dead chief, who have become the depositaries of the Headship during the vacancy, meet and canvass the qualification of the eligible candidates and select the person best qualified to maintain the strength and prosperity of the group, the claims of birth and descent being now entirely set aside and made subordinate to those of character. In this connection the defects of character which disqualify a candidate are significant of the object in view – quarrelsomeness, extravagance, addiction to drink and gambling, the frequenting of low company, habitual cruelty in his household, are all grounds for disqualification. As the dead chief claimed through his mother, and the candidate claims through his, and is presented for election by her, these two women have a powerful voice in the election. After election by the Council of Chiefs the new Chief is presented to the people and as the group is small it is possible for all the members to express their opinion; the Chief is thus elected by his people; the society is a true democracy.

The primitive idea of succession to the Chiefdom is a very intimate one. I know that our legal friends say that a Chief only succeeds to the office of a trustee, and as far as this implies that the ownership of the family or tribal property is in the family or tribe, and that the Chief is the administrator thereof for the benefit of the group, I believe that they are right. But I think that ideas derived from the highly developed European law of property have caused them to exaggerate the importance of the family or tribal lands in Customary Law. I grant to my legal friends that recent economic progress, by increasing

the value of these lands is causing the administration of them to become one of the Chiefs' most important functions, but I adhere to my opinion that it was not so originally. Under primitive conditions land is superabundant, and has no commercial value. As it is the site of the dwelling place and the source of food – the common store-chest from which the members supply their wants – it is free for them all; it is therefore their common property, and it cannot be alienated because the sale would deprive the group of the source of its sustenance. To quote Sarbah:- "They who are born and they who are still in the womb require means for support, therefore the family lands must not be wasted or squandered."

- 5/ c.f. The development of this idea in 'A comparison of English Gold Coast and Akan Fanti Laws relating to the Absolute Rights of Individuals' p below

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This, I believe, is the reason for the communal tenure and the inalienability of West African lands. Indeed, in primitive society the possibility of selling the land does not enter any one mind. As the supply is so great in proportion to the demand and as its use is restricted to members of the group – who cannot transfer their rights to outsiders – it cannot be made a subject of commerce, therefore it has no commercial value. It is cultivated only for consumption, economic agriculture for profit being a recent development. As long as the whole population is engaged in producing its own food, no surplus is produced with a view to sale. It is only when social development has advanced to the differentiation of employments, and some of the members adopt industries, that the growers raise more food than is required for their own subsistence in order to exchange it for the articles produced by the non-agricultural members. When the surrounding country is sufficiently settled and the growth of population permits of trade with foreign countries and peoples, the seats of such traffic become towns, the feeding of which makes it worth while for the farmers in the surrounding country to produce a surplus for sale to the townspeople. It is only when the population within a given area becomes sufficiently congested to cause competition for dwelling room, or economic cultivation makes the soil yield a profit, that land becomes an object of barter. The leasing and selling of land begins in the towns and is for building sites. The establishment of a permanent culture for profit, like that of cocoa, leads to traffic in land in rural areas. In the early days of tribal life when the customs are taking shape, land is a necessity of life like the air, and is of the same commercial value. They are alike indispensable and unmarketable. The small value placed upon land is shown by the readiness to grant settlements to foreigners, who will be useful as allies, as long as they do not set up an adverse title. The facility with which European adventurers have been able to produce treaties granting rights of occupation of land in exchange for a few pieces of cloth and some bottles of gin probably arose from these wanderers being regarded as persons deprived of their ancestral lands

and desiring, like African applicants, to enter into alliance with the tribe in return for shelter and protection, the grantors, however, having no intention of parting with the ownership of their lands in perpetuity.

Primitive man believes himself to be surrounded by a crowd of supernatural beings, most of them seeking to do him harm, but amongst them are the disembodied spirits of his ancestors, and especially of the dead Chiefs, who, if properly propitiated, will continue their office of protecting and safeguarding the family which has sprung from them. Most powerful of all is the spirit of the founder of the family, who will listen with most readiness to the prayers and supplications of his direct descendant and successor in the Chieftainship. One of the earliest offices of the Chief must have been to act as the family priest, and this office is still deemed one of the most important functions, so much so, that unwillingness to offer the accustomed sacrifices to the ancestral spirits incapacitates an otherwise eligible candidate from being elected to the Chieftainship. Sarbah says: “Kudwo, the eldest nephew of his uncles, who is possessed of large ancestral stool property, forsakes heathenism for Christianity. In his family ancestor worship is practised, and at the stool festival every year, the head of the family goes through the necessary sacrifices and makes the libations to the spirits of those departed this life – in such a case the other nephews are preferred to Kudwo, who is passed over.

The legends and traditions of the founder and the other dead Chiefs are preserved, mainly by the women, and handed down from generation to generation, growing at each remove until the most eminent become supernatural, and finally become gods and are worshipped. There is an instance of this known to me which I relate by way of illustration. The god Benya, the chief deity of Elmina, from whom my family claims descent, has become a personification of the river Benya, with which he is identified; but from the traditions about him I have no doubt that he was originally a man, the Chief of a tribe settled on the banks of the river. His temple, where he spoke to his people through his high priest at his annual festival, was known as Benya's House, and stood opposite the drawbridge gate of Elmina Castle until the destruction of the Old Town by the bombardment of 1873.

I am of the opinion that, according to the primitive idea, the new Chief was believed to inherit not only the office, but also the personality of his predecessors. The Chief is placed upon the Stool which is the emblem of his office and in course of time he is identified with it, his spirit being believed to continue to dwell in it after his death, and so sacrifices are made at stated times to the Stool and its immanent spirit. On his installation the spirit embodied in the Stool enters into the new Chief who thus continues the personality of his predecessor by a kind of apostolic succession. In illustration I quote, from the report of the proceedings in the appeal to the Judicial Committee of the Privy Council in the case between Ex-Omanhene Ofori Kuma II and others Vs. Omanhene Yao Boafo IV, a letter addressed to the District Commissioner of Mampong by "the principal Councillors of the Paramount Stool of Akwapim". They say: "The stool which we worship in every six weeks regularly," and again:- "The Stool we worship is the spirit of an Omanhene." The phrases used are remarkably illuminating.

They say that they worship the stool, and that the stool is the spirit of an Omanhene. Evidently they mean that they worship the spirit of an Omanhene of which the stool is the outward and visible sign, the abode of the adored

6/ The god Benya (or Beenya) - a reference to the spiritual mediator of the Sate of Elmina (or Edina), a Lagoon God. Sometimes these spiritual mediators between the individual, or community, and the Supreme Being (Nyankopon) take the form of dead heroes or heroines, but as in the case of Benya, they could assume the status of state gods.

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spirit. Installation in the Chieftainship, if I may make the comparison, is like induction into a bishopric. The important thing is the assumption of the sacerdotal office; the temporalities are mere appendages and outward adornments of the spirituality. This identification by succession is, I think, the explanation of a feature of the inheritance which is revolting to European minds, viz: that the new Chief inherits his predecessor's wives. He does so because he is the embodiment of the spirit of the chieftainship, which survives unchanged through all the changes of the temporary incumbent. "The King never dies" is, to primitive man, an indisputable fact; the outward semblance is changed from time to time, but the immanent chieftainship continues unchanged through all its incarnations. Therefore a chief can attribute to himself the achievements of his predecessors, and he also becomes the "Father", or "Grandfather", of all the members of the family group, irrespective of whether they are younger or older than himself. This is of a piece with the primitive tendency to personify everything. The primitive mind can only deal with the concrete; the human mind has reached a very high stage of development, and the environment has grown complex, before the mind begins to generalise and to grasp abstractions.

I had an interesting illustration of this conception of identification by succession a good many years ago. A dispute having arisen between two neighbouring villages as to the boundaries and ownership of a certain piece of land, the Court appointed me a referee to survey the land in dispute, to make a plan of it, to take evidence on the spot, and to report on one or two points. When I opened my enquiry witness after witness referred to what had been said and done by a certain Kwofi, a Chief, and to his knowledge of the right of the case. I kept asking the claimants why they did not produce this Kwofi, whose evidence both parties appeared to consider decisive, and on being

told that he had gone to another village for the day, I adjourned my enquiry till the next morning, when both parties promised that he should be produced. The next morning I was informed that the all-important witness was present, and on my asking for him to come forward a man advanced to the table at which I was sitting. To my question whether this was the oft-mentioned Kwofi both sides answered in the affirmative. I put the formal question: "What is your name?"; he answered: "Kwamina." I said angrily: "Do you think that you have come here to play? Are you not Kwofi?' He replied:- "Oh no; Kwofi died a fortnight ago; I am his successor and have come to give evidence in his place". I had great difficulty in making the parties understand that Kwamina's evidence of what Kwofi had told him was not the same as Kwofi's evidence of what he had himself done, and knew of his own knowledge. To their minds Kwamina, by his succession Kwofi's stool, had inherited Kwofi's personality and was competent to give evidence of what Kwofi knew.

The bond of the group is kinship by descent through common female ancestors, and the idea of kinship being implied by living together is very persistent even when the family has broken up into may scattered branches. On the Gold Coast this is illustrated by the existence of the well known clans, which are thus described by Sarbah:

"The whole of these peoples (the Fantis) are divided into twelve tribes, or clans, totally irrespective of their several and distinct nationalities. Individuals belong to one or another without natural distinctions, and it is a characteristic of each tribe or clan that the members thereof call each other brothers and sisters, father and mother. And when persons are free (Dihi) it is unusual for them to intermarry."

He also quotes a statement by Mr. William de Graft to the effect that "the Chiefs of the several families (clans) are distinguished by certain significant emblems, equivalent to the heraldic designs in European countries". "Mr. de Graft himself is of the Twidan or "Tiger" family. "The emblems of other families (clans) are in like manner figurative representations of the names which they respectively bear." The tradition of the Fantis is that they migrated from the north-

east, moving onwards till they reached the sea. I suspect that the clans were the family or tribal groups in the original home, each with its totem or legendary ancestral animal, and the emblems referred were originally the totem. This is supported by the fact that the members of a clan will not kill or eat the animal which is their emblem, and they regard themselves as brothers and sisters between whom marriage is forbidden. In the course of their long wanderings these groups were probably broken up, and mingled indiscriminately with each other, but retained the memory of their designations and original fellowships. There is also an indication of ancestral connections preserved by the payment of "burial customs required from all claiming relationship with a deceased person, a common burying-place and common funeral rites being among the attributes of a family, clan, or tribe. "Do you pay the same funeral custom?" used to be a frequent question in the Courts when a witness claimed relationship with anyone. The idea of relationship persists even after the separate branches have become peoples with mutually unintelligible languages. All the members of the different branches are believed to be the descendants of an ancestor who was the direct descendant of the primary ancestor from whom all the branches trace their origin. Thus, the twelve tribes of Israel believed themselves to the descendants of Jacob, who was also called Israel, and were the Beni-Israel, while the Arab tribes believed themselves to be the descendants of Ishmael, and were the Beni-Ishmael; and they all believed that both these ancestors were descended from Abraham; so that together they formed the Beni-Ibrahim. In this case we see the working of the primitive idea so clearly because, in both branches, the simple nomadic type of life was followed up to the time of the introduction of writing and the beginning of their recorded history.

The idea springing from this early conception, i.e.that kinship is implied in the fact of a group living together, exercises influence when it is manifestly no longer true. To the inhabitants of one town or village the inhabitants of another town or village, being under the same rule, are all in the relationship of brotherhood, and are, therefore, responsible

for each other's actions. The conception of collective responsibility is, I believe, inherent in the conception of the family as a social group within which there reigns the doctrine of "all for one and one for all", which is the very essence of brotherhood. To make an analogy with European legal ideas, it is a partnership with unlimited liability which presents itself to the world as a corporate unit, the world not being concerned to enquire what are the mutual relations of the members *inter se,* but dealing with the corporation, or its members, in their corporate capacity. If the corporation, or any member thereof, makes default, any member who may be available can be seized and made to answer to the world; whether he can make his partners repay him their shares of the mulct is no concern of the world. As the Chief, or Headman, has to answer to the outside world for all the acts of his people, it is sufficient to get hold of any member of the group and to make him call upon his Chief for protection in order to obtain redress for the wrongdoing of any other member. The Chief, being bound to protect his children must come to the rescue of the person held. The complaint is not laid in public by an individual against an individual: the procedure is more complicated. The aggrieved party makes his complaint to his own protector, the head of his family, whose duty it is to obtain redress. He, again, makes complaint to the Chief who is the protector of the accused. The action is between the two groups; it is not a private litigation, but a diplomatic negotiation between two independent groups represented by their heads. The responsibility of the culprit being merged in that of his group, satisfaction is not given by the punishment of the culprit, but by the group. As a group cannot be imprisoned or hanged a value must be set upon the wrong and the offender's group must give pecuniary satisfaction; in the language of European diplomacy it must pay an indemnity. I believe that the Weregeld of mediaeval law was derived from the same idea of collective responsibility which persisted even after the tribes had become nations.

As the Chief is responsible to the outer world for the culprit, he is the person who can

procure the punishment of the actual offender through the tribunal of the household to which he belongs, which alone has the right to punish him personally. Within the group each "House" has to answer to the other "Houses" of the tribe and to the Chief for the conduct of its members. From this collective responsibility arose the custom of "panyaring", only comparatively recently discarded. When a debtor decamped without paying his debts, any other person from the debtor's town was held for payment. He had then to inform his Chief of his predicament in order that arrangements might be made for the actual debtor to pay and thus to effect the release of the person panyared. In a country broken up among small independent groups of fairly equal strength it will be seen that this is almost the only means of enforcing justice without resorting to force. I think that it is of interest to mention the fact that panyaring was at one time legalised in Ireland, where the tribal system still existed, by the English statute law. Edmund Spenser, the poet and author of the "Faerie Queen", in his description of Ireland states that the charters of most of the Anglo-Irish corporate towns contained a provision giving the burgesses power to distrain the goods of any Irishman staying in the town, or passing through it, for any debt whatever owing by any other Irishman. This is an instance of similar conditions producing similar customs, and of the persistence, under the tribal system, of the idea of collective responsibility.

In the early family the father is theoretically an autocrat having absolute control over the lives and property of his family; the popular European idea of an African Chief being that he is a sort of Oriental despot carved in ivory and soaked in gin. In practice his authority is restricted by the authority and functions which custom has assigned to the Elders who form his Council, which has grown up, in the manner already described, from the presence and participation of the heads of households in the family consultation. As Lord Haldane remarked in the case referred to above: "The government was not an autocracy, but to some extent a constitution." The constitution of which the noble and learned Lord spoke has grown out of the primitive life of the family as I have already shown. Although there is a ruler there is

as yet no sovereign in Austin's sense, because he is not armed with that irresistible force which compels obedience to his commands. The paternal power rests on the goodwill of the subjects and the personal force of the father. To quote Lord Haldane once more:- "If the majority of Chiefs was against a man his rule must be a farce."

At the next stage, when differences of function begin to appear there arises a priesthood separate from the Chief, who is, at first both king and priest. The Chief still remains the hierophant of the family sacrifices, but the priest takes over the function of propitiating the lurking supernatural enemies, the embodiments of the mysterious powers of earth, air, and water; he becomes the channel of communication with them and the declarer of their will. The commands of the ruler are given divine sanction, or the priests themselves issue commands which they give out as decrees of the gods carrying with them the divine blessing for obedience, or the divine wrath on the disobedient, who are regarded as traitors to the divine protectors of the family. The priests also take over the criminal jurisdiction, and a criminal trial becomes a religious ceremony, an appeal to the gods – by the oaths of the witnesses, and the ordeal which the accused has to undergo/ for a decision, and the doing of justice on the guilty. The convicted criminal is looked

7/ There is no indication of this case in the text; perhaps Sekyi means the case referred to at

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upon as a sinner with whom the gods are angry, and he is sacrificed to appease their wrath which might otherwise fall upon the whole people. To quote Sarbah once more:- “A person contravening such command shall be considered to have broken the great oath of the Native tribe, village, community, or ruling power, as the case may be, and so subject to all the pains and penalties issuing therefrom.” This explains the sanguinary character of the punishments among the African peoples, which were really less blameable and shocking than the vindictive European codes which inflicted capital punishment for trifling offences against property.

The Priest-lawyer is probably, also the introducer of ceremony into early law. The trials conducted by them being appeals to the gods were conducted with all the ritual of worship, and all legal acts were gradually brought under ritual. Before it is possible to make a permanent record of transactions, a means of establishing the fact that a certain agreement has been entered into is found in the practice of ceremonies. Every transaction comes to be surrounded with a ritual of ceremony, which, at first intended to impress the fact of the contract on the memories of the participants and spectators, and finally becomes essential to its validity. This is especially the case when the transaction from customary to written law is taking place. Long after the vague, indefinite customary laws have been fixed in writing the ceremony is retained, and any omission in its performance invalidates the contract. It is from this source that civilised procedures get all their symbolic acts such as stepping upon a piece of land as a sign of taking possession, of the handing over of a clod to show delivery of an estate. At a later stage everything becomes a matter of written record, and the ceremony, being no longer useful or necessary, dies out.

To conclude, the aboriginal West African social system was a series of groups of kindred in an ascending scale; the household, the village and the tribe. The bond throughout was kinship founded on descent through females from a common ancestor; a family consisted of women and their children. The Chief was elected by a Council of Elders from males in the direct line of descent from the common ancestor as traced through females. The Council of Elders was composed of the heads of the subordinate or junior houses, and they controlled and guided the Chief.

The objects of the society were subsistence and defence. For the first purpose the land on which the group was settled was common property and inalienable. Marriage between members of a household was forbidden; women continued to be members of their own family after marriage and retained their property and the guardianship of their children, who were members of their mother's household; therefore descent was traced through her, and this regulated the succession to property. There was a common worship of the spirits of ancestors embodied in the family stool, of which the Chief was the high-priest. There was a common burial-place and joint funeral rites. Every member was responsible to all non-members for the acts of all the members of his group, and the group was collectively bound to protect all its members. The system discouraged competition within the group, and was not favourable to economic progress. On the other hand it was calculated to produce a general level of well-being. While it made this general level not very high, and prevented the accumulation of great individual fortunes, it eliminated want by providing every member with the means of subsistence and shelter. In this respect, I submit that it contrasts favourably with the social system of the civilised countries of Europe with their enormous accumulation of wealth in the hands of a few at one end of the social scale, and its huge hordes sunk in abject poverty and destitution of the necessaries of life, at the other end.

Another important passage comes in Lecture Two when he analyses the concept of the individual in Akan-Fanti law as compared with the concept in English Law. He states categorically that for the Akan-Fanti by custom 'the family is really the individual' and difficulties arise when this concept is lost sight of, in pursuing English notions that an individual is someone who is responsible only to himself alone. He returns at the end of

the passage to emphasise the symbolic importance of customs such as the stool ceremony - an argument which we have already seen in his Custom and Law in West Africa (c.f. page above)

Lecture 2

The individual as conceived in English law is, in my opinion, a person only artificially, and not naturally, separate or single or distinct from his compatriots. In the highest English circles the influence of the head of the family is a real influence showing that the individual by himself is not a complete social entity; and we all know how much and why a wife's mother is very much feared or abhorred or both feared and abhorred in England. This is because although family influence apparently does not exist among the lower social orders in England, the mother's instinct of acquisitiveness is at the bottom of a great deal of the awkward situations that only an active and domineering mother-in-law can create for her daughter and her daughter's husband.

I will here give you two instances in illustration of the Akan-Fanti legal view of the individual. In strict law no chief, whether paramount or subordinate, can cause the arrest of any man for any breach of a law or an oath except through the head of the delinquent's house or family. This is only a less noticeable form of what in the case of arrests outside a state is known as *adasuam*. A marriage among us is an alliance, a contract or an arrangement between two families, and not between the individuals who physically consummate the marriage; therefore both the wife and the husband are subject to what in England may rightly be called impertinent curiosity, with the interference that is entailed thereby. If one marries under the English law, he has, as far as possible in these days, complete dominion over the body or the person of his wife. If the wife's father or mother interferes in any matter arising between the spouses the husband can turn either of these out as outsiders who have no legal right to enter his house without licence. The wife too can turn out, in the same way, and for the same reason, either parent or any relative of

the husband who presumes to poke his or her nose into her husband's house without leave. Can this happen with those married under Akan-Fanti law?

The Akan-Fanti view of the individual as only a fraction of the social or political unit, the Family, leads to many very interesting consequences two of which we have noted above. It is owing to this view that it is not possible to reconcile the English idea of "coming of age" at twenty-one years and our view, under our native law, that no matter how old a man is, if he is not the head of his family, he is not the right person to deal with family property. He can deal with his self-acquired property, of course; and in that case our native law does not seem to care whether a person is a minor or not; take farmer or fisher lads and girls: they sell fish or farm products obtained or cultivated by themselves and there is no question raised as to whether they are capable of contracting or not. I do not know whether any case has arisen in the Native Tribunals in which one of the questions to be determined was whether a party to a contract of sale was a minor or not. I conceive, however, that if an honest boy or girl finds some considerable property, like a valuable trinket or a bag of gold coins, or a large nugget, or *aggrey* beads, his or her father, and failing a father, his or her uncle or elder brother will take charge of any negotiations for its sale. A man ceases to be liable for the sexual offences of his son or ward or apprentice when he arranges for the boy to marry, he taking charge of the boy's earnings during the period before marriage. The rule is that if, after the boy has attained a marriageable age, not mere puberty, but an age varying according the rate of development and the industrial achievements of the boy, no wife is obtained for him, his father or guardian or master, and in any [other] case his uncle or the head of his family, is liable for cases of *ayifer* or "*domfa*" of which he is guilty. That age in some cases is 25 years, and I think it may be as low as 20 years in other cases; but the tendency in the old days was to discourage early marriages on the part of men: girls could marry earlier, for obvious reasons.

In the native states Akan-Fanti law and custom are fundamentally the same. The distinction that one finds now-a-days drawn in the witness box and in judgments of the Supreme Court between the native custom of one state and that of another is strange. Local variations occur only in unimportant accidents, not in the essential elements of the customs.

The development of our native law and custom has been in a measure arrested by the interference or grave modification, effected by statute and judicial decisions, with or in the celebration of our annual festivals. A great deal of mischief, too, is done in this respect by missionaries, who look only to their side of the matter, forgetting that their churches would thrive better if the members thereof were fuller natives than their rules permit them to be. The value of the annual assembly, at the great Stool Festival in the headquarters of each State, of all the greater sub-chiefs, each with his subordinate chiefs and headmen, is incalculable. At these assemblies, which had each been preceded by smaller assemblies at the headquarters of each Division of the State, and at smaller gatherings of relatives at the Stool Festivals of each occupant of a Stool, whether major or minor, revision of customs was often considered, and projects for improvement, abandonment or discouragement of practices that did not conduce to the well-being of the State were put forward for the Paramount Chief and his Council to deal with. Again, funeral customs were always opportunities for the gathering together of all relatives and close friends from all over the country, and from abroad; the musical groups like the *Adenkum, Adziw~a*, or *Ebusuayir* players and singers, which met and played, sang and danced at these funeral customs and recounted deeds of dead (and living) great men, which narration, in the mellow language of poetry, aided memory, and incited in the young determination to do at least as their illustrious ancestors did. All this is being now

killed out, owing to the belief, perhaps, that it is better to go to Heaven maimed than, in full possession of our limbs, to go to Hell. Well, that is a question of opinion. Heaven cannot be any good for those who cripple their souls by making unhealthy bargains with religious leaders who are supposed to be agents for supernatural and omnipotent beings: if a man is a good citizen, and takes full pride in the institutions of his country, I do not see how he can be shut out Heaven by the recommendations of any body of priests or the anathema of any ecclesiastical college.

[The remaining manuscripts are largely taken up with quotation and commentary and are too technical to quote in extenso. The argument there is roughly as follows: Blackstone, and English commentators in general, make the mistaken assumption in discussing the rights of the individual that society is created 'by artificial means, to wit physical force or the fear of, or necessity to avoid physical force.' The West African assumes more correctly that his society has grown organically. This is a basic thesis which Sekyi propounds many times in his writing.

Sekyi then attacks another assumption – the assumption that English law is in some peculiar way superior to legal systems in other countries. In particular he points to the excellences of the medieval constitution in Hungary and defends French law against some of its English denigrators.

Later he surveys the legal position of the Gold Coast disputing whether it is in any legitimate legal sense a British Colony. As in 'Our White Friends', but

in a more legally detailed way, he outlines how successive legal measures have gradually tightened the colonial grip.

The manuscript ends with a survey of the legal position of the sovereign in English Law, specifically in relation to the colonies. This argument is more completely pursued in an earlier work, Thoughts for the Reflective, extracts from which are given later in this book.]

The study of our Institutions – an Address to the Ashanti Club

Sekyi's rich sympathy with the customs and traditions of West African civilisation is evident in much of his writing. In this largely autobiographical speech given to the Ashanti Club in 1943 he speaks warmly of his own discovery of the wealth of his cultural heritage – 'the robustness of our ancient institutions', as he describes it in his introductory remarks . His comments on language are particularly interesting, as pointing out the close relationship between language and culture, and the difficulties encountered when an alien language is imposed upon an indigenous community.

The Ashanti Club was largely composed of the local intelligentsia, as in most of British West Africa at the time. Others were called literary clubs or debating societies in some of the British African colonies. (See footnotes to the Address). As Sekyi indicates early in the address the Ashanti Club, based in the Ashanti capital Kumasi, had been in correspondence with him and other leading Gold Coast personalities to give talks on various literary, cultural and political or constitutional subjects.

On this particular occasion, however, there were quite a few of the Ashanti Chiefs present, thanks partly perhaps to his personal friend Nana Kwame Frimpong, (George Asafu-Adjaye in private life)

AN ADDRESS TO THE ASHANTI CLUB

BY: KOBINA SEKYI

AN ADDRESS TO THE ASHANTI CLUB

by

Kobina Sekyi

It has not been easy for me to select a subject upon which to address you. Many are the reasons why one should take time to reflect before addressing any assembly anywhere in these days of the most trying War the world has yet seen. These reasons we need not here and now discuss. To do so would leave hardly any time for my address to you.

But even if it were not war time, it would still be difficult to choose a subject the endeavour to deal with which would please the various schools of observers and the several grades of the reflective that are bound to come together within the ample limits of this great state of Ashanti. Leaving out the indigenous population, there are those whose interests are purely and simply commercial; there are missionaries, who, in these days have many more interests than would be considered, in the old and narrow days of early Christian effort in this country, proper to the cloth; there are tourists and visitors, *Akwantsinfu*, whose interests are essentially transitory, but whose example may have results that may well outlast the present; then there are our good friends the political officers and the numerous company of associates or colleagues in the various departments of the civil service, of which they, the political officers, are the centre. To speak on any subject so as to give satisfaction to this miscellaneous population is well-nigh impossible. I will, therefore, content myself with addressing you upon the subject set forth above, namely, “the Study of our Institutions”, trusting that in the discussion, which I hope will follow the lecture, I shall have the opportunity to estimate the extent to which I have captivated your interest, or deserved your contempt.

When I was asked a while ago to disclose the subject of my proposed address, I looked up my Clubs file and my Lecture file to see if I have spoken before on any subject which is likely to engage the attention of people in Kumasi without getting anybody into trouble with any of the various authorities established in this rapidly developing portion of West Africa. I was lucky in my search through the files I have indicated above. I found in my clubs file a letter from a group functioning apparently in this city (Kumasi) in 1936 and bearing the noticeable title of the “Aborigines Improvement Club”. Through that letter this club asked me to become one of its patrons. I accepted the invitation on certain terms. I wrote as follows on the 10th October, 1936.

"Please inform the officers and members of the Club that I am willing to be set down as one of the Patrons of the Club if they will include every year in their programme of lecturers or addresses:

1 lectures or addresses in the vernacular, on such topics as native custom and tradition and past contacts with white men, by well known illiterate *Akyiami* or other prominent well-informed illiterate elders, whether of Ashanti origin or extraction or otherwise, and

2 debates conducted in the vernacular with two or three illiterate *Akyiami* or other illiterate gentlemen of the class indicated above as joint chairmen, such chairmen to be entitled to correct errors in speech or gesture in addition to their normal functions as chairmen"

I noticed in the same file notes I have made for an address to the Young People's Literary Club, Accra, at the Public Meeting held at the Palladium, on the 6th May, 1933, in which I had set down the following among the suggestions I was going to make for additions to their yearly programme or syllabus as to lectures:

- Lectures by renowned *akyiami,* or local statesmen, on our tradition and customs, on lives of by-gone statesmen and politicians, great kings, princes, chiefs and *akyiami*.
- Lectures on differences in the points of view of ourselves and other dark races on the one hand, and white races on the other, e.g., as to the identification marks of civilization, the standard by which

> progressiveness and backwardness are to be estimated. [Take, for example, the allegations that Chinese civilisation is stagnant, that Indian civilisation is obsolete, and that Western civilisation is progressive. Compare with developments in Japan]

I found notes of other suggestions, for example, to a body called the West African Youth Co-operative Association, made on the 31st March, 1934, and a summary of an address to the first Youth Conference held at Achimota, Easter 1930. In the course of what I said to the latter assembly, I note the following:

> "I suggest, in the next place, that in order to free our development from its present trammels, we must learn more of the outlook and the deeds of our ancestors: the history of the past achievements of our people should be carefully studied, not in the form in which the white man, or those who think like him present lives of tame or tamed Africans with characteristics not African or national, but in the unedited form in which our elder relatives and our linguist or other elders can tell us of the lives of our great men of the past and to-day", and I referred there to our seeming to forget that we have~ national standpoint and a sense of values all our own"

I have not deemed it advisable to quote from what I suggested in the appeal I wrote at their request to the West African Youth Co-operative Association, because I made statements in the appeal which may be taken amiss by many of our friends, acquaintances, or relatives who may be thin-skinned or touchy. However that may be, I have referred to what I have previously said or written in order to find something of interest to the young people of this great country. It is obvious that even if I would, I could not say anything other than what I have stated to assemblies elsewhere. I think I am by

now well-known to be one who hardly ever loses an opportunity to talk of our own institutions, to compare them with those of other people, to trace their origin and thereby endeavour to reconstruct the days in which lived the political geniuses who created and developed them for our benefit and our glory even in these degenerate days. For it seems to me that those who could evolve institutions like ours cannot be said to be in a low cultural state. I would go so far as to say, that, from all that we can see of the robustness of our ancient institutions in spite of the modern facility of legislation in a Crown Colony, our ancestors were highly civilised people, very little, if at all, below [behind] the Europeans whose narrow imperialism very nearly eviscerated the polity of our fathers and of the fathers of their fathers.

An opposite and rather curious tendency is observable among white men in African today. Formerly, when Africa was deemed the white man's grave, it was difficult to find a white man who would claim Africa as his home, unless he was a Boer or of Boer extraction. Some time before my student days in England came to a close, I observed that the practice was growing of referring even to the officials, birds of passage whose short tours make it impossible for them really to identify themselves with our lot, as Mr. or Mrs. or Miss Jones, Smith, Brown or Robinson "of" Accra, or Lagos, or Freetown, as the case may be. This is sure to annoy some Africans. I remember a Sudanese whom I knew in England in my student days. He told me that one day being exasperated by a white man who said he was an African because he had been born in Africa, and having obtained a negative reply from that white man to the questions whether his father and his grandfather had also been born in Africa, he indignantly asked that white man "You born in stable you horse?" My Sudanese friend was a good Arabic and French scholar, but his English was woeful, and often incomprehensible. But he apparently routed the European by asking him whether, according to his way of reasoning, if had been born in a stable he would therefore be a horse.

There are many among us who think it is a waste of time to study our institutions, because they deem our sun-ripe customs uncivilised and odious. Once, after I had addressed the Eureka Club8/ at Cape Coast on the same subject, a gentleman, more advanced in years than the actual members of the club present at the meeting, and himself an unwilling visitor, because he had to wait till the meeting was over to speak to me about a claim I had made on behalf of a client against his son, angrily queried me as to why I had called our institutions “our inherited institutions”. Before I could reply, he fired another question at me, namely whether I considered it a good thing that in the old days people were killed to accompany a dead personage. I answered, rather glibly, that it could not be a bad custom, as if it were still in force it was very likely that certain types of persons here would no longer live to afflict us with their perverse outlook. If that practice had continued up to this day, does anybody think that more men would have died under it than have died in Europe during the last War and this War? Or could an aggressive questioner consider that that practice could reduce the population in the manner in which the Slave Trade decimated the people?

Nevertheless, I do not think any really well-brought-up African can object to the suggestion that he should practise public speaking in the vernacular, and learn to converse, with those of our learned Akyiami and Chiefs who are illiterate, upon the customs and other institutions of our ancestors. Most of us who can fairly well write and speak English cannot make ourselves understood in the vernacular by any but the oldest members of any group of relatives. When we attempt to address a public gathering in the vernacular, remarks made afterwards by some of the persons addressed prove that most of the time what we were saying was differently understood. The words flowing from our lips on such occasions are Akan or Fanti words, as the case may be; but the thought we seek to convey by means of those words is strung up in some other way than that in which Akan or Fantis string up their thoughts. It becomes therefore, a matter of great

importance to our literate brethren to seek the aid our illiterate brethren, uncles, fathers and grandfathers. Often, too, our mothers aunts and grandmothers are splendid in their mastery of expression in the vernacular, not the ordinary every-day language, but the grand and polished language of formal address.

Many years ago9/ before I left home to continue my studies in

8/ Eureka Club, Cape Coast - One of the several literary and social clubs in the towns of Southern Ghana (Gold Coast) which began to proliferate just after 1918. Most of these clubs were political as well as literary clubg~

~/ This was in 1910

England, an aunt of mine, still alive, who sometimes asked me to write her letters for her, deeply impressed me with her great capacity for expression in very choice Fanti. She spoke what she wanted me to write with a dignity and a precision which suggested that in her mind's eye she was making a formal address to the intended recipient of her letter. She is still a very capable speaker. So ignorant was I of our modes of formal expression in public, for example before arbitrators, or at the Ahinfie – [that is, the residence of the Ruler] – or at public meetings, that at one time when I was a "*backstayer*", or surety, for my grandmother at an arbitration, when the *Kyiami* of the arbitrators pronounced the award against my grandmother I did not understand what he was saying. He uttered a string of proverbs which were really Greek to me. But the aunt, of whom I am speaking, was sitting by me, and she said, "Yewura, w'ebu hen fo. ntsir suer na bisa asi."[11]. *(Translated: My dear sir, they have pronounced us guilty; so you must get up and ask them to explain).* I did not even know that I had any such right as she indicated. I got up, then, and asked; the *Kyiami* then spoke Fanti that was intelligible to me.

The same aunt was the first person who forced upon my attention the distinction between our local standpoint, and the English or foreign standpoint, on every day matters. I was staying at a place called Aboom at the time. Those who know Cape Coast know that my relatives have a hamlet at Aboom standing upon a fair amount of agricultural land. I was looking out of a window on the second floor, and was enjoying the vista in front of me, and the calm and quiet of the forenoon. A small mampaml2/ had, in the characteristic fashion of such reptiles, gradually insinuated itself from the undergrowth behind a cluster of fruit trees, and had come to bask in the rays of the rising sun, just by a pot of water which my grandmother always put out for birds to drink. Not far off, a pretty snake too had glided into the sunshine. The birds were happy in their song, and I was happily looking on at a happy world. Suddenly I saw men breaking through the thick

bush, just about the height of average sized men. There were six or seven men forcing their way through the bush well within our boundary. They were obviously trespassers. I therefore called upon them to come out of the bush and get off our land. They said Yewura, yeribal3/ But they nevertheless continued their trespass. I then threatened them with the police, the only type of authority I considered capable of dealing with a situation such as that which was developing before me. The threat made no difference. The trespassers continued to trespass. I

10/ Chiefs palace

11/ L'"Myj~d~i~Jhave pronounced us guilty; therefore, you must ask them to explain" Nj

12/

iai ~ excuse us"

did not know what to do. Then the aunt in question came out from the compound and said to the trespassers “Wananum nyi hon? Woninam hin? Hon’ nye kwan bi a; se woamfi ho na wamba embesi akontsin a onu wotu Iguee Wukuda!”14/ This acted like magic. Those persistent trespassers, who had defied me and my “civilised” threat, had stopped dead at this statement of an “uncivilised” relative, involving the invocation of a good deal of native custom which I did not understand. Up to then I did not know what was an oath, if that is a proper English word to indicate what we call Ntam. Here before me was a vivid and unforgettable demonstration of the force and efficacy of the great institution of Ntam 15/ The trespassers, looking crestfallen, came then out of the bush, on to the open space in front of the house, were severely reprimanded by my aunt, apologised, and walked sheepishly on to the outside gate, some distance away, and then went into the highway. Later on, I spoke to my aunt and she explained to me what an ntam was. My grandmother also added to the lesson; but since she was a Christian, she said I should not attach too much weight to such things, and I could not get her to see that I was eager for knowledge of our customs. My father’s father16/ was a renowned Chief and exponent of native custom. In fact he was one of the Chiefs who had been from time to time called upon to make pronouncements of native custom in the Court of the Judicial Assessor to the Native Kings and Chiefs. I, therefore, went to him. He too had become a Christian, and I could not get him to go fully into details. He was rather feeble in health at the time, too, and I could not press him with questions. However, I got from him sufficient to make me a lover of the study of our institutions.

