

# The Continent Was Governed: Law, Power, and Order Before the Rupture



## The Myth of the Ungoverned Continent

The claim that Africa lacked governance before European colonization is one of the most resilient falsehoods in the modern historical imagination. It persists in popular culture, in casual discourse, and - more subtly but no less damagingly - in the framing assumptions of educational curricula and media representations that treat African political organization as a blank slate onto which European administrative systems were later inscribed. The image is familiar: Africa as a continent of tribes rather than states, of custom rather than law, of communal consensus rather than institutional authority. In this image, governance arrives with the colonizer - bringing courts, bureaucracies, written codes, and the whole apparatus of state.

The image is false. It is contradicted by the documentary, archaeological, and oral-historical record of every major region of the continent.

Before the rupture - before the Atlantic slave trade's escalation, before colonial conquest, before the systematic dismantling of African political institutions - the continent was home to governance systems that had been maturing for centuries, and in some cases for a thousand years. They ranged from centralized empires administered through hierarchical bureaucracies to federated confederacies governed through councils and customary law, from sacred monarchies that fused spiritual and temporal authority to constitutional traditions that explicitly limited royal power. They held written codes and

oral constitutions, provincial administrations and appellate courts, tax systems and trade regulations, diplomatic protocols and mechanisms for the peaceful settlement of disputes.

This essay does not attempt to catalog them all. Such a catalog would fill volumes. Instead, it anchors its argument in four cases, and it reads each as evidence of a distinct dimension of governance. The Mali Empire's Manden Charter demonstrates **constitutional law** - the articulation of principles, rights, and limits that bind the ruler as well as the ruled. Askia Muhammad's Songhai demonstrates **bureaucratic administration** - the machinery of provinces, ministries, and standardized taxation. The Asante Kingdom demonstrates **federated sovereignty** - a union that balanced central authority against the autonomy of its constituent states. And the Kingdom of Benin demonstrates **judicial procedure** - a structured hierarchy of courts with jurisdiction, evidence, and appeal.

Read together, these four dimensions form a single answer to the myth. Constitution, bureaucracy, federation, and court are not incidental features of governance. They are its load-bearing pillars. Where they stand, a people is not waiting to be governed. It is already governing itself. Two of these cases - Manden and Asante - carry the essay's deepest philosophical weight, for they reveal how African political culture theorized the very nature of authority. The other two - Songhai and Benin - reinforce that theory with the concrete apparatus of administration and law. Together they gather into one conclusion: the continent was governed by systems its own people conceived, adapted, and sustained.

## **First Pillar - The Manden Charter: Constitutional Law in Thirteenth-Century Mali**

The argument begins where a state itself begins: with the moment a people decides how it will be ruled.

In approximately 1235, after his victory at the Battle of Krina against the Sosso ruler Sumanguru Kanté, Sundiata Keita - founder of the Mali Empire - convened an assembly of nobles, clan leaders, and elders at Kurukan Fuga, a clearing in the Manden region between present-day Guinea and Mali. The gathering was not called merely to celebrate a victory or divide its spoils. It was called to constitute a government. What emerged was the Kurukan Fuga, also known as the Manden Charter - a spoken declaration of laws and principles that organized the new empire, established the shape of its government, and set out the duties and protections owed to its people.

By any reasonable measure, the Manden Charter is a constitution. It establishes a governing body - the Gbara, a great assembly of clan representatives charged with advising the mansa and deliberating on war, law, and taxation. It defines the relationship between ruler and ruled, placing the mansa at the summit of the system while binding his authority to the deliberations of the assembly. It sets down substantive norms in its own idiom: the inviolability of the person, protections for women against abuse, obligations of care across every age and station, the prohibition of enslavement by raid, and duties toward the land itself - the preservation of resources and the assurance of food for all. It holds that peace must be kept within diversity, that a federation of clans can live as one without demanding that any of them cease to be itself.

