THE END OF SLAVERY IN ZANZIBAR AND BRITISH EAST AFRICA

The long crusade against Slavery in the Sultan of Zanzibar's dominions, which has been brought to a successful issue by the recent promulgation of the Decree dated the 9th June last, may be divided into two periods. In the first place, there was the series of attacks directed against the Slave Trade, that is to say, the seizure and transport of raw slaves from the African mainland into Zanzibar and from Zanzibar to Arabia, and, in the second place, there are the steps more recently taken in connection with the institution of domestic slavery.

The existence of a traffic in human beings was, of course, directly due to the demand for domestic slaves in Mohammedan countries on the Coast and elsewhere, and, if means could have been found to check the demand, the supply would naturally have ceased. Until the latter part of the nineteenth century, however, the institution of domestic slavery, sanctioned, as it is, by the writings of the Prophet and by the Law of Islam, was far too firmly established in the Zanzibar dominions to be open to direct attacks from outside. It was only, therefore, by closing as far as possible the sources whence the supplies of raw slaves were drawn, by blockading the coast, and, as the power and influence exercised by Great Britain in East Africa gradually increased, by inducing the Sultan, in return for some benefit offered or conferred, to close one or other of the channels through which natives of Africa were carried away into slavery, that any advance in the direction of freedom could for a long time be made.
None of these means were neglected, and it is due to the energy and whole-hearted enthusiasm with which they have been pursued that the Slave Trade, with all its attendant horrors, is now at an end. What those horrors were it is scarcely necessary to recall; the sudden attacks by bands of armed Arabs on unprepared and defenceless villages in the interior of Africa; the ruthless slaughter of the aged and infirm; the march of the raw slaves in chains and yokes, beaten and half starved, to the Coast, the sick and weaklings left by the roadside to die or to become a prey to wild beasts; the transit to Zanzibar and sale in open market; and, in many cases, the transport in native dhows to Arabia, overcrowded, battened down in foul holds and starving, the dead and dying mixed with the living; these are some of the things which, for those who have only heard or read of them, live in the imagination, and which those who have seen them can never forget.

Very little advance could be made towards closing the sources from which raw slaves were supplied so long as Mohammedan influence was still paramount on the Coast, and the slave-dealers could count on the active co-operation of the Arab authorities, and it was not until the “partition of Africa” had taken definite shape that a death-blow could be struck at this inhuman traffic. The first step in this direction was the incorporation of the Imperial British East Africa Company in 1888, which was quickly followed by the transfer of a large portion of the Zanzibar mainland dominions to the German Government, by the establishment of a British Protectorate in Uganda, and by the extension of European administration throughout the central regions of the African Continent. With these forces at work the Slave Trade was doomed, and in a very few years it had altogether ceased to exist.

In the meanwhile the British Navy had been working hard to check the transport of raw slaves from the mainland to Zanzibar and thence to Muscat and other Arabian ports, and it is not too much to say that thousands of African natives who are to-day peacefully settled in Zanzibar or Pemba owe their freedom, and perhaps their lives, to the
splendid energy and pluck displayed by our sailors, officers and men alike, in an arduous and often dangerous enterprise. To lie out in some secluded creek day and night, in open boats exposed to tropical sun and rain, boarding every passing dhow, often meeting with armed resistance and sometimes fighting against great odds, was no mean test of courage and endurance. The fact that this was done, and done successfully, month after month and year after year, without flourish or advertisement and with but little personal reward, speaks volumes, not only for the discipline and morale of the Navy, but also for the feeling of abhorrence with which the Slave Trade was regarded by the men engaged in its suppression.

And all the time British influence was being steadily brought to bear upon the Sultan, with a view to the prevention by legislative means of any further importation of raw slaves into his dominions, and of their sale and transport to other countries. Whenever an opportunity presented itself, when the Sultan appealed for political, financial, or personal assistance, when some benefit was offered or conferred, or when, as in later days, a new Sultan could only be appointed with the approval of the Protecting Power, occasion was always taken to introduce some fresh anti-slavery measure and to move one more step forward towards final abolition. Each British Representative in turn did his share of the work, but of those who laid the foundations for it there are two names which stand out by themselves—that of Sir John Kirk, who laboured in Zanzibar from 1868 to 1887, and that of the late Sir Lloyd Mathews, who for over twenty-five years occupied, in effect if not always in name, the position of the Sultan’s First Minister. It may have been given to others to frame some of the more notable measures, such as, in the case of Sir Charles Euan-Smith, the decree providing for the freedom of all children born after January 1st, 1890; in that of Sir Arthur Hardinge, the law for the partial abolition of the legal status of slavery; and, in my own case, the recent decree for final and total abolition. But these things were accomplished when a British Protectorate was, virtually or actually, an estab-
lished fact; Kirk and Mathews, on the other hand, had no such force behind them, and it was largely to their personal influence that the issue of many of the earlier anti-slavery enactments was due.