I started then, with the study of the Ntam. I got to know its nature, its origin,

its effects. I was taught about its limitation: for example, Obe nka ntam ndan kaw,obe nka ntam ngu awar(17), and so forth. I compare the ntam with a criminal summons and with a warrant. In the course of my studies I came across many interesting details, for example, adasuam (l8) in its highest form, a payment to the Chief of the locality by the representative or bailiff or servant or a Chief from some other locality who was bring into a foreign area a process from outside that area; in its lowest form, the demand for a member of a family or a household from the head of that

15/ The State Oath

16/ Chief Kofi Sekyi, who acted as regent of Cape Coast between 1914 and 1916. Sekyi's grandfather stood for all the ancient virtues Sekyi admired so much.

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family or household whenever such member has done something for which he is to be called before the local chief or before the local elders. I went on to study the position of the King or Ruler, the relations of the King to his subordinate rulers, and to the people. In this connection I was taught the saying that “Oman ye nsu. na ohm nyi adwin a odam”19/.

The position is in danger of being reversed in these days of facile legislation. I began to befriend my clients, those who were Chiefs, Akyiami, (20) Fetish Priests, and so on. I had already learnt to respect the fisher folk through my having to travel in boats from place to place. I had been impressed by the fact that they had a world of their own, in which they had a full control of whatever appertained to them; that they had a full system of instruction for their young, with well marked grades for promotion upon proficiency being shewn; that they could engage in a learned debate about stars and winds; that they could sing beautiful hymns addressed to the various local gods as we passed on the sea from point to point — all this was to me matter for deep observation and study. The Chiefs, Linguists and Priests who became my clients I forced into discussions with a view to pressing out points of law. As a member of the Oman Council I attended one or two sittings held to hear Company cases, and here again I was struck by the great legal ability of the Chiefs and Councillors, illiterate, but learned in our own lore. The capacity of these old gentlemen for analysing evidence when the Court retires for consultation, their inexorable logic, their perspicacity in coming to a decision, and their love of technicalities, astounded me. I became amused thereafter when some unobservant European stated that it was too much to expect an African linguist to understand the technicalities. But there can be no doubt that the average Akan-Fanti is a born lawyer with a deep acumen as to legal technicalities.

I have, I think, said enough to indicate my meaning and my object. The study of our institutions can proceed satisfactorily only when we humble ourselves, after the fashion of students, before our illiterate but learned and wise Akyiami and Akyirema. There are many sources of knowledge of customary law open to everyone who has older relatives. Even the old ladies are learned in our law. If we wait for books before we seek for knowledge of custom we shall go astray. The books on native custom written so far have only anthropological interest or value. Law Books setting forth and expounding our native customary law, especially our Public

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19/ A State can be likened to a body of water, and the King is the mud fish in it"

Law, have yet to be written. This country has not yet entered upon the period of ease after productive sources of wealth have been well established, which period will enable men of leisure, ability and independence to undertake the writing of our law and custom. But the time is nearer now than it ever was. In the meantime the various clubs would do well to arrange for debates in the vernacular upon points of our customary law, and for lectures by well-known illiterate Akyiami, Akyirema, Ahinfu and Akomfu. In the course of a few years, if a proper record is kept of such debates and lectures, the clubs will possess a vast library of notes upon which can be based profitable research, with the object of bringing out learned writing on the wonderful institutions bequeathed to us by our wise ancestors — the glorious birth-right of the Akan-Fanti which we are in danger of selling for a mess of potage.

CAPE COAST

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II

The Colonial Situation

Sekyi, as we have seen, viewed the colonialist as a destroyer - the destroyer of well established and smooth running social institutions - the interfering busybody who attempted to force through changes in customs he neither understood nor appreciated. Perhaps the largest proportion of Sekyi's work is concerned with an analysis of the colonial situation as he himself lived through it and challenged it. Part of the analysis also concerns Sekyi's study of English society as this relates to the Englishman's perception of Africa and the Africans. The analysis is based upon the premise that the imposition of Western culture had precipitated a crisis in every part of West African life. His descriptions of this crisis are particularly vivid in two important works - a relatively early essay Our White Friends (1921) and a much later one Thinking in English (1943).

Our White Friends was written mainly to vindicate the National Congress of British West Afria – an inter-territorial political movement of English- speaking West Africa which sought to realise West African unity between 1920 and 1930 and demanded wide-ranging reforms, including especially elections and elected majorities for all the colonial legislatures, till then all entirely nominated. The first section is therefore concerned with refuting point by point certain arguments advanced against the Congress and African aspirations by white officials who are friends, as Sekyi puts it, 'only in a patronising or supercilious way'. In this section he vigorously denies charges that the Congress is out of touch with the people, that Africans are illiterate etc.

In the second section he turns the tables neatly by subjecting the white man's own civilisation to scrutiny. After a rather novel argument that the white man's behaviour can perhaps be explained in terms of his native climate, he goes on to give a fascinating account of some of his social conventions. Based on Sekyi's own experiences when studying in London, they provide an interesting contrast to his descriptions of West African society quoted previously, and reveal his powers of keen and critical observation. In particular his analysis of the individualistic nature of British society as opposed to the communalistic African system is one central to his political philosophy and is implicit in all his writing.

matter how distant, claims rights, and can be made to do his or her duty as a relation; and that according to our customary law there is no such thing as an illegitimate child, since even what would be called legitimate children have not as much in the way of rights in their fathers' families as they have in their mothers', so that the distinction would not carry with it any disqualification as to succession. And although it carries with it certain disqualification as regards the father and as regards the child, it will be seen what a solid whole is the Akan-Fanti social group; all in the group have to shew their fellow-feeling by contributing on such occasions as sickness, debts, marriages, the naming of children, and so forth, and at all other times in any other appreciable way.

Sekyi goes on to argue that with only a few exceptions white men, even when they pose as friends, are not to be trusted, and their influence in West Africa has been disastrous. Typically, he sees the white man breaking down traditional systems and gaining power by a policy of divide and rule. Sekyi's evolutionist view of history is revealed very clearly in his description of the activities of missionaries and the Europeanising of the African. His account of the effects of the Marriage Ordinance of 1884 though complicated is one which is important to an understanding of his view that English law is often not merely incompatible with but actually injurious to African custom and its healthy evolution. (Sekyi's satirical comedy of 1915, the Blinkards – see Volume III – turns in fact on this very idea).

Naturally, then, taking due cognisance of all that has been argued above concerning the respective characters of the black and the white the only possible

effect on the administration, colonial and aboriginal, of our white friends would be hopelessly bad if it were not for the too often ineffectual aid we very gratefully receive from the few white people who are genuine friends of the black man. I need not weary you further by setting forth in detail the manifold results of such a conflict of good and evil forces: I must leave them to you to work them out for yourselves. I will only describe the general effects in what I conceive to be their proper order. The first step was the confirmation of the impression of the wonderful power of the white man which the black man could not help having when the white man came out with his inventions. The next step was the breaking down of the religious sanctions, the foundation of the soundness of the social and political structures of our ancestors. Then came the diverting from our rulers of their power, in which our christianised people who entered into the service of the Colonial government first set the bad example of degrading our rulers, under the belief that such was the only way to introduce what was vaguely termed civilisation; and naturally, the white man, who wanted to cut down our rights as much as possible followed in the track beaten out by our own misguided countrymen, and subsequently converted it into a road with bridges and culverts, to borrow ideas from the trade or profession of road makers. It will be observed that once the ancient religious sanctions were broken down – and I do not say they were broken down *directly* by the Colonial Government – once social and political systems were demoralised, and the work of encroachment on our preserves by the white man became easier, the oaths which could bind us together for any purpose of opposing the advance of white aggressive methods, and which would make us stronger in our union by reason of the spiritual penalties against divulging the secrets of our council, ceased to be respected by the christianised and demoralised.

From all this nothing could arise but the conversion of our country into a crown Colony, with all the disadvantages attendant upon such conversion. We know what

those disadvantages are, and I think the most recent and the fullest example of the force of those disadvantages is that provided by the conflict between the National Congress of British West Africa and the several Colonial Governments of Nigeria, the Gold Coast, Sierra Leone and the Gambia. The white man, having somehow gained the upper hand, clearly intends to keep it, and in the intention to keep that advantage, unfairly obtained, he is supported by every other white man except the good white man who is sufficiently interested in the black man to be his friend. The greatest obstacle which the progressives among the black peoples have to contend with is the white man's black man, who, knowing that he cannot have a good place among the black peoples when the latter reconstruct their devastated institutions, has very prudently cast in his lot with the white man, and allows himself to be held out as the best type of black man, loyal and white-in-all-but-skin – clearly his only virtues in the eyes of his short sighted masters at present delighting in their poisonous breed of black traitors. In these circumstances, therefore, what cannot but happen is that the colonial

This is probably a reference to the great difficulty the National Congress of British West Africa had in explaining its aims to the British West African Governments. The unanimous opposition of the colonial Governors to the movement, and the similarity of the anti-congress despatches they sent to London, perhaps supports Sekyi's thesis that the campaign mounted by the Congress in 1920-2 1 was defeated by "official diplomacy".

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administration should thrive at the expense of the aboriginal administration, every effort by honest-souled black men to restore any aboriginal administration to at least some of its former dignity and power being immediately misconstrued with wonderful zeal by the conscienceless white overlord of the poor black man, and his black myrmidons. And in order that the aboriginal administrations may never again, as it is hoped by our opponents, raise their heads above their present troubled condition, specious lines of development, which are really causes of malformations and perversions, are laid down, by law where possible, by persuasion and vague threats where the law cannot be used into sanctioning such proceedings; and all who dare to raise their voices, as few can have power to raise their hands, against such orders must be wiped out or be compelled to become and remain silent. White prestige must prevail at all costs, even against equity and good conscience, and if that is too vague, then even against British fair-play! And the pity of it is that those principally concerned in all this besmirching of a fairly clean tradition are themselves British.

Giving the benefit of the doubt as to original intention to the white man, we may observe that the whole tendency of the educational, administrative or civilising policy of the white man here was, until the day of the discovery of the manifold advantages of Indirect Rule, towards the eradication of the Africanity of the African, the obliteration of his tradition from his memory, and the substitution therefor of the Europeanism of the European, without the latter's basic traditions and predispositions. That was an entirely futile policy as far as its own end was concerned, for various reasons the most important of which is that the only effective way of destroying racial characteristics even where such characteristics are physical is to prevent procreation in that race entirely, that is, to extinguish the race altogether; but the white people whom it was our lot to meet in the early days of the

establishment of a recognised white authority

Of Greek derivation. In the Iliad of Homer the Myrmidons were a warlike race of men in Thessaly who accompanied Achilles to the siege of Troy. Used derogatively, as in this context, it means 'an unscrupulously faithful attendant or hireling', an inferior administrative officer of the law.

Briefly, this system of colonial rule was formulated by Lord Lugard and was most successfully applied in Northern Nigeria. The essence of the system was imperial rule exercised through the chiefs, and the isolation of their non-Europeanised subjects from their educated fellow subjects.

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here may not have been concerned with the consideration of what was possible or impossible in undertakings of the white man for the supposed benefit of the black man.

The results we now see. First of all, the missionaries commenced the work of disintegrating our social forces. It is well established in our later tradition, namely, the tradition of what our ancestors did after we had settled in this our new abode after our general emigration from our original home in the North, that the great shrines of *Katawir* in the North Western, *Nanaam* in the Central, and *Apafram* in the North Eastern States of our group of states, were instituted for the main purpose of preventing falsehoods in arbitrations and in the settlement of disputes by public tribunals such as those of the greater chiefs. Under these greater shrines must have come the various minor shrines and the ministrations to household gods by every member of a family. The celebrations respecting twins and those children coming after twins for whom similar observances are customary, the tenth child, and so on, the fidelity of wives, the allegiance of tribal or political subordinates, the performance of the bonds of apprentices, the veneration of oaths, and a host of other pillars of our social and political structures stood upon a religious foundation: and so long as whatsoever we introduced or allowed to be introduced was such as would not impose a greater weight than could be borne by these supports of our social and political systems, or so long as the foundation and supports of these systems were strengthened in a workmanlike and practical manner before any such innovations that would be over-burdensome were brought in, we could be little affected by what the white man did. Unfortunately for us, the missionary after a long period during which he could only convert those who were suffering under our system, such as those under punishment for evil practices overt and occult, for example those under opprobrium for stealing or being related to proved thieves and other infamous persons, or for being suspected or proved to be practising sorcery and other forms of occult mischief, succeeded in converting some respectable people. I am sure this was

done through the instrumentality of the half-breeds, the mulattoes and quadroons and people of that type, who, being offspring of whites, had to be baptised and put through as much of the paces of white people as their mixed parentage seemed to qualify them to be put through. It is probable that upon close enquiry into the grounds of the success of some of the earlier

7 *Katawir, Nanaam and Apafram were deities connected with the respective states referred to in the text. Sekyi's opponents frequently accused him of wishing to reintroduce forms of worship connected with Nanaam.*

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missionaries, it will be found that a good deal of such success was due to their simple minded mothers and other relatives, who on the analogy of the established social rule that each individual worships the god worshipped by his father, and must regularly observe the taboos and the requirements of such god, assisted their offspring to ape the contempt expressed by the white people for things African. This must account for the absurd general condemnation of all things African by the missionaries, on the ground that all such things appertained to fetish worship – proof of the fact that our religious observances went through and through every department and detail of our social and political life, although nevertheless a proof of superficial reasoning ability on the part of those who concluded, from this condition of permeation of our daily life by our religion, that everything of ours was tainted by fetish rules. Be that as it may, after respectable people got converted, and a few pure-blooded Africans became themselves missionaries, the mistakes of the earlier white missionaries were carried further into the domains of error, with the result that there was organised a crusade against our religion in which the government assisted directly or indirectly – for example, the desecration of the Nanaam grove, and the Native Customs Ordinance, which contains prohibitions of all sorts of worship and ritualistic acts, as a result of an imperfect understanding of the nature of what is prohibited, or as the result of deliberate misrepresentations made by Christian converts and those who themselves had attempted to practice sorcery and had begun to feel the weight of public suspicion. The result of the conversion of some of our people and the introduction of schools after the European type was the formation and development of the fixed idea that as soon as one identified himself with Christianity, which then was considered the sine qua non of civilisation so-called, he should cut himself entirely adrift from things African. There being natural and

~ 34ff The sacred enclosure containing the sacred object5is associated with the deity Nanaam. The Native Customs Ordinance to which Sekyi refers prohibited the old sacrifices to Nanaam.

381 A similar process has been well documented by A. Afigbo in "Revolution and Reaction in Eastern Nigeria", Journal of the Historical Society of Nigeria, Vol.III , No. 3, Dec. 1966, pp. 539-573. E.A. Ayandele: The Missionary Impact on Modern Nigeria 1842-1914, Longmanns, 1966.

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See also Chinua Achebe's Things Fall Apart and Arrow of God: It is interesting to note that just around the time Sekyi was writing, a fellow colonial Rene Maran was describing a similar experience, based on French rule in the Congo in Batuala ~ a novel which won the Goncourt Prize of the French Academy ~ 1921, and was condemned in French official circles. Sekyi had commented on the Anglicisation of the African as early as 1915, and in 1918 in the Anglo-Fanti.

Error! "Nanaam" is a plural noun. It refers, not to a single deity, but collectively to "the Ancestors", which is what it means precisely in English. In this particular case the reference is to the three deified ancestors who, as tradition has it, led the great migration of the Fantis from their early North Eastern settlement at Techiman to their present coastal habitat. The names of these three patriarchs are, Obunumankoma, Odapagyan, and Osono. The date of their migration is obviously well prior to 1505, when the Portuguese Ruy de Pina, official and navigator, refers to their two established coastal settlements as "Fante o grande", greater Fanti, and "Fanti o pequeno", lesser Fanti – obviously the Kromantse and Abaadze of today. These are, and were even in 1505, colonies or offshoots of the

principal, original and more ancient settlement at Mankesim, some 5 to 10 miles inland, the site of the sacred grove and enclosure. *H.V.H.S.*

insuperable obstacles to the complete realisation of this ideal, the latter had to seek realisation within limits; but one can easily understand how much mischief would be caused by such a course, of which the essence is the development of a very objectionable, since dangerous, form of smugness and priggishness. There became set up among those who would appear civilised the cultivation of a contempt, that could be neither thorough nor genuine, for things African; and this contempt was very assiduously simulated in all matters and cases where the good opinion of white observers was sought, or where it was feared that any appearance of supporting African institutions would raise among the white people the cry of back-sliding or “going Fanti”. The corollary of this kind of mental attitude is the development of the desire to do all things in the European manner; and the effort to attain perfection in this aping of Europeans has been very distasteful to the majority of white people, who, inconsistently enough, when they come across glaring instances of the absurdity of their mode of civilising so-called savages, blurt out the truth, namely that there is more dignity in the African than in the Europeanised African.

Another inevitable, but very little appreciated, result of this stupid system of Europeanising does so ???????? merely to discourage Africans from owning things in his fashion, and thus keep them in their old ways, which had up to recently been deliberately ridiculed and despised by the white man. This has made it all the more difficult for those of us, who have found out the mischief that such a line of action works. Accordingly each generation becomes more Europeanised, or, rather, makes greater advance in the direction of imitating the white man than the preceding generation. So far has this gone that it is considered most degrading for one educated after the European manner to marry according to the old customary laws, and the greatest support of the now fairly well-established custom of imitating the white man is the imitation of marriage

after the European manner under the Marriage Ordinance of 1884. The prevailing notion is that one who has received or completed his education in England should have his intended wife train in England so as to fit her to keep his house in well-approved European fashion7. I think it is simply following out this idea to its logical conclusion to think that the best thing for a black man educated in the English manner to do in the way of

35. Sekyi ridiculed this practice in his play the Blinkards, staged in Cape Coast by the Cosmopolitan Club in 1915.

marriage is to marry a white woman, so that the next best thing to do is to marry a black woman trained in the white man's country, and the least good thing to do in this connection is to marry a black woman who has had only a local training in matters European or white; white people who now and again give vent to their supposedly outraged feelings in diatribes against black and white marriages should consider the early policy of their administrative pioneers in these parts, in setting up among us the false standard of right and wrong which was exclusively white, and which therefore commended everything white and condemned everything black, before they pass judgment either on the black consorts of white women or the white consorts of black men. It will be observed that the same remark would apply to the white administrators who, so late in the day, that is, after generations of systematic tuition and compulsion of the black man to seek the (supposedly) superior advantages of the white man's ways of administering justice and of conducting state affairs, have entered upon a period of *compulsion* of the black man to take the opposite direction and *prefer* once again our ancient methods of administration of justice and of states. For there can be no denying that in breaking up our big kingdoms, and in the policy which has resulted in the sudden appearance of so many independent states in our country where formerly there were only a few big states, the Government aimed at, and to a very great extent, succeeded in, destroying our system of administration and replacing it with theirs; and that in introducing the Judicial Assessor's Court, which was subsequently altered into the Supreme Court of the Gold Coast Colony, as we know it now, the white man aimed at, and succeeded in, effecting the same results as regards the administration of justice. In all these matters, therefore, the action of the white man, whether it be the white official who seeks to set up indirect rule, or the old coaster in England who indulges in vituperation of the black man because he is liked by, and himself appears to like, white women, or the old coaster who realises with a shade of chagrin that the white-man-aping black man, whilst setting himself up as being more in the white man's favour than the black man's, nevertheless

resents certain acts of domination on the white man's part by reason of his belief that he has improved himself by imitating the white man as closely as possible, betrays the regret of the man who feels the force of the blow that rebounds.

There is in this a form of retribution which should make the white man beware of group morality(39) in his dealings with the black man. It will be noted that, more especially since the commencement of the indirect rule period,

39 c.f. Summary of Article IV: The Parting of the Ways p below

the white man has been all the while proceeding on the assumption or on the conviction that what is good for the white man is too good for the black man, wherefore we find that in the law as it is passed and administered in what is called the Colonies, there is a difference between the principles governing the Acts of Parliament constituting the laws of England, and the principles governing the Ordinances constituting the laws of the Colonies. The difference is not against the white inhabitants of the Colonies, especially in the case of the self-governing colonies; but it is very much against the black inhabitants in the Crown Colonies, so-called, and in South Africa.

Now, before dealing a little more fully with the question of the difference in principles underlying the law of England and the laws of the colonies, let us consider the influence of the idea of the superiority of marriage in the white man's fashion and the part played by the Marriage Ordinance of 1884 in perpetuating this idea. It may not be very well known that the Marriage Ordinance of 1884 was passed as a result of an application made by the Wesleyan Church to the Government about the year 1884, when it appeared from the decision of the British Court here established that those who had married according to our ancient custom, and had subsequently gone through a form of marriage according to Methodist rites in an unregistered church or chapel could not claim to have been married in the English Christian manner so as to necessitate divorce proceedings being taken for the dissolution of such marriage. It is said that this decision caused a sort of holy panic among the African Methodists hereabouts who then inferred, from what they had been taught respecting the heathenishness and repulsiveness of everything African or aboriginal to these parts, that all who had passed through such a form of marriage according to church rites

under the impression that they were going through a form of Christian marriage had been shamefully misled and had all the time been "living in sin" as they put it! It is clear that these zealous black Methodist had been confusing Christian marriage with a lawful English marriage as a result of the identity of the two modes of marriage when performed, or gone through, in a duly registered religious building by a competent minister of grace. In any case, the Marriage Ordinance of 1884 was passed as a result of the representation made by the panic-stricken black Methodists who were anxious to save their souls and their good name with their white teachers. Now, certain sections in the Marriage Ordinance, the Supreme Court Ordinance, the Criminal Code, and the Criminal Evidence Ordinance shew that marriage under our custom is recognised by the Courts and the Government as lawful marriage; nevertheless, the fact that marriage under Ordinance effects a change in the status of those married under it, so that a wife under the Ordinance secures certain rights of succession to a portion of the property of an intestate husband under the Ordinance which go against the spirit of our own laws and customs, makes such marriage preferable from the woman's point of view.

However, since the wife under the Ordinance obtained great advantages which always worked to the detriment of the parents, if any, surviving, of a man who has married under the Ordinance, and who had been brought up at such expense by his parents as to deplete to a very great extent the individual wealth and the physical resources of his parents, the relatives of a man who contemplates such a form of marriage always view it with disfavour, and, conversely, those of the intended wife regard it as a much better prospect for their daughter, cousin or other relative. Marriage under the Ordinance is objectionable also to the wives (if any) married under the local customary law of any man who desires, or has, to go through it, and objectionable also to those of his relatives who

are conscientious as to the man's obligations to any wife by our custom who has not so mis-conducted herself as to warrant the man in sending her away; for there are provisions in the Marriage Ordinance which make it essential for all who are to pass through the ceremony before a Registrar or in a church to dispose of their wives (if any) married under the customary laws, in order that the marriage under the Ordinance may be legal and valid. This has given many men a chance to act very unfairly to their earlier wives, who, under our custom have a higher status in law than any later wives, especially, the first wife, who under our law is really *the* wife; and it is only those who put away their wives by our custom before marrying under the Ordinance (not because they want an excuse for putting away their wives, but because the relations of the other person they want to marry state that, unless marriage under the ordinance is gone through, they will not give the permission necessary to co-habitation without the liability to pay the penalty of what is know as ayifer or seduction, a threat which hangs over the head of every man who induces a woman to live with him without the consent of the woman's people, who do all in their power to assure their wives by our customary law that although they have to be put away, they will not lose all access to their husband's society, but will simply have the more derogatory position of concubines.

This is a very serious change in the position of a respectable woman, but it is a change brought about, indirectly, it is true, by the Marriage Ordinance. Of course nothing can compel any woman married under our custom to consent to be put away in order that a more favoured or fortunate person may be placed in the position from which she has been removed or is to be removed; but the chances of a happy married life that such a woman will have after she has refused to allow herself to be reduced from the position of a wife to that of a concubine, are not much; and the inevitable result of such refusal will be such a stormy married life as will warrant either the wife's people to demand back the wife or the husband's people to worry him into sending the

woman away on the ground of incompatibility of temper. The prevailing notion is that every person who has become a Christian, or who at any rate has been baptised (whether in infancy or not appears to be immaterial)#'and moreover every person who has been put through some sort of schooling and has been habited in European clothing, should marry under the Ordinance. If he or she does not do so (and a man has a greater liberty in these matters than a woman, since if a man's own relatives will not apply for the hand of a woman he wishes to marry, he can send some friends to do so for him, although respectable people will never consent to any of the members of their family being given in marriage to a person whose marriage messengers do not come from the proper authorities in his family or include members of his own family), his relatives will worry him until he does so if only to secure peace of mind at home, and also be sure of the support of his people in any trouble or misfortune that may befall him during his later life. A third reason why marriage under the Ordinance is always preferred by the relatives of every Christian educated woman, young or old, is the difficulty of obtaining divorce except through submission to the searching I questions of a British Court and to the shame that attaches to a public investigation into the details of one's misconducted married life; as a result several disappointed husbands and wives under the Ordinance can never obtain the consent, and, therefore, the support, of their family authorities to petition for divorce, a circumstance which secures the woman her maintenance even when living apart from her husband. Taking every point into consideration, then, the superior advantages secured by the colonial laws passed here to the wife under the Marriage Ordinance, who can suddenly reappear even to contest an application for letters of administration by the family of her deceased husband under the Ordinance, from whom she has lived apart for years, make marriage under the ordinance preferable to the intended wife and her people; and the prevalence of the notion that the social status of an educated person requires at least that he or she should marry under the Ordinance generally results in the (preference) of marriage under the Ordinance to marriage by our customs.

Now, it is a notorious fact that the most successful marriage of the people called Christians in our parts were those that were gone through before the marriage Ordinance was passed. Those were “marriages” of people already married by our custom, who carried into their married life simply the African idea of a married life. Those were the more or less unpretentions “blessing” of marriage already celebrated according to our custom, and were not attended by any of the purse-bursting masquerade and pantomime that are nowadays considered the hall-marks of marriage. It is on record that a marriage under the Ordinance wisely managed by the bridegroom in such a way that the church ceremony was over long before anybody could suspect that there was any such thing occurring is popularly condemned as being a derogatory manner of marrying under the Ordinance, and has been made a source of insult and annoyance to the bride. By far the greater number of the marriages under the Ordinance (be it noted that marriage before a Registrar too is considered derogatory) celebrated since 1884 have been distressing failures, although it is only within the last ten years that petitioning for divorce has begun to be popular. The principal reason for the failure of the marriages under the Ordinance made since 1884 is the shallowness and the unnaturalness of the ideas of marriage with which the parties to the contract, and their respective families, commence and carry on their dealings with one another after the ceremony in the church is over. In the first place an artificial and complete cessation of affection for the wife or wives put away before the marriage under the Ordinance can become a *fait accompli*, and a rigid circumscription of ordinary male attention to attractive females are demanded. It must be borne in mind, as I believe I have already pointed elsewhere, that the circumstances of our double life in these days of conjoined African and European incidents of life make it essential that every young man who does not desire to commence married life with a handicap in the way of expense must commence married life with a wife under our custom *(41)*: the cases in which a young man commences marriage all at once with a wife under the Ordinance without the necessity of appeasing a concubine of a wife under our custom are

very rare indeed. The result of the artificial and complete cessation and circumscription referred to above is

41 Sekyi did precisely this in 1921.

hypocrisy on the part of the man, leading to a double life (in a bad sense, this time) of which the issue is a quarrel upon detection (which is easy, owing to the numbers of less fortunate women who are interested in the failure of the marriage, so that the man now less rigidly guarded may be able to move more freely among unattached women) through report and gossip of a malevolent nature, and a reversion on the man's part to the wife or wives he had to put away. This act husband's part would necessitate retirement to live among her own people on the wife's part. Then would commence a life of distress for the woman, as a man does not usually suffer in such a case unless the woman is strong willed enough not to retire to her people, and malicious enough to harass the man with frequent scenes.

Next, the expense and worry of living in the manner supposed to suit the status of an educated person married under the Ordinance entails a constant importation into the household of European goods of the non-necessary class, and of European ways *(41).* A very fruitful source of trouble in this respect is the partiality or assumed or expected partiality of people married under the Ordinance to what are loosely termed "parties", at which manners prescribed in books such as "*How to dance*", "*Rules and Manners of Good Society*", "*Don't*", "*Etiquette for Gentlemen*" and a host of other misguiding compilations are *de rigueur*. There is always nowadays a plentiful supply of "clubs" to pander to this sort of forced appetite. It is not suggested that this kind of thing is bad in itself, but only that it is bad if it is forced and unnatural. A man may for example cultivate a taste for high game or gorgonzola cheese, if he is an epicure and naturally inclined towards gamy confections; but he is a most insufferable prig if he cultivates such a taste merely because it is fashionable, for to hanker after such evil tasting and vile-smelling preparations merely to become fashionable is to subvert one's ordinary and natural

senses for an artificial purpose, a line of physical and social retrogression or mal-development. It is required in the set which hankers after perfection in the European mode of living, a set to which, as I have already stated, every person who has to marry under the Ordinance, is expected to belong, if he or she is not already in it, that the children of marriages under the Ordinance should be brought up in the European manner, and even perambulators and nurses in caps and aprons are secretly aspired to in some cases; but the absence of pavements or the fewness or smallness of our local parks and recreation grounds prevents that development of blind European aping.

In any case, a child of such a marriage is worried early into socks and shoes and

41. See Sekyi's The Anglo-Fanti and the Blinkards.

all the overheating articles of clothing and underclothing which the inclement climate of the European's home has produced out of human invention *(42).* He or she must be saddled with a European name which is supposed to be better than the African name which cannot be avoided, servants and illiterate relatives being such as to be impassive to the exactions of the local "smart set". If the child is named according to custom, it must also be baptised, or the wife and the women of the father's family or the mother's family will worry the poor father's life until he consents to a baptism before the child is able even to see properly with its eyes! If either of the parents or the child is ill, a European-trained doctor must be sent for. During pregnancy and at confinement, the doctor, or a nurse where available, must interfere with everything which custom has established respecting the treatment of children and their mother – things necessarily peculiar to our peculiar climate and mode of life. Then comes schooling, and the clothing must include boots for daily use, if the husband's grade is supposed to be too high to allow his children to become as hardy as the other children who are so free and healthy.

The list of things persons married under the Ordinance are required or expected to do is a well-nigh interminable one. It is thus the Marriage Ordinance that makes the trade in all the fripperies and shams produced in European factories for the use of the African de-Africanised. The burden of this mode of life is awful, especially as there is always a large illiterate membership in any family group in which a European life is to be lived. For example, an engagement and a wedding for a marriage under the Ordinance, involves passing through every rule prescribed by custom as constituting the earlier stages of the journey towards marriage; there must be provided a ring supposed to correspond to the English engagement ring, but in reality something as much an earnest as the *itsir-nsa,* and controlled, like the latter, by the young lady's

family but not by the young lady herself. The ring is in most cases kept by the family and given to the young lady on special occasions to wear. Then “things” must be sent by the man according to our custom, and in this case, as marriage under the Ordinance is in contemplation, a whole quantity of articles of clothing and other things including jewellery, supposed to constitute what .is known in England as the trousseau must be sent by the man’s people to the bride’s people before the wedding can take place. In the meantime relatives and dear friends must also be fitted up for the occasion and pipes and tobacco and strings of small white beads must

42. See The Anglo-Fanti. The Blinkards and The Meaning of the Expression ‘Thinking I in English’.

be distributed as an announcement to the relatives' friends of the coming marriage. After the wedding, a whole week of our customary observances has to be gone through; and after that, during their marriage life, whilst the married pair are always expected, even by their illiterate relatives, to go ahead in things European, these same relatives, including some educated ones, keep on clinging to their right by native custom to mix themselves up with the affairs of the married pair. So the distressful complex goes on with no relief on either side till death does the parting or something else brings about the same result. But even after the death of one party to the marriage, the survivor has to sustain heavy impositions under our custom as a widow or widower, and the children and grandchildren have to take up their burdens in accordance with our practice as to funeral customs. Thus we see what an awful complex has been brought about by the Marriage Ordinance which has made each succeeding generation of our people more and more artificial and more and more dependent upon European products and productions which cannot be considered necessary at all.

After arguing that one difficulty in Colonial West Africa has been the poor quality of the white men who have actually administered, and misunderstood, laws which were inappropriate in the first place, Sekyi turns to give a highly satirical view of the process of Europeanisation as it affected individuals. Sekyi was plainly not without a sense of the ridiculous; indeed the ridiculous was the proof of his argument; and the mindless aping of Western clothing is to Sekyi the obvious symbol of a "general process of decay".

Now, a great deal of the trouble we are having in the matter of our effort to secure a little more control over the Government, so that we may a little better improve our conditions, and thus develop a little more freely, is due to the bad training our fathers and grandfathers had at the hands of the missionaries, and the sort of Englishmen who were then administrators and merchants. It is probable that the main object they were endeavouring in their incompetence to achieve, namely the setting up of English ideals before us, was good in its own way; but the results are ludicrous till you get used to them. Take any of our ladies with their slow and stately gait, and their *abasatu*(43), that is, the freeness of the swing of their arm when they walk. Observe her when, dressed in the Fanti manner with her *akatar* she sets out. Take the same lady, fit her out with dress got up in the latest fashion of the European manner, with high-heeled boots and so on, and let her go out. Compare the *tout ensemble* of the two pictures, gait, *abasatu* and all, and

you will see that although the Fanti lady can carry upon her person the latest fashion of dress in the European manner with as much grace as a European lady when she is still, the moment she begins to move, unless she has become accustomed to the European manner of moving, or been compelled to abandon her own manner of moving, during a period of study in Europe or elsewhere, there is something odd about her general appearance. The same thing applies to the men. It is somewhat startling to see a young man dressed immaculately in European dress clothes, not excluding the white gloves, at one of our local balls dancing what is know as “High Life” without any remission in the matter of movement. It is not so much a question of fit as far as the shape of the body goes: as far as that is concerned, I would go so far as to state that we can produce dandies after the European manner to compete successfully with the most noted Beau Brummels of any time; and in the same manner we can produce ladies with as high a taste in European dress as can be observed in any refined European lady; but all that is beside the mark . Starting from the simple to the less simple let us contemplate the state of our ordinary feelings when suddenly, without previous notice, we come upon a person with some of our most conspicuous tribal marks on his face dressed out in the latest style of morning coat, trouserings, patent leather boots and a well brushed silk hat; yet there would be nothing out of way about such a person if one had seen him dressed out in velvet or silk, confining ourselves to European mode goods, in the Fanti manner. In the same way there would be nothing incongruous about our friend the young Fanti in the dress clothes and the white gloves dancing “High Life” at the ball if he had had on clothing after our manner; for his movements would, except where he elected to dance boisterously or rudely, have been graceful. Let any of us who has seen dancing in the classical style performed on the stage in England recollect whether he ever saw any of such dancers dancing at a proper performance in European clothes as we now know them. These are perhaps matters for those gifted with a keen sense of the aesthetic to appreciate. Take for example any ordinary case, where a young man who has never encumbered his feet even with sandals, and who has never worn anything nearer a coat

in make-up than a singlet, or nearer trousers than bathing-drawers or football knickers, going out to chapel or church on the day he has formally assumed clothing in the European manner, dressed so as to shut off all air from getting to his body, in full underclothing, shirt, coat and trousers, collar and tie, perspiring like a fugitive, and somewhat clumsy in his gait, there being a noticeable difference in the sounds made by the front and the rear portions of his boots. It is true, he and his illiterate mother and other illiterate relatives are very proud of the event, and therefore he is prepared to put up with any degree of discomfort in the clamminess of his clothing, the chafing of his toes and heel, and so on, till after the luncheon or “breakfast” which is the *piece de resistance* in the whole proceedings, when he will promptly divest himself of his clothes and once more enjoy the ease and the comfort of the cloth till he has to go out in the day time; but those of you who had known him all the time, not in European clothes but in clothing in the Fanti manner, must have noticed one point here and one point there in which your friend did appear ludicrous, and that sense of the ludicrous about your friend in his newly assumed style of clothing may attach itself to him throughout the rest of his days. It is, I imagine, this same kind of feeling that comes over the European when he experiences a sort of surprise, amused or otherwise according to the grade of his mental development, when he encounters a black man dressed full in the manner usual among white men and unusual among black men. The same feeling must have actuated those white men who elected rather to keep up the ludicrousness of the appearance of our ancestors in frock coats of *mbawir(45),* or soldier-boots and top-hats, because it is on record that one of the firms, still represented here, presented one of our most prominent and wealthy townsmen, now for a long time deceased, with a brilliant red frock-coat with brass buttons, which the poor old man used proudly to wear on occasions of ceremony, until one of his sons returned from his studies in England, and made the old man see how ridiculous he had been made to look all the time. The old man never wore the red coat again, and registered his first deep resentment against white men for their lack of proper feeling of courtesy and propriety in their dealings with men of position among us.

