
THE KILLING OF SHABET:

A NARRATIVE OF EXTRATERRITORIAL RIGHTS, ZANZIBAR, 1846–1851

ROBERT CAMPBELL

The yarns of seamen have a direct simplicity, the whole meaning of which lies within the shell of a cracked nut. But Marlow was not typical (if his propensity to spin yarns be excepted), and to him the meaning of an episode was not inside like a kernel but outside, enveloping the tale which brought it out only as a glow brings out a haze...

Joseph Conrad, *Heart of Darkness*¹

On the seventh day of Ramadan, 1262, an American sailor murdered a man at prayer on the beach in Zanzibar, East Africa. A crew member from the bark *Ann Parry*, a whaler ten months out of Portsmouth, New Hampshire, killed the man — a Muslim named Shabet. The ship had anchored four days earlier, its captain stricken with fever, the crew desiring shore leave to relieve the boredom of shipboard life and an unproductive whaling cruise.

If ships could speak, what stories they would tell. What had the weather-worn, blubber-smearred decks of the whaler *Ann Parry* seen and heard during her thirty-five years at sea? The soles of perhaps hundreds of mariners would have offered up whole worlds of experi-

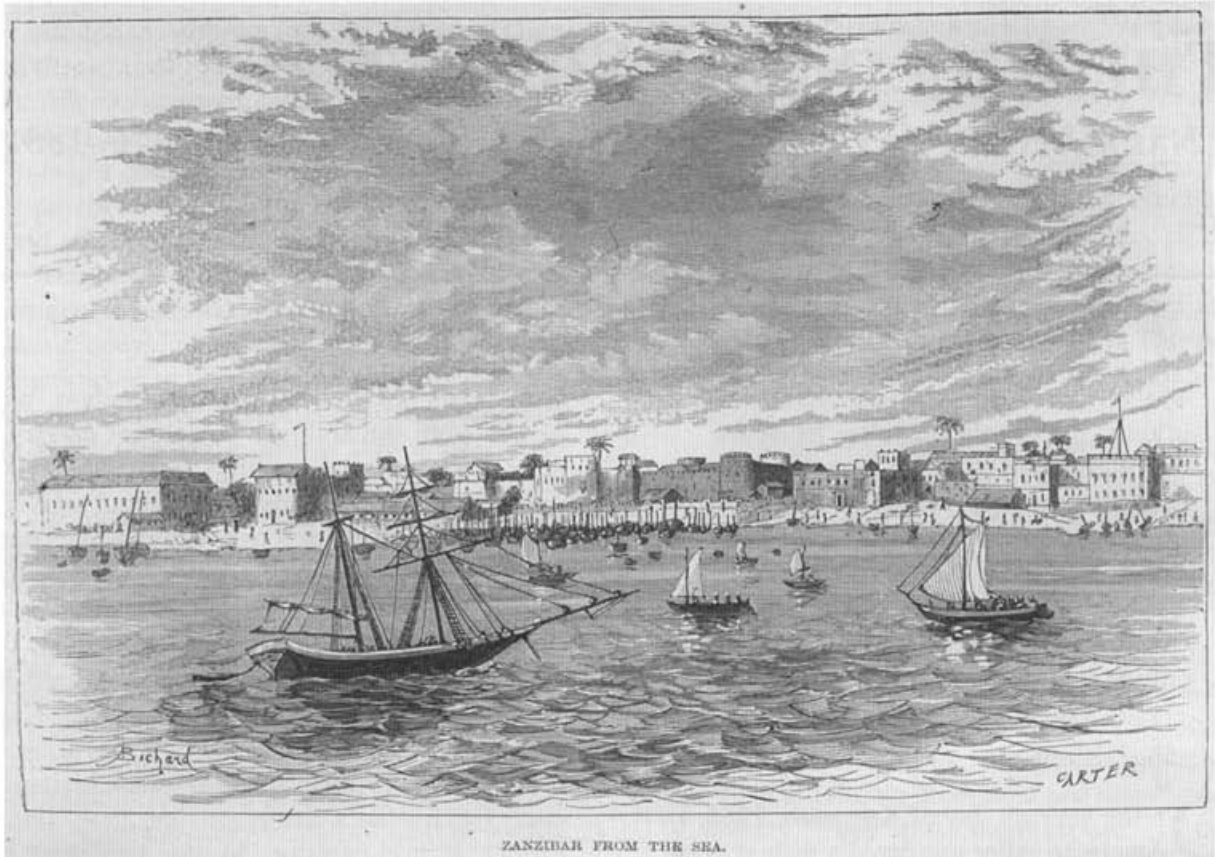
ence,² but we must content ourselves with scraps from the archives — journal entries, a ship's log, customs' accounts, correspondence, and government records. One contact amongst a thousand, one sailor's transit across the beach at Zanzibar, left a trail. A whaleman, in his transience less inclined to consider the cost of his casual violence, killed a man. Alongside the story of the *Ann Parry*'s later purchase by Salem gold-seekers and her sail around Cape Horn to California in 1849, this narrative of cross-cultural violence might seem insignificant, but Shabet's death touched upon larger affairs at mid-century. In the trajectory of events that emerged from the killing of a Zanzibar man by a rogue American seaman, we may examine the particular acts of individuals that led circuitously to the threat of naval bombardment and the conflict of nations across this maritime frontier in 1851.³

There is a danger in trying to find the world in a grain of sand. By claiming too much, one may end up claiming nothing at all. As Greg Denning writes about another isolated death on a Pacific beach, "By any measure of events that change the course of human development or exemplify great movement in human thought, the death... was and is of no great importance."⁴ He also reminds us that on the sands of distant beaches men wandering between the restraints of ship and port felt free: "They did their violence easily."⁵

Whalemen, in their comings and goings, bound to their wooden islands, little noticed the shore-wise results of their aggressions. Shabet's death had consequences. Although the murdered man remains as only a name, his demise, like a stone cast into a pool, rippled outward,

Robert Campbell is a doctoral candidate in history at Yale University. He has studied and worked in East Africa for several years.

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ZANZIBAR FROM THE SEA.

“Zanzibar from the Sea” from Richard F. Burton, *Zanzibar City*, vol. 1 (1872). Beinecke Rare Book and Manuscript Library, Yale University.

influencing larger events. The meaning of the story, like “the yarns of seamen,” may be found first in its particulars — murder, mistranslated letters, perceived insults to a flag, and threats of bombardment. In narrating the events that emanate from this killing, our story touches on nineteenth century ideas about race, on American Orientalism, the labor history of maritime work, diplomatic history, the role of consuls, American chauvinism, and Zanzibar’s resistance to foreign domination. In its telling, our story mirrors the messiness of human experience and history. The terrible beauty of this history lies in the chain of events which links the causes of an international episode to the contingency of a single death. As Joseph Conrad insists, our narratives move from the particular to the general; only then may we recognize the truth of his observation that “the meaning of an episode was not inside like a kernel, but outside,” that the story itself possesses a struc-

ture that has meaning. In the 1840s and 1850s, three-months sail from New England, on the East Coast of Africa, we may glimpse the beginnings of American imperial practice — the articulation of extraterritoriality — exempting Americans from foreign legal jurisdiction — and the use of naval force to secure free trade and punish insult.⁶ On the beach at Zanzibar there was a murder and a beginning.

On Sunday, 30 August 1846, the starboard watch had come ashore for “refreshments.”⁷ That evening, several Zanzibari men — an Omani customs official and at least two African sailors — performed their ablutions at the waterside before *salah*, or congregational prayer. Reciting in Arabic, “In the name of Allah, the Beneficent, the Merciful,” they washed their hands up to the wrists three times, then rinsed their mouths with the salt water

three times, washed their faces, right arms, heads from forehead to the back of the necks ears, and feet — each three times.⁸ Once the *taharah* was complete — respecting the Koran's words that "Truly Allah loves those who turn to Him and those who care for cleanliness" — the men would recite their prayers.⁹

These men, both Arab and African, prepared for the *Maghrib*, or sunset prayer. Perhaps they washed prior to walking the short distance to the El-Jami mosque in the nearby Malindi district.¹⁰ Rebuilt in 1841, the mosque, the largest in Zanzibar and capable of accommodating 2,000 worshipers, drew the faithful down the sea front past the thatched-roofed customs house and the Sultan's palace.¹¹ The men on the beach most likely conducted their prayers at the water side, laying their palm mats on the sand, kneeling in supplication. They turned northward toward Mecca, the sun setting off to their left over the Mrima coast of East Africa some twenty-five miles across the water.¹² Their *Maghrib* prayers would be interrupted.

The crews of the various foreign vessels in port had joined in the narrow streets of the old city to carouse — drinking and fighting amongst themselves.¹³ Perhaps they "went up the streets arm in arm, as many abreast as the street would hold, with a second rank behind," as did the sailing companions of another American whaler a few years later.¹⁴ Seamen had long insisted captains grant a generous shore leave on Sundays.¹⁵ The crews of the *Ann Parry* and the Salem brig *Cherokee*, also recently in port, took full advantage of this opportunity to indulge in local "refreshments." For these sailors, the island offered a paradise of fresh food, sex, and rum, and the Muslim community cautiously tolerated the heathen intrusions.

"One of the finest spots that dots the ocean," heralded one sailor of Zanzibar. "I should think that this might surely be called the land of good living."¹⁶ "Fruits of the most delicious kinds we saw in abundance. The cocoa nut and the orange tree were laden with these rich treasures, and almost sunk beneath

there burthen," wrote a *Cherokee* crew member on a later visit. The cheapness and abundance of these fruits posed an almost irresistible temptation to the seafarer "who for months had whetted his appetite on hard biscuit and salt junk." Cautioned by their nineteenth century medical lore against overindulgence, these sailors, while drinking to excess, likely avoided the pineapples. An earlier Zanzibar visitor and itinerant whaler, J. Ross Browne, warned against excessive pineapple consumption: "The pineapple is the most dangerous of all tropical fruits. I have known two or three cases of death caused by the pineapple alone... in many cases death seizes the victim without apparent cause."¹⁷

Despite such insidious hazards, sailors found real respite on Zanzibar. "The air was fresh and cool; which being sented with the rich perfumes of the shore or land made it truly an acceptable treat to the mariner who had not seen the least particle of vegetable life for 70 days.... None who has not been in the same situation can imagine the pleasure with which he beholds such scenes as these. And especially to me who for the first time beheld foreign land there was new interest attached to it."¹⁸

Closer inspection left some visiting sailors with a less pleasing impression. "The horrid smells that sometimes fill the air are enough to turn the stomach of one unaccustomed to the like Efluvia."¹⁹ Seamen breathed in "A sickening stench from decayed vegetable and animal matter, rendered peculiarly offensive from the intense heat of the climate."²⁰ This pungent odor so affected missionary and explorer David Livingstone that he dubbed the city "Stinkabar." Zanzibar challenged the sensibilities of its western visitors in other ways as well.

As the principal entrepot for the slave trade in the western Indian Ocean region, the spectacle of human bondage posed a disturbing scene to visiting New Englanders as they straggled about the streets of Zanzibar. Salem merchant Michael Shepard observed in 1844:

Arriving ashore the place presents a very different aspect. When [slaves] arrive in Zanzibar they are discharged

in the same manner as a lot of sheep would be, the dead ones thrown over board to drift down with the tide and if in their course they strike the beach and ground the natives come with a pole and push them from the beach and thus their bodies drift until another stoppage when they are served in a similar manner....²¹

Those who survived the forced march from the African interior, followed by the torrid sail to the island stacked in the cramped hull of a leaky sewn-boat *mtepe*, joined "the gaunt forms of men rotting with fever, leprosy, and ulcers, ...staggering from street to street... slaves crawling about on their knees and hands... half-naked skeletons tottering about with sunken eyes."²² If the sailors paid much attention to this human misery, they did not much mention it. After all, it was a rare seaman that scribed his impressions of the wider world that was home.

