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Borrowed Children, Entrusted Girls: Legal Encounters with Girlhood in French West
Africa, c. 1900 - 1941

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Doctor of Philosophy

History

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B.A., Saint Louis University, 2004

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Abstract

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By Jessica Catherine Reuther

In the colony of Dahomey, the modern-day Republic of Benin, French colonial laws and West African societies interacted in unpredictable ways which altered girls' vulnerability to labor exploitation and sexual abuse. In contrast to recent scholarship focusing on twentieth century efforts to "modernize" girlhood elsewhere in Africa, this dissertation shows that Dahomeans strove to find new ways to regulate the "traditional" girlhood norms of child circulation, girl hawkers, and *vodun* initiation within the evolving colonial legal framework of the 1920s through 1940s. The colonial tribunal operated as a cross cultural space where a masculine audience of indigenous assessors and French administrators interpreted girls' narrations of abuse through the filters of both Dahomean ideas about proper female maturation and European stereotypes of African femininity.

This dissertation is a socio-legal history of girlhood in colonial Dahomey during the first half of the twentieth century. The nearly two hundred cartons of remaining legal documents from colonial Dahomey contained in the National Archives of Benin and Senegal for the 1920s-1950s reveal that diverse groups of actors, including market women, customary chiefs, junior men, lineage heads, *vodun* spiritual leaders, and parents sought to protect and expand their own abilities to use girls as a means upon which to build economic wealth, social prestige, and political power. Juridical records, newspapers, ethnographies, official inquiries, and oral interviews all demonstrate that in Dahomey, colonialism reshaped traditional girlhood norms. This dissertation analyzes how Dahomeans defended practices of entrusting girls to households as laborers and to cult-houses as initiates. In doing so, Dahomeans rejected aspirations to a model of "modern" girlhood dominated by nuclear families and school going. By examining girlhood as an identity formulated in colonial legal arenas during a foundational moment in both the international children's rights and women's rights movements this dissertation provides new insights into how Africans, though largely silent and absent in international forums, expressed and enacted dissenting viewpoints on developing global consensus about ideals of childhood and gender.

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Chronology: Dahomey, 1892-1975

- 1892-1894 Conquest of the pre-colonial kingdom of Dahomey by France
- 1894 Exile of the King Behanzin, last autonomous ruler of the kingdom of Dahomey
- 1895 France consolidated its West African possessions into the French West African Federation or *Afrique occidentale française* (AOF)
- 1903 Federation wide tribunal system established (10 November 1903)
- 1904 Agoli-Abgo deposed
- 1912 Judicial reorganization of the AOF (16 August 1912)
- 1920 The League of Nations granted France the mandate of French Togoland
- 1924 Judicial reorganizations of the AOF (22 March 1924 – indigenous justice and 16 November 1924 – French justice)
- Modification of decree of 22 March 1924 (16 May 1928)
- 1927 Powers of the governor in the justice system 5 March 1927
- 1929 reform of the *indigénat* exempting women from the harshest punishments
- 1931 France ratified and signed the 1926 Slavery Convention
- Judicial reorganization of the AOF (3 December 1931)
- 1931-1933 Women’s tax revolts in Dahomey and French Togoland
- 1935 Maximilien Quénun published “Au Pays des Fons”
- Trials of Aledjessi and Pierre Johnson for human trafficking
- 1936 Disappearance of Télé Acapovi
- 1936-1938 Investigation of Justin Aho for the alleged human sacrifice of Télé Acapovi
- 1937 Hazoumé published “Consécration à un fétiche (Dahomey)”
- 1941 Penal code for the AOF (11 February 1941)
- 1946 Abolition of *indigénat* and adoption of the French Penal Code
- 1958 Republic of Dahomey granted autonomy within the French Union
- 1960 Republic of Dahomey gained independence from France
- 1975 Republic of Dahomey changed its name to the People’s Republic of Benin

Introduction

“It is unacceptable that so many, too many children in Benin are victims of violence, abuse or exploitation on the pretext of traditions, customs or poverty.” So said Najat Maalla M’jid, a United Nations (UN) Special Rapporteur, after her visit to the West African nation in October and November 2013. She admitted that the real scale of the phenomena remained difficult to determine, but she believed there incontrovertibly existed “an alarming number of incidents of violence and economic and/or sexual exploitation suffered in particular by girls.” Though she praised Benin for its “relatively complete legal framework regarding child protection,” she observed widespread non-implementation of the laws intended to protect children generally and girls more specifically.¹ Ostensibly, the UN had given the Special Rapporteur a gender-neutral assignment to monitor all children, but her mandated topics of child sale, child prostitution, and child pornography had had throughout the twentieth century deeply gendered histories. Maalla M’jid’s report reflected these gendered histories and focused on girls in Benin. It described how once valuable, traditional practices had been corrupted and now, in the contemporary context, these changes had created exploitative situations where girls were subjected to abuse. Maalla M’jid’s report focused on the exploitation of *vidomégòn*, or “placed children,” and the abuse of children for *vodun* ritual purposes.

¹ United Nations Human Rights Office of the High Commissioner, “Benin: Too Many Child Victims of Abuse, Violence and Exploitation, Warns UN Expert,” *OHCHR*, November 8, 2013, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13969&LangID=E>. These quotes come from a press release that was published on the website of the United Nations’ Office of the High Commissioner of Human Rights and widely circulated via e-mail. Maalla M’jid published a lengthier report on her visit to Benin in March of 2014. Najat Maalla M’jid, “Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography on Her Visit to Benin (28 October - 8 November 2013)” (United Nations Human Rights Council, March 5, 2014), www.ohchr.org.

When asked about the traditions to which Maala M'jid alluded and when they became corrupted, Beninese interviewed during the course of my research narrated a vague timeline dating the corruption of traditional girlhood norms to perhaps the 1990s, but definitely no earlier than the post-independence period.² The Republic of Benin, then known as Dahomey, gained its independence from France in 1960 after sixty-six years of colonial rule. Dahomey would change its name to Benin in 1972. Beninese admitted that modern-day forms of placing girls as domestic servants and sequestering them in cult-houses are often harmful practices. They contrasted these developments with older, valued practices of entrusting children to households and cult-houses. The entrusting of children had existed since pre-colonial times and undergone transformations during both the pre-colonial and colonial periods, but my informants' narration elided these earlier evolutions. They categorically denounced modern "placement" as exploitative and contemporary sequestering as abusive but lauded earlier "entrustment" as virtuous.³ As this dissertation will show, the history of entrustment during the twentieth century is more complicated than this contrast suggests.

Pre-colonial forms of entrustment idealized the transfer of all children to private or religious houses beyond their natal homes as an essential element of a proper upbringing. While the two forms of entrustment were different, they achieved some of the same objectives. During a child's period of residence in a non-natal household – private or religious – the child learned proper gendered comportment. In both contexts, entrusted children and their parents expected guardians to discipline accordingly the

² Interviews Elvire Ahounou-Houenassou, January 16, 2014. Cotonou, Benin. Marie Noelle Maffon, January 16, 2014. Cotonou, Benin. Guirlene March, January 20, 2014. Cotonou, Benin. Sonia Mahame, January 21, 2014. Cotonou, Benin. This narrative was repeated often in news coverage of these issues in radio, television, and newspaper discussions.

³ Ibid.

children in their care. In private households, children also gained professional skills and in cult-houses they acquired ritual ones.

Prior to the twentieth century, economic factors contributed to families' decisions regarding the timing of entrustment and selection of receiving households, but monetary concerns were not the primary motivation of parents who entrusted their children to others. Parents feared that if a child remained with her biological parents for the entirety of her upbringing she would be indulged and spoiled, rather than prepared for adulthood. This attitude prompted parents to seek out financially prosperous and reputedly moral market women and to entrust their daughters to these women's households. They sought to entrust their sons to upstanding and successful artisans and merchants. In keeping with the views of their forbearers, contemporary Beninese stress that the predominant emphasis on economic factors associated with placement post independence is what has corrupted the entrustment arrangement. Beninese opine that placed girls are not now taught the skills they will need to thrive in adulthood, and the experience of leaving their natal homes has consequently become, in general, a detrimental experience for girls.

The controversies surrounding the traditions Maalla M'jid highlighted were not new to Beninese in 2013 or even in the postcolonial period. Dahomean men and women have expressed concerns over the evolution of girlhood norms from at least the 1930s. Their public debates about changes in entrustment focused on girlhood, rather than childhood or boyhood, because one of the key transformations that occurred during the colonial period was the feminization of child transfer practices. At this time, boys were entrusted increasingly rarely. Boys' relatives might foster them with kin, but male children no longer commonly circulated beyond their lineage networks. The feminization

of entrustment resulted in a renegotiation of the relationship of trust between the two households involved. Unspoken rules of entrustment began to breakdown.

In the 1930s, colonial legal records document these renegotiations in three types of cases: human trafficking (*traite*), rape of girl hawkers (*viol*), and abortion leading to death or disability in *vodun* cult-houses (*avortement ayant en traine de la morte ou l'infirmité permanente*).⁴ All three types of criminal cases involved entrusted girls. In colonial courts during the decade, Dahomean men, women, and girls accused market women and cult-house leaders of violating the parents' trust when they exploited or abused daughters. One of the ways market women defended themselves against such charges was to point to their concern and affection for the girls who worked as domestic servants and street hawkers under their care. Market women's willingness to report the rape of girls in their charge did attest to their concern for the girls and activism on their behalf.

In the course of these three types of cases, Dahomeans debated how best to protect girls from abuse and exploitation in the households where they were entrusted, the streets and marketplaces where they worked, and the cult-houses where they underwent ritual training and initiation. This dissertation argues that in the 1930s, Dahomeans attempted to use colonial courts to adapt pre-colonial arrangements of entrustment to their advantage in a society undergoing major economic, political, religious, and cultural changes. Market women, customary chiefs, junior men, lineage heads, *vodun* spiritual leaders, and parents all engaged in legal struggles over girls as resources. In general, the

⁴ Legal records are found in *fonds 1M* in *Archives nationales du Bénin* and *3M Archives du Sénégal*. See the primary source section of the bibliography for a more detailed recounting of which cartons were consulted. Initially, I had anticipated using civil cases to write a legal history of girlhood, but civil cases proved to relegate girls to the background and focus on the adults disputing custody and guardianship of the girls. These types of cases told me very little about the girls lives or girlhood norms in Dahomey.

market women wanted to use girls as economic resources, whereas the *vodun* leaders, customary chiefs, and male lineage heads perceived girls' value in sexual and political terms. The colonial tribunals operated as a cross cultural space where a masculine audience of indigenous assessors and French administrators interpreted narrations of abuse by girls and their supporters through the filters of both Dahomean ideas about proper female maturation and European stereotypes of African femininity. Dahomeans rejected a model of "modern" girlhood dominated by nuclear families and western education in favor of one in which girls resided for extended periods of time outside of their natal, familial homes, with girls' practical educations taking place in the marketplaces, streets, and cult-houses of Dahomey.

Borrowed Children, Entrusted Girls is a socio-legal history of girlhood. It is a legal history in that it places legal sources at the center of the analysis of transformations in colonial girlhood. In doing so, it also of necessity reconstructs the institutional history of colonial tribunals and the authorities who presided over them. The work is at the same time, however, a social history because it uses the legal records to shed light on important changes in girls' experiences, household relationships, and ordinary life ways. This dissertation emphasizes both girls and the relationships that shaped their lives. A legal history with girls as the subject must analyze the relationships of girls with other actors who helped transformed the girls' experiences of abuse into legal complaints. Adults chose at what moment and about which subjects girls could speak in courts. Parents, guardians, and legal officials all heavily influenced girls' actions and words in legal arenas. The various layers of mediation embedded in legal documents about girls require that the texts be analyzed not only from the perspective of the girls but also from point of

view of the adults who shaped girls' legal complaints. Court records are some of the only documents that contain either girls' words or summaries of their accounts of their lives. The paucity of first-hand information about girls in other sources makes legal records invaluable materials from which to write the history of Dahomean girlhood.

Girlhood Norms in Colonial Africa

Girlhood lies betwixt and between childhood and womanhood. Its interstitial position makes girlhood a troublesome concept and term. This moment in the life cycle though is rarely taken as a central analytic category in either the histories of childhood or of women. Much of the scholarship on childhood in Africa focuses on male youths through the lenses of either juvenile laborers or delinquents.⁵ Social scientists specializing in Africa have long examined generational tensions between men and

⁵ For youth labor, see Beverly Grier, "Child Labor and Africanist Scholarship: A Critical Overview," *African Studies Review* 47, no. 2 (September 1, 2004): 1–25; Beverly Carolease Grier, *Invisible Hands: Child Labor and the State in Colonial Zimbabwe*, Social History of Africa (Portsmouth, NH: Heinemann, 2006). Wiseman Chijere Chirwa, "Child and Youth Labour on the Nyasaland Plantations, 1890-1953," *Journal of Southern African Studies* 19, no. 4 (December 1, 1993): 662–80. William Beinart, "Transkeian Migrant Workers and Youth Labor on the Natal Sugar Estates, 1918-1948," in *White Farms, Black Labor: The State and Agrarian Change in Southern Africa, 1910-50*, ed. Alan H. Jeeves and Jonathon Crush (Portsmouth: Heinemann, 1997), 147–71. On juvenile delinquency see, Simon Heap, "'Their Days Are Spent in Gambling and Loafing, Pimping for Prostitutes, and Picking Pockets': Male Juvenile Delinquents on Lagos Island, 1920s-1960s," *Journal of Family History* 35, no. 1 (January 1, 2010): 48–70, doi:10.1177/0363199009348306; Simon Heap, "'Jaguda Boys': Pickpocketing in Ibadan, 1930–60," *Urban History* 24, no. 3 (December 1997): 324–343, doi:10.1017/S0963926800012384. Laurent Fourchard, "Lagos and the Invention of Juvenile Delinquency in Nigeria, 1920-60," *The Journal of African History* 47, no. 1 (January 1, 2006): 115–37. Also of note for the history of boyhood in Africa is Timothy Parsons, *Race, Resistance, and the Boy Scout Movement in British Colonial Africa* (Athens: Ohio University Press, 2004). For a slightly different emphasis on alternative punishments for youth, see Murray Last, "Children and the Experience of Violence: Contrasting Cultures of Punishment in Northern Nigeria," *Africa: Journal of the International African Institute* 70, no. 3 (January 1, 2000): 359–93, doi:10.3366/afr.2000.70.3.359.

women, as well as among junior and senior members of each gender.⁶ Girls though often remain in the background of these studies, which often focus on junior and senior adults.⁷

The history of girlhood, and childhood more generally, in Africa has built upon earlier literature on gender and generation. In particular, studies of the various relationships formed between children and their guardians in West Africa has focused on what in English is often called child fosterage. Since Mona Étienne published “Maternité sociale, rapports d’adoption et pouvoir des femmes chez les Baoulé (Côte d’Ivoire)” in 1979 and then in 1980 Esther Goody published *Parenthood and Social Reproduction: Fostering and Occupational Roles in West Africa*, social scientists have been interested in studying the transfer of children in West Africa. More recently, historians, such as Erdmute Alber and Cati Coe, have researched the history of this commonplace, traditional child rearing arrangement in archives and through oral interviews in Benin and Ghana, respectively.⁸ Neither Coe nor Alber, however, examines child transfer as a

⁶ Some of the classic texts include, William R. Bascom, “The Principle of Seniority in the Social Structure of the Yoruba,” *American Anthropologist* 44, no. 1 (1942): 37–46, doi:10.1525/aa.1942.44.1.02a00050; Caroline H Bledsoe, *Women and Marriage in Kpelle Society* (Stanford: Stanford University Press, 1980).

⁷ Studies of marriage often feature generational tensions, see Bledsoe, *Women in Kpelle Society*. Brett Lindsay Shadle, “*Girl Cases*”: *Marriage and Colonialism in Gusiiland, Kenya, 1890-1970* (Portsmouth, NH: Heinemann, 2006). South African Studies has a rich scholarly literature on generation, see for example Benedict Carton, *Blood from Your Children: The Colonial Origins of Generational Conflict in South Africa* (Charlottesville (Va.): University press of Virginia, 2000); Meredith McKittrick, *To Dwell Secure: Generation, Christianity, and Colonialism in Ovamboland* (Portsmouth, NH: Heinemann, 2002); Thomas McClendon, *Genders and Generations Apart: Labor Tenants and Customary Law in Segregation-Era South Africa, 1920s to 1940s* (Portsmouth: Heinemann, 2002). Growing body of literature on African youth and violence, as well, see Nicolas Argenti, *The Intestines of the State: Youth, Violence, and Belated Histories in the Cameroon Grassfields* (Chicago: University of Chicago Press, 2007); Edna Bay, *States of Violence: Politics, Youth, and Memory in Contemporary Africa*, 1st pbk. ed. (Charlottesville: University of Virginia Press, 2007).

⁸ See for example the scholarship of Cati Coe on Southern Ghana and Erdmute Alber on Northern Benin. Cati Coe, *The Scattered Family: Parenting, African Migrants, and Global Inequality* (Chicago: University of Chicago Press, 2013); Cati Coe, “Domestic Violence and Child Circulation in the Southeastern Gold Coast, 1905-28,” in *Domestic Violence and the Law in the Colonial and Postcolonial Africa*, New African Histories (Athens: Ohio University Press, 2010), 54–73; Cati Coe, “Disputes over Transfers of Belonging in the Gold Coast in the 1870s: Fosterage or Debt Pawning?,” in *Child Fostering in West Africa: New Perspectives on Theory and Practice* (Leiden: Brill, 2013), 201–20; Cati Coe, “How Debt Became Care: Child Pawning and Its Transformations in Akuapem, the Gold Coast, 1874–1929,” *Africa* 82, no. 2 (May

gendered phenomenon. Children, though, had genders and these identities distinctly shaped the circumstances of child transfer.

Those histories that do employ gender as a useful category of analysis in the study of childhood focus very narrowly on tensions surrounding “modern” forms of girlhood in British colonies in Africa.⁹ This body of scholarship looks at efforts to “modernize” girlhood through reforming girls’ education, labor practices, initiation rituals, and marriage age. Abosede George, for example, shows that African and British definitions of “modern” girlhood conflicted with one another on certain issues, but both groups wished to reform it. While France, like Britain, passed child protective legislation in its colonies that had the ultimate goal of “modernizing” childhood, there is no record that in Dahomey these laws were ever widely implemented.¹⁰ Not all Africans agreed on the benefits of modernizing African girlhood. Lynn Thomas’s book *Politics of the Womb* shows how contentious these colonial modernization efforts were within African societies. Thomas’s scholarship demonstrates that girls participated in creative ways in

2012): 287–311, doi:10.1017/S000197201200006X; Erdmute Alber, “The Transfer of Belonging: Theories on Child Fostering in West Africa Reviewed,” in *Child Fostering in West Africa: New Perspectives on Theory and Practice* (Leiden: Brill, 2013), 79–107; Erdmute Alber, “No School without Foster Families in Northern Benin: A Social Historical Approach,” in *Parenting After the Century of the Child* (Burlington, VT: Ashgate, 2010), 57–78; Erdmute Alber, “Denying Biological Parenthood: Fosterage in Northern Benin,” *Ethnos* 68, no. 4 (December 2003): 487–506.

⁹ See for example, Abosede A. George, *Making Modern Girls: A History of Girlhood, Labor, and Social Development in Colonial Lagos* (Athens: Ohio University Press, 2014); Lynn M. Thomas, “The Modern Girl and Racial Respectability in 1930s South Africa,” in *The Modern Girl Around the World: Consumption, Modernity, and Globalization*, ed. Alys Eve Weinbaum et al. (Durham, NC: Duke University Press, 2008), 96–119. Corrie Decker, *Mobilizing Zanzibari Women: The Struggle for Respectability and Self-Reliance in Colonial East Africa* (New York, NY: Palgrave Macmillan, 2014). Saheed Aderinto, *When Sex Threatened the State: Illicit Sexuality, Nationalism, and Politics in Colonial Nigeria, 1900-1958* (Urbana: University of Illinois Press, 2015).

¹⁰ I found only one case of the child labor ordinances of 18 September 1936 decree being applied and the violator was given a fine. For the text of the decree and the colony specific provisions for Dahomey, see Gouverneur general, “2563 A.P. décret du 18 Septembre 1936, tendant à assurer la protection du travail de l’enfant et de la femme en Afrique occidentale française,” *Journal officiel de l’Afrique occidentale française* 14 Novembre 1936 (September 18, 1936): 1647–51; Gouverneur general, “1277 T. Arrête Determinant Les Conditions D’application Du Decret Du 18 Septembre 1936 Sur Le Travail Des Femmes et Des Enfants,” *Journal Officiel de l’Afrique Occidentale Francaise* 29 Mai 1937 (Mai 1937): 494.

the defense of the tradition of female circumcision in colonial Kenya. Kenyan girls' actions were a direct response to a colonial ban prohibiting traditional female circumcision practices. Unlike in Kenya, France did not try to forcefully modernize Dahomean girlhood. Dahomean men, women, and girls acted without prompting by new colonial policies. They sought out colonial courts to defend traditions of entrustment and to create new safeguards that addressed new threats to entrusted girls due to the colonial transformations of Dahomean society. In none of the colonial court cases did Dahomeans ask France to outlaw the practice of entrusting girls to households or cult-houses.

While recent scholarship has focused on twentieth century efforts to “modernize” girlhood in Africa, my research reveals that Dahomeans strove to find new ways to regulate “traditional” girlhood norms of child circulation, girl hawkers, and *vodun* initiation within the political, economic, and legal context of the colonial era. Unlike in the nearby British crown colony of Lagos, neither elite women nor colonial welfare officials pushed to “save” girls from traditional practices.¹¹ Rather, in French colonial Dahomey, Dahomeans insisted on the value of “traditional” practices such as entrusting girls, street hawking, and sequestration in *vodun* cult-houses, the center of religious life in the region. Dahomeans remained committed to the core principles of these practices, yet in the political and economic contexts of the 1930s the mechanisms that had historically protected girls from abuse and exploitation in the households and cult houses where their families transferred them no longer effectively functioned. This dissertation argues that once these traditional safeguards broke down, Dahomean households turned to colonial courts to protect entrusted girls from abuse.

¹¹ For a study of women reformers in colonial Lagos, see George, *Making Modern Girls*.

African Households and Colonial Laws

Africanist social historians have long been interested in how colonial and postcolonial legal institutions reshaped relationships of dependence within households. Some of the richest areas of this scholarship to date have focused on the slave-master relationship, the conjugal relationship, and the connection between two.¹² Girls have remained at the periphery of these studies, lumped sometimes with either young wives or child slaves.¹³

Legal histories of gender and slavery in Africa have focused on what anthropologist Lloyd Fallers called “trouble spots.” Fallers explored how kinds of disputes among the Basoga commonly arose out of and clustered around trouble spots. When analyzed, these trouble spots revealed the fault lines within African societies during periods of change. Trouble spots produced large volumes of cases and reflected a particular society’s widespread concern about disorder in specific types of behavior.¹⁴ In African history, intra-household relationships of dependence often produced trouble spots

¹² For Francophone West Africa see Richard Roberts, *Litigants and Households: African Disputes and Colonial Courts in the French Soudan, 1895-1912*, Social History of Africa (Portsmouth, NH: Heinemann, 2005). Subsequent scholars have built on Roberts, see Emily S. Burrill, *States of Marriage: Gender, Justice, and Rights in Colonial Mali* (Athens: Ohio University Press, 2015). Marie Rodet, “‘Under the Guise of Guardianship and Marriage’: Mobilizing Juvenile and Female Labor in the Aftermath of Slavery in Kayes, French Soudan, 1900-1939,” in *Trafficking in Slavery’s Wake: Law and the Experience of Women and Children in Africa*, ed. Benjamin N. Lawrance and Richard L. Roberts, New African Histories (Athens: Ohio University Press, 2012), 86–100. Emily Burrill, “‘Wives of Circumstance’: Gender and Slave Emancipation in Late Nineteenth-Century Senegal,” *Slavery and Abolition* 29, no. 1 (March 2008): 49–63. For elsewhere in Africa, see Lloyd A. Fallers, *Law without Precedent: Legal Ideas in Action in the Courts of Colonial Busoga* (Chicago: University of Chicago Press, 1969); Martin Chanock, *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia* (Portsmouth NH: Heinemann, 1985); Sally Moore, *Social Facts and fabrications: “Customary” Law on Kilimanjaro, 1880-1980* (Cambridge: Cambridge University Press, 1986). Shadle, *Girl Cases*.

¹³ There is a growing literature on child slaves, see Martin Klein, “Children and Slavery in the Western Sudan,” in *Child Slaves in the Modern World*, ed. Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (Athens: Ohio University Press, 2011), 124–39; Bernard Moitt, “Slavery and Guardianship in Postemancipation Senegal: Colonial Legislation and Minors in Tutelle, 1848-1905,” in *Child Slaves in the Modern World*, ed. Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (Athens: Ohio University Press, 2011), 140–56; Olatunji Ojo, “Child Slaves in Pre-Colonial Nigeria, C. 1725-1860,” *Slavery and Abolition* 33, no. 3 (September 2012): 417–34.

¹⁴ Fallers, *Law without Precedent*, 84–85.

at pivotal moments when the disadvantaged sought out new opportunities to renegotiate their vulnerability.

In *Litigants and Households*, Richard Roberts took Fallers's concept in new directions when he strove to go beyond the identification of trouble spots. Roberts wanted to understand the how and why Africans used colonial courts in the ways they did.¹⁵ Roberts relied on the registers of judgements of provincial tribunals for the period 1905 to 1912 in French Soudan, modern-day Mali. His analysis was based on thousands of brief, formulaic entries, which he coded and aggregated to discover and analyze social cleavages or trouble spots.¹⁶ Roberts' methodology has been influential and has served as the foundation for subsequent scholarship on the AOF and Francophone Africa more generally. For example, Aminata Kane and Benedicte Brunet-La Ruche have employed approaches similar to that of Roberts to process large volumes of legal records on the topics of women and the law in the AOF and crime and punishment in Dahomey.¹⁷

The volume of legal disputes, I argue, is not the only way scholars can identify trouble spots in colonial society. The registers from provincial or first-degree tribunals do not capture all the fault lines in colonial society.¹⁸ Legal histories of girlhood need to develop more creative ways of identifying trouble spots because girls did not have direct access to colonial courts. A girl needed the support of an adult who supported her claim of abuse and recognized it as serious enough to warrant formal prosecution as a crime.

¹⁵ Roberts, *Litigants and Households*, 2.

¹⁶ For an example of a register entry see the three entries he reproduced, *Ibid.*, 25.

¹⁷ Aminata Kane, "Violences sur les femmes, violences des femmes en Afrique Occidentale Française (1895-1960): Histoire des femmes d'après les registres judiciaires" (Doctoral thesis, Université de Provence - Aix-Marseille I, 2008 2007); Bénédicte Brunet-La Ruche, "'Crime et châtement' aux colonies: poursuivre, juger, sanctionner au Dahomey de 1894 à 1945" (Université Toulouse le Mirail - Toulouse II, 2013), <https://tel.archives-ouvertes.fr/tel-00979289>.

¹⁸ Kristin Mann has pointed out the limitations of Fallers's and Robert's trouble spot approach for Lagos's Supreme Court records, Kristin Mann, *Slavery and the Birth of an African City: Lagos, 1760-1900* (Bloomington: Indiana University Press, 2007), 20–21.

This reality severely curtailed girls' ability to generate a large volume of cases clustered around any one type of dispute.¹⁹ I turned to the social issues about girlhood raised in colonial ethnographies, newspapers, and novels, in addition to legal records, to identify trouble spots of concern in colonial Dahomean society. Once I determined which types of court cases overlapped with activists' published treatises, I defined the trouble spots for examination.

This dissertation departs from Fallers's and Roberts's methodology in a second way as well. Both Fallers and Roberts focused on outcomes. In Roberts's case, register entries of necessity focus on outcomes, verdicts or dismissals. Lloyd Fallers emphasized outcomes through privileging the objective of law as an authoritative judgment. He defined law as "a system of ideas for thinking about, and most importantly, for reaching authoritative moral judgements about, social behavior... Legal thought involves a simplifications and rationalization of everyday morality."²⁰ This dissertation proposes an alternative way to approach colonial legal records. *Borrowed Children, Entrusted Girls* focuses on the written record that the colonial administration compiled prior to the entering of these cases into judicial registers. This approach highlights a remarkable feature of the civil law system adopted in France's African colonies. The AOF adopted a civil law style pre-trial system whereby a written file or *dossier* was compiled for review by the tribunal.²¹ In common law systems, the person is on trial, whereas in civil law

¹⁹ Joseph M Hawes and N. Ray Hiner, "Hidden in Plain View: The History of Children (and Childhood) in the Twenty-First Century," *The Journal of the History of Childhood and Youth* 1, no. 1 (Winter 2008): 43–49. Hawes and Hiner discuss the difference between children's history and the history of childhood in their article.

²⁰ Fallers, *Law without Precedent*, 85.

²¹ John Bell, "The French Pre-Trial System," in *Miscarriages of Justice: A Review of Justice in Error*, ed. Clive Walker and Keir Starmer (London: Blackstone Press Limited, 1999), 354–55.

systems it is the *dossier*, or the file of compiled documents.²² My research shifts the focus to the investigative processes which produced these dossiers, rather than the results of cases.

In the colonial judicial archives for Dahomey, *dossiers* have often not been preserved in their entirety in any organized way. The best way to describe the extant remains of colonial legal records from Dahomey is as detritus, disintegrated material worn or broken away from a mass. Only in exceptional cases are the *dossiers* preserved intact. The case studies in part II of this dissertation examine two such dossiers. More commonly, all that remain are fragmentary pieces of information. The partial stories these incomplete dossiers tell reveal the problematic elements, the “irrelevant” facts, and the other obstacles, which prevented the easy distillation of personal disputes into legal cases. This legal detritus took many forms -- from a single, brief handwritten letter that never entered the formal colonial legal system to reports from a two-year investigation into a girl’s disappearance. The second example may seem not to be detritus since the documents numbered to hundreds of pages. I consider these legal records detritus because they were incomplete despite the extensive efforts of multiple commandants and investigators. A perpetrator was never even named in the case, and the administrative investigation floundered when it attempted to take legal action. Incomplete though it is, this detritus yields information that defied the constraints imposed by the registers, which

²² John Bell makes a similar comparison between Great Britain and France, but I argue it can be extended to their imperial possessions as well. This is not to imply that the legal system was imported wholesale from the metropole to the colony. This is an acknowledgement that certain basic structures in colonial legal systems were modeled after metropolitan ones. *Ibid.*, 355. For a discussion of colonial legal legacies in Africa, see Sandra Fullerton Joireman, “Inherited Legal Systems and Effective Rule of Law: Africa and the Colonial Legacy,” *The Journal of African Studies* 39, no. 1 (December 2001): 571–96.

transformed complex testimony and diverse evidence into a formulaic entry of a few lines.

Dahomey: From Fon Kingdom to French Colony

The colony of Dahomey was an arbitrary construct that joined together an amalgam of precolonial polities, each of which had its own history. At the core of the Southern portion of the colony was what had been the pre-colonial kingdom of Dahomey. According to tradition, King Dakodonu founded the Fon kingdom of Dahomey in c. 1625-50. He built his palace at Abomey, approximately seventy miles inland from the Atlantic coast. The Abomeyan monarch, like other Gbe-speaking kings, claimed a shared heritage as descendants of the Aja kingdom of Tado. Gbe, literally meaning “language,” refers to the related cultural and linguistic groups of the pre-colonial Slave Coast bordering the Bight of Benin, in the southern portions of modern-day Eastern Ghana, Togo, Benin, and western Nigeria. In addition to the Fon, the Gbe family of ethno-linguistic groups included the Aja, Ewe, Gun, and Mina. Pre-colonial royal families throughout this region traced their origins to Tado as a source of political legitimacy.²³ These common mythic foundations facilitated the political, commercial and cultural integration of Gbe peoples into the expansionist kingdom of Dahomey as non-vi, or brothers, to the Fon, their distant relatives.²⁴ Over the course of the seventeenth, eighteenth, and nineteenth centuries the kingdom of Dahomey strengthened the ethnolinguistic connections among the Gbe.

²³ Robin Law gives a much more detailed account of this shared ancestry see, Robin Law, *The Slave Coast of West Africa, 1550-1750 : The Impact of the Atlantic Slave Trade on an African Society* (Oxford: Oxford University Press, 1991), 26–30. Ouidah is also spelt Whydah.

²⁴ *Ibid.*, 21–23.

As the Dahomean kingdom grew and rose to regional pre-eminence, the incorporation of outsiders became crucial to its stability. Nearly continuous cycles of conquest and incorporation of vanquished peoples occurred because the Dahomean monarch based his legitimacy on military prowess and territorial expansion.²⁵ Dahomean kings reinforced their legitimacy through military conquest, and the kingdom rose to regional predominance in the 1720s, approximately a century after its foundation, due largely to persistent territorial expansion. The third king of Dahomey, Agaja, conquered the rival Gbe kingdoms of Allada in 1722 through 1726 and Ouidah in 1727. The conquest of Ouidah gave the fledgling state access to an Atlantic port. These developments solidified the kingdom of Dahomey's place as a formidable regional power based in the plateau region and stretching to the Atlantic Ocean. The political, economic, and ritual center of the kingdom remained in Abomey, its inland capital.²⁶

The kingdom also conquered and assimilated non-Gbe peoples, such as the Yoruba, Mahi, and Holli into its polity. The ideological impulse towards incorporating “outsiders” played an important role in the pacification of post-conquest societies. Almost immediately following the conquest of Ouidah, King Agaja began a campaign to invade the neighboring Oyo empire, whose monarch supported the deposed ruler of Ouidah. After a protracted conflict from 1728 to 1732 and eventual defeat, Dahomey accepted becoming a tributary state to Oyo on the condition that it kept the territories of

²⁵ In the oral recitation of the king's line, each individual king's success in conquest is emphasized. Dah Fioosi Behanzin, February 18, 2014. Abomey, Benin. Dah Ahande Aboli-Agbo, February 19, 2014. Abomey, Benin. Maurice Glélé, a royal descendent, faithfully recorded one branch of the royal family's history. In it he emphasized the conquests of each king, see Maurice A Glélé, *Le Danxomé : du pouvoir Aja à la nation Fon* (Paris: Nubia, 1974). Edna Bay also emphasizes the importance of military successes in her history of royal politics, see Edna G. Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey* (Charlottesville: University of Virginia Press, 1998).

²⁶ Robin Law is the pre-eminent scholar on the pre-colonial history of the region. See in particular chapters 6 and 7 in Law, *The Slave Coast of West Africa, 1550-1750*, 261–344. His footnotes are rich in information concerning when the sources agree or disagree on the veracity of the oral traditions.

Allada and Ouidah. Dahomey's subjugation to Oyo marked a low point in the otherwise illustrious reign of Agaja.²⁷

Cultural statecraft, in the form of *vodun* religion, accompanied these military conquests. Since the founding of the kingdom of Dahomey in the mid-seventeenth century, *vodun* had played an important role in integrating conquered Gbe and non-Gbe peoples alike. As the kingdom of Dahomey expanded, it institutionalized *vodun* and transformed it into a regional faith that transcended any single ethnic group.²⁸ The religion of *vodun* incorporated multiple deities from the recently conquered communities.²⁹ A syncretic culture emerged alongside the eclectic religious practices of *vodun*, allowing all peoples to participate in festivities of the royal cult while remaining steadfast in their devotion to their personal deities as well. The ceremonial cycle of the royal cult functioned as an integrative mechanism, which created occasions to showcase royal largesse and the fealty of subjugated groups.³⁰

Despite the political and cultural consolidation of the kingdom of Dahomey, parents living along the Slave Coast and in its interior during the eighteenth and nineteenth centuries raised their children in an environment of profound uncertainty, intermittent conflict, and predation due to ongoing warfare and slaving. Protracted wars with Oyo from 1728 to 1732 and Jakin from 1732 to 1734, along with internal strife

²⁷ Ibid.; Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*, 40–80.

²⁸ Gabin Djimassé, "Vodun et culture Fon / Vodun and Fon Culture," in *Vodun: African Voodoo* (Paris: Fondation Cartier pour l'art contemporain, 2011), 201.

²⁹ Jacques Kerchache, "Le botchio et son environnement symbolique / The Bocio Figure and its Symbolic Environment," in *Vodun: African Voodoo* (Paris: Fondation Cartier pour l'art contemporain, 2011), 28–35.

³⁰ Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*, 21. For more information on the monarchy and kingdom, see Luc Garcia, *Le royaume du dahomé face à la pénétration coloniale: affrontements et incompréhension (1875-1894)* (Paris: Editions Karthala, 1988). Joseph Adrien Djivo, *Le refus de la colonisation dans l'ancien royaume de Danxomé, 1875-1894*, vol. 1: GbEhanzin et Ago-li-Agbo, 2 vols., *Langues et cultures du Bénin* (Paris: L'Harmattan, 2013). I. A. Akinjogbin, *Dahomey and Its Neighbours, 1708-1818* (Cambridge: Cambridge University Press, 1967).

among members of the royal family from the mid-eighteenth to the early nineteenth centuries, caused upheavals and turmoil in Dahomean society. Agaja's death in 1740 resulted in a struggle for succession. Intrigues within the royal family would be a defining feature of politics for the next century, with multiple kings meeting bad ends through assassination or *coup d'états*. In 1740, Tegbesu, the sixth king of Dahomey, won the throne and then reigned for more than three decades. He established a Pax Dahomiensis, a golden era of affluence and stability, which crumbled upon his death in 1774. Bitter power struggles ensued among royals over the appointment of a successor to Tegbessou. The victor, Kpengla, reigned until 1789 when his son Agonglo took the throne until 1797. Royal claimants protested Agonglo's accession as they had his father's. Tradition posits that Agonglo was assassinated. Adandozan, Agonglo's successor, reigned until 1818, when Guezo, Adandozan's brother, deposed the king in a *coup d'état*.³¹ King Guezo reigned for forty years. His long reign put an end to the cycle of violent and bitter rivalries among royals, which characterized Dahomean politics in the late eighteenth and early nineteenth centuries.

The kingdom's position of relative political and military strength during this era sheltered Dahomeans somewhat from the horrors of being sold in large numbers as prisoners of war into the trans-Atlantic slave trade. Even so, between 1700 and 1850 the region experienced depopulation due to the slave trade.³² The threat of loss in warfare and the capriciousness of slave raids transformed West African life at this time. Parents sought to protect their children from enslavement by forging extended networks of sanguinal, affinal, and fictive kinship. In the event that parents and other adult family

³¹ Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*, 119–77.

³² *Ibid.*, 145–46.

members were enslaved, killed, or died, children could rely on these ties for support. Additionally, separating children among multiple households increased the likelihood that some young lineage members would survive no matter what befell individual households. Parents also wished to fortify their children and cultivate life skills to ensure their survival in the face of life's hardships. Parents feared that their attachment to their own children might interfere with their ability to properly instill this hardiness.³³ The entrusting of children, at its best, achieved these objectives.

France conquered the pre-colonial kingdom between 1892 and 1894. Upon the defeat of Béhanzin, the last independent ruler of Dahomey, France exiled him first to Martinique and later to Algeria, where he died in 1906. Following Béhanzin's exile, France enstooled Agoli-Agbo, Béhanzin's brother and one of his former cabinet ministers, as king. Agoli-Agbo ruled the kingdom from 1894 until the turn-of-the-century. France limited his sovereign powers and in 1900 deposed him after he tried to assert his royal autonomy. France then exiled him to Gabon in 1900.³⁴

During the brief reign of Agoli Agbo, France combined the former kingdom of Dahomey with other nearby pre-colonial kingdoms, such as the Gun kingdom of Hogbonou and the Yoruba kingdom of Ketou, Bariba city-states, and acephalous regions joined to create southern Dahomey. The colony of Dahomey was actually a conglomeration of independent entities. France marginalized the precolonial capital of Abomey through selecting Porto-Novo, the seat of the rival Gun kingdom, as the capital of the colony and investing heavily in infrastructure in coastal Cotonou, which

³³ In informal interviews with Beninese friends and acquaintances, these reasons were all repeatedly given to justify entrustment. These attitudes continue to feature prominently in justifying non-kin fostering in West Africa. Coe, *The Scattered Family*.

³⁴ Djivo, *Le refus de la colonisation dans l'ancien royaume de Danxomé, 1875-1894*.

transformed it into the colony's economic center. France systematically undermined the political and ritual authority of the royal lineage based in Abomey, as well as the plateau region's economic preeminence.

Long-standing religious and cultural divides divided the colony into northern and southern regions. Colonialism further deepened the pre-existing divisions. France disproportionately invested in the South in terms of personnel and infrastructure. Financial and manpower limitations restricted the area under effective French judicial control to the southern portion of colonial Dahomey. The unevenness of colonial rule prevented tribunals from being fully staffed or operational in the northern portion of the colony throughout the colonial period. Northern administrators kept mostly brief and sporadic court records that they infrequently forwarded to the Lieutenant governor for oversight.³⁵

France attempted to govern an extremely heterogenous region under a uniform legal system. In 1895, France consolidated all of its West African imperial possessions into the French West Africa Federation, or AOF (*Afrique occidentale française*). The modern-day nation states of Senegal, Mauritania, French Soudan (modern-day Mali), Guinea, Côte d'Ivoire, Haute Volta (modern-day Burkina Faso), Niger, and Dahomey (modern-day Benin) composed the federation of French West Africa. Almost a decade after the formation of the AOF, Ernst Roume, the first Governor General of French West Africa, implemented a uniform legal system for all of the federation's constituent

³⁵ This could also though indicate that northern inhabitants preferred to use Islamic qadi's courts. I can only speculate as to the reasons why there are so few records preserved in the National Archives for the northern districts of Djougou, Parakou, Nattitingou, and Kandi. This unequal distribution of colonial legal institutions was mirrored in neighboring British Nigeria. For a brief discussion of some of the repercussions and upheaval associated with legal reforms there in the 1930s see Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton, NJ: Princeton University Press, 1985), 272–73.

colonies in 1903. The 10 November 1903 decree created a native court system in French West Africa.³⁶ Article 75 of the 1903 decree stated that within native tribunals France would respect African customs except regarding offensive practices, such as slavery.³⁷ From the foundation of native courts, French administrators relied on indigenous assessors to explain “customary law” to the tribunals.

The role of indigenous officials in the deliberations of cases fluctuated as colonial rule matured. Initially, the powers of chiefs declined within native courts after the 1912 reform. The subsequent reforms in 1924 and 1931 expanded chiefly powers in native courts. The 1931 reform, which will be discussed in chapter two, substantially affected the operation and usage of colonial criminal courts in Dahomey. This reform was far-reaching in scope and proved revolutionary for criminal proceedings. One of its key features was that it gave more powers to indigenous assessors. It left non-chiefly elites, such as *évolués*, on the other hand, in a less powerful legal position. While *évolués* were thereafter highly critical of the colonial legal system, the population at large chose to turn to it in certain instances and seek new opportunities for recourse within the reorganized courts.

³⁶ See chapter IV in Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996), 109–37. Throughout the colonial era, the French administration carved out exceptional spheres where this bifurcated system was further complicated. *Originaires* from the Four Communes in Senegal maintained the privileges they had had during the Second Empire, when Saint Louis, Gorée, Rufisque, and Dakar were France’s only four enclave on the West African coast. Migrant originaires successfully petitioned to create Muslim tribunals and extend their legal status to Kayes in French Soudan in 1905. Rebecca Sherekis has written on this very complex and unusual arrangement, see Rebecca Anne Sherekis, “Customized Courts: French Colonial Legal Institutions in Kayes, French Soudan, C. 1880 - C. 1913” (Northwestern University, 2003). Military governed territories were also exceptional cases. From 1912 to 1924, the region of Timbuktu’s legal system was governed as if it was a military territory like Niger. See article 5 of A. LeBrun and Aristide Briand, “Décret portant réorganisation de la justice indigène en Afrique occidentale française,” *Journal Officiel de La République Française* 44, no. 227 (August 22, 1912): 7586–89.

³⁷ Scholars have greatly emphasized and discussed article 75. Roberts, *Litigants and Households*, 82–90. Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895–1930* (Stanford: Stanford University Press, 2001), 87–88. Martin Klein, *Slavery and Colonial Rule in French West Africa* (Cambridge: Cambridge University Press, 1998), 132–33.

Sources and Methods

Borrowed Children, Entrusted Girls relies on juridical records expansively defined as documents relating to law, the administration of justice, and jurisprudence. Juridical records included not only the court documents, but also, as explained above the official inquiries and a variety of other materials that never entered the court, such as unsuccessful letters of complaint or investigations that did not result in charges. This dissertation analyzes exclusively legal records from the southern districts of Abomey, Allada, Cotonou, Grand Popo/ Mono/ Athiémé, Ouidah, Porto Novo, Savalou, and Zagnanado.³⁸

After a systematic review of the approximately two hundred cartons of colonial legal materials, I determined that criminal records for cases of human trafficking, rape, and certain ritual crimes contained the most detailed discussions of girlhood norms and the violation of these ideals. The surviving colonial legal documents from Dahomey contained in the National Archives of Benin and Senegal for the years 1924 to 1941 constitute the core source material for this dissertation. I also sampled earlier years' legal records, but I discovered that the 1930s were a critical juncture, a turning point, when girls abruptly became more visible in the criminal legal record.³⁹ I chose to focus on the periods prior to and following the judicial reorganization of 1931 for this reason. Record keeping norms and legal procedures changed with each of the reorganizations of 1912, 1924, 1931, 1941, and 1946. I looked at all materials available for the period after the 1941 reorganization, as well as those before it, but unfortunately too few materials were

³⁸ Redistricting changed the boundaries and names of the tribunals' jurisdictions.

³⁹ Frederick Cooper has described conjuncture in a different context see Frederick Cooper, *On the African Waterfront : Urban Disorder and the Transformation of Work in Colonial Mombasa* (New Haven: Yale university press, 1987), xii.

preserved for the period after the outbreak of World War II to make any definitive statements about how Dahomeans used the legal system in the final years of colonial rule. Two factors contributed to the elevated profile of girls in criminal court records from 1932 to 1941. Firstly, Dahomeans chose to resolve claims of abuse or exploitation of entrusted girls in colonial criminal courts as they had not previously done. Secondly, colonial tribunals debated these cases more thoroughly than ever before.

The cases featured in this dissertation for more in-depth analysis were chosen for both their richness in terms of extended narratives and their overlap with official inquiries, colonial ethnographies, and African newspapers. The social commentaries contained in ethnographic, journalistic, and fictional writing proved critical in the interpretation of the legal records. Several inquiries conducted during the 1930s focused wholly or partially on girls, including Denise Savineau's report on Women and the Family in French West Africa and Inspector Colombani's reports on entrance into cult-houses and Télé's disappearance, key sources for Chapters One, Four, and Six respectively.

Since the beginning of colonial rule, French administrators wrote ethnographic literature on the colonies where they were stationed. The topics of French ethnographies of the 1930s thematically overlapped with the official inquiries. Many administrators contributed information on official inquiries and then later wrote ethnographic articles based on the research that they had gathered for the inquiry.⁴⁰ The 1930s were a unique

⁴⁰ Christian Merlo and Bernard Maupoil are two examples of administrators stationed in Dahomey who turned their experiences into ethnographies. Christian Merlo, "Hiérarchie fétichiste de Ouidah: Inventaire ethnographique, démographique et statistique des fétiches de la ville de Ouidah, Dahomey," *Bulletin de l'Institut français d'Afrique noire* 2, no. 1-2 (April 1940): 1-84; Christian Merlo, "Aspects de l'activité fétichiste," *Bulletin de l'Institut français d'Afrique noire* XII, no. 4 (October 1950): 1155-66. Bernard Maupoil, *La géomancie à l'ancienne côte des esclaves*, Travaux et mémoires de l'Institut d'ethnologie 42 (Paris: Institut d'Éthnologie, 1961).

ethnographic moment because you have the first European trained Dahomean ethnographers producing scholarly articles on subjects about which Europeans had limited knowledge, such as *vodun* cult-houses.

In addition to written sources, I also conducted semi-structured oral interviews in Abomey, Cotonou, and Porto-Novo. I interviewed elder men and women, children's and women's rights activists, and historical experts. Particularly in Abomey, many people I approached would refer me to others who "knew" the history. Despite my insistence that I wanted their personal recollections, they often deferred my questions to individuals recognized as repositories of history. I conducted interviews in French independently. Those conducted in Fon were done with the assistance of Gracia Navé.

While unacknowledged in the footnotes, some of my daily interactions with Beninese profoundly shaped my ideas about households, childrearing, and street hawking. Historians do not generally admit to participant observation as an influential methodology; after all, one cannot observe past actors completing the actions about which we write. However, I agree with Greg Mann that experience can be a third form of discrete evidence that needs to be acknowledged. I would be remiss not admit to the fact that observations and exchanges in streets and marketplaces, as well as from the windows of my apartment influenced my thinking. None of these daily exchanges explicitly discussed entrusting in a historical context, but market women did often tell me why they believed their own experiences as entrusted girls had proven beneficial enough to want to be a guardian or to offer to entrust a child to me. I also observed some of the exploitation and abuse that placed girls in contemporary Benin endured on a daily basis. Witnessing

the daily lives of placed girls, made reading the narratives of even more extreme forms of abuse and exploitation of entrusted girls in the historic record that much more poignant.

Chapter Overview

Borrowed Children, Entrusted Girls is organized into six chapters and an introduction. “Part I - Exploiting the Law: Household Disputes over the Treatment of Girls” looks at aggregate trends in each of the three types of cases concerning girlhood: trafficking, rape, and ritual crimes. Chapters One and Two trace the evolution of institutions, social and legal ones, which shaped girlhood norms from the nineteenth century to the 1930s. Chapters Three and Four examines girls’ vulnerability to becoming victims of sex crimes when working as hawkers and sequestered as *vodun* initiates.

Chapter One examines the practice of entrusting children from the late nineteenth century into the mid-twentieth century. It demonstrates that during the colonial era changing patterns in mobility, duration of stay in entrusted households, and the involvement of intermediaries in entrusting children, disrupted bonds between entrusted girls and their families, which blurred the distinctions between the practices of entrusting and enslaving. At the heart of this debate, was whether pawning, or sending a child to reside in a creditor’s house until the debt was repaid, was actually entrusting or enslaving. The chapter argues that Dahomean women successfully defended “entrusting” female children as dependents to market women as a customary practice distinguishable from human trafficking or pawning. Both the phenomena of “entrusting” and “enslaving” developed to include a variety of practices of child dependence within households that had been distinguishable from one another during the pre-colonial era.

Chapter Two examines the evolution of colonial legal structures from their foundation in 1903 to the 1941 reorganization. The 1924 and 1931 judicial reorganizations changed the balance of who arbitrated claims of girls' abuse. These reorganizations gave increasing authority to indigenous assessors in the tribunals, rather than to evolve, educated and acculturated African men. During the years immediately following the 1931 reorganization, Dahomeans experimented with ways in which to renegotiate the terms of dependence of entrusted girls and the protections available to them.

Chapter Three analyzes girl hawkers' narrations of their experiences of sexual assault and male judicial authorities' interpretations of the sex acts that Dahomean girls, their female protectors, and accused Dahomean men described. The chapter argues that after the 1931 judicial reorganization maturity became the primary factor in colonial tribunals' evaluations of whether or not a non-consensual sexual encounter could be serious enough to carry the weight of the felony charge of rape. French and Dahomean authorities agreed that the perceived level of immaturity as exhibited in physical, embodied evidence determined the level of harm sexual assault inflicted on a girl or woman. Through privileging physical evidence, colonial tribunals effectively dismissed girls' and women's testimonies. Indigenous assessors' ideas about the maturing female body encountered European stereotypes of African sexuality in colonial tribunals. This encounter proved disadvantageous for *girl hawkers* who French officials believed "worked the streets" both literally and figuratively.

Chapter Four examines how in response to the breakdown of traditional religious structures of sanction, Dahomeans turned to colonial courts in an effort to protest *vodun*

cult-house leaders' abuses of power within the walls of the cult-house. The colonial legal system, however, proved ill equipped to judge these cases due to taboos associated with religious rituals, which prevented the gathering of certain forms of evidence upon which prosecutorial processes relied. Unlike with the rape complaints, indigenous and French assessors found little common ground in understanding the accusations. Dahomeans recognized the illicitness of sexuality occurring within cult-houses as a crime in and of itself. Yet, French authorities felt the need to place these acts within larger colonial categories of crimes. The sexual abuse of *vodun* initiates entrusted to cult-houses galvanized Dahomean intellectuals to write ethnographies to assist colonial authorities with understanding initiation and power within cult-houses.

