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## “The Prague Peace Congress – an event full of paradoxes”

Vojtěch Kessler<sup>1</sup>

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Often, a particular historical event, phenomenon or process “defies” inclusion in a specific ideal type or terminology which we are used to using to indicate the particular event. One example of note is the Prague Peace Conference of 1813, which does not meet the “requirements” that a historian might make of a typical peace congress. This is even more reason not to be deterred from attempting to describe, structuralise and systematise it. In this regard, three interconnected paradoxical circumstances come to the fore. First of all, the above-noted conflict between expectation and reality. Secondly the paradox of historiographical disinterest in this “crucial event”, and finally the misappropriation of an event taking place on Czech territory from Czech “national history” and our historical consciousness.

[Diplomacy; Prague Peace Congress; Metternich; Napoleonic Wars; Balance of Power]

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*“There has never been anything stranger than our so-called Congress. From the 12<sup>th</sup> to the 30<sup>th</sup> we have been idle; from the 30<sup>th</sup> to the 5<sup>th</sup> we shall spend our time discussing nothing; and from the 5<sup>th</sup> to the 10<sup>th</sup> we shall probably have before us all the motions on which the fate of Europe will depend.”*<sup>2</sup>

It is customary that wars enter historical consciousness not just through the dates of significant battles, but also through the location where peace is negotiated.<sup>3</sup> And sometimes this is the only information which emerges into standard discourse from the ocean of factual data. Looking at the multiplicity of peace congresses, acts which expand the simple signing of peace to incorporate several locally and personally restricted

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<sup>2</sup> W. HUMBOLDT, *Politische Briefe, Bd. 1*, Berlin, Leipzig 1935, p. 402.

<sup>3</sup> A. ADOLF, *Peace: A World History*, Cambridge 2009.

and institutionalised diplomatic negotiations, one stands out as differing significantly from the others.<sup>4</sup> This is the peace congress which took place in the second half of July and early August of 1813 in Prague. It was unusual from several perspectives. Not only did it not put an end to a military conflict, but it resulted in the even greater mobilisation of the opposing sides. One side was even made stronger by the input of the congress organiser, the “justice of the peace”, which had no scruples in making very clear it had little interest in impartial negotiations. What was most intriguing about the whole event, however, was the fact that long before the congress had even begun, nobody was in any doubt about what the outcome would be once official negotiations had ended. Thus, the Prague Peace Congress is overshadowed in the company of other such congresses.<sup>5</sup> An exhaustive examination of the congress requires that we keep on asking the crucial questions: “Why did the congress take place at all?”, “For whom was it organised?” (or perhaps rather “Who profited from it?”), and “What were the congress’s actual objectives? Even with all the layers of ambiguities and anomalies, a careful observer should not succumb to scepticism over getting an answer. In the following study, I will attempt to structure the congress as far as I can, while focusing on the three paradoxes of the event which, as it turns out, are complementary and interconnected, and through which I would like to find an answer to the above-stated questions.

First of all, there is the conflict between real (realistic) expectations (and consequently results achieved) and the assumptions often made regarding peace congresses, while a second paradox is a related disinterest in the event. This is sometimes seen in the complete ignorance of it not just amongst the lay public, but even amongst Czech and surprisingly also international historiographers.<sup>6</sup> Thirdly, there is the paradox here present

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<sup>4</sup> For more on the importance of congresses on the establishment and function of the Concert of Europe, see M. SCHULZ, Wächter der Zivilisation. Institutionelle Merkmale und normative Grundlagen des europäischen Konzertes im 19. Jahrhundert, in: *Historische Mitteilungen der Ranke Gesellschaft*, 17, 2004, pp. 35–47.

<sup>5</sup> On the English language version of the Wikipedia, the event “Prague Peace Congress” does not even have its own page.

<sup>6</sup> As far as I know, no article or book has been published those deals exclusively with the event in question. A work by Jacques Norvins looking generally at the year of 1813 comes closest (J. M. NORVINS, *Portefeuille de 1813, ou Tableau politique et militaire renfermant, avec le récit des événements de cette époque, un choix de la correspondance inédite de l'empereur Napoléon et de celle de plusieurs personnages distingués, soit français, soit étrangers, pendant la première campagne de Saxe, l'armistice de Plesswitz, le congrès de Prague et la seconde campagne de Saxe*, Paris 1825).

in very indistinct contours of the geographical location of this bombastic event. What role does the second most important historical event of the Napoleonic Wars to take place within Czech territory after the Battle of Austerlitz actually plays within Czech "national" history?

We now have a topic, three questions, and three anomalies, or rather paradoxes. And if we focus on the last of these terms, the events of the Prague Peace Congress begin to be seen in an unusual light, as if they were a bizarre drama. An absurdist two-act drama incorporating everything such a drama should have: the scenery (East Bohemian castles for the first meeting, and Prague for the second meeting), the main star (Prince von Metternich), happenings behind the curtain (secret diplomatic negotiations), extras or side events (in the form of the acts of Bohemian Kingdom officials), a claque (the citizens of Prague and Bohemia) and theatre critics (in the form of historiographers).<sup>7</sup> I will therefore endeavour to tell the story of this play, and should I succeed the careful reader should be able to gain an understanding of the play and unravel those anomalies, and the answers to the questions should become clearer.

Before opening the curtain, let us first look at that cohort of critics: those who interpreted the play, and also those who wrote about it. As we have already mentioned the certain "disinterest" from Czech historiographers, it is no surprise that no comprehensive monograph has been written about this topic domestically. Even so, it is not an area which is completely untouched. Four Czech researchers have discussed the Prague Peace Congress in similarly sized articles and studies, three of which are classics of Czech historiography.<sup>8</sup> While these are older works, they do make an exhaustive study of available archive resources. It is highly unlikely that any other "crucial" sources of official provenance

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<sup>7</sup> For more about theatrical approach see E. GOFFMAN, *The Presentation of Self in Everyday Life*, New York, London, Toronto, Sydney, Auckland 1952; J. C. ALEXANDER, Cultural Pragmatic. Social Performance between Ritual and Strategy, in: *Sociological Theory*, 22, 4, 2004, pp. 527–573.

<sup>8</sup> The first of these is Antonín Rezek in 1910 (A. REZEK, Praha a Čechy roku 1813, in: *Český časopis historický*, 16, 1, 1910, pp. 1–12), followed by Antonín Novotný during the 1930s (A. NOVOTNÝ, Kolem Pražského kongresu, in: *Knihy o Praze – Pražský almanach III.*, Praha 1932, pp. 149–166), Jaroslav Prokeš five years later (J. PROKEŠ, Pražský mírový kongres 1813, in: *Časopis národního muzea*, 112, 1938, pp. 15–33) and Josef Polišenský in the 1970s (J. POLIŠENSKÝ, *Napoleon a srdce Evropy*, Praha 1971), while the issue is also looked at by Russian studies scholar Milan Švankmajer in his unfinished study on the final years of the Napoleonic era (M. ŠVANKMAJER, *Čechy na sklonku napoleonských válek*, Praha 2004).

could be found apart from the archives contained in the collections of the Prague Gubernium.<sup>9</sup> Furthermore, Prince von Metternich noted the lack of relevant sources, particularly, those directly related to diplomatic negotiations.<sup>10</sup> He notes that diplomatic activities in 1813 were limited to a small space and an even smaller circle of people – high-ranking negotiators who were granted decision-making power. In a case like this, official diplomatic correspondence, under other circumstances absolutely essential, becomes de facto unnecessary.<sup>11</sup> This means that we might find additional relevant information through extensive study of extant materials of a private nature, i.e. memoirs, correspondence or the notes of the persons involved.<sup>12</sup>

For the sake of completeness, it should be said at the end of a passage on Czech historiography that there is a thesis from the start of this century which also looks at the Prague Peace Congress, but apart from including several interesting documents it did not add anything new to the works by the above-mentioned authors.<sup>13</sup>

<sup>9</sup> Národní archiv Praha (further as NAP), Pražské gubernium (further as PG) – period 1811–1815, Box nr. 858, 853, also Fascicles: 20b/62, 20b/64 a 15c/189, PG – Militaire, Nr. 1183, Box nr. 584.

<sup>10</sup> W. SIEMANN, *Metternich. Stratege und Visionär. Eine Biographie*, München 2017, passim.

<sup>11</sup> “Only the most important acts and agreements were put down in writing, mainly in their final form, while no minutes were made of the course of the many preceding oral meetings and confidential discussions which were held very frequently at various social occasions” (POLIŠENSKÝ, p. 173), Jaroslav Prokeš also notes the lack of official documents from diplomatic negotiations and notes laconically that “nothing actually happened” (PROKEŠ, p. 16).

<sup>12</sup> For example: from unpublished documents: NAP, Rodinný archiv Metternichů – Acta Clementina (further as RAM – AC) 8,12, Nr. 33, 40, Box nr. 5, 7. From printed sources: *Aus Metternichs nachgelassenen Papieren, 2. Theil*, Wien 1880; *Metternich Denkwürdigkeiten, mit einer Einleitung und mit Anmerkungen herausgegeben von Otto H. Brandt, 1. Theil*, München 1921; *Bon jour, mon amie, Milostné dopisy knížete Metternicha a kněžny Zaháňské*, Brno 1977; F. GENTZ, *Gesammelte Schriften, XI/3 Band*, Hildesheim, Zürich, New York 2002. For more on the discussions at the East Bohemian castles, see Státní oblastní archiv (further as SOA) Zámorsk, RA Colloredo, Berichte des Opočnoer Amtmannes Wokurka von 15. bis 21. Juni 1813 über die Ankunft S.M. des Kaisers von Russland und der Grossfürstinnen, des Königs von Preussen, Grafen Metternich und anderen [Reports of the Opočno bailiff Wokurka from 15 to 21 June 1813 on the arrival of H.M. the Emperor of Russia and the Grand Duchesses, the King of Prussia, Count Metternich and others].

<sup>13</sup> See J. BENEŠOVÁ, *Pražský mírový kongres*. Magister thesis, Institut of World History, Charles University Praha 2000.



Now the curtains open and the first act begins. It is the start of 1813, and the Austrian Empire finds itself in an unusual and unprecedented position. It is the vassal of a foreign state which is at war with another power. Austrian troops are retreating in a relatively ordered manner in the face of the Russian campaign, and ambivalence and uncertainty were felt not just by them, but also by the entire Habsburg court, and it was not covered even by the sincere lament of the commander-in-chief of the Austrian expeditionary corps,<sup>14</sup> Prince Schwarzenberg, in a letter to his wife: "[...] *I just wish these colossuses could just weaken further, and if both are dangerous then it would indeed be a fortunate event for humanity, if he who was at this moment more dangerous could meet such an exemplary fate.*"<sup>15</sup> Even after the extent of the catastrophe that had befallen Napoleon's soldiers in Russia was evident even in Vienna, Metternich was not able to unequivocally follow the Prussian example, and nor did he want to.<sup>16</sup> If he allowed Austria to leave the French emperor's side, nothing would prevent Russian hegemony, something the Prince feared just as much as he despised the French patronage.<sup>17</sup> And since it was entirely evident that Napoleon was not going to voluntarily give up his rule over Europe, the only viable option at the time was the risky path of so-called armed neutrality, an option which later proved to be an extremely pragmatic one.

Let us look for a while at the figure of Prince von Metternich. In our drama, he plays a crucial role, and not just because he is a central figure in the story, but also because he is its dramatist and dramaturge, the author of the play and the head of the troupe of actors. However, and this is the essence of the first anomaly, not even he believed in his own stillborn

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<sup>14</sup> For more on the tasks of the corps, see H. KISSINGER, *A World Restored: Metternich, Castlereagh and the Problems of Peace 1812–1822*, Boston 1957; *Ibid.*, *Grossmacht Diplomatie, Von der Staatskunst Castlereaghs und Metterichs*, Düsseldorf und Wien 1972, p. 123; M. v. ANGELI, *Feldzug 1812: die Teilnahme des k. und k. österreichischen Auxiliarkorps unter dem Kommando des Generals der Kavallerie Fürsten Carl zu Schwarzenberg im Feldzug Napoleon I. gegen Russland*, in: *Mitteilungen des k. k. Kriegsarchivs*, 9, 4, 1884, pp. 1–87; W. v. GEBLER, *Das k. k. österreichische Auxiliarkorps in russischen Feldzügen 1812*, Wien 1863; L. v. WELDEN, *Der Feldzug der Oesterreicher gegen Russland im Jahre 1812*, Wien 1870.

<sup>15</sup> K. P. SCHWARENBERG, *Briefe des Feldmarschalls Fürsten Schwarzenberg an seine Frau 1799–1816*, Wien 1913, p. 296.

<sup>16</sup> For more on Prussia switching sides against Napoleon, see E. FEHRENBACH, *Vom Ancien Régime zum Wiener Kongress*, München 1986, p. 123.

<sup>17</sup> K. OBERMANN, *Diplomatie und Aussenpolitik in Jahre 1813, unter besonderer Berücksichtigung der Rolle Metternichs*, in: *Das Jahr 1813*, Berlin 1963, p. 137.

child, i.e. the peace congress in Prague.<sup>18</sup> At a time when the Duke of Vicenza, the designated principal French negotiator, was arriving in Prague, Metternich mandated his assistant, Freiherr Friedrich von Gentz, to sign the Austrian war manifesto. And so the congress, at whose beginning, or rather at the beginning of official negotiations, a war manifesto was issued and whose venue was in a state of feverish war preparedness, could not be home to greater contradictions.

Keeping with the theatrical parallel, we need to realise that Bohemia is just the set, and the Czech nation is the audience, the extras offering a great welcome. They only cared that through “actions for peace” the subjects of the Bohemian Kingdom could maintain their faith in the peaceful nature of the House of Habsburg to the greatest extent possible. Folk writer František Vavák, for example, wrote that “*from all sides it is known that our monarch, Francis I, is the greatest means to achieve Holy peace throughout Europe*”.<sup>19</sup> To be fair, however, we do need to re-examine the idea of the “passivity” of the Czech environment.

For many years, Prague had been a literal centre for those opposed to the French Emperor. Freiherr Heinrich von Gentz resided there until 1809, and he was then replaced by Freiherr von und zum Stein. Their circle of friends and sympathisers included in particular the highest-ranked burgrave, Count Kolowrat, the House of Clam-Gallas, the House of Clam-Martinic, the House of Sternberg (Kaspar and Franz) and the House of Lobkowitz, Graf Czernin and also Josef Dobrovský. The list of figures in science, arts, politics and the military who opposed Napoleon and who were resident in Prague, or Bohemia, to 1813 was much larger, however.<sup>20</sup> This group also includes a large number of refugees who hoped that they could find peace within “pro-French” Habsburg Monarchy territory, and those who merely took advantage of the local

<sup>18</sup> In one of his descriptions to his father, the Prince notes: “*Prague is only for the public [...] shall we have war or not? Nobody can decide on this question before 10 August, and I say nobody, including Napoleon*” (cit. by: J. ŠEDIVÝ, *Metternich kontra Napoleon*, Praha 2005, p. 132).

<sup>19</sup> F. J. VAVÁK, *Paměti Františka Jana Vaváka, souseda a rychtáře milčického z let 1770–1816*, VI, Praha 2009, p. 191.

<sup>20</sup> For example: diplomat and biographer Varnhagen von Ense, poet and translator Johan Ludwig Tieck, banker and philanthropist Abraham Mendelssohn-Bartholdy, philosopher Johann Gottlieb Fichte, composer Karl Maria Weber, poet Clemens Brentano, Prince Wilhelm Bentheim, Wilhelm Humboldt, Count Cristian Bernstorf, later Prussian general Wilhelm Willisen. The vast majority of those listed regularly met up in Malá Strana on the second floor of Raymann’s house in Augusta Bredová’s apartment, who was also a German exile.

hospitality.<sup>21</sup> Not all of them, however, were politically indifferent. One of the most active was Grand Duchess Catherine, Alexander I's sister, and the Duke of Oldenburg's widow. During her stay in Prague, she did not hide her opposition to Napoleon, causing particular difficulties during the period of truce when she openly compromised with Austrian officers and embarrassed the highest regional officials as well. She forced the highest-ranked burgrave, Count Kolowrat, to nimbly correspond both with Police Commissioner Hager and Prince von Metternich. Kolowrat himself did not want to decide on whether to observe the prescribed degree of ceremony considering that Austria was officially still an ally of France, which was at war with the Russian Emperor.<sup>22</sup>

Another woman of beauty supported Russia, however, specifically the Duchess of Sagan. "At that time she vehemently opposed Metternich's Francophile policy, finding fault with him for so long as to work her way into his bedroom. She was wealthy (...) and Metternich had a soft spot for politics, women and wealth. And here he had all of that in a single and truly appealing form."<sup>23</sup> If we dare to describe Metternich as the main figure in this drama, then Katharina Wilhelmine, Duchess of Sagan, forms the core romantic theme of the work.<sup>24</sup> Metternich sought a feeling of security and support in her during the most difficult of moments, while he fulfilled her desires for the destruction of the hated Emperor of France.

Of the characters to appear on stage during the first act, those which are the noblest stand out for political reasons. Specifically, this was King Frederick Augustus of Saxony. From the very start of the year, Metternich had attempted diplomacy on the Saxon court. Following initial probing and cautious steps from the timid Saxon king, eventually, a pact of neutrality was signed between the Habsburg Monarchy and the Kingdom of Saxony. King Frederick Augustus could no longer disregard the anti-French opposition which had spread amongst his people and

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<sup>21</sup> Similarly in list form: Frankfurt banker Rotschild, German politician Freiherr von Gagern, Baroness Stein, Prussian minister Goltz, Prince Hessen-Homburg, French ambassador Count Saint Marsam, Saxon General von Lecoq, Prince of Coburg, Landgrave of Hessen-Kassel, Archduke Ferdinand, Grand Duke of Wirttemberg and last but not least also Emperor Alexander's sisters, Maria of Saxe-Weimar and the below mentioned Catherine of Oldenburg.

<sup>22</sup> H. v. SRBIK, *Metternich. Der Staatsmann und der Mensch, Bd. I*, München 1925, p. 160.

<sup>23</sup> ŠEDIVÝ, p. 91.

<sup>24</sup> For correspondence between Prince von Metternich and the Duchess of Sagan, see *Clemens Metternich – Wilhelmine von Sagen, Ein Briefwechsel 1813 bis 1815*, Graz, Köln 1966; resp. *Bon jour, mon amie*.

– all the more alarming – within military circles in particular.<sup>25</sup> What was significant for diplomacy then, especially Metternich’s diplomacy, was the fact that the day before the signature of the pact, Kolowrat had received a court decree on the arrival of the Saxon king and his family, part of his court and his whole guard in Bohemia.<sup>26</sup> Thus, the Saxon monarch was able to enjoy a ceremonial welcome when he arrived in Prague on 27 April.<sup>27</sup> He passed by Prague’s garrisons, guilds, burgher associations and schoolchildren on his way to Prague castle. His journey leaving Prague was not so ceremonial, however. Following his victory at the Battle of Lützen on 2 May,<sup>28</sup> Napoleon called Frederick Augustus back to Dresden, in his case rather the “Walk to Canossa”. And so, whether he liked it or not, the French Emperor’s “subordinate” was forced to cancel the recently signed Austro-Saxon agreement, and again take his place at the side of his “Dresden guest”.

It wasn’t just prominent figures who were arriving in Bohemia in the spring of 1813, however. Austria was a de facto oasis of peace and quiet, and as such a wave of refugees began crossing the border from Silesia to Bohemia, escaping from Russian Cossacks and others. Initially, Kolowrat was not at all concerned about the situation, with only standard official measures being taken.<sup>29</sup> The state administrator’s calm and collected perspective was at the time in evident conflict with the general public perception. Concern was rising amongst the population not just because of rising food prices<sup>30</sup>, but also due to the spread of “assured news”, in

<sup>25</sup> There were even requests to be released from duty and to cross over to the enemy’s side from amongst the most senior commanders. See POLIŠENSKÝ, p. 166; NAP, PG – period 1811–1815, fasc. 1411.

<sup>26</sup> He received an unofficial message on 18 April in a letter from the Austrian envoy to the Saxon court, of Paul, Prince Esterházy.

<sup>27</sup> On 21 April, Kolowrat called on city governor, Jan Limbeck of Lilienau, that he should use the Schwarzenberg and Trautmannsdorf palaces to accommodate the visitors who were to arrive in Prague, for whom Prague Castle was not large enough, and the Prague Chapter was also asked to make available its vacant Archbishop’s Palace.

<sup>28</sup> See G. NAFZIGER, *Lutzen and Bautzen: Napoleon’s Spring Campaign of 1813*, Chicago 1992.

<sup>29</sup> He gives the governors of the Bydžov, Boleslav and Litoměřice regions, for example, the order to take action in regard to the refugees, and to do so surreptitiously and without giving the impression that it is an official order. As many refugees as possible were to be moved into the state’s interior and not to give cause to Russian irregular troops to cross the border (PROKEŠ, p. 21).

<sup>30</sup> See C. A. FISCHER, *Zur Lehre vom Staatsbankrott*, Charleston 2009; A. PALMER, *Metternich. Der Staatsmann Europas, Eine Biographie*, Düsseldorf 1977, p. 135 or M. ŠVANK-

particular following Napoleon's spring victories in neighbouring Saxony. Incidentally, it may be noted that at this time Count Kolowrat received a strong reminder that French officers who were recovering in Bohemia should be treated with the same courtesy as Prussian and Russian officers. Another evident dichotomy of opinion between the most senior burgrave – i.e. the man dealing with the state's daily issues and common agenda – and Metternich, playing out the risks of international diplomacy in his head, was Count Kolowrat's anachronistic request to secure the integrity of borders in the spirit of Austria's current policy of neutrality.

What was the situation internationally at this time? A lot has been suggested and anticipated in the previous paragraphs, the characters and sides clearly sketched out, and all that remains to do is for the dramatist's pen, or the director's vision, to define the contours clearly so the story can fully begin.

Austria's Foreign Minister was evidently shocked by the situation in the winter of 1812/1813, but he was able to respond rapidly and with much improvisation. It is evident from extant sources that his vision of Austria as a neutral nation was outlined very early, and this was followed by steps taken leading to this proposed objective. Regarding his stance, apart from his private correspondence, the instructions he sent ex-post to Emperor Francis I at the very start of the Prague negotiations are a fascinating source of information.<sup>31</sup> In addition to specific steps and procedures which he planned to implement at the congress, these also include a comprehensive summary of the events of the previous months. These instructions imply that Metternich had never considered an alliance with the French Emperor during the whole of spring. He had always considered it essential to ally with his opponents should Napoleon reject the conditions on offer. Metternich recommended this be done even if Napoleon accepted the conditions. "*Remaining in armed neutrality would be a desperate protective measure in an emergency, which would also be considered a political humiliation.*"<sup>32</sup>

According to Metternich, the fact that following his victorious battles Napoleon had reluctantly agreed to Austrian mediation due to the exhaustion of his armies and his need for more time to replenish his

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MAJER, Čechy a příprava Rakouska k válce roku 1813, in: *Historie a vojenství*, 7, 4, 1958, pp. 586–606.

<sup>31</sup> *Aus Metternich's nachgelassenen Papieren, 1. Band*, Wien 1880, pp. 463–468.

<sup>32</sup> BENEŠOVÁ, p. 55.

reserves sanctified Metternich's vision of Austria as a neutral power.<sup>33</sup> The French Emperor disagreed with such an interpretation, but with the prevailing constellation of forces, he could do nothing but take out his anger on envoy Count Bubna, who gave him the conditions for a truce on 16 May in Dresden.<sup>34</sup> In the end, this was agreed on 4 June in the small town of Peuschwitz. Napoleon, who resisted the proposal for a written declaration of conditions for peace and preferred oral proceedings at a congress, immediately began strengthening his cavalry. The allies also caught their second wind in Silesia.<sup>35</sup>

Metternich would not let himself be influenced by France's overtures, neither by the direct calls from Empress Marie Louise,<sup>36</sup> nor by Prussian temper<sup>37</sup> nor by calls for Austrian military pride. The discrepancy in the perception of Prince von Metternich's steps by the entirety of Prussian national (and then German) historiography should be noted here, however. Antonín Rezek looks at this problem in a large section of his article on the Prague Peace Congress. In this, he defends the Prince against the invective of Prussian historians, in particular against the relentless accusations of cowardice and spinelessness, and expresses dismay at the claim that Austria received "a lot for nothing".<sup>38</sup> Instead, he sees Metternich's cautious steps as saving the Kingdom of Prussia, which was driven by blind enthusiasm. There is also no doubt that Metternich saw

<sup>33</sup> KISSINGER, *A World Restored*, p. 67.

<sup>34</sup> Napoleon: "What is going on over there? You are arming, against whom are you arming? It can only be against me, rather than the Austrian Emperor doing anything for me [...] I don't want your armed mediation [...] Leave me to deal with my matters with the Russian Emperor alone. I shall not give up anything, not even a single village, of that which was assigned to France according to constitution." (Cit. by O. CRISTE, *Österreichs Beitritt zur Koalition*, Wien 1913, p. 72).

<sup>35</sup> *Ibid.*, pp. 86–87.

<sup>36</sup> Following the Battle of Lützen, Emperor Francis's daughter told her father via French legation counsel Floret "Napoleon's anger towards you shall be boundless, he will leave aside all his opponents and turn all his forces against Austria [...] Be assured that you shall never have any benefit from war." (*Ibid.*, p. 71).

<sup>37</sup> He could not have disagreed more than with Freiherr von und zum Stein, a leading figure in Prussian anti-French policy and the anti-Napoleon coalition, not only thanks to his influence on Russian Emperor Alexander in whom he instilled messianic ideas. Metternich was totally opposed to the "dangerous theory" on the role of the people in the fight against a usurper. See PALMER, pp. 132–133. "Stein was a strict German nationalist, while Metternich was a European in the true sense of the word." (Cit. by ŠEDIVÝ, p. 111).

<sup>38</sup> CRISTE, p. 91.

the Hohenzollern dynasty as a natural ally for Austria, and he anticipated this to be the case in his plans. Nevertheless, this objective claim does not change the fact that German historiography generally focuses on the importance of Prussia and the phenomenon of "Befreiungskriege" when looking at this particular period and expresses its disdain towards Austria and its representatives.<sup>39</sup>

Concerning Russia, it was evident after the battle defeats that it was losing its leadership role in the anti-Napoleon coalition. A situation had come about which did not favour the Russian Emperor, because, from the moment the truce had been agreed, the outcome of the war depended much more on which of the battling sides gained Austria's support, rather than on the number of Russian regiments.

However, the Austrian military forces were also gaining power at that time. At the start of May, Metternich had managed to get Emperor Francis to set up a hundred-and-twenty-thousand-strong army headed by Schwarzenberg, which was to be a tool for armed intervention to promote peace, and whose establishment meant that Metternich's measures were no longer purely diplomatic in nature.<sup>40</sup> Now, he could even dictate conditions. Those placed on the French Emperor at minimum entailed the abolition of the Duchy of Warsaw, the return of territory on the right bank of the Rhine, the abolition of the Confederation of the Rhine protectorate, the restoration of Prussia and the surrender of the Illyrian Provinces.<sup>41</sup>

Once specific conditions were on the table, negotiations could begin. For Metternich, this meant discussing with Prussia and Russia what Austria would be offered if the mentioned conditions were accepted by its former French ally, or at least if it was "boxed into a corner". Thus, the drama moved to the picturesque environment of the East Bohemian castles in Opočno, Ratibořice and Jičín. This negotiation was intentionally not kept secret from the French in the expectation that the French Emperor would respond and express his interest in meeting the Austrian Foreign Minister. But here we would be inappropriately running ahead of events.

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<sup>39</sup> In this regard, Stein's comment on Metternich's address contained in a letter to Count Münster of 17 July is often quoted: "[...] Metternich is shallow, immoral and duplicitous, he acts either as a traitor, or perhaps more likely, he has no power or enough personal influence to be able to lead and control the Emperor [...]" (OBERMANN, p. 155).

<sup>40</sup> KISSINGER, *A World Restored*, pp. 63–64.

<sup>41</sup> PALMER, p. 134.



On Metternich's advice, Emperor Francis set off to Jičín on 1 June.<sup>42</sup> That same day, arriving at the rooms of the former Wallenstein residential seat, he received Russian counsel Nesselrode. Nesselrode remained and agreed with Metternich on the proposed conditions for peace as mentioned above, which Napoleon naturally provisionally rejected. On 10–12 June, Metternich discussed these conditions in Opočno, where as well as with Nesselrode he also discussed them with Prussian Chancellor Hardenberg and the Count of Stadion.<sup>43</sup>

Metternich was in any case busy for the whole of June. It was a period of continuously moving around for him, so his coach was always ready to go. In particular, he travelled from Cheb to Prague, from where he went to Jičín, then he travelled for negotiations in Opočno, stayed over with the Duchess of Sagan in Ratibořice, then back to Prague, then on to Teplice, Louny and back to Prague again. In the meantime, the East Bohemian castles were hosting important figures. Their list is a lot more exclusive than the above-noted list of Prague guests.

The Russian Emperor arrived in Opočno with a huge entourage on 16 June, where he was the guest of the Count of Colloredo, and where the Emperor's sisters Maria and Catherine were also staying. A week later, however, the Emperor was heading for Ratibořice where he met not just Metternich, Stadion, Hardenberg, Gentz and Wilhelm Humboldt, who was the only one to stay there and did not leave after negotiations ended, but also with Princess Wilhelmine, Duchess of Sagan. This young woman inadvertently caused an even greater personal gulf between the Russian Emperor and the Austrian Foreign Minister. Their jealousy of each other and their hostility certainly did not help to calm the atmosphere during negotiations.

And a lot was on the line.<sup>44</sup> Metternich did his utmost to ensure the outcome would not go beyond the Austrian note to the French Emperor

<sup>42</sup> He went through Znojmo, Jihlavu and Německý Brod and his entourage numbered over 80 people, including groom Count Trauttmansdorff, Lord Chamberlain, Count Vrbna, Field Marshall von Duca, Adjutant General Kutscher and State Counsel Stif.

<sup>43</sup> SIEMANN, pp. 397–398.

<sup>44</sup> In contrast to the Prague congress, we do have partial documents on the course of negotiations. This is given in a file in the Colloredo collection (SOA Zámorsk, RA Colloredo, *Berichte des Opočnoer Amtmannes Wokurka von 15. bis 21. Juni 1813 über die Ankunft S. M. des Kaisers von Russland und der Grossfürstinnen, des Königs von Preußen, Grafen Metternich und anderen* [Reports of the Opočno bailiff Wokurka from 15 to 21 June 1813 on the arrival of H.M. the Emperor of Russia and the Grand Duchesses, the King of Prussia, Count Metternich and others]).



of early June. He had to deal with pressure from the Prussian and Russian negotiators who wanted to further expand the conditions, e.g. to incorporate the separation of Holland from France, the restitution of the Spanish Bourbons and the consolidation of the situation within the Italian peninsula. At the same time, it was crucial for his plan that the outcome of negotiations be unacceptable for Napoleon so that it would become clear to fearful and hesitant Emperor Francis that his son-in-law did not want peace. During negotiations, Metternich generally did not take on a very accommodating approach. In principle, he wanted to gain allies for a settlement based on his demands focused on applying a balance of power policy.

During the entire period of negotiations in Opočno and Ratibořice, Emperor Francis was residing in Jičín. This entirely contests the famed legend of three monarchs meeting at Ratibořice Castle. In essence, the Austrian Emperor did not want to make it obvious what side Metternich had chosen for Austria, and he endeavoured to hold on to an outward impression of neutrality. His original plan had been to move to the castle of Kosmonosy at the end of June, but the radical transformation in circumstances linked to Emperor Napoleon's invitation to a personal meeting in Dresden addressed to Metternich,<sup>45</sup> resulted in the Emperor moving to the castle in Brandýs nad Labem.<sup>46</sup>

The Austrian Foreign Minister's meeting with Napoleon in Dresden was a brilliant outcome of Metternich's diplomacy. There are some extant testimonies of the negotiations in Dresden.<sup>47</sup> If we disregard a certain

<sup>45</sup> This was a proposal by Emperor Napoleon for a personal meeting with Prince von Metternich. Metternich was so pleased about it that he immediately informed not just Emperor Francis, but also his lover, the Duchess of Sagan: "*Tonight I shall be travelling to Dresden, where I have been invited. I shall be there 24 hours and shall return to Jičín on Saturday (27 June). I need not tell you how pleased I am about the trip! I shall arrive there as a true Man of God, bearing the weight of the world on my shoulders.*" (Cit. by *Bon jour, mon amie*, p. 37).

<sup>46</sup> In Jičín, the Emperor was in the company of Count Kolowrat. The Prince of Schwarzenberg was also there, who had recently discussed the allies' operational plans with Russia's General Toll. This plan, which took account of the comments of allied generals Toll and Knesebeck was adopted as the plan throughout Emperor Francis's cautious offensive actions. It then served as the basis for negotiations in the Silesian castle of Trachenberg on 11 and 12 July in the presence of the Russian Emperor, Prussian King and Swedish heir to the throne. Austria was represented by Count Stadion. NAP, PG – period 1811–1815, Fasc. 18/35, 18/38, 18/39.