The merchant visitors wrote more prolifically of their impressions (they also had the connections and funds to finance a printing of their reminiscences):

The Town of Zanzibar, is the most filthy, ill-laid out-place, I ever was in. It contains about 4,000 houses & huts, and has a population of about 20,000, including slaves.²³

The streets are narrow, crooked, and uneven, having no drains to carry off the water. During the rains in that season it is almost impossible to get along, the mud being almost ankle deep.²⁴

Heards of Slaves were continually going about the streets with there drivers following in there rear urging them to the market where they to be sold like cattle.²⁵

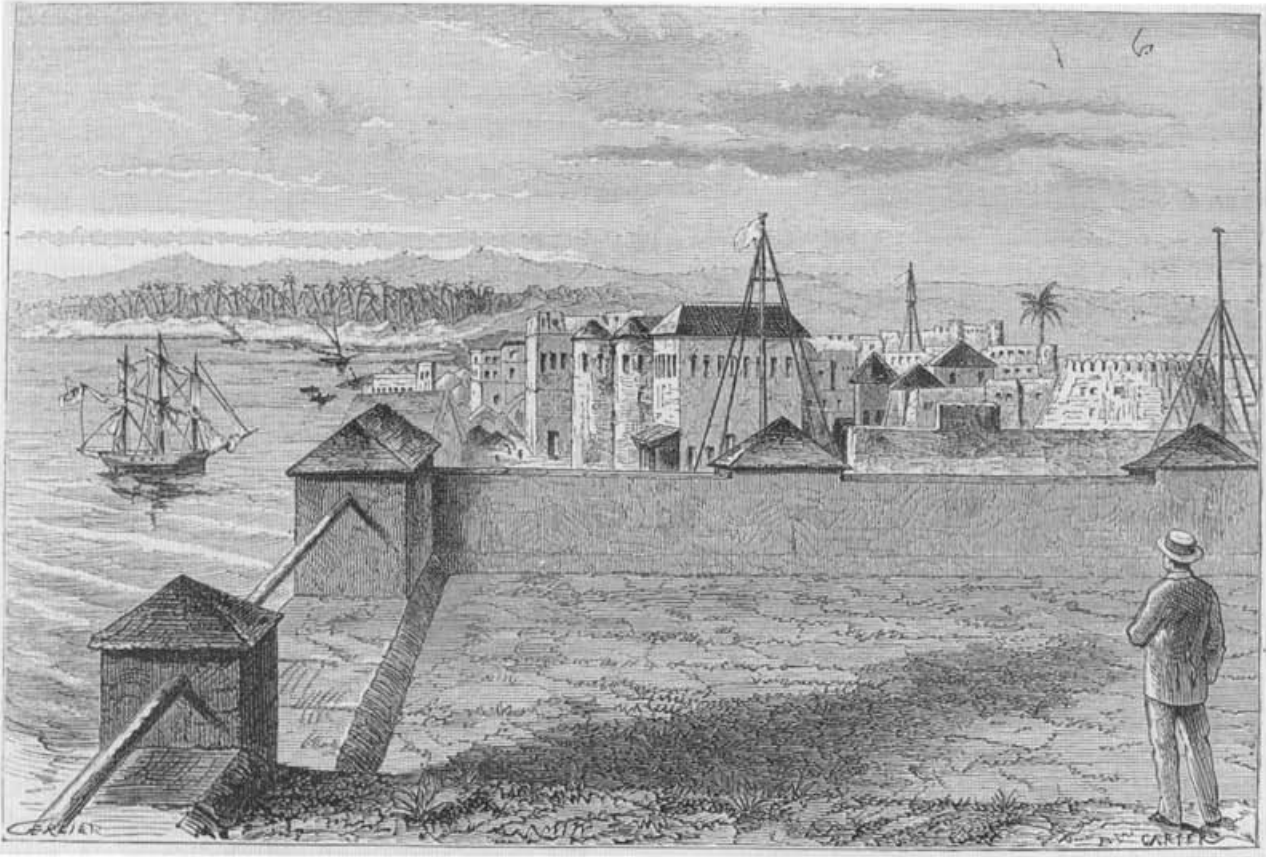
When in a saleable condition of body they are besmeared with oil, decorated with gold and silver trinkets, and taken to the slave bazaar, an open square

about three fourths of a mile from town, where they are offered for sale by auction.... At this human cattle-show, these dull pictures of despair are lashed and goaded into a transient show of life....²⁶

While these American observers leveled harsh critiques upon Zanzibar and its economy, occasionally one of them would recognize the difficulty of condemning this place too blithely. One of these observers, Richard Waters, reflected that the sights "called up unpleasant feelings. What can I say to those engaged in this trade, when I remember the millions of Slaves which exist in my own country?"²⁷ The contradictions of economic life were writ large in the odorous streets of the town. American merchants and sailors moved easily within these contradictions.²⁸

Since 1825, American merchant and whale ships had come to Zanzibar to trade and resupply with food and water. Omani Arabs preceded these American traders. Oman had a long history of trade with the region, reaching back at least two centuries. During the 1830s, the Omani, under the leadership of the Busaidi Sultan Seyyid Said, moved their capital from Muscat, near the Persian Gulf, in order to control the trade in slaves, ivory, and spices from Zanzibar Island, lying just off the present-day Tanzanian coast.²⁹

The malarial coasts of Africa had long proven fatal to Europeans. Offshore islands such as Zanzibar offered safer alternatives (although "the fever" certainly took its toll there as well) to the more deadly coastal harbors. A vigorous trade in ivory, gum copal, cloves, and hides, largely monopolized by the Massachusetts' port of Salem, prompted the United States government to establish a consulate to the Omani Sultan in order to protect rising American commercial interests in the region. In 1837, the United States became the first western government to appoint a consul in the region. This move helped secure American dominance of the trade, a dominance the US



"Zanzibar from the Consulate" from Richard F. Burton, *Zanzibar City*, vol. 1 (1872). Beinecke Rare Book and Manuscript Library, Yale University.

would hold tenuously through their own Civil War until the trade's eventual demise with the opening of the Suez Canal in 1869 and expanded British influence in the region.³⁰

American commercial operators based their success on the exchange of cotton calico, brass wire, gunpowder and muskets for African resources. American Consul Charles Ward noted that the value of trade amounted to "about 1,000,000 dollars" in 1850.³¹ The Zanzibaris recognized in their local language the Americans' control of this trade. The Swahili named the durable and much desired cotton sheeting *amerikani*. The explorer Richard Burton dubbed this calico "the silver of the country."³² Zanzibar thus served as the commercial intermediary between the raw suppliers in the African interior and American and European traders.

American interests in the region, led by merchant shippers, were almost exclusively

commercial. On this trade frontier, the business-minded Yankees recognized their status as "guests" and the need to cooperate with their hosts. Their private correspondence revealed the frequent frustrations borne of this cross-cultural trade. Commercial agent Benjamin F. Fabens, representing the interests of Michael Shepard, reported on his meeting with the Sultan in August 1844: "His highness made many professions of amity. But amity and enmity are often synonymous terms here. 'Sweet talk' cost but little and it is consequently dealt out most liberally."³³ These private frictions rarely surfaced. Despite episodes of murder and diplomatic conflict, these New Englanders carried on a successful trade for nearly half a century. But there were occasions that strained relations, at times to the breaking point, and this is the story of one such instance.

On their Sabbath day excursion, the *Ann Parry's* sailors evidenced little of the piety of

their Islamic counterparts, who had just completed their seventh day of fasting during the holy month of Ramadan. Abstaining from food or drink from dawn to dusk for an entire month drained the Muslim men's physical energies even as it strengthened their spirits.

Ramadan attracted the attention of visiting Americans. Captain Sandwith Drinker, describing the preparations for the evening prayers, noted:

A few moments previous to sunset, you will see everyone on the lookout for [the sun] to dip below the Horizon... awaiting the signal, that the time of fasting is past. Before his last rays are dissipated a rush is made, and they are soon up to their elbows in grease and rice, making amends for their involuntary fast.... The Arabs much resemble the Pharisees, selecting the most conspicuous place... to perform their devotions, putting on every outward appearance of sanctity, whilst the heart is wholly destitute of the vital spirit of religion. I shall be glad when the month is past....³⁴

Captain Drinker was not prepared to accept the spectacle of so many people coming together to pray to some "strange" god.

As the Muslim men on the beach looked toward Allah and to breaking the day's fast in the evening celebrations, the seamen looked drunkenly toward an end to their liberty, returning to a long night standing the dog watch, and many more days and nights at sea. At least six men — three from the brig *Cherokee* and three from the *Ann Parry* — stumbled onto the beach to meet a longboat from the *Cherokee*. Passing the customs house "which fronts the sea, and is a low miserable shed, unfit for a place of business,"³⁵ the whalemens saw the men at prayer. The prayer scene may have struck them as strange. Certainly, the muezzins' call to prayer from the city's many mosques filled the sailors muddled heads with "exotic" sounds.

"Allah-u Akbar!" (Allah is greater) echoed eerily, filling the sunset sky. Horace Putnam, a sailor visiting Zanzibar, recognized such piety, although without much sympathy, noting that "they are very devout in their worship, as one would suppose by their Hellish noises when going to prayers."³⁶

The "hellish noise," the dilapidated customs house, and the scene of white-robed African-Arabs kneeling in the sand exaggerated the differences between "us" and "them." As Melville noted, "Of all men seamen have strong prejudices, particularly in the matter of race... when a creature of inferior race lives among them,... there seems no bound to their disdain..."³⁷ In the last moments of "liberty" before returning to the institutional discipline of the ship, the American sailors could easily find rationale enough in their assumed racial and cultural superiority.³⁸

We cannot know the motives for what happened next. The sailors confronted the Muslims on the beach. A babel of words — Kiswahili, Arabic, and sailor English — no doubt charged the scene with confused challenges. A man named Wright and two others, all sailors from the *Ann Parry*, "all drunk," attacked the men at prayer. A Portuguese sailor named Phales, also on the beach at the time of the attack, later testified that one of the Americans "threw a stone which struck a man on the head, and afterwards struck him two blows with his fist." This Zanzibari,³⁹ an African named Casombe, survived the attack, but the "old man" Shabet was not so lucky. According to Casombe, although it was dark and he could not confirm the man's identity, a white man ran to a nearby dhow, grabbed a club, and ran up to Shabet, striking him in the head, "splitting his skull."⁴⁰

Pelted with coral rag stones thrown by Zanzibaris drawn to the attack, the sailors fled. They retreated into the shallows as a man named Augustus from the *Cherokee* pulled a launch up to the beach. The sailors piled into the launch and "pulled for their lives" straining at the oars. "Pull, pull hard!" Augustus might have urged the whalemens, accustomed to drawing powerfully up on the back of a whale. Backs arching, they now sped the launch into

the harbor, toward the safety of the anchored *Cherokee*.⁴¹ Stones rained down upon them until they pulled out of range. It would have been just dark by now; the twin masts of the brig etched on the skyline, an oil anchor light hung from the foremast, flickering in the cooling southwest breeze.⁴²

