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INTRODUCTION

The “How” Behind the “Who” of Gold Coast Letters

THIS IS A book about what it means to be a certain kind of person in a particular time and place. It is not, in other words, a biography but a study of writing as civic-minded self-orchestration: a process of moving elements of history, politics, culture, and ideas around on a page so that they add up to something recognizable, in public, as character. The person doing the “moving” here is J. E. Casely Hayford, the Gold Coast statesman, barrister, newspaper editor, and writer who led the charge to modernize British imperial West Africa in the early twentieth century by way of its indigenous legal and political traditions. In addition to his life’s work as an intra-imperial power broker and institution builder, Casely Hayford was the first African to publish a novel in English—*Ethiopia Unbound*—in 1911. That book, his two major customary legal treatises, and a bevy of essays and speeches show collectively how legal concepts can be used to scaffold far-reaching questions of how to be. What sorts of intellectual temperament, habits of mind, and analytic propensities were befitting of a new kind of African leader, who was as much a scholar as a politician? Through what key terms could the shape of a text be made to align with the presentation of a self, at once distinctive enough to command transnational respect but general enough to be a local aspirational “type”? The well-tuned interplay such queries suggest of conceptual frameworks, individual aspirations, and social legibility, at a watershed moment in Africa’s intellectual and political history, are best drawn out not by recounting the details of Casely Hayford’s life, but by mapping the contours of his thought.

In the chapters that follow I aim to do just that, by pairing each of a series of legal-conceptual terms—facticity, constitutionalism, and jurisdiction—with a major text animated by local historical context. The book proceeds by way of these “lenses” because they can be flipped to magnify either epistemic paradigms or individual qualities, somewhere between which reside principles of textual organization. Casely Hayford’s claims to be presenting historical facts, that is to say, also advance a vision of what it looks like to be an objective person, and his writing about constitutionalism foregrounds figures who embody its associated ideals of balance and restraint. Similarly, his interest in signal controversies around legal jurisdiction in the Gold Coast opens up into a multipronged concern with how an ability to make fine distinctions is a leadership credential. In each case, law does double duty as an immediate topic of concern and a conceptual substratum; it binds convention to creativity. To say that Casely Hayford had a “legal mind” is not simply to point to his training in the common law at Peterhouse, Cambridge, and the Inner Temple (one of London’s four Inns of Court), or to his scrupulously researched account of indigenous Akan customs. It also invokes patterns of reasoning and composition, in which legal ideas act as levers to move between philosophies of governance and their ideal personification. Casely Hayford was a lawyer who wrote often about law. But what this background allowed him to do, as a writer, is more to this book’s point, as it resituates the history of West Africa’s intelligentsia within a deep-seated cultural predisposition to text. Law, in Casely Hayford’s moment, was the dominant means of thinking through *writtenness* and its valorization as a force for both individual and ethnic cultivation.

J. E. Casely Hayford’s body of work is arguably ground zero for studies of the African novel and West African legislative politics, to say nothing of so-called customary law. In addition to writing the first African novel in English, he stood at the helm of three major political organizations across his career: the Aborigines’ Rights Protection Society (ARPS), which he co-founded in 1897 as part of an effort to thwart a British override of African systems of land tenure; the National Congress of British West Africa (NCBWA), which he co-founded in 1920 to promote regional institution building and national self-representation; and the Gold Coast Legislative Council, the colony’s official law-making body, on which he served from 1916 until his death in 1930.¹ His major treatises on Akan laws and traditions, *Gold Coast Native Institutions* (1903) and *The Truth about the West African Land Question* (1913), are to this day cited as authoritative sources on their subject matter, albeit with little regard for their literary or curatorial

dimensions. This does not mean that there were not significant written texts in West Africa before his, or that he is politically foundational in some solitary “Great Man” sense. Casely Hayford was acutely aware of the traditions within which he worked and, as the following chapters show, paid homage at every turn to his peers and predecessors.² It means, rather, that he was his era’s most emblematic figure, in that he helped author a widely respected set of political ideals around African self-representation that he sought to advance by virtue of being himself. This was no delusion of ego: the Gold Coast newspapers of his day tracked Casely Hayford’s comings and goings like a celebrity, with his eminence clearly fulfilling a social need.³ Such prototypicality means that he is worthy of far more attention than he has received. But it also suggests the need for an approach that gets beyond the common goals, vis-à-vis marginalized intellectual traditions, of “championing” understudied thinkers’ accomplishments or restoring them to broad visibility as ends in themselves.

Pre-independence African intellectuals deserve more than reverential recovery when they happen to fall in line with contemporary views; they deserve serious reckoning with their texts *as texts*, and with their ideas on their own terms. The fact that Casely Hayford is exemplary of a bygone moment and milieu—one that backed an elite-led, self-consciously erudite, and liberal-constitutionalist approach to African self-determination within the British Empire—means that his reputation has naturally waned with changing times. Though Ghana’s more radical first president, Kwame Nkrumah, was openly indebted to the generation before his, scholars since then have more often picked up the thread of African anticolonial politics with Kwame Nkrumah.⁴ Twenty-first-century critics and academics tend to valorize the opposite of many of Casely Hayford’s identifying traits and beliefs. The most hard-hitting work on twentieth-century Black thinkers skews toward racial radicalism and global-systemic overhaul, an understandable response to the atavistic politics and rapacious capitalism plaguing even the world’s most “developed” nations.⁵ It is galvanizing—perhaps comforting—to uncover trajectories of political thought and organization that forestall perceptions of present circumstances’ inevitability. And as Jonathon Earle observes in a useful overview of global intellectual history, the field is “increasingly interested in how Africans have shaped the intellectual history of the modern world, a topic that has been understudied.”⁶ I share an investment in filling in the details of Africans’ robust participation in shaping our globalized political modernity; Casely Hayford’s leadership of the NCBWA, in particular, is crucial to understanding the bureaucratic mobilization of Pan-Africanist ideals in the early twentieth

century. But I am also attuned to how readily African ideas are cherry picked to support Africans' idealization as globally redemptive figures. The desire to recover Africans' prescient, alternative forms of globality and liberatory visions of the future is always fraught, and the work that results from it is often tendentious.

Mamadou Diouf and Jinny Prais, for example, count Casely Hayford alongside the African American intellectuals W.E.B. Du Bois and William Henry Ferris as one of "the first generation of thinkers to seek a more inclusive understanding of universal narratives of the human past and experience," a claim that forms part of a welcome effort to reintegrate Africa and Africans into the thriving field of Black Atlantic studies.⁷ At the same time, they adapt the historical details of Casely Hayford's career—no doubt inadvertently—to bolster this project. Diouf and Prais report that the figures at the heart of their chapter crossed paths at "the various congresses such as the Pan-African conferences (1900, 1919, 1945) and the First Universal Race Congress (1911) in western Europe," where "the presence of participants like DuBois and Casely Hayford . . . nurtured and strengthened the international connection and dialogue among black intellectuals and launched black global intellectual history." They are committed to the argument that "Black intellectuals traveled in the same black circuit that encompassed the Atlantic world," illustrated by the fact that "Casely Hayford and DuBois, along with other black intellectuals . . . were present at the first Pan-African Congress in London in 1900."⁸ In actuality, Casely Hayford attended none of these events. His first correspondence with Du Bois seems to have taken place in June 1904, when he sent the American a letter to praise *The Souls of Black Folk* and suggested that "if leading thinkers of the African race in America had the opportunity of exchanging thoughts with thinkers of the race in West Africa, this century would be likely to see the race problem solved."⁹ They maintained a very occasional and mutually respectful correspondence until Casely Hayford's death in 1930, but he declined Du Bois's Congress invitations.¹⁰ And while Casely Hayford's ideas were represented at Booker T. Washington's International Conference on the Negro at Tuskegee in April 1912, they seem to have been read there in his absence by his brother, the Methodist minister turned Baptist evangelist Mark C. Hayford.¹¹ Casely Hayford never traveled to the Americas, nor met W.E.B. Du Bois.