<sup>47</sup> E.g., Metternich's report to the Emperor of 26 June (See *Aus Metternichs nachgelassenen Papieren*, 2. Theil, Wien 1880, pp. 462–463); Prince von Metternich's letter to his wife Eleonore of 28 June (see NAP, RAM – AC 12, Nr. 33, Box nr. 5), and Metternich's

degree of Metternich's self-portrayal in his reports, we in essence get a picture of a barely in control French despot facing a calm and composed Metternich aware of the fact he holds all the aces. Napoleon was even able to act as if he was offended and give a demonstrative gesture of departure. This was followed by another invitation from Napoleon to Dresden's Marcolini Palace, a summary of conditions for Austria's armed mediation, the convening of a peace conference in Prague, and also the extension of the truce until 10 August. This third condition was not approved by Emperor Alexander, and Metternich had to make use of all his skills of diplomacy to convince Alexander that time had been bought not because Austria was hoping for peace, but rather in order that arming could be completed. But neither did the French Emperor stand idly by. He was not unaware of Austria's position, as he had long ago ordered increased arms and military recruitment, in particular in the regions of South Germany and the Italian Kingdom.<sup>48</sup>

Now, nevertheless, the curtains close so that the drama's scenery can be changed. On stage, the palaces and salons of Prague appear. That section of the audience which lives in the Bohemian capital is thrilled by the magnificence and lustre of the act. But is this a "real" feeling when the significance of the event is not clear for most Prague citizens, and besides the parades, the pageant and the momentary excitement it gives them nothing at all? And nor does it in any way contribute to an awareness of the fact that "world events are happening right here and right now". The Czech people did not embrace the congress, because they were not a part of events on the stage; they could not take action and change the plot. They were down below in the audience, or they were technical assistants and they let events play out without any obvious interest. They were essentially little interested in the play, as it was neither written nor staged for them.

Officially, the Congress was to begin on 12 June. However, Prague and burgrave Count Kolowrat was in particular need of time to prepare for such an important event. Prague's citizens learnt about the honour they would receive from the newspapers on 6 June. That same day, Emperor Francis travelled from Jičín to Brandýs, where he was close enough to

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memoirs (*Metternich Denkwürdigkeiten*, pp. 246–254.). A view from the other side is offered by the memoirs of the Emperor's secretary J. Fain: A. J. F. FAIN, *Manuscrit de mil huit cent Treize*, 2. tome, Paris 1824, pp. 36–44.

<sup>48</sup> W. ONCKEN, *Allgemeine Geschichte*, 1. Theil, 2. Band: *Das Zeitalter der Revolution, des Kaiserreiches und der Befreiungskriege*, Berlin 1886, p. 653.

Prague but also far enough away from all those who might want to visit him. The burgrave immediately instructed Prague Castle's inspector to furnish all the buildings and palaces where all the negotiators had declared they would be staying with castle furnishings.<sup>49</sup>

Upon specific request, the Archbishop's Palace chapter made their palace available. Kolowrat made agreements with many of the owners of Malá Strana palaces to accommodate diplomats, their entourages and many other guests. Accommodation rules were even produced. The state's highest administrator was not responsible just for setting up a dignified framework for the entire congress, but he also had the delicate duty of ensuring the protection of congress participants and monitoring them.<sup>50</sup>

Outwardly, the entire event played out in all its glory. More guards were sent to Prague's celebratorily lit-up city gates, and entrance to the city was barred to anyone without special permission during the period the congress was being held.<sup>51</sup> Even so, Prague was "bursting at the seams", and the owners of hotels and guest houses were rubbing their hands in glee.<sup>52</sup>

On 3 July, Kolowrat received a letter from the Emperor,<sup>53</sup> in which he was informed that undesirable persons must be prevented from entering Prague,<sup>54</sup> and desirable persons were to be monitored. Scarcely a week later, a more official report came directly from Hager,<sup>55</sup> stating that Prague

<sup>49</sup> Russian privy counsellor, Baron Anstett, resided in Fürstenberg's house, British envoy Lord Cathcard in house no. 258 (Malostranské náměstí) and Baron Stein was said to have been rather bored at the Kolowrats (house no. 506 in the street U Sovových mlýnů), while Swedish envoy, Baron Löwenhelm made use of the Lobkowitz gardens (no. 347 in Karmelitská street). From 12 July, Metternich resided in Schönborn Palace, while the Wallensteins gave his right-hand man, Freiherr von Gentz, a beautiful room with a view of the gardens. It must have been very picturesque there, because shortly afterwards Gentz moved the Duchess of Sagan there, who departed the Windischgrätz house in Letenská street. The only person not to enjoy the beauty of Prague's centre was Schwarzenberg, who was headquartered in Libeň. (NAP, PG – 1811–1815, Fasc. 20b/62, 15c/189).

<sup>50</sup> Hager to Kolowrat, 8 July 1813, NAP, PG – 1811–1815, Fasc. 20b/64.

<sup>51</sup> *Betrachtung eines Deutschen über die Feldzüge der Franzosen und ihrer Verbündetete gegen Russland und dessen Bundesgenossen in den Jahren 1812 und 1813*, Hamburg 1814, p. 120.

<sup>52</sup> NOVOTNÝ, *Kolem pražského kongresu*, p. 91.

<sup>53</sup> Emperor Francis I. to Kolowrat, 3 July 1813, NAP, PG – 1811–1815, Fasc. V/3/1813.

<sup>54</sup> It is thanks to this instruction that we are aware of the case of a shop clerk from Saxony, a certain Friedrich Goldhammer who attempted three times to get to his shop in Prague, and who was three times forcibly removed outside of Prague's borders (NOVOTNÝ, *Kolem pražského kongresu*, p. 92).

<sup>55</sup> Hager to Kolowrat, 8 July 1813, NAP, PG – 1811–1815, Fasc. 20b/64.

would become host to spies, and Prague City Governor Jan Limbeck of Lilienau should be instructed to mobilise the police apparatus and send regular reports to Vienna.

The other parties involved in discussions naturally also undertook intelligence and espionage measures. And, as in other congresses too, there was a conflict between intelligence authorities in Prague. Behind the curtain, the secret Austrian police successfully demonstrated that they were truly equal to their French counterpart. For courtesy reasons, Russian and Prussian emissaries and spies could not be fully focused on, and so when such individuals were uncovered, they were merely monitored, and not arrested.

Prague's police force logically took an entirely different attitude concerning its French adversaries.<sup>56</sup> And it did so not just within Prague. The activities of spies were often uncovered even before they arrived on Austrian territory. However, there were also French people whose presence was acknowledged with gratitude: on 20 June, Josef Fouché, Duc d'Otrante, at the time out of favour with Napoleon, stopped in Prague on his journey to Ljubljana.

However, the most monitored person in Prague at that time was undoubtedly the unofficial French envoy in Vienna, Count Narbonne-Lara. He arrived in Prague on 10 July, and one way his arrival drew attention was his 34-strong entourage, a rather large number for the time. His stay is noted for the considerable embarrassment it caused. He was the highest-status French diplomat to stay at that time in Prague for some time. While he enjoyed his exclusive status within society, he made it very clear that he had no official mission and he had essentially no interest in the congress.<sup>57</sup> A few days later, however, it became evident to the police that his tasks there were all espionage related. He endeavoured to hide his true face by playing the role of an ordinary traveller. He resided in Malá Strana in the inn U arcivévody Karla, but he visited Prague bookshops

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<sup>56</sup> When renowned French courier Cailletan arrived in Prague, on his journey from Dresden to Istanbul, all it took was a moment's distraction during his two-hour stay in Prague for the contents of his bag to be inspected. (A. NOVOTNÝ, *Staropražské sensace*, Praha 1937, pp. 91–92).

<sup>57</sup> Gentz, who like Metternich did not know what to think of Narbonne's presence, wrote to his friend and Metternich's secretary, Joseph von Pilat: "*While Narbonne is in Prague, he does not want to know anything of the congress, he says that he is a mere traveller and shall remain in the inn [...]*." (Cit. by *Briefe von Friedrich von Gentz an Pilat*, 1. Band, Leipzig 1868, p. 36).

almost every day,<sup>58</sup> ostensibly admiring the sights of the city while spreading disinformation not just about Napoleon's successes in Spain, but also on disagreements amongst the allies. In the end, the Prague police's efforts at getting an informer near him paid off. The envoy himself was of assistance in this regard when in a desire to penetrate sources of information in Prague he took it upon himself to hire several people. As a result, a specially trained police informer became one of his confidants and was later rewarded by Kolowrat.<sup>59</sup> This informer was so successful that he brought specially written letters from the Prince of Schwarzenberg, General Radecký and others to the unsuspecting Count Narbonne which were designed to deceive him about the state of the Austrian army. And finally regarding the French envoy, at midnight on 10 August, at the time the congress was expected to end, Count Kolowrat had all of Count Narbonne's confidants who were being followed arrested.<sup>60</sup>

But now let us focus on the actual course of negotiations. The story of this play is drawing to its conclusion, and the tension is rising. We noted at the beginning that we lack official documentation. The only thing that can serve as a source is the ex-post-mediated testimony of participants. The question arises, however, as to what use official documents would have been since we know that basically, no negotiations took place, and if any did it was *a priori* evident what conclusions they were leading to. Diplomatic negotiations again open up space for the best actor to excel – the one who, as we have shown above, fulfils the role of playwright and director – i.e. Prince von Metternich. Metternich was aware that he had managed to give Austria a decisive position through the congress being held in Prague and his role at it. The analysis of the political situation mentioned in the introduction and approved by the Emperor served as the starting point for the prince and service instructions for the next stage in his activities.

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<sup>58</sup> The police machinery was working full out, and they did not miss anything Narbonne did in Prague. Governor Lilienau wrote to Kolowrat on 14 July, for example: "*The day before yesterday, Narbonne went into the city, where he stopped first at Haas's bookstore, and then at Tempský's bookstore. He bought books and maps here and there. He returned to the hotel, ate in his room and he did not make or receive any visits.*" (Cit. by NOVOTNÝ, *Kolem Pražského kongresu*, p. 91).

<sup>59</sup> Narbonne's ensnarement was the plan of the Prague governor's presidial secretary Willmann. (POLIŠENSKÝ, p. 183).

<sup>60</sup> NAP, PG – period 1811–1815, fasc. 15a/70, 20b/64.

In full accordance with the construction of the drama, we find the traditional machinations which occur regarding the approach of the French. Since there was still no sight of an official French envoy, Metternich and the other congress participants were able to focus on more pleasant matters such as balls, mutual visits and parties. The Austrian Foreign Minister had his love Wilhelmine, Duchess of Sagan at his side and he was feeling happy. He focused on matters of protocol because the Prussian and Russian representatives were refusing to sit at the same desk with the French representatives during negotiations. But not only were no such representatives present, nor were they on their way, or rather it was not known who Napoleon would designate to represent him at the congress. Kolowrat and Lilienau also summarised many small details and marginal matters of police and administrative nature each day for the Prince. Last but not least, the Prince had to oversee military negotiations and preparations which brought Schwarzenberg out of his base in Libeň.

The allied military representatives did not just discuss strategic and tactical matters. Austrian representatives were blatant in exploiting delays in congress negotiations to plan economic viability for the allied troops, and methods of supplying provisions and medical supplies for the allied troops. This played out, of course, at a time when they were meant to be acting as justices of the peace between both sides. And so, at a time when it was meant to be hosting a peace congress, Prague was heavily fortified. Only from the northwest, of course, or roughly in the direction where the French Emperor's troops were concentrated.

Regarding the protocol problems, in the end it was decided that negotiations would not take place in plenary, but rather through an intermediary.<sup>61</sup> The French representatives were first to be informed of Austria's four conditions, and then the reservations of the allies in regard to full support for the Habsburgs. If France accepted these conditions, a preliminary peace was to be concluded. However, to even discuss these matters an authorised French representative needed to be present. Yet it was still only Narbonne that was in Prague. The Prussian and Russian emissaries accepted France's conduct with complete calm because they had not yet arrived in Prague either. The only one who could be out of sorts was Metternich.<sup>62</sup> Humboldt, for example, wrote to his wife on 14 July:

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<sup>61</sup> PALMER, p. 141.

<sup>62</sup> He expressed his displeasure in a letter to his wife Eleonore of 26 July: *"We are still awaiting Caulaincourt's arrival. It is all becoming ridiculous and we would be shown up as real*

*"Our work began yesterday; to this time there is no French representative here. It does not bother Anstett and me, because we did not come here to negotiate with the French. That alone is not flattering for Austria, to say the least."*<sup>63</sup>

On 19 July, Metternich received a letter from the Duke of Bassano, French Foreign Minister dated the 16<sup>th</sup> of that month regarding the appointment of the Duke of Vicence and Count Narbonne as French representatives at negotiations.<sup>64</sup> But Armand Caulaincourt, the Duke of Vicence, did not arrive in Prague until 28 July, i.e. 16 days after negotiations had officially begun. His task was not to discuss peace, but rather to prevent Austria from joining the coalition, or at least forcing it to take up neutrality. On the same day that the Duke arrived, Metternich asked his media assistant Gentz to come up with an Austrian war manifesto. *"A congress, for which a war manifesto was prepared for its opening and whose venue was filled with military preparations was indeed not a peace congress!"*<sup>65</sup>

Caulaincourt, who resided at Schönborn Palace, undertook more activities during discussions than Narbonne. He was also convinced of the success of his mission, as he believed that Austria was too compromised to make the unprecedented move to the allied side. On 6 August, he asked to talk to Metternich and informed him in confidence that Napoleon was willing to agree to certain conditions, specifically giving up the Warsaw Grand Duchy, waiving claims to the Spanish throne and returning the Illyrian Provinces to Austria. Regarding Hanseatic cities and the Confederation of the Rhine, however, he rejected the idea of making any concessions. At France's request, this meeting was to be kept secret from the allied representatives, but through Emperor Francis, who was still residing in Brandýs nad Labem and who was receiving regular reports from Metternich, Anstett and Humboldt were informed of what was discussed. Two days later, Caulaincourt received a response, which he immediately forwarded to Napoleon in Dresden. It is clear that the French Emperor could not objectively respond in time and send his response by

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*idiots if we had not taken up the position we have taken without illusions, without exaggerated hopes. Narbonne is running around the city like a poisoned rat with huge calling cards on which Count of Narbonne, Representative to Congress is written. But because he has no instructions on how to proceed, it is as if he were not here."* (NAP, RAM – AC 12, Nr. 33, Box nr. 5).

<sup>63</sup> A. v. SYDOW, *Wilhelm und Caroline von Humboldt in ihren Briefen, 4. Theil: Feder und Schwerten in den Freiheitskriegen*, Berlin 1910, p. 60.

<sup>64</sup> NAP, RAM – AC 8, Nr. 40, Box nr. 7.

<sup>65</sup> PROKEŠ, p. 31.



10 August, when negotiations were to end.<sup>66</sup> And so ended a Congress that never really met.<sup>67</sup>

As the anticipated date approached, tension rose in concerned circles. Metternich spent the last night of the congress with Gentz taking a long walk on Štvanice island. He then moved to the Duchess of Sagan's quarters in Wallenstein Palace. Here he was met by Humbolt and Anstett, Paul and Maria Theresia Esterházy, Leopoldine of Liechtenstein and the Prince of Schwarzenberg. At midnight, Metternich signed the declaration of war with France. Fire signals were immediately used to send the message to Bohemia's northeast borders that the allied troops waiting there could set out to march to the heart of the land. Preparing this type of signalling apparatus is certainly not a traditional part of the job of an impartial host of a peace conference. And so, at the very end of the play, we find an anticipated disaster in the form of a coming war. All the main actors on the stage full of tension had anticipated its conclusion, i.e. declaration of war with France. The notorious Godot never arrives, and peace was not concluded. And just as Godot never arrived, as those familiar with Beckett's work know, all the protagonists and the audience also knew that peace could not be expected in this play. Yet they still performed the play, and when the curtains fell after the great finale (i.e. after congress negotiations), everybody, it can be said, felt relieved: the actors (including those from France), the theatre employees and the audience. When Caulaincourt reported to Metternich the following day, he was strictly informed that from that moment on, France and Austria were at war, and he and Emperor Francis considered any further negotiations to be unnecessary.<sup>68</sup>

The play was over. Interested parties began riding the play's success to celebrate the premiere with the actors. Others, in contrast, left the room bitterly disappointed over its course. And so, Prague began to fill up with new distinguished guests, and this time the most distinguished of all. On 14 August, Emperor Francis left Brandýs nad Labem, definitively moving to Prague. Russian Emperor Alexander arrived the next day. A further two days later, the final of the allied monarchs, Frederick William III, arrived in Prague. Their arrival was greeted by lines of well-wishers, especially for

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<sup>66</sup> SRBIK, p. 161.

<sup>67</sup> KISSINGER, *A World Restored*, p. 81.

<sup>68</sup> "Yesterday we were mediators, today no more. The French proposals must from now on be addressed to the three allied courts." (Cit. by ŠEDIVÝ, p. 137).



the Russian Emperor, or rather for the exotic Cossacks who comprised his personal guard. In contrast, the French envoy, the Duke of Vicenza, departed Prague bitterly disappointed. He left on the same day that the previously mentioned Austrian war manifesto was published. His route, which was carefully observed by the Beroun regional governor's spies, took him towards Zbraslav.

Notably, Prague residents' enthusiasm for the events after 10 August was entirely in conflict with the attitude that the public took concerning possible war not even 14 days earlier. In mid-July, the majority of the population was still convinced that it was not desirable for Austria to join the war, and it would bring it no benefits.<sup>69</sup> Now, however, the Austrian army was moving against Napoleon's troops and the entire country was getting ready for war.<sup>70</sup> This was the third time now, and many contemporaneous observers were able to foretell, considering the circumstances, that this time the Habsburgs would see victory.

So why did the congress take place at all? Certainly, so that Austria could join the coalition which under the prevailing conditions promised it more than the other side, with the least damage possible to its "moral responsibility". Metternich wanted Emperor Francis to be steered onto the path which the Prince had laid out. The peace congress could give an impression not just to the Emperor, but also to the public, that everything was played out, and in the end, there was no other way, and no other way had ever been possible.

This allows us to partially answer the question of for whom the congress was held. I think we won't be far from the truth if we conclude that it was held for most of those who took part in it. Metternich needed it to clear his conscience. The Russian and Prussian representatives needed it so that their armies could get their second wind. And Emperor Napoleon needed it so he could build up his considerably thinned cavalry. And diplomats and other congress participants generally needed it to get their moment on the stage. But that was all. The play was not performed for the Prague public. We shouldn't forget the significant profits earned by Prague's hoteliers and restaurateurs, of course, but in general, the congress gave the citizens of Prague and the Bohemian lands nothing apart from a temporary release of societal tension (amplified by the endless years of war

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<sup>69</sup> POLIŠENSKÝ, p. 200.

<sup>70</sup> See ŠVANKMAJER, *Čechy a příprava Rakouska k válce r. 1813*, pp. 586–606.

and hardship). Neither can we say that the citizens were disappointed. They simply didn't place any hope in it.

And here we have arrived at those paradoxes. Understanding the motivations and investments of individual actors and "stage protagonists", it is entirely evident that we have an unusual "congress". An absurd drama in which it was entirely evident that we cannot expect the desired result one might expect from a peace congress, i.e. peace. With this in mind, we can decipher the substance of the second anomaly of the historiographic disinterest. How could the audience, and then the professional critics (historiographers), accept this farce? Historiography and historical consciousness responded as theatre consumers would act. The disappointment of a play which leads nowhere merely shows that where the actors' performances are legible and the audience is not paying attention to events, the piece is consigned to oblivion. Perhaps in future, there may be somebody who, fascinated by its peculiarities, writes a more extensive critical monograph. However, whether the audience would accept it would be a question. Especially for the Czech audience, because the course of the play essentially "does not affect" Czech history, and nor does it fall within it. The play was neither written nor acted for Czechs, and despite the undoubted bombast and attractive settings, there is no reason to place it within national history, within Czech historical consciousness or in the history books.

## Crime, Prison Services and Administration in Colonial Ilorin Emirate, North Central, Nigeria

*Ridwan Tosho Idris<sup>1</sup> – Olawale Isaac Yemisi<sup>2</sup>*

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Before the emergence of colonial rule in Nigeria, pre-colonial societies had well-organised political and judicial institutions that guided customary laws and orderliness. Among the means employed in implementing order and laws was the ‘prison’ locally referred to as ‘*Tabu*’. The advent of colonial rule under the British Native Administration also witnessed the use of prisons to maintain law and order in the colonies. The colonial authority put at its disposal the coercive security apparatus of police, court, and prison to enable a conducive environment for society. The prison operated within the basic framework of maintaining peace and order. In Ilorin Province, the Emir, under the indirect rule system, controlled these instruments of power and authority, such as treasuries, prisons, courts, and police. Using a historical research method that relies on archival documents collected from the National Archive Kaduna (NAK), Nigeria and secondary source of data from books and peer-reviewed journals, the article examined crime, prison services and administration in Ilorin Emirate. Under the prison administration, the article seeks to understand how issues of rehabilitation, prisoners’ health, food, genderisation of prisoners, and the condition of service provided by prison wardens were handled under colonial rule. The article contributes to a global perspective on how British colonialists conceptualised and handled issues surrounding punishment and prison during colonial rule.

[Crime; Colonial; Ilorin; Nigeria; Prison]

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### Introduction

Crime, punishment and the prison system are important aspects of colonial governance and administrative structure. Prison is one of the earliest colonial architectures<sup>3</sup> and institutions that embody colonial

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<sup>3</sup> K. DAVID, Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa, in: F. BERNAULT (ed.), *A History of Prison and Confinement in Africa*, Portsmouth, N. H. 2003, p. 100.

power and authority. Punishment of crimes and the prison system before the advent of colonial rule was not alien to pre-colonial Nigerian societies. In the pre-colonial period, penal and confinement in prisons were considered corrective measures to behaviour that was detrimental to societal well-being. Punishment and prison systems were controlled by heads of families (nuclear/extended/lineage) as well as centralised and non-centralised state systems, rulers, administrators, and elites. However, Patricia O'Brien argued and validated by oral interviews with chiefs at the Emir palace in Ilorin that the pre-colonial prisons were not designed for long incarceration but a testing ground for innocence.<sup>4</sup> This particular feature distinguishes the pre-colonial penal and prison system from the colonial-introduced prison system.

The emergence of colonial rule in Nigeria witnessed the introduction of administrative institutions by the British colonialists, such as Native Courts, Native Police, and Native Treasury, through various ordinances and proclamations. The importance of these institutions cannot be underestimated. The British administrative institutions were considered 'superior' to pre-colonial African societies' law and punishment process, which is often chalked under 'primitive' and 'barbaric'.<sup>5</sup> The British colonial administrators considered the English legal and penal code as an important agent of effective colonisation based on two major fronts. The English law and prison system protected British economic interests and civilising missions, and the second was to punish natives who were resisting and committing offences against the colonial order.<sup>6</sup>

However, even though crime, punishment and prison were central to the working of colonial authorities, there is a dearth of historical analysis on the workings of prison institutions as regards the nature of services offered and the process of administration in colonial prisons. Hence, this research is an attempt to fill this identified gap. Therefore, this study examines crimes, prison services and administration in Ilorin Emirate, North Central, Nigeria, during the colonial period. The study relied solely on archival records and oral interviews and benefitted from extant works of literature to help understand some specific aspects of services and administration in the colonial prison system in Ilorin.

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<sup>4</sup> P. O'BRIEN, *The Promise of Punishment*, Princeton 1982.

<sup>5</sup> DAVID, p. 98.

<sup>6</sup> M. KRISTIN, *Law in Colonial Africa*, London 1991, p. 3.

### Prison System and Administration in Pre-colonial Ilorin Emirate

Pre-colonial Nigerian societies value the sanctity of laws and order. For instance, the concept of *omoluabi* is built around individual respect for constituted authorities and respect for societal norms, traditions, and laws which are important parameters for order and administration. Behaviours in the pre-colonial were regulated to strengthen the commitment to shared societal norms and values and discourage misconduct among members. In pre-colonial Ilorin, policing and punishment of offenders took the form of informal socio-political control involving family, religious institutions, age grades, and indigenous government.<sup>7</sup>

Also, before establishing the colonial policing and judicial system, Ilorin operated an organised policing and judicial system. The transformation of Ilorin into an Emirate in the nineteenth century resulted in the establishment of *Dogari* and *Qadi*, also known as *Alkali* (Judge) institutions. The advancement of political institutions and governance systems in Ilorin necessitates the use of a formal model of policing and punishment of offenders, which includes imprisonment.<sup>8</sup> Abdul Salam (1823–1836), the first Emir of the Ilorin Emirate, laid the groundwork for Islamic-based policing and judicial prosecution. *Sarkin Dogari*, the head of the *Dogari* institution, was regarded as prime minister, warden, and chief executor. The *Dogari* system was tasked with overseeing the Emirate's security apparatus. Thus, the entire criminal justice system was designed to ensure the Emirate's security, punish offenders through the imprisonment or execution of the offenders accordingly, and ensure people obeyed the will of the Emir of Ilorin during the pre-colonial period.<sup>9</sup>

Prisons in pre-colonial Ilorin were used for the short-term detention of debtors, petty offenders who disobeyed the Emir, *Baloguns*, and *Magaji* (political officials), political prisoners, and minor offenders.<sup>10</sup> *Seriki Dogari* was in charge of the administration and upkeep of the prisons at the Emir's palace. The consistent use of prison by the *Dogari*'s institution to detain debtors resulted in a popular adage which goes thus: "*Owo ti o si Dogari kan o le gba*" (money that is not available, no *Dogari* can get it).

<sup>7</sup> A. S. ABDULBAKI, *Dogari Institution and Security of Ilorin Emirate in the 19<sup>th</sup> century*, in: I. A. JAWONDO – A. B. AMBALI – A. I. ABDULKABIR (eds.), *Human security and the survival of Ilorin emirate culture*, Ilorin 2019, pp. 107–117.

<sup>8</sup> L. SANUSI, Age 46 years, Oral interview, Ilorin, November 22, 2021.

<sup>9</sup> Ibid.

<sup>10</sup> R. MURITALA, Age, 41 years, Oral interview, Ilorin, January 23, 2022.

Debtors are detained for a short time until the family repays the debt. In the pre-colonial Ilorin, prisons were also constructed in a secluded place to hold war captives by war chiefs for a short period before they were either traded in exchange for other commodities, sold or distributed as slaves to the Emir's palace, war chiefs and political elite.<sup>11</sup>

Before the advent of colonialism, the *Dogari* institution punished offenders in pre-colonial Ilorin through punitive means, not as the correctional or rehabilitation centre. Pre-colonial Ilorin spaces of confinement matched the description of Bernault that pre-colonial prisons “*did not seek to rehabilitate criminals or enforce standardised sentences*”.<sup>12</sup> Instead, they functioned primarily as spaces in which offenders were restrained physically till their cases were tried or decided upon by judicial bodies.<sup>13</sup> Among the disciplinary process used by the *Dogari* include compelling the offenders to fetch water inside a basket, sweeping open spaces, enslavement, banishment to punish crimes and misdemeanours and capital punishment (ordeal by poison). Other methods prisoners are subjected to in short-term incarceration include beating, mutilation, reparations, and compensatory payments.

Prisons have been used to determine guilt or innocence for centuries. The act of incarcerating prisoners for an extended period violates a fundamental principle of customary law, which calls for reconciliation between the victim and the offender. Hence, indigenous law was concerned with reconciliation rather than harsh retribution. As a result, most pre-colonial Ilorin did not develop institutionalised incarceration or subscribe to the idea of detaining an offender in a place for a long period.<sup>14</sup> On this basis, the colonialist established administrative apparatus in the colonial period in Ilorin hoping to bring law and order in the colonial and post-colonial state.

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<sup>11</sup> A. A. MUHAMMED, Age 81 years, Oral interview, Ilorin, November 20, 2021.

<sup>12</sup> F. BERNAULT, *The Shadow of Colonial Rule: Colonial Power and Modern Punishment in Africa*, in: F. DIKOTTER – I. BROWN (eds.), *Cultures of Confinement: A History of Prison in Africa, Asia and Latin America*, New York 2007, p. 57.

<sup>13</sup> F. T. ABIODUN, *A Historical Study on Penal Confinement and Institutional Life in Southern Nigeria, 1860–1956*, Dissertation Submitted to the Faculty of the Graduate School of The University of Texas at Austin, 2013, p. 58.

<sup>14</sup> SANUSI, Age 46 years, Oral interview, Ilorin, November 22, 2021.

## Law and Order in Colonial Nigeria

The Nigerian colonial administration colonised the country by effectively maintained law and order in the provinces. James contended that colonial rule was a new source of authority, with new judicial institutions and personnel (such as police officers, judges, and clerks) who were indigeneous people or native strangers from other areas for coercive authority in the land.<sup>15</sup> Furthermore, the Killingray study argued that the colonial rule of law was to prevent and punish any wrongful acts committed by one person against another, but an essential feature of colonial law and policing was enforcing colonial rules and punishing those who broke the law. To maintain law and order, the colonial administration had to take firm action against any threat to government rule.<sup>16</sup>

Another paper focused on the interface between law and politics in Nigeria during the colonial period, arguing that colonial law was a major pillar on which politics was played. The establishment of sovereignty over a people, particularly by an alien, creates a situation of powerful resentment and agitation on the one hand and domination on the other, leading to enacting a set of laws that transform and govern, or direct, the relationship. Establishing a legal system became unavoidable, resulting in conflict between colonialist and Nigerian interests.<sup>17</sup> Idris, Yemisi and Abdulkabi argued in their study that colonial administrative institutions such as the court, police and prison system were used to subdue criminal activities that harmed British economic interests. Murder, child stealing, armed robbery, burglary and illegal distillation were all common crimes during that period. It was also revealed that many people were prosecuted in court and disciplined.<sup>18</sup> The colonial government law and order in the Nigerian colony were to bring sanity to the system. However, prison service was among the institution used by the colonist for law and order in the province.

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<sup>15</sup> H. F. MORIIS – J. READ, *Indirect rule and the search for justice*, Oxford 1972, p. 183.

<sup>16</sup> D. KILLINGRAY, The Maintenance of Law and Order in British Colonial Africa, in: *Oxford University Press on behalf of The Royal African Society*, 85, 340, 1986, p. 413.

<sup>17</sup> A. C. MAURICE, Law and Politics in Nigeria: The Political Functioning of the Judiciary in Colonial Nigeria, 1940–1960, in: *Mediterranean Journal of Social Sciences*, 5, 20, 2014, pp. 2084–2094.

<sup>18</sup> R. T. IDRIS – O. I. OLAWALE – A. S. ABDULBAKI, Crime, Policing and Judicial Prosecution in Colonial Ilorin, North Central Nigeria, in: *Transcultural Journal of Humanities & Social Sciences*, 3, 4, 2022, pp. 75–89.

### Crime(s) in Colonial Ilorin

Historians have written extensively on the British conquest of Nigeria.<sup>19</sup> The forces of the Royal Niger Company (RNC) under the leadership of Sir Taubman Goldie bombarded and conquered Ilorin along with other Northern areas such as Bida, Kotongora, Bauchi and Gombe, Zaria, Kano and Sokoto Caliphate between 1900 and 1914.<sup>20</sup> The aftermath of the British conquest was the administration of colonies towards protecting and promoting colonial interest and its civilising mission. Basic institutions of administration were set up as part of the British government's administrative measures after amalgamation. Among these institutions include the Native Court, Native Police, Government and Native Prisons for governance, maintenance of law and order, as well as administering justice in the provinces.<sup>21</sup> The indirect rule system of native administration was used to uphold necessary colonial administrative institutions. However, it is difficult to discuss issues of punishment and the prison system without establishing the prevalence of crimes which necessitates the construction of prisons in the colonial period.

By the 1930s, Ilorin Emirate like other colonial provinces and districts emerged as a cosmopolitan and urban centre. Ilorin was a natural gateway, commercial centre and entrepot between the southern protectorate and Northern protectorate. This geographical position perhaps contributed to the crime perpetrated in the town during the colonial period. Despite the various measures put in place by the colonial authorities, Ilorin was not free of criminal activities among its people during this study scope. Crime statistics available for Ilorin accessed at the National Archive Kaduna reveal that Ilorin witnessed numerous reported crimes. The documentation of these crimes suggests that the colonial administration in Ilorin identified these crimes and addressed them through different measures, among which the prison system was used. Tables 1 and 2 present the crime statistics for 1937–1938, 1951, and 1952 below:

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<sup>19</sup> J. S. COLEMAN, *Nigeria: Background to Nationalism*, California 1958; O. IKIME (ed.), *Groundwork of Nigerian History*, Ibadan 1980.

<sup>20</sup> T. FALOLA – M. HEATON, *History of Nigeria*, New York, Cambridge University Press 2008, pp.105–106.

<sup>21</sup> H. O. DANMOLE, The Alkali Court in Ilorin Emirate during Colonial Rule, in: *Trans-african Journal of History*, 18, 1989, p. 176.



**Table 1: Crime Returns and Statistics (Nigeria Police), 1937–1938<sup>22</sup>**

<b>Offence against the Person</b>	<b>1937</b>	<b>1938</b>
Murder	–	1
Attempted Murder	1	–
Manslaughter	–	–
Wounding and serious Assault	15	3
Child Stealing	–	–
Other offences against the Person	42	1
<b>Offence against Property</b>		
Armed Robbery	–	–
Burglary	11	6
Housebreaking by night	1	2
Housebreaking by day	1	1
Stealing (general)	59	36
Other offences against Property	10	8
<b>Forgery and Attempt to procure Forgery</b>		
Forgery of the West African Currency Notes	1	–
Coining offences	2	2
Illicit Distillation	–	–
Offences against Arms Ordinances	2	–
Other offences	51	16
<b>Total</b>	<b>203</b>	<b>76</b>

Source: NAK CLO 3743, Annual Report on the Nigeria Police Force, 1938, section 34.