It was eight o'clock in the evening when the customs master and head man, Jeram bin Sewji, arrived at the American Consul Charles Ward's residence to inform him of the attack.⁴³ The *Mzee* (headman), Shabet, had been carried to a nearby residence. He lingered, administered to by a doctor who could do nothing but call for an attendant to quell the indoor humid heat with a palm fan. He died shortly after midnight. The *Cherokee's* captain, John Lambert, happened to be visiting onshore at the consul's residence. Lambert left to investigate, escorted by some of Jeram's soldiers, Balluchi guards, dressed sharply in red uniforms and carrying spears and swords of Damascus steel. In Ward's words, "the excitement was tremendous and the Arabs threatened vengeance against any white man." Lambert soon related to the American consul that an American sailor "killed a native on the beach," and "that his skull had been broken." Only then did "the natives on the beach [commence] hitting them with stones."⁴⁴

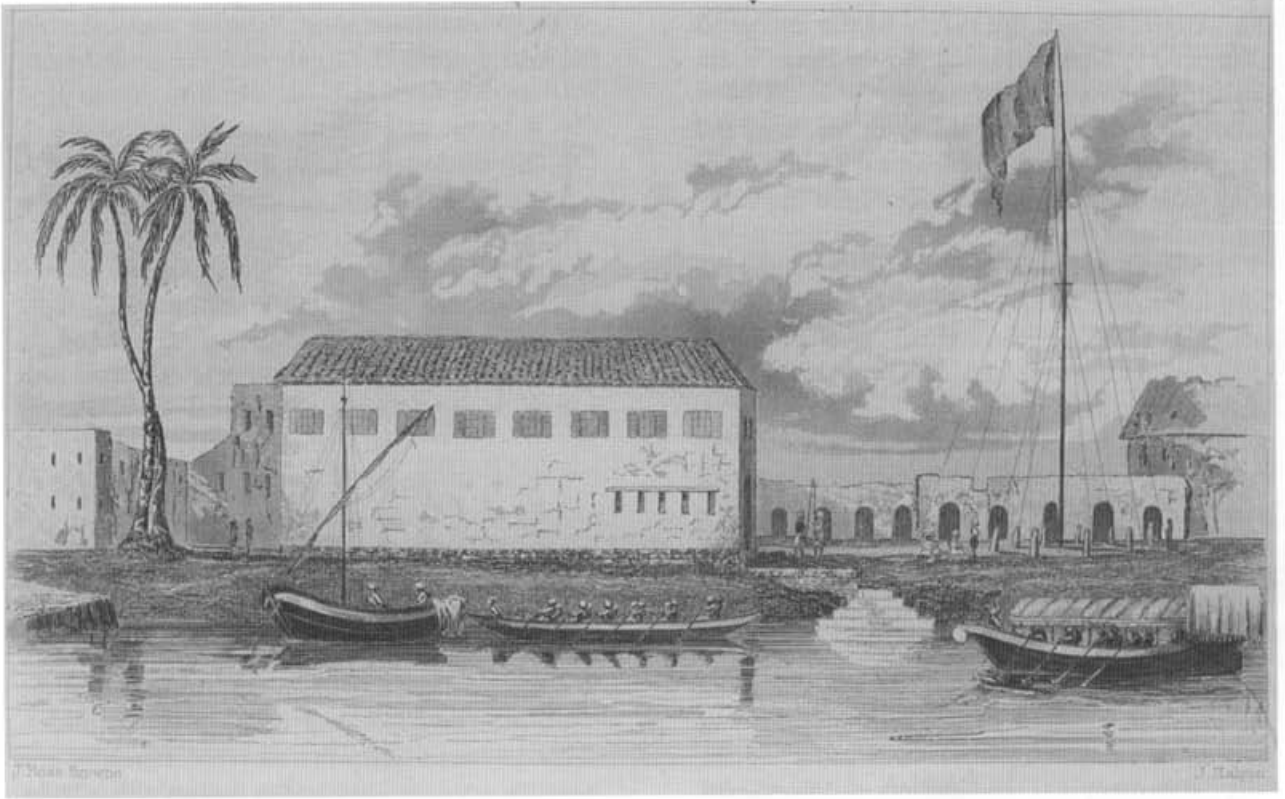
Consul Ward, on the basis of the captain's findings, sent word to the ship's officers to put the assailants "in irons." After investigating the attack, Captain Lambert returned to his vessel and "told his mate to order the men up out of the forecabin when the boat came from the whaleship."⁴⁵ The whalers had taken refuge aboard the *Cherokee*. Mr. Perry, the *Ann Parry's* mate, came on board to retrieve his crew members from the temporary safety of the forecabin, "a narrow, small and contemptible thing but eight feet wide and twelve long, and not high enough to stand up straight in.... Would to Heaven that every ship owner was obliged to live in these unhealthy holes and to breathe its impure air..."⁴⁶ Too many days spent cramped in such sleeping quarters had no doubt contributed to the crews' exuberant violence ashore. Perry returned three of his crew to the whaler and questioned the men, whereupon one

of them by the name of Wright "confessed to the horrid deed."⁴⁷

The whalers had a different perspective on the beachside altercation. "There was a little disturbance between [the crew] and the Arabs, the latter tried to drive them off aboard with clubs and stones the former on defending themselves killed one of the Arabs, served him right [underlining in original]," Ezra Good-nough, a crew member aboard the *Ann Parry*, wrote in his journal that night. His depiction of the incident described the Arabs as attacking *en masse*, wielding clubs, flinging stones, and driving the crew into their launch. In the ensuing melee one of the Arabs died. "The Sultan tried to find out who it was that struck the Arab but could not, if he had he would have put him to death by inches."⁴⁸ With the locking up of the apparent confessor and his two accomplices, these crewmen likely feared Ward's probity and possible acquiescence to the Sultan's demands. According to Briton Busch, "These whalers probably believed that they suffered more than they gained at the hands of American consuls abroad."⁴⁹

On Monday, from the deck of the *Ann Parry*, a scene of sylvan enchantment belied the growing tension ashore. "The thick Mangroves, which line the shore to the south were succeeded by groves of the stately cocoanut trees, and forest trees of quite respectable size, and the low swampy rice fields, by well-cultivated plantations. Numerous small craft were standing out of the Harbour, some to engage in their daily occupation of fishing, others bound to Pemba, and the numerous small ports, which line the coast of Africa...."⁵⁰ The sailors knew well that the island now held a dangerous attraction; so close and alluring, but offering no safe refuge from the confines of their own wooden island.

The day after the murder, US Consul Ward appeared perfectly willing to placate the Sultan's demand for the perpetrator. He accepted Perry's report of the confession as fact, and in a letter to Sultan Seyyid Said, expounded: "The undersigned cannot protect a murderer."⁵¹ He



"Imaum's Harem, Zanzibar," from J. Ross Browne, *Enchings of a Whaling Cruise, with notes of a Sojourn on the Island of Zanzibar* (1846). Sterling Memorial Library, Yale University.

called for an inquiry by the Sultan's judges. After all, it was not as if the Sultan's government lacked formal judicial institutions. Salem merchant Joseph Osgood observed in the 1840s, even while noting their alleged predilection for accepting bribes:

For the equal administration of justice, the *Imaum* has appointed ten or twelve *cadi*, or judges, one of whom presides at the trial of each case. The rich Arabesque dress of these ministers of the law is highly becoming, and their solemn looks and dignified deportment on the bench would impress one's mind most favorably.... Bribery is thus secretly allowed to press its ponderous finger upon the scale of justice.⁵²

With little formal income and in a society accustomed to gift giving as a means to main-

tain social hierarchies, the *qadi* (Islamic judges) often relied on gifts received from petitioners and defendants in court. In turn, these judges were accused of bribery by Westerners who failed to understand the dynamics of Swahili-Arab society.⁵³

While aware of this propensity toward "gifting," Ward, nevertheless, entrusted the case's prosecution to the Sultan: "The undersigned most respectfully awaits your Majesty's commands while it is a most painful duty." The consul must have shared the favorable impression of the Islamic court, as he allowed the Sultan's judges to hear the case of Shabet. Perhaps he shared Osgood's characterization of Sultan Seyyid Said: "His probity, tolerance, impartiality, and humanity are worthy of imitation, though the rigid manner in which he enforces the criminal code shows but little lenience."⁵⁴

Ward also felt compelled to adhere to the

strict letter of the treaty. "During the intercourse of the Americans with this people, this is the first occurrence of the kind, which has taken place with either party... as our treaty did not provide for cases of this kind, the Sultan must act his own pleasure, that I could not interfere in the matter."⁵⁵ This conclusion could only stand as remarkable alongside the characterizations of Zanzibaris given by the Consul's contemporaries, such as J. Ross Browne, who judged, "they have fallen low indeed, and now little better than semi-barbarians... having slowly retrograded, till they now stand beyond the pale of civilization."⁵⁶

Ward began to recognize the incompatibility of American and Islamic codes of law with respect to this murder. Besides, he had risen to his present position as consul through the ranks of New England's maritime merchant community. Together with other mid-nineteenth century consular representatives, Ward received a salary from his association with an American merchant concern. The bulk of his income derived from the creative exercise of his office to gather as much money through fees and other charges as allowed by the often short term of such political appointments.⁵⁷ He was not selected for his legal training. Chosen for his Democratic party allegiance, the Polk administration used this political appointee to shore up northern support for the party. Untrained for these official duties, Ward acted on his own with little guidance, according to his own instinct.⁵⁸

Having already consented to a hearing by the Sultan's judge, Ward allowed the Sultan's court of inquiry to proceed. He hosted the court in his quarters with the *qadi* (judge), Captain Lambert of the *Cherokee*, Mr. Perry, Shabet's relatives, and several witnesses, including three Portuguese sailors on the beach at the time, and the three members of the whaleship's crew in chains. The *qadi* examined the dead man's sons, the Portuguese witnesses, and the Zanzibaris who had been on the beach. The Islamic law procedures, however, did not meet Consul Ward's expectations. Several witnesses were not questioned, and the *qadi* placed more weight on the complaints of the dead man's

relations. The judge — likely Sheikh Muhammed bin Ali el-Mendhri, the Sultan's principal *Ibadhi qadi* and a legal scholar who had written on *Tawhid* (Islamic law practice) — recognized that a Muslim's word carried more weight than that of a nonbeliever.⁵⁹

At the outset, Ward claimed "it was my earnest desire in this affair to secure a fair & impartial investigation & in the event of the guilty individual being discovered to give him no protection under the Consular influence."⁶⁰ However, he was incensed that the judge did not question the validity of his first note to the Sultan indicating that the guilty party had confessed. Ward no doubt recognized that his hasty note had been a mistake. It served as confirmation of the supposed confession and the man's guilt. This information, coming directly from the consul, carried all the respect due to the prestige of the consul's office.