“Part II - Entrusted Girls in Regional Politics: Legal Case Studies of Elite Households” consists of two legal case studies. In each case, entrusted girls and their suspected abuse played critical roles in the political careers of two elite men: Pierre Johnson and Justin Aho. These two chapters shed new light on struggles taking place between *évolués* and chiefs in West Africa during the interwar period. Whereas in Part I focused on the common elements that united southern Dahomey, Chapters Five and Six show that pre-existing fault lines divided the region. The case studies present two different political view points and geopolitical contexts. These cases shift the focus from politics as a masculine, public arena to the household where women played a critical role.

Chapter Five is a case study of the Johnson Affair. Pierre Johnson's conviction in November 1935 on the charge of slave trafficking in pawned girls marked the start of an avalanche of criminal convictions against him. This chapter examines a household's strategies for coping with the changing political context in the Mono Region of Dahomey

and a single pawned girl's prominence in the struggle to convict Johnson. His human trafficking case was handled markedly differently than the ones in which women were the accused perpetrators. The Johnson case was exceptional in that it involved a high-level political figure, the *évolué* Pierre Johnson, who through his elected office cultivated contacts around the Atlantic world. The Johnson Affair garnered attention in the metropolitan press, in part because of the large and far-reaching network of individuals Johnson mobilized in support of his cause for almost a decade. The Johnson Affair became a battleground between *évolués* and chiefly authorities over forms of legitimate masculine authority in colonial Africa.

Chapter Six is a legal case study of the Télé Affair. Over the course of the following two years a lengthy and extraordinary investigation ensued concerning the fate of Télé, a thirteen-year-old street hawker who disappeared in 1936, which included revealing speculation about the "typical" life of borrowed girls. The investigation into Télé's life and disappearance showed that by the 1930s some entrusted girls circulated between and among houses in extra-legal arrangements with no oversight what so ever by their parents or the colonial state. This chapter argues that the premises of trust between households no longer existed in these relationships. This left girls in vulnerable situations where families, households, and the colonial state had limited means to punish abuse or prove the veracity of rumors concerning Télé's ritual sacrifice.

Chapter One: Entrusted or Enslaved?: The Ambiguities of Girls' Dependence and Women's Independence

By the mid nineteenth century, women dominated the trade in domestic products in the pre-colonial kingdom of Dahomey.¹ Though largely invisible in pre-colonial written sources, girls played crucial roles in supporting market women's economic endeavors. Oral traditions and colonial court documents show that the entrusting of girls, and indeed boys as well, by families to successful individuals of the same sex for extended periods of time was a deep rooted and highly valued cultural practice.

Market women relied on the labor of girls entrusted to them by households within their familial, social, and commercial networks. Families entrusted their young daughters, usually at around the age of five to nine years old, to successful market women. Entrusted girls lived for years in these women's households and worked for their guardians. Relatives selected particular market women in hope that girls would gain skills and develop expanded networks while entrusted. Families expected the guardians to teach their charges business skills and gendered comportment, as well as to mete out proper discipline. During the colonial era, market women in southern Dahomey continued to depend on the labor of entrusted girls. In that period, girls worked as domestic servants, agricultural processors, food preparers, and street hawkers.

In the 1930s, the entrusting of girls became embedded in larger contemporaneous controversies concerning human trafficking. At this moment, international views expanded the definition of human trafficking to include "pawning," one institutionalized form of entrusting in which an individual, often a woman or child, was temporarily

¹ Men did participate in domestic trade in some masculine handicrafts, such as metal working. Men dominated the slave trade and its corollary of imported European goods.

transferred to another household in exchange for a loan. The pawn resided in the credit-giving household until her guardian repaid the loan. During this time, she labored for the lender or his wives, and her presence served as interest on the loan itself. The pawn could be exploited, but not sold or mistreated.² Colonial officials scrutinized entrusting arrangements between households and debated if they were akin to pawning. Court cases asked: was entrusting synonymous with enslavement?

In colonial tribunals, Dahomean market women successfully defended their access to girls' labor through entrusting arrangements. Tribunal authorities accepted market women's claims that, due to the affective bonds they formed with the girls in their households and the care they took of them, entrusting was distinguishable from enslavement. Market women dissociated the monetary transactions that often accompanied the transfer of a girl from one household to another from these relationships. Market women's discursive successes resulted in legal and popular recognition of the legitimacy of girls' indentured servitude to market women in the form of an extended residential apprenticeship. "A child entrusted to me" became a popular and legally sanctioned idiom through which women could attract dependents.

This chapter interrogates the sincerity of the women's defenses of the institution of entrusting children, rather than simply dismissing their claims as expedient. First, it examines the underlying justifications for entrusting in the pre-colonial kingdom of Dahomey. Then, it explains the ideals of child entrustment norms during the pre-colonial era. Next, it turns to the new demands for girls' labor that economic changes during the

² This definition is based on a translation of the term "mise en gage" in Olivier Pétré-Grenouilleau, *Dictionnaire des esclavages, À présent* (Paris: Larousse, 2010), 249–50. The edited volume *Pawnship in Africa* provides an overview of the diversity of pawnship practices across Africa, see Toyin Falola, ed., *Pawnship in Africa: Debt Bondage in Historical Perspective* (Boulder, CO: Westview Press, 1994).

late nineteenth and early twentieth centuries created among market women. The final section features two richly investigated cases of the entrusting of girls to market women during the pivotal moment of the 1930s. Cultural practices have their own histories.³ Colonial law did not “invent” the tradition of entrusting girls, but it did profoundly alter it.⁴ In colonial tribunals in the 1930s, entrustment became deeply entangled with enslavement.

Ideals of Entrusting Children: ‘Loans with Feelings’ during the Pre-colonial Period

In his 1935 ethnography, *Au pays du Fon*, the Dahomean intellectual Maximilien Quénum explained Fon cultural views on how households should incorporate dependents who were not related by kinship. The Fon people, the predominant ethno-linguistic group of both the pre-colonial kingdom of Dahomey and the southern portion of the French colony of the same name, established at the end of the nineteenth century, advised, “You should not try to find [ways] to separate the hot water from the cold water.”⁵ Quénum clarified that, like hot and cold water in a bucket, kin and non-kin residing together in a household would intermix until the distinction between those born inside and outside the lineage compound was unremarkable.⁶ In questions concerning degrees of relatedness, he claimed, the fraternal spirit of the country treated “cousins, nephews, and fellow men” all

³ Thomas Spear, “Neo-Traditionalism and the Limits of Invention in British Colonial Africa,” *The Journal of African History* 44, no. 1 (2003): 7.

⁴ Terence Ranger, “The Invention of Tradition in Colonial Africa,” in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger, Canto Edition (Cambridge: Cambridge University Press, 1992), 211–62.

⁵ Fon is both a language and an ethnic group. Fon is a language in the Gbe language family, and it is closely related to Mina, Aja, and Ewe spoken along the coastal regions of the Bight of Benin, the modern-day countries of Ghana, Togo, and Benin. The Fon ethnic group is concentrated in the regions of the former pre-colonial kingdom of Dahomey, the plateau region surrounding Abomey south to the Atlantic Coast. Fon language and peoples spread due to Dahomean conquests in the seventeenth through nineteenth centuries.

⁶ Maximilien Quénum, “Au pays des Fons,” *Bulletin du comité d’études historiques et scientifiques de l’Afrique occidentale française* XVIII, no. 1 (March 1935): 258.

as “*non-vi*” or brothers. Fon individuals’ remarks in colonial court records supported Quénum’s assertion that the proverb he had quoted reflected a key element of social organization within the colony. Letters and testimony referred to entrusted girls as “little cousins” or “little nieces,” without qualification. Only upon further questioning did the fact that they had no kinship ties whatsoever to the household where they were living become evident. The strength of the fictive kinship bonds that developed between entrusted girls and their guardians varied depending on individual circumstance. Even weak bonds, however, served as an organizing principle structuring the “little relative’s” subservience to the elder. Fon households sought opportunities to bring outsiders in as dependents through multiple means ranging from forced, permanent enslavement to voluntary, temporary transfers. Fon considered consanguinity as only one of the possible links that could connect individuals to larger collectivities.

This popular Fon attitude came to the fore in household thinking about the entrusting of children. Entrusting was an ill-defined constellation of related practices whereby children left their natal homes and went to live, work, and mature in other households for extended periods of time. From the pre-colonial era to the present-day, most Fon people have regarded children as dependent, productive members of households. The Fon household, like households across the African continent, functioned as a corporate unit that served as a base for production. The labor that children contributed to households was compulsory and essential. Children of both genders performed economically and socially productive roles throughout Africa.⁷

Families across West Africa viewed their children as resources that could be transferred

⁷ Enid Schildkrout, “Age and Gender in Hausa Society Socio-Economic Roles of Children in Urban Kano,” *Childhood* 9, no. 3 (August 1, 2002): 361, doi:10.1177/0907568202009003605.

within affinal, kinship, commercial, or other networks to acquire skills, reinforce alliances, and secure loans, or some combination all these goals.⁸

Africans have historically borrowed, loaned, and transferred children between households. To emphasize the intimacy involved in such exchanges, Africans preferred to use the idiom of “entrusting” when referring to them, rather than any of these alternative terms.⁹ The verb “entrust” means to assign the responsibility for doing something to someone else; or to put something, in this case a child, into someone else’s care or protection. As their use of the term denoted, the Fon in West Africa emphasized the responsibility of guardians to care for the children entrusted to them.¹⁰ Gbe people, along with other West Africans, believed that no single pairing of two people could, or should, provide all of the training that a child would need to thrive in adulthood. Entrusting arrangements divided the responsibility for raising children well among a number of adults. The skills children needed to become successful in adulthood changed from the pre-colonial to colonial periods, but this underlying assumption about how youths would acquire what they needed endured.¹¹ West African societies viewed entrusting as an essential element in raising children well.

⁸ This is not to say that this attitude remained static. In particular, the role of school in a child’s life has evolved when money is available to send the child to school. The point here is that children have for centuries been valued as labor and as a transferrable resource.

⁹ The idiom of “entrustment” can be found, for example, in Benin, Côte d’Ivoire, and Kenya. Mathias Deshusses, “Du confiage à l’esclavage ‘Petites bonnes’ ivoiriennes en France (The ‘Misfortunes’ of Fosterage in France: The Case of ‘Little Maids’ from the Ivory Coast),” *Cahiers d’Études Africaines* 45, no. 179/180 (January 1, 2005): 731–50; Parker MacDonald Shipton, *The Nature of Entrustment: Intimacy, Exchange, and the Sacred in Africa*, Yale Agrarian Studies (New Haven, CT: Yale University Press, 2007).

¹⁰ There is no singular term for entrustment in Fon.

¹¹ Mona Etienne, Caroline Bledsoe, Esther Goody, Erdmute Alber, and Cati Coe have all shown that West African societies more generally embraced the practice. Mona Etienne, “Maternité sociale, rapports d’adoption et pouvoir des femmes chez les Baoulé (Côte d’Ivoire),” *L’Homme* 19, no. 3–4 (1979): 63–107, doi:10.3406/hom.1979.367999. Bledsoe, *Women in Kpelle Society*. Erdmute Alber, “The Transfer of Belonging: Theories on Child Fostering in West Africa Reviewed,” in *Child Fostering in West Africa: New Perspectives on Theory and Practice* (Leiden: Brill, 2013), 79–107; Erdmute Alber, “Denying Biological Parenthood: Fosterage in Northern Benin,” *Ethnos* 68, no. 4 (December 2003): 487–506. See also the

The entrusting of humans, observed Parker Shipton among the Luo of Kenya, was a “complex, morally weighty, and hard to define” phenomenon of socio-economic arrangements that needs an expanded vocabulary in English to fully grasp.¹² Shipton defines entrustment as “loans with feelings behind them.” The feelings involved in these exchanges, he argues, created relationships of indebtedness, which entailed reciprocal obligations over a protracted period of time. The feelings undergirding the loan made the financial and social exchanges surrounding entrusting more complex than those associated with simple loans contracted with the expectation of a monetary repayment, possibly with some interest. Entrusting created networks based on ongoing and often long-standing relationships, albeit oftentimes hierarchical ones.¹³ The reciprocal benefits derived by the households and individuals involved in the arrangement could extend well beyond the end of a particular child’s entrustment.¹⁴

The entangling of social, economic, affective, and educational functions in entrusting arrangement was complex, and the balance in individual child transfer

volume that Alber edited on child fosterage, Erdmute Alber, Jeannett Martin, and Catrien Notermans, eds., *Child Fostering in West Africa: New Perspectives on Theory and Practices*, vol. 9, Africa-Europe Group for Interdisciplinary Studies (Leiden: Brill, 2013). Coe, *The Scattered Family*; Cati Coe, “Disputes over Transfers of Belonging in the Gold Coast in the 1870s: Fosterage or Debt Pawning?,” in *Child Fostering in West Africa: New Perspectives on Theory and Practice* (Leiden: Brill, 2013), 201–20. Even in adulthood circulation could be valued as a pivotal experience in one’s life. Agontime, the wife of Agonglo, was sold into the overseas slave trade upon the death of her husband. She lived in Brazil for a rumored twenty-four years before royal envoys found her and then returned to become King Gezo’s kpojito. For a discussion of this tradition see Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*, 178–82.

¹² Shipton, *The Nature of Entrustment*, 90 & 208.

¹³ *Ibid.*, 81–91.

¹⁴ Entrustment was remembered for the 1940s–1970s with fondness. Entrusted individuals often maintained adult relationships with those with whom they had lived during childhood. For another variant of entrustment which occurred among the Bariba in Northern Benin, see Erdmute Alber, “No School without Foster Families in Northern Benin: A Social Historical Approach,” in *Parenting After the Century of the Child* (Burlington, VT: Ashgate, 2010), 57–78. Nicolas Argenti gives examples of this perception of long-term benefits for both adults and children in fostering arrangements in the Cameroonian Grassfields. Nicolas Argenti, “Things That Don’t Come by the Road: Folktales, Fosterage, and Memories of Slavery in the Cameroon Grassfields,” *Comparative Studies in Society and History* 52, no. 2 (2010): 224–54, doi:10.1017/S0010417510000034.

arrangements varied. The social legitimacy of “entrusting children” rested on the benefits children were supposed to gain from the arrangement. Youths profited from the professional skills they acquired and the affective ties created across households through the transfer. In popular discourse, adults often disassociated the economic exchanges that commonly accompanied the transfer of children from the social and affective ties that the exchanges created, which they chose to emphasize.¹⁵

Entrusting occurred in a wide variety of circumstances across West Africa during the eighteenth and nineteenth centuries. European written records dating to the pre-colonial era do not discuss the practice, in part because Europeans often failed to understand children’s dependent status.¹⁶ In colonial documents and in contemporary oral interviews, however, Gbe people discussed entrusting as a category that historically encompassed child transfer arrangements, including what is also known in English as fostering, apprenticeship, and pawnship.

Fon excluded adoption and slavery from the category of entrusting, because both of these forms of child circulation severed forever the relationship between children and their parents. This complete rupture of the parent-child bond precluded any form of trust from developing out of the exchange. Both adoption and enslavement entailed the permanent replacement of biological parents with guardians or masters, respectively. Adoption and slavery were legally recognized categories that transformed

¹⁵ Argenti also discusses how adults and some children talk about fosterage in a skewed perspective in order to emphasize the positive elements and outcomes of a sometimes brutal or even traumatic experience where children leave with very limited economic benefits. See Argenti, “Things That Don’t Come by the Road,” 247–48.

¹⁶ Olatunji Ojo makes this point in his analysis of Europeans’ observations in pre-colonial Yorubaland. See Olatunji Ojo, “‘Èmú’ (Àmúyá): The Yoruba Institution of Panyarring or Seizure for Debt,” *African Economic History*, no. 35 (2007): 36, doi:10.2307/25427033.

the lineage identity of the adopted and the enslaved.¹⁷ The presumed impermanence of entrusting, as well as the fact that the entrusted child retained his or her lineage identity, distinguished fostering, apprenticeship, and pawnship from both adoption and slavery.¹⁸

Entrusting and fostering were closely related and overlapping phenomena.

Fostering encompassed a great diversity of child circulation experiences and arrangements, and it is thus a difficult term to define except in the broadest sense.¹⁹

Esther Goody defined the practice among the Gonja of Ghana as the temporary, institutionalized delegation of the nurture and education of a child to someone other than a biological parent.²⁰ Fostering could occur within or beyond kinship networks, and it could be initiated voluntarily or under duress in response to a crisis.

¹⁷ Adoption though in a Western sense did not widely exist in pre-colonial Dahomey because children belonged to the lineage, so children remained within the lineage in forms of kin fosterage that blurred the distinctions between adoption and fosterage. Dr. Euloge Akodjetin, January 28, 2014. Cotonou, Benin. Dr. Romuald Michozounnou, February 12, 2014. Cotonou, Benin. For a discussion of a type of adoption that did exist and was legally recognized in elsewhere in French West Africa, see Bernard Moitt, "Slavery and Guardianship in Postemancipation Senegal: Colonial Legislation and Minors in Tutelle, 1848-1905," in *Child Slaves in the Modern World*, ed. Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (Athens: Ohio University Press, 2011), 140–56. Firmin Medenouvo, ed., *Coutumier Du Dahomey* (Paris: Presence Beninoise, 2004), 70–71. Klein compares *tutelle* to *petites nieces*, an extra legal entrustment relationship, in his article Martin Klein, "Children and Slavery in the Western Sudan," in *Child Slaves in the Modern World*, ed. Gwyn Campbell, Suzanne Miers, and Joseph C. Miller (Athens: Ohio University Press, 2011), 128. While functionally they serve the same purpose, I believe that the analogy to be problematic because the possibility of legal recognition of *tutelle* elevated it above these more informal relationships. Legal *tutelle* remained a marginal phenomenon in Dahomey even during the colonial era. Some *évolués* may have formally had children incorporated in *tutelle* or tutorship system resembled most closely adoption in the Western sense in that it occurred when the father died, encountered calamity or disappeared. Tutorship, like adoption involved the biological parents' complete abrogation of all parental roles

¹⁸ Suzanne Lallemand, *La circulation des enfants en société traditionnelle: prêt, don, échange* (Paris: Editions L'Harmattan, 1993).

¹⁹ Scholars have proposed various terms and taxonomies to describe different forms of fosterage. See Esther Goody, *Parenthood and Social Reproduction: Fostering and Occupational Roles in West Africa* (Cambridge: Cambridge University Press, 1982); Lallemand, *La circulation des enfants en société traditionnelle*. For comparative studies outside of Africa, see Jessaca B Leinaweaver, *The Circulation of Children: Kinship, Adoption, and Morality in Andean Peru* (Durham, NC: Duke University Press, 2008). Ivan A. Brady, *Transactions in Kinship: Adoption and Fosterage in Oceania*, Association of Social Anthropology in Oceania. ASAO Monograph ; No. 4 (Honolulu: University Press of Hawaii, 1976).

²⁰ Goody, *Parenthood and Social Reproduction*, 23. Alber, Martin, and Notermans, *Child Fostering in West Africa: New Perspectives on Theory and Practices*.

²⁰ Goody, *Parenthood and Social Reproduction*, 23.

In the pre-colonial kingdom of Dahomey, fostering was common as a means of strengthening patronage ties and of redistributing laborers and hungry mouths across households.²¹ During pre-colonial times, fostering usually took place within a relatively small geographical area, where parents would still have had an opportunity to see their biological children, particularly during community events. The proximity of parents to the residence of their fostered child ensured that they could, firstly, monitor the treatment the child received and, secondly, maintain familial bonds with their offspring.²² Fostering divided and redistributed parental responsibilities, but left parental ties intact. Over the course of the child's life, the roles of the biological parents and the fostering guardian shifted, and the delegation of duties among them changed.

Entrusting could be synonymous with fostering, but it also encompassed other child circulation practices, such as *gbánu*, or pawning. Pawning occurred when a male with authority over a dependent, normally the father or patrilineage head, transferred that person, often a female child, to another household in order to obtain a monetary loan. The pawnship contract stipulated that the person pawned should remain in the credit-giving household until the sum was repaid. The creditor's household benefitted from the pawn's labor for the duration of her stay.²³ The length

²¹ Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*, 19.

²² Lallemand, *La circulation des enfants en société traditionnelle*, 67. Coe, *The Scattered Family*, 47.

²³ The French term "*mise en gage*" encompasses a variety of West African forms of dependence that differed depending on the society in which the pawn exchange occurred. Here I define the term in a broad manner with regard to how it was judicially defined in the French colonial tribunals. In each indigenous language there is a term or terms that connote distinctly different arrangements governed by accepted social norms. *Mise en gage* is an umbrella term. In Fon, the term for "pawn" was *gbánu* and in Yoruba *iwofa*. Dr. Felix Iroko emphasized that Nago (Yoruba) forms of child circulation, including pawning, were not identical to Fon ones in Dahomey. Felix Iroko, interview, February 2, 2014. The cases discussed from Dahomey show that Dahomeans did not agree with the French definition of pawning as illicit or applicable to the particular child transfer arrangements. Melville Herskovits describes a hierarchy of pawns within the households. I am skeptical of the clear cut "rules" he outlines and believe that the choice of whom to pawn from a given household involved a more complex rationale which in each situation factored in economic, social, and emotional logic. See Melville J Herskovits, *Dahomey: An Ancient West African Kingdom*, vol. 1

of time it took a lineage to repay a debt depended on the amount of the loan and the economic conditions of the moment. The period could vary from a few days to several years or even indefinitely.²⁴ Ideally, pre-colonial pawning, like fostering, occurred within a local community and solidified hierarchical alliances. Parents of pawned children still saw their offspring and took an active interest in their welfare.²⁵ This familiarity offered protection on both sides of the exchange and required an intimate level of trust.²⁶ Pawning on the pre-colonial Slave Coast provided a means for families or lineages to secure loans needed to finance the construction or improvement of dwellings, performance of important life cycle ceremonies such as funerals, or payment of judicial fines, all large and sometimes unexpected expenses.²⁷

Professional training was key to all relationships of entrusting. The acquisition of skills by children provided an underlying justification for entrustment. In certain trades, such as metal working, craftsman chose apprentices from among kin or occasionally slaves in a closed system.²⁸ Apprenticing in market trading was more open. Market women in Dahomey sought out junior girls to assist them both inside the household and in the marketplace. As women's enterprises grew they recruited more labor as needed

(New York City: JJ Augustin, 1938), 82–83. Many other scholars have defined pawning. For the Yoruba definition of *iwofa* see Ojo, “‘Èmú’ (Àmúyá),” 34. See especially the works cited in footnote 13 of Ojo. For *iwofa* see also Elisha P. Renne, “Childhood Memories and Contemporary Parenting in Ekiti, Nigeria,” *Africa (Edinburgh University Press)* 75, no. 1 (March 2005): 63–82.

²⁴ As Lovejoy, points out in reality pawnship could overlap or evolve into a situation of slavery particularly when the pawn was not redeemed in a prompt manner. Paul E. Lovejoy, “Pawnship, Debt, and ‘Freedom’ in Atlantic Africa during the Era of the Slave Trade: A Reassessment,” *The Journal of African History* 55, no. 1 (March 2014): 55–78.

²⁵ Dr. Romuald Michozounnou, February 12, 2014. Cotonou.

²⁶ Coe, *The Scattered Family*, 47–48.

²⁷ For a discussion of pre-colonial norms see Robin Law, “On Pawning and Enslavement for Debt in the Precolonial Slave Coast,” in *Pawnship, Slavery, and Colonialism in Africa* (Trenton, NJ: African World Press, 2003), 55–69.

²⁸ For example, the Hountondji family of Abomey were the skilled metal workers of the region and passed this skill down through the generations in a closed system of apprenticeship. Chapter 3 in Edna G. Bay, *Asen, Ancestors, and Vodun: Tracing Change in African Art* (Urbana: University of Illinois Press, 2008), 60–77.

from wherever they could find it. The most successful female traders would have attracted a large number of girls who performed much of the intensive labor needed either to process food stuffs or cook meals prior to selling them in the market. Girls' labor was integral to the economic dynamism of southern Dahomean women's trading activities. As women incorporated each successive group of girls into their households the elder girls moved up in the trading hierarchy until the girls became full-fledged market women with their own independent trading ventures.

The labor that fostered, pawned, and apprenticed children performed was one of the benefits that households derived from accepting children into their care. Children's labor capacity gave pragmatic relevance to the ideal of household incorporation through entrustment. It also added an economic element to entrusting or fostering children, whether explicitly acknowledged or not. Adults sought out child dependents as valuable laborers in their own right.²⁹ Children contributed to adults' economic endeavors, and they offset the heavy daily labor demands placed on all household members by such labor-intensive tasks as agricultural processing, food preparation, water hauling, and clothes laundering, as well as other mundane activities such as sweeping the courtyard, minding children, and running errands.³⁰

In addition to private households, families also entrusted their children to *vodun* cult-houses, where they learned ritual skills. During the pre-colonial period, both boys and girls served as novices to cult-houses; during the nineteenth and twentieth centuries

²⁹ Beverly Carolease Grier, *Invisible Hands: Child Labor and the State in Colonial Zimbabwe*, Social History of Africa (Portsmouth, NH: Heinemann, 2006), 2–3.

³⁰ Grier makes a similar argument for children in colonial Rhodesia, modern day Zimbabwe, being sought after in their own right as uniquely competent in certain tasks. *Ibid.*, 1–5.

initiation into cults was increasingly feminized.³¹ During initiation, entrusted girls performed many of the same tasks as they would have had they entered a private household: fetching water, laundering clothes, preparing food, etc. In addition to these profane duties, cult-houses also demanded that initiates fulfill sacred duties.³² Cult-houses connected girls to larger networks and taught them life-skills just as other child-entrusting arrangements did.

In the pre-colonial period, Dahomeans believed that all forms of entrusting were positive and formative for children. The period of entrustment was believed to teach children proper comportment and practical skills, in addition to expanding the network of people upon whom they and their kin could call for support in times of hardship.³³ The entrusting of children cannot be reduced to an economic arrangement alone. Economics played a role, but other sorts of family needs motivated child transfers as well. In pre-colonial West Africa, the death of a family member, the barrenness of a kinswoman, or the establishment of household alliances all influenced decisions to transfer children

³¹ Significantly less is known about boys' initiation into vodun cult-houses. In the 1930s Herskovits observed a preponderance of women as initiates, however, some of the oral traditions he included in his ethnography featured boys during initiation. In particular, his discussion of why restrictions had been put in place to limit the length of seclusion in cult-houses, his example is Xundjo, a boy. Xundjo violated the taboo against initiates engaging in sexual activities while secluded. Melville J Herskovits, *Dahomey: An Ancient West African Kingdom*, vol. 2 (New York City: JJ Augustin, 1938), 181–84. For a further discussion of initiation see chapter 4 of this dissertation.

³² For a fuller discussion of entrusted girls in cult-houses see “Chapter Four: Trust Betrayed” in this dissertation. Judy Rosenthal makes a similar observation about women performing ritual duties in Gorovodu communities in addition to full time marketing and household labor in Togo in 1990. Judy Rosenthal, *Possession, Ecstasy, and Law in Ewe Voodoo* (Charlottesville: University Press of Virginia, 1998), 12.

³³ Sonia Mahame, January 21, 2014. Cotonou, Benin. Vivi L’Internationale, March 6, 2014. Porto-Novo, Benin. Dr. Euloge Akodjetin, January 28, 2014. Cotonou, Benin. Guirlene March, January 20, 2014. Cotonou, Benin.

elsewhere.³⁴ Children circulated between households not as commodities, but as gifts or favors in a form of networking that could build lifelong connections.³⁵

Prior to the twentieth century, entrusting was a gender neutral phenomenon that occurred within gendered networks in Dahomey. Boys were entrusted to men and girls to women. The one exception to this rule was that both girls and boys were entrusted to the male leaders of cult-houses during the pre-colonial era. Taboos regulating behavior within cult-houses, as well as the close involvement of elite female members in cult activities, made this cross-gender arrangement acceptable. Gender did affect which form of entrusting the adults negotiating children's placement. Based on fragmentary oral evidence and trends across the region more generally, it appears that boys were more likely than girls to be kept within the lineage in fostering arrangements. Girls, on the other hand, were the usual candidates for pawning and fostering outside the lineage³⁶

The importance of male children to the continuation of the patrilineage made families

³⁴ Often child transfer is examined only through the lens of one of these factors cited. These reasons continue to be given as justifications for why children in contemporary Côte d'Ivoire are entrusted to families. While the institutions are not timeless the general underlying factors motivating the transfers and justifying them have remained the same. The patterns of circulations, houses chosen to transfer, and conditions within which entrusted children live have changed. More research has been done on entrusted children in Côte d'Ivoire than elsewhere, see Deshusses, "Du confiage à l'esclavage 'Petites bonnes' ivoiriennes en France (The 'Misfortunes' of Fosterage in France." However, during the colonial era conditions for entrusted girls in Côte d'Ivoire would have been markedly different than in Dahomey due to economics.

³⁵ Nara Milanich, "Degrees of Bondage: Children's Tutelary Servitude in Modern Latin America," in *Child Slaves in the Modern World* (Athens: Ohio University Press, 2011), 110–11. Distinct from exchange of women as wives. On the political economy of exchanges in women, see Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex," in *Feminism in History*, ed. Joan Wallach Scott (Oxford: Oxford University Press, 1996), 105–51.

³⁶ Antoine Methodjo, November 28, 2013. Cotonou, Benin. Dr. Romuald Michozounnou, February 12, 2014. Dr. Felix Iroko, February 2, 2014. Cotonou, Benin. Elvire Ahounou-Houenassou, January 16, 2014. Cotonou, Benin. Herskovits talks about a traditional hierarchy of who a patriarch would likely pawn, see Herskovits, *Dahomey*, 1938, 1:82–85. Claire Robertson confirms that in the Gold Coast girls were more likely to be pawned as well. Claire C. Robertson, *Sharing the Same Bowl?: A Socioeconomic History of Women and Class in Accra, Ghana* (Bloomington: Indiana University Press, 1984), 134.

less willing to entrust boys in riskier arrangements beyond their watchful eyes.³⁷ This preference for keeping boys close to home became even more pronounced during the colonial era.³⁸ Overall, the system of entrusting favored women, because they had access to a bigger pool of children than men – those beyond their kin group.³⁹

Entrusting arrangement required individuals who accepted children to socialize them properly in gender roles. In Dahomey, only the permanent transfers of children through adoption and slavery could cross gender boundaries. Children and adults of the same sex performed economic roles that complimented one another.⁴⁰ The gendered division of labor in Fon society supported the premise that part of the rationale for entrustment was professional training in gendered trades. The primary occupation of women in both the pre-colonial kingdom and the colony of Dahomey was market trading. In Dahomey, entrusted girls were crucial to market women's enterprises. Dahomean women's economic and social success depended on their ability to attract girls whose labor would contribute to their own economic ventures, rather than as a resource for the collective well-being of the household or lineage.

'Women Alone do the Trade in Markets': Gendered Economics and the Hidden Labor of Entrusted Girls (c. 1800 to 1930)

In West Africa, there existed a tradition of powerful, female market traders. William Bosman, a Dutch trader who travelled to Ouidah, remarked upon women's energetic trading along the Slave Coast as early as 1689. Market women's successes

³⁷ Similarly during the slave trade era Biafran societies saw an increase in exported girls and a decrease in exported boys, see G Nwokeji, *The Slave Trade and Culture in the Bight of Biafra: An African Society in the Atlantic World* (New York: Cambridge University Press, 2010), 170–73. For a discussion of pawnship in matrilineal societies, see Mary Douglas, "Matriliney and Pawnship in Central Africa," *Africa: Journal of the International African Institute* 34, no. 4 (1964): 301–13, doi:10.2307/1157471.

³⁸ Dr. Romuald Michozounnou, February 12, 2014. Cotonou.

³⁹ Ibid.

⁴⁰ Schildkrout, "Age and Gender in Hausa Society," 365.

afforded them a greater degree of economic autonomy than women living elsewhere on the continent in the nineteenth century.⁴¹ Nineteenth-century European travelers, diplomats, military authorities, and merchants all remarked on the predominance of women in trade within the kingdom of Dahomey. In 1852, the French officer Bouet commented in an article published in *L'illustration*, a popular French weekly magazine, that “the women alone do the trade in markets” in Dahomey.⁴² Dahomean market women depended on girls in their daily economic activities, both in the market place and inside the household.⁴³

European travelers and the scholars who have analyzed their travelogues commonly acknowledge that women dominated not only domestic trading in Dahomey, but also the vast, highly organized marketplaces where it took place.⁴⁴ The English zoologist and traveler, J.A. Skertchly resided in Dahomey for eight months in 1871. He became intimately familiar with the marketplaces of the pre-colonial kingdom. He estimated that the market in Ouidah covered an area of fourteen acres, or approximately 56,000 meters squared. It was a maze of closely packed stalls with thatched roofs.

Women organized their stalls into sections based on the types of items they sold: pottery,

⁴¹ Catherine Coquery-Vidrovitch, *African Women: A Modern History*, Augmented new edition., Social Change in Global Perspective (Boulder, CO: Westview Press, 1997), 30–33 & 94–108. Also of note in West Africa were the African women who married or were the offspring of European traders engaged in the slave trade. These women were known by the name *signares* in Senegal, see Hilary Jones, *The Métis of Senegal: Urban Life and Politics in French West Africa* (Bloomington: Indiana University Press, 2013); George Brooks, *Eurafricans in Western Africa: Commerce, Social Status, Gender, and Religious Observance from the Sixteenth to the Eighteenth Century* (Athens: Ohio University Press, 2003). For the Gold Coast see Pernille Ipsen, *Daughters of the Trade: Atlantic Slavers and Interracial Marriage on the Gold Coast*, Early Modern Americas (Philadelphia: University of Pennsylvania Press, 2015).

⁴² Quotation cited in Robin Law, “‘Legitimate’ Trade and Gender Relations in Yorubaland and Dahomey,” in *From Slave Trade to “Legitimate” Commerce: The Commercial Transition in Nineteenth-Century West Africa*, ed. Robin Law, African Studies Series 86 (Cambridge: Cambridge University Press, 1995), 203.

⁴³ Enid Schildkrout made this same argument in the context of Muslim Hausa society in Kano based on her anthropological fieldwork conducted in the mid-1970s. While purdah was not widely practiced in southern Dahomey, the same argument remains true. Schildkrout, “Age and Gender in Hausa Society.”

⁴⁴ Women had a more limited role in the slave trade, its export successor - palm oil, and imported European goods, the corollary to both export industries. Law, “‘Legitimate’ Trade and Gender Relations.”

jewelry, cooked provisions, “*fétiches*” or ritual ornaments, indigenous medicines, fresh produce, drinks, fabric and accoutrements, leather work, firewood, toiletries, dyes, tobacco, baskets, spices, etc. Skertchly observed, “[T]he people in the markets are nearly all women and children.”⁴⁵ Despite mentioning the presence of children in marketplaces, Skertchly does not comment on the children’s roles there. All of women’s economic activities in West Africa depended on the labor of girls. In fact, market women relied on girls to support and facilitate their trade, tasking them with finding change, running errands, measuring produce, and watching their stalls when they went elsewhere.

Most importantly, girls prepared foods for sale. Some of the more common foods Dahomean girls’ prepared included such staples to the Dahomean diet as *cankie* (a mixture of ground maize and water that is rolled into balls and wrapped in plantain leaves), *ablo* (a mixture of ground maize, water, and a leavening agent boiled in a dish), *dakoh* (a mixture of ground maize and palm oil baked in an open pot), and a variety of sauces. All of these staples involved labor intensive processes that took multiple girls hours, if not days to complete.⁴⁶ For example, to prepare *cankie*, what Skertchly called the “diet of the lower classes,” first, girls soaked the maize overnight, then in the morning they began the exhausting process of grinding the maize into a coarse powder. While he only mentions one grinder, later photographic evidence supports the assumption that more than one girl worked in tandem to grind not just maize, but cassava, yams, and beans as well.⁴⁷ The ground maize was then mixed with boiling water and stirred to

⁴⁵ J. A. Skertchly, *Dahomey as It Is: Being a Narrative of Eight Months’ Residence in That Country ...* (London: Chapman and Hall, 1874), 58.

⁴⁶ Women estimated that *ablo*, another food consumed on a regular basis, took nine hours of preparation, not including the grinding of the maize.

⁴⁷ The processes to grind and cook these staple foods remained largely untouched by technological innovations and it can be assumed that women and girls worked together in grinding.

remove the husks. The boiling continued until it became a thick, porridge-like consistency. After cooling and thickening, women and girls formed the dough into balls the size of oranges that were then wrapped in plantain leaves for household consumption and sale in the market. Sometimes the *cankie* was eaten by itself, other times women and girls served it with sauces or smoked fish.⁴⁸ Much of the labor for these foods could be configured around other chores, but at certain moments the preparation could be delicate and required girls' undivided attention. The preparation of these staple foods remained unchanged by labor saving devices during the pre-colonial and colonial eras. Girls' labor burden did not diminish. In addition to preparing these staple starch based products, girls also boiled eggs, smoked fish and shrimp, roasted or boiled ground nuts, and cooked meats for sale.⁴⁹ Girls prepared a host of food that was then taken to market and sold in women's stands or door-to-door.

Market women recruited entrusted girls in order to prepare these provisions and expand their enterprises beyond their demarcated market stalls and roadside stands. The profits earned by entrusted girls who sold on behalf of their mistresses, contributed to the women's financial success. The labor of young females within the household supported women's trade in the marketplace. Women living in the region of the Slave Coast excelled in small-scale domestic trade in local goods, in part because women and men kept their finances separate within the household.⁵⁰

⁴⁸ Skertchly describes *cankie* as being eaten with the sauce called *afiti* in Abomey. In Whydah, Duncan describes *kankie* as being accompanied by fish. Skertchly, *Dahomey as It Is*, 490–92. John Duncan, *Travels in Western Africa in 1845 & 1846: Comprising a Journey from Whydah, through the Kingdom of Dahomey, to Adofoodia in the Interior.*, 1st edition, new impression., Cass Library of African Studies. Travels and Narratives ; No. 49 (London: Cass, 1968), 101.

⁴⁹ Skertchly, *Dahomey as It Is*, 56–57.

⁵⁰ "Rapport: Justice indigène (1937)," 1937, 1M164, Archives Nationales du Bénin.

During the pre-colonial period, Dahomey had two preeminent centers of economic activity: Abomey, the capital of the kingdom, and Ouidah, its primary port. The large markets in both centers drew entrusted girls to the successful women trading there. The east-west axis of regional trade connected Dahomey to the neighboring Asante Empire and the inland sultanate of Kano. Ouidah also provided an outlet for engagement with foreign traders and a means to participate in the Atlantic slave trade. Until the nineteenth century, however, the region's center of economic gravity remained in the interior. This balance began to change when trade with Europeans in "legitimate" commerce increased during the last quarter of the nineteenth century, and the coastal trade in items other than slaves became more important. This shift towards the coast became more decisive and permanent once France conquered the pre-colonial kingdom of Dahomey in 1894. During the first decades of colonial rule, France dismantled the royal monarchy and made a concerted effort to economically, culturally, and socially marginalize Abomey, the pre-colonial capital. Ouidah remained an important trade center, but the port of Cotonou, the site chosen for the construction of a deep water wharf, quickly eclipsed Ouidah in terms of the volume of trade.

The shifting of the center of economic activity and colonial political power to the coast from the late-nineteenth century altered patterns of child circulation, as well as the social contract undergirding the practices. The growth of Cotonou as the commercial center and Porto-Novo, to the east, as the colonial capital, along with the declines of Abomey in the central plateau and Athiémé in the west influenced the geography of the demand for girls. The promulgation of policies that exempted children from being taxed in the mixed-communes of Porto-Novo, Cotonou, and Ouidah speeded the transition by

making these coastal centers still more attractive as sites for entrusting children.⁵¹

Families in the interior could avoid paying head taxes on their children by sending them to live in households in a coastal community, which would not be taxed on the children either. As the mixed coastal communes grew spatially and became less densely inhabited, hawking or selling goods door-to-door grew in volume and importance within them, increasing the demand for girls. These economic factors influenced Fon families from the plateau to entrust their daughters to women in coastal communities.

As a result of these changes, during the colonial era girls circulated farther from their homes than they had previously, putting their arrangements beyond the reach of any sort of lineage oversight. The effects of the colonial economy on patterns of circulation severed mechanisms for enforcing social norms that had long regulated girls' living conditions inside the households where they were entrusted.⁵² The increase in the distance between girls' natal and entrusted homes decreased market women's accountability to their families of origin for their care.⁵³

A new reliance during the colonial era on third parties to broker entrusting arrangements further alienated girls from their families. Historically, parents had directly chosen the households to which they would entrust their daughters. Good parenting meant finding a woman who would properly care for and protect a daughter, while good guardianship required that women take responsibility, in a

⁵¹ The designation of *communes-mixtes* and the applicable taxation policies for them can be found in the *Journal Officiel du Dahomey*.

⁵² I am indebted to Dr. Michozonnou for his insights into the evolution of forms of entrusting from the pre-colonial period to the colonial one. Much of my interpretation of what it means to entrust a child came from more informal conversations and encounters. I regret that I cannot always give credit where credit is due because my appreciation and understanding of the phenomenon came gradually and piecemeal.

⁵³ See Johnson Affair as well as Argenti, "Things That Don't Come by the Road," 245–46.

holistic way, for the well being of entrusted girls. When middle-men and women began acting as brokers who helped market women recruit the labor they needed, the change disrupted the direct communication between them and girls' families. Parents who relied on middle-men and women often had poorer quality information about the women and households where their daughters were entrusted.⁵⁴

The colonial transformations in entrusting practices in time resulted in the reclassification of pawning, once an accepted entrusting arrangement, as a form of illicit trafficking in persons.⁵⁵ Technically, the colonial courts could have considered pawnship a criminal offense following the 12 December 1905 decree outlawing enslavement, but in practice a distinction was made between pawning and slavery only in the 1930s, when the League of Nations' Committee of Experts on Slavery included it in Lugard's list of *de facto* slavery.⁵⁶ Slavery was but one potential interpretation of the pawnship relationship.⁵⁷ As the reinterpretation of pawning in the colonial era indicates, the entrusting of children became increasingly conflated at that time with slave-like conditions in the eyes of both colonial and international activists. This shift resulted in the drawing of ambiguous lines between all forms of child circulation, juvenile dependence, and youthful bondage.

Confusion among French colonial administrators stopped them from directly condemning the entrusting of children. In October 1937, Marcel de Coppet, the governor

⁵⁴ Ibid., 247.

⁵⁵ In French the crime was *traite*. The term *traite* prior to the nineteenth century almost exclusively referred to slave trading. The term evolved in legal parlance to include by the modern era any form of illicit trade or trafficking to include arms trafficking, trafficking in political influence, cross-border smuggling, etc.

⁵⁶ For international debates about whether or not to include pawning as a form of slavery see the Committee of Experts on Slavery files (6B). On pawning see especially carton R4156 in the League of Nations archives, Marie Rodet also makes a similar observation, see Rodet, "Under the Guise...", 91.

⁵⁷ Coe, "Fosterage or Debt Pawning?," 211.

general of French West Africa, commissioned Denise Savineau, an employee of the Colonial Education Service, to tour France's West African colonies and produce reports on women and the family in each colony.⁵⁸ Savineau proved particularly adept at observing households and questioning West Africans about the children in them. In her field notes from Dahomey, she observed, "Borrowed children [are] a widespread phenomenon of free domestic staff found again and again throughout southern Dahomey."⁵⁹ Savineau described many households with entrusted children in them, some with multiple, others with just a single entrusted child. She claimed that even households of limited means relied on juvenile domestic servants. Savineau meticulously recorded the 175 francs per month budget of a modest household of a married railway worker with one wife and an infant child. This budget included food for a "niece" who was a borrowed child. Savineau never used the phrase preferred by Dahomeans, "*une enfant confiée a moi*" or a child entrusted to me; rather she and other French officials preferred the term "*un enfant prêté*" or borrowed child.

Savineau defined borrowed children as those "who come from surrounding villages; there the chiefs bother the people for the taxes, they must pay them even the little ones so their parents move their children away, and the people of the city take them voluntarily because in Porto-Novo one does not pay for them."⁶⁰ Throughout her forty-nine-page report on southern Dahomey, she repeatedly described the situation of borrowed children in households in Porto-Novo, Cotonou, and Ouidah. She often used

⁵⁸ Claire Griffiths, "The Savineau Archive," *The Savineau Report*, 2006, <http://www.savineau.hull.ac.uk/>.

⁵⁹ Denise Savineau, "Rapport 6: Le Dahomey," March 9, 1938, 3, Archives Nationales du Senegal, <http://www.hull.ac.uk/savineau/index.html>. Savineau's reports from the field are not polished or as structured as her penultimate synthetic report. They are rich in ethnographic notations, but are often riddled with grammatical mistakes and incomplete phrases rather than completed sentences.

⁶⁰ *Ibid.*, 7–8.

this phrase in conjunction with other proxy terms such as “ma bonne,” “a little niece,” or “a person who serves who is not a servant.” Her choice of terminology ignored any long-term affective ties that might develop between guardian and child and focused instead on the eventual termination rather than the evolution of the relationship between them.

Dahomeans, however, never used the term “borrowed child” when referring to entrusting arrangements in tribunals; nor did Beninese, when asked about the relationship during the colonial era understand it in that way.⁶¹

Savineau did not use the term “pawn” in her report on Dahomey. She was aware of pawning and discussed it in her report from Ouahigouya in Upper Volta.⁶² Her omission of pawning from the Dahomey report is significant, because her conclusions supported Dahomean women’s legal defenses and lent credence to them among administrators. Berthet, the director of administrative and political affairs in Dahomey, responded to Savineau’s report on the colony when he wrote, “The acts ‘of alienation of children [from their families]’ camouflaged as a form of adoption (notably in Cotonou) which constitutes in the spirit of custom, as a sort of transitory stage, a type of apprenticeship in life skills.” He assured Dakar, “[The customary practice] does not injure in the least our conceptions of liberty of the human being.”⁶³ Berthet agreed with Savineau and Dahomean women’s defenses of the phenomenon of entrusting children. He, like the accused women, emphasized that entrusting was neither trafficking nor a form of enslavement.

⁶¹ In oral interviews, there was great confusion when I asked about “enfant prêté.”

⁶² Upper Volta was not a separate colony at this moment, but the region was still often referred to as such. Upper Volta had been dismantled in 1932 and absorbed by neighboring colonies. Upper Volta was reconstituted in 1947.

⁶³ Berthet, “Référence: Rapport N. 6 présenté par Mme. Savineau, Conseillère technique de l’Enseignement, sur le Dahomey,” Letter, (June 3, 1938), 8G39 (17), Archives du Sénégal.

In her report on Dahomey, Savineau observed, “The domestic staff of children is the consequence of women’s independence.”⁶⁴ As the precolonial history of entrusted girls and women traders shows, girls’ servitude and apprenticeship to women in the colonial era was not a consequence of their attempts to gain economic independence; rather it was a necessary prerequisite for it. Girls were women’s primary resource upon which to build economic wealth and social prestige.

In the history of entrusting children, the controversies surrounding trafficking and pawnship sparked a moment of intense debate in the mid-1930s. Dahomean women defended the practice of entrusting a child to another household even when it resembled pawning. Dahomean women explained entrusting as a contractual relationship between two households, with both labor and affective components. Colonial tribunals never prosecuted Dahomeans for “entrusting” girls to market women. However, imperial authorities scrutinized the transfers of girls to unrelated households as suspected cases of human trafficking in pawned girls.

The Ties that Bind: Monetary Exchanges and Affective Bonds

During the 1930s, transfers of girls from their natal homes to unrelated ones became embedded in debates about human trafficking. Unsurprisingly, women played key roles in cases involving entrusted girls. Market women actively engaged with other Africans and European officials in colonial legal institutions to defend their economic interests. Mothers of entrusted girls also testified to clarify the terms of their daughters’ entrusting to these women. Market women attempted to gain control of the evolution of discourses of girls’ dependence in Dahomey. In colonial tribunals, Dahomean women

⁶⁴ Savineau, “Rapport 6: Le Dahomey,” 26.

successfully safeguarded “entrusting” female children to market women as a customary practice distinguishable from human trafficking and enslavement.

While French officials did not actively seek out cases of entrustment, Dahomeans did choose to adjudicate them within the colonial courtroom. Two basic scenarios brought these cases to the attention of legal authorities. In the first, a parent or male guardian complained about a violation of a contractual arrangement of dependence that diverged from historically accepted social norms. These individuals claimed that the woman to whom their daughters had been entrusted overstepped her authority or rights in the girl. In the second scenario, the female guardian herself brought a complaint against a man, whom she alleged had kidnapped the entrusted girl from her household. The initial charges articulated in the written and oral complaints that began cases involving entrusted girls varied, but they all resulted in human trafficking investigations and the use of terms such as “sale of children,” “pawning,” or “human trafficking” during them.

Dahomeans and colonial authorities deployed the charge of *traite*, or human trafficking, increasingly rarely as its political weight and the volatility of its meaning increased. During the first decade of the twentieth century, human trafficking charges represented approximately 10% of all crimes against persons in Dahomey. In the 1920s they declined to 1% and by the 1930s to just 0.1%.⁶⁵ These figures illustrate that *traite*, or human trafficking, all but disappeared from colonial tribunals in the 1930s. The decline reflected both Dahomeans’ desires to conceal questionable practices related to the

⁶⁵These statistics were compiled by Brunet-LaRuche based on a sampling of the registers remaining in ANB. I find this statistic somewhat problematic, but it represents an overall decline and virtual disappearance of the issues. presents one of the few quantitative analyses of legal records in colonial Dahomey. Her sample is based on data from over 3.200 register entries. Her sample for the 1930s included 1 case of trafficking out of 738 cases of crimes committed against persons. Brunet-La Ruche, “‘Crime et châtement’ aux colonies,” 428.

procuring of household dependents and the administration's reluctance to interfere with domestic servitude in any form.

Female defendants insisted that girls in their households were “entrusted” to them and that they were innocent of human trafficking. None of the Dahomean women to whom these young females were entrusted used the term “pawn” to describe their charges. The defendants insisted that they did not deny the personal liberty of the entrusted girls in their care, and that there had been no exchange of money or goods for them. These, they felt, were the hallmarks of a pawn or a slave. Dahomeans distinguished pawning from slavery, and women attempted to explain the differences to French authorities when they confronted charges of trafficking for pawns in colonial courtrooms.⁶⁶

When Dahomeans wrote letters or made oral statements presenting complaints about girls to colonial administrators, they avoided the terms “slavery” or “pawning.” Administrators, however, pursued lines of questioning when investigating their complaints that reveal suspicions about human trafficking. In 1932, for example, Fohoumbo, a thirty-something female seller of maize, lodged a complaint against a man Kadja Boco for kidnapping an eleven-year-old girl Fovi. Fohoumbo explained in her testimony to the district commandant that Fovi had been entrusted to her six years previously. In 1926, Fohoumbo had mentioned to Kadja, a business associate whose

⁶⁶ Lovejoy argues that not only was pawnship not part of the enslavement practice in Atlantic Africa, but it protected against enslavement. Lovejoy, “Pawnship: A Reassessment,” 78. He though does draw a distinction of pawning in the interior of a non-Muslim to a Muslim trader as having the possibility of the pawn's status evolving into enslavement. Robin Law, however, shows that prior to the rise of the pre-colonial kingdom of Dahomey in the kingdoms of Allada and Whydah in the eighteenth century the distinction between pawning and slavery was muddled and oftentimes pawnship could be transformed into slavery. See Law, “On Pawning,” 58–62.

maize she resold in the market, that she planned to go to Abomey to look for an entrusted child. Kadja offered to go on her behalf. He returned six days later with the then five-year-old Fovi. The official charge in the investigation remained kidnapping, but the transcribed testimony shows that the commandant was more interested in determining, firstly, whether Kadja, the accused kidnapper, had actually trafficked Fovi and, secondly, if the woman Fohoumbo had bought the girl and treated her as a slave.

Charles Marcadé, the district commandant of Ouidah, interviewed Fohoumbo, Kadja, and Fovi with the assistance of an interpreter, Benoît Joseph Codjia. All three of their testimonies agreed that from 1926 until 1932, Fovi had resided with Fohoumbo and worked for her. In the *procès-verbal*, a form of transcribed testimony that preserves Fovi's mediated words, the girl did not complain of mistreatment. Her testimony confirmed the normalcy of the transfer. At times, she seemed confused by the questions the commandant asked, although perhaps, the interpreter simply translated the questions and responses in an inexact fashion. Upon close examination, many of Fovi's answers do not directly respond to the questions as posed. Fovi's young age might also explain the indirectness of her responses.⁶⁷ Even so, the eleven-year-old girl's replies illuminate how she understood and experienced her transfer to Fohoumbo. When Marcadé asked Fovi, "Did you know your parents when you were little?", she answered, "I remember my father and my mother. I started speaking Fon [with them] and Mina when I left them."⁶⁸ Fovi's story was commonplace. Given the economic decline in the plateau region of Abomey and the colonial taxation policies, Fon households often sent children to coastal

⁶⁷ Children tend to answer prompts in unexpected ways.