What are we to take from such a pronounced and yet, on the surface, wholly plausible miscasting of the historical record, in one of the few substantive efforts to give Casely Hayford his due as a thinker of global significance? It is certainly not cause to assert a crude juxtaposition

between “racial” concerns and “African” ones, which he understood were largely one and the same. Casely Hayford held Du Bois’s work at the *Crisis* in high regard and worked throughout his career to advance understanding and exchange between West African and African American intellectuals. He was also influenced by the St. Thomas-born Edward Wilmot Blyden’s thinking on the “African Personality” during his time at Fourah Bay College in Sierra Leone, which was then known as “the Athens of Africa” because of its flourishing cultural life. The West Indian writer and diplomat had relocated there from his adopted neighboring homeland of Liberia after losing a bid for its presidency in 1885 and attracted a cohort of learned West African admirers. *Ethiopia Unbound*, in a fictional speech by its main character, grants Blyden a position of singular wisdom, opining, “The work of men like Booker T. Washington and W. E. Burghart Du Bois is exclusive and provincial. The work of Edward Wilmot Blyden is universal, covering the entire race and the entire race problem.”¹² By no means, then, did Casely Hayford hold Africa at a distance from questions of Black oppression or advancement.

But his views later diverged from Blyden’s, too. While both men believed the British Empire would rise to its greatest heights through African leadership and encouraged British “development of the natives along the lines of their own idiosyncrasies as revealed in their institutions,” Casely Hayford grew to place a greater premium than his diasporic elder on the role of born and bred West Africans in shaping the region’s political program.¹³ In general, as his career in the Legislative Council progressed, his politics and self-location moved among three concrete geographies: London; British West Africa (the Gold Coast, Sierra Leone, the Gambia, and Nigeria); and the towns of what today is known as Ghana’s Central Region (especially Cape Coast, Sekondi, and Axim). His foremost cultural concern through the early decades of the twentieth century was with cultivating a distinctive national character and political space for Fante—which, as the second largest group within West Africa’s Akan meta-ethnicity, even today number only between two and three million people—whom he and his peers saw as equipped to steer not just the Gold Coast but all of British imperial civilization toward its spiritual zenith. Casely Hayford wrote amid what then was called the “Gone Fante Movement,” described in the *Gold Coast Leader* on March 4, 1911, in a short piece called “The Atavistic Tendencies of the Age: A National Asset,” as a return to a traditional habitus—but with modern embellishments. “To ‘Go Fante’ marks the mental terminus of the Gold Coast native and describes his ultimate Reversion to the primitive simplicity of his ancestors,” the paper declared, “sobered and matured with all that is excellent

in Western civilization and Religion.” While literate Fante published public notices of reclamatory English to Akan name changes—“Hayford,” in that vein, had once been “Afua,” and Casely Hayford signed his books also as Ekra-Agyiman—he nurtured plans for formal African language education. These later came to fruition with the founding, in 1924, of the Gold Coast’s first government-run co-educational boarding school, the renowned Achimota College, which he supported in his role on the Legislative Council and on whose first advisory board he sat.

While he no doubt “thought of the race,” as his son Archie wrote, the more abstract circuits of the Atlantic world were at best a secondary concern in a day-to-day sense.¹⁴ The takeaway, then, from the ease with which Casely Hayford can be affixed to “bigger” social and political stories is more about methodology than content. There is no transnational narrative into which he can or should be inserted to unlock his true significance; the Gold Coast, for him, was the fixed point of a moving compass. He stayed up to date on global intellectual developments from theosophy to poetry, to American philosophies of education and Meiji-era Japanese empire building, but he did not spend the heady years of the early twentieth century in the same rooms as America’s Black vanguard. In fact, he developed his most grandiose political aims while chairing events and presenting papers on Gold Coast history in its small towns.¹⁵ Correcting the record here does not contradict an understanding of Casely Hayford as one of Africa’s earliest and most significant race thinkers, because he was. But this book digs into the ways in which his universalist racial ideals were moored to local movements and institutions, informed from afar but ultimately forged along the coast where he was born. His stature as a British imperial intellectual, less endearing a line of recovery though it may be, works according to a similar logic of wholes mediated by parts. For instance, he engaged with theosophy—the esoteric spiritualism that was all the rage in Victorian and Edwardian England—not mainly through its founder and figurehead, Helena Blavatsky, but through his close friendship with a Gold Coast teacher and follower of the movement, Kwao Brakatu Ateko.¹⁶ This is not to argue that Casely Hayford should be read locally *instead* of globally, but to derive the terms for making sense of his intellectual dynamism and political priorities from his own life and work. Neither “nationalism” nor “cosmopolitanism,” furthermore, captures how he exemplified both at different times, for different reasons. “Orchestration,” or perhaps “choreography,” best describes his powerful ability to bring changing sets of coordinates into strategic arrangement, in his style of reasoning as well as in his written self-presentation.

At the end of the day, Casely Hayford was a visionary but not especially imaginative writer. Even his one work of fiction is more combinatory than outright inventive, as it organizes real people, places, and textual influences to express the mind and bearing of an ideal Gold Coast intellectual leader and public servant. By assessing these moving parts instead of the success or failure of his work’s anticolonial mission, *The Letter of the Law* asks readers to eschew a pervasive use of “contradiction” to characterize nineteenth- and twentieth-century African state builders. Whether in reference to African nationalists’ imperial sympathies, or to perceived rifts between their national and Pan-African political ambitions, contradiction puts too neat a stamp of existential difficulty on complex or composite situations. A postcolonial lexicon steeped in paradox, tension, and tragedy quickly looks past African intellectual conditions in favor of African intellectuals’ “condition,” begging the question of ultimate alienation or defeat. And while contradiction hunting has yielded insights in a neoliberal and neocolonial frame, amid a protracted sense of liberal politics’ exhaustion, it is ill-suited to grappling with minds poised at the zenith of progressive ideologies. Casely Hayford was a practical man, drawn to venues and projects where he thought some advancement was possible. David Scott, in his study of the Trinidadian intellectual C.L.R. James, elevates “moments when great historical forces were at irreconcilable odds with each other . . . and in which new kinds of subjects . . . were being thrown upon the historical stage [to embody] within their single selves the mighty conundrums and divisions of their age.”¹⁷ In contrast, this book finds in its subject a stolid will to external reconfiguration. Casely Hayford may have been wrong about plenty, but his view of the modern Gold Coast leader was not tragic—he did not “[suffer], like Hamlet, the modern fracturing of thought and action” so much as try to solve problems around it.¹⁸ All the same, my metaphors of cohesion should not be taken to imply that his thinking always coheres. They suggest, rather, an approach to African text and character that maps elements’ interaction in light of evolving goals, instead of prying self-division loose.¹⁹

Casely Hayford’s prose has often been perceived as a high-flying jumble of interests and affinities, even an “infinitely expandable rag-bag,” in Stephanie Newell’s words.²⁰ But what can often feel like the patchwork nature of his writing, where appreciation for Japanese commercial expansion rubs elbows with dreams about an African Shakespeare (not an African equivalent of Shakespeare, mind you, but the man himself), gains in narrative purpose if seen through a legal-theoretical lens.²¹ Law is a consummately worldly metaphysics, as typified by the pithy, well-known expression

“the law is made for man, not man for law.”²² It is essentially concerned with structuring high ideals in relation to actual human behavior. “If law . . . is a bridge from *reality* to a new world,” Robert Cover wrote in his essay “The Folktales of Justice,” then “there must be some constraints on its engineering.”²³ Casely Hayford is more like an engineer, in this view, than a creator, working within the limits set by the worlds he knew. While some of his rhetorical high points channel a glimpse of the future—including *Ethiopia Unbound*’s final chapter, which is set fourteen years after its 1911 publication, in 1925—he expends the bulk of his written efforts on figuring out how to get there. As such, and for all its invocations of Christ, Akan cosmology, and a Fante prophetic spirit, his oeuvre rewards an approach that stresses ingenuity over rupture or rebirth. His work enfolds spirituality into a sturdy formal and conceptual grid and anticipates, in its archetype of the legal-minded leader, the philosopher Kwasi Wiredu’s later argument that the supreme Akan deity (Nyame) should be understood as logical and orderly rather than miraculous.²⁴ Cover, here again, speaks to the larger point when he offers, “One of law’s usual functions is to hold off the Messiah. Messianism implies upheaval and fairly total transformation. Law ordinarily requires a cautious discernment among commitments.”²⁵