Consul Ward did not recognize, of course, that religious integrity (*adili* in Kiswahili) factored in the acceptance of testimony, and that an individual's dignity (*heshima* in Kiswahili) determined a particular witness' veracity.⁶¹ Nor did he realize that under Muslim law, a nonbeliever could not testify against a Muslim. Consul Ward interjected during the trial, requesting the *qadi* to examine First Mate Perry; however, no amount of questioning could have removed the relationship between social hierarchy and the evidence. The consul's *heshima* stood above that of the mate. Such *ex parte* investigation fell entirely within the realm of the Islamic court, bound as it was to rules of social hierarchy and the divide between believer and nonbeliever. Ward's hasty note asserted that the killer's confession would stand. The Sultan assumed that the American consul would turn the man over to his officers, or that a fine would be paid, as was the custom. According to Islamic law, the Sultan observed that "if a man is found murdered and it is not proved upon any one, then all the people in the district where he is found are held responsible."⁶² At the least, Seyyid Said suggested that if the man's guilt was not proven, then at the

least, his community, specifically the American whaleship captain and the consul, should bear the responsibility of financial indemnity.

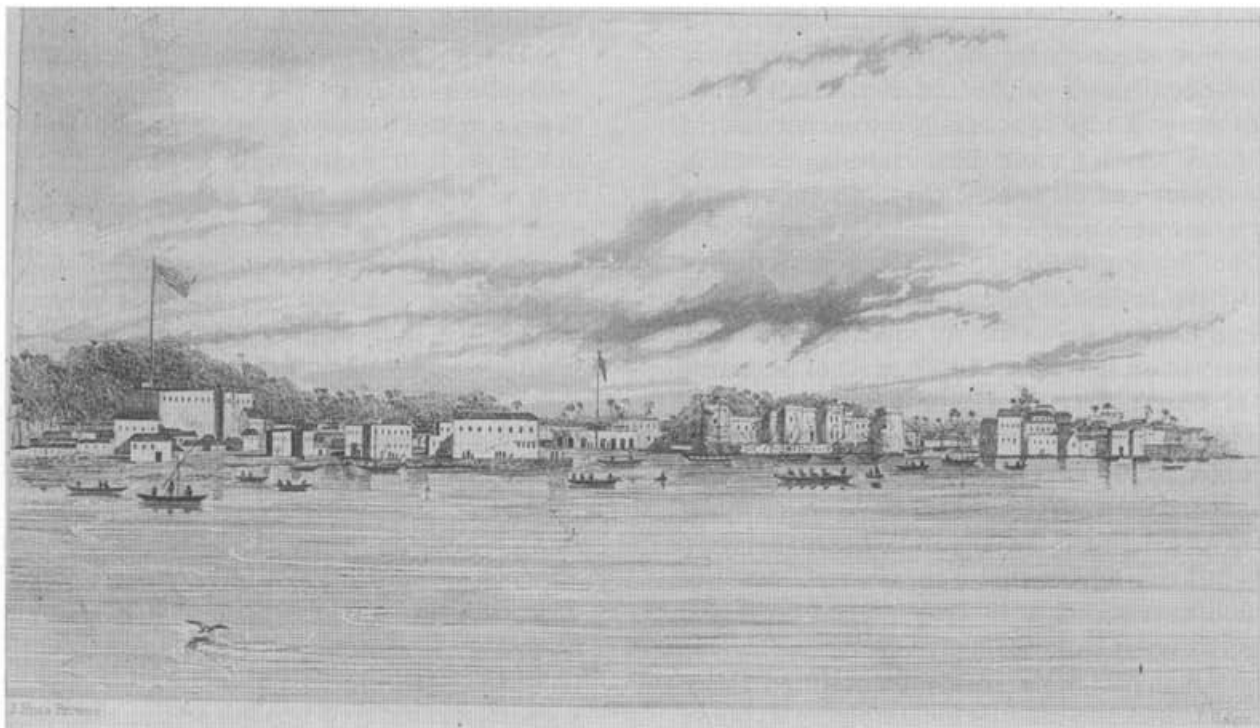
"Being disappointed in the examination, I began to inquire what more I could do — if the murderer was an American I had no desire that he should escape, but as the offence was committed on shore, I concluded I had no right to hold an investigation, even if the Sultan should hold me responsible for stating the report of the mate," concluded Ward.⁶³ He made no claims to extraterritorial judicial claims and, in fact, rejected any authority whatsoever, even though the treaty permitted some measure of American influence over local civil matters. The treaty with the Sultan was commercial in outlook, and Ward was correct; it made no arrangements for criminal entanglements between the nation's citizens. Meanwhile, the Sultan maintained that the case was "returned" to the consul to decide. The Sultan expected some resolution in his favor, as this much was clear — an American sailor had killed Shabet. The consul, after first reporting that the confessed murderer, Seaman Wright, had been "put in irons," soon recanted. On Tuesday, he had changed his mind. "I made the most particular inquiries... but cannot find any one who saw the murder committed," he concluded.⁶⁴ "Which party commenced the attack I do not know. I do not know if it would be considered a justifiable homicide in civilized countries," he explained later.⁶⁵

The Sultan and Ward, speaking different languages and professing different faiths, spoke past one another. Perhaps the consul had thought better of turning an American sailor over to local justice. "The rule, or custom seems to be, that the nearest relative shall be the executioner [in the case of murder] & the guilty individual shall suffer death in the same manner as the murder was perpetrated... barbarous and cruel...."⁶⁶ I understand that the killing of a man under any circumstances is here regarded as murder, and the plea of self-defence is never admitted."

In later correspondence to the United States Secretary of State, Ward tried to represent the

local situation so as to cast favorable light on his actions: "So far as I have been able to ascertain Zanzibar is not governed by any municipal laws, neither does it contain a Police corps."⁶⁷ While local law enforcement may not have met Ward's expectations, the town garrison consisted of approximately two hundred "miserable looking soldiers, armed with a dagger, long sword, and spear, and on their shoulders is slung a shield of Rhinoceros hide... these troops are employed as a police, patrol the streets night and day. It is perfectly safe to walk abroad at any hour of the night..."⁶⁸ In his correspondence to the US State Department, Ward chose to ignore these institutions; instead, portraying these "Mohammedans" as ruling beyond the pale of civilized discourse. Despite his diminution of local governance and judicial administration, American visitors recognized that often "the heaviest purse carries the day. When a case comes before his Highness, personally, strict justice is rendered. The Town is divided into districts, each having its Judge; every one having a case before either of these, and considering his decision unjust, has the privilege of appealing to the Governor... Capital punishment is inflicted for murder..."⁶⁹

It was perhaps this last fact that weighed most heavily on Ward's mind as he mulled over the decision of what to do with Shabet's attacker. He understood that consuls "are in their official capacity authorized to protect the interests of her citizens generally."⁷⁰ Incidents in Zanzibar did not occur in isolation. The Consul was no doubt familiar with the history of American consular relations in other world ports. The furor that erupted over an incident in Canton more than two decades earlier likely had made him aware of the repercussions that individual decisions at isolated ports could have at the centers of power in Washington. In 1821, a sailor aboard the American opium trader *Emily*, out of Baltimore, threw an object at a boat of Chinese traders. The missile struck a woman, killing her. Cantonese officials demanded the sailor be turned over to local justice. Initially, the Americans refused. When the Chinese threatened to cease trade with Ameri-



"Zanzibar," from J. Ross Browne, *Enchings of a Whaling Cruise, with notes of a Sojourn on the Island of Zanzibar* (1846). Sterling Memorial Library, Yale University.

cans, the merchants relented. The American seaman was tried aboard his ship by a Chinese court, which promptly found him guilty. The Chinese guards took the sailor ashore and garroted him.⁷¹

Salem merchants traded actively in Chinese ports as well as in Zanzibar. They were careful observers of the political scene that could affect trade relations. Did Consul Ward two decades later weigh the significance of this execution of an American with that of Shabet's murder? Was he aware of the more recent attack in Canton in 1844 in which Americans had killed a Chinese man during a riot? Visiting Massachusetts Congressman Caleb Cushing and the Chinese governor agreed to allow the American who had fired the fatal shot to be tried by an American jury under American law.⁷² The jury found the American not guilty, ruling that he had killed in self defense. Not only was this part of an early repudiation of the common law "duty to re-

treat," but the trial served as an early precedent establishing extraterritorial rule, effectively extending American "territory," and hence law, into Chinese ports.⁷³

Perhaps Consul Ward would have agreed with his contemporary Alexis de Tocqueville who wrote, "It is a permanent and universal interest of mankind that men should not kill each other; but the particular and momentary interests of a nation or class may in certain cases make homicide excusable or even honorable."⁷⁴ Charles Ward had little in common with the whaler Wright's social class, but he was obliged to protect the interests of the United States and its citizens, including its sailors. It would have been difficult to deliver Wright over to another system of justice which routinely meted out very public punishments, such as that noted by Horace Putnam, a sailor, visiting Zanzibar a year later:

There was a murder committed here a few days since, the author of which deed was punished in the following way. A rope was attached to his armes by which he was drawn through every nook and aley in the city until his senses were gone... then cast into the sea.⁷⁵

While the Sultan and the consul exchanged angry letters, the sailors on board the *Ann Parry* focused on an entirely different set of priorities. On Wednesday, Ward came aboard the whaler, and instructed her officers to weigh anchor and leave the port for their own safety. The *Cherokee* was then making preparations to get under way. "Mr. Ward the American consul came on board and told us that Capt. Dennet⁷⁶ was not able to proceed on the voyage and he should give the 1st mate Mr. Perry charge of the ship on which part of the crew refused duty." (Dennett lasted two months longer before dying of "the fever." When Goodnough learned of the former Captain's death six months later, he noted in his journal: "There is the end of as fine a man as ever wiled a ship's deck.")⁷⁷

One might suspect that the crew disliked Perry and took advantage of this transition in shipboard power to protest the change in command. The "tactic of work stoppage, a form of collective disobedience that often shaded into the more ominous crime of mutiny,"⁷⁸ posed an outright challenge to Ward's authority. It was his duty to prosecute violations of Admiralty Law like "refusal of duty" (workers adopted the word "strike" to describe their labor actions from the sailors' practice of striking or lowering a ship's sails as a symbol of their refusal to go to sea).⁷⁹ As such, the ship presented a pre-industrial equivalent to the factory, with its tight maintenance of workers' behavior under the authority of the manager-captain. Sailors were quite capable of carefully exercised resistance to authority. Maritime laborers' collective actions against their employers offered early models for their landed brethren's own contests with capital. The *Ann Parry*'s sailors constructed their own world when given the opportunity, exploiting the contradictions of American and Zanzibari law in order to redefine the

rules of their domination.⁸⁰

The crew gambled that Ward, given the difficulties ashore, and having exonerated Wright, would not now arrest these men. Goodnough wrote in his journal:

The consul dare not take them ashore if he had some of them would been killed for the Arabs were determined to have life for life. But the men refused to heave up anchor unless Capt. Perry would take the ship to Isle of France which he agreed to.⁸¹

Despite the threat of capital punishment ashore, the crew refused to sail out of Zanzibar until the newly appointed captain agreed to sail directly to Ile de France (Mauritius). The audaciousness of this work stoppage suggests that the crew was not preoccupied with the murder. Having escaped the Sultan's punishment, they were little concerned with the diplomatic repercussions resulting from Shabet's death. They recognized that they held a strong position from which to negotiate their demands. They knew Ward could ill afford to punish them for their refusal to work, in the face of their absolution for the greater crime of murder. This mutinous behavior did not result in any retribution on the part of the new captain or consul. Instead, captain and consul acquiesced to the crew's demands.