Before discussing the terms of the recent Decree, it may be of interest if brief reference is made to the more important measures which preceded it, omitting those which dealt only with the local transport of slaves from one part of the Sultan's dominions to another.

In 1868 a Decree was issued by Seyyid Majid bin Said prohibiting any trade in slaves with the Arabian coast and their sale to Arabs other than His Highness's subjects.

A Treaty was signed by Seyyid Barghash bin Said in 1873 providing that the export of slaves from the African mainland, whether designed for transport from one part of His Highness's dominions to another or for conveyance to foreign ports, should entirely cease. It was also agreed that the main slave-market in Zanzibar (on the site of which the English Cathedral now stands), as well as any other public markets in the Sultanate for the buying or selling of imported slaves, should be closed, and this measure was carried into effect in the course of the same year.

This Treaty was supplemented in 1875 by another, declaring that all vessels carrying slaves other than those in attendance upon their masters or employed in navigation would be deemed to be engaged in the Slave Trade and could be seized by Her Majesty's ships and condemned by a competent authority.

In 1876 a Proclamation was issued by Seyyid Barghash abolishing slavery on the Benadir Coast and in the district of Kismayu, which were then administered by His Highness. Two further Proclamations published the same year made it an offence to bring slaves from the interior and sell them at the Coast for conveyance to Pemba, and forbade the fitting out of slave caravans by His Highness's subjects.

In 1885 Seyyid Barghash issued a Proclamation confirming his previous orders and prohibiting all exportation of slaves from his dominions.

Any sale of slaves which might cause the separation of
husband and wife, or parent and child, was made illegal by the same Sultan during the following year.

By a Proclamation published by Her Majesty's Agent and Consul-General in 1888, the hire of slaves by British Indian subjects, by means of contracts made with their owners, was declared to be illegal.

In 1889 Seyyid Khalifa bin Said granted to England and Germany a perpetual right of search over all local dhows in Zanzibar territorial waters. It was at the same time ordained that all persons entering the Sultan's dominions after the 1st day of November, 1889, and all children born therein after the 1st January, 1890, should be free.

A year later Seyyid Ali bin Said signed a Decree of which the principal provisions were as follows: all exchange, sale or purchase of slaves, domestic or otherwise, was prohibited; only the lawful children of a slave-owner could inherit his slaves at his death, such slaves otherwise becoming free; any persons found ill-treating a slave or in possession of raw slaves was made liable to severe punishment, and, in flagrant cases, to the forfeiture of all his slaves; freed slaves were debarred from holding slaves themselves; freed slaves were given the right of prosecuting claims or complaints in the local Courts; and every slave was given the right of self-redemption. The effect of this Decree was somewhat curtailed, however, by the issue a few days later of a Proclamation in which it was stated that any slave who ran away or misbehaved himself could be punished by his master as before, and that the latter was not obliged to agree to an application from any of his slaves for redemption.

In the meanwhile, in July, 1890, the General Act of the Brussels Conference, to which the Sultan of Zanzibar was a party, had come into force. This Act provided for the general surveillance of the routes used for the Slave Trade in the interior of Africa, and, in particular, for the search of native vessels on the high seas and the liberation of any slaves detained on them against their will; for the issue of national flags to such vessels and for the control to be exercised over their crew and passenger lists; for the seizure of suspected vessels, the forfeiture of those proved to have been
engaged in the Slave Trade and the punishment of the guilty parties; for the prohibition of the importation, transit and exportation of slaves in countries in which the existence of domestic slavery was recognised; for the protection of liberated slaves; and for the institution of an International Maritime Bureau at Zanzibar, where all information respecting the Slave Trade could be centralised and held at the disposition of the responsible authorities.

