

Administer and punish: On the administration of land and bodies and the punishment for complaint and protest in the colony of Cameroon

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Abstract: *In this chapter, I provide an analytical perspective on the story leading up to the killing of King Rudolf Manga Bell in the German colony of Cameroon. I argue that the sentencing and killing of Bell and other representatives of the Duala people was not merely an individual event, but reflected a general structure of governmentality in the colony of Cameroon (and presumably beyond). Examining the dynamics in Cameroon during German colonial rule, I identify a pattern in which politics of land grab, expropriation and segregation were opposed by representatives of the colonised peoples by way of complaint and protest in legal language. The German colonial administration responded to such complaints and protest by punishment either in so-called penal expeditions or through formal criminal proceedings. Such punishments often resulted in further expropriation or expulsion, creating a self-reproducing dynamic of expropriation, complaint, and punishment – expropriation, complaint, and punishment ... a*

dynamic that escalated until King Rudolf Manga Bell was executed on 8 August 1914.

1 Introduction

On 8 August 1914, the German colonial administration in Cameroon killed a king. The execution of Rudolf Manga Bell and his companions was one of the last deeds carried out by German colonial administrators. Shortly after the outbreak of World War I, the German Reich lost control over its colonies. Although the story of King Bell's sentencing and killing is present in historical literature, the underlying structures and dynamics as well as their larger implications for understanding colonial rule remain understudied.¹

In this chapter I seek to provide an analytical perspective on the story leading up to the killing of King Bell. I argue that the sentencing and killing of Bell and other representatives of the Duala people was not merely an individual event, but reflected a general structure of *governmentality* in the colony of Cameroon (and presumably beyond). Examining the dynamics in Cameroon during German colonial rule, I identify a pattern in which politics of land grab, expropriation and segregation were opposed by representatives of the colonised peoples by way of complaint and protest in legal language, which in turn were responded to by punishment either in so-called penal expeditions or through formal criminal proceedings. The result was further expropriation or expulsion, creating a self-reproducing dynamic of expropriation, complaint, punishment – expropriation, complaint, punishment ... a dynamic escalating until the killing of King Bell.

1 For some insights, see D Simo 'Colonization and modernization: The legal foundation of the colonial enterprise – A case study of German colonization in Cameroon' in E Ames, M Klotz & L Wildenthal (eds) *Germany's colonial pasts* (2010) 97-112; a re-worked version in German, D Simo 'Kolonisierung als Modernisierung? – Modernisierungsdiskurse und koloniale Praxis' in Decolonize Berlin (ed) *Dekoloniale Rechtswissenschaft und -praxis* (2024) 116-135; further MP Fitzpatrick *The Kaiser and the colonies: Monarchy in the age of empire* (2022) 347-372; K Otremba 'Stimmen der Auflehnung: Antikoloniale Haltungen in afrikanischen Petitionen an das Deutsche Reich' in IH Warnke (ed) *Deutsche Sprache und Kolonialismus: Aspekte der nationalen Kommunikation 1884-1919* (2009) 235-262.

Although the crux of this observation is the structural interconnectedness, I will disentangle two aspects. I will first focus on politics and legalisations of incremental land grab, expropriations and urban segregation in the language and form of administrative law. During the earlier phases of German colonial rule, land was predominantly seized by exerting force, especially during and after so-called 'penal expeditions'. Yet, after around 1900, the German colonial administration based its politics of expropriation and segregation increasingly on formal law. Now, legislators and administrators invoked necessity for infrastructure projects and concerns of public health as legal justification. *Governmentality* and *biopolitics* (in the sense of Foucault) went hand-in-hand. This form of colonisation was – to large extent – (attempted) modernisation in the language and logic of administrative law.²

In the second part, I examine the reaction to this form of colonial *governmentality* by local elites and representatives. In particular, Kings Akwa and Bell resorted to a practice of petitioning in which they complained in legal language both to the local colonial administration as well as to the highest German representatives in the Reich, namely the Kaiser, Chancellor and Parliament. However, German officials did not engage in a discourse on the level of subjective rights or public law, but rather resorted to more extralegal violence ('penal expeditions') as well as formal criminal proceedings. In 1905, King Akwa and fellow petitioners were sentenced to nine years' imprisonment, including forced labour, for issuing a petition against colonial practices. The charges were libel and defamation. The sentence exceeded the statutory limits for those offences by far. After issuing complaint after complaint, on 8 August 1914, King Rudolf Manga Bell and other representatives were ultimately hanged for alleged treason. Criminal, even capital punishment was the response to the *praxis* of petitions. In my reading, the killing of Bell and his companions symbolises a last attempt by the German colonial administration to assert public power over land and bodies in the colony.

2 Cf Simo 'Colonization and modernization' (n 1) 97, also invoking Foucault. For Foucault's conceptions, see M Foucault *Security, territory, population: Lectures at the Collège de France, 1977-1978* (2007); M Foucault *The birth of biopolitics: Lectures at the Collège de France, 1977-1978* (2008); also M Foucault *Discipline and punish* (1977); see further A Hunt & GM Wickham *Foucault and law – Towards a sociology of law as governance* (1994). See also U Schaper 'Becoming a subject in court: Law, subjection, and resistance in the German colony Cameroon' (2023) 33 *Comparativ* 225-241, 228.

2 Administering land and bodies

2.1 *De facto* land grab and expropriation after 1884

German colonial rule in the delta of the Wouri river, a region referred to as 'Cameroon' or 'Cameroons', began in 1884. Traditionally, Europeans had maintained relatively good relations, especially with the Duala people who controlled the coast in the Wouri Delta as well as access to the hinterland.³ In the 1880s, however, Germans, Britons, French and other Europeans sought to extend their economic influence in the region. The *Scramble for Africa* was on.

At that time, there were approximately 300 000 Duala people living in the coastal area of 'Cameroons'. The Duala society was structured (roughly speaking) in allegiances to four main royal houses and their respective towns. The two politically most influential Duala royals, Ndumb'a Lobe (King Bell) and Ngand'a Kwa (King Akwa) were based in Bonanjo ('Bell-Town') and Bonambela ('Akwa-Town') respectively.⁴ Next to them, Eyum Ebele (Charley Dido) und Kum'a Mbape (Lock Priso) claimed equal royal status among the representatives of the Duala. The relationship between the Duala royals was one of strategic cooperation and competition. On the one hand, they competed economically and politically. On the other hand, they negotiated their common affairs in a joint assembly and shared some sense of common identity in relation to Europeans and other peoples in the hinterland.

The Duala occupied an economically and strategically powerful position, as they controlled access to the hinterland and, thus, access to valuable goods for expanding European industries, such as palm oil and rubber. In this dominant position, the Duala traditionally demanded a fee to be paid by European tradesmen for anchoring at the coast (the *kumi*) and occasionally, during disputes with European merchants, imposed trade blockages, that is, halting the transport of goods from the hinterland to the coast. Nevertheless, the trade was lucrative for Europeans and they began to negotiate for allowances of permanent trading posts

3 For an account of the socio-political structures at the time, see RA Austen & J Derrick *Middlemen of the Cameroons rivers: The Duala and their hinterland, c 1600-c 1960* (1999) 48-92; further Gasidou in this volume at 149 ff.

4 A Eckert *Grundbesitz, Landkonflikte und kolonialer Wandel – Douala 1880 bis 1960*, Beiträge zur Kolonial- und Überseegeschichte (1999) 27 ff.

and factories in the Wouri Delta. The manufacturing of goods such as palm oil or rubber on the ground spared significant capacities and made shipping from the delta to Europe more effective. As the Scramble for Africa reached its climax, German merchants felt the increasing need to secure their trade relations with the Duala against English influence – and *vice versa*. In 1884, a British delegate was under way for negotiating a new treaty with the Duala. Prior negotiations had failed due to the Duala insisting on retaining their trade monopoly with peoples in the hinterland. The German merchants and companies now feared that a treaty between the English and Duala would exclude them from the trade in the Wouri Delta. Thus, a German delegation of representatives from the companies Woermann and Jantzen & Thormählen sought to secure a treaty with the Duala before the British would arrive.

On 11 and 12 July 1884, after long and difficult negotiations,⁵ so-called ‘protection treaties’ (*Schutzverträge*) were signed by German merchants and Duala representatives – the Germans reportedly threatening with military action in case negotiations should fail.⁶ Being persistent (to say the least), the German merchants succeeded in entering into a treaty before the British delegate reached the shores. Yet, the urgent desire for entering into a treaty with the Duala came with downsides. While the treaties conferred far-reaching rights (and duties) concerning the administration of the coastline to the German companies, the Duala explicitly reserved certain rights for themselves, including the right to demand the *kumi* and to retain established trade relationships.⁷ The

5 A Eckert *Die Duala und die Kolonialmächte: Eine Untersuchung zu Widerstand, Protest und Protonationalismus in Kamerun vor dem Zweiten Weltkrieg* (1991) 95.

6 On the process, see, RT Fossi & G Machona ‘Die Kolonisierung „Cameroons“: Zur Geschichte einer manipulativen Wegnahme mit besonderer Berücksichtigung der Deutsch-Duala-Verträge’ in *Decolonize Berlin* (n 1) 148ff, 155 ff.