An incident aboard another whaleship in port at Zanzibar more than a year later indicated the severity of the crime of "refusal of duty," as work stoppages were called. In this case, Captain Hussey of the New Bedford whaler *Emma* entered a complaint with Consul Ward on 5 January 1848 against eleven seamen: "That this morning at 5 o'clock the mate ordered the men to turn to and heave up anchor, + these eleven men refused to do any further duty — the grounds of refusal was that they had not had any liberty in port...."⁸² Ward found the crew members guilty of the crime of refusing duty. He ordered "that they receive two dozen lashes with a piece of twelve thread ratlin rope, after which if they still refuse, to confine them

in the fort and renew the flogging every day or as often as they can bear it until they submit."⁸³ Ward's punishments adhered to Admiralty law, which defined protest as mutiny and prescribed cruel penalties for infractions.⁸⁴

Sailors expected little sympathy in their complaints to consuls in foreign ports, but when they saw an opening for forcing their desires into the open, as was the case with the *Ann Parry's* crew, they seized the opportunity. Consul Ward did not welcome the possibility of punishing these men for a work stoppage, when by all appearances, he had just absolved one of them from responsibility for a murder.

The new captain was not completely dominated by his rebellious crew. The day after their arrival at Ile de France, "nine men refused duty." Perry resisted such wholesale insurrection, and once anchored in a port with both a sympathetic port authority and relative safety, "Capt. Perry went ashore and reported them to Mr. Griffith, the American Consul — a superfine villain. He sent two policemen aboard and took the men ashore and put them in the lock up."⁸⁵ These sailors might have agreed with sailor-lawyer Richard Henry Dana, who wrote with respect to the harsh rule of sailing masters: "What is there for the sailors to do? If they resist it is mutiny, if they succeed and take the vessel it is piracy.... If a sailor resists his commander, he resists the law, and piracy and submission are his only alternatives."⁸⁶

These sailors, however, soon availed themselves of one final alternative. On 27 October, the men were taken out of the lockup. The rebellious sailors, nearly a third of the whaler's crew, consented to return to duty. They came down to the beach, got in the launch, and shoved off from the landing, but they had to land again for something. "As soon as the bow struck they all started on a run... you could not see their heels for dust," Ezra Goodnough observed from the ship's deck. The *Ann Parry* lost a third of its crew as they took advantage of that all-important alternative left open to distressed sailors — flight.

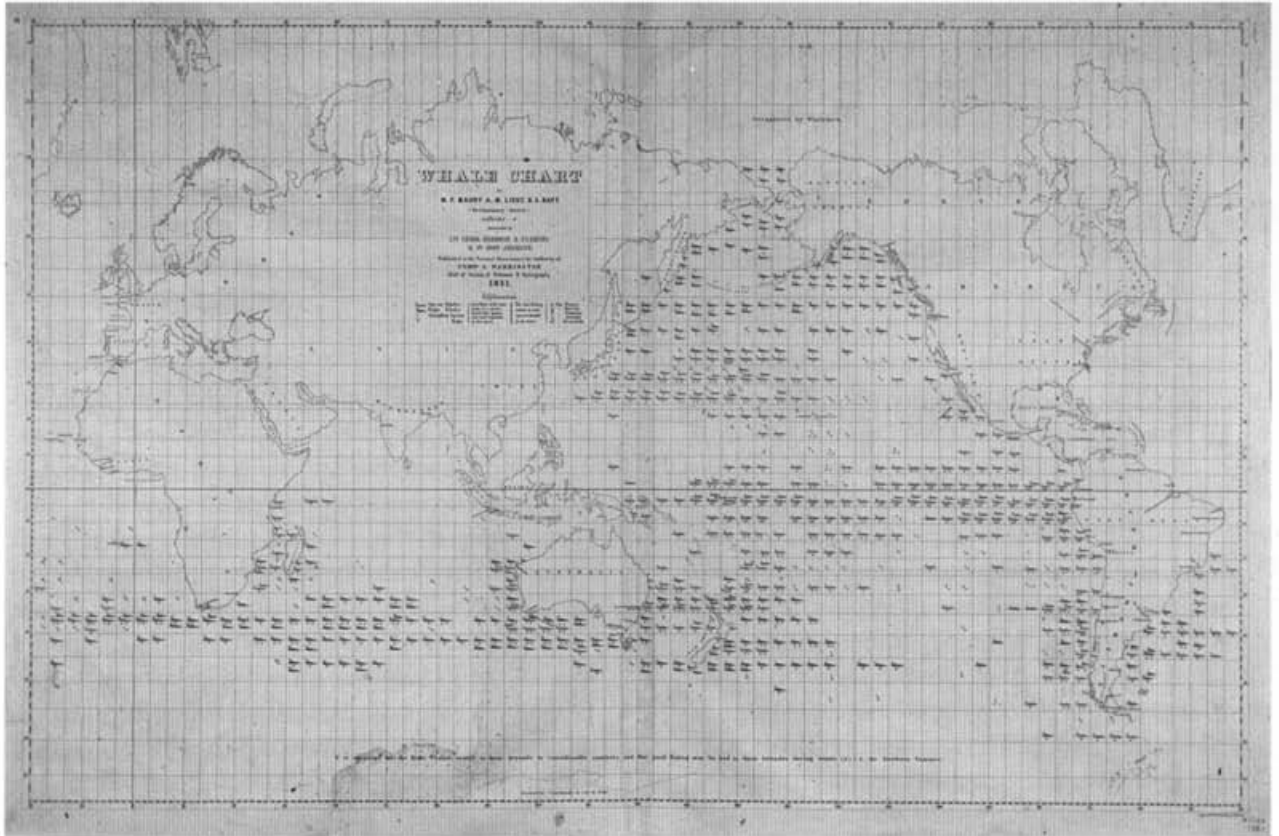
A sailor's contract bound him to the vessel

for the duration of the cruise (three and four years for the average whaler), unless he secured a negotiated dismissal. With desertion, what historian Marcus Rediker calls the final tactic in the struggle over the control of work, negotiation with authority ended in its rejection altogether.⁸⁷ Admiralty law meted out severe penalties for desertion: "19th century shipmasters were given legal license to pursue, punish, and imprison men for desertion." As Joseph Blunt advised in *The Shipmaster's Assistant and Commercial Digest*, published in 1837, the shipmaster's authority was "necessarily summary and absolute."⁸⁸

What inspired the sudden desertion of nine crewmen from the *Ann Parry*? Perhaps the sight of some fifty vessels lying in the inner harbor promised other work opportunities. Their earlier strike, which had secured their demand to land at Mauritius, was not a casual test of power. These sailors, in their quest to secure decent wages, knew well the advantages of desertion. To be sure, refuge might be found in this port, where desertion in Zanzibar might have meant death at the hands of an angry mob.

They deserted none too soon, as the *Ann Parry* proceeded to spend much of the following two years in various ports of call before returning to New England with few whales taken. Captain Perry spent his days selling various wares from the ship's stores and his nights entertaining local women in his cabin. Since the seamen earned their pay as a percentage of the ship's final take in whale oil and bone, poor hunting or too much time in port reduced their already low wages, termed lays. The lay system shifted the economic risk of the voyage onto the seamen, who could least afford it. Sometimes, the common sailor found a way out from under shipboard domination.⁸⁹ Not unexpectedly, one of the deserting sailors was the sailor, improvidentially named Wright, who had been implicated in the murder of Shabet.

American whalers were a constant presence in the world's ports. In the 1840s, more than seven hundred whalers sailed each year from New England ports on voyages lasting three and four years. By 1846, the year of the *Ann Parry's* inauspicious arrival in Zanzibar, the "Wha-



"Whale Chart," H. F. Maury (1851). Sterling Memorial Library, Map Collection, Yale University.

ling fleet attained its greatest size... when 735 vessels... engaged in the industry," totaling more than 230,000 tons.⁹⁰ While the Zanzibar grounds were less popular, New England whalers continued to cruise profitably between the end of the southwest monsoon in July and the start of the northeastern monsoon in November, when whales migrated up the coast toward the Red Sea.⁹¹ According to whaleman J. Ross Browne, writing in 1846, "The African coast, from Mozambique to Zanzibar, is good ground, and the latter is also a good port for repairing."⁹² Herman Melville, writing in the late 1840s, credited these whalers for having forged the first diplomatic ties with much of the world. In *Moby-Dick*, he argued, "If American and European men-of-war now peacefully ride in once savage harbors, let them fire salutes to the honor and glory of the whale ship which originally showed them the way, and first interpreted between them and the savages."⁹³ In the case of the *Ann Parry's* visit to Zanzibar,

such cross cultural "interpretation," exercised in sudden violence, left East Africans repulsed by the American savages.

The inhabitants of these supposed "savage harbors" had another impression of these informal whale ship "diplomats." Historian Peter Duignan summarized: "the whaler was known wherever he sailed for his violence, abusiveness and drunkenness."⁹⁴ The logbook of the *Ann Parry* during her nearly three year voyage is replete with mention of the crew's drunken returns to the vessel at various ports of call.⁹⁵ Salem merchant William McMullen admitted:

I am grieved to say that during my residence in Zanzibar (seven years) I have never known an American Whale Ship to be at this port, without causing much trouble; the Sultan will not exert himself to keep the peace, and as I have no soldiers in my employment... to arrest refractory seamen, I am often

very unpleasantly situated, and am often obliged to pay sums of money for injuries inflicted upon the natives....⁹⁶

In fact, this was not the first outbreak of serious violence in the port. In 1843, American sailors shot two Zanzibaris; an incident leading to the outlawing of carrying firearms on shore, and crews were required to return to their vessels at sundown.⁹⁷ The British paid \$800 after one of their seamen murdered a Zanzibari in 1842.⁹⁸ Perhaps it should come as no surprise that American sailors killed a man on the beach in Zanzibar. As Dening insists:

...the beach was neither port nor ship.... A sailor in port was not liberated though he was beyond the control of the ship: he was only in another place with other rules. A sailor on the beach was free: he belonged in no category; he had status in his own person; he could bargain....⁹⁹

If we are to judge by the *Ann Parry*'s sailor's example, he could also kill.

The Sultan, nevertheless, responded angrily to Ward's actions, or rather inaction, in the case of Shabet's murder. Seyyid Said promptly sent a letter to President Polk criticizing the US government's envoy. "I sent our judges to [Ward] and he, the US consul, [has] done nothing. The US consul gave orders for the departure of the barque *Ann Parry*."¹⁰⁰ So it was that Ward and the local American merchant commercial community faced the dilemma of repairing their relations with the Sultan. After all, they had to live and carry on their trade, while ships like the *Ann Parry* came and went, and, in their transience, ignored the shoreside costs of their violence.

To understand this story, one must recognize that it is, in fact, several stories. While attempting to regain these multiple perspectives, one runs the risk of delivering a perfect muddle. It must be admitted that there can be no perfect symmetry. A single narrative perspective would render a pulseless record of this pluralistic world. The sailors saw the incident

from the viewpoint of a long cruise, one that for them, aboard the *Ann Parry*, had proven to be increasingly onerous and unprofitable.¹⁰¹ The Salem merchants who organized the buying and selling of cargoes of ivory and cotton sought to preserve the stability of the local political climate, and would have likely sacrificed the sailor to local justice. In fact, the American merchants declined to give Ward official statements regarding Shabet's murder for fear that such action would alienate their Zanzibari business associates. Ward found himself poised uncomfortably between representing the commercial interests that paid his salary and defending the interests of American citizens and their government. Finally, the Zanzibari community perceived these foreign guests, these *wageni*, as unbelievers and possibly thought the seamen as something worse, perhaps *wanyika* (barbarians). They were tolerated, but only barely in the wake of this killing.