Care is owed here. To call these provisions a bill of rights in the modern sense would flatten them into a vocabulary that was never theirs. The Manden Charter is not a distant cousin of European liberalism, waiting centuries to be recognized. It is something on its own terms - a Mande articulation of what a person is owed, what a ruler must not do, and what a community must protect. Its power lies not in resembling a later tradition but in speaking a complete political grammar of its own, whole and self-sufficient in the thirteenth century.

The Charter passed down through the jeliw - the oral historians and musicians of Mande society - for generations before it was reconstructed and set to writing in the late twentieth century. In 2009, UNESCO inscribed it on the Representative List of the Intangible Cultural Heritage of Humanity, recognizing it as customary law that still orders social life in the communities that keep it.

And here the Charter offers its deepest lesson, one that reaches past Mali and unsettles a stubborn assumption. Its oral transmission was not a failure to reach the page. It was a choice. In a society where the jeliw served as living archives, entrusting constitutional principle to trained oral practitioners was itself a durable, deliberate form of codification. The ink of a nation need not be visible to be permanent. That the Charter survived by voice for nearly eight centuries - authoritative enough, still, to be recognized as living law - is proof that a constitution can be spoken and remain a constitution, that a people can carry its law in memory as faithfully as any archive carries it in writing.

Independent testimony confirms the character of Malian governance. The Maghrebi traveler Ibn Battuta, who visited Mali in 1352, roughly a century after the Charter's proclamation, described a court presided over by a mansa known for generosity and piety, who set aside a fifth of war booty for charitable purposes as the Qur'an prescribed, and who kept a council of qadis applying Islamic law alongside customary tradition to settle disputes. The administration was organized enough to tax gold and trade, to enforce judgments promptly, and to project the ruler's authority across the realm. A foreign observer, watching with his own eyes, recognized not a vague or informal arrangement but an institutional system - legally structured and publicly accountable.

## **Second Pillar - Askia Muhammad I: Bureaucratic Administration in the Songhai Empire**

If Mali articulated the principles of governance, Songhai built the machinery that made governance endure.

Askia Muhammad I - Askia the Great - seized the throne in 1493 and ruled until 1528. His achievement was to convert Songhai from a conquest state held together by force into an administered state held together by institutions. He divided the empire into provinces - sources typically count five vice-royalties - each under an appointed official responsible for local security, tax collection, and direct report to the capital at Gao. This was no small reform. The earlier Sonni rulers had governed through a loose confederation of tributary lands that kept broad autonomy and rebelled when central authority faltered. Askia replaced improvisation with structure: appointed governors, standardized obligations, and a chain of accountability binding the provinces to the center.

He established a council of ministries - finance, army, foreign affairs, religious affairs - that functioned as an executive cabinet. He built a fiscal regime that standardized tribute, levied duties on gold, salt, and ivory, and imposed regular agricultural taxes through a dedicated treasury. On the Niger, he maintained a naval fleet that projected power, guarded convoys, and carried word between capital and province. In the courts, he made Islam the state religion and appointed qadis in Timbuktu, Djenné, and Gao, reporting to a chief judge who kept the consistency of judgments across the realm - a formal urban structure standing alongside the customary councils that still resolved village disputes.

Here is why bureaucracy matters, and why it belongs in any honest account of governance: an administration of offices can outlive the man who holds them. This is the quiet genius of what Askia built. Charisma dies with the body that carries it, but an institution persists because it is an institution - because authority resides in the office, not the person. A state that governs through ministries and appointed governors can survive the death of a ruler, and a state that can survive its ruler's death is, by definition, a state and not a following. When a Moroccan invasion armed with firearms sacked Gao and Timbuktu in 1591, it shattered the imperial administration - but the model Askia had made, of provincial governors, ministerial councils, qadi courts, and standardized taxation, shaped the successor states of the Western Sudan and endured, in altered form, in the region's governance long after.

## **Third Pillar - The Asante Kingdom: Federated Sovereignty and the Golden Stool**

The Asante Kingdom, which rose in the late seventeenth century in the forest region of present-day Ghana, returns the essay to its deeper philosophical register. Here African political culture did more than administer a state. It theorized where sovereignty truly lives.