Although the foreign European Powers did not in all cases give their adherence to those provisions of the Brussels Act which allowed the search on the high seas of native vessels carrying their national flags, and slave-dealers were thus offered an easy means of escaping detection of which they were not slow to avail themselves, the legislative and other measures above enumerated were quickly effectual in their object. During the first few years which followed the ratification of the Brussels Act and the promulgation of Seyyid Ali's Decree of 1890 a few attempts were made to seize and export cargoes of slaves from Zanzibar or the adjacent coast to Arabia, but so strict a vigilance was exercised by the British authorities, both afloat and ashore, and the punishment meted out to the guilty parties on detection was so severe, that, in spite of the increased profit to be made on a successful transaction as the supply fell short of the demand, the traffic in human beings on a large scale was soon abandoned as not worth the risks which it involved. A few isolated instances subsequently occurred of natives being seized on the coast of the mainland and smuggled in small fishing-vessels into Zanzibar, or of domestic slaves kidnapped in the islands of Zanzibar and Pemba, and transported thence as passengers or servants in dhows proceeding to the Persian Gulf; but here again detection and punishment speedily followed. The thoroughness with which the law was administered in Zanzibar, combined with the European occupation of the neighbouring mainland, proved completely effectual, and it may safely be said that the trade in raw slaves in that part of Africa had entirely ceased at the end of last century.

The measures adopted in respect of the Slave Trade,
however, had left the institution of domestic slavery practically untouched, the only slaves yet able to obtain their freedom being those who could claim it on the ground of their masters’ cruelty, those voluntarily emancipated by their owners as an act of piety, or those who, in the case of a master dying without lawful children, became free under the provisions of Seyyid Ali’s Decree of 1890. The traffic in raw slaves having been brought to an end, however, it became possible to consider the position of those lawfully held in domestic bondage.

In the year 1897 a Decree was signed by Seyyid Hamud bin Mahomed which ordained that the local Courts should decline to enforce any alleged rights over the body, service or property of any person on the ground that such person was a slave. It also provided for the payment to a slave-owner of compensation for any legally-held slave whose services had thus been lost to him. The practical effect of this Decree was that a slave was enabled to obtain his freedom on application, but an exception was made in the case of concubines, who were to be regarded as inmates of the harem in the same way as wives and as being unable to obtain their freedom except on the ground of cruelty, or, in the case of those who had borne no children, with the sanction of the Court. During the first few years which followed the issue of this Decree a great rush for emancipation took place, culminating in 1899 when 3,657 slaves obtained their freedom papers from the Courts. Since the beginning of this century, however, the number of cases with which the Courts have had to deal has largely decreased, and in 1907 the freedom papers issued in Zanzibar and Pemba together amounted to no more than 85. The total number of domestic slaves who had obtained their freedom under this Decree up to the end of 1907 were 5,141 in Zanzibar and 5,930 in Pemba, or 11,071 altogether, the compensation paid amounting to 487,530 rupees or £32,502. During the same period 6,222 slaves were freed by their owners without the intervention of the Courts, so that, all told, 17,293 domestic slaves were emancipated in the course
of the ten years which followed the promulgation of the Decree.

The Decree also exercised an important general effect upon the condition of domestic slaves by removing many of the practical objections which a servile status entailed. It soon came to be known that, if a slave were ill-treated or over-worked, or denied the privileges to which he was by custom entitled, he could immediately apply to the Courts for his freedom, with the natural result that he was well treated by his master, that he did no more work than he felt inclined to do, and that he was given every encouragement, in the form of a plot of ground for his own cultivation, and other advantages, to remain on his master's plantation. There can be no doubt but that every slave in Zanzibar and Pemba quickly realised that freedom could be had for the asking, and, if he preferred to maintain his servile status, it was either because he recognised that he had less work to do in that condition than as a free man, or because he derived some natural comfort from the feeling that he had a home and a master to fall back upon in old age or adversity, or else because, in many cases, he was unwilling to leave a master who had always treated him well and whom he regarded with respect if not with affection. In the early days of the Decree it is probable that a good many slaves refrained from applying for their freedom on account of the obloquy which attached to those liberated by the Government against the wishes of their masters, but that feeling quickly disappeared, and it may safely be assumed that, if a slave remained with his master in a servile capacity, it was because he had fully made up his mind that it was to his own interest to do so.

The Decree of 1897 applied only to the Islands of Zanzibar and Pemba, the administration of the Sultan's dominions in British East Africa having passed to the Imperial Government two years previously, and it was not until 1907 that a corresponding measure for the abolition of domestic slavery was brought into force on the coast of the mainland. The "Abolition of the Legal Status of Slavery Ordinance," as this measure was called, although drawn on lines similar to
those of the Zanzibar Decree, so far as concubinage was concerned, went further than that enactment in certain other respects, and it was consequently deemed desirable to bring the two systems into complete harmony. Such immense strides, however, had already been made in Zanzibar in the direction of the abolition of domestic slavery, and the numbers of legally-held slaves had so largely decreased as the result of the Decrees of 1889, 1890, and 1897, and by natural causes, that the objections to total abolition which had previously existed appeared to have lost much of their importance. The time seemed therefore to have come for a final blow to be struck at the institution of slavery in all its forms, and it was decided to promulgate simultaneously in Zanzibar and, mutatis mutandis, in British East Africa the Decree recently published in the English press.