A number of historians have characterized the Europeans who settled or traded in foreign lands as having brought their own law with them, rather than let themselves be subjected to alien laws. "Above all they could not be prosecuted according to any other law than their own," according to legal historian W. J. Mammesen. "This was particularly important in Islamic countries, in as much as the Islamic religion in principle demanded the prosecution of all nonbelievers without mercy."¹⁰² Mammesen argues that a system of "unequal bargains," or capitulations, arose between representatives of Western powers and indigenous elites. These bargains placed foreigners under the legal norms and institutions that were Western in origin, effectively introducing a tradition of consular jurisdiction and extraterritoriality.

Another historian of these so-called capitulations, Jorg Fisch, paints a different picture of extraterritoriality: "This was not seen as an infringement on the sovereignty of the local ruler, but rather as a means of attracting commerce without losing control over it."¹⁰³ In the traditional system of consular jurisdiction, according to Fisch, "mixed cases were either

decided by the local authorities or by mixed courts, not by the foreign consul. There was a tendency, throughout the colonial period, to encroach upon mixed cases."¹⁰⁴

The court of inquiry into the killing of Shabet poses a quandary with respect to those views. In part, the Sultan capitulated to Ward, but he had not conceded to the "unequal bargain." He gave responsibility to the consul because he fully expected the consul to accept the obligation incumbent upon him to deliver the murderer. It would be wrong to see an intentioned conscription of Western legal practice over that of the *Shari'a*. Nevertheless, this case was decided, in effect, by the consul's inaction. Doing nothing served as an infringement on local sovereignty. "Doing nothing" set precedent, and the imperial practice of extraterritoriality emerged haphazardly and somewhat unintentionally out of this case. The Sultan and the consul attempted to work out the custom of judicial relations between the two nations. Neither man could act or conduct himself in a manner predictable to the other. It would have been difficult to reconcile the judgments of one with the expectations of the other. Law, as a part of social reality and as a part of a moral order, was conceived of in utterly different ways by two cultural world views.

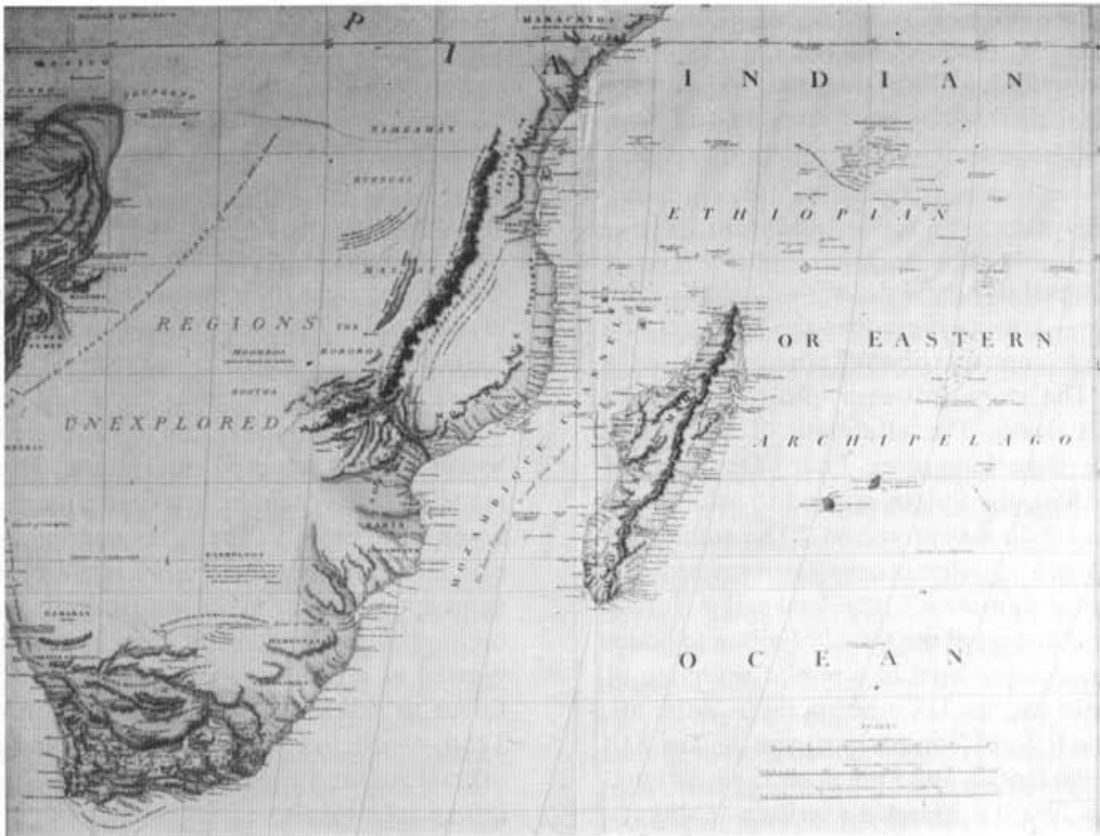
The traveler Joseph Osgood observed that, "the devil, or Shatan, as they call him, is a continued source of annoyance. His appearance in private intercourse has been noted by at least nine-tenths of the inhabitants of Zanzibar. Of course, to the optice of a negro his skin is white."¹⁰⁵ Osgood's inclusion of this observation in his travel log suggests something of the dilemma of cross-cultural relations on this early trade frontier. Given the circumstances — an African-Arab murdered while at prayer during the holy month of Ramadan by a drunken American sailor — the racial and religious differences of the Zanzibaris likely played some role in this killing. Beyond the circumstances of the murder itself, Americans and Zanzibaris in general — and Ward and the Sultan in particular — continued to misunder-

stand each other; where one saw black, the other likely saw white, if we may extend Osgood's observation. Through Zanzibari eyes, the devil appeared white and swaggering boisterously in the form of an American whalerman.¹⁰⁶

At the far reach of the US trade frontier, Charles Ward tried to smooth out these rifts in cross-cultural relations. He recognized that his role required a careful balance of maintaining happy diplomatic ties while simultaneously serving American commercial interests. The two realms of responsibility were not necessarily incompatible. "Ever since I came to Zanzibar my aim has been to use my official capacity so far as it can be done, without losing the confidence & respect of his Highness, to promote the welfare of American trade," admitted Ward.¹⁰⁷

Ward evidenced little of the piety of his predecessor Richard P. Waters who, on taking on consular duties in Zanzibar, offered "that my going to dwell with them for a season, may be the means of introducing the gospel of Christ to them... I desire to be made instrumental of good to that people. May the Lord increase this desire..."¹⁰⁸ Consul Waters made little complaint with the economic opportunities afforded him by his position: "I want money for my own sake, for my dear Mothers, Sisters & Brothers sake, and to do good with."¹⁰⁹ A Member of the Essex County [Massachusetts] Anti-slavery Society, the abolitionist Waters returned to Salem and served as director of the Naumkeag Steam Cotton Company.

Waters appeared little concerned with the inconsistencies in his life and ideological beliefs. His mill depended on the cheap supply of cotton from southern slave labor. While in Zanzibar, he carried on a vigorous proselytizing, handing out Arabic translations of the Bible and urging his Christian belief on the Zanzibaris. He seemed little bothered by the contradictory beliefs. This behavior earned him the antipathy of the locals and prompted the Sultan to write the US President, requesting his recall. Even the Salem merchants in residence in Zanzibar protested Waters' presence. "Our flag has been stoned while flying at the Consul-



"East Coast of Africa." Sterling Memorial Library, Map Collection, Yale University.

ate, Mr. Waters himself has been stoned in the street and flogged by slaves... This is a picture of our Consul, and what a picture," wrote merchant Edgar Botsford.¹¹⁰

When Ward took over the consulate four years later, he inherited a position already fraught with controversy. He served as a suitable counterpart to his puritan predecessor. He was staunchly anti-abolitionist, a Maine Democrat acceptable to the Polk Administration, and unlikely to agitate the slave issue in Zanzibar, where the trade underpinned the regional economy. However, while Ward did not mix his personal beliefs with his role as consul, he did face the challenge of reconciling the sometimes conflicting roles as commercial representative and government emissary. On the cutting edge of commercial Western expansion, he struggled to overcome his predecessor's example and to please two masters — the American merchants and his government.¹¹¹ Conflicts arising from different judicial practices exacerbated the

tensions.

The difficulty of language barriers also tested the relationship of the Sultan and consul. At this most basic level, the two officials failed to communicate. Working through interpreters and translators, the nuance of intonation, emphasis, and meaning was lost. This barrier frustrated the efforts by both parties to come to some accord regarding Shabet's case. Ward summarized the situation in a letter to the Secretary of State soon after the incident

Mr. S. R. Masury¹¹² an Am. Merchant took my notes to the Secretary of the Sultan to have them translated, & when he brought the last one back said, he had a good deal of difficulty in making him understand the meaning of some words, which was very important to a right understanding of the letter, & he very much doubted if any of my notes had been translated correctly...¹¹³

These confusions would mount in the years following the murder of Shabet. The memory of the unrequited killing lingered and heaped additional difficulties on American and Zanzibari relations during Consul Ward's four-year term.

Perhaps the "horrid deed" — Shabet's murder — was no more than the blind act of a drunken seaman on "liberty" after many months at sea. The story, however, did not end with Shabet's death. The aftermath of his killing suggests something more. Four years later, on 4 July 1850, the Sultan refused to salute publicly the US flag as promised. "The authorities here showed a contemptuous spirit towards the american government," merchant sailor Horace Putnam observed at the time.¹¹⁴ Failing to honor this pledge amounted to a public snubbing of the consul and the US mission there. After all, as Consul Ward complained, the Sultan had saluted the British and French on their national holidays. Ward demanded a written apology:

I considered that the sleight shown to our Government in so public a manner, and the bad impression it has given of our Government to the natives, ... constituted an offence, which justified me in hauling down the Flag....¹¹⁵

When the Sultan offered no formal apology, Ward angrily closed the consulate and left Zanzibar. Upon his return to Salem, he recommended to the Secretary of State that the government force an apology from the intransigent Zanzibaris and recover American honor.

The refusal to salute on the anniversary of American Independence stood as an anomaly in the otherwise uninterrupted tradition of salutes that formed an important aspect of national recognition and honor. Years earlier, the Sultan had not been so ungenerous with respect to firing salutes. Upon being informed of President Harrison's death in August 1841, the Sultan responded that he would "notice the solemn event on the following day by having his national ensign hoisted at half mast on

board of all ships of war in the harbor and that sixty eight minute guns (corresponding to the age of the illustrious dead) would be fired." Then-consul Richard Waters noted in a letter to Secretary of State Daniel Webster, "I feel it is my duty to say that these arrangements were executed in a manner highly grateful to American feeling."¹¹⁶ When the USS *John Adams* visited Zanzibar in September 1838, the commander ordered a twenty-one gun salute to the Sultan's flag, "which was returned with 20 guns." The logbook notes tersely, "Sent on board the [Sultan's] flagship to know the reason why it was not returned gun for gun. The commanding officer said he had fired 21 guns," one having misfired.¹¹⁷ The rules and customs of official salute drew meticulous attention. Omissions and mistakes in these customs carried an ominous significance and were almost always viewed as a public derision. When the Sultan failed to salute the American flag on 4 July 1850, Ward felt compelled to challenge this official slight. American chauvinism could not ignore such insult.