⁶⁸ Fon was the language commonly spoken in much of southern Dahomey. Mina was spoken in the southwest region of the country near Togoland (modern-day Togo). It is also known as Fongbe

Mina or Gun households. Once residing within these non-natal households, the children learned the languages spoken there.

Commandant Marcadé repeatedly asked questions about what the then five-year-old Fovi remembered about her parents and her transfer to Kadja and Fohoumbo in 1926. The commandant asked, “Did you not ask why your parents entrusted you to a stranger?” Rather than directly answering the question, Fovi responded that Kadja was not a stranger, because he came to her village frequently. It is highly likely that Kadja conducted some form of business with her parents. At several points in the testimonies of Fohoumbo and Kadja, they alluded to his travelling regularly to Abomey. The man most probably bought agricultural produce wholesale from Fovi’s parents, transported it to Ouidah, and then sold it to Fohoumbo and other women, who marketed in small quantities.⁶⁹ Marcadé then asked if Fovi remembered her village or her age at the time when she left it. Rather than naming her village or giving a numeric value to her age, the girl relayed that she was “already big enough to go regularly to the spring to look for water.” This statement is consistent with her estimated age of five years in 1926. Even at this young of an age, girls like Fovi already contributed to household labor needs by performing simple tasks such a fetching water. Market women recruited girls at this age to leave their families because they were old enough to begin performing certain household and market tasks independently. The commandant’s next question was simply, “Did your parents mistreat you?” Fovi’s response left much unexplained. She responded in the negative, no they did not mistreat her, but she supported her assertion by saying “it was my mother who entrusted me to Kadja.” This addition indicated that Fovi viewed her

⁶⁹ Nicolas Argenti gives examples from the contemporary period of how commercial networks facilitated fostering arrangements in Cameroon. Argenti, “Things That Don’t Come by the Road,” 247–49.

mother's decision to entrust her to Kadja as a form of maternal care. Fovi believed her mother had acted in Fovi's self-interest when choosing Kadja to find a guardian for her.

The commandant's questioning of Fovi continued. Marcadé wanted to know how the child's mother had explained the entrusting arrangement to her. He asked:

Commandant: What did your mother say to Kadja and to you?

Fovi: My mother said that I would stay in the house of Kadja and when I would be grown, she would come and look for me.

Commandant: And she came to look for you in Ouidah?

Fovi: She came to Ouidah two months ago and she stayed three days in the household of Kadja with me and she left again. She said to me in parting that she would return soon to look for me.⁷⁰

The tribunal's questions to Fohoumbo make its suspicions of trafficking evident. Fohoumbo admitted that she knew as early as 1930 that colonial law forbade "buying" children, although she was probably referring not to slavery but to pawning, a recently condemned form of child transfers. French views on pawning changed during the 1920s and 1930s, when first the Temporary Slavery Committee and then its permanent successor the Committee of Experts on Slavery reexamined what forms of dependence constituted "modern" slavery.⁷¹ While conducting field research in Dahomey in 1931, the American anthropologist Melville Herskovits confirmed that Dahomeans widely knew that France condemned pawning as illegal. Herskovits observed, "It is said that the

⁷⁰ Marcadé Charles, *Procès-verbal d'audition de témoins: Fovi concernant l'Affaire Kadja Boco -Rapt d'enfant* (Commandant le cercle d'Ouidah, 1932).

⁷¹ The literature on debates on slavery in the twentieth century and the League of Nations' role in these debates is large and growing. For further information see, Suzanne Miers, "Slavery and the Slave Trade as International Issues 1890-1939," in *Slavery and Colonial Rule in Africa, Slave and Post-Slave Societies and Cultures* 8 (Routledge: Frank Cass Publishers, 1999), 16–37. Kevin Grant, *A Civilised Savagery: Britain and the New Slaveries in Africa, 1884-1926* (New York: Routledge, 2005). Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-1931* (Portland: Sussex Academic Press, 1999); Michael D Callahan, *A Sacred Trust: The League of Nations and Africa, 1929-1946* (Brighton: Sussex Academic Press, 2004).

custom of giving persons in pawn exists at the present time, though it is difficult, in view of the attitude of the French government toward anything that *approaches* slavery in any way, to obtain information concerning the extent to which pawning is now practiced.”⁷²

Fohoumbo explained that in 1931, “Kadja came and told me that the Whites do not permit the purchasing of children.” The next year Kadja returned Fovi to her parents in Abomey.⁷³

Despite her knowledge of the illegality of purchasing children, Fohoumbo nonetheless approached French authorities for the return of an entrusted girl. She vehemently denied that she had purchased Fovi. Fohoumbo supported this assertion by stating that Kadja had requested two hundred francs from her to find an entrusted girl, but she emphasized that she gave him no money.⁷⁴ Fohoumbo further defended her claim that she had not paid for the girl, explaining, to the contrary, that she had expended money for Fovi’s care. In 1926, Fovi arrived at Fohoumbo’s home so sickly that, initially, the woman told Kadja she could not keep the girl. Eventually, Kadja convinced her to keep Fovi, and Fohoumbo paid for an indigenous healer to attend to the child. Fovi’s medical care cost Fohoumbo 150 francs.⁷⁵ The entrustment arrangement provided Fovi with medical treatment that her family either had not been able to afford or did not have access to in their rural village outside of Abomey. Perhaps receiving medical care upon her entrustment was one reason why Fovi believed that her mother’s choice to entrust was a sign of her concern for her daughter.

⁷² Herskovits, *Dahomey*, 1938, 1:82–85.

⁷³ Cercle de Ouidah, “Procès-verbal d’interrogatoire de Fohoumbo: Affaire Kadja Boco - Rapt d’enfant,” August 29, 1932, 1M118, Archives Nationales du Bénin.

⁷⁴ It is ambiguous if some or all of this money was a finder’s fee for himself or if this fee would have gone to the girl’s family.

⁷⁵ Cercle de Ouidah, “Procès-verbal d’interrogatoire de Fohoumbo: Affaire Kadja Boco - Rapt d’enfant.”

Fohoumbo's and Kadja's interpretations of the girl's status diverged greatly. Kadja, unlike Fohoumbo, feared prosecution for brokering the deal. His evasive answers about money contrasted with Fohoumbo's forthright recounting of her expenditures. Kadja likely paid or loaned some amount of money or goods to Fovi's parents, which he refused to admit to Commandant Marcadé. When Fovi's mother reclaimed her, he acquiesced and, in 1932, returned her to her mother's village. Fohoumbo seemed sincerely shocked that Fovi's mother decided to reclaim her daughter and that Kadja had taken the girl back home. Fohoumbo emphasized the affective ties built during Fovi's six-year residence with her. Fohoumbo declared, "I raised the child, I fed and clothed her." Fohoumbo said she did not understand why the child was taken from her now, after she had assumed responsibility for Fovi's welfare for years. There remains no record of how the tribunal resolved this case. The colonial judicial archives preserve the testimonies of Fohoumbo, Kadja, and Fovi, but nothing else. There is no record of how the tribunal's members evaluated or deliberated about the information presented to them.

Colonial legal authorities tried to disentangle and weigh the motivations behind the transfer of girls and to determine whether an instance of entrustment was driven by economic calculations, affection, charity, or something else. Colonial authorities made the monetary loan the defining characteristic of what Fon and other ethnic groups in the region viewed as a more complex, if hierarchical, relationship of reciprocal exchange.⁷⁶ Court cases represented moments when one party in the exchange believed the other had violated the terms of the exchange and destroyed the trust between the parties.

Entrusted girls often lived in market women's households for many years before their families took the girls' mistresses to court. In cases where girls' parents brought the

⁷⁶ Romauld Michozounnou, February 21, 2014.

charges, they had normally managed to maintain limited contact with their daughters or nieces. In 1935, Sodekandji, the father of Mahoun, brought charges against Aledjessi, a market woman to whom he had entrusted his daughter five years earlier. Sodekandji admitted to having pawned his daughter for a loan in order to pay his taxes. No record remains of Aledjessi's testimony and how she defended herself. The first-degree tribunal, the lowest level colonial court, acquitted Aledjessi of human trafficking charges, but it did insist that she return Mahoun to her parents.

The case took an unexpected turn when Pierre Johnson, the husband of Aledjessi, appealed the verdict and demanded a repayment of the loan from Sodekandji. Johnson's appeal prompted the involvement of the criminal tribunal presided over by Camille Bienvenu, the district commandant of Athiémé. Bienvenu zealously investigated the case. In the process, he recorded a rich account of the daily lives of the girls entrusted to Aledjessi, including her treatment of them.⁷⁷ On October 27, 1935, as part of the ongoing investigation, the president of the first-degree tribunal of Athiémé, Jean Not, along with Camille Bienvenu, the Commandant of the circle of Athiémé, and Etienne Zitti Houhokinton, the court's native clerk (who acted as the interpreter and translator during the proceedings), searched a property in Athiémé owned by Pierre Johnson and inhabited by his wife Aledjessi.⁷⁸ Authorities found five girls unrelated to either Aledjessi or Johnson: Danssivi, Agossivi, Lissassi, Tchotchovi, and Hounsi aged between eight and fifteen years.⁷⁹ These girls, plus Mahoun, whose father had filed the original complaint,

⁷⁷ Chapter 5 of this dissertation focuses on the politics of Johnson's appeal and eventual conviction.

⁷⁸ Johnson had not lived there for several years. He was residing in Cotonou at the time of the proceedings. Johnson was prosecuted for *traite* only after his wife was acquitted. How his gender and class affected the prosecution of the case and its outcome are the subject of Chapter 5.

⁷⁹ Neither Aledjessi nor Pierre Johnson were charged with additional counts of trafficking for these girls. Seemingly the administration was content with a conviction for a single count of trafficking. Tribunal du 1er degré d'Athiémé, "Extrait du registre des jugements du Tribunal de la Colonie de Dahomey : Jugement

all worked for Aledjessi in food preparation and marketing. They shared similar stories about their lives in Aledjessi's home. Danssivi described her daily routine and treatment in detail, "I prepare *ablo* [steamed corn bread], I sweep the courtyard. I wash myself and next I go sell the *ablo* in the village. I am not paid. When my *pagne* [length of cloth wrapped around the body] would become old Aledjessi gave me another. I am in the service of Aledjessi." Other girls described rising with the cock's crow to do household chores before to leaving to hawk the foods they had prepared in the town's streets and markets. One admitted frankly that Johnson and Aledjessi denied her permission to visit the dispensary when she had a fever. Two of the girls stated explicitly that they were not unhappy in the Johnson household. Only one girl admitted that she wished her father would come for her and take her back to her natal home.⁸⁰

The Excerpt of the Register of Judgments for Judgment n. 201 of 4 November 1935 recorded the statement of each girl in turn. The texts show they understood their status in the Johnson household in different ways, although none mentioned slavery. The court recorder preserved in French a variety of phrases – some neutral, some inflammatory, depending on the audience – that the girls used to describe their dependence in the Johnson household. The girls' choice of terminology, along with the recorder's translation of the terms, was a particularly fraught decision which had significant legal ramifications and social meaning in the 1930s. The youngest girl, eight-year-old Agossivi, said she "was entrusted" to the Johnson household; Danssivi, ten years old, stated that she was the "servant of Aledjessi"; while Tchotchovi, a nine-year-old girl,

N. 201 du 4 Novembre 1935 – Affaire Pierre Johnson – Traite," November 4, 1935, 3M185 (184), Archives du Sénégal.

⁸⁰ Testimonies of D'Ansivi, Agossivi, Lissassi, Tchotchovi, and Hounsi in "Extrait du registre des jugements du Tribunal de la Colonie de Dahomey : Jugement N. 201 du 4 Novembre 1935 – Affaire Pierre Johnson – Traite," November 4, 1935, 3M185 (184), Archives du Sénégal.

claimed that she was held in pawnship.⁸¹ Each child interpreted her dependent status differently and emphasized different elements of the girls' shared experiences. They lived and worked in identical material conditions. Agossivi characterized her servitude and dependence in the household in a historically valued, socially acceptable manner, which incorporated an element of subservient labor. Danssivi's use of "servant" to Aledjessi privileged the labor value of the child transfer. Tchotchovi chose to describe her status in a way that would challenge her situation, since pawnship was a newly illicit form of child transfer. She was likely emboldened by the tribunal's recent decision to require Aledjessi to return Mahoun, her co-servant and co-resident.

Lissassi, Agossivi, and Hounsi gave the least damning statements which, while not glowing, were stoically neutral. None claimed to be happy with their situations; rather Hounsi and Agossivi gave succinct statements that avoided elaboration, and Lissassi kept her language more neutral than did Tchotchovi or Danssivi. Hounsi, the oldest at age fifteen, gave the simplest statement: "I have lived in the Johnson house since my earliest childhood. I am not unhappy there." Agossivi, the youngest at eight years old, echoed this sentiment about not being unhappy, but she elaborated on her personal situation, stating that her father died long ago and it was her paternal uncle who entrusted her to Aledjessi. The girls' discursive choices likely reflected their degrees of vulnerability, as well as their different situations. During the proceedings, the parents of two of the girls came and reclaimed them, while the fate of two others girls remains unknown.

The colonial legal apparatus was reluctant to interfere in the entrusting arrangements of girls sent to live with market women. Neither Dahomean legal authorities, nor French officials found the conditions in which entrusted girls lived and

⁸¹ Tribunal du 1er degré d'Athiémé, "Jugement N. 201 du 4 Nov 1935 - Johnson."

worked with market women compelling enough to mobilize support for dramatic interventions in the Dahomean household economy. No market women served sentences for human trafficking during the 1930s.⁸² After a moment of scrutiny of pawnship practices in Dahomey between 1932 and 1936, the French administration decided against taking a hard stand against child transfers of any kind. The prevalence of entrusted children forced the colonial state to act cautiously in order to avoid destabilizing either the African family or the colonial economy. Rather than regulating transfers of girls to women, the government left these arrangements in a gray area beyond state control. The French administration eventually agreed with the accused market women. The entrusting of a girl to a woman, in any form, did not constitute trafficking, at least not on the part of the accused women.

Conclusion

Pre-colonial social relationships in the region distinguished between entrusted and enslaved girls.⁸³ Beninese, the modern-day inhabitants of what was formerly the colony of Dahomey, nostalgically discussed pre-colonial and colonial forms of child entrusting in contrast to exploitative contemporary ones. Beninese informants recalled a historically rich and varied tradition of child transfers among households.⁸⁴ The distinctions between different forms of entrusting became important when the colonial state abolished slavery in 1905. Beninese believe that during the colonial era girls continued to be incorporated into households seamlessly, as hot and cold water mixed in a bucket, as the Fon proverb

⁸² Of those investigated, only one was convicted and this conviction was eventually overturned on appeal. Her male co-defendants served their time and did not appeal their convictions.

⁸³ Lovejoy, "Pawnship: A Reassessment."

⁸⁴ Vast literature on child circulation or transfer. The foundational texts Goody, *Parenthood and Social Reproduction*. and Lallemand, *La circulation des enfants en société traditionnelle*. For a recent analysis of these two and an alternative theory see Alber's contribution to Alber, Martin, and Notermans, *Child Fostering in West Africa: New Perspectives on Theory and Practices*.

which opened this chapter conveyed. In reality, households in southern Dahomey incorporated unrelated members in much more complex ways than the proverb, or Quénum's explanation of it, suggests.⁸⁵ Contrary to the ideal of full and egalitarian incorporation expressed in the proverb, children entrusted to other households entered them in hierarchies of dependence determined by age, gender, lineage, and other factors.

The colonial legal system reduced arrangements of entrustment to a dichotomy of slave or free. French colonial law courts found it difficult to accommodate the Fon worldview of creating "brothers" and "sisters" wherever a child lived. Changing patterns in mobility, durations of stay in entrusted households, and the involvement of intermediaries in placing children disrupted bonds between entrusted girls and their families. The disruption of parent-child bonds blurred the distinctions between the practices of entrusting and enslaving. Colonialism transformed norms of entrusting children and did not always maintain safeguards to ensure the welfare of the girls. These loans with feelings, it seems, both helped and exploited girls in colonial Dahomey depending on the individual women to whom they were entrusted.⁸⁶ Girls gained skills in market trading while entrusted that benefitted them in their adult careers as independent market traders. Women exploited these girls' labor. In spite of this, many of these women likely did develop affection for entrusted girls and *vice versa*.

Market women shaped the discourses about child entrustment by their insistence that it was not in fact trafficking. Women could not afford to lose this fight because their

⁸⁵ See for example Felix Couchoro's *L'esclave* for a fictionalized social commentary on the tragic and horrifying repercussions of what could happen if this ideal was not observed. Couchoro published this novel in 1929, but it has been reprinted in his complete works in 2005, which is the more accessible version outside of Benin. Felix Couchoro, *L'Esclave: Roman* (Abomey, Benin: Editions Akpagnon, 1929); Félix Couchoro, *Oeuvres complètes*, ed. Laté Bégnon Lawson-Hellu, vol. 1, 3 vols. (London, ON: Mestengo Press, 2005).

⁸⁶ Parker Shipton pointed out that loans could be made to help or exploit, but the third option is that they could do both simultaneously. Shipton, *The Nature of Entrustment*, 3.

livelihoods required access to girls as dependent, unpaid laborers. Dahomean women successfully defended “entrusting” female children to market women as a customary practice distinguishable from enslavement. The consensus that emerged from the legal decisions involving entrusted girls during the mid-1930s created an environment devoid of official will to enforce the subsequent legislation regulating children’s labor in 1936. The traditional practice of entrusting girls to market women was officially sanctioned within an extra-legal sphere where child protection laws would not apply.

All of the criminal cases involving entrusted girls as suspected victims of trafficking discussed in this chapter date from the period after the 1931 judicial reorganization took effect on April 1, 1932. After this reform, entrusted girls became more visible in legal records, but why? Admittedly, the higher profile is due at least in part to the better legal recordkeeping during the 1930s; however, this was not the primary reason. Dahomean men and women turned to colonial criminal courts at this particular moment because the reorganization of 1931 transformed the landscape of legal power. After the 1931 reform, Dahomean chiefs in their official capacities as presidents of first-degree tribunals and assessors in criminal tribunals also shaped discourses about girlhood norms.

Chapter Two: Institutions and Individuals: Chiefs' Changing Roles in Colonial Tribunals

From 1903 to 1946, the powers of indigenous chiefs changed within colonial legal institutions. A 10 November 1903 decree created a native court system for France's West African colonies, including Dahomey, which relied on indigenous chiefs to provide advice about customary law and traditional practices. The evolution of the court system in the judicial reorganizations of 1912, 1924, 1931, and 1941 altered the colonial landscape of power within which the socio-cultural practice of entrusting was embedded. The 1941 reorganization profoundly altered the role of chiefs in the indigenous criminal court system through the creation and application of an indigenous penal code in 1941. Then, in 1946, France extended the metropolitan penal code to the AOF, which necessitated the replacement of chiefly assessors with professionally trained magistrates.

By examining the institutional transformations of the 1930s, the subtle multivocality hidden beneath the surface of these legal documents becomes evident. Despite occupying positions of authority in the indigenous courts, French administrators had very little control over indigenous assessors. Legal institutions and their personnel, both French and indigenous, responded to the demands Africans placed on the colonial legal system.¹ This chapter investigates how chiefs, acting as indigenous assessors, used their new legal powers in cases involving entrusted girls.

¹ Shereikis, "Customized Courts: French Colonial Legal Institutions in Kayes, French Soudan, C. 1880 - C. 1913," 7.

Within the confines and rules of the colonial courtroom, diverse groups of Dahomean actors, including market women, customary chiefs, junior men, lineage heads, *vodun* spiritual leaders, and parents debated traditions of girlhood. Debating tradition was one of the means by which individuals navigated access to resources.² After 1931, Dahomean chiefs defined the “customary” limits of different groups’ ability to use entrusted girls as resources for personal gain. Market women’s success in claiming that entrustment was not equivalent to enslavement hinged on chiefs’ willingness to confirm that this was a benign and, perhaps, even beneficial tradition for girls. Other accusations of the abuse of entrusted girls, particularly those of a sexual nature, were less unequivocal.

The 1930s saw a rise in the demands Dahomeans placed on the legal institutions of the colonial state to intervene in these cases. Other avenues of dispute resolution existed, but many of these individuals chose to engage the official colonial legal system.³ These Dahomeans believed that the formal, colonial courts at this moment could possibly legitimate their claims to control the mobility, labor, and sexuality of entrusted girls. This chapter argues that the expansion of indigenous assessors’ powers within the criminal tribunals after the judicial reform of 1931 resulted in Dahomeans transforming claims of

² Barbara Cooper, *Marriage in Maradi: Gender and Culture in a Hausa Society in Niger, 1900-1989* (Portsmouth, NH: Heinemann, 1997), 21.

³ *Ibid.*, 21–28. As Barbara Cooper has rightly observed other fora existed and it is likely that the majority of Africans resolved their disputes within these. However, it is important to remember that Barbara Cooper is examining Niger, a colony with a unique administrative history in the AOF. I would assert that Niger’s court system was less developed than southern Dahomey’s courts. Colonial courts were therefore less accessible than other fora in Niger, similar to the situation in northern Dahomey. It was not simply a preference, rather practicality made Nigerians utilize colonial courts in fundamentally different ways than elsewhere in the AOF. For more on Niger’s colonial history, see Finn Fuglestad, *A History of Niger, 1850-1960 / Finn Fuglestad*. (Cambridge: Cambridge University Press, 1983). Benedetta Rossi, *From Slavery to Aid: Politics, Labour, and Ecology in the Nigerien Sahel, 1800-2000*, African Studies Series ; 132 (New York: Cambridge University Press, 2015). Camille Lefebvre author, *Frontières de sable, frontières de papier: histoire de territoires et de frontières, du jihad de Sokoto à la colonisation française du Niger, XIXe-XXe siècles*, Bibliothèque historique des pays d’Islam ; 6 (Paris: Publications de la Sorbonne, 2015).

abuse of entrusted girls into the criminal charges of misdemeanor human trafficking and felony charges of rape and death or disability resulting from abortion.

First, this chapter examines the texts of the 1903, 1912, and 1924 decrees. It pays close attention to the evolution of the role of indigenous personnel within the tribunals and to jurisdictional politics. It analyzes how the judicial reforms altered the landscapes of masculine power between 1903 and 1931. Next, it explains how pivotal the 3 December 1931 decree was for Dahomean chiefs. The reform expanded chiefs' legal powers at precisely the same moment when their political power came under attack in southern Dahomey. Chiefs consolidated their political authority at this time through acting as adjudicators in legal disputes. Finally, the chapter shows how changes in judicial record keeping generated documents that reveal clues about chiefs' role in legal decision making. The debates contained in these documents as well as the trajectories different types of cases took reflected chiefs' concerns about entrusted girls as a colonial social issue. Chiefs prioritized examining abuses of entrusted girls' sexuality. They felt less compelled to act in legal forums to regulate entrusted girls' mobility or labor. Chiefs developed their agenda within the framework of French administrators' legal and political concerns. This chapter investigates the encounters of chiefs, other Dahomeans, and French authorities within the colonial courts.

Institutional Reforms and the Role of Chiefs in Negotiating Legal Landscapes of Power (1903-1931)

France created a legal system in West Africa reliant on indigenous assessors whose legal roles evolved according to the political agenda of the colonial administration. The courts for indigenous subjects underwent reorganization, approximately once every

decade in 1912, 1924, 1931, and 1941. The 1912, 1924, and 1931 reorganizations altered the power of indigenous intermediaries, jurisdictional boundaries of tribunals, and the mechanisms of judicial oversight.⁴ The 1941 reorganization generated an indigenous penal code that kept the division between subject and citizen in place, while it ostensibly moved away from France's reliance on indigenous assessors' interpretations of customary law now that a penal code existed.⁵ Finally, in 1946, France dismantled the bifurcated system of native courts for colonial subjects and French courts for citizens. The 1946 decree extended the metropolitan penal code to West Africa.

From its inception in 1903, the designers of the colonial legal systems divided cases across a tripartite system of civil, commercial, and criminal tribunals.⁶ The 1903 decree allowed indigenous authorities great autonomy in civil and commercial matters, but minimized their participation in grave criminal matters.⁷ This French template proved ill-suited to African ideas of wrong doing, particularly in affairs that involved household disputes. Throughout pre-colonial West Africa, many systems of justice recognized that household disputes straddled all three types of charges. West Africans believed of many disputes within households involved civil, commercial, and criminal wrongdoing. For example, indigenous groups in French Soudan had during the pre-colonial period

⁴ Wilder, *The French Imperial Nation-State*, 107.

⁵ Almost no information on how after 1941 West Africans used the French colonial legal system. Only a handful of records preserved in 1M in the ANB. These records are randomly thrown in with other records. After World War II, France began a process of decentralization in the federation. This seems to have led to less systematic record keeping. Colonies stopped forwarding records to Dakar. Perhaps the records remain and they were simply never forwarded to the national archives. In a personal communication, Sophie Andreeti informed me that few records before 1970 have been kept in the Ministry of Justice. Future research may be able to locate these records and address the lacunae.

⁶ Richard Roberts discusses this tripartite division in Richard Roberts, "Representation, Structure and Agency: Divorce in the French Soudan during the Early Twentieth Century," *The Journal of African History* 40, no. 3 (1999): 389–410.

⁷ British colonial law similarly tolerated customary civil law and strove to suppress criminal law. See Mamdani, *Citizen and Subject*, 116.

considered it both a civil and criminal offense. In the kingdom of Dahomey, Le Herissé noted that the king alone judged cases of adultery because Dahomeans considered it akin to the French category of a felony. In the kingdom, chiefs judged misdemeanors, whereas the king judged felonies.⁸ Another example was pawnship, which could involve commercial, civil, and criminal wrongdoing. The financial contract for which the pawn served as security to ensure the loan was repaid was a commercial matter. Child custody, on the other hand, was a civil concern. Human trafficking could result in a criminal charge during the colonial era. The entangling of civil, commercial, and criminal charges was a grave matter and explains why personal and intimate matters within the household so often led to disputants to seek a formal recognition of guilt in French tribunals, rather than private reconciliation.

The 1903 decree established a court structure with four levels mirroring those of metropolitan courts. The designers intended to create a hierarchical structure where at each ascending level the volume of cases would decrease. At the bottom of the hierarchy was the village tribunal, next was the provincial tribunal, and then came the district tribunal. At the apex of the system was the *chambre d'homologation*, which roughly translated into English as the court of approval.⁹ For the entire federation, there was only one *chambre d'homologation* located in Dakar, the administrative capital of the federation from 1906 onward.¹⁰ The *chambre d'homologation* could, on appeal, review the

⁸ The terms misdemeanor and felony are used here to simply convey the level of gravity of crimes.

⁹ "Rapport au président de la République française, suivi des décrets du 10 novembre 1903: 1. portant réorganisation du Service de la Justices dans les Colonies Relevant du Gouvernement général de l'Afrique occidentale française; 2. fixant le traitement, la parité d'office et le costume du personnel judiciaire dans ces mêmes Colonies," *Bulletin administratif du Gouvernement général de l'Afrique occidentale française*, 1903, XLV–LX.

¹⁰ Previously the capital was at Saint Louis, one of the four communes that had been a part of the second empire. For a history of the four communes and their exceptional status see, G. Wesley Johnson, *The*

procedures and sentences of the provincial and district tribunals after these tribunals issued judgements. Roume added the *chambre d'homologation* to the native court structure to provide oversight of political administrators who had no legal training yet acted in legal capacities. Professionally trained French magistrates staffed the *chambre d'homologation* to ensure an outside, non-administrative check on the commandants.¹¹

Indigenous officials dominated the two lower levels of the colonial court system - the village and provincial tribunals. Either the village tribunals or provincial tribunals could serve as entry points into the colonial legal system. In the village tribunals, the administration granted village chiefs powers of conciliation in commercial and civil matters and the ability to punish minor infractions whose punishments neither exceeded five days of imprisonment nor fifteen francs in fees. Localized chiefly justice similar to the village tribunal had existed in the pre-colonial era. As Richard Roberts has shown, West African plaintiffs frequently addressed their oral and written complaints directly to the provincial tribunals, the second of four levels in the hierarchy. Plaintiffs bypassed village tribunals in favor of the provincial tribunals because village tribunals were, by and large, not a novel forum within which to experiment.

African plaintiffs likely did perceive the provincial tribunal as a less autocratic alternative to the village tribunal because the provincial or district chief was less embedded in immediate local communal politics. Moreover, two notables assisted the appointed provincial chief. The two notables, for any given case, rotated from a pre-approved list based on the professed “custom” of litigants. At this early stage, this

Emergence of Black Politics in Senegal: The Struggle for Power in the Four Communes, 1900-1920 (Stanford: Stanford University Press, 1971).

¹¹ Conklin, *A Mission to Civilize*, 91–93.

designation often amounted to Muslim or non-Muslim status. The provincial tribunal heard cases in which one or both parties wished to bypass the village tribunal. It also heard appeals from the village tribunal, as well as all misdemeanor crimes (*délits*).¹²

The French administration required provincial tribunals, unlike village tribunals, to summarize the accusations, the witnesses' statements, the deliberations, and the judgement in a legal register that the head of the provincial tribunal was required to forward to the district administrator every month.¹³ Village tribunals operated almost independently of the administration, while administrators at least reviewed the actions of provincial tribunals in order to reduce the risk of autocracy. Their records assured the accountability of provincial and district chiefs to the French administration.¹⁴ How proforma these reviews were is debatable, yet record keeping did distinguish provincial tribunals from village ones. Overworked administrators likely did not carefully scrutinize the records of provincial tribunals or take any action in the majority of cases that came before them. While the system was theoretically "under the absolute control of the administration," how fully or consistently the administration managed to exercise this control likely varied across time and space.¹⁵

The court system reserved the most severe cases for the district tribunals and the *cour d'homologation*, both staffed by French officials. These courts heard far fewer cases

¹² *Infractions, délits, and crimes* were categories of "justice repressive" that translate into English as infractions, misdemeanors, and felony crimes.

¹³ "Rapport... décrets du 10 novembre 1903," articles 70-74.

¹⁴ Roberts, *Litigants and Households*, xii.

¹⁵ Rodet argues that the administration tightly controlled the functioning of indigenous justice through the first half of the twentieth century. I agree that the French administration exercised control over the legal framework, the jurisdictions, and the appointment of personnel. After 1931, Dahomean assessors maneuvered within all of these restrictions and became influential in legal decision making and precedent setting. Marie Rodet, *Les migrantes ignorées du Haut-Sénégal: 1900-1946*, *Hommes et sociétés* (Paris: Karthala, 2009), 135–36.

than the provincial tribunals.¹⁶ The 1903 decree imbued indigenous officials in the district tribunals and the *cour d'homologation*, the highest echelons of the court system, with a consultative capacity only. The decree ordered the French administrator who presided over both of these upper level courts to consult with the indigenous assessors and mention their opinion. He was, however, in no way required to heed their advice.¹⁷ The French administrators who served as the presidents of the district courts had few checks on their powers, because they acted as policemen, magistrates, public prosecutors, and bounty hunters all in one.¹⁸ The *cour d'homologation* reviewed dossiers forwarded from district courts located throughout the AOF when the sentence exceeded five years of imprisonment.¹⁹ The *cour d'homologation* reviewed these criminal cases in order to ensure that the district courts did not “flagrantly exceed their authority” or expand their jurisdiction into matters which colonial authorities reserved for the French tribunals in the AOF.²⁰ Likely, the two assessors who sat on these judicial review panels offered limited comments. Their review of dossiers, however, ensured that in grave matters warranting

¹⁶ For scholarly analysis of the decree and a more detailed description of the court structure see, “Chapter 3: Customs and Legal Authority in the Native Courts” Roberts, *Litigants and Households*, 71–96. “Chapter 3: French Law or Native Custom?: The Creation of a Legal System for French West Africa” Shereikis, “Customized Courts: French Colonial Legal Institutions in Kayes, French Soudan, C. 1880 - C. 1913,” 84–108. Laurent Manière, “Deux conceptions de l’action judiciaire aux colonies: Magistrats et administrateurs en Afrique occidentale française (1887-1912),” *Clio @ Thémis* 4 (2011): 1–34. Brunet-La Ruche, “‘Crime et châtement’ aux colonies,” 111–71. For the *chambre d’homologation* see Dominique Sarr, “La chambre spéciale d’homologation de la cour d’appel de L’A.O.F. et les coutumes pénales de 1903 à 1920,” *Annales africaines*, 1974, 101–15.

¹⁷ See Section III and IV, articles 56-69, for role of indigenous assessors see article 60 and 3rd clause in article 62 1903 decree

¹⁸ Ruth Ginio, “Negotiating Legal Authority in French West Africa: The Colonial Administration and African Assessors, 1903-1918,” in *Intermediaries, Interpreters, and Clerks: African Employees in the Making of Colonial Africa*, ed. Benjamin N Lawrance, Emily Lynn Osborn, and Richard L. Roberts (Madison: The University of Wisconsin Press, 2006), 118.

¹⁹ See Section IV, article 61 of 1903 decree, “Rapport... décrets du 10 novembre 1903.” 23 June 1906 a ministerial decree moved the administrative capital to Dakar from Saint Louis. Richard Roberts pointed out that even though the justice system was created in 1903, the courts were not up and running in French Soudan until 1905, so most of the review would have occurred in Dakar. See Sarr, “La chambre spéciale d’homologation,” 102.

²⁰ See Section IV article 69 of 1903 decree, “Rapport... décrets du 10 novembre 1903.”

lengthy sentences, the central administration of the federation had the final word about what could and could not be tried as an indigenous matter. Throughout its existence, the *cour d'homologation* policed legal jurisdictions and imposed a certain level of homogeneity on legal procedures in the highest courts in the colonies.

The design of the court structure limited the cooperation between French and indigenous legal authorities. To a great extent, indigenous authorities operated village and provincial tribunals independently, with minimal French oversight. France, like its German and British counterparts in Africa, created a system which left courts presided over by indigenous authorities a carefully carved out residual category of disputes pertaining to “customary law” that colonial authorities felt were either insignificant or not politically dangerous. The exclusion of indigenous authorities from decision making in felony cases stipulated that there existed an upper limit on the punishments that chiefs could hand down. By allowing appeals to French controlled upper courts and excluding grave, felony matters from these lower indigenous-controlled courts, France undermined indigenous legal authority from the outset.²¹

In 1912, France reorganized the native courts in West Africa for the first time.²² The reorganization preserved the three level structure of the courts with a *chambre de l'homologation* in Dakar. The 16 August 1912 decree transformed the second level courts, however, from provincial tribunals into sub-divisional ones. This reform enlarged the number of courts and indigenous assessors in the more populous areas of the federation because it allowed for several of these courts within a single subdivision. It

²¹ Sally Falk Moore makes a similar observation in the context of Chagga controlled courts set up by the Germans. Moore, *Social Facts and Fabrications*, 95 & 103–4.

²² The decree took effect one month later on 17 September 1912.

facilitated greater access to courts in the more populous, coastal, southern Dahomey while leaving the northern districts with a bare bones judicial framework. The sub-divisional courts retained the three-member tribunal that the provincial tribunals had used and explicitly enlarged the role of the two indigenous assessors to have a “deliberative voice” in the proceedings rather than simply “assisting” the presiding chief. This reform amounted to more than a simple change in nomenclature. “Chief” disappeared as a qualification for the tribunal president at the sub-divisional level. The president, like the assessors, was to be chosen from among the “notables” of the region.

In November 1913, a little more than a year after the reorganization took effect, the Ministry of the Colonies sent E. Beurdeley, a chief clerk in the Ministry, on an official tour of the AOF to determine the effects of the decree on indigenous justice. He traveled throughout the AOF for the next eight months and returned to Dakar in June 1914. Beurdeley hailed the 1912 reorganization as an accomplishment, which reflected the progress colonial rule had already realized in Africa, as well as the early stages of a successful evolution of indigenous life.²³ Part of the “progress” the 1912 decree achieved was to further define the limits of chiefly authority within the colonial legal system. Village chiefs retained their powers of conciliation in civil and commercial matters; however, they lost their responsibilities of simple policing and of fining for infractions of colonial laws. Beurdeley noted that many local notables declined the “honor” of being named a village chief. Others who accepted the office used it to extort wealth from the

²³ E. Beurdeley, *La Justice Indigène En Afrique Occidentale Française: Mission D'études 1913-1914*, 1916, <http://gallica.bnf.fr/ark:/12148/bpt6k147625h>.

population causing plaintiffs to decide against appealing to village chiefs to resolve disputes.²⁴ From 1912 onward, village chiefs' legal powers declined precipitously.

The 1912 decree also made it apparent that the administration believed the chiefs lacked the capacity to judge certain types of cases in accord with the principles of France's imperial civilizing mission. Article 19 of the 1912 decree enumerated a list of felony crimes that fell exclusively within the jurisdiction of the district tribunal, the third level in the court hierarchy. During the years 1903 to 1912, the jurisdictional limits between misdemeanors, which fell within the authority of provincial tribunals, and felony crimes, which fell within that of district tribunals, remained at the discretion of the tribunals themselves and the review of the *chambre d'homologation* in Dakar.²⁵ Article 19 included the crimes of: 1) attacks on human life and assault, battery or violence of any nature leading to death, 2) acts of group pillaging or armed robbery, 3) arson, 4) kidnapping, abduction, and forcible sequestration of unwilling persons, 5) the poisoning of wells, cisterns, and other drinkable water, and 6) mutilations.²⁶

Beyond this primary list, the 1912 decree also carved out other exceptional domains to include within the jurisdiction of district tribunals. Most of these crimes involved indigenous intermediaries of the colonial state. The district courts presided over by a French administrator would judge accusations of corruption of indigenous agents of the colonial state, crimes committed by members of the colonial military, as well as the

²⁴ Ibid., 23–25.

²⁵ The tribunal de l'homologation reviewed cases for jurisdiction only if the sentence imposed exceeded five years of imprisonment

²⁶ There is great overlap in the colonial definition of felony crimes and those listed by Le Hérisse as pre-colonial felonies in the kingdom of Dahomey. He lists theft with breaking and entering or violence, highway robbery with ambush, arson, homicide, rape, and adultery. Rape would be added to the list of felony crimes in 1931. Adultery was a civil charge, not a criminal one in the colonial tribunals. Auguste Le Hérisse, *L'ancien Royaume Du Dahomey, Moeurs, Religion, Histoire*, 1911, 75–77, <http://gallica.bnf.fr/ark:/12148/bpt6k209284r>.

usurpation of the functions and titles or impersonation of public agents of the colonial state. A clause in the 1912 decree expressly reserved acts of human trafficking (*faits de traite*) as part of the jurisdiction of the district tribunal. Beurdeley explained in his 1914 report that human trafficking was one such crime reserved for the district commandant to decide because the “as yet primitive morals of the indigenous judges do not permit them to always appreciate the full gravity” of human trafficking with impartiality.²⁷ France doubted African assessors abilities to decide these matters to meet the requirements of the civilizing mission and felt it necessary to handle human trafficking along with other felonies under the supervision of a French district commandant as the presiding judge.²⁸ The addition of these classes of felonies gave French officials the power to harshly police their indigenous collaborators (or other individuals who claimed such titles) and punish them within the structure of the legal system rather than extrajudicially with the *indigénat*. In addition to these more clearly defined felonies, these clauses contained the ambiguous felony of “threats to public order.” This ill-defined category of crime allowed the district courts to overrule any decision, appealed or not from the sub-division court, that the colonial administrator disagreed.²⁹ From 1912 forward these crimes would be the exclusive responsibility of district tribunals, where the two indigenous assessors were subordinate to the French president of the tribunal, the district commandant. In the district tribunals from 1912 to 1924, indigenous assessors only had consultative powers within criminal proceedings.

²⁷ Beurdeley, *La Justice Indigène En Afrique Occidentale Française*, 10.

²⁸ Ginio discusses the rationale for supervising indigenous assessors in these matters, see Ginio, “Negotiating Legal Authority,” 121–23.

²⁹ Ginio, “Negotiating Legal Authority,” 126–27.

Despite initial intentions in 1903 to impose a strict hierarchy on court usage, the 1912 reorganization undermined the two lower levels of the native court system and, in doing so, the hierarchical structure itself. The diminished powers of the village chiefs and the expanded powers of the assessors in the sub-divisional courts marked a shift in the orientation of the two lower levels of native courts. These reforms put in place checks on the legal authority of chiefs. The French administration saw this as an improvement and shift away from pre-colonial autocratic practices of chiefly justice.

In March 1924, the French administration once again overhauled the indigenous court system. In contrast to Beurdeley's triumphalist praises of the 1912 reorganization, Governor General Carde wrote a circular to accompany the 1924 reorganization, which bluntly pointed out that the shortcoming of the previous colonial legal regimes necessitated further reform. The difference in Carde's tone was likely due to the contrasting audiences of each assessment. Beurdeley wrote his assessment for metropolitan policymakers not involved in the day-to-day task of on-the-ground imperial governance. Carde, however, addressed his frank assessment to the administrative hierarchy below him. It served to remind French administrators in West Africa of their responsibilities as colonial legal officers to use the legal system as a tool to promote civilization and transform the consciousness of West Africans. Carde admitted that the errors proven by two decades of experience had revealed the inadequacies of the system and pointed to the difficulties in applying the procedures and laws outlined in the 1912 decree.³⁰

³⁰ Jules Carde, "Circulaire sur la réorganisation de la Justice indigène," *Journal officiel de l'Afrique occidentale française* 20, no. 1026 (May 24, 1924): 365.

The 1924 decree reimagined the structure of the indigenous tribunal and the roles of chiefs in the lower courts. One of the areas of “shortcoming” was apparently the village tribunals. The decree diminished the power and prestige of what had previously been called the village tribunal. The village tribunals had from 1903 to 1924 operated as the entry-level institution of the indigenous court system presided over by the village chief. The administration appointed and deposed village chiefs as it saw as expedient. These courts though had largely operated independently with no oversight unless appealed or bypassed.

The point of entry into the colonial legal regime was now the first-degree tribunals, which retained many similarities in composition and processes with their predecessor the sub-divisional courts. The new tribunals maintained the triumvirate of a president and two native assessors with a deliberative voice. However, provincial or cantonal chiefs were no longer the presumed presidents of these entry-level tribunals. In his exegesis on the decree, Carde pointed out that the administration now had greater latitude in whom it appointed as the president of first degree tribunals. Chiefs, indigenous notables, or French administrators could be appointed as presidents of the first degree tribunals. Chiefs would only be appointed when they were the best qualified to hold the office.

The 1924 decree renamed the district tribunals as second degree tribunals. These tribunals remained virtually untouched by the reform with only a slight expansion in the types of cases which fell within their jurisdiction as felony crimes. The 1924 decree maintained virtually unchanged from the 1912 reorganization the list of felony crimes

that would lie within the jurisdiction of the second degree tribunals.³¹ The one addition to the 1912 decree, was anthropophagy, or the eating of human flesh also known colloquially as cannibalism. In his prefatory remarks, Carde described human trafficking and anthropophagy as the “two most revolting forms” of barbarism.³² Despite Carde’s prioritization of eliminating these crimes, he also felt it undesirable for the *chambre d’homologation* to review either of these types of cases. Carde justified this opinion: “The *chambre* will not decide on cases of trafficking or cannibalism because it would not do so with the same celerity of a local tribunal.” While Carde did not trust first degree tribunals to decide these cases, he also felt that only tribunals with local-level officials could understand the details of them. This statement reveals the continued necessity of indigenous assessors to the colonial legal system, yet the French administration remained uncomfortable with these African officials and distrustful of them.

Colonial legal transformations unfolded in tandem with imperial politics. The balance of power between French administrators and the chiefs they appointed shifted after the first decades of the twentieth century. After 1920, the colonial administration less frequently replaced assessors. Assessors remained in office longer than they had previously. This stability augmented their power and authority. The continuity in indigenous personnel contrasted with the rapid turnover of French officials during this same period. Dahomeans had grown accustomed to the earlier system of officials spending their careers and establishing families with “bush” wives in a colony.³³ During

³¹ See article 22 of A. Millerand, “Arrêté promulguant en Afrique occidentale française le décret du 22 mars 1924, réorganisant la Justice indigène en Afrique occidentale française,” *Journal officiel de l’Afrique occidentale française* 20, no. 1026 (May 24, 1924): 401.

³² Carde, “Circulaire Carde,” 395–96.

³³ Famously for Dahomey, Lieutenant Governor Gaston Fourn governed the colony from 1917 to 1928. Fourn’s descendants petitioned the colonial courts to recognize them as legitimate.

the interwar years, on the other hand, French administrations rotated on average every two years during the interwar years. Dahomean évolués saw this [Now you need a concluding sentence in the paragraph that speaks to the impact of the rotation of French officers on the power/authority of indigenous personnel.}

Incorporating the institution of chieftaincy into the colonial legal culture was a complex and incomplete process, which significantly changed direction in 1931. Mahmood Mamdani argued that in reality, “customary” law in colonial Africa consolidated non-customary powers in the figure of the chief and embedded him in the colonial administration.³⁴ Chiefs became further embedded in the colonial legal system of AOF in 1931 as they gained additional non-customary powers. The 3 December 1931 decree formally expanded the legal powers of chiefs, one element in a larger policy that reinvigorated chieftaincy. After the marginalization of chiefs in the 1912 and 1924 decrees, the 1931 decree was all the more remarkable. The decade 1932 to 1941 inaugurated a new era in colonial jurisprudence, given these transformations in the legal landscape.

The 3 December 1931 Decree: Chiefly Legitimacy and Legal Authority

The 1930s witnessed the most dramatic official shift in chiefly privileges in French West Africa since the establishment of colonial rule in the late nineteenth century. After 1900, when France deposed Agoli-Agbo, the disputed last king of Dahomey, it began to systematically dismantle the prestige and authority of the pre-colonial rulers of

³⁴ Richard Roberts rightly observed that the legal system Mamdani discusses is that of the mature phase of colonial rule. I use the male pronoun here because women chiefs during the colonial era were exceptional to the extreme. In Dahomey, I have discovered none. For an example of one such female chief see the biography of Ahebi Ugbabe, see Nwando Achebe, *The Female King of Colonial Nigeria Ahebi Ugbabe*, UPCC Book Collections on Project MUSE (Bloomington: Indiana University Press, 2011).

the region.³⁵ Then in the 1920s, official colonial ideology shifted from the objective of assimilation to that of association.³⁶ Part of the policy of association envisioned that chiefs would somehow regain their pre-colonial stature and then collaborate with French administrators to help guide African populations along the evolutionary march to becoming “civilized” peoples.³⁷ As late as 1930, Inspector Demaret remarked that chiefs had no “real” power. According to Demaret, they acted as auxiliaries of the French commandants.³⁸ During the first twenty-five years of colonial rule from 1894 to 1919, colonial chiefs derived their authority from the Europeans who had deposed and replaced their predecessors in the service of metropolitan interests.³⁹ The French administration circumscribed chiefs’ judicial, legislative, and executive authority in ways which undermined chiefs’ legitimacy.

After more than three decades of undermining chiefly authority, France decided to reinvigorate indigenous hierarchies and empower chiefly offices anew. By this point, however, chiefs lacked popular legitimacy derived from traditional power bases.⁴⁰ The 1931 legal reorganization was just one element in a larger transformation in France’s colonial policy during the 1930s. While serving as Governor General of French West Africa from 1930 to 1936, Jules Brévié developed official policies designed to support of

³⁵ In 1894, France defeated Behanzin, the final king to rule Dahomey autonomously. After exiling Behanzin, France put Behanzin’s brother Agoli-Agbo on the throne in Abomey. He fell from official favor in 1900 and was exiled as well. Some branches of the royal family do not recognize Agoli-Agbo’s reign as legitimate. For more information on Behanzin and Agoli-Agbo, see Djivo, *Le refus de la colonisation dans l’ancien royaume de Danxomé, 1875-1894*; Garcia, *Le royaume du Dahomé face à la pénétration coloniale*. This is in marked contrast to elsewhere in Africa, particularly British policies of incorporating pre-colonial polities.

³⁶ Raymond Betts, *Assimilation and Association in French Colonial Theory: 1890-1914* (New York: Columbia University Press, 1961).

³⁷ Conklin, *A Mission to Civilize*, 208.

³⁸ Demaret’s comments are quoted in Brunet-La Ruche, “‘Crime et châtement’ aux colonies,” 228–29.

³⁹ Spear, “Neo-Traditionalism and the Limits of Invention in British Colonial Africa,” 3 & 8–10.

⁴⁰ For a more in depth discussion of one such chief’s struggle to legitimate his claims to authority through rumored ritual sacrifice, see chapter 6 of this dissertation “Borrowing a Child, Getting Ahead.”

an “authentic,” African elite. He saw these “authentic,” traditional leaders as an antidote to the “Frenchified,” *évolué* elite, that had become a thorn in the administration’s side.⁴¹ In a 1932 letter circulated to each of the Lieutenant-Governors in French West Africa, Brévié explained that a half century of colonial occupation, the repercussions of an unprecedented war, and an economic depression affecting the entire world justified such a radical change in colonial governance.⁴²

The 3 December 1931 decree institutionalized a reversal of official policy concerning chiefs’ place within the colonial legal structures. The 1931 decree marked the beginning of an uphill battle to grant “real” power to France’s chiefly intermediaries in West Africa. Henceforth, five members would compose the personnel of the criminal courts: the tribunal’s president, two French assessors, and two indigenous ones, overwhelmingly men who were also appointed chiefs. The reform, in addition, increased the powers of indigenous assessors in the newly created native criminal tribunals beyond a merely consultative role. In future chiefs were to be incorporated into the deliberations in felony criminal cases, with the idea of expanding the powers of indigenous assessors at all levels of the court system. Article 3 of the decree emphatically stated this reorientation, “The European and indigenous members of jurisdiction have, always and in

⁴¹ For Brévié’s policies see Gouvernement général de l’Afrique occidentale française, *Circulaires de M. le Gouverneur général Jules Brévié sur la politique et l’administration indigènes en Afrique occidentale française / Gouvernement général de l’Afrique occidentale française* (Gorée: Imprimerie du gouvernement général, 1935), <http://gallica.bnf.fr/ark:/12148/bpt6k57839124>; Conklin, *A Mission to Civilize*, 208–10. For discussions of the évolués in Dahomey see Herschelle Sandra Sullivan Challenor, “French Speaking West Africa’s Dahomeyan Strangers in Colonization and Decolonization” (Ph.D., Columbia University, 1970); Bellarmin Coffi Codo, “La presse dahoméenne face aux aspirations des ‘évolués’: ‘La Voix du Dahomey’ 1927-1957” (Thèse de doctorat de 3e cycle: Histoire, Université Paris Diderot - Paris 7, 1978). Emily Burrill makes this same observation about official policy in French Soudan during the 1930s. Burrill, *States of Marriage*, 128–29.

⁴² Brévié’s reference to half a century of colonial rule refers to other areas of the federation. Dahomey was conquered in 1894. Gouvernement général de l’Afrique occidentale française, *Circulaires de Jules Brévié*.

every matter a deliberative voice.”⁴³ This recognition of parity among French and indigenous assessors radically transformed a foundational element of the colonial legal system. Since 1903, there had existed certain crimes that France deemed too serious for indigenous assessors, who were assumed to be simply unqualified to adequately judge such matters according to colonial standards. The colonial legal system had until this point marginalized chiefs and not trusted them with the responsibility of participating in the prosecution and judgement of felony crimes. The legal records show that after 1931 chiefs embraced their new responsibility and actively used their new authority to transform the criminal process in Dahomey.

In addition to further empowering chiefs, the 1931 reorganization also formalized French oversight and review at all stages of the criminal prosecutorial process.⁴⁴ The 1931 decree replaced the *chambre d’homologation* with a *chambre d’accusation*. The *chambre d’accusation* reviewed all stages of the legal process, rather than limiting its oversight to certain cases after a judgment had already been issued, as the *chambre de l’homologation* had done. The increased oversight after 1931 led to the compilation of some of the richest, most detailed judicial records of the colonial era in Africa.

This reform gave practical teeth to the official ideological shift embracing chiefs as accredited representatives of indigenous collectivities.⁴⁵ However, the new authority of

⁴³ Gouverneur général Brévié, “151 A.P. Arrêté promulguant en Afrique occidentale française le décret du 3 décembre 1931, réorganisant la Justice indigène en Afrique occidentale française,” *Journal officiel de l’Afrique occidentale française*, February 6, 1932, 125–34.

⁴⁴ See articles 62 to 66 of *Ibid.*, 131.