7 ‘We the undersigned independent Kings and Chiefs of the country called ‘Cameroons’ ... voluntarily concluded as follows: We give this day our rights of Sovereignty, the Legislation and Management of this our Country entirely up to Mr Eduard Schmidt acting for the firm C Woermann and Mr Johannes Voss acting for Messrs Jantzen & Thormählen, both in Hamburg, and for many years trading in this River. We have conveyed our rights of Sovereignty, the legislation and Management of this our Country to the firms mentioned above under the following reservations: 1. under reservation of the rights of third persons; 2. reserving that all friendship and commercial treaties made before with other foreign governments shall have full power; 3. that the land cultivated by us now and the places the towns are built on shall be the property of the present owners and their successors; 4. that the Coumie [commercial tax] shall be paid annually as it has been paid to the Kings and Chiefs as before; 5. that during the first time of establishing an administration

Duala clarified their intentions for their reservations in a separate letter issued the following day, clarifying that they considered the treaties to guarantee respect for their trade monopoly in the *hinterland*.⁸

This treaty arrangement was not to the taste of the Germans: 'Unfortunately, the preservation of this monopoly had also been guaranteed by the German side when it assumed protectorate status.'⁹ Similarly, Governor Max Buchner later noted in his memoir that the documents had to be 'taken away from the Duala.'¹⁰ Buchner continued to lament about the legal constraints these treaties provided for:

The English are not entirely wrong when they laugh mockingly at the fact that Consul Schulze was so willing to tie the hands of German companies by signing the demand that they should stay away from the interior and they find it strange that, despite promising not to do so, German companies are still trying to push their way into the interior. Only force could resolve this contradiction, and the current situation would be ideal for this. The whole of Cameroon is a den of iniquity [*Sündenpfuhl*], so that the withdrawal of that document could be imposed as a punishment.¹¹

As Buchner correctly remembered, German merchants and official administrators did not respect the trade monopoly of the Duala as provided for by the treaty arrangement. In fact, Buchner himself noted in 1887 that the ultimate goal was to re-negotiate the treaties. As the Duala were unwilling to do so, he urged for a blockage on side of the Europeans aiming to starve the Duala:

We will therefore have to create a new [contractual, GM] basis. And this will be possible under the pressure of the trade embargo and hunger [reaching] a

here, our country fashions will be respected. Cameroons, the twelfth day of July one thousand eight hundred and eighty four.' As reproduced in Fitzpatrick (n 1) 348; Fossi & Machona (n 6) 150ff; 'Protektionsvertrag vom 12./13. Juli 1884' in BA Berlin R1001/4447, 3.

8 Simo (n 1) 102ff; Fitzpatrick (n 1) 348 ff.

9 E Zintgraff *Nord-Kamerun – Schilderung der im Auftrage des Auswärtigen Amtes zur Erschließung des nördlichen Hinterlandes von Kamerun während der Jahre 1886-1892 unternommenen Reisen* (1895) 3.

10 M Buchner *Aurora colonialis: Bruchstücke eines Tagebuchs aus dem ersten Beginn unserer Kolonialpolitik* (1914) 212; also quoted in Fossi & Machona (n 6) 157; on the non-compliance with the treaty arrangement see Bandah Panga in this volume at 167 ff, esp. 183 ff.

11 Buchner (n 10) 212.

new agreement with the chiefs, in which they renounce their trade monopoly in exchange for a moderate fixed salary.¹²

However, seeing the geographical conditions as well as the numerical and strategic disadvantage of German armed forces, they were presumably simply unable to effectively enforce such an embargo on the Duala. Instead, German officials chose the strategy of 'punishment', as Buchner's memoir also indicates. Resorting to an established colonial practice, German officials invoked the rhetoric and logic of 'punishment' for any form of perceived misbehaviour, including refusal to oblige to orders or 'disrespectful' conduct of individuals.¹³ Any such incidents could potentially lead to a 'penal expedition' in which towns and farm land were strategically looted and destroyed, sometimes leading to the expulsion of the local population.

Even though the German colonial administration followed this strategy since the very beginning, Jesko von Puttkamer, governor from 1895 to 1907, exceeded his predecessors in scale and intensity of land grabs and expropriation measures. Pursuing an aggressive policy of expansion, the German colonial administration gradually claimed effective control over more and more areas in the region now called Cameroon.¹⁴ The means ranged from further 'treaties',¹⁵ and issuing concessions to private companies for claiming and asserting property rights over vast amounts of land,¹⁶ to sheer military force. Even in Germany, Puttkamer's rigid policies and practices were ironically referred to as 'Puttkamerei' (Puttkamerism) and politicians in the Reichstag soon

12 M Buchner *Kamerun: Skizzen und Betrachtungen* (1887) 173: 'Wir werden deshalb eine neue Basis zu schaffen haben. Und das wird unter dem Druck der Handelssperre und des Hungers möglich sein durch einen neuen Vertrag mit den Häuptlingen, in dem sie gegen ein mäßiges festes Gehalt auf ihr Handelsmonopol verzichten.'

13 See on this punitive logic D Walter *Organisierte Gewalt in der europäischen Expansion: Gestalt und Logik des Imperialkrieges* (2014) 125ff; trans D Walter *Colonial violence: European empires and the use of force* (2017); also E Künkler *Koloniale Gewalt und der Raub kultureller Objekte und menschlicher Überreste – Eine systematische Übersicht zu Militärgewalt und sogenannten Strafexpeditionen in deutschen Kolonialgebieten in Afrika (1884-1919)* (2022) 9-20.

14 Eckert *Grundbesitz* (n 4) 46.

15 Until 1907, Germans had entered into at least 95 treaties with different local representatives in the region, Simo (n 1) 100, citing Kum'a Ndumbe III 'Les traités cameroun-germaniques (1884-1907)' in Kum'a Ndumbe III *L'Afrique et L'Allemagne de la colonisation à la coopération* (1986) 42-68, see also Bandah Panga in this volume at 168.

16 Eckert *Grundbesitz* (n 4) 74 ff.

called the colony of Cameroon as the 'Kingdom of Puttkamerun'. In fact, also Puttkamer himself knew very well that his practice of land grabs and expropriation violated the initial treaties and the pre-colonial legal order, as his memoir reveals:

If you asked a native chief how far the land belongs to him, he would certainly point out a boundary somewhere in the jungle, beyond which the territory of the next tribal chief begins, so that according to the natives there is no free or ownerless land at all ... I have not accepted this point of view from the outset, but have proceeded in the division of the land according to the established principle that only that land is the property of the natives which they actually cultivate at the moment of the dispute.¹⁷

For Puttkamer, 'cultivated' meant – as was good tradition since the writings of John Locke – land that was permanently and visibly used by way of farming or maintaining infrastructure. Thereby, the colonial administration deliberately ignored the local legal order, including their conceptions of ownership and property rights.¹⁸ When Puttkamer assumed office, the Kaiser had declared by decree that all 'uncultivated land' in the colony of Cameroon was now 'crown land', that is, land held in public property ('crown land decree'; *Kronlandverordnung*).¹⁹ According to a consecutive decree issued by the Chancellor, in case of dispute over the question whether land was indeed 'uncultivated' and thus *terra nullius*, the colonial administration should first try and find an agreement with local representatives, but in case none was reached, the governor was to decide.²⁰

By way of *de facto* land grabs and *de jure* recognition of public or private property, the German administration and colonial corporations soon claimed decisive portions of the land in the 'Colony of Cameroon'. For instance, the German colonial administration granted concessions for the administration of approximately 80 000 and 90 000 square

17 J Puttkamer *Gouverneursjahre in Kamerun* (1912) 103 ff.

18 Criticised by A Bebel in *Verhandlungen des Reichstags* [Parliamentary Protocols] vol 214 (1905/06) 14 December 1905 300; M Erzberger in *Verhandlungen des Reichstags* vol 214 (1905/06) 14 December 1905 323.

19 'Allerhöchste Verordnung über die Schauung, Besitzergreifung und Veräußerung von Kronland und über den Erwerb und die Veräußerung von Grundstücken im Schutzgebiete von Kamerun' 15 July 1896 Kol.Bl. 435; also in J Ruppel (ed) *Die Landesgesetzgebung für das Schutzgebiet Kamerun* (1912) 687.

20 'Verfügung des Reichskanzlers, betreffend die Ausführung der Allerhöchsten Verordnung vom 15. Juni 1896' 17 October 1896 Kol.Bl. 667; also in Ruppel (n 19) 689.

kilometres of apparently ‘ownerless’ land (*terra nullius*) to the South Cameroon Company and the North West Cameroon Company respectively.²¹ The two companies thereby became the two largest of 13 colonial corporations operating in Cameroon.²² By the turn of the century, the German colonial administration had greatly expanded its sphere of influence in terms of military and economic control – knowing that this violated the 1884 treaty regime with the Duala.

As indicated, the policies and practices perused by Puttkamer were not uncontroversial, even among Germans. In fact, around 1900, colonial practices including the ‘land question’ became an issue for larger public debate in Germany.²³ Those practices that were quite obviously breaching treaties as well as incidences of violence – often sexual and sexualised – in the colonies were sharply criticised in the press and in parliament.²⁴ In response to the criticisms regarding the politics of unlawful land grabs, in February 1903, the Kaiser issued a decree that included a remarkable provision. On the one hand, the ‘Decree on the Expropriation of Land Ownership in the Protectorates of Africa and the South Seas’ provided for possibilities of legally expropriating land and claiming allegedly ‘uncultivated’ land.²⁵ More specifically, section 1 of the decree authorised governors to deprive any individual of property rights for ‘reasons of public welfare’ in return for compensation.²⁶ On the other hand, section 32 provided that the Chancellor could approve the reinstatement of the local population to their former possessions if this was ‘necessary, at the discretion of the authorities, to secure the economic existence of

21 Eckert *Grundbesitz* (n 4) 73 ff.

22 Eckert (n 4) 74.

23 Eg, A Bebel in *Verhandlungen des Reichstags* vol 214 (1905/06) 14 December 1905 300; M Erzberger in *Verhandlungen des Reichstags* vol 214 (1905/06) 14 December 1905 322 ff.