<sup>22</sup> NAK CLO 3743, Annual Report on the Nigeria Police Force, 1938, section 34.

**Table 2: Crime Returns and Statistics  
(Native Administration Areas)<sup>23</sup>**

<b>Offence against the Person</b>	<b>1937</b>	<b>1938</b>
Murder	7	–
Attempted Murder	3	–
Manslaughter	1	–
Wounding and serious Assault	26	6
Child Stealing	–	–
Other offences against the Person	68	3
<b>Offence against Property</b>		
Armed Robbery	2	–
Burglary	38	47
Housebreaking by night	–	4
Housebreaking by day	–	–
Stealing (general)	53	24
Other offences against Property	13	20
<b>Forgery and Attempt to procure Forgery</b>		
Forgery of the West African Currency Notes	–	1
Coining offences	3	1
Illicit Distillation	–	–
Offences against Arms Ordinances	–	–
Other offences	20	5
<b>Total</b>	<b>243</b>	<b>111</b>

Source: NAK CLO 3743, Annual Report on the Nigeria Police Force, 1938, section 34.

<sup>23</sup> NAK CLO 3743, Annual Report on the Nigeria Police Force, 1938, section 34.

**Table 3: Crime Returns and Statistics (Nigeria Police), 1950–1951**

<b>Offence against the Person</b>	<b>1950–1951</b>
Murder	5
Attempted Murder	1
Manslaughter	3
Wounding and serious Assault	6
Child Stealing	–
Other offences against the Person	8
<b>Offence against Property</b>	
Armed Robbery	–
Burglary	13
Housebreaking by night	1
Housebreaking by day	–
Stealing (general)	65
Other offences against Property	1
<b>Forgery and Attempt to procure Forgery</b>	
Forgery of the West African Currency Notes	2
Coining offences	1
Illicit Distillation	1
Offences against Arms Ordinances	–
Other offences	33
<b>Total</b>	<b>140</b>

Source: ILORPROF/3454, Crime Statistic, Administration Department.

The above tables of 1937 crime statistics by the Native Police and the 1937/1938 Native Administration Areas crime statistics, as well as the crime statistics between 1950 and 1951, reveal that Native Authority police prosecuted several cases, among which were murder, attempted murder, child stealing, armed robbery, burglary, stealing, coining offences,

illegal distillation among several others. The above total number of crimes prosecuted in 1937 was 243 and 111 in 1938 under the Native Administration Areas (NAA), while Native Police between 1937 and 1938 prosecuted 203 and 78 cases. Also, the above tables reveal that 'stealing (in general)' was the most prosecuted case. Stealing was more common than indictable offences against persons in Ilorin during colonial rule. Also, there was an increase in burglaries during this period.<sup>24</sup> The reason for such an increase could be linked to the strategic location of Ilorin during the colonial period and the post-World War II economic situation caused by taxation, job scarcity, unemployment, and reintegration of veterans. The tables show the crimes committed in the Ilorin province during the colonial period. It can be argued that Ilorin was not free from the crimes perpetrated in the colonial period, which necessitated trial in court and imprisonment, when necessary, in the colonial period.

### **Prison Services and Administration in Colonial Ilorin**

This section examines some of the administrative measures put in place for effective and efficient prison system as well as services offered towards rehabilitating prisoners not directed towards colonial legal codes and processes. Following the amalgamation of Nigerian territories in 1914, the Governor-General, Lord Lugard, appointed by the Colonial Office in London as the first Governor-General, did not merge the Northern and Southern protectorate penal systems. Before he was appointed Governor-General, he was the High Commissioner of the Northern Protectorate created in 1900. New ordinances (Native Court, Native Police and Prison ordinances) established under Lugard's administration ultimately led to the adoption, legitimisation and institutionalisation of the two-tier prison system (a dual form of prison administration). The two-tier prison system featured Government administration and Native Authority Prison. Under Native Authority, the management of prisons and prisoners was done by judicial bodies constituted by indigenous authority. At the same time, the government administration of 'Government Prisons' involved the use of European officials for the management and supervision of prisons owned and built by the colonial government.<sup>25</sup> This arrangement allowed Government Prisons to operate alongside Native Authority prisons.

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<sup>24</sup> Assistant Superintendent of Police to the Resident Ilorin, October 15, 1947, 5 pars 3 (a)-1d. NAK Ilorin Prof/3394.

<sup>25</sup> ABIODUN, p. 145.

During the colonial period, the prison was remarkable in several ways. It was an important social and political development. The prison was used to punish and detain criminals for correctional purposes and as a place to rehabilitate criminals from inappropriate behaviours. The prison was charged with the responsibilities of maintaining security, guiding, and counselling the behaviours of inmates and counselling them to improve their lives and living conditions. The prison system is to reform, educate and provide vocational training for the inmates by specially trained professionals in the prison service.

In Northern Protectorate, Native Administrative Prisons functioned on a large scale. Upon his assumption, the High Commissioner, Frederick Lugard, further sustained the existence of native authority systems and institutions alongside the colonial provincial system. At the commencement of administrative affairs in 1900, Abiodun noted that government prisons did not exist. Individuals charged in government courts lived in villages with free members of the society; however, criminals were expected to report every morning to the appropriate authority until the first Government Prison was constructed in Lokoja in 1901, followed by Jebba and Ibi in 1902 and then at Zungeru in 1903.<sup>26</sup> In 1908 the prison at Zungeru and Lokoja were designated as convict prisons. On the eve of amalgamation in 1914, there were seventeen Government Prisons in the North<sup>27</sup> and twenty-three government prisons in Southern Nigeria.<sup>28</sup>

However, while Government Prison was largely operational in the Southern Nigerian province, Native Authority Prison was most effective in the Northern Province.<sup>29</sup> The Native Courts Ordinance of 1914 made provision for the establishment of Native Prisons, 'Native-Lock Ups' and Native Authority Police Force. Before the amalgamation, Northern Nigeria had eighty-two Native Authority Prisons, of which Ilorin was included, while Southern Nigeria, on the other hand, only had seven Native Authority Prisons.<sup>30</sup> The reason for such a high number of prisons in the North was mainly because of the earlier indirect rule and Native Authority

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<sup>26</sup> Ibid., p. 158.

<sup>27</sup> Note: Government prison establishment in Northern Nigeria started in 1901 with Lokoja which was subsequently followed by Jebba and Ibi in 1902 and then at Zungeru in 1903. In 1908 the prison at Zungeru and Lokoja were designated as convict prisons.

<sup>28</sup> O. OGUNLEYE, *The Nigerian Prison System*, Lagos 2007, p. 80.

<sup>29</sup> Using colonial Ilorin restricted the researchers to activities performed in Native administration.

<sup>30</sup> ABIODUN, p. 167.

system which had existed in the region before the amalgamation of 1914. However, after the promulgation of the Native Courts Ordinance, Native Authority Prisons increased rapidly in the Southern Province.

The Prison Ordinance of 1916 empowers the Governor to control the affairs of prison throughout the colony and protectorate. Since the colonial administration process was based on the colony and protectorate guided by a direct and indirect rule system, the ordinance empowered the Governor to appoint the Directors of prisons who shall have the general charge and superintendence of the prison system in the protectorates and hinterland. In 1914, Sir Lord Lugard appointed Captain A. E. Johnson, the Inspector General of Police in the North, as the Director of prisons for the whole of the Northern Province. The 1917 Prisons Regulation followed the aftermath of the 1916 prison ordinance. Abiodun argued that the 1917 Prison Regulations aimed at establishing procedures for treating prisoners in colonial prisons. It addressed issues such as admission, custody, classification of prisons and prisoners, clothing, dieting and staff recruitment.<sup>31</sup>

The welfare of the prison provides service care to all inmates in three primary areas. These include controlling the inmates' behaviour, assisting inmates to cope with the impact of imprisonment and planning for inmates' release. Generally, there were five basic administrative units in the prison service; there were general affairs, security and industry, education, medical and gender classification. Each unit of the prison system has a defined and regulated duty to perform within the prison system to improve the social condition of the inmates.

The administration of Ilorin Native administration gaol during colonial rule was built around the fundamental principles contained in the 'Standard Rules', which was distributed to both Government and Native Authority Prisons in Northern and Southern provinces. Under colonial rule, Native Authority Prisons were in operation in Ilorin Division. There are several Native Authority Prisons in Ilorin province, including the Bussa Native Administration Prison, Liafiagi Native Administration Prison, Kaima Native Administration Prison, Borgu Native Administration Prison, and Pategi Native Administration Prison. The administration of Native Authority Prisons involves a Warden who is required to live on the prison premises or in its immediate vicinity. The warden is required to speak the prisoner's language and converse without an interpreter. Also,

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<sup>31</sup> Ibid., p. 172.

the administration involves a deputy warden, a minister of faith who is required to have access to prisoners and give the prisoners the opportunity of worship. This medical man is also mandated to live within the premises or vicinity of the prison, a female officer, a clerk, a storekeeper, and a European official. Lugard, the High Commissioner, claimed that *“it was essential that every Native prison should be under the eye of a European Administrative Officer, who will see that the place is kept in a sanitary state, that the sick are properly cared for and prisoners properly fed”*.<sup>32</sup>

An important prison administration practice in colonial Ilorin Native Authority Prison was the separation of prisoners. Under colonial rule, the standard rules for prison administration emphasised the separation of prisoners. The Native Authority gaol in Ilorin under the Northern Province operated according to the standard rules by separating criminals based on gender (male and female) and the nature of crimes and offences committed. Also, untried prisoners are to be kept from convicts, while young prisoners are also to be kept from adults. Also, morally uncorrupted prisoners are to be separated from are to be kept from the corrupted ones in other to prevent bad influence.<sup>33</sup> Ilorin Native Authority Prison conformed to these guidelines, and cases where it is difficult to abide by due to financial and infrastructural reasons, were made known to the Resident Officer in Ilorin, who reports to the Secretary of Northern Province. For instance, in a report sent by the Assistant District Officer of Borgu Division, he informed the Resident officer in Ilorin that separation is done based on a gender basis, but other stereotypes laid down in the standard rules are not followed. On August 15, 1936, the Assistant District Officer (ADO) for the Bussa and Kaima Ilorin Native Authority Prison reported that the separation of untried prisoners was not practicable due to the limited confinement at the prison compounds. In other words, there is a lack of adequate infrastructure needed for the proper classification of prisoners according to their sex, age, needs and category of crime in Ilorin Native Authority Prisons.

Another important theme in Ilorin’s Native colonial prison administration is the aspect of women or female convicts. The treatment of women prisoners is more difficult to determine, partly because they were far fewer

<sup>32</sup> Lord LUGARD, Political Memoranda. Part VIII, para. 55, p. 290.

<sup>33</sup> NAK, ILORPROF/319/1922, Native Administration Prison Conditions of administration by Director of Medical and Sanitary Service, Standard Minimum Rules for the Treatment of Prisoners.

in number than men. The standard rules emphasised that women convicts should be assigned a separate quarter within the prison compound, walled off from other prison buildings. Also, as part of the gendered rules of prison administration in Northern Provinces and colonial Ilorin, female prisoners must be presented with a female wardress saddled with the responsibility of attending to female prisoners. In colonial Ilorin, these standard rules were adhered to while in some cases where the needed financial and infrastructural are unavailable were adequately stated. In June 1936, the District Officer (DO) of the Pategi-Lafiagi Division reported to the Resident of Ilorin Province that there is a wardress on the prison staff of Lafiagi to supervise female prisoners but not at Pategi because of financial reasons and an extremely small number of females sentenced to imprisonment in the Division. By August, Pategi Native Administrative Prisons recorded a female prisoner leading to the employment of a female Wardress engaged temporarily with a wage.

Prison administrators must supply sufficient food both in quality and quantity to maintain their health and strength. Also, an important aspect of prison services was penal labour and prisoners' diet. Colonial Ilorin prison administration emphasised prisoners' diet, stipulated in the standard minimum rules distributed to all Provinces and Districts in Northern Protectorate. In Ilorin Native Authority Prison, the diet was adequately monitored by the prison medical officer who reports directly to the Prison Administrator. Health-related crises (such as diarrhoea, dysentery, fever, pneumonia) and death in Native Administration prisons were considered outcomes of poor dietary and feeding processes.<sup>34</sup> In a report circulated by the Secretary of Northern Provinces in 1925, the remarkable decrease in death rate was attributed to the stricter supervision exercised in terms of Native Authority gaol dietary.

Data available for Ilorin Native Authority Prison shows several reports made to the secretary of Northern Province when issues surrounding prisoners' diet arose. In 1922, diet in the Ilorin Native Administration prison was said to be 'unscientific Phraseology' and inadequate.<sup>35</sup> Hence, as regards the complaint by the Resident officer, (Sdg) Wm. S. Clark, Director of Medical and Sanitary System, Lagos visitation and recommendation to Ilorin N/A gaol described the dietary system thus: "*The diet*

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<sup>34</sup> NAK, ILORPROF, Diet in the Ilorin Native Administration Prison, No. 319/1922/29, November 12, 1922.

<sup>35</sup> *Ibid.*, No. 334/D.M. S/22, October 30, 1922.



*scale of the Ilorin Native Authority Prison may be classified as a very poor diet, deficient protein, and low-calorie value for prisoners doing moderate or light work and more so if they are serving long sentences. I would suggest that the diet scale of the Government prisons in the northern provinces be adopted, so far as possible, as it permits a range of foods to select.*"<sup>36</sup>

The relationship between prisoners' work and food calories was designed along with Howell's psychology of 1919. According to Howell's psychology, a diet should furnish 2,400 calories daily for an individual weighing 60 kilograms (9 ½) tons and doing no work.<sup>37</sup> It was stated during this period that Ilorin Native Authority Prison diet had low protein and low-calorie value was insufficient for even light work. It was further stated that while short-sentence prisoners might survive until discharged, they could not have much resistance to diseases. Apart from the Native Authority Prison administration's focus on the nature of food provided in the prisons, the amount of food provided to the prisoners is also monitored. A report stated that Emir's representatives occasionally and Emirate officials also inspect prisoners' food.<sup>38</sup>

Another important theme in Native Administration gaol is the training of Native Authority prisoners and the establishment of Earning Scheme for prisoners. Training prisoners is an important service designed towards rehabilitating long-term sentence prisoners. The essence of training inmates was to enable them to acquire basic knowledge and training in different fields to earn a living after their discharge from prison. Among the trades taught include black smiting, carpentry, tailoring, shoemaking, bricklaying, building in general and cane work. Prisoners considered for such services must not have less than four years of the sentence, given that the trades mentioned above require a long-term apprenticeship. However, due to the financial implication of establishing a Native Administration Convict prison training for long-term prisoners, Ilorin Native Authority was required to send long sentences to either Kaduna, Lagos, Enugu, or Port Harcourt Convict prisons. Also, the unavailability of artisan instructors affected the provision of such services in the Ilorin Native Authority gaol. In 1943, Ilorin Native Authority's efforts to employ artisan instructors (3 masons and 2 carpenters) from the Enugu Convict prison proved futile. Given the above challenges, Ilorin Native Authority was responsible

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

for organising the transfer and transportation of long-term prisoners to either Kaduna, Lagos, Enugu, or Port Harcourt Convict prisons.

It is also important to note that corrective educational services were featured in the colonial prison services. The educational service was provided not only by the employed instructors of the prison but also by volunteers from outside the prison. The correctional education unit in the colonial period was classified into three groups, which included orientation for inmates, living guidance and academic education. The intake orientation was conducted as the first step in corrective education when prisoners acquaint themselves with the purpose and practices of correctional treatment to prepare them to live productive life in prison.

Alongside the training of prisoners in a large convict, the prison was an earning scheme for prisoners. A letter from the Nigerian Secretariat, Lagos to Kaduna, Enugu, Ibadan, and Lagos colony outlines the earning scheme's approval for prisoners. According to the scheme, long-term first offenders who have completed two years of their sentences may earn, by good conduct and industry, two shillings a month for work done and fixed tasks. The earning scheme also permitted participant prisoners to spend half of their earnings on small articles of comfort, including purchasing pipes, tobacco, cigarettes, or snuff. Also, the earning scheme designed a saving scheme for prisoners. The report emphasised that one shilling will be collected from the prisoner and placed into a saving box that bears the prisoner's name, which will be given to the prisoner on discharge.

The earning scheme was designed to rehabilitate long-term prisoners further. However, due to the unavailability of necessary resources, Ilorin Native Authority was required to operate alongside Government prisons when there are long terms prisoner sentences.<sup>39</sup> For instance, the District Officer of Borgu Division Native Authority prison in Kaima informed the Resident Officer in Ilorin that such a scheme can only apply to long-term offenders, and the situation does not arise in Borgu, where two years is the maximum sentence that can be imposed.<sup>40</sup> Also, the Resident of Ilorin letter to the Secretary, Northern Province, stated that until the training of Native authority warders for Native Authority gaol is devised and their efficiency greatly increased, the proposal for rehabilitating long-term prisoners and earning scheme under the Native Authority gaol was considered unsuitable.<sup>41</sup>

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<sup>39</sup> NAK, ILORPROF, Earning Scheme for Prisoners, No. 47705/8, August 24, 1946.

<sup>40</sup> *Ibid.*, No. 712/14, October 1, 1946.

<sup>41</sup> *Ibid.*, No. 3993/25B, October 6, 1946.

The after-care service was another important Native Authority Prison service in colonial Ilorin and Northern Provinces. After-care services were designed to cater to the needs of discharged prisoners, such as finding employment for deserving ex-prisoners. At the establishment of the position, it was restricted to Government prisons in 1947. However, despite the effort of the government to establish an after-care service for Native Authority prisons in Ilorin did not materialise. In reply to a memorandum sent by the Secretary of Northern province, the Ilorin Acting Resident claims that the population of the prison at Ilorin (70–80) does not warrant the appointment of an after-care officer but rather the Native Authority subscribed to the salary of a Yoruba speaking officer saddled with the responsibility to visit prisons, organise and supervise after-care works.<sup>42</sup>

Before the after-care officer was introduced, the Native Authority and its councils already performed some of the functions prescribed by the Secretary of Northern Province towards the employment of an after-care officer. As stated in a memorandum reply to after-care officer employment, the Resident Officer stated thus: *“So far as Native Authority prisons are concerned, the general opinion is that the time has not come for the appointment of an after-care officer (Ilorin Native Authority is willing to subscribe to the salary of a Yoruba Speaking Government after-care officer who would visit Ilorin from time to time to advise on after-care works but considers that the actual work should be left in the hands of Prison Visiting Committee [...] and many of the functions proposed for the after-care officer are, in the case of Native Authority Prisons, more appropriate to the Native Authorities themselves. Almost all Native Authority prisoners belong to the area of the Native Authority concerned and have farms and relatives to return to on release. As mentioned above, the after-care officer cannot follow them there [...] the Native Authority or his District and village head are, by virtue of their local knowledge and position better able to give assistance than an after-care officer. It would, it is considered, do more harm than good to give them an alternative proceeding to their homes.”*<sup>43</sup>

The above excerpt reveals that colonial prison administration and services focused on rehabilitating prisoners. Even archival records show that the Emir of Ilorin was particularly involved in the after-care activities of released prisoners. The involvement of the Emir was described thus in a letter dated 1944 to the Nigeria Police, Ilorin province thus: *“The Emir*

<sup>42</sup> Ibid., After-Care Officer, Prison Department Appointment of August 25, 1947.

<sup>43</sup> NAK, ILORPROF/42590/7, After-Care Officer.

*interviews prisoners for discharge before the actual release. They are asked to remain in the Ilorin district or return to their homes. If electing to return, a small amount of cash is offered either towards fares of subsistence [...] should the prisoner be a habitual criminal, he is escorted from Ilorin by the police, and a letter is sent to his Emir, District Head or Village head, whichever appropriate requesting a watch be kept on him.”<sup>44</sup>*

## **Conclusion**

Although prisons are designed to punish offenders, it is guided by various services. The paper examined some important aspects of crimes, the prison system, and the administration of these prisons in the Ilorin Emirate during the colonial period. The paper revealed that colonial prisons were designed with therapeutic ideas that do not capitalise on the punishment as it was in the pre-colonial period, but rather a place where criminals were housed, reformed, and rehabilitated to maintain order in Ilorin Emirate during colonial rule. The administrative system of the prisons and criminals had lasting significance on the criminals, especially after they were freed and released into society, as the prison system and administration established an avenue for the criminals to become useful to themselves through the proper care of their health, dietary, training skill, relatively good hygiene, and after-care services while in prison. The colonial prison also provided vocational training skills and essential tools and equipment needed to empower the newly released inmates to enable them for self-sustenance, integration, and activity. The study concluded that the prison system is one of the colonial institutional architectures introduced to Nigeria to bring law and order to prevent and punish any wrongful acts committed in the colony.

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<sup>44</sup> Ibid.

# The Yoruba Traditional Dress and Contemporary Issues, 1900–1960

*Oluwadara Abiodeun Fakunle*<sup>1</sup>

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The main argument of this paper emerges from the submission that the advent of globalization resulted in the dynamics that influenced the Nigerian dress culture, particularly among Lagos residents. While insisting that with the aid of globalization through mass media, internet and education, the western dress culture (and civilization) has precariously affected and impacted the traditional dress culture of Nigerians, the paper also points to the fact that the people of Lagos had established, well before the advent of colonial rule, a clothing pattern which included clothing materials and designs (weaving and tie and dye), and clothing styles which was generally accepted and does not go against the Yoruba taboos. The paper further submits that while changes have occurred, the dress culture of the Yoruba people have, through the process of globalization, found its way to other parts of the world, although not at the same pace with the western dress. The paper adopts historical narrative and descriptive analysis to drive home its points. It relies also on primary and secondary data to prove the effects of globalization on the dress culture of the people. It concludes by critically analysing and stating the contributory effect such complex and multifaceted phenomenon have had on Nigerian peoples and their culture.

[Culture/Cultural Dress; Globalisation; Lagos; Traditional; Western]

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## Introduction

Culture is a pattern of human activities and the symbols that give these activities significance. It is what people eat, how they dress, beliefs they hold and activities they engage in. It is the totality of the way of life evolved by a people in their attempts to meet the challenges of living in their environment, which gives order and meaning to their social, political, economic, aesthetic, and religious norms and modes of organisation thus distinguishing people from their neighbours. This therefore means

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the way people dress is in itself a cultural heritage which of course can be transferred from one generation to another and can be used to identify who a person is and where such person belongs in terms of tribe, class and status. Contemporarily, culture (dress culture) has been affected and reshaped with the current trend of globalisation in the world today, starting with the interruption of colonialism which brought about certain colonial legacy including colonial dress and act and the advent of information technology (ICT) which brought along influx of all kinds of social media platform where cultural heritage was spread and imbibed. The study of dress has so much to do with the contemporaries in recent time. The same purpose which dress serves in the past remain the same.

Gender, age, status, affiliation with local, regional, or ethnic communities, as well as attitudes and personal situations of the wearer may be reflected by the shape and workmanship of garments, which in turn are affected by the often-contradictory influences of social conventions, governmental interventions, changing fashions, and the desire of self-representation. But it is also people who make the cloth and the most important material used for the purpose are textiles, which owe its triumphant advance to the rise of manufacturing and industrial production in association with a process of globalisation that has assumed ever greater momentum since the early modern period. An exhibition like “African lace”, which exemplarily deals with decorated textiles and fashions in Nigeria in particular since the country gained independence in 1960, thus almost necessarily speaks not only on the bales of cloth and dress patterns, but first and foremost of people and their need for identity of markets, and of contradictory interest in the wake of globalisation.<sup>2</sup>

One of the greatest issues is that Yorubaland through Lagos is a heterogeneous society; even before colonialism, the territory was inhabited by different peoples, tribes, and entities. These peoples have different cultures, traditions, and religion. In the present day, the societies are such that contain many millions of people, with many of them living crowded together in urban areas. For human history, the earth was much less densely populated than it is now, and it is only over the past hundred years or so that many societies have existed in which most of the population are city dwellers.<sup>3</sup> Until 1977, when the only cultural

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<sup>2</sup> B. PLANKENSTEINER – N. M. ADEDIRAN, *African lace; a history of trade, creativity and fashion in Nigeria* Gheru, Kortrijk 2010 [np].

<sup>3</sup> A. GIDDENS, *Sociology*, Cambridge 2006, pp. 33–35.

show was performed in Nigeria (FESTAC) there had never been attempts to nationalize Nigerian cultural heritage. So, when we talk or plan for globalization of the heritage it is pertinent to start at home/domestic level before internationalization (i.e. cultural nationalization before cultural globalization).<sup>4</sup>

From the seventeenth to the early twentieth century, the western countries established colonies in numerous areas that were previously occupied by traditional societies, using their superior military strength where necessary. Although virtually all these colonies, including Nigeria, have attained their independence, the process of colonialism was central to shaping the social map of the globe.<sup>5</sup>

The paper therefore with the adoption of historical narrative and descriptive analysis tries to look at some basic issues regarding dress. These issues are discussed to be driven by some agents of globalisation, these agents have tended to affect every aspect of dressing in Yorubaland. With the use of primary and secondary data and with proper analysis and interpretation, this paper intends to focus basically on the Yoruba metropolitan society, specifically Lagos and prove the effects of globalization on the dress culture of the people. Lagos was chosen because it is a heterogeneous society which encompass different people from different places which was mostly triggered with the start of the colonial rule in Nigeria. The work tends to cover the period starting from Nigeria independence up till date, while it also traces back certain developments that took place in Yorubaland with the coming of the foreigners even before the colonial rule was officially started, this is to give a background to the study of the Yoruba society as pertaining to dress.

### **Dress Style and Globalisation**

There has been a great stir going on everywhere about the influence of globalisation which has led to a “cultural explosion”, an expression that leaves something to be desired in view of the definitions of “explosion”. The revolution in communications technology, which gave the west the power to achieve global supremacy, has converted the world into a global village. That is to say, the expansion of global capital and information and

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<sup>4</sup> M. U. NWEGBU – C. C. EZE – B. E. AZOGWA, Globalization of cultural heritage: issues, impact, and inevitable challenges for Nigeria, in: *Library Philosophy and Practice*, Lincoln 2011, p. 3.

<sup>5</sup> GIDDENS, p. 35.

communication technologies have affected in a huge way the Lagos people and Nigeria as a whole. The penetration of these forces has influenced the people's culture and self-understanding.<sup>6</sup> This was followed by the increasing diffusion (dominance) of western cultural values that tend to destroy the native cultures of developing nations. Acculturation processes and socialisation have been spurred by foreign culture, social values, lifestyle, dressing, music and so on. Although the word globalization was not coined until the second half of the twentieth century, the origin of globalization has been traced back to the period of 1450–1500 A.D.

It must be noted that, the yoruba textile production and industry have been in existence prior to any visit of foreigners into the land. They already had their own way and method of producing clothes for their own use as well as for others. Some of these include the manual acquisition of cotton, thread and weaving which often in all cases result in the production of quality and long-lasting clothing materials. This which was done through planting of cotton to harvest cotton and then extract thread from the cotton alongside dyeing such threads into suitable colours before they start the process of weaving and was done by both men and women with each of them having the roles they performed. Weaving in Yorubaland have been said to be sustained precisely by the 16<sup>th</sup> century, when at this point in time, there had been the planting of cotton in abundance as well as producing excellent indigenous cloth and emphasis was placed on how the cloth produced were already in export trade even before the arrival of the European explorers, that a flourishing weaving industry was already in existence which manufactured hand woven clothes from locally acquired cotton, dyed with natural dyes and indigo; these records were said to as well be kept by the first set of explorers and traders who visited the land.<sup>7</sup>

Globalisation as it entails in yoruba dress has manifested in two broad ways, on the one hand is the influence and incorporation of foreign or other sartorial traditions into yoruba culture, while on the other hand, it is the act of imbibing and wearing of foreign dress culture by yoruba people. Like in other parts of the world, a feature of the second form of globalisation in yoruba dress deals with yoruba people imbibing the western dress, which is often termed as the jean culture. The term jean

<sup>6</sup> A. G. ADEBAYO – O. C. ADESINA – R. O. OLANIYI, *Marginality and crisis of globalization and identity in contemporary Africa*, Lanham 2010, pp. 7–8.

<sup>7</sup> M. O. AREO – R. O. KALILU, Origin of and Visual Semiotics in Yoruba Textile of Adire, in: *Arts and Design Studies*, 12, 2013, pp. 22–34.



culture here is used to describe the western type clothes which included jean, suits, t-shirt, fez-cap, assortment of perfumes, etc. while it may be extremely difficult to date this development, it can however be said that its widespread and usage cannot be separated from the era of the structural adjustment programmes (SAP) in the 1980s, which was due to the sudden and drastic down in the economy, this which led to young men and women in Nigeria became jobless and soon found the wearing of the jeans, t-shirt as a way of coping with the austencity measure, and this today has assumed a mark of not just sophistication but also of civilisation. Hence the jean culture is no longer limited to private use or associated with poverty, but now considered as standard dress. The ending appeal of this type of dress does not lay on popularity and being foreign, but also trendy.

In Lagos, due to the impact of globalization on cultural norms, socialization processes and values are affected. The situation is now such that some parents are no longer frowning at what the youths put on, in cases when they put on bad cloth. This is a period referred to as the mercantilist period and characterized by the development of trade in the quest for commercial empires to broaden their markets. Since then, propelled by incredible advancements in transportation and information technology, globalization has practically made the world into one global village. Initially, globalization was seen as an economic phenomenon and in fact, some economists still define it from a purely economic perspective. However, it is now obvious that although it was triggered by economic motives it has far reaching effects in all aspects of life especially in the areas of politics, culture, technology, and the environment. Therefore, globalisation is a historical process of change that has been with humanity for a long time. It is a system that generates domination and disempowerment, and impacts differently and often detrimentally on individuals, social groups, and political entities.<sup>8</sup>

With the economic integration through globalisation, there was the opening of border which allowed countries to trade in Nigeria; there was the presence of the foreign textile industries, like Austrian, Korea, China and so on. And while in Nigeria the business was largely dominated by Lagos traders and Ijebu-ode, Abeokuta, and the Ibadan axis of the western

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<sup>8</sup> O. AGBU, Globalization: the politics of 'we' and 'them', in: A. G. ADEBAYO – O. C. ADESINA – R. O. OLANIYI, *Marginality and crisis globalization and identity in contemporary Africa*, Lanham 2010, p. 13.

part of Nigeria. So, the traders bought these foreign fabrics and take them back home and sell it out to people, and from there it becomes popular and the new trend.

With the advent of modern fashion designing through globalisation, changes were introduced in the pattern of the old traditional clothe, that in fact it was such a drastic change, even while some people still put on the traditional cloth, globalisation had given it new taste and functions. Different pattern in fabrics became sewn for outings, ceremonies, and domestic use. For instance was the introduction of new machines for sowing modern style clothing, and was the embroidery machine introduced, a means of adding elaboration to ceremonial costume. The following years after independence became a modern development in the style of clothing. There were sewing machines which now produce a wide range of designs on clothing and allow the taste of style of dress to increase.

Globalization is a complex and multifaceted phenomenon. It is the process of international integration as a product of exchange of world views, products, ideas and other aspects of culture in which worldwide exchange of national and cultural resources occurs in the process. Globalization trend has also had an adverse effect on the socio-cultural development of Nigeria. The social aspect is that globalization has deeply influenced the social structure of different societies. Every society used to have its own unique culture with respect to the language, social norms, morality, civic sense, etc. The advent of media which aids this special capability to influence millions at the same time has challenged the social institutions of the society especially family. A particular society following their style of living without being much influenced by the western culture is now seen as “uncivilized” which was a very cunningly designed propaganda of the west to inculcate their culture into the rest of the world, thereby dominating the globe.

There has, therefore, been the hegemonisation of culture by the Western world, changing the culture and orientation of the people in question. The Nigerian culture has been largely influenced by the perception and worldview cultivated because of slavery as well as our colonial and post-colonial education and finally by the current trend in economic globalization. So, globalisation can be said to be in existence for a very long time, but the pronouncement of the economic globalisation makes the word “globalisation” becomes popular. Commercialization of culture has a disturbing impact on the people of Nigeria. For example, what was once an element of Nigeria’s cultural way of life has become a product,

rather than something unique which they have made to suit their specific needs and circumstances. Nigerian markets are increasingly bombarded with new images, new music, new clothes, and new values.<sup>9</sup> Organizations spend billions of dollars each year defining, acquiring, maintaining, and monitoring employees' dress. Employee manuals often include references to appearance that range from very detailed uniform specifications to more general dress codes. Employees failing to maintain dress standards suffer consequences that range from insults and ridicules to termination.<sup>10</sup> This means that because of globalisation, the concept of organisational dress came into existence in which an organization give address code to its workers, which could be gotten from other places within or outside the country. In the banking sector for instance, there is the dress code, and this is applicable to other sectors, all in the name of being organised.