⁴⁵ Alexandre does not analyze how legal reforms affected chiefly authority. He does cite Brévié’s language and describes this shift in official understandings of the place of the chief in French colonies in West Africa. See Pierre Alexandre, “Chiefs, Commandants and Clerks: Their Relationship from Conquest to Decolonisation in French West Africa,” in *West African Chiefs: Their Changing Status under Colonial Rule and Independence*, ed. Micheal Crowder and Obaro Ikime (New York: Africana Publishing Corporation, 1970), 4–5.

chiefs was neither unlimited, nor unchecked. Even so, the 1931 reorganization of native courts endowed indigenous assessors with greater authority. In addition, the reorganization reconfigured jurisdictional boundaries, which prompted chiefly assessors to test the political, social, and economic limits of their expanded legal powers. These two modifications revolutionized colonial criminal procedures.

From 1932, when the 3 December 1931 decree took effect, until a subsequent 1941 reorganization, chiefs struggled to translate their new legal powers into political, social, and economic advantages for themselves. Chiefs consolidated their authority in conjunction with the colonial state's expansion of their official capacities.⁴⁶ Colonial courts could confer or deny access to resources, including entrusted girls. Chiefs acting in their roles as indigenous assessors influenced who could legitimately use entrusted girls as resources and in what ways they could do so. Struggles over entrusted girls became an arena in which masculine privilege was contested. These struggles involved men versus women, junior men versus senior men, chiefs versus *évolués*, chiefs versus religious authorities, and the poor versus the rich in a web of competition to gain privilege in a rapidly changing colonial society.

Documenting Chiefs' Roles in Colonial Tribunals, 1932-1941

Between 1932 and 1941, chiefs deployed their new powers with circumspection and did not bring forth complaints as they were allowed to do. Theoretically, either the district commandant or the sub-divisional chiefs could have brought forth charges of their own initiative or through information provided by subordinates. However, there is no

⁴⁶ Emily Burrill observes that chiefs consolidated their authority in the 1930s, but she does not analyze how they did so. Burrill, *States of Marriage*, 109.

evidence that any chief or administrator took it upon himself to do such a thing in a regular or systematic way. Chiefs and French administrators allowed family members or the individuals who cared for entrusted girls and were involved in their daily lives to dictate the colonial tribunals' caseload.

Plaintiffs dictated what social issues tribunals would have the opportunity to adjudicate. The first step in the multi-tiered process of transforming abuse into a criminal case occurred when an adult either witnessed a child's abuse or receptively listened to a girl's recounting of experiences of exploitation or abuse. The decision to take a claim of wrongdoing to colonial courts was not taken lightly. When Dahomeans did take cases to the colonial courts, they initiated the legal proceedings with a letter or formal oral statement of complaint. Girls themselves could not directly approach the courts. Adults, often their female guardians in rape cases and male relatives in cult-house and trafficking cases, presented claims of wrongdoing to French administrators on their behalf. Their written or oral complaints revealed intimate, mundane details of girls' daily lives and roles in colonial society.⁴⁷

Colonial courts chose not to formally pursue all cases involving entrusted children. Chiefs had little if any control of this initial screening process. The French commandant decided when complaints would be formally investigated. Sometimes he consulted chiefs and other times he took matters into his own hands without handing the case over to the courts for a formal investigation and hearing. Most commonly all that remains to document those complaints which never entered the tribunal is a short letter

⁴⁷ Similarly, Chima Korie has shown that the initial letters of petition in British Africa contain rich detail. Chima J. Korie, "'May It Please Your Honor': Letters of Petition as Historical Evidence in an African Colonial Context," *History in Africa* 37 (2010): 83–106.

from a guardian or a relative. Sometimes a one paragraph telegram from the administrator is the only indication the administrator acted, rather than ignoring the complaint or launching a formal investigation and legal decision. Brief hand written notes scrawled in the corner of the telegram provide the only additional documentation.

Administrators sought to independently resolve cases of entrusted children who ran away from guardians without involving the full tribunal. Once an administrator located the entrusted child in question, he often simply noted “The child was returned to his/ her family.” This was the fate of four or five-year-old Gnonronfoun Kôya, a boy found wandering along the road between Cotonou and Porto-Novo. The boy was taken to the canton chief and questioned. Gnonronfoun complained of mistreatment in the household he had lived in as an entrusted child. He explained that he fled the household because he wanted to rejoin his parents whose names he gives. The Police Commissioner of Porto-Novo investigated the matter and decided to return the boy to his parents.⁴⁸ Other notations on letters of complaint reveal that this was a common scenario. The cases the tribunal heard regarding entrusted girls were exceptional. Chiefs and administrators often preferred to resolve questions regarding the guardianship of children personally. Such cases were handled outside the formal court system where legal officials acted in personal or professional capacities, not legal ones.

The extant records of the 1930s are unique in revealing how tribunals filtered information. The archives preserve more information on unsuccessful complaints during this era than on any other time period. One of the striking things about records after 1931 are the letters of complaint and other materials gathered before a dispute was ever heard

⁴⁸ Commissaire de police, “Telegramme: Lettre officiel N. 3234 P.M.” (Commissariat de Police - ville de Porto-Novo, November 7, 1939), 1M71, Archives Nationales du Bénin.

before a court. Once administrators decided to pursue a case, chiefs took on a supporting role in gathering the evidence for the pre-trial dossier. The commandant or other French administrator serving as the tribunal's president exerted control over the investigation into statements of complaint. He was the one who called witnesses to testify, solicited expert reports on physical evidence, and executed searches for evidence.⁴⁹

The 1931 decree laid out in detail the procedures for hearing cases, but it left many aspects of the investigative process to personal improvisation. If the French administrator deemed the statement of complaint warranted further investigation, testimony would be gathered in the form of *procès-verbal*. The *procès-verbal* recorded the questions of tribunal members as well as the responses of those testifying to these prompts. The administrator summoned the individuals who he wished to interrogate to the commandant's office for questioning. Normally, the administrator presiding over the tribunal had multiple other indigenous members of the tribunal present along with an interpreter who translated the questions from French into the relevant indigenous language and then reversed the translation process for witness's testimony. In addition to this active participants, a scribe recorded the exchange. In cases where the person testifying spoke French, the administrator might forgo inviting these other officials and conduct the interview independently with only a scribe present to produce the written transcript. The amount of detail in *procès-verbal* records varies considerably. Each participant was introduced with a short biographical profile that included profession,

⁴⁹ The French colonial justice system in some ways mirrored the metropolitan one. The administrator acted as both the *procureur* or prosecutor and the *juge d'instruction* or investigating magistrate. Combining these two distinct sets of responsibilities in a single person negated in the colonies many of the checks and balances embedded in the French system. John Bell discusses these officials role in the pre-trial process in France, see John Bell, "The French Pre-Trial System," in *Miscarriages of Justice: A Review of Justice in Error*, ed. Clive Walker and Keir Starmer (London: Blackstone Press Limited, 1999), 354–70.

familial status, age, and gender. A criminal *procès-verbal*, as opposed to its civil counterpart, contained a greater depth of information.⁵⁰ The 1931 decree required the entire tribunal to convene only when it reviewed the pre-trial dossier. Chiefly indigenous assessors participated in the *procès-verbal* when the commandant invited them to do so.

Procès-verbal from witnesses, the accused, and the victim formed the core of the pre-trial *dossier*. *Procès-verbal* containing the mediated words of girls exist for cases of trafficking and rape, but rarely does the legal record contain first-hand accounts of cases of abuse in vodun convents. Taboos, which French officials largely respected, prevented them from entering vodun convents. French requests to meet with girls inside vodun cult-houses were denied or delayed for years until the end of the girl's initiation. These recorded testimonies were combined with evidentiary reports, medico-legal reports, copies of the accused's prior convictions, and any correspondence between administrators requesting information or assistance to complete the *dossier*.

Only after the investigation and gathering of information had occurred would the tribunal hear the case. During hearings authorities mixed, in complex ways, the review of documents recorded from a variety of witnesses and experts with the occasional in-person direct questioning by the entire tribunal. The *procès-verbal* contain much unfiltered information that disappears from the *réquisitoires*, or formal indictments. *Réquisitoires* gave brief profiles of those involved in the case, recounted the accusation, summarized the evidence in the dossier (witnesses, medico-legal certificates, etc.), debated the jurisprudence, and finally, concluded with a decision over whether or not proper procedure had been followed in the tribunal. Then either the tribunal requested a recess while it gathered further information or issued a judgement based on the evidence.

⁵⁰ Burrill, *States of Marriage*, 135.

After 1931, the tribunal's secretary eventually recorded a decision in the *état des jugements*, the register of judgements. The *état des jugements* are treasure troves in the 1920s, but they become brief in the 1930s. Richard Roberts has shown how scholars can mine these rich registers for earlier periods, but their utility changes in the 1930s. The brevity and simplicity of the *état des jugements* in the 1930s tells historians very little beyond names, basic biographical information, and the verdict.⁵¹ No longer do these registers contain summarized narratives or the relevant evidence, which led the tribunal to convict or acquit.

Ordinary individuals demanded that tribunals regulate the political and economic effects of colonialism on girlhood norms. Parents sought the return of their pawned daughters from market women. Market women asked the state to address the issue of the rape of street hawkers while working on these women's behalf. Fathers and fiancées wanted the colonial tribunals to enforce a vodun taboo forbidding sex acts between initiates and cult-houses' male leaders. Each of the three types of cases that the population brought forth presented chiefs with unique opportunities to use their legal powers to reinforce political objectives.

Conclusion

The colonial state maintained native courts alongside those reserved for French citizens from 1903 until 1946 when the 30 April 1946 decree abolished native courts and extended French jurisprudence to the AOF.⁵² The terms of the relationship between

⁵¹ These complete dossiers though have rarely been preserved intact. To reassemble these as best one can for Dahomey, one must examine all cartons of judicial materials at the *Archives nationales du Bénin* and cross reference names and biographical profiles of the accused, the plaintiffs, and the witnesses.

⁵² For a brief discussion of the 1941 and 1946 penal codes see Robert Cornevin, *Histoire du Dahomey*. (Paris: Berger-Levrault, 1962), 433.

French administrators and Dahomean chiefs in colonial courts changed in this period. The reforms of the interwar era, in particular, enhanced chiefly authority within the colonial legal system. While chiefs had always exercised control over the village tribunals (1903-1924) and provincial/ first degree tribunals, chiefs belatedly gained a deliberative voice in second degree civil and commercial tribunals in 1924. The 1931 decree, firstly, allowed chiefs in their capacities as assessors to develop a legal agenda which they politically benefitted from. Secondly, chiefs' increased role in criminal tribunals changed how Dahomeans used these tribunals. Dahomean adults chose to defend their interests in colonial legal forums in order to formally consolidate social, economic, and political power bases which relied on girls' labor, mobility, and sexuality.⁵³

The 1931 decree then empowered chiefs in new ways, which substantively affected the operation of criminal courts. The changes that the 1931 decree introduced encouraged Dahomeans to bring their debates about traditions of entrustment into colonial legal forums. In particular, Dahomeans asked chiefs to protect entrusted girls from sexual abuse. Market women asked the state to address the issue of the rape of street hawkers while working on these women's behalf. Fathers and fiancées wanted the colonial tribunals to enforce a vodun taboo forbidding sex acts between initiates and cult-houses' male leaders. As Chapters Three and Four will show, the results of cases of sex crimes perpetrated against entrusted girls were mixed. French and Dahomean authorities agreed on the primacy of physical evidence, but the tribunals interpretation and access of

⁵³ It is too simplistic to say that girls' value for women laid exclusively in their labor and for men it was sexuality. While these may have general principles, the two are interrelated and as subsequent chapters will show households benefitted from both in an overlapping fashion.

the physical evidence depended on many factors. In cases concerning the rape of street hawkers and abortion leading to death or disability of *vodun* initiates, witnesses' observations concerning the victim's suffering after the sex crime often proved crucial in tribunals' decision-making processes.

Chapter Three: Working Girls: *Petites Vendeuses* and Sexual Assault in Colonial Streets

Established market women employed entrusted girls as *petites vendeuses*, or street hawkers, in order to expand women's enterprises beyond the limits of market stalls. *Petites vendeuses* literally translates as "little vendors," with the diminutive *petite* referring to both the girl's age and the volume of her sales. Hawking functioned as an apprenticeship of sorts in market trading, the predominant profession for women in colonial West Africa.¹ Colonial officials feared that this apprenticeship introduced girls to transactional sex alongside market trading in goods. These stereotypes obscure the real dangers that girl hawkers faced and the violence they experienced.

Historians Abosede George and Saheed Aderinto have shown that both British colonial officials and Lagaosian women activists feared that hawkers faced sexual danger due to the demands of their profession. According to their studies, British officials in Lagos conflated street hawking with, at best, sexual promiscuity and, at worst, prostitution. George does not use legal records to determine the veracity of this anxiety.² Aderinto relies on court records to show how the issues of street hawking and child prostitution overlapped in the minds of welfare officers, but he does not interrogate how stereotypes about hawking as a normal girlhood activity influenced the way that colonial courts defined rape.³ Legal records from colonial Dahomey confirm that in West African markets during the 1920s and 1930s, rumors of the rape of girl hawkers reflected a real threat that girls dealt with on a regular basis. Court documents from the 1930s show that

¹ For more information on girl hawkers in nearby Lagos, Nigeria, see George, *Making Modern Girls*.

² *Ibid.*, 113–41.

³ Aderinto, *When Sex Threatened the State*, 78–84.

stereotypes about girl hawkers influenced the very definition of what constituted a felony sex crime of rape.

Tribunals composed of both French administrators and Dahomean chiefs elevated forms of physical evidence above oral testimony as more reliable and objective than girls' and women's accounts of sexual violence. "Objective" medical evidence commonly eclipsed all other narratives of the events despite the unacknowledged manipulation of this evidence. Age and life stage critically affected what evidence the body could exhibit for the tribunal. Embodied evidence in the form of physiological development, sexual experience, and exhibited social indicators, such as ritual scarification, critically altered the prosecutorial process of rape as a crime.

In colonial courtrooms, girl hawkers recounted their experiences of sexual abuse and exploitation while working. This chapter examines *petites vendeuses*' narratives of sexual assault and their reception by colonial tribunals between the 1924 judicial reorganization and the postwar reorganization of 1941.⁴ These narratives of assault reveal that sexual violence was an everyday possibility for girl hawkers, because their profession rendered them uniquely vulnerable to the unwanted sexual advances of their prospective customers. Despite similarities in the narratives these girls told, judicial authorities evaluated them differently after the 3 December 1931 decree took effect in April 1932. This chapter argues that after the 1931 judicial reorganization, maturity became the primary factor in colonial tribunals' assessments of whether or not a non-consensual sexual encounter between a Dahomean man and a hawker was rape. Girls'

⁴ This reorganization decentralized record keeping in the AOF federation and seemingly the local level administrators stopped forwarding records on to either the colonial capital in Porto-Novo or to the headquarters of the federation in Dakar. I found almost no criminal records for the mid-1940s onward in the National Archives of Benin and there were no Dahomean judicial documents after World War II in Dakar.

accusations of rape faced greater skepticism and mounting evidentiary requirements from 1931 onward. After 1931, more mature *petites vendeuses* had less chance of redress in colonial courts. Dahomean men could act with greater impunity as, in the years following the decree, convictions plummeted from between seventeen and twenty convictions per year in the period 1924 through 1926 to fewer than ten per year in the years 1933 to 1936, and eventually to an all-time low of four convictions for the year 1937.⁵ The application of the 1931 decree in Dahomey was one way in which colonialism sanctioned men's use of extreme, violent forms of sexual coercion.⁶

This chapter focuses on the investigative processes in rape cases in colonial Dahomey from 1924 to 1940 in order to place girls' narrations of sexual assault at the center of the analysis, rather than emphasizing the outcomes of the cases. Due to the paucity of successful convictions for rape, examining only the outcomes privileges judicial authorities' interpretations of girls' narrations. This chapter examines these girls' narratives and colonial authorities' evaluations of them in order to show how colonial tribunals, composed of both indigenous and French authorities, negotiated and manipulated rape into a colonial crime with a culturally significant meaning divorced from any legal text defining it in such a way.⁷

This chapter first explores how, throughout the period 1924 to 1941, market women reported sexual violence committed against the girls in their households at a

⁵ Only after further reorganizations in 1941 and 1946 would the level of rape convictions reach their pre-1931 level with twenty convictions in 1948.

⁶ Elizabeth Thornberry makes a similar point based on British colonial law courts in South Africa. Elizabeth Thornberry, "Virginity Testing, History, and the Nostalgia For Custom in Contemporary South Africa," *African Studies Review* 58, no. 3 (December 2015): 162, doi:10.1017/asr.2015.79.

⁷ For a discussion of the term's malleability in the American legal context see Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013).

sustained level, despite a decrease in convictions for rape. Second, it traces the meanings and jurisdictions of rape and other sex crimes in the French colonial legal system, paying close attention to the 1931 reorganization. Third, the chapter explains how trends in the post-1931 period reflected indigenous Dahomean ideas about two distinct stages of girlhood. Finally, it discusses how age and life stage affected what evidence girls' bodies could display.

The judicial records of the National Archives of Benin contained 206 cases of alleged rape for this period.⁸ Court records of sexual assault chronicled more than accusations of criminal actions, the accused's defense, and the complainant's claim to victimhood.⁹ The *procès-verbal*, or recorded statements produced in the course of the district commandant's investigation of written or oral statements of complaint, contained rare first-hand accounts of normal childhood activities, which the assault disrupted. Girls' narrated the trauma of the assault as an event embedded in the course of their everyday life. In many cases, the *procès-verbal* have not survived and girls' accounts are preserved either in summarized form in the *réquisitoires*, or indictments, or in quoted from in the judgements. Girls' testimonies in all of these form provide rare, first-hand accounts of

⁸ In 2013-2014, I systematically photographed all legal documents containing information related to sexual crimes. These were all contained in the 1M series. I asked for selected boxes in 2M. After several arriving empty, I stopped requesting them. The archival staff could not ascertain if all 2M boxes were empty. Brunet-La Ruche does cite some materials from 2M. This chapter is based on an overview of all 206 cases where rape was the only criminal charge. The chapter then examines in detail a subset of these cases where I could identify the victim was raped while engaging in street hawking. Many of the other cases involved girls performing domestic tasks such as gathering wood, fetching water or doing errands. These 206 cases only include complaints where rape was the exclusive charge against the accused. This figure does not include cases of indecent assault that the criminal tribunals did not at some point consider charging as rape or attempted rape. Some of these cases would eventually be transferred to the 1st degree tribunal and converted into the charge of indecent assault. A few of these cases repeatedly went back and forth between these jurisdictions.

⁹ Koni Benson and Joyce M. Chadya, "Ukubhinya: Gender and Sexual Violence in Bulawayo, Colonial Zimbabwe, 1946-1956," *Journal of Southern African Studies* 31, no. 3 (September 2005): 588.

their daily lives prior to the assault as well as the ways in which girls dealt with the physical and psychological suffering the assaults inflicted upon them.

“Until She Bathed in the Light of Day:” Discovering Sexual Assault, 1924-1941

During the 1920s and 1930s, sexual assaults occurred in the course of normal days for *petites vendeuses* in southern Dahomey. Details varied from case to case, but narratives submitted to courts consistently started with a *petite vendeuse* recounting a typical transaction in the course of a routine day. Girls spent many hours with their mistress’s wares balanced on their heads as they searched the streets for buyers. As they walked, they cried out the price and quality of their goods. When a girl encountered an interested party, she lowered the tray from atop her head so that her customers could better examine the product she offered them. Then, after a price negotiation between the hawker and her customer, she measured the product and collected the agreed upon payment. As long as hawkers remained in groups or on busy streets during these exchanges, they were relatively safe. The danger increased when prospective customers asked girls to enter private compounds in order to inspect the merchandise more leisurely, find a container to hold it, or search for money.¹⁰ Girls worked until they sold all of their allotted goods, which motivated them to pursue every interested customer. They feared punishment if they returned home to either their mistresses or mothers without the anticipated profit. Given the highly competitive nature of hawking, girls either ignored

¹⁰ Judicial documents attest to all of these commonplace scenarios. Also, little technological innovation has encroached on the hawking profession and today the general dynamics of these encounters and exchanges remain much the same. While living in Benin in 2013-2014, I witnessed and participated in such exchanges.

concerns about their own personal safety in order to make a sale or did not anticipate the danger.¹¹

Some Dahomean girls testified that they had refused to enter the residences of their attackers. These girls were painfully aware of the danger, yet in the end their attackers overpowered them, forced them inside, and assaulted them. In one such instance on June 1, 1929, Stanislas Amoussouvi invited eight-year old Akouéle into his house in Athiémé, a town along the Mono River in western Dahomey. He told her that he needed to find a plate for the meal he had purchased from her.¹² Akouéle refused to enter the residence. Amoussouvi then shoved a handkerchief in her mouth, dragged her inside, held her down, and raped her. After threatening her, he paid her for his meal and let her leave. Akouéle, like many other *petites vendeuses*, returned directly to the street to finish selling the remaining food prior to returning to her mistress's home. The next morning, she woke up with abdominal pain, yet she remained silent about the attack for several weeks.¹³

Girl hawkers often remained silent about sexual assaults that occurred in the course of their work, but the close proximity in which they lived with other members of the household commonly prevented them from concealing the assault entirely. In the days following sexual assaults, women observed the trauma on girls' bodies. When women in the compound observed bruises, abrasions, inflammation of the labia, abnormal genital

¹¹ Abosede George, with the help of Wale Makanjuola, surveyed forty-six current and former women traders who recalled that while they were hawkers in Lagos during the 1940s and 1950s the chief danger they feared was of being robbed of their goods or money. She though does admit that the fear of sexual violence may have been downplayed due to these women's reluctance to discuss it. George, *Making Modern Girls*, 124–26.

¹² The name of the food is not clearly written, but it does indicate that it was a prepared meal with some kind of sauce that she could not have simply given him without him procuring a dish.

¹³ This narrative is primarily based on the procès verbale given by Akouéle. Some of the details are drawn from the testimonies of Alougba and Ahoussi. "Procès-verbal d'audition de témoins - Affaire Stanislas Amoussouvi : Akouéle" (Cercle de Mono, Poste d'Athiémé, June 19, 1929), IM162, Archives Nationales du Bénin.

secretions, symptoms of sexually transmitted diseases or other signs of discomfort on the bodies of girl hawkers, they could no longer remain silent about their traumatic experiences.¹⁴ Girls revealed, intentionally or not, these sorts of symptoms on their most intimate body parts to women when they bathed together. When Akouéle “bathed in the light of day” with Alougba, a sixteen-year-old friend and co-worker, her friend saw the physical evidence of the sexual assault on Akouéle’s body in the form of purulent secretions on her sexual organs. The older girl then proceeded to notify Ahoussi, the two girls’ mistress, whom they called “*grand-mère*” or “grandmother.” The prefix “grand” likely did not refer to either girl’s elder biological relative, rather it was a sign of respect and a fictive bond. Ahoussi instructed Alougba to take Akouéle to a nurse.¹⁵ Akouéle refused to explain the cause of her maladies to the nurse. Only when Ahoussi questioned her after the visit to the nurse did Akouéle reveal that a customer had assaulted her. Ahoussi tenaciously questioned Akouéle for the cause of her symptoms.

Ahoussi then took Akouéle to the district commandant and filed the complaint of rape on her behalf on June 19, 1929, eighteen days after the incident.¹⁶ The deputy administrator, Lucien Rogneau, immediately deposed Ahoussi, Akouéle, Amoussovi, and a market woman who had witnessed Akouéle negotiating with Amoussovi. Rogneau also ordered Akouéle to go to a male nurse, Bruno Kossou, for a medical exam, which he performed that afternoon. The next day, Rogneau questioned Alougba. Ahoussi, Alougba, and Kossou all gave detailed and graphic testimonies describing Akouéle’s ongoing

¹⁴ This is a composite list of the symptoms women observed after assaults on entrusted girls.

¹⁵ It is unclear if this is an indigenous healer or a colonial trained nurse.

¹⁶ The example of Akouélé mirrored that of four-year-old Oké Eugénie and nine-year-old Salamatou. All three girls’ female guardians uncovered evidence of the assault while bathing with them.

physical suffering.¹⁷ Women and elder girls monitored younger girls' bodies.¹⁸ In Akouéle's case, communal bathing provided women the opportunity to observe trauma and irregularities.

In other cases, the after-effects of the assault were evident to household members even without the girls disrobing and bathing. Elder women cared for girls' symptoms, such as vomiting, bleeding, pain in the lower abdomen, and their inability to sleep or eat. When, in November 1924, sixty-year-old Natala observed that ten-year-old Saba was sick, she questioned her, but the girl offered no explanation. Natala treated Saba's symptoms for six days with no improvement in the girl's condition. Natala, not Saba, described the girl's ongoing suffering for the tribunal, "...[W]hen she would eat, she would vomit; in examining her I observed that her sexual organs were inflamed, so I cleaned them with water. I kept soothing them, but she was always sick." Natala's testimony revealed that Saba, like Akouéle, was reticent to explain the cause of what ailed her to her mistress. Natala, like Ahoussi, cared for the girl regardless of the cause of her sickness.

In addition to physical suffering, elder women observed psychological trauma. Girls could not always maintain their normal activities after the assault. Saba had always been responsible with the money she earned selling soap in the market. The trauma of the assault left her in a mental state where she was incapable of conducting business as normal. When Saba returned home without the anticipated profit for her products, Natala

¹⁷ The investigation continued and Dr. Rossi, a European trained doctor, examined her a week later on the 26th of June. He observed twenty-five days after the assault tears in the vulva and a flow of infected purulence. The archival record does not contain any details as to how long her suffering continued or the outcome of the case.

¹⁸ Elizabeth Thornberry discusses how elder women in South Africa monitored girls' bodies to ensure their chaste status through virginity testing. Thornberry, "Virginity Testing, History, and the Nostalgia For Custom in Contemporary South Africa," 134–35.

became frustrated. The elder woman recruited a male household member to compel the girl to speak frankly. After Saba's "uncle" beat her, she disclosed that Adamon, one of her regular customers, assaulted her. Natala tried other means of persuasion prior to corporal punishment, but Saba's continued refusal to answer Natala's questions required punishment for her insubordination. Resorting to physical punishment as a form of coercion indicated that Natala suspected something out of the ordinary happened to the girl. Saba's inability to conduct business as usual due to her mental suffering prompted Natala to further investigate the abrupt changes in the girl's demeanor. Natala observed both physical and psychological changes in Saba after the assault.

Elder women, such as Ahossi and Natala, often uncovered the assault, and then reported both what they had observed and what the girls had told them to French administrators. Men more rarely witnessed the effects of rape on girls. Those who did were often not part of the households where the girls lived.¹⁹ This pattern does not necessarily reflect a lack of concern on the part of male co-residents, but rather the reality that, men had much more limited contact with girls. Women, in general, took their responsibilities for caring for entrusted girls seriously. Women chose to investigate and report the physical symptoms as well as changes in the girls' demeanors that they observed. Women's daily interaction with these girls made them sensitive to changes in the girls' bodies and behaviors.

Throughout the period 1924 to 1941, Dahomean girls' guardians remained concerned about their well-being and safety while hawking. Once women were made

¹⁹ For example, after being raped, sixteen-year-old Hounghoné returned to the market to sell *akassa*. Shortly thereafter, Sokou, the canton chief, saw Hounghoné crying and bleeding. He then took her to report the assault.

aware of a sexual assault, they promptly approached the commandant and filed oral complaints against the men who assaulted the girl hawkers. While not all 200+ cases of assault provided information on the decision-making process prior to reporting the crime to colonial officials, many cases described girls' hesitance to report sexual assaults to anyone. Commonly, an intergenerational act of witnessing the physical after-effects prompted elder women to question hawkers. Both Ahossi and Natala showed their concern for the girls entrusted to them through treating the girls' symptoms, questioning them for explanations, and seeking recourse in colonial courts. The secondary observations of household members of the trauma became a crucial step in the process of reporting sexual assault of young girls to colonial courts.

During the 1920s and 1930s, market women remained vigilant with reporting the sexual assaults of girl hawkers to authorities. In doing so, women tried to create a safe environment in streets and marketplaces for girls to work. Rape cases supported the claims of market women that they cared for the girls entrusted to them. Women showed this care through monitoring the bodies of the girls entrusted to them and taking action when they observed the physical manifestations of the assault on girls' bodies. Throughout the decade, women continued to bring forth rape complaints on behalf of girls, despite a decline in convictions after 1931. From 1932 onward, the majority of rape cases either resulted in a reduced charge or in a dismissal with no verdict issued. Women steadfastly supported girls' accusations of rape; however, 1931 marked a change in how indigenous and French men evaluated the evidence these women and girls presented to them. Men increasingly ignored elder women's appraisals of girls' bodies and diminished these elder women's authority as witnesses in rape cases in favor of allowing physical

evidence to “speak” for both women and girls. French medical officers gained the responsibility to observe and interpret girls’ bodies to meet evidentiary standards of the colonial criminal courts.

Viol[ated]: Sex Crimes in Colonial Law

Between 1924 and 1941 young, female children less than seventeen years old, with the assistance of adults who believed them, filed the majority of rape complaints with colonial authorities. The youth of rape victims throughout this period was astounding.²⁰ During the years 1924-1931, colonial tribunals estimated that 70.8% of the victims were less than seventeen years of age.²¹ For the period 1932-1940, the percentage in this estimated age category increased to 78.2%. Of those below seventeen, the majority of the victims (75% for 1924-1931 and 88% for 1932-1940) were identified as twelve years old or younger.²² These high levels of child and adolescent rape should not be interpreted as a Dahomean pathology or a predilection to pedophilic perversion. The trends observed in Dahomey are consistent with global trends between the late-nineteenth to the mid-twentieth century. During this period, age took on increasing importance when categorizing sex crimes.²³

Viol, or rape, entered the French legal lexicon in the seventeenth century as a technical term that competed with more ambiguous and romanticized circumlocutions

²⁰ I am using “victim” here and throughout rather than survivor or another term because through approaching the court with her complaint a girl or another individual sought recognition of that status in the language of the colonial tribunal.

²¹ It is, however, difficult to put an exact chronological age on when Dahomean girls reached “adulthood.” As this chapter shows, age was a secondary consideration to sexual experience in gaging maturity.

²² Brunet-La Ruche, “‘Crime et châtement’ aux colonies,” 486–90.

²³ Holly Henderson places the construction of the feminine body at the beginning of this continuum, but that neglects to take into account that the feminine body is not one and the same throughout the life course. Holly Henderson, “Feminism, Foucault, and Rape: A Theory and Politics of Rape Prevention,” *Berkeley Journal of Gender, Law & Justice* 22, no. 1 (2007): 229.

and metaphors about gender-based sexualized forms of violence.²⁴ From its initial use in the seventeenth-century onward, the legal term “*viol*” denoted a violation of the female body and expressed the view that the law should protect some female bodies from unwanted or violent sex.²⁵ In the mid-eighteenth century, advances in anatomical knowledge concerning the hymen revolutionized the ways that magistrates could “objectively” judge complaints of rape. The torn hymen as a newly observable criteria coincided with a shift in social attitudes about childhood frailty.²⁶ George Vigarello observed that in France this shift eventually resulted in a decline in reports of rapes committed against adult women from a mid-nineteenth century annual high of 217 in 1850 to a low of 65 in 1900; simultaneously, there was an and exponential growth in reports of rape and assaults on children from a low of 107 in 1830 to almost triple that per year in 1840 to 684 in 1860.²⁷

The increased sophistication of nineteenth-century forensics and the shift in both social and legal attitudes about what constituted rape necessitated differentiations in degrees of criminal sexual violence. French magistrates invented the crime of “*attentat à la pudeur*,” or indecent assault, in 1810 as a “lesser” alternative to rape. Indecent assault could include gestures or even simply lewd language, and it did not of necessity indicate

²⁴ Interestingly, Anglo-American civil law kept the Latin root term *raptus* or *rapere*. The crime or rapt existed in the indigenous justice system in French West Africa even though its meaning overlapped with the more commonly used enlèvement.

²⁵ Kathryn Gravdal, *Ravishing Maidens Writing Rape in Medieval French Literature and Law*, New Cultural Studies Series (Philadelphia: University of Pennsylvania Press, 1991), 2–6. For a brief etymology of the French term *viol* see also Laurent Catach et al., “*viol*,” *Le Grand Robert de la langue française* (Dictionnaires Le Robert, 2011).

²⁶ Georges Vigarello, *A History of Rape: Sexual Violence in France from the 16th to the 20th Century*, trans. Jean Birrell (Cambridge, UK: Polity, 2001), 75–82.

²⁷ *Ibid.*, 156. For example, Stephen Robertson estimated that 80% of rape cases filed in New York County between 1886 and 1955 involved a female victim under the age of nineteen. Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880-1960*, Studies in Legal History (Chapel Hill: University of North Carolina Press, 2005), 2.

any sort of sexual contact or violence.²⁸ In the colonial setting, indecent assault often became the default crime for attempted rape or forcible sex perpetrated against female bodies that the tribunal deemed could not be raped.²⁹ Prior to 1932, colonial tribunals nonetheless often treated grave indecent assaults in a way that mirrored rape cases. Between 1924 and 1931, tribunals frequently chose to disregard doctors' assessments that, medically speaking, rape had not occurred. Following the structural reorganizations of 1931, however, it became rare for tribunals to choose to ignore evaluations in medical certificates. After 1931, tribunals preferred to prosecute cases in which "medically speaking no rape occurred" as a reduced charge, such as indecent assault or assault and battery. The increased reliance on the medical exam as a determining factor in sexual assault cases resulted in the majority of rape accusations being dismissed or reduced to misdemeanors.

During the years between 1924 and 1931, colonial authorities debated the proper jurisdiction of rape cases within the colonial legal structure. Rape cases were heard in both the first- and second-degree criminal tribunals during this time period. From 1924 to 1931, Dahomeans functioned in a consultancy capacity in the second-degree tribunals and often as the dominant voice in first-degree tribunals. Judicial officials repeatedly cited the ambiguity of article 22 of the 1924 decree, which outlined what crimes remained the exclusive jurisdiction of the higher, European-dominated second-degree

²⁸ Laurent Catach et al., "pudeur," *Le Grand Robert de la langue française* (Dictionnaires Le Robert, 2011).

²⁹ More work needs to be done to understand this rather amorphous and ambiguous crime in colonial tribunals. Until 1931, there existed in the AOF a criminal and misdemeanor version of indecent assault. Prior to 1931, there existed a gray area where there was little distinction between rape and criminal indecent assault. Indecent assault could carry a stiffer penalty than a rape conviction depending on the circumstances of the sexual act. The relationship between the criminal designation and the sexual act was important in that it tellingly revealed what standards of evidence would be employed.

tribunal. Article 22 of the 1924 decree omitted rape and left it by default to lower-level African courts to prosecute. Seven months prior to the 1931 reorganization, the district commandant of Allada, a town in the plateau region of southern Dahomey, justified including rape in the second-degree tribunal's jurisdiction, even though the 1924 decree did not specifically include it there. Indigenous custom, he said, considered rape a serious enough crime to warrant including it within the second-degree tribunals' purview despite the vagueness of article 22 of the 1924 decree on the subject. The commandant conceded that misdemeanor sexual assault was rightly a matter for the lower level, indigenous-led courts. He believed that rape, however, along with the vaguely defined felony-level indecent assault, should be handled by the French-controlled tribunals.³⁰

Although often overlooked, the 3 December 1931 judicial reorganization modified the jurisdiction of the crime of rape; henceforth, rape was considered exclusively a felony charge. This classification made rape the only sex crime defined as beyond the purview of first-degree tribunals, which prosecuted misdemeanor crimes such as indecent assault.³¹ Elevating rape to a felony charge forced authorities to articulate why rape warranted this more severe categorization/classification and other sex crimes did not. After 1931, the increased role of indigenous assessors in the criminal tribunal allowed them to contribute opinions about what criteria should determine when a sexual assault was a felony, a lesser misdemeanor, or a non-prosecutable offense. French and

³⁰ There also existed a less serious form of "misdemeanor" indecent assault. In French the difference is "délit" and "crime." Commandant le cercle d'Allada, "N. 1092," May 9, 1931, 1M113, Archives Nationales du Bénin.

³¹ See article 19 in 1912, article 22 in 1924, article 46 in 1931 decree. A. LeBrun and Aristide Briand, "Décret Portant Réorganisation de La Justice Indigène En Afrique Occidentale Française," *Journal Officiel de La République Française* 44, no. 227 (August 22, 1912): 7586–89. Millerand, "Arrêté promulguant en Afrique occidentale française le décret du 22 mars 1924, réorganisant la Justice indigène en Afrique occidentale française." Brévié, "Arrêté réorganisant la Justice indigène en Afrique occidentale française."

Dahomean authorities agreed that the perceived degree of immaturity of the victim, as exhibited in physical, embodied evidence, determined the level of harm that sexual assault inflicted on a girl or woman. Dahomean assessors introduced culturally specific criteria of female maturity into these discussions.

The judicial reorganization of 1931 clarified the jurisdictional ambiguities of sexual assault. The new decree clearly listed rape within the exclusive domain of the newly created criminal tribunals and left indecent assault to be handled by the lower-level ones. It did so, though, leaving great uncertainty about what made rape categorically more serious than other sexual crimes. The 1931 decree forced judicial authorities to articulate how rape differed from “lesser” forms of sexual assault, which were no longer within its jurisdiction.³² From 1932 onward, rape and attempted rape went directly to the criminal tribunal, where physical evidence became paramount in corroborating the claims of girls and women.³³ After 1931, the tribunals came to associate rape almost exclusively with pre-pubescent girls who could substantiate their prior virginity through a medical exam. Girls needed to prove their childlike status through their bodies’ ignorance of sexual practices. In their investigations, judicial authorities sought to determine at what point in their lives Dahomean girls lost their asexual, childlike status and became the stereotypical “lascivious Dahomean women.”

³² During the period 1924-1931 rape as a criminal act that fell under the 2nd degree’s jurisdiction due to its inclusion in the larger categories of an “attack on human life,” “mutilation on a human,” or “abduction and illegal confinement of persons.” Statistics show a dramatic decline in convictions because there no longer existed “criminal indecent assault” which could prior to 1931 be tried on par with rape.

³³ In footnote 13, Henderson lists and briefly discusses the major feminist debates about the corroboration requirement in the 1970s and 1980s US court system. Henderson, “Feminism, Foucault, and Rape,” 227–28. Henderson, “Feminism, Foucault, and Rape,” 227–228.

In an effort to avoid relying on or evaluating the truthfulness and accuracy of Dahomean women and girls, criminal tribunals privileged European doctors' expert medical knowledge of the maturing black body over the testimony of victims, witnesses, or defendants.³⁴ Criminal courts relied on the limited forensic techniques of the time in order to try to judge rape cases objectively.³⁵ Forensic science provided evidence that did not rely on the supposed "superstitious" and "duplicitous" Africans. In the process, tribunals disregarded how African women and girls experienced and defined criminal sex acts. Tribunals favored physical evidence that they derived from female bodies. Only those females who could prove penetration through the tearing of flesh – a torn hymen for girls, compelling abrasive marks of struggle on the skin for women - could legally claim to be victims of the crime of rape. Occasionally, heinous bodily injury could allow an adult woman to make a successful rape claim. Physical evidence could in rare cases counteract the presumption of licentiousness as an ingrained part of the African female identity. The 1931 decree unofficially formalized this attitude. In the period 1932-1940, only three men were convicted in colonial courts of raping women or girls over the age of thirteen. These 3, 9% of the 32 documented convictions during the period, represented a marked decline from the years 1924 to 1931, when 19 out of 58 convictions, or 33%, were of men who raped victims above the age of thirteen.³⁶

³⁴ Kane presents a case where the doctor seemingly contradicts himself and lacks any knowledge of female children's bodies. Kane, "Violences sur les femmes, violences des femmes," 240–41.

³⁵ Victoria Bates, *Sexual Forensics in Victorian and Edwardian England Age, Crime and Consent in the Courts, Genders and Sexualities in History* (Basingstoke, Hampshire: Palgrave Macmillan, 2015), <http://proxy.library.emory.edu/login?url=http://dx.doi.org/10.1057/9781137441720>.

³⁶ Herskovits recorded the pre-colonial tradition of census taking. During the pre-colonial era, the monarchy decreed that when children turned fourteen years old they were no longer considered children. Thereafter, they would be counted as adult men or women for census purposes. Herskovits, *Dahomey*, 1938, 2:76.

Colonial tribunals in twentieth-century Dahomey became increasingly suspicious of older *petites vendeuses*' claims of rape and hostile to women's attempts to criminalize non-consensual sexual encounters. The rape case filed against Comlan Gaudens blatantly illustrates the suspicion of older girls. His sexual assaults of Ahoudjo, a nine-year-old *petite vendeuse*, occurred just weeks after the 3 December 1931 decree took effect on April 1, 1932. On April 29, 1932, Ahoudjo walked the streets of Cotonou, the economic capital of the French colony of Dahomey, selling beans. On the day in question, all parties agreed that Ahoudjo entered Comlan Gaudens's house, where the two had sex. The criminal tribunal investigated whether or not the sexual act constituted rape, as Ahoudjo claimed. Ahoudjo stated that Gaudens had raped her on two different occasions in April 1932.³⁷ Gaudens, on the other hand, asserted that she had consented to having sex the first time on the condition that he pay her. He stressed to the tribunal that Ahoudjo had come to his residence of her own accord the second time.³⁸ Gaudens's account of transactional sex with a street hawker on multiple occasions confirmed French authorities' fears that *petites vendeuses* actually sold their bodies along with the merchandise they balanced on their heads.³⁹ While Gaudens's defense may have been

³⁷ This was not the only case where the girl reported the assault only after repeated rapes or attempts by the same man. Formally filing a complaint with colonial authorities was likely the last option for girls. Note that I have used Ahoudjo's first name only. I have chosen to do so firstly, in order to preserve her anonymity and secondly, because often times this was all the information given to the tribunal. I do however use Comlan's last name when I shorten his and other perpetrators' rather than the first one given because the court documents more consistently provide and tag documents by this name. I have not done this as a sign of disrespect toward the girls or in an attempt to further promulgate gender inequity.

³⁸ "Requisitions n. 24 (1932): Affaire Gaudens - viol" (Chambre d'accusation, July 6, 1932), 1M106, Archives Nationales du Bénin.

³⁹ By the 1930s, European condemned ambulant and itinerant professions to be morally dangerous and sought ways to eradicate them. There exists comparatively less information on French views concerning children's street trading in West Africa, in part, because unlike British Lagos no indigenous activist movement existed. "Chapter 4: The Street Hawker, the Street Walker, and the Salvationist Gaze" in George, George, *Making Modern Girls*, 113–41. Aderinto, *When Sex Threatened the State*, 78–81.

fabricated and self-serving, it is more likely that he genuinely believed he had not committed the crime of rape, because the definition of the term was in a state of flux.⁴⁰

In a July 1932 report submitted to the *chambre d'accusation*, the five-person criminal tribunal of Cotonou weighed the merit of the criminal charges against Gaudens based on whether or not they found Ahoudjo childlike enough to be harmed by an unwanted sexual encounter. The tribunal demanded more information concerning Ahoudjo's age prior to ruling on the case. The assessors reasoned that they could not issue a judgment at this point, because they could not ascertain if she was truly a child or a woman. The significance of age for French tribunal members and of maturity for Dahomean ones is clear. Physical evidence outweighed Ahoudjo's and her parents' testimony regarding her chronological age. Estimated chronological age competed with virginal status and physiological development to determine the victim's treatment in the tribunal.⁴¹

The court recorder summarized four points of evidence against Gaudens. The summary started with the proof Ahoudjo's body offered. The embodied evidence became a presumption that influenced the interpretation of the remaining three pieces of relevant evidence. The tribunal argued, "Considering that the medical certificate concluded that the disappearance of the hymen seemed old,... one could suppose that the girl had already had sexual encounters before the act executed by Gaudens." Beginning with this presupposition, which influencing the remainder of the deliberation, skewed the

⁴⁰ There is no clear etymology for the Fon phrase for rape or if other phrases might have been used at an earlier time. "Violer" or to rape in French is translated to the phrase *hwɛn kan xá nyɔnú*. See Hildegard Höftmann, *Dictionnaire français-fon*, Westafrikanische Studien ; Bd. 35 (Köln: Köppe, 2012).

⁴¹ Chronological age was estimated roughly by colonial authorities, even today it is estimated that up to ¼ of all Beninese births go unrecorded and age is in no way recorded or certifiable. All ages given should be read as approximate and inexact.

tribunal's opinion in favor of Gaudens' claim that the sex had been transactional. The indictment continued, "Considering that in this case there is doubt about the actual age of the victim – and it does seem that the already deflowered girl consented for a fee to have sexual relations – [Ahoudjo] must be pubescent and older than 9 years of age." The tribunal reasoned that non-virginal girls older than nine would likely agree to transactional sex.

The next point explained why tribunals believed the age of the girl was a criterion that determined whether the sex act could be a felony rape.

Given this doubt about the age of the victim, [and] the established fact that the accused did not use violent force to achieve his ends - ...[the act] is less reprehensible if it is proven she is a woman because then in light of her age her consent could be taken into consideration.

Since statutory rape, or sexual relations with someone under the legal age of consent, did not exist in the French colonial legal system as a charge distinct from rape.⁴² Age should not have factored into the decision-making process. However, age became the evidentiary crux in rape cases in colonial southern Dahomey. The conspicuous absence of any reference to age in the 1931 decree contrasted with the *chambre d'accusation's* obsession with discerning the "real [chronological] age" of the claimants.⁴³ The tribunal concluded, "Considering [all of the above] it is important before ruling on this matter to know the real age of the victim."⁴⁴ The tribunal refused to issue a verdict until investigators had verified Ahoudjo's age and suggested an age that supported the other evidence. As the case of nine-year-old Ahoundjo shows, the

⁴² For discussions of the history of consent elsewhere, see Bates, *Sexual Forensics in Victorian and Edwardian England* Age, Crime and Consent in the Courts. Merrill D. Smith, *Sex without Consent: Rape and Sexual Coercion in America* (New York: New York University Press, 2001).

⁴³ The only time that the 1931 decree mentions age is in regards to reaching the age of discernment and when a juvenile should be held accountable for his actions.

⁴⁴ "Requistions n. 24 (1932): Affaire Gaudens - viol." Author's emphasis is italicized.

perceived age of the girl determined the degree to which the sex act was illicit. Whether or not Ahoundjo was raped depending on whether she was more child than woman. Ahoudjo's previous sexual experience and her alleged negotiation of a prior sexual transaction undermined her ability to claim redress, because both led the tribunal to perceive her to be an un-childlike child.

In 1932 and 1933, the criminal tribunals recorded lengthy deliberations about rape cases, in an attempt to make the reasoning behind their decisions transparent for the *chambre d'accusation*, which now reviewed legal processes at all stages. The summarized deliberations submitted to the *chambre d'accusation* concerning the evidence against Gaudens show the centrality of age in tribunals' definition of rape after 1931. This case is just one of the most telling examples that demonstrated tribunals equated childhood with sexual naïveté and Dahomean womanhood with promiscuity. Girlhood, though, occupied an interstitial position. Colonial legal institutions intervened to punish men for violating the innocence and sexual ignorance of children, not to protect female vulnerability to sexual violence. The role of indigenous assessors in articulating the amount of harm inflicted or the degree of illicitness of the sex act was based on their evaluation of the social maturity of the victim differentiated discourses about prosecuting rape in colonial Dahomey from elsewhere.⁴⁵ Male Dahomean assessors arbitrated how popular Dahomean conceptions of female maturity were integrated into colonial legal norms concerning sexual assault.

⁴⁵ Ginio, "Negotiating Legal Authority."

Stages of Girlhood in Southern Dahomey: *Nù djala tɔ* and *Adjɔle vǔ* in Colonial Courts

While French law often used chronological age as the single indicator separating childhood from adulthood, Dahomeans considered it a relatively unimportant factor.⁴⁶ Dahomean culture interpreted and weighed characteristics of maturity differently than French culture. It recognized differences between younger, pre-pubescent girls and older girls approaching adulthood.⁴⁷ Both physiological development and social maturity divided girlhood into multiple life stages that preceded female adulthood in Dahomey. Dahomean assessors, and perhaps some astute French authorities, identified a divide between two distinct stages of girlhood -- *nù djala tɔ* and *adjɔle vǔ* -- based on these characteristics.

Girls entered market-trading as *nù djala tɔ*, a Fon phrase that translates literally into English as “things-peddle-person.”⁴⁸ Their advancement to street hawking at age seven or eight increased girls’ independence. At this point, girlhood began as a gendered life stage distinct from a younger non-gendered childhood. The designation “things-peddle-person” marked the girl as an asexual, immature being. She had a gender, however, based on her economic role as a peddler.⁴⁹ *Nù djala tɔ* sold lightweight, hardy items such as soap, sugar, oranges, snack foods, or perhaps *beignets*. These items neither spoiled easily, nor required that young sellers wield machetes to market them, unlike

⁴⁶ Colonial laws though did not consistently employ a single age to demarcate adulthood from childhood.

⁴⁷ I have consciously avoided the term adolescence because of its origins in Western psychology. Adolescence as a life stage recognized by Stanley Hall and defined in a culturally specific context.

⁴⁸ Herskovits, *Dahomey*, 1938, 1:276.

⁴⁹ The Fon term for young boys was the similarly asexual *asɔ nyan tɔ* or “partridge-chaser-person”. It is impossible to estimate how many girls participated in hawking, but Dahomeans expected and recalled that all girls peddled goods in the street on some scale as part of a typical girlhood. This was repeatedly confirmed in oral interviews. George gives estimates and discusses the simultaneous decline in hawking as education increases in Lagos. In Benin today, children of both genders still sell goods in the streets to pay for school supplies if not the fees themselves. A televised news report testified to this in August or September 2013

other produce such as pineapples, sugar cane, or coconuts. Nor did the commodities girls sold have a high monetary value, in the event they lost some or customers cheated them.

Many of the indictments for rape of *nù djala tɔ* began with the recounting of a banal moment when, in the course of a transaction, men lured or forced these young girls into a private space. These opening passages contain details of the girls' day-to-day activities that bespeak their sophistication in negotiating transactions. The indictment of sixty-year-old Agbavo, for example, starts with a summary of an every-day exchange between him and a *petite vendeuse*. It reads, "The 14 June 1935, at Hounssoukové Beach (Grand-Popo) the young Adotevi aged ten years, met Agbavo, to whom she had sold on credit, several days ago, tobacco and matches. Agbavo lured her to his house to pay her..."⁵⁰ For so many girls to have fallen victim to such ploys suggests that they frequently entered buyers' homes without harm being done to them. Framing the exceptional moment of an assault within the course of completing mundane tasks made the horror and trauma of events recounted in *procès-verbal* and *réquisitoires* all the more poignant. Often the sexual acts themselves are only briefly mentioned, with little or no description provided.

After gaining a few years of experience in peddling, and once they noticeably began maturing physically, girls advanced to become *adjole vű*, or "woman-small." The physical maturation of girls' bodies marked their readiness to take on more responsibility and begin selling other types of products such as meat, bread, honey, or prepared meals. The chronological age at which girls entered the "woman-small" life stage depended on

⁵⁰ Tribunal criminel de Athieme, "Réquisitoire n. 116: Affaire Agbavo - viol et blessures volontaires," August 12, 1935, 1M82, Archives Nationales du Bénin. I have included this case in my categorization of *viol simple* because the injuries the charges refer to resulted from the brutality of the rape on her sexual organs. He did not otherwise beat her.

many variables, but young females typically progressed at around nine to twelve years of age.⁵¹ However, not all girls matured physically at the same age, and chronological age was in any case not the primary factor from the Dahomean point of view. Life experiences gained in hawking or housekeeping, as well as physical development, contributed to a girl's advancement to the "woman-small" life stage.

During the period 1924 to 1940, half of all rape complaints (105/206) occurred among girls whom French authorities estimated to be between eight and fourteen years old, a range that included both *nù djala tɔ* and *adjɔle vǔ*.⁵² Judicial records did not employ this indigenous terminology when discussing girls as rape victims, but distinct categories emerged based on how colonial tribunals treated girls in these two different groups. *Adjɔle vǔ*'s knowledge of sex and sexuality, presumed or real, led Dahomean assessors to believe that when they were subjected to non-consensual sex the offence did not constitute a felony charge of rape. In the period following the 1931 decree, the criminal tribunal redirected many assaults of *adjɔle vǔ* to the first-degree tribunal, where the charge was often redefined as indecent assault or battery.⁵³

Notes about customary punishments recorded in registers give further indication of indigenous elites' views of rape. In August 1933, the criminal tribunal in Allada justified how it calculated sentences of imprisonment for those convicted of rape. The tribunal noted, "The local custom punishes rape committed on a young girl aged five to

⁵¹ Herskovits, *Dahomey*, 1938, 1:277.