Had the refused salute arisen from the dispute over the reprieved murder four years earlier? Was this merely a "petty affair"?¹¹⁸ Participants in this drama constructed their own narrative; their story began with the killing of Shabet. Salem merchant Michael Shepard, writing to Charles Ward in October 1850 about the controversy surrounding the July 4 failure to salute the American flag, wrote, "We deeply lament that you should have thought it worthy of a representation to our government. It, in our view, makes too serious a matter of what appears to us a very trifling affair..."¹¹⁹ Shepard's direct interests lay in the preservation of trade relations. Disputes between governments over the recognition of flags seemed secondary to him. However, Ward, in his dual role representing both the interests of the merchants (as the agent of Shepard and Bertram) and the United States government, could not ignore so easily such "petty" slights. In his resignation letter, he emphasized this tension, suggesting that the United States "would greatly benefit by appointing a Consul with a salary, and prevent him from engaging in Mercantile business..."¹²⁰

Charles Ward, on his return to Salem, urged in a letter to the consular bureau of the State Department that "there is nothing so convincing to Mohamedans & Asiatics as a display of physical force...."¹²¹ Our Ships of War have been so seldom seen in the Sultan's dominions, that the natives think that we have no naval force." His language had begun to take on rather imperialistic dimensions, arguing to secure free trade through the threat or actual use of force.¹²² Ironically, such positions resulted not from a clearly articulated policy of intervention and gunboat diplomacy, but rather from a curious confusion of incidents — a murder, mistranslated letters, and a failed salute.

Ward's words also betray a latent racial theory, an "orientalism" that perceived these peoples to be particularly susceptible to displays of physical force. Such latent "orientalism" drew succor from a long culture of opposition between Christians and Muslims.¹²³ It gained strength from the perceived "backwardness" of the Arab-African "character." Ward's analysis, such as it was, shared an emergent understanding of "oriental" society with a more formal organization — the founding in 1842 of the American Oriental Society. Charles Pickering, related to the Society's first president John Pickering, visited Zanzibar in 1844, collecting information for his 1848 publication, *The Races of Man and their Geographic Distribution*.¹²⁴ Pickering decided that eleven separate races could be observed worldwide. Importantly, he insisted that these races existed separate from climate. His work left open the possibility that these races might constitute separate species. The fullest articulation of this theory was still a decade away.¹²⁵ Nevertheless, Ward's experience had led him to broach conclusions similar to those of his contemporaries. His thoughts on informal empire could hardly claim any rigid theoretical underpinning — racial or otherwise. His urgings to send a "ship of war" to the region arose from a mix of emotion and apparently petty disagreements.

One should not dismiss the grave importance attached to disrespect for the American flag. As Tocqueville observed of Americans

abroad, "Democratic institutions generally give men a grandiose opinion of their country and themselves.... The American leaves his country with a heart swollen with pride."¹²⁶ The antagonisms over the flag may have had as much to do with the peculiar American national psychology as with the enforcement of a clear imperial dictate.¹²⁷ While the Americans were no doubt keen on maintaining their exercise of free trade in the region, their notions of informal empire had hardly received careful articulation.

The controversy over the insult to the American flag, while it took on pretensions of a public and international drama, was rooted in the personal interactions between Ward and Seyyid Said. The visiting Salem merchant, Ephraim Emmerton, found Ward "a pleasant, sociable man in company & have been treated very politely by him during my stay, but I find that the natives dislike him very much & I think from what I gathered from them he would find it difficult to procure cargoes for his vessels if there was another house established there. They say he is watching them continually & has spies at the Custom House all the time taking account of all the imports."¹²⁸ The Sultan's son, Khalid, noted that Zanzibar was not responsible for the conflict: "I assure you we never treated him badly, but Mr. Ward by his hot feeling, he did this."¹²⁹ The merchants believed that "we think that the first cause of the difficulty between His Highness and Mr. Ward arose from a misunderstanding of the message sent by His Highness to Mr. Ward. His Highness protests, that no intentional insult was offered... from long personal acquaintance with His Highness, We believe him incapable of ever offering an intentional insult to our Country's flag."¹³⁰ They stopped short of open criticism of the consul's department, but the letter suggested that Ward's "hot feeling" and overreaction lay at the heart of the matter.

Horace Putnam wrote in his journal at this time that the Sultan's difficulties with Ward were personal, and not leveled at Americans in general. Describing an American whaleship that "struck fast a shole abreast of the King's



"Africa." Sterling Memorial Library, Map Collection, Yale University.

house," he noted that the Sultan, "saw her in this perilous situation and went aboard of her in person and offered what assistance he could... I note this to show what good feeling exist between him and the Americans..."¹³¹

The short history of Charles Ward's tenure as consul, the accumulation of particular and troubling incidents suggest a chronology of unintentional conflict. Each incident compounded the difficulties and commingled in diverse ways to render a situation that became increasingly intractable. Ward, recovering in New England after his four year stint in Zanzibar, pushed for some resolution. The United States gave him satisfaction on this request.

In December 1851, the sidewheel steamer USS *Susquehanna*, en route to opening trade relations with Japan — one of Commodore Perry's "black ships" — steamed into Zanzibar harbor, running against the north flowing current, "as strong as a tide in a river."¹³² Zanzibar is on the waterfront, well acquainted with the

rule of the wind, would have been struck as much by the fact of a vessel moving against the wind and current as by the tremendous size of the American man-of-war, belching huge puffs of black smoke and churning white water with its great paddewheels amidships. Once at anchor, the frigate refused to salute the red Arab flag according to custom, "but maintained a dogged silence."¹³³ "The natives," according to one observer, "began to look frightened, and expected from her a "broadside." Commander John Aulick "insisted upon his [the Sultan's] saluting first as an atonement for past omissions to fire salutes when they were due to our flag." Aulick stated, "I made these terms my *sine qua non*."¹³⁴

Four months earlier, sloop-of-war USS *Dale* bombarded the fort at the nearby port of Johanna. John Webb, then in Zanzibar, wrote to Ward of this attack: "I hear the US Ship *Dale* has been to Johanna & blown an old fort down & told the King he must be a good boy." The

Zanzibaris certainly weighed this action when considering the threatening *Susquehanna*, 250 feet in length, displacing 3,824 tons (the Sultan's largest vessel displaced only 1,000 tons),¹³⁵ with 31-foot paddlewheels fixed amidships, and twelve nine-inch cannons.¹³⁶ Andrew Foote, lieutenant commander of another vessel in the Africa Squadron, noting "the sensitiveness with which the rights of the flag are regarded," wrote on the usefulness of gunboats to secure this respect. "Cruisers are the nation's fortresses abroad, employed for the benefit of her citizens and the security of their commerce..."¹³⁷ While the *Susquehanna* lay in port, Aulick allowed Zanzibaris to visit the ship. The Salem merchants in Zanzibar believed that Aulick "had extraordinary powers granted to him and he would have liked to have bombarded the town right well."

Aulick's specific instructions suggest a considerable degree of latitude with respect to achieving the mission's goals: "The President trusts that no unfriendly measures may be necessary; and that the Sultan will give such assurances as this Government justly demands and will insist on receiving."¹³⁸ Given the situation, the merchants felt "there was no alternative for him [the Sultan's governor] to fire the salute of 21 guns, or have the town fired upon."¹³⁹ Although the town was fortified "by a large towery castle, which faces the harbor. A parapet, mounted with a row of good artillery"... "So ruinously conditioned, however, is the fort, that a few well directed broadsides from a ship of war would destroy the whole structure."¹⁴⁰ The *Liwali* (presiding governor) — the Sultan was then visiting Oman — acceded to the US commander's wishes and fired the required salute.

Following the twenty-one gun salute, Aulick appointed a new consul. Two days later, 7 December, the Sultan's governor resisted the Americans' request for a second round of salutes. When the "American ensign was run up [at the consulate], he [the Sultan's governor] was told to salute it with 12 guns!" at this demand, he manifested a disposition not to comply; but the commodore was determined, and it had to be done. He told him that if he did

not salute the consulate he should 'salute him with a broadside of shell and round shot.' By this time the Arabs began to think the Yankees were somebody and acted accordingly..."¹⁴¹ Consul Ward's brother Francis, then in residence in Zanzibar, wrote to his brother, "I think the sending of the Frigate here has had a salutary effect upon the natives. She was crowded with people from the time of her arrival to her departure. They say that it must be a very strong government that can own such vessels and run at such great expense and all for the purpose of protecting the commerce of the Americans."¹⁴² The gunboat had the desired affect, threatening violence without having to deliver.

It might appear to be making something of a stretch to connect two separate incidents — Shabet's murder and the visit and threatened bombardment by the *Susquehanna*. Such a neat tie would be entirely unwarranted if the participants had not made such a connection themselves. In the minds of the American merchants and the Sultan, Shabet's killing lingered. The Salem merchants, writing in thanks to Commander Aulick, cited the murder in their letter: "The trial of the American sailor for the murder was not considered a fair one by his highness: the man having admitted his guilt, and this being considered sufficient to condemn him by the Mohamedan law."¹⁴³ Secretary of State Daniel Webster's brief letter of instruction to Aulick referred specifically to the "alleged murder of an Arab," directing Aulick that "You will inform his Highness, that under no circumstances the President cannot for a moment admit that he [the Sultan] has any claim whatever..."¹⁴⁴ Shabet's murder and the failed salute were part of the same narrative. The participants in this drama gave their actions meaning by building a story around the visit of the *Susquehanna*.

What then are we to make of this narrative? We might understand this conflict between different "races" as simply racial conflict. In the year 1846, one could imagine American racism as inevitably dominant, undergirded by

a scientific racial ideology. By the 1840s and 1850s, according to historian George Fredrickson, the accepted view in scientific and intellectual circles was “that races of mankind had been separately created as distinct and unequal species.”¹⁴⁵ The narrative of murder and threatened bombardment might support such a conclusion. On the other side of the world, however, outside the accustomed power alignments of antebellum America, race was not the ultimate arbiter of Americans’ behavior. American sailors, merchants and consuls — neither scientific nor intellectual, and working daily in racially-mixed environments — lived in a more complicated world in which “race” clearly played a role, but was not decisive.

Should we then recognize in this trajectory from a single murder to gunboat diplomacy the expression of American imperialism?¹⁴⁶ To be sure, the cruise of the *Susquehanna*, with a later lengthy cruise up the Yangtze River to Nanking and culminating with Perry’s steaming into Tokyo Bay in 1853, revealed the clear intentions of American interests abroad; however, it would be wrong to assume that the warship’s enforcement of American honor evolved out of clear intentions and carefully laid imperial designs. After all, Commander Aulick’s demands emerged out of a complicated set of relations, beginning with the murder by a rogue seaman. Consul Ward acted initially to placate the Sultan’s demand for justice, turning the affair over to an Islamic court. Ward’s response to this situation revealed a complicated and often confused mix of motives and emotions, where conflicts between “races” and nations may be seen outside the blinders of racial conflict or imperial destiny.

