The Law of Elephants and the Justice of Monkeys: Two Cases of Anti-Colonialism in the Sudan

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The Law of Elephants
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Two Cases of Anti-Colonialism
in the Sudan

Richard A. Lobban, Jr.

Working as an urban anthropologist in the Three Towns capital area of the Sudan I sometimes uncovered unexpected material, including two known cases of Sudanese opposition to British colonial rule, which are presented in this paper. So often the English language literature accepts the "civilizing" mission and "even-handed" governance of the colonial authorities. My research has shown that such judgments are difficult to support. Since this special commemorative issue of Africa Today is celebrating a quarter century of national independence of the Sudan I have sought to use the case study method to reconstruct something of the perception of colonial rule from the eyes of the colonized rather than colonizer.

Although it should go without saying, the British forces arrived in the Sudan as a result of military conquest with battlefields anointed in Sudanese blood. Despite the hardships of the latter days of the Mahdiya, no case can be made for any broad section of the Sudanese population which sought redress of the difficulties in the uninvited imposition of Pax Britannica. Two cases from the colonial period are offered here for your consideration. The first relates the story of the trials and tribulations of Mohammad Amin Hodeib, the second relates the events leading to the birth of the Tuti Island "Republic."

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The Case of Mohammad Amin Hodeib

In the years following World War I, imperial states were still reeling and worried from the shock of the Bolshevik revolution in 1917 and the British rulers, in particular, had been stunned by the 1919 assassination of Lee Stack, the Governor General of the Anglo Egyptian Sudan, who represented the highest colonial authority along the Nile valley. This was a period which would also see the glorious White Flag movement break out in the Sudan in 1924 launching Abdel Fadil el Maz and Ali Abdel Latif into their historical orbits for their valorous resistance and self-sacrifice in attempting to remove the colonial shackles from their country. Such were the heady days of Mohammad Amin Hodeib, a man of Egyptian extraction, but carrying the highest forms of Sudanese pride. Hodeib’s anger at colonial rule was also generated by a deep sense of insult for which there is acute sensitivity in Islamic society. An educated man, Hodeib was a captivating orator who expressed himself easily and with gripping conviction. His ability to articulate his anti-colonialism with Sudanese folk idioms and with Islam compelled the British to block his access to the popular forums he held in the Omdurman mosque. He was arrested in early 1919 on 1 June sentenced in the Khartoum Mudir’s Court to three years in prison under the notorious Section 96, of the British-constructed Sudan Penal Code, “for attempting to excite feelings of disaffection to the Government established by law in the Sudan by means of a speech delivered by you in the Omdurman mosque.” At the expiration of this sentence Mohammad Amin Hodeib was to be deported from the Sudan.

The following day, 2 June 1919, M.A. Hodeib wrote to the Mamur of the Central Prison, Khartoum North. “Now, that I know his (Sudan Government’s Governor General) evil intention, I raise my complaint against him to the proper authority for his insulting me and for his using this barbaric despotism. I request a re-opening of the case before a new court. The trial should be public.” Hodeib then asked to be judged by his fellow nationalists whom he listed by name and then said, “In case it is proved that I am guilty, I shall be pleased if the sentence is doubled and if I am not guilty, I shall reserve the right to raise an action against the Government which sentenced me so rashly.”

On the same day Hodeib attempted to transmit the following message to His Majesty The King of Great Britain: — “I submit the following to Your Majesty: I, Mulazim Awal Mohammad Eff. Amin Hodeib, made a speech in the Mohamedan Institute at Omdurman and the Government arrested me and I was tried in a barbaric manner and sentenced to 3 years imprison-

1 I published portions of this case in the Nile Mirror, 29 April 1971. p. 4 for which certain assistance was generously offered by Dr. Beshir Ramli. The source material was located in stacks of old court cases found in the then defunct Sudan Law Project. Faculty of Law. University of Khartoum while I was a research associate at the University between 1970-1972.
ment and deportation from the Sudan. I send this to reserve my rights and inform Your Majesty of the doings of Your people who still aspire to mastery while they are in the utmost stupidity.” In order to be heard, similar messages were addressed to President Wilson of the United States, to His Excellency Hussein Rushdi Pasha of Cairo, and to Hamid Bey Shukri, Cairo Civil Judge.