⁵² In my later discussion of individual cases, I give some leeway to the age groups of each stage of girlhood. I privilege other criteria of maturity that give a more accurate indicator of the girls' perceived social age. For example, I might include a six-year-old as *nù djala tɔ*.

⁵³ No researcher has examined how assault cases went from one jurisdiction to the other. In the years following 1931, there was great dynamism between the criminal tribunal and its first degree counterpart. Analyzing the debates and outcomes of these controversial cases would enrich scholarly understanding of how Dahomeans defined rape vis-à-vis other sex crimes.

eight years old, whether or not it is followed by the death of the victim, with the beheading of the offender; but from eight years of age until puberty [the punishment is] imprisonment for a time or a life sentence in the royal jail depending on the circumstances and the state of the victim.”⁵⁴ These ages, from five to eight years and from eight years until puberty, roughly corresponded to the life stages of children younger than *nù djala tɔ* and *nù djala tɔ*. Criminal tribunals treated *nù djala tɔ* girls differently than more mature *adjɔle vɛ* girls. An assessor with the tribunal in Pobè, a town north of Porto-Novo near the border with Nigeria, further specified that the rape of a non-virgin was a less serious offence regardless of age. He said that according to Fon custom both the crime of rape and of complicity in the rape of a non-virgin were punished with detention for a period of up to two years.⁵⁵ This assessor’s argument supported the view that the rape of non-virgins should remain within the first-degree tribunal’s jurisdiction, because the customary punishment of the offense was not severe enough to include these rapes in the category of a criminal felony.

The presumed sexual ignorance and innocence of “things-peddle-persons” led to their being treated differently than “woman-small” girls in rape cases. Fon ideas about development neutered and desexualized younger girls as “persons,” whereas maturity brought with it a sexualized gender identity. “Woman-small” girls, it was thought, had developed a sexualized body, in both the biological and social senses, hence their

⁵⁴ Tribunal Criminel d’Allada, “État des affaires criminelles du tribunal criminel d’Allada: Jugement n. 1 Akpime - viol,” August 16, 1933, 1M94, Archives Nationales du Bénin.

⁵⁵ Interestingly, the French officer of the subdivision and two Nagot assessors spoke on behalf of Fon custom. Tribunal du 1er degré de Pobe, “Notice des jugements rendus en matière repressive: Affaire GODONOU et consorts (viol et complicité de viol),” April 9, 1935, 1M109, Archives Nationales du Bénin.

transformation from a “person” to a small “woman.”⁵⁶ The indigenous association of asexuality with *nù djala tɔ*, an emergent sexuality with *adjole vɛ*, and a fully developed sexuality with adult womanhood, affected the perception of girls’ and women’s rape cases in the post-1931 courtroom.

Embodied Evidence: Judging Age and Evaluating Harm in the Sexual Encounters of *Petites Vendeuses*

Dahomean assessors deployed their ideas about proper female development when determining the amount of harm inflicted on victims of sexual assault. The tribunals used medical exams to evaluate physical harm, but determining psychological harm in conjunction with or in the absence of bodily injury often became a matter of interpretation. Age and sexual naiveté played an important role in the assessment of psychological harm.

When the victim was both pre-pubescent and a virgin, Dahomean assessors recognized a high degree of psychological trauma even if the penetration was not completed. In July 1932, Attendéhou Kouassi grabbed Afiavi, an eight-year-old girl, while she sold milk in the streets. He then forced her into his house and tried unsuccessfully to rape her. Nine days later he tried once again. The medical exam confirmed that despite his best efforts on these two occasions, he was unsuccessful due to the girl’s young age. In light of the fact that the “execution [of the rape] was stopped by a

⁵⁶ Herskovits, *Dahomey*, 1938, 1:281–84. Developing a gendered identity is important in Fon culture. See Douglas J. Falen, *Power and Paradox: Authority, Insecurity and Creativity in Fon Gender Relations* (Trenton, NJ: Africa World Press, 2011). Fon culture, like other cultures in the region, does not link gender identity exclusively with Western biological conceptions of male/ female sex. A long tradition of decoupling the two. For a discussion of Igbo conceptions of gender and sex see Ifi Amadiume, *Male Daughters, Female Husbands: Gender and Sex in African Society* (London: Zed Books, 1987); Oyèrónké Oyèwùmí, *The Invention of Women - Making an African Sense of Western Gender Discourses* (Minneapolis: University of Minnesota Press, 1997).

circumstance independent of the will of the actor” and the girl’s young age, the tribunal decided to treat the assault as rape.⁵⁷ The physical evidence of Afiavi’s virginity transformed the aborted act into criminal rape due to the victim’s inexperience and immaturity. In another case, the tribunal similarly decided that a sexual assault in which penetration was not achieved still constituted the crime of rape. The judge explained that Dohou, a twenty-eight-year-old man, “Attempted to act with her [Djogbo, a twelve-year-old girl], as if she were an adult woman.” The criminal behavior consisted of an adult male engaging in sex acts with an immature female child. Dohou aborted his attempt because he heard a noise nearby. Dohou did not stop the attempted rape due to a crisis of conscience. Since Dohou stopped due to fear of punishment, the judge interpreted this interruption as Dohou’s recognition that he was attempting to commit a sexual crime that he himself recognized as illicit.

Evidence of sexual knowledge or activity, defined by the tribunals as un-childlike behavior, affected judicial authorities’ perception of when psychological harm occurred. In March 1938, Robert Montouroy refused to prosecute Agoumalo for the rape of fourteen-year-old Ouinsi because, according to Montouroy, she “was no longer a child” due to the fact that she had admitted to a history of sexual experimentation progressing to sexual intercourse.⁵⁸ Montouroy believed that the girl had consented to the sex; after all she admitted to leaving her friends and their “trifling amusements” at the door. Montouroy’s framing of the events divided Ouinsi’s identity into that of a girl when she

⁵⁷ Chambre d’accusation, “Réquisitions n. 26: Affaire KOUASSI Atindéhou - viol,” July 15, 1932, 1M106, Archives Nationales du Bénin.

⁵⁸ The tribunal uses the term “jeunes gens.” Agoumalo was likely a teenager in the peer group of Ouinsi.

participated in girlish pastimes and of a woman once she entered Agoumalo's room. Montouroy acknowledged that, in the heat of the action, one of them perhaps exceeded the agreed upon limits. The tribunal president argued that Ouinsi had falsely claimed Agoumalo had raped her to avoid her father's just punishment of her promiscuous acts.⁵⁹

Establishing older girls' status as the victims of rape proved much more difficult in the setting of a courtroom. *Adjole vù* cases rarely resulted in conviction; and those few that did, involved instances where the perpetrator admitted guilt or incriminated himself in some way.⁶⁰ Greater age, increased responsibility in hawking, and presumed knowledge of sexual acts through initiation rituals distinguished *adjole vù*, or "woman-small," from younger *nù djala tɔ*. In 1931, the second-degree tribunal in Ouidah cited an African girl's promiscuity as an "extenuating circumstance" in the sentencing of Ouinssou, a man convicted of raping his nine-year-old niece Fabihi multiple times. The tribunal argued that the sentence must "take into account the promiscuity [of the girls] with whom the convicted" regularly interacted with in his daily life. According to the tribunal's president, R. Louis, a French administrator, Ouinssou "must benefit from these extenuating circumstances." Louis claimed that the moral level of the "indigenous milieu," in which a nine-year-old girl was not a virgin, constituted an extenuating circumstance that required leniency on the part of judicial authorities. Louis sentenced Ouinssou to two years of prison.⁶¹ Age alone did not constitute the dividing line between

⁵⁹ Robert Montouroy, "N. 1477 TLO Objet: Plainte de Adindé pour viol de sa fille Ouinsi contre le nommé Agoumalo," Telegram, (March 11, 1938), 1M71, Archives Nationales du Bénin.

⁶⁰ For a comparative perspective and a discussion of teenage girl's sexuality in New York courtrooms see chapters 4-6 in Robertson, *Crimes against Children*, 73-138. For a discussion of twentieth century US laws and popular perceptions regarding teenage sex – both genders – see, Carolyn E. Cocca, *Jailbait: The Politics of Statutory Rape Laws in the United States* (Albany: State University of New York Press, 2004).

⁶¹ Le Tribunal du 2e degré de Ouidah, "État des jugements rendus en matière repressive: Jugement n. 12 viol," April 10, 1931, 1M004, Archives Nationales du Bénin.

these two categories; knowledge or sexual experience – presumed or real – became the most salient factor separating them, and the criminal tribunals decided whether *adjole vï* were more woman- or child-like based on their assessment of the girl's previous activities.

Judicial officials distrusted older girls' and women's testimonies due to their presumed promiscuity and, correspondingly, their presumed consent. After the 3 December 1931 decree, this hostile attitude grew more pronounced. This had the dual effect of increasing the emphasis on physical forensic evidence in the investigation of cases and lessening the severity of punishment for those found guilty of rape. The colonial stereotype of African women's hyper-sexuality proved particularly disadvantageous for women and girls engaged in the mobile profession of trading, since authorities believed they walked the streets figuratively as well as literally.

Men readily admitted to violence when they defended themselves against street hawkers' accusations of rape. Yet, they denied that using violence to coerce hawkers into sexual acts was in fact rape. On July 27, 1933, Houndjo asked his cousin eighteen-year-old Attakpa to sell cooked meat to him and two friends. She agreed and followed the three men to the household of Chémagnon to get a container in which to put the food. Attakpa was left momentarily alone with Chémagnon.⁶² According to Chémagnon, he propositioned her and she declined with the excuse that she was having her period.

Chémagnon explained:

CHÉMAGNON: ...I wanted proof that that was the case. I pushed Attakpa on my bed, I lifted up her *pagne* [length of cloth wrapped around a person's waist or

⁶² Henri Ravet, "Procès-verbal: plainte en viol Aff. Attakpa Dossou Yovo," July 24, 1933, 1M162, Archives Nationales du Bénin.

ribcage], at that moment I tried to have relations with her, she struggled, bit me on the right thumb and upon hearing my friends Houdjo and Anagonou coming in the courtyard towards my lodging, I left Attakpa, without having had the time to introduce my penis.

QUESTION: Your intention was to have relations with Attakpa, even against her will?

CHÉMAGNON: I admit to having been insistent with Attakpa, but as soon as she defended herself I calmed down in order to avoid [her telling] stories, I therefore did not rape her.

QUESTION: Then if [it is as] you claim and you have not done anything wrong; why did you flee and hide for two days?

CHÉMAGNON: [I did] [n]othing serious, I feared that the parents of Attakpa would beat me.⁶³

Dr. Charles Martin examined Attakpa the day after the rape. Martin observed that Attakpa's body bore no signs of violence. He did find that she had "recently been deflowered."⁶⁴ Since the rape had no health consequences for her, authorities sentenced Hounhou Chémagnon to eighteen months in prison and a fine of 200 francs paid to Attakpa in damages.⁶⁵ Despite finding the Chémagnon guilty of rape, judicial authorities noted in their deliberations that Attakpa had consented "up to a certain point." The five men of the tribunal stated that at eighteen years of age they believed Attakpa was old enough to know what would happen if she followed a twenty-two-year-old man to his room.⁶⁶

The tribunals' presumption that women and *adjole vï* consented to most sexual encounters structured men's legal defense against accusations of rape. Accused men

⁶³ Ibid.

⁶⁴ Charles Martin, "No. 161 Rapport Medico-Legal: ATTAKPA KOMOULO DOSSOU-YOVO," July 25, 1933 1M162, Archives Nationales du Bénin.

⁶⁵ There is no record of an appeal. It seems though that the verdict did not resolve the matter because in January 1934 Komoulo, Attakpa's father, formally withdrew his complaint stating that the two families would resolve the matter privately.

⁶⁶ Henri Ravet, "Procès-verbal: plainte en viol Aff. Attakpa Dossou Yovo," July 24, 1933, 1M162, Archives Nationales du Bénin.

commonly defended themselves by admitting to “*s’amuser*” or “having fun” and “messaging around” with the girl or woman. In his defense against a charge of attempted rape, Ékoué admitted to assaulting and battering Ayoko, a sixteen-year-old hawker. He claimed that she entered his room willingly and solicited him to “*s’amuser*” with her.⁶⁷ The choice of the term “*s’amuser*” euphemistically framed an act of non-consensual or coerced sex as a benign event. It denied recognition of the possibility of harm or victimhood to the complaining girl, despite the brutal beating she had endured.

In yet another case, the *chambre d’accusation* refused to pursue charges against Samuel Adama despite a medical exam attesting to the fact that fourteen-year-old Philomèle’s hymen had ripped. One night in May 1937, Adama called to Philomèle in the market. She approached him in the courtyard in front of his house. He then dragged her to a corner of the space and the two had sex. Philomèle accused him of rape. Since the rape occurred in a semi-public place just off the marketplace with a variety of inhabitants living in the apartments surrounding the courtyard, the investigators questioned those who lived and worked nearby. None of them claimed to have noticed Adama and Philomèle having sex or Philomèle protesting the sex.

The tribunal cited the following reasons for dismissing the case: first, no one had heard Philomèle cry out during the alleged attack and second, the girl’s attitude while giving her statement led the authorities to believe that she was lying.⁶⁸ The logic employed was that older girls and women hawking in the streets would consent to sex in

⁶⁷ Jean Jarter, “Procès-verbal d’interrogatoire: Ekoué Hermane” (Cercle du Mono, October 17, 1924), 1M50, Archives Nationales du Bénin. Where men described the sexual assault of hawkers as “*s’amuser*,” girls and women often described the same sexual encounter as “*s’abuser*.” In addition to being translated as sexual assault, “*s’abuser*” could be translated as to exploit, to go too far, or to take advantage of someone.

⁶⁸ “Réquisitoire no. 66 (1937): Affaire ADAMA Samuel - viol,” September 17, 1937, 1M171, Archives Nationales du Bénin.

the majority of instances. Perhaps occasionally the man did “go too far,” but that did not necessarily translate into the sexual exploitation or abuse of an older girl or woman who, so the authorities assumed, would, habitually trade sexual favors for profit.

In general, colonial tribunals willingly believed the claims of men, further supporting the argument that African and French legal authorities stereotyped African street sellers and other women as willing and active participants in transactional sex, if not outright prostitution.

French authorities feared that girls were introduced to transactional sex as part of their initiation into street trading. A loquacious scribe expressed in the strongest terms the stereotypes of “working girls.” According to his translation of her narrative, Akpoto, a fifteen-year-old *petite vendeuse* who sold *lokapo*, exited a house entirely nude and claimed that three young “guys” had had relations with her against her will. The recorder used the term “*jeunes gens*” to describe the three alleged teenage rapists. The recorder mockingly asked a rhetorical question: “Is this exactly what happened? Did they lure her into their residence on the pretext of buying *lokapo* and each take a turn? That seems highly doubtful!” The tribunal dismissed the case when one of the three accused “guys,” Ogoudélé Bancolé, admitted to having sex with her and provided a very “plausible” reason for Akpoto’s accusation. The *chambre d’accusation* stated that Ogoudélé knew of Akpoto’s “rather wild virtue” and propositioned her. He suggested paying 2,50 francs “to have connection with her.” Ogoudélé claimed that after having sex with her they disagreed about the payment. In his account of events, Akpoto threw down her own

pagnes and the money he had paid.⁶⁹ The doctor who examined Akpoto supported the assertion of her “wild virtue” through his inclusion of irrelevant details, such as her labia exhibiting signs that she had stretched and scarred her outer genitalia.⁷⁰ Europeans had long viewed such practices with both fascination and disgust.⁷¹ The medical evidence of Akpoto’s prior experimentation with her genitalia cast critical doubt on her claim, in the view of the tribunal’s members. This point of view, along with the fact that the alleged perpetrators were roughly the girl’s peers, led the authorities to redefine the sexual act into youthful “messaging around,” despite the violence Akpoto had described. The criminal tribunal dismissed Akpoto’s case.

Dahomean assessors responded differently to the claims of pre-pubescent *petites vendeuses* who had not yet attained the outward signs of physical sexual maturity differently than they did to those of older girls who had developed breasts or exhibited signs of sexual knowledge, such as the stretching or scarification of the labia minor.⁷² The absence of physiological or ritual characteristics of pubescent development indicated to Dahomean assessors that the rape caused the girl psychological trauma and damage, in addition to any physical harm. Colonial tribunals transformed these barometers of maturity into embodied evidence as a way of measuring the amount of harm the sexual assault inflicted upon a girl. Only when a high degree of harm occurred could the incident

⁶⁹ Tribunal Colonial d’Appel du Dahomey, “Réquisitoire no. 175 (1936): Affaire Ogoulede Bancole et consorts, viol” (Cotonou, October 26, 1936), 1M005, Archives Nationales du Bénin.

⁷⁰ For a detailed explanation of female initiation and the associated genital practices see, Herskovits, *Dahomey*. Herskovits was able to get this detailed information through informants’ discussions with his wife who conducted some of the research and data collection. Herskovits, *Dahomey*, 1938, 1:282–83.

⁷¹ Gilman, *Difference and Pathology*, 85–89.

⁷² While not sexual in and of themselves certain markings were culturally imbued with an erotic aesthetic and furthermore marked a girl’s stage in initiation.

bear the weight of the colonial crime of rape. French authorities agreed with Dahomean ones that the degree of harm directly correlated with a girl's immaturity.

Conclusion

The ability of girls to traverse the divide between public streets and private residences without scandal facilitated their success as itinerate traders and gave them a unique value in West African economies.⁷³ This same ability, though, exposed girls to great risk of sexual assault by their male customers. When girls who were attacked returned to the households where they were entrusted, women witnessed their suffering following assaults. The women acted upon what they saw and took hawkers to colonial courts, in an effort to punish attackers and to publically condemn the sexual assault of hawkers. The elder, female guardians of entrusted girls attempted to hold the girls' customers responsible for sexual assaults in colonial courtrooms.

The judicial reorganization of 1931 transformed the colonial courtroom into one of the few public forums where European and African views about sexuality encountered one another. In the new criminal tribunals, Dahomean assessors used their deliberative powers to contribute to debates about illicit sexuality. Elevating rape to an exclusively felony charge prompted debates between French officials and Dahomean assessors about how to define the crime as distinct from other misdemeanor sexual offences. After the 1931 decree took effect in April 1932, criminal tribunals favored either dismissing rape accusations or reducing the charges to indecent assault. This hostile legal environment

⁷³ Schildkrout, "Age and Gender in Hausa Society." This article's enduring value lead it to be reprinted in the journal *Childhood* in 2002. It had been published originally in the now out of print anthology *Age and Sex as Principles of Social Differentiation* in 1978. J. S. La Fontaine, ed., *Sex and Age as Principles of Social Differentiation* (London: Academic Press, 1978).

did not, however, discourage women from reporting incidents of customers sexually assaulting girl hawker to colonial tribunals.

From 1932 onward, only when girls' bodies attested to their sexual ignorance and innocence did tribunals recognize the transformation of non-consensual sex into the felony crime of rape. Dahomean and French authorities alike agreed that physical evidence of immaturity was the primary criteria that determined when a sexual assault should be elevated to the level of a felony. Indigenous assessors also introduced social indicators, such as the type of items hawked and ritual markings, as factors that indicated "street smarts" about sexuality. When present, they negated the criminality of the sexual assault, because they were believed to show that a girl exhibited an awareness of her sexuality and that her body bore testimony to previous sexual experiences. Indigenous assessors' ideas about the maturing female body intersected European stereotypes of African female sexuality. Both sets of preconceived notions affected how tribunals interpreted and judged Dahomean girls' narrations of sexual assault. In colonial tribunals, indigenous and French authorities jointly articulated a definition of early girlhood as a period of asexuality. The views of both Dahomean and European authorities coalesced to produce the basic assertion that a threshold existed before which girls were simply too underdeveloped physiologically and psychologically, too innocent socially to be subjected to sexual acts, much less participate in them. In the years following the 1931 reorganization, Dahomean assessors and French administrators attempted jointly to determine when girls reached the critical threshold where they could no longer be victims of felony sex crimes.

Tribunals imagined criminal harm in terms that correlated with age due to colonial notions of childhood “innocence”. Sexual experience of different kinds became an essential characteristic separating female childhood from adulthood and, as a result of the moral presuppositions of colonialism, victimhood from supposed licentiousness. Criminal tribunals treated things-peddle-girls differently than more mature woman-small girls. Once girls reached the *adjole vū* life stage, tribunals viewed sexual assaults as, at worst, a misdemeanor indecent assault and, at other times, simply youthful “messaging around.” By defining the harm that followed forced and unwanted sexual encounters in this fashion, tribunals upheld the rights of African patriarchs to protect young girls’ sexuality and simultaneously connected African masculinity with the sexual exploitation of older girls.

After the judicial reorganization of 1931, colonial tribunals tried to apply French imperial laws in ways that aligned with Dahomean notions of illicit sexuality. In rape cases, French and Dahomean tribunal members reached a consensus that a girl’s immaturity transformed a sexual assault into a felony, criminal act. However, in other cases involving illicit sex the indigenous and French members of criminal tribunals struggled to find points of agreement. For example, in accusations of the sexual abuse of teenage girls entrusted to *vodun* cult-houses it proved difficult for Dahomeans to transform taboo behaviors into colonial crimes, as the next chapter will show. In the mid-1930s Dahomeans, turned to colonial tribunals for recognition of the illicitness of sexual relations occurring between *vodun* initiates and cult-house leaders, but with very different outcomes.

Chapter Four: Trust Betrayed: Secrecy and Sex in *Vodun* Cult-Houses

After 1931, the inclusion of two chiefs as part of the five-member criminal tribunal encouraged Dahomeans to bring forth new types of cases to colonial courts. In particular, Dahomean men wanted colonial courts and their chiefly representatives to regulate priestly power in *vodun* cult-houses. The pre-colonial kingdom of Dahomey was the cradle of *vodun*, a religious-philosophical system and a syncretic faith. The *vodun* religion expanded in the region as a corollary of the growth of the kingdom. The Dahomean king designed a system of regulation headed by an official called an *akplogan*, a royal minister who oversaw the operation of cult-houses and punished any wrongdoing on the part of cult-houses' leaders. *Vodun* remained the predominant faith of southern Dahomey after the end of the French conquest in 1894. France dismantled the monarchy and its ministries without putting in place any formal means to regulate cult-houses. After France deposed the last monarch enthroned in Abomey in 1900, *akplogans* continued to regulate cult-houses on an ad-hoc basis that varied by city and district. In 1937, the Lieutenant Governor of Dahomey Henri Martinet noted that only the *akplogans* in Porto-Novo and Allada continued to effectively monitor cult-houses in those two cities.¹ In the 1930s, the further decay of pre-colonial regulatory mechanisms for priestly offences along with the new deliberative role of indigenous assessors prompted Dahomeans to approach colonial criminal courts to prosecute cases of sexual abuse occurring in cult-houses.

¹ Henri-Étienne Martinet, "N. 847 A.P.A. CONFIDENTIEL Circulaire aux commandants de cercle au sujet du contrôle de l'activité fétichiste," June 24, 1937, 14MIOM/2304 (17G92), Archives Nationale d'Outre Mer.

Vodun required its young, mostly female novices to remain cloistered for extended periods of time within the cult-house in the *houknpamin*, literally the enclosure where adepts of *vodun* learn the secrets of practicing the faith.² While in the *houknpamin*, initiates were required to observe ritual restrictions including sexual abstinence. Pregnant novitiates as well as those who suffered death, debility, and illness after botched abortions, made taboo sexual behavior within cult-houses visible to the girls' families and Dahomean society more broadly. Unlike in cases of rape when women usually reported the sex crime to tribunals, men did so in cases of sexual abuse occurring in cult-houses. Men acted in their capacities as the fathers and fiancés of girls entrusted to *vodun* cult houses to claim redress. When these men had entrusted their daughters and fiancées to the cult-house, they believed that the male cult-house leaders would enforce the abstinence taboo.

In the 1930s, a broad-based consensus emerged among Dahomean men that wanted the colonial legal system to step in to regulate cult-houses and their leaders. Fathers, husbands, intellectuals, and even some *vodun* leaders themselves appealed to colonial authorities to intervene in cases of sexual abuse of girls sequestered in the *vodun* cult-houses. The diversity of this coalition calling for regulation was remarkable as was its united call for the regulation of girls cloistering in the cult-house rather than abolishing it. The many masculine voices debating girls' sexual abuse in *vodun* cult-houses contrasted sharply with girls' own silence on the subject and their absence in legal

² For a description of contemporary practices within the *houknpamin* see Adjignon Débora Gladys Hounkpe, "Education in Voodoo Convents in Benin," in *Educational Theories and Practices from the Majority World*, ed. Pierre R Dasen and Abdeljalil Akkari (Thousand Oaks, CA: SAGE Publications, 2008), 306–28. *Houknpamin* is also spelled as *hunkpame* by Gilbert Rouget. Rouget includes a glossary at the end of his photo-book of initiation rituals. In the glossary he also lists *hunxwé*, *vodún xɔ*, *vodún xwé*, and *kúxwé* as synonyms. See Gilbert Rouget, *Initiatique vòdoun: images du rituel* (Saint-Maur: Sépia, 2001), 96 & 98.

proceedings against cult-house leaders. Unlike in other types of cases involving girls, such as cases of enslavement or rape, tribunals rarely heard from the girls who these girls' guardians accused *vodun* spiritual leaders of abusing. Initiates' silence about their experiences while in the *houkpamin* impeded men's efforts to prosecute cult-house leaders for their illicit sexual relations with the girls entrusted to them.

In the 1930s, Dahomean men demanded that the colonial state punish corrupt spiritual leaders and regulate evolving initiation practices.³ Dahomeans believed it was illicit for initiates to engage in any sex while they resided within cult-houses. French colonial authorities, however, struggled to determine whether or not these taboo sexual acts constituted crimes. Colonial law and *vodun* morality defined sex as illicit based on different criterion, which rarely overlapped. French administrators tried to place these acts within the felony charges outlined in article 46 of the 3 December 1931 decree.⁴ This chapter argues that when Dahomeans decided to turn to the colonial legal system to regulate ritual power during the 1930s, they needed to make the sexual abuse of *vodun* initiates occurring within cult-houses fit within the framework of these existing criminal categories. Dahomeans did so through transforming the charge into the felony intentional violence leading to death or disability as a result of abortion.

The history of colonial law in Africa largely neglects indigenous religions as an influential force in shaping how tribunals applied colonial law and when colonial subjects

³ Shadle has shown that Kenyans made similar demands on colonial courts in regards to imposing limits on the rapid inflation in bridewealth, though they never challenged bridewealth itself. There were however calls at reforming and regulating this expensive and extended betrothal process. Shadle, *Girl Cases*, xxvi–xxvii.

⁴ Since many of the teenage girls were engaged, but not married none of the cases resulted in charges of adultery.

chose to turn to colonial authorities to punish religious offences.⁵ There existed a tense relationship between *vodun* and colonial law. Normally, *vodun* practitioners considered *vodun* regulations to be above and beyond secular, legal systems.⁶ This historic distrust of colonial law made it all the more surprising that in the mid to late 1930s Dahomeans turned to colonial legal authorities to regulate abuses of power occurring within cult-houses. Dahomeans experimented with involving secular authorities in the regulation of spiritual taboos regarding girls' sexuality at this moment because they had few alternatives.

First, the chapter examines the decline of pre-colonial mechanisms of oversight of cult-houses and their leaders. Second, it analyzes the treatises written by Dahomean intellectuals and the official inquiries authored by French administrators which contributed a variety of points of view on girls' initiation and the character of *vodunon*, or

⁵ Apart from Africanists' interests in understanding witchcraft or sorcery almost no scholarly attention has been devoted to how law engaged with cross-cultural differences in understanding African belief systems. This focus on witchcraft and sorcery obscures the important role *vodun* played in defining "customary" practices as well as shaping popular Dahomean conceptions of wrongdoing. The scholarly literature on witchcraft dates back to the 1920s anthro-administrative interest in the subject. Colonial era anthropological studies included Bernard Maupoil, *La géomancie à l'ancienne côte des esclaves*, Travaux et mémoires de l'Institut d'ethnologie 42 (Paris: Institut d'ethnologie, 1961); Paul Hazoumé, *Le pacte de sang au Dahomey*, Travaux et mémoires de l'Institut d'ethnologie ; 25 (Paris: Institut d'ethnologie, 1937); Lucien Lévy-Bruhl, *The Notebooks on Primitive Mentality*, Explorations in Interpretative Sociology (New York: Harper & Row, 1975). More recently there has been a wave of historical scholarship concerning witchcraft during the colonial era. A few notable examples of this literature include: Peter Geschiere, *The Modernity of Witchcraft : Politics and the Occult in Postcolonial Africa : Sorcellerie et Politique En Afrique-- La Viande Des Autres*, trans. Janet Roitman (Charlottesville: University Press of Virginia, 1997); Adam Ashforth, *Witchcraft, Violence, and Democracy in South Africa* (Chicago: University of Chicago Press, 2005); Gerrie ter Haar, *Imagining Evil: Witchcraft Beliefs and Accusations in Contemporary Africa*, Religion in Contemporary Africa Series (Trenton, NJ: Africa World Press, 2007); Ruth Ginio, "Colonial Minds and African Witchcraft: Interpretations of Murder as Seen in Cases from French West Africa in the Interwar Era," in *The French Colonial Mind: Mental Maps of Empire and Colonial Encounters*, ed. Martin Thomas, vol. 1, 2 vols., France Overseas (Lincoln: University of Nebraska Press, 2011), 49–71.

⁶ In Togo, the neighboring colony to the West of Dahomey, Judy Rosenthal observed that *vodun* practitioners' experienced colonial law as unjust. Rosenthal, *Possession, Ecstasy, and Law in Ewe Voodoo*, 78–79.

the priestly class of male cult-house leaders.⁷ Catholicism influenced all of these male authors, Dahomean and French alike. Finally, it turns to the silence of the girls entrusted to vodun cult-houses. This last section grapples with the significance of girls' absolute silence about these illicit relationships. *Vodun* initiates remained silent in colonial courtrooms about their experiences within cult-houses, sexual or otherwise. Colonial tribunals tried, but failed frequently to gather admissible evidence when they investigated letters of complaint concerning the sexual abuse of initiates by *vodun* spiritual leaders. Dahomeans struggled to transform the illicit sexual relationships *vodunon* formed with initiates into criminal charges recognized by colonial courts.

Regulating *Vodun*: Pre-Colonial Royal Oversight and the Colonial Legal Dilemma

Vodun remained the faith of the majority of Dahomeans throughout the colonial era. According to the 1937 census, the vast majority of Dahomeans continued to practice indigenous religions.⁸ In 1937, French authorities estimated that 1.2 million, or 88% of the colony's total population of 1.36 million, practiced indigenous faiths. In the context of Dahomey, "indigenous faiths" referred almost exclusively to *vodun*. Individuals, families, and communities remained steadfast in their commitment to serving *vodun* deities.

⁷ The term *vodunon* literally translates as the servant or guardian of the *vodu*. Gilbert Rouget explains that the suffix -non (or non) means "the name of the patient." Rouget, *Initiatique vòdoun*, 100.

⁸ These are rough estimates given by the administration in their confidential circular of 1937 regulating ritual practices activity, see Martinet, "l'activité fétichiste." According to the Encyclopedia of Global Religion the 2002 census estimated that 32.8% of the population practiced *vodun*. The Encyclopedia though admits that other sources give that figure as high as 70%. Mark Juergensmeyer and Wade Clark Roof, *Encyclopedia of Global Religion* (SAGE Publications, 2011), 134–35. The Worldmark Encyclopedia of Religious Practices estimates that 57% of the population of Benin or about 3.9 million of a population of 6,787,625 practice *vodun* in contemporary Benin. Unclear what year these statistics come from the publication date for the encyclopedia entry is 2006. Tamba M'bayo, "Benin," in *Worldmark Encyclopedia of Religious Practices*, ed. Thomas Riggs, vol. 2, Countries: A-L (Detroit: Gale, 2006), 101–7, <http://go.galegroup.com/ps/i.do?id=GALE%7CCX3437900078&v=2.1&u=emory&it=r&p=GVRL&sw=w&asid=6f4c3d3646ea702343928ba5526c086c>.

The abuse of girls in cult-houses did not diminish the popularity of the faith tradition among Dahomeans. No Dahomean proposed such radical solutions as closing particular cult-houses or allowing girls not to stay in residence within them. If anything, the continued commitment of practitioners despite abuse attested to the fundamental, enduring importance of *vodun* to Dahomeans. Lieutenant Governor Martinet described *vodun* as the “nervous system” of Dahomean society. He claimed that like the human body’s nervous system in that *vodun* coordinated the motor skills that directed Dahomeans how to respond to political, economic, and social stimuli. Colonial administrators and some Dahomeans attributed this steadfastness to fear among the population.⁹ Dahomeans though insisted on the value of *vodun* through demanding reform; rather than converting to other faiths.

Even those Dahomeans who practiced other faiths continued to participate in certain *vodun* rituals, thereby further validating the social value of *vodun*. The 60,000 Christians in Dahomey often practiced syncretic forms of religious expressions that incorporated *vodun* elements into Christianity.¹⁰ Felix Couchoro, a Dahomean intellectual, remarked in the 1941 preface to his novel *L’amour de féticheuse* that the pervasiveness of *vodun* in Dahomey made it a social factor that “must be taken into account when one works toward the evolution of the race. Even in the *evolué* classes [the commercial, coastal, elite educated in missionary schools and fluent in the French language and culture, the majority of whom had converted to Christianity] of this

⁹ Maupoil, *La géomancie*, 66–67. See also Bay, *Asen, Ancestors, and Vodun: Tracing Change in African Art*, 153. Bay cites Maupoil.

¹⁰ Dahomey had the largest missionary presence outside of Senegal in French West Africa. Christianity had achieved by 1937 only a modest 60,000 adherents in the colony of Dahomey. This 60,000 included populations that had converted to Christianity prior to the colonial era. The 1937 census figures estimated 100,000 Dahomeans as practitioners of Islam. Muslims predominated in the northern districts of the colony with an influential and politically engaged minority in the south.

population. It [*Vodun*] manifests itself in a noticeable fashion. Those who say they are “‘*évolué*’ never have the courage to completely break with the unreasonable practices that Christian sects condemn.”¹¹ Even those southern Dahomeans who professed Christianity or Islam as their official faith participated in *vodun* practices and rituals alongside with their other religion.

In light of the fact that the majority of Dahomeans practiced *vodun*, both Dahomean elites and French administrators expressed alarm about the dangers of leaving *vodun* priestly power unregulated in cult-houses within the colony. Auguste Le Hérissé, a district administrator stationed in Dahomey from 1900 to 1914, expressed this concern when he admiringly described the pre-colonial system of regulation in his 1911 ethnography *L'ancien royaume du Dahomey: Mœurs, religion, histoire*. Le Hérissé described how during the pre-colonial era, the Dahomean king appointed ecclesiastical tribunals presided over by the *akplogan* to judge priestly misconduct. If the priestly defendants appealed the decision, the *kpojito*, or queen mother, heard the appeal and she could then forward it to the king himself if necessary.¹² Le Hérissé praised the pre-colonial king's wisdom in recognizing that cult-house leaders could easily exploit the “naïve” and “gullible” population of believers.

Despite Le Hérissé's admiration of the king's system, the administration did not incorporate the *akplogan* into the colonial power structure. French authorities made no

¹¹ Félix Couchoro, *Oeuvres complètes*, 1:155.

¹² Le Hérissé was known to be fluent in Fongbé. Le Hérissé, *L'ancien Royaume*, 132–33. For a greater discussion of the office and role of the *kpojito* see Edna G. Bay, “Belief, Legitimacy and the Kpojito: An Institutional History of the ‘Queen Mother’ in Precolonial Dahomey,” *The Journal of African History* 36, no. 1 (January 1, 1995): 1–27. Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*. For a brief biography on Le Herissé see Mathurin C. Houngnikpo, *Historical Dictionary of Benin*, 4th edition., Historical Dictionaries of Africa (Unnumbered) (Lanham, MD: Scarecrow Press, 2013), 239. For a discussion on Le Hérissé's place in Dahomean historiography see Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*, 31–32.

attempts to reach such a systematic rapprochement with religious leaders or legal experts of indigenous religions, as they had done with Muslim *qadis* elsewhere in the AOF. After the colonial conquest of West Africa in the late nineteenth century, the French administration allowed *qadis* to keep their legal offices as long as they were willing to adjust to the French legal priorities.¹³ The *qadis* and French administrators negotiated and renegotiated the degrees of autonomy granted to Muslim religious authorities in their capacities as colonial legal authorities.¹⁴ There was no comparable system in place to integrate *vodun* religious authorities or the *akplogan* minister tasked with overseeing the punishment of offenses committed by the priestly class. In allowing the office of the *akplogan* to decline without replacing it, colonial authorities allowed *vodun* religious authority to go unchecked.

Unlike the monarch who derived some of his authority from *vodun* rituals, the secular colonial administration did not. French authorities refused to recognize the authority of the *akplogan* or enforce *vodun* taboos in colonial courts. For example, *vodun* taboos concerning the public punishment of cult-house leaders required that these proceedings be closed to the public. Dahomeans believed that the spirit of the *vodu* resided within the body of the *vodunon*. Publically punishing a member of the priestly class was a sacrilege because it represented an attack on the deity the *vodunon*

¹³ France did try to develop a legal policy in regard to Islamic courts in North and West Africa. See Christelow, *Muslim Law Courts and the French Colonial State in Algeria*. Allan Christelow, *Thus Ruled Emir Abbas : Selected Cases from the Records of the Emir of Kano's Judicial Council* (East Lansing: Michigan State University Press, 1994). Roberts, *Litigants and Households*. For a comparative perspective on Islamic courts in Africa Alessandra Vianello and Mohamed M Kāssim, eds., *Servants of the Sharia: The Civil Register of the Qadis' Court of Brava, 1893-1900* (Leiden: Brill, 2006).

¹⁴ Christelow, *Muslim Law Courts and the French Colonial State in Algeria*, 8.

embodied.¹⁵ The idea that *vodunon* represented exceptional beings who required private, secretive judicial processes offended French principles of justice. Creating an alternative mechanism for sanctioning *vodunon* recognized these spiritual leaders' exceptional status and legitimated their claims that they embodied the *vodu*, claims that the anti-clerical, secular French authorities repudiated.

France's conquest of the pre-colonial monarchy resulted in the progressive decay of the effective functioning of the *akplogan* ministry that once had the responsibility of punishing wrongdoing on the part of the priestly class. As a result of the disappearance of the office of *akplogan* outside of limited areas, Dahomean chiefs experimented with usurping the responsibility for prosecuting spiritual leaders. Rarely do documents discuss how chiefs tried to create a separate, extra-legal court system for priestly offences modeled after the pre-colonial one. Epiphane Agbo, the district chief of Segboroué, convened one such court in the shadow of formal colonial tribunals in 1935. Agbo learned near the end of October 1935 that an initiate in the cult-house led by Houngbo Sonon was pregnant. He then summoned Sonon along with two other leaders of the cult-house Danvossi, and Tchabossou to his residence in Décamè. Once there, Agbo interrogated them for five days.

Witnesses testified that Agbo did not place abortion at the forefront of his investigation, rather he focused on the sexual relationship between an initiate and acolyte occurring within the cult-house. Abortion entered into the discussion only when Agbo threatened to take Danvossi before the colonial courts. The court recorder recounted Agbo's warning to Danvossi as follows, "... You know that the [French] Governor [of the

¹⁵ Both Le Hérrissé and Herskovits confirm this taboo and the closed nature of trials of vodonou. Le Hérrissé, *L'ancien Royaume*, 132; Herskovits, *Dahomey*, 1938, 2:175–77.

colony of Dahomey] forbids certain *vodun* practices such as the case of abortion you have in your cult-house. It is in your interest to settle this [here] in an amicable way and to not lie [to me].”¹⁶ Agbo, who was also an indigenous assessor for the French colonial tribunals, implied that the outcome of the case would be different if it was taken to them. Agbo conducted the investigation on behalf of the council of notables who were troubled by the violation of the *vodun* taboo against sex during initiation, whereas the French criminal tribunal, as Agbo pointed out, would have been concerned with death of an initiate following an abortion.¹⁷ The cult-house leaders’ willingness to come to Agbo’s residence when summoned indicates that they preferred, at least initially, to resolve cult-house matters in the extra-judicial court modeled on pre-colonial norms of investigating charges of priestly wrong doing.

The case against Agbo offers a revealing glimpse into the fraught interactions and power struggles between chiefly and priestly elites during the mid-to-late 1930s. In the seventeenth through nineteenth centuries, religious and political authorities of the region had had a symbiotic relationship that did not exist in the twentieth century. The 1924 and 1931 judicial reorganizations had increased the legal power and social standing of the chiefs, while continuing to marginalize religious leaders from official positions of power. Agbo attempted in the 1930s to recreate in the colony the pre-colonial monarchical

¹⁶ Tribunal d’Athiémé, “Extrait du registre des jugements du Tribunal d’Athiémé: Jugement N. 1 Affaire Epiphane AGBO,” February 16, 1937, 8G26 (17), Archives du Sénégal.

¹⁷ These cases are extremely difficult to trace because as they were investigated the charges often evolved, no action was taken, or as the case of Agbo shows they become buried within disputes of other types. For example, the case of Kédossossi was recommended to be treated as either a rape or indecent assault case. Despite exhaustively photographing and cataloging all rape cases, I did not find any evidence that it was eventually prosecuted as rape. For more information on rape cases see chapter 5. It may have been prosecuted as indecent assault, at this point I have not created a searchable index or database of those cases.

hierarchy, which placed political power above religious authority.¹⁸ Danvossi challenged chiefs' placement at the apex of the colonial power structure of indigenous elites through going to the district commandant and making a statement of complaint. After Sonon died as a result of the beating Agbo ordered, Danvossi turned to the courts to curb Agbo's power. Danvossi turned the tables on Agbo and filed murder charges against him. Chiefs, such as Agbo used their authority to punish ritual crimes as well as assert their authority over religious authorities. Danvossi changed the jurisdiction of the dispute in order to show Agbo that chiefs had limited authority, unlike the Dahomean kings preceding them as political models. Danvossi refused to allow colonial chiefs the impunity that kings of Dahomey had possessed.

Unlike in the council of notables convened to judge Sonon and the other leaders, within colonial courts chiefs could only punish religious authorities once the witnesses and evidence proved this wrongdoing to the satisfaction of the three French members of criminal tribunals. The French and indigenous members of the criminal tribunals did not understand wrongdoing in the synonymous ways in cases involving *vodun*. In order to reconcile this disparity, on January 30, 1937, the French parliament appointed a mission of inquiry to investigate ritual crimes occurring in the French Empire.¹⁹ Parliament asked the commission to evaluate the extent and types of ritual crimes still occurring in the French Empire. It also asked the colonial Governor Generals in Africa, Asia, the

¹⁸ The relationship between political and religious authority in the regional history is complex. For an alternative arrangement between the two powers see chapter 1 of this dissertation about how Justin and Rene Aho, brothers, used religious and political offices to support one another. This collaboration rather than competition between the two authorities was facilitated by the fact that both men were part of the same lineage.

¹⁹ Lucien Levy-Bruhl, a renowned French philosopher, sociologist, and ethnologist who specialized in what he termed "the primitive mentality," chaired the committee.

Americas, and the Pacific to assess existing laws and how tribunals applied them to crimes with ritual elements.

Immediately, Marcel de Coppet, the governor general of French West Africa (AOF) from 1936 to 1938, began drafting a circular on how to regulate indigenous religious practices in the AOF. De Coppet repeatedly drafted and extensively revised his circular prior to distributing it to his subordinates. In two January 1937 drafts, De Coppet crossed out and replaced nearly the entire text of the circular. His penmanship and editorial markings reflect his struggles to draft this particular circular. The drafts revealed a great discomfort with the subject and much uncertainty. [SEE FIGURE – END OF CHAPTER] His need to rely on parentheses to offset sensitive terms acknowledged that despite all of his experience administering France’s African possessions over the last three decades, he had yet to develop a mastery of terminology or modicum of comfort with indigenous beliefs.²⁰ These drafts also display the administration’s acknowledgement of the sensitive nature of this issue and the anxiety with which officials approached it. Finally, on February 1, 1937, just days after the French parliament appointed a commission to study ritual crimes in the empire, De Coppet sent his circular to the Lieutenant Governors of the federation. He reminded them, “Our colonial doctrine of respecting the liberty of conscience in principle forbids us from attacking *à priori* indigenous religions, even if they appear to us as a very inferior form of faith.” De Coppet reiterated that France would not needlessly interfere with subjects’ religious freedom.

²⁰ Marcel de Coppet began his colonial career in 1908 in Madagascar and subsequently spent the next thirty years stationed in all areas of French Africa including Senegal, French Guinea, Chad, Dahomey, French Somalia, Mauritania and finally, he returned to Senegal as Governor General of the AOF from 1936-1938. Conklin, *A Mission to Civilize*, 254.

DeCoppet continued and stated that colonial authorities would intervene in cases where in the course of exercising their religion Africans committed crimes. De Coppet argued that the existing laws established in 3 December 1931 decree sufficed to punish ritual crimes. He believed the colonial government should only act when rituals involved one of the felony criminal charges listed in article 46 of the 1931 decree. He then included in his circular a list of crimes that in his experience proved most applicable to ritual crimes. Under the more general felony charge of “intentional violence leading to death or disability,” he further elaborated forms of intentional violence that could include rituals in the course of their execution. In this list, he included abortion.²¹ Many lieutenant governors in the federation submitted reports to the commission denying that ritual crimes occurred within their territories. Others such as Côte d’Ivoire and Guinea admitted to certain ritual crimes occurring occasionally, but made no mention of abortion in their dossiers.²² However, in Dahomey abortion became one of the most frequently investigated ritual crimes during the 1930s.

Dahomey’s Lieutenant Governor Martinet responded to de Coppet’s circular on ritual crimes with one of his own. Martinet interpreted the governor general’s circular as having special significance for the territory under his control. In the circular Martinet sent to the district commandants in Dahomey, he reiterated many of the points de Coppet

²¹ It was not actually the abortion that was illegal, rather it was the consequences of some abortions which a clinician could be held culpable for the resultant death or disability. Marcel de Coppet, “Circulaire: N. 69 AP/2 Objet: Contrôle de l’activité fétichiste,” February 1, 1937.

²² For further information on the parliamentary inquiry and the dossiers each colony submitted to it see the following reels of microfilm available at the Archives nationales d’outre mer in Aix-en-Provence or the original cartons of archival material in fonds 17G available at the Archives du Sénégal in Dakar, 14 MIOM/2293 (17G50), « Enquête de la commission parlementaire sur les procès pour faire de sorcellerie, anthropophagie, rituelle ou actes répréhensibles commis dans le cadres des Sociétés Secrètes, » 1937-1938. 14MIOM/2304 (17G92), « Activité fétichiste, » 1922-1942. 14MIOM/2306 (17G101), « Commission d’enquête Parlementaire dans les territoires d’outre mer, » 1937-1938. 14MIOM/2362 (17G252), Commission de l’enquête dans les territoires d’outre mer, 1937-1938.

made, but he opened his circular pointing out that the ritual crimes the governor general enumerated in his circular occurred more frequently in Dahomey than in the other colonies of the federation. In his June 1937 circular, Martinet focused on the corruption of *vodunon*. He blamed the *vodunon* for preying on the population's superstitions. According to Martinet, the prosecution of *vodunon* for their crimes deserved "the most serious attention" on the part of the French authorities in Dahomey.

While Martinet focused his directives on the ritual environment unique to Dahomey, he agreed with de Coppet that existing laws could be applied to address, punish, and eradicate ritual crimes as needed. He assessed that the main impediment in trying to apply the policies in de Coppet's circular was that the crimes committed by *vodunon* "left in their wake terror and fixed in place the passivity and the silence of the populations which are victims" to them. Court documents proved this to be true in cases where *vodunon* and their acolytes impregnated young, initiates residing in cult-houses. These girls refused to speak to colonial authorities about the accusations their family members made against the *vodunon*.

Some Dahomean intellectuals supported Martinet's assessment of ritual crimes. Many of Martinet's observations about the *vodunon* repeat the opinions presented in Maximilien Quénum's ethnography "Au pays des Fons," published just two years prior to Martinet's decree. Quénum was born in Ouidah to a Catholic, *évolué* family in 1911. In 1929, he left Dahomey to continue his education in France. While a student in France, Quénum wrote "Au pays des Fons," which he published in the January- March 1935 issue of the *Bulletin du comité de l'Afrique Occidentale Française*. Since the *Bulletin* was an official publication printed and circulated by the Government of the AOF, Martinet

may have read it or at least knew of its contents.²³ In this nearly two-hundred-page work, the influence of French Catholic views of *vodun* of the 1930s on Quénum are immediately evident.²⁴ Quénum followed the Catholic Church's hardline position on *vodun*, and he included a lengthy section disparaging the religion in "Au pays des Fons." Quénum, like Martinet, targeted his criticism at the *vodunon*. One of the tenets guiding cult-house life was that initiates and *vodunsi* were required to prove their absolute obedience to the *vodunon*.²⁵ In "Au pays des Fons" Quénum made clear that he believed initiates misplaced their unquestioning devotion to the *vodunon*. Quénum described the *vodunon* as someone who "does not know too much, he is by definition the classic type of skilled braggart with a gangrenous heart." He accused the *vodunon* of employing "dishonest behavior" and "ingenious artifice" in order to validate their authority within the cult-house and Dahomean society at large.²⁶ Quénum made his disdain for *vodunon* evident in his ethnography written to inform administrators in the AOF as well as policymakers and scholars in France.²⁷ Quénum's views either directly or indirectly influenced Martinet's circular of 1937.

The colonial government failed to regulate priestly power as its pre-colonial predecessor the Dahomean monarchy had done. France's decision to dismantle the power of the authority of the pre-colonial royal family meant that structures put in place to punish priestly wrongdoing crumbled. This left a void that colonial legal structures

²³ Martinet is not listed as a member of the committee, but it was highly likely that he either read it upon its publication or while stationed in Dahomey. Quénum, "Au pays des Fons."

²⁴ Some biographies claim that he was born in Cotonou and that his family was from Ouidah. Adrien Huannou, *La littérature béninoise de langue française: des origines à nos jours* (Paris: Editions Karthala, 1984), 78–82.

²⁵ Bernard Fidèle Sagbo, "Pouvoir politique et cultes vodun dans le Dahomey pré- et post-colonial," *Hemispheres* 11 (1997): 36–37.

²⁶ Quénum, "Au pays des Fons," 214.

²⁷ The Bulletin lists its members and these are the three communities who subscribed to the publication.

struggled to address. The virtual disappearance of the office of the *akplogan* lead Dahomeans to experiment with other forums of regulation. Chiefs, such as Agbo, tried to independently judge *vodunon* in an effort to reinforce their claims to their authority. Dahomeans also turned to colonial criminal tribunals to punish *vodunon*. French authorities insisted that colonial tribunals would only involve themselves with cases which fit within existing criminal categories.

Exposing *Vodun*'s Secrets: Dahomean Ethnographies, Official Inquiries, and Court Cases

Vodun occupied an elevated status in scholarly and official imperial mediums during the 1930s.²⁸ Dahomean and French activists raised awareness of *vodun* and its' initiation processes by publishing ethnographies, conducting official inquiries, and investigating criminal accusations. As the number of complaints mounted in the 1930s, Dahomean intellectuals engaged with these issues through publishing ethnographic articles and novels that brought initiation rituals in cult-houses to the fore in both Dahomean and French elite circles.