The law, in this understanding, becomes something like a *sensibility*, which is decidedly and yet—just as crucially—idiosyncratically elite in its nineteenth-century Fante expression. Casely Hayford’s legal “self-fashioning,” to use a term made famous by the Renaissance scholar Stephen Greenblatt, fused elements of high birth with those of hard-won intellectual meritocracy. He was a descendant of, through his mother, the prominent eighteenth-century Irish merchant and chief of Anomabu Richard Brew, and through his father, a line of Fante royals.²⁶ And yet “elite” status on the Fante coast had emerged from a complex history of relationships across trading and missionary communities (especially Methodist) as well as stool-holding families; it was not a “class” in a British sense, and it did not necessarily entail substantial inheritance of property or wealth.²⁷ Indeed, Casely Hayford’s fastidious and often quite anxious attention to finances is a noteworthy part of this book’s primary source archive. In a speech to the Legislative Council on June 19, 1930, he takes up the matter of African Civil Service salaries in detail, walking his colleagues through his own monthly expenses before leveling an accusation of colonial hypocrisy. “I say seriously, Sir, that you have made us what we are,” he reflects. “[You] have created wants and aspirations in us, and I am asking in all seriousness if any thinks that the African will wear what you wear, drink what you drink, at £48 a year?”²⁸ His concern with and candor

about money stand as testimony to the fact that the Fante intelligentsia were not clear-cut counterparts of the British elite alongside whom they were educated. By extension, it suggests the inadequacy of the “elite” label to sum up and then move past Casely Hayford’s place in literary and intellectual history. Lawyering was the role by which he “artfully shaped” a family pride accrued across centuries into an income-generating force for dogged political progress.²⁹ To stick with Greenblatt’s phrasing, legal training played an outsize role in “governing the passage from abstract potential to concrete historical embodiment,” both in Casely Hayford’s writing and in writing about him.³⁰

The common law itself was in some ways beside the point. As Lauren Benton and Lisa Ford attest in *Rage for Order: The British Empire and the Origins of International Law, 1800–1850*, the first half of the British nineteenth century saw a strong but scattered effort to gather a “cacophony of law talk into a loosely unified but flexible framework for order,” elevating law from a local procedural mechanism to one of sweeping global reorganization. “Law was everywhere,” they continue. “It was the medium of multiple, parallel projects of imperial change, and it provided the text and subtext of numerous colonial controversies, including debates about colonial legislative powers and crown prerogative.”³¹ By the time of Casely Hayford’s professional ascent in the century’s last decade, law in the Gold Coast had clearly overtaken missionary Christianity as the venue par excellence of what we might call interpretive modernity, or one that staked its goals for civilizational advancement to the cultivation of self via engagement with a shared set of texts. “The lawyers,” Kwaku Larbi Korang has summed up their standing, “would step forward as the defenders of a corporate native interest.”³² They did so through reading, reflection on reading, and mutual (and self-) citation, grabbing hold of ambient legal questions to craft an ideal of an intrinsically literary African cultural milieu. In this sense, as well as in terms of generational continuity in the tight-knit world of colonial Cape Coast, the historical progression from the Methodist ministry, for Casely Hayford’s father, Joseph de Graft Hayford, to Casely Hayford’s legislative activism was organic. As Gus Casely-Hayford rightly observes, the rise of the Fante legal intelligentsia in Casely Hayford’s era was “tied tightly into the development of the stool,” or a literal and symbolic seat of traditional Akan authority, which emphasized “emotional affiliations to the family” alongside civic duty and therefore encouraged overlap of “political, professional and personal hierarchies.”³³

The younger Casely-Hayford is also on sturdy ground in his contention elsewhere that efforts to narrate the history of the Gold Coast legal

profession in isolation are wont to exaggerate the “alienation” of Casely Hayford’s professional milieu from other, preexisting social and discursive forums.³⁴ To make this point he emphasizes Casely Hayford’s (as well as his close peer John Mensah Sarbah’s) upbringing in the households of well-known Fante *okyeames*, or court linguists—in Casely Hayford’s case, that of his grandfather James Hayford, also known as Kwamina Afua.³⁵ The common translation of *okyeame*, who literally speaks for the chief, as “linguist” is a bit misleading, as others (including Casely Hayford) have long pointed out.³⁶ A fuller explanation of the role emphasizes its facility with language and on-the-fly public paraphrastic prowess, as well as a trained ability to move deftly between direct and metaphoric or circumlocutionary speech. Kwesi Yankah boldly describes its prominence in the first sentences of his definitive book on the topic, *Speaking for the Chief*: “okyeame, or its cognates, connotes rhetorical competence par excellence, the reason being that it designates the most crucial diplomatic and communicative position within traditional Ghanaian political hierarchies. The okyeame . . . is, among other things, the chief’s diplomat and orator. In such areas as West Africa, where there is a great passion for persuasive public speech, any functionary whose discourse is regarded as the quintessence of rhetoric must be held in high esteem indeed.”³⁷ And as Casely Hayford himself points out in *Gold Coast Native Institutions*, the okyeame also does specifically legal work, as the chief’s “mouthpiece in every public function, as well as judicial proceedings.”³⁸ To discount Casely Hayford’s intimate exposure to this commanding position, which was traditionally passed down from father to son, is to prioritize wrongly his synchronic affiliations (to Cambridge and London) over his diachronic ones (to his Fante background) in the determination of his professional course.

A lot falls into place about Casely Hayford’s career when these elements are brought together. A way with words was his inheritance, as well as his main professional tool, meaning that language for him was the key to both historical and networked ways of positioning himself in the world. His formal choices also hit differently with awareness of his Fante genealogy. Many critics, for instance, have homed in on the unwieldy eclecticism of *Ethiopia Unbound*, as it swerves between lessons, philosophical dialogues, and fictional vignettes, as evidence of its fragmentariness or even modernism. And so, in part, it may be. But Casely Hayford’s way of making political points indirectly might also be understood as an okyeame-like demonstration of circumlocutionary skill. An okyeame, according to *Gold Coast Native Institutions*, cloaks chiefly decisions in “wit and humour,” as he “[makes] use freely of parables to illustrate points in his speech.”³⁹

Likewise, the main character of Casely Hayford’s novel teaches his son about imperial injustice through the Aesopian fable of the wolf and the lamb, couched within a playful paternal exchange.⁴⁰ More relevant still to this book’s hybrid legal and characterological framework, Casely Hayford sees in the figure of the okyeame a certain replicable *style*, not just function, of person. He is “so cool, so collected, so self-complacent!,” he exclaims. “He comes of a stock used to public speaking and public functions.”⁴¹ And in addition to this lineage, Casely Hayford was born into the *anona* (parrot) clan, or *ebusuakw*, one of seven such affiliations with character traits designated by totems and myths of origin. The *anona* clan is named for a parrot who saved its founding ancestor from murder by echoing his words, which created the illusion of an ensuing crowd. It holds particular esteem among Fante even today, standing, as it does, for eloquence and the power of speech and intellect over might.⁴² While it is easy to see Casely Hayford’s legal cohort as having capitalized on the imposition of British institutional forms, there should also be room to imagine them, less cynically, as having “plugged in” such enduring character profiles and values to a new power structure that history just happened to hand them.