There is no doubt a very great deal in what the majority of our people say against the abandonment of European clothing and a reversion to our own national garb; but the Europeans who have given most of us cause to think in that manner have been in the main of the type that would prefer us always to be ludicrous. A difference, however, which I desire to point out is the distinction between being ludicrous to those who know, or as we should say, to *enyimdzifu*, and being ludicrous to those who do not know, or as we should say, to *amesinafu*. It is quite clear that it is the type of white men who could without compunction play on the simple childlike trust of our ancestors, as, for example, in the case of the presentation and appreciation of the red frock coat referred to in the last paragraph, who could also, consistently with their poor humanity, be annoyed or allow themselves to get annoyed – regularly to the point of feeling themselves nauseated – by the sight of Africans in correct or fashionable European clothing. But it is just as clear that we lower ourselves every time we base our action in the matter of clothing on what such badly-born-and-worse-brought-up Europeans think or feel or would think or feel in the matter. We have rather to consider what the best types of Europeans think or feel in the matter. There is no denying that, under all the endeavour to do things as much as possible in the European manner so as to shew to the European that we are not as savage as he regards us, there runs a current of another effort, the effort namely to improve our condition; but to those whose minds and visions are sufficiently far advanced it is patent that such an attitude involves the assumption, or the acceptance of the position, that the European mode of doing things is necessarily the best, and carries with it a strong tendency to take everything European, whether human or non-human, corporeal or incorporeal as the best of its kind. And because in this we have been wrong, although we have been steadily moving ahead in the direction our ancestors were led by their European gods to take, we find that in all that is essential to national life we have been getting weaker and weaker.

Thus we see the trade in European-made articles, whether of clothing or of other fashions steadily increasing; there are more classes of our people sending their children to school and keeping them up in the approved European-imitating style as they grow up and when they have grown up; we find cloth girls(*46*) endeavouring to "improve" their clothing, till one, rendered desperate by the assault on his aesthetic nerves by the distressing effect of these so-called improvements, namely long covershirts, beflounced, belaced and beribonned, very often inordinately flounced cloths sewed up so as to look like skirts, full slippers and stockings, bags and sometimes walking-sticks, comes to wish they would go in for European clothing and complete the torture.

We notice 'bush' people going one step farther and wearing singlets or buba(*47*) and helmets or other hats with their cloths, and steadily discarding sandals in favour of slippers: yet our states become more and more disintegrated, mostly by our own rivalries and our present inability to unite for the common good, except spasmodically, on each occasion when we think Government is distressing us too much. Now, what we should aim at, and what every really good European should encourage us to aim at, is to place ourselves in a position to give proper play to the effort to improve ourselves which clearly underlies all our misdirected attempts at 'civilizing' ourselves. Progress can never be genuine if it does not involve advance in every part of our complicated present day life; if there is advance in one department, and decay in another department of our life which should improve *pari passu* with the other department, then one of these so-called advances is a retrogression, which must be a part of a general process of decay.

46. Girls dressed in the traditional manner; the term was used disparagingly by the 'Anglicised Africans to denote "inferior" girls, i.e. those not Europeanised.

47. It is interesting to note that in Guinea the traditional long frock (cotton) is called

‘boubou’; in the Gambia and Senegal the Wollof equivalent is ‘mbuba’. In Ghana today, as in the Gold Coast then, ‘buba’ refers to the undershirt or tunic worn beneath an outer garment similar to the Roman toga.

Sekyi believes that the white man's policy should have been to encourage 'adaptation, not adoption'; but in general the men who have colonised West Africa have been neither morally good nor even competent. Sekyi qualifies the meaning of competent significantly – 'competent men' not only in matters administrative or political, but even more importantly in matters sociological.

He then turns in an interesting passage to a discussion of the position of the Supreme Court in the Gold Coast. It is interesting both in showing Sekyi's professional and detailed knowledge of the law and in illustrating his belief that successive legal measures in the colony had gradually undermined a perfectly viable indigenous system. It also illustrates how Sekyi from his essentially evolutionistic standpoint puts forward definite proposals for reform which he believes will restore the national tradition and in this organic way bring about progress in a more sound and healthy form, as he sees it. His opposition to colonial Indirect Rule policies is developed in more detail in 'Thinking in English'. (See Lecture 4a, below).

No one will dispute that the jurisdiction of the British over us in this our country rests upon the *sufferance* upon which the jurisdiction of what is now the Supreme Court of the Colony is based; and although since 1901 we have been ranked along with Crown colonies and treated as a Crown Colony, that does not reduce the fact that the jurisdiction aforesaid rests not upon conquest or even peaceable cession but upon sufferance*. That being so, we in our logical and equitable African manner would have thought in the first place that the principal characteristic of that jurisdiction, namely its essentially permissive *[i.e. optional]* nature, would have remained still the principal characteristic of the new Supreme Court, in line with that of the British Court of Justice originally established here, that of being presided over by a functionary known as the Judicial Assessor to the Native Kings and Chiefs. I am here trying to fix attention upon

the prevailing weakness of British Colonial administration as it exists in West Africa at least. When an oak sprouts from an acorn it is an oak throughout the long course of its development: it never becomes at any stage of its existence a beech or an ash. This is the simple character of *evolution*, that through all its distinguishable phases it does not affect the essence of that which exhibits it. But under the British Colonial Administration an administrative oak may become another kind of tree; even iron may become wood and wood iron.

**This position is systematically expounded and elaborated in "Thoughts for the Reflective, Part V" – the last of the series (See page……below).*

In 1876 the Court of the Judicial Assessor to the Native Kings and Chiefs became the Supreme Court of the Gold Coast Colony*. Now, in those days, native law was not foreign law, as the Chiefs sat with the Judges of the Supreme Court here at Cape Coast until some time when it must have pleased some Governor or other to forbid such practice or some Chief Justice to recommend the cessation of the practice; be that as it may, the general view of the Supreme Court seems to be that native law is foreign law, although, I am sure, this view is wrong. Perhaps it would be more correct to state that native law is not such as comes within the doctrine of judicial notice, since the president of the court is always a foreigner as regards native law, and therefore cannot be presumed to know the native law, which has to be proved like foreign law. This I should think accounts for the peculiar idea to which I have drawn attention, namely, that native law, in the Supreme Court, is

foreign law. But to proceed, we have to observe first that the course of development of the Judicial Assessor's Court into the Supreme Court has changed, and the Supreme Court has commenced a development of its own within very recent times, at any rate, since the passing of the Native Jurisdiction Amendment Ordinance of 1910. To be brief, the proper line of development of the Supreme Court in its character as the successor of the Court of the Judicial Assessor to the Native Kings and Chiefs should have been to introduce into such Court, as far as the session as assessors with the judge thereof of our Chiefs was concerned, the English principle of the presence of the King in his Court, although the King is represented there by the Judges of that Court. This could have been done by getting the Chiefs to send for training in English law-educational establishments, such as the universities and the Inns of Court, promising young men, and appointing such men, after they had made names for themselves in practice after their return home, to the position of co-ordinate or associate judges sitting with the Judges of the Supreme Court, provision being then made in the Supreme Court Ordinance and the Criminal Procedure Ordinance to the effect that in all matters involving native law or the construction of the actions of natives, especially where the question of criminal intent is in issue, the unanimous opinion of the associate judges or of the majority of them should prevail, but that where there was an equal division among them the principal judge should have a casting vote.

I am sure the Supreme Court, under such a system, would by now be so imposing and useful an institution that the revenue from it would by itself suffice to support the judicial establishment without subvention from the general revenue of the country; and even if such a happy result could not be achieved, one would think any really enlightened administration would admit that the administration of justice was a much more important part of the entire administration in this country than the whole

of the work of the Executive in so far as such work could be said to be opposed to or in conflict with the authority of the Courts, so that with the increase of the revenue there would be a corresponding increase in the maintenance of the judicial establishment with a consequent increase in the efficiency of the work of that establishment, the richness of the emoluments of the establishment acting as an inducement to men of ability to aspire to positions therein. Under some such system it would become necessary to subject the procedure of what are now called Native Tribunals to the supervision of the judges of the Supreme Court with their co-ordinate or associate judges, so that it would be within the power of such judges to make provisions as to the limits of the jurisdiction of such tribunals; increasing such jurisdiction according to the progress shewn by the tribunals of each district division in the evolution of a set of rules of evidence and procedure, which whilst maintaining the customary law as to such adjective 1aw *(48)* allows of systematic modification consequent on the introduction of writing and the necessity to consider documentary evidence. Provisions based upon official prejudice against the members of the only profession whose business it is to keep up law and its practice in as high a state of efficiency as possible would in such a scheme be conspicuous by their absence, every facility being allowed to litigants as to appeals and the employment of advocates of all grades, such litigants being made secure against sharp practice by the appointment of sound men as presidents of such tribunals, and by the rigid enforcement of the etiquette of the legal profession in all its grades. Possibly more rigid rules would have to be specially made for those members of the legal profession who would choose to conduct cases before Native Tribunals, with a view to the establishment of a sufficiently high tradition of professional decorum in Native Tribunal practice.

It may be said by political officers, and their supporters among the members of

the present-day British public, that because I refer to Native Tribunal practice, *therefore* I am making suggestions which would assist me and my brother professional men (*49).* That may be so; but I do not see why any honest man should think that if a man, who happens

**What happened, to be precise, was that the Supreme Court of the Colony (actually nothing more that the old British forts and settlements on the Gold Coast plus the more recently conquered and annexed island of Lagos) was authorised under the enabling Foreign Jurisdiction Act plus Order-in-Council to exercise whatever jurisdiction the Crown may have acquired in the sovereign territories adjacent to the Colony, just as the Court of the Judicial Assessor had been authorised to do previously. The new Supreme Court, however, soon lost sight of its antecedents or enabling legislation, or both, or managed to usurp wider jurisdictions mainly by the incautious or unwitting sufferance of the local sovereigns. H.V.H.S.*

49. The subsidiary part of law dealing with matters of procedure.
50. This is a common official accusation of African lawyers.

Governor. I submit that the 1910 Amendment of the Native Jurisdiction Ordinance of 1883 had no other object than to reduce the range within which practitioners of the law could be useful, and as that could not be done without degrading the Supreme Court, the latter had to be shorn of a good deal of its jurisdiction, and also precluded by law from exercising such powers of control as cannot but be considered to appertain to the Supreme Court and to no other institution within the Gold Coast Colony. The fact that legal practitioners are debarred from acting for any litigant before a Native Tribunal or before any of the courts competent to hear appeals from the Native Tribunals, except by leave of those controlling those courts, provides enough ground for the reflection that the object of the Native Jurisdiction Amendment Ordinance of 1910 was to enable the Executive to control Native Tribunal proceedings, and for an object not consistent with a policy of progress in matters Judicial. This is further borne out by the significant fact that the New Native Jurisdiction Bill (*50)*, which contains provisions for the appointment of a Commissioner, with the powers of a Commissioner appointed under the Commissions of Inquiry Ordinance of 1893, to enquire into the question of whether the election and the installation of any chief has been conducted in accordance with native customary law or whether a deposed chief has merited deposition by reason of his incompetence or misconduct or other good cause, or whether a Chief who has somehow aroused the suspicion of the Governor “has abused his power or is unworthy or incapable of exercising the same, justly, satisfactorily and efficiently”, contains the following proviso to such provision: - “Provided that the employment of Barristers or Solicitors shall not be allowed at such inquiry unless where for special reasons the Commissioner sees fit to permit such employment”. It is interesting to note that in the Commissions of Inquiry Ordinance of 1893, Section 13, provided as follows: “any person whose conduct is the subject of inquiry under Ordinance, or who is in any way

implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the Commission, be represented in manner aforesaid." Further the somewhat cunning provisions in Part VII of the New Native Jurisdiction Bill, dealing with appeals and transfer, with the present set of executive officers we have in the Government, cannot but mean that after the passing of that Bill there will be very seldom, if ever at all, any appeal beyond a Provincial

50. The Native Jurisdiction Bill of 1922, which had to be withdrawn without being passed into law, apparently because of the united opposition of all African members of the legislature, Chiefs and non-Chiefs alike, an entirely nominated minority. This reference, incidentally, indicates very precisely when the author wrote the article.

Commissioner's Court in suits or matters relating to the ownership or possession of lands. I do not think it is necessary to say more to prove that the object of the Government in these amendments of the Native Jurisdiction Ordinance is not to assist us in the development of our ancient ways of administering justice, or to bring us into line with the most up-to-day methods of administering justice obtaining in the Courts which white men recognise as Courts of justice. So long, therefore, as the Government does not see fit to abolish the law officers department, I do not understand how any ordinary human being can be expected to think otherwise than that the policy of the government in discouraging the employment of skilled professional assistance in its persistent efforts to restrict the right of appealing to the highest Courts within reach of members of the British Empire is one based upon *mala fides (51).* I, for one, am not therefore surprised to notice that the Native Jurisdiction Ordinance does not come within the group of Ordinances headed "Administration of Justice" but rather comes within the group headed "Native Affairs", nor does it seem strange to me that whereas in the 1883 Native Jurisdiction Ordinance the term Natives or Native included "mulattos, and all persons resident in the country other than those commonly known as Europeans", and thus excepted from the jurisdiction of our natural rulers to hear cases in which the parties resident within their jurisdiction were only Europeans, yet the 1910 amendment further excepted from such jurisdiction every non-European.

All these I think are too significant to need comment. For the Government to recover our confidence in its bona fides in matters relating to the jurisdiction of our natural rulers and to the administration of justice, it will have to remove the administration of justice by our natural rulers entirely from Executive officers and place such administration entirely under the Judges of the Supreme Court, and leave the Supreme Court to

regulate the jurisdiction and procedure of the Native Tribunals. We are all anxious that our natural rulers should have restored to them all their former powers; but we firmly believe that, as a result of the policy of the Government up to the time of the Indirect Rule craze, our natural rulers and the whole system of constitutional monarchy which they once controlled has fallen into bad ways, and therefore a rigorous and wholesome course of training at the hands of sane and honest teachers, extending over some ten years at least,

51. Bad faith.

would be necessary before they could be gradually allowed to resume their former authority. Then, and not till then, will every serious-minded and patriotic son of the soil join in the demand for full responsible Government; now every honest-minded African fervently hopes that the present government would not go on putting off the time when we could demand/ freedom from wardship by encouraging our natural rulers to destroy the democratic character of our idea of sovereignty and aiding the wicked and audacious ones among them to make themselves into Government petted petty tyrants in their respective divisions. As soon as any natural ruler gets the opportunity Government now seems so anxious to afford, to set himself up as an automatic Government-controlled autocrat, he becomes at once opposed to any scheme whereby he will be called upon to join with other natural rulers and natural leaders of the people in movements for the general advancement of our people in all directions; for any such movement cannot but result in his being exposed as to his unlawful practices. This quite suits the Government, which thus puts back the clock as to the time when we shall attain our legal majority in matters administrative.

"There is a retrogression at every stage of our development." Sekyi continues his argument by surveying the development of various manifestations of Government – the Legislative Council, the Executive, provision for Education, Economic Growth, Town Planning, with the same general thesis. The colonisers have failed to see the Gold coast as an organic community and have crudely attacked what they failed to understand.

But 'Our White Friends' does not conclude on a negative note. In the final section

Sekyi makes positive suggestions for African policy based on his hopes for the National

Congress. Significantly enough he rejects alliances with the American Negroes and even

Nationalistic Mohammedan movements in Africa, (cf. the Parting of the Ways, Our Brethren Abroad p below) and sees the way ahead in terms of 'our journey back to the line of development from which we have strayed. [It seems clear from the context that here he also had in special view the restoration of the pre-colonial constitutional monarchy by insulating the Natural Ruler from Indirect Rule, and thus inducing his return to the natural and healthy path of evolutionary advance]. 'Our White Friends' provides therefore a comprehensive picture of Sekyi's political philosophy and a thorough and detailed criticism of the colonial situation.

When we should have got into the frame of mind requisite as a starting point on our journey back to the line of *development* from which we have strayed, with our leaders all properly qualified and equipped to guide us in such a venture, the next

step would be for us to consider how best to save our natural resources. For a long time after we should have commenced going back to our proper line of *development* our exploitation in one form or another would have to be allowed to proceed, but the range of such exploitation would get narrowed as we advance. We should have first of all to make great retrenchments in our use or consumption of European-made articles of merchandise, and confine our wants of things European to the very essential, like writing materials, books, machinery, simple and durable fabrics for use as clothing, tools and scientific preparations for the putting down of disease and conditions of bad health. During this period we should encourage the revival of all the forms of skilled labour practised by our ancestors such as the spinning of cotton and the weaving of cloths *(52),* pottery, carving,

52. Like Gandhi, Sekyi was much opposed to European commerce and non-European participation in it. Like Blyden before him, he believed that the African was at heart a simple agriculturist who had been corrupted by money and trade. Much of his writing constantly reiterates this idea, as does his 1915 play The Blinkards. This attitude is odd for a man whose family fortune and education was based on trade, and might make one wonder whether Sekyi was not over-estimating the ability of African industries to compete with European manufactured goods.

melting of iron, and so forth, and in this connection we should co-operate with the inhabitants of other parts of Africa for the purpose of acquiring and assimilating knowledge of the various developments these old trades and arts have undergone in parts of Africa where Europeans have not killed such trades and arts with their goods. Moreover, agriculture and the fishing industry should be prosecuted with energy. We should in other words, set up our own trade schools and restore the old institution of apprenticeship as it was established until these latter days of the development of Christianity in our midst. When our needs of European goods should have been thus limited, and when local productions should have been encouraged, it would be possible for clerks and labourers of little means to save their earnings and perhaps acquire lands for agricultural developments or for fishermen employed with the lighterage companies to buy canoes, starting with the ordinary small canoe and developing their capital until they could acquire large canoes of the kind employed by our ancestors in the ante-European ship days, in making long journeys on the sea. Enterprising people among us would thus be afforded the opportunity of setting up establishments for dealing with large quantities of the products of agriculture or the fishing industry or other forms of industry by preserving them for sale in parts of the country distant from where these things were produced. Thus would arise a very profitable internal trade the proceeds of which would all be available here at all times for the purpose of increasing our output, because as much only of such proceeds as would be considered necessary and profitable would go outside our respective countries for the purpose of importing either raw material or machinery or such implements of our trade as could not be obtained here; and even this necessity to go abroad for machinery and tools would not last for ever, if our resources be well husbanded.

It should not be for a moment imagined that in advocating the development of our internal and intensive trade I mean to suggest that our younger people should not be taught in school, to read and write, to calculate, to think, to learn of the occurrences in their country and other countries, how to acquire the accumulated learning of by-gone ages, and to attain proficiency in the domain of science. This would have to be part of the education of every child born during the period of retrenchment. Schemes of education whereby only the children of people of a certain social grade or of a certain degree of wealth can reach the highest educational institutions available are not well conceived. At any rate, having regard to our situation in the world as being not only a subject race, but with several other races in advance of us as to acquaintance with Western methods, so that we are not likely to acquire the immunity from oppression and insult that members of powerful races enjoy, we have to establish among ourselves such a system of education as would make every able-bodied and mentally well-equipped child of our race an all-round person, that is, a person educated as far as his or her own intellectual endowments and his or her sex would allow, and equipped moreover to meet the outside world by being at least a master of some trade or profession or other thoroughly??? We must compel the more powerful races to respect us by our intellectual development. It is clear without a moment's thought that as all men are not born equal [in endowment, that is,] all men cannot make the same use of their opportunities; therefore, in the course of time, differences will shew themselves among any given number of children who are started at the same time in the same educational establishments and worked through their schooling together. Some of the young people thus educated would not rise above a certain level; others would: but every one and all of them should be given an opportunity to get as high as he can in the development of his mental powers during the normal period of pupilage; and whatever else he might become, after he had attained the age when he should prove his mettle, would be a matter for himself and his family to decide. In short, during the period of retrenchment, it would be necessary for us to do all that could be humanly and lawfully done to ensure

that we waste as little of the energy and the resources at our command as possible.

The natural result of such a policy as I have outlined cannot but be the revival in our people of their ancient pride in themselves and in the institutions of their ancestors. We have already learnt to respect the institutions of our fathers and we have some of us come to realise that there is nothing which was established by our ancestors without good cause, so that if we take the trouble to find out the reasons for or the grounds of certain traditional modes of reacting to social and political stimuli which crystallised into custom, as in the good old *impenyinfu abirdu (53)* we should, I am sure, find that not one of

53. Literally, the times of our ancestors, (a standard phrase or formula among the Akan).

our ancient customs is unjustifiable when viewed in its proper light. I think the general effect of what we should do during the period of retrenchment would be to direct our attention more and more to our ancestral manner of doing things, and of regarding things. In fact, the general economy which we should thus be practising would not be without its effect on our thought, and would thus lead us, whenever we found ourselves faced by some new combination of circumstances, to ask, "How would our ancestors have met such a situation if they had found themselves in one?" *And the answer to such a question, following the general policy of economy or retrenchment, would be that the best way to react to such a new stimulus in a manner consistent with our determination to improve our position by our own effort, would be to take as a model what our ancestors would have done, and modify such model in strict accordance with that which renders our condition different from that of our ancestors, but without sacrificing the essential features of what would thus be modified.* For example, where we found ourselves faced with two such alternatives as having to oppose some Government scheme or else lose some very valuable tribal rights or privileges, our ancestors before they became included within the British Empire, would have first asked the Government why they had proposed such a scheme and follow that up with a request that the scheme be discontinued, after which if the Government still persisted, they would go to war with the Government. We in some such situation could do all that our ancestors

would have done except that we could not go to war with the Government in any other way than by petitioning against any unpopular measure or scheme and exposing such scheme or the policy from which the scheme arose in the press and by other forms of legitimate publication.

Several innovations that have crept into our ancestral political system during the period of our contact with Europe would, if they had been dealt with on some such principle as I have suggested, not have worked any harm upon us. Take for example, the practice that has been established as regards interpretation from and into English of what is said by the European government officials and our natural rulers at official gatherings such as durbars. It should, by now have become the general rule to have in addition to the linguists or *Akyiami* of the old school, linguists who (in addition to the training, or whist undergoing the training they require to have under older linguists in different Ahinfie *(55)*/ according to our ancient custom) have been at the expense of each

55. *Ahinfie or ahenfie - the house of the chief, or palace e.g. Omanhene Ahenfie - the Paramount Chief's house or palace.*

Oman made to go through all the schools available here, from the lowest to the highest, and if necessary sent to Europe for a general education having the effect of putting the final touches upon what they had studied locally. Every one of the old states could easily have done that. In this connection *Akyiami's* sons and the sons of natural rulers, who ordinarily would become *Akyiami* or other Court functionaries, would receive the sort of training which under our old system, would be deemed necessary, and in addition to that be also trained for the purpose of dealing with situations created by Europeans or in which Europeans are involved. The same could be observed as to the practice of recording the evidence of native tribunal proceedings. Our natural rulers should in this case also have introduced into our old system the practice of training certain of their *Akyiami* for this purpose, giving them opportunities by attaching them to Courts of Law to learn the duties of Registrars, after a full course of legal education in the European manner, in order to familiarise them with the different modes of administering justice, and with the different rules relating to the admission and recording of evidence in vogue in the countries where writing has formed part of the administration of justice for a long enough time to result in the establishment of a set of reliable rules of procedure, calculated to assist the eliciting of the truth in all cases with the least risk of injustice through prejudice or bias or mistake.

It will be noted that, since all along we have been made to accept the position that anything is good enough for the black man, our natural rulers have been content with having what they call clerks to the Chiefs or Registrars of Native Tribunals, very few of whom can be said, in any sense of the much abused expression, to be educated. Most of them can string together English words, but not in what can be called the English manner so as to convey to an Englishman

the meaning of the Fanti expression which is supposed to have been thus translated. The havoc that this kind of clerk has caused and can cause in the administration of justice in the native tribunals, and even in higher tribunals, is astounding. The same source of confusion and misunderstanding exists in the translations of certain grades of clerk attached to District Commissioners whether on the executive or on the judicial side; and occasionally a judge of the Supreme Court has been misled by a too literal interpretation such as is indulged in by clerks of this class, especially in cases where counsel have not the advantage of understanding the vernacular and are unable to

55. State, nation or community .

detect the real Fanti meaning behind the English words and retranslate it into intelligible English. I suggest that after we shall have entered upon the period of retrenchment I have indicated, a great number of the new evils of our enforced complex life would correct themselves, particularly in those two regards in which our contact with Europe has most seriously unsettled us, namely, in the administration of justice or the interpretation of law and in our marriage laws. These two institutions being the most basic of all should be the first to receive attention; and as soon as we succeed in setting them up once again on their proper lines of development we shall be surprised at the general effect on our prosperity and peace of mind.

The system of administration of justice in our country should be revised thoroughly and re-established on the lines indicated already (*56)* or on some such lines; and our marriage laws should be so framed that they would create no difficulties in the way of open polygamy for those who are in the position to maintain a plurality of wives according to the custom of our fathers, with sufficient penalties after our ancient customary law against the marrying of more wives than one had the means to provide for. For example, our marriage laws should make it just as unlawful for a man to put away his wife, or wives, by native custom without cause other than that he intends to marry under the (Marriage) Ordinance as it would be if the wife or wives thus put away was or were married under the Ordinance. It will be seen therefore that the source of the whole trouble in our marriage laws is the provision in the Marriage Ordinance making it impossible for a man at the same time to have a wife by native custom and a wife under the Ordinance, although it is well-established as a fact that in the majority of cases before a man can find himself so placed that he

has to take a wife under the Ordinance he is already married and devoted to at least one wife married under our customary law with whom he had children and from whom he has not proper cause and no desire to part. The institution of marriage under the Ordinance is being now encouraged where one would least expect it because the majority of our cloth ladies have firmly made up their minds at they will do their utmost to bring up every daughter of theirs to wear clothes *(57)* and to go to some school or other, so that each such daughter may later on enjoy the status of a wife married under the Ordinance and cause the divorce of some unfortunate cloth lady already

56. i.e. in Extract 7

57. i.e. European style dresses

lawfully married under our custom; they feel that only thus can they prevent their daughters from being degraded and rendered unhappy perhaps after years of toil with a husband who started life with little means, and whose people might subsequently require him to marry a wife under the Ordinance because his people think or he thinks his associations require that he should have such a wife. The immorality and the lowness of the standards we find characterising the younger members of the community is traceable to the malevolent effect of e Marriage Ordinance of 1884; for it is because we have now so many frock ladies *(58)* whose mothers were not in a position to bring them up properly because they themselves just did not know how to bring up proper frock ladies, but who had to be frock ladies in order to stand a better chance of escaping the evil under the Marriage Ordinance to which I have drawn attention, that we now have very many badly brought-up children who are rendered worse by the very poor education that is now being given to them in the elementary schools a least. Their parents are not able to notice the lowness of the standard of education, being themselves illiterate; and our old ideas of home life and home influence have been very much shaken by the circumstance of illiterate parents, with somewhat vague ideas of how a “scholar” or a “frock lady” should be brought up, struggling to keep an even way between their feelings as parents brought up under the old stern African ideal of training for children, and the pride they feel in the knowledge, incalculable to and inappreciable by them, which their European-clad offspring are acquiring. Consequently several who would have become useful citizens if whilst going through their schooling their parents had been content to leave them clad according to their own condition, and had thus been able to exert proper control over them, have become useless “A - B scholars” as the expression goes, and “frock ladies” who are not as serviceable as cloth

ladies, and are more troublesome and finicky than proper “frock ladies”, that is, those who have been associated in their homes with frock ladies of the old school throughout their infancy.

In conclusion I desire to point out that we should never for a moment allow ourselves to be misled by all that we hear of the prosperity of Northern Nigeria under

58. African ladies who dress in European fashion and are usually dedicated followers I of such fashion.

Indirect Rule. As I have remarked elsewhere, in Northern Nigeria what is called Indirect Rule had to be established by the British as a matter of necessity for various reasons - the most important of which is that only thus would it be possible for them to maintain their influence there for a long time and over as wide an area as they could hold. Conditions there are very little changed because they could not be changed much without very grave danger; you cannot succeed in providing for trade when you are constantly fitting and sending out punitive expeditions against tribes who may easily become aroused through their common religion to declare a holy war. Therefore in Northern Nigeria Britain has been compelled by experience acquired in India and in Ashanti to interfere as little as possible with the customs of the people; so that the people of Northern Nigeria are now in the same stage at which we could have commenced to develop our institutions with due regard to the circumstances and effect of our contact with Europe.

We on the other hand have been so very much upset in our ideas and our ideals that we must go back a little before we can go forward properly *(59)*. We are in the position of an army which through some miscalculation or other error has to beat a strategic retreat, and we must not believe that what is done in Northern Nigeria can be done here at any time. The time is past when such a course could have been followed by the British with success and credit to themselves. The people have come to see through them and their schemes, and have brought forth sons whose intelligence and ability, coupled with their knowledge of European ways of thought and action, qualified them to assert themselves as the legitimate guides of their less enlightened brethren. Already we have organised the Congress, and henceforth we may have to accept external aid or offers of help. We may accept, with due reservations, assistance from those not of our race whom circumstances have forced into a position very much like ours, like the

commercial bodies in our country; but .~— we must not forget that they are European bodies, and perhaps another Governor, or a change of policy by our present Governor might remove them entirely from our side and range them with their brethren in the official world. We have to be as circumspect as a bird who has alighted on the ground in search of food.

59. S.R.B. Attoh Ahuma, one of the early Gold Coast nationalist and author of The Gold Coast Nation and National Consciousness (Liverpool, 1910), had used the phrase 'philosophy of intelligent retrogression' to express a similar sentiment. Attoh Ahuma was Sekyi's step-father.

I believe very few indeed will disagree with me when I state that, unless and until we place ourselves in a position to direct the course of our own development we cannot expect much good to come to us especially from our white friends of the official order; and in order to commence our own salvation without infringing the law, we must voluntarily impose on ourselves a discipline like what the present Germans have done, and I deliberately reduce our wants of European-made articles to those necessaries which cannot yet be produced here in Africa by any African: it is a course very much like dieting, when prescribed by a physician to a person who has damaged his constitution by indulging in all kinds of unwholesome food, and the reasons for such a course as I have suggested are obvious. We cannot expect to succeed at all in our endeavour to improve our present condition unless we select such a mode of self-discipline. Then, according to our ancient saying, *Ekyikyira nna wosuaw (60)*/ Britain, if she desires to retain us within the Empire as along as the Empire remains together, will come to her right senses as regards our relations with her and do justice to her position as our guardian.

60. The sense is analogous to the saying 'Heaven helps those who help themselves'. The literal meaning is 'it is when you have done up and set the cushion well on your head that you are helped to carry your head load.

THINKING IN ENGLISH

Sekyi now describes the process which led to the publication of the series of lectures entitled The Meaning of the Expression 'Thinking in English' in a brief preface.

Preface

The idea of preparing a series of lectures on the subject of "Thinking in English" suggested itself to me when, some time ago, I received a letter from the Achimota Educational Society *(61)* asking me to address them on a subject of general educational interest.

I think, in that lecture, I made the mistake of dealing with a large subject in time that could not allow of the doing of full justice even to parts of such a subject. This was evident from the questions asked at the end of it, and from the comments of members of the staff put into the form of rhetorical questions.

I subsequently wrote on the subject in a Sierra Leone Journal *(62)*/ in which I suggested that the topic might well be made the subject of an inter-colonial debate. So far, nothing has been done towards adopting this suggestion.

I was therefore glad to be given the opportunity the other day to address school boys on the subject again. This was when, at the request of an African member of the

staff of Mfantsipim *(63)*, the school which has succeeded my old school, if not in all its traditions, at least in some respects, I addressed a large number of boys, and, I think, some members of the staff, at the spacious Assembly Hall of that School.

I there delivered the first of the lectures here presented in book form. I have since then added the remaining four lectures, which complete, for the time being, what I wish to say on the very important topic of “Thinking in English’.

61. The Achimota Educational Society was probably a club or group connected with Achimota College one of the leading Public school at the time in the Gold Coast.

62 The Editor has, so far, been unable to locate this article. It may have appeared in The Sierra Leone Weekly News

63. The oldest Secondary School in the Gold Coast, at Cape Coast, founded in 1876 under its earliest name, the Wesleyan High School.

I have appended the notes of my lecture at Achimota, and the article I contributed, I said, to the Sierra I.$_4$eone Journal. I have also taken the liberty to add an article I wrote some years ago *(64)* for a Parisian Journal on “A Plea for the African Standpoint”, because it treats, in a measure, of parts or part of the topic here dealt with.

Cape Coast,

July, 1940

64. This was in 1932, when Sekyi was on a business trip to London and Paris.

Lecture 3 Examples of "Thinking 'in English'"

Undoubtedly my views as here expressed, will offend several persons in this country, especially those who have recently come under the influence of the new school European teachers in colonial schools for non-Europeans. There seems to prevail among such persons the opinion that the capacity or ability to think – or even to dream – "in English", is the hall-mark of respectability in European circles or in Europeanised non-European circles. This is an example of English thinking (of the common every-day sort), and it can be connected with the antiquated ideas of the earliest missionaries and educators who came to Africa from England, and who thought that if a person educated by them ceased to assume the English garb or to exhibit the English manner, he was a sort of intellectual backslider. It was by these pioneers from Europe that the expression "going Fantee" was coined. It is a peculiarly English idea, based on the English belief in English superiority in all things.

The question "Do you think in English?" was first put to me when I was a student in London in 1910. Because I happened to be able to make myself well understood in English, I was asked once whether I thought "in English". In those days, as I had not previously reflected on states of mind or of feeling, I was unable to consider the question. I am now in a position, after some years' study of the nature of thought processes, to say definitely that I do not think "in English". It may be that I do rapid translation, from Fanti

into English, of the results of my thinking. I sometimes think this is not so, and that, since I appear to use English words and certain ideas acquired by me under English teachers in and outside England, my thought finds direct expression in English. I am led to say that this is not so, because I often have a clear idea of what I want to say, or have to say, whenever, for example, I am introduced to an Englishman or to an African from Freetown, Sierra Leone, or the West Indies, or America, that is to an English-speaking African, but somehow I am unable to utter the correct English expression. Many a time, on reflecting afterwards, I say to myself, "Obviously this is what I intended to say, or should have said, but I somehow indistinctly murmured some words". It may be that this is due partly to the nervous disturbance caused by shifting or stopping the mental process current at the time of such introduction, or is entirely due to absent-mindedness. In spite of the interruption, I often continue the train of thought, into which a friend or an acquaintance has broken when he greets me, knocks at my door, or says "*Agoo"* or introduces another friend or acquaintance, whether in the streets, or at home, or at a social function, or in somebody else's house. The act of saying something in such a case merely in order to be polite or civil when there occurs such an interruption of a train of thought, whether long or short, serious or otherwise, is irksome to me, and I protest against it in some reflex or sub-conscious manner: the result is that I say something quite indistinct and often not quite correct English. But this happens only when I have to speak in English, or, in my earlier student days in England, when I could speak a halting sort of French, more so in the latter case than in the former; it never happens when I have to speak in my own language, namely, Fanti. I accordingly conclude that if any language is natural to my thought, or is a spontaneously employed medium for the expression thereof, it is my own language, Fanti. For this reason, I am able to say that I do not "think in English", meaning thereby, that English is not to me a ready or free medium of the expression of my thoughts.

"THINKING 'IN ENGLISH"'

When I was about six years old I was made to commence lessons in the reading and writing of both English and Fanti, and my first teacher was my mother. It is, therefore, not difficult for me to write out my thoughts in Fanti, but prevailing conditions have obliged me to write very much more frequently in English than in Fanti. Moreover, I do not endorse the views often expressed here, by those who cannot read or write Fanti, and who certainly are not capable translators ,that our language is defective for the expression of English ideas or expressions,[1]especially in the presentation of abstract thought or of scientific matter. Those who speak thus have not considered the extreme malleability of our language, like the Greek language, in which it is easy to make neat verbal combinations to express new ideas. The Fanti language is rich in its vocabulary; but this is known only to careful students who, as such, have no bias in favour of civilised people, so-called, and against backward peoples, so-called. All human thought, if logical, exhibits definite and ascertainable characteristics. I think that, therefore, with care, all human thought is capable of expression in any language, even though the latter be considered crude or barbarous. It seems to me that those who qualify languages as rude

65. Verbal equivalent of a knock at the door, answered by 'amii', which means 'you may enter'.

or polished are affected by a confusion of ideas. This is a point that will take long to explain, and I leave it for the time being. But I am almost sure, if one can be sure of anything, that the qualities which are most necessary in translation are patience, and a genuine desire to be accurate not, of course, in a mechanical sense, but on the whole. To translate "Let us with a gladsome mind

Praise the Lord for He is kind",

by

"*Womma yemfa enyigye adwin*

Nyi Wura aye, na ni ya m'ye"

is to be accurate at the expense of meaning; for to the Fanti who is illiterate, or literate only in Fanti, and who has to grasp the sense of the lines as translated from the English without being able to refer to the original, *enyigye adwin* is a crude expression, and *yemfa enyigye adwin* is clumsier still. Each of those groups of words yields its meaning with extreme reluctance, so to speak.