In a communication to the Khartoum Chief Justice on 8 June 1919 the Director of Prisons said “I am of course taking no action as regards the despatch of the telegrams.” He did, however, point out that Hodeib had been complaining of ill treatment at the jail. Two days later the Chief Justice responded by saying that Hodeib’s status should be changed from 3rd class prisoner to 2nd class prisoner.

Prisoner Hodeib would not be silenced by stone walls nor by the colonial Government. On 18 March 1920 he wrote directly to the Chief Justice in Khartoum. He said,

“Justice will flourish if it lasts but it does not; Injustice will ruin if it lasts but it does not . . . . I beg to state that every person who is tried by law has to lose a part of his rights but not all. Supposing that the law is perverted and even the Judge is perverted and they deprived him of all his rights outside prison, Nature would, no doubt, give him certain rights which she binds to him, so that if he loses some of them he would be frightened and cry to the authority concerned to return to him what he has lost, which neither the perverted law nor the perverted judge could deprive him of . . . you may judge in accordance with the British honour and the liberality of the liberals as we hear and not as we believe.”

Hodeib then proceeded to relate how the British government had destroyed his house in Kassala.

“Kassala Province Government stated that they spent on my behalf sums incurred in the demolition of my houses . . . . The expression is the strangest I ever heard from a Government which cannot look at the results of things. It is officially admitted by Kassala Province Authorities that they pulled down my houses from a public health point of view. Well, where are the roofing of the 12 rooms of which my houses were consisting of? Again, where are the bricks — nearly 12,000 in number? . . . I wish also to point out to your honour the story of the lion who used to eat the off-spring of animals as mentioned in Kalila and Demna and what he met with in his old age, so that he may follow the tracks of the ascetics and avoid ruining families and countries. The tyrants shall know what their doom will be; is it not that God is the most just of rulers.”

The cleverly worded remarks of Hodeib were beginning to cause headaches for the colonialists. On 18 May 1920 a “strictly confidential” letter was sent by the Chief Justice to the Private Secretary. “The Director of Intelligence thinks Mohammad Amin Hodeib may be insane and I have called for a medical report . . . . His imprisonment has not changed his opinions; on January 31st he submitted to the Director of Prisons for submission to the High Commissioners a long rambling report about his own
wrongs and the wickedness of the British Administration in Egypt and the Sudan." The streams of petitions did not stop and on 20 May 1920 another was written in eloquent Arabic called "The Extraordinary Justice in Division by a Balance" addressed to the Chief Justice. He began,

"I searched for the Law and Justice under which I was imprisoned and my houses pulled down but I could not find them except in the Law of the Elephants and the Justice of the Monkeys.

"The Law of the Elephants is that under which an elephant trampled the nest of a lark and killed its small birds; the lark appeared before the King of the Elephants and with due respect, enquired from him about the reason for killing birds and whether the action was with or without intention. It received no answer but roughness and disregard to its complaint. It then left the case for the Almighty.

"The Justice of the Monkeys it is told there was once a crow and a hawk who were in dispute over a piece of cheese so they decided to appoint a monkey to divide the cheese equally among them. He swore on his honour to exercise perfect justice. He then brought a balance and divided the cheese into two pieces, one larger piece of course brought its side down, so he cut and swallowed a portion of it by which it became lighter than the other than he treated it similar to the first one and went on doing the same thing. When the two adversaries saw that in the end there will be nothing left of the cheese, one of them said to Judge Monkey, 'Sir, I have no objection to take this small piece and my adversary will take the larger one.' But Judge Monkey said, 'Justice would not allow this and you should get equality by this balance'; They were suffered to see their cheese eaten by the monkey in the above way. Myself and house with the Sudan Government are now between the Law of Elephants and the Justice of the Monkeys. This law and justice do not exist in any country but they are nearly similar to the Law and Justice of Sodom who always gave adverse judgments. God then destroyed his city and peoples with stones hurled from heaven. It will now be noticed that the Almighty has now replaced stones with bombs from Essen which are being hurled from Zeppelins.