The situation today is that young people in developing countries are undergoing uncontrolled acculturation and are under the tremendous influence of western culture in dress style, music, food, and behaviour.<sup>11</sup> The economic developments caused many changes in Western Yoruba society. As regards this, imported cloths replaced locally woven types of common materials for dress making.

As the world rapidly moves towards a single, unified economy, businesses and people move about the globe in increasing numbers in search of new markets and economic opportunities. As a result, the cultural map of the world changes: networks of peoples span national borders and even continents, providing cultural connections between their birthplace and their adoptive countries, there then came exchange, as in the fact that, as the people move from place to place, they disseminate their culture, like their culture of dressing and also imbibe those of their adopted countries. The situation of Lagos here is of the same experience, as people who move to Lagos to stay brought with them their style of clothing. In fact, there came with them, fashion designers who started sowing for the Lagos people in the style they (the tailors) are familiar with.<sup>12</sup>

There were also some people who are elites and business persons that travelled in and out of the country often, they study the style of clothing

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<sup>9</sup> D. C. OGOHI, Impact of globalization on socio-cultural development in Nigeria, in: *Developing Countries Studies*, 4, 17, 2014, p. 38.

<sup>10</sup> A. RAFAELI – M. G. PRATT, Tailored meanings: on the meaning and impact of organizational dress, in: *The Academy of Management Review*, 18, 1, 1993, pp. 32–55.

<sup>11</sup> AGBU, p. 13.

<sup>12</sup> GIDDENS, pp. 33–35.

abroad and on coming back brought it into the culture of the society by either merging it with the cultural dress style or adopting it as a new style. Then before you know it, such style has circulated around the whole of Lagos as people start imbibing it, giving it a name. For instance, the *aso-oke* cloth worn by Yoruba women was not embroidered until the experiments of fashion designer like Mrs. Sade Thomas in the mid-sixties. And also did she pioneer the use of *aso-oke* for the *buba*, which had previously been made of high-weight machine-made fabric. Wavy or zigzag lines with curved motifs at intervals were embroidered in orderly fashion all over the surface of the fabric. The embroidery was done on machines by men, but did not all resemble the traditional motifs used on men's robes.<sup>13</sup>

As a result of globalisation and integration of culture, the Lagosians and other Nigerians took over other people's inventions (fabrics), improved on them and represented them to the world, this they improved by infusing an element of something unique, colourful thereby transforming it into something proudly Nigerian.<sup>14</sup>

As a result of cultural globalization, the movement of youths from the rural to urban setting has caused a significant depopulation of youths going to prayer houses in the rural setting. The arrival of Christianity has also depopulated the traditional religious adherents in many parts of Nigeria.<sup>15</sup>

As a result of cultural globalization, the movement of youths from the rural to urban setting with the arrival of Christianity and Islam has depopulated the traditional religious adherents, as it condemns the traditional clothing, terming it as uncivilised, and to the converts, they encouraged them to move on to the western style by putting on the foreign attire. Osita Agbu classified religion as the carrier of evil, and by implication a site for the clash of civilisational differences, as there was disapproval from Islam on western civilisation.<sup>16</sup> An example of the controversy was from 1989 up till the 1990s when wearing of the *hijab* (a Muslim attire worn to cover the head up till the shoulder level) was made compulsory, the *hijab* controversy and the dilemma.<sup>17</sup>

<sup>13</sup> P. OYELOLA, *Nigerian artistry*, Ibadan 2010, p. 3.

<sup>14</sup> PLANKENSTEINER – ADEDIRAN, [np].

<sup>15</sup> NWEGBU – EZE – AZOGWA, p. 6.

<sup>16</sup> AGBU, p. 13.

<sup>17</sup> H. O. DANMOLE, "From global to local" the media and Islam in Nigeria, 1979–2007, in: A. G. ADEBAYO – O. C. ADESINA – R. O. OLANIYI, *Marginality and crisis globalization and identity in contemporary Africa*, Lanham 2010, pp. 87–98.

Both the Muslims and Christians were involved in this act; as the missionary came, they brought with them their clothes and textile which they brought from their homeland. As they went about teaching, proselytizing their mess it posed to the secular Nigerian state followed rapidly on the heels of anti-*hijab* controversies in the western media age, they included in it some ethical teachings on how people should eat, dress, the kinds of cloth they should wear and so on, and even that parent do not question their children on the clothes they are putting on again, because of the changes in cultural value brought by globalisation.

Some forms of religious belief and practice have acted as a brake on change, emphasising above all the need to adhere to its values and rituals.<sup>18</sup> This included mostly the aspect of dressing; this is because it is most visible to say who you are with whatever you are putting on, or what religion you belong to. With the wearing of *hijab* or *jalamia*, everybody knows that you are a Muslim, and also with the wearing of a shirt and skirt along with a beret or a hat, it is very easy to know you are a Christian. This was because of the teaching and orientation received from the missionary of both religions. For instance, the impact of Christianity was greatly felt, as status based on age grade before gave way to status based on membership of a small elitist group composed of, whose dress was conspicuously European. The western dress became the prestigious dress, it became synonymous with progress and civilisation; traditional dress was associated with backwardness and uncouthness.

As a result, people do not want to be referred to as uncivilised, and so they began to adopt the European attire and to stop wearing the traditional dress. Going to churches and mosque, also increased the demand for clothes. Other agents of change were also at work. Apart from the contributions made by Christian missions and the schools, the colonial administrations themselves initiated actions directly and introduced measures which produced important alterations in the cultural pattern of Western Yorubaland. The very imposition of colonial rule also contributed to the changes in the dress style at this point in time.<sup>19</sup>

In their attempt to civilise the so-called pagans by introducing a “superior” religion and literacy, the Muslims and the Christians were at par. The Muslim gown like the European jacket, symbolized the higher

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<sup>18</sup> GIDDENS, pp. 33–35.

<sup>19</sup> A. I. ASIJAJU, *Western Yorubaland under European rule 1889–1945: a comparative analysis of French and British colonialism*, London 1976, p. 32.

status being sought by those who wore them. Muslim culture favours “an extraordinary variety of over garments, tunics, mantles and jacket worn over the other as tangible signs of social rank and wealth,” and the turban worn over a skull cap was not religious symbol but also an indication of social class. The prophet himself never wore wool [to the Muslims the mark of poverty and asceticism]; he preferred bright colours and it is by no means certain that he insisted upon simplicity in dress. As far as comfort is concerned, there was a little to choose from between the tight-fitting stuffy clothes worn by Christians, and the heavy hand-woven gowns worn in profusion by Muslims.

In Lagos in particular, gifts of clothing, received from charitable individuals or organization were regularly distributed at Christmas to the boarders and day pupils of the female Institution. The missionary ladies were themselves competent dressmakers, and through their sewing class, they imported the knowledge of dressmaking without encouraging its creativity. In these ways, the missionaries help to advertise the wares imported by the traders.<sup>20</sup>

Islam had affected and indeed transformed many aspects of the life of Lagosians. It was common in Lagos to see men and women dresses in keeping with styles of their own Islamic associations. Some men put on the round caps and flowing dresses with the white cap to match. The Muslim women who belong to some associations cover their faces only, while some cover themselves from head toe. These show the Islamic cultural influence on the people.

### **Globalisation and the Media Culture**

The mass media as a member in definition has to do with very large and inclusive groups of the population and all of them together reach virtually all groups. If on any very broad front there is a great increase in popular attention to any aspect of life or increased activity in it, there is always some relation to the mass media. The mass media include a wide variety of forms, such as, the television, newspapers, films, magazines, radio, advertisements, and so on. These are referred to as mass media because they are used to reach the mass audience, audience which consists of very large numbers of people.<sup>21</sup> As a result of tremendous advancement in the

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<sup>20</sup> T. EUBA, *Dress and Status in 19<sup>th</sup> Century Lagos*, in: A. ADEFUYE – B. AGIRI – J. OSUN-TOKUN (eds.), Lagos 1987, pp. 139–157.

<sup>21</sup> GIDDENS, pp. 33–35.

spread of the knowledge of information and communication technology, virtually every segment of society, including the press, has been impacted by these developments. Even though the knowledge spread slowly to, or was latently embraced in Nigeria, its effects have been enormous. Not only has it quickened information dissemination, it has also revolutionised the conduct, method and quality of media practices generally. This had a huge effect on the dress culture of the people.<sup>22</sup>

With regard to clothing and fashion, generally, it is the mass media that have brought an intensified awareness of the act of dressing, made it more generally available and usually done both and these are the minimum essentials of any widespread cultural activity: awareness and availability.<sup>23</sup> Also, due to the influence of media, there has been drastic changes on the way people dress and the style of clothes they wear, in as much as it matches with what is going on in the western world, even though it goes against the culture of the land, they don't want to care and the media has always been known as a contributing factor.<sup>24</sup> There has been consciously or unconsciously media imperialism perpetrated by the media networks of the advanced countries of the world.<sup>25</sup> Also the media played a role in the 'hijab' controversy, that by the end of the twenty-first century, it was clearer.<sup>26</sup>

The media through the television and radio brought awareness through different programmes on evolving clothing styles into millions of homes. The proliferation of standard television and radio stations with increase channels, and for radio, "FM" stations, all these factors have put fashion into the scene, and the fragmentation of the audience has made it possible for many of these channels to devote the major segments of their schedules to serious fashion and dress style. For instance, a postmodern reading of Soyinka's "Ake" reveals that the text contains echoes of globalisation. Some indicators of the new world order in the text include the references to a transistor radio and a gramophone, the soldiers and Hitler to produce echoes of the world wars, photography, and fashion designing, and so on. As shown therefore in the text, all of such represented the kind of life lived in "Ake" in as much as other places in Nigeria including Lagos.

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<sup>22</sup> NWEGBU – EZE – AZOGWA, pp. 1–10.

<sup>23</sup> F. STANTON, *Mass media and mass culture*. Great Issues Lecture at the Hopkins Centre, Dartmouth, 1962, pp. 1–46.

<sup>24</sup> OGOHI, p. 38.

<sup>25</sup> AGBU, p. 13.

<sup>26</sup> DANMOLE, pp. 87–98.



And on the street were seen signposts bearing “London trained sewing mistress”, and other advertisement post. The “London trained” actually depicts the people’s love for exotic style.<sup>27</sup> The television made the public see and heard some fashion programmes, talks or concerts which could help them to know the type of style in vogue in other places and therefore changed their orientation. The television which brings British and especially American culture (through networks and programmes such as the BBC, MTV, etc.) into homes throughout the world daily, while adapting cultural products from the Netherlands, (such as Big Brother) or Sweden (such as Expedition: Robinson, which later became survivor) for the audience.<sup>28</sup>

Also, in newspapers and magazine, there are certain aspects in which people’s eyes are opened to see what is going on around the world, the kind of cloth for the young men and also the types for the women, creating and broadening public awareness of it. Millions of people became acquainted with new ideas in pages of magazines and newspapers, as it deals with current styles. Also, there was the increment in the fashion consciousness of the people through the magazines; evidence of this is seen in the West African Review Magazines up till the 1960s. There was always a space left out for reports on dress or clothing trends both for the male and the female youth. An example is the publication of August 1957, page 797, which described the way western guys are dressing, and how fast creeping they are in the fashion stakes. The aspect described the kind of cloths in vogue for the male, stating that the fashion-conscious man will have a waisted look. Putting on one or two-button jacket, with back slit, having narrow lapels, and the slim look which will be visible in his trousers (probably a slim fit trouser). It also described the types of colours for clothing, stating that blue and grey are the dominant colours for formal wear. A shepherd check in orange, brown and black was quite in eyeeful, and for the race goers a suit in lovat and red check tweed had its jacket intriguingly lined with a design of horse’s head accoutrements.

With these few descriptions and many others there is the evidence that this has contributed to the changing trends in dress style as the youth of Lagos prefer the western form of lifestyle to the local one, so they will

<sup>27</sup> A. OGUNSIJI, Beyond memoir: echoes of globalization, identity, and gender struggle in Soyinka’s Ake: the years of childhood, in: A. G. ADEBAYO – O. C. ADESINA – R. O. OLANIYI, *Marginality and crisis globalization and identity in contemporary Africa*, Lanham 2010, pp. 81–88.

<sup>28</sup> GIDDENS, pp. 33–35.



want to dance to the tune of factors like the magazine, to keep them in informed.<sup>29</sup>

On the international scene, cloth appeals to people most especially youth who follow fashion trends set by those at home. Fashion designers as well as traders of fabrics have developed websites and contacts through which orders from abroad can easily be placed. Huge signposts with neon lights and billboards displaying young, attractive models wearing foreign attire, becomes a new way of advertising. Sometimes, well known personalities including home video stars, newscasters on national television in particular became a point of reference for fashion-conscious viewers, who not only tuned in for the news but also on the lookout for the kind and style of dress worn by the newscasters. A number of these newscasters were impeccably dressed in elaborate African-styled garments.

Also, with the introduction of certain soap operas and other television shows, old fashion styles were reinforced while new ones were introduced. Actors like “baba sala” parodied European clothing in the over dramatization of his garments, while the soap opera character chief Eleyinmi of village headmaster fame celebrated Yoruba indigenous dress. “Madam kofo” emerged as a fashionable woman in the 1980s drawing attention to her oversized headgear in the drama series entitled “second chance”. She carved a niche for herself in the world of fashion, transforming it into a brand in an advertorial for one of the leading telecommunication companies in Nigeria. “Madam kofo” sensational dress style broke out from the small screen and become part and parcel of fashion trends reinforced by musical offerings from the Lagos-based musician, Lagbaja. Billboards and magazines were awashed with photographs of “home video” stars and government officials, particularly the wives of the governors and presidents, ministers, high chiefs, and senators. These personalities help in furthering a diverse range of taste in both local and foreign clothes.<sup>30</sup>

### **Globalisation and the Internet Culture**

Globalization and the internet also allow cultural heritage of different tribes in Nigeria to be uploaded, downloaded, and accessed by other people in another side of the world thereby projecting the cultural identity of Nigeria. The internet certainly offers the greatest opportunities for

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<sup>29</sup> E. GWYNNE, Colour captures the male fashion market; reports on men’s clothing trends, in: *West African Review Magazine*, 1957, pp. 1–5.

<sup>30</sup> PLANKENSTEINER – ADEDIRAN, [np].

cultural exchange, causing more books, journal reference and paper-based information media and cultural artifacts to migrate to electronic format.<sup>31</sup>

The advent of ICT has forced libraries and librarians to operate with such concepts and phrases like information society, digitization, computer or information explosion, globalization, cyberspace, and information superhighway. These technologies have forced the developed world to operate in a context of change which automatically affects the ways our cultural heritage are documented, preserved and practiced. Information and communication technology is gradually spreading its influence on religious evangelism. This is in the areas and methods religious society globally use it for teaching, proselytizing and in belief systems. It is now possible for any religion to spread its faith beyond national borders, allowing even small religious movements to engage in overseas Proselytization activities.<sup>32</sup> It has brought the culture, folklore, and heritage of western countries into our doorsteps, reading tables, desktop or laptop with just a press of the computer keyboard or a click of mouse. Some important technological advances during the second half of the twentieth century have completely transformed the face of telecommunications. The numbers of people using the internet keep rising every day, and through the “cyberspace” on the internet, people interact. In the cyberspace, people are no longer “people”, but messages on one another screens, as new channels are being presented for communication and interaction.

Through the communication and interaction, people from Lagos meet with outsider even without knowing them, and they become friends and could start discussing the common trend in each of their locality. Through this, pictures are being uploaded and downloaded; seeing the kind or style of cloth of the other person, might trigger the former to adopt such style. In the process of interactions cultures are exchanged, and this has to do with traveling even while you are at home on your computer, you can be able to know what is happening all around the world, some youth goes to extent of browsing and even ordering for clothes online.<sup>33</sup>

As for education, the sphere of culture and popular education are also under pressure from globalisation, and these have implication on the people’s life, like their way of dressing and their local language,

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<sup>31</sup> NWEGBU – EZE – AZOGWA, pp. 1–10.

<sup>32</sup> Ibid.

<sup>33</sup> GIDDENS, pp. 33–35.

consumption pattern among many others.<sup>34</sup> In addition, early converts and the ambitious children of the rich and the rulers, who travelled abroad for education in Europe, certainly came in contact with dresses or home textiles made of different fabrics like lace. To them these fabrics obviously appeared fashionable for use at home or as gifts for parents, family friends, relations, benefactors, suitors, and other loved ones, who in one way or the other have contributed towards their education. Thus, the groundwork was laid for these materials to be popular in Lagos and all-over other part of southern Nigeria.<sup>35</sup>

Also was the emergence of the “modern lady” which changed the thinking of the women on how to dress, this was because of their education and the rise in their level of sophistication. The influence of western civilisation since the last quarter of the 20<sup>th</sup> century made a visible impact on the way of life and transformed the social system. It was the era of ‘social emancipation for womanhood’, because it brought educational opportunities to the women which widen their scope of social activities including dressing, thus giving them a basis to make their contribution towards the progress of the nation. And so the ‘modern girl’ dresses gorgeously and decoratively to school and office, and with what she is putting on, she readily tells her boss that ‘abroad where she studied, freedom of movement and fashion is prevalent’.<sup>36</sup>

African countries import used clothes equal to a quarter of the region’s exports. Among suppliers, the United States is the most notable, shipping out some 50 million tons per year, followed by north-western Europe and Japan. Perhaps the most telling datum is this: in 1995, used clothes filled 16% of the containers leaving the United States for Africa, surpassing food, and machinery, while some of the returning ships came back empty. This is just to show the rate at which, foreign wears are taking place in exchange for the existing traditional wears, and in which these traditional wears were not exported but gradually putting an end to its existence. The flow of second-hand clothes could be seen as another instance of “globalisation/Westernisation”. When trying to discuss this issue of globalisation, some scholars have tended to describe this act, as the westerners trying to turn places where these clothes were taken to into dumping ground. In Lagos, there are much of used cloth sold as “bk” or “bend down select”

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<sup>34</sup> AGBU, p. 13.

<sup>35</sup> PLANKENSTEINER – ADEDIRAN, [np].

<sup>36</sup> T. ORISARAYI, What it takes to be a modern lady, in: *Lagos Times*, May 21, 1970, p. 6.

and as a consolation, grading it, like saying some are not used at all, those are the first-grade cloth, and so on. Such scholars termed them as “rag trade” or into “industrial recycling”.<sup>37</sup> Commercialization of culture has a disturbing impact on the people of Nigeria. For example, what was once an element of Nigeria’s cultural way of life has become a product, rather than something unique which they have made to suit their specific needs and circumstances. Nigerian markets are increasingly bombarded with new clothes.<sup>38</sup>

### **Dress Style and Popular Culture**

Popular culture is referred to as the beliefs and practices, and the objects through which they are organised, which are widely shared among a population. This is the locally accepted belief by the socio-culturalist. Second it could also mean the folklore of industrial society, provided a catholic understanding of what counts as “industrial”, has been adopted. The two concepts encompass objects and practices rooted in both local traditions and large-scale commercial system; they include “elite” forms that have been popularised as well as popular forms that have been “sacralised”.<sup>39</sup>

Popular culture as it is discussed here includes both “folk” or “popular” beliefs, practices, and objects rooted in local traditions as well as “mass” beliefs, practices, and objects generated from political and commercial centres. When we open our closet doors each morning, we seldom consider what our sartorial choices say, whether we tend toward jeans and a well-worn concert T-shirt or wingtips and a three-piece suit. Yet, how we dress divulges more than whether we crave comfort or couture; our clothing communicates who we are and how we relate to our culture. But how does a Gucci bag or a tough leather jacket topped by Dolce and Gabbana signify these things? *Fashion and Popular Culture* considers this question. Combining fashion theory with approaches from literature, art, advertising, music, media studies, material studies, and sociology. Fashion, they show, has the capacity to both influence and be influenced by popular culture, and its meaning is also contingent upon context.

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<sup>37</sup> K. TRANBERGHANSEN, The world through secondhand clothes (Hansen’s Salaula) Salaula: the world of secondhand clothing and Zambia, in: *Current Anthropology*, 43, 5, 2002, pp. 822–823.

<sup>38</sup> NWEGBU – EZE – AZOGWA, pp. 1–10.

<sup>39</sup> L. GRINDSTAFF, Culture and popular culture: a case for sociology, in: *Annals of the American Academy of Political and Social Science*, 619, 2008, pp. 206–222.

Globalisation culminates in the growth of popular culture. In fact, some people believe that globalisation is also responsible for popular culture as it stood as a major influence on the popular culture of the people. For instance, the home videos, popular music and so on, have been influenced by foreign culture, and in which most of the actors and actresses wore foreign clothes, like putting on “top and skirt”, “shirt and trouser” combination in the foreign style. The youth, who are interested in watching movies, listening to music and the rest got influenced by these acts in films and other programs in the television.

The origins of Nigerian video film are usually traced to the Yoruba language travelling theatre tradition. Frequently described as “popular theatre” by reason of its audience and producers travelling theatre emerged among Yoruba-speaking communities in south-western Nigeria during the colonial period. Although the itinerant troupes often performed live, some groups were already exploiting the medium of television on a regular basis by the 1960s. The most popular troupe directors began film production for their stage works in the late 1970s and early 1980s. Despite the success of the early Yoruba films, Nigeria entered a period of significant economic decline at about the same time, making big-screen production unfeasible for many smaller troupes. Discouraged by the increasingly low financial returns on television production, they turned to video technology, and by the late 1980s, Yoruba video film had come into existence. Video film has become a significant cultural and commercial presence within contemporary Nigeria and in the Nigerian Diaspora abroad. Video films brings attention to all those involved in the production and those that featured in the film, including stars like Richard Mofe-Damijo, Liz Benson then, and now the likes of Ini Edo, Genevive, Funke Akindele, Odunlade Adekola, to mention a few. These people were seen as stars and celebrities who most youth in Lagos wants to attach themselves to and thereby chose them as their role model and start to do things most especially dressing the way they see these people dress. The youth believe that whatever these stars wear were the latest style in vogue all around the world. The film function as a conduit for advertising and the spread of modern clothing ideas because different kinds and style of clothes were featured in the film, then the youth get adapted to it.

Released in 1994, the film “Glamour Girls” set the tone for many future influences in dress style and in English. It is the story of five women, Doris, Thelma, Sandra, Jane, and Helen, all living in high style in Nigeria’s capital city, Lagos. The women were seen to appear at various times to have jobs

and businesses, relationships with wealthy men open the door to a level of almost unimaginable affluence. They were seen to be wearing designer clothes in a succession of lavishly furnished homes, driving expensive cars in upscale neighbourhoods. The point here is that these people wear designer clothes, these designer clothes were not locally made clothes, but modern dress in which the designer would either be from Europe or America. As the film is being watched, the youth try to look at the way fashion is being practiced and these designer clothes in order adopt it into their own style of clothing, just to appear current and “civilised”, as they would say.<sup>40</sup>

The popular culture of the normal traditional dress style of three to four pieces suit, but in which the local fabrics were used were affected and changed with the invention of foreign fabrics such as lace. Lace was adapted to suit traditional dress styles and events and was used in place of or to embellish other traditional popular forms of dress. Notably within Lagos territory and other Yoruba world, the traditional clothing of both men and women was increasingly fashioned out of the lace materials. The men’s *agbada* (gown), *buba* (traditional blouse,) *soro* or *sokoto* (trousers), originally made from other fabrics, were now made wholly in lace and all the embroidery was added in matching colours. Also, the women’s traditional of *iro* (wrapper), *buba* (blouse), *iborun* (an accompanying shawl), *gele* (head tie) were all made from lace materials.

The *aso-ebi* was a popular culture which was imbibed into the Lagos culture in the early twentieth century, and then henceforth became a view shared by the people of Lagos. It was a notable factor that promoted the widespread use of foreign fabrics, like the use of lace and lace materials in Nigeria, and especially among the Lagos people. This originally was interpreted by Lagosians to be a uniform mourning outfit which many people strove to have and wear as a mark of respect for the dead. But later on, it became a common cloth for relatives and friends. At social gatherings, for burials, naming ceremonies, coronations or installations, birthdays, or anniversaries and so on, friends, relatives, as well as members of social clubs or business associates all wear a common and uniform dress to celebrate and express their solidarity and group cohesion.

With the use of *aso-ebi* in vogue, the women who belong to an occupational or social club or a religious group will purchase the same cloth

<sup>40</sup> M. ADEJUMOBI, English and the audience of an African popular culture: the case of Nigerian video film, in: *Cultural Critique*, 50, 2002, pp. 74–103.

to make matching wrapper ensembles, of which the result is spectacular when you see a group of women sitting together or dancing through the streets in identical clothes, the practice ensures that wearers continually innovate new patterns, of which more money was expended on *aso-ebi* but rewarded in public praise. As lace became a popular cloth used for the *aso-ebi* phenomenon, there came competition among the regular users and marketers of the material, as everyone display their wealth through the use of special lace to mark their occasion.

The situation became outrageous when a notorious “armed robber” sentenced to death, requested one of the most expensive laces to be made into something for him to wear for his execution at the stake. His request was granted, but this became a contentious issue and a debate ensued in the daily newspapers on the morality of the act. A popular *juju* musician, Ebenezer Fabiyi popularly called “obey”, later composed a song about what happened, and this more or less immortalised the incident. The memory of such scenario remains till date as when the song was performed, the memory of the event re-echoes in the mind of those who were alive at the time and followed the event.<sup>41</sup>

Also, as for popular music, Yoruba popular musicians such as Ebenezer Obey, Sunny Ade, the late Ayinla Omowura, and the late Adeolu Akinsanya have used their music both as a conduit for their own conservatism as well as a means of consolidating the attitudes of the young ones toward dressing aside other attitudes. Most of the musicians employ the services of young women as dancers for their musical videos, and clothes were adopted to be worn as uniforms. Television fashion shows helped popularised the high volume of bouffant and glamorous fashion, with foreign music artist such as Brooke, Kelly Emberg, Micheal Jackson among many others. How to dress in the modern way and yet stay an Africa was a theme of a fashion show which closed a month-long series of lectures and discussions held in Paris in which was attended by many people from Lagos, and those who could not attend sat in their different houses and watched on their television. It was organised by the Association of Black African Cinema (ACNA) and the Union of African and Malagasy Women in Europe. In the show was discussed how to adopt the traditional style of clothes into the modern styles. Adapting traditional African dress to modern requirements, most of the creations were adaptations of traditional garments like the “grand bubu”, the “buba”/blouse and the “lappa”/

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<sup>41</sup> PLANKENSTEINER – ADEDIRAN, [np].

wrap-around skirt. Like the ‘grand boubou’ for instance, which originally uses 12 yards of more material, was changed into another style in which was often cut back to resemble a “poncho” and was either square or triangular in shape. This was a European style given to an African fabric.<sup>42</sup>

### **Conclusion**

The conclusion here is that in the emerging state of the world, with the introduction of certain concept as industrialisation, globalisation, popular cultures, trend setters, these have greatly contributed to drastic changes in every aspect of human life. The human life mention does not exclude clothing/dressing. That in fact, dress no longer only serves its purpose of covering people’s nakedness, it has gone beyond that with the invention of new ideas in sowing and production of clothes into different styles. It now has another major purpose which is fashion or for display in order that other people might admire their look or get carried away by their appearance. Hardly will you see a young girl or boy wearing cloth without the intension to impress people or to get along with what is in vogue. What is in vogue is always known with the help of contents brought in by globalisation, like the mass media, etc. with the new culture, at each point in time different styles and materials of cloth keeps evolving, and also ideas keep emerging for tailors, who are no longer even called “tailor” again, but “fashion designer”, this in part was as a result of the changing trends in clothing, through their sowing they bring out the best in people through what they wear. The reaction here is that the display of cloth styles has gone beyond the one people do in their room, church, community, but it has become an international thing, in which the practice of “fashion parade” has been introduced, to create an avenue for tailors to showcase what they are capable of doing.

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<sup>42</sup> Anon., Its homage to African fashion wise woman, in: *Lagos Times Newspaper*, June 21, 1970, p. 5.



# Colonialism, Migration, and the Emergence of Urban Spaces in Colonial Nigeria

*Samson Adesola Adesote<sup>1</sup> – Babatunde Olabiyi Osiyale<sup>2</sup>*

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Arguably, urbanisation, which entails spatial, social, and temporal phenomena, is social process that describes the manner in which cities grow and societies become more complex. From this point of view, urbanisation is not a new phenomenon in Nigeria in particular, and Africa in general. The process of urbanisation in Nigeria began in the pre-colonial period and continued during colonial and post-colonial periods. However, the factors or conditions that facilitated urbanisation in each historical epoch of urbanisation in Nigeria have changed over time. This paper, therefore, interrogates the effect of colonialism on the emergence of urban spaces in Nigeria between 1900 and 1960. It argues that migration, which constituted one of the main drivers of the emergence of urban spaces in Nigeria during this period, was promoted by the introduction of the British colonial policy of administration. Of the three main trends of internal migration during colonial Nigeria, our focus in this paper is the third trend, which involves a drift from the rural areas and the lesser towns to the new urban centres of commerce and administration that developed in response to the establishment of formal colonial rule in the country. This trend of internal migration was witnessed in different parts of Nigeria such as Lagos, Ibadan, Ogbomoso, Osogbo, Benin City (all in Western Nigeria); Onitsha, Enugu, Calabar, Port Harcourt (all in Eastern Nigeria); Kano, Jos, Makurdi, Zaria, Sokoto and Kaduna (all in Northern Nigeria) between 1900 and 1960. It concludes that the physical spaces in these cities have had a fundamental significance for the host communities, migrants and for host/migrant relations. The methodological approach adopted in this paper is historical, thematic, and analytical, utilising materials from both primary and secondary sources.

[Colonialism; Migration; Space; Nigeria; Urbanization]

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## Introduction

Existing studies have revealed that the socio-economic relations in different parts of Nigeria in particular and Africa in general are shaped

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by trans-local patterns of migration, exchange and identity.<sup>3</sup> The dynamic nature of migration constitutes major factor responsible for geographical distribution of population in every human settlement. Fundamentally, the history of human race is rooted in migration. In other words, the emergence of every society is a product of migration. This is why migration is generally referred to as a global phenomenon. By nature, man is designed to be mobile. He moves, as the need arises, from one location to another in search of a variety of things,<sup>4</sup> which could be socio-economic opportunities available in the place of destination.

Nigeria, like other countries of the world has a long history of population mobility. In historical perspective, the study of migration patterns in Nigeria falls into three distinct periods, namely pre-colonial, the colonial and post-colonial. Meanwhile, each of these periods reflects the people's response to widely divergent social, political, and economic conditions.<sup>5</sup> The movement of people in these historical epochs of migration took forms of regional, occupational, and seasonal rural-rural, rural-urban, urban-urban and urban-rural patterns of internal migration. Importantly, the decision to migrate, migration stream/wave and paths which are major processes involved in internal migration is based on place utility in terms of the environment and the information received from previous migrants.

Arguably, migration constitutes one of the main drivers of city building in any society. Although the process towards this development has begun in Nigeria since the pre-colonial period, it became unprecedented and took different dimensions during colonial and post-colonial periods. In fact, it was during the last two periods that rural-urban and urban-urban patterns of migration were more pronounced. The dynamic nature

<sup>3</sup> See O. OTITE, Rural Migrants as Catalysts in Rural Development: The Urhobo in Ondo State, in: *Africa: Journal of the International African Institute*, 49, 3, 1979, pp. 226–234; O. OGEN, Urhobo Migrants and the Ikalé Palm Oil Industry, 1850–1968, in: *The Nigerian Journal of Economic History*, 5&6, 2003, pp. 1–17; R. O. OLANIYI, Approaching the Study of the Yoruba Diaspora in Northern Nigeria, in: T. FALOLA – A. GENOVA (eds.), *Yoruba Identity and Power Politics*, Rochester 2006, pp. 231–250.

<sup>4</sup> N. F. AKAI, National integration and the Niger Delta Question, in: J. MANGNUT – D. O. EGBEFO (eds.), *The Fourth Republic and National Integration in Nigeria, 1999–2009*, Markurdi 2010, p. 20.

<sup>5</sup> For details see S. A. ADESOTE, *Plantation Agriculture and the Growth of Migrant Settlements in Ondo Division, Southwestern Nigeria, 1947–1986*. Unpublished Ph.D. Thesis. Department of History, University of Ibadan 2016, p. 15; P. K. MAKINWA, *Internal Migration and Rural Development in Nigeria: Lessons from Bendel State*, Ibadan 1981, p. 19.

of urbanization during these periods was hinged on socio-economic development that attended colonialism. In other words, economic opportunities and the availability of social infrastructure prevalent in many cities and towns in Nigeria during colonial period stimulated rural-urban and urban-urban migration. As argued in the literature, one of the consequences of colonialism in Nigeria was the growth and transformation of some cities and towns between 1900 and 1960.<sup>6</sup> Notable among them were Ibadan, Ogbomoso, Osogbo, Benin City (all in Western Nigeria); Onitsha, Enugu, Calabar, Port Harcourt (all in Eastern Nigeria); Kano, Jos, Makurdi, Zaria, Sokoto and Kaduna (all in Northern Nigeria). However, it is imperative to point out here that, the physical spaces in these cities and towns had a fundamental significance for the host communities, migrants, and host/migrant relations.