Whatever the intrinsic properties of their subject of expertise, then, Gold Coast lawyers represented the apotheosis of two kinds of elite in one social role: the first trafficked in good family names, and the second in rigorous education. Casely Hayford’s status as a barrister comingled with his (imprecise) designation as a prince in the Gold Coast press, grafting his relatively marginal place in upper-crust London to his absolutely central one back home.⁴³ His own work often uses lawyers to summon Akan cultural insiders and underscore the administrative importance of being sensitive to facts on the ground, as in his advice that British outsiders looking to mine Gold Coast lands consult “an experienced legal practitioner with a knowledge of the country.”⁴⁴ An unsigned *Gold Coast Nation* editorial from June 6, 1912—“The Personnel of the Deputation to Downing Street, London”—captures lawyers’ indispensable but not expressly legal role within the Gold Coast social order. “We can dispense with their services as Lawyers,” it notes of a group of intelligentsia traveling to England, “but the Kings and Chiefs have commissioned them to go because apart from their professional position, they occupy niches in the structure of the Country which requires that their knowledge of local conditions and intelligent appreciation of the situation expressed and implied should be placed at the disposal of the race for the safety of the public.” To use “elite” in a vacuum is meaningless. Law, in this context, channels a nascent civic mindedness trying to find its proper place among other forms of canny expression and esteem.

All the same, Casely Hayford is in many ways an unlikely subject for a new book-length study. Definitive work on colonial-era African intellectual history has long had a populist bent, in line with Nkrumah's professed desire to take African politics "to the people." An emphasis on everyday habits of reading and storytelling alternately upholds "print culture" or oral tradition in place of more rarefied literary forms, taking it as given that a vital cultural space, much as Nkrumah described the political one, is "doomed to failure" without mass participation.⁴⁵ Casely Hayford was many things, but he was neither a radical nor a populist. He did not seek social disruption or a break with the past or present; indeed, he did not even advocate for a break with the British Empire. I will leave a deeper exploration of the relationship between his imperial and anticolonial politics for the chapters to come, but it is worth noting here, given this book's literary orientation, that his incrementalism often found impressive rhetorical form. His taste for anaphora (the repetition of a word or phrase at the beginning of successive clauses or sentences) is on full display in a February 25, 1929, speech he delivered to the Legislative Council:

When we speak of Nationhood, Sir, some of our friends may think that we are aiming at an immediate unofficial majority in this Council. It is no such thing. We know we have got to go slowly. We know that we have got our lessons to learn, and that we must learn them well; but we know also that sooner or later, having learnt our lessons, we shall arrive at the goal. We know that we must learn to shoulder our responsibilities, and when we have done this, then of course the privileges that come from responsibilities must also by right be ours to expect and to command. Furthermore we know that we must begin to help ourselves, and when we have done this, then of course the privileges that come from responsibilities must also by right be ours to expect and to commend. Furthermore we know that we must begin to help ourselves, and we mean to do so and intend to help ourselves; I for one have not the slightest fear that when the African has put up a well thought out plan and placed before government such processes by which he can help himself the sympathy of government will not be secured.⁴⁶

The politics here is far from admirable from a radical nationalist perspective, appearing more aligned with imperial paternalism—Kipling's so-called white man's burden to "civilize" Britain's racialized colonial subjects—than with more renegade contemporaries like the Jamaican Pan-Africanist Marcus Garvey. I have no interest in "saving" Casely Hayford from present disapproval. But the elegant and cumulative structure of

his phrasing, as he builds from repetition of “we know” to “furthermore we know,” conveys a profoundly narrative and logical sense of African political advancement. His words do not storm any barricades, but they offer a deft and summary demonstration of cause and effect, with the process of African education hopefully configured as the *veni, vidi, vici* of intra-imperial cultural pluralism.

Casely Hayford was, furthermore, ambivalent about more firebrand figures now enjoying a resurgence of scholarly interest, with Garvey as a powerful example, and steadfast in his commitment to expertise as an essential component of African state administration. “To-day,” he complained in a 1920 meeting in London, “what happens is that in various parts of British West Africa we have officials who, though not legal men, are placed in charge of legal work, to the grave detriment of the people.”⁴⁷ He was open minded, though guarded, about African American repatriation to the Gold Coast, arguing in 1920 that were they to arrive there, members of Garvey’s Universal Negro Improvement Association (UNIA) should be permitted to “try and make money as all others are doing” but with due respect for Akan propriety.⁴⁸ Casely Hayford’s major works make scant reference to Garvey, and there is evidence that he eschewed their definitive public connection even as the UNIA cause later won his strategic support.⁴⁹ Archie Casely Hayford, in his unpublished manuscript, claims, “Marcus Garvey had a great admiration for Casely Hayford and though little known to anyone, when at the height of his activities during the Black Star Line Organization in America . . . conferred upon Casely Hayford a Knighthood of the Order of the Star of Ethiopia, the author of this work being the only person Casely Hayford ever told this to, or ever showed his signed commission so appointing him.”⁵⁰ His second wife, Adelaide Casely Hayford, collaborated with the UNIA to raise funds for a school for girls in Sierra Leone, but only after separating from her husband in 1914. This partnership, too, was short-lived due to disputes over money’s organizational flow. What I want to underscore is that Casely Hayford was more than a node: he is not compelling mainly on account of his place in a political or intellectual network, Black or otherwise. His work was his own, in searching conversation with but neither determined nor legitimized by his associations.

I do not, in this book, back away from Casely Hayford’s social exemplarity to favor a narrative of his heroic “Big Man” exceptionalism, nor do I downplay parts of his worldview that make him a tricky candidate for absorption into a mostly diasporic understanding of African history, for example via what is often called the Black radical tradition. At the same

time, he was far from a colonial stooge or bourgeois comprador. Kwame Arhin, as editor of *The Papers of George Ekem Ferguson: A Fante Official of the Government of the Gold Coast, 1890–1897*, upholds Casely Hayford as the counterexample to his own “extraordinary” but apolitical statesman subject. Ferguson, he notes, was “either too young or too busy to philosophize on the rightness or wrongness of colonial rule; nothing in his writings indicates that he, for example, faced the problem with which Casely Hayford later grappled [in 1903].”⁵¹ Casely Hayford was intensely critical of the colonial order. And yet approached from one side of our scholarly moment, he looks like a contrarian addition to the current surge of interest in a more global kind of British imperial intellectual history. Beyond his faith in legislative (as opposed to popular) politics and his commitment to elevate reasoned argument over anger, he was a man who wrote precisely the sort of “systematic treatises” that Andrew Fitzmaurice describes the field as broadening beyond.⁵² Like Fitzmaurice, however, I strive for an approach that goes “grubbing in the archives *and* [deals] with philosophical, and legal, treatises,” building out the context of Casely Hayford’s writing where and by whatever means necessary, across primary and secondary sources alike.⁵³ I see this as in keeping with Casely Hayford’s written persona, which was not just wildly eclectic in its influences and references but concerned with expressing the impressive social density and “superior culture” of his local situation.⁵⁴

Approached from a different angle, Casely Hayford is just as precisely the kind of prescient, pre-independence African race thinker that a broadened British intellectual history now wants to encircle, as do various branches of literary studies as they cultivate “decolonized” archives. For these traditionally “Western” fields, he makes an ideal long footnote or bonus chapter. Meanwhile, specialists in Ghanaian history and print culture often speak of the region’s “coastal elite” as a dominant or default topic, from which they too now seek to move on to more urgent and inclusive concerns. In this way, Casely Hayford has fallen through the cracks of shifting disciplinary priorities. But it is difficult to imagine any other area of scholarly research that lacks even a single full-length book on one of its pioneering figures; the cart of field expansion has been placed before the horse of building out the things it takes for granted. Casely Hayford has been studied almost exclusively in profile, as one among a group of “early nationalists” whose historical niche is more notable than his actual work.⁵⁵ Even where some of that work *does* come up for closer examination, as in Kwaku Larbi Korang’s important *Writing Ghana, Imagining Africa*, it is read through the lens of Casely Hayford’s generational predicament: he

stands in for the “alienated” condition of being not quite “African” and not quite “European,” neither fully colonial nor fully sovereign. But Casely Hayford was an exceptional writer and thinker, not just a textual mill-wheel in the currents of his moment. It is high time for an effort to put the pieces of his life and work together in a systematic way. That said, and despite its relevance across fields and disciplines, this book will not move anyone’s ideological needle very far. The banal truism “it’s complicated” is true, and Casely Hayford’s dedication to whatever he saw as being in the best interest of his people—as well as “the general good of the Gold Coast,” irrespective of “African or European” considerations—did not conform to any political script, nor does it now.⁵⁶