24 R Habermas *Skandal in Togo: Ein Kapitel deutscher Kolonialherrschaft* (2016); KS Todzi *Unternehmen Weltaneignung: Der Woermann-Konzern und der deutsche Kolonialismus 1837-1916* (2022) 64 ff.

25 Verordnung über die Enteignung von Grundeigentum in den Schutzgebieten Afrikas und in der Südsee RGBl. 1903 no 5 27-36, reproduced eg in *Verhandlungen des Reichstags* vol 305 (1914) 3359.

26 Sec 1: ‘Das Eigentum und alle sonstigen Rechte an Grundstücken sowie das Bergwerkseigentum und das Recht der Besitzergreifung von herrenlosem Lande (Kronlande) können aus Gründen des öffentlichen Wohles für Unternehmen, deren Ausführung die Ausübung des Enteignungsrechts erfordert, gegen Entschädigung entzogen oder beschränkt werden’; on this, see Eckert *Grundbesitz* (n 4) 77.

the natives, in particular their right to a home'. This clause, explicitly allowing the expropriation of *German* private individuals and companies reinstating former local owners, upset German merchants. They argued that such a rule created 'legal uncertainty'²⁷ – which, given the realities on the ground, probably was not a particularly convincing argument. In response to protests from German merchants, Chancellor Bülow issued another decree that provided for the possibility of colonial governors declaring section 32 of the Expropriation Ordinance inapplicable.²⁸ As far as is known, no governor made use of the initial Decree allowing for expropriation of Europeans in order to reinstate local populations wrongfully expelled from their lands. Quite to the contrary, the public debates rather led to an increasing 'legalisation' of land expropriations and urban segregation. *De facto* expropriation gradually became *de iure* expropriation.

2.2 *De iure* expropriation and segregation, especially after 1900

In light of those (largely domestic) debates concerning land grabs and expropriations, the question of legality became more and more pressing. Contrary to some popular views on colonialism as utter 'lawlessness', law remained a relevant factor and standard for colonial practices.²⁹

In case of expropriating land and segregating the population of the colony of Cameroon along racial colour lines, the legal reasoning was based on two main justifications: first, the necessity for public infrastructure development (2.2.1); and second the necessity for maintaining public health (2.2.2). Thus, at least after 1900, the German administration did not simply exercise land grab through mere violence, but sought to justify expropriation in their legal 'logic,' which correlated with modern administrative law thinking and larger aims of 'modernisation'.

27 Eckert (n 4) 77.

28 Verfügung des Reichskanzlers vom 12.11.1903 zur Ausführung des Abschnitts IX der Kaiserlichen Verordnung über die Enteignung von Grundeigentum Afrikas und der Südsee vom 14.2.1903 in Ruppel (n 19) 734.

29 Simo (n 1) 97; not entirely convincing concerning colonial 'lawlessness', in particular A Mbembé 'Necropolitics' (2003) 15 *Public Culture* 11-40, 12, 24; A Mbembé *Necropolitics* (2019); C Elkins 'The "moral effect" of legalized lawlessness' (2018) 44 *Historical Reflections* 78-90.

2.2.1 *Infrastructure planning*

With regard to public infrastructure, the colonial administration invoked the necessity to expropriate local population and move them to segregated areas (*Eingeborenenreservate*) in order to build roads and railways.³⁰ According to commonly shared views throughout all political party lines, railways were needed in order to transport goods such as palm oil or other raw materials to the coast.³¹ Thus, after a fairly long drafting process that was actually initiated by a visit of some members of parliament to Cameroon, the German Parliament agreed on plans for significantly expanding the railway network in the colony of Cameroon in 1906.³² The statute on public guarantees for this project also provided for the possibility of seizing private property in the Wouri Delta.³³ The colonial administration sought maximum freedom in organising the construction of the railway.³⁴

Yet, the expropriations also aimed at preventing local elites from benefiting from these infrastructure plans. As the railways were meant to allow for faster and more effective transportation, all surrounding trading posts would benefit from improved infrastructure. This would not only facilitate trade, but ultimately also lead to an increase in property value. Since the Duala occupied a position of intermediaries, European merchants traditionally portrayed them as lazy opportunists who made other people work for them. In light of these new infrastructure projects, this narrative was picked up and reinforced. German officials and merchants complained that the Duala were engaging in 'parasitic land speculation' because they

30 For more context, see D van Laak *Imperiale Infrastruktur: Deutsche Planungen für eine Erschließung Afrikas 1880 bis 1960* (2004).

31 J Semler *Verhandlungen des Reichstags* vol 214 (1905/06) 18 January 1906 642: 'If the entire railway is to serve a purpose, it must be extended all the way to that hinterland where the region's natural products are found, particularly oil, which we can still use in large quantities in Germany. Germany's demand for palm kernels is met only in part by our colonies.'

32 Todzi (n 24) 64 ff.

33 Sec 2 Gesetz, betreffend Übernahme einer Garantie des Reiches in Bezug auf eine Eisenbahn von Duala nach Manenguba-Bergen (1906) RGBI 525.

34 W Solf 'Denkschrift über die Enteignung und Verlegung der Eingeborenen in Duala (Kamerun)' 1 May 1914 in *Verhandlungen des Reichstags* vol 305 (1914) 3271.

had calculated that with every million that the German Empire invested in the expansion of the port, in the development of the city through roads, sewerage, water pipes, roads, railways, etc, the value of their land would increase without them having to lift a finger, and that they could then pocket a good fraction of every million.³⁵

Mpundu Akwa, son of then King Akwa, soon became a main target of such 'criticism'. In a lengthy report to the Reichstag, Governor Solf wanted to highlight how scandalous the situation was by quoting Mpundu Akwa: 'I will live off Papa's land.'³⁶

From the colonial administration's point of view, it was unacceptable that local elites such as Mpundu Akwa would apparently benefit from German colonisation (which of course was a questionable way of viewing colonisation anyway). From this perspective, however, it seems plausible to assume that the expropriations also aimed at preventing such unintended consequences of the infrastructure projects. Moreover, a representative of the government stated in parliament that the railway project in Cameroon was not only designed for economic reasons. Starting with the construction works was 'urgently needed', also in light of the 'restless mood' among the local population and potential protest;³⁷ also because railways would allow for more effective suppression of uprisings through faster transportations of troops.³⁸

While expropriations mainly targeted local population, incidentally Germans were also expropriated under this rationale of infrastructure planning. For instance, the 1906 Law on the Cameroon Railways led to the expropriation of some land held by Adolf Woermann, one of the first signatories to the 1884-treaties.³⁹ After Woermann, himself member of parliament, had complained, the responsible administrator sought to informally compensate Woermann by way of providing cheap and long-term land leases.⁴⁰

35 Röhms 28 December 1912 in BAP R.Kol.Amt 4427, Bl 187 ff, as quoted in Eckert *Grundbesitz* (n 4) 95.

36 Cited eg in Solf (n 34) 3295.

37 K Helferich in *Verhandlungen des Reichstags* vol 214 (1905/06) 14 December 1905 336.

38 H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 18 January 1906 631.

39 Todzi (n 24) 64 ff.

40 Todzi (n 24) 66.

In 1910 the colonial administration opted for further large-scale expropriations on the side of the Wouri river where the Bell House resided.⁴¹ While expropriations led to disastrous consequences for the local population, stripping peoples of their livelihood, the few expropriations of European companies had no significant bearing on the survival of human beings and were even compensated in one way or another. In 1911 first parts of the railway network were completed. Although the most successful Duala tradesmen, such as Sam Deido and Mandessi Bell, used steamships themselves, they were soon outrun by railways transporting goods from the hinterland to the coast.⁴² At this point, the reservations of trade monopoly in the hinterland were *de facto* irrelevant.⁴³ German actors, both public and private, seemed to have discarded the initial 1884-treaties completely.

2.2.2 Public health

Besides invoking necessity for developing infrastructure, the protection of public health (of Europeans) became one of the main justifications for expropriations and racial segregation in Western Africa. In the case of Cameroon, protection against malaria in fact became 'the most important argument for colonial segregation policy'.⁴⁴ The prominence of public health reasoning in this discourse was by no means coincidental. Rather, it was an expression and consequence of the parallel and interconnected establishment of scientific tropical medicine and racial doctrine.⁴⁵

As a matter of fact, malaria did pose one of the main health concerns for the colonial administration, with malaria being the most contracted disease among Europeans in Cameroon at that time.⁴⁶ Before the turn

41 Fitzpatrick (n 1) 350; see also below.

42 Eckert *Grundbesitz* (n 4) 60.

43 See also Fitzpatrick (n 1) 349; Austen & Derrick (n 3) 93-137.

44 Eckert *Grundbesitz* (n 4) 109.

45 For the German context, F El-Tayeb *Schwarze Deutsche – Der Diskurs um ‚Rasse‘ und nationale Identität 1890-1933* (1999); P Grosse *Kolonialismus, Eugenik und bürgerliche Gesellschaft in Deutschland 1850-1918* (2000); with respect to the legal discourse, D Liebscher 'Zwischen rassistischer Rechtsspaltung und Antidiskriminierungskategorie: „Rasse“ als ambivalenter Begriff deutschen Rechts' in P Dann, I Feichtner & J von Bernstorff (eds) *(Post)koloniale Rechtswissenschaft: Geschichte und Gegenwart des Kolonialismus in der deutschen Rechtswissenschaft* (2022) 9-44.