It is against this background that this paper interrogates the relationship between colonialism, migration, and urbanization in Nigeria between 1900 and 1960. This paper is divided into six sections. The first section is introduction and the methodology adopted for the study; the second section deals with conceptual clarification and theoretical framework for the study; the third discusses city building in the pre-colonial period; fourth is colonialism, migration and the emergence of urban spaces in colonial Nigeria; the fifth part examines the impact of physical spaces in new urban centres on host communities, migrants and host/migrant relations; while the sixth section is the concluding remarks. The methodology adopted in this study is basically historical, thematic, and analytical, utilising materials from both primary and secondary sources.

## Conceptual Clarifications

### *Colonialism*

Colonialism can be viewed from different perspectives. Generally, it refers to as the domination of one country by another, which is mainly achieved through aggressive and military actions or means. From the

<sup>6</sup> See M. O. MURITALA, Urban Livelihood in Lagos 1861–1960, in: *Journal of the Historical Society of Nigeria*, 20, 2011, pp. 193–200; S. FOX, Urbanization as a Global Historical Process: Theory and Evidence from sub-Saharan Africa, in: *Population and Development Review*, 38, 2, 2012, pp. 285–310; W. T. UJI, Migrant Groups and the Development of Urbanization in Tiv Society of Central Nigeria: Colonial Period to Post Colonial Era, in: *International Research Journal of Arts and social Science*, 4, 2, 2015, pp. 37–42.

African experience, it deals with the practise of invading African lands & territories by the Europeans for the purpose of settlement and/or resource exploitation.<sup>7</sup>

### *Migration*

Generally, migration refers to the movement of people from one geographical location to another, either on a temporary or permanent basis. Migration could either be voluntary or involuntary or forced migration. While voluntary migration centres mainly on the movement of people based on willingness and desire, forced migration refers to as the mass movement of people caused principally by social and political problems such as armed conflicts, human rights violations, natural or environmental disasters, chemical or nuclear disasters, famine, or development projects.<sup>8</sup> There are two main categories of migration, namely, internal, and external. While internal migration involves movement between one community and another, external migration refers to the movement between countries. For this paper, our major focus is internal migration which according to Osoba is categorised into three main trends in Nigeria.<sup>9</sup> The first trend deals with the movement of people from rural areas of less economic activity to those of greater economic activity within the same region. A good example of this was the movement of people from their places in Abeokuta, Ijebu and Oyo Provinces to Ondo Province within the Western Region in search of suitable land and employment on farms. The second trend deals with the movement of people, whether on a seasonal, temporary or permanent basis across regional frontiers. A good example of this was the movement of people from the Northern and Eastern Regions to the Western Region and, vice versa. The third trend involved a drift from the rural areas and the lesser towns to the new urban centres of commerce and industrialisation caused by colonial policy of administration. A good example of this was the movement of people from different areas within Nigerian territory into places like Lagos, Ibadan, Kano, Jos, Port Harcourt, Onitsha and so on in search of

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<sup>7</sup> M. H. Y. KANIKI, The colonial economy: The former British zones, in: A. A. BOAHEN (ed.), *General history of Africa. VII. Africa under colonial domination, 1880–1935*, Paris 1985, pp. 382–419.

<sup>8</sup> ADESOTE, p. 10.

<sup>9</sup> S. O. OSOBA, The Phenomenon of Labour Migration in the Era of British Colonial Rule: A Neglected Aspect of Nigeria's Social History, in: *Journal of the Historical Society of Nigeria*, IV, 4, 1969, pp. 515–516.

employment, education, better conditions of living and so on. Of these trends of internal migration, our main focus is the third.

### *Urbanisation*

The concept has been viewed from different perspectives by historians, social anthropologists, geographers, sociologists, demographers, and other social scientists. According to Fadayomi, urbanization is a process that bring with it rapid social change and new behavioural pattern that effects social institutions like marriage and the family.<sup>10</sup> Lious Worth observes that urbanization is simply “an urban centre. And that a town that has population that is below the minimum of 4000 inhabitants cannot classified as urbanized”.<sup>11</sup> Also, Sackville sees urbanization from the perspective of population density, and thus argues that a town with more than 5,000 people is an urban area.<sup>12</sup> In all, urbanisation means the physical growth of an area in terms of population and socio-economic infrastructure such as transportation, communication and so on.

### **Theoretical Framework for the Study**

It is imperative to point out here that a theoretical framework is a guide to perception. Besides, it is useful in ensuring that analyses of a more qualitative nature (like this paper) can be better organised within a framework to add conceptual richness to the work. The two main theories require in this paper centre on migration and urbanization. Basically, migration theories present two main perspectives, economic and non-economic as the determinants of migration. According to the economic perspective, individual migrants are viewed as rationally optimising the costs and benefits of their decision to migrate. Economists generally regard the decision to migrate as one which invariably leads migrants from rural, low-income areas with job prospects to urban areas where they can improve their economic standing by employment in the formal salary sector.<sup>13</sup> The non-economic perspective consists of other social scientists like geographers, sociologists, anthropologists among others and thus

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<sup>10</sup> T. O. FADAYOMI, *Migrations, Development and Urbanization Policies in Sub-Saharan African*, Codesria Books 1998, p. 15.

<sup>11</sup> W. LIOUS, *Perspective on Urbanism as a way of life* cited by UJI, p. 37.

<sup>12</sup> Sackville cited by A. F. AHOKEGH, *Colonialism, development of infrastructure and urbanization in Tivland of Central Nigeria*, in: *Ilorin Journal of History & International Studies*, 2, 1, 2011, pp. 232–250.

<sup>13</sup> MAKINWA, p. 6.

pose that migration decision consists of two stages. The first decision to migrate preceding a second decision regarding the choice of destination. The former, though usually heavily predicated on economic factors, is seen as necessarily moderated by various non-economic considerations such as means of transport, presence of relatives, friends and/co-villagers at destination, ethnic compatibility and residual environmental factors at both places of origin and destination.<sup>14</sup> These two perspectives of migration are represented in various theories of migration. Notable among these migration theories are Ravenstein's Laws of Migration (1885); Everett Lee's push and pull theory of migration (1966); Charles Tilly's three determinants of migration (1974); Mabogunje's (1970) systems approach to rural-urban migration among others.<sup>15</sup> The paper adopts the Everett Lee's push and pulls theory of migration, which mainly emphasises rural-urban migration. The theory is constructed around some fundamental factors (economic, social, and political hardships in the sending regions) and factors of attraction (comparative economic and social advantages in the receiving regions).

Also, there are socio-economic and demographic theories of urbanisation. The traditional economic theory of urbanization, which has dominated in both academic and policy circles since the 1950s, revolves around the relationship between structural economic change and the spatial dynamics of the labour market. In other words, as the modern urban sector (i.e., manufacturing and services) expands, surplus labour from the "backward rural economy" (i.e., agriculture) is drawn to towns and cities, attracted by higher wages.<sup>16</sup> This is illustrated in the Lewis theory of dualistic economic model of urbanization which explains that surplus labour from traditional agricultural sector is transferred to modern industrial sector whose growth over time absorbs surplus labour, promotes industrialisation and stimulates sustained development.<sup>17</sup> In other words, the economic model suggests that urbanization is fundamentally driven by rural-urban labour migration (that is labour transition between two sectors, namely the capitalist sector and the subsistence

<sup>14</sup> Ibid.

<sup>15</sup> For details on theories of migration see A. E. ADEPOJU, *Internal Migration in Nigeria*, Ile-Ife 1976.

<sup>16</sup> FOX, pp. 285–310.

<sup>17</sup> W. A. LEWIS, Economic Development with Unlimited Supplies of Labour, in: *Manchester School*, 22, 2, 1954, pp. 139–191; D. GOLLIN, The Lewis Model: A 60-Year Retrospective, in: *Journal of Economic Perspectives*, 28, 3, 2014, pp. 71–88.

sector) stimulated by a wage gap between rural and urban areas due to industrialisation. The demographers see urbanization from the perspective of population growth caused by either natural increase in urban areas or rural-urban migration.<sup>18</sup> They explain that the onset of mortality decline ahead of fertility decline in urban areas raises the rate of urban natural increase, and urban populations expand regardless of whether they are net recipients of rural migrants. They content that population growth could occur in a place without rural-urban migration if urban natural increase exceeded rural natural increase over a sustained period.<sup>19</sup> From these above perspectives, the paper argues that urbanization during colonial rule was mainly caused by rural-urban migration.

### **Historicising City Building/Urbanization in the pre-colonial Nigeria: A Discourse**

Generally, city building or urbanization is viewed as a global historical process mostly driven by population dynamics associated with technological and institutional change.<sup>20</sup> In other words, the emergence of urban spaces in Nigeria is a product of historical phases, which comprised pre-colonial, colonial and post-colonial periods. Each historical phase was shaped by different factors. With respect to the pre-colonial period, evidence from the existing studies revealed that the origin of city building or urbanization in Nigeria in particular and Africa in general began during the pre-colonial period. While Sesan observes that urban settlements emerged in many regions in the nineteenth century,<sup>21</sup> Southall submits that development predated 19<sup>th</sup> century and started with the process of state formation.<sup>22</sup>

The pre-colonial urban or physical structure in Nigeria has been attributed to the factors of migration, politics, and trade. Politically, the development actually began with the process of state formation, which made up of the origin of a state and the emergence of dynasty in that state (occasioned by conquest, migration, assimilation and integration).<sup>23</sup> This

<sup>18</sup> C. COHEN, Urban growth in developing countries: A review of current trends a caution regarding existing forecasts, in: *World Development*, 32, 1, 2003, pp. 23–51.

<sup>19</sup> FOX, pp. 285–310.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> A. SOUTHALL, State Formation in Africa, in: *Annual Review of Anthropology*, 3, 1974, pp. 153–165.

<sup>23</sup> Ibid.



was witnessed in different parts of Nigeria in the pre-colonial period. Here, we will only restrict ourselves to a few of these developments. For example, in Yorubaland, there was the existence of pre-Oduduwa societies in Ondo, Egba, Ijebu-Ode, Ilesa, Akure and so on.<sup>24</sup> For instance, in Ondo, there was the presence of three aborigines namely the Oka, Ifore and Idoko. These were autochthonous people that initially settled in the place that is now known as “Ondo”. They were later conquered by the coming of Oduduwa’s group led by *Pupupu* (the first and only female *Osemawe* of Ondo) who came from Ife/Oyo<sup>25</sup> to Epe, Ile-Oluji and Ode-Ondo. The conquest led to the establishment of a new dynasty (known as *Osemawe* Dynasty) in Ondo<sup>26</sup> as well as successful integration between the aborigines and the newly migrated groups, which took forms of either absorption or assimilation. This further followed by the emergence of different quarters (streets) such as Oke Lisa, Odo Jomu, Oke Odunwo, Odotu, Oke Dibo, Oreretu, Oke Otunba, Okerowo and so on.<sup>27</sup> Also, in the 19<sup>th</sup> century, generally described as “a century of revolution in Yorubaland”, there were series of political crises, which ended in the fall of the Old Oyo Empire. The fall of the empire resulted in the outbreak of other civil wars such as Owu war, Egba-Dahomey war and Ekiti-Parapo war by other Yoruba states for political ascendancy. We are not interested in the factors responsible for the outbreak of these wars as they had been thoroughly examined in the literature.<sup>28</sup> Our main focus is the impact of the wars on city building in Yorubaland. Thus, the immediate consequences of the wars were forced migration or mass movement of people (which altered the demographic pattern of Yorubaland) leading to the establishment of new towns and cities like Ibadan, Aiyede, New Oyo and Ijaye; and the expansion of old ones (which became homes of large-scale mixture of Yoruba peoples).<sup>29</sup>

<sup>24</sup> See I. A. AKINJOGBIN, *Yorubaland Before Oduduwa*, in: *Ife Journal of History*, 1, 1, 1993, p. 18; J. A. ATANDA, *An Introduction to Yoruba History*, Ibadan 1980, p. 8.

<sup>25</sup> There are two versions of the migration traditions, but what is important in this study is the fact of pre-colonial migration (from wherever).

<sup>26</sup> P. OGUNSAKIN, *Ondo, the People, their Custom and Traditions*, Lagos 1967, pp. 2–3.

<sup>27</sup> M. C. ADEYEMI, *Ondo Kingdom: Its History and Culture*, Ibadan 1993, pp. 46–47.

<sup>28</sup> For details see J. F. A. AJAYI – R. SMITH, *Yoruba warfare in the 19th century*, Cambridge 1964; D. OGUNTOMISIN – T. FALOLA, *Refugees in Yorubaland in the 19th century*, in: *Journal of Asian and African Studies*, 21, 1987, p. 56; S. A. AKINTOYE, *Revolution and Power Politics in Yorubaland, 1840–1893*, Ibadan 1987.

<sup>29</sup> T. FALOLA – A. MAHADI – M. UHOMOIBHI et al., *History of Nigeria 2. Nigeria in the 19th century*, Ibadan 1991, pp. 69–85.



Also, in Northern Nigeria, there was the evidence of state formation process which initially began with the Bayajidda legend. Although there are versions with regards to Bayajidda legend, there is a general consensus among scholars that societies existed in Hausaland with a distinctive form of government [known as *Sarauta* (kinship) system] prior to the 1804 Uthman dan Fodio Jihad.<sup>30</sup> Notable among societies that emerged in Hausaland in the pre-jihad period were Daura, Kano, Zauzau, Gobir, Rano, Biram, Kastina, Zamfara, Kwararafa, Gwari and so on.<sup>31</sup> The expansion of Northern part of Nigeria during this period was later facilitated by the 1804 jihad. Aside political changes leading to the emergence of new dynasty, the jihad had tremendous effect on the demography of the area in particular. It resulted in the emergence of new settlements, towns and cities and the expansion of the old ones. For example, the emergence of towns like Gombe, Yola, Bauchi, Kontagora and Sokoto was as a result of the jihad.<sup>32</sup>

The second factor responsible for pre-colonial urban structure in Nigeria was trade. Trade was a major factor that facilitated inter-group relations among Nigerian peoples during this period. Both internal and external trade developed in different parts of pre-colonial Nigeria. The first major form of external trade in the pre-colonial period in West Africa (Nigeria inclusive) was trans-Saharan trade. The trade flourished in Northern Nigeria during this period. Several cities were said to have developed for the purpose of supporting Saharan and trans-Saharan trade routes. The main trans-Saharan trade route in Northern Nigeria had its centre in Bornu. It connected Tripoli, Cairo, and the Kingdoms South of Egypt. The development of the trade attracted many traders and migrants from outside (mostly Arabs) and surrounding areas, who later settled in different areas like Kano, Katsina, which eventually acted as central citadels and political capitals<sup>33</sup> and Kukawa.<sup>34</sup> The areas were exposed to international trade as early as the 14<sup>th</sup> century and resulted in the growth of cities and towns in other parts of Northern Region. Inter-regional trade

<sup>30</sup> See R. A. ADELEYE, *Power and Diplomacy in Northern Nigeria, 1804–1906*, London 1971, p. 16; FALOLA – MAHADI – UHOMOIBHI et al., p. 12.

<sup>31</sup> ADELEYE, p. 13.

<sup>32</sup> FALOLA – MAHADI – UHOMOIBHI et al., p. 15.

<sup>33</sup> J. B. OGUNSOLA, *West African History (A.D 1000 to Present day)*, Ibadan 1971, p. 44.

<sup>34</sup> Ibid.; G. OGUNREMI, The Pre-colonial economy and transportation in Northern Nigeria, in: I. A. AKINJOGBIN – S. O. OSOBA (eds.), *Topics on economic and social history*, Ile-Ife 1980, pp. 35–54.

relations between traders from Northern Nigeria and those of Southern part during this period equally facilitated urbanization.

Another major external trade that contributed to urban spaces prior to the establishment of colonial rule was the contact with Europe, which began during the Atlantic Slave trade in the 15<sup>th</sup> century. It was after the abolition of slave trade and the transition to legitimate trade and commerce in the 19<sup>th</sup> century that external trade relations between peoples of Nigeria was well developed. Several trade routes emerged in different parts of Nigeria. For instance, in Yorubaland, there was trade route from Egbado (in Western Yorubaland) through Igan or Ilogun to Iseyin, Shaki, Igboho, Kishi and to Oyo (all in Northern Yorubaland). From Oyo, this same route continued through Raba on the Niger to Kano. This development enabled Egbado to trade with Hausaland and Bornu. There was also the trade route, which linked Central and Northern Egbado with Abeokuta to the east and Ketu to the West. In the Ketu market, there were usually found some 4,000 traders from Shaki, Kishi, Igboho, Bariba, Dahomey and Porto Novo. This led to the rise of the Egba state.<sup>35</sup> The development of legitimate trade in the 19<sup>th</sup> century promoted effective trade relations between the Northern and Southern parts of Nigeria, which resulted in the emergence of new settlements and growth of towns in both areas. In both areas, separate quarters emerged to host stranger migrant traders. While in the south, the new quarters were referred to as 'Sabo' (stranger settlement) and hosted the Hausa population, in the north, new quarters were referred to as 'Sabon Gari' (literally, new town) and hosted inhabitants who were not from the north such as the Yoruba.<sup>36</sup> The most commodities that promoted trade relations between Hausa traders and Yoruba traders were kolanuts, textiles and leather. Yoruba traders exchanged kolanuts for textiles and leather. During this period, some Northern cities had specific quarters for each group of specialised craft manufacturers. Also, in the Niger Delta area, a number of places like Bonny, Nembe, Brass, Warri, Duke town, Ebrohimi among others became not only major commercial centres, but also emerged as cities during legitimate trade.<sup>37</sup> Okpeh later argues that it was in these towns that

<sup>35</sup> K. FOLAYAN, Trade routes in Egbado in the 19<sup>th</sup> century, in: I. A. AKINJOGBIN – S. O. OSOBA (eds.), *Topics on economic and social history*, Ile-Ife 1980, pp. 83–87.

<sup>36</sup> R. O. OLANIYI, *Diaspora Is Not Like Home: A Social and Economic History of Yoruba in Kano, 1912–1999*, Muenchen 2008, p. 11.

<sup>37</sup> K. O. DIKE, *Trade and Politics in the Niger Delta, 1830–1885*, Oxford 1956, p. 23.

besides trade, other forms of interaction took place all of which generated the sense of awareness in among these diverse groups.<sup>38</sup>

The above analysis shows that the process towards city building in Nigeria actually began in the pre-colonial or pre-industrial era. The development was mostly facilitated by migration, politics and trade. This was later popularised by the establishment of colonial rule from the 1900. This will be the focus of next section.

### Colonialism, Migration, and the Emergence of Urban Spaces in Nigeria

The British occupation of Nigeria was a product of two major phases, namely first (1851–1900) and second (1900–1914). While the first phase was characterised by aggressive acquisition of territories through the adoption of military conquest, signing of treaties and gunboat diplomacy (which could be grouped into two measures-violent and non-violent), which lasted till 1900,<sup>39</sup> the efforts of the British during the second phase were geared towards bring different parts of Nigeria together under a single political entity for easy administration. According to Tamuno, the desire to achieve a total and effective control over the Nigeria area constituted the prime objective of British colonial administrators between 1900 and 1914.<sup>40</sup> Meanwhile, by 1900, Nigeria had been recognised as “a British colony” by other European colonialists.<sup>41</sup> However, despite this, it was not until 1914 that a formal establishment of colonial rule was impose on the whole of Nigeria. Thus, having successfully conquered Nigeria during this phase, the desire of the British was to open markets for the products of British industries and as well to control the important raw materials available in the country.<sup>42</sup> There were two main conflicting arguments with respect to the British interests in Nigeria. They were Eurocentric and Afrocentric scholars. While Eurocentric scholars such as

<sup>38</sup> O. O. OKPEH, Jr., Patterns and dynamics of inter-group relations in Nigeria, 1800–1900, in: *Journal of the Historical Society of Nigeria*, 17, 2007/2008, p. 129.

<sup>39</sup> A. BARKINDO – M. OMOLEWA – G. BABALOLA, *Africa and the wider World 3: Africa since the scramble*, Lagos 1994, p. 28; T. FALOLA – A. MAHADI – M. UHOMOIBHI et al., *History of Nigeria 3. Nigeria in the 20<sup>th</sup> century*, Ibadan 1991, p. 2.

<sup>40</sup> See T. N. TAMUNO, British Colonial Administration in Nigeria in the twentieth century, in: O. IKIME (ed.), *Groundwork of Nigerian History*, Ibadan 1980, pp. 393–409.

<sup>41</sup> FALOLA – MAHADI – UHOMOIBHI et al., *History of Nigeria 3*, p. 1.

<sup>42</sup> A. T. AJAYI, *Colonial Policies and the Textile Industry in Eastern Yorubaland, 1900–1980*. Unpublished Ph.D. Thesis. Department of History, University of Ibadan 2005, p. 5.

D. K. Fieldhouse and Arthur Norton Cook argue that the British colonial interests in Nigeria were motivated mainly by social and political intentions, Afrocentric scholars such as Toyin Falola, Walter Rodney, Kwame Nkrumah and Aime Cesaire posit that British enterprise was motivated to a large degree by the economic factors.<sup>43</sup> For example, Fieldhouse while criticizing Marxist explanations of colonial expansion and exploration argues that it was colonialism not economic enterprise that precipitated Europe's political impulses and military rivalries. Fieldhouse further explains that the missionaries, explorers, and adventurers who had exerted pressure on European countries to search for colonies had no economic interests as such at heart. The economic interests of the merchants were merely accidental<sup>44</sup> His argument was later challenged by African scholars. For example, Toyin Falola argues that British enterprise in Nigeria was majorly motivated by economic forces. He posits that the British managed the Nigerian economy to the advantage of the metropolis through a variety of direct and indirect means among which were the creation of modern transport, the incorporation of Nigeria into the British monetary system.<sup>45</sup> The various colonial policies of administration introduced by the British justified the various arguments of the African scholars that Nigerian society was governed for the benefit of the metropolis. Here, we will restrict ourselves to just few of the policies that facilitated migration and urbanization.

Colonial agricultural policy was one of the main colonial economic policies introduced by the British which facilitated migration and the emergence of urban spaces in Nigeria. The colonial agricultural policy emphasised the cultivation of "cash crops" at the expense of food crops (the traditional economy of the Nigerian peoples). Emphasis on the new colonial economy led to the search for suitable fertile land and the emergence of wage labour, which invariably resulted in forced migration. As pointed out elsewhere in this paper, the movement of people from rural areas of less economic activity to those of greater economic activity within the same region, which occurred in different parts of Nigeria during this period, was mostly caused by emphasis on the production

<sup>43</sup> Ibid.; O. C. ADESINA, *A Historical Evaluation on the Western Nigerian Government Agricultural Policy, 1951–1966*. Unpublished M.A Thesis. Department of History. Obafemi Awolowo University, Ile-Ife 1989, p. 13.

<sup>44</sup> D. K. FIELDHOUSE, *Colonialism, 1870–1945*, London 1983, p. 3.

<sup>45</sup> J. IHONVBERE – T. FALOLA, Introduction: Colonialism and Exploitation, in: T. FALOLA (ed.), *Britain and Nigeria: Exploitation or Development?*, New Jersey 1987, p. 8.

of cash crops. Both migrant farmers and labourers were affected by this development. While migrant farmers were searching for suitable fertile land for the cultivation of newly introduced export crops such as cocoa, migrant labours sought for work on the plantations. Between 1920s and 1950s, there was aggressive colonial campaign for expansion in cash crop production.<sup>46</sup> The demand for cocoa, rubber and palm oil increased during this period. This led to the search for land by the Nigerian farmers. In Ondo Division for instance, there was influx of Yoruba Cocoa migrant farmers from Oyo, Ilorin, and Abeokuta Provinces into the division. They penetrated the interior parts of Ondo Division and acquired large tract of land from the indigenes through their traditional rulers such *Osemawe* of Ondo and *Jegun* of Ile-Oluji<sup>47</sup> for the establishment of cocoa farmers. Berry observes that the genesis of the influx of cocoa migrant farmers in the division was traced to the 1930s.<sup>48</sup> The availability of suitable fertile land and its easy accessibility in the division coupled with colonial land policy, which encouraged commercialisation of rural land facilitated the influx of migrant farmers to the area.<sup>49</sup> The same experience was witnessed in West Niger Igboland. Onyekpe argues that migrant capitalist farmers, who were mostly Urhobo and Ukwuani planters penetrated West Niger Igboland and acquired expansive virgin lands from both individual peasants and communities for the purpose of setting up rubber plantations.<sup>50</sup> This further led to the influx of migrant labourers into the two areas. While cocoa migrant farmers in Ondo Division drew their migrant labourers from the places of origin of the farmers and middle belt such as *Agatu*, *Igede*, *Ebira*<sup>51</sup> and so on, the Urhobo rubber planters in West Niger Igboland depended on the wage labour of migrants from Urhoboland

<sup>46</sup> E. K. FALUYI, *A history of agriculture in Western Nigeria, 1900–1960*. Ph.D. Thesis. Department of History. University of Lagos 1994, pp. 40–55.

<sup>47</sup> S. A. ADESOTE, Cocoa migrant farmers and Rural Development in Ondo Division, 1940s and 1980s, in: *Keffi Journal of Historical Studies*, 2017, p. 27.

<sup>48</sup> S. S. BERRY, The Concept of Innovation and the History of Cocoa Farming in Western Nigeria, in: *The Journal of African History*, 15, 1, 1974, p. 86.

<sup>49</sup> S. A. ADESOTE – R. O. OLANIYI, Land Acquisition, Cocoa farming and Internal Migration in Ondo Division, 1947–1972, in: *Lagos Historical Review*, 16, 1, 2016, pp. 107–126.

<sup>50</sup> J. G. N. ONYEKPE, Land disputes and inter-group relations in Western Niger Igboland, in: C. B. N. OGBOGBO – R. O. OLANIYI – O. G. MUOJAMA (eds.), *The dynamics of inter-group relations in Nigeria since 1960: Essays in honour of Obaro Ikime @ 70*, Ibadan 2012, pp. 188–191.

<sup>51</sup> ADESOTE – OLANIYI, pp. 107–126.

and the East Niger Igbo districts (a good number of them were Efik.<sup>52</sup> The effect of the establishment of rubber plantation on labour migration was put by I. A. Asiwaju in this way: “*The establishment of rubber plantation led to the popularisation of wage labour. It was a gigantic concern employing hundreds of labourers in its various services. Apart from the clearing, planting, watering and later the tapping of the rubber plants, such labourers were employed in erecting the various buildings of both the factory and residential quarters adjoined to the plantation.*”<sup>53</sup>

In Ondo Division, for example, paid labourers in cocoa, rubber and timber industry included the Ebira, Agatu, Ibo, Urhobo, Edo and Osun people. This could be corroborated with the Annual Report on Ondo Division of 1946 which states that: “*Ibo labourers still continue to provide most of the manual labour for timber, cocoa and public works. Indeed, it is difficult to know how trade and industry could possibly carry on without them.*”<sup>54</sup>

The place of infrastructural development on migration and urbanisation during colonial rule cannot be overemphasized. Infrastructure can be classified into two groups of services, namely economic infrastructure, and social infrastructure. While social infrastructure embraces health, education and water supply, economic infrastructure includes transportation (roads, railways, and seaports) and communication. With respect to the economic infrastructure, the period between 1900 and 1960 witnessed considerable investment of resources in the development of modern transport infrastructure. Before we interrogate the impact of infrastructure on migration and urbanisation, it is imperative to have glimpse of the evolution and development of each economic infrastructure. During this period, there was a rapid transformation of transport facilities especially railways, roads and seaports.<sup>55</sup> Improvement of economic infrastructure in the colonial period was in line with the prevailing philosophy of the European imperialist power, which saw transport development as the key to colonial exploitation. Oluwasanmi observes that the expansion in the production of agricultural materials for the export market was facilitated by the building of a modern transport

<sup>52</sup> ONYEKPE, p. 190.

<sup>53</sup> A. I. ASIWAJU, *Western Yorubaland Under European Rule, 1889–1945. A Comparative Analysis of French and British Colonialism*, London 1976, p. 168.

<sup>54</sup> National Archives Ibadan (hereinafter NAI), Ondo Prof. 1/120C Piece. Annual Report on Ondo District, 1946, p. 12.

<sup>55</sup> B. OGUNDANA, *The Development of Seaport in Colonial Nigeria*, in: I. A. AKINJOGBIN – S. O. OSOBA (eds.), *Topics on economic and social history*, Ile-Ife 1980, pp. 159–163.

system.<sup>56</sup> All the three means of transportation railway, road and seaport transport were developed during this period. Fundamentally, two main reasons facilitated the early development of transportation system in Nigeria. First was the need to establish effective territorial administrative machinery. The colonial government held the view that in a vast territory like Nigeria without adequate transport facilities easy movement in the territory would be difficult. Second, the vast interior of the country could not be fully exploited without putting in place efficient system of transportation.<sup>57</sup> Railway was the first to be developed. Following the establishment and consolidation of British administrative control in Nigeria, the British began to embark on the construction of the railway system. Although the official history of the Nigerian Railway was concentrated on the period after 1901 when the Iddo-Ibadan line was opened and when Railway policy was adopted, efforts to construct them began in the late 19th century.<sup>58</sup> The railway received the most important and urgent consideration. The demand for railway to link Lagos with the hinterland antedated the imposition of colonial rule.<sup>59</sup> As early as 1875, a European traveller, John Whitford had suggested the construction of a line from Lagos to Lokoja, romanticising the political economic and religious advantages derivable from it. Similar calls were also made by many other European and Africans. Despite all these calls, nothing was done before the 1890s.<sup>60</sup> The actual construction railway line did not commence until March 1896.<sup>61</sup> It was designed as an arrow standard colonial gauge of 3'6,<sup>62</sup> which was to pass through the region where cash crops were available for quick transportation to Lagos.<sup>63</sup> The approved line from Iddo to Ibadan was not completed until the end of 1900. This completed railway line was formally opened on March 4, 1901.<sup>64</sup> It was

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<sup>56</sup> OLUWASANMI, p. 13.

<sup>57</sup> Ibid.

<sup>58</sup> O. OMOSINI, *The Background to Railway Policy in Nigeria*, in: I. A. AKINJOGBIN – S. O. OSOBA (eds.), *Topics on economic and social history*, Ile-Ife 1980, p. 10.

<sup>59</sup> FALOLA, *The Political Economy*, p. 167.

<sup>60</sup> See O. O. OLUBOMEHIN, *Road transportation in Western Nigeria, 1900–1960: Its role, Nature and Impact*, Saarbrücken 2011, p. 16.

<sup>61</sup> See J. O. OYEMAKINDE, *A History of Indigenous Labour on the Nigerian Railway, 1885–1945*. Unpublished Ph.D Thesis, University of Ibadan 1970.

<sup>62</sup> OMOSINI, p. 157.

<sup>63</sup> FALOLA, *The Political Economy*, p. 167.

<sup>64</sup> OLANIYAN, p. 14.



later extended to the Northern and Eastern Regions.<sup>65</sup> For example, the Bauchi Light Railway reached Bukuru in 1915.<sup>66</sup>

The advent of motor transport created a greater economic revolution than that of the railroads because motor vehicle as a means of conveyance have a range which far exceeds that commanded by the railways.<sup>67</sup> The colonial government designed the building of trunk roads to run horizontally across the country so as to link the regional capitals to facilitate the movement of commodities.<sup>68</sup> The first motorable road in Nigeria was built in 1906 from Ibadan to Oyo and it was linked to the railways by a railway-operated road transport service.<sup>69</sup> Before the outbreak of the First World War in 1914, over 2000 miles of roads had been built.<sup>70</sup> In the 1920s, the colonial government took frantic effort towards road construction on the fact the railway was inadequate for the economic needs of Nigeria. The railway network tapped comparatively small areas in the vast territory. Roads were required to carry the agricultural produce from areas not reached by railways to the coast and consuming areas.<sup>71</sup> Although the construction of roads was interrupted by the First World War, it resumed from 1922.<sup>72</sup> In Southwestern Nigeria for example, roads were constructed between Ibadan and Lagos; Ibadan and Ijebu-Ode; Ilesa and Akure to Ondo among others.<sup>73</sup> While Olaniyan argues that by 1926, the construction and maintenance of roads were the joint responsibility of the Native Administrations and the Public Works Department<sup>74</sup>, Olubomehin posits that with respect to Western Nigeria, road development in the region from the 1920 involved the government,

<sup>65</sup> S. A. AGBOOLA, Agricultural Changes in Western Nigeria, 1850–1910, in: I. A. AKINJOGBIN – S. O. OSOBA (eds.), *Topics on economic and social history*, Ile-Ife 1980, p. 142.

<sup>66</sup> W. M. FREUND, Labour Migration to the Northern Nigerian Tin Mines, 1903–1945, in: *The Journal of African History*, 22, 1, 1981, pp. 73–84.

<sup>67</sup> OLANIYAN, p. 86.

<sup>68</sup> O. O. OLUBOMEHIN, Road transportation as lifeline of the economy in Western Nigeria, 1920 to 1952, in: *African Journal of History and Culture*, 4, 3, 2012, p. 39.

<sup>69</sup> OLANIYAN, p. 87.

<sup>70</sup> G. K. HELLEINER, *Peasant Agriculture, Government and Economic Growth in Nigeria*, Illinois 1966, p. 14.

<sup>71</sup> OLUWASANMI, p. 15.

<sup>72</sup> OLUBOMEHIN, p. 39.

<sup>73</sup> OLUBOMEHIN, p. 40.