Since laying the foundation of the indigenous court system in French West Africa (AOF) in 1903, French authorities had relied on native intermediaries to understand “customary” law. Article 75 of the 1903 decree stated, “Indigenous justice will fully apply local customs everywhere that they do not run contrary to the principles of French civilization.” In order to accomplish this goal, French colonial authorities needed to understand local customs and in their efforts to do so ethnography became entangled with

²⁸ For French coverage of Dahomey and more particularly of the vodun ritual of human sacrifice during the 1890s see William Schneider, *An Empire for the Masses: The French Popular Image of Africa, 1870-1900* (Westport, CT: Greenwood, 1982); Veronique Campion-Vincent, “L’image du Dahomey dans la presse française (1890-1895): Les sacrifices humains,” *Cahiers d’études africaines* 7, no. cahier 25 (1967): 27–58.

colonial law.²⁹ The 1930s marked a turning point in the content and perspectives presented in colonial ethnographies because at that time the first generation of indigenous, Dahomean ethnographers began publishing works on custom. During the mid to late 1930s, Dahomean ethnographers described the “customary” operations of *vodun* cult-houses for both Dahomean and French audiences. Paul Hazoumé and Maximilien Quénum, two Dahomean intellectuals, wrote two of the best known texts that exposed some of *vodun*’s secrets to the colonial administration, although they represented opposite points of view within imperial society. On the one hand, “Au Pays du Fon” reflected an emergent imperial attitude increasingly hostile towards *vodun*. On the other hand, “Consecration à un fétiche (Dahomey)” by Paul Hazoumé expanded upon an established tradition within Dahomey to draw parallels between *vodun* and Catholicism in order to suggest similarities in the hopes of facilitating eventual conversion.³⁰

Hazoumé’s views of *vodun* disagreed with those of Quénum. Hazoumé, like Quénum, intended his ethnography to be read by an educated, Francophone European audience. Hazoumé’s article appeared just two years after Quénum’s piece. He published it in the January – April 1937 edition of the European journal *Anthropos*.³¹ In the article, Hazoumé expressed his genuine respect for *vodun* through portraying the value of initiation in an appreciative fashion. Even though Hazoumé’s article appeared in print

²⁹ David Robinson, “Ethnography and Customary Law in Senegal (Ethnographie et Droit Coutumier Au Sénégal),” *Cahiers d’Études Africaines* 32, no. 126 (1992): 321.

³⁰ For examples of Aupiais’s approach consult any of his many articles. Martine Balard has written a biography on Aupiais which focuses on his intellectual accomplishments and analyzes both his views of *vodun* and those of the Catholic church. Her bibliography contains an exhaustive list of Aupiais’s many published writings, see Martine Balard, *Dahomey 1930: mission catholique et culte vodoun - L’oeuvre de Francis Aupiais (1877-1945) Missionnaire et ethnographe*, Les tropiques entre mythe et réalité (Paris: Éditions l’Harmattan, 1999), 348–51. Balard also gives a succinct statement regarding this matter in the BBC documentary David Thompson et al., *The End of a World Albert Kahn’s Archive of the Planet* (New York, NY: Films Media Group, 2009).

³¹ Among Hazoumé’s prodigious and acclaimed literary and ethnographic works, this article has been underappreciated and underanalyzed. Huannou does not even mention this article in his exhaustive survey of Beninese literature. Huannou, *La littérature béninoise de langue française: des origines à nos jours*.

several years after Quénum's, it represented an older style of approaching the subject that came under attack from Martinet and Quénum as missionary and official views of vodun evolved in the 1930s.

Girls' involvement in cult-houses gained official scrutiny in the 1930s because the pre-colonial mechanisms for regulating *vodun* spiritual leaders proved ineffective. Martinet's circular showed that the French administration agreed with Quénum's assessment that the chiefly elite preyed on the superstition and gullibility of the population. This, however, was not the popular consensus on the matter. Another Dahomean intellectual Paul Hazoumé tried to explain the value of *vodun*. Unlike Quénum, Hazoumé did not attack the personal characters nor the sincerity of the devotion of the *vodunon*. Their differing familial backgrounds, birth dates, and early education all contributed to their opposing views of *vodun*. Hazoumé was born in the pre-colonial Gun kingdom of Hogbonou, which was also known as Porto-Novo, in 1890, just four years prior to the establishment of the French colony of Dahomey.³² Hazoumé's father was the prime minister of the Gun King Toffa and while the family likely practiced vodun, Paul was baptized in 1899. Quénum was twenty-one years younger than Hazoumé into a Catholic family with a more tenuous attachment to *vodun*.

Hazoumé received his early education in Dahomey from Catholic missionaries.³³

Father Francis Aupiais, a missionary who lived, taught, and proselytized in Dahomey for

³² For the pre-colonial history of Hogbonou, see Michel D. K Videgla, *Un état ouest-africain : le royaume Goun de Hogbonou (Porto-Novo) des origines à 1908*, 2 vols. (These doctoral Université de Paris I-Panthéon-Sorbonne 1999, 2002); Yves Person, "Chronologie Du Royaume Gun de Hogbonu (Porto-Novo) (Chronology of the Gun Kingdom of Hogbonu (Porto-Novo)),” *Cahiers d'Études Africaines* 15, no. 58 (1975): 217–38.

³³ Hazoumé continued his higher education in Senegal. To get a *diplôme* Africans had to go to Dakar to gain education beyond primary school for most of the colonial era due to a lack of educational institutions outside the capital of the federation. Ralph J. Bunche, "French Educational Policy in Togo and Dahomey,"

over two decades from 1903 to 1926, taught Hazoumé at the mission school in Porto-Novo. Hazoumé proved to be one of Aupiais's most successful students, who achieved international acclaim as a scholar and author.³⁴ Aupiais influenced Hazoumé intellectually throughout his life.³⁵ With Aupiais's support and connections, Hazoumé traveled to France in 1931. Then in 1937-1939, Hazoumé relocated to Paris in order to work as an ethnologist at the *Musée de l'homme*.³⁶ Throughout his career, as an ethnologist, a colonial civil servant, a politician, and writer, Hazoumé committed himself to educating the French administration and clarifying what *vodun* was and was not.

Aupiais's influence was evident in the fact that while Hazoumé devoutly practiced Catholicism, he simultaneously lauded traditional African values and rituals. Aupiais was *the* central figure in attempting to craft an imperial understanding of *vodun* based on rapprochement between *vodun* and Christianity rather than criminalization of exotic practices.³⁷ He, unlike many of his superiors in Europe, respected *vodun* as a legitimate religion that could not be dismissed or invalidated as mere superstition and sorcery. Aupiais respected as sacred what other missionaries interpreted as the work of

The Journal of Negro Education 3, no. 1 (January 1, 1934): 69–97, doi:10.2307/2292143. Georges Hardy, *Une conquête morale : l'enseignement en A.O.F.* (Paris: L'Harmattan, 2005). Papa Ibrahima Seck, *La stratégie culturelle de la France en Afrique : l'enseignement colonial (1817-1960)* (Paris: L'Harmattan, 1993). Pascale Barthélemy, *Africaines et diplômées à l'époque coloniale, 1918-1957* (Rennes: Presses universitaires de Rennes, 2010). Kalidou Diallo, *Le syndicalisme dans l'enseignement public en Afrique occidentale française: 1903-1960* (Dakar: L'Harmattan-Sénégal, 2011), http://bvbr.bib-bvb.de:8991/F?func=service&doc_library=BVB01&doc_number=024501122&line_number=0002&func_code=DB_RECORDS&service_type=MEDIA.

³⁴ Some of Hazoumé's most famous published works included: Paul Hazoumé, *Dogucimi: The First Dahomean Novel*, 1st English-language edition.. (Washington, DC: Three Continents Press, 1990). Hazoumé, *Le pacte de sang au Dahomey*. This chapter will discuss his lesser known work Paul Hazoumé, "Consécration à un fétiche (Dahomey)," *Anthropos* 32, no. 1/2 (January 1, 1937): 283–87. For a summary of his accomplishments see <http://www.academieoutremer.fr/academiciens/fiche.php?aId=646>.

³⁵ Aupiais died in 1945.

³⁶ For a biography of Hazoumé see Huannou, *La littérature béninoise de langue française: des origines à nos jours*, 73–78.

³⁷ This description of Aupiais agrees with that presented by Edna Bay and Martine Balard. Bay, *Asen, Ancestors, and Vodun: Tracing Change in African Art*, 81–84. Balard, *Dahomey 1930*.

the devil.³⁸ Aupiais's radical views left a lasting mark on imperial discourses about *vodun* in part because he mentored among others one of the most prolific Dahomean intellectuals who wrote on the subject during the colonial era.

During the 1930s, both Aupiais and Hazoumé wrote about *vodun* in ways that challenged earlier European accounts of the religion. Both men spent lengthy sojourn's in the other's natal country allowing them to write in cross-cultural frameworks that made their writings compelling to French audiences. Each attempted to foster greater understanding between French administrators and Dahomean practitioners of *vodun* through their activism. Hazoumé and Aupiais argued that Europeans misunderstood *vodun* and its value in Dahomean culture. Aupiais's exile from Dahomey in 1931 only heightened his protégé's dedication to promote greater understanding of *vodun*.

Hazoumé wrote about the subject of girls' initiation into *vodun* cult-houses in his article "Consecration à un *fétiche* (Dahomey)."³⁹ In "Consecration à un *fétiche* (Dahomey)," In the lengthy article, Hazoumé described in detail the initiation process of girls devoted to Hévioisso, the god of thunder, for an audience unfamiliar with the basic tenets of *vodun*. Hazoumé's article built upon his 1930 collaboration with Aupiais to expose European audiences to *vodun* cult-houses through ethnographic film footage.⁴⁰ Hazoumé negotiated for entrance for Aupiais and a film crew to enter and film ritual ceremonies inside cult-houses. The footage showed the interiors of cult-houses as having

³⁸ Kahn film commentary given by Balard 38:11 to 38:40; Thompson et al., *The End of a World Albert Kahn's Archive of the Planet*. and also Balard, *Dahomey 1930*, 223–43.

³⁹ Hazoumé, "Consécration à un *fétiche* (Dahomey)." Other Dahomean intellectuals disagreed. For a biography on Hazoumé see the page devoted to him on the Académie des sciences d'outre mer's webpage at <http://www.academieoutremer.fr/academiciens/fiche.php?aId=646>

⁴⁰ For more information on the cinematographic mission in 1930, see Balard, *Dahomey 1930*, 187–222.

many constituent elements. The main structures in many vodun cult-houses consisted of both a temple complex and a residential compound. The portion of the residential buildings reserved for initiates was known as the *houknpamin*. Commonly, *houknpamin* was translated into French as *couvent* or convent.⁴¹ Like Catholic convents, the *vodun houknpamin* was a community of women living together in at least partial seclusion from the outside world in order to devote itself to religious life under the authority of a religious leader.⁴² Not all *vodun* temple complexes had a *houknpamin* associated with them, though the majority did.⁴³ The size of the temple and the *houknpamin* attached to it varied greatly from cult-house to cult-house. Some cult houses had a dozen residents and others several hundred.⁴⁴

Girls initiated into *vodun* cult-houses underwent an intensive process of physical and mental transformation, which Hazoumé described step-by-step.⁴⁵ First of all, girls

⁴¹ Hazoumé, Aupiais, and others commonly employed French terms associated with Catholic nunneries when discussing *houknpamin*, thereby drawing explicit parallels between the two faiths. Hounkpe, “Education in Voodoo.”

⁴² While often convent is thought of as exclusive to the Christian faith, its definition does not of necessity require it to be associated exclusively with this religion. The French used the term *couvent* or convent to describe this aspect of the vodun temple compound because of parallel that women were cloistered there in order to practice their spiritual devotion. While initiates were not nuns, the parallel can be useful.

⁴³ Christian Merlo, “Hiérarchie fétichiste de Ouidah: Inventaire ethnographique, démographique et statistique des fétiches de la ville de Ouidah, Dahomey,” *Bulletin de l’Institut français d’Afrique noire* 2, no. 1–2 (April 1940): 30–31. For example, Merlo’s stats concerning vodun in Ouidah states that of the 104 temples only 92 had convents. Within these 92 convents resided 974 recruits. His numbers are derived from information compiled in 1934–1935.

⁴⁴ The best census of cult-houses in colonial Dahomey was recorded by Christian Merlo. His detailed study is limited to vodun cult-houses in Ouidah (Whydah). He published his findings in Merlo, “Hiérarchie fétichiste de Ouidah: Inventaire ethnographique, démographique et statistique des fétiches de la ville de Ouidah, Dahomey.”

⁴⁵ Other scholars have made similar observations on the transformative processes of initiation. While I am not trying to collapse the differences between *vodun* initiation processes and that of the Sande society among the Mende peoples of Sierra Leone, I have found Nanina Guyer’s scholarship on Sande initiates very informative. See Nanina Guyer, “Extending the Stage: Photography and Sande Initiates in the Early Twentieth Century,” in *Visions from the Forests: The Art of Liberia and Sierra Leone*, ed. Jan-Lodewijk Grootaers and Alexander Ives Bortolot (Seattle: The University of Washington Press, 2014), 42–55. There was no ritual reason that excluded boys from initiation and oftentimes the initiation process was discussed in a gender neutral fashion. There is no breakdown in terms of gender, but Herskovits does observe a “preponderance” of female initiates. All of the court cases from the 1930s where Dahomeans sought French involvement concerned girl initiates exclusively.

resided in seclusion from the outside world for the initial stages of their training to become *vodunsi*, or servants of the *vodu*.⁴⁶ Next, girls renounced their moral transgressions to the *vodunon*. The vodun spiritual leader then performed a cleansing ritual. After the purification ritual, girls exhibited their devotion to the god or goddess of the cult-house through committing themselves to a period of ultra-virtuosity. One element of the unspoken covenant between families and the cult-house leaders they entrusted their daughters to was the belief that cult-houses would enforce girls' sexual abstinence while living there.

Once purified, novices' sacred education began. Hazoumé described how, while sequestered in the *hounkpamin*, novitiates learned ritual languages, dances and other skills.⁴⁷ Eventually this education culminated in a new identity, including a new name. Once girls underwent this transformation, no one called them by their profane, birth names again. After completing this transformation, cult-houses released girls when their families or fiancés raised the funds to pay for the *kanumosia* or “slave-sell” ceremonies that would “resurrect” and “ransom” them. Girls emerged from seclusion in the *hounkpamin* when their family members paid the requisite money and donated animals on the girls' behalves.⁴⁸

Girls' families played an important role in decisions regarding novices' entrance into cult-houses and their discharge from them, as well as complaints about abuse occurring within cult-houses. A girl's entrance into a cult-house was a family affair and

⁴⁶ The Fon term *vodunsi* is sometimes translated into English as “wives” of the *vodu*. Elena Jefferson-Tatum has shown the shortcomings of this translation. See Elena Jefferson-Tatum, “The Violence of Translation: An Indigenous World-Sense and the Western ‘Prostitution’ of Dahomean Bodies,” *Journal of Africana Religions* 3, no. 3 (2015): 279–324.

⁴⁷ Hazoumé describes this in detail and Melville Herskovits recounts a similar process. Herskovits' account is less detailed than Hazoumé's. Herskovits, *Dahomey*, 1938, 2:170.

⁴⁸ *Ibid.*, 2:170 & 188.

only with her family's ongoing material support could an initiate complete the process. Socio-economic factors also influenced the gender imbalance within cult-houses. Herskovits states, "This [preponderance of women] is explained in several ways, the general explanation offered being that it is easier for a woman to be separated from the everyday duties of life than a man, particularly since the support of a person who undergoes initiation in the cult-house constitutes a heavy drain on the income of his relatives."⁴⁹

In 1937, François Colombani, the inspector of administrative affairs in Dahomey, wrote a report devoted to vodun initiation.⁵⁰ Prior to his appointment to Dahomey in 1924, Colombani had served in military and administrative capacities throughout the AOF since 1902. From 1924 to 1937, he rotated as a district administrator stationed in nearly every region of Dahomey. Due to Colombani's extensive experience in the colony in January 1937, Lieutenant Governor Martinet appointed him the Inspector of Administrative Affairs there. Martinet ordered him to investigate the "particularly delicate" matter of initiation into vodun cult-houses. In the report the investigation produced, Colombani explained that the "rules" of recruiting novices stated that while girls could be forced to enter cult-houses, the novices' parents must be consulted and grant their permission prior to their daughters' entrance into the hounkpamin. He continued, "This obfuscates our [French] principle of individual liberty. But it is the custom. In the majority of African tribes, the woman does not have freedom over her

⁴⁹ Ibid., 2:177.

⁵⁰ The report itself is undated and remains officially anonymous, but much detail is in the correspondence. The reports and their official discussion are contained within 5C6 at Archives du Sénégal. The reports' pagination is continuous without interruption between volumes. Colombani was a career colonial civil servant and had in posts in AOF for almost thirty-six years before his health started declining. For his full personnel record, see Ministère des colonies, "Bulletin individuel de notes: COLOMBANI, François, Marie," 1939, 1C178/3, Archives Nationales du Bénin.

person...”⁵¹ Colombani believed it was an exaggeration to call such women and girls hostages because their families supported novices through gifts of food, ceremonial dress, and the necessary money to pay for entrance and exit ceremonies.⁵² Maximilien Quénum estimated in 1935 that the total cost of a single girl’s initiation into a cult-house often amounted to 2000 to 4000 francs.⁵³ This figure seems exorbitant and beyond the reach of the majority of the population of Dahomey, given that just a few years earlier families commonly pawned their daughters for a few hundred francs. Moreover, many of these families could not over the intervening years repay these much smaller sums and reclaim their daughters.

Colombani’s investigation into cult-houses in Abomey shed light on the economic arrangements which supported girls’ initiation. Despite taboos against using initiates profane names, Colombani insisted on recording both names – the ones given at each birth.⁵⁴ On May 5, 1937, Naga/ Gankpanou, an initiated member of the Donovo cult-house and sister to the spiritual leader of the cult-house, answered the mission of inquiry’s questions about her entrance into the cult-house. She explained how families were involved and the tensions that divided them when committing a family member to a cult-house. The Donovo cult house was a medium sized one with fifty-seven adherents. The report quotes at length from the *procès-verbal* of Naga/ Gankpanou:

Q: Who nourished/ provided for you during your time in the convent?

Naga: My elder sister Houandjo-Nana; my husband Fadohan was not happy in the beginning to see me enter into the convent. Then on the insistence of my family,

⁵¹ “Rapport d’enquête sur les affaires d’Abomey III: Les entrées aux couvents,” n.d., 253, 5C6, Archives du Sénégal, accessed June 7, 2013.

⁵² *Ibid.*, 255.

⁵³ Quénum, “Au pays des Fons,” 246.

⁵⁴ “Rapport d’enquête sur les affaires d’Abomey III: Les entrées aux couvents,” 256.

he gave the authorization, but he gave me nothing for nourishment/ support, nor for the entry nor for the exit from the convent.

My brothers ... Henri Donouvossi, Tossé, Azossi, Afohon payed [these] expense for me... They spent for me that which is necessary to enter and that which is necessary to exit: colas, chickens, mats, earthenware vessels, etc... I put in a little vessel seven francs fifty centimes that was for the féticheurs...⁵⁵

In their testimonies, her brothers stated they also gave *pagnes* (lengths of cloth wrapped around the body), drinks, and money to their sister. The inability of families to pay for exit ceremonies extended girls' seclusion in *houknpamin* during times of economic hardship, such as those of the 1930s. Dahomean oral traditions claim that formerly the sequestration lasted eight years, but due to the difficulty of adhering to sexual taboos the period was shortened to no more than three years and commonly only several months.⁵⁶ Hazoumé's text confirms Herskovits' assertion that sequestration normally lasted less than a year.⁵⁷ The economic hardship of the global depression disrupted ritual cycles with households unable to raise the funds for the "rebirth" of girls. During the 1930s, the period of stay extended beyond commonly accepted practices due to the economic hardship of the era.

The age of entrance and exit from the *houknpamin* rose in the 1930s due to the global economic depression preventing families from having the wherewithal to pay for the ritual ceremonies. Ideally girls were initiated and exited the *houknpamin* prior to the onset of menstruation, but Herskovits observed that this ideal was not frequently followed during the 1930s.⁵⁸ The problems with augmenting the age of cult-house initiation combined with the extended length of stay contributed to a situation where the

⁵⁵ Ibid., 261.

⁵⁶ Herskovits, *Dahomey*, 1938, 2:181–83.

⁵⁷ Hazoumé, "Consécration à un fétiche (Dahomey)," 285.

⁵⁸ Herskovits, *Dahomey*, 1938, 2:180.

evidence of violating the taboo against sexual activity during the initiation process became readily apparent in the form of pregnancies. These two changes created an environment where sexually mature girls lived in close proximity to unrelated males for periods conducive to forming intimate relationships, both wanted and coerced.

The issues of vodun cult-houses, initiation into vodun, and cult-house leaders all figured prominently in the first wave of ethnographies Dahomeans wrote in the 1930s. The views Hazoumé expressed in “Consecration à un *fétiche* (Dahomey)” concerning *vodun* markedly contrasted with those of his compatriot Maximilien Quénum and Lieutenant Governor Martinet. These divergent views illustrated how polarizing these issues were at the time. Hazoumé, Quénum, and Herskovits all confirmed the prohibition of initiates engaging in sexual relationships while cloistered in the cult-house. None of these ethnographers mentioned the phenomenon of abortion in cult-houses. Only colonial court cases discussed the abortions that resulted from the violation of this *vodun* taboo.

Girls’ Silence and Absence in Investigations of Sexual Abuse in Cult-Houses

During their residency in the *hounkpamin*, initiates were vulnerable to the sexual advances of cult-house leaders. For Dahomeans the sexual relationships between cult-house leaders and initiates invalidated and violated the trust they placed in the leaders. Historians can only speculate on the dynamics of the relationships which formed in cult-houses between male leaders and the initiates entrusted to cult-houses because the documentation is one-sided, the subject polemical, and the taboos associated with such relationships. It is impossible to know what motivated each of these teenage girls to maintain their silence. Were they consenting partners? Were they afraid of violating

taboos about secrecy of initiation rites? Did the *vodunon* threaten and intimidate them? Perhaps, all of these factors contributed to the girls' collective silence.

Girls refused to participate in the prosecution of sexual abuse in cult-houses. Unlike in rape cases, even after their families discovered the illicit relationships initiates' resolute non-cooperation with legal authorities' investigations contrasted with their fellow street hawkers' active participation in legal processes once household members uncovered the assault. Street hawkers provided graphic details in their testimonies about sexual assaults at the hands of their customers. Initiates' left no record of their experiences of sex in cult-houses. Girls remained silent about their sexual relationships within cult-houses. Initiates' pregnant or formerly pregnant bodies exposed that specific cult-houses disobeyed the norms of sexual propriety.⁵⁹ Pregnancy and suffering after the abortion pushed private actions into public domains of scrutiny. None of the teenage girls who had abortions while in cult-houses gave first-hand accounts to colonial authorities about which leaders impregnated them or who induced the abortion and through what means. Girls' bodies spoke in their stead.

Girls' reticence, or in some cases inability, to discuss the events occurring in cult-houses during initiation prompted their male relatives and fiancées to do so while the girls themselves remained absent from the procedures. Men voiced the complaints of sexual abuse occurring in cult-houses to colonial tribunals. In choosing to approach colonial courts for redress, men needed to learn how to transform taboo behavior into criminally reprehensible acts. The transformation in the naming, blaming, and claiming

⁵⁹ In the context of discussing adolescent pregnancy in the United States, Constance A. Nathanson makes a similar point about the visibility of pregnancy. Constance A. Nathanson, *Dangerous Passage: The Social Control of Sexuality in Women's Adolescence*, Health, Society, and Policy (Philadelphia: Temple University Press, 1991), 3–6.

process often occurred within informal oral discussions or private thoughts, rarely do historians have access to the concrete ways plaintiffs changed their accusations.⁶⁰ Most Dahomeans chose to approach administrators in person and present their accusations in oral form rather than finding a scribe to write a letter of complaint on their behalf.

Hounsou Abglo, however, was a literate Dahomean. He wrote two letters of complaint in 1937, both of which have survived in the archival record. Much of the information in the two letters is repetitive, but the presentation of the wrongdoing significantly changes from the first draft written in September and the second one composed in November 1937. The contrasts between these two letters presents one illustration on how Dahomeans transformed their grievances against cult-house leaders into colonial crimes.

Both letters concerned the illicit sexual relationships formed between initiates and the male leaders of the cult-house of Yalui in Grand Popo.⁶¹ Since Agblo lived in Ouidah, a city thirty miles to the east of Grand Popo along the Atlantic coast, he first went to the district commandant there Christian Merlo. Agblo wrote by hand and signed the first letter indicating he was literate in French.⁶² In his September 1937 letter, Agblo neglected to include the pro forma address normally included in official correspondence to French officials in Dahomey. His non-observance of formal etiquette suggested that he did not regularly correspond with French officials.

Agblo narrated a detailed account of all of the sexual misdeeds of the cult-house of Yalui dating back to 1928. Much of his letter concerned hearsay that Merlo likely

⁶⁰ William L. F. Felstiner, Richard L. Abel, and Austin Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming ...," *Law & Society Review* 15 (1981 1980): 631–54.

⁶¹ Hounsou Agblo, "Monsieur l'administrateur maire de Ouidah," September 29, 1937, IM118, Archives Nationales du Bénin.

⁶² *Ibid.* Ouidah likely had a higher literacy rate than elsewhere because of the long history of a Brazilian population who erected schools.

disregarded as irrelevant to Agblo's case. Agblo did not connect these rumored acts to the abuses committed against his fiancé Kédossossi. The first half of the letter did not concern either his fiancé or the man he accused of forcing his fiancé to abort two pregnancies. The one and one half page letter rambled without presenting an argument that a crime occurred. Agblo did not make any accusations that fit within the criminal categories that the 1931 decree had defined.

Merlo, though, did not ignore the letter. Agblo hand-delivered the letter and when he did so two cult-house leaders Hounon Dagbo and Hou-loko-hento accompanied him.⁶³ These cult-house leaders's support of Agblo forced Merlo to address the matter. For cult-house leaders to file a complaint with secular colonial authorities against other cult-house leaders was surprising because in doing so they recognized their own impotence in addressing the matter as well as the authority of the secular legal system in regulating religious matters. Merlo interviewed Hounon Dagbo, the regional superior of cult-houses charged with overseeing their operation. Dagbo explained that he had tried on two previous occasions to impose sanctions on the cult-house of Yalui and its leader Noumon. Dagbo had formally forbid Noumon from recruiting new initiates, an order that Noumon ignored.⁶⁴ Dagbo testified that Dahomean men had repeatedly complained to him that Noumon and his acolytes impregnated initiates and then induced abortions. Only after exhausting all customary forms of reprobation did *vodun* leaders violate a *vodun* taboo and turn to colonial courts to publicly punish *vodun* leaders.

⁶³ Agblo's uncle, mother, brother, and two *vodun* leaders from Ouidah accompanied him to hand deliver his letter to the administrator.

⁶⁴ Christian Merlo, "N. 82 C A/S. CONFIDENTIEL Contrôle l'activité fétichiste," September 30, 1937, 1M118, Archives Nationales du Bénin.

Agblo and Dagbo likely approached Merlo, the French administrator in Ouidah, firstly, due to his proximity to where they lived and, secondly, due to Merlo's reputation for being interested in *vodun* ritual. While Merlo served as the district commandant of Ouidah, he conducted research for two ethnographies on *vodun*, which he would later publish. In 1936, he researched what he would later publish as "Hiérarchie fétichiste de Ouidah: Inventaire ethnographique, démographique et statistique des fétiches de la ville de Ouidah, Dahomey" (1940) and "Synthèse de l'activité fétichiste aux bas Togo et Dahomey" (1950).⁶⁵ Merlo would have better understood cult-houses and *vodun* taboos than other administrators.⁶⁶ Even Merlo, however, found Agblo's September 1937 letter "incomprehensible" and struggled to understand the accusations it contained.⁶⁷ Merlo's inability to understand the initial accusations attested to the difficulties Dahomeans had when trying to press charges against cult-house leaders in the colonial criminal tribunals. Merlo's scholarly interest in *vodun* likely contributed to his determination to understand the matter and advise Agblo how to proceed.

Merlo explained to Agblo that since the crimes his letter disclosed occurred in Grand Popo, the district tribunal there had jurisdiction over the matter.⁶⁸ Over the course of the subsequent two months, Agblo revised his accusations based on Merlo's reaction to his first letter. In November 1937, Agblo wrote a second letter of complaint addressed to the district chief in Grand Popo, as Merlo had directed. The second letter was typed

⁶⁵ He submitted "Synthese..." for publication in the *Bulletin de l'Institut français d'Afrique noire* 1939, but the editors rejected the text initially. The Bulletin de l'IFAN published Merlo's article in 1950

⁶⁶ Merlo drafted many of these articles in the 1930s while serving as an administrator in Dahomey. They were published in the subsequent decade or so. Merlo, "Hiérarchie fétichiste de Ouidah: Inventaire ethnographique, démographique et statistique des fétiches de la ville de Ouidah, Dahomey"; Christian Merlo, "Synthèse de l'activité fétichiste aux bas Togo et Dahomey," *Bulletin de l'Institut français d'Afrique noire* 12, no. 4 (October 1950): 1155–66; Christian Merlo, "Aspects de l'activité fétichiste," *Bulletin de l'Institut français d'Afrique noire* XII, no. 4 (October 1950): 1155–66.

⁶⁷ Merlo, "N. 82 C A/S. CONFIDENTIEL Contrôle l'activité fétichiste."

⁶⁸ *Ibid.*

and ended with Agblo's signature indicating that it was not a typed copy. In the second letter, after a respectful salutation, Agblo enumerated and indented the names of those he accused. This time Agblo first listed the wrongs committed against his fiancée Kédossossi Acojetin. During Kédossossi's time sequestered within the *hounkpamin*, Agblo claimed, the *vodunon* had coerced Kédossossi to have sex, aborted the resulting pregnancies, and forced her to "drink the *fétiche*" to compel her to remain silent about these misdeeds.⁶⁹

Agblo's second letter concluded with the information he had recounted at the beginning of his first letter. According to Agblo, the sexual abuse of Kédossossi was not an isolated event or a story of star crossed lovers. The letter continued with more accusations intended to support his claims about the severity of the abuses and the urgency of the colonial administration to take decisive action. Agblo described a history of "habitual *dramés d'amour*" in the *vodun* cult-house of Yalui.⁷⁰ Framed in this manner the charges which dated back to 1928, were directly relevant to the case rather than tangential. Agblo explained that it was his duty to inform the administration about the historic examples of sexual misconduct to show that the colonial government's inaction had prompted the *vodunon* of Yalui to act with impunity and that their crimes had escalated in severity in the last decade. Agblo accused one cult-house leader of the rape of a pre-pubescent virgin. He claimed another impregnated not one, but two married women. A third, he said, simultaneously seduced two sisters, one of whom died after

⁶⁹ Hounsou Agblo, "à Monsieur le Chef de la Subdivision de Grand Popo," November 8, 1937, 1M118, Archives Nationales du Bénin. For a more in depth description of "drinking the *fétiche*" see Hazoumé, *Le pacte de sang au Dahomey*, 45–51.

⁷⁰ See 1M118 in ANB for the series of letters written by Hounsou Agblo as well as summaries of the oral complaints that Kédossossi's father made and those of two *vodun* spiritual leaders of Ouidah who were priestly elites in separate cult-houses not accused of any wrongdoing.

drinking an abortifacient, a drug or device used to induce an abortion.⁷¹ All three of these accusations violated both *vodun* taboos and colonial laws. The two letters of complaint show, firstly, how French authorities struggled to understand *vodun* taboos about sexuality in cult-houses and secondly, how Dahomeans transformed their charges from socially illicit to criminally illegal ones.

Kédossossi, Agblo's fiancé, did not appear before Merlo, nor is there any evidence any authorities spoke to her at any point during the investigation. She was said to be in poor health following two abortions induced in relatively short succession between the springtime in 1936 and then sometime in 1937 prior to the writing of the first letter in September. Kédossossi might have still been recovering, but it is more likely that her fiancée, father, and the two *vodun* leaders knew she would likely not cooperate in the investigation. After the end of her initiation in the cult-house, Kédossossi stayed with Avlessi and only left when her father physically forced her to do so. She initially refused to answer any questions her father asked. Eventually, she confirmed her pregnancies and abortions. She also recounted her fear of dying due to the oath she had taken when she drank the *fétiche* with the cult-house's leaders. Agblo likely had conceded that she would at best be recalcitrant or at worst disavow the accusations.

Multiple factors contributed to girls' unwillingness to testify before criminal tribunals about their experiences within cult-houses. Firstly, cult-houses prohibited initiates from revealing the secrets of initiation to the uninitiated. Secondly, the aftereffects of abortions often left initiates in a physical state that prevented them from appearing before authorities. Thirdly, as in Kédossossi's case, cult-leaders and initiates drank the *fétiche* together, a ritual oath taking ceremony. This ceremony effectively

⁷¹ Agblo, "à Monsieur le Chef de la Subdivision de Grand Popo."

silenced girls from speaking out because ardent *vodun* adherents believed that the consequence of violating this pact of secrecy was death. These factors reinforced one another, and proscribed any first hand testimony from entering the judicial record. Like in rape cases, second-hand observations of girls' suffering offered a window into what occurred and proved crucial to investigations.

Girls' participation in the ritual of drinking the *fétiche* while in cult-houses compounded their reluctance to discuss abortion. Agblo explained Kédossossi's reluctance to bring charges against Noumon. He claimed that she feared for her life because she along with six other cult-house members "all participated in a blood oath - that's to say they drank the *fétiche* - with the convent's novices." According to Agblo, the ceremony assured the *vodunon* girls' silence. Once the girls' participated in drinking the *fétiche*, the *vodunon* abused them.⁷² Kédossossi admitted to the sexual relationship between herself and Avlessi only after her family and fiancé exerted pressure on her. She could only deny what occurred to a certain point because the news of her pregnancies had reached her family, yet she had returned home with no children. Others observed that her pregnancy and the news of it, as well as of the subsequent abortion, reached her family.

Drinking the *fétiche* coerced girls into silence because of their fear of mortal consequences; yet the ceremony should not be reduced simply to a ploy to ensure girls' silence concerning taboo relationships taking place within cult-houses. The ceremony had a much greater ritual significance whereby its members sought the assistance and protection of the *vodu*. Hazoumé revisited the subject of *vodun* rituals in his 1956 text *Le Pacte de Sang au Dahomey*. He explained the significance of the ritual of *mi na nou vodoun* or "drinking the *fétiche*" to those who believed in *vodun*. The ceremony, he

⁷² Agblo, "Monsieur l'administrateur maire de Ouidah."

argued, served a variety of purposes depending on the composition of the participants. It cemented the bonds between an authority figure between and his dependents.⁷³ Hazoumé gives the example that fathers could drink the *fétiche* with their offspring and other household dependents to assure fidelity and prevent plots against them from within the household. Asking followers to drink the *fétiche* was a risky proposition that authority figures attempted only when they expected a high likelihood of success.⁷⁴ Drinking the *fétiche* united a community, a household, a cult-house, or a kingdom, in order to heighten the community's ability to combat a powerful foe. The significance of the ritual lay in the recognition of the leadership, the pledge of allegiance to the leader, and the identification of a common enemy. The participants appealed to the *vodu* for their common cause and for supernatural aid. The silence to which the ceremony committed those who participated in it did not always have a nefarious purpose, such as preventing testimony in cases of suspected abuse. It often solidified allegiances and cemented unerring dedication to a common cause. Dahomean girls understood the commitment and consequences of the ceremony. Initiates, in general, took the ritual seriously.

The French administrators who received complaints about cult-houses could not readily understand them because Dahomean letter writers' framed their complaints in lengthy expositions about the violation of *vodun* taboos. The secrecy surrounding *vodun* cult-houses impeded colonial legal processes. The high evidentiary requirements of colonial criminal courts made it difficult to successfully prosecute *vodun* leaders and their acolytes for the sexual abuse of initiates. Second hand observations and literary

⁷³ There is no evidence that a male had to be the authority figure in this scenario, but all of the examples Hazoumé does cite involve authority figures that are male. This though could be a consequence of the marginalization of women from powerful positions during the colonial era, rather than a gendered ritual requirement.

⁷⁴ Hazoumé, *Le pacte de sang au Dahomey*, 46.

representations attested to the fact that Dahomeans perceived the cycle of sex, pregnancy, and abortion in cult-houses to be an urgent and grave matter that the colonial legal system needed to address.

Conclusion

Pregnant novitiates, as well as those who suffered death, debility, and illness after abortions, made taboo sexual behavior within cult-houses visible to the girls' families and communities. When violations of abstinence taboos occurred, the families of teenage girls brought charges against cult-house leaders and their male acolytes for engaging in sexual relationships with initiates. By the 1930s, pre-colonial mechanisms for punishing priestly wrongdoing in *vodun* cult-houses no longer functioned to the satisfaction of the population. Dahomeans wrote letters to district commandants complaining that *vodun* spiritual leaders impregnated their daughters, fiancées, and wives while these female relatives lived in residence in the cult-house. In the 1930s, girls' residence in *vodun* cult-houses emerged as a new area of concern that the colonial administration had not previously monitored. During this decade, colonial authorities intensely investigated illicit sex occurring between young, female novitiates and *vodun* spiritual leaders in cult-houses.

Even with the proliferation of information on *vodun*, the colonial legal system encountered numerous difficulties in responding to the popular demands placed on it because French tribunal members could not overcome the hurdle of secrecy and silence within cult-houses. Dahomeans recognized the illicitness of sexuality occurring within cult-houses as a crime in and of itself. Yet, French authorities tried to place these acts within larger colonial categories of crimes. It proved difficult to prosecute the crimes

occurring within cult-house within more traditional criminal charges, such as murder, in colonial tribunals due to the unique obstacles the crime scene of the cult-hose posed to gathering the required evidence to successfully prosecute.

Girls' residence in cult-houses remains a point of contention for women's and children's rights activists to the present day. Transforming taboo sexual relationships between cult-house leaders and initiates into colonial crimes, introduced an impulse in Dahomey that led to more widespread criminalization of abortion in post-colonial Dahomey and later the Republic of Benin. No evidence from the colonial era suggested that Dahomeans condemned abortion itself; rather abortion became a vehicle through which to punish cult-houses for their widespread acceptance of illicit relationships formed during initiation while teenage girls resided in *vodun* cult-houses.

6 bis

insubordination de fait, sans doute, sans exceptions, respectables, devant les juristictions indigènes. En effet sont mentionnés par l'article 42 et suivants du décret du 10 mai 1841 (10 p. x 10. la dite au Département)

(XX) Il y a lieu de ^{supprimer} les articles 57 et 48 ^{de l'article 57} ~~de l'article 48~~ ^{de l'article 57} ~~de l'article 48~~ ^{de l'article 57} ~~de l'article 48~~ permettent de prononcer comme peine complémentaire la confiscation des articles, la destruction publique n'étant qu'une mesure. L'excution qui incombe à l'Administration de la circonscription intéressée.

~~Copie de l'arrêté~~

6 bis

L'arrêté en vertu de l'article 42 de la loi du 20 mai 1841, en accusant après avoir ~~reçu~~ réception de la présente circulaire, ^{de l'article 42} m'adresser copie de l'instruction ^{de l'article 42} que vous ~~adresserez~~ ^{de l'article 42} à vos ~~communes~~ ^{de l'article 42} pour ~~leur en faire connaître~~ ^{de l'article 42} l'objet. Vous voudrez bien en ~~accuser~~ ^{de l'article 42} réception de la présente circulaire, ^{de l'article 42} m'adresser copie de l'instruction ^{de l'article 42} que vous ~~adresserez~~ ^{de l'article 42} à vos ~~communes~~ ^{de l'article 42} pour ~~leur en faire connaître~~ ^{de l'article 42} l'objet.

Il y a lieu de ^{supprimer} les articles 57 et 48 ^{de l'article 57} ~~de l'article 48~~ ^{de l'article 57} ~~de l'article 48~~ ^{de l'article 57} ~~de l'article 48~~ permettent de prononcer comme peine complémentaire la confiscation des articles, la destruction publique n'étant qu'une mesure. L'excution qui incombe à l'Administration de la circonscription intéressée.

Il y a lieu de ^{supprimer} les articles 57 et 48 ^{de l'article 57} ~~de l'article 48~~ ^{de l'article 57} ~~de l'article 48~~ ^{de l'article 57} ~~de l'article 48~~ permettent de prononcer comme peine complémentaire la confiscation des articles, la destruction publique n'étant qu'une mesure. L'excution qui incombe à l'Administration de la circonscription intéressée.

Figure 1: Draft of circular by De Coppet Archives nationales d'outre mer 14MIOM2304

Chapter Five: The Dreyfus Affair of Dahomey: A Pawned Girl and the Politics of the Mono Region

On the front page of the June 25, 1938 edition of the Parisian newspaper, *La Dépêche Africaine*, the headline read “A Little-Known Dreyfus Affair in Dahomey: The Case of Pierre Johnson.” Maurice Satineau, the Guadeloupian politician and journalist who wrote the article, argued that a corrupt colonial regime had badgered Pierre Johnson, a wealthy, educated, black politician, activist, and merchant, with false allegations.¹ Satineau claimed that Johnson’s only crime was that “he loved France and defended his oppressed brothers” from corrupt French and Dahomean functionaries of the colonial state.² In the article, Satineau’s title the “Dreyfus Affair of Dahomey” actually referred to a series of criminal and civil cases brought against Johnson in French colonial tribunals during the years 1935 and 1936. These colonial courts charged Johnson with human trafficking, inciting the women’s tax protests in the Mono Region in 1932, fomenting a brawl in the market of Fonkomé, disturbing the peace, swindling market women, and even conspiring in the attempted murder of chief Sogbossi. The colonial government devoted an unprecedented amount of resources to successfully prosecuting him. Chiefly assessors and French administrators in both the civil and criminal tribunals attempted to

¹Maurice Satineau, “Une petite affaire Dreyfus au Dahomey: L’Affaire Pierre Johnson,” *La Dépêche Africaine*, June 25, 1938, 8G8 (17), Archives du Sénégal. Satineau served in the National Assembly in France from 1936 to 1942 and the French Senate from 1948 to 1958. For a summary of his accomplishments as an elected representative in each of these chambers see, http://www2.assemblee-nationale.fr/sycomore/fiche/%28num_dept%29/6298 and http://www.senat.fr/senateur-4eme-republique/satineau_maurice0203r4.html.

² Satineau was active in a variety of causes on behalf of Africans. *L’Etoile du Dahomey* commented on Satineau’s activism on behalf of Johnson see Eugene d’Almeida, “Les Vrais dessous de l’Affaire Pierre Johnson,” *L’Etoile du Dahomey* 7, no. 64 (September 1938). *La Dépêche Africaine* was a moderate paper run by Antilleans who sought reform in French colonies. For more information about the newspaper see especially chapter 5 in Jennifer Boittin, *Colonial Metropolis: The Urban Grounds of Anti-Imperialism and Feminism in Interwar Paris* (Lincoln: University of Nebraska Press, 2010), 133–70.

undermine his political and popular authority in the region through pursuing to their fullest all possible accusations against him.

Satineau's inflammatory title explicitly paralleled Johnson's ongoing legal battles in the native tribunals with the infamous 1894 wrongful conviction of Alfred Dreyfus, a Jewish artillery officer in the French army. Satineau publicized Johnson's plight to metropolitan audiences using language that related it to France's historical experiences. According to the article, the prejudice experienced by Johnson and other *évolués* in West Africa in the 1930s resembled the anti-Semitism experienced by Dreyfus and other Jews in France forty years earlier. The French adjective "*évolué*" literally translates as advanced or broad minded. In the colonial context, the colonized and colonizers alike used the word as a noun to classify a group of people as an elite whose authority derived from their European style education, commercial connections to European traders, and cultural assimilation of certain European and Christian behaviors into their lifestyle. Many *évolués* either formally converted to Christianity or incorporated Christian practices into a syncretic faith. In the 1920s and 1930s, the *évolué* identity became more pronounced and unified than it had been earlier through the circulation and influence of newspapers, which articulated a political and social agenda distinct to *évolués*.³ The French term *évolué* emphasizes the education levels, social characteristics, cultural attributes, and political agendas that all characterized this imperial identity, rather than privileging any one of these attributes as the term *intelligentsia* does.⁴

³ Codo, "La presse dahoméenne."

⁴ Other scholars have referred to Africans in other colonies as *intelligentsia*. I have chosen to remain faithful to the French term *évolués* because *intelligentsia* emphasized education exclusively. By the 1930s, chiefs, such as Justin Aho, were attaining equal levels of education to that of the *évolués*. Lifestyle choices,

The investigation of Johnson began speculatively in 1932. The administrative correspondence explored the strength of each case and the consequences of a possible conviction for each charge. The investigation bore fruit in late 1935, when the first degree tribunal in Athiémé, a town in the southwestern Mono region of Dahomey, convicted Johnson of one count of human trafficking of a pawned girl. This conviction then led to an avalanche of criminal charges against him. These events represented the most blatant, publicized, and high-level example of a broader phenomenon in the 1930s – the use by chiefs of the new judicial powers they were granted by the 1931 legal reform to neutralize political adversaries, consolidate their own authority, and reshape social relations in the colony. The chiefs involved in the cases against Johnson were able to achieve these goals because they also supported the French administration’s objective of undermining Johnson’s leadership and activism in the Mono Region.

Like the Dreyfus Affair in France, the social significance of the case against Johnson extended beyond the realm of politics. Christopher Forth, a historian of modern France, has argued that the Dreyfus Affair epitomized a crisis of masculinity in France at the turn of the nineteenth century.⁵ Forth’s scholarship shows that virility and physical strength were at the heart of debates concerning masculinity in France at the end of the nineteenth century. Popular perceptions and newspaper coverage of the Dreyfus case tapped into these anxieties of masculinity. The tribunal and the public convicted Dreyfus based on their assessments of personal characteristics, rather than testimony or evidence presented to the tribunal. Johnson’s conviction in 1935 Dahomey reflected a crisis of

career paths, and political agendas separated the two elite groups. For more information on Aho, see “Chapter Six: Borrowing a Child, Getting Ahead.”

⁵ Christopher Forth, *The Dreyfus Affair and the Crisis of French Manhood*, Studies in Historical and Political Science 121st Series (Baltimore: The Johns Hopkins University Press, 2004).

masculinity based on different criteria than those used by the French forty years earlier. Johnson was portrayed as neither effeminate nor emasculated. He was, on the other hand, portrayed as an illegitimate patriarchal authority figure who could not control his wives.

Unlike in Dreyfus's case, women played a prominent role in Johnson's case.⁶ This chapter argues that the Johnson Affair was a political show trial intended to neutralize the political power of a leading *évolué* who vocally protested French colonial policies and challenged the new authority of the chiefly elite. It argues that Johnson's guilt was founded largely on his inability to control his wives' activities, rather than on any criminal wrongdoing on his part.⁷ Throughout Johnson's trial for human trafficking, his wives Aledjessi's and Aginkouélé's actions were of greater importance to those testifying against him than anything that Johnson himself did. Emily Osborn has shown that the French built their colonial power on impersonal, bureaucratic institutions, thereby rejecting pre-colonial West African models of authority rooted in the household. A case study of Johnson's household shows, however, that elite households in Dahomey, and the women within them, could not be divorced from colonial politics, especially in the minds of witnesses testifying in tribunals for an audience composed in part of indigenous, chiefly assessors.

This chapter examines a single household's strategies for coping with the changing political context in the Mono Region of Dahomey and a single pawned girl's prominence in the struggle to criminally convict and politically neutralize Johnson.

⁶ Ibid., 137–38.

⁷ Johnson's 1936 conviction for inciting rebellion and disturbing the peace in the colony during the women's tax revolts of 1931 and 1932 involved his wife as a co-defendant.

Patrick Manning and Benedicte Brunet-La Ruche have both written about Johnson.⁸ Their accounts view him as a predecessor to the Dahomean nationalist movement. Manning analyzes Johnson's criminal and civil convictions in order to explain his departure from Dahomean politics. Brunet-La Ruche examines his conviction for instigating the women's tax demonstration as an example of what she calls the double face of colonialism. She uses the events to illustrate how the operation of indigenous tribunals were often "parodies of justice." Both scholars neglect the significance of Johnson's household in his legal battles. Brunet-LaRuche names Aledjessi as Johnson's co-defendant, but she does not mention that she was, in fact, his wife. Manning's and Brunet-La Ruche's analysis of the Johnson Affair rely respectively on administrative correspondence and the records of the *Ligue des droits de l'homme* or the League of the Rights of Man, rather than returning to the original legal dossier, the primary source for the reappraisal presented in this chapter.

The French administration in Dahomey sent the legal dossier to Dakar for the *Chambre d'accusation* and the *Chambre d'annulation* to review. By 1942, the dossier had grown to hundreds of pages.⁹ The Johnson Affair was one exceptional legal event in Dahomey that reflected the complex, large-scale transformation of authority in French West Africa.¹⁰ In probing the issues raised by the Johnson case, this chapter examines

⁸ Patrick Manning, *Slavery, Colonialism, and Economic Growth in Dahomey, 1640-1960* (Cambridge: Cambridge University Press, 1982), 262–72; Brunet-La Ruche, "'Crime et châtement' aux colonies," 244–48.

⁹ 3M/185 (184), « Parquet général: Dossier de l'Affaire Johnson », 1936-1942. After I completed my research in France, the footnotes in Brunet-LaRuche's dissertation brought to my attention that the LDH archives at BDIC contained transcripts of some of Johnson's legal battles. I did not consult these.

¹⁰ Sally Falk Moore makes this point about in relation to legal cases on Kilimanjaro. Moore, *Social Facts and Fabrications*, 11.

how a pawned girl became a political pawn in the struggle between *évolués* and chiefs over the privileges that the colonial state could confer.

Pierre Johnson's Life History: The Evolution of Elite Privilege in Colonial Dahomey

From his birth in 1881 until his death in 1952, Johnson's life history was shaped by fluctuations in the position of *évolués* in Dahomey. His rise to preeminence in colonial society during the early twentieth century and then his removal from power in the 1930s encapsulated the shifts in official favor that the *évolué* community experienced. Since the eighteenth century, *évolués* had facilitated interactions between Europeans and Africans along the littoral of the Bight of Benin, the broad bay of the Atlantic Ocean that extends from modern-day Ghana to southwestern Nigeria, by drawing on their familiarity with both cultures. During the pre-colonial period, *évolués* supported the development of first the slave trade and then the palm oil trade. Then, in the first decades of the twentieth century, they dominated the lower level of the colonial bureaucracy. The 1930s marked a turning point in *évolués'* place in colonial society. During the first quarter of the twentieth century, *évolués* represented the potential of the colonial civilizing mission. France pointed to the accomplishments of these select few African men, such as the attainment of a European style education and the adoption of certain European mannerisms, as the personification of France's imperial ideals. Under France's tutelage, *évolués* achieved a modicum of civilization. In the mid-1920s and the 1930s, these protégés exceeded the limits France wanted to impose on their civilized status. *Évolués* began making demands on the colonial power based on French ideals.¹¹ At this time,

¹¹ In Dahomey, these demands were most clearly expressed in the popular press, which grew in terms of publications and readership during the 1920s and 1930s. France tried to suppress the freedom of the press

individuals such as Johnson lost their favored status in the colonial administration, and with it many of the privileges they had formerly enjoyed. Johnson's position transformed during these years from a trusted collaborator with the French administration to a threat to the colonial state itself.

From the seventeenth century onward, Atlantic commerce had incorporated the coastal region of the Bight of Benin into European and Brazilian dominated trade networks. This process led to the development an African and Eurafican commercial elite versed in European languages, customs, and laws.¹² The pre-colonial Eurafican trading connections created a self-conscious *évolué* group scattered across West Africa's Atlantic ports.¹³ The Johnson family was one of the leading examples of this group.¹⁴ The Johnson family along with the Quénum, Adjovi, de Souza, Santos, d'Almeida, Paraiso, and Soulé families, composed the bourgeoisie of nineteenth and early-twentieth century in Dahomey. The Johnson family developed an extensive network of familial and commercial ties in the region during the pre-colonial period, which extended beyond the bounds of what would become the colony of Dahomey.

throughout the era. For a full discussion of the development of Dahomean press, see Codo, "La presse dahoméenne."

¹² Manning, *Slavery, Colonialism, and Economic Growth*, 1.

¹³ *Évolués* were not synonymous with *métis*. The *métis* were the offspring and descendants of mixed-race couples, usually African women and European men. The two categories could and did overlap, but *évolués* were not of necessity of mixed blood. The Johnsons were not *métis*.

¹⁴ Manning lists the Johnson family along with the Quénum, Adjovi, de Souza, Santos, d'Almeida, Paraiso, and Soulé families as the leading bourgeoisie of the 19th and 20th century in Dahomey. Manning, *Slavery, Colonialism, and Economic Growth*, 262–63. The Johnson family straddled the colonial border between Dahomey and Togoland. Michael Johnson fled Togoland for Grand Popo when he was accused of inciting the Women's Tax Revolt in Lomé in 1933. See Pierre Johnson, "à Monsieur E. Gayon, Gouverneur du Dahomey s/c de Monsieur le Délégué à Cotonou," January 11, 1938, 3M185 (184), Archives du Sénégal. The Lawson family, another *évolué* family of the region, had had a compendium of their family records published as Adam Jones and Peter Sebald, *An African Family Archive: The Lawsons of Little Popo/Aneho (Togo), 1841-1938*, Fontes Historiae Africae (Oxford: Oxford University Press, 2005).