46 See statistics of health issues among Europeans in H Ziemann 'Kamerun' in Reichskolonialamt (ed) *Medizinal-Berichte über die Deutschen Schutzgebiete*

of the century, Europeans had assumed that malaria was caused by toxic streams from contaminated soil.⁴⁷ Just before 1900, however, scientists discovered that the disease was caused by female anopheles mosquitoes and that humans were potential intermediate hosts in the development of the pathogen. In a series of misguided conclusions typical of early twentieth century science, tropical medicine specialists combined the finding that humans could be intermediate hosts of the malaria pathogen with pseudo-scientific racial theories. Their conclusions effectively confused correlation with causation: In Western Africa, quantitatively speaking, many Black people contracted malaria and carried the pathogen – for the simple fact that most people were Black. Seeing the large number of Black people contracting malaria – so the conclusion went – Black people contributed more to the spread of the malaria pathogen *because* they were Black. In what we call confirmation bias, these medical ‘findings’ seemed to support modern race theories that gained more and more traction in Europe at that time.⁴⁸ As Andreas Eckert noted, the ‘racist narrowing of tropical medical knowledge’ played a ‘decisive role’ in segregation policy: ‘Medicine and racism, science and cultural prejudices went hand in hand.’⁴⁹

A central figure in this discourse was Dr Hans Ziemann.⁵⁰ Ziemann claimed to be the first to demand racial segregation in colonies as a means to combat diseases such as malaria in an international medical congress in Paris in 1900.⁵¹ Thereafter, Ziemann regularly reported in an official medical report to the Office for Colonial Affairs on the situation of public health in German colonies such as Cameroon. The medical report of 1905/1906 serves as example of the kind of reasoning to which Ziemann resorted. He highlighted that, already in March, he had detected instances of new malaria contractions. This was noteworthy as

[1905/06] (1907) 117–195; H Ziemann ‘Kamerun’ in Reichskolonialamt (ed) *Medizinal-Berichte über die Deutschen Schützgebiete [1909/10]* (1911) 247–391, 250, 281.

47 Eckert *Grundbesitz* (n 4) 107, citing D Headrick *The tools of empire: Technology and European imperialism in the nineteenth century* (1981); G Harrison *Mosquitos, malaria and man: A history of hostilities since 1880* (1978).

48 See for context El-Tayeb (n 45); Grosse (n 45).

49 Eckert *Grundbesitz* (n 4) 112.

50 Fitzpatrick (n 1) 352.

51 H Ziemann ‘Gutachten des Regierungsarztes Prof Dr Hans Ziemann über die Notwendigkeit der Entfernung der Eingeborenen aus der Nähe der Europäer in Duala’ in *Verhandlungen des Reichstags* vol 305 (1914) 3306.

the wet season began only in April/May and, therefore – according to the report – anopheles mosquitoes were not active at that time of the year. Ziemann concluded that the malaria contractions of white Europeans must, therefore, have been caused by mosquitos that had hibernated in ‘negro huts’.⁵² Without further explanation, Ziemann implied that early malaria contractions among white Europeans were ultimately caused by Black people in their surroundings.

In a later report, Dr Ziemann concluded that combating malaria among the local population was basically impossible. Similarly, it seemed impossible to effectively extinguish mosquitos.⁵³ Therefore, measures were needed to reduce the risk for white Europeans. One measure was the reduction of mosquitos at least in the vicinity of white settlements. Accordingly, the governor issued an order requesting the removal and restricted planting of bushes in closed urban areas as they could host mosquitos transmitting malaria.⁵⁴ Moreover, the colonial administration required administrative approval for renovating houses and huts or constructing new ones. However, approval was often denied when the local population applied.⁵⁵

The most effective measure was prophylaxes with quinine which, reportedly, most Europeans used. Moreover, and more decisive for the present analysis, Ziemann also made a case for racial segregation in larger settlements and towns. Ziemann pushed for the ‘systematic removal of the natives from the settlements of the Europeans in the larger coastal towns’.⁵⁶ While such measures had not yet been taken in Duala, a ‘welcomed start had been made in Victoria, as well as in Kribi’, as Ziemann put it.⁵⁷ In order to protect Europeans from risks of malaria and other diseases, Ziemann argued that European houses had to be constructed in stone and spaced further apart from one another.⁵⁸ However, this was difficult, for example, in the relatively densely populated towns at the coast such as Duala. Addressing the situation in Duala, Ziemann

52 Ziemann ‘Kamerun’ (n 46) (1907) 126.

53 Ziemann ‘Kamerun’ (n 46) (1911) 287.

54 Bekanntmachung des Gouverneurs, betreffend gesundheitliche Maßnahmen gegen Infektionskrankheiten 28 November 1909, Amtsbl 306; also in Ruppel (n 19) 936 ff.

55 Solf (n 34) 3284.

56 Ziemann ‘Kamerun’ (n 46) (1911) 340; again Ziemann ‘Gutachten’ (n 51) 3306.

57 Ziemann ‘Kamerun’ (n 46) (1911) 340.

58 Ziemann ‘Kamerun’ (n 46) 358, 365.

nevertheless rested assured: 'After the removal of the natives, planned for 1912, there will be an opportunity for greater expansion.'⁵⁹ The same went for Kiribi, where Ziemann's report pushed for a 'separation of indigenous and Europeans'.⁶⁰

Ziemann based his arguments for racial segregation on medical tests that he had conducted. He found that depending on the season, between 70 and 90 per cent of the local Black population had recently contracted malaria and, therefore, were potential hosts of the malaria pathogen. While the percentage seemed similarly high or even higher among white Europeans, Ziemann explicitly resorted to 'racial-biological' explanations.⁶¹ Every non-white person – so the argument went – was a 'dangerous source of infection'.⁶² This apparently was due to an increased vulnerability of Black people for certain diseases due to alleged racial differences. In accordance with this theory, a later report to the German Parliament also assumed that 'mixed living of Blacks and Whites caused health issues'.⁶³ Another medical report to the Reichstag concluded: 'The spatial separation of whites from blacks is the simplest and safest protection against malaria, which today, together with its evil companion, blackwater fever, is still the most widespread and dangerous tropical disease for the white race'.⁶⁴

The reasoning of the medical reports became generally accepted as providing 'compelling reasons' for the 'division of White and Black', that is, racial segregation.⁶⁵ Accordingly, delegates in the Reichstag found that 'relocating a village' was an 'absolute necessity' in such places 'where Whites had to live without major danger'.⁶⁶ To move a whole village was in accordance with 'sanitary duty of care', since the anopheles mosquito would find its 'natural breeding ground in a negro village'.⁶⁷

59 Ziemann 'Kamerun' (n 46) 350.

60 Ziemann 'Kamerun' (n 46) 353.

61 Ziemann 'Kamerun' (n 46) 352.

62 Ziemann 'Kamerun' (n 46) 353.

63 Solf (n 34) 3271.

64 P Kuhn 'Die Sanierung von Duala' [not dated] in *Verhandlungen des Reichstags* vol 305 (1914) 3364.

65 Solf (n 34) 3281; P Kuhn 'Gutachten über die Notwendigkeit der Verlegung der Eingeborenen von Duala' 31 December 1912 in *Verhandlungen des Reichstags* vol 305 (1914) 3320ff; on this, see eg Fitzpatrick (n 1) 352 ff.

66 J Semler in *Verhandlungen des Reichstags* vol 214 (1905/06) 18 January 1906 643.

67 As above.

In addition, politicians and administrators regularly argued that colonial officials would simply feel more comfortable in segregated areas near the coastline⁶⁸ – areas that had traditionally been populated.⁶⁹ Occasionally, this was framed as a health issue protecting Europeans from further distress. Moreover, medical experts framed racial segregation and, in particular, the prevention of sexual relations between Blacks and whites as a matter of ‘racial hygiene’.⁷⁰ Politicians and administrators were also open to acknowledge that policies of expropriation and segregation were also about demonstrating that whites were ‘higher creatures’ (*höhere Wesen*).⁷¹ As the Solf Report to the *Reichstag* clarified, racial segregation was key to colonial rule: ‘The entire administration of the colonies [Schutzgebiete], the control of the natives within them, is based on the authority of the white race.’⁷²

Expropriation and segregation constituted one means of maintaining and entrenching claims to white supremacy in the colonies. After many Duala and other residents were not willing to sell their land, around 1910, ‘the necessity for initiating a comprehensive expropriation programme arose’, as the Solf Report to Parliament further explains.⁷³ In October 1911, the governor initiated ‘formal expropriation proceedings in full scale’,⁷⁴ ordering the removal of the population on the north-western side of the river, either to northern inland or to the other side of the river, in particular to areas that were regularly flooded.⁷⁵ These expropriations were executed mainly in 1913 followed by immediate complaint and protest.⁷⁶ As the local population did not accept the eviction orders, they were evicted by force (*Verwaltungszwangsverfahren*)⁷⁷ – essentially deporting people for executing the plans to establish racially segregated

68 H Paasche Semler in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 January 1906 600.

69 Against this, see in particular G Ledebour in *Verhandlungen des Reichstags* vol 214 (1905/06) 18 January 1906 644: ‘Denn es ist zweifellos verwerflich, wenn Neger, um irgend einem Kaufmann ein bequemes Wohnen zu ermöglichen, dorfweise nach einer anderen Gegend transportiert werden.’

70 See Kuhn ‘Gutachten’ (n 65) 3321.

71 H Paasche Semler in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 January 1906 600.

72 Solf (n 34) 3296.

73 Solf (n 34) 3272.

74 As above.

75 Solf (n 34) 3282, denying that the areas were constant wet lands.

76 Solf (n 34) 3273.

77 Solf (n 34) 3285.

urban areas in Cameroon. Yet, different to the later mass execution of European Jews by Nazi Germany, the colonial administration had no interest in systematically extinguishing the local population altogether and as a people. Rather, they relied on the local population as work forces.⁷⁸ Therefore, Dr Ziemann highlighted that medical care was to be implemented for ensuring a 'sparing treatment of human material'.⁷⁹ Even if extinction of whole peoples was not the primary and declared aim, the systematic expropriation and expulsion had catastrophic effects for the local population and the colonial administration knew that very well – but went along anyway.