<sup>74</sup> OLANIYAN, p. 40.



the people and the missionaries.<sup>75</sup> With respect to seaport transport, the years 1914 to 1954 could be described as the colonial phase in seaport development in Nigeria. Port concentration was centred on Lagos (the leading port in Nigeria), Port Harcourt, Sapele, Warri, Calabar, Bonny, Opopo, Burutu and so on. Lagos and Port Harcourt ports were the main ports actually financed by the government. Others were managed by the private European firms.<sup>76</sup> In the period between 1907 and 1938, while a total capital expenditure of £4.8 million was incurred by the government on port facilities in Lagos and Port Harcourt, the public expenditure in facilities during the same period in all other Nigerian ports combined was under £20,000.<sup>77</sup>

The impact of infrastructural development on migration and urbanization in Nigeria was significant. Although the railway was mainly constructed to facilitate effective transformation of goods from the hinterland to the coastal areas, it enhanced an influx of migrant labourers from the hinterland particularly from the Northern, Eastern and Western parts of Nigeria. The genesis of labour migration occasioned by the development of railway system started with its construction. Generally, railway construction in Nigeria involved the conscription of massive amounts of peasant labour (forced labour) minimally paid. The widespread use of forced labour was deployed for the construction of roads, rail and harbour as well as mining works in all British colonies in West Africa.<sup>78</sup> The great impact of forced railway labour was much appreciated by mining firms: The system under which the Government has found labour for the building of railways has a strong influence towards developing the native.<sup>79</sup> The construction of railway from the Northern part to Western and Eastern parts of Nigeria led to the influx of migrant labourers from the regions into Jos and Kano.<sup>80</sup> The connection of railway line from Lagos to Kano and other areas in Northern Nigeria led to mass movement of labour

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<sup>75</sup> OLUBOMEHIN, p. 39.

<sup>76</sup> OGUNDANA, pp. 159–163.

<sup>77</sup> NAI, Report of Accountant-General to Financial Secretary, Federal Ministry of Transport File T. 0204, dated 29<sup>th</sup> December 1934, Lagos.

<sup>78</sup> A. O. BRITWUM, *Labour in African History: Trends and Organisational forms*. A Paper Presented at the Second ITUC-Africa New Year School, Kisumu, Kenya, January 22–27, s. d.

<sup>79</sup> FREUND, pp. 73–84.

<sup>80</sup> *Ibid.*

migrants from the latter to former. As observed by Edo and Muritala, railway facilitated the movement of people to Lagos than goods it meant to convey. They further explain that passengers carried on board railway rose from 7,015,000 in 1959 to 7,881,000 in 1960.<sup>81</sup> Olaniyi argues that with the emergence of railway, the movement of Hausa migrants into Ibadan basically for trade in kolanut and cattle increased dramatically. He also explained that the presence of railway in Ibadan accounted for the massive settlements migrants in different parts of the city. For example, while the Ijebu largely settled around Oke-Ado, migrants from Lagos settled around Ekotedo and Mokola.<sup>82</sup>

The creation of administrative headquarters in some areas also facilitated migration and urbanisation. These administrative headquarters attracted the establishment of social infrastructure such as telegraph and telephone services, health, education, and water supply. Most of the headquarters of the European private firms such as United African Company (UAC), John Holts among others were equally set up in the administrative headquarters of the colonial administration. This development facilitated the growth of rural-urban migration. While some came in search of jobs, others came purposely for the acquisition of western education. Osoba observes that the phenomenon of labour migration from rural areas and lesser towns to new urban centres of commerce and administration such as Lagos, Port Harcourt, Ibadan, Onitsha, Kano, Kastina, Jos, Enugu, Benin City among others between 1911 and 1963 became unprecedented.<sup>83</sup> This could be corroborated with the submission of Ahokegh that rural-urban migration in the 1940s and 1950s was exacerbated as there was strong desire by migrants for the acquisition of western education in the new areas designated as commercial and administrative centres. He identified areas like Makurdi, Gboko, Katsina-Ala and Adikpo in Tivland of Central Nigeria which grew into urban centres due to the influx of migrants occasioned by the above-mentioned factor.<sup>84</sup> Other areas that were designated as administrative headquarters by the colonial authorities were Warri, Ondo town, Ijebu-Ode, Ogbomoso and so on.

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<sup>81</sup> V. O. EDO – M. Muritala, Overcrowding and disease epidemics in Colonial Lagos: Rethinking road and railway infrastructure, in: *The Nigerian Journal of Economic History*, 11 & 12, 2014, p. 181.

<sup>82</sup> R. O. OLANIYI, Landmarks in Economic History of Ibadan, 1830–1930, in: *Sokoto Journal of History*, 3, 2014, pp. 195–212.

<sup>83</sup> OSOBA, pp. 515–516.

<sup>84</sup> AHOKEGH, pp. 232–250.

### **The Impact of Physical Spaces in New Urban Centres on Host Communities, Migrants, and Host/Migrant Relations**

The emergence of physical spaces in the newly urban centres caused by colonialism was not without its socio-economic impact (which were both positive and negative) on the host communities, migrants and host/migrant relations. It is practically impossible to exhaust all the socio-economic effects of this phenomenon in a discourse of this nature. Therefore, efforts would be made to interrogate just a few of them.

Population explosion was a major impact of physical spaces in new urban centres caused by colonialism. The colonial economic policy and the development of social and economic infrastructure stimulated migration. It is true that high rate of fertility and decline of mortality can contribute to population increase as argued by demographers. During this period, high density of population in new urban centres in Nigeria like Lagos, Makurdi, Gboko, Ibadan, Jos, Warri, Enugu, Calabar, Port Harcourt and Kano was mainly caused by the influx of migrants occasioned by colonialism. For example, Ahokegh observes that while population of Makurdi rose from 7,500 in 1939 to 10,000 in 1948 and to 16,270 in 1952.<sup>85</sup> As pointed out elsewhere in the paper, Edo and Muritala reveal those passengers carried by railway to Lagos from the Northern part rose from 7,015,000 in 1959 to 7,881,000 in 1960.<sup>86</sup> As opined by Ake, the phenomenon of urbanization during colonial rule was born out of the contradictions created by capital accumulation, which encouraged the socialisation of production and the spatial and social concentration of producers caused colonialism.<sup>87</sup>

The attendant problems associated with population explosion in these colonial urban centres such as overcrowding or congestion, outbreak of diseases, enormous pressure on land, poor sanitation and housing arrangement were other negative consequences of urbanization caused by colonialism. With respect to Lagos, Olukoju observes that the high density of population that resided in the indigenous part of the Lagos Island and the congestion associated with it had negative effects on the living conditions of the people.<sup>88</sup> Edo and Muritala corroborate the effect

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<sup>85</sup> Ibid.

<sup>86</sup> EDO – MURITALA, p. 181.

<sup>87</sup> C. AKE, *A political economy of Africa*, London 1981, p. 78.

<sup>88</sup> A. OLUKOJU, Population pressure, housing and sanitation in Metropolitan Lagos, 1900–1939, in: L. OLAKUNLE (ed.), *Urban Transition in Africa. Aspects of urbanization and Change in Lagos*, Lagos 2004, p. 37.

of population explosion on the livelihood of the people living in Lagos during this period in this way: “*the enormous pressure on land occasioned by rapid growth of population forced many people to resort to erecting buildings in swampy areas such as Elegbata, Alakoro, Anikantanmo, Oko Awo and Sangrouse, which were ordinarily inhabitable.*”<sup>89</sup>

The above new settlements experienced outbreak of epidemics such as tuberculosis from 1919.<sup>90</sup> Olukoju explains that the high incidence of the epidemic in the city of Lagos caused steady rise in death and infant mortality rate between 1912 and 1922.<sup>91</sup> Edo and Muritala reveal that while total death in 1912 was 29, it increased to 42 in 1913 and to 78 in 1922. They further explain that incidence attracted negative reactions and protest of the elite in the city.<sup>92</sup> Ahokegh argues that congestion in colonial urban areas caused the spread of European diseases such as gonorrhoea, syphilis, influenza; and the emergence of social vices such as stealing and theft, prostitution, and other crimes in Tivland of Central Nigeria.<sup>93</sup>

There was the emergence of inter-communal disputes over land between the host and migrants. Although inter-communal dispute was not a new phenomenon in the history of inter-group relations in Nigeria, it took a new dimension during colonial period. In the pre-colonial, inter-communal disputes mainly occurred because of the process of state formation. Colonial agricultural policy (which emphasised cash crop production) and the commercialization of rural land [occasioned by the Public Lands Acquisition Ordinance of 1917 (formerly known as the Public Lands Ordinance of 1876 and which was initially restricted to the Colony of Lagos)],<sup>94</sup> accelerated intra and inter communal disputes over land. With respect to the West Niger Igboland, Onyekpe argues that fierce struggles for farmlands in the area occurred at two levels. First, within the communities (that is intra-community struggles and disputes); and second between communities (that is inter-community struggles and disputes). He further explains that the phenomenon which began

<sup>89</sup> EDO – MURITALA, p. 181.

<sup>90</sup> *Lagos Weekly Record*, September 13, 1919. Editorial: “Overcrowding and Tuberculosis”.

<sup>91</sup> OLUKOJU, p. 37.

<sup>92</sup> EDO – MURITALA, p. 181.

<sup>93</sup> AHOKEGH, pp. 232–250.

<sup>94</sup> T. O. ELIAS, *Nigerian Land Law*, London 1971, p. 51.

during colonial period was accelerated in the post-colonial period.<sup>95</sup> He observes that the disputes involved the cases between the historically stranger communities, which began to reject their status as strangers or tenant communities and their host communities, which naturally insisted on their status as owners and landlord communities. He identifies notable examples of inter-communal disputes over land in this area. For example, the loss of large areas of land to rubber and later to the production of cassava on commercial scale in Agbor Alidimma and Igumpe communities led to dispute between them in 1940s-1960s. Also, the logical results of extreme scarcity in land in the aftermath of large-scale land expropriations led to disputes between Ejeme Aniogor and Ekuku Agbor in 1939–1960s; and Umutu and Urhonigbe in the 1950s and 1960.<sup>96</sup>

The transformation of new colonial urban centres constituted one of the positive effects of colonialism. Undoubtedly, major areas that served as colonial administrative headquarters experienced major transformation. For instance, seaports as focal points in international and national transport services became advantageous locations for secondary and tertiary economic activities like manufacturing, assemblage of goods, wholesaling, and distribution. For example, port concentration enabled Lagos, Port Harcourt, Calabar and Warri to grow as large centres of commerce and industry. In fact, in the immediate post-colonial period, Lagos and Port Harcourt in particular became fastest growing industrial centres in Nigeria.<sup>97</sup> There was also the emergence of new settlements and the transformation of some hamlets into villages as well as some villages into towns. Although the influx of migrants into some areas contributed to population explosion as argued earlier, in the others, it resulted in their transformation from towns into cities. As observed by Ifediora, the history of many of Nigeria's urban centres situated along the coast is coterminous with the period of colonial rule, 1900–1960. He further explains that though these coastal states had had their origin as centres of Afro-European commerce in the period before the imposition of colonial rule, they were later popularised and grew rapidly because of their emergence as centres of colonial administration. He concludes that the effort of the colonial government to develop the urban centres of Nigeria

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<sup>95</sup> ONYEKPE, pp. 198–199.

<sup>96</sup> *Ibid*, pp. 200–202.

<sup>97</sup> OGUNDANA, p. 163.

through the setting up of social and economic infrastructure was the foundation of modern urban growth and spatial development in the country.<sup>98</sup> The presence of these migrants resulted in the emergence of new settlements as well as the transformation of some rural settlements to urban centres. Aside the proto settlements and their offshoots, which are the secondary settlements (described as the indigenous settlements with rightful claims of autochthony), new settlements emerged and classified as migrant communities in Ondo Division and West Niger Igboland.<sup>99</sup>

### **Concluding Remarks**

The foregoing examined colonialism, migration, and the emergence of urban spaces in colonial Nigeria. It argued that the process of city building or urbanization began during pre-colonial period. However, the phenomenon assumed a new dimension during colonial period. It analysed the effect of the colonial policy of administration on rural-urban migration, which has now become a permanent feature since the post-colonial period. The discourse is also situated within the existing socio-economic and demographic theories of urbanization and migration. The paper submitted that while push and pull theory of migration was the main theory of migration that facilitated rural-urban migration during this period of study; socio-economic theories of urbanization were the major urbanization theories. It observed that the socio-economic expansion in some Nigerian communities caused by the colonial authorities stimulated rural-urban migration, which invariably resulted in their emergence as urban centres. The socio-economic effects (which were both positive and negative) of physical spaces in the new urban centres on the host communities, migrants and host/migrant relations were equally analysed. The paper concludes that every policy no matter how well thought tends to produce unintended results. Therefore, the British colonial policy in Nigeria was no exception to this general tendency. Hence, the British Administration of Nigeria was a mixed blessing to the people.

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<sup>98</sup> A. O. IFEDIORA, Impact of the physical environment on the growth and development of Warri, 1891–1999. In: *Ilorin Journal of History & International Studies*, 2, 1, 2011, p. 83.

<sup>99</sup> ADESOTE, p. 45; ONYEKPE, p. 184.

## Veränderungen der Menschenrechtsidee in unseren Zeiten

*Csilla Dömök*<sup>1</sup>

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The idea of human rights is one of the great issues of our time. It is both an expression of a spiritually, moralistic argument and a coping with a concrete contemporary historical concern. Human rights become an issue where they are violated, where the freedom of the individuals in his or her state is threatened. The struggle for the recognition of human and fundamental rights, the effort to permanently protect elementary human rights are in permanent confrontation with political and intellectual forces that do not shy away from violating human rights in the implementation of their political ideological goals or in the maintenance of existing power structures. This serious question addressed the relationship between the state and the individual by determining the innate, inalienable and pre-state rights of the human being and leading them to realisation.

[Human Rights; Freedom; Fundamental Rights; Law of Nations; Constitutional Law; Democracy]

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Die Idee der Menschenrechte gehört zu den großen Themen unserer Zeit. Sowohl handelt es sich um den Ausdruck einer geistig-moralischen Auseinandersetzung, als auch um die Bewältigung einem konkreter zeitgeschichtlichen Anliegen. Menschenrechte werden zum Thema dort, wo sie verletzt werden, wo die Freiheitsphäre des Einzelnen in seinem Staat bedroht ist. Das Ringen um die Anerkennung von Menschen- und Grundrechten, das Bemühen um den dauerhaften Schutz elementarer Menschenrechte stehen in permanenter Auseinandersetzung mit politischen und geistigen Kräften, die bei der Durchsetzung ihrer politisch-ideologischen Ziele oder bei der Aufrechterhaltung bestehender Machtstrukturen nicht vor einer Verletzung von Menschenrechten zurückschrecken.<sup>2</sup> Diese

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<sup>2</sup> L. HENKIN, *The rights of man today*, Boulder, New York 1978.

schwerwiegende Frage thematisiert das Verhältnis von Staat und Individuum, indem sie die dem Menschen angeborenen, unveräußerlichen und vorstaatlichen Rechte bestimmen und zur Realisierung führen will. Über den Inhalt des Konzeptes der Menschenrechte herrscht kein tatsächlich universeller Konsens. Die Bestandsaufnahme der Ergebnisse jenes Prozesses, seit 1948 im Rahmen der Vereinten Nationen zu einer universellen Festschreibung völkerrechtlich verbindlicher Menschenrechtsnormen zu gelangen, lässt keine optimistische Schlussfolgerung zu. Das verbale Bekenntnis vieler Staaten dieser Welt zu den Menschenrechtsinstrumenten der Vereinten Nationen vermag über zum Teil fundamentale geistig-philosophische Differenzen in der Interpretation der Menschenrechte nicht hinwegzutäuschen.<sup>3</sup> Die vielfältigen Deutungen der Menschenrechtsidee reflektieren Unterschiede des geistig-philosophischen Zugangs zur Idee unveräußerlicher, vorstaatlicher und angeborener Rechte aufgrund divergierender kultureller und ideengeschichtlicher Vorverständnisse; vor allem aber äußern sich in ihnen die voneinander abweichenden politischen Zielvorstellungen, denen das Menschenrechtskonzept dienstbar gemacht werden soll. Der ideelle und moralische Ansatz versteht Menschenrechte als einen Maßstab zur Beurteilung und Legitimierung politischen Handelns. Die „Verpolitisierung“<sup>4</sup> der Menschenrechte aber hat die Menschenrechtsidee weithin zu einer Funktion oder zu einem Instrument der politischen Auseinandersetzung und des weltweiten ideologischen Streits werden lassen.<sup>5</sup> Eine politische Verbindlichkeit der Menschenrechtsidee ist dann nicht mehr möglich, wenn über ihren Ursprung, ihren Inhalt und ihre Zielsetzung kein Konsens zwischen politischen Anschauungen mehr gewahrt ist. Ein zweiter und ebenso folgenschwerer Angriff auf die Verbindlichkeit der Menschenrechtsidee ergibt sich aus einer Ideologisierung der Menschenrechte, die nicht allein und in erster Linie Ausfluss kultureller divergierender Vorverständnisse des Menschenrechtsbegriffs sein muss, sondern ebenso auf das Menschenrechtsverständnis der westlichen Welt übergreifen kann. Die Gefahr

<sup>3</sup> L. KÜHNHARDT, Menschenrechte, politisches Denken und politische Systeme, in: *Europäische Grundrechtszeitschrift*, 13, 23, 1986, S. 665 ff.; L. KÜHNHARDT, *Die Universalität der Menschenrechte*, München 1987, S. 245–299.

<sup>4</sup> F. ERMACORA, Die Menschenrechte. Entwicklung – Stand – Zukunft, in: T. VEITER – F. KLEIN (Hrsg.), *Die Menschenrechte. Entwicklung – Stand – Zukunft*, Wien 1966, S. 1.

<sup>5</sup> Vgl. U. SCHEUNER, Menschenrechte in übernationaler Verantwortung, in: *Die politische Meinung*, 22, 174, 1977, S. 87 ff.; K. DICKE, Menschenrechte – ideologischer Zankapfel oder universaler Normenkonsens?, in: *Politische Studien*, 245, 1979, S. 229 ff.



von Umdeutungen und Verdrehungen des Menschenrechtsbegriffs kann aus der ideologischen Identifizierung des Menschenrechtsideals mit einem bestimmten gesellschaftspolitischen System folgen, oder aber sich aus den Antagonismen einer pluralistischen Ordnung mit abweichenden Norm- und Zielvorstellungen innerhalb einer Gesellschaft ergeben.<sup>6</sup>

### Historische Veränderungen der Menschenrechtsidee

Kein historischer Vorgang und kein ideengeschichtlicher Denkansatz können die Entstehung und den Durchbruch der Menschenrechtsidee ausschließlich für sich okkupieren und die alleinige Urheberschaft beanspruchen. Die Menschenrechte sind aus dem Zusammenfluss verschiedener Denkströme und Geschichtserfahrungen heraus erwachsen.<sup>7</sup> Der erste große Wandlungsprozess, aus dem heraus sich die Menschenrechtsidee überhaupt entfalten konnte, war die Fundierung von Pflichten des Königs, die Bindung der Staatsgewalt an Recht und Gesetz. Der absoluten Herrschaftsform der antiken und Mittelalterlichen Ordnung waren weder Rechte der Individuen noch Bindungen des Herrschers an Recht und Gesetz in tatsächlichem Sinne bekannt. In den Herrschaftsverträgen ab dem späten 11. Jahrhundert wurden objektive Grenzen der Staatsgewalt gezogen, noch keineswegs aber subjektive Berechtigungen des einzelnen gegenüber dem Staat verkündet. Erst „unter dem doppelten Einfluss des rationalistischen Naturrechts und der religiösen Emanzipation“<sup>8</sup> setzte sich der Gedanke subjektiver Rechte des Individuums durch. Besonders signifikant wurde die Umdeutung der Privilegienrechte zu individuellen Ansprüchen in der „Bill of Rights“ 1688 und den in der Lockeschen Aufklärungsphilosophie wurzelnden amerikanischen und französischen Menschenrechtsbekundungen des 18. Jahrhunderts. Zugleich vollzog sich in dieser Epoche ein doppelter Bedeutungswandel der Menschenrechtsidee. Zum einen erfolgte der weitgehende Übergang von der Subjektstellung zum Bürger, vom Untertan zum citoyen;<sup>9</sup> hierin spiegelte sich die allgemeine Transformation der Gesellschaft vom Absolutismus zum Bürgertum wider. Zum anderen wandelte sich der statische Gedanke

<sup>6</sup> Vgl. J. SCHWARTLÄNDER, Freiheit im weltanschaulichen Pluralismus. Zum Problem der Menschenrechte, in: J. SIMON (Hrsg.), *Freiheit. Theoretische und praktische Aspekte des Problems*, Freiburg 1977, S. 205 ff.

<sup>7</sup> G. DIETZE, *Bedeutungswandel der Menschenrechte*, Karlsruhe 1972, S. 10.

<sup>8</sup> E.-R. HUBER, Bedeutungswandel der Grundrechte, in: *Archiv des öffentlichen Rechts*, 23 (NF), 1933, S. 4.

<sup>9</sup> DIETZE, S. 16 ff.

der Staatsbürgerrechte (rights of Englishmen) zum dynamischen Prinzip der naturrechtlich allen Menschen zustehenden Menschenrechte (rights of man). Diese wurden als „konsequent individualistischer Rechtsbegriff“<sup>10</sup> aufgefasst. Oberstes Kriterium blieb der Gedanke der Abwehr staatlicher Eingriffe in den Freiheitsbereich des einzelnen; das Wort der negativen Freiheitsrechte suchte diesen Sachverhalt zu fassen. Unter den Eindrücken der französischen Jakobinerschaft verteidigten vor allem englische Philosophen wie Benjamin Constant und John Stuart Mill, aber auch Weltbürger Thomas Paine und der Amerikaner Thomas Jefferson mit Vehemenz die individuellen Schutzrechte, die das Übergreifen staatlicher Autorität auf das Leben des einzelnen verhindern sollten.<sup>11</sup> Regierung und Staatsautorität hatten sich dadurch zu legitimieren, dass sie die Freiheitssphäre des einzelnen zu sichern wussten.

„Alle echten Grundrechte der liberalen Epoche sind Freiheitsrechte,“ schrieb Ernst Rudolf Huber im für die Weimarer Demokratie tödlichen Jahr 1933, „sie sind rechtliche Anerkennungen der natürlichen Freiheit eines unabhängig vom Staate bestehende privaten Raumes der Persönlichkeit. Sie sind anerkannte, keine verliehenen subjektiven öffentlichen Rechte.“<sup>12</sup>

Als Rechte im Sinn des status negativus enthielten sie keinerlei positive Berechtigung gegenüber dem Staat, keinen status positivus oder status activus. Eine grundsätzliche Neubewertung erfuhr diese Menschenrechtsauffassung durch die Idee positiver Freiheiten im Range von Menschenrechten durch den Anspruch auf Teilhabe an der politischen Willensbildung und an den sozialen Errungenschaften der Gesellschaft, durch den Übergang von Menschen- zu Bürgerrechten.<sup>13</sup> Der Gedanke setzte sich durch, dass in einer demokratischen Staatsordnung nicht nur negative, abwehrende Rechte, sondern auch Rechte positiven, aufbauenden Charakters bestehen müssen. Freiheitsrechte als ein Mittel zum Zweck des Schutzes vor staatlichen Eingriffen in die Lebenssphäre der Bürger wurden nun zum Instrument, um eine größere Teilhabe an der Staatsgewalt und am Wirtschaftsprozess zu erlangen; dieser Prozess entfaltete sich zumal im 19. Jahrhundert immer offensichtlicher.<sup>14</sup> Dieses 19. Jahrhundert präsentierte sich als das Jahrhundert der Demokratisie-

<sup>10</sup> HUBER, S. 6.

<sup>11</sup> Ebd., S. 126.

<sup>12</sup> Ebd., S. 80.

<sup>13</sup> Cs. DÖMÓK, Die Umdeutungen der Menschenrechtsidee im Wandel der Zeiten, in: *Specimina Nova Pars Sekunda*, Pécs 2005, S. 25–39.

<sup>14</sup> Vgl. DIETZE, S. 30 ff.

rung. Die „Liebe zur Demokratie“, von der Montesquieu gesprochen hatte, nahm konkrete Züge in Gestalt politischer Forderungen an, die auf den Menschenrechtsbegriff durchschlugen. Teilhabe und positive Freiheiten galten als die Schlüsselforderungen, um von der Gleichheit vor dem Gesetz zu einer Gleichheit durch das Gesetz zu gelangen.<sup>15</sup> Diese Bestimmung der Menschenrechtsidee fiel mit einem gewandelten Demokratiekonzept in scharfer Weise zusammen. In diesem Bedeutungswandel der Menschenrechte hin zu sozialen und wirtschaftlichen Teilhaberechten artikulierte sich jene „Wendung zu einem egalitären Demokratieverständnis“,<sup>16</sup> die das fundamentale Spannungsverhältnis zwischen Freiheit und Gleichheit als den beiden widerstreitenden Grundpolen der Demokratietheorie berührte.<sup>17</sup> Soziale Rechte wurden zur Komponente eines politisch instrumentalisierten Menschenrechtskonzeptes. Bis zum Ende des 20. Jahrhunderts aber ist der Disput darüber nicht abgebrochen, ob und inwieweit soziale und wirtschaftliche Menschenrechte der Anforderung der Rechtsphilosophie genügen, absoluten und uneingeschränkt universellen Charakter zu tragen; nur so aber lassen sich nach herrschender Auffassung Menschenrechte philosophisch begründen. Zur Zeit der Entstehung des Gedankens der Teilhaberechte wurde die Menschenrechtsdiskussion weithin positivrechtlich geführt. Der naturrechtliche begründungszusammenhang, in dem stets ein Stück visionärer Schwärmerei über die Einheit der Menschheit mitschwang, war zugunsten einer positivrechtlichen Auffassung in den Hintergrund gedrängt worden; auch in der Weimarer Reichsverfassung von 1919 spiegelte sich exemplarisch die Wendung „vom allgemeinen Menschenrecht zum nationalen Bürgerrecht“ wieder.<sup>18</sup> Die rechtsphilosophische Fundamentalproblematik, ob soziale Teilhaberechte als Menschenrechtskategorie anerkannt werden sollten oder nicht, brach nach dem Ende des Zweiten Weltkrieges wieder auf, als auch die naturrechtliche und universelle Dimension der „human rights“ aller Menschen neu und stärker als jemals zuvor thematisiert wurde.

### „Recht auf Selbstbestimmung“ nach dem Ersten Weltkrieg

Ein neuer Bedeutungswandel aber sollte für die Menschenrechtsfrage grundlegender werden als die Erweiterung der negativen um die positiven

<sup>15</sup> Ebd., S. 33.

<sup>16</sup> K. D. BRACHER, *Zeit der Ideologien. Eine Geschichte politischen Denkens im 20. Jahrhundert*, Stuttgart 1982, S. 341.

<sup>17</sup> Ebd., S. 331 ff.

<sup>18</sup> HUBER, S. 83.

Freiheitsrechte. Dieser Bedeutungswandel der Menschenrechte verlief parallel zu einer politischen Veränderung der Rolle und Sichtweise des nationalen Selbstbestimmungsrechts. Seit seiner Popularisierung durch den amerikanischen Präsidenten Woodrow Wilson am Ende des Ersten Weltkrieges wurde das Recht auf Selbstbestimmung zu einer der plakativsten und wirkungsmächtigsten politischen Vokabeln der neueren Geschichte. Die ursprüngliche Idee hatte mehrere Postulate umschlossen. Zunächst sah Wilson es als Ziel an, die nationale politische Selbstständigkeit derjenigen Staaten wiederherzustellen, die Opfer von Besatzung und Fremdherrschaft während des Ersten Weltkrieges geworden waren. Zugleich erstrebte er, dass sich die Unabhängigkeit dieser Staaten im ordnungspolitischen Rahmen des demokratischen Verfassungsstaates vollziehen sollte. Die Neubelegung der Demokratie nach dem Ersten Weltkrieg gab der Wilsonschen Selbstbestimmungsdoktrin recht, die durch die USA als kriegsentscheidende Interventionsmacht auf dem geschwächten europäischen Kontinent verbreitet worden war.<sup>19</sup> Eine Generation später, in der Epoche des untergehenden Kolonialismus, erfuhr der Selbstbestimmungsgedanke – der für Wilson stets die Sicherung der Freiheit des Individuums vor der Staatsgewalt eingeschlossen hatte – eine erhebliche Einschränkung. In den Händen der nach Unabhängigkeit strebenden Völker Asiens und Afrikas wurde die Selbstbestimmungsforderung zu einer pathetisch aufgeladenen Kampfvokabel im Ringen um die nationale Souveränität.<sup>20</sup> Die zweite, für Wilson stets unabdingbare Komponente – die Errichtung demokratischer und menschenrechtssichernder Ordnungen – trat in den Hintergrund. Zugleich aber wurde dieses nationale Selbstbestimmungsrecht in den Status eines Menschenrechts zu heben gesucht. Den bisher größten Erfolg errang dieses Ansinnen in Afrika: Die Afrikanische Charta der Menschenrechte und Rechte der Völker aus dem Jahre 1981 stellte die Ebenen der Menschen- und Volksrechte als gleichwertig nebeneinander. Aber auch im Rahmen der Vereinten Nationen wurde die nationale Selbstbestimmung als die eigentliche Voraussetzung aller anderen Menschenrechte interpretiert. In den beiden Internationalen Pakten über bürgerliche und politische beziehungsweise über wirtschaftliche, soziale

<sup>19</sup> Vgl. K. D. BRACHER, *Die Krise Europas 1917–1975. Propyläen Geschichte Europas. Bd. 6*, Frankfurt, Berlin, Wien 1982, S. 22 ff.

<sup>20</sup> Vgl. T. SCHIEDER, Das Ende des europäischen Kolonialismus, in: T. SCHIEDER (Hrsg.), *Handbuch der europäischen Geschichte. Bd. 7, Europa in der Weltmächte*, Stuttgart 1979, S. 300 ff.

und kulturelle Rechte aus dem Jahre 1966 entlud sich dieser von den neuen Staaten der Dritten Welt, aber ebenso von den kommunistischen Ländern favorisierte Denkansatz, indem beide Pakte in ihrem 1. Artikel das Selbstbestimmungsrecht vor alle anderen Individualrechte stellen. An dieser Schnittlinie erfuhr der Menschenrechtsbegriff seinen bisher schwerwiegendsten und zweifelhaftesten Bedeutungswandel. Die Idee der Menschenrechte war in ihrer Herleitung, Begründung und Zielsetzung stets an die individuelle Person gebunden. Negative wie positive Freiheiten standen stets nur dem Individuum zu, waren ihm kraft seiner eigenen Existenz und fernab aller politischen Ordnungen, in denen der Mensch zufällig zu leben hatte, verliehen. Stets blieben Menschenrechte auf das Individuum bezogen, war der Einzelmensch Ausgangspunkt und Ziel des Ringens um Freiheit und Rechtsschutz. Mit der Aufnahme des nationalen Selbstbestimmungsrechts in den Menschenrechtszusammenhang – zumal unter weitgehender Ausschaltung der demokratieeinfordernenden Komponente des Selbstbestimmungsgedankens – wollten die Verfechter dieser Umdeutung die Menschenrechtskonzeption bereichern und zeitgemäß erweitern. Kritiker aber sahen gerade in diesem Ansinnen einen fundamentalen Wandel von individuellen zu kollektiven Rechten. Vom maßvollen Verfassungsbegriff der Menschenrechte im Sinne von Bürgerrechten blieb nunmehr wenig zu spüren, wo grundsätzlich von der Individualitätsvorstellung als dem Ausgangspunkt aller Menschenrechte Abkehr genommen werde.

### **„Recht auf Frieden“ in den politischen Diskussionen**

Der Bedeutungswandel des Menschenrechtsbegriffs zu einer vom Individuum abgekoppelten und dieser nunmehr indirekt dienenden Kategorie abstrakter Solidarrechte der dritten Generation enthüllt sich vor allem in den Diskussionen um die Propagierung eines Menschenrechts auf Frieden, eines Menschenrechts auf Entwicklung und eines Menschenrechts auf eine natürliche Umwelt. Die Entstehungszusammenhänge und der politische Kontext dieser Forderungen sind bezeichnend und enthüllend für die Verpolitisierung und Ideologisierung, denen die Menschenrechtsproblematik wie unter eine geistigen Trommelfeuer ausgesetzt worden ist; die einschneidende Umdeutung droht den eigentlichen Kern der Menschenrechtsidee in sein glattes Gegenteil zu wenden, indem es die staatliche Politik wäre, die Rechte bestimmen und entziehen kann, Rechte, die sich nicht länger aus der Natur des Menschen und aus dem individuellen Streben nach Freiheit und Persönlichkeitsschutz, sondern

aus der Erfüllung gesellschaftlicher und politischer, wenn nicht sogar ideologischer Zeile ableiten würden. Erste Versuche der Formulierung eines Menschenrechts auf Frieden fallen in die Frühphase des Kalten Krieges und wurden von kommunistischer Seite unternommen; die wissenschaftlichen Beiträge, die die Forderung nach einem Recht auf Frieden vertiefen, sekundieren dem propagandistisch-politischen Getöse der fünfziger Jahre.<sup>21</sup> Alfred Baumgarten stellte sich bereits 1954 in seiner Kritik am westlich-liberalen Menschenrechtsbegriff gegen dessen Anspruch auf Universalität. Die bürgerlichen Rechte würden in marxistischer Interpretation klassenverhaftet bleiben; daher – so der DDR-Autor – sei der Appell an ihren vermeintlichen universellen Charakter ein bürgerlicher „Tick“.<sup>22</sup> Zugleich aber ging Baumgarten in die geistig-ideologische Offensive über, indem er – anknüpfend an die noch jedermann lebhaft bewussten Grauen des Zweiten Weltkrieges – den Frieden als oberstes Ziel menschlichen Zusammenlebens auf dem Globus postulierte.<sup>23</sup> Die weltpolitische Entwicklung als Folge des Zweiten Weltkrieges habe die Menschheit in das Lager der Friedenskämpfer und in jenes der Kriegsvorbereiter geteilt; die sozialistische Propagandaabsicht wird unverkennbar. auf die Dauer sei eine Aufrechterhaltung des Friedens mit Kapitalisten nicht möglich, da der westliche Kapitalismus in sich den krieg berge.