Capacity to read English with understanding and to write English correctly or grammatically should not be confused with capacity to think "in English" in the sense in which I employ the expression. I met, even in England, Africans who

spoke English with the greatest possible fluency and accuracy, who, nevertheless, definitely did *not* think "in English", on certain fundamental questions at least. The late Prince Brew of Dunkwa *(66),* a great student, lawyer and statesman, lived for years in England, and

66. James Hutton Brew, one of the several famous Fanti Brews who were innovators and pioneer nationalists in the Gold Coast. The son of Samuel Collins Brew, he was born at Anomabu on 13 July 1844. Through his large family and through intermarriage he was connected with the Stool of Abura Dunkwa and the Bannerman and Hayford families. He received his education in England at an early age, and at 20 became an attorney on his return to the Gold Coast. Prince Brew is largely remembered as one of the principal architects of the Fanti Confederation in the 1860s and 70s, as a champion of self-government in the nineteenth century, and as the second of the pioneers of Gold Coast journalism, after Charles Bannerman. He died in London (Camberwell) on 14 April 1915, the year after Sekyi graduated from London University, when Sekyi was back home during the interval between his Bachelor's and his Master's degree and call to the Bar. That his views inspired the nationalism of younger compatriots like Sekyi is beyond doubt, as Margaret Priestly has noted. Having retired to England in 1888 Brew continued to exercise influence on Gold Coast students who went to England, normally for legal or medical studies. For details on Brew see Margaret Priestly, "West African Trade and Coast Society: A Family Study", (0.U.P, London, 1969, p.158).

lived there till he died, well advanced in years. This old gentleman appeared to be quite English in outlook when one considered his manners and his speech. But those of us who had the privilege of being closely associated with him can still remember that even in his old age in England, the old man was never without his *iduaba*, known in local English as "chewing-stick". He spoke Fanti with Fantis who visited him and his mode of speaking was that of one born to the language. He still used proverbs and other cryptic apothegms in the Fanti manner. He appreciated his problems from the Fanti standpoint, and when he spoke to us, for example, of the days of his father and of the Fanti Confederation and of some of the campaigns in which Fantis and British fought as allies against Ashantis, whether he spoke in English or in Fanti his statements were all conceived in the Fanti manner.

I remember particularly a mild argument, between a modernised Fanti or Anglo-Fanti and a more sober-minded Fanti student, that took place in the presence of the old gentleman and me. The point at issue was whether those responsible for the application or distribution of the proceeds of a very big concert had been right in handing over the whole of such proceeds to the wife, without giving part to the mother, of the composer whose works were played at that concert. The concert was said to have been got up at the Albert Hall, in London, shortly after the death of a celebrated non-white composer*(67)* who was usually described as Negro and West African, and had Negro features. Since he had been born and bred in England, even though he was the illegitimate child of a West African father and an English

mother, he would appear to have known little or nothing of West African life and thought. Perhaps all his knowledge of West Africa had been acquired from books and the occasional observations of isolated West Africans travelling to and from England. He had himself married an English woman and had had children much lighter in complexion than himself, less Negro in aspect, and with less knowledge of West Africans and the habitual or customary outlook of West Africans. One of the disputants, the Anglo-Fanti, maintained that the mother was not entitled to any portion out of the amount that had been handed to the widow and her children, as the concert had been held by the admirers of the composer, who had died too young without

67. Coleridge-Taylor, obviously. It is interesting to note that Sekyi, being a man of culture and very wide literary interests, had a collection of records ranging from Palestrina all the way through Baroque, the Classicals and Romantics, to Rachmaninoff, Richard Strauss, Elgar and Coleridge-Taylor. He remained to the last a great lover of the Coleridge-Taylor items in his sizeable collection of old seventy-eights.

making adequate provision for his wife and children. He [the Anglo-Fanti] said further that if the widow chose to give anything to her dead husband's mother, it would be an act of charity which could not but be voluntary. The less Anglicised Fanti, on the other hand, held that the mother was entitled to a portion of the amount obtained by the works of her son at the benefit concert that had been so well patronised, even Royalty having attended, because it was due to the sacrifices of the mother, who had struggled against heavy odds to bring up her illegitimate son, that the latter lived till his genius had stood forth in spite of his disadvantageous start in life. He added that if things had been left to him to decide in that matter he would have handed over the whole of the proceeds to the bereaved mother and given nothing to the widow direct. At this the Anglo-Fanti began to get contemptuous in his expression, condemning the obviously un-English standpoint of his opponent.

It was Prince Brew who shut up the champion of the unmitigated English viewpoint by indicating the nature of the difference between the two opinions. He pointed out that of two suggestions as to the application of the proceeds, that of the sober-minded Fanti, namely that the whole of the proceeds should have been handed over to the bereaved mother and nothing direct given to the widow, was the more just and equitable. He said this was so because the bereaved mother could and would give to the widow of her said son and to her grandchildren without any hint of charity; whilst the widow could not be compelled to give, and would most likely be unwilling to give, anything out of such proceeds to her mother-in-law except as an act of charity. The old man stated that such was in most cases the difference between the African and the European standpoints, the former being in each case more just and humane than the latter.

I remember that, very shortly after I commenced my studies in England, I wrote to an old teacher of mine here *(68)* on the subject of the necessity to alter our law of succession. I have still the teacher's letter pointing out in unsparing language the error of thought in

this regard. Strangely enough, I returned from England fonder of Africa and things African, including the African mode of thought, than I had been when leaving for England to continue my education. The teacher to whom I have referred roundly condemned my suggestion that children should succeed to the properties and the dignities

68. The identity of this person is not quite clear. He was probably one of the early African teachers at Mfantsipim, perhaps the Rev. Gaddiel Acquah, with whom Sekyi had a lengthy argument in the press on his second return home in 1918 about the validity of Fanti festivals and customs.

of their parents. It was an obviously foreign idea that could only with difficulty find a footing in this country, with its Family System and its conception of marriage as effecting no change in the status of the wife, it being in fact an alliance between the families of the spouses, who remained each a member of his or her family and the owner of his or her individual property. Here, in spite of marriage, all the rights of a spouse in the property of his or her family are intact, and they are not transferable to the other spouse. It is strange, of course, that the particular teacher of whom I have written has now executed a complete *volte face* on this question of succession, clinging with an amazing tenacity to the view that our law of succession is unfair to children and that sons and not uterine relatives, such as nephews, should inherit or succeed. Knowing as much of English law and custom as I do now, I entirely disagree with this gentleman; and I am sure that even without such special knowledge the average intelligent Akan-Fanti would strongly object to and reject that view. In the first place we have not studied the English law of succession and of distribution of assets in cases of intestacy, for example, and few of us have heard of the local customs known as Borough English and Gavelkind*(69)*, which prevail only in certain parts of England. Moreover, we do not attach enough weight to the special conditions created by the Feudal System in the development of the English law of the inheritance of realty and of hereditary dignities. In any case, there are, on this subject of succession to property and to position or rank, at least two standpoints: ours and the English or European, each of course based on the established conceptions of the institutions known as the family and marriage respectively.

69. Borough English (or postremo-geniture) is defined by The Pocket Law Lexicon as "A custom of Saxon origin, occasionally met with in lands of burgage tenure, whereby, on the death in-testate of the tenant, the land descended to the youngest son to the exclusion of all other children; but this rule did not apply to other relatives in the absence of a special custom to that effect". Abolished in 1925, "Gavelkind" is defined as 'a mode of descent by custom, whereby land descended to all the sons equally, and, in default of sons, to the daughters in the ordinary manner' The custom was abolished in 1925. According to "An Exposition of Certain Difficult and Obscure Words and Terms of the Laws of this Realm (Newly Amended and augmented, both in French and English for the help of such young Students etc.)", 1602, p.34, 'Burgh English, or Borough English, is a custom in some ancient boroughs, that if a man have issue divers sons and dieth, yet the youngest son only shall inherit and have all the lands and tenements that were his fathers' etc.

Lecture 4 Examples of "Thinkinig in English" (cont'd)

Take, for example, the subject of the names of children. Thinking "in English" on such a topic results in one of the many anomalies that hamper our development as a people with a distinct contribution to make to civilisation. A few of us now always insist on naming our children in the Akan-Fanti manner, namely leaving each child with his or her week-day name and the name of the paternal ancestor which is usually the second or distinguishing name. The rule in such cases is to name at least three of one's children after one's father and his ancestors before the name of a maternal ancestor or of a friend or patron can be given to a child. The result is that, except where the ancestor whose name has been given happens to have had an English name, none of the children in our group will possess what is known as a *brofudzin*, more properly translated a European name than an English name. Nevertheless, with the peculiar bias and cruelty of school children in teasing one another, some children, whose male parents now prefer giving purely African to giving European or Europeanised or mixed names to their children, are mercilessly teased at school, sometimes even with the connivance or active encouragement of teachers, into demanding tearfully at home for a *brofudzin*, because their school-mates have such anomalous and meaningless names! It' s by now not disputable that the adoption of European names was a result of the introduction here of Christian ideas, whereby Africans were saddled, first, with names, somehow called Christian, which are undoubtedly more Jewish than Christian, and, later, with other

names, for example, names of Scandinavian or Germanic or even Russian origin, and also classical names or names of those who speak one or other of the Romance Languages. This led to the Europeanising of Akan-Fanti names resulting in the strangest medley of syllables wildly joined together into dreadful hybrids such as Aikins for Ekyin or Kyinbua, Hayfron for Afuna, Achinney for Akyin, or Brookman for Budikuma etc. There are also such odd names as Saltson for the son of a man named Akyin; Riverson for the son of a man named after a river, for example, those whose fathers' gods are located in well-known rivers like Afram or Pra, and who are entitled to the appellative Esuo (water); or Fireson or Fyreson (where the European instinct of parvenus to disguise their commonplace names under an orthographical innovation shews itself) for the son of a man named Igya (fire).

When thinking on this subject, I often remember a conversation that took place in my student days at Gower Street between myself and an Indian college mate who remarked that the English or European manner of naming all the children of one parent after that parent (the difference being only in the praenomen or what is now called the Christian name or names) sometimes adversely affected the prospects of the less fortunate ones whose surname got tainted through some escapade or crime indulged in by one of the brothers or by the father. I have observed here that in Akwapim the surnames of brothers of the whole blood are sometimes different, each person taking as a surname the distinguishing ancestral name that he received on his naming day. Now, those who think "in English" on the subject consider it unbecoming the status of a "civilised" man to encourage his children to bear names which they call "barbarous" because they are "not Christian", and also eschew the African custom of naming children in favour of the English or European custom of baptising children and announcing the praenomen of those children, consisting of a single name or of double, triple or quadruple names, at the baptismal font. But the untoward result of such an attitude towards the Akan-Fanti custom of naming children after ancestors, preference being given to paternal

ancestors starting with the father himself, has been the invention of absurd names inaptly joined and in the perpetuation of confusions such as that of Arabella with Araba, Martha with Amba Ata and Arthur with Ata.

Thinking "in English" on the subject of modes of Government would, or should, lead the 'loyal' among us to believe that representative government was invented by the English. I wonder whether any of those who fondly call England "the Mother of Parliaments" has read about the Hungarian constitution and its institution of the Holy Crown of Hungary. I wonder if any of our people who have read of that interesting European institution can see in how many respects it is like our institution of the Stool, which makes its occupant sacred to the extent that his individuality is so completely merged in that of his predecessors that he can call any of their acts his own, and any of their children his children, and any offence against any of his official servitors from high grade ones like Akyiami and the Gyasihin to low grade ones like Ahinkwafu and Abrafu and Asafohen as an offence against the sacredness or majesty of the Stool, being punishable as such. Was it not white mentality that led to the prosecution of the Princes Owusu-Ansah of Ashanti for alleged perjury because, although physically older than the then King of Ashanti, they had, as diplomatic representatives, in accordance with the etiquette of Akanland, referred to the King as their *grandfather*? Yet this, from our standpoint, was no perjury, since the Owusu-Ansahs were of the standing of royal grandchildren wherever they went in Akanland or Fantiland, being the grandchildren of a former occupant of the Golden Stool. The rule is that all independent states are equal, no matter how small their size; and in Akanland and Fantiland, your status in your country is your status in every other country, till you improve it. Was it not, in the same way, thinking "in English" that led Governor Hodgson to make the imprudent speech that precipitated the Yaa Asantewaa War*(70)*? These are some of the facts discovered by the late Captain Rattray, and which fully demonstrate the necessity for anthropological,

ethnographical and sociological research for good results in all forms of government by aliens, however benevolent or malevolent the despotism that such government entails.

Let us consider some other instances of thinking "in English" to the disadvantage of ourselves or to the prejudice of our development. For example, marriage is conceived of in the English manner as amounting to an alliance between individuals who go so far as to betroth themselves, especially among the lower social orders, without the previous knowledge or consent of their respective parents, the parents being more often than not treated as Simpa Mpenyinfu*(71)*. Here, among us, marriage is an alliance between the families of the contracting parties. It is noteworthy that the restrictions that appertain to marriage as conceived by us, and which are very irksome indeed to the modem young person here, exist in the highest social orders even in England, for among royalty and the aristocracy, both the family and marriage are, in certain essentials, more like our institutions of the family and of marriage than one has often been led by bourgeois or plebeian writers to assume.

Take also another contrast. The Akan-Fanti's view of the corpse of a member of one's family as a most precious possession, leading to the extreme care of the dead which shews itself in the elaborate funeral customs, the decking and laying out of corpses, and the burial of corpses with gold ornaments and other valuables. In England, following the old Roman Law, which is the basis of much of the laws that arose in England when it began to regard itself as civilised, there is no property in a corpse,

70. The war of 1899-1900 precipitated by Hodgson's colossal gaffe mentioned in the text, in which the Ashanti nation, in the absence of their exiled monarch, was rallied

against Britain by the Queen Mother of Ejisu, by name Yaa Asantewa. He had demanded to be seated on the Golden Stool of Ashanti – perhaps the local analogue of the Holy Crown of St. Stephen – only to be instantly holed up in the one British fort at Kumasi by a most formidable siege of Ashanti warriors. He did eventually manage to escape before daybreak, accompanied by Lady Hodgson, but was soon quietly removed for his indiscretion by Joseph Chamberlain, the Secretary of State for Colonies.

71. Literally “Elders of Winneba”, perceived by many as treated merely like figureheads and ignored for most practical purposes.

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and, except among the very highest social orders, a corpse is really a nuisance, which, but for appearances, and, oddly enough, social pride of some sort, would be treated without ceremony as other nuisances are dealt with.

Take the European and Asiatic conception of Kings as absolute masters and arbiters as far as the persons, lives and properties of their subjects are concerned, and contrast that with our more advanced conception of Kings as the highest public servants in the State (Oman), and consider how thinking “in English” has caused our very high conception of the institution of kingship and of the relation between the King and the State (Oman) to deteriorate into the hybrid type of person now known as the Omanhene or Head Chief.

Somehow the English conception of Kingship appeals more to our people nowa-days than their own and sounder conception of Kingship and of the relation of rulers and ruled. Under our constitutions in the coastal States, a “subject” is really Nana, and, correspondingly, a King is also “Nana”, the relation being of course reciprocal.

Because this is a series of lectures composed at different times and for different audiences there tends to be some repetition of argument. But central to Sekyi's thesis in 'Thinking in English' is the point that thinking in English does not primarily mean using the English language to communicate - it means 'Thinking in the English manner'. This implies therefore being victim to 'the peculiarly English fallacies and prejudices that the English language incorporates.' His argument clearly parallels his earlier argument in Our White Friends that there is an incompatibility between English and African ways of approaching problems – and that the African way is preferable. In other words Sekyi is seeking to demonstrate a connection between language, thought and polities, particularly the connection between the English language and the rise of a cooperationist, unpatriotic and collaborationist intelligentsia – more interested in things English than in the cultural and political redemption of their society.

Lecture Three is particularly interesting partly because of its autobiographical form, but also because of the concrete example it gives of the way West Africans and English people might differ on a moral issue – and the dangers of uncritically favouring the English solution. One might also notice Sekyi's defence of West African languages in terms which today most linguists would support. (c.f. comments in The Study of Our Institutions).

THE MEANING OF THE EXPRESSION

"Thinking 'in English' "

One of the questions that are put to an African Student in England is, "Do you think in English?" The first time this question was asked in England, I answered briefly, and truly, "I don't know". At that time I had not begun to think about thought or its processes. I had then registered as a student in the Faculty of Laws at University College, London, and was attending lectures at that college and at King's College. About a year later I was instructed from home to withdraw from the Faculty of Laws and enter the Faculty of Arts. Having entered that faculty I first selected English as the subject for an honours degree. All this time I had not begun to think about thought. I attended lectures on Anglo-Saxon, Gothic, and Middle English. The morning hours in the winter months, at which I commenced lectures in the Department of English, were dreadful for one, like me, who had had then only two experiences of winter weather in England*; for, as I lived in Cricklewood, and had to travel to Gower Street every morning, it meant that I had to get up at about 5 in the morning, bathe, dress, have breakfast at about 7, and get to the Metropolitan Railway Station in time to arrive at the College before 8.30. The cold was intense, and much more so for one, like me, who had been an indoor youth all his life. I could not be prevailed upon to go for walks, and I did not fancy taking up any games; for, during my schooldays here games were not compulsory, and I could appreciate neither cricket nor football, of which I did not know even the rules.

Nevertheless, I was determined, in spite of the bitter cold; and I did not, in fact, miss a single lecture, till I was persuaded by a fellow student from Lagos*(72)* two years senior to me in status, to take Philosophy for my honours degree instead of English. I accordingly got transferred to the Department of Philosophy. Some time after this

transfer, after I had been introduced to John Locke's "Essay on the Human Understanding", I begun to understand how complex and difficult was the question which had been lightly put to me so often by English friends of my age, and by older people.

72. A reference to Delo Dosummu, the first African to take a degree in philosophy in a British university. I owe this information to Mr. C. Hayfron-Benjamin, an eminent barrister of Cape Coast, Ghana, who had been a close friend of Sekyi, and was the proprietor of the Gold Coast Observer. He had also, on Sekyi's advice, read philosophy prior to reading law at the University of London.

**Sekyi's third winter in London was in the year 1911, when he was just about nineteen years old.*

You will observe that in setting down the topic itself, I employ two sets of inverted commas, namely a set of double inverted commas enclosing the whole expression, and a set of single inverted commas enclosing the last two words of the expression. That is not without its significance. To me, the expression is rather loose, unscholarly, something that shews its origin as the result of inexpert thinking. Dilettanti in thinking, philosophical amateurs, were the creators of this misleading expression, which, taken literally, can have no meaning, but, when tricked out with the help of the inverted comma device to which I have drawn your attention, is capable of being understood.

Language, though based on thought, cannot be identified with thought as a human product. In the days when we learnt by heart many definitions, but so that each sentence so learnt became for ever part of us, to be later on brought up, like cud, as it were, and chewed after we had left the 'nonsense' class, every one of us was taught to say "Language is the expression of thought in words". Even when I could read and write English, many years after I had learnt this very profound 'definition' of language, its implications did not occur to me. I had to undergo an arduous course in Philosophy, advance to the Post Graduate stage, before it suddenly dawned on me that here, in this apparently simple sentence, I was in the presence of something very deep indeed. I became suddenly aware that this was a source of many lectures, a prolific parent of many theses on philosophical topics. I immediately became enamoured of what had theretofore seemed to me commonplace.

Let us consider the sentence, "Language is the expression of thought in words". Here we are speaking of thought in the abstract, not your thought, or my thought, not French thought, or Greek thought. Any attempt to introduce a qualification introduces some clouding substance, and brings us the beginning of concreteness, which is not

helpful when we are attempting to analyse thought. Thought, of course, is concrete in a sense, the sense, namely, that it is an object of thought, something visible to the mind's eye, not in the sense of something visible to the physical eye. But this is by the way. I want you to concentrate on the fact that we are here dealing with a profound definition, and I want you to join me in breaking it up and examining its component parts. First we find the word, language; next there is the word, expression; then there is the word, thought, and, lastly, you have the word, words. Each of these words clearly indicates something. The sentence comprising them has nothing superfluous about it; it is, as it were, slim and elegant, having no adipose matter about it. When we come to the consideration of what each of these separated words indicates, we are in danger of being taken too far afield from our subject to get back to it without weariness. Let us, therefore, for the moment, leave the consideration of what every one of those words indicates and confine ourselves to two, namely, language and thought.

The very setting down of the two words should make it clear that they indicate different objects: they cannot both refer to the same thing. Of language, you can conceive a large variety, all of equal worth of value, that can be qualified, for example, as English or French, or Greek; of thought you can conceive only of two varieties; correct and incorrect, logical and illogical or fallacious. In the case of language you are dealing with something of which the kinds are contraries, like the colours of the rainbow. In the case of thought you are dealing with something of which the kinds are contradictories, like good and evil. I here, you observe, introduce two terms from the science of Logic, the terms namely, contraries and contradictories. I must explain the difference between these two almost identical concepts, if I am to be understood in what follows. Of two contraries, supposing we are dealing with propositions, if one is true, the other is false: but if one is false, the other need not be true, because both may be false. For example, if a coloured object is green, it is false to state that it is red, and vice-versa; but it need not be either green or red, as it may be blue. Of two contradictories, if one is true, the other

is false; and if one is false, the other is true. There is no middle ground between contradictories, but there are various possibilities among contraries. We now get back to the point from which we digressed in order to grasp this necessary interpolation. There are many varieties of language, but there are only two varieties of thought.

This is not the only distinction between language and thought. Another distinction is this: language is the expression of thought; thought is something expressed: what it actually is, is one of the eternal problems of Metaphysics, that is of the section of that much dreaded branch of Philosophy which is known as Epistemology, or the Theory of Knowledge. The transition from this stage to my conclusion in this lecture is not at all an easy one. I suspect that there is a very subtle fallacy in ambush somewhere on the way. I should be happy if I could discover it. I have been held back in my thinking on this topic because of this possibility. But, none but the brave deserve the fair; and I have ventured, in the realm of though, not like fools, but as much like angels as possible. It seems too easy to reach the conclusion that thought has no language, and can therefore be neither Jew nor Gentile, neither English nor French.

The expression “Greek Thought” does not mean thinking in Greek characters or in Greek words, but thinking in the Greek manner, which itself can only mean thinking from the Greek standpoint, making use of ideas that could develop only on the soil, and in the atmosphere, of Hellas. This is where the fallacy appears to rear its head: it is striving to peep over the hedge behind which it is lurking. For, you will observe, I have come very close to saying that the expression “Greek Thought” means making use of Greek ideas; but I just avoid saying that. Ideas are said to be elements of the content of thought; and if, therefore, we can have Greek ideas, then, why not Greek thought? Things are not so simple in this difficult realm of thought. No thinker has been able yet to explain the process of thought and correctly or

satisfactorily analyse thought as chemists can analyse water for example, and show the elements composing it: two parts of hydrogen and one part of oxygen. But even there, it is not so simple: there are elusive elements of which the subtlest scientist is not aware. And if man is in such difficulties about a concrete object like water, can you wonder if he is in grave difficulties about an abstract thing like thought?

I am obliged, therefore, to leap with you to the conclusion – the only safe conclusion to which I am prepared to take you – that for all practical purposes the expression “Thinking in English” is intelligible only if it is taken to mean thinking in the English manner, not thinking with English words, but thinking with English ideas as elements in the process of thought. This, I am afraid, is a very clumsy or rough conclusion; but any other conclusion that I can conceive is fraught with greater dangers than this; we must be satisfied with the limitations of language. I am still conscious of the possibility of a fallacy underlying this mode of expression; but I an unable to isolate it. It is one of the fallacies that can be described as circles, like *circulus in definiendo*, if it is a fallacy at all. But, ladies and gentlemen the conclusion to which I am forced to come, and with which I am obliged to leave you, is as I have stated above.

A Series of Lectures

Lecture 1 The Meaning of the Expression

1. The expression, “Thinking in English”, as it stands, conveys no meaning to me. In my opinion, whatever is intended to be expressed by the combination of those three words, in the order in which they appear, is very loosely, if not incorrectly, expressed. Thought or thinking has, I believe, no language, because, as we all learnt when we were little boys at school, “Language is the expression thought in words”. Thought as such, and language as such, are two distinct conceptions. I f I attempt, in these lectures, to enlarge on the distinction I have here drawn between Thought and Language, I may lure you into the distracting maze of Epistemology, or the Theory of Knowledge, a very difficult branch of the very difficult subject Metaphysics. I will, therefore, proceed briefly to indicate why I believe that thought has no language.

English is, of course, one of many languages. If the expression “Thinking ‘in English”’ is correct or clear, one might as well talk of “Thinking ‘in French’”, or “Thinking ‘in Greek”’. It is, no doubt, true that the Englishman, or the Frenchman, or the Greek, thinks; it is very doubtful whether there is a language in which they think. Take a man who is deaf-and-dumb. He can communicate his thoughts only by means of signs. Can you, because of this handicap of his, rightly say that the deaf-mute

thinks in the sign language by which he makes his thoughts or ideas clear to normal persons or others as afflicted as he is? You cannot, however, deny that the deaf-mute thinks. It is well-known that a baby does not speak, and, until it becomes articulate, it cannot speak, even if it could want to do so. But would you deny that a baby thinks?

2. But since the expression, “Thinking ‘in English”’ is intended to convey some meaning, let us endeavour to determine what possible meaning it can bear. In my opinion, the only meaning it can bear is “Thinking in the English way”, that is, thinking in the manner in which an Englishman thinks of things. Similarly, “Thinking ‘in French’”, or “Thinking ‘in Greek”’, means thinking in the French manner or in the Greek manner, as the case may be. If any of you have any other views on this question, I shall be glad to hear and consider them.

Now, it may be objected that the Englishman has no monopoly of the capacity to think, and that there cannot be an English way of thinking. One who reasons this way may proceed thus: The Englishman thinks, because he is a man and not a brute; for only brutes are denied the capacity to think; but since the Englishman is not a brute, he can only think in the human manner. That is true, to a certain extent. Before Aristotle wrote on Logic, man had the capacity to think, and had been exercising it for centuries. Nevertheless, Aristotle was able to set forth a number of fallacies, that is, examples of wrong ways of thinking. Take, for example, the fallacy known as *Post hoc ergo propter hoc* which is exemplified when a man says that since night invariably follows day therefore day is the cause of night, or vice-versa. This is obviously wrong. Now, every language makes it easy for certain fallacies to be common, as many ideas arise from fallacious reasoning. Further, most ideas and expressions have a long past history that would, upon investigation, disclose prejudices, or forms of bias, which

are recognised as such. Each race has its own stock of fallacies and prejudices, and each nation has its own burden of the results of centuries of wrong, or incorrect, thinking. The English, being European, have in their language certain European fallacies and prejudices; and one need not mention the peculiarly English fallacies and prejudices that the English language incorporates. It must be borne in mind that I am not saying that only the English language or the European languages incorporates or incorporate fallacies or prejudices. I have said all languages exhibit such serious defects of a long past of incorrect, or wrong, thinking. Human effort cannot but shew itself as human; and, thus, nothing a man does can be free from defect. Human thinking is affected by the universal liability of humanity to err. Therefore man cannot do better in all that he does, and in all his endeavours to reflect on, or think about, the world around him than follow Nature’s method, the method described as the method of trial and error.

3. If you ask me why all human language is handicapped in the manner I have indicated, I cannot tell you. I believe that if man lasts long enough on the Earth to lose the taste for such colossal and destructive follies as are often indulged in by the ‘civilised’ he will eventually learn to eliminate all, or almost all, fallacy from his thought; and that can only be after he has succeeded in purging all fallacies from his *serious* thought. The fallacies which beset our thinking are many of them due to the defects of human language. Correct thought may often find itself in difficulties as soon as the thinker thereof attempts to set it forth in language, written or spoken. This cannot be helped. One can only be on his guard against such misfortune; but this can only be the result of much practice in correct thinking and much reflection on thought itself and on its connection with language – a very big subject indeed.

Since I think there should be a full and free discussion at the close of each of these lectures, I deem it advisable to end this lecture now. This is the introduction to what I propose to say to you on the subject “Thinking ‘in English’”. In order to follow the rest of what I have to say on this very important and difficult topic, I consider that those who would like to listen to me should be patient, and proceed with me slowly over the stages by

which I propose to reach the main proposition, or thesis, which this series of lecture is intended to set forth, namely that you cannot “think ‘in English”’ unless you are yourself English, or have, through training among the English or by English teachers commenced in your infancy, become English in all but appearance. Whenever I use the expression “Thinking ‘in English’” or “Think ‘in English’” in these lectures, I am to be understood as quoting somebody else’s expression. I disclaim all responsibility for the expression, which, I have pointed out, is incorrect.

Sekyi continues by quoting other examples of “Thinking ‘in English’”, for example in the names given to children (c.f. Our White Friends, p. above) and in forms of government and marriage. These points are touched on lightly, and most of them are developed in more detail elsewhere in Sekyi’s writings, but in Lecture 4 he gives a detailed criticism of the Legal System in the Gold Coast which complements some of the arguments from ‘Our White Friends’ quoted previously. In particular this passage gives particular reasons for Sekyi’s opposition to the Indirect Rule policy, regarded by some as a progressive step in African development, and illustrates once more Sekyi’s belief that where the administration of the law was concerned things were deteriorating, not improving.

LECTURE 4 (a)

Examples of “Thinking ‘in English”’ (contd).

I come now to examples from my profession. It is perhaps not generally known that as in England, so here, all forms of white activity are deteriorating. When we were students certain English newspapers were held out to us as containing splendid models for students of choice English to use as guides. This is no longer so, unfortunately. When I began to take an interest in the judgments of the great English judges, I was deeply impressed by the style, the facility and happiness of expression, the dignity and the economy of words that characterised the judgments of the judges of the higher Courts of Justice. The English legal system itself, with its slowly evolved rules of procedure, civil and criminal, and its splendid law of evidence, calculated to prevent injustice of any sort known and recognised as such, appeared to me as the highest development of the English mind in social or political institutions. It seemed to me evident that the administration of Justice furnished the best test of the morality or immorality of a state, or the health or ill-health of the body politic. I considered that a good legal precedent was worth a thousand fortresses. I came out from England, a fully fledged Barrister, to find here in operation a new view of the administration of Justice and its place among the institutions that keep up the life of the state. Reading over the judgments of the older judges and comparing them with the judgments that I saw accumulating round me, I was obliged to conclude, very sadly, that the calibre of our judges was not like that of the earlier days and that judgements were less sound in law and more poorly expressed in

English. The analysis of evidence, in many civil cases in which the judge chose to set forth his reasons in full, was unimpressive and unconvincing. Moreover, the new native Jurisdiction Amendment Ordinance, 1910, had put a stop to the wholesome growth of our case law on Native Custom, commenced in the days when the judges respected the opinions of the Natural Rulers who were invited to sit with them as Assessors, and when the judges, in so far as they dealt with Native Law Cases, were called the Judicial Assessors to the native Kings and Chiefs.

> The natural deterioration in standards of the administration of justice and of legislation dealing therewith, which has been going on in all countries in recent times, has in our Courts been made more rapid and dangerous to the development of the people because of the admission of imperialistic ideas into the domain of law. Imperialistic powers may reach that stage of deterioration in the course of their decline when they are forced to the conclusion that their subjects are growing too much in mental and political stature to bear domination with equanimity. When this stage of deterioration is reached in imperial rule, law no longer avails for the protection of rights as far as the people are concerned, and the administration of justice begins to alter as to its object; Justice is displaced by Expediency. This is
>
> the stage which the controllers of the British Empire have reached in their relations with the so-called backward peoples of the earth, among whom we are grouped.

In the administration of justice in this country, thinking "in English" has led to the transformation of the ideas underlying the system of trial by jury and the alteration of the law of evidence so that laymen without experience who were, for considerations of policy, appointed to exercise judicial functions which are regarded as too strictly and legally exercised by trained judicial officers, may not be inconvenienced by the hard thinking that the proper application of the laws of evidence and procedure would entail. The doctrines that constitute the form of political domination known as Indirect Rule, of which this

watering down of law, evidence and procedure is an essential part, are, of course, English, and could only have been conceived by Englishmen in charge of the destinies of Africans, Indians and other "natives". It is not easy for the non-English to follow the reasoning – if reasoning it is – which supports Indirect Rule. I know, however, that it is inconsistent. For, although it does not assume that inexperienced laymen and medical fledglings can be made to conduct surgical operations and control hospitals, it does assume that inexperienced laymen, or even professional tyros in or about Law Offices and on or around the Bench, can safely be entrusted with the amendment of laws of procedure and evidence, and with the application of such amended law. It is often agreed by the sponsors of Indirect Rule that a "simplified system of administering justice" is better for "natives" than the full "unexpurgated" English legal system. In that case, why is not a "simplified" form of medical attention and administration recommended in the tropics for "natives"? If the Englishman, as he once boasted, carried his law with him wherever he goes, and wishes to impress the natives in such places with his superior law and procedure, as he once upon a time was able to do, he should not play tricks, or "muck about", with that law and the procedure that it requires. If he does so, he degrades the highest results of his political development. He can do so only when he thinks imperially "in English". By those thinking 'in English' the watery system of administering justice which proceeds by reducing the Supreme Court, that, is the fullest and most competent tribunal in the British system, and vesting the powers divested from that Court in anomalous Courts presided over by political officers, is deemed suitable for "natives". But the "natives" do not think so. For example, among themselves, the natives of this country always apply the jury system in criminal and in civil cases, thus reducing the risk of mistake (except where the whole locality is biased, as in England for example during the last Great War, when a soldier on active service could come home, shoot in cold blood an alien in bed in the alien's own bedroom on the ground that he is suspected of having had illicit relations with the soldier's wife while the latter was fighting for his country, and be acquitted by an English jury, to the great amazement of all English

jurists). To replace a system under which the selected men of the locality cannot decide a given point in a civil or criminal matter except together, with a system under which one young Englishmen, singly, can send a person to prison, or give a judgement depriving him of ancestral property , does not appear to me to be defensible. But, if the latter is an example of thinking 'in English' it must be an example of bad thinking 'in English', because in England laymen who are justices cannot singly sit and exercise jurisdiction on cases. In any case, laymen, when they are justices, are bound by law to employ Clerks, who are professional lawyers with a certain fixed minimum of experience in practice, or else laymen with a long experience as clerks to justices.

Since in this country magistrates and judges, whether they have ever achieved distinction in practice or not, sit as both judges and peers, except at criminal assizes (in trials without assessors), it is necessary for the proper administration of justice that they should be able to appreciate, even if they cannot enter into, the "native" way of looking at things. Where "facts" are to be established through the medium of interpreters of all grades of ability to understand and speak both the vernacular and English, judicial findings of fact should not be hedged round with the presumptions of correctness which are sound in countries like England, where no judge acts as a jury, and findings of fact are findings of a real jury. But even here the jury includes Europeans and other Africans, such as Sierra Leones and West Indians, who are really European in outlook. How can any jury including such persons be described as being "of this country", for it is essential that when a man of this country is being tried at the assizes, the jury should be a jury "of which country you are". In what sense is a European temporarily living here "of this country"? Take also the magistrate who, whether experienced or not, layman or professional, tries civil and criminal cases and exercises the functions of both judge and jury. How can such a person, when he does not understand the language at all, or well enough to follow the evidence without interpretation, properly come to a conclusion as to the guilt or innocence of a person charged before him, or come to a proper conclusion on facts in a civil matter

between "natives"? An English or English-minded judge in a civil or criminal matter finds it easier to draw inferences from the English standpoint, especially when prosecuting counsel, or one of the counsel in the civil case, before him presents facts from the English standpoint. This is alright if the case is between, or concerns, Englishmen. It may be wrong if the case is between Frenchmen living here, for example. Here, we sometimes have West Indian judges and West Indian counsel in a case. What do you think happens to the findings of fact and the inferences from these findings when presented from the West Indian standpoint and received by a West Indian mind? I actually listened once to a West Indian prosecuting counsel presenting a strange view of the facts in a riot case before a West Indian judge, who actually summed up against the accused, adopting wholesale a West Indian view of the conduct of fishermen not West Indians in the West Indies but Africans in Africa. Undoubtedly the question of judges or magistrates sitting as judge and jurors in a country of which they are, or keep themselves by segregation, entirely or mainly ignorant, and in a Court where the native language is a foreign language, and the native law is a foreign law, is a very serious question. *Furthermore in such a country, where the laws are made and published in a foreign language, and not even promulgated by proclamation in which they are translated, as was done in the old days, any legislation may work hardship.* The subject of thinking "in English" becomes very important when one considers the possibilities for good or evil which will issue from the adjustment or maladjustment of the inequalities that are the natural result of the juxtaposition of two mentalities in the circumstances here disclosed. One way out will be to have a better system of appeals, and a special set of rules relating to appeals on facts where cases have been decided by a single magistrate or by a judge without a jury. From the Akan and Fanti standpoint "*Baaku nko egyina"*, that is, "One man cannot become a council". *(C.f. two heads are better than one).*

LECTURE 4 (b). Examples of "Thinking 'in English'" (contd.).