3 Punishing kings and petitioners

The practices of *de facto* and *de iure* expropriation and segregation, however, did not go without protest. Instead of either surrendering or resorting to (counter-)violence, the Duala relied on the form and language of law.

The practice of filing letters of complaint to Europeans dated back to pre-colonial times. Within the socio-political and constitutional system of the Duala, entering into foreign relations with Europeans was a means to demonstrate power and status in relation to other Duala leaders.⁸⁰ Thus, diplomatic and economic relations with Europeans did not only promise increasing trade revenues, but also elevated internal political status. Valuing diplomatic relations, the Duala established a practice of petitioning against ill-treatment and violations of treaty provisions by Europeans. The petitioners always made their position fairly clear, while at the same time upholding a respectful (maybe overly respectful) tone in relation to their European counterparts, as can be seen in a letter of complaint by five Duala Kings to the British Queen in 1879.⁸¹

78 See on a similar discussion J Kreienbaum, *Ein trauriges Fiasko: Koloniale Konzentrationslager im südlichen Afrika 1900-1908* (2013) 294.

79 Ziemann 'Kamerun' (n 46) (1911) 368.

80 For an in-depth analysis (in German) of some petitions, see Otremba (n 1).

81 '5 Duálá an Queen' British Parliamentary Papers (BPP) 1884/85 Bd. LV Africa No 1 doc 1, as quoted in Eckert *Duala* (n 5) 47: 'Dearest Madam, we your servants have join together and thoughts its better to write you a nice loving letter which will tell you about all our wishes.'

At that time, the Wouri Delta formed part of the British informal empire (or rather 'sphere of influence').⁸² More than 20 years earlier, Duala elites and English representatives had established a Court of Equity which was invoked relatively often in both international trade disputes as well as internal Duala matters.⁸³ Moreover, since the 1850s, Duala representatives regularly complained to British officials in cases of misconduct by British subjects.⁸⁴ Resorting to this ambivalent practice, the Duala, welcomed Europeans and English tradesmen and their legal system, but protested against unlawful, immoral or improper behaviour of European individuals when visiting the Wouri Delta.⁸⁵ For instance, in one of the first written complaints to a British consul in 1862, King Akwa complained about aggressive and disrespectful behaviour and the unwillingness of the Europeans to abide by contractual agreements. King Akwa wrote in 1862:

I beg to confess that the repeated oppression of the European on us this Bight of Biafra is heavily brewing in our mind. I shall now bring before you numbers of us that have been killed by British Trader ... We are led to presume, Sir, that industry, civilisation, have sprung from Good England – and yet from this same country come a class of low adventurers who are trying to imped[e] the benevolent plans of their wise, and good country men.⁸⁶

3.1 First complaints and penal expeditions

After the Duala had signed the treaties with German merchants in 1884, they had to witness the systematic disregard of those treaties as well as alleged European standards of 'civilisation'.⁸⁷

In 1892, one of the first written complaint was lodged with the German colonial administration. The petitioners complained about the 'increasingly aggressive attempts by German merchants to break up the intermediate trade monopolies' as well as about 'undignified treatment'

82 See Todzi (n 24) 79.

83 KO Dike *Trade and politics in the Niger Delta, 1830-1885: An introduction to the economic and political history of Nigeria* (1966) 126.

84 Simo (n 1) 102.

85 Eckert *Duala* (n 5) 119 ff.

86 Quoted in Dike (n 83) 125.

87 Simo (n 1).

such as corporal punishment.⁸⁸ The petitioners, who notably included all the important Duala representatives,⁸⁹ made it clear that they considered the behaviour of the German colonial administration and the companies to be a breach of the 1884 treaties.⁹⁰

Governor Eugen von Zimmerer's response was twofold. On the one hand, he responded with a letter addressed directly to the Duala representatives in English, attempting to justify the criticised behaviour in a relatively sober manner.⁹¹ On the other hand, however, Zimmerer resorted to violence. He sent colonial officer Ernst Wehlan on 'punitive expeditions'. Wehlan later boasted about the acts of violence committed during his 'expeditions'. Reporting about a 'penal expedition' to the Toko settlement on 6 October 1892 he wrote, for instance: 'It was completely destroyed, not a single house remained standing, all bananas, plants, sugar cane, yams, coconuts, cassava, and other food crops were destroyed, and most of the coconut palms were cut down.'⁹²

The destruction of material goods, even if food resources, seems relatively harmless in comparison to other atrocities committed during such 'expeditions'. Concerning another battle on 30 November 1892, Wehlan noted:

Many hundreds of Bakokos were driven out of their temporary shelters in the bush, numerous opponents were shot down after brief resistance, and many women and children were cut down. At Yadibo, several children were captured ... The opponents fought back desperately, but the bloodthirsty soldiers overwhelmed them, shooting and beating men, women, and children indiscriminately ... Almost every soldier brought a Bakoko head back to the beach as a souvenir.⁹³

These so-called 'Bakoko campaigns' caused shudders also among contemporaries. A German colonial officer noted: 'It is said to have been truly horrific.'⁹⁴ This two-pronged reaction – justification, on the one hand, destructive violence as 'punishment' on the other – as response to complaints from the Duala and other local representatives became a

88 C Bommarius *Der gute Deutsche – Die Ermordung Manga Bells in Kamerun 1914* (2020) 29; Eckert *Duala* (n 5) 124ff citing ANY FA 1/37, 211-217.

89 Eckert *Duala* (n 5) 129.

90 Eckert *Duala* (n 5) 125.

91 Letter by Zimmerer 29 October 1892 ANY FA 1/37 223-226, cited in Eckert *Duala* (n 5) 130.

92 Quoted in Bommarius (n 88) 29 ff.

93 Quoted in Bommarius (n 88) 30.

94 Wilhelm Vallentin (*Regierungsbeamter*), quoted in Eckert *Duala* (n 5) 30.

pattern.⁹⁵ As a result, the situation of the Duala as a whole deteriorated after every complaint or petition.

Nevertheless, the Duala neither resorted to counter-violence, nor sided with groups attempting armed resistance, such as the Dahomey. The Dahomey did not enjoy a high reputation among the Duala elites, first, because they were 'unfree' immigrants from the interior and, second, because they were regularly employed as police personnel, also being involved in repressive measures on side of the German colonial administration.⁹⁶ When the Dahomey revolted against systematic ill-treatment and, in particular, gross sexual and sexualised violence in 1893, the Duala did not side with them. The revolt was triggered by an incident in which Heinrich Leist, acting as governor while Zimmerer was on leave, made women undress, get whipped and sexually assaulted (or worse) in front of their husbands who had refused to comply with orders.⁹⁷ The 'Leist affair' of 1893 was soon subject of public debate even in the German Parliament, and Leist was put on military trial in Potsdam, Germany – yet, officially not for committing colonial crimes, but for forgery of documents. He faced relatively minor disciplinary consequences.⁹⁸ Nevertheless, the crimes committed by Leist and Wehlan soon became a point of reference for measuring the scale of colonial violence thereafter.⁹⁹

In 1895, Jesko von Puttkamer succeeded Zimmerer as governor. Under Puttkamer, cases of (police) violence and degrading treatment of the local population (especially workers) became even more frequent. In a letter to his son and successor, Mpundo, King Akwa wrote that there would be uprisings 'because of the bad government and the torment

95 See, B Ablass in *Verhandlungen des Reichstags* vol 214 (1905/06) 15 December 1905 347, concerning a man in Togo killing a German official in revenge for killing numerous locals and sexual violence: 'I would regret it if only the usual punitive expedition against the murderers had been carried out, which might then have led to the burning of some village. I would much rather hear that administrative action had been taken against the officials themselves in order to inform them of how the Reich government wishes its officials to conduct their business.'

96 Eckert *Duala* (n 5) 132-134.

97 Simo (n 1) 104 ff.

98 See also Simo (n 1) 105.

99 See, B Ablass in *Verhandlungen des Reichstags* vol 214 (1905/06) 15 December 1905, reporting about an incident in which a local man died having been tied to a pole in the sun, effectively being dried out: 'The case is worse than the offences committed by Leist and Wehlan!'

of Governor von Puttkamer.¹⁰⁰ As seen above, Puttkamer openly disregarded the 1884 treaty arrangements. The Duala must have realised that their strategy of diplomatic cooperation was not promising at all. Both King Bell and King Akwa decided to travel to Germany in order to voice their complaints directly at the highest institutions.

In the summer of 1902, King August Manga Ndumbe Bell, son of the Bell King, who had signed the treaty with the Germans in 1884 and father of Rudolf Manga Bell, arrived in Germany.¹⁰¹ August Manga Ndumbe Bell had two main concerns: He wanted to obtain German citizenship for himself and his son, Rudolf Manga Bell, and he wanted to achieve more appropriate treatment of his subjects by the Germans, including better economic conditions.¹⁰² The latter included, among other things, lifting restrictions on trade in the Sanaga river and the right to hunt elephants.¹⁰³ On the side lines of a parade at Tempelhofer Feld in Berlin, King August Bell did in fact meet Kaiser Wilhelm II.¹⁰⁴ After the meeting, Bell submitted his written complaint to the colonial office, diplomatically worded as a request for 'remedial action to address certain abuses in Cameroon' and 'proposals for improvement in the interest of better understanding'.¹⁰⁵

At first glance, King Bell's trip was more successful than that of King Akwa. Arriving after Bell, King Akwa was denied a meeting with Kaiser Wilhelm. Within the power rivalry among the Duala, this was a bitter defeat for the Akwa, but even King August Bell's intervention led to little change in colonial reality.¹⁰⁶ The most concrete result was a licence to hunt elephants for King Bell personally. While this concession was potentially financially lucrative, it remained insignificant in the overall picture. Ultimately, it 'granted' him a task that he and his family had carried out over generations anyway.