"I now submit this report to inform you that in asking for my rights, I got results as the lark from the elephant and the two adversaries from the monkey. I am now waiting to get my rights from the Sudan Government when the opportunity permits by the Irish Kingdom coming into force and the Labourers taking the place of the Liberals who I ask God to grant power to relieve us from the tyrants. 'The tyrants shall know what their doom will be.' It seems that my reports receive no consideration but they are being put away owing to the pride and self-concept of the Sudan Government Officials who are like the people of Ad about whom God said in his book that they were proud and despotic and He therefore severely chastised them. Is there any worse tyranny (than tearing down) houses and attributing this to Law and Justice? For the above reasons, I am not satisfied with this Sodomic rule which is executed by the force of elephants under the justice of monkeys. I am awaiting the fulfillment of God's promise 'Be not discouraged if tyrants overpower the land, it is only for a time, their final abode is in Hell.'"

The war of words was being escalated and the bewildered officials could only think of insanity as the excuse; certainly not real complaints about repressive colonial masters. In a note submitted to the Chief Justice
the Director of Prisons said that from his experience with Hodeib and especially his written statements, “I am inclined to think he is extremely neurotic. He is doubtless a Political Maniac.” Unfortunately, on the same day the Prison Medical Officer submitted his report saying “I have medically examined Amin Hodeib and found that his state of health and mental condition are good.”

By this time the British officials were beginning to be worn down and the Chief Clerk, in charge of translations at the Prison, wrote to the Chief Justice when sending another petition from Hodeib. He begged, “would you kindly instruct us whether in future to refuse to forward statements of this kind. It is a waste of time translating and typing such rubbish.” The Chief Justice quickly responded, “. . . I do not think that it is necessary that you should translate any more of these productions but I think they had better be sent on in the original; they afford a certain amusement which I shall be sorry to miss.” One month later the haughty judge received another petition described by the Director of Prisons as a “masterpiece of insolence and aberrational logic.” And three weeks after this Hodeib devoted an eight page manuscript to the “Illusory-Nature of the Mirage Government of the Sudan.” A year and a half after Hodeib had been sentenced the British colonialists were suffering from verbal machine-gunning from the Khartoum North prison. The Chief Justice pleadingly corresponded with the Director of Intelligence. “Mohammed Amin Hodeib,” he said, “sentenced in June to imprisonment for three years for attempting to excite feelings of disaffection to the government is a person of warped intelligence who should not be kept in prison longer than is necessary. The court recommended him for deportation to Egypt on the completion of his sentence and if political affairs had been a little calmer it is probable that he might already been released.”

Hodeib has passed away as has British colonialism vanished from the territory of the Sudan. The reader may judge his remarks for him or herself but to me we have the necessary proof of establishing the heroic, if not historionic, stature of this early Sudanese patriot who did what he could to expose the true nature, from the Sudanese perspective, of colonial rule.

The case of the birth of Tuti “Republic”

At the confluence of the White and Blue Niles at the dead center of

2. This second case comes from various records in the Central Records Office from contemporary newspaper accounts and especially from my own research in Tuti Island which began in 1970-72, with a short restudy in 1975, and a full-scale restudy in 1979-80. For those visiting the Sudan it is likely that Khartoum will be your chief stop and a walk along Shari'a Neel is likely to prompt curiosity about the life on Tuti Island just across from the Grand Hotel. Tuti Island has an odd reputation in the Three Towns, many Sudanese never venture there because of unfounded, subjective fears of its encapsulated nature. Long ago I lost track of the number of my friends there, the island where I am known by the name Abdel Fadil in the memory of the patriot of the 1924 White Flag Revolt.