I remember a conversation with the late Bishop Hummel of the Roman Catholic Church(*1*) on the subject of buildings in West Africa. The Bishop said he had observed that the houses built of our ancient material, *detsi*, or swish (called by white men "mud") and built in the fashion of our ancestors, ensured the maximum degree of warmth in the coldest hours of the night and of coolness in the hottest hours of the day. Most of us know the difference in coolness between a house built of *detsi* and one built of cement and sand blocks. Perhaps it is because the walls of *detsi* houses are thicker than those of cement and sand block houses. In any case some cement and sand block houses are extraordinarily cold in the colder months of the year and intolerably hot in the warmer days of the year. We most of us grew up to see trained bricklayers so handle this so called mud as to produce out of it a substance so coherent and reliable that houses built of that material attain the hardness of cement; and, if well protected from the elements, with the same material prepared properly for use as plaster and well roofed, we know they may last for centuries. Some years ago, when the houses in the *Anafu* Congested Area were demolished, many persons were surprised at the solidity and hardness of the walls of this stuff that we pulled down with such effort, whole walls sometimes coming down intact and causing minor earthquakes in the neighbourhood.

It is well known, of course, that *detsi* of a certain type is useless for solid buildings. But it is equally well known that the *detsi* in Cape Coast and in a few other parts of this country is excellent building material. Somehow, our people who have

begun to think “in English” have joined in the campaign against building with *detsi*, and houses built of this material are considered inferior as a mark of social advance. We want a few engineers who can think as Africans to take up the matter of the fitness of local material for buildings. Buildings would be cheaper healthier if built of local material, such as the *detsi* and the home made lime made out of shells. We are informed that the solid castles built by the Portuguese and the Dutch in these parts were built with lime burnt out of shells. Thinking “In English” has led us to shew a preference for material that comes from abroad. Yet, others not African, who are builders, are now making more use of local material, such as wood hewn locally out of trees in the forests here. In the same way, a proper attitude in our white friends and their black supporters may lead to a greater use being made of local material. We have manganese here. What steps have been taken to make iron implements and ornaments in this country? In the Northern Territories craftsmen in metal make their own iron and use it. Why are we not encouraged to do the same? Because

1. This was at Cape Coast, the seat of the Catholic diocese then (and of the arch-diocese now).

we have been taught to think “in English”, and to look down on all African efforts and think very highly of things “made in England”*.

In England one observes that in advertisements of hotels and houses, the fact that bathrooms are in such houses is especially mentioned. For a long time I was puzzled about this sort of thing until I found out that one had to pay extra for bathing in England. Perhaps this is because of the extra cost of bringing in water into houses, and the advantage of having water laid on. In any case, to one who comes from a country where even the poorest man can bathe as many times a day as he feels inclined to, it is strange that such a thing as the presence of a bathroom should be made a great deal of. We assume that in all houses there are bathrooms, of course not fitted in the elaborate European manner that one can see in places where money talks. Bathing [here] is so natural that elaborate artificial appliances for bathing do not seem in place. This view I suggest arises from a way of looking at personal cleanliness which is distinctly African and superior to the European mode of thought on such matters. Thinking “in English” on such topics leads one to accept the many substitutes for a bath that one can get accustomed to in England. But a substitute is never as good as the real thing. Science is able of course to cover a multitude of faults; as we say, *Ntama kata adie su.(2)*

But *esaw(3)* and *buredziba(4)*, *sawii(5)* or *iduaba(6)*, are to some of us so important that we take them with us to England every time we go there, and nothing can prevail on us to accept European substitutes for them. Even in the matter of soap, our coarse-looking locally made soap of the old days ensured a smoother skin, blacker hair and other advantages now lost.

Coming to the subject of food, I have often been struck by the English expression

from guests “I have had a very nice dinner, thank you.” We never employ such adjectives as “nice” in relation to meals. We merely say, “I have eaten”, “*m’edzidzi*”, “I have had enough”, *m’ami*”. Of course one hears a great deal about vitamins and food values and so on. But who can find a more satisfying meal than *fufur na abenkwan(7)*or *dokun na nam(8)* when the *dokun* is well made? Large and healthy families

2. The sense is: ‘much can be hidden under a garment’. [‘Ntama, a garment, is not to be confused here with ‘ntam’, an oath.]

3. A sponge of ‘wood wool’, excellent for scrubbing the skin, or anything else.

4. A softer version of the ‘esaw’ or sponge, made probably out of the skin of a plantain, after which it is named, and excellent for mopping up the body after scrubbing with the sponge.

5. A substance very like the ‘esaw’, or sponge, which when chewed in the mouth produces a foamy liquid effective for oral cleansing.

6. A splinter, stick or twig distinctly larger than a toothpick and usually containing some chemical substance which makes it effective for brushing and cleaning teeth and crevices when its tip is chewed into a brush.

7. ‘Fufu’ is the soft, malleable product of cassava, yam or plantain, or a selection of the three, mashed and pounded together. It must be served in a soup made from garden eggs and vegetables, or groundnuts, or, as in this case, palm nuts (abenkwan).

8. ‘Dokun’ and fish. ‘Dokun’, or ‘kenkey’, is a maize cake, a favourite staple among the Fantis and Gas, and served with fish (‘nam’) usually fried but sometimes smoked or roasted

** In later times Nkrumah and his followers decried this attitude under the label “the colonial mentality”*

have been bred on *abe(9)* and the other good things we have; and it is only since we began eating tinned meats and drinking bottled stuffs that we began to loose our teeth and show other signs of civilization. *Ahe(10), nsa efuw(11)* etc. as beverages are really hard to replace. Yet a false sense of pride leads us to affect European foods and drinks. Most people are offended when as guests they are offered local drinks. Now that Europeans are beginning to take to our special dishes, such as *abenkwan*, *nkatsinkwan(12),* we may introduce them to the other dishes like *furoi(13), etsiw(14), atafrata(15)* etc. Perhaps they will [then] revise their opinion of the food value of some of the things we eat which they have sometimes attempted to run down.

My message, in short is, that, thinking “in English” sometimes leads us into paths of expense and effort which are unnecessary. We can find all or most of all we want here now. *Bebiara nyi ha(16)*.

8. Kenkey and fish

9. Palm nut

10. Beer made from maize

11. Palm wine

12. Ground nut soup

13. Palm nut oil stew.

14. A variant of kenkey

15. A special dish made of ???

16. This is as good a place as any.

LECTURE 5 Who Can Think in English?

I have said enough in the last four lectures to indicate what I mean when I say that "thinking 'in English'" for me can only mean thinking in the English manner, and when I say that thought, or the content of thought, has no language, since *language* is the expression of *thought* in *words* and is therefore definitely distinguishable from both *thought* and *words*. Let us now consider whether, and how far, it is possible for those not English by birth or breeding to think in English.

Some time ago, reading through the autobiography of Sir Harry Lauder, I came across a passage in which he expressed his great surprise at discovering somewhere in China a Chinese commercial magnate of the first water, thoroughly Chinese in physiognomy, colour, garb, speech, and manner, who nevertheless was able suddenly to address him in the correct Scotch and proceed promptly thereafter to produce, and play on, bagpipes, with the appropriate brisk and lilting gait affected by Scotch players on Scotch bagpipes. The Chinese gentleman afterwards explained to Sir Harry that as a boy he had been for years at school in a Scotch town and had been the official player of the bagpipes of that School during his period of tuition. Here was an instance of a change in the normal predisposition to be Chinese of a boy born in China – a

predisposition interfered with to some extent by the fact that he had been bred, in his most impressionable days, abroad, among a totally different people. Nevertheless the interlude of Scotch training had apparently not lasted long enough to turn the scale definitely against the development the boy into a true Chinaman, and in favour of his becoming a monster or hybrid with Chinese features and Chinese habits of thought, speech, clothing and deportment, and, at the same time, with Scotch mentality, accent, and manners.

Some families have been mortified by the result of their imprudence in sending abroad to Europe infant members, male and female, who afterwards came back, white in all but appearance, and played ducks and drakes, after the fashion of European *jeunesse dore*, with the family fortunes. There have now and again been some less fortunate individuals, in more recent days, who, having returned from a long sojourn abroad, entire strangers to their own kith and kin in all but colour of skin, arrived here after the death of their parents, and after the family fortunes had been dissipated by the extravagance of the Europeanised stay-at-home. Some of us view with grave concern the new attitude towards elders of boys and girls who have passed through schools controlled and managed by a staff with European ideas not only of what is proper matter to be taught to Africans, but what is the rate of intellectual progress fit for Africans as conceived by them. Several of these unfortunate boys and girls give a strange impression of histrionic efforts, of an artificial outlook, a sort of forced endeavour to ape their lighter-skinned tutors, who have even attempted to alter their accent not only to enable them to speak English like Englishmen, but also to assist them to go beyond that and reproduce Public School or University shibboleths.

All this misguided direction of the energy of young students in Africa nevertheless cannot suffice to make the Ethiopian change his skin, and it will be a very great pity indeed if in any way it helps to change his outlook. The world will assuredly be the poorer

for any success by imperialistic, theoretical and pedantic schoolmasters in their scheme of producing “good niggers” of the type that can accept with equanimity an inferior position in a white hierarchy intellectual or political. As far as the social side is concerned, I have always felt it a great mistake on the part of some of our people to protest against the normal tendency of all aliens, for example, the white men or the Syrians here among us, to club together and resent the intrusion of persons strange to them in outlook and appearance. Even brutes of a kind keep together.

After carefully reflecting on the subject for some time I am of the opinion that it is not to be expected of any person who, during his infancy and boyhood, has not been bred for any considerable period among a foreign people to enter normally into the natural reactions of such people in any department of human endeavour. It seems to me to be idle for Englishmen to try to anglicise Africans, especially in Africa, or vice-versa. I confess I am able to detect no particular merit in belonging to one race or other, any more than I can praise a lion cub for being a lion cub or blame a chicken for not having been hatched a tortoise. If tutors with classical education wish to perpetuate, in another sphere or plane, the monstrous results of the confusion of ideas that produced centaurs, satyrs, fauns, nymphs and mermaids, and eventually the minotaur, they are welcome to do so; but we in Africa, who feel that Africa has a message for the world which may prove better for humanity than either the European or the American idea of racial superiority, however sublimated or “sicklied o’er with the pale cast” of Europeanised or Americanised ideals, will ever put forth our fullest strength or force of our will, of brain, of brawn and muscle, to defeat every such ill-thought-out enterprise. For, it is to me impossible for one not English to think “in English” without loss of efficiency, and for one not African to think in the African manner without a similar loss of power. It is no matter for congratulation in the Englishman that he is English in any respect, as it is no matter for regret that an African is African and seeks to remain African. It is not true that all that is best in this world can only come from the

English, any more than it is true that all that is bad in creation comes from the African. Views of this sort are indisputable proofs of utter incapacity to think in the correct human manner.

Nothing more clearly illustrates Sekyi's convictions about sound social evolution than the conclusion to Thinking 'in English'. His complaints about the moral corruption caused by the indiscriminate aping of everything European, by bigoted and intolerant types of Christianity, and his views about co-education and the new ideals of womanhood, are extremely bitter and may often seem exaggerated. But they all point to Sekyi's intense belief stated in the last paragraph - 'thinking in English takes us out of the normal course of our development to the detriment alike of the full development of our white friends and of ourselves, and the ultimate disadvantage of mankind in general'. (He pays hardly any attention to bigoted and intolerant types of Islam, presumably because their impact on the society under his microscope has so far been negligible.)

The prevailing shamelessness and immorality of our present-day young girls is the reflection of their civilisation or refinement — outward refinement and inner depravity, whited sepulchres whose minds are full of polyandrous thoughts and of methods of preparing and serving lethargising or nerve-stupefying vegetable poisons, sold to them by amorous and designing vendors of alleged charms for retaining the waning love of husbands or sweethearts, or for killing off rivals or rendering the latter crazy. The fact that such adventurers are able to obtain a hearing from these 'modern' girls who believe so strongly in charms and love potions, witchcraft and talismans, is traceable to the effects of imposing the European view of the oriental Christian faith on Africans who believe in *Nyankupon(1)*, a benevolent Deity very different in his racial and other characteristics form the Oriental Jehovah. The wholesome and humanistic religion of the

African has been replaced by a set of rites for weekly sanctimoniousness and daily wickedness, with the result that most of our modern Christians are most unholy frauds, not excluding some parsons and so-called leaders of Christian thought. The prevalence of the adulterous charlatans mentioned above is due to the failure of the Government to recognise and protect the colleges of Priests and of Physicians that enabled our wise ancestors to maintain their independence till they had the misfortune to come into contact with the Slave Traffic as practised by oriental and occidental whites. The oaths and other sanctions and safeguards, which the rigid discipline of the ancient priests and physicians established for the preservation of the purity of their respective professions, have now, under westernised Christian ideas, been declared unlawful. The result is that so-called priests and physicians, who are not under any obligation to make periodic sacrifices to their deceased patrons or to make use of their knowledge only for doing good and not for doing evil, are at large. They often succeed the widowers killed by their charms given to credulous but affectionate wives who had lost their attractions. The properly trained, honourable, and well-disciplined priests and physicians meanwhile die out without imparting their knowledge, rather than hand over to rogue pupils the means of saving life and of preventing the malpractices of malevolent persons.

I have observed people in this country who behave as if they thought education in a school, or training in Europe, made a real difference in a woman. They forget that:

"For the colonel's lady and Judy O'Grady
Are sisters under their skins."

1. In Akan religion 'Nyankupon' is one of the appellations, epithets or surnames of God

(whose actual name is Onyame), and it is held to mean 'the One supreme'. Compare W.E. Abraham, The Mind of Africa, Weidenfeld and Nicolson, London, 1962, pp. 51-59.

It is the birth and the breeding of the women that count in the long run. The *woman* [as such] never changes. It is the same with men; but men are not as dependent on other men as women are, although several men depend on women – the right women – in order to thrive. The established ideas of the division of the labour of the sexes, due, as it is here, to the largeness of our families, and the necessary gravitation of the women and children to the women's quarters, and of the men to theirs, cannot be interfered without disastrous consequences to the morals of our people. I was shocked at a certain school to see the freedom allowed the male and female pupils (under tropical conditions!) to associate without surveillance. That is supposed to be enlightened! Tomboys, termagants, scolds, and blue-stockings are being set up as models. The distinction between the women's quarters (mbaafi) and the men's quarters has been eradicated by Christian, supposedly Western, ideals, and with the disappearance of that wholesome distinction has gone the sanitary and religious precautions that made our ancestors respectable, dignified men, and our mothers loveable and charming women.

To extend the examples of "thinking in English" to other walks of life is easy but may be fatiguing or boring. So long as the main point I wish to make is emphasised, merely that thinking in English takes us out of the normal course of our development, to the detriment alike of the full development of our white friends and of ourselves, and the ultimate disadvantage of mankind in general, I think something has been done to excite or induce thought on this very striking subject, "Thinking in English".

A Comparison of English, Gold Coast and Akan-Fanti Laws Relating to the Absolute Rights of Individuals – A Lecture

One of Kobina Sekyi's strengths as a writer and political and social thinker is his ability to write at various levels of abstraction. Sometimes, he can use the autobiographical anecdote with great effect; sometimes he draws his conclusions from a more general examination of institutions and customs. But he is also able to argue at a highly theoretical level, criticising and refining views of the nature of man from both a philosophical and legal standpoint – since he was trained in both disciplines.

His lectures 'A Comparison of English, Gold coast and Akan-Fanti Laws Relating to the Absolute Rights of Individuals' given in 1937 are a good example of this ability. Only six are available in manuscript and they present considerable difficulties for the editor because they are so theoretical. In general they take the form of a critical review of the great 18th Century English legal commentator Blackstone and some of his interpreters. As such they include great slabs of quotation from Blackstone and others with comments upon them which may have little interest except to trained lawyers. But they are important once more in illustrating Sekyi's attitudes and beliefs. Consequently two of the most striking passages are reproduced below.

After defining various kinds of law and stating, significantly enough, that 'custom' is in his opinion the highest form of law obtainable in any State, Sekyi argues in very forceful terms the importance to the public of knowledge of the law, and hence of their rights. The significance of this passage to a nation under

colonial rule seems self-evident.

The study of the Law, conceived as something which protects the weak and defenceless, and keeps the powerful and righteous in power *for the protection of the weak and defenceless, the widow and the orphan, the sick, the blind, the maimed, the abject poor**, should be of great value to the public. Law as thus conceived is clearly, as Professor Holland *(1)* puts it, immediately concerned with the creating and protection of legal rights. Without rights, a human might as well be dead. A community of human beings without rights cannot possibly be of interest to anybody who wishes to study human nature, except to those who are interested in the maldevelopment and perversions of humanity. Rights, in their creation and development, should be an object of serious study to men. The public owe it as a duty to their ancestors and to future generations to keep themselves well informed about their rights, so that they may form a healthy public opinion and maintain it at the correct pitch, and at the standard that is essential to the perpetuation of the high stage of perfection that those in charge of the law, whether as legislators, judicial officers, or legal practitioners and jurists, should attain in the interests of humanity. Whenever those in charge of the law are slack, or reduce their

1. T.E. Holland, the Elements of Jurisprudence (first edition, 1808)

** Compare Elihu Root on the lawyer's profession (Yale Law School Commencement Address, June 17the 1904):*

> *"And the Lawyer's profession demands of him something more that the ordinary public service of citizenship. He has a duty to the law. In the cause of peace and order and human right, against all injustice and*

wrong, he is the advocate of all men, present and to come"

Sekyi was so taken with this passage that he had it quoted on the brochure for the celebration of his silver jubilee as a Barrister-at Law, and this suggests strongly that he himself viewed his professional practice as an attempt to practise those ideals. I cannot forget the occasion since he then made me memorise and recite the passage to him. I was then fifteen years old. – H.V.H.S

vigilance in any way, the law, in its creation, becomes perverse. The Law becomes a source of oppression instead of a blessing. It becomes a dangerous weapon n the hands of the malevolent, the cunning, those of" a lean and hungry look", like Cassius as Julius Caesar saw him. The law, when thus degraded into a mean instrument for the creation and perpetration of mischief or cruelty, is used to deprive people of invaluable rights, and, at the same time, to render those thus despoiled futile in their efforts for securing redress or any sort of protection. The public, therefore, owe a very important duty to themselves and to the unborn to know the law. Human nature being what it is, unless public opinion, during any one stage of political development, is alive and active, and sound in its foundation on the traditions and customs that it had inherited and would be bound to transmit, at least in an unimpaired condition if not much improved, to those coming in the future, the statesmen, the politicians, the principal executive officers, the legislators, the lawyers, all deteriorate. Judgments are badly thought out and worse written; statute law is contradictory and suggestive of a confession of the failure of normal methods of administration; and sycophants and toadies flourish in a fetid atmosphere of repression and cruelty, directed towards honest and open-minded conservatives, who object to enervating innovations in legislation and methods of administration.

The public duty to know the law has a more selfish side, owing to the maxim that *Ignorance of the law excuses no man (2).* An indifferent judge may really do very badly even for those whom he regards as in need of the protection of the law, because, when he gives a bad judgment, that judgment will eventually come up to upset the position which it created on a false foundation. (?)

It is interesting to note our version of the maxim that ignorance of the law excuses no man. We say: *Hohu ntu mbra*: 'an alien or a stranger cannot break a law', i.e. is not held responsible for any breach of the law of which he may be guilty. This, at first sight,

appears to conflict with the version set forth immediately before; but it is not a real conflict. As we understand the laws of hospitality and of the control of a household, a host is responsible for the misdeeds of his guest whilst in residence in the house, or within the sphere of influence, of the host. The host must tell his guest what to do and what not to do, and the prudent guest takes his host into his confidence in any matter that arises whilst he is a guest. It is incumbent on the host to be careful as to whom he admits as a guest, since the saying is:

Kokodudu ko eyi a oswei kokoyaya

This literally means when *Kokodudu* (a poetic or proverbial name for a bad man of any type) travels into a town or village to attend a funeral custom, he stays with *kokoyaya* (a similar name for a similarly bad man).

2. Ignorantiam legis excusat neminem.

The real meaning is that when a wicked man leaves his town and enters another (under colour of the license whereby practically all the doors of a bereaved family are open to the public, friend and foe alike) he is still a bad man at heart, and cannot but associate with persons of his stamp. In brief, evil birds of a like feather flock together. The idea of vicarious responsibility, which is disclosed in this conception of the onerousness of the position of a host, may render our maxim undesirable in the eyes of the ultra-progressive; but it must be borne in mind that the ultra-progressive are mostly iconoclasts who proceed without principle, and are all the more dangerous because of that. They never seem to observe that the maxims we inherited, with our wonderful system of laws and constitutions from our very wise and prudent ancestors, were, every one of them, calculated to protect us in our days of tribulation and misfortune, for example during the period of contact with an unscrupulous and active alien organization.

Finally, I wish to commend to you, for deep reflection thereon, the following quotation from the Commencement Address delivered to the Yale Law School, New Haven, United States of America, on the 27th June 1904, but the late Mr. Elihu Root, an American public man of some eminence:

> "And the Lawyer's profession demands of him something more than the ordinary public service of citizenship. He has a duty to the Law. In the course of peace and order and human rights, against all injustice and wrong, he is the advocate of all men present and to come," *(1)*.

1. This quotation was one of Sekyi's favourites; in fact it was his motto.

Thoughts for the Reflective

This is a series of articles written between 1925 and 1928 and published in Cape Coast. In these articles Sekyi touches on a large number of topics, sometimes very briefly, yet also argues at quite an abstract level about the organic structure of the original Akan-Fanti state. Some of the tracts are offered here.

The ostensible reason for writing was a defence of The Gold Coast Aborigines Rights Protection Society (A.R.P.S.) and an outline of what the policy of the Society should be. The major argument of the articles is to support the traditional position of the ruler within Akan-Fanti society, - 'Our Natural Rulers and their Duties' - to show how colonial rule is perverting this tradition, and to suggest, typically enough, that what is required is an understanding of and a return to this tradition in its unperverted form, and thus to its correct path of evolution and development.

His argument clearly has close parallels with that in 'A Comparison of English. Gold Coast and Akan Fanti Laws relating to the Absolute Rights of Individuals' since he is concerned to show that the system of Government which evolved in Akan Fanti Society was very different from that operating in England. In particular he examines in greater detail the notion of sovereignty and points out that the differing views of sovereignty which the Akan-Fanti and the English

customarily hold have caused misunderstanding and, under colonial rule, destruction of traditional patterns of society. Sekyi gives many examples of this and perhaps one of the most interesting comes near the beginning of the articles where he discusses the traditional kinds of rulers in the Akan-Fanti state.

1. Examining the constitutional position of the monarch in England Sekyi notes how gradually his autocratic power has been limited. On the other hand the Ohin under colonial rule has had his power unnaturally and dangerously extended (pp. 25-26). In a typical later passage he argues that the true conception of the ruler and the subject in Akan-Fanti society is now to be found only among those untainted by Western ideas. His respect for 'illiterate' Natural Rulers plainly echoes the arguments of The Meaning of the Expression 'Thinking in English' and a similar statement can be found in The Study of Our Institutions, p.??above.

2. At pp??, Sekyi follows his discussion of the ruler with a discussion of the position of the subject in relation to the ruler. He argues that there is paternal relationship between the ruler and the ruled in West African society, (c.f. Custom and Law in West Africa, p.??. above) which is being lost under colonial rule.

3. Towards the end of Thoughts for the Reflective Sekyi begins to argue against Dr. J.B. Danquah who in his Epistle to the Educated Young Men Akyem Abuakwa had appeared to accept the English notion of sovereignty, and therefore supported innovations by the colonial regime which Sekyi bitterly opposed. In particular, Sekyi's view of the constitutional position of the chief led him to oppose the apparently progressive idea of a legislative council and Provincial Councils including such leaders. Sekyi ends with a discussion of the traditional position of the chief and states that, in his view, Western notions can mislead even

progressive Africans such as Danquah about the proper course of social and political development for their peoples

4. In the fifth and last of the series Sekyi examines and states, as he sees them, the proper and legal limits of Britain's authority on the Gold Coast. This authority, he points out, was for the most part surreptitiously acquired, or rather usurped, in an ultra vires manner in the coastal regions south of Ashanti. In alliance with Britain for most of the nineteenth century and known formally as the 'Territories Adjacent to Her Majesty's Forts and Settlements', these territories had been only later – and very quietly – annexed to those forts and settlements under the name of the 'Gold Coast Colony', although they had been at no time either conquered or ceded by treaty; and such dubious historical antecedents, he maintained, could only have left intact the legal limits to any ex-territorial authority conceded, whether by explicit treaty or by mere sufferance, to the government of the forts and settlements.

This is a position which Sekyi maintained for the rest of his career, through the A.R.P.S protest in London to King and Parliament (1934-1936), to his chairmanship of the relevant subcommittee of the historic Committee on Constitutional Reform, 1949. No direct rebuttal to this position was ever publicly made or offered by the imperial government, which to the last preferred to remain impenetrable and evasive on that particular issue.

THOUGHTS FOR THE REFLECTIVE

III. Our Natural rulers and Their Duties

Among the peoples called civilised according to Western Standards, it is well known that the development of literature and art depends on the degree of peace attained at the time of such development. It is impossible for most people who are patriots to think of anything other than how to improve the political or social condition of their people when the latter are in serious difficulties, for example, owing to the ignorance of the masses and the treachery of the elite. It is the duty of such of the reflective in such countries as are engaged in a struggle for political equality, to say the least, to do their utmost to emancipate the minds of those labouring under the thraldom of false and insidious ideas either borrowed wholesale from mischievous propagandists, or advanced as a result of some sort of intellectual dyspepsia or constipated mentality.

I think it cannot be disputed that we in West Africa, and especially in the

Gold coast, are in one of the great periods of transition through which social organisms have to pass in their progress from aimless activity to purposeful exertion, economically and politically. In this period we have to do our best to co-ordinate our cleverly dissipated energies and direct them towards the attainment of our economic freedom, without which our state of political subjection must continue. Apart from the task of educating the minds of people, we have before us the stupendous undertaking of exposing the fallacies whereby the specious arguments of dependent journalism or hot-house literary activity are rendered plausible; and in no direction is our effort more immediately needed than in that of our own traditional ideas and their development.

There are certain ideas or terms imported from Europe which have caused no little confusion in the minds of Europeans engaged in political administration and trade among us. This confusion has not only been transmitted to the minds of the unreflective among us, who are now labouring assiduously to perpetuate the mistakes to which the constitutional ignorance of our ideas and ideals, under which Europeans with very few exceptions indeed suffer, has given birth. Indeed it would appear that several of our people delight in copying the mistake of the European sojourners among us, in order to show to others as mentally plebeian as themselves that they have acquired European ideas and are therefore fully qualified for the epithet civilised. *If it were not for the evil which arises out of such slavishness one would be inclined to smile at such folly.*

Let us now turn to the expressions Paramount Chief and *Omanhene* or *Omanhen*; very fruitful sources of European error in political matters. It would be interesting to know when this term was first used to refer to the highest

development of the ruler type that we have, who first employed the term, and why he did so. I have considered it necessary to deal with these sources of confusion because it is necessary for all of us~ who wish to reflect properly on the present political situation to be as clear and unambiguous in our views and expressions as possible.

Our own term for the highest type of ruler, which we evolved in the course of our own political development, was *Ehin* or *Ohin* or *Ohene*, a term the derivation of which has not yet been successfully affected by your philologists. In the days of real political independence, that is before the descent of the white man on our shores, the greatest potentates we had, who were in reality emperors, namely, in their historical order, the *Adansihin*, the *Denkyirahin*, the *Akwamuhin* and the *Asantihin* – expressions which, in English, would mean respectively the King (or Emperor) of Akwamu, the King(or Emperor) of Asanti – had titles that never go beyond the term *Ehin* or *Ohin* or *Ohene*, which, when used by itself, might mean, Emperor, King or a princeling according to the context. When, in those days as in these, it was meant to refer to the head of the state in which one lived, the term *Ehin* or *Ohin* or *Ohene* was employed without qualification as in the expression, in England, 'the King will etc. etc.', for there, when a foreign sovereign is indicated, the name of the foreign state of which that sovereign is head is annexed, as in the expression, in England, 'The King of Spain will...". It would follow therefore that the expression "the King will ", when used in Spain, would mean "Our King will ", whilst if the King of England were on a visit to Spain, he would always be referred to for the sake of precision not as "the King", but as "the King of England".

It should be remembered that under our own system, when we annex the

> term *Ehin* or *Ohin* or *Ohene* as suffix to the name of the headquarters of any state or division, or of any dignity showing a subordinate rank, we mean the head of that state or division, or the dignitary bearing such subordinate title. Take, for example, the expression the *Kumasihin*. This expression to the native means the head of the Ashanti State, because Kumasi is well known to be the headquarters of the Ashanti State. Now, when we come to deal with the separated and smaller states which now make up this country, when we speak of the *Kyebihin*, for example, we mean the head of the Akyem Abuakwa state. Similarly, when we wish to indicate the head of the wing of a state, for example, the *Nifa* or the *Benkumhin* or the *Twafuhin* or the *Kyidomhin* as the case may be; whilst if we wish to speak of the head of the main body, the *adonten* or we refer to the *Adontenhin* or the *Domtsinhin* (*Dentsihin*). We could also from another standpoint refer to these chiefs in relation to the respective headquarters; for example, in the state of Assin Apimenhim, the *Adontehene* has his headquarters at Endo, any may therefore be called the *Endohene* or the *Ohene* of Endo. Similarly, the *Benkumhene* of the New Jauaben state having his headquarters at Asokori may be called the *Asokorihene* or the *Ohene* of Asokori. This is the system of naming rulers which we inherited from our wise ancestors.

The white man, with his semi-African pupils, has altered all that. They started by creating a term *Omanhin* or *Omanhene* (*Emanhin*) which is redundant as to the first syllable, as far as any meaning is intended to be borne by the term. An *Ohin* or *Ehin* or *Ohene* is always head of a State or subdivision of a state or *Oman* (*Eman*). It is significant that the term is never, except figuratively speaking, or loosely speaking, employed to indicate the head of a village, although the expression *Odikro* or *Odzikro*, which indicates the head (or owner) of a village is applicable even to a ruler of the type of the *Kumasihene* in so far as he is the head of the town or city of Kumasi.

This term, *Omanhin*, is contrasted officially with the term Maharajah, as opposed to the term Rajah, in use in India. It is not known what is the difference between the two Indian terms; but it is quite likely that the surface contrast between the two terms may have led to the introduction of the longer and more meaningless term *Omanhin* to supersede the term *Ohin*. And it is amusing to see the way our learned judges are puzzled or mystified, and sometimes rendered irate, when a witness, speaking the vernacular, under the stress of cross-examination, lapses into the *status quo ante* and keeps on referring to the *Ohin* to whom he has been previously made to refer as *Omanhin* in the more conscious stages of examination on oath. In such cases either the interpreter keeps translating by using the term *Omanhin* where the context clearly shows that the term *Ohin* used by the witness relates to a ruler officially classified as *Omanhin*, or he too becomes guilty of a lapse, and is startled into awareness of his lapse by a sharp query from the Bench. "*Ohin*"? You mean "*Omanhin*"?

The greatest mischief, however, which has arisen out of this mistaken official discrimination, should be studied[1]in connection with the use of the term Paramount Chief. And in this connection we have to delve into English books on law before we deal with local books on the subject.

Looking into Wharton's Law Lexicon, one would find the term Paramount explained as meaning "Superior; having the highest jurisdiction, as lord paramount, the supreme lord of the fee; sovereign." Fee is explained in the same work as "property peculiar; reward or recompense for services; (1) fee-simple absolute; (2) qualified or base fee; (3) fee-tail, formerly fee-conditional". I should not advise any further pursuit of the meaning of those terms in Wharton. I now proceed to Blackstone's Commentaries on the Laws of England, a book which, I think, all political officers should be made to learn. Blackstone writes as follows, at page 50 of the fourth edition (in chapter V treating "OF THE

ANCIENT ENGLISH TENURES”). In this chapter we shall take a short view of the ancient tenures of our “English estates, or the manner in which lands, tenements, and hereditaments” might have been holden, as the same stood in force, till the middle of the “seventeenth century. In which we shall easily perceive, that all the particularities, all the seeming and real hardships that attended those, “tenures, were to be accounted for upon feudal principles, and no other;” being fruits of, and deduced from, the feudal policy. “Almost all the real property of this kingdom is, by the policy of our “laws, supposed to be granted by, dependent upon, and holden of, some” superior lord, by and in consideration of certain services to be rendered to “the lord of the tenant or possessor of this property. The thing holden is therefore styled a *tenement*, the possessors thereof *tenants* of the manor”.

I come now to deal with the expression Natural Rulers. This term was introduced by the legal advisers of the Gold Coast Aborigines Rights’ Protection Society (whose rather Pickwickian name tends to mislead people into forgetting that, owing to the character of its charter or Constitution, this so-called society is really a Government, and the President of it is not such a “commoner” in the minds of the purely illiterate as some persons, official and unofficial, think). I think the term was introduced in order to distinguish the rulers under our very natural national constitution from the white men and their appointees who are rulers in the much more unnatural constitution which has been imposed upon us, in reality by the Secretary of State for the Colonies, and nominally by the King of England . I have no wish to criticise the term Natural Rulers. I think it has become settled in our vocabulary and I use it as a convenient expression.

It should be observed, at the outset, that to regard a ruler like the *Ohene* of Kukurantumi in Akyem Abuakwa as the head of a subdivision is as much an error as to regard the *Omanhene* of Mampong in Ashanti as the head of a sub-division in Ashanti, because he is head of an administrative division. It is to be regretted that we have not yet

an account of the constitution of any of the really great empires which the real kings of the old days controlled with their peers, now known as sub-chiefs or Head Chiefs, as we have only an account of the constitution of Wassaw Amanfi, of Peki, and of Akyem Abuakwa, states which cannot by any means be regarded as having, so to speak, dropped from the skies complete with all the peculiarities and perfection of constitution claimed for them. In writing a standard work, or a work intended to be standard, on constitutional matters the most comprehensive study of the various constitutions which we know of should first be made, before any attempt is made to set down, in permanent form, conclusions as to the form and details of our constitution.

All the constitutions in the Akan-Fanti states have one common form. Each separated state has its connections with some other state or group of states, so that what appear to be differences in form may ultimately resolve themselves, upon a more careful view, into differences arising out of the peculiar character of the origin and mode of entry of the now dominant family in the state.

In my opinion the so-called sub-divisions of our present separated and mutually independent small states are really not sub-divisions at all. Comparing small things with great, one cannot help observing that each of these little states is a federation. This view arises irresistibly when one considers the constitutions of ancient and large states like the old Adansi state, the old Denkyira state, the old Akwamu state and the old Ashanti state. This view is further borne out by the following passage from Sarbah's *Fanti National Constitution,* to which I shall later have occasion to refer again. This passage is from pages 8 and 9, and is from the first chapter headed "Origin and Government of Akan Communities".

"The Ohene of the oldest ancestry and most powerful becomes by election

and tacit consent of the other Ahenefu of the district or country Omanhene, that is, the king. In reference to his own particular jurisdiction he is Ohene, and as such he may not interfere in the domestic affairs of any other fellow-Ohene, so that as they [?do not owe him the allegiance of subjects, nor does his jurisdiction?] affect the district as a whole."

If I am in the right in my conclusion that each of our independent states, small or large, is a federation, it follows that my view of the relation of the head of any state or sub-state will differ materially from that of those whose writings tend to portray our natural rulers as autocrats, whom colonial officials can easily manipulate for their own purposes. My view is that the lowest political unit in each of our states is a federation of family groups; that the next higher political group is a federation of lower political units, and so on till we get the grand federal state comprising within itself all the political units in a given state. This means that the wider the range of the authority of any ruler, that is, the greater the number of groups or units whose swords lie on the stool of the principal ruler, the lesser the power of that ruler over the more remote "subjects" or rather children or grandchildren, as I should prefer to call them. The reason for this is obvious: each *mesne* ruler in the federation, being nearer his own immediate "subjects", has greater control over them, and the principal ruler, who must himself be head of a group which is *mesne* in relation to the big federation, is nearer his own immediate "subjects".