The issue of extraterritoriality, the extension of US sovereignty over its citizens in Zanzibar, may help us to recognize this contingency. Extraterritoriality has been raised traditionally as a prime example of Western imperialism. As early as January 1842, the Sultan had posed stipulations in the treatment of Americans under local law. In correspondence to the Secretary of State at that time, the Sultan ex-

pressed his “wishes that in cases when disputes or disagreements take place between one of his subjects and an American, that it be settled by his own laws (the *Shari’a*, or Islamic law), in the presence of the American consul.”¹⁴⁷ This was precisely the course of action that Consul Charles Ward followed four years later, when confronting the murder of Shabet. The Sultan had likely misinterpreted the terms of the treaty — which guaranteed to the United States authority over disputes *between* Americans and immunity of the Consul and “his house” from prosecution under local law.¹⁴⁸

Confusion and misinterpretation reigned. The Omani translator of the 1833 treaty altered the Arabic text to give local courts absolute jurisdiction. Thus, during the years of dispute between the first US consuls and the Sultan, the disputants contested their positions from the language of two *different* treaties. Seyyid Said’s Arabic copy of the treaty read, “If there shall be a dispute between them [the Americans] and the Arabs, judgment shall be given by the Arabs.”¹⁴⁹ With the killing of Shabet and in the absence of a clear precedent, Seyyid Said determined that, “what has taken place has never happened before — now whatever *you* [the consul] *may agree upon* shall be established as custom.”¹⁵⁰ As a diplomatic courtesy, the Sultan gave Ward the freedom to choose. He likely thought that the consul would follow the treaty. So it was that in 1846, with the protection of the American sailor, the United States established *de facto* extraterritorial rights in criminal cases involving disputes between Americans and Zanzibaris.

These rights would become *de jure* after 1861, when Muscat and Zanzibar split, each becoming separate nations.¹⁵¹ In the Consular Act of 1860, the US Congress sought to extend the right of extraterritoriality without qualification to China, Japan, Siam, and to all other countries “not inhabited by any civilized people....” (In fact, the US already enjoyed substantial extraterritorial protections in these countries.)¹⁵² The Zanzibar treaty underwent review in 1864 and 1879, remaining unchanged until in 1886 when the two nations agreed on a new treaty granting the United States the rights

of most favored nation.¹⁵³ The United States had, of course enjoyed most favored nation status since the visit of the *Susquehanna*.¹⁵⁴ Not until 1907 did the US end its extraterritorial rights in Zanzibar.¹⁵⁵

In fact, the difference between the two treaties went unrecognized until 1910, when a US State Department linguist compared the English and Arabic versions of the treaties. The extraterritoriality provisions of the original treaty (which still maintained relations with Oman) were finally removed in 1959, "abdicating the last extra-territorial rights enjoyed by the US anywhere in the world."¹⁵⁶ Given these confusions, there seems little wonder that the relationship between the Sultan and the consul was fraught with tension.

This curious treaty, made with a minor trading partner in an area of the world which would diminish in US diplomatic importance during the late nineteenth century, might seem unimportant alongside other events.¹⁵⁷ However, the treaty with Zanzibar, first negotiated by Edmund Roberts in 1833, stood as an outline for much of the treaty writing that followed — British and later French treaties insisted on extraterritorial provisions and Americans used the 1833 treaty when drafting later agreements with China and Japan.¹⁵⁸ Secretary of State Daniel Webster's letter of instruction to Commander John Aulick, Special Agent to Japan, granted the commodore the "full power to negotiate and sign a treaty of Amity and Commerce," with Japan. Webster recognized the value of the earlier treaties: "I transmit... copies of the treaty between the United States and China, with Siam and with Muscat [Zanzibar], which may to a certain extent, be of use to you as precedents..." Aulick did not have the opportunity to put these precedents to work in the opening of relations with Japan; he was replaced by Commodore Perry. When Perry steamed the *Susquehanna* into Japanese waters, he certainly carried his flagship's history with him. The incidents in Zanzibar, though mere ripples in the wider influence of US interests abroad, nonetheless affected changes almost imperceptibly.

The practice of extraterritoriality was

scripted most clearly not in the original treaty, but in practice, and specifically in the judgments emerging out of the murder of Shabet. If we follow this narrative carefully, we may see that this practice emerged out of a circuitous and in many ways unintentional pattern of actions. As the story moves from the level of individual conflict with Shabet's murder to the level of international conflict, we can witness the relationship between small events and their sometimes larger consequences. By following the various threads of this narrative, we may observe more precisely the contingency that often governs events, where individuals often act in response to a number of motives.

How, then, does such a reading of actual contingency mesh with the interpretation privileged by knowledge of the eventual outcome of overt imperialism, if not in Zanzibar and East Africa, then certainly elsewhere? But if we begin our analyses by assuming the presence of imperial ideologies, then we threaten to circumscribe our understanding with a preformed essentialism. I do not dispute imperialist intentions; they certainly existed. One would be hard pressed to suggest that in the year 1846, while engaged in a war of expansion against Mexico, the United States was anything less than imperialist in its continental territorial designs. In this case of Shabet, however, these intentions were not as ironclad and "intentional" as the eventual outcomes suggest. Contingency ruled where ideology had yet to chart the waters. In this story's trajectory, there can be no simple retelling of the control by Westerners over others. Instead, we may see multiple and overlapping contests, where the historical actors refuse containment within any one analytic frame. The consul, the Sultan, and the sailors were neither completely free and rational actors nor puppeted products of social forces that they only dimly understood. They strode, flesh and bone, across the beach at Zanzibar, somewhere in between, illuminating history's haze with the glow of their stories. Reconstructing this history we may observe the entangled allegiances of class, nation, race,

religion, culture, and personality that commingled and produced particular outcomes. By focusing on the particulars, we may recognize how an imperialist form like extraterritoriality

emerged out of the contingent play of historical opportunities, amongst diverse groups of sailors, diplomats, merchants, customs agents, and governments.¹⁵⁹



NOTES

1. Joseph Conrad, *Heart of Darkness and The Secret Sharer* (1910, New York: Signet, 1983), 68.
2. Ray Brighton, *Port of Portsmouth Ships and the Cotton Trade, 1783–1829* (Portsmouth, New Hampshire: Portsmouth Marine Society, 1986), 169–175.
3. Gaddis Smith writes of the potential for the maritime perspective: “there is not a single or predominant theme for maritime history.” “Agricultural Roots of Maritime History,” *American Neptune* 44:1, Winter 1984, 5. “The Sea Connects All Things,” writes Smith of the promise of maritime history to overcome the blinkers of landbound national history writing and narrow historical specialization.
4. Greg Denning, *History’s Anthropology: The Death of William Gooch* (New York: University Press of America, 1988), 5.
5. Greg Denning, *Islands and Beaches: Discourses on a Silent Land, Marquesas, 1774–1880* (Honolulu: University Press of Hawaii, 1980), 159.
6. According to Michael Doyle, “Empire is a relationship, formal or informal, in which one state controls the effective political sovereignty of another political society. It can be achieved by force, by political collaboration, by economic, social, or cultural dependence. Imperialism is simply the process or policy of establishing or maintaining an empire.” *Empires* (Ithaca: Cornell University Press, 1986), 45.
7. Record Group 59 (Records of the United States State Department), Microfilm 468 — Despatches from United States Consuls, Zanzibar, National Archives, Wash. DC.; *The Journal of Ezra Goodnough*, Ann Parry, 1845–48, Peabody Essex Museum, Salem, Massachusetts; manuscript collections/correspondence of Charles Ward and Michael Shepard at the Peabody provide the principal source material for a reconstruction of the events.
8. Ritual repetition asserts a certain timelessness. The Islamic prayer recitation and ritual posture has changed little since the seventh century.
9. *Third Primer of Islam*, Salah (Nairobi, Kenya: Islamic Foundation, 1985), 6–11; Kenneth Cragg, *The House of Islam* (Encino, Calif.: Dickenson Pub., 1975, 57–64.
10. The ethnic character of this society requires more explanation than is possible here. A long historical tradition attributed East African commercial and urban cultural expansion to Arab influences, while diminishing the role of African resource production and Swahili African roots. This tradition has been overturned by revisionists who have stressed the African cultural roots of coastal society. For persuasive treatments of the polyglot character of this region’s history see the work of James de Vere Allen; Derek Nurse and Thomas Spear, *The Swahili: Reconstructing the History and Language of an African Society* (Philadelphia: University of Pennsylvania Press, 1985); Jonathon Glassman, *Feasts and Riot: Revelry, Rebellion, and Popular Consciousness on the Swahili Coast, 1856–1888* (Portsmouth, New Hampshire: Heinemann, 1995), especially 32–38.
11. Geoffrey Henry Shelwell-White, *A Guide to Zanzibar: A Detailed Account of Zanzibar, Town and Island, including general information about the Protectorate, and a Description of Itineraries for the Use of Visitors* (Zanzibar: Government Printer, 1949), 40.
12. Abdul Sheriff, ed., *The History and Conservation of Zanzibar Stone Town* (Athens: Ohio University Press, 1995).
13. RG 59, M 468, T 100, R 1, Deposition: Zanzibar, John Lambert, Master of the Brig *Cherokee*, 1 September 1846; Deposition: Zanzibar, Consul Charles Ward, 5 September 1846, National Archives, Washington, DC.
14. William John Hopkins, *She Blows! And Sparm at That* (Boston: 1922), 229.
15. Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World, 1700–1750* (New York: Cambridge University Press, 1987), 97.
16. Horace Putnam, *Journal, Zanzibar*, 6 July 1847, Peabody Essex Museum, Salem, Mass.
17. J. Ross Browne, *Etchings of a Whaling Cruise, with notes of a Sojourn on the Island of Zanzibar* (1846, Cambridge: Harvard University Press), 380.

18. Horace Putnam, *Journal*, 6 July 1847.
19. Michael Shepard, *Account of a visit to Zanzibar, 1844*; Ms bound in the log of the bark *Starr*, Peabody Essex Museum, Salem, Mass.
20. Browne, *Etchings of a Whaling Cruise*, 368.
21. Shepard, 1844, *Logbook Starr*.
22. Browne, *Etchings of a Whaling Cruise*, 369.
23. Joseph Barlow Felt Osgood, *Notes of Travel or Recollections of Majunga, Zanzibar, Muscat, Aden, Mocha, and Other Eastern Ports* (Salem: Ives and Pease, 1854), 21.
24. Sandwith Drinker, *A Private Journal of Events and Scenes at Sea and in India* (Boston: Private publication by Suzanne Drinker Moran, 1990), 14 December 1840, 99.
25. Putnam, *Journal*, Zanzibar, 6 July 1847.
26. Osgood, *Notes of Travel*, 50.
27. Richard P. Waters, *Journal*, 22 February 1837, printed in Norman R. Bennett and George E. Brooks, *New England Merchants in Africa: A History through Documents, 1802–1865* (Boston: Boston University Press, 1965) 192. While Waters was reflecting on the loading of a slave dhow in Mozambique at the time, the question held for his later experience as consul in Zanzibar.
28. When the “class-dressing” whaler J. Ross Browne grew tired of the harsh regime of shipboard life, he jumped ship in Zanzibar and paid for a substitution. Browne had spent pages criticizing the racial and ethnic character of his shipmates and shoreside peers. When it came time to find a replacement, he turned to a black man with little thought to the irony and contradiction posed by replacing his white self with his black other.
29. Abdul Sheriff, *Slaves, Spices and Ivory in Zanzibar* (Athens, Ohio: Ohio University Press, 1987).
30. British intervention in the successional dispute amongst Seyyid’s sons following his death in 1856 led to stronger Busaidi-British ties.
31. RG 59, Charles Ward to Secretary of State J. M. Clayton, July 1850.
32. Richard F. Burton, *Zanzibar City I* (London: Tinsley Brothers, 1872), 484.
33. Letter, B. F. Fabens to Michael Shepard, 29 August 1844; Michael Shepard papers, MH 23, MSS 12, folder 