Das Recht auf Frieden aber „ist das praktisch bedeutungsvollste aller Rechte des Menschen [...], weil mächtige Regierungen, um für den Krieg freie Hand und die stärksten Hilfsmittel zu haben, sämtliche Freiheitsrechte der Nationen und Individuen auf das Rücksichtsloseste missachten“.<sup>24</sup>

Gemeint sind selbstverständlich die westlichen Staaten und nicht die schrittweise zur Machtsteigerung durch Rüstungsintensivierung übergehenden Länder unter kommunistischer Einparteiendiktatur. Baumgarten wendete den Einsatz für das Recht auf Frieden zu einer moralischen, wie politischen Pflicht: „Wer für den Frieden eintritt, an der weltumfassenden Friedensbewegung aktiv teilnimmt, der macht von dem in der heutigen weltgeschichtlichen Lage aktuellsten Recht Gebrauch.“<sup>25</sup>

<sup>21</sup> Vgl. A. BAUMGARTEN, Das Recht auf Frieden als Menschenrecht, in: *Staat und Recht*, 3, 1, 1954, S. 175 ff.

<sup>22</sup> Ebd., S. 175.

<sup>23</sup> Ebd., S. 146.

<sup>24</sup> Ebd., S. 179.

<sup>25</sup> Ebd., S. 177.

Zwanzig Jahre später griff mit Eduard Poppe ein anderer DDR-Wissenschaftler das Friedenthema als Menschenrechtsanliegen wieder auf.<sup>26</sup> Während die Allgemeine Erklärung der Menschenrechte von 1948 die unveräußerlichen Menschenrechte als „*foundation of freedom, justice and peace in the world*“ angerufen hatte, drehte Poppe den Zusammenhang um und wies den Menschenrechten eine dienende Funktion zu, um Frieden, Gerechtigkeit und Freiheit zu schaffen.<sup>27</sup> Nicht mehr personale und unveräußerliche Rechte werden als Voraussetzung akzeptiert, um Frieden, Gerechtigkeit und Freiheit zu realisieren; vielmehr werden die abstrakten und inhaltlich vieldeutigen Begriffe Frieden, Freiheit und Gerechtigkeit als oberste Menschheitsziele verstanden, denen die Menschenrechte unterzuordnen, zu funktionalisieren seien. Damit aber werden die Menschenrechte von der Einzelperson gelöst und ihrer Unveräußerlichkeit beraubt. Auf diese Weise gelingt es Poppe, die Friedenssicherung als die durchgängige Absicht der Menschenrechtsidee zu interpretieren und ideologisch auszunutzen.

Konsequenterweise fordert er ein Recht auf Frieden, „*wie die Verwirklichung aller Menschenrechte eindeutig dem Ziel der Friedenserhaltung und –sicherung dienen soll*“.<sup>28</sup>

Der Frieden sei die wichtigste Bedingung, um den Kommunismus erreichen zu können; das Recht auf Frieden sei von daher untrennbar mit dem Wesen sozialistischer Grundrechte verbunden.<sup>29</sup> Mit unverhohlener Offenheit wird hier die eigentliche Intention und Perspektive der Umdeutung von individuellen Menschenrechten zu kollektiven Solidarrechten sichtbar. Poppe beschreibt die Grundrechte als das auf dem einzelnen bezogenen Selbstbestimmungsrecht des Volkes; aus der Verantwortung des Staates für das Wohl seiner Bürger als auch aus dem Sinn der Grundrechtsidee heraus müsse jeder vernünftige Mensch ein Recht auf Frieden bejahen. Poppe verweist auf die Verfassung der DDR, die den Schutz des Friedens zur Ehrenpflicht eines jeden Bürgers erhoben hat.<sup>30</sup> Neben DER verteidigungspolitischen Implikation – Wehrbereitschaft gegen die den Sozialismus bedrohenden Kräfte und Mächte des Imperialismus – trete deutlich auch der eigenständige Charakter eines Rechts auf Frieden; nur mittels dieses Rechts könne die Zukunft der Menschheit gesichert

<sup>26</sup> E. POPPE, Frieden – Recht der Bürger, in: *Staat und Recht*, 23, 1974, S. 1482 ff.

<sup>27</sup> Ebd., S. 1484.

<sup>28</sup> Ebd., S. 1485.

<sup>29</sup> Ebd., S. 1486.

<sup>30</sup> Ebd.



werden, lautet die etwas schlichte und logisch nicht stimmige Argumentation.<sup>31</sup> Wenn überhaupt, kann nicht das Recht auf Frieden, sondern nur seine Einlösung der Menschheit von Nutzen sein; über den Weg der Friedenssicherung aber gerade streben die oft ideologisch bestimmten Meinungen auseinander. Die Gesetze der DDR, so argumentiert Poppe weiter, würden das Recht auf Frieden nicht nur zum Schutz des Friedens, sondern auch als Anspruchsrecht des Bürgers auf Frieden anerkennen.<sup>32</sup> Auf nachgerade exemplarische Weise werden die Menschenrechte bei Poppe nicht nur ideologisiert, sondern als vom Staat zu gewährende Postulate interpretiert, das heißt ihrer vorstaatlichen Unveräußerlichkeit und ihrer unverbrüchlichen Bindung an das personale Einzelwesen entkleidet. Die Umdeutung der Menschenrechte zu sozialistischen Menschenrechten, die Unterordnung der Menschenrechte unter das ideologisch bestimmte Friedensziel und die Exklusivität des Sozialismus als dem einzigen Verfechter einer wahrhaft menschlichen Ordnung widerstreben völlig dem eigentlichen Anliegen der Menschenrechte in der Auffassung der liberalen Tradition und Aufklärungsphilosophie. In der zweiten Hälfte des 20. Jahrhunderts – vor allem seit den siebziger Jahren – gelang es den Verfechtern einer Ausdehnung des Menschenrechtsbegriffs um die vage Bestimmung eines Rechts auf Frieden aus der ideologischen und geographischen Begrenzung auszubrechen. Nicht mehr länger nur forderten Autoren aus kommunistischen Staaten jenes dubiose Recht; auch westliche Linke übernahmen die ursprünglich kommunistische Position. Schließlich griff das Anliegen auf die Vereinten Nationen über, wo es nachgerade einen intellektuellen Durchbruch zu erzielen vermochte.

Die Befürworter eines Menschenrechts auf Frieden berufen sich auf Artikel 28 der Allgemeinen Erklärung der Menschenrechte, der jedermann einen Anspruch zuerkennt „to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized“.<sup>33</sup>

Dieser Passus wurde als Grundlage für die Argumentation zugunsten eines Rechts auf Frieden genommen; eine entsprechende Resolution der UNO-Menschenrechtskommission vom 27. Februar 1976 war von den westlichen Mitgliedsstaaten hingegen abgelehnt worden.<sup>34</sup>

<sup>31</sup> Ebd., S. 1487.

<sup>32</sup> Ebd.

<sup>33</sup> Die Allgemeine Erklärung der Menschenrechte (Resolution 217A (III) vom 10. 12. 1948), S. 243.

<sup>34</sup> Vgl. C. TOMUSCHAT, Recht auf Frieden. Ein neues Menschenrecht der dritten Generation?, in: *Europa-Archiv. Zeitschrift für internationale Politik*, 40, 9, 1985, S. 271.



In der Generalversammlung der Weltorganisation wurde 1978 auf polnische Initiative hin eine „*Erklärung über die Vorbereitung der Gesellschaften auf ein Leben in Frieden*“ (Resolution 33/73) verabschiedet.<sup>35</sup> Im Abschnitt I dieser Resolution heißt es: „*Jede Nation und jeder Mensch hat ungeachtet seine Rasse, seines Gewissens, seiner Sprach oder seines Geschlechts das naturgegebene Recht auf ein Leben in Frieden. Achtung vor diesem Recht wie auch für die anderen Menschenrechte liegt im gemeinsamen Interesse der gesamten Menschheit und ist eine unerlässliche Voraussetzung für den Fortschritt aller Nationen, ob groß oder klein, auf allen Gebieten.*“<sup>36</sup>

Diese Resolution war ohne Gegenstimmen – bei den Enthaltungen der USA und Israels – angenommen worden, das heißt auch mit den Stimmen der meisten westlichen Länder. Am 12. November 1984 nahm die Generalversammlung der Vereinten Nationen dann mit Resolution 39/11 die bis dahin weitestgehende Fassung einer Verkündung des Menschenrechts auf Frieden an. Zu der „*Erklärung über das Recht der Völker auf Frieden*“ gab es, bei 92 Ja-Stimmen 34 Enthaltungen, womit vor allem die westlichen Länder ihre Vorbehalte gegen eine maßlose Umdeutung des Menschenrechtsbegriffs zum Ausdruck bringen wollten.<sup>37</sup>

Die Erklärung verkündet, „*dass die Völker der Erde ein heiliges Recht auf Frieden besitzen*“.<sup>38</sup> Die Vorlage war formell von der Mongolischen Volksrepublik eingebracht worden, doch handelte es sich in der Sache um eine Initiative der Sowjetunion. In der Debatte hatten sich fast ausschließlich Vertreter kommunistischer Staaten geäußert; das eigentliche Ziel des menschenrechtlichen Umwertungsversuches bestand darin, die politische Dimension der Friedensfrage zu überschreiten und eine neue Rechtsfigur im Sinne des moralisch wirkungsvollen Menschenrechtstopos zu schaffen. Das Recht auf Frieden aber bleibt nicht nur „außerordentlich konturenlos“ wie in jener Erklärung der Vereinten Nationen,<sup>39</sup> sondern läuft von Anfang an dem klassischen Menschenrechtsbegriff prinzipiell zuwider, da es die Individualbezogenheit vollständig abgelegt hat.

Christian Tomuschat hat das Bemühen um ein Recht auf Frieden grundsätzlich kritisiert und zurückgewiesen: „*In das geprägte Bild der individuellen Menschenrechte passt ein Recht auf Frieden nicht hinein. Die traditionellen Freiheitsrechte verleihen dem Bürger eine Position, kraft deren er Eingriffe in seine*

<sup>35</sup> Ebd.

<sup>36</sup> Zit. ebd., S. 272.

<sup>37</sup> Vgl. ebd.

<sup>38</sup> Zit. ebd.

<sup>39</sup> Ebd., S. 273.

*Freiheit und seinen rechtsbestand von sich abwehren kann [...]. Bei einem Recht auf Frieden hingegen werden individuelle Rechtsansprüche überhaupt undenkbar. Es gibt keinen individuellen Frieden. Frieden ist ein Gesamtzustand, in der Sprache der Nationalökonomie ein 'public good', der sich aus dem Zusammenwirken aller derjenigen Kräfte ergibt, die mächtig genug sind, dem historischen Geschehen ihren Stempel aufzudrücken.*<sup>40</sup>

Noch von einer anderen Seite unterliegt der Menschenrechtsbegriff einem Umdeutungsversuch, der sein eigentliches Anliegen gänzlich lächerlich zu machen droht: Nicht mehr das politische Ansinnen der Menschenrechte, sondern eine apolitische und zwischen Hedonismus und Kulturverfall anzusiedelnde Attitüde liegt der Überstrapazierung der Menschenrechtsidee für individuelle Lebensentwürfe zugrunde. In der „maßlosen Die eines Menschenrechts auf alles“ äußert sich der kulturrevolutionäre Wertwandel, der durch die Umdeutung der bürgerlichen Gesellschaft und ihres Freiheits- beziehungsweise Pflichtbegriffs durch die hedonistische Auffassung der neuen Linken (Studentenbewegung 1968 und ihre geistigen Protagonisten) ausgelöst worden sei.<sup>41</sup>

*„Der neue Wertkatalog liest sich wie das Angebot einer Firma, die sich ‚permissive Überflusgesellschaft ohne Haftung‘ nennt.“*<sup>42</sup>

Derartige Bedeutungsverschiebungen und Uminterpretationen des Menschenrechtsbegriffs aber erschüttern nicht allein den demokratischen Konsens, sondern führen geradewegs aus der Politik und dem Gemeinwesen heraus. So steht der Menschenrechtsbegriff zum Ausgang des 20. Jahrhunderts vor zwei entscheidende Bedeutungsverschiebungen, die seine Substanz anfechten und gefährden und dabei die internationalen Menschenrechtsinstrumente „einer tödlichen Zerreißprobe ausgesetzt“ haben.<sup>43</sup> Zum einen ist er politisch-ideologischer Inanspruchnahme und Umdeutung ausgesetzt, die die Bindung der Menschenrechtsidee an das Individuum und dessen Verhältnis zu Staat und Gesellschaft zugunsten pathetischer politischer Programmziele abzulösen trachten. Zum anderen sieht sich der Menschenrechtstopos Überdehnungen ausgesetzt, in

<sup>40</sup> Ebd.

<sup>41</sup> Vgl. K. SONTHEIMER, Die Zukunft der westlichen Zivilisation, in: *Die neue Rundschau*, 89, 1978, S. 502.

<sup>42</sup> Ebd., S. 499.

<sup>43</sup> C. TOMUSCHAT, Probleme des Menschenrechtsschutzes auf weltweiter Ebene, in: T. BERBERICH – W. HOLL – K.-J. MAASS (Hrsg.), *Neue Entwicklungen im öffentlichen Recht*, Stuttgart 1979, S. 21.

denen sich ein kultureller Wertwandel innerhalb der ökonomisch fortgeschrittenen und freiheitlichsten Staaten der Erde widerspiegelt. Der Gedanke der Selbstverwirklichung, der in seiner politischen Bedeutung dem Menschenrechtsbegriff durchaus innewohnt, wird verlängert und überdehnt auf die Sphäre individueller Lebensgestaltung. Damit löst er sich von der Bindung an eine universell gültige Menschennatur und von seiner politischen Tragweite; ein überdehnter Selbstverwirklichungsbegriff, der sich des Menschenrechtsideals bedient, entleert dieses jeglicher politischer Relevanz und Stoßkraft, verzerrt den eigentlichen politischen Sinn menschlicher Schutzrechte. Galt die klassische Frage nach der Universalität dem Bezug der in der westlichen Geistes-tradition entstandenen personalen Menschenrechtsidee zu außerwestlichen Formen des politischen Denkens, so wird nun die westlich-abendländische Begrifflichkeit der Menschenrechte selbst mit Umdeutungen und Verzerrungen konfrontiert, die Personalität und Universalität der Idee in Zweifel ziehen. Umdeutungsversuchen des Menschenrechtsbegriffs, die seinen eigentlichen Kern auszuhöhlen drohen, kann aber nur durch die genaue und beständige Formulierung und Begründung menschenrechtlicher Prioritäten im klassischen Sinne dieses politischen Schlüsselbegriffs widerstanden und begegnet werden.



## The Role of the Bar and the Bench in the Consolidation of Democratic Rule in Nigeria's Fourth Republic, 1999–2007

*David Olayinka Ajayi*<sup>1</sup>

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There is a unique relationship between the bar (lawyers) and the bench (judges) that exists in no other profession. However, this relationship is fraught with the hazards of tempers that sometimes seethe in the stormy billows of the courtroom and of antagonisms that occasionally arise from the loss that must, inevitably, be sustained by one side as every legal battle ends. Yet, the desirable future of a nation may well depend on the proper balancing of such relationship and upon an understanding by the lawyer and the judge that without mutual assistance and respect of each toward the other neither can carry out his assigned role, despite great learning and dedication to duty. In the dispensation of justice, the role of the bar and the bench is intertwined and remains very crucial. In Nigeria, however, the bar and the bench, unlike their counterparts in developed climes, operate in a different normative realm that exerts enormous pressures on them to respond, not just to the traditional demands for legal services, but also to the nation's desire for social equilibrium, political stability and democratic consolidation. Therefore, after decades of brutal military dictatorship and a brief spell of civil rule, this paper critically examines the role of the bar and the bench in the consolidation of democratic rule, especially in the arbitration of electoral disputes, from the inception of Nigeria's Fourth Republic in 1999, to 2007, when the country witnessed the first successful civilian-to-civilian transition in her political history. The paper argues that since the attainment of political independence in 1960, up to 1999, the image of the bar and the bench have been soiled as a result of their role in the adjudication of electoral disputes. It posits that since the return of multi-party democracy in 1999, the bar and the bench have continued to play an increasingly assertive role as arbiters in the country's democratic politics in general and its electoral disputes specifically. It concludes that even though the country is yet to enthrone a flawless framework for electoral justice, the increasing reliance of political stakeholders on the courts to decide electoral disputes and issues of public interest has led to a gradual reinforcement of the integrity and confidence in the bar and the bench as impartial arbiters and vital instruments of political stability and democratic consolidation.

[Nigerian Judiciary; Judicial Activism; Electoral Disputes; Military Rule; Nigeria's Fourth Republic]

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## Introduction

The bar and the bench have very strong shared backgrounds, as the bar is the nursery for the bench. As noted by the Supreme Court in *Atake vs. Attorney General of the Federation*, a retired judge is a legal practitioner.<sup>2</sup> The roles, functions, jurisdiction, and duties of both the bar and bench are complementary to each other. And, without the bar, the bench cannot function; if at all it can exist. In the same vein, without the bench, the bar will be like a rudderless ship. However, although the bar and the bench are two parallel bodies, they should not be seen hob-knobbing with each other, because judges are expected to do justice judicially and judiciously. Hence, if they are to do justice in every case, lawyers as ministers in the temple of justice are expected to assist judges to do justice in every case. This joint responsibility is reflected in the words of the Master of Rolls, Lord Denning, when he said: *“One of the most safeguards of liberty is the presence of a strong and independent body of advocates who will speak fearlessly on behalf of their clients regardless of the consequence to themselves. If a man who is charged with an offence is to have a fair trial, it is essential he should be able to feel that his case will be put before an impartial advocate who will say all that is to be said on his behalf.”*<sup>3</sup>

It is axiomatic that respect for the rule of law is essential to the effective operation of popular government or democracy. In fostering this principle, the role of the bar and the bench is crucial. For, it is in the courts that citizens primarily feel the keen, cutting edge of the law. In other words, democracy cannot survive in any country without the contribution and active participation of the bar and the bench. Historically, in Nigeria, the bar and the bench have assumed a crucial role in the scheme of governance, which underscores the need for a proper understanding and evaluation of their contributions and, or limitations, about consolidating democratic governance. The increasing reliance on the courts to decide major issues of policy and public interest has also brought into sharp focus new dimensions about the role of the bar and the bench in the pursuit of social equilibrium, political stability, and democratic consolidation.

The history of the bar and the bench in Nigeria is a chequered one. In the early days of the legal profession in the country, the judiciary was shrouded in certain myths; impartiality, competence, detachment, that is, above political and other unsavory influences likely to compromise

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<sup>2</sup> Law Pavilion Electronic Law Report-SC.5/1982.

<sup>3</sup> A. T. B. DENNING, *The Road to Justice*, London 1988, p. 12.

justice, and incorruptibility. Also, at the outset, the process of appointing members of the bench was credible. As such, those who found their way to the bench were persons of impeccable integrity. The bar, at this period, was also comprised of men and women of impeccable integrity. Hence, both the bar and the bench commanded the awe and respect of the Nigerian society. During this period, the bench, through the support of a virile bar, was detached, intractable, not easily influenced and always straight as a ramrod, guided by the desire to do justice and that only.<sup>4</sup> However, some of these myths are no longer palpable. The competence, impartiality and incorruptibility of judges are now being questioned openly. The judiciary in particular is in very dire straits. It has failed to live up to its constitutional role as the bulwark of justice.<sup>5</sup>

Nigeria as a country professes, or at least, strives towards the practice of liberal democracy. The latter can be defined as a procedural system involving open political competition with multi-party, civil and political rights guaranteed by law, as well as accountability, operating through an electoral relationship between the citizens and their representatives. Therefore, electoral process is crucial to the practice of liberal democracy. Open, regular, and competitive electoral politics, in which the result is uncertain and indeterminate *ex ante*, is a core element of liberal democracy. Liberal democracy and competitive electoral politics are so intimately intertwined that one cannot be separated from the other. An election under such a democratic system must be free and fair. And it is now generally accepted that an independent judiciary to interpret electoral laws is one of the most fundamental conditions for the holding of free and fair elections.

Democratic governance was restored in Nigeria in 1999, after 16 years of uninterrupted military rule. Since then, the bar and the bench have continued to play an increasingly assertive role as an arbiter in the country's democratic politics in general, and its electoral politics specifically. Despite efforts at institutional reforms, particularly in the judiciary, Nigeria's Fourth Republic has been characterized by weak and ineffectual institutions, corrupt judiciary and recrudescence of primordial ethnic and religious sentiments. This study, therefore, historicises the role of the bar

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<sup>4</sup> R. KAILASH, *Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations*, India 2004, p. 23.

<sup>5</sup> F. NYEMOTU, *Meeting the Challenges of Sustainable Democracy in Nigeria*, Ibadan 2002, pp. 20–24.

and the bench in the consolidation of democratic governance in Nigeria from advent of democratic governance in 1999, which marked the commencement of the Fourth Republic, to 2007, when Nigeria witnessed the first successful civilian-to-civilian transitional government in her political history. This is with a view to evaluating the extent to which the bar and the bench have been able to live up to the nation's desire for democratic consolidation during the period of study. The historical research method was adopted, while the interpretive design was used. The study relies on the use of primary and secondary sources. The primary data derived mainly from a critical review of selected landmark electoral dispute cases that came before the courts between 1999 and 2007.<sup>6</sup>

### **The Bar and the Bench in Nigeria up to 1999**

The role of the bar and the bench in the consolidation of democracy in Nigeria up to 1999 must be situated within the context of the country's socio-political evolution. The stability and quality of a democratic constitution is largely determined by the level of importance attached, and power given to it.<sup>7</sup> This can be measured broadly, using three acclaimed criteria. First, is whether the judiciary is independent, that is, it must not be beholden to any special interest or to either of the other two arms of government. The competence and integrity of the bench is the second criterion. In other words, judges must be competent, learned and of high integrity to command universal respect and approval. The availability of adequate facilities and personnel forms the third criterion.<sup>8</sup> However, the bench in Nigeria before 1999, was not defined by any of these criteria.

Although the different Nigerian Constitutions up to 1999, speak eloquently about judicial independence, judges, in fact, remain beholden to the Executive arm of government. For instance, judges at all levels of the Judiciary – High Courts, Courts of Appeal, and the Supreme Court – are appointed and promoted by the Executive branch, sometimes without

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<sup>6</sup> Especially cases where elections were nullified by the courts, and cases where court decisions led to change of government such as: *Osunbor vs. Oshiomhole* (2008) 56497 (CA), *Agagu & ors vs. Mimiko & ors* (2009)49488 (CA), *Peter Obi vs. INEC & Ors* (2007) SC.

<sup>7</sup> L. MBANEFO, *The Role of the Judiciary in Nigeria Now and in the Future*, Lagos 1976, p. 3; B. O. NWABUEZE, *Constitutional Democracy in Africa: Structures, Powers, and Organising Principles of Government*, Lagos 2003, pp. 44–50.

<sup>8</sup> E. A. DAVIES, *The Independence of the Judiciary in Nigeria: Problems and Prospects*, in: *African Study Monograph*, 10, 3, 1990, p. 20.



screening and, or confirmation by the Legislature.<sup>9</sup> The Executive also controls some of the facilities needed by the Judiciary, such as housing, transportation, and support staff.<sup>10</sup> The power of appointment gives the Executive branch a considerable level of influence over the Judiciary and leaves judges vulnerable to manipulation and control. Hence, feelings of vulnerability are deep, pervasive, and often unallayable among judges, whose career advancements, as well as access to facilities like housing and transportation depend on the Executive.<sup>11</sup>

In the First Republic, particularly in the build-up to the Federal elections of 1964, the country was engulfed in constitutional crisis, as a result of which several cases were filled in courts. These cases were about the allocation and exercise of constitutional power in the regions and in the center.<sup>12</sup> The partiality or positive inaction of both the bar and the bench during this period encouraged those who governed to become lawless and irresponsible. Both the bar and the bench could not differentiate their social roles as pillars of the law from their roles as ethnic leaders and party-political figures.<sup>13</sup> The inability of both the bar and the bench to resist political pressure and interference severely circumscribed the image and integrity of the courts in the First Republic. Many Nigerians began to feel, rightly or wrongly, that the justice administered in the courts was influenced by extra-legal consideration. Confidence in the ability of the courts to decide political issues impartially was consequently undermined, to the point that there was a general disinclination to take complaints to them.<sup>14</sup>

Convinced that they would not get justice from the courts for the rape of their rights to choose who should govern them, the people naturally resorted to self-help as the only remedy open to them. In the circumstance, violence broke out, and life became insecure in the streets of Ibadan, Ife, Mushin, Agege and other parts of the Western Region of the country.

<sup>9</sup> Section 238 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>10</sup> K. WHYTE, *The Place of the Judiciary in the 1999 Constitution*, All Nigerian Judges' Conference, Abuja 2000, p. 20.

<sup>11</sup> C. J. OTTEH, *Restoring Nigerian Judiciary to its Pride of Place*, in: *The Guardian*, April 13, 2004.

<sup>12</sup> IDEA, *Democracy in Nigeria: Continuing Dialogues for Nation Building*, Lagos 2000, p. 20.

<sup>13</sup> A. O. POPOOLA, *Politics of the Nigerian Judiciary*, in: Proceedings of the 32<sup>nd</sup> Annual Conference of the Nigerian Association of Law Teachers, held at the Nigerian Institute of Advanced Legal Studies, Lagos, on May 10–13, 1994, p. 45.

<sup>14</sup> *Ibid.*, p. 46.

“*Operation Wet-i-e*” (meaning “soak in petrol and burn”) was in full swing. Cars of known party stalwarts were set ablaze, and unpopular Customary Court Presidents were slaughtered in public.<sup>15</sup> The upshot was the military takeover of January 1966. This marked the end of Nigeria’s first experience at parliamentary democracy. It follows, therefore, that neither the bar nor the bench could be exonerated in the crises that culminated in the eventual collapse of Nigeria’s first experiment of democratic rule.

On assumption of power in 1966, the military junta suspended most of the provisions of the 1963 Constitution, while the surviving provisions derived their efficacy from decrees, thereby establishing the supremacy of military decree over the Constitution.<sup>16</sup> The fusion of the legislative and executive powers in the supreme military authorities curtailed the scope of judicial independence.<sup>17</sup> Hence, contrary to the concept of the independence of the judiciary, the military showed great interest in ensuring that they controlled the judiciary. This directly impinged on the activities of the bar and the bench. For instance, Decree No 5 of 1972, provided that the Chief Justice of Nigeria would “*henceforth be appointed and dismissed by the Head of the Federal military government at his discretion*”. Subsequently, the military proceeded to compulsorily retire the incumbent Chief Justice, T. O. Elias via a radio announcement.<sup>18</sup>

However, despite the difficult and sometimes dangerous condition in which the bar and the bench had to operate under the military rule, they were, in several instances, able to prevent the roof of the temple of justice from carving in. A classical example in this regard is the celebrated case of *Lakanmi & Another vs. A.G of Western Region & Others*.<sup>19</sup> In Western Nigeria, the military government issued Edict No. 5 of 1967, and thence set up a tribunal to investigate the assets of certain former public officers. E. O. Lakanmi and his daughter Kikelomo Ola, were among those whose assets were investigated. The tribunal ordered the confiscation of certain of their property and ordered them not to operate their bank accounts. Father and daughter approached the High Court at Ibadan seeking some

<sup>15</sup> Ibid.

<sup>16</sup> NWABUEZE, *Military Rule and Constitutionalism in Nigeria*, Michigan 1992, p. 20; see also, Federal Military Government (Supremacy and Enforcement of Powers) Decree of 1970.

<sup>17</sup> Ibid.

<sup>18</sup> A. OYEBODE, Is the Judiciary Still the Last Hope of the Common Man?, in: A. OYEBODE, (ed.), *Law and Nation Building (Selected Essays)*, Lagos 2005, p. 131.

<sup>19</sup> *Nigerian Weekly Law Report*, 1, 1989, p. 621.

relief. It had denied them. They went on to the Appeal Court, which dismissed their case for lack of jurisdiction. The matter ended at the Supreme Court and was heard by Adetokunbo Ademola, the then Chief Justice of Nigeria, and four other Justices of the Supreme Court.<sup>20</sup> After submissions by counsels, the Supreme Court, on April 24, 1970, allowed the appeal, declaring the decrees and edicts *ultra vires*, null and void. The court said further that the military take-over of government on January 15, 1966, was not a revolution and that the provisions of Decree 45 of 1968, amounted to a usurpation of the judicial powers of the courts.<sup>21</sup>

The military was livid. A few days later, it promulgated the Federal Military Government (Supremacy and Enforcement of Powers) Decree of 1970. In sum, the decree barred the courts from entertaining questions pertaining to the validity of decrees and edicts. Thenceforth, successive military administrations have found it expedient to make the same orders; barring the courts from questioning the validity of decrees and edicts, or actions taken consequent upon them. As a result, under military rule, the bar and the bench faced very severe and harsh realities, making them to oscillate between their concerns for their personal safety and their commitment to the defence of rule of law and protection of civil liberties. The dilemma of the bar and the bench as ministers in the temple of justice, under military rule in Nigeria is encapsulated by Ademola, JCA (as he then was), when he declared that “*in matters of civil liberties in Nigeria, the courts must blow muted trumpets*”.<sup>22</sup>

The Second Republic was heralded by the shadow of bitterly fought election petitions. On the eve of the inauguration of the Shehu Shagari-led civilian administration in 1979, the Supreme Court had to decide whether Shagari, the President-elect, had been duly elected. In that case the Supreme Court was to decide whether two thirds of 19 states is 13 or 12 and two-thirds. In the end, the court ruled that two-thirds of 19 states is twelve and two-thirds instead of 13. In other words, the Supreme Court annulled one third of the votes cast for Chief Obafemi Awolowo, the petitioner, and the three other candidates in Kano State, but left all the votes cast for Alhaji Shehu Shagari in the same state intact. The decision of the Supreme Court in the Awolowo case, as well as in the avalanche

<sup>20</sup> Lakanmi & Ors. vs. A.G of Western Region & Ors. 1989 1 NWLR 621.

<sup>21</sup> Ibid.

<sup>22</sup> Wa Ching Yao vs. Chief of Staff Suit No. CA/L/25/85 13 (1990), 2, *Nigerian Weekly Law Report*.

of election petitions during the Second Republic portrayed blatant partisanship in the adjudication of electoral disputes.<sup>23</sup> There were also serious allegations of corruption against some of the judges and lawyers involved in these cases.<sup>24</sup> These evoked negative comments and emotional expressions of diffidence in the integrity of both the bar and the bench. It became apparent to the general intelligent public that some of the judgments emanating from the courts were unreasonable and catalyst for political crisis. Consequent upon the announcements of the final results of the election, a large number of election petitions were filed before the various Election Petitions Tribunals.<sup>25</sup>

In the end, an appreciable number of the verdicts handed down by the courts horrified Nigerians as much as the election results themselves. The verdicts, in several instances, constituted a rape on democracy perpetrated through the courts.<sup>26</sup> It showed that despite mounting public criticisms, the judiciary repeatedly demonstrated a tendency, especially in high-profile and election cases, to lend its process in the service of the powerful, well-connected, and wealthy citizens. Indeed, of all the elections ever held in this country up till that time, none had put the judiciary as much on trial as the 1983 general elections. In these circumstances, the second coming of the military on December 31, 1983, via a coup d'état led by General Muhammadu Buhari, was seen by many as deliverance from the rule of politicians who have fostered themselves on the people through the collaboration of the courts.

Under the General Muhammadu Buhari-led military junta, which held power from December 31, 1983 to August 27, 1985, the judiciary was further humiliated, when judges were drawn and appointed to serve in inquisitorial tribunals under military officers with little or no knowledge of the law. While the travesty of justice was being enacted in these tribunals, the judges sat silently, apparently out of fear of their removal.<sup>27</sup> However, the bar at this time, spearheaded the judicial activism and protest the subordination of judges under military officers. At the end of an emergency meeting held in Lagos, in March 1984, the bar, under the auspices of its umbrella body, the Nigerian Bar Association, NBA, resolved that no

<sup>23</sup> A. OLISA, *The Judiciary in the Second Republic 1979–1984*, Lagos 1984, p. 32.

<sup>24</sup> POPOOLA, p. 45.

<sup>25</sup> Ibid.