Let us turn to Sarbah. Pages 6 to 9 of Sarbah's *Fanti National Constitution* contain an account of the manner in which a village community may grow into a state and an ordinary *Penyin** into an *Omanhin*. Every Akan-Fanti state arose in this way. If any differences are observable such differences cannot but be due to certain variations connected with the origin of the head of the immigrant group or of the group, itself. For example states have been known to migrate after they had completely developed, so that

in such cases a whole administrative system is transplanted from one place to another. There have also been cases, where as a result of a quarrel or civil war, a state has broken into its several component parts, each or some of which has or have moved away from the original country. It is none the less true that each of these migrating states, or sections or states, arose in the manner indicated by Sarbah.

An important difference which tends to obscure the common nature of the origin of our states is the difference between the organisation and development of a military state such as the old Denkyira kingdom and its issue, the Ashanti kingdom, and the organisation and development of a federation, like that of Fanti states which had its centre at Mankessim. In these cases it cannot be doubted that the origin of the component states is more or less the same, but the government of the entire state differs naturally according as it is military or not, that is, held together by force exerted by the central and dominant state, or connected with the central state by means of agreement voluntarily entered into.

Even in the military state there are two forms of administration existing side by side. The government in the central state and in each of the allied or conquered states is republican, that of the entire state as composed of all the component states is strictly autocratic, the autocrat being the central state and not the head of the central state, as some would think. In the central state, owing to the influence of example where several grades of persons can perceive such example, in formal language in public even the highest administrative peers of the ruler describe themselves as ‘slaves’ [*in Akan, ‘nkowa’, more precisely vassals, subjects, servants. One may compare the late Latin ‘baro’, meaning ‘man’, considered in feudal relation to an overlord, whence the English ‘baron’. ‘Donkoh’ means precisely a slave, and is* ***never*** *used in that context*]; but in reality certain well-known rules are observed by the ruler himself when he personally addresses any of his administrative peers, and the same courtesy is extended to the

heads of the allied and originally conquered states.

This brings us to the term “subject”. In Wharton’s Law Lexicon the following appears: “**subjects**: the members of a commonwealth under a sovereign”. I have so far been using the word “subject” with a reservation denoted by means of inverted commas, in order that I may draw attention to the differences in outlook that exist with respect to the term subject as loosely used by Englishmen, and that form as applied here to those members of a State who are under the jurisdiction of the principal ruler of the State. I have already referred to our term Nana and one of its meanings. We should in this connection consider also the significance of the term Nana as employed by any ruler in replying to the greetings of those who are called his subjects in the loose English sense. Strictly speaking the loose English meaning of the term subject does not apply here. It is the strictly legal meaning of the term subject that applies. There is an important difference, however, in English law and in ours as to the meaning of the term subject or what is equivalent to it among us. In English law the King is *not* a subject, neither is he the sovereign: for there Parliament is sovereign. In our law the ruler is himself a subject, because the people are sovereign; for the Oman, that is the Council of the state, is, in the last resort, subject to the *Asafu,* or Militia Companies. There is in that Council a perpetual opposition: on the one side is the *Ohin* (now called *Omanhin*), the *head* of the state with the groups that go with him, that is, his family and his *Gyasi*, not excluding the *Ankobia* or body guard, and on the other side is the ruler who holds the *foot* of the state, with the groups that go with him, that is the Oman proper. Hence the formula which is even in use in the Elmina State: “*Ehin na ni man*”

It is thus clear that with us the ruler is, with respect to the group over which he is set, just a representative of the sovereignty of the group, rather than the sovereign of the group. It is a matter of convenience that there should be a single representative of the

whole state and that such a representative, as the representative of all the sub-divisions of the ruling or sovereignty??????.

The English legal doctrine, “The King can do no wrong”, which places the King personally above the law, is a survival of the day when the king was, in law and in fact, the autocrat of the realm of England. It was in those days that the King was in reality lord paramount over all the lands within the English kingdom, and he had the right of life and death over his subjects, who were in law and in fact abject subjects. The doctrine of sovereignty which Professor Dicey has been teaching generations of students since 1885 is a modern one, comparatively speaking, and is a doctrine developed by patriotic lawyers, who, either, as judges, or as counsel, always considered that the highest form of expediency was that which placed every other consideration below that of the safety of the commonwealth — *salus reipublicae suprema lex* - the highest law is the safety (or soundness) of the state. The definition, or perhaps description, of the term subjects, which I have quoted from Wharton above, namely, “the members of a commonwealth under a sovereign” can only date from the days succeeding the decapitation of King Charles I, the days resulting from the greatest civil war known in England; for obviously the Latin term *respublica,* of which the English term, commonwealth, is a literal translation, was nothing more than an idea before Cromwell made it real.

The events which led to the rise of Washington will undoubtedly lead to the rise in Africa of another champion of liberty and freedom in the sense according most with the highest conception of *salus reipublicae* the public weal. But it must be borne in mind that bloody revolutions of the old days are now obsolete: these are the days of bloodless revolutions, and the leaders of such revolutions are thinkers, realising the Platonic dream of the time when kings will be philosophers, and philosophers kings. The kingdom of the philosopher is not a kingdom built on arms: it will be a kingdom of righteous thoughts, logical all the way, not afraid to draw inevitable conclusions even as to the demerit of the

best beloved, where such demerit exists.

I have referred above to a ruler in our constitution as ruling over his children or grandchildren. One of the greatest legal doctrines among us is the doctrine that the ruler is the ancestor (grand relative) of the ruled or subject. The subject is, therefore, in our constitutional law, a relative of the ruler. This mutual relationship determines the attitude of the ruler to the subject and that of the subject to the ruler. It is clear that the loose English usage of the term subject, which erects the ruler into an autocrat and the subject into a serf, belongs to the days before the emancipation of the serf and the eradication of villeinage gave England an advantage over the rest of Europe, whose feudal system had developed the shocking *droit du seigneur* among its accepted in incidents, claimed even by the Priesthood. The frame of mind observable in the Akims, Assins, the Wassas and the other Akans higher up than oil palm belt, which makes it easy for them to apply to themselves the term *Akuwa* when referring to themselves as subjects, may arise from refinement or politeness, or be a mark of servility. But it is certain that, even among the Akans, the ruler who is fond of using such an ambiguous word as *akuwa* indiscriminately when referring to subjects and sub-chiefs is fast qualifying for destoolment.

Since the term *Akuwa* means a slave, and accords more with the view of subjection which prevails in the legal system of despotic countries, it is clearly not a term that is here acceptable [normally]. Sarbah's observations quoted below in his *Fanti National Constitution* are of interest in this connection. They are respectively from page 6 and pages 25-26:

> *"Loyer also found that the King's authority over the poor and slaves was absolute, but the caboceers, or great men of affluence, and owning many slaves, were not so submissive, and were only bound to attend and assist at the public palavers and councils and join the king's force against a common foe.*

According to some ancient writers, there were two forms of government at the Gold Coast, namely, Monarchical and Republican. The districts of Axim, Ahanta, Fanti, and others were, previous to the year 1700, considered to be commonwealths; whereas "Komenda, at that time a very populous district, Efutu or Fetu, "Asebu, and Accra, were of the first kind. Henry Meredith, whose work was published in 1811, describes the governments along the coast as partaking of various forms. At Appolonia it was composed of a strange number of forms; for in some places the government was vested in particular persons, whilst in others it was in the hands of the community. What struck him as strange in the Fanti districts was that they frequently changed the form of government on certain occasions by uniting together under particular persons for the general safety, giving implicit obedience to their leaders; but as soon as the object of their union was attained, they reverted to their independent units. What is undoubtedly true is, that for very many years the Fanti town and village communities have enjoyed independence in a greater degree than any other tribes on the Gold Coast. In Appolonia one finds that so much authority was vested in the Omanhene that writers frequently thought his power was absolute. But on examining the constitutions of these places, they will be found to be sprung from the same root; the monarchical form of government so mentioned is what is common in Wassaw and other inland districts, and the republican is simply the constitution of some of the sea-coast towns close to European settlements and forts. These coast towns are communities whose government is based on the system already described; <u>the president is Ohene, and his office is elective"</u> (my emphasis).

It is clear that Sarbah here speaks of the more advanced constitutions, where the republican ideal, which, in England, superseded the crude monarchical ideal before that time prevailing, had superseded the monarchical ideal in vogue before. The system of limited monarchy which is now the form of the English constitution corresponds in

development to our elective democratic monarchy, which is the form established in the Akan-Fanti states. Sarbah must therefore be considered careless in the choice of the word “misled” in the following passage of the work quoted above (page 15):-

> *“To obtain a correct knowledge of the constitution of this country, one ought not to be misled by what he sees in the coast district, but he should study the aboriginal system which obtains in Wassaw, Asin, Akim, Sefwi, and districts peopled by those who revolted from the Ashanti rule in the early part of the nineteenth century.”*

For it will be discovered, when the constitution of the central states of the ancient kingdoms or empires of Adansi, Denkyira, Akwamu and Ashanti are examined, that in all these great states the central state was democratic with an elective monarchical system such as we have in all the Akan-Fanti states.

In my view the strict legal meaning of the term subjects in English law, namely, members of a commonwealth under a sovereign, is more in accord with our term *mba*, children, or *nananum*, grandchildren, than with the term *nkowa*, slaves. The members of any society or *fekuw* are known as *mba*. It is inconceivable for the head of a state to think of his great sub-chiefs or administrative peers as his slaves. The term ‘slave’ is a term that can be used only in a special sense when one is speaking in public and is inclined to be rhetorical or courtier-like; but it is quite correctly used in its ordinary sense of those who are either slaves, or the descendants of slaves, by the ruler to whom they are attached. The members of any of our states can be referred to by the rulers of those states as his *imba* or *nananum*, and the more prudent and courteous rulers never refer to their freeborn subjects as *nkowa.* The absurdity and mischievousness of the indiscriminate or loose use of the term *nkowa* to represent the English term ‘subject’ is observable in the effort made in some states to claim for the senior sub-chiefs a sort of

jurisdiction over the other sub-chiefs of the same rank as themselves. How the *Adontenhene* of any of the Akan states could call the *Benkumhene* or *Nifahene* his subject it is difficult to imagine. It will be observed that the term *nkowa* can be used for the rendition of the term 'subject' only in a very small number of cases.

I have pointed out above what I consider to be a fundamental difference between the position of the King in the English constitution and the *Ohin* (now known as *Omanhin*) in ours. As I stated, the English somehow keeps the king outside the law. Whilst with us the *Ohin* is himself a subject of the sovereign, in England it is Parliament and not the King, who is a very high state functionary completely ruled by Parliament, and can be deprived by Parliament of all his royal privileges, just as parliament several years ago changed the line of succession. The sovereign with us is the people, who through the company system can veto, in a proper case, the highest decree of the *Ohin* and his Council (the *Oman* or *Eman*). The repugnancy in the conception, in England, of the king as a subject, and considering also that Parliament is sovereign in England, is traceable to the origin of the legal position of the King, who was in the beginning an absolute monarch, his present position being saved for him during the long struggle for liberty between king and subjects in England, as a result, I think, of the loyalty and the blueness of the blood of the pure aristocracy, at one time attached to the King in the same way as the *Ankobia* is attached to an *Ohin*. There is no such difficulty in the way of our conceiving of our rulers as subjects of the *Oman,* or State, over which they rule, for there is no ruler among us who can say that he carved out a state for himself with the help only of his domestic servants or paid soldiers.

It follows therefore that the peculiar legal doctrine for the King's paramountcy over land in England does not apply to us here. Blackstone *(2)* points out that when the princes of Europe observed the wisdom of the feudal policy of the northern conquerors, namely, the Goths, the Huns, the Franks,

1. Ankobia, that is, the division of the State responsible for the personal safety of the ruler.

2/Commentaries on the Laws of England, vol. II, p. 40.

the Vandals and the Lombards, "*most, if not all, of them thought it necessary to enter into the same or similar plan of policy. For whereas, before, the possessions of their subjects were perfectly allodial, that is, wholly independent, and held of no superior at all, now they parcelled out their royal territories or persuaded their subjects to surrender up and retake their own landed property, under the like feudal obligations of military fealty*." It is obvious, therefore, that even in Europe with their peculiar notions of property, there were at one time allodial lands which the princes persuaded the owners to surrender and retake, so that the feudal system might be established. As regards our own states there is something corresponding to the feudal system in our method of giving out lands to tenants on a tribute system. This is done not only by great stools but by smaller stools, and also by individuals and families without stools. Now, just as it is not every person or family that owns lands, some having either sold or lost, through negligence or flight, what they originally had, in the same way there are natural rulers who own considerable territory, sometimes all the territory over which they rule, and there are others who do not possess even a square inch of land.

Sarbah, in his Fanti National Constitution says, at pages 24 and 25,

> *"In the Fanti system allegiance is personal, but in Ashanti it is personal and territorial combined. The head ruler is not necessarily the owner of any land in his jurisdiction, e.g., Ohene Tchibu, of Assin Yankumasi, owns no land, and is a tenant of Abesibro his captain; so also is Ohene Aka Ayima of Benyin in Appolonia, by the judgement of Mr. Justice Nicol, declared to own no land in his district — at least he did not lead evidence to show the land in question was his. In the case of the Ohene Tchibu, the explanation is that his ancestors fled to Fantiland for protection,*

from the North side of the Pra in the kingdom of Ashanti."

Here we have a definite statement showing that it is not a new doctrine that paramountcy over land does not go with what has been described as paramount chieftaincy. Wherever in a state the principal stool owns all the lands of that state, there is a peculiar history attaching to such ownership; for the ordinary state of affairs is one in which every family has its own separate area of land which it owns absolutely. As regards the common lands of a state, those attached more, perhaps, to the sword of office on the principal stool than to that stool itself it cannot be said with truth either that the principal stool owns them or that the principal chief owns them; for it is the people who own such lands, and the principal stool or its occupant is the trustee of such land for the people. A distinction must be drawn between the family lands attached to any important stool occupied by a ruler, and the public lands attached to such stool; the former are owned absolutely by the family to whose stool the lands are attached; the latter are owned by the people, whose ruler is only a trustee of such lands for the people.

As I have remarked before, Blackstone in enumerating the details of the royal prerogative, in Volume I, Chapter VII, does not include paramountcy. He deals with the Royal Dignity, the Royal Authority, the King as Fountain of Justice, Fountain of Honour, Arbiter of Commerce, the General Conservator of his people, and as Head of the Church. It should be observed, too, that Sarbah, in his Fanti National Constitution, takes no notice of paramountcy as a prerogative of any of our rulers. On the other hand in Casely Hayford's Gold Coast National Institutions a great deal is made of "The King's Paramountcy". This Mr. Casely Hayford describes (p.45) as "a sort of sovereign oversight which does not carry with it the ownership of any particular land"; and he adds "It is not even ownership in a general way in respect of which, per se, the King can have a locus standi in a Court of Law. To him, indeed, belongs the power of rectifying and confirming what the subjects grant, though he may not himself grant that which is given."

It is perhaps correct to state that Dr. Danquah, in his Akan Laws and Customs agrees with Mr. Casely Hayford in the passage quoted above, for he says (p. 215) the following (after admitting , at p.214, that the principle behind the claim of the principal ruler in Akim Abuakwa that his stool has "an inherent right of ultimate ownership in lands" which had not been self-acquired by private persons "is in conflict with those obtaining in some Akan States", and admitting also that in West Africa it is acknowledged "there is not one case of land that does not belong to someone"):

> "*It remains to be shown, however, that our constitution as it stands at present recognises the Paramount Stool's acquiescence as indispensable in so far as its right of paramountcy is concerned. It is sometimes vaguely inferred that such paramountcy includes all that the term can possibly connote. Herein we should be wrong to support the contention.... the point we wish to emphasise here is that among certain tribes or states Paramount Stools are held really paramount over the land or over the chiefs and people, but the sense of paramountcy over land would seem to be covered by the meaning implied in a trust*".

He then proceeds to quote the passage from Casely Hayford's Gold Coast Native Institutions which I have quoted above. I think we could safely leave out of the reckoning the indefinable attribute of rulership to which these two writers refer as paramountcy.

I remarked above that the English somehow managed to keep their King outside the law. This statement is of course to be taken with certain reservations, which every careful law student knows; for, in the highest legal view, the king of England is not above the law in the sense that he is an irresponsible monarch. His legal position now is that he is the highest executive office in the English Kingdom. And this is the view that accords with what Bracton wrote:

> *"The king ought not to be subject to man, but to God, and to the law; for the law maketh the king. Let the King therefore render to the law what the law hath*

invested in him with regard to others, dominion and power; for he is not truly king where will or pleasure rules, and not the law;" and again:

"The king also hath a superior, namely God, and also the law, by which the king is made".

There is the old saying that "the voice of the people is the voice of God". It is quite easy therefore to identify the terms "God" and "the law" in the passages just quoted: the King's superior is the people (or Parliament) who make the laws from which the King himself derives his legal existence. The position of the ruler in any of our states is that of the principal executive officer in the state. He is created by the people, and he is given, in the form of instructions, what laws he is to administer. His relation to the people in his state is that of a very highly trusted elder to the person or persons who has or have entrusted to him the conduct of some very important matter. He does not stand in the position of a master; he stands more in the position of patron as above stated. He is not necessarily the Lord paramount of the lands in his state. He is certainly not an autocrat. He is perpetually opposed by the representatives of the people in the Council, that is the holder of the foot of the state and the other chiefs known elsewhere as "wing" chiefs, who, together with the principal ruler, are open to the opposition of the *Asafu*, the young men of the companies. The ruler, in short, stands related to those over whom he rules in such a way that those over whom he rules can easily put an end to his activities as ruler the moment he begins to displease them by forgetting or ignoring his instructions.

The contrast I wish to draw is just this: whereas the king in the English Constitution has been gradually reduced from the position of an absolute monarch to that of a limited or constitutional ruler, the *Ohin* in our constitution is now being aided, by means of legislation considered good from the standpoint of English African colonial policy, to acquire a position which, if actually established and made definitely lawful, will raise the *Ohin* from the legal position of a limited or constitutional ruler to that of an absolute monarch.

However much it may be officially contended that many constitutional checks on the growth of despotic power in our natural rulers which our wise ancestors evolved are still effective, we, the people, especially those of us who as lawyers have been constantly engaged in the difficult work of getting white judges to look from the African standpoint at facts in Africa arising out of the dealings of Africans and sun-scorched Europeans, know that the system of administrative control, and the natural inclination of white judges to see only from the white standpoint, render all these checks futile and ridiculous. *If it is possible for responsible administrative officers to endeavour publicly to break down the determination of illiterate chiefs to fight against the growth of despotic power in their paramount rulers, by stating to them for example what they cannot but believe, namely that there is a definite government policy to see to it that the most daring and popular constitutional lawyers are so handicapped professionally that the public may lose confidence in their professional ability and cease resorting to them, what is the value of our constitutional checks even though the Government acknowledges them?** And when we consider the reduction of the Supreme Court*(1)*, presumed to be the most competent Court in the Country, and the creation of strange new Courts to be presided over or controlled by men without even the limited professional experience which in some cases suffices for the appointment of white lawyers to judicial positions in West Africa; and when we consider further that the Court of Appeal is and apparently will long remain constituted by the very judges whose decisions and mode of appointment or “promotion” sometimes set the reflective among us thinking very seriously; what can an African ruler hope for when he finds the whole of the Executive of the same mind as the little beardless assistant whose natural lack of experience by reason of this tender age and strangeness to Africa it is “disloyal” even to conceive?

I have referred above to a ruler in our constitution as ruling over his children or grandchildren. One of the greatest legal doctrines among us is the doctrine that the

ruler is the ancestor (grand relative) of the ruled or subject. The subject is, therefore, in our constitutional law, a relative of the ruler. This mutual relationship determines the attitude of the ruler to the subject and that of the subject to the ruler. It is clear that the loose English usage of the term subject, which erects the ruler into an autocrat and the subject into a serf, belongs to the days before the emancipation of the serf and the eradication of villeinage gave England an advantage over the rest of Europe, whose feudal system had developed the shocking *droit du seigneur* among its accepted incidents, claimed even by the priesthood. The frame of mind observable in the Akims, the Assins, the Wassaws and the other Akans higher up than the 'oil palm belt', which makes it easy for them to apply to themselves the term *akuwa** when referring to themselves as subjects, may arise from refinement or politeness, or be a mark of servility. But it is certain that, even among the Akans, the ruler who is fond of using such an ambiguous work as *akuwa* indiscriminately when referring to subjects and sub-chiefs is fast qualifying for destoolment. Since the term *akuwa* means [or can mean] a slave, and accords more with view of subjection which prevails in the legal system of despotic countries, it is clearly not a term that is acceptable below the cocoa belt.

**This alleges an openly and publicly avowed official policy to ruin the legal practice of outspoken advocates like Sekyi and Kojo Thomson, counsel for the Ohene of Asamankese against the colonial government's favourite Paramount, Ofori Atta I, of whom the former was sub-chief defending rights to diamond royalties within his own domains against the claims of the latter. A secret memorandum of about this time from the governor of the colony, Sir Thomas S. Thomas, to the then Secretary of State for the Colonies, Sir Phillip Cunliffe- Lister, (C.O 96…) alleged that the two advocates were among the 'most unscrupulous lawyers' in the colony. They had nearly subpoenaed him to testify in that suit and submit to their cross-examination. – H.V.H.S.*

1. C.f. Our White Friends, page…… above

In my view the strict legal meaning of the term subjects in English law, namely, members of a commonwealth under a sovereign, is more in accord with our term *mba,* children, or *nananum*, grandchildren, than with the term *nkuwa*, slaves. The members of any society or *fekuw,* are known as *mba*. It is inconceivable for the head of a state to think of his great sub-chiefs or administrative peers as his slaves. The term *akuwa* (slave) is a term that can be used only in a special sense when one is speaking in public and is inclined to be rhetorical or courtier-like; but it is quite correctly used in its ordinary sense of those who are either slaves, or the descendants of slaves, by the ruler to whom they are attached. The members of any of our states can be referred to by the rulers of those states as his *mba* or *nananum*, and the more prudent and courteous rulers never refer to their freeborn subjects as *nkuwa*. The absurdity and mischievousness of the indiscriminate or loose use of the term *nkuwa* to represent the English term subject is observable in the effort made in some states to claim for the senior sub-chiefs a sort of jurisdiction over the other sub-chiefs of the same rank as himself. How the *Adontenhene* of any of the Akan states could call the *Benkumhene* or *Nifahene* his subject is a difficult to imagine. It will be observed that the term *nkuwa* can be used for the of the term subject only in a very small number of cases.*

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the line of succession. The sovereign with us is the people, who, through the company system, can veto, in a proper case, the highest decrees of the *Ohin* and his Council (the *Oman* or *Eman*). The repugnancy in the conception, in England, of the king as a subject, and considering also that parliament is sovereign in England, is traceable to the origin of the legal position of the King, who was in the beginning an absolute monarch, his present position being saved for him during the long struggle for liberty between king and subject in England, as a result, I think, of the loyalty and the blueness of the blood of the pure aristocracy, at one time attached to the king in the same way as the *Ankobia(1)* is attached to an *Ohin*. There is no such difficulty in the way of our conceiving of our rulers as subjects of the states over which they rule, for there is no ruler among us who can say that he carved out a state for himself with the help only of his domestic servants or paid soldiers.

1. Bodyguard, but not same as a praetorian guard; properly, the entire subdivision of his State or sub-State responsible for the personal safety of any Ohin, or Ruler.

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In this connection, curiously enough, our illiterate Natural Rulers are more intelligent and more royal in their conception of their duty towards those over whom they were made rulers than our literate Natural Rulers. The difference is undoubtedly due to the fact that the training of our illiterate rulers by their illiterate *Akyiami* and elders is more thorough than any training by Europeanised Africans can be. In fact is would not be untrue to state that a trained illiterate ruler is by far better than any literate ruler, because the literate ruler has no training under our system: he is apt to be supercilious in his demeanour towards his illiterate compeers in his town, during his early acquaintance with the rudiments of knowledge as it is regarded by Europeans and the Europeanised. The literate Natural Ruler, therefore, starts with a serious handicap, namely, that he starts with an outlook which is neither African nor European, and which is not royal at all from our standpoint. How many teachers in our schools can be found who know anything worth knowing about the duty of rulers, either as conceived by our ancestors or as conceived in Europe? Possible a few of the best readers have read portions of Machiavelli's *The Prince(1)* but very few indeed even of these few have ever read through that much misunderstood work of the much abused Florentine Secretary of State.

Our illiterate brethren often beat us hollow in logic: they reason clearly and quickly. The proverbs or old sayings which these wrongly despised illiterate brethren of ours can apply rapidly in the course of their reasoning we cannot even understand. Very few of us literates have learnt to appreciate the wisdom of our ancestors, the philosophy of the ancient Akan-Fantis which is

crystallised in the form of what we call *abebu*, talking in parables or proverbs. An illiterate on a Stool, surrounded by councillors as sound in logic as he is, without a single coward in his Council of State or his Family Council, such as the *Omanhin* of Abeadzi or the *Omanhin* of Wassa Amenfi, is indeed a royal person, especially when he has interviews with officials instructed “from above”, and obliges such officials secretly to admit the unfairness of their attitude toward the people of this country, the country which makes it possible for them to enjoy life.

There are other illiterate Natural Rulers who have splendid illiterate advisers, but such men are spoiled by the advice of cowardly literates, who, for their own private gain or peace of mind, sometimes disturb the equanimity of the illiterates in office by given them an exaggerated idea of the power of the white official. I think, since the New Constitution*(2)* was promulgated without prior notice to the

1. Sekyi is of course, referring to the best known and probably least understood of the works of Nicolo Machiavelli, The Prince, written in 1513, which is concerned not only with the acquisition and exercise of power, but more significantly with nation building i.e. the setting up of principalities, the causes of national decay, and the problem of unity and stability. Significantly, The Prince also lays down a code of conduct for princes and rulers.

2. The 1926 Guggisberg Constitution, with limited elective representation.

people of this country, either directly, or, indirectly, through their accredited representatives, it has become abundantly clear that the political officer has not so much power as he indirectly leads the illiterates and unobservant literates to think, for it cannot be disputed by any honest official that since that time the methods of officials have been such as cannot but be characterised as mean. *They have been taking an unfair advantage of the ignorance of the masses to create for most persons abroad an impression of peace and tranquillity where in reality there is only the calm that precedes the storm, in this case a terrible storm, from the great degree of unnatural stillness in the political atmosphere.**

The fundamental objection to the presence of paramount chiefs in the legislative Council is an objection on the ground of dignity, which is ultimately associated with the constitutional doctrine that a chief administers, but does not make, law. A chief's dignity as head of a state is deemed to be compromised when he runs the risk of having to bandy words with persons who are not chiefs, that is, with persons who are not sacred, and who therefore adversely affect the chief's position whenever they act towards the chief in any manner that can be regarded as derogatory. This is due to the fact that it is not the business of chiefs to engage in debate; that is to be done for them by persons lower in rank. Further, it is difficult for us to conceive of a Legislative Chamber composed of Chiefs, Paramount or otherwise, because a dispute between two chiefs means a dispute between two states, and is to be avoided at all costs. It is settled in our constitution that the business of a chief is to administer that law which represents the will of the people in any given matter. Finally, if a chief is regarded as having been deputed to represent a state or certain states in a Legislative Assembly, what should be the remedy if the chief misrepresents or fails to represent fully the views he has asked to represent? In the case of a private person, it is a simple thing to replace him; how is one to replace an incompetent paramount chief without offending the state over which he is

set? This is from the African standpoint.

Let us now just take one point from the European standpoint. There is a maxim affecting the English Law of Agency which runs *delegatus non possit delegare*, the delegate cannot delegate. The chiefs are each of them delegates; how can they delegate their representative capacities to other delegates, who are required to be paramount chiefs, themselves therefore already delegates in other respects?

I contend that any chief who conceives of his relation to the British Government from the White standpoint is disqualifying himself for the true performance of his duty as such chief. The argument of Dr. Danquah*(2)* which, I think reflects the opinion of Nana Ofori Atta, shows what I mean.

2. The 'Epistle to the Youngmen in Akyem Abuakwa'

** Prophetic?*

V. THE LEGAL POSITION OF THE BRITISH GOVERNMENT ON THE GOLD COAST

For our purposes in. this article, we have to start with the Bond of 1844, to which I have already referred in this series. That Bond authorised the Queen of England to do certain definite acts, namely the suppression of certain crimes and the administration of justice in certain cases, and in a manner which would have clearly led to the improvement of our system of jurisprudence if authority to do those acts had satisfied the British officials and merchants who were then here. Unfortunately the measure of authority given by the rulers who signed that Bond was used by the British only for the purpose of providing an opportunity for extending the range of their administrative activities.

Lord Carnarvon's dispatch of thirty years later, with which I have dealt in an earlier article in this series, shows the view which the Colonial Office took of that sacred document at that time. From that time on the Foreign Jurisdiction Acts were relied upon by the British for advancing their power on the Gold Coast. Those foreign Jurisdiction Acts were statutes passed by the British Parliament, which could not possibly operate to create in the British Crown jurisdiction which it had never been granted of allowed to exercise. *They provided, among other provisions, that such jurisdiction as the English ruler had obtained abroad by "treaty, capitulation, grant, usage, sufferance or other lawful means" was to be exercised as though it had been acquired by conquest [or cession of territory].* The force of this provision, that jurisdiction not acquired by conquest might be exercised as though it had been acquired by conquest, might be very much reduced, even in an English Court, by considerations of equity; but it cannot be

doubted that such a provision can have no weight in the minds of natives of any country to which the Foreign Jurisdiction Acts apply, whenever the legality of an act of the British Colonial legislature there established is in question.

The British Government here established acts legally wherever it exercises Jurisdiction acquired by “treaty, capitulation, grant, usage, sufferance or other lawful means”. Where it can be proved that any jurisdiction the British are striving to exercise has not been acquired in any of the ways enumerated in the Acts referred to above, the only possible conclusion is that the exercise of any such jurisdiction is illegal. The legal position of the British on the Gold Coast, therefore, is strictly limited.

The British now admit that they own no lands here beyond those *lawfully,* and in a fiduciary capacity, acquired by them for the public service, and the sites of those various forts built by or ceded or sold to them. Even as regards ownership of the sites of such forts a question arises as to the extent of the grant made by those who originally granted those sites to the European adventurers who applied for them; for, the ridiculously small value of what was offered and accepted for the right to build those forts on our land, and the fact that sales of land were in the days of such grants never contemplated, lead to the conclusion that these sites were never intended by the grantors thereof to be considered by the grantees as sold; but that is a point that does not much affect the question here being discussed, and need not be further pursued. *The British not owning our lands it is difficult to understand how by an Order in Council issued by the British Sovereign this country and its inhabitants can be created a colony, or anything else other than what is, namely, an independent country.* It is easy to understand its being regarded in England and among European States as a British Protectorate. It is impossible to realise how it can

ever be a British colony in any sense of the term colony.

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It follows, therefore, that even what is known as the Gold Coast Colony must mean the British residents in this country together with the hosts of aliens, African, European, American and Asiatic, which thrive in this country under British protection. The Legislative Council of the Gold Coast Colony cannot but mean the Council that makes laws or the peace order and good government of those really composing a colony in this country, and which, because of the jurisdiction acquired '"by treaty, capitulation, grant, usage, sufferance or other lawful means", regulates such matters affecting the natives of this country, that is, the natural inhabitants of the protected states composing the Gold Coast, as come within the range of such Jurisdiction. Otherwise it should be surprising that even paramount chiefs when they become members of the Legislative Council are required o swear *allegiance* to the King of England, and are thus led to believe that where there is a conflict between the loyalty that is due from them to the respective *Aman* (i.e. States) to whom they are responsible and the spurious sort of loyalty they are in such cases required by the local British colonial government to show towards that government, the oath of allegiance they swore as members of the Legislative Council was of greater weight than the oath of loyalty which they took upon their creation as rulers. *For, the Government is strictly right in considering the members of the Legislative Council as representing the people of this country only so far as loyalty to the King of England allows them*; for, that Government is not *our* government but the government of the white and other colonists in this country, who, being dependent upon that government, must necessarily look up to and support that government in everything that is officially considered expedient.

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This being so, it becomes necessary for the British Colonial officer here and those who support him to do all that is possible to induce the natives of this country to accept any measure passed by the Legislative Council, or any Order in Council passed by the King of England and his Councillors in England affecting the Gold Coast *Colony*, to which those natives take exception on the ground that it encroaches upon our rights. It is not now necessary to labour this point: the swarm of political officers and their increased activities at our expense cannot escape the notice of even the most unobservant among us. The view that it is unlawful to protest against statutes and English Orders in Council which tend to render us more and more powerless to protect rights which we alone can appreciate has been from time to time successfully pressed upon the unreflective. But why it should be unlawful for those indigenous to what is in reality a protectorate to see that their rights are not trampled upon by the protecting power, it is difficult to conceive.

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Jurisdiction which the British may rightly be said to have acquired by treaty, capitulation, etc. I consider does not include the right to interfere in the creation and deposition of rulers, a right which is central to our political system. That right is vested in those whose duty it will be to acknowledge and obey the ruler when he is created, and in its very nature, can never be vested in the ruler for him to grant to any foreign power. The failure of the few instances in which the Governor of the Gold Coast Colony has attempted to depose or suspend one of our rulers under a power conferred on the Governor in Council by Ordinance proves that the people of this country have never recognised any right in the British to interfere in such matters. The clauses in the Native Jurisdiction Ordinance which confer on the Governor in Council the power to

depose or suspend a ruler are *ultra vires* from this standpoint, and so are all clauses in the various ordinances which cannot be traced to acts of the people and rulers of this country either granting to the British the right to exercise powers inherent in the people of this country or their rulers, or acquiescing in the usurpation of such powers by the British.

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In this connection it is interesting to study the language of the several Ordinances passed to legalise the detention and deportation certain strong minded and loyal rulers of this country since 1888, notably King Kobina Gyan of Elmina. In by far the greater number of these Ordinances it is clearly stated that the arrest and detention of the particular ruler or rulers, called a “political prisoner’ or “political prisoners’, is illegal, and that it is, ‘expedient’ to legalise the arrest and detention of such political prisoner or prisoners. If the authority claimed by the British under the Foreign Jurisdiction Acts could extend to the doing of all acts deemed “expedient” in the interests of the Colonial Government, it is difficult to understand why it became necessary to seek to legalise by statute such acts as those just indicated. But in the light of what has been written about the sources of the Jurisdiction claimed by the British, it may be queried whether even the statutes passed to legalise such admittedly unlawful acts of the Colonial Government could pretend to any legal soundness. The Natural Rulers of this country could have known nothing of the passing of such statutes, otherwise they would have protested against the exercise of such far-reaching powers without their express consent. That express consent was, for example, sought for and obtained for the execution of the original Poll Tax Agreement of 1852, whereby the Government obtained the necessary authority to impose taxes for the raising

> of a revenue. The mere fact that ordinances the operation of which could not be felt by the Natural Rulers were passed without a protest could not operate to create acquiescence or sufferance; for the very act of going through the form of legislation in the Legislative Council is sufficient to show that the object sought to be achieved by legislation did not exist before.

We thus reach the main argument in this the last article in the series; since the Legislative Council was established without an agreement between the Natural Rulers of the country and the representatives of the British Sovereign, since, in other words, that Council was established upon the authority which was presumed to be vested in the British Sovereign by treaty, capitulation, grant, usage, sufferance or other lawful means, what [1]can be the legal what can be the legal effect of ordinances passed by such Council, creating new powers in Government officials which clearly did not exist before? Take ordinances like the Supreme Court Ordinance, which superseded whatever legal authority existed in the British Sovereign for the appointment of Judicial Assessors to the Native Kings and Chiefs, and eventually did away with the ancient and safe practice whereby a joint Bench of the Judicial Assessor and Native Kings determined questions of Native Law; or the Forests Ordinance, which creates new courts and officers with extraordinary powers, reverses the rule as to the burden of proof in criminal cases when certain new offences, created by that ordinance, are charged against suspected persons; or the Native Administration Ordinance, the source of all the distress under which the whole country is labouring, which has substituted for courts in which the people have come to have confidence, and whose procedure, under a competent Bench and Bar, seldom leads to injustice, courts in which the people have long since lost confidence, and to which nothing short of compulsion in these days leads them.