The only two respects in which the previous situation fell short of total abolition, and the only points, therefore, which it was necessary to consider in the preparation of the new law, were, firstly, the payment of compensation to slave-owners, and, secondly, the recognition of concubinage.

As regards the first point, it will be remembered that the Zanzibar Decree of 1897, and similarly the East Africa Ordinance of 1907, made provision for the payment of compensation to slave-owners whose legally-held slaves had obtained their freedom under those enactments. This concession had been originally made on the ground that domestic slavery was an institution recognised and sanctioned by the Mohammedan Law, and for the same reason it was now decided to continue it for a limited period, but with the provision that compensation should only be payable in respect of an actual loss incurred, that is, in the case of a freed slave whose services were of some practical value and who had voluntarily and definitely left his master's employment. The last day of 1911 was fixed as the date beyond which no further claims for compensation would be considered; this might entail a certain amount of hardship on an owner whose slave deserted him after the expiration of the prescribed period, but such cases would probably be of very rare occurrence; in Zanzibar, at any rate, all the slaves who really wanted their
freedom had applied for it within three years from the issue of the Decree of 1897, and the older the present generation of freed slaves becomes—there can now be none much under the age of twenty years—the less likelihood exists of their wishing to leave their masters.

Provision has also been made, under similar conditions as to date of application and proof of loss incurred, for the payment of compensation, either in a lump sum or as a monthly allowance, to freed slaves turned off by their previous owners, and, by reason of old age or infirmity, unable to gain a living. Under the conditions previously existing it was of very rare occurrence for an old or infirm slave to be discarded by his master, both because such an act would have been regarded and punished by the Law as cruelty, and also, and more particularly, because any Arab who was guilty of it would have incurred the contempt of his fellows. But circumstances have now changed, the slaves are slaves no longer, and an Arab can hardly be expected to maintain out of his own pocket a freed slave whose services are of no further value to him, and as to whose manumission he was not consulted. To meet cases of real hardship, therefore, it was decided to initiate what may be regarded as a system of old-age pensions for freed slaves.

Concubinage has always been one of the most difficult problems presented for solution by any scheme for the abolition of slavery. It is one of the fundamental institutions of Islam, and any attempt to interfere with it is regarded by Mohammedans, both on religious and on personal grounds, with a jealous eye. When the Decree of 1897 was in contemplation, considerable feeling was aroused by a rumour that concubines were to be offered their freedom, and a pledge was given to the Arabs that their family life should at that time be left undisturbed, a pledge which was duly fulfilled by the exemption of concubines from the operation of the Decree. Since the introduction of that measure, however, the numbers of legally-held concubines have considerably decreased, both by natural causes and because, as by the Mohammedan Law a concubine must be a slave, and as all children born after
January 1st, 1890, are free, no fresh concubine can have been acquired since that date; the present generation of concubines, therefore, must either have already occupied that position, or at any rate have been the slaves of their present masters, when Seyyid Ali's Decree came into force, and all of them must now be well over the age of nineteen years. To make up, moreover, for the deficiency in concubines thus created, the Arabs have in many cases taken Swahili women who were not their slaves to live with them, and instances have occurred in which they have claimed these women as their concubines and made it very difficult for them to prove their right to freedom. In the above circumstances it appeared to be not only permissible, but to some extent expedient, that the system of concubinage should be brought to an end without further delay.

There were certain obvious difficulties to be faced. In the first place, it was clear that a concubine who had been freed would, unless provision was made to the contrary, forfeit the rights which she had previously enjoyed under the Mohammedan Law; she could not, for instance, enforce a claim for lodging, clothes or maintenance, nor could she inherit, after the death of a son born by her to her late master, the property which had descended to him from his father. To meet this objection, and at the same time to preserve, in so far as it was possible, Mohammedan family life, it was provided that a legally-held concubine who remained with her previous owner, or left him by mutual consent or by his desire, should retain her legal rights, although she would forfeit them if she left him against his wish. It was, however, made quite clear that in either case, whether she left her master or stayed with him, every concubine would thenceforward be free.