What did hold steady was his awareness of speaking as an “Educated African,” and his belief that this role entailed a social leadership responsibility. Indeed, British efforts to discredit Casely Hayford’s criticisms of their increasing oversight on account of his elite status are a recurring point of bitterness in his writing. In the same 1920 London meeting, he reminds his British interlocutors that “though we here happen to be dressed in your way, and happen to speak your language, it is not true or accurate to say that we are divorced from the institutions and customs of our people. An absolutely reverse statement should be made. I personally belong to an African community, an African family, so does my friend the Hon. T. Hutton Mills [the NCBWA’s first president], and so do we all.”⁵⁷ Similarly, in a different speech delivered in 1923, he identifies “the half-educated African . . . rather than the thoroughly educated African” as the likelier kind of person to be “de-Africanised.”⁵⁸ Casely Hayford, simply put, forcefully rebutted accusations of his cultural inauthenticity. Some of the motivation for this book derives from my own frustration with how a vague charge of elitism is still often leveled against Africans who break from one party line or another. Casely Hayford and his ilk believed in leadership by an educated minority, but their intense civic mindedness also made them a far cry from the class of self-enriching, apathetic postcolonial officials pilloried in Frantz Fanon’s *The Wretched of the Earth* or Ayi Kwei Armah’s *The Beautiful Ones Are Not Yet Born*. There is plenty of ground to lay claim to between mass uprising and rule by expensive suits sequestered in armored SUVs.

This is not to say that Casely Hayford’s passion for representing the people he was from, if not quite of, resulted in a heightened rhetorical temperature. Whereas Nkrumah’s Midnight Speech calls for the “TOTAL LIBERATION OF AFRICA,” Casely Hayford studiously avoided all-or-nothing propositions. His speeches present even the most galvanizing

causes as matters for deliberation. He peppered his 1925 Presidential Address at the NCBWA's third conference in Bathurst, Gambia, with "buts," "if/then" formulations, and "at the same time," phrases to link broad-minded goals with multifactorial consideration. This shape of argument can work both for and against cries for Pan-African unity. "To-day," Casely Hayford states at one point, "where two or three of our race are gathered together, the thought uppermost in their minds is how to attain African emancipation and redemption. At the same time it is true that we are all intensely attached to our several nationalities."⁵⁹ He then works through the competing forces of global racial alliance and local patriotic feeling to usher the speech toward another, structurally similar act of offsetting a goal with a challenge, this time directed to England. "At the same time it must be recognised that co-operation is the greatest word of the century," it reads. "With co-operation we can command peace, goodwill and concord. Without: chaos, confusion and ruin. But there can really be no effective co-operation between inferiors and superiors."⁶⁰ Casely Hayford remained measured even in the face of his stark recognition that "the African" was forced to be "the burden-bearer of the world," because he saw such level-headedness and willingness to negotiate with power as an obligation conferred by his privileged status.⁶¹ His liberal proceduralism and his anticolonialism were both fully fledged, and he often staked the viability of Gold Coast self-determination to his and his peers' ability to prioritize sound process.

What Casely Hayford took from his legal training, then, beyond a technical vocabulary and a day-to-day livelihood, was the belief that the details of an argument really matter. As a writer he works things out patiently even when it lessens his rhetorical charisma, casting "the lawyer" as a paragon of slow reading. A 1922 speech in the Legislative Council, addressed to a British bill to regulate the authority of Gold Coast chiefs, puts this in bold relief. After reading aloud from John Mensah Sarbah's 1897 treatise *Fanti Customary Laws*, the precursor to Casely Hayford's *Gold Coast Native Institutions*, Casely Hayford twice repeats, for full effect, "That is the reason I read that paragraph."⁶² A bit later, he piggybacks on a quotation from a British official that he again reads out loud to suggest that the bill in question "was hurriedly read [in the Legislative Council] and did not have that proper consideration it should have had."⁶³ A noteworthy merging of priorities is on display here, as Casely Hayford steers political speech to address practices of textual engagement. By insisting on careful reading as a bedrock of legitimate political process, he safeguards the role of formal education in cultivating a new class of Gold Coast leaders

distinct from what were then called “natural rulers,” or traditional kings and chiefs. But from another, livelier direction, he pries open hermetic processes of legal study and adjudication to shared interpretive debate. Jeremy Waldron’s *The Dignity of Legislation* is useful here for pinpointing the significance of Casely Hayford’s decades-long work on the Gold Coast Legislative Council to his overall worldview. In contrast to a legal outlook that centers an “idealized picture of judging,” especially pronounced in the common law given its reliance on uncodified but binding judicial precedents, Waldron elevates “the process of legislation.” He describes it, compellingly, “as something like the following: the representatives of the community come together to settle solemnly and explicitly on common schemes and measures that can stand in the name of them all, and they do so in a way that openly acknowledges and respects (rather than conceals) the inevitable differences of opinion and principle among them.”⁶⁴ Casely Hayford would no doubt have assented to this vision of how law gains force in the world, by way of shared and adequate textual contention rather than judgments conferred from on high.

It is, moreover, far from an obvious political strategy to object to a piece of legislation on the basis of its having been hastily read. There is a long tradition of seeing lawyers as people who cheaply instrumentalize text; that is, as quasi-technocrats in whose hands the moral values of earlier kinds of textual training, philosophical and ecclesiastic, met their profitable and soulless demise. A huge part of law-and-humanities scholarship is devoted to “humanizing” law and legal study, salvaging it from disinterested scientific aspirations through an emphasis on its socially constructed nature. In wresting law away from its treatment as “a bundle of rules and social policies,” for instance, Paul Gewirtz has spoken to a growing interest in “the ways law brings together story, form, and power.”⁶⁵ And a persistent focus on law’s “everyday” existence, both within and beyond the postcolony, pairs neatly with African literary studies’ bent for breaking down social barriers and revealing unjust power arrangements.⁶⁶ But here again, Casely Hayford breaks with present-day decolonial form. His sense of his responsibility *as* a member of the educated elite urges him toward a humanistic understanding of legal practice. In his 1922 Legislative Council speech, he lays out the means by which law’s Africanization, in his expert hands, is synonymous with its humanistic recapture. “I do not know how it is,” he remarks, “but I have always heard it said that the lawyers of this country fleece people. We have been reminded here by Counsel that the lawyers out here are both conveyancers and counsel, they are solicitors and they are advocates. . . . In England, when you go to a solicitor for

an interview, he charges you for it. He charges for every letter he writes. Here once retained, always retained.” He then offers a colorful account of the “African” demands of his livelihood, with “persistent” clients dropping in to visit, greet, and make idle chitchat every day.⁶⁷

Gold Coast lawyers, as opposed to their English counterparts, had to be intrinsically and at all times attuned to their clients’ social needs, rather than just commissioned to perform set transactions. And this understanding of legal practice there, in metonymic relation to the “new” educated elite, seems to have been widespread. A short and anonymously authored column, “In Praise of Cape Coast Barristers,” from the April 4, 1912, edition of the *Gold Coast Nation* is worth including in full because it so powerfully captures this localized twist on law’s professional ascent and situates Casely Hayford within the milieu whose archetype he becomes:

Ever since the late Hon’ble J. Mensah Sarbah, C.M.G., set the bright example of serving the Country free of all charges by returning his retainer of 400 Guineas in connection with the late Governor Maxwell’s Lands Bill, Cape Coast Barristers have been trying to follow in his steps. Whenever there has been cause for so doing, the majority of them have been found ready and willing to place their valuable services at the disposal of the Country without hope of recompense or reward. When journalists are passing through purgatorial fires and are within an ace of the Prison Cell, the Lawyers have come to the rescue; when the town needed help of any kind, they have not, as a body, been loth to essay what they are best able to do. We are therefore pleased to learn that at the recent Conference our Natural Rulers extended warmest thanks to Messrs Hayford and Brown for the good work they were doing for the Gold Coast. We pray that such kindly expressions of appreciation and goodwill may inspire these gentlemen to live for the motherland without detriment to themselves or their connections.