The first and the subsequent constitutions under which the Legislative Council of the Gold Coast Colony was created were all based on the power the British Sovereign was assumed to have. And as the maxim in England is that "the King can do no wrong", meaning that the King can *intend* no wrong to any individual or body of individuals, it may be stated definitely that no maxim of English law operates to enable the officers of the British Sovereign, such as successive Governors and Judges of the Supreme Court, to encroach on any right which has been preserved by our own people for the good of themselves and their progeny. Under the English legal maxim above quoted, whenever the King purports to make a grant which involves an injustice, the Judges conclude that "the King has been deceived in his grant" and therefore that such grant is invalid. How then can the servants of the King of England who are bound, except where they are viceroys, to act within the limits of their respective authorities, aspire or claim to do what the King is precluded by his perfection and nobility from doing? If the King's representatives cannot be as noble in their thoughts and deeds as their high elevation demands, so much the worse for the British connection. It is in the best interests of the King of England that those who purport to act for him should be, like Caesar's wife, above suspicion. I therefore maintain that whatever encroachment the British authorities here have made on our rights, during the period in which they the British themselves regard us as being in a state of political infancy, have no legal justification and are therefore void of legal effect. The colony, properly so called, does not include those indigenous to the soil. Every such indigene is a protected person owing allegiance to the state, and only to the state, to which he belongs, and being bound by the laws passed in the Legislative Council of the Colony only in so far as such laws fall strictly within the limits of the authority legally vested in the King of England by treaty, capitulation, grant, usage, sufferance and other lawful means.

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It must therefore be pointed out that allegiance to the British King cannot be lawful in a member of the protectorate, except where that allegiance stands upon the allegiance due from such person to the state to which he belongs, and is in respect of acts done by or on behalf of the British Sovereign by virtue of lawful authority granted to, or acquired by, the British from our ancestors. It is not my intention or desire to suggest disloyalty to any true object of true loyalty; but I mean to make it plain that the superstructural foreign allegiance that crosses the fundamental home allegiance on which it is based is self-destructive and leads to no ultimate advantage. No member of our native states who conceives himself subject first to any foreign ruler can properly discharge what he regards as his duties as one so subject. There can be no true loyalty to the British King which does not stand upon loyalty to our Kings and Chiefs.

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Nothing is here suggested to justify the inference that as far as white and black Britishers and their dependents go, that is as far as Englishmen, Irishmen, Welshmen and other white natives of British possessions and non-white natives of British possessions, and alien dependents upon British protection resident on the Gold Coast are concerned, the King of England or the English Parliament is in any way restricted as to the range of what it can lawfully do; for as far as such persons are concerned, the British Parliament is supreme and can legislate to make two and two equal to fourteen or one and a half. The absoluteness of the power of the English Parliament is not in any way disputed where its acts affect those lawfully subject to British rule; such absoluteness is questioned where the acts of the English Parliament are presumed to operate to vest in the British Sovereign powers and jurisdictions vested in African Sovereigns or and not in any way divested by treaty, capitulation, grant, usage$_1$ sufferance or other lawful means. This is a position in law which I contend can be maintained before tiny really impartial tribunal competent to adjudicate a matter raised between a European power and the

inhabitants of a so-called sphere of influence of that power.

We *must* then conclude that as far as we who are natives of the GoldCoast are concerned, we are legally *not* a Colony but a Proctectorate, and that therefore we are *not* bound by unauthorised acts of the legislature of the fluid colony of foreigners established here in the interests, and by the exigencies, of trade. We have, however, to admit that all legislation affecting us passed by such legislature under the authority originally vested by our ancestors in the British, or allowed by our ancestors to be exercised by the British, are binding upon us. It is thus our duty to protest against or cause the repeal of legislation of the former type, just as it is our duty to maintain and obey legislation of the latter type. The legal position of the British on the Gold Coast is strictly dependent upon the scope of the authority granted them by our ancestors or suffered by our ancestors to be exercised by them.

It follows, therefore, that so long as we have ground for protesting against deliberate acts of encroachment on our rights and liberties perpetrated by those who function here or elsewhere in the name of the British Sovereign, it is impossible for us to cooperate in the true sense with such representatives or servants of the British Sovereign. So long as we see treason to our Native States encouraged by British officials we cannot be expected to respect the British connection, because It is true that birds of a feather flock together, and no one would risk impairing his sense of honour by consorting with traitors however officially honourable they are deemed to be.

Noblesse oblige: therefore, it behoves those to be truly honourable who claim that they represent the head of the noblest order of chivalry in Europe, namely, the Order

of the Garter, the motto of which is, *Dieu et mon droit*, that is, God and my right, meaning that those belonging to that order are expected always to fight for God, that is Justice and Goodness, and for Right against the powers of Evil. The non-European is now wide awake and refuses to be spoon fed in matters of right and wrong, of honesty and fraud, of honour and dishonour, of loyalty and treachery. They maintain, those so called child or backward peoples, that inarticulateness in English is not inarticulateness at all, and that rather than have themselves perverted into liars and rogues under the administration of dishonest minded and mean souled officials in sanitary surroundings, they would perish in internecine warfare in a maoarial environment. They refuse to be sacrificed for the advancement of British trade, or for the provision of needed vitality for an effete race. They contend they have men—and are capable, when required so to do, of putting forward such men – who can direct the administration of even the complicated affairs of a non-European race to whom Europeans cling with a mercenary tenacity which is so often mistaken for affection. They are now at that stage of their contact with the so called advanced peoples when they can see through the unreality of the so called prosperity and progress of the latter; and they mean to demonstrate that it is better, if need arise, for them to be ruled by incompetent Africans than by incompetent Europeans; for the incompetent African is more fully human than the incompetent European, whose outlook in matters social, political and economical is essentially the artificial outlook of the unsocial individual, the unit of the unreal society that is now so characteristically European.

End of the Series.

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the most revolutionary and refractory tribes of Africans to know more of their brethren abroad and to get the latter to understand Africa the much maligned and misrepresented. Not only is there a very good reason why we should know more of our brethren abroad, but there is at this moment a proper occasion for an endeavour on our part not only to learn more about our brethren abroad but also to get them to learn more about us at home. We are at the parting of the ways, and the white man is in such a condition of nervous apprehension of our objects and motives as renders him unfit to gauge us aright; he is like a frightened man who is trying to shoot at a mark, and whatever skill he may shew when he is normal is overweighed by his incapacity to steady his hand and take careful aim before he fires. Therefore, forgetting, or not sufficiently appreciating if he knows, the force of arguments like those which a thinker like Carlyle has advanced, in his "*Heroes and Hero Worship*" against the absurd imputation of fraud or imposture to the gifted and celebrated founder of the Mohammedan religion, he has got so hopelessly alarmed by the necessary spade-work that Marcus Garvey is doing towards the erection, in the not very remote future, of an abiding edifice of racial collaboration, that he has further overlooked the truth of the well-worn remark: "Abuse is no argument". The present attitude of a section of the white writing public, coupled with certain somewhat questionable, though legally authorised, acts of interference with the freedom of the press, which will be a little more fully dealt with in a later article in this series, has made it essential that we in Africa should dispassionately, and with as much care as possible, register our own opinion on this Garvey scare and therewith set down our considered views on the subject of our brethren in America.

The recent official outburst against the Congress movement may have been very closely connected with the White eruption against Garveyism. Moreover, knowing the depths of misrepresentation to which officials and their lap-dogs descended in their anti-Congress fanaticism, we should do well to guard against any future white propaganda against the Congress, now that it is well known that the Congress stands for the unification of British West Africa, and therefore is bound ultimately to consider seriously the question of co-operation with our brethren in French West Africa, for example, then with those in other parts of Africa, and finally with those abroad. Again, our brethren in America are themselves very badly informed about us in Africa, although we may quite well understand how that can be, seeing that most of the literature that reached America respecting things in Africa is the work of white

1. *Thomas Carlyle, the Scottish historian who among other things, has written occasional discourses in the Nigger Question……(2nd Thomas Broworth, London 1853, revised). The discourse is a rabid and insane attack against British philanthropy and the "broad-brimmed form of Christian sentimentalism" about the colonial and Negro problem in the West Indies, by the Enoch Powell of mid-Victorian Britain. Sekyi is referring to Carlyle's portrait of the prophet Mohammed, founder of Islam. Carlyle's sketch, in 'The Heiress Prophet', is a combination of the scurrilous and the condescending, often damming by faint praise – the sort of European writing about non-European peoples that Sekyi is writing about.*

men who have themselves yet to understand Africa and Africans. It is therefore necessary, in fact vital, to our future development as a race that we should now inaugurate a period of systematic observation of our brethren not only in America but also elsewhere abroad.

It is a fact that must be accepted by us that our brethren in America, including those in the West Indies, as a rule regard us as savages, or, at any rate, considerably below them in common sense and human ability. Now that they have more to shew for their contact with European civilization, and as they are surrounded by Europeans or rather white Americans and live in the country of the latter, obtaining all the knowledge they have of Africa and Africans from these same Europeans or Americans, we can be neither surprised nor annoyed at the ignorance which they display. From Marcus Garvey's announcements regarding Africans, it is clear that he does not know even the Africans' level of acquaintance with Western ideals, and of capacity to assimilate and adapt whatever comes from or is traceable to the modern world. What is much more important is that he does not understand how we Africans in Africa feel about such matters as the Colonial Government; neither can he and his set, without much effort both on our part and on their part, realise that republican ideals in the crude form in which they are maintained, in theory, at least, in America go directly against the spirit of *Africa, which is the only continent in the whole world peopled by human beings who have in their souls and secret of constitutional monarchy, the workable form of democracy consistent with steady human development in society*. What Marcus Garvey and any other leader of Afro-American thought has first to appreciate before he can present a case sufficiently sound for Africa to support in the matter of combination or co-operation among all Africans at home

and abroad is the peculiar nature of the African standpoint in social and political institutions. *The salvation of the Africans in the World cannot but be most materially assisted by the Africans in America, but must be controlled and directed from African Africa and by thoroughly African Africans.*

If there is anything now that militates or is likely to militate against any American Negro movement towards Africa it is the Americanisation of the American Negro. So long as he remains an American in ideal his sphere of usefulness in Africa, if and when he gets there, will be very much circumscribed, in fact so restricted as to become a hindrance to his own happy existence. It is of course to be regretted that things have heretofore been such that our brethren in America have become white American in their ideals, even to the absurd extent of wanting to straighten out and impart an artificial glossiness to their hair, to modify their colour with all sorts of perverse devices and to be in all other ways as American as possible. To a great extent the same spirit is observable in the British West Indies. If, I think, there is any portion of the West Indies, where the Africans prefer to be African, or not particular whether they are able to reduce the darkness of the colour of their descendants or not, it is the non-English portion. In the British West Indies, owing to the burden of colour prejudice in certain parts, as I understand, miscegenation is openly sought for by those who think themselves not sufficiently light in colour to reach the highest flights of society; and while I was a student in England it used to be a subject for debate between some of us African Africans and the West Indian Africans whether even if it were not desirable to produce lighter coloured offspring, it would not be an immense aid to advancement if one married a white wife. All this unnatural frame of mind is the result of the white man's own attitude towards the Africans in America, including the West Indies; and it is quite likely that when our brethren in America and elsewhere outside Africa come to realise the

undoubtedly greater suitability and superiority of our own ideals, they will come to regard the white man and his woman, with all that appertains to them, in the same light at least as in Africa we regard those not born of our own well-marked groups. The feeling in such a case is not one of antagonism, as those strange to our ways sometimes or very often think, it is only the natural feeling of reserve toward the unfamiliar; and as long as we keep ourselves in spite of whatever training for the purpose of improving the suppleness and the capacity of our minds we may undergo at home or abroad, so thoroughly African that this natural feeling can operate unmixed with any of the degrading emotions the unreasonable indulgence of which by the white American, the South African and the British colonial, in parts of the world belonging by right to non-white people, has resulted in what is known as the colour line being drawn even in our own country, so long shall we progress in our march towards unity in our race.

I have stated that we ought not to be annoyed or surprised at the present state of ignorance of Africa prevailing among our brethren in America including the West Indies. We know that until recently, Sierra Leone and West Indian officials who used to be employed in the Colonial Service mostly preferred to stand out from among us, and did deal more harshly with our people than the white people of the older times did. In fact it was in connection with and since the Congress movement that the old feelings of contempt and hatred, or of some sort of malice, which the average Sierra Leonean or West Indian bore against our people, even while they were depending on us for their livelihood, began to abate. Even now in the West Indies and in America will be found people who think we are in such a condition that the only part we can play in the prevailing endeavour on the part of the darker races to attain a better place since the Great War than they had before it is to be led by them. That is a very serious mistake which ought to be corrected as early as possible*. We in Africa can, and do, claim to be the only persons qualified to keep the tone of the present spirit of*

unrest at the proper pitch, because we are in possession and charge of the great and glorious traditions of our ancestors and of the peerless social and political institutions which our ancestors perfected long ago, and which it is our sacred duty to preserve from the inroads of European irresponsibility as regards things non-European. We claim that we should be the architects, and that our brethren in America, including those in the West Indies, should be among the builders of the structure of racial oneness which we are bound to set up sooner or later. We admit that we are behind in ready acquaintance with the mechanical devices of the western world, and we are aware that a smaller proportion of us have attained sufficient knowledge to be able to train up our young in the arts and sciences of civilisation so-called; but we contend that we have the controlling forces in our hands, and we in Africa alone understand these forces and can direct them aright for the good of the whole Negro race.

Let us glance for a moment at Liberia and Haiti, the only two independent Negro-controlled states based on European ideals. Those two states have been always so referred to by Europeans anxious to prove the incapacity of Africans to rule themselves, that most European and European-minded African critics of African progressiveness have overlooked the fact that whatever failures in administration can fairly be imputed to these two states do no more than show that it is a very difficult undertaking indeed suddenly to create a state by artificial means and maintain it by methods equally artificial. The South American states and the Balkan states *(1)*, particularly the new state of Albania as it was before the Great War, might as well be taken as proof positive that the Southern Europeans are not capable of self-rule in a state. The white thinker on the theory of the state has hitherto based himself on the ground that the state can be created only by force, so that in the last resort force or war, or the prospect of force or war, is the only means to the end of creating and maintaining a state *(2)*. On the other hand, when there are enough African thinkers to impress the world with their essentially African theory of the state, it will be found that they are seeking to get the world to accept the view that

there is another kind of state, the so called patriarchal, which is not based on, or kept by, force in the artificial shape of war; and such states can be found to be the units in confederations such as the groups of small states in the Gold Coast, which, in some cases, are based on mutual understanding, and in a few others, as in the old Ashanti state and the old Akwamu state, were based on force only as to the wider external sphere of the dominion of the central state. In the last result, when force fails to keep together the federation or empire, and the elements fly apart as they must when the only bond of union is the external one of artificial force, the constituent or component states will be found to consist of groups of persons keeping together by reason of a mutual bond of kinship, whether in theory or in fact, which is the basis of the

1. *A reference to the conflict of nationalities in the multi-national Austro-Hungarian Empire which collapsed after the 1914 -18 war, and whose internal conflicts helped to spark off the war. The chronic instability of the empire, in Bosnia-Herzegovina, Serbia and Montenegro earned Austria-Hungary the title of the 'sick man of Europe' and of the 'anachronistic state'. The component parts of the empire became independent after 1918 and interestingly, from contemporary (1992) developments following the collapse of the Soviet Union, it appears Sekyi's analysis was correct, if not prophetic.*

2. *See 'A Comparison of English, Gold Coast and Akan Fanti Laws' p.11 above.*

common reverence for the common head and the council of state guiding such head, upon which the administration of such state stands. If artificial force is of any use in such a state at all it is the sort of force that is accepted by those to whom it is applied or applicable because they have themselves prescribed it; it is not the force that is imposed on them by the authority of a body external to themselves, a force which they dread, but which they are bound to acknowledge because for the time begin they are powerless to check it. In other words the sort of force that is applicable in the national African state differs from the sort of force applicable in the artificial state, whether African or non-African, which is based on force in the sense of war, the former being such that only individuals who have been condemned by the community in its proper tribunals as worthless or deserving of punishment would wish to see it subverted, whilst the latter is such that every subordinated or subdued state feels it its most sacred duty to itself to overthrow it as soon as it is able so to do without danger to itself.

This distinction being accepted, it will be easy to understand why Haiti, having arisen out of the latter kind of impulse described above, the impulse namely to free oneself from a foreign yoke, and being therefore in the position of having to suppress by force any possible defection towards her former mistress, should find it very difficult to maintain herself in the foreign and unsympathetic environment in which she found herself when unfree. Even the Balkan states and the South American states, in spite of their being mostly members of the present dominant races and having wide areas under them have found it very difficult to develop steadily in political peace. What then is to be expected of a small isolated island peopled and controlled by freed slaves, who, by their own effort and under the leadership of their own kind, have liberated themselves and have had to keep up their freedom, in a much

circumscribed territory, in a region where they are despised not only as liberated slaves but as black people. The case of Liberia is different, since that was originally a colony, in the European sense, planted with the object of giving liberated slaves a chance to build up a state. The great handicap in the case of Liberia is that instead of being given an island like Haiti where they alone would have lived and thriven, they were dumped upon a portion of the African shore where before they could live they had to subdue or attempt to subdue tribes the like of whom in other parts of Africa it has taken Europeans years of warfare and artifice to bring to a state of quiescent acceptance of foreign domination. Haiti has an advantage over Liberia in that there Haiti rules Haitians – all Negroes or the descendants of Negroes who had practically lost touch with African ideals and institutions. Liberia unfortunately has been obliged not only to endeavour to develop what land was originally given to her, but also to divide her attention between what might be called the home Department and the Department for war; and throughout all this she was further weighed down by her American training and her inevitably American idea that she was a better person than the aboriginal, whom she was to treat with as little consideration as possible. Wherefore, all things being considered, particularly the circumstance that whenever the British West African Government hat been in difficulties, whether for money or for troops, they have had the fact of theiI~)egn~ritish to back them in getting troops from the West Indies and England, and even India, and money called loans (with interest, payable by us) from their brethren in England~ Haiti and Liberia have done sufficiently well to induce in the minds of carping European critics of African effort a fear capable of being disguised under cover of contempt) of what they can do when given a really fair chance in the world. The point, however for us to consider is that although in Haiti it was perhaps impossible to expect the Haitians to re-Africanise themselves in the direction of administration, yet the Liberians have less excuse for their slavish adherence to American and European political institutions, particularly for their hybridisation of certain fundamental ideas which they

have forced out of a combination of European and American political or social impulses, or customs, so to speak. Take for instance the Liberian order of Knighthood. It is a thing characteristic of the American which has resulted in the anomaly of what is known as English-American peerages, a new infusion, which I think, has not improved the old English aristocracy. White writers such as those who laugh at Garvey and call him a buffoon should not overlook the tendency to buffoonery that would seem to be typically American, observable in the language, the gait and the taste, sartorial and otherwise, of Americans white or black. The English will be bound to admit that Americanisms to the English mind suggest something droll. Therefore when we have the daughters of American tradesmen seeking titles in Europe should we be surprised to see Liberia, a republican state, creating an order of knighthood or Garvey creating a peerage? Liberia is struggling along as any healthy but manacled being cannot but struggle along, and it is a matter for congratulation to Liberia and the whole of the Negro race that the hardiness of the race in the case of the harassed American Negro slave has suffered so little under the tortures of the American slave trade that their descendants in America and outside America are doing so well. Nevertheless we say that both America and Haiti would have got on better if they had, whilst sending their representatives to study abroad methods of administration and other objects of study for the improvement of individual or state, sent some to the homes of African political institutions to study as students under our *Akyiami(1)*, the illiterate but educated masters of our constitutions, the secret of African democracy. They would have learnt a great deal to make them unique among the present day states, for there can be no gainsaying the fact that the African who, in addition to his being African, has attained to the knowledge of things European, is at any time more than a match for any European who things himself of outstanding ability. *Japan's success and uniqueness amongst the nations is based n her japanisation of European ideals not on her europeanisation of Japanese ideals.* Therefore, Liberia and Haiti being

primarily African and only secondarily Americans, should have sought to africanise America instead of americanising Africa.

Our brethren in the West Indian Islands and on the South American continent have lost their originally African ideals in social and political life. It is true that in their peculiar form or forms of English, and in their music, cookery and religious tendencies there are strong indications of their African origin. The same applies to our brethren in the United States of America and in Haiti. It is not for us now to remind ourselves or our brethren themselves of how they came to be where they are. They are now there, beyond the seas, thousands of miles from their original habitude, and for weal or woe, they are settled there. It is true that some of our brethren in the West Indies are better off politically than we are here, but we have the advantage of knowing that our political status is the result of misrepresentation of our intelligence and grade of social and political development made by crafty white imperialistic colonial officials or missionaries, in many cases, especially in bygone days aided in their misrepresentation by West Indian or Sierra Leone members of the civil service, whose viewpoint was, or had become, naturally or artificially European. There can be no doubt, however, that in spite of whatever advances in political liberty and industrial or economic development they may have made beyond that made by us we are better off as being in our own country and in charge of our own ancient traditions and institutions. From the peculiar position of the Gold Coast in the British Empire, a position akin more to that of India than to that of any other definite portion of the Empire, if we set to work in the proper spirit and in the proper manner we can effect a great improvement in our industrial or economic development which will necessarily lead to such a recognition of our legitimate status as will enable us to assist our brethren outside Africa and in Liberia to recover their lost ideals and commence a new era of rapid and natural progress.

1. *'Kyiami' in Fanti, 'Okyeame' in Akan, usually translated'1inguist', actually referring to the herald and spokesman, generally selected for astuteness and oratorical skill, of an omanhene, ohene, odikro or other chief. The views or wishes of the king or chief are usually rendered in a polished, decorous and elevated version by the Akyami, as "he who makes (it) perfect for me." For the role of the akyiami in Akan-Fanti government see J.E. Casely Hayford Gold Coast Native Institutions, Sweet and Maxwell, London 1903 (Frank Cass. 1970) pp. 68 - 72.*

We have little or nothing to learn from West Indian or American political institutions; but we have very much to learn from their industrial or economic organisations. Recently, the correspondence that took place between the Gold Coast Farmers' Association *(1)* and some body or other in the West Indies concerned with the production of cocoa, and the consequent contact of some of our people and some West Indians (whether white or black does not matter much at this stage) may be taken as a hopeful sign of the better days of co-operation that are ahead of us. Even assuming, if only for the sake of argument, that there is a preponderance of the white element, in influence and otherwise, in the West Indies, the mere fact that whether by necessity or as a result of a broadening of their outlook those responsible for the decision to call our cocoa farmers into a conference respecting cocoa (whether such persons be white or black) did act on such a decision, gives us ground to hope from this that others will follow such a step with advantage to the whole of our race, and in the long run to the rest of the world. The fact that such a conference has been for a non-political purpose has, it is clear, contributed a good deal to the absence of any organised opposition to its operations, but there has been some sort of obstruction planned or contemplated as to its objects; at any rate the idea of the conference is a good one without a doubt. As however, economics is intimately connected with politics, we can augur the approach of a period when it will be possible for those of us in the British Empire who live in crown colonies to meet in the heart of the Empire at a conference whose object will be not merely economical but also political*(3)*. Those who raised a hue and cry over the formation and activities of the National Congress of British West Africa have either grown out of their fears or have become wiser in some way; and I am sure that, apart from the growls of imperialistic colonials, whether official or commercial, which growls are bound sooner or later to become no more effective than as a sign of the bad temper of those who emit them, better counsels will prevail among our white friends, editorial and

1. *This body was formed in the early 1920s in the wake of the 1921 slump. It was to become a powerful pressure group, incorporating the interests of the merchants, chiefs and other entrepreneurs in the Aborigines rights Protection Society. It was very active in the 1930-31 cocoa hold up and in the 1934-35 cocoa boycott of the European buying monopolies.*

2. *Perhaps with reference to the 1924 World Cocoa Conference, London, to which the Eastern Province chiefs sent representatives.*

3. *Prophetic of the 1945 Manchester conference, at which Sekyi, then President of the ARPS, mandated Ashie Nikoi to represent it as its accredited delegate.*

non-editorial, when we in West Africa after clearing official obstructions from the path of the Congress, push ahead to our next stage, the stage of conferences and congresses with our brethren over in the West Indies and elseshere.

> It is certainly to be regretted that our brethren in the West Indies and in the United States have become European or American in their tastes and their ideals. What we can do now is to seek to get more in touch with them so as to consider the advisability of arranging inter-colonial visits of parties of our young people at a certain state of their scholastic training. I believe I suggested in my paper "*Education with particular reference to a British West African University*" read before the conference of Africans of British West Africa, held at Accra some years ago*(1),* such an arrangement during vacations, so that students from the educational institutions of each of the British West African Colonies might get the opportunity, whilst their prejudices were forming, of testing those prejudices in a natural manner. It seems to me that the only practical way of solving the problem of bridging the gulf that is now yawning between ourselves in Africa and our deafricanised brethren outside Africa is to be discovered in connection with our educational schemes so that there is bound sooner or later to be opposition throughout all countries inhabited by Africans whether natural or denaturalised, to educational institutions of the Achimota type, the basic idea of which would seen to be the incarceration of our youth for a long

period in their own country in isolated establishments apart from all contact with their people and under the absolute rule of white tutors with little or no experience or inside knowledge of the complexities of the African mind and temperament. Such an arrangement as I have here indicated should in the first place be started as among the British West African Colonies, and its working observed for a period before its scope is extended so as first$_1$to include the British West Indies. Then the experiment should be tried with respect to Haiti and Liberia and the non-British colonies in West Africa and the West Indies, before we begin to consider the Unites States of America, the Congo Free State and Abyssinia. South Africa and East Africa are not to be noticed, in this connection, for some time. In the meantime those who can afford it can now and again visit any of the parts of the world inhabited by peoples subject as we are, whether they be black or not, for the purpose of observing forms of industrial and commercial organisation, and take their children with them. What establishments in the nature of industrial schools and manufacturing houses can be set up here whether with or without

1. March 1920. The paper was presented to the inaugural meeting of the National Congress of British West Africa in Accra in 1920.

2. Public School and teacher training institution built by the colonial regime under Governor Sir Gordon Guggisberg in 1925. J.E.K.Aggrey, the Gold Coast educationist, was at one time assistant Vice-Principal of the school, which is still one of Ghana's leading grammar schools.

the co-operation of our brethren abroad, particularly in the United States of America will be discussed later on in this series; but it should be borne in mind that before we commence to send our children abroad to take up the professions requiring a well-organised industrial scheme to provide employment for such as will qualify, we shall have to start manufacturing on a small scale and possibly pay experts from America and Europe, and even Asia, to direct operations and train apprentices. To the West Indies, within certain limits, and the United States of America to a very large extent, we shall in all probability be obliged to look for such experts; and perhaps from that quarter will come the help that we need to render us in the mechanical side full enough, with our traditions and our institutions, to face England, when she shall have become too arrogant to be considered our guardian, to remonstrate with her to abandon her dog-in-the -manger policy which has reduced us to our present conditions of ineptitude in many respects.

In this connection the situation in America may be observed upon. At the present time Negro efforts in the United States may be said to be in two opposing camps, at the head of one of which is the Marcus Garvey and at the head of the other of which is Dubois. In my opinion the gap between the two camps is inevitable and will itself produce the element that will bridge it. We in non-Mohammedan Africa, where classes of the very low order observable in so-called civilised countries are unknown, cannot very well understand the situation in America. It should however be noted that Dubois was opposed to certain aspects of the late Booker Washington's policy and propaganda, and rightly opposed. Tuskegee can no more solve the racial problem in America than lynching and political and social suppression can, and I myself should like to know how many children Booker Washington has and how many of them he sent to Tuskegee *(1)* or compelled to remain at Tuskegee when the spirit otherwise moved them. I think Garveyism is the only possible step in the United States towards the harmonious

blending of the ideas of Booker Washington, the apparent materialist, with those of Dubois the apparent idealist, into a real solution of, or a solidly progressive effort to solve, the question if not of race at any rate that of colour in its operation against social and political enfranchisement in America. Garvey may make blunders in policy, and perhaps either does not take sufficient time to study conditions before he issues out his orders or begins to formulate his conclusions, or is not aided by a sufficiently competent and painstaking staff in his effort to deal with facts relating to Africa and Africans; but the great British nation has thriven by blundering in the most egregious manner, and it is on record that the Battle of

1. *Afro-American college in Alabama, U.S.A. built by white benefactors for practical African- American self-help type education. Booker T. Washington, from slave origins, became the first Black principal of Tuskegee. His gradualism was opposed by Dubois with his theory of the 'talented tenth'.*

Trafalgar *(1)* was a success that issued out of an act of insubordination. If therefore the only objection to Garvey is that he sometimes makes blunders, that objection is weak if urged by Englishmen or anglicised Britishers who have nothing else to say against him. At any rate, we, who are after all those whose opinions matter as regards the American situation, since we are those likely to gain or lose materially as a result of it, believe that Marcus Garvey is doing necessary work, and would very much regret if Liberia is being led by biased propaganda to interpose obstacles which will only make the force of the Garvey movement fiercer when it overcomes its obstacles and sweeps on.

The question of a return to Africa from America of our brethren there is not to be encouraged by us, for the simple reason that the presence of Negroes in America is sure to be a blessing to Africa in the not very remote future when wars and rumours of wars shall once more disturbingly engage the attention of the civilised world. We need not do more here than to make this obviously dogmatic statement. The most we can allow is to open a way for the influx of the money of capitalists of our own race in America and the West Indies in order that we may ourselves compete with the gigantic combinations that are being formed in England for the undisguisable purpose of establishing a sort of legal or legalised monopoly of trade. Towards this the arrangement of mutual visits indicated above will help considerably, and will probably lead to intermarriage, which should be regulated in the fashion of our wise ancestors. That is a way in which an abiding and useful contact can be established among us, and a way which is not open to legal objections or capable of being legally obstructed. I t is conceivable that if the exodus of our brethren in the United States of America were a practical or wise proposition, the idea might spread to the West Indies and Haiti; and it is most probable that Liberia would appeal more to those thus re-migrating than any other portion of West Africa. I do not know whether in the West Indies the idea of such an exodus has even been cherished;

but I am sure that such an occurrence will create new sources of trouble in Africa.

Our brethren in South Africa and in East Africa or Kenya appear to have been unfortunate because their countries are such that Europeans can settle down there in numbers and thrive. They have not the advantage which we in West Africa have, of living in a part of the globe which the highest possible achievements of the white scientist can never render ordinarily habitable by Europeans. Therefore [we should study the] problems and dangers which our brethren face in those countries and, for the present at least, learn more of the conditions prevailing where they live. Even if we are able to do no more than that at the outset, we shall most certainly gain an insight into the temperament of the white man and discover the

1. Probably the battle of Copenhagen

basis of his inherent wedge-like policy, with which he insinuates himself into a position of command in other people's countries for the purpose eventually of reducing the condition of the natural inhabitants of those countries from that of free men into that of unfree men. These remarks apply also to our brethren in once notorious non-British spheres in Africa, for example in the Belgian Congo, which we must study in due course if only for its connection with the Congo Free State, for the purpose, at first, of knowing more of the white man.

Abyssinia is undoubtedly a country of promise to West Africa; but before we in West Africa can study Abyssinia with profit, we must endeavour to learn more of the course of development in Japan, which has successfully applied or adapted Western principles to Eastern problems without changing the character of its national institutions and ideals. I n Abyssinia we are likely to discover a great deal even in the nature of tradition that cannot but be useful to us in our present condition, and it is a country well worth a visit. Visits to Abyssinia are likely to be beneficial in many other respects.

In concluding this article of this series, it is necessary to point out that it is quite certain that sooner or later there will break out a violent conflict in some shape or other between the white races and the non-white races. This will lead to newer combinations of nations and perhaps to changes in the control of African countries from outside Africa. As far as we in the British Empire are concerned serious changes need not occur so long as the Empire is worked on lines strictly constitutional and moral. The tendency of the white British mind now would seem to be against the inclusion of the darker races in the Empire except on a worse basis of inequality more contrary to the spirit of the British constitution than exists at present; in short in the British Empire slavery is practically beginning to be openly suggested in forms which cannot be regarded as disguised in any

way. Consideration of all this is sure to lead us to seek to know more of as many of the darker races as possible; and as charity commences at home, we cannot do better than start with those of our own race who are far away from us.

Section 3: Future Policies:

Kobina Sekyi's theories concerning the future for African peoples plainly differed from those of many of his contemporaries, but grew from his understanding of West African historical developments and his beliefs about the evils of colonial rule. The future for African peoples lay with the African peoples themselves, and their success largely depended upon their success in recapturing and re-animating their original traditions and culture, in a manner not unlike that so successfully demonstrated by the Japanese. This perceived need for retrospection did not however prevent him from making positive and sometimes detailed suggestions for future policy. We have already seen in 'Our White Friends' some of the specific reforms he suggested. In the 'Parting of the Ways', a series of articles published four years later in 1925 (soon to be followed by 'Thoughts for the Reflective') a more detailed programme is offered.

' The Parting of the Ways' is a very interesting document. It repeats some of the ideas found in 'Our White Friends' and indeed is again concerned with policies of the National Congress. But its especial interest, when one considers the date of publication, is its discussion of problems still today very much at issue - in particular the possibilities for unity among the black peoples.

Sekyi from the beginning emphasises that the African must disregard white opinion and must seek his salvation within himself. He classifies White men in a similar fashion to a classification he made in 'Our White Friends, into 'higher' and 'lower' types but argues that there is nothing to be gained by wooing even the 'higher' more enlightened among them. 'We alone understand ourselves best and we alone can best devise and carry out the plan for our own salvation.'

I believe the time has come when we should entirely disregard the average white man's opinion of our abilities (of which opinions we have heard and read enough) and make no further effort to correct him. A few white man there are who have been gradually awaking to the fact that they have been misleading themselves and the weaker-minded among themselves and us in their avowed estimate of our humanity, as a result of attaining greater knowledge of the customs and modes of thought of the African and others darker than himself. The thoughtful white man has begun to realise that it is a great fallacy to compare an adult – even though even though the latter be considered a savage – with an infant, no matter how civilised the parents or race of such infant. Of this higher type of white man, a still smaller and higher class have succeeded in purging themselves completely of the prejudice against black people which they acquired from their parents or their nurses in their childhood. Between this better thinking type of white man and the average white man there are various intermediate types with varying degrees of capacity for intelligent and unbiased reflection on the facts of our daily life; and what appears in journals edited by, or under the influence of, white men, concerning the acts, thoughts and aspirations of black men, or by way of comments on administration by white men in West Africa, mostly emanates from those endowed with this middle grade of white reasoning ability, and from black men who bow and scrape to white men of this type. This being so, we can safely leave the highest type of white thinkers to educate the lower types of white thought respecting black men and all that appertains to them; for the depth of the attachment of these lower white would-be-thinkers and writers, not excluding speech-makers, official and otherwise, to their well-nigh inborn predisposition in favour of the theory of the insufficient humanity of the

> black man is such that we should be wasting time and energy, which we most urgently need for very necessary work in the interests of our race, if we continued to seek to enlighten the average white man as to his grave mistake. And, if the white thinker of the highest type considered it not worth his while to expend his effort in the endeavour to raise the outlook of his slower-minded brother, it is now quite too late to expect us to show sympathy towards the short-sighted, dogged, sullen and dull-witted average white man, who is steadily working to bring about a dangerous conflict between this race and the darker races which inhabit the most prosperous parts of the world – [that is, those parts best endowed with natural resources].

It will not, I think, be doubted that, before we of our race can really begin to make anything like steady progress, we must accept the position that it is necessary, for those of us who are adult or adolescent, first to unlearn a great deal that has been inculcated in us, and next to learn more of our own country at the same time as we are keeping ourselves up to date in our knowledge of the rest of the world. It is essential that we should commence to elevate the weaker ones among us from the slough of despondent self-derogation into which they have been induced either by the average white man, be he missionary or trader or administrator, as result of a long period of enforced sycophancy. We must further bear in mind that whatever we do we [should rely on ourselves if we] are to expect any permanent results. We alone understand ourselves best, and we alone can best devise and carry out the plan for our own salvation. We are not to despise offers of help and we must compel our would-be aiders to remain assistants. Otherwise, it will be impossible for us to train our younger people, who have not lived long enough to be anything but deeply impressed by the false ideals and standards that are now being officially forced into complete vogue. The situation is very serious indeed; for we are now living in an age of reckless experiment by all-

powerful officials, who, dangerously enough for the future of our race, believe that leaders can be trained in a school for leaders, as though great generals or field-marshals were picked out of the list of ensigns or first-lieutenants and forthwith placed in schools for generals and commanders-in-chief; and who apparently think that no country is any good of which the inhabitants are not leaders, as if, in any country of importance there could at any time be found more than a few real leaders.