Overall, the travel to Germany sent mixed signals. On the one hand, it could be seen as an (implicit) acceptance of the general colonial framework mirroring the ambivalent position of the Duala towards

100 Quoted in Eckert *Duala* (n 5) 146.

101 Eckert *Grundbesitz* (n 4) 50; Fitzpatrick (n 1) 347.

102 Fitzpatrick (n 1) 347.

103 Eckert *Grundbesitz* (n 4) 50.

104 Fitzpatrick (n 1) 347.

105 Letter of 13 August 1902, cited in Eckert *Grundbesitz* (n 4) 50.

106 Eckert *Grundbesitz* (n 4) 51.

German presence and rule in Cameroon. On the other hand, the meeting between King Bell and Kaiser Wilhelm presumably 'strengthened self-confidence' and 'nurtured the feeling' that one did not have to passively accept German colonial policy, but could actively work towards change.¹⁰⁷ It might have been an incentive to further pursue the practice of petitioning.

3.2 Akwa petition of 1905 and criminal conviction for libel

While the journey to Germany appeared to have been a small success to the Bell house, it proved more or less worthless for the Akwa. In fact, after the Bells seemed to have stabilised their relations with the Germans, the colonial administration turned screws on the Akwa.¹⁰⁸

In response, King Akwa and 27 other representatives of different Duala houses (excluding the Bells) lodged a complaint in 1905 regarding undignified treatment and unforgiving colonial policy.¹⁰⁹ Instead of complaining only to the local administration in the colony, this petition was sent to German Parliament, the *Reichstag* – a route that was constitutionally recognised in article 23 of the Constitution of the German Reich.¹¹⁰ The petition, which was even re-printed in newspapers such as the *Leipziger Volkszeitung*,¹¹¹ encompassed 24 points of complaint covering both matters of general interest, such as corporal punishment, as well as issues specifically affecting the elites, such as defamation of royals in front of their subordinates. The Budgetary Commission of the *Reichstag* summarised quite objectively and precisely that the Akwa

were generally opposed to the unjustified demolition of their houses and huts, to the forced labour they were required to perform without compensation, against the injustices of the administration of justice with its harsh punishments and floggings, against compulsory taxation and other unlawfully enacted regulations, against the violation of their rights guaranteed by formal contract of July 12/13, 1884, against abuse of official authority, etc.¹¹²

107 As above.

108 As above.

109 Petition of 19 June 1905 in *Verhandlungen des Reichstags* vol 222 (1906) 3393.

110 Otremba (n 1) 238.

111 Otremba (n 1) 243.

112 Petition of 19 June 1905 in *Verhandlungen des Reichstags* vol 222 (1906) 3393-3399.

The petition raised complaints with respect to violations of property rights and, in particular, arbitrary destruction of property during 'penal expeditions' (no 18). In complaint point 14, the petitioners further reported a case in which an Englishman had shot the helmsman of a boat because he thought the crew was rowing too slowly. The Englishman was sentenced to four months' imprisonment. When a family representative of the murdered man complained about the leniency of the sentence, the District Administrator Brauchitsch replied that 'a European cannot be sentenced to death if he has killed a black Duala in any way.'¹¹³ The petitioners contrasted this four-month prison sentence for homicide with a criminal conviction of two Duala men who had complained about taxation. Reportedly, they had stated at a public meeting that a general tax would trigger 'bloody and murderous quarrels among our impoverished people.' The two complainants were found guilty of 'inciting rebellion against the government' and sentenced to five years' imprisonment with forced labour; four months for murder; five years for opposing tax plans. For the petitioners, this practice stood for German 'assessorism', as the Duala called the German colonial system in contrast to the pre-colonial British consulate system.¹¹⁴ 'Assessorism', the Akwa concluded, corrupted the 'honest German power into a usurious and crooked power. So away with assessorism and back to the consulate!' The petitioners were still willing to submit to the German Reich, but they rejected the current system and advocated a system of consular and arbitration jurisdiction. The Akwa thus maintained their ambivalent relationship with the European legal system; on the one hand disapproving of the actual legal practice and, on the other, upholding the supposed 'civilisation'. In the words of Eckert, the petition was 'an expression of their claim to European civilisation, to equality, an expression of their will not to react with violence like "uneducated" peoples, but to work with the instruments of the Europeans.'¹¹⁵

However, the effectiveness of petitions depends on finding an addressee who is willing to adjust their behaviour in accordance with

113 As above.

114 On the structurally unequal and discriminatory administration of justice, in particular in criminal matters, see Iffert in this volume at 13 ff. and Ugwuoke in this volume at 51 ff.

115 Eckert *Duala* (n 5) 154.

the criticism put forward, but this was not the case. Instead of sending a 'punitive expedition' in response to the petition, as the administration would have done before 1900, Governor Jesko von Puttkamer filed a criminal complaint with the district office in Duala.¹¹⁶ Consequently, the petitioners were sentenced to up to nine years' imprisonment with forced labour for libel – even though the judgment admitted that 'a group of complaints ... was based on true facts'¹¹⁷ and the sentence by far exceeded to statutory limits. The Budgetary Committee of the *Reichstag* even acknowledged the fact that 'numerous officials' were probably guilty of 'serious misconduct and criminal offences in office.'¹¹⁸ Even though the Reichstag Committee demanded better protection of the rights of the local population,¹¹⁹ the colonial administration did not alter its practices.

Notably, this did not surprise the Akwa. In their petition, they demanded that the government in the Reich 'immediately evacuate' the colonial administration in Cameroon, 'so that they do not, out of fear of justice that awaits them, do anything else that would break our desired peace.'¹²⁰ In other words: The Akwa-petition requested that the current colonial administration be put on leave in order to prevent violent retaliation, since there was effectively no separation of powers in the colonies. This relatively open address of the matter might have been one reason why Puttkamer actually did not resort to violence, but filed a criminal complaint. His usual response of a violent expeditions might have corroborated the Akwa's description of the situation, revealing who was the violent party in this setting. In any case, Puttkamer took the judicial route, which nevertheless led to his (professional) downfall.

The judgment and, in particular, the overly harsh punishment of nine years' imprisonment with forced labour for a letter of complaint based on admittedly true facts 'caused a huge stir and great outrage in all circles throughout Germany', as Mathias Erzberger, member of

116 Eckert *Grundbesitz* (n 4) 51.

117 Report Budgetary Commission in *Verhandlungen des Reichstags* vol 222 (1906) 3389; the 'claimed facts were all in all in no way untrue'.

118 Report Budgetary Commission in *Verhandlungen des Reichstags* vol 222 (1906) 3390.

119 Report Budgetary Commission (n 117) 3387-3393.

120 Petition of 19 June 1905 in *Verhandlungen des Reichstags* vol 222 (1906) 3393-3399.

parliament noted at the time.¹²¹ Gröber, another member of parliament, was the first to raise the issue in the *Reichstag* by referencing an article in the newspaper *Hamburger Fremdenblatt*. He explained that the newspaper article reported how 'Cameroonian chiefs had issued a letter of complaint against the governor Puttkamer, but were held accountable and sentenced to several years imprisonment'. The news appeared to the delegate so 'unbelievable' that he was 'almost too shy' to ask for clarification. He further declared that if there was 'any truth to this story' this would certainly provoke the next uprising.¹²² Following Gröber, other delegates raised similar concerns.¹²³ Some critical voices, such as that of Mathias Erzberger of the Catholic Party (*Zentrum*/Centre), urged for 'a reform of the whole colonial system', demanding, among others, an effective separation of power as well as the 'guarantee of the rights of the indigenous.'¹²⁴ Just the next day, another delegate voiced his criticism:

Gentlemen, I am of the opinion that it was thoroughly wrong of Governor von Puttkamer to respond to the complaints lodged against him by the native chiefs in such a way that, as the accused, he set himself up as judge and punished the complainants without exception with severe prison sentences, which, as we have heard, are said to have been as long as nine years. Gentlemen, if someone files an official complaint and has to expect that the person they have complained about will take legal action against them and punish them with imprisonment, then everyone will certainly be discouraged from filing complaints.¹²⁵

One of the most outspoken critics was Georg Ledebour, member of parliament for the Social-Democratic Party. Ledebour clarified that the judgment against the petitioners was 'without any doubt an abuse of official capacities' and 'unlawful'.¹²⁶ In his view, the judgment was

121 M Erzberger in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 January 1906 592.

122 A Gröber in *Verhandlungen des Reichstags* vol 214 (1905/06) 13 December 1905 276.

123 F Payer in *Verhandlungen des Reichstags* vol 214 (1905/06) 13 December 1905 288; further eg, A Südekum in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 January 1906 602.

124 M Erzberger in *Verhandlungen des Reichstags* vol 214 (1905/06) 14 December 1905 331; similar A Südekum in *Verhandlungen des Reichstags* vol 214 (1905/06) January 1906 602.

125 B Abbläß in *Verhandlungen des Reichstags* vol 214 (1905/06) 15 December 1905 348.

126 G Ledebour in *Verhandlungen des Reichstags* vol 214 (1905/06) 18 Januar 1906 644 ff.

largely motivated by a fear of uprisings, which it only intensified through such improper administration of justice.¹²⁷ Ledebour reminded the delegates that the statutory limit for insult was two years' imprisonment, if committed against a royal five. Yet, even if he behaved like one, Puttkamer was not a monarch and, therefore, the judgment – in Ledebour's words – was a 'violation of the law of the most shameful kind, rape, abuse of authority.'¹²⁸ Ledebour demanded that Akwa and the fellow petitioners be set free immediately.