2nd Quarter, 1981 91
the Three Towns lies the Sudanese emerald isle, Tuti Island. Elsewhere I have written about the history of the Mahas people of Tuti as they relate importantly to the early rise of settled, urban life in Khartoum. Tuti Islanders also have a certain fame for their fierce independence and strong self-reliance. Their distinguished fekis (religious teachers) were instrumental in religious guidance and teaching to the Funj Sultanates (1504-1821) and, until today they find in their population a disproportionate number of high ranking civil servants, teachers, doctors, and businessmen. During the Turkiyya, Tuti Islanders and their relatives in Khartoum North paid for their independence with brutal executions and massacres directed by the Daftardar Mohammad Bey Stambouli. Likewise the period of Mahdist rule found less than complete support in Tuti Island where many felt themselves better educated than their brothers who came from the savanna of Kordofan and Darfur. In fact, the pride, dignity and independence of Tuti Islanders is hard to rival. Perhaps not realizing these things, the British colonial authorities contrived some “developmental” plans for Tuti Island, blithely thinking it a simple exercise in “improving the lives of the natives.” This is another case of serious British misjudgment.

To some Tuti Islanders the defeat of the Mahdists came as some relief since the later years had been very hard and had deeply disrupted their village life. Seeing new opportunities for positions in the British administration, people such as the Omda of Tuti Island, Ahmed Ibrahim, noted the peace, progress and education which restored Tuti Islanders to the prominence which had been eroded during the Mahdiyya. However, in 1935 the Tuti Island Athletic and Cultural Club was born and was to provide a nucleus for future political organizing and agitation. In only a few years the tempo and tenor of the Club’s activities had become a base for serious anti-colonial opposition and the colonial authorities forced it to be closed in 1939. The following year a new club, the Tuti Club, was organized by the most educated men on the island which offered them an opportunity to meet and present their views.

Gradually the British had perceived the Tuti community to be a thorn in their side, in particular because it occupied useful and strategic real estate in the center of the Three Towns. Earlier, the people of Burri al Mahas, a community related to Tuti Island by ties of kinship and social organization, had been compelled to relocate to the east of the railroad tracks to make room for General Kitchener’s layout for modern Khartoum. The Tuti Islanders were fearful that the same fate might be theirs. Suspicions were heightened in 1942 when the Director of Agriculture made a formal request to expropriate 350 feddans of land either at Shambat or on Tuti Island for the “furtherance of agricultural education and research.” In view

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of the quarrels which the colonial administration had had with Tuti Islanders the proposal finally went forward in January of 1944 with Tuti Island as the preferred site.4

As more details seeped out, Tuti Islanders found that not only were 350 feddans of arable land to be taken outright for this “research and education” but members of the community would have to lease these lands rather than own them, as they had since first occupying the island some 500 years earlier. Another 540 feddans were to be expropriated for a forestation project. Copies of the plans of the Director of Agriculture were sent to the Director of Education, the Legal Secretary and to “His Excellency the Governor General.” Further consultation brought additional copies to the Khartoum Town Planning Board, the Councils of the Three Towns and to the Rural Council under which Tuti Island was administered. In turn the Khartoum Medical Officer required that consideration must also be given by the Central Board of Public Health. The plans had just been approved by the Board of Public Health and steps to negotiate with Tuti landowners were about to be taken when the Sawt El Sudan newspaper published an article saying that the scheme had been dropped. Since this was in contrast to what was actually being discussed, another paper, Sudan El Gidid called the Mudiria Information Officer to discover what, in fact, was the truth. He learned that the plan was still under active consideration and published this news in the paper. Rumors reached Tuti Island instantly and the community leaders met at the Tuti Club to organize a petition to protest their possible removal from their ancestral island. A six-man delegation appeared at the Mudiria Headquarters on 14 April 1944 on a fact-finding mission. The authorities insisted they had no plans to remove people, although they might want to “realign the existing muddle of houses on the Island.” This was just what had been feared and rather than having anxieties calmed the reverse took place.

Moments after the delegation reached the street a well organized, shouting crowd converged in support of the community protest. Seconds passed and they surged into first floor offices, passed the several police guards, and damaged some of the interior of the Mudiria building. Mounted and foot patrol officers were called and eventually were able to clear the building, passages, and courtyard of the demonstrators, in the course of which seven police were injured, four of them seriously. One demonstrator had attacked a police horse and was being arrested for his efforts when several of his allies intervened to rescue him and block his arrest. A struggle ensued during which a police shotgun was fired, killing a demon-

strator and injuring two policemen.⁵

Almost instantly, this incident was heralded by the Sudanese nationalist movement as a stiff challenge to colonial rule. Britain was preoccupied with the war in Europe and hardly needed more problems in the colonies. Other strikes, protests, and demonstrations were already taking place with many more to come. The Civil Secretary reported that there was an “immediate and regrettable sympathy with the forces of disorder.” Telegrams in protest were received from as far as the Northern Province as the news travelled widely and quickly.