This being the first and foremost task before us, we cannot afford to waste time and energy in the effort to educate white minds which may be eventually found to be incapable of any such education. We have been constantly criticizing and offering explanations, all with a view to pointing out fallacies and errors. We have been sending innumerable petitions and memorials. We have been seeking interviews, we have been praying for audience at the Bar of the Legislative Council. Occasionally even we have been called to conferences. We have sent deputations to the Secretary of State for the Colonies. But the result of it all is – decentralisation, the conversion, in a crown colony bound up by Colonial Office Regulations as to complaints and petitions, of petty, inexperienced political officials into impeccable minor deities, in an irreproachable hierarchy of deities of higher infallibility, at the topmost level of which stands a supreme , all-highest super-deity, officially loftier in intelligence than all men, deeper in integrity than all saints, fuller in importance than any conceivable megalomaniac autocrat. The only way of avoiding the manifold and violent reactions that such a hope-destroying condition of things must endanger is to strike out, now that there is a manifest struggle between fair-play and prestige, from the narrow path of self-induced dependence, into the broad street of self-reliance, where we shall be able to entertain and nourish a new hope for the future of our people and our race. Henceforth we must devote all powers to the education of our people, not necessarily in things western, but

essentially in the traditions of our ancestors, that we may revive in ourselves the spirit which had kept our race alive in the past in spite of our many misfortunes. Our criticism must be confined to the educated white man's views of the world in general, and should shew how far, if at all, they are applicable to our own particular world, or even true of the world in general as *we* see it. We must also endeavour to present before the eyes of our masses the true nature of the white man in his country, and leave the former to draw their own conclusions about the sort of white man we usually see here. Especially must we make a serious attempt to educate our brethren in America and Liberia of the value of our national institutions, impress them with their superiority to similar institutions evolved, or in process of evolution, in Europe and America. And although we may be compelled now and again to attack bad schemes launched by officials against the protests of the public yet must we conserve our strength for the grander conflict, the inevitable strife between our ideals and those of the Western world as it is at present.

Article IV. The effect of Colonial Group Morality of the English *extends an argument already put forward in 'Our White Friends' that English ideals of fair play are more and more obscured by actions which can only be interpreted as racially discriminatory. Indeed Sekyi argues a decline in English society just as there has been a decline in Akan-Fanti society (c.f. Thinking in English Lecture 4s ~ above). In article IV 'Church or State?' Sekyi returns to this theme of the decline of traditional society and argues in detail the role of religion and the dangers of an alien religion within such a society. Again, this echoes an argument in "our White Friends' (c.f. p…,above) but here it seems informed very deeply with Sekyi's almost mystical feeling for the past and the culture of his people, which was evident in 'Custom and Law in West Africa'. 'Church or State?', like 'Thoughts for the Reflective' was one of Sekyi's most challenging articles, calling upon his educated contemporaries not only to be loyal to their political traditions but also emphasising the fact that there was an inherent conflict of loyalties between African value systems and foreign religions. In Sekyi's view, Christianity had created a problem which the traditional order had never known - the problem of church and state. The separation of the two implied a diversity of loyalties, a distinction between spiritual and temporal, between religions and political institutions, as well as an internality of judgement which was non-*

existent in the traditional concept of community. Hence Sekyi's use of the Fanti proverb Oman si ho na posuban sim (1). No such dualism existed in customary Akan-Fanti thought and practice. From their own point of view, argued Sekyi, their own conception of political obligation and the African-Christian conception were incompatible. In Akan-Fanti thought and experience, morality and religion resided in the state, whose existence and sovereignty manifested itself in the Paramount Chief or King (and symbolically in the Stool) both combining supreme civil and religious authority. Some early African nationalists had commented on the socio-political significance of Christianity in Africa; Blyden, Mojola Agbebi, Orishantuke Faduma, Casely Hayford and Rev. S.R.B Attoh Ahuma had written on the subject. In the 1930's two essays by H. Kwesi Oku and Ladipo Odunsi appeared in Nancy Cunard's anthology Negro (1934). As Odunsi put it in his essay "Britain and the Africans", 'As fast as the people became Christians they had to cease to be Africans'.

CHURCH OR STATE?

Our wise ancestors left us this great proverb among others: *Oman si ho na Posuban sim'.* This proverb may be rendered in English thus: "The Company Fence* stands only so long as the State exists". Now, our ancestors were above all things a religious people, with whom religion was no mere matter of form or weekly ceremony. Religion with our ancestors was interwoven with the whole fabric of their daily life; and therefore when the Company system was established among them it was not without its religious concomitant. The Company Post to each Company is most sacred, and the ceremony of replacing the worn parts of each such fence or of replacing the whole fence is a very important function indeed. Within the enclosure is usually a sacred tree, and there are other sacred objects; and the fence would be defended by every self-respecting member of the Company with his last drop of blood, in the event of an attack by a rival company. Since all true manliness must involve chivalry, it may be stated that the Company Fence must have been at the time of its commencement of the greatest utility, the emblem of the highest chivalry of the group owning it. Nevertheless, if any

Company were to go out of its way to plot against the security of the whole state those very members of the Oman or state council, who, before elevation to their Stools, or before appointment as Councillors of State, were members of such a Company, would be the first to condemn the act of the Company to which they once belonged. The Companies were created to serve certain needs of the State or *Oman*, and no doubt in their turn they react on the State; but they can never be greater than the State in which they are. And, of course, they would not exist at all if the State were not in being to form as it were a super-Fence around them. Therefore our ancestors said *Oman si ho na posuban sim (1)*. The Oman was superior to, and more powerful than, any Company or system of Companies set up within or under it, and each member was bound to be loyal to the state or Oman.

1. *Loosely translated it means 'The Company Fence stands only so long as the State exists' i.e. the legitimacy and integrity of the State will continue only when the moral basis of the society is sustained and cherished. The 'Company' means the various Asafo Companies in Cape Coast as capital of the Oguaa State, military units with specific functions, the main ones being to protect the sacred objects of the polity and to defend it. The expression, as used here, can also be translated, "There must first be an Oman (or State) before there can be a sacred enclosure within it". In ideological terms, Sekyi preferred the implications of the aphorism to that of the misguided Africans and their missionary tutors who held the view, 'posuban si ho na woye man bo hu aprew' i.e. 'There must first be a sacred enclosure before you can set up a state around it.'*

**'Company' refers to the military or militia company, as the ultimate unit of the Oman, or State, militant, the State at war, the State as a military organisation.*

Now, I do not think it would be going too far to assert that the loyalty which our predecessors had for, and yielded to, the state was based on our national reverence for, and worship of, departed ancestors, which system of ancestor-worship was the foundation of our whole religious system; and it would follow that if that kind of loyalty is lacking in any member of any of our various states now in existence, what takes its place must be as good as that which the attempt is made to replace, otherwise it cannot function in the same beneficial manner as our ancient traditional loyalty did formerly function. If, however, instead of our ancient type loyalty or something equivalent to it, we find operating in certain important members of our communities and their connections a new kind of loyalty which cannot be subject, as should be loyalty to one's company, to loyalty to the whole Oman or State, such members of such communities cannot but prove sooner or later to be worthless as citizens and, from one stand-point, positively dangerous to the security of their respective states; and if this new type of loyalty is based upon, or arises out of, any foreign religious system established among us, the mere fact that such a religion (which could not have set itself up among us except through some of our own people) cannot recognise that loyalty to the State must be accepted as the necessary qualification of loyalty to any faith in any state is sufficient to shew up such a religion in its true colours, and disclose its spurious character. There can be nothing good which tends to evil, and any religion that can have interests opposed to the weal of the state in which it has found votaries is wanting in an essential particular.

We are bound, I think, to admit our ancient religion as sound in its principle, however much in its practice it many have abused by some of its priestly exponents

in the very unsettled conditions of the early days of our contact with Europeans; for even though it were proved that the Christian or any other foreign form of religion was better than our ancient religion, it could not be disputed that our ancient religion was our national religion, and functioned well as such in the development of our well-built constitution. The best of every institution is its utility in the well-being of the organisation in which it appears; and where the organisation is a human social group the moral law in its most abstract form is the ultimate test of tests. Any religion that cannot admit that loyalty to one's national group, even though that group consist apparently of the most abandoned or depraved heathens imaginable, is vital to the healthy and useful development of any of its advocates is worthless; and such loyalty is essentially amoral in its character and in its effects.

Therefore those among us who have adopted one or other of the two main foreign religions *(1)*

1. Christianity and Islam. Sekyi explained, as early as 1918, that he was an 'extreme Rationalist' and that he had no religious beliefs, although he was attached to traditional African religious practices, mainly for their symbolic and socio-political value. As he explained to Dr Nayya, an Ahmadiyya missionary in 1921, he was 'well known to be opposed to Christianity as generally preached here', and was 'not inclined to favour any religious propaganda which has its source outside Africa', (Sekyi to Nayya, Oct. 1921, Sekyi Papers, Ghana National Archives)

that have been established in our midst, have to consider that, if they would be true patriots useful to their generation and those who will follow, it behoves them to examine the principles of their adopted faiths as to whether they can stand the test of tests I have indicated. In the present period of our development as people under the guardianship of a foreign ruling race that is not as true to its religious or supposed religious ideas as they claim to be, it is important for us to know on what side the adherents of foreign religions among us will range themselves in the event of a conflict of interests, whether on the side of the State or *Oman* to which they belong or on the side of the foreign religion which they profess. It is therefore incumbent on those who would be leaders among us to learn to pick out those among their followers or would-be-followers upon whom the greatest reliance in this connection can be placed. The development of foreign religions among us has proceeded long enough for us to draw conclusions as to the effect of such religions on our manhood as members of our race and our efficiency as patriots. *Oman si ho na posuban sim'*. The person who would be loyal to a part and not to the whole, the person whose loyalty to his part of the whole does not cohere with his loyalty to the whole, is a dangerous person. If we would have our *posuban* we must first have our *Oman* safe. For although it is possible for one Company to launch out on a career of conquest and carve out a state, thus creating an *Oman*, yet so long as the *Oman* is safe and sound we can have as many *posuban* as we like within the *oman,* working with the *Oman*, and ever for the *Oman*.

In Article VI, ***Administrators and Teachers****, Sekyi repeats his familiar charge that the Administrators are second rate in competence and goes on to argue that the African has nothing to learn from such people - indeed he can govern himself very well when left alone. Once more he points to recent legislation as retrograde and injurious to the society for which it was intended. Article VII****, Our Only Hope,* *suggests the need 'to organise a form of propaganda the object of which is to present our national and racial standpoints to the thinking Englishman' to counteract the misrepresentations of the colonial administrators. Article VIII,* ***The Future****, embodies Sekyi's hopes for the African race - 'the future belongs either to the non-white man alone or to the white man and the non-white man as companions in the march towards human well-being.'*

The future is not likely to be smooth for us of the Negro Race, or for that matter, for the whole of the darker races. The period of transition from the age of the dominion of the white races to the age of the equalisation of the races of mankind has been distinguishable since the alteration in the outlook of the white races, caused by the victory of Japan over Russia *(1),* became inevitable. The end of the period of belief in the efficacy of arms has practically come; and the necessity of having kings who are philosophers and philosophers who are kings is becoming daily evident. A period such as this cannot be a period of quiet for any one race, least of all for the race most maligned, belittled and despised, the Negro Race, the exploitation of which by the races of modern Europe (including of course, America) has created all the troubles of this highly artificial age. Whatever this period has in store for us, it behoves us to regard the near future as the time in which our humanity including our capacity for human and humane development, will assert itself. We are to look upon the days that are to be, as the days of our racial emancipation, the days in which it will not be regarded even by ourselves as a reproach to be called Negroes, however wrong the term may be.

The future, covering a period which, paradoxically enough, has been running for some time, now will see us attain our racial manhood. We are not the only race now living that will make this achievement. Each of the races now living may grow manly in its thoughts and actions. It is doubtful whether any of the races of the past of which we have records ever reached its manhood; otherwise we should not have found history to be a narrative of rises and falls of nations. No one race by itself can hope to escape extinction, but all the races by maintaining a common human cause in a diversity of states or empires can keep the whole of mankind from moral degeneration and social

decay. It is in this respect that no race in the past seems to have passed its infancy. And before the races of the world can reasonably expect to be able to discover the nature of the common human cause, they must learn to distinguish the natural in social or political combinations from the artificial; they must so rearrange the tribes and nations as to form out of the present agglomerations of heterogeneous, externally connected social or political units more organic, mutually consistent groups. A good deal of unnecessary and wasteful friction would thus be avoided and there would be more smoothness in the conduct of nations or sectional or domestic affairs.

1. 1904; this war, in which the Japanese navy under Admiral Togo sank the Russian grand fleet in the Sea of Japan and destroyed Port Arthur had a great impact on the nationalist movements in Asia, particularly in India. Psychologically it smashed the myth of white supremacy. Britain and America duly took note of the Japanese victory.

It is not for nothing that sociology, anthropology, ethnology and more generally, philosophy, are being recommended as fit subjects for those who aim at ruling their fellow men. Formerly the philosopher was regarded as the most moonstruck of students, whose thoughts were abstract to the point of absurd abstractions, arbitrarily excluding from his consideration several points of which he was unable to realise the relevance or connection. What man of culture would prefer the empirical builder to the trained architect who comprehends the most elaborate plan in his mind and whose function it is to direct the merely experienced builder, who may not often see the purpose of some section of the work allotted to him? Yet men think that in dealing with their fellow men not in groups of ten or twenty, but in tribes and nations, they can afford to ignore the question of the possible reaction on themselves of their own conduct towards those thus dealt with.

Therefore, although we are as yet too low in the scale of world consideration to be regarded as likely to be soon formidable to those now in power, yet in the sphere of thought, of learning, of scientific labour, of social or political organisation, our very low position may enable us, or oblige us, to observe, and bring to the notice of those above us, those aspects of our relations with them which, from the very nature of things, must escape their attention. We may yet be the leaven that will make the white world lastingly useful to itself, as well as to the rest of the world. We are now observing, for example, the strange phenomenon of the growth among us of a sort of British-born hybrid autocracy as a result of the conflict of English crown colony rule with our peerless, traditional, democratic system. We are in a position, if our supposed teachers will think it possible that they have overlooked something of moment, to prove to our teachers, from current political developments that they are demonstrating the

absurdity of their system of crown-colony rule by seeking to bolster it up by indirectly granting to our natural rulers powers over and above those granted them, in accordance with a rule of political wisdom known in England. This rule of political wisdom was established in England as a result of warfare even to the extent of regicide and, in the case of the lost American colonies, rebellion against and secession from England. Possibly our political tutors will not admit or recognise their mistakes until they are obliged to do so; for they have now so altered their official mode of thinking that the policy of the superior is dictated by the policy of the inferior, a reduction to absurdity of the idea of *esprit de corps*. All this being so, it behoves us to regard the future principally as *our* future. This future can only be the future of the white races as well if they alter their policy and as it were become born again; but if he remains unregenerate, haughty, unsympathetic, infallible and well-nigh omnipotent in contra-moral acts of pro-consular authority, the white man will see his Waterloo in the not very distant future. In America, in Africa, in Asia the warnings or signs that the white man's weight in the balance is defective are numerous and should be heeded. But as our ancestors say*, Oman ribobo a akyiami hom asua sisiw,* 'when the State is about to collapse, statesmen become deaf. Scientific warfare will not help the white man. We can reckon on that; for we are not going to engage the white man in war just yet; any non-white man who thinks we are is not sufficiently watchful or thoughtful. We are going to prove to the white man that he cannot have things in his own way for long without destroying his own object. Already he is beginning to whisper that softly to himself. His conscience is making a sluggish effort to wake up from its long sleep. One can almost hear the creaking of the locked joints and the tearing sound of the rotten clothing of the white man's conscience. It will wake up and save itself to participate in the future. If not, the white man may reckon on the soft hearts of some of us though not of all; but he cannot reckon on the future as *his* future; *the future belongs either to the non-*

white man alone or to the white man and the non-white man as companions in the march towards human well-being.

The final article, ***Last Words****, which is a kind of summing up, brings to notice several abuses of colonial rule such as censorship of postal services, the educational system and the suppression of criticism. Then follows an interesting passage on 'contact with local officials' where Sekyi advocates a policy almost of non-cooperation. He concludes by an appeal to his countryman to recover their self-respect - a process which is plainly linked in Sekyi's thought with preservation of what he here calls 'our national outlook.' i.e. national redemption.*

Last Words

This brings us to a point which should be carefully considered. Contact with local officials is producing the same result which contact with local white merchants has produced in the position of our own merchants. The official is always seeking information and imparting hardly any. He questions his cooks and steward boys concerning men and women and matters in the towns; he questions his clerks; he seeks to question prominent men in each town he visits. Now and again he makes an effort to be friendly, and every time the, object is to get at the back of the black man's mind. On three or four occasions it has been noted that where the white official seeks our views it is not with the object of benefiting us, but with that of strengthening the weak parts of his schemes so as to leave us little or nothing to protest against. The white man, in short, seeks to

secure information from us to use against us. The present state of our contact with the white man is most dangerous because it is the period within which he is making a natural transition from his abused position of superiority to the more normal and natural one of equality with other races; and since he does not know where he will end now that he has begun appreciably to decline, he is becoming decidedly more unscrupulous than he was at the beginning of our contact with him. In this age, therefore, friendships or close alliances with white men, especially officials, ought not to be encouraged; and for the present it may be made a general rule that no one should be friendly with any official or with any white man who is in the same profession or trade. The great danger in such friendships is that the white man views things from an essentially different standpoint, and his understanding of what the black man thinks and expresses is often incomplete. It is therefore likely that whilst you think you are smoothing the way to better relations between white and black you may be doing exactly the reverse. If it were not for the nature of the present period of our contact with the white man, we might continue to take the risk of being misunderstood by the white man, to his advantage and our disadvantage; but the greater of the two evils of being misunderstood through lack of opportunity to understand us, is the latter. The most we can do is to be as we have always been, polite and considerate to the stranger within our gates even though he is a domineering or crafty official; and, of course, when the white man takes too great an advantage of our hospitality, he forfeits any claim he may have as a foreigner to our politeness or consideration, and may then be treated as he deserves. By now, we are well aware that the white man does not like at any time to admit before the black man that he is in the wrong in anything he does or proposes to do. We know that although no notice appears to be taken of the most serious aspects of our activities in the interest of the fatherland, the white man's way in all things affecting the black man is to refuse all applications by the black man for solid

improvements in his condition, and dole out such improvements some time afterwards as if they were being granted a result of the white man's own superior judgement of the fitness of the African for such improvements. Certain suggestions ridiculed so assiduously by Sir Hugh Clifford *(1)* and his supporters have now been adopted as though they were suggested by Sir Hugh Clifford, and we have seen a good deal of praise showered on him and other Governors for policies of improvement which have been forced out of them by the sustained endeavours of the despised leaders of African political thought in the crown colonies, and this ought to be quite enough food for thought now that we have reached the parting of the ways. The white man is beginning to think of the probable results of the attitude towards the black man hitherto maintained by him and developed beyond the bounds of tolerance. He is now considering whether it would not be better for him in the future if he now began to alter his standpoint in several essential respects. That is good both for the black man and the white man, for the world will get on better when all the bases of internecine conflict between black and white have been removed. The time when this happy consummation will be reached is very remote; but in the meantime we must take thought how we are going to preserve our humanity and develop our racial ideas in the healthy environment of our own motherland. To prevent this the more pertinacious of the white men, especially those whose pertinacity partakes of a good deal of malarial malignity, will strive as long as his damaged vitality and jaundiced outlook will allow him; and the signs of the times shew that this type of white man now considers himself able seriously to hamper, if not to frustrate, the efforts of the better minded white man. It is history repeating itself. We are getting another instance of the conflict of motives behind the agitation that led to the abolition of slavery and of the enormous difficulties encountered and overcome by the few farseeing moralists who joined the cause of abolition. We are being gradually led to a position in which we shall be the cause of a contest

similar to that which once raged between the north and the south of the United States of America. All this is the result of social evolution which trade has obliged the white man to think he can control with his capital. But, to the African, humanity is worth all the wealth of the globe,

1. Governor of the Gold Coast form 1914 to 1918. Clifford was the Governor of Nigeria from 1919 to 1927, and was the main critic and denigrator of the Congress. In a celebrated speech he denounced the Africans who formed the Congress as a "self-selected, self-appointed congregation of African gentlemen calling themselves the National Congress of British West Africa" (Legislative Council speech, Lagos, 1921 quoted in James Coleman, Nigeria, Background to Nationalism, University of California Press, 1958).

and out of Africa will arise the trouble that will enable the white man to admit that there is too little regard for humanity in notion of racial development.

The good white man will soon be fighting the bad white man whose efforts have kept back the development in the white man's of the idea of man. It is for us to cling to our more advanced ideals of humanity so that when the time comes we may assist those who will need our help in the building up of the newer and saner world that will be based not on race but on manhood. Of all the dangers we have braved there is no greater danger than that which a section of our own people, namely, those who have no confidence in, and no respect for our race, will create. Therefore it behoves us to combat that want of confidence wherever we meet it. In all that good white men have done for the black man the white man has been paying back what other races have given him. I t is misleading to think that if a man has done an act by which you have benefited you should allow his brother to impose on you to the extent of enslaving not only your body but your soul as well. We should look to our own leaders for the manner in which we should regard our relation with the white, and the extent to which we are obliged to one another; but we should not draw any rash inferences from any set of facts that presents itself or its presented to us unless and until we have submitted them to our leaders. This is a way in which we can minimise, and perhaps ultimately destroy, the influence of the mean-spirited among us, who have, by excessive meekness towards the white man and overbearing insolence to those of there own race, become the favourites of those whom, from our standpoint, we must classify as bad white men. If we are to think for ourselves and ignore what the average white man thinks or says to distract or discourage us, we must preserve our national outlook; otherwise, just as we are finding it so very difficult to discard the ideas instilled into many of us in the old days of humble acquiescence in white or

white-prompted views, so shall we find that at the time when we are being so badly treated that we can no longer restrain our feelings, our progress will be delayed by the strangeness of the act of thinking for ourselves. We must persevere in the development of our own national point of view, so as to lose as little efficiency as possible at the crucial moment when we must decide to choose our own way for our journey towards social health.

In all that we do to attain that goal we must always bear in mind that no given human group can be expected to develop to its highest point if the units of that group, as men, are lacking self respect; you may have the best intentions towards a person who does not respect himself but you will be disappointed in the long run; on the other hand a self-respecting person endeavours to lighten his benefactor's efforts to improve his position, and to that end strives so to place himself that he may depend less upon his benefactor and be a greater credit to him. Thus, too, has it to be with any human group.

The Best Constitutions Are Born Not Made

The final extract in this selection of Kobina Sekyi's writings is a short article he wrote in 1950. Its very title is a useful summary of his political philosophy; and the programme of reform which he here advocates, especially his policy of Federal Government, illustrates very clearly his basically evolutionistic thinking. The article may also be regarded as his final political statement - and warning. It is significant that the article was reprinted in the Daily Graphic (Accra), on 28th February, 1969, a few months before the short-lived return to civilian rule, with the title "A look at an Historical Document". It is worth noting that most of the ideas in the article were revived in the debate on the problem of democracy and political stability following the military takeover of February 1972(1), seventeen years after his death: e.g. 'The constitution of the Gold Coast Aborigines Rights Protection Society as a tentative constitution for a federation of states in the Gold Coast on the principle of the equality of states, large or small'; 'Comparison of Statutory Ashanti Confederation and the traditional Ashanti Confederacy'; 'Safeguards against the development of autocratic institutions our ancestors developed' (sic).

'In debating whether a constitution is democratic or not,' Sekyi had concluded, 'care must be taken not to place too must emphasis on forms or so-called democratic rule. Take, for example, the English system of parliamentary rule and the manner in which it can tolerate, encourage, or impose, systems of autocracy such as recently

existed in India and still exists in the Crown Colonies. Compare the American Constitution with its amendments, and the futility of that democracy in the face of the Negro question'. Anticipating the African nationalists of the 1960s – most of whom turned out to be less democratic than they pretended – Sekyi concluded, "Each nation, it seems to me, views democracy from its own angle and, owing to its character and history, has its own ideas as to what ***abuses*** *of the democratic ideal are* ***intolerable*** *(2).*

1. *See for example, Togbi Yao: "What Political Government will fit us?" The Mirror, 12 February, 1972 p.3.*

2. *Sekyi to the Gold Coast Students' Union, London, 9 August, 1948*

THE BEST CONSTITUTIONS ARE BORN, NOT MADE

BY

KOBINA SEKYI

It is nearly 500 years now since the Portuguese set foot at Dondou (Mina town or Dana or Oddena or Edina). The Portuguese, though they followed a policy of detribalisation in their effort to associate the town with the garrison of the castle and made the town independent of the kings of Fetu (Efutu) and Comani (Komenda), did not try to impose their laws upon the indigenous people; and the town become a sort of 'Self Governing Republic', which Barbot described in 1682 as the Commonwealth of Mina. Why Elmina with a Chief should have been regarded as a republic is hard to understand, except that Barbot and others had expected to find the ideas of an absolute monarchy prevailing in the Gold Coast. John William Blake, the tanslator and editor of the Hakluyt Society publication "Europeans in West Africa, 1450 - 1560", gives an interesting warning about the recorded history of the Gold Coast when he referred to the pay-note in respect of Elmina Castle in the following words: "Whether this 'note' was genuine cannot be established, for it was rediscovered in the seventeenth century, when policy was responsible for many inventions about the early history of white enterprise on the Gold Coast".

About twenty years after Barbot's vsit to Elmina we get William Bosman, a Dutchman, giving us a very interesting account of the coastal tribes in the Gold Coast: "The countries from the Ancobersian river to the village Ponni are eleven in number, viz: Axim, Ante, Adorn, Jabi, Commani, Fetu, Saboe, Fantyn, Acron, Agonna, and Aquamboe; each

containing one, two or three towns or villages lying upon the sea-shore, as well under as betwixt the Forts of the Europeans, their greatest and most populous towns being generally farther inland. Seven of these are Kingdoms governed by their respective Kings; and the rest, being governed by some of the principal men among them, seem to approach nearer to commonwealths. But I shall give you a more partcular account of them hereafter, and in order thereto at present begin with Axim, which, as the notion of power runs here, was formerly a potent monarchy; but the arrival of the Brandenburghers divided the inhabitants, one part of them putting themselves under the protection of the newcomers, in expectation of an easier government and looser reins, in which they were not mistaken, as the consequences evinced; but the other part, which were the most honest and least changeable, stayed under our Government. But if we take a view of this country before this time, we shall find it to be extended six miles in length, computing from the mentioned Rio Cobre, (Ancober, or the Serpentine River, so called by the Portuguese, from its intricate, winding and in-laid course of twenty miles) to the village Boeswa, a mile west of our Port, near the village of Boutry.

> *The negro inhabitants are generally very rich, driving a great trade with the Europeans for gold, which they chiefly vend to the English and Zealand interlopers, notwithstanding the severe penalty they incur thereby, for if we catch them, their so bought goods are not only forfeited, but a heavy fine is laid upon 'em. Not deterred, I say, by this they all hope to escape, to effect which they bribe our slaves (who are set as watches and spies over them) to let them pass by night; by which means we are hindered from much above a hundredth part of the gold of the land: and the plain reason why the natives run this risque of trading with the interlopers is that their goods are sometimes better than ours, and always to be had one third part cheaper; whereby they are encouraged against the danger, very well knowing that a successful correspondence will soon enrich them.*

But not to accuse anybody, since every one has his frailty, let us return to the inhabitants of Axim, whom we find industriously employed either in Trade, Fishing or Agriculture; and that is chiefly exercised in the culture of rice, which grows here above all other places in an incred
ible abundance, and is transported all the Gold Coast over".

We have quoted at length from Bosman in order to bring home the fact that 250 years ago interstate commerce was an important feature of the trade of this country. Again, that there were only seven sovereign states between Axim and Accra, and in addition four regions where the European policy of encouraging breakaways from original states had created pseudo-states ruled over by "Principal Men". The division of Axim into two illustrates the point I wish to make. Today the Gold Coast Colony proper has about 60 Paramount Chiefs, and we even have the anomaly of a former sub-sub-chief becoming a gazetted Paramount Chief. We cannot but lament the fact that the Colony has a number of very small states, and that in some cases towns have been split into two as a result of the early activities of Europeans. The existing situation must however be accepted as a basis for future action. It was the need to give existing small states a new force which led to the creation of the Ashanti Confederacy and the Fanti Confederacy. The short-lived Fanti Confederacy was not limited to the Fantis alone, but included the Effutus; and there is no doubt that had the Confederacy not been killed by a failure to interpret Lord Kimberley's despatch properly, other coastal tribes and states would have joined it. The Ashanti Confederacy, on the other hand, has managed to survive in spite of British attempts in the late 19th century and early 20th century to dismember it; and it is our candid opinion that the dismemberment of Ashanti, which the British failed to achieve even with a prolonged system of martial law, cannot successfully be accomplished by any future Government of the Gold Coast, however foolhardy that Government may be.

The system of gazetted chiefs has been in force for some time now, and there have been

times when some chiefs have thought that they owe their stools to the Government (White or Black) rather than to their people. Happily for the country there are many chiefs who are conscious of the significance of the office they hold, and take real pride in their sacred duty to their people.

There is much talk about ending tribalism in the Gold Coast. In the first place it must be admitted that Ashanti is not merely a tribe, but a nation. Ashanti has been administered as a separate entity since 1901, when the British annexed the territory. Martial Law, which was in force until 1930, was peculiar to Ashanti. The Ashanti Confederacy was reborn in 1935, and the office of Asantehene restored at the same time. Ashanti was kept out of the Gold Coast Legislative Council until the Burns Constitution, and it is to be expected that the Ashanti nation, which has struggled so hard to get its identity recognised and the Asantehene restored to office as recently as 1935, is not going to permit itself to be denationalised. Some may see in this a reassertion of old tribal links, but we must bear in mind that the Gold Coast will be much the poorer if the Ashanti Nation with its culture, history and its strong sense of national solidarity is made to give way to any nondescript group of people who are incapable of recognising their own culture, devoid of national pride, and hopelessly ignorant of their own history.

The overall national character of the Gold Coast will be set by those states and Nations (like the Ashanti) who have been able to preserve their identity and national heritage. It will be a sad day for the Gold Coast if these national characteristics, if the culture and institutions of this land, are made to give way to blind imitations of other peoples' culture and way of life, and if we become apologetic imitations of the Englishman or the American. What pride will there be for us as a people? How can we be recognised as a distinct national group, possessing recognisable national characteristics, possessed of a history of which we are genuinely proud, a culture that makes us feel that we are not the scum of the earth, a pride in our national destiny?

It is in answer to the above points that we turn first to our own indigenous way of life, to our own democratic institutions, for the inspiration which will make it possible for us to draw heavily on the best in our indigenous and traditional institutions rather than on those that exist elsewhere. We are fully conscious of the merits of our own democratic institutions, and we shall remind those outside, who are not fully acquainted with the excellence of these indigenous institutions, of the words of Sir Hugh Clifford, a former governor of the Gold Coast. Sir Hugh Clifford, writing on the Gold Coast African in Blackwood's Magazine of January 1918, says:

> *'Much the most notable achievement that can be placed to his credit is his invention, without the assistance of extraneous influence, of the democratic system of government and the State socialism, which are the basic principles upon which his tribal policy is founded. Recent innovations, as I have indicated, tend seriously to undermine this system, and it is interesting to note that while European political theorists are apparently working their way back to a state of things closely resembling that which the Twi-speaking people long ago evolved for themselves, the latter are displaying an inclination to discard them as the immediate and inevitable accompaniment for their first real and solid advance towards a higher standard of civilization".*

We now call a halt to those innovations which undermine our culture, our way of life, our system of State socialism and our identity as a people. We cannot afford to discard these valuable national assets in the hope of one day copying them from Europe. We are sure that it is possible for us to acquire modern technological knowledge without pulling our society to pieces from the root. We are determined to build on the best that is ours. Just as the son tries to build on the achievements of his father, we as a people shall build on the best traditions of our ancestors. We must not then be interpreted as advocating a

static society, for those who are conversant with our indigenous institutions know that these institutions were not wafted into being as if by magic, nor were they handed down to succeeding generations as the accomplished work of masters, but were born out of the experiences of countless generations.

The British and Swiss constitutions reflect the history, culture and way of life of the respective communities for which these constitutions were framed. We do not wish to have a constitution like that of the Weimar Republic *(1)*, which though impressive on paper failed to reflect the character of the German people, and therefore became a plaything in the hands of a demagogue.

1. The first government of Germany after World War I.

Even those expatriates who advocate a unitary type of government for the Gold Coast, but vehemently oppose the introduction of a lingua franca for the country, argue that a lingua franca would lead to the domination of one tribal culture by another. In short while arguing in favour of unitary government they do not wish to see the disappearance of tribalism, however much they pretend to decry tribalism. It would therefore appear to be illogical on their part to oppose any move which is destined to preserve the identity of states, even if these states could be identified with tribal groups. The language, culture and democratic institutions and history of our people are deeply embedded in the tribes and the states. The desire for common action must therefore take these facts into consideration.

The CPP (Convention People's Party)[1] Government clams to be against tribalism, but it is clear that on major national bodies the CPP Government has not ruled out tribalism, and the major tribal groups are represented in the cabinet. The Ewes, Fantis, Ga-Adangbes, Akims, Ashantis, Dagombas and Nzimas hold ministerial portfolios, and a similar but much wider distribution is to be noted in the case of ministerial secretary appointments.

In advocating a federal form of government we feel that we are realistically harnessing our tribal, state, national and regional forces for the common good of the country without in any way destroying the best that there is in our traditional institutions and way of life. Those who argue that the Gold Coast has enjoyed a unitary form of government for a long time and that it would be a retrograde step to introduce federalism now should ask themselves the following simple questions:

- Since when were the Northern Territories, Ashanti and Trans-Volta Togoland admitted to the Gold Coast Legislative Council or Assembly?
- Why is it still possible to have trial by assessors for murder cases in Ashanti and not in the Colony?
- Since when was the Ashanti nation restored to its former national unity?
- Why have we still got a Joint Provincial Council, an Asanteman Council, a Northern Territories Council and a Southern Togoland Council?
- What are the major differences between regionalism and federalism?

Once we accept the idea of regionalism, there is no reason why we should not accept federalism. If we come to costs, it is more than likely that a regional form of government will cost just as much as a federal form of government. In fact it is possible for a regional form of government as at present envisaged by the present Gold Coast Government to cost more because of the creation of a multiplicity of consultative bodies set up to deal with specific matters which, under a federal system, state-government based on the chiefs and people of the area can easily tackle with the help of their own members of Assembly, who would not be divorced by distance from the specific problems that have to be investigated and studied. The realistic alternative to a unitary form of government cannot be regionalism, but federalism.

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[1] Nkrumah's newly formed government after the 1951 elections won by his party

The actual form that the Federal Government of the Gold Coast shall take must be the subject for a constituent[2] Assembly specifically charged with framing just such a constitution. We wish however to indicate five guiding principles:

- That the proposed constitution should aim at uniting the Chiefs and people of the Gold Coast with a view to effecting unity of purpose and of action.
- To promote friendly intercourse between all chiefs and people of the member states, and to unite them for defensive purposes against any common enemy.
- To canalise the labours of the member states towards the ultimate and overall improvement of the country at large.
- To study the Swiss constitution with a view to finding out whether that Constitution can be reconciled with our own indigenous constitutions. This study should not preclude the study of other constitutions.
- To consider the subject of a second chamber with a view to preventing ill-conceived and ill-digested whirlwind legislation.

It is not our intention to submit a Constitution for the country. This we believe should be the responsibility of a Constituent Assembly, and the Gold Coast Aborigines' Rights Protection Society will only be too ready to express its opinion on specific matters affecting a future federal constitution for the Gold Coast once a Constituent Assembly has been set up.

Finally we must stress the point that a constitution divorced from our way of life will have little chance of success, and at best it can only become a mere tool in the hands of demagogues of this generation, and of future generations.

[2] A constituent assembly is the one thing which did *not* happen before independence.

FINIS

Comment by Michael Dei-Anang,
(Ambassador and Special Adviser to President Kwame Nkrumah)

"The whole question of whether the government of the future independent nation of Ghana would assume the character of administration based on foreign models or whether it would operate on the model of traditional ideas of government was one of the fundamental causes of difference between the chiefs, the late Kobina Sekyi and Nkrumah. Sekyi had written an article in 1950 entitled "The Best Constitutions Are Born, Not Made", warning Ghanaians on the eve of ministerial government that the mere adoption of a western style constitution was no guarantee of freedom or stability. In his view, based probably on his long association with the African traditional polity through the Aborigines' Rights Protection Society, only an administration which was founded on the organs of government evolved by Africans could secure permanent acceptance by the people and ultimate growth. Perhaps not in Ghana only, but in all the developing nations of Africa, further examination of lawyer Sekyi's warning on the use of western-style constitutions to the abandonment of the original concepts of government in Africa would prove beneficial."

The Administration of Ghana's Foreign Relations, 1957-1965: A Personal Memoir, Michael Dei-Anang, London, 1975, pages 55-56.