As the debate went on for weeks, Director of the Office for Colonial Affairs, Hohenlohe-Landenburg, tried to calm the discussion and repeatedly promised to inform parliament once the Colonial Office in Berlin had received the judgment and more information.¹²⁹ On 18 January 1906, Hohenlohe-Landenburg in fact confirmed the sentence of nine years' imprisonment for insult, but could not provide parliament with the reasoning of the judgment.¹³⁰ Trying to downplay the incident, he claimed that instances of colonial violence only occurred due to individual misconduct that should 'not be generalised.'¹³¹ Puttkamer was ordered back to Berlin in order to report personally and clarify the situation.¹³² His ordering back to Germany effectively meant his end of office. Indeed, Puttkamer remained in Germany, later being on trial, yet again not for colonial crimes, but for alleged corruption. Puttkamer was held liable in the Disciplinary Court Potsdam, but his punishment was revoked on appeal in light of his 'valuable services' to the German Reich.¹³³

Nevertheless, the 1905 Petition can be deemed rather successful. Being confronted with debates in parliament and the press, Hohenlohe-Landenburg admitted that he could not afford to 'remain completely

127 Ledebour (n 126) 644.

128 Ledebour (n 126) 645 ('Rechtsbruch schädlichster Art, eine Vergewaltigung, ein Mißbrauch der Amtsgewalt').

129 H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 13 December 1905 283 ff; H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 Januar 1906 603, 607.

130 H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 Januar 1906 630.

131 H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 15 December 1905 349.

132 H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 13 December 1905 284.

133 'Die Affäre des Gouverneurs von Puttkamer' *Die Zeit* (Hamburg) 14 January 1908 6.

inactive *vis-à-vis* all the critique.¹³⁴ He was forced to assure his interest in 'knowing the truth', but he was probably at least equally interested in securing parliamentary approval and funding for the railway project in Cameroon. Ledebour praised the petition of the Akwa as proving the necessity that such complaints needed to be made public.¹³⁵ Another delegate stated that the 'Akwa affair' had demonstrated the 'whole brutality of the colonial policy.'¹³⁶ He summarised the events rather on point:

Just imagine, these tribal chiefs come to Berlin, present their case, and are put off with a promise of a response. They then file a complaint against the governor. Now they receive no answer, but are instead convicted of insulting the very governor they complained about, because he is so displeased that people are complaining behind his back. But the governor is again the one who has to confirm the verdict. It is truly a circular setting in which justice and the administration of justice completely cease to exist.¹³⁷

3.3 Bell petitions of 1912/1913 and criminal conviction for treason

Other than the Akwa, the Bells first expanded their dominant position among the Duala after 1900.¹³⁸ After King Bell distanced himself from the Akwa petition, the German colonial administration increasingly favoured the Bell house and the Bell people.¹³⁹ While King Bell was regarded as a (subsidiary) part of the colonial administration, the Akwa were considered trouble makers. In particular, Mpundu Akwa, the son of King Akwa, was seen as a conspirator against German rule.¹⁴⁰ Mpundu Akwa had attended schools in Germany between 1888 and 1893, had also joined his father in his 1902 travel to Germany and stayed in Germany, Hamburg, Marktstraße 2 for a while.¹⁴¹ Presumably, Mpundu had persuaded his father to submit the petition through written

134 H zu Hohenlohe-Landenburg in *Verhandlungen des Reichstags* vol 214 (1905/06) 16 Januar 1906 630.

135 G Ledebour in *Verhandlungen des Reichstags* vol 214 (1905/06) 18 January 1906 644.

136 J Lenzmann in *Verhandlungen des Reichstags* vol 214 (1905/06) 18 January 1906 649.

137 As above.

138 Eckert *Grundbesitz* (n 4) 51-53.

139 Eckert *Grundbesitz* (n 4) 52.

140 Solf (n 34) 3292; see also Eckert *Grundbesitz* (n 4) 52.

141 Eckert *Grundbesitz* (n 4) 52.

correspondence that was apparently monitored by the authorities. After his return to the colony of Cameroon, Mpundu Akwa was forcibly resettled to the North by the German colonial administration in 1911, where he died during World War I.¹⁴²

At that time, the Bells were about the only royal house retaining some form of effective agency in relation to the Germans. Therefore, it was no coincidence that from 1910 onwards, the expropriation plans of German colonial policy targeted Bonanjo ('Bell Town').¹⁴³ Indeed, after Rudolf Manga Bell had succeeded his father as King in 1908, the Bell family was not able to retain their position of relative agency and political power. King Rudolf Manga Bell had not only attended school in Germany (like Mpundu Akwa), but in fact completed his secondary education in Germany and apparently attended law lectures at the University of Essen. Now a king, Rudolf Manga Bell decided to move from strategic cooperation with the Germans to more offensive opposition.

In direct response to the large-scale expropriation plans of 1910/1911,¹⁴⁴ King Rudolf Bell filed numerous complaints with the local colonial authorities, but also informal telegraphs to Germany (some of which were being deliberately delayed by the post office).¹⁴⁵ He also sent formal petitions to all institutions of Germany, the Kaiser, Chancellor and Parliament.¹⁴⁶ One of the first formal complaints was the petition to the *Reichstag* of 8 March 1912. Further complaints to the local colonial administration followed on 21 November 1912 and 20 February 1913.

In the 1912-petition to the *Reichstag*, King Bell directly addressed the politics of expropriation, and argued that 'expropriation' (*Enteignung*) was a specific German legal term (*deutscher Rechtsbegriff*) that concealed that actually land was taken without consent. He asked parliament to take measures to prevent the expulsion of the Duala people from the coastline.¹⁴⁷

In November of the same year, King Rudolf Manga Bell filed another complaint with the local colonial administration, stressing that 'the

142 Eckert *Grundbesitz* (n 4) 52 ff.

143 Eckert *Grundbesitz* (n 4) 53.

144 See Solf (n 34) 3272.

145 Solf (n 34) 3288 ff.

146 On this, eg, Fitzpatrick (n 1) 350ff; Eckert *Grundbesitz* (n 4) 54.

147 Petition to Reichstag 8 March 1912 in *Verhandlungen des Reichstags* vol 305 (1914) 3308.

planned expropriation is a matter of life and death for the indigenous people, because their future livelihood, which will depend exclusively on fishing and farming, depends on the outcome of the expropriation.' The expropriation and expulsion were existential matters:

The people absolutely need their existing bathing and canoe landing sites on the Cameroon River in order to be able to regularly undertake their large-scale fishing and other canoe trips. This is all the more necessary because a large part of the indigenous population is forced to earn their livelihood exclusively from fishing and farming. If the indigenous people are pushed back from the beach to such an extent that they are completely cut off from the river, this poses a serious threat to their future livelihood.¹⁴⁸

Furthermore, Bell and his fellow signatories claimed that 'the events of recent weeks give reason to believe that it is not a question of high idealistic and economic importance that gave rise to the idea of expropriation, but rather that the motive for expropriation is to be found in the financial success associated with it.' The colonial administration would actually aim to seize the property in order to lease it to companies themselves.¹⁴⁹

Upon the arrival of the new governor, Otto Gleim, the colonial administration held meetings with the Duala representatives in November 1912. Gleim would later claim that King Rudolf Manga Bell had agreed to the expropriation and segregation plans in such a meeting, after he had been granted special 'rights' to retain his property and the possibility to stay there under certain conditions, including regular malaria prophylaxis.¹⁵⁰ Yet, according to King Bell and others, the Duala had collectively agreed that they would not sell their land, but 'rather be expropriated.'¹⁵¹ Seeing that King Bell and others issued another petition only a few weeks after the alleged agreement, the latter version of the story seems more plausible.

148 Complaint to Administration of Cameroon 21 November 1912 in *Verhandlungen des Reichstags* vol 305 (1914) 3312ff; on this, see also Otremba (n 1) 251, 256.

149 Complaint to Administration of Cameroon 21 November 1912 in *Verhandlungen des Reichstags* vol 305 (1914) 3313.

150 Solf (n 34) 3272 ff.

151 Solf (n 34) 3273.

In January¹⁵² and February 1913,¹⁵³ Bell and fellow representatives sent further petitions to the *Reichstag* invoking in particular property rights and the treaties of 1884.¹⁵⁴ On 20 February 1913, Bell and his companions filed yet another complaint reminding the Germans that initially, in 1884, the Duala were made to believe

that the German government had shown great skill in eliminating the political advantages of the estates in the mother country, bringing about the recognition of personal freedom and equality for all people, and then achieving complete emancipation through the state: 'subjects become citizens.'¹⁵⁵

Yet, the Germans would not live up to their own standards, which Rudolf Manga Bell framed in distinctive language of Enlightenment thinking and republican (legal) theory ('subjects become citizens'). As in the other petitions and complaints, the legal argumentation in this complaint was based on the 1884 treaties:

By deciding to expropriate the land and property of the Duala natives, the government has violated the provisions of the political agreement concluded on 12 June 1884, with representatives of the C Woermann and Jantzen & Thormählen on 12 June 1884, the obligations of which were later expressly assumed by the German Empire, and, therefore, is guilty of breach of contract. According to this treaty, certain restrictions were placed on the sovereign rights ceded to the German Empire.¹⁵⁶

Moreover, Bell argued that if Dr Ziemann was correct in identifying the way of living in wetlands and bushes as a cause of malaria and other diseases, the colonial administration could not continue to pursue the 'forcible removal of the indigenous people from their previous healthy places of residence without harming the interests of the indigenous

152 Petition to Reichstag 15 January 1913 in *Verhandlungen des Reichstags* vol 305 (1914) 3322.

153 Petition to Reichstag 7 February 1913 in *Verhandlungen des Reichstags* vol 305 (1914) 3324.

154 Fitzpatrick (n 1) 351 ff.

155 Complaint to Administration of Cameroon 20 February 1913 in *Verhandlungen des Reichstags* vol 305 (1914) 3325: 'Ferner wurden wir [beim Abschluss des „Schutzvertrages“] darauf aufmerksam gemacht, dass die deutsche Regierung eine sehr geschickte Hand bei der Beseitigung der politischen Vorteile der Stände im Mutterland gezeigt hat, und die Anerkennung der persönlichen Freiheit und der Gleichheit aller Menschen herbeiführe und dann die völlige Emanzipation durch den Staat erfolge: „aus Untertanen werden Staatsbürger“.