It was evident, in the second place, that, in the absence of special legislation to the contrary, a child born of a concubine who had been freed, and who was therefore no longer lawfully held under the Mohammedan Law, would be illegitimate and consequently lose his rights of inheritance to his father's estate. This injustice has also been provided against in the new Decree.
In the third place, it was objected by the Arabs that, in the event of a separation of father and mother, the particular code of Mohammedan Law to which the majority of them are subject allowed the mother to retain the custody of male children up to the age of seven years, and of females to the age of puberty; they would therefore, in the case of a concubine who deserted them of her own accord, not only lose sight of their children for a considerable period and perhaps altogether, but, if the mother took to an immoral life, have the pain of knowing that they were being reared in disgraceful and even dangerous surroundings. This objection was felt to be a just one, and, although the danger which it fore-shadowed could not be entirely removed without a radical alteration of the Mohammedan Code, it was to a great extent alleviated by a provision in the Decree to the effect that a concubine who left her late master without his consent would forfeit, in common with her other privileges, the right to the custody of her children of which he was the father.

And, lastly, it was contended that the emancipation of concubines would lead to a serious increase in immorality. This contention cannot be altogether denied, although the danger to which it points has probably been greatly exaggerated. The extent to which concubines will take advantage of the new Decree to leave their masters is at present only a matter of conjecture, but in this connection it is to be observed that the total number of existing legally-held concubines cannot be a very large one, and that there appears to be a strong probability of a majority of them remaining in the harem, either in pursuance of their personal inclinations, or in view of the disabilities which they would otherwise incur. Even admitting, however, that the number of those who elect to start a new life will assume considerable proportions, it by no means follows that they will lead a life of immorality; the value of a woman in the Swahili marriage market is rather enhanced than diminished by the fact that she has been an inmate of an Arab harem, and, as there can be no lawful concubine who is not approaching twenty years of age, and a native of the tropics matures very early, there cannot be more than a minority of these women to whom a
life of immorality would still be open. Some of them, be the number small or great, will almost certainly fail to lead a virtuous life, but even so it is to be remarked that prostitution as a native profession is not common in Zanzibar and that a large percentage of the unmarried women customarily indulge in promiscuous sexual intercourse. In immorality of this nature some increase may undoubtedly be anticipated, and that this should be one of the results of the abolition of slavery is deeply to be regretted, but it was hardly to be expected that any such fundamental alteration in a nation's habits could be effected without bringing some evils in its train; in this instance there existed a choice of evils, and there must be few who would argue that, for the pernicious nature of its general effects on national character, some increase of individual immorality, in a country where chastity in a single condition is not regarded as one of the essential virtues, is to be compared with the continuance of one of the most degrading forms that slavery can assume.

It is somewhat remarkable that the Decree of 1897, which gave the death-blow to one of the most cherished institutions of Islam, and, so far as is at present known, the Decree which has now put an end to slavery in all its forms, have not only aroused no great degree of resentment amongst the slave-owners, but have created so little disturbance in the economic conditions of the country. It is of course true that domestic slavery has been doomed ever since it was ordained that no new-born child could be a slave, but the fact remains that the whole of the servile population of East Africa has been freed from bondage without a hand, and almost without a voice, being raised in protest. The explanation is to be found in the manner in which the change has been introduced. If, in 1897, Her Majesty's Government had, as they were advised to do, advocated the complete emancipation of all slaves, including concubines, by one stroke of the pen, the consequences must have been disastrous from a moral as well as from an administrative point of view; the Arabs would have been converted into a discontented, rebellious community, the natives would have become impoverished and demoralised, and all local industries would have been
brought to a standstill. As it is, a measure was introduced which, though equally effectual in its ultimate results, was more gradual in its operation; the Arab plantation-owners were given an opportunity of replacing their slaves by free labour; the slaves had time to consider their position, and, in a large number of cases, to make such arrangements with their masters as enabled them to enjoy all the advantages of freedom without giving up their old homes and the prospect of certain and regular employment; and the Government were able at once to provide for the future of the freed slaves, to organise an efficient labour supply for the assistance of the planters, and, incidentally, to make due provision for the maintenance of the public revenue and for the prosecution of reforms for the benefit of the native population. Slavery would in any case have been abolished, but that such a radical change in the condition of thousands of ignorant natives has been accomplished, with little serious injury to either their moral or their physical welfare, must be ascribed to the fact that, instead of an attempt having been made to destroy at one blow and by more drastic action an institution which stands at once for one of the most elemental factors of Mohammedan social life, and for the foundation on which the whole fabric of Arab power in East Africa has been erected, it has been attacked step by step until, by an almost natural sequence of events, a system which was but a few years ago the greatest scourge of tropical Africa has now, at once and for ever, passed out of existence.

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