It is not enough to read this as one among many culturally specific expressions of a pervasive nineteenth-century nationalism, though on the surface it is certainly that. Law, in a deeper sense, is where traditional kinds of virtue and social obligation meet the modern political sensibility of what Waldron (following John Robert Seeley) calls the legislative state, “a form of state devoted to the business of making continual improvements in the life of the community by means of explicit legal innovations.”⁶⁸ This meeting is personified by the accord the *Nation* notes between Casely Hayford and traditional chiefs, whose relationship was a steady source of political tension in the decades after formal British colonization of the Gold Coast

in 1874. But it is also legible in Casely Hayford and the *Nation*’s shared conception of Gold Coast lawyering, in which a kind of noblesse oblige is soldered to liberal civic duty by the force of close textual engagement, what Casely Hayford refers to as “a lot of hard office work.”⁶⁹

Though it is far flung in a historical and geographical sense, John Pocock’s essay on “Virtues, Rights, and Manners” can shed light on the conceptual architecture within which I see the Gold Coast legal intelligentsia as having worked. This is because, in a much later period, Casely Hayford’s writing walks a fine line between liberal and aristocratic conceptions of the individual’s role in politics—in a way that resonates beyond his family or Fante cultural particulars. In Pocock’s discussion of early modern political thought, he *counterposes* “jurisdictional and jurisprudential terms” with “terms arising from a humanist vocabulary of *vita activa* [the active, as opposed to contemplative life] and *vivere civile* [civilized living].”⁷⁰ He does not, contrary to common historical understanding, see a “law-centered paradigm” for political organization as fundamentally a liberal one, because the latter values exchange over conduct in its ideal of citizenship.⁷¹ Needless to say, this has particular contours and implications in the context of Roman civil law and early Italian republics that are well outside the bounds of relevance here. What Pocock offers that is transportable, however, is an analysis of virtue as mismatched with “the vocabulary of jurisprudence,” which, from Locke onward, has been preoccupied with possession and with “that which can be distributed, with things and rights.”⁷² The upshot is that in defining “the individual as right-bearer and proprietor,” liberal jurisprudence skirts the question of what kind of “*personality* [is] adequate to participation in self-rule.”⁷³ It therefore privileges the rise of a bourgeoisie, or possessive class, rather than of *vivere civile*, commonly translated as “decency” but in academic discussions of its Machiavellian origins meaning something like free and equal political participation by those who demonstrate the capacity for it. And for Casely Hayford, personal bearing holds a lot of weight.

Pocock ultimately sees virtue as having been redefined by and reincorporated into liberal jurisprudential society as “the practice and refinement of manners” in the eighteenth century, through an emphasis on increasingly complex and numerous social relationships.⁷⁴ (These were brought about mainly through the emergence of new and discrete spheres of existence, for instance, those of commerce and leisure, access to which was mediated by specialists.) Self-expansion as its own end, facilitated by mannered social interaction, took the place of the more substantive political participation that virtue had once abetted. Virtuous people led, whereas their mannered

successors merely developed. As Pocock, finally, puts it: “if [the individual] could no longer engage directly in the activity and equality of ruling and being ruled, but had to depute his government and defense to specialized and professional representatives, he was more than compensated for his loss of antique virtue by an indefinite and perhaps infinite enrichment of his personality.”⁷⁵ I cannot evaluate the specifics of this argument as it concerns the Italian Renaissance and its European afterlives. What I can assert is that this way of naming the changing relationship between personal qualities and systems of political organization is of great use for teasing out the different kinds of ultimate credential of personhood—moral versus socioeconomic—that converge in Casely Hayford’s self-conception as a Gold Coast lawyer and intellectual. His position therefore defies ready periodization along European lines. He *is* one of the “specialized and professional representatives” amid whose rise virtue gives way to manneredness in Pocock’s account, as it anticipates the history of widespread professionalization and bureaucratic expansion in nineteenth-century Europe. As I have said, Casely Hayford embraces the role of lawyers as essential experts.⁷⁶ But he also adheres, in his vigorous participation in the Legislative Council and his account there of what makes his legal practice “African,” to what is more easily seen as an earlier ideal of virtue. How he acts and who he is, not what he has (be it rights, property, or training), undergirds his claim to political leadership.

A joining of nobility and political labor—that “hard office work”—drives Casely Hayford’s understanding of his position in other ways, too. This book’s second chapter on his novel *Ethiopia Unbound* includes discussion of one of its most important sections, “A Similitude: The Greek and the Fante.” In it, Casely Hayford suggests that Homer’s *Odyssey* “reflected the everyday life of [his] own people,” the Fante, because of how even “the highest in birth preserved native simplicity” by doing their own laundry in a nearby brook. While he acknowledges that this is no longer the case among Gold Coasters of his own status—who lived in “extra-civilized days” with servants to do their dirty work—he yearns for the cultural reclamation of such ennobling hands-on exertion.⁷⁷ His vision of African leadership, then, entails an assiduous work ethic, not just even-keeled erudition. Even his descriptions of purely intellectual work are often couched in the language of toil, such as when he refers to political criticism, in *Gold Coast Native Institutions*, as a “thankless task,” which had nonetheless to be undertaken “no matter . . . the personal inconvenience” to himself.⁷⁸ In general terms this is not surprising, since the early twentieth century marks the pinnacle of “muscular Christianity” and an intense focus on discipline in the British

Empire as a whole. But the implications for how best to conceive of Casely Hayford’s overarching intellectual sensibility are significant.

As I have described his politics up to this point, it is perhaps most readily comparable with W.E.B. Du Bois’s ideas about the “talented tenth,” also the title of the famous 1903 essay in which he argued for the advancement of a Black American elite through selective access to an expansive liberal arts education. Its first and last sentence—“The Negro race, like all other races, is going to be saved by its exceptional men”—may very well have directly inspired Casely Hayford’s reference, in *Ethiopia Unbound*, to “men of light and leading in Fante-land,” in whose view “the salvation of the people depended on education.”⁷⁹ Though Du Bois granted the importance of industrial education and “the paramount necessity of teaching the Negro to work, and to work steadily and skillfully,” at this stage of his career he prioritized the development of what he went so far as to call an “aristocracy of talent and character.”⁸⁰ Conventionally (albeit not always with nuance), these views are juxtaposed with those of his historical archrival, Booker T. Washington, whose Tuskegee Institute, founded in 1881, emphasized farming, trade, and other practical pursuits. But Casely Hayford valorized both approaches to racial advancement, even referencing Du Bois and Washington in succession as “sons of God.”⁸¹ And rather than seeing intellectual distinction and industrial know-how as orientations meant to work in complement across different social echelons, he synthesized them into the figure of an African nobleman, of sorts, who was acutely attuned to the nuts and bolts of state development.

This flickering between the loftiest reaches of literacy and the literal mechanics of day-to-day leadership is one of the most characteristic and remarkable aspects of Casely Hayford’s writing. His intellectual creativity was always bound to matters of unglamorous practicality, as he saw beyond competing African and British value systems into the decisive nitty-gritty of what made a modern state tick. His speeches to the Legislative Council buttress goals like fair and elective African representation with interest in the literal routes of Africans’ political journey, both by road and rail.⁸² This was true to the spirit of the public sphere he helped shape—most prominently as owner and editor of the *Gold Coast Leader* newspaper, as well as working under S.R.B. Attoh Ahuma’s editorship at the *Gold Coast* [originally *Western*] *Echo*—in which one was as likely to encounter an opinion on sanitation as on the cultivation of national character. A representative Editorial Notes section from the February 24, 1912, edition of the *Leader* glides from the topic of dustbin maintenance to that of building roads in a scientifically informed way, landing finally at a short

paragraph about the Ado Literary Club. Here still, the attention to detail is impressive. The author of the notes, quite possibly Casely Hayford, takes the club's president to task for sending correspondence on "unbecoming" paper, as well as failing to repay the government for his postage. An interest in town infrastructure and its functional minutiae were by no means confined to the journalistic arena, either. It is captured pointedly in the main character of *Ethiopia Unbound*, whose ambitious political career and consummately rational demeanor are plainly modeled on Casely Hayford. When he travels in a dream to the afterlife to see his late wife and child, he comments at length on its built design, a practical penchant his beloved shares with him even in death. She sends him back to earth because the building in which he is meant to spend eternity is not ready: while it appears symmetrical, a close inspection reveals "a seam here, a fissure there, unevenness in places where there should be uniformity."⁸³