Pierre's parents' European names, William and Marie, signaled the Johnson family's involvement in the Atlantic trade network. The use of Western-style names attested to their regular interactions with European and Brazilian firms operating in the region.¹⁵ In 1881, Marie gave birth to a son in Agoué, a coastal fishing village west of the infamous former slaving port of Grand Popo. William and Marie named their son Pierre Guinhouya Akapovi Johnson. The dual first names of Pierre and Guinhouya, as well as the dual surname of Akapovi Johnson illustrates the hybridity of the family's connections to both the African and European communities.

Johnson's childhood years were a time of rapid and dramatic political change in West Africa. Just three years after Johnson's birth, the Conference of Berlin had taken. This event divided sovereignty over Africa territory among the leading European powers of the day, although it took the next three decades for Europeans fully to penetrate West Africa and legitimize their claims through military conquest, strategic diplomacy, and effective occupation.¹⁶ In 1887, Pierre joined his father, William, in Athiémé, an inland, ethnically diverse, bustling regional trading hub some fifty miles to the northeast of Agoué. At the age of six, Pierre would have been old enough to leave his mother and join his father to begin his formal education, as well as his personal and professional training under the tutelage of his father. Where and by whom Johnson was educated is unclear,

¹⁵ The coastal region of the Bight of Benin was known for its Afro-Brazilian communities. Ouidah was the regional center of the Brazilian community. Johnson was based out of Athiémé which had strong trade ties to the Gold Coast.

¹⁶ Stig Förster, Wolfgang J. Mommsen, and Ronald Edward Robinson, eds., *Bismarck, Europe, and Africa: The Berlin Africa Conference 1884-1885 and the Onset of Partition* (Oxford: Oxford University Press, 1988).

but he was reputed to speak French in a refined manner.¹⁷ From 1887 onward, Johnson lived primarily in Athiémé in an area that would be incorporated in the French colony of Dahomey in the next decade. During the early 1890s, France consolidated its conquests in the region, and it created the colony of Dahomey in 1894.¹⁸ The Johnson family not only weathered the transition to colonial rule successfully but also manipulated it to the economic advantage of some of its members.¹⁹

For *évolués*, like the Johnsons, the early decades of colonial rule firstly, deepened existing connections between educated Africans and Europeans and secondly, provided new employment opportunities. Johnson experimented with a variety of colonial posts in his youth. He worked in turn as a nurse, a teacher, a postal worker, a surveyor, and a commercial agent. Through travel, he enhanced his knowledge of French and colonial cultures. He journeyed to Dakar in 1905, just prior to the city's designation as the administrative seat of the AOF in 1906, and to Paris in 1908.²⁰ By the standards of the day, this made Johnson well-traveled and cosmopolitan. Johnson cultivated his credentials as an enlightened African, who understood both Dahomean and French norms. In the mid-1910s, shortly after his return to Dahomey, Johnson took over his

¹⁷ Direction de la sûreté générale, "Fiche des renseignements pour servir à la surveillance politique et administrative: Johnson, Pierre (secret)," n.d., 8G8 (17), Archives Nationales du Sénégal, accessed June 5, 2013.

¹⁸ European involvement in Dahomey evolved during the last quarter of the nineteenth century, but the conquest and defeat of Béhanzin did not actually occur until 1894. Béhanzin's exile paved the way for the French to establish a colony in the region. For more info on the kingdom of Dahomey and the region see Garcia, *Le royaume du Dahomé face à la pénétration coloniale*. Akinjogbin, *Dahomey and Its Neighbours, 1708-1818*. Manning, *Slavery, Colonialism, and Economic Growth*. Law, *The Slave Coast of West Africa, 1550-1750*. Robin Law, *Ouidah: The Social History of a West African Slaving "Port", 1727-1892* (Athens: Ohio University Press, 2004). For an analysis of how the conquest affected the Abomeyan royal family see Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*.

¹⁹ Pierre's younger brother Richard Johnson was also a successful politician and merchant. Manning, *Slavery, Colonialism, and Economic Growth*, 271–74.

²⁰ Johnson, "à Monsieur E. Gayon, Gouverneur du Dahomey s/c de Monsieur le Délégué à Cotonou."

family's commercial and agricultural holdings.²¹ Upon the death of his father in 1921, at the age of forty, he succeeded his father as the head of a large household. From this point forward, his occupation was that of a landowner and merchant.

Johnson and other *évolués* success depended on maintaining their families' existing ties with other educated merchants throughout coastal West Africa. Despite the borders colonial powers drew, *évolués* corresponded and traded with one another within networks, which predated colonial rule. During the 1920s, these connections only grew stronger through the circulation of newspapers across the Dahomey-Togoland border. The significance of this circulation of ideas, however, changed when the regional power balance shifted once again when France accepted the former German colony of Togoland as a League of Nations mandate territory in 1920. In the wake of World War I, the newly formed League of Nations stripped Germany of its colonies and divided German Togoland into British and French mandated areas.²² The Mono River functioned as the border between the two distinct imperial polities. During the pre-colonial period, the Mono had served as a transportation artery linking the Ewe and Mina peoples; in the colonial period, however, it became the boundary line demarcating German Togoland from French Dahomey. Despite this fact, the peoples and cultures of the region continued to span the river. Individuals like Johnson crossed back and forth – in his case between his mother's house in Togoland and his father's in Dahomey. As he grew into adulthood, Johnson constructed commercial and social networks that complimented his familial roots on both sides of the Mono. France's attempt to administer and enforce unequal

²¹ Manning, *Slavery, Colonialism, and Economic Growth*, 263.

²² For the politics surrounding the creation of mandates see especially chapter 3 in Callahan, *Mandates and Empire*.

imperial policies on the two sides of the river generated great discontent among *évolués*, who pointed out the hypocrisy of the scheme.

In the course of the 1920s, Johnson achieved the highest echelons of elected office open to indigenous politicians in the colony. The relatively small, educated male electorate of the colony voted Johnson onto the board of the Chamber of Commerce in 1921 and subsequently re-elected him in 1924. His involvement with the chamber continued, and he acted as the organization's president pro-tem in the 1930s. The limited, male electorate voted for him to be one of three Dahomean representatives to the Administrative Council in 1925, which he held until 1934.²³ His participation in these organizations allowed him to form relationships with administrators and act as a trusted counselor to the colonial state.

From this elevated status, Johnson rapidly lost official favor in the early 1930s, when the position of *évolués* in colonial society changed due to a fundamental shift in French thought about how to rule the nation's African empire. After World War I, European powers more generally abandoned ambitious projects of direct rule over their newly acquired colonies in Africa. France decided to increase in future its reliance on "traditional" West African chiefs, who had been marginalized in favor of *évolués* over the course of the three previous decades. African chieftaincy, prior to World War I, had symbolized backwardness, uneducated barbarism, and arbitrary despotism. The postwar shift to a policy of association and indirect rule, by contrast, led to the privileging of

²³ Manning, *Slavery, Colonialism, and Economic Growth*, 263–67 & 271–72. Both Patrick Manning and Katherine Payne Moseley give information on Johnson's political career and his relationships with the administration and the chiefs. For a detailed history of electoral politics in interwar Dahomey see chapters VI and VII in Katherine Payne Moseley, "Indigenous and External Factors in Colonial Politics: Southern Dahomey to 1939" (unpublished PhD Thesis, Columbia University, 1975).

chiefly authority at the expense of the *évolués*. In a dramatic about-face, Dakar reversed its policy of removing traditional chiefs from office and began a period of blindly supporting them in order to contain the political ambitions of the *évolué* community, as well as its demands for economic and social reform. Chiefs co-operated by using the new powers they had been given in colonial tribunals to dismantle the privileges of *évolués*, and, simultaneously, to bolster their own political authority.

Market Women's Tax Revolts, *Évolué* Activism, and the *Union Personelle* of Dahomey-Togo (1931-38)

Évolués' loss of official favor prompted them in the 1920s and 1930s to appeal to the general population for support. This strategy transformed *évolués* previously elitist demands to include more democratic ones.²⁴ In addition to their long-standing appeals for citizenship rights on par with those of *originaires* of the Four Communes in Senegal, at this time *évolués* championed tax reforms for all Dahomeans. The appeal for an overhaul in taxation policy expanded *évolués'* base of support and, at least momentarily, garnered them unprecedented popular support.

On the issue of taxation, chiefs could not compromise. Among other responsibilities of chiefs, the French administration required them to collect the levied taxes. *Évolué* leaders supported market women's tax protests in the Mono Region as a means through which to attack the chiefly elite's authority. At the end of 1931, several hundred "excited" women presented themselves at the *Résidence* of Grand Popo, the seat of the local-level French administration. These women first described their economic plight and then stated that they refused to pay taxes because women in the neighboring

²⁴Brunet-La Ruche, "Crime et châtement' aux colonies," 330–33.

territory of Togoland were not subject to them. The protesters threatened that if the administration demanded they pay taxes they would flee *en masse* to Togoland in order to avoid paying the levy. In April 1932, women in Ouidah followed the example of the women of Grand Popo. Both groups of women protesters cited the inequality in female taxation in Togoland and Dahomey as the cause for their discontent.

Évolués became the voice of tax protests in Dahomey through the newspaper articles they wrote and edited in support of women.²⁵ However, there is no evidence that the *évolué* men actually organized the women's protests against taxation.²⁶ Johnson became directly involved when women approached him as an elected representative of the Administrative Council. They wanted him to plead their case to the Council. Women in Athiémé collected donations of 0, 25 francs from each of the protesters in order to fund the cost of sending Johnson to Porto-Novo to lobby on their behalf.²⁷ Apparently, the women were dissatisfied with the results. In 1936, they filed charges against him for fraud. Moreover, more than two hundred of the women testified against him when the

²⁵ Laurent Manière, "Popular Unrest and the Press Campaign Against the Capitation Tax in Dahomey, 1929–1935," *Journal of Policy History* 25, no. 3 (July 2013): 386, doi:10.1017/S089803061300016X. Scholars have observed a similar phenomenon involving an alliance between the educated elite and market women in Abeokuta and Lagos, Nigeria over the issue of taxation. For Abeokuta, see Cheryl Johnson-Odim and Nina Emma Mba, *For Women and the Nation: Funmilayo Ransome-Kuti of Nigeria* (Urbana: University of Illinois Press, 1997). For Lagos see, Pauline H. Baker, *Urbanization and Political Change: The Politics of Lagos, 1917-1967* (Berkeley: University of California Press, 1974).

²⁶ Manière states that men probably led the women's protest. He cites Anignikin. Manière, "Popular Unrest and the Press Campaign Against the Capitation Tax in Dahomey, 1929–1935," 390 & 394. The tens of thousands of Igbo and Ibibio-speaking women in the neighboring British colony of Nigeria who organized, executed, and participated in the Women's War there in 1929 proved that male leadership was unnecessary to women's colonial protests. Marc Matera, Misty L. Bastian, and Susan Kingsley Kent, *The Women's War of 1929: Gender and Violence in Colonial Nigeria* (Basingstoke, Hampshire: Palgrave Macmillan, 2012); Toyin Falola, *The Women's War of 1929: A History of Anti-Colonial Resistance in Eastern Nigeria*, Carolina Academic Press African World Series (Durham, NC: Carolina Academic Press, 2011); Misty L. Bastian, "'Vultures of the Marketplace': Southeastern Nigerian Women and the Discourses of the Ogu Umunwaanyi (Women's War) of 1929," in *Women in African Colonial Histories*, ed. Jean Allman, Susan Geiger, and Nakanyike Musisi (Bloomington: Indiana University Press, 2002), 260–81.

²⁷ P Gentile, "Rapport relative à diverses affaires judiciaires concernant M. Pierre JOHNSON, commmerçant-agriculteur à Athiémé," August 18, 1935, 8G8 (17), Archives du Sénégal.

colonial state arrested him for inciting the tax rebellions and upsetting the peace of the colony.²⁸

The colonial police began their investigation of Pierre Johnson by compiling a secret dossier on him in October 1932. The police investigator described him as a practicing Catholic, who behaved himself well. The investigator's report continued by referring to him as "a man of good comportment, always dressed in a European fashion." Despite this positive testimony, the police investigator described Johnson's morality as "dubious." In 1932, he had two wives whose names were not included in his dossier. Presumably, they were Aledjessi and Aginkouélé, both of whom played prominent roles in his legal battles during 1935 and 1936.²⁹ The man's Catholic faith and bigamy conflicted with one another in the eyes of the French administration, contributing to the perception of his moral laxity. His polygamous unions though helped solidify his elite status in the eyes of the population of the region. The most damning information in his police dossier at this early date was that he had expressed dangerous ideas about justice in a series of articles published in *La Voix du Dahomey*, a polemical newspaper critical of the French administration. There he had openly criticized superior authorities, both indigenous chiefs and French officials.³⁰

²⁸ Brunet-La Ruche, "'Crime et châtement' aux colonies," 344–48.

²⁹ His wives are not named in the police dossier, but these two women are named as his wives in various tribunal records. It is unclear if these two women were the ones referred to in the dossier or if he married any additional women after this point. See Direction de la sûreté générale, "Fiche des renseignements pour servir à la surveillance politique et administrative: Johnson, Pierre (secret)."

³⁰ Ibid. It can be difficult to find specific issues of newspapers from Dahomey. I have not located the articles Johnson wrote. Many articles at this time were left unattributed, but it could also be due to the fact that no archive has an entire run of the *La Voix* for this period. The archivists at the ANB explained that colonial newspapers are no longer available due to their state of deterioration. *La Voix du Dahomey* has been digitized by the *Bibliothèque Nationale de France*, but their collection is incomplete. ANOM also has incomplete serials from colonial Dahomey.

The situation escalated when the French administration attempted to resolve the tax discrepancy by taxing women in neighboring Togoland at the same level as Dahomean women. Thousands of Togolese women took to the streets in January 1933 and violently protested this change.³¹ Women's subversive actions in Dahomey and Togo mirrored those of women elsewhere in the region. In Nigeria, for example, after the 1929 Women's War, a female activist demanded that the administration replace the chiefs with new ones "whom the women say are *good* men."³² Similarly, during the women's tax revolt in Lomé, Lawrance argues that the female population weighed in and expressed their views on the legitimacy of masculine political authority.³³ Togolese women sided with the *évolué* leaders based on a rational, economic calculation that the *évolués* were the only masculine authorities independent of the colonial tax machine. Elizabeth Schmidt has described colonial rule as subjugating African women to two patriarchies: the colonial administration and the traditional chief.³⁴ In the 1930s, Dahomean women made choices about the form of local patriarchy to which they would be beholden. These choices had personal, economic, and political consequences. Women acted in their own interests, not as the political pawns of chiefs, *évolués*, or even their husbands.³⁵ Dahomean women's interests momentarily aligned with those of the *évolués* in the 1930s, because both groups were unhappy with chiefs' roles in French colonial administration – if for somewhat different reasons. The administration mistakenly blamed *évolué* men, not

³¹ Louis Aujas, "Note Confidentielle au sujet de la situation politique au Dahomey," July 28, 1933, 8G13 (17), Archives du Sénégal.

³² Quotation from the Aba Commission cited at length in Bastian, "Vultures of the Marketplace," 264.

³³ Benjamin N. Lawrance, "La Révolte Des Femmes: Economic Upheaval and the Gender of Political Authority in Lomé, Togo, 1931-33," *African Studies Review* 46, no. 1 (April 2003): 48–52.

³⁴ Elizabeth Schmidt, *Peasants, Traders, and Wives: Shona Women in the History of Zimbabwe, 1870-1939* (Portsmouth, NH: Heinemann, 1992).

³⁵ Further investigation is needed to more fully understand how men's and women's political activities were related and not discrete in Dahomey and in the Johnson household.

the market women, for the women's protests in the Mono Region. The colonial administration was unwilling to admit that women played an important role in protecting their own interests and in supporting the authority of *évolués* whose views on taxation coalesced with theirs. They refused to believe that a masculine agenda had not provoked the women's actions.

When in 1933 the tax revolts spread to the other side of the Mono Region across French Togoland to Lomé, the capital city of French Togoland, French administrators continued to blame *évolués* as they had done so when women protested in Dahomey the two previous years.³⁶ The head of the political affairs division in Togo, Mouragues stated, "The groups of Dahomean and Togolese [male dissidents] act as one" in their actions to protest and demand reform in the colonial enterprise. There is no border any longer between the two."³⁷ Mouragues blamed *évolué* men for fomenting revolt and, in particular, he held the newspapers *La Voix du Dahomey*, *Le Courrier du Golfe du Bénin* and *L'Etoile du Dahomey*, all of which circulated throughout Dahomey and Togoland, for inciting violence through their favorable portrayal of the "events of 24 January 1933."³⁸ The "events" to which Mouragues alluded were the women's tax revolt in Lomé, yet his discussion did not include women as actors. What he failed to understand was that such a group of vocal and passionate female critics had common concerns across the Mono River in Grand Popo and Ouidah in Dahomey and Agoué and Anécho in Togoland, with

³⁶ Lawrance, "La Révolte Des Femmes"; Silivi d'Almeida-Ekué, *La révolte des loméennes, 24-25 janvier 1933* (Lomé: Nouvelles éditions africaines du Togo, 1992).

³⁷ I have inserted in my translation "male dissidents" here because Mouragues discussed exclusively literate men active in covering the women's protest in the newspapers. Mouragues's title was *chef de bureau des affaires politiques*. Mouragues did not include his first name or initial on this report. There are two officials with the last name Mouragues with ties to the AOF and Togo at approximately this time. Further research needs to be done to determine if this is Albert or Gaston Mouragues. I suspect it was Albert, but I have not sufficiently researched their career trajectories to determine this.

³⁸ Mouragues, "Propagande Anti-Française" (Lomé: Bureau des Affaires Politiques, October 9, 1934), 1E16/6/1, Archives Nationales du Bénin.

a minor element coming from elsewhere in the colony.³⁹ Mouragues erroneously listed Johnson as a leader in the movement. Male letter writers had long protested the fiscal inequalities between the mandated territory and the colony. Yet the imperial governments took no decisive action until women in Dahomey and Togoland took their protests to the streets between 1931 to 1933.⁴⁰ The French administration's perception that the roots of unrest in Togoland and Dahomey were one and the same - male *évolués* – meant that the French authorities in both places needed to take concerted action in order to curb disorder.

After the Lomé women's tax revolts in January 1933, the political crisis in the region came to a head. Johnson's connections in both Dahomey and Togoland made him a grave threat to the colonial administration at this time. Johnson represented an educated elite alternative to the French-backed authority of canton chiefs. By June 1933, Jean Desanti admitted to the Governor General, however, that despite inquiries conducted under both Lieutenant Governors Blacher and Aujas, they had not gathered enough evidence to charge Johnson.⁴¹

On November 23, 1934, the colonial ministry in France controversially conjoined the imperial administration of the League of Nations' (LON) mandated territory of French Togoland and that of the colony of Dahomey to create the *Union Personnelle du Dahomey-Togo*. The decree stated that henceforth the Commissioner of Togo and the Lieutenant Governor of Dahomey would be one and the same individual, who would hold

³⁹ The Mono region was a dangerous enclave for this movement: Pierre Johnson was listed as an agitator along with Joseph Santos, Blaise Kuassi, Eugene and Antoine d'Almeida, Jacques Langdon, Jean Adjovi, and Louis Ignacio Pinto.

⁴⁰ Manière, "Popular Unrest and the Press Campaign Against the Capitation Tax in Dahomey, 1929–1935."

⁴¹ H. Desanti, "Notice N. 771 AP/2 Situation politique au Dahomey," June 16, 1933, 8G13 (17), Archives du Sénégal.

both offices.⁴² Ostensibly, the French Empire conjoined the administration of the two territories in order to curb the cost of administering such small imperial possessions. The *Union-Personnelle* existed just four short years from 1934 until 1938. They were nonetheless an important period in Dahomean colonial history, because the unification led to increased scrutiny by the Permanent Mandates Commission (PMC) of the LON. Mandates were not colonies, and the PMC closely monitored the status of Togoland to ensure that the *Union-Personnelle* did not serve to convert the mandate into a colony. The PMC's scrutiny forced France to adhere to the ideological commitments of the tutelary role of a mandatory power.⁴³ The threat that controversy on either side of the border would reach the LON in Geneva diminished the administration's willingness to tolerate a space for dissent in its West African empire. Even so, the Mono border region became a thorn in the side of the empire in the 1930s, when it was the center of opposition to chiefly authority and of a concomitant protest movement pressuring for colonial reform.⁴⁴ With the creation of the *Union-Personnelle* in 1934, it became imperative to neutralize Johnson and silence his activism.

The prosecution of Johnson in the years 1935 and 1936 for a host of charges coincided with this new geopolitical reality in the Mono region. The short-lived *Union-Personnelle* of 1934-1938 created the context for Johnson's legal troubles. The administration finally acted on its ongoing investigation of Johnson at the end of 1935. At

⁴² There is very little written about the *Union-Personnelle*, see L. Pechoux, *Le Mandat Français sur le Togo* (Paris: Editions A. Pedone, 1939), 64–82.

⁴³ The sincerity of France's commitment to the League of Nations and its principles was in doubt during this time. See Véronique Dimier, "On Good Colonial Government: Lessons from the League of Nations," *Global Society* 18, no. 3 (July 2004): 279–99.

⁴⁴ Lieutenant Governor Fourn began the reformation and solidification of the chieftaincies near the end of his tenure in 1928. His policies were largely followed by his successor Reste in 1929-1930 see Moseley, "Indigenous and External Factors," 421–23.

that moment, French officials launched a concerted effort to remove him from a position of power and curtail his ability to publicize injustices or demand reforms in colonial rule. In order to silence the most vocal critiques of colonialism, France needed to undermine the authority of *évolués* activists. Discrediting the *évolués* in turn benefited the chiefs. For these reasons, the tribunal zealously prosecuted Johnson, and in the process considered the most thoroughly documented case of pawning in the history of colonial Dahomey.

Masculinity on Trial: Wild Women and Abused Girls in the Johnson Household

Because of the political environment in the Mono region in 1935, the trafficking case against Pierre Johnson was handled markedly differently than the ones in which market women were the accused perpetrators. The trials of market women lacked the political dimension at the heart of Johnson's. On June 28, 1935, the Lieutenant Governor of Dahomey Maurice Bourguine asked the Inspector of Administrative Affairs De Gentile to look into "diverse matters" concerning Johnson. De Gentile did so over the course of the next two months. He submitted a report to Bourguine on August, 18, 1935. In this document, De Gentile summarized four charges for which Johnson could be prosecuted in colonial tribunals. He listed the pawning of children, swindling of numerous women, and constructing of an illegal stall in the Fonkomé market, as well as occupying land illegally, among the pending litigation. De Gentile noted that the only possible criminal charge against Johnson concerned the pawned children.⁴⁵ This distinction between civil and criminal charges was important to the administration because article 37 of the 3

⁴⁵ Gentile, "Rapport relative à diverses affaires judiciaires concernant M. Pierre JOHNSON, commcerçant-agriculteur à Athiémé." This would shortly change when Johnson would be charged for conspiracy for murder.

December 1931 judicial reorganization stipulated that the first degree tribunal henceforth could prohibit anyone convicted of a misdemeanor from holding public office.⁴⁶ A conviction for human trafficking would bar Johnson from holding public office in the future.

Despite De Gentile's assessment that the charge of human trafficking represented the administration's best chance for a criminal conviction against Johnson, the original lawsuit brought in September 1935 did not name Johnson but rather his wife Aledjessi as the accused.⁴⁷ The changing political situation and the growing administrative displeasure with Johnson, which was well known, undoubtedly influenced Sodekandji, the pawned girl Mahoun's father, to come forward in 1935 and file a formal complaint against Aledjessi. After reviewing the dossier presenting the evidence against Aledjessi, the first degree tribunal of Athiémé acquitted Aledjessi of human trafficking; however, it stipulated that she should return Mahoun to her parents. How then did a pawned girl become the lynchpin in Johnson's downfall? When Johnson appealed the decision, the tribunal reopened the case and named him as one of the accused. Once that had happened, the tribunal invested greater resources in the investigation, deepening the inquiry and focusing it on intra-household disputes that stretched back over the preceding two years.

The tribunal's original ruling had dissatisfied Johnson because by it his wife lost not only her laborer, but also the initial investment paid to Mahoun's family. In a letter of complaint dated September 11, 1935, Johnson appealed the tribunal's failure to address in the decision Sodekandji's indebtedness to Johnson. With the return of Mahoun, Johnson

⁴⁶ Brévié, "Arrêté réorganisant la Justice indigène en Afrique occidentale française," 129.

⁴⁷ See chapter 2 in the dissertation for further discussion of Aledjessi and her use of child laborers.

had no leverage to enforce the repayment of the debt. He did so because the return of the pawned girl without recompense would set a dangerous precedent in monetary and labor terms. Eight girls were entrusted to Aledjessi at the time of the investigation, and their presence in the household had required a cumulative investment of several thousand francs, which would be lost if they all departed. Furthermore, Johnson's household relied on the labor of multiple children entrusted to either him or his wives under the same circumstances as Mahoun. The possibility that all of the children held in pawnship by Johnson or his wives might be returned to their families threatened Johnson's livelihood, as well as the livelihoods of his wives. Johnson protested the decision on pragmatic grounds in addition to his more ideological arguments.

Johnson's attempt to reclaim the debt incriminated him. In response to the appeal, the tribunal reopened the case because Johnson's letter contained new evidence. In her initial trial, Aledjessi had claimed ignorance of any monetary exchange related to the labor arrangement. In his letter of appeal, however, Johnson admitted to having lost three hundred francs as a result of the tribunal's decision involving Mahoun, a damning corroboration of pawning from the point of view of the French district commandant. Johnson neither included this detail accidentally nor misunderstood the substance required for his own defense. His correspondence over the years on behalf of his constituents displays a masterful understanding of the colonial legal system and uses sophisticated legal terminology. Furthermore, this was not his first court appearance. He had been convicted of no fewer than seven offences prior to his 1935 appearance in the tribunal.⁴⁸

⁴⁸ Direction de la sureté générale, "Fiche des renseignements pour servir à la surveillance politique et administrative: Johnson, Pierre (secret)." These likely include only the litigation when the tribunal issued a judgement. No account of how many dismissed cases he may have been involved with.

Despite a lack of formal legal education, Johnson's correspondence, court appearances, and appeals all highlight his superior grasp of colonial jurisprudence.

In particular, his service as a member of the Dahomean Chamber of Commerce and the Administrative Council for more than a decade had taught him that the French colonial administration regarded private property rights as sacrosanct. He was also well versed in commercial law and knew that the French administration prided itself on upholding contractual obligations. Johnson was further aware of the administration's policy of allowing commercial tribunals to regulate questions of debt repayment.⁴⁹ It was this policy that enabled colonial criminal tribunals to justify choosing not to pursue cases of pawnship involving chiefs.

The prosecution founded its arguments on personal attacks against Johnson, questioning in particular his authority over his wives, rather than debating jurisprudence with him. The official copy of the ten-page judgment in the case reveals that the testimony of Mahoun's family members focused on the breakdown of trust and respect between Johnson's and Sodekandji's households.⁵⁰ The witnesses' statements presented evidence that neither proved nor disproved that human trafficking had occurred in 1931. They showed, however, that while Mahoun may in fact have entered the Johnson household as an entrusted girl rather than a pawn, as Aledjessi claimed, Aledjessi, her co-wife Aginkouélé, and Johnson himself treated the girl as if she were a slave. Key to this distinction was, firstly, whether Aledjessi or Johnson had restricted Mahoun's freedom of movement and, secondly, whether members of the Johnson household had interfered with

⁴⁹ "N. 13 T concernant réclamations des nommes Sossou Gui et Zadonou," February 21, 1932, 1AFFPOL/574, Archives Nationale d'Outre Mer.

⁵⁰ Johnson himself refused to participate in the proceedings. He offered no defense and called no witnesses. His wife Aledjessi did make some unsolicited comments, such as, "He's lying!"

the maintenance of a relationship between the girl and her natal family. Restricted mobility and natal alienation were key characteristics of slavery across Africa.⁵¹ None of this information on the intra-household relationships was contained in the documentation for the original case against Aledjessi.

Mahoun's family members described the breakdown of the entrusting agreement and the heightened animosity between the two families. In his oral complaint to the first degree tribunal of Athiémé, Sodekandji recounted that in 1931 he had approached Pierre Johnson about a loan he needed to pay his household's taxes. Sodekandji was not alone in needing to pawn one of his children in order to pay the taxes the colonial administration levied on the population. Throughout, French West Africa, there was, in addition, a rise in pawning due to economic hardship during the early 1930s.⁵² The global Great Depression touched Dahomey and resulted in the virtual disappearance of currency needed to pay colonial taxes from circulation between 1931 to 1935.⁵³ The economic collapse forced many households to pawn girls. The prevalence of pawning mitigated any social stigma attached to the practice.⁵⁴

Sodekandji likely chose to approach Johnson's household for the money he needed because of Johnson's reputation as a well-known, wealthy, political figure in the

⁵¹ Guardians could also legitimately restrict girls' and women's movements, but habitually denying a girl the freedom to visit relatives, particularly sick ones, was a possible indicator of enslavement.

⁵² Martin Klein and Richard Roberts, "The Resurgence of Pawning In French West Africa During the Depression of the 1930s," in *Pawnship, Slavery, and Colonialism in Africa*, ed. Paul Lovejoy and Toyin Falola (Trenton, NJ: Africa World Press, 2003), 303–5.

⁵³ Manning, *Slavery, Colonialism, and Economic Growth*, 255.

⁵⁴ Melville Herskovits conducted research in Dahomey in 1931. His informants insisted that this was the case. I question though if this attitude reflected a momentary acceptance of the practice and not a longer term view. The recounted statements of Aledjessi and Aginkouélé suggest that the lack of social stigma was certainly not universal. I also question the timelessness of this attitude. Herskovits, *Dahomey*, 1938, 1:82–85. Robin Law analyzed this passage on pawning in Herskovits, but he does not interrogate or historically situate the views Herskovits's informants related. Law, "On Pawning," 56.

region. During the trial, the administration noted that the Johnson household was “habituated to receiving children as pawns.”⁵⁵ Initially, Sodekandji had sent his six-year-old son Amou and twelve-year-old nephew Degbevi to work for Johnson in his palm plantations, but after three months the boys had run away and returned home, claiming that Johnson had mistreated them. Johnson at that point requested that Sodekandji send a girl to replace the errant workers, and the man responded by supplying his then twelve or thirteen-year-old daughter Mahoun.⁵⁶ Mahoun lived in the Johnson household and supported the economic activities of Aledjessi from 1931 until 1935, when the tribunal ordered the woman to return the girl to her father.⁵⁷

Sodekandji turned to the colonial legal authorities for redress as a last resort, only after a prolonged series of disagreements between members of Sodekandji’s and Johnson’s households. Prior to going to court, Sodekandji had tried unsuccessfully to negotiate Mahoun’s return home. Sodekandji testified that he had learned in 1932 that the French administration had started returning girls who were held in pawnship. He had waited a year, however, until his wife was in poor health to approach Johnson about Mahoun’s return. This delay suggests that until 1933 Sodekandji continued to consider the contract he had entered into with Johnson and Aledjessi as valid and binding. He questioned the contract only when Aledjessi denied the family’s request that Mahoun be allowed to visit her seriously ill mother. At this point Sodekandji seems to have felt that

⁵⁵ Someone crossed out these words and retracted the statement, probably in an effort to downplay the prevalence of pawning, which by the 1930s might have aroused international alarm. Tribunal Colonial d’Appel du Dahomey, “Réquisitoire N. 138 Affaire Aledjessi - Traite,” October 1935, 1M86, Archives Nationales du Bénin. There is a copy of this document at the Archives du Sénégal in dossier 3M82.

⁵⁶ Tribunal du 1er degré d’Athiémé, “Jugement N. 201 du 4 Nov 1935 - Johnson.”

⁵⁷ Tribunal Colonial d’Appel du Dahomey, “Réquisitoire N. 138 Affaire Aledjessi - Traite.”

Aledjessi had overstepped her customary rights as Mahoun's mistress.⁵⁸ Even so, he still hesitated to file a formal complaint and continued informal negotiations with Johnson's household.

Sodekandji waited until June 1935 to go to the authorities. A nasty confrontation between Mahoun's elder sister Soblekin and Aginkouélé, Johnson's other wife, in the market prompted Sodekandji to file a letter of complaint. The two incidents with Johnson's wives formed a major component of Johnson's prosecution. Witnesses actually presented little evidence about Johnson's own actions in and of themselves. The testimony focused on his two wives Aledjessi's and Aginkouélé's reprehensible behaviors. Witnesses portrayed Aledjessi and Aginkouélé as shrewd businesswomen, heartless employers, and feared members of the elite, who were wickedly talented in disarming opponents through cutting verbal attacks.

Mahoun's uncle recounted the first incident when Aledjessi nastily replied to the girl's family's pleas that the child be allowed to visit her sick mother. According to him, Aledjessi replied rhetorically, "Is Mahoun the hoe that digs the grave? Certainly there are hoes in Ayomi [the village of Mahoun's family]?"⁵⁹ Aledjessi herself denied having made such an uncouth statement. While it is possible that the woman did not make the remark, it is more probable was that she had in fact deployed biting metaphor as part of a culturally accepted female repertoire of indirect confrontation.⁶⁰ The uncle could have fabricated such a statement, but the specificity and the outrageousness of the detailed

⁵⁸ Testimony of Sodekandji in Tribunal du 1er degré d'Athiémé, "Jugement N. 201 du 4 Nov 1935 - Johnson."

⁵⁹ Testimony of Dojossou in "Jugement N. 201 Pierre Johnson."

⁶⁰ Hodgson and McCurdy list metaphor as a feminine method for African women to voice their grievances. In their introduction they indicate that the contributions of Clark, Byfield, Coplan, Bastian, and Shroeder to the volume investigate women's use of metaphor, see Dorothy Hodgson and Sheryl A. McCurdy, eds., *"Wicked" Women and the Reconfiguration of Gender in Africa* (Portsmouth, NH: Heinemann, 2001).

recollection make it doubtful that it was not based in part in truth.

The second confrontation occurred in a marketplace. On this occasion, Aginkouélé, Johnson's second wife, demanded that Soblekin, Mahoun's sister, sell palm nuts to her. Soblekin refused saying that they were already promised to someone else. Aginkouélé replied indignantly, "My husband bought your sister for three hundred francs! He is successful and powerful and, yet, you refuse to help him?" When Soblekin repeated this exchange to her father and uncle, they were outraged and reported it to the canton chief.⁶¹ In theory, economic hardship could force any family to resort to pawning. Aginkouélé's statement implied though, that the relationship carried with it a wider familial subordination. This attitude most definitely exceeded popular Dahomean understanding of the authority creditors could rightfully exercise over the pawns in their households, much less over the families from which the pawns had come. The two wives' disparaging remarks along with their refusal to allow Mahoun to visit her sick mother prompted Sodekandji to go first to the district chief and then to the commandant to file a complaint against Aledjessi and Johnson.

Ultimately, Johnson's appeal failed for both him and his wife. In light of the new evidence in Johnson's letter that a monetary exchange accompanied Mahoun's transfer, the tribunal overturned Aledjessi's previous acquittal.⁶² It also opened a case against Johnson, arrested him on October 30, 1935, and convicted him one week later. The appeals tribunal for Dahomey sentenced Aledjessi to eighteen months in prison, a one thousand franc fine, five years of exile, and five hundred francs in damages to be paid to Mahoun. The first degree tribunal in Athiémé sentenced Johnson to four years in prison,

⁶¹ Testimony of Soblekin in "Jugement N. 201 Pierre Johnson."

⁶² While the legal concept of double jeopardy exists in civil law countries including France, it did not apply in this case. The legal justification for this is unclear.

six years of exile, and a one thousand franc fine. The tribunal justified Johnson's longer imprisonment in its concluding remarks, claiming that his actions were graver than those of his wife and others because of his social position and his advanced European education.⁶³ The idea implicit in this statement -- that pawning would disappear on its own due to education and contact with European civilization -- was contradicted by the fact that *évolué*-headed households continued to invest in pawns. The economic activities of their households continued to rely on the labor of pawned children.

The tribunal convicted Johnson of human trafficking in November 1935. Shortly thereafter in January 1936, it belatedly also convicted him of orchestrating the 1931 and 1932 women's tax demonstrations.⁶⁴ Aledjessi was charged as a codefendant in the case for organizing the women's tax protests, but she was acquitted once again. Ultimately, none of Johnson's female codefendants were convicted of anything other than the obstruction of justice.⁶⁵ Ultimately, Johnson received a cumulative sentence of over twenty years in prison, plus additional time in exile.⁶⁶ The administration imprisoned and exiled Johnson in order to make him politically impotent.

⁶³ "Jugement N. 201 Pierre Johnson." The Johnson Affair called into question Governor General Boisson's statement to the Minister of the Colonies that he had observed a "happy evolution" of indigenous views on trafficking. Boisson observed that this was not attributable to the fear of punishment alone; rather he explained that closer contacts between administrators and the population, along with economic development, brought "the population closer to the principles of 'our civilization' concerning individual human liberty." Pierre Boisson, "N. 29 AP/2 Objet: Rapport sur l'esclavage année 1938," January 21, 1939, 1AFFPOL/402, Archives Nationale d'Outre Mer.

⁶⁴ Brunet-La Ruche, "'Crime et châtement' aux colonies," 344–48. She discusses Johnson's trial for orchestrating tax protests

⁶⁵ Eda, a male codefendant, however was convicted alongside Johnson of brawling in the market of Fonkomé. Eda also appeared as a witness in pawning case as the intermediary who went between Sodekandji and the Johnson household. His wives along with other women harassed female witnesses during the course of the trial. Aledjessi was sentenced to eight days of prison for her harassment of witnesses.

⁶⁶ d'Almeida, "Les Vrais dessous de l'Affaire Pierre Johnson."

Conclusion

The convictions against Johnson galvanized support for him around the Atlantic basin. The Johnson Affair was exceptional in that it involved a high-level political figure, Pierre Johnson, who had used his elected office to cultivate contacts throughout the Atlantic world. The Johnson Affair garnered attention in the metropolitan press, in part because of the large and far-reaching network of individuals Johnson mobilized in support of his causes for almost a decade. Between 1936 and 1946, Dahomean, Martinican, and, Senegalese politicians wrote to the Minister of Colonies on Johnson's behalf. In the 1930s, *évolués* lost status politically in French West Africa, but they remained closely connected to a larger trans-Atlantic network of educated black men and women.

Johnson benefitted from the dissolution of the *Union Personelle* in 1938. In April 1939, *L'Etoile du Dahomey* announced that Pierre Johnson was released from prison after forty-six months and nineteen days of detention to the great satisfaction of the population.⁶⁷ Similarly, *La Voix du Dahomey* celebrated the release of "our friend" Pierre Johnson.⁶⁸ With the separation of Dahomey and Togo into two independent imperial entities, the political stakes decreased and Johnson no longer represented the threat that he had just four years prior. His supporters continued to work for a pardon and an end to his court imposed exile.

The popular support of Johnson in local and metropolitan newspapers presented a markedly different depiction of the man than that presented in court documents. The

⁶⁷ "Y a bon...Pierre Johnson," *L'Étoile du Dahomey*, April 1939, 71–72 edition, sec. Opinion publique, 3M91 (184), Archives du Sénégal.

⁶⁸ "Bénie soit la France: La libération de notre ami Pierre Johnson," *La voix du Dahomey*, April 1939, 128 edition, 3M91 (184), Archives du Sénégal.

educated coastal elite with wider ties to the empire and metropole revered Johnson as one of Dahomey's "most outstanding political" figures of the colonial era.⁶⁹ The police investigator acknowledged in 1932 that the populations of the Mono Region and Ouidah viewed Johnson as a "great chief," regardless of the fact that the administration did not bestow that honor upon him. The conflicting views about Johnson reveal more about the divisions within Dahomean society at this time than they do about his personality or culpability.

Upon Johnson's death on January 11, 1952, the popular newspaper *L'Etoile du Dahomey* described him as "a defender helping the interests of the country." The obituary continued and Eugene D'Almeida eulogized Johnson in glowing terms:

"He [Johnson] had only one passion; that of his dear Dahomey, which he wanted always to be the most prosperous in the lead of progress in the most equitably distributed justice. For his Dahomey he gave the best of himself...the generosity of his heart, the nobility of his character and his ardent and clear patriotism."⁷⁰

Up to the present day Beninese remember Johnson as a tireless fighter for the rights of Dahomeans. Johnson refused to kowtow to the colonial administration.⁷¹

Eponymously, Johnson emerged unscathed with his convictions symbolizing a badge of honor for his resistance to the *modus operandi* of colonialism.

The legal record, on the other hand, portrays Johnson as a criminal mastermind convicted of numerous and varied crimes. The Dreyfus Affair of Dahomey ended Pierre Johnson's political career. The Johnson Affair demonstrated the deeply divided and polarized political situation in the colony during the 1930s. But its significance went

⁶⁹ Dr. Felix Iroko, interview, February 2, 2014.

⁷⁰ Eugene d'Almeida, "Pierre Johnson," *L'Etoile Du Dahomey*, February 15, 1952, 31 edition, sec. Obituaries, BIB/SOM/POM/251B, Archives Nationale d'Outre Mer.

⁷¹ Dr. Felix Iroko, interview, Cotonou, Benin, February 2, 2014.

beyond the strictly political. One of the distinctive elements of colonial rule was the French effort to disaggregate the household from political power building.⁷² As the example of the Johnson household shows, the colonial attempt to separate masculine public politics from the feminine realm of the household was only partially successful.

⁷² Emily Osborn, *Our New Husbands Are Here: Households, Gender, and Politics in a West African State from the Slave Trade to Colonial Rule* (Athens: Ohio University Press, 2011), 12.

Chapter Six: Borrowing A Child, Getting Ahead: Télé Acapovi and Household Strategies in Abomey

On the evening of Saturday, April 11, 1936, thirteen-year-old Télé Acapovi vanished on her way home from selling food in the market and streets of Abomey. Télé's "uncle" William and "aunt" Mathilde Lawson officially reported her missing to the district commandant after the end of the Easter holiday on April 14, 1936. The rumors attached to Télé's disappearance made hers an exceptional case of a missing girl. The negligible physical evidence prompted speculation, which produced two hypotheses: a royal and a popular one.¹ The former royal family of Abomey speculated that Mathilde Lawson, Télé's mistress, beat her on multiple occasions. After having lost a small amount of her profits on April 11, 1936, Télé fled Abomey supposedly spurred on by her fear of returning to the Lawson household with a deficit. Abomeyans not connected with the royal family accused Justin Aho, a princely member of the royal family of Abomey and a chief in the French colonial administration, of ritually murdering Télé in a *vodun* ceremony. French officials stationed in Abomey supported the royal version of events, while higher-level authorities in the colony, federation, and metropole hesitated to endorse either account.

The Télé affair, as it came to be known, serves as a revealing entry point to contrast ideals of child entrustment and the colonial arrangements of girl transfer actually taking place between households. Over the course of the two-year investigation following Télé's disappearance, the administration discovered that no relationship existed between

¹ In the course of the investigation the details of each of these explanations varied widely. For a discussion of an official narrative versus popular rumors concerning the death of Émile Mauchamp, a French doctor and colonial officer stationed in Morocco, in another French imperial possession see, Jonathan G. Katz, *Murder in Marrakesh: Émile Mauchamp and the French Colonial Adventure* (Bloomington: Indiana University Press, 2006).

the Lawsons and Télé's family the Acapovis. Unlike the Johnsons, the Lawsons were never accused of trafficking the girl, perhaps because no one admitted to a monetary exchange accompanying her transfer. Télé's situation in the Lawson household was different from that of Mahoun's in the Johnson household in that none of Télé's family members maintained contact with her. As Mahoun's case in the previous chapter showed, a fundamental aspect of the entrustment arrangement was the maintenance of girls' relationships with their kin. Entrusting implied an ongoing relationship of exchange and affinity between two households.² The alienation of Télé from her family denied any possibility of building trust between the Acapovis and the Lawsons. The circumstances of the child transfer were not one of entrustment; rather Télé was a borrowed girl.

Borrowing was a more impersonal, temporary arrangement than entrusting. No real relationship existed between the two households. Through an intermediary Mathilde Lawson had negotiated "borrowing" a girl to perform domestic labor and to sell prepared foods in the streets on her behalf. The girl's parents did not know the Lawsons or even that Télé lived in Abomey. This impersonal, brokered exchange offered the girl no safeguards against abuse while living in the borrower's household. Both of Télé's possible fates, either an excessively brutal mistress or a human sacrifice, highlighted the fact that all Abomeyans believed some tragedy had befallen the girl. Her story served as a reminder of the dangers girls faced when parents relinquished their responsibility to carefully choose where to entrust their daughters. It also illustrated what could happen if they failed to maintain contact with their daughters.

² Parker MacDonald Shipton, *The Nature of Entrustment: Intimacy, Exchange, and the Sacred in Africa*, Yale Agrarian Studies (New Haven, CT: Yale University Press, 2007), 81–91; Nicolas Argenti, "Things That Don't Come by the Road: Folktales, Fosterage, and Memories of Slavery in the Cameroon Grassfields," *Comparative Studies in Society and History* 52, no. 2 (2010): 242–49, doi:10.1017/S0010417510000034.

This chapter demonstrates that by the 1930s, families transferred their daughters to unknown households in which they had not established a relationship of trust prior to doing so. Girls who entered such arrangements were vulnerable to abuse because colonial “borrowing” offered the girls none of the safeguards of “entrusting.” Borrowed girls circulated between houses in extra-legal arrangements with no oversight by their parents or the colonial state. Families, households, and the colonial state had limited means to track down missing borrowed girls or prove the veracity of claims of abuse. This chapter argues that the speculation about the abuse and sacrifice of Télé revealed anxieties about how vulnerable borrowed girls were when a child transfer was not based upon relationships of trust between two households. The long search for Télé proved to be a cautionary tale to parents to continue to monitor their daughters after they went to live in another household.

This chapter grounds the history of borrowed girls in a case study of the Télé Affair because of the exceptionally prolonged investigation and remarkably rich information surrounding it. Firstly, it examines the secondhand observations made by Dahomean adults and French administrators about the conditions in which borrowed girls commonly lived. Documents about other borrowed girls’ life circumstances confirmed the typicality of Télé’s life prior to her disappearance. Secondly, it traces the role of human sacrifice rituals in supporting the royal family in the pre-colonial era and places Aho’s alleged actions in this historically accepted repertoire of royal strategies. Thirdly, it analyzes the investigation into the rumors and gossip surrounding Télé’s disappearance and the popular credibility of these explanations.

Due to the lack of physical evidence about what happened to Télé and of eye

witness testimony concerning the alleged human sacrifice, the investigation of Télé's disappearance relied mainly on hearsay. The rumors were so powerful and Télé's fate so significant that between 1936 and 1938 the colonial administration literally recorded hundreds of pages of speculation concerning Télé. The archives of the federation of French West Africa located in Dakar, Senegal and the extensive local newspaper coverage of the events preserved in Aix-en-Provence, France contain hundreds of pages of documents concerning Télé.³ The administration compiled voluminous second-hand information about Télé's young life.

Incredibly, nothing seems to have survived concerning these events in the National Archives of Benin. Normally there is a great deal of overlap and repetition between the archives of the AOF and those of the colony of Dahomey. Many of the documents concerning the case in Dakar were carbon copies, whose originals should have remained in the colonial archive in Porto-Novo. The wealth of documents in Dakar and the dearth of them in Porto-Novo is remarkable. Popular knowledge posits that when the archives moved to a new building in Ouando, on the outskirts of Porto-Novo, in the 1990s, the royal family tasked workers with removing or perhaps destroying documents related to certain events in order to have greater control of their collective image and familial history.⁴ The national archives in Benin contain little information that mentions Aho in an unfavorable light, despite his having been embroiled in a variety of controversies.⁵ If popular opinion is true, members of the royal family have gone to

³ In 1905, France formed the French West African Federation and in 1906 Dakar was named the federation's capital. Most of the documents for the Tele Affair are concentrated in 8G24, 5C6, 3M89 in Dakar. Other miscellaneous materials on Aho are scattered in a variety of places.

⁴ This rumor is plausible, but unconfirmed. This was told to me "off the record."

⁵ The sanitized version the archives in Benin present of Aho does seem to have been censored. After all, Aho was one of the key people investigated in what became the three volume "Affaires d'Abomey"

extraordinary lengths over multiple generations in order to control the historical narrative of the Télé Affair. Documentation calling into question or complicating the royal cum official version has been purposefully expunged from the archives in Benin. Such a systematic destruction reveals that the stakes in controlling the narrative around these events remains high to the present-day.⁶

The Life of Télé Acapovi: An Abused Child in the Lawson Household?

By the 1930s, borrowed girls had become an integral part of African colonial households. Adult women's financial success in the colonial marketplace depended largely on their ability to attract girls from poorer families into their households in relationships of dependence. Jean Bartel, the district commandant of Abomey in 1938, repeatedly expressed the view that Télé's disappearance was nothing unusual. Bartel argued, "The case of Télé Acapovi is frequent. A young girl is entrusted, as a servant, by her family to relatives or to friends. One day she takes flight, goes 'to cling to a man' (sic) who, when she is of age, and if she is not yet reclaimed before [that time], he marries her [without paying the dowry]... It is the case of thousands of girls of

conducted in 1936-1937. He was a controversial figure according to the archives in Senegal and France, yet that is not what the documents in the ANB suggest.

⁶ Gracia Navé served as a research assistant for all interviews conducted in Abomey in full or in part in the Fon language. Ms. Navé facilitated introductions to members of the royal family, translated my questions from French to Fon, and later transcribed these interviews. The assistance of Dr. Euloge Akodjetin also proved crucial as he was the one to introduce me to Ms. Navé and Dr. Michozzounou, the minister of education and a native of Abomey. Dr. Michozzounou patiently answered all of my questions about Abomey and Fon norms. My interviews and discussions with Dr. Michozzounou provided insights on the information from other sources.

Dahomey.”⁷ Girls unhappy with the entrustment arrangements their families had made for them used the only strategy available to them: running away. Throughout the investigation, French officials in Abomey believed Télé was an example of such a runaway girl. French administrators in Abomey dismissed the simultaneous timing of the disappearance and the vodun ceremonies at the end of the dry season as coincidental and unrelated.

Did Télé willingly flee the Lawson household of her own choosing as the administration speculated or, as public rumor suggested, had Aho used her in a ritual sacrifice? Perhaps Télé did run away. At thirteen years of age, she could have successfully done so. During the colonial period, women and girls throughout Africa ran away from unhappy, undesirable, or dangerous situations.⁸ In order for the royal interpretation of Télé as a run-away mistreated servant to be accepted as truth, however, the official investigation needed to answer two questions: Why did she do so? Where did she go? The evidence suggests that French colonial officials at all levels -- from local authorities, to the Governor General in Dakar, and the Minister of Colonies in Paris -- speculated about what happened to Télé. The information upon which these men based their assessments emerged gradually, with new details regularly coming to light about the circumstances of Télé’s life with the Lawsons.

The investigation uncovered that when Mathilde needed help performing the labor-intensive tasks of running an elite household, she turned to familial connections in

⁷ Commandant le cercle d’Abomey Bartel, “N. 7/C Objet: Affaire Tele Acapovi,” February 6, 1938, 8G24 (17), Archives du Sénégal.

⁸ For Mali see, Marie Rodet, “Continuum of Gendered Violence: The Colonial Invention of Female Desertion as a Customary Criminal Offense, French Soudan, 1900-1949,” in *Domestic Violence and the Law in the Colonial and Postcolonial Africa*, New African Histories (Athens: Ohio University Press, 2010), 74–93. For a brief discussion of the literature on “runaway” women see the literature review on the subject in the introduction of Brett Lindsay Shadle, “*Girl Cases*”: *Marriage and Colonialism in Gusiiland, Kenya, 1890-1970* (Portsmouth, NH: Heinemann, 2006), xxvi–xxviii.

the Aného region to find a girl servant. Both she and her husband were originally from Aného.⁹ Lawson explained that his status as an outsider in Abomey had created problems when he tried to recruit laborers from the local population. In the mid- to late-1920s, an unnamed third party found a family willing to entrust a girl in Assoukope, a village in southeastern Togoland at two miles and across the coastal lagoon from Aného. Télé had been born there in the early- to mid-1920s, probably 1923 or 1924. According to William Lawson, she did not remain long in her father's household. Lawson neglected to state the exact time when Télé's family entrusted her to his household. He also did not explain their motives for doing so.¹⁰ Lawson stated that Télé had lived with him and his wife in Abomey since her earliest childhood.¹¹ Families typically entrusted their daughters to women in other households only after the girls reached approximately six to eight years of age. Depending on family circumstances, girls left home as young as three years old.¹²

While her exact age at the time of entrusting was unknown, Télé was likely in the younger age range. Transferring a girl younger than six to another household normally indicated that the girl's mother was unable to continue to care for her often due to death or divorce. In Télé's case, it is likely that her parents' divorce led to her entering the Lawson household during her "earliest" childhood. Entrustment was certainly not a phenomenon limited to when parents divorced, but when a mother left a household due to divorce, a father was left with little choice but to entrust his female children to a female kin or other woman. Upon divorce, a man whose daughter was old enough to leave her

⁹ William Lawson moved from Aného to Abomey in 1923. It is unclear when Mathilde joined him.