<sup>26</sup> O. A. YUSUF, *Transitional Justice, Judicial Accountability and the Rule of Law*, London 2010, p. 21.

<sup>27</sup> Ibid., p. 22.

lawyer in Nigeria should appear before any of the military tribunals.<sup>28</sup> Encouraged by the posture of the bar, Hon. Justice Yahaya Jinadu quit the bench upon the disobedience of his judicial order by the Buhari/Idiagbon junta.<sup>29</sup> Suffice it to state, that in spite of intimidation and harassment by the junta, the bar and the bench, in some cases, remained courageous and dogged with regards to the promotion of the rule of law.

General Ibrahim Babangida's palace coup on August 26, 1985, purportedly sought to mitigate the hardship imposed on the nation by the Buhari dictatorship. Initially, he repealed some of the more oppressive decrees, while the Recovery of Public Property (Special Military Tribunals) Decree was amended such that judges became chairmen of the military tribunals.<sup>30</sup> This initial seeming favorable disposition of the Babangida regime towards the promotion of rule of law and respect for civil liberties turned out to be a façade. No sooner had he settled in office than the natural inhibition of the regular Nigerian military dictator began to manifest itself.

The confrontation between the bar and the bench on one hand, and the military regime of Ibrahim Babangida on the other, reached its peak with the arrest and detention, without trial, of four human rights activists and a student union leader in May 1992, on trumped up charges. The disposition of the bar was that of defiance. It filed two separate suits challenging the arrest and illegal detention. During the trial, twenty-two orders were made by various courts for the release of the detainees; nineteen were expressly disobeyed by the government, while three were overtaken by events.<sup>31</sup> As a result, the bar called on its members to withdraw their services from courts across the country beginning from Monday, June 8, 1992.

The boycott recorded a total success in the Ikeja and Lagos Divisions. On their part, the judges were cooperative and instantly directed their court Registrars to adjourn pending cases to future dates and terminated proceedings.<sup>32</sup> Eventually, the military government arraigned the detainees

<sup>28</sup> D. O. AJAYI, *A History of the Nigerian Bar Association, NBA, 1960–2010*, Ph.D. thesis, Department of History, University of Ibadan, 2016, p. 76.

<sup>29</sup> *Ibid.*, p. 77.

<sup>30</sup> POPOOLA, p. 45.

<sup>31</sup> A. OLANREWAJU, *The Bar and the Bench in Defence of the Rule of Law in Nigeria*, Lagos 1992, p. 121.

<sup>32</sup> Banke Owoade, 72 years, Retired High Court Registrar, (Personal Communication), Lagos, [2017–07–14].

before Justice Mwada Balami of Abuja Magistrate Court on the charge's conspiracy and treasonable felony on Monday, June 15, 1992. At the end of the trial, a sound, fearless, in-depth, and courageous ruling was delivered by his worship, Magistrate Mwada Balami. In his ruling, the Magistrate re-affirmed the commitment of the bar and the bench to the rule of law with regards to the fundamental human rights of citizens, and that it was the duty of the bar and the bench to ensure that the State is subject to rule of law and due process.<sup>33</sup> The ruling reverberated across the country and culminated in victory for the bar and the bench in Nigeria in their assiduous struggle in enthroning the rule of law.

After an eight years transition to civil rule programme, and in what can be described as one the defining moments in Nigeria's political trajectory, the late M. K. O. Abiola and Babagana Kingibe, both Muslims, won a sweeping victory in the June 12, 1993, presidential elections under the platform of the Social Democratic Party. The annulment of the election, which would have ushered in the Third Republic, and which has been widely adjudged the freest and fairest to be held in Nigeria before or since independence in 1960, was facilitated partly by the inglorious roles of the bar and the bench. The annulment plunged Nigeria into turmoil and retarded its political progression.<sup>34</sup> It would be recalled that immediately after the end of the national convention of the Social Democratic Party, SDP, held in Jos in May, 1993, members of the bar representing an association known as Association for Better Nigeria, ABN, approached the Abuja High Court asking for the invalidation of the results of the convention on grounds, inter alia, of corruption and electoral malpractices.<sup>35</sup> Before this case was heard, the National Electoral Commission, NEC, which was a party to the suit, went ahead, regardless, to make preparations for the presidential election on 12 June, 1993. Fearing that the election would be conducted before its case could be heard, the ABN asked its lawyers to file, at the Abuja High Court, a *Motion on Notice*, praying for an injunction to stop the NEC from conducting the election, which was scheduled for June 12, 1993. In a night-time ruling, Justice Bassey Ikpeme of the Abuja High Court, suspended the electoral process. However, the NEC refused to recognize this decision and rather proceeded not only to conduct the

<sup>33</sup> *Gani Fawehinmi and 4 Ors. vs. Attorney General of the Federation*, Nigerian Law Reports, /28/4/2000 SC.

<sup>34</sup> D. O. AJAYI, *British Colonial Policies and the Challenge of National Unity in Nigeria, 1914–2014*, in: *Southern Journal for Contemporary History*, 47, 1, 2022, pp. 18–20.

<sup>35</sup> *Ibid.*, p. 18.

election, but also to announce the results in 14 out of the 30 States.<sup>36</sup> As a result the ABN went back to the Abuja High Court and obtained another injunction stopping the NEC from continuing with the announcement of the results. Interestingly, the NEC this time recognized and obeyed the injunction of the High Court.<sup>37</sup>

The conduct of the bench and the bar gave the military government of Ibrahim Babangida sufficient excuses to annul the election. Thereafter, General Ibrahim Babangida, rather than continuing with a military government, “stepped aside” and appointed a civilian, Chief Ernest Shonekan, to head an illegal “Interim National Government” (ING), composed mostly of civilians. Again, the Honorable Chief Justice of the Supreme Court of Nigeria administered the oath of office to the appointed ‘Interim President’; thereby according to a degree of legitimacy to an interim government that was unknown to the Constitution or any other law of the land. After 82 days in office, the ING was overthrown in a palace coup led by General Sani Abacha, who became the new military ruler. His dictatorship, which lasted from 1993 to 1998, was to become more brutal than anyone before it. Abacha’s sudden demise in June 1998, paved the way for the emergence of General Abdusalami Abubakar, who midwived the return of the country to civilian rule in 1999. The increasing level of corruption at the bar, and on the bench became an issue of national concern.

As part of efforts to address the rot in the judiciary, the General Sanni Abacha led military regime embarked upon some reform initiatives. On December 29, 1993, it set up the Justice Kayode Eso Panel on the Re-organization of the Judiciary. The Panel’s Report indicted 47 judges for sundry corruption charges and recommended their dismissal. However, for over seven years after it submitted its report to the Federal Government, most of the recommendations of the Kayode Eso Panel were not implemented by the regime of Sani Abacha that set it up. Also, probably pre-occupied with the transition to civil rule programme, the General Abdul-Salami Abubakar military regime that succeeded Sanni Abacha did not implement the report either. As a result, most of the indicted judges continued to sit on the bench.

It is clear from the foregoing that by 1999, the capacity and integrity of the bar and the bench as the safeguards of the rule of law and instruments

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<sup>36</sup> *Ibid.*, p. 19.

<sup>37</sup> *Ibid.*, p. 20.



of democratic consolidation have been severely circumscribed. Rather, the twin-pillars of the judiciary have often been caught in contradictory trajectories between vulnerability in practice and independence in theory. This is a reflection of the prebendal character of Nigerian state, prolonged military rule, and the concomitant weak institutionalization of democratic political institutions and culture.

### **The Bar, the Bench, and the Consolidation of Democracy in the Fourth Republic, 1999–2007**

The 1999 Constitution, which was promulgated on the eve of the inauguration of the Fourth Republic, introduced certain unique provisions aimed at enhancing the independence and integrity of the bench. The Constitution provides for the establishment of two independent regulatory institutions, namely, the National Judicial Council, NJC, and the Federal Judicial Service Commission (FJSC).<sup>38</sup> The Constitution empowers the NJC to investigate judges accused of wrongdoing and recommend appropriate sanctions to the President, or state governors. The NJC has the mandate of recommending judges for appointment and promotion and enforcing the procedures laid down for judges, especially the Code of Conduct for Judicial Officers of the Federal Republic of Nigeria. In the same vein, judges are now to be appointed by the President, not only subject to the confirmation of two-third majority of the Senate, but also based on the recommendation of the NJC, which in turn, receives nominations from the FJSC. Also, the NJC, according to the constitution, shall not be subject to the direction or control of any other authority.<sup>39</sup> On the other hand, the FJSC, oversees the general welfare of judges. And, to guarantee their independence, both the NJC and FJSC are headed by the Chief Justice of Nigeria, CJN, and comprise some of the most senior members of the bar. Between 1999 and 2004 alone, no fewer than five senior judges were dismissed for corruption and abuse of power, following investigations by the NJC.<sup>40</sup>

In the same vein, in 2002, President Obasanjo appointed a committee, headed by Justice Bola Babalakin, in 2002, to review the Kayode Eso Panel Report. However, by then, only six of the 47 judges originally recommend-

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<sup>38</sup> Chapters 20(a) and (b), Third Schedule, 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>39</sup> Section 158(1), 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>40</sup> *Newswatch*, February 9, 2009.



ed for sack lost their jobs.<sup>41</sup> The quantum of evidence that accompanied the report had been lost. Of the 100 copies of the report by the first panel, the government could not produce one for the use of the review panel.<sup>42</sup> Within the eight years period that the Eso panel report was allowed to gather dust, three of the indicted judicial officers had died.<sup>43</sup>

The first challenge for the consolidation of democracy at the advent of civil rule in 1999 was the notion of an imperial presidency that had little regard for the tenets of democratic principles. Although democratically elected, the President conducted himself in military tradition as a General that brooked no opposition and took prisoners. The Federal Government under Obasanjo, frequently disregarded decisions of the courts, particularly the Supreme Court about rulings relating to disqualification of candidates for elections and impeachment of opposition governors. The courts were flooded with petitions. Rulings were handed down but not obeyed or enforced.

The integrity of the bench was further enhanced by the unprecedented vigilance and profound awareness of civil society groups, human rights advocates, democracy activists and politicians. Seizing the opportunity provided by the liberal political and constitutional dispensation occasioned by the advent of the fourth Republic, these groups intensified their monitoring of the activities of judges. In several instances, their petitions, particularly on matters bordering on the adjudication of post-election disputes, have led to investigations, many of which culminated in the dismissal of several judges.

Given that the prospects of national elections in Nigeria have always been a cause of panic and anxiety, coupled with the fact that previous attempts to transit from one democratically elected government to another were truncated by military coups, the stakes in the 2003 general elections in Nigeria were particularly high. For one, a successful election would represent the country's first civilian-to-civilian transition, thereby leading to the longest span of civilian democratic rule in Nigeria's political trajectory. To ensure a hitch free exercise, the electoral body

<sup>41</sup> YUSUF, p. 54. The six who were axed were; Dahiru Saleh, Chief Judge of Abuja High Court; George Uloko, Chief Judge of Plateau State; Moshood Olugbani of the Lagos High Court and M.D. Goodhead of the Rivers State High Court.

<sup>42</sup> AJAYI, p. 26.

<sup>43</sup> They were: A. I Obiesie, Anambra State High Court; Ligali Ayorinde, Chief Judge of Lagos State and Bassey Ikpeme, Abuja High Court, who gave the ruling purporting to stop the popular June 12, 1993 presidential election.

took steps and put arrangements in place to harmonise the constitutional provisions and the enabling electoral laws. Despite this, however, some bottlenecks were thrown into the process. Court cases were filed with respect to the different aspects of the electioneering process, such as the number of political parties and the conditions of their registration. There were also questions about whether the elections should hold in a day or spread across several days. In the end, the judiciary adjudicated all matters arising from the preparatory arrangements for the elections to the satisfaction of the parties concerned.

Although the elections proved less violent than widely anticipated, the intervention of the judiciary and the efforts of the Independent National Electoral Commission (INEC) were not sufficient to make the elections credible or acceptable to all parties. Like previous Nigerian general elections, the 2003 exercise was characterized by violence, intimidation of voters, ballot-box stuffing, vote buying and other forms of irregularities.<sup>44</sup> Several new irregularities also emerged. A major manifestation of these was the outbreak of an intense intra-elite conflict, such as disputes between some political aspirants and their “godfathers” over the modalities of sharing public resources. The concomitant to this was the substitution of the names of political parties’ candidates duly submitted to the INEC with those of persons who were never part of the primary elections within the same political parties. The result of this was that individuals who had not participated in the elections were declared winners.<sup>45</sup> The unprecedented scale of malpractices and irregularities that characterised the 2003 elections was underscored by the sheer number of complaints to the judiciary that arose from the elections. In all, a total of 574 petitions, covering all categories of elections, were filed before the courts.<sup>46</sup>

The stakes in the 2007 general elections were very high. For one, it followed eight years of tumultuous democracy, the longest in the history of post-independence Nigeria. More importantly, it was the first time in the history of the country to witness a civilian-to-civilian transfer of power. As the date set for the 2007 elections approached, electoral conflicts assumed even more dangerous dimensions, as the Constitution was routinely violated by politicians in their desperate bid to annihilate per-

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<sup>44</sup> F. A. OYEKANMI – O. SOYOMBO, *Society and Governance: The Quest for Legitimacy in Nigeria*, Lagos 2010, p. 26.

<sup>45</sup> This was the situation in *Peter Obi vs. INEC & Ors* (2007).

<sup>46</sup> Electoral Reform Committee, 2008, p. 23.

ceived political foes. In the end, the 2007 general elections were adjudged to be the worst in the history of elections in the country. The elections were characterised by widespread irregularities and malpractices, as well as extraordinary high level of political violence. The task of righting some of wrongs that pervaded the elections and the resolution of the disputes arising from the attempted removal of elected officials in flagrant violation of the Constitution became that of the judiciary, now seen as the last hope of the politically oppressed. The judiciary determined a total of 1,291 election petitions arising from the 2007 elections.<sup>47</sup>

Setting the pace for the bar, and in protest the continued disobedience of rule of law and court rulings, between 2003 and 2007, with particular regard to the illegal impeachment of state governors, the umbrella body of lawyers in Nigeria, the Nigerian Bar Association, NBA, declared a boycott of Nigerian courts by its members on March 13 and 14, 2006. The boycott was a success. All courts in Nigeria were deserted by lawyers. In the same vein, the severely flawed 2007 elections also received a one-day boycott of the courts by the NBA on May 18, 2007. Eventually, the Federal Government then committed to comply with court rulings in the future, though it did not fully comply with its words. The high number petitions that went to court may be regarded, to a very large extent, as an index of a growing confidence among politicians in the integrity of the judiciary, now seen as the bulwark of democracy.

Although an appreciable number of cases decided by the courts between 2003 and 2007, were mired in controversy, especially in terms of the blatant contradictions that characterised the pronouncements of courts of different jurisdictions on identical cases, the Supreme Court was at its best to ensure the promotion of rule law and the consolidation of democracy. Hence, all the illegal impeachments of state governors, for instance in Plateau, Ekiti, Oyo and Anambra were reversed by the apex court.

## Conclusion

On 29 May 1999, Nigeria returned to multi-party democracy after 16 years of uninterrupted military dictatorship. Nigeria's political trajectory since the attainment of independence in 1960, up to 1999, had been characterised by fraudulent elections, violent political crises and conflicts, and military coups. The country's previous attempts to transit

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<sup>47</sup> Electoral Reform Committee Report, 2008, p.123.

from one civilian administration to another via transitional elections were truncated by military coups. Elections were often dogged by allegations of massive rigging and violence. And the idea of resorting to the courts to resolve electoral or political disputes was thought to be a fruitless exercise because the courts were perceived to be biased and partial. The involvement of the bar and the bench in the determination of election disputes in the country before the advent of democratic rule in 1999, therefore, left sad memories in the minds of many Nigerians. Judges sitting on election petitions have been accused of bias and partiality. Pressures on judges by politicians and public office holders have also affected the determination of election petitions. In the same vein, the popular image of the Nigerian bar prior to 1999 was that of a parasitic elite. Indeed, the bar was perceived by many to be among those that wrecked the ship of the nation during the First, Second and Third Republics when they were lawyers.

However, as demonstrated in this study, since the advent of democratic dispensation in 1999, the bar and the bench have continued to play an increasingly assertive role as arbiters in the country's democratic politics in general and its electoral disputes in particular. There has been an appreciable behavioral shift among political stakeholders. A tangible manifestation of this is the phenomenal increase in the number of electoral disputes cases filed before the courts and the judicial decisions that have overturned the results of several fraudulent elections and restored to office, state governors wrongfully removed. Therefore, even though the Nigerian judiciary has not fully succeeded in solving the problem of judicial corruption, or enshrining a flawless framework for electoral justice, it has undergone a major transformation, becoming a reliable partner in the country's historic struggle for the consolidation of democracy via a fairer electoral process. Also, while some continue to indulge in violence and political brigandage, many others now prefer to use the judicial channels to resolve their electoral or political disputes. The increasing willingness of political elites to seek judicial avenues for the resolution of conflicts is an index of the gradual reinforcement of the integrity and confidence of the bar and the bench as impartial arbiters and veritable instruments of political stability and democratic consolidation. This has helped in sustaining the life span of Nigeria's Fourth Republic.

## Conference Report

***The League of Nations: The First Global Peacekeeping Organisation in the Changing World – Interdependencies and Reflections*** took place on 3 and 4 November at Villa Lanna in Prague 6

The conference, held under the auspices of the Ministry of Foreign Affairs of the Czech Republic, was organised by the Institute of History of the Czech Academy of Sciences in cooperation with the Institute of World History at Faculty of Arts of Charles University, the Institute of East European History of the University of Vienna, and the National Archives of the Czech Republic. The conference was part of the important AV21 Strategy programme: *Resilient Society for the 21st Century; Potential of Crisis and Effective Transformation*, which is coordinated by the Institute of Philosophy of the Czech Academy of Sciences under the leadership of doc. RNDr., Mgr. Alice Koubová, Ph.D. The programme comprises 11 departments of the Academy of Sciences and several other cooperating institutions. The programme is also supported by the Rector's Office of Charles University through the CENTRAL and CO-OPERATIO projects.

The aim of the conference was to present the issues of the League of Nations through a considerable number of diverse contributions of the conference participants. In particular, it focused on the question as to what

the League of Nations can present to today's society based on the two decades of its work and activities. Today's world, which is facing an increasing number of conflicts, especially on the European scale, in the Eastern part of Europe, as well as socio-economic, climatic and – in recent years – the coronavirus pandemic, could find inspiration and learn from the experience of the League of Nations in the inter-war period.

The conference brought together dozens of experts on the subject and the period in question from many European countries as well as from the United States. Based on the thematic focus of the individual contributors, the conference was divided into nine panels, during which more than thirty papers were presented. On the first day of the conference, the panels were held simultaneously in the Apollon and Adalbert halls at Villa Lanny. Remote access was set up for foreign participants who were not able to come to Prague in person, hence the conference was also held in a hybrid format.

As such, the conference opened with a few introductory words and forewords on the topic. The first keynote

speaker was Erik Goldstein (Boston University), who addressed the relationship between the UK and the League of Nations, as well as the advantages and disadvantages of the organisation as a whole. Next to speak was Doru Gheorghe Liciu (Head of Diplomatic Archives, Romanian Ministry of Foreign Affairs) who gave a presentation on Nicolae Titulescu and his work within the League of Nations, with particular emphasis on the importance of peace and international relations within the rule of law. The last presentation of the opening part of the conference was given by Jindřich Dejmeč (Historical Institute of the Czech Academy of Sciences), focusing on Edvard Beneš and his views on the League of Nations, especially its shortcomings.

The first panel of the conference, subtitled *Headquarters, Functioning and Reform Efforts*, featured presentations by experts from universities and institutions in Austria, Croatia, Poland and Switzerland. Václav Horčíčka from Charles University moderated the panel and the discussion that followed. Clara Egger from the University of Vienna addressed the panel primarily on the issue of the women's peace movement as well as the impact of this movement on the League of Nations. Dariusz Jeziorny from the University of Łódź focused on the perceived need for reform of the League of Nations within Polish foreign policy. Other contributors to this panel were Daniel Quiroga-Villamarin on the topic of the gradual transformation of Geneva into the international headquarters of the

League of Nations, and Hrvoje Čapo from the Croatian Institute of History presented a paper on Aristide Briand and his projects within the League of Nations.

Experts from Hungary, Italy, Turkey, and the Czech Republic attended the second panel on *International Security and Global Problems*, moderated by Hermann Joseph Hiery from the University of Bayreuth. Presentations were given, for example, by Krisztián Ben, an expert from the University of Pécs, on the approach of the League of Nations to the issue of Armenians in the French Mandate Territories, Syria and Lebanon, as well as by Göktug Ipek from Istanbul University on the relations between the League of Nations and Turkey. Also on this panel, Federica Guazzini from the Università per Stranieri di Perugia outlined the issue of African states that were active in dealing with refugees in the Commonwealth of Nations in the 1920s and 1930s. She also highlighted how only a few African countries were part of the League of Nations and how their importance is often overlooked in historical studies during the aforementioned period. The second panel also included a presentation by Jaroslav Valkoun from Charles University on the attitude of Great Britain and its dominions towards Japanese policy within the League of Nations in the early 1930s.

The third panel on *European Countries and Minority Problems*, moderated by Hans-Christof Kraus from the University of Passau, featured experts from France, Hungary and the Czech

Republic. The two experts from the Czech Republic, Václav Horčíčka from Charles University and Lukáš Novotný from the University of West Bohemia, both chose as the topic of their contribution the relations between Czechoslovak and German citizens during the First Republic. While Lukáš Novotný dealt with the issue of the German minorities in Czechoslovakia and the petition they submitted to the League of Nations in the 1920s, Václav Horčíčka focused on the issue of the Land Reform, especially the settlement with German landowners in Czechoslovakia during the First Republic. Csilla Dömök from the University of Pécs and Roser Cussó from the Sorbonne in Paris discussed the approach of the League of Nations to the protection of minorities.

Within the fourth panel, *The League of Nations and Civil Society*, we can mention the contribution of Polish expert Jerzy Gaul from the Central Archives of Historical Records dealing with the problem of collective security and the person of Joseph Pilsudski or the contribution of the Romanian expert Andrei-Dumitru Olteanu from Babes-Bolyai University who focused on Romanian diplomatic support for peacekeeping between 1932 and 1935.

The last panel of the first day focused on the *Interwar Society and its Interdependencies*. The panel included experts from the Czech Republic, such as Emil Voráček from the Historical Institute of the Czech Academy of Sciences and David Hubený from the National Archives. The foreign experts included Omer Aloni from the Peres Academic

Center in Israel with a presentation on Ecology or the relation of the League of Nations to the new ecological order. Hermann Hiery gave a talk on the issue of the Saar under the control of the League of Nations.

The second day of the conference opened with the sixth panel entitled *European Territorial Disputes*. Dariusz Jeziorny was the moderator of this panel. Among the experts who presented their contributions at the panel were Andrej Tóth from the University of Economics, Inxhi Brisku from the Institute of Ethnology and Folklore in Bulgaria and Anna Rozsypal Pajerová from Charles University. These speakers focused on different regions of Europe and their relationship to the League of Nations. Andrej Tóth devoted his contribution to the issue of Hungary and its complicated path among the members of the League of Nations. Anna Rozsypal Pajerová focused on the Scandinavian region, presenting the issue of the dispute between Finland and Sweden over the Åland Islands, especially in the context of the League of Nations arbitration. Inxhi Brisku also focused on a conflict, this time between Greece and Albania in the 1920s, and then especially on the role of the League of Nations as a mediator in resolving the problem.

The seventh panel addressed the question of *Politicians, Reformers, Visionaries*. Moderated by Frank Hadler, this panel featured Wojciech Engelking from the University of Warsaw, who contributed a piece on Carl Schmitt's criticism of the League of Nations. Next, Markus Beham from the Uni-

versity of Passau presented his paper on the person of Heinrich Lammasch, and the last speaker on the panel was Marilena Papadaki from the Open University of Greece. The eighth panel – *Criticism, Dissatisfactions and Controversies?* – was moderated by Marija Wakounig from the University of Vienna. The eighth panel featured presentations by Hans-Christof Kraus from the University of Passau on the German critique of the mandate system and Rupert Quaderer from the Liechtenstein-Institut with a presentation on Liechtenstein and the Society of Nations. Miroslav Šepták from the University of South Bohemia also presented his contribution.

The last panel was moderated by Erik Goldstein and focused on *Reflections and Contradictions*. Here, we can mention the contributions of Vít Sme-

tana from the Institute for Contemporary History of the Czech Academy of Sciences who discussed the experience of Czechoslovak politicians with the League of Nations as well as Gabriel Zvinc from Romania, who presented the question of how the experience of the League of Nations was used for the UN and peacekeeping efforts. Thanks to its scope and the variety of contributions, this two-day conference proved that it can truly be considered an international gathering of experts on the subject. The contributions themselves, but also the discussions that took place within each panel afterwards, provided many new ideas for further research and the search for new topics in the period under review.

*Pavla Chmelíková*



## Karel Durman

July 13, 1932 – April 14, 2023

On Friday 14 April 2023, one of the doyens of the Czech historian community, Karel Durman passed away in Uppsala at the blessed age of ninety. He began studying history at the Faculty of Arts at Charles University in 1952, and after graduating he started working at the Department of General History. In 1961, he received a one-year scholarship to study at the London School of Economics and Political Science. His stay in Britain undoubtedly had a significant impact on his future views and attitudes. His activities in 1968 resulted in his departure from the faculty in 1970, first employed as a night watchman, then working in the State Technical Library. In 1980, the pressure from the communist regime finally forced him to emigrate to Sweden, where he worked at Uppsala University.

Durman initially focused on the history of the Middle East/Near East (*Blízký východ ve světové politice*, Praha 1959), and in 1969, together with M. Svoboda, published the Dictionary of Modern World History (*Slovník moderních světových dějin*). He published other works in exile. He explored Russian nationalism in his work *The Time of Thunderer: Mikhail Katkov. Russian nationalist*

*extremism and the Failure of the Bismarckian System, 1871–1887* (New York 1988). He assessed the era of glasnost in the USSR in his extensive publication *The Reckoning: the Soviet Glasnost Debate: Systematic Crisis 1987–1990* (Uppsala 1991). After November 1989, Durman visited his old homeland several times and lectured at Charles University. Most importantly, he published his crucial works in Czech, *Útěk od praporů: Kreml a krize impéria 1964–1991* (Praha 1998) and, above all, two books analysing key events in world history from 1938 to the collapse of the USSR in 1991 (*Popely ještě žhavé I: Světová válka a nukleární mír 1938–1969*, Praha 2004; *Popely ještě žhavé II: Konec dobrodružství*, Praha 2009).

Durman's texts stand out above all for his deep knowledge of the chosen subject, reflecting an amazing knowledge of the relevant sources and literature. Last but not least, they are written in a lively language that captures the reader's attention. For Czech historiography, Durman's importance and role in the research of recent history are unquestionable. We honor his memory.

*Aleš Skřivan Sr.*

**Jonathan CLEMENTS**

***Japan at War in the Pacific. The Rise and Fall of the Japanese Empire in Asia (1868–1945)***

Vermont 2022

ISBN 978-48-0531-647-4, 320 pages

Jonathan Michael Clements is a British historian with a long-standing interest in the Far East. The interesting thing about this author is the fact that he originally devoted himself to manga and anime. But thanks to his knowledge of both Chinese and Japanese languages, he also started writing non-fiction books. He is known for his translation skills. He wrote about Confucius, Mao Tse-tung, Beijing, Admiral Togo, but also Vikings and Baron Mannerheim. His latest book is *Japan at War in the Pacific: The Rise and Fall of the Japanese Empire in Asia (1868–1945)*. The main aim of the book is to trace the development of Japanese militarism from Perry's mission in 1853 to the end of World War II. The central idea is a reflection on Japan's path from isolation to one of the most militarily oriented states in Asia. Clements tried to understand how it was possible that Japan, which was a backward country until the second half of the 19<sup>th</sup> century, became a great power that was able to defy the Americans during the Second World War and extend its influence on a substantial part of the Far East.

Clements came up with several points, which he gradually breaks

down thematically in his book and maintains a clear, logical, and chronological structure. First thesis is based on the analysis of imperial policy of world powers in the Far East. The rise of Japanese imperialism is trying to be traced gradually from the days of the Opium Wars to the end of the 19<sup>th</sup> century. According to Clements, Japan was perceived from the same perspective as China or India. It was understood as a state that was not advanced enough to manage its foreign policy independently. For this reason, it should have become another target of the imperial policy of European states.

The key feature for Clements's thesis was the power vacuum that arose in the Far East after the "fall" of China (after Opium Wars) and was soon filled by European powers, the United States of America and Japan. It was here when Japan decided to adopt a policy that would lead to the abolition of unequal treaties and Japan's entry into the world political scene. Japan became involved in China both commercially and politically. This is where the pan-Asian idea was born. Idea which was so strong that it even promised the expulsion of the "invading"

Qing dynasty. The problem was that whatever Japan did it was never recognized as equal to world powers. Even the British-Japanese alliance of 1902 did not lead to a shift in this perception. Japan was an ally of reason, but not a valued ally.

By Clements, the Paris Peace Conference, which began after the end of the First World War, only confirmed this fact. Japan continued to be perceived as one of the “yellow states”, i.e., unequal, and although under the auspices of the League of Nations it was committed to maintaining peace in the Pacific, it began to take steps to break away from the world’s “white” politics and create a pan-Asian empire that would be (by force) placed on a par with a world power.

Clements also came up with an answer to the question, why did Japan decide to use force and war as main political instruments? It was a combination of several obsolete factors. First, after the Meiji Restoration, some samurai elements were impressed into the newly created army. Second, Japanese militarism was a logical response to the policies of world powers, which refused to recognize Japan as an equal and maintained a tendency to talk into Far Eastern affairs and to be sovereign towards Asian states. The last point are the curiosities of the Japanese domestic political scene itself. On the one hand, Clements highlights the fact that history completely ignores the opposition to the militant faction that delayed the entire process of Japanese radicalization. On the other hand, he sees the consequence in the loopholes

in the Japanese constitution, according to which the army answered directly to the emperor, who allowed himself to be absorbed by the idea of militarism in the 1930s. The fact that the moderate members of the *genró* (council of elders) and Yamagata Aritomo (father of Japanese Army) gradually died out in the 1920s also played its part. After their death, people with tendencies towards radical militarization were pushed to the fore.

From an international perspective, Clements highlights the fact that Japan joined the world stage late. Japan wanted to create an empire along the lines of the United States of America and Great Britain. But at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries, world was already running out of places on peripheries that could be occupied and used for expansion. The idea of imperialism and colonialism was of the essence to the Japanese, but it could not be fulfilled in any legitimate way.

Clements must be commended for trying to conceive of the interpretation of history in different way. He does not look for causes only in the political sphere, but also tries to grasp the social and cultural sphere. He describes the phenomenon of *gunshin*, i.e., a series of “war gods” that began to appear in Japanese children’s books after 1911, but he also focuses on songs, books, and paintings. We can also read about the “militarization of radio”. A phenomenon that flourished in the 1920s. The book is full of excerpts from books and sayings that have appeared in Japan since the Meiji restoration. Clements compares

folk and marching songs and traces their changes during the Sino-Japanese War, the Russo-Japanese War, the First World War, but also the Second World War itself.

He explains that militarism has permeated Japanese society, culture, institutions, and the armed forces, almost becoming a way of life. His theory is based on a simple idea – Japan could not be perceived as an equal state due to the feeling of Western (racial) superiority. The only time Japan was recognized as a power, were successes in armed conflicts. Japan managed to gain influence after the war with China as well as after the war with Russia, and because of this, the impression was given that arms were the only possible means by which Japan could claim its place on the world's periphery. It is then perfectly logical that the Japanese government tried to seize militarization from all sides and make it both a political dogma and practically a lifestyle. Japan's deprivation of resources independence and the financial difficulties that accompanied the end of every Japanese war effort are also mentioned as crucial for Japanese militarism.

The book could practically be divided into three subsequent parts. The first four chapters deal with the opening of Japanese ports and foreign policy in the Far East. According to Clements, the years 1853–1914 could be evaluated as a period when Japan “copied” from foreign powers, invested in the army, modernized, and tried to enter world politics through two

wars. The period between 1914–1931 (until the creation of the Manchukuo Protectorate) thereafter was a “sobering-up” period during which Japan realized that it would never be treated as an equal by other states. It was a period characterized by political skirmishes between the army and navy. A period during which there was such a massive increase in the influence of the military that, according to the author, Japan was ready for war, no matter who it was fought with. The final part (1931–1945) describes Japan's efforts to create a “Greater East Asia” and the definitive (forcible) departure from the policies of Western states.

A paradoxical insight emerges from the entire book. Clements practically does not resist the claim that Japan tried so hard to get rid of unequal contracts in the second half of the 19th century, that in the end, it accepted Western (barbaric) hypocrisy and then itself in the 1930s and 1940s began to practice policies like those it had fallen for in 1853. After all, the Americans arrived at Japanese ports without warning, just as the Japanese arrived at Korean, Chinese and later American ports. After the end of the Second World War, Japan took a democratic path. But the importance of the Japanese army in relation to the constellation of forces in the Far East is gaining importance again, and it is a question of the future (and American support) to what extent Japan will return to militarization to create a body opposing China.

*Aleš Kotva*