The kingdom's founding is inseparable from its central symbol. According to Asante tradition, in the late 1690s the priest Okomfo Anokye - adviser to Osei Tutu, the first Asantehene - called a golden stool down from the heavens, and it descended into Osei Tutu's lap. The chiefs of the constituent states pledged their allegiance not to the person of Osei Tutu but to the stool itself, declared the sacred embodiment of the nation's soul, the vessel of its collective spirit, the sign of the mystical bond that made many states one.

Consider what that gesture accomplished. The Golden Stool was never merely regalia. It was a constitutional idea rendered in gold. By demanding fealty to the stool rather than to the man, the Asante founding established a principle that political theory elsewhere took centuries of argument to reach: that the community precedes the one who governs it, that sovereignty resides in the nation as a whole and not in the ruler's person, and that the Asantehene's authority is derived from, and answerable to, the collective will of the federated chiefs. The stool was never sat upon. It was no throne. It was the visible soul of a people, and the ruler's power depended entirely on his fidelity to it. In a single sacred object, the Asante fixed the distinction between the office and the officeholder, between the enduring nation and its passing servants - the very distinction on which every constitutional order rests.

The structure that Osei Tutu and Okomfo Anokye raised is often called the Asante Constitution of 1701. It was unwritten - carried in oral tradition, political custom, and institutional practice - yet no less formal or binding for the absence of a page. It set the Asantehene at the head of a federated union in which each constituent state kept its own chief, its own authority over local matters, and its own administrative autonomy, while yielding to the union on war, diplomacy, and disputes between states.

The governing council - the Asanteman - gathered the most powerful divisional and paramount chiefs to deliberate on all that touched the whole federation. War, taxation, and external relations required its consent. The Asantehene could not simply decree. He had to persuade, to negotiate, to build agreement among chiefs who each spoke for a distinct constituency with its own interests and its own standing. Beneath this union ran a judicial order that began with village elders hearing minor disputes, rose to the regional chief's court for graver matters, and reached the Asantehene's court as the highest authority for the most serious cases and for conflicts between states.

The Asante teach that African governance was not uniformly centralized. It could be, by deliberate design, federated - engineered to hold together the collective strength that defense and commerce demanded while preserving the local autonomy that member communities required as their price of union. Modern political science recognizes this as a sophisticated form: a federal system, a central authority for common action, constituent units for self-rule, bound by a shared constitutional symbol and a deliberative council. The Asante did not receive this design from Europe. They drew it from their own political imagination, and they made it hold.

## **Fourth Pillar - The Kingdom of Benin: Judicial Hierarchy and the Sovereign Court**

The Kingdom of Benin - a centralized Edo state at Benin City in present-day Nigeria - completes the argument with governance in one of its clearest and most testable forms: the ordered administration of justice.

The Oba stood at the summit, a sacred monarch whose authority joined the political, the religious, and the judicial. But his power was not unbounded. It was checked by a council of senior nobles - the Uzama - who oversaw succession and guarded the kingdom's traditions, and administered day to day by a class of palace officials, the Eghaevbo N'Ore, who coordinated the guilds that regulated the kingdom's crafts and economy through tribute and ordered production.

The judicial system was hierarchical and procedurally exact. At its base, each community's council of elders first heard civil disputes - theft, assault, quarrels over property or marriage. Cases beyond local resolution rose to the district court of the Enogie, the district governor, where a broader council weighed graver matters. The most serious cases, and those between communities, ascended to the Oba's own court, where the supreme council rendered verdicts under his authority.

This is the point that dismantles the myth outright, and it deserves to be named plainly. A system with defined jurisdictions at every level, with procedures for lodging complaints and presenting evidence, with testimony taken under oath, and above all with the right of

appeal from a lower court to a higher one - this is the precise opposite of arbitrary rule. Arbitrary power decides on whim and answers to no procedure. Benin decided by process, and its process moved in an orderly ascent from the village to the throne. The Oba was the court of last resort, but a case reached him only by climbing a structured ladder of adjudication. Where there is jurisdiction, evidence, and appeal, there is law - and where there is law, the caricature of the capricious African despot collapses under the weight of the record.