¹⁰ Entrusting was more than simply economic. Shipton, *The Nature of Entrustment*, 10–11.

¹¹ No one gave a precise date as to when she was entrusted to the Lawson household. William Lawson, "Monsieur le Procureur de la République," *Plainte*, (November 10, 1936), 5C6, Archives du Sénégal.

¹² For more details on the practice of entrustment in Dahomey see chapter 2. Discussions of entrustment practices in contemporary Africa see Shipton, *The Nature of Entrustment*. Cati Coe, *The Scattered Family: Parenting, African Migrants, and Global Inequality* (Chicago: University of Chicago Press, 2013), 55–60.

mother (around the age of three to five years old) but not yet old enough for marriage (approximately fourteen years old) searched for a woman into whose care he could entrust his daughter. The rearing of girls was the domain of women, and entrusted girls therefore circulated into households where they could be placed under the tutelage of women, not their husbands, fathers, or brothers.¹³ After the divorce, Télé's mother left her marital home in Assoukope and went to live in the Gold Coast. Télé remained with her father. Upon the departure of Télé's mother, her father searched for a woman to raise his young daughter. He gave her to an intermediary who then transferred the girl to the Lawsons.

Télé had lived with the Lawsons in Abomey for seven to ten years prior to her disappearance.¹⁴ Her typical day in the Lawson household would have consisted of rising early when the rooster crowed, about five in the morning. Her day started with fetching water and bathing. Then she might do chores, such as sweeping or laundry. Eventually, she would grind beans or yams to make the base of *boulettes*, fried dough balls, which Dahomeans commonly purchased to eat as a snack at mid-day or a light-meal when away from home. Next, she added chopped onions, spices and a little butter or an egg to each of the mixtures to create doughs that she then rolled into bite sized balls. After shaping the balls, she fried them. Perhaps before rolling and frying them, she prepared a spicy pepper sauce into which the *boulettes* could be dipped. If she developed a reputation for a tasty sauce, customers would be enticed to buy from her repeatedly. Once cooked, the balls would be stacked in a pyramid on a platter wider than her shoulders. After Télé had

¹³ While Alber is concerned with the Northern Beninese Batoumba, it holds true for the South that circulation was divided largely between gendered networks.

¹⁴ This range is attested to in both ethnographic literature and court records as typical. I have come across records where children state they were entrusted as young as three or four years of age with six or seven being more common as this was when girls involvement in housekeeping and market tasks increased.

prepared the food, she then left the house with the platter balanced on her head and sold the food in the street as an itinerant hawker. She returned to the Lawson household each day only after all of the *boulettes* were gone. After she returned, however, her day was not yet done. She still often prepared and served the family dinner. Some days she would then have to find time in the evening to launder the household's clothes. Finally, she washed the dishes before sleeping for a few hours and doing it all again. William Lawson described Télé as devoted and faithful in her duties over the years.¹⁵ On a daily basis, Télé worked long hours doing the work that more senior women in the household did not want to do.

On April 11, 1936, Télé wandered the streets of Abomey selling *boulettes*. Nothing seemed amiss throughout the day as she performed her daily routine of hawking food. Multiple Abomeyans recalled seeing Télé prior to her disappearance later in the evening. Victorin Feliho, for example, an *évolué* merchant and friend of William Lawson, observed Télé hawking in front of his house around 11:00 a.m. Nakloko, an Abomeyan woman, also recalled seeing her in the afternoon around 4:00 or 4:30 p.m. near the hospital.¹⁶ Ayoko, the last person who saw Télé that day, walked with her at dusk from the city center towards the Lawson household. Ayoko reached her house first and left Télé in the road, a little more than one and a half miles distant from the Lawsons' home.¹⁷ Ayoko claimed that when the two parted Télé followed a man carrying a lantern

¹⁵ Emilien Darand, "Procès-verbal d'audition de témoins: William Mensah Lawson," November 17, 1936, 8G24 (17), Archives du Sénégal.

¹⁶ Colombani, Amaro, and William Lawson, "Déclaration de Lawson Willem [sic] Mensah, né à Anécho, fils de Mensah Agbahoun et Dedeви Goudoobé," April 10, 1937, 5C6, Archives du Sénégal. Feliho was a known adversary of Justin Aho. He also played a role in encouraging Lawson to report the disappearance.

¹⁷ Ayoko stated that Télé had one kilometer to go from Ayoko's house to the Lawsons. See the second inquiry, Le Procureur de la République Roux, "Réquisitoire N. 29 (1937): Rapt de la jeune TELE," April 21, 1937, 5C6, Archives du Sénégal.

in the road. Télé disappeared between seven and eight o'clock that night.¹⁸ What happened after she left Ayoko has remained debated since April 1936.

Early in the investigation, the district attorney refused to open a judicial inquiry because the testimony of the Lawsons, Feliho, Nakloko, and Ayoko did not convince him that any crime had been committed. He believed that Télé had left the Lawson household of her own accord in order to rejoin one of her parents.¹⁹ The investigators Sardier and Colombani of the Political Affairs Bureau, however, soon each separately dismissed this theory because by December 1936, the colonial administration had located Télé's parents, both of whom subsequently actively participated in the search for their daughter in Togoland. Télé's mother traveled from the Gold Coast to Assoukope, French Togoland twice to look for her daughter in the village where the girl was born. The parents' involvement and concern forced administrators to dismiss the theory that she had rejoined either of them.²⁰

The fact that Télé had not kept in touch with her family over the years cast further doubt on the district attorney's hypothesis. Lieutenant Governor Henri Martinet observed, "The judicial inquiry actually in course brought out that the true [biological] parents of Télé did not know where their daughter was, she [Tele] had not directly been entrusted to Lawson by them. They were astonished to learn that their child was in Abomey with persons unknown to them."²¹ Under these circumstances, Télé could not have predicted if her parents would have supported her running away from the Lawson household. Due to

¹⁸ See the first inquiry, *Ibid*.

¹⁹ Unfortunately the signature is illegible and the sender did not include his title in the address as is typical see "N. 1158 A.P.A. a/s Disparition fillette TELE," to Monsieur l'administrateur Commandant le Cercle d'Abomey, (December 1, 1936), 8G24 (17), Archives du Sénégal.

²⁰ L'Administrateur en Chef Commandant le Cercle Mahoux, "N. 1539 T.L.O. Confidentiel," December 9, 1936, 8G24 (17), Archives du Sénégal.

²¹ Henri-Étienne Martinet, "N. 1035 A.P.A. Objet : Transmission du Rapport d'enquête de M. l'Inspecteur COLOMBANI," July 29, 1937, 8G24 (17), Archives du Sénégal.

her extreme youth at the time of her entrustment and long period that had elapsed since she last spoke to her parents, returning to her father's home would have been a risky option for her. West African girls, such as Télé, pragmatically realized that if they ran away from their mistresses to their natal homes, their parents had few options other than to return them to the households from which they had fled or to place them with another woman where their conditions might be worse. Families who could not repay debts had little choice but to force girls to honor their commitments. Despite any mistreatment the girls themselves endured.²² After ruling out that Télé had returned to either of her parents, French administrators continued to insist that she had run away. They ignored other possibilities.

The investigators' scrutiny shifted away from their focus on Télé's parents to the Lawsons as they speculated about Télé's other possible motives for running away. French authorities' suspicions of the Lawsons increased as more information led them to believe that the Lawsons had misled authorities. Throughout the investigation, Mathilde and William Lawson variously claimed Télé as their niece, cousin, or some distant relative entrusted to Mathilde. Mathilde claimed Télé as her "*petite niece*" or little niece, a phrase, which in the present day still signifies household subservience rather than a biological relationship.²³ French authorities questioned the relationship. The commandant

²² Girls understood that their families would not support their breach of the contract between households. I have no evidence of entrusted girls returning home after running away. Girls tired of their helplessness in their parents' choices of placements supposedly ran away to Togoland in the 1920s and 1930s. Once in Togoland, girls negotiated independently and made arrangements of their own with households or male partners of their choosing. Henri-Étienne Martinet, "N. 640 APA: Exode de filles d'Abomey vers le Togo," May 20, 1938, 14G30 (144), Archives du Sénégal.

²³ Female slavery and subsequently servitude was often concealed in court records with kinship terms. Kinship terms implied hierarchical relationships without necessarily denoting a biological one. Sometimes "sister" was used as in a case cited by Kristin Mann, see Kristin Mann, *Slavery and the Birth of an African City: Lagos, 1760-1900* (Bloomington: Indiana University Press, 2007), 287. Commonly "wife" could also conceal a woman's slave status in post-abolition societies, see Emily Burrill, "'Wives of Circumstance':

interviewed Mathilde Lawson in June 1937, and she clarified that Télé was her little cousin, rather than her niece.²⁴ Télé's father undermined these claims. He stated that he did not know the Lawsons. On July 29, 1937, the Lieutenant Governor of Dahomey definitively stated that Télé was in no way related to Lawson.

The issue of Télé's relationship to the Lawsons was significant for the French investigators' treatment of the case. In light of her lack of blood connection to the Lawson family, the colonial administration found it easy to believe that her mistress had mistreated her. Their logic continued that Tele therefore had no feelings of loyalty to Mathilde Lawson or affection for her; the woman was just the girl's mistress.²⁵ Ayoko was the last person to see Télé on that fateful day. She gave her statement on November 12, 1937. Her statement at this time supported that the Lawsons' severely punished Télé for slight infractions. Ayoko claimed that Télé admitted to her that she feared returning to the Lawsons' house because she had lost a sum of 0,40 francs. Télé anticipated Mathilde beating her when she returned home with less than her stipulated revenue for the day.²⁶ From the French point of view that Télé would run away from such a situation was both highly likely and justifiable.

Administrators spent years searching for Tele, and they continually revised their theories about her whereabouts. Even so, they steadfastly supported Justin Aho and his

Gender and Slave Emancipation in Late Nineteenth-Century Senegal," *Slavery and Abolition* 29, no. 1 (March 2008): 49–63. In contemporary Côte d'Ivoire, "petite niece" is still commonly used to refer to household servant girls, see Melanie Y. Jacquemin, "'Petites nieces' et petites bonnes: le travail des fillettes en milieu urbain de Cote-d'Ivoire," *Journal des africanistes* 70, no. 1–2 (2001): 105–22. Mathias Deshusses, "Du confiage à l'esclavage 'Petites bonnes' ivoiriennes en France (The 'Misfortunes' of Fosterage in France: The Case of 'Little Maids' from the Ivory Coast)," *Cahiers d'Études Africaines* 45, no. 179/180 (January 1, 2005): 731–50.

²⁴ Jean Bartel, "N. 66 C. Objet: A.S. disparition jeune TELE," June 3, 1937, 8G24 (17), Archives du Sénégal.

²⁵ The administration believed that households should be composed of nuclear families or at the very least individuals connected through sanguinal or affinal ties. European child protection measures increasingly favored the nuclear family as the surest people who would protect children from exploitation.

²⁶ Roux, "Réquisitoire N. 29 (1937)...TELE."

assertion that human sacrifice had not occurred. Their suspicions, for the first year, focused instead on Télé's parents and the Lawsons. The scandal surrounding Télé's disappearance grew ever larger in the absence of both physical proof supporting the popular version and the girl herself, whose discovery would have confirmed the royal one. Abomeyans' insisted that a human sacrifice had occurred. After a year of dismissing this possibility, authorities finally looked more closely at the place of ritual sacrifice in the cult-houses devoted to royal *vodu*.

'Sharing with the Ancestors': Human Sacrifice as a Royal Household Strategy

Abomeyans believed that in the 1930s exceptional royal individuals covertly continued to practice human sacrifice as part of deeply entrenched ritual cycles of *vodun*. The timing of Télé's disappearance on April 11, 1936 coincided with the end of the dry season, an important moment in the ritual calendar of Abomey royal cult since the early-eighteenth century.²⁷ Historically, the infamous Customs, or an extended ceremonial cycle with large-scale human sacrifice as a central element, had taken place at the end of the dry season in mid-April.²⁸ Throughout the eighteenth and nineteenth centuries, Europeans who traveled in the region regularly commented on Customs due to the ostentatious, spectacular, large-scale human sacrifices that took place as part of a larger extended ritual cycle.

The *vodun* worldview attributed misfortune in the material world, such as the decline of the royal family's prestige and power from the 1890s to the 1930s, to failure to

²⁷ William Snelgrave, *A New Account of Some Parts of Guinea and the Slave-Trade*, vol. 1 (London: Printed for James, John, and Paul Knapton, 1734), 66. Snelgrave's account was based on his travels in West Africa in March – July 1727. He gives a detailed account of human sacrifices in the pre-colonial kingdom, see *Ibid.*, 1:37–55.

²⁸ For a discussion of the Europeans who visited the kingdom of Dahomey and wrote accounts of Customs, see Edna G. Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey* (Charlottesville: University of Virginia Press, 1998), 29–31 & 63–71.

perform ritual obligations required to appease ancestral spirits in the other realm.²⁹

Abomeyans alleged that Aho had sacrificed Télé in order firstly, to augment his personal authority among other competing members of the royal family; secondly, to silence opinion that he was a usurper; and thirdly, to rebuild the institutional strength of the royal family itself through supernatural means.

West African pre-colonial kingdoms, including Dahomey, practiced ritual human sacrifice as part of a larger cosmology where intimate links existed between this world and that of the dead ancestors – links that made the two spheres co-dependent upon one another.³⁰ A fundamental element of *vodun* is the belief that a link exists between the visible world of the living and the invisible world of the spirits. In order to ensure prosperity in the visible, living world, *vodun* adherents must communicate with the invisible spirit world through rituals whereby blood sacrifices of animals and, in the case of royal spirits, humans “watered” the graves of the ancestors.³¹ The Dahomean king’s prerogative to share human blood with his ancestors via ritual sacrifice was one manifestation of his authority.³² For the pre-colonial kingdom of Dahomey human sacrifice, in the words of Robin Law, “was not a remediable excess, but a central and indispensable part of its ideological superstructure.”³³

Ritual sacrifice became a pivotal political issue in the pre-colonial kingdom during the eighteenth and nineteenth centuries. King Agaja, who reigned from 1708 to

²⁹ Ibid., 22–23.

³⁰ Dr. Romuald Michozounou, interview. Gabin Djimasse, interview. Nondichao Bachalou, interview.

³¹ Ibid. Edna Bay’s explanation corresponds to that of my informants in Benin. See Humans were the most “valued” animals and only royals had the ability or need for such valuable sacrifices.

³² Romuald Michozounou interview, Melville J Herskovits, *Dahomey: An Ancient West African Kingdom*, vol. 2 (New York City: JJ Augustin, 1938), 55–57. and Robin Law, “‘My Head Belongs to the King’: On the Political and Ritual Significance of Decapitation in Pre-Colonial Dahomey,” *The Journal of African History* 30, no. 3 (January 1, 1989): 399–415.

³³ Robin Law, “Human Sacrifice in Pre-Colonial West Africa,” *African Affairs* 84, no. 334 (January 1985): 86.

1741, introduced the annual Customs as an element of both ritual observance and political statecraft. Agaja invented Customs in order to shore up his authority and legitimate his usurpation of the throne. Similarly in 1818, when Guézo deposed his brother King Adandozan, the new king elaborated on the traditions involved in Customs in order to prove the legitimacy of his authority. Abomeyans supported Adandozan's overthrow because while king he had failed to “water the graves” of ancestors with sufficient human blood. Even so, Guezo felt it necessary to combat the idea that he was an illegitimate monarch because of the circumstances surrounding his ascension to the throne; he felt compelled to perform Customs in an ostentatious manner.³⁴

Since the conquest era in the 1890s, France had justified its colonial rule of Dahomey through its claims of eliminating “barbaric” practices, such as the slave trade, internecine warfare, monarchical despotism, and human sacrifice.³⁵ Human sacrifice could not easily be tossed aside, because it was at the core of the *vodun* worldview and part of a wider West African ritual tradition. For centuries, the Abomeyan royal lineage had relied on its adherence to *vodun* ceremonial rituals to legitimate its authority. The establishment of French colonial rule stripped the monarchy of this source of its legitimacy. Royal tradition credits King Agoli-Agbo, the French backed twelfth king of Dahomey, with forbidding human sacrifice in Dahomey.³⁶ Agoli-Agbo’s abandonment of ritual practices bordered on sacrilege and undermined his already questionable

³⁴ Eleanor Aho Agoli-Agbo, February 19, 2014. Law, “Human Sacrifice,” 75.

³⁵ Veronique Champion-Vincent, “L’image du Dahomey dans la presse française (1890-1895): Les sacrifices humains,” *Cahiers d’études africaines* 7, no. cahier 25 (1967): 27–58. William Schneider, *An Empire for the Masses: The French Popular Image of Africa, 1870-1900* (Westport, CT: Greenwood, 1982).

³⁶ This image of him was presented to me by a member of the royal family. The prohibition of human sacrifice was just one of Agoli-Agbo’s spiritual-political reforms, which modernized the royal *vodun* cult.

legitimacy.³⁷ During the first decades of the twentieth century, the colonial government attempted to dismantle the authority of the royal family.³⁸ The French deposed and exiled Agoli-Agbo in 1900. The political decline of the royal family, significant social upheaval, and widespread economic hardship in the wake of colonization coincided with the abandonment of the important practice of human sacrifice. Abomeyans had linked political power and military success to royals' ritual adherence for centuries prior to the colonial era. They attributed the decline of the royal family during the first decades of colonial rule to the royal family's ritual failures.

Abomeyans referred to the era following the exile of Agoli-Agbo as “the time of the eight white kings.” Each of the eight colonial canton chiefs of the district of Abomey fashioned himself as a claimant to the throne of Abomey.³⁹ Popular opinion regarded each of the canton chiefs as a “little king,” which resulted in an atmosphere of great competition among them as each strove to prove his superiority to the others.⁴⁰ Among these eight was Dagbo Aho, the son of the King Glélé and the father of Justin Aho.

³⁷ Richard Rathbone, *Murder and Politics in Colonial Ghana* (New Haven: Yale University Press, 1993). David Pratten, *The Man-Leopard Murders: History and Society in Colonial Nigeria* (Bloomington: Indiana University Press, 2007). Chapter? Benjamin Lawrance, *Locality, Mobility, and “Nation”: Periurban Colonialism in Togo's Eweland 1900-1960* (Rochester, NY: Rochester University Press, 2007). Kwabena O. Akurang-Parry, “The Rumor of the Human Sacrifice of Two Hundred Girls by Asantehene [King] Mensa Bonsu in 1881-1882 and Its Consequent Colonial Policy Implications and African Responses,” in *The Changing Worlds of Atlantic Africa: Essays in Honor of Robin Law*, ed. Toyin Falola and Matt D. Childs (Durham: Carolina Academic Press, 2009), 97–122. Akurang-Parry cites the Williams-Wilks debate in Asante historiography on the subject.

³⁸ Gun is also sometimes spelled as Goun. For an outline of the incorporation of chiefs into the colonial power hierarchy and the decline of Abomey within this structure, see Katherine Payne Moseley, “Indigenous and External Factors in Colonial Politics: Southern Dahomey to 1939” (unpublished PhD Thesis, Columbia University, 1975), 210–25. For a discussion of the larger phenomenon of the period whereby France tried to eliminate the “feudal vestiges” of aristocratic rule in West Africa and the hostility of the administration towards the chiefs prior to World War I, see Alice Conklin L., “Colonialism and Human Rights, A Contradiction in Terms? The Case of France and West Africa, 1895-1914,” *The American Historical Review* 103, no. 2 (April 1998): 425–28.

³⁹ Eight canton chiefs in the district of Abomey, but eventually this struggle would expand beyond the region and these eight as members of the Abomeyan lineage took over chiefly offices in the Athiéme region in the 1930s.

⁴⁰ Romauld Michozounnou, February 21, 2014. Dah Fiossi Behanzin, interview.

Previously, Dagbo Aho had aligned himself politically with the French, and he had accepted a position as a minister during the short reign of Agoli-Agbo.⁴¹ Dagbo Aho, though, survived the political upheaval that followed the exile of Agoli-Agbo, and he garnered further favor with the French, who nominated him as the canton chief of Oumbegame, a region within the district of Abomey. When Dagbo Aho died in 1929, Lieutenant Governor Dieudonné Reste nominated his son Justin Aho as his successor.

French administrators viewed Justin Aho's nomination as part of a changing of the guard in local politics, from rule through selected members of the pre-colonial elite to the first generation of educated, colonized subjects. Jules Brévié, the Governor General of French West Africa, believed that the 1930s were a promising moment for reform because of the deaths of many of the old guard, holdovers from the pre-colonial era. For Brévié, the younger chiefs' assumption of authority marked an important step in the direction of modernizing chiefly offices.⁴² Justin Aho's rise to power represented a movement of vertical, rather than lateral, succession.⁴³ Unlike his father, Justin Aho had never been a member of the royal entourage of a pre-colonial king. Nor was he the brother of a pre-colonial king raised in the environment of pre-colonial royal politics.⁴⁴ The administration handpicked Aho despite the fact that local-level administrators

⁴¹ Glélé was the tenth king of the pre-colonial kingdom of Dahomey. He ruled the kingdom from 1858 to 1889.

⁴² Gouvernement général de l'Afrique occidentale française, *Circulaires de M. le Gouverneur général Jules Brévié sur la politique et l'administration indigènes en Afrique occidentale française / Gouvernement général de l'Afrique occidentale française* (Gorée: Imprimerie du gouvernement général, 1935), 41–42, <http://gallica.bnf.fr/ark:/12148/bpt6k57839124>.

⁴³ Aho's dossier states he was born in 1897. J. Bartel, "Fiche des renseignements concernant un chef ou notable indigène: Justin AHO GLELE," October 10, 1938, 8G29 (23), Archives du Sénégal.

⁴⁴ Justin Aho was only three years old when the French administration deposed and exiled Agoli Agbo in 1900.

warned that he would be an unpopular choice among the population of Abomey.⁴⁵

Shortly after his appointment as chief, Aho became the face of enlightened chieftaincy at the 1930 colonial exhibition in France. From this point onward, the French administration steadfastly supported Aho.

In doing so, the colonial government underestimated how essential *vodun* ritual remained to the political legitimacy of chiefs in Abomey. The failure to understand this connection between ritual observance and political authority resulted in profound miscalculations about how these younger chiefs would establish their legitimacy in the eyes of the populace. Colonial officials never considered that West African chiefs such as Justin Aho would rely on human sacrifice to bolster their authority. Upon his nomination, Justin Aho faced a crisis of legitimacy. The official recognition and support of colonial authorities did not supplant older conceptions of legitimacy in the eyes of his subjects. For many Dahomeans, human sacrifice symbolized the continued independence of Abomey from European domination.⁴⁶ Human sacrifice, or at least the credibility of the rumor, served both the personal political agenda of Justin Aho and, if actually performed, fulfilled ritual purposes of the cult of the ancestors. The “truth” or actual outcome is in some ways less important than the controversies that arose out of the plausible possibilities. Human sacrifice was one of the most controversial, concealed, and unconfirmed elements of the colonial ritual repertoire. Most Abomeyans reject the royal/official version and to this day insist Aho successfully executed a proven, pre-colonial

⁴⁵ Aho was not the only choice considered. His police dossier lists that he had ten brothers. Seemingly though the administration only seriously debated Justin and his brother Rene. Also, others outside the Aho branch wrote letters of application. Justin Aho’s dossier is in Bartel, “Fiche de Justin AHO.” Others not from the Aho branch of the family also applied for the position. Their letters of application are contained in ANB 2E1.

⁴⁶ Luc Messanvi Garcia, “Archives et tradition orale: A propos d’une enquête sur la politique du royaume de Danhomé à la fin du 19e siècle,” *Cahiers d’études africaines*, Histoire Africaine: Constatations, Contestations, 16, no. 61/62 (1976): 198.

strategy to procure supernatural support and aid.

The Search for Télé: Investigating Rumors

The disappearance of a young street hawker would have been an unremarkable occurrence except for the popular rumors regarding this particular instance. Initially, the colonial administration in Abomey handled the case like any other disappearance. The district commandant sent an inquiry to the canton chiefs for information, but none was forthcoming about Télé's whereabouts. Once these regional inquiries proved fruitless, colonial authorities searched Aho's compound.⁴⁷ They discovered no evidence of human sacrifice, only the carcass of a cow.⁴⁸ Justin Aho assured the administration that hateful and jealous adversaries had started the rumor of the human sacrifice to further support their claims of corruption and abuse of power against him.⁴⁹ French authorities imperviously declared that no sacrifice had taken place, yet they acknowledged that the rumor alone augmented Aho's prestige and authority in the region.⁵⁰ Aho's ever increasing power and wealth during the 1930s proved to Abomeyans that he had in fact appeased the ancestors in some way.

By late 1936, the French administration's hypothesis that Télé had simply run away was no longer convincing. French officials could no longer ignore the rumors that Télé had been ritually sacrificed as outlandish because of events in the neighboring French mandate of Togoland. Prior to Télé's disappearance, a twelve-year-old girl

⁴⁷ It is unclear as to the exact date this occurred or how extensive it was. Abomeyans mentioned this search when they recalled the Télé affair, but I found no documentation of who conducted the search or when. Aho was repeatedly interrogated and asked for testimony. Nondichao Bachalou, interview.

⁴⁸ Agoli-Agbo, interview.

⁴⁹ Justin Aho, "Le Chef de Canton d'Oumbégamé, Chevalier de la Légion d'Honneur, à M. l'Inspecteur des Affaires Administratives en mission au Dahomey," July 22, 1936, 8G24 (17), Archives du Sénégal.

⁵⁰ Martinet, "N. 1035 A.P.A. Objet : COLOMBANI."

vanished in French Togoland during the summer of 1935. Aglao, the accused mastermind of the sacrifice ritual, was the head priest of a *vodun* cult-house, not a chief chosen as an intermediary to represent and implement French colonial power to the population. A *vodun* priest's reliance on human sacrifice would have been reprehensible and horrific to colonial authorities, but it did not threaten the core principles of indirect rule. France had only belatedly assumed the mantle of colonial power in Togoland and could not be held responsible for Germany's failed tutelage of Aglao. A conviction of Aho, however, for the same "barbaric" ritual would have undermined the very premises of France's civilizing mission. Aho represented the archetype of the newly favored chiefs of the era of indirect colonial rule. He belonged to a pre-colonial royal lineage, had attained a European style education, spoke fluent French, and served in the military.

The French imperial tribunal in the mandate of Togoland tried Aglao along with fourteen adherents of his *vodun* cult-house as co-defendants, each charged with various levels of involvement in a chain of ritual crimes.⁵¹ In total, the tribunal investigated the mysterious deaths of twelve women, all of whom had died shortly after they entered the *vodun* cult-house, as well as the disappearances of two girls. During a search of the cult-house complex, French authorities discovered five complete human skeletons, a skeleton missing a head, and various other human bones.⁵² This forensic evidence of human remains strengthened the accusations against Aglao and the other men. On July 24, 1936,

⁵¹ The legal system in the mandate of Togo was different than that in operation in the colonies of the AOF. The criminal tribunal was composed of the district commandant, one European assessor, one indigenous assessor. For more detail on the legal system in Togo during the 1930s see the decree of 21 April 1933.

⁵² Tribunal Criminel d'Anécho, "Jugement n. 4: Affaire AGLAO et Consorts – Meurtres, enlèvement et séquestration de personnes, complot tendant à troubler la paix [sic] intérieure du Territoire complicité," October 18, 1935, Microfiche 3799 Togo, Paris Evangelical Missionary Society. Benjamin Lawrance augments this trial transcript with oral interviews in his analysis of the Affaire Aglao see "Chapter 4 Vodou and Resistance: Politico-Religious Crises in the Periurban Landscape" Lawrance, *Locality, Mobility, and "Nation": Periurban Colonialism in Togo's Eweland 1900-1960*, 90–120.

the criminal tribunal of Aného convicted Aglao and his codefendants.⁵³ After exhausting all appeals, in October 1936 the French imperial administration in the mandate of Togoland executed Aglao, Gouna, and Lanta for performing human sacrifices.⁵⁴ The convictions of these fifteen men and the execution of three of them proved that authorities could no longer dismiss human sacrifice as exclusively a pre-colonial practice. The confirmation of ritual sacrifice occurring in a French mandated territory one hundred miles to the southwest of Abomey lent credence to the allegations against Aho.

Finally, in November 1936, the month following the execution of Aglao and his two co-defendants and more than six months after Télé's disappearance, the French colonial government in Dahomey took formal, concerted action in the Télé Affair. It investigated Télé's disappearance as part of a larger inquiry concerning indigenous and French corruption in the circle of Abomey. In conjunction with the administrative inquiry into corruption, authorities opened a belated official judicial inquiry into Télé's disappearance.⁵⁵ At this point though, the charge to be investigated was kidnapping committed by an unknown perpetrator. Neither Justin Aho's name, nor the charge of murder, appeared in the initial legal dossier despite both being brandished in rumors and newspapers. The serious accusations circulating did prompt the administration, however, to relieve Aho of his responsibilities as a native assessor in colonial tribunals. The administration also expanded its search for Télé beyond Dahomey and French Togoland by contacting authorities in British Togoland and Nigeria.⁵⁶

⁵³ Tribunal Criminel d'Aného, "Jugement n. 4: Affaire AGLAO."

⁵⁴ In total four defendants were sentenced to death, three to life in prison, and seven to ten years of prison each. One of the four to receive the death penalty was sentenced in absentia. Ibid.

⁵⁵ Darand, "PV Lawson."

⁵⁶ French authorities also contacted authorities in the Gold Coast and Nigeria. Henri-Étienne Martinet, "N. 848 A.P.A. Objet: Affaire disparition de la jeune Télé," June 25, 1937, 8G24 (17), Archives du Sénégal. Martinet, "N. 1035 A.P.A. Objet: COLOMBANI."

The judicial inquiry, in which Aho was the primary suspect, began in earnest with his formal deposition on April 10, 1937, one day prior to the one-year anniversary of Télé's disappearance. The urgency of solving the mystery of Télé's departure increased once again when, on April 13, 1937, a four-year-old girl named Sena disappeared from a field near Parahoué, in the Athiémé district of Dahomey. Jérôme Badou allegedly followed Aho's example and sacrificed Sena. Sena's and Télé's disappearances gained notoriety because both of the accused perpetrators belonged to the royal lineage of Abomey and both had parlayed this connection into attaining chiefly offices within the colonial bureaucracy. Princely members of the Abomeyan royal lineage dominated the colonial chieftaincy in the districts of both Abomey and Athiémé, the regions where the disappearances occurred. On April 15, 1937, the colonial judicial authorities recalled Aho along with other ritual experts.⁵⁷ A flurry of depositions occurred in April 1937 in regard to the Télé case. Despite never being indicted on charges, Aho remained the prime suspect in Télé's disappearance. The French administration's hypothesis that Télé had simply run away was no longer convincing in light of the disappearances of girls under similar circumstances in Togoland and Athiémé, Dahomey. The administration belatedly spent copious amounts of time and energy in an effort to discover the fate of Télé once it became clear that this might not be an isolated event. It desperately wanted to substantiate its claim that "the macabre ceremonies [suggested by rumors] are from another age."⁵⁸

While the disappearances of the two girls resembled one another in many ways, the administration more rigorously investigated Aho than Badou. Colonial authorities,

⁵⁷ See the deuxième enquête cote 26-42 in Roux, "Réquisitoire N. 29 (1937)...TELE."

⁵⁸ "T.L.O. N. 0079 Réponse à 1134 du 26 Novembre," December 3, 1936, 8G24 (17), Archives du Sénégal.

both French and indigenous, focused their energies disproportionately for over two years on explaining Télé's disappearance. The ages of the girls proved critical in the different handling of the cases. Sena's extreme youth allowed no plausible alternative scenarios to either criminal activity or tragedy. Local rumor maintained that the fact that Aho had gone unpunished for Télé's murder had emboldened Badou to follow Aho's example. Badou, like Aho, was a member of the royal line of Abomey.⁵⁹ Dahomeans asserted that through executing a ritual sacrifice, Badou hoped to increase his prestige as Aho had done. Sena's disappearance prompted the commandant of Abomey to transfer all of the materials he had gathered on Télé to the district attorney, who finally filed an indictment against an anonymous defendant on the April 16, 1937.⁶⁰ Télé's file grew rapidly and contained over one hundred documents by December 1937. Yet investigators had found no proof in a judicial sense sufficient to indict Aho or anyone else.⁶¹

Pressure on the Lieutenant Governor of Dahomey and the commandant of the district of Abomey to resolve the case amplified in October 1937 when *Notre voix*, a leftist newspaper published in the French colony of Côte d'Ivoire and sponsored by the *Section Française de l'Internationale Ouvrière* (S.F.I.O.), unexpectedly became

⁵⁹ Chef de subdivision, "Fiche des renseignements concernant un chef ou notable indigène: BADOU Jérôme," August 25, 1938, 8G29 (23), Archives du Sénégal. The colonial administration struggled to understand how Abomeyans could be foreigners in areas formerly under the precolonial kingdom of Dahomey's control. They did not see this as an important distinction. In the region of Athiémé, this practice of giving chiefly office to Abomeyans was vehemently denounced as "foreign" rule. See chapter 4 of this dissertation, "The Dreyfus Affair of Dahomey," for more information on "foreign" chiefs in Athiémé. His status as a lesser member was evident in that he had not been able to secure a chiefly office within the district of Abomey, his ancestral lands. The Adja chiefs and the population under his authority in Lonkly believed that Badou performed human sacrifice in order to silence their opinions that he was a foreign overlord and an illegitimate usurper. Badou though traced his descent from Ghezo, the ninth king of Abomey. The prestige of princes declined as their ancestor receded in the king's line. Badou was greater removed and therefore a less powerful member of the royal lineage than Aho. Herskovits,

⁶⁰ Roux, "Réquisitoire N. 29 (1937)...TELE."

⁶¹ Jean Bartel, "N. 192/C. Objet: a/s Disparition TELE ACAPOVI," December 18, 1937, 8G24 (17), Archives du Sénégal.

interested in the matter. On November 29, 1937, Marcel de Coppet, the Governor General of French West Africa, sent copies of the article from *Notre voix* entitled, “In Dahomey – the resumption of human sacrifice?” to both the Minister of Colonies Marius Moutet and the Lieutenant Governor of Dahomey Henri Martinet. The article speculated that two chiefs had abducted the two missing girls and then sacrificed both. The question mark at the end of the article’s title alluded to the unverified nature of the rumors concerning the missing girls.⁶² The scandalous accusations of human sacrifice occurring in a French imperial possession grabbed the attention of the highest levels of colonial officials in France and throughout West Africa. The article circulated from Côte d’Ivoire to Senegal and then on to France and Dahomey.⁶³ The paper’s connection to an international socialist organization heightened the stakes for the colonial government to disprove the allegations that France’s civilizing mission had failed to eradicate this barbaric practice.⁶⁴ The article sounded an international alarm, which threatened France’s identity as a civilizing imperial power.⁶⁵

Thus far officials in Dahomey had provided only unproven, hypothetical explanations of the girls’ disappearances, which after this article’s publication no longer

⁶² Other missing girls were rumored to have been the victims of sacrifice, but very little effort was put into investigating these and the rumors did not become widespread or reported in media coverage. Newspapers did discuss other instances of ritual violence and crime. In 1925, the 2nd degree tribunal in Djougou convicted nine men for sacrificing a five-year-old boy in a ritual ceremony. The proceedings showed three men were acquitted of the charges. Djougou was in northwestern Dahomey. Unlike the cases for southern Dahomey in the 1930s, all I found on this case was the *état des jugements*’s two paragraph synopsis and the sentences awarded. Tribunal du 2e degré de Djougou, “État des jugements rendus en matière répressive jugement n. 1: [name illegible] et al.,” February 31, 1925, 1M166, Archives Nationales du Bénin.

⁶³ In 1905, France created the French West African Federation, a bureaucratic structure which centrally administered all of France’s West African colonial possessions from Dakar, Senegal. The Federation included both Côte d’Ivoire and Dahomey, the modern day Republic of Benin. *Notre Voix*’s coverage of events in Dahomey was uncommon, but not unprecedented.

⁶⁴ Colonial officials and indigenous intermediaries repeatedly described human sacrifice as “barbaric” and an outmoded practice that had ceased with Agoli Agbo.

⁶⁵ For a discussion of the paradoxes of France’s identity as a “civilizing” imperial power, see Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 2001). Conklin, “Colonialism and Human Rights.”

satisfied De Coppet. In late 1937, Lieutenant Governor Martinet pressured local level French administrators, who in turn compelled indigenous chiefs in the colony, to find the girls and thus solve the mystery definitively. The colonial authorities' belated concern proved problematic because the cases had gone "cold" with six and eighteen months elapsing since each girl's respective disappearance and the publication of the article in *Notre voix*. The anonymous author of the *Notre voix* article alleged that human sacrifice had resumed in Dahomey and linked Sena's disappearance to that of Télé. He ominously referred to ritual sacrifice as a spreading contagion. He criticized the authorities for accepting the royal family's version of a straightforward disappearance. The journalist blamed the administration's lack of quick and decisive action against Aho for encouraging ritual murder elsewhere.⁶⁶ The emulation of the alleged sacrifice by another chief alarmed Governor General de Coppet. De Coppet demanded that Lieutenant Governor Martinet act.⁶⁷ The Governor General in Dakar assured the minister of the colonies in Paris that he had ordered officials in Dahomey to deepen the investigation.⁶⁸ Bartel desperately wanted to put the whole controversy behind him. In frustration and desperation, on December 5, 1937, Commandant Bartel issued an ultimatum to Aho: find the girl or go to jail.

After futilely protesting that he could not be held responsible for Télé's disappearance, Aho or members of his family presented three girls, who on different occasions they claimed were Télé.⁶⁹ One girl, however, lacked Télé's scarification marks.

⁶⁶ "Au Dahomey: Reprise des sacrifices," *Notre Voix*, October 31, 1937, 8G29 (17), Archives du Sénégal.

⁶⁷ Marcel de Coppet, "N. 5246 A/S Sacrifices humains incidents d'Abomey, d'Allada, d'Athieme," October 13, 1937, 8G29 (17), Archives du Sénégal.

⁶⁸ Marcel de Coppet, "N. 359 AP/2 Crimes rituels au Dahomey - Situation générale," Le Gouverneur général de l'AOF à Monsieur le Ministre des colonies, (November 29, 1937), 8G29 (17), Archives du Sénégal.

⁶⁹ Nondichao Bachalou, February 21, 2014. Bartel, "N. 7/C Objet: Affaire Tele Acapovi."

Neither the Lawsons nor Ayoko recognized the second girl presented to them.

Miraculously, after the two girls were dismissed as imposters, Aho located the “real” Télé on February 4, 1938. He presented her to authorities, who confirmed her identity with Mathilde Lawson. Télé had been found!

After nearly two years of frustration, Dasqué, the head of the subdivision of Parahoué, telephoned Bartel in Abomey. Dasqué informed Bartel that canton chief Hessou found Télé Acapovi in Tohoun, French Togoland, less than forty miles away from Abomey.⁷⁰ In his report to his superior, Bartel urged the administration in Dakar to close the case and move on from the scandal. Bartel advised, “In closing I hope that the discovery of Télé puts a final period to the ‘Affairs of Abomey’ and that this district so rich in all sorts of possibilities, will retake its rapid economic expansion of a local political base hindered for the last two years.”⁷¹

Abomeyans were more skeptical than Bartel. They claimed that this Télé was also an imposter. In order to save himself and his family, Aho supposedly had purchased another girl and presented her to the French authorities. By the time Aho presented the third girl, he had grown well-versed in the confirmation process, and he paid off all those necessary in advance in order to ensure that Télé was indeed found.⁷² Télé, the real one or perhaps an imposter, confirmed official gossip on February 18, 1938 when she admitted that she ran away because she feared the brutality of Mathilde Lawson. Télé testified that she went to French Togoland and worked in a household as a domestic servant for the last two years. Abomeyans thought that Télé’s return and testimony was suspicious and was

⁷⁰ Dasqué’s involvement is interesting because he had already falsely presented one child as Télé.

⁷¹ Commandant le cercle d’Abomey Bartel, “N. 7/C Objet: Affaire TELE ACAPOVI,” February 6, 1938, 8G24 (17), Archives du Sénégal.

⁷² Bachalou, interview. Michozzounou, interview

far too convenient. Télé's testimony exonerated any administrators or indigenous chiefs of culpability.

In their haste to close the case, French officials in Abomey did little to reassure the population of the veracity of the girl's identity. While the Lawsons did reportedly identify her as Télé, the reports failed to mention if the girl had the distinctive characteristics that had caused previous girls to be rejected as the "real" Télé, such as a twisted foot or the identifying scarification on her cheeks.⁷³ The administration did not open the identification up to other members of the community who had known Télé and who had been involved in other stages of the investigation. This fact further fueled the belief that the girl found and sent immediately home to her father in French Togoland was not in fact the "real" Télé.

The coverage of Télé's return in the local Abomeyan newspapers revealed that the controversy remained unsettled among Abomeyans. *Le Coeur du Dahomey* and *Le Messenger du Bénin* treated the events dramatically differently.⁷⁴ The sources of the financial backing of the papers as well as the editors' personal political allegiances explain the divergent way they reported the events. *Le Coeur du Dahomey* was known as

⁷³ The administrator does mention a representative of the royal family taking a photograph. No evidence that the French administration did so or if they did it was not preserved in Dakar.

⁷⁴ At this point there were three newspapers published in Abomey. *Le Coeur du Dahomey* was founded in 1934 and published twice a month with a circulation of 250. *Le rayons solaires* du Dahomey was founded in 1935 and published monthly with a circulation of 500. *Le Messenger du Bénin* was founded in 1936 and published on a monthly basis. The newspapers claimed to publish with uniform frequency, but according to my observations this was rarely the case, in part, because journalists and editors had other professions in addition to their commitments to newspapers. While these circulation numbers may seem modest, newspapers could be read aloud to large audiences or passed amongst friends. Additionally, no papers published outside of the large coastal centers of Cotonou and Porto-Novo exceeded a print run of 500. Additionally, the administration paid careful attention to the contents of Abomeyan newspapers. This is based off of the information provided in Annexe II of Bellarmin Coffi Codo, "La presse dahoméenne face aux aspirations des 'évolués': 'La Voix du Dahomey' 1927-1957" (Thèse de doctorat de 3e cycle: Histoire, Université Paris Diderot - Paris 7, 1978), 308–15. Within the limited available editions of *Les rayons solaires* available through BNF, I was not able to find its coverage of the Télé case.

the mouthpiece of Justin Aho, whereas *Le Messager du Bénin* supported the *évolués*' agenda and opposed chiefs' authority.⁷⁵ *Le Coeur du Dahomey*'s coverage of locating Télé established, for the first time in print in a public forum, the official, royal narrative of the events. The headline of the January-March 1938 edition of the newspaper *Le Coeur du Dahomey* announced "The hour of natural justice has struck - Tellé [sic] Acapovi is found alive." The subtitle of the headline continued, "[S]he had not been murdered for the *fétiches* as some seemed to believe."⁷⁶ The article's narrative of events transformed Justin Aho into a victim of his political rivals' unceasing and unjust persecution. The lengthy article occupied three columns of text on the front page of the newspaper. It gave a detailed account of the reunion between the girl and Mathilde Lawson. The journalist presented a chronicle that blamed no one. The article emphasized Justin Aho's efforts to locate the girl.⁷⁷

In contrast to *Le Coeur du Dahomey*'s prominent, front-page, detailed coverage of Télé's return, its competitor *Le Messager du Bénin* minimally covered the events themselves. In a tiny article on the final page of the *Le Messager du Bénin* in the section "A Point to Note," the newspaper stated "Tellet [sic] has been found." Rather than focusing on the details of this newsworthy event, the journalist, likely the newspaper's editor Rigobert Bego, emphasized that through reporting this the journal proved its impartiality. Bego alluded to some people's suspicions of Aho. He reiterated

⁷⁵ Clément Koudessa Lokossou, "La Presse au Dahomey 1894-1960: Évolution et réaction face à l'administration coloniale" (unpublished PhD Thesis, École des hautes études en sciences sociales, 1976), 140, Archives Nationale d'Outre Mer (BIB SOM D/4147). Throughout its publication, *Le Coeur du Dahomey* supported Aho and more generally furthered the chief's collaboration with the French through providing justification for the expediency and desirability of official agendas.

⁷⁶ There are various spellings of Télé's name used: Atelli, Tellé, or Tellet. I have consistently used the one most commonly used in the documents. "L'heure de la justice immanente a sonné Tellé Acapovi est retrouvée vivante: Elle n'a pas été tuée aux fétiches comme on semblait le croire," *Le Coeur du Dahomey*, March 1938, 42-44 edition, BIB SOM POM/C/901, Archives nationales d'outre mer.

⁷⁷ *Ibid.*

that the newspaper had never accused anyone of being responsible for Télé's disappearance. He claimed that the *Le Messager du Bénin* was an "organ of truth which does not put forth any [story] without palpable truth." He concluded the article with the observation, "Is this not further proof that we are always sincere and loyal in our journalistic labors." This neglect of the event itself and only the briefest summary indicated that in his opinion the events were themselves not newsworthy, likely because he questioned whether this was yet another Télé imposter. The author also felt he could not elaborate further because he lacked the "palpable truth" to verify that officials had found Télé.

Accepting that Justin Aho murdered a young girl undermined the accumulated assumptions about the progress of the civilizing mission. Ruth Ginio pointed out, "Sometimes power stems not from knowledge but rather the ability to ignore it."⁷⁸ The administration chose Justin Aho as an indigenous collaborator because he had both served in the French army and travelled to France. To admit that a man such as he committed a ritual murder undermined all French pretensions about success of the civilizing mission over the last forty years. Commandant Bartel refuted the possibility that such a thing could have happened, "Our population Dahoméene is too advanced, too close to us today and despite legitimate respect the population has for their ancestral religion and its customs, for accomplishing these acts so savage and so inhumane."⁷⁹

⁷⁸ Ruth Ginio, "Colonial Minds and African Witchcraft: Interpretations of Murder as Seen in Cases from French West Africa in the Interwar Era," in *The French Colonial Mind: Mental Maps of Empire and Colonial Encounters*, ed. Martin Thomas, vol. 1, France Overseas (Lincoln: University of Nebraska Press, 2011), 67.

⁷⁹ Bartel, "N. 7/C Objet: Affaire Tele Acapovi."

Conclusion

Borrowed girls were vulnerable to a host of common place abuses, such as an extremely harsh mistress. Unlike entrusted girls, borrowed girls had not maintained strong ties to their families and they had few avenues through which to protest poor conditions. Mahoun, the entrusted girl featured in the case study in Chapter Five, turned to her family to support her claims of abuse. Mahoun's father filed the complaint against the Johnson household. Télé's alienation from her family prevented her from reporting her mistreatment. In the event that the Télé ran away, neither her parents nor guardians knew where to look for her. After Télé resurfaced, Commandant Bartel, the French administrator in Abomey who insisted that Télé had run away, readily pointed out that the real scandal in the Télé affair was indigenous child transfer norms and marriage practices. His diagnosis of the case may have been expedient for him, but it also reflected Dahomeans' real concerns about transformations in these practices. Dahomeans valued entrusting girls as a traditional practice, but borrowing girls corrupted the normative ideals of entrusting.

The Télé affair shows that there existed a popular fear that borrowed girls were also vulnerable to more sensationalized dangers, such as kidnapping and ritual sacrifice. When borrowed girls went missing, families and households had few options for discovering their fates. The French administration was reluctant to intervene in the circulation of girls between households and offered limited support to assist these families. The administration assumed missing borrowed girls ran away of their own free will. In the investigation for Télé, it took more than a year after her disappearance for authorities to seriously consider these more sinister possibilities.

Local administrators interpreted the Télé Affair as an unfounded accusation based in indigenous superstition; rather than interpreting the events as an integral maneuver in political struggles. The royal family and local level French administrators in Abomey supported the hypothesis that Télé ran away of her own accord whereas Abomeyans, investigators, and the upper level administrators, such as the Lieutenant Governor of Dahomey and the Governor General of the AOF were extremely skeptical of this explanation. Despite their other disagreements, all branches of the royal family present a united front in denying that a human sacrifice took place.⁸⁰ The royal family is invested in maintaining a certain image and distancing itself from “barbarism” in the written record. The French administration favored the royal family’s account that Mathilde Lawson, the woman who employed Télé as a street hawker, perpetrated the violence, which resulted in the girl’s flight. Blaming an uneducated market woman never fully exposed to Europe’s civilizing influences, like Mathilde Lawson, absolved the French from the responsibility of acting.

The population of Abomey at large accepted the ritual murder as a feasible explanation for Télé’s disappearance. Abomeyans drew parallels between other historic moments of decline and prosperity based on leaders’ willingness to share human blood with the

⁸⁰ This was true in oral interviews despite divergent views on Justin Aho as an individual personality. For his brief discussion of Aho and the Affaire Télé see Maurice A Glélé, *Le Danxomé : du pouvoir Aja à la nation Fon* (Paris: Nubia, 1974), 243–44. In Patrick Manning’s footnotes we get some idea of the disputes and animosity about competing branches of the royal family’s manipulation of history. Maurice Glélé accused René Aho of distorting history in order to reinforce the current position of the Aho branch of the family. See footnote 22 for chapter 11 in Patrick Manning, *Slavery, Colonialism, and Economic Growth in Dahomey, 1640-1960* (Cambridge: Cambridge University Press, 1982), 328. This distortion has had possible enduring consequences since René Aho was the primary informant for Melville and Frances Herskovits. For the methodological problems of having René Aho as an interpreter see Suzanne Preston Blier, “Field Days: Melville J. Herskovits in Dahomey,” *History in Africa* 16 (January 1, 1989): 1–22, doi:10.2307/3171776. Patrick Manning and Edna Bay both relied on data derived from interviews with him as well in their works on Dahomean history, Manning, *Slavery, Colonialism, and Economic Growth*. and Bay, *Wives of the Leopard: Gender, Politics, and Culture in the Kingdom of Dahomey*.

ancestors. Colonized peoples turned to historic ritual forms that had aided them during past hardships, yet they simultaneously reformulated these traditions to address colonial problems.⁸¹ Ritual elements of traditional ceremonies were dissected and then recycled, abandoned, reshaped or modified.⁸² Yet, despite evolution, Africans employed rituals in innovative ways to address colonial situations. No longer was large-scale human sacrifice with hundreds of victims annually necessary, in the colonial context the sacrifice of a single girl, or even a credible rumor of it, reverberated throughout Abomeyan society.

⁸¹ Allman and Parker, *Tongnaab*, 8–11.

⁸² Allman and Parker make this observation in the context of the evolution of the worship of shrines devoted to Tongnaab in the colonial Gold Coast (Ghana). *Ibid.*, 6–7.

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Justice (M)

Note on Series M (Justice): Series M had at one point been partially indexed, but prior to 2012-2014 it had been reorganized and dossiers and documents no longer corresponded to the handwritten, incomplete index. Seemingly, what had been formerly indexed as 2M or 3M had at some point been fully or partially incorporated into 1M. I therefore have not listed dossier titles here as they were list-like and often inaccurate. Between August and December 2013, I analyzed all available cartons of judicial documents 1M1 – 1M190, in total some 150. This is an estimate because some numbered boxes actually consisted of two cartons of documents, for example 1M152-1 and 1M152-2. The following thirty-nine (39) boxes were missing/ unavailable/ never existed/ had been reorganized but never updated in sequencing in the 1M series 1M51-1M64, 1M76, 1M80, 1M85, 1M87, 1M90, 1M97, 1M104-1M105, 1M108, 1M111, 1M125, 1M132, 1M137, 1M144, 1M145, 1M149, 1M158, 1M170, 1M175, 1M178-1M181, 1M183, and 1M184.

Travail et main d'oeuvre (S)

Note on Series S (Travail et main d'oeuvre): Series S was reorganized in 2012 without an updated index as of August 2013. During 2012-2013, I looked at all cartons of documents in this collection. I have not included the outdated dossier titles here. S2 was devoted to the themes of slavery, trafficking, and labor of women and children.

N.B.: While the “Guide de l’usager” second edition (1999) lists that the ANB’s collections contains series devoted to photographs, maps, and newspaper none of these are available relating to the colonial era as they are in such poor condition they can no longer be consulted by interested parties. Also, microfilm machines are no longer in working order with no plans for repairs.

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