From 20-27 May 1944 the trial of the Tuti Island defendants was held in the Khartoum Minor Court.⁶ Colonial justice was a foregone conclusion, and the twenty accused were all found guilty and fined from five to twenty pounds and served sentences from 3 to 12 months in prison. The leader of the original Tuti Island delegation, Mustafa Khalid, was given the maximum sentence. He was, at that time, about 56 years old and a retired government official who enjoyed a position of great respect and influence on the Island. Since he did not try to “restrain the rioters,” he was found guilty of “promoting unlawful assembly which committed rioting.” Promptly, Mustafa Khalid became a cause celebre and generated a flurry of additional protests including a joint telegram from Dawood Mustafa Khalid and Zein el Abdin Khalid dispatched from Merowe on 29 May 1944 to Mr. Bennett, Chief Justice, Khartoum. Among the points in its text are:

“We believe that the mistake is the Governor’s and that the conviction of this innocent man, Mustafa Khalid, was bluntly made to conceal the Governor’s mistake.

“We therefore believe that the decision of the Minor Court was political and not judicial.

“Public opinion is also anxiously awaiting your fair decision.”

Reaction to the telegram by Mr. E.M. MacIntosh, Governor of Khartoum, states that he considered the telegram itself as dangerously close to “contempt of court” by claiming deliberate prejudice and perjured evidence by police witnesses. MacIntosh noted laconically that “it appears to me that this appeal transcends the bounds of fair comment!”

When Mustafa Khalid was released from prison on 26 February 1945 a number of prominent members from the Tuti Island community invited members of the Ashigga party of the Graduates Congress to the festive reception. Ismail el Azhari, then President of the Graduates Congress, and subsequent Prime Minister of the independent Sudan, made a speech at the reception which was considered “remarkably ill-informed” in the co-

⁶ See Case No 2/1944 Tuti Island Case, Khartoum Minor Court, 20-27 May 1944, Mr. K. Hayes, Presiding Judge, Document collected by the Sudan Law Project. AC/Gen./2-14.
olonial record. Of course, the Graduates Congress itself was one of the spearheads which ultimately pointed towards the end of colonial rule in 1956.

Moreover, the British plan was never implemented. Its principal results were an effort to organize official land registry and in 1946 to organize the Tuti Development Company, wholly administered by Tuti Islanders themselves. In fact, in that same year the Nile flood reached dangerous levels and the British authorities said that the island must be evacuated for reasons of public safety. Suspicions instantly reappeared and the people stayed put. The British conceded the point and provided burlap sand bags to protect the village. Twenty-four hour patrols and careful maintenance of the dike saved the village, and another victory fell to the Tuti community.

These events gained widespread repute and the steadfastness of the island's citizens generated the unofficial but popular claim that Tuti had become a sovereign "Republic" deserving this title in its resistance to colonial and natural forces. In 1968 the Tuti Club in the Tuti "Republic" staged a dramatization of the 1944 events. The play has subsequently been performed on other occasions at the Club, as has prose and poetry been written and published for the historical record.

Observations

The cases of Mohammad Amin Hodeib and Mustafa Khalid and his twenty co-defendants are not major events in the history of the Sudanese anti-colonial struggle, but they are clearly contributors to this movement. Their anger and their efforts to protest were not successful in the short run, but they offer concrete proof of the depth and extent of structural antagonism of British colonialism and Sudanese national independence. I believe that the focus for this article makes it easier to understand the irresistible force of hundreds of thousands of Hodeibs and Mustafa Khalids. This special publication of Africa Today is a celebration of their lives and of all Sudanese who played their roles in the historical process of ending exploitative systems and the Law of Elephants and the Justice of Monkeys.