One way to contextualize Casely Hayford's melding, in this idealized fictional self-portrait, of high-minded constitutionalist activism and an appreciation for the finer points of urban engineering is by looking to his legal education. The Inner Temple, where he matriculated on January 25, 1894, and was called to the bar in the Michaelmas term of 1896, was, needless to say, hardly the Tuskegee Institute.⁸⁴ Its curriculum offered what one might expect of a high imperial education, despite slow movement in the direction of cultural pluralism; at the time of Casely Hayford's attendance, it covered a wide range of traditional British legal subjects.⁸⁵ Notably, in the context of Casely Hayford's efforts to co-navigate his nationalist and imperialist affinities, an effort was made in 1893 to "institute, by way of experiment, a course of lectures on Hindu and Mahomedan Law, and another course of lectures on Roman Dutch Law." Unfortunately and to the "[great] regret" of the Council of Legal Education, too few students enrolled to sustain them. The Inns of Casely Hayford's day were also bastions of social elitism and imperial masculinity, with nearly all of those called to the bar alongside him hailing from Oxford and Cambridge, and real deliberative energies devoted to questions of food and libation.⁸⁶ This privileged fraternalism is not, however, the whole picture. In its emphasis on members' day-to-day self-regulation, the Inner Temple also no doubt helped instill a contextually transposable cultivation of practical attentiveness. Despite the Inns' barring admission to anyone who was otherwise employed, its list of member committees and tasks looks almost like a trade school of its own. The Electric Lighting Committee, a noteworthy case in point, at its meeting on May 6, 1892, saw debate about the merits of installing a gas versus a steam engine.⁸⁷

All the same, the Inner Temple is only one small piece of Casely Hayford’s intellectual formation. There is no reason to think that it influenced him any more or less than various other West African forces and factors. The important point to register through this description of its mundane organizational aspects is that Casely Hayford was accustomed, even in the most elite enclaves of his education, to thinking in terms of institutional function and continuity. Korang grants as much when he labels Casely Hayford a “pragmatic modernist,” who believed that “good modernity, materially speaking, could in theory be separated from bad,” allowing him to focus without contradiction on the “promise of material amelioration of Africa’s comparative backwardness in the matter of infrastructure, social amenities, scientific agriculture, and industrial forces.”⁸⁸ His political goals were unified by their concreteness—both in a literal sense (fixing roads and improving sanitation), and in terms of spearheading new bodies, such as a House of Assembly, proposed in 1920, to give elected African officials financial oversight of the Gold Coast colony. This means that despite his extensive learning and frequent emphasis on careful study and argument, his ideas do not always add up to philosophical precision.

They were not meant to. It is common these days in academic treatments of so-called Global South traditions to say something along the lines of “But what about non-Western *theorists*?,” as opposed to their longstanding relegation to the status of those to whom “theories” originating elsewhere are applied. (I too have made a version of this argument at length.) In Casely Hayford’s case, such restoration of his rightful status as an “ideas man” needs to be accompanied by reflection on the brass tacks mindset that he proudly broadcasted. Robert Higney’s work on what he calls “institutional character,” in his book by that name, points to a more fitting conception of selfhood figured out across work. “The term,” he specifies, “denotes the variety of ways that modernists imagined character as inhering in the workings of institutions rather than in the development of the singular individual—even as character in the novel necessarily finds expression in and through individuals.”⁸⁹ It is not of great interest to me whether or how Casely Hayford is a “modernist” writer—or a Victorian one, for that matter, though his work bears imprints of both. But it is impossible to disentangle his sense of who he was from what he built, and what he built (or intended to) is a central preoccupation of what he wrote. Higney places his work within a “broad rethinking of [character]” that shifts away from psychological depth, within whose ambit he argues, “Rules, actions, habits, and values, more than deep interiority, are the bases of institutional character, and the individual emerges through the

repetition and accumulation of these elements in narrative.”⁹⁰ I do not want to go so far as to suggest that Casely Hayford did not have an internal life, because he surely did, in all his triumphs and griefs. But though he marks space for solitary reflection in his novel and legal treatises, by describing his reading and research processes and their crucial importance, he does not actually delve into its psychological content. Character, in that view, is something that he *plots* rather than describes or embodies.

I end this main part of the introduction in that spirit of mapping the repetition and interaction of elements in Casely Hayford’s work, thereby summoning the qualities that make up the kind of person it inscribed on history. He published his last book, *United West Africa*, in 1919, a year that also gathers the threads of his career into a portrait of sorts. Its personal and political milestones mark a rich constellation of local institution building and global racial zeitgeist, of literary personhood and generational movement: his father’s lonely death in a London hostel; the installation of the liberal-reformist Gordon Guggisberg as governor of the Gold Coast colony; Guggisberg’s appointment of Casely Hayford as an MBE (Member of the British Empire); and the first Pan-African Congress in Paris. Casely Hayford, at age fifty-three, turned to full-time political and civic work, which does not seem to have entailed any real slowing down. Achimota College opened in 1927, and the fourth NCBWA Congress took place in Lagos in 1929, just a year before he died in Accra.

But *United West Africa*, despite its galvanizing intentions, does have a slightly weary undertone and serves better as a distillation of previous works’ strongest elements than as a capstone text in its own right. It is structured as an exceptionally clear explanatory note, which prizes a “temper of mind” open to “fair constructive criticism of Government policy,” followed by three longer sections.⁹¹ The first two are speeches previously delivered to secondary school students in Lagos (in absentia) and the members of the Cape Coast Literary and Social Club. The third part, by far the most memorable, is titled “To A Young Friend” and presented as a letter to Casely Hayford’s twenty-year-old son that can speak to his whole generation of rising West African leaders. It is loving and a bit pedantic, open to God’s grace and fusty in its Methodist insistence on hard work as the path to its revelation. For my purposes here, it also offers an ideal encapsulation of how law—as a conceptually dense but worldly ordering system—held steady as a low hum beneath Casely Hayford’s intellectual life. It represented a nexus of verbal precision, big picture thinking, and the trained dedication of self to the (textual) task at hand, all tangled up with Fante lineage and the institutional as well as literal infrastructure of British imperialism.

The addressee of “To A Young Friend,” we learn, was born with a temperament well suited to a life of professional service to his home continent, which Casely Hayford saw as his birth obligation. This epistolary section of *United West Africa* offers advice on marriage and friendship, urging vigilance around matters of health so that the next generation may “yield service unto God”—in Archie Casely Hayford’s case, also through a career as a barrister.⁹² But it contains moments of real poignancy for thinking about the human habits moving the Gold Coast forward in the name of its past. In one of its more arresting transitions, Casely Hayford follows his staid marital wisdom (“In no step in life, therefore, is greater circumspection desirable” than in the selection of a spouse) with a paragraph’s worth of insight into his own balancing act between writing and other kinds of work. “Since writing the above,” he admits, “I have been interrupted by constant travelling and pressing engagements. And that brings me to a question you asked me in one of our recent letters, How I find time for journalistic work amid the numerous other calls upon my time, political, literary and professional?” Casely Hayford’s answer does not hinge on a political mission, or patriotism, or even on God, but on how he *organizes* his life and thoughts at the macro level. “Well, I can answer in one word,” he replies: “system.” Another new paragraph then adds, “To the systematic man all things are possible. It is the only fulcrum to great achievements.”⁹³ Finally, a page later, studied systematicity reaps its true reward, which is no less than inner peace. “Indeed,” Casely Hayford tells his son, “there is need to cultivate calmness of temperament, if it is not natural to one. It is an indispensable atmosphere for great work, work that is abiding and useful. Besides, it is a condition of the soul to be envied. It implies one being at peace within himself and outside himself. In such a condition our own emotions trouble you not, and the world around cannot ruffle you.”⁹⁴ With words come order, and with order, release. And it is beautiful.