156 Complaint to Administration of Cameroon in *Verhandlungen des Reichstags* vol 305 (1914) 20 February 1913 3325; on this, see also Otremba (n 1) 246 ff.

people in terms of health and economic conditions.' The signatories still seemed confident that the well-being of the local population was of any concern to the German colonial administration.

After the Commission for Petition had discussed the matter on 5 December 1912, it handed it back to the Chancellor without taking action.¹⁵⁷ Finally, in June 1913, the *Reichstag* debated the issue of expropriations and the Bell petitions in a plenary session. Yet, other than in the case of the Akwa petition in 1905 and the criminal conviction of the petitioners, the various complaints, letters and petitions of Rudolf Manga Bell did not stir a similar outcry in parliament or a greater public debate. The Budgetary Commission ultimately approved the expropriation plans, yet stressed that the local population was to be treated 'mildly' and be compensated appropriately.¹⁵⁸ Tables were published on how to calculate the appropriate compensation, explicitly excluding an increase in value of the property allegedly caused by German infrastructure projects.

In August 1913, after parliament had accepted the expropriation plans, Dr Flemming, legal representative of the Bells in Hamburg, filed another complaint to the Chancellor.¹⁵⁹ However, on 12 September 1913, the governor of Cameroon issued a letter to King Bell and fellow signatories rejecting the complaint of 20 February that year.¹⁶⁰ The formal decision restated in some length the reasons given for the expropriation and negated that these measures violated any rights of the Duala. During a visit to the colony, the State Secretary for Colonial Affairs confirmed the decision of the government in a meeting with King Bell and other representatives.

Realising the existential threat to his people, King Rudolf Manga Bell did not give up.¹⁶¹ He filed further complaints through his lawyer, Bodo David Halpert, in Berlin, attempting to convince the Chancellor

157 'Bericht der Kommission für die Petitionen' in *Verhandlungen des Reichstags* vol 305 (1914) 19 February 1913 3333; see also Fitzpatrick (n 1) 356.

158 Similar wording in Bericht der Kommission für die Petitionen' 19 February 1913 in *Verhandlungen des Reichstags* vol 305 (1914) 3333; the expropriations should be 'humane'.

159 Letter to Chancellor 19 August 1913 in *Verhandlungen des Reichstags* vol 305 (1914) 3333 f.

160 Decision 12 September 1913 in *Verhandlungen des Reichstags* vol 305 (1914) 3337-3341.

161 On the following complaints and petitions, see also Fitzpatrick (n 1) 356-360.

to revoke the decision of the State Secretary.¹⁶² Halpert sent further comprehensive complaints on behalf of his client, Rudolf Manga Bell, to the State Secretary for Colonial Affairs and the *Reichstag*.¹⁶³ Seeing that written petitions did not lead to any results, Rudolf Manga Bell even applied for approval to travel to Germany as his father had done in 1902. His application was denied on 24 November 1913.¹⁶⁴ Final expropriations were carried out from December 1913 to February 1914, also evicting King Bell and other royals.¹⁶⁵ Reportedly, the administration primarily destroyed houses, hoping that the inhabitants would leave to the designated areas. However, according to the Solf Report, many people stayed on their land, sleeping 'under the open sky' on their 'empty property'.¹⁶⁶ Remarkably, no incidence of violence from the Duala against the colonial administration is reported. The Solf Report to the *Reichstag* speaks of 'passive resistance' (*passiver Widerstand*) against which the administration had to respond with force.¹⁶⁷

While in 1905/1906 public outcry came from the political left, criticising the ill-treatment of the Duala, now in 1914, conservative and right-wing media and politicians mobilised public opinion critiquing the slow execution of the expulsion and segregation plans.¹⁶⁸ In another attempt to influence the public discourse in Germany, Ngoso Din, confidant of King Rudolf Manga Bell, managed to publish a last desperate call in a German newspaper, *Berliner Tageblatt*:

In 1884 we entered into a contract with the government that secured the land that we own as our property for all eternity, and we believe that we are still secure for all time. Then came the expropriation process, which claims that our land should be taken from us for the public good. The territory offered to us lies two to three kilometres from the coast, in the middle of a swampy region that is unfit

162 Solf (n 34) 3274.

163 Letter to Colonial Office in *Verhandlungen des Reichstags* vol 305 (1914) 3 December 1913 3344-3347; Letter to Reichstag in *Verhandlungen des Reichstags* vol 305 (1914) 23 December 1913 3347-3356.

164 Solf (n 34) 3274.

165 Solf (n 34) 3274-3277.

166 Solf (n 34) 3276.

167 Solf (n 34) 3296; see also Fitzpatrick (n 1) 354ff: 'King Rudolf Duala Manga Bell remained steadfast in his determination to resist the expropriation measures, not by force but through passive resistance.'

168 Solf (n 34) 359 ff.

for cultivation ... If we were now truly forced to move into this land, that would amount to our complete demise.¹⁶⁹

It is likely that King Rudolf Manga Bell reached out to other royal houses and representatives of other peoples in order to discuss further steps. Apparently, rival King Njoya of Bamum reported to the German administration that he had been approached by King Rudolf Manga Bell in a conspiracy to replace the German administration with the English consulate system.¹⁷⁰ Until today, it remains unclear whether or not these allegations were true. While some colonial administrators were convinced of Bell being guilty, most missionaries believed in his innocence.¹⁷¹ As a matter of fact, though, King Rudolf Manga Bell was charged with treason in Summer 1914.¹⁷² Initially, the first day of the trial was set for September 1914. Bell and his companions contacted their lawyers in Hamburg and Berlin for representation in the case, as was their right as accused of serious crimes. However, after war broke out in Europe in July 1914 and also reached Western Africa, the trial date was spontaneously set for 7 August.

The 'trial' began at about 14:00. As the Bell lawyers could not attend the proceedings being pushed forward, a colonial officer served as the defendant lawyer.¹⁷³ The accused were found guilty without due legal representation and without due regard to procedural law. By 20:30, the verdict was circulated,¹⁷⁴ but permissible appeal was not granted. The next day, about 24 hours after the 'trial' had begun, the death penalty was executed.¹⁷⁵ After filing complaint after complaint, making legal argument after legal argument against unlawful expropriation and eviction measures, King Rudolf Manga Bell and Ngoso Din were hanged on 8 August 1914 at 17:00.

169 'Der dualenische Gesandte – Unterredung mit dem geheimen Gesandten der Dualaneger' *Berliner Tageblatt* (Berlin) 8 April 1914, as cited in Fitzpatrick (n 1) 360.

170 Fitzpatrick (n 1) 365ff, further citing C Tardits *Le Royaume bamoun* (1980) 234–238.

171 See exchange of letters in Fitzpatrick (n 1) 366 ff.

172 Reported in public, eg, in *Schlesische Zeitung* 12 May 1914 No 328.

173 P Hecklinger *Tagesbuchblätter über Krieg und Kriegsgefangenschaft in Kamerun und England* (1915) 4ff, cited in Fitzpatrick (n 1) 369.

174 Hecklinger (n 173) 4 ff.

175 As above; see also 'Vollstreckung der gegen die Genossen des Duala Manga Bell wegen Hochverrats verhängten Strafen' BA Berlin R 175- I/630.

4 Conclusion

In his seminal study, *Discipline and Punish* Michel Foucault observes that modern public authority is not *per se* more 'humane' than medieval authority, but rather more discrete and subtle. Foucault argues convincingly that this does not render modern public authority less but more powerful.

If Foucault is correct, then modern European colonisation was *attempted*, but failed modernisation of public authority over foreign peoples and land. As Simo notes, like in Kafka's Penal Colony, 'colonial jurisdiction introduced procedures and penalties that were familiar to Europe but belonged to its past.'¹⁷⁶ Europeans were 'supposed to combat local alleged wildness to establish a civilized order', but in fact they 'established a reign of violence and injustice.'¹⁷⁷ They sought to control bodies and land, but in fact lost total control over their administration.

The petitions of the Duala Kings, on the other hand, 'demonstrated a strong belief in the rule of law and due political process.'¹⁷⁸ They believed that if their legal arguments would only be heard by the right person or institution, the German colonial administration would ultimately acknowledge their wrongdoing and reverse their course of action. They were wrong. In retrospect, the Duala might even seem naïve. But what would have been the alternative? Their persistent strategy of complaint and petitioning appears like a form of civil rights lawyering *avant la lettre*, their non-violent form of protest like an early form of civil disobedience. Rather than being naïve, the Duala Kings – just like other petitioners¹⁷⁹ – were sincere believers in formal law and its universal claim to justice. Quite frankly: It is not their fault that they were wrong, but the failure of German politics and its public at large. It is therefore high time that German public recognises its historical responsibility for colonial injustices.

176 Simo (n 1) 110.

177 Simo (n 1) 110.

178 Fitzpatrick (n 1) 372.

179 See Abotsi in this volume at at 357 ff. on petitioning in Togo.

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