That the looting of the Benin Bronzes in the British punitive expedition of 1897 scattered these objects across the museums of Europe and North America is often told as a story of stolen art. It is more than that. The Bronzes were cast by guild-organized craftsmen, regulated by the state, and made to document the kingdom's political history. To loot them was to loot a state's archive - the memory of a government, carried off from the government it remembered.

## **The Pattern: What the Cases Share**

Four cases, four regions, four centuries, four forms of governance - constitutional monarchy, bureaucratic empire, federated confederacy, and sacred kingship with a judicial hierarchy. They are not one tradition. They are the proof of many. Yet beneath their differences, three shared truths bind them.

Each was institutional. Authority lived in offices, not merely in persons, and so the death of a ruler did not dissolve the state. Each was legal. Disputes were settled by procedure - by complaint and evidence, oath and testimony, verdict and appeal - whatever idiom the procedure took. And each was indigenous and adaptive. These systems grew from the political cultures of the peoples who made them, and they bent to new pressures - Mali absorbing Islamic jurisprudence without surrendering its assembly, Songhai raising a bureaucracy on Mali's foundations, Asante expanding its federation without erasing local rule, Benin extending its courts across new territory without abandoning local adjudication. Nothing here was imported. Everything here was made, and remade, by hands that knew their own ground.

## **The Rupture and What It Destroyed**

These systems were not immortal. Mali declined. Songhai fell to foreign invasion. Asante was drawn into war with British power and folded into the Gold Coast colony. Benin was sacked in 1897. Kongo, examined in the previous essay, was consumed by the slave trade and civil war. They were human institutions, subject to the same entropy, conflict, and pressure that visit every political order under the sun.

But their destruction was neither inevitable nor the fruit of some inner deficiency. The governance systems that stood before the rupture were comparable in sophistication, in institutional complexity, in legal structure, to those of medieval and early modern Europe. They were not the crude first steps toward civilization. They were civilizations - with their own constitutions, their own bureaucracies, their own courts, their own considered answers to the oldest questions of how power should be held and how the powerful should be held to account.

What destroyed them was not their own inadequacy. It was a convergence of forces - the corrosive weight of the Atlantic slave trade on political stability, the violence of colonial conquest, and the ideological labor of casting Africa as a continent without governance, a blank page awaiting a European hand. That last force was not incidental. It was necessary. To justify replacing African governance with colonial administration, the argument first had to deny that African governance had ever existed. The myth of the ungoverned continent was no innocent error born of ignorance. It was a construction, and it served a purpose.

The Archive's purpose is its exact reverse. It holds the evidence - constitutional charters and judicial hierarchies, administrative reforms and federal assemblies, oral constitutions and written codes - and it lays that evidence down not to celebrate but to correct. The continent was governed. It was governed by systems its people conceived, adapted, and kept alive. The rupture did not reveal the absence of African governance. It revealed the destruction of it.

And once we see that these societies were governed, a further truth opens before us. Governance is never only about order. An institution that endures is an institution that remembers - that preserves what it knows and passes it forward. The assembly at Kurukan Fuga kept a constitution alive for eight centuries through the trained memory of the jeliw. The qadi courts of Songhai gathered a scholarship that made Timbuktu a lantern of the learned world. The guilds of Benin held craft-knowledge across generations, casting a kingdom's history into bronze. Governance built the very vessels in which knowledge was stored, refined, and carried onward - the schools, the archives, the workshops, the courts of memory. To govern a people is, in the end, to steward what that people knows.

The next essay follows that thread from order to knowledge - from the systems that gave African societies their shape to the learning, the science, the craft, and the wisdom those systems produced and preserved. What the water could not drown, and what governance was built to keep, the Archive now retrieves.