Chapter Summaries

The best description of *The Letter of the Law*’s approach to Casely Hayford’s work might be “conceptual history,” albeit of a more porous sort than the version made famous in English by the likes of John Pocock and Quentin Skinner, who were stricter about delimiting period and tradition. The general idea, as Andrew Fitzmaurice puts it succinctly, is that “in order to understand what a person meant by a particular action, we need to understand the broader range of discourses which could inform that action.”⁹⁵ By invoking it, I mean that the book works from the lynchpin vocabularies

of a set of written texts—augmented by substantial archival research—to capture an overarching sense of their purpose and mechanics. This obviously entails focused intertextual engagement with Casely Hayford’s Gold Coast peers and predecessors, as well as with much of the specialized research on their (pre-)colonial period. But unlike a “proper” conceptual history, and its project of reconstructing past horizons of meaning, this book also gathers into itself the full range of material that the daunting scope of Casely Hayford’s erudition demands. It strives thereby to honor him, even if not indiscriminately to sing his praises. In each of the main chapters, as I have here, I work freely with legal and political theory as well as literary and philosophical scholarship, so long as it abuts the relevant subjects of objectivity, constitutionalism, and jurisdiction. My hope is that Casely Hayford emerges, ultimately, as not just important but *interesting*, worthy of as serious and protean a textual engagement across present-day disciplines as those many he entertained.

CHAPTER 1. A MATTER-OF-FACT KIND OF MAN

Each of *The Letter of the Law*’s three main chapters takes shape around a key legal-analytic concept, and the chapters are ordered chronologically by publication date of Casely Hayford’s major works. The first, on “Objectivity,” shows how the leadership profile represented by the new Gold Coast legal milieu cohered around the epistemic ideal of factuality. Who, they asked, had the capacity to see the whole truth of the British Empire, thereby making good on its broken promises? At the center of the chapter is Casely Hayford’s 1903 legal-humanistic treatise *Gold Coast Native Institutions*, which intersperses detailed descriptions of Akan (Fante and Asante) customs across domains including marriage, succession, and property distribution with commentary on Gold Coast history and cultural character. Far from being merely a dry recitation of customary precedents, *Gold Coast Native Institutions* argues outright for their timely political as well as characterological salience. At the level of form, this means that readings of Gold Coast court cases are interspersed with character sketches and frequent morally charged invocations of facticity as the “missing piece” of British imperial leadership. The chapter thus elaborates a milieu-specific politics that was simultaneously anticolonial and pro-imperial, showing in detail how the Fante legal intelligentsia around the turn of the twentieth century sought to *redeem* the empire through their own project of self-standardization, based on what they saw as their unique ability to apprehend colonial reality and so rectify its errors of

strategy and understanding. The treatise form worked well to solder the contemplation of character to the valorization of facts, furthering an ideal of objectivity that was not a “view from nowhere,” per Thomas Nagel’s famous formulation, but a view specifically from the Gold Coast in 1903.

CHAPTER 2. A GOLD COAST CONSTITUTION

The second chapter of *The Letter of the Law* presents Casely Hayford’s 1911 novel *Ethiopia Unbound* as a constitutional document. It does so by casting Gold Coast intellectual life not only as foundational to twentieth-century traditions of African literature and politics, but as open-endedly engaged with the enduring challenges of legal and philosophical foundationalism. In drawing out the implications of Casely Hayford’s novelistic practice for thinking about constitutionalism as such, a formative text for African literary history emerges as the progenitor of anticolonial legal thought. Furthering this book’s diachronic rather than global “network” emphasis, constitutionalism is also a concept whereby Casely Hayford cultivates a modern Fante genealogy—in short, one of intrinsic predisposition to textuality—that he overlays on his family genealogy as such, looking to his cultural and actual ancestors during the Fante Confederation era (1868–74). Weaving *Ethiopia Unbound* with Casely Hayford’s speeches on the topic of constitutionalism, as well as constitutional theory ranging from Aristotle to recent postcolonial critiques, the chapter shows how character here too is a unifying preoccupation. In the novel form and its emphasis on the representation of the individual, Casely Hayford finds a means of fleshing out the relationship between constitutionalism and constitutionalists. Ultimately, however, the chapter argues that he is not able to represent persuasively the movement from charismatic would-be constitutionalist leader to systemically entrenched constitutional ethos. As such, his writing on character looks elsewhere: to the exploration of charismatic Christian leadership in his long, path-breaking essay *William Waddy Harris, the West African Reformer: The Man and His Message*, published in 1915.

CHAPTER 3. THE JURISDICTION OF MORALS

The last of the three chapters that make up the body of *The Letter of the Law* takes up the concept of jurisdiction as a driving force in the development of Gold Coast textual consciousness. It takes off from a pivotal document called the Bond of 1844, an agreement made that year between British

officials and a small group of Fante chiefs that extended the range of British jurisdiction in the Gold Coast. As far as the chiefs were concerned, however, the extension was of only criminal and not civil authority. By foregrounding Casely Hayford's explicit engagement with Fante-British divisions over how to read this event, the chapter argues for fine distinction making rather than unity as the guiding tenet of West African textual modernity. Its backward historical leap from the independence era to the mid nineteenth century is also valuable because it bypasses the corrective role to which postcolonial Africa is often confined—that is, the taking up of a continent full of every imaginable development and position because it “troubles” Western politics or aesthetic history. More substantively, the chapter shows how the drawing of boundaries, both legally and to mark moral lines in the sand, can be a self-enfranchising act. The chapter focuses on Casely Hayford's 1913 treatise *The Truth about the West African Land Question*, in which he argues for the preservation of Akan systems of land tenure within a modern legislative state, to elaborate “jurisdiction” as a formal operation that aids in moral discernment. In this way, it brings work on legal pluralism into dialogue with work on textual design and citational practice, showing how *getting small things right* is both a political imperative and a stylistic hallmark.

EPILOGUE: WHERE IN THE WORLD IS J. E. CASELY HAYFORD?

This book's epilogue considers the resonance of Casely Hayford's career and persona long after his death, both within and beyond present-day Ghana. What, the epilogue asks, is Casely Hayford's legacy today? This question has many answers, and that is the point. Whereas Casely Hayford's persona merged political institution building, cultural nationalism, educational activism, the building of civic and literary institutions, and the public cultivation of day-to-day aesthetic refinement, these pursuits each now occupy a different social niche. The epilogue is shaped as a reflection on how the public image of an ideal jack-of-all-trades leader in the colonial Gold Coast has been “shattered” into many parts through Ghana's social and economic upheaval in the twentieth and early twenty-first centuries, as well as by the dissolution of the British Empire. It surveys some of the foremost Ghanaian political, cultural, and educational settings where Casely Hayford might now be “found,” none of which include the country's real seats of power, before concluding with a move to London. I suggest that Casely Hayford's temperamental legacy, at least, may be most palpable in the

Casely-Hayford fashion design house, founded there by his late grandson (and namesake) Joe Casely-Hayford in 2009 with strong awareness of the family line. In addition to being an interesting story that brings *The Letter of the Law* into decisive contact with the present, it enables the epilogue to consider whether and how it is still possible to harmonize African political substance and aesthetic style.

Finally, two short notes about this book’s composition. While *The Letter of the Law in J. E. Casely Hayford’s West Africa* is best read from start to finish, each chapter should also make sense on its own. This means that there are occasional repetitions of historical details from one chapter to another, which I hope will not prove too distracting to readers of the whole. Like all writers who work across disciplines, I harbor ambitions that the book will be of interest both to readers from nonliterary and non-Africanist fields, as well as to those working directly in the intellectual history of Ghana. To ease reading for nonspecialists, I have standardized all alternate spellings of “Fanti” and “Fantee” to the current spelling of “Fante.” References and extended historiographic notes are at the end of the book, except for references to Gold Coast newspapers. Accessed at the British Library, those are cited in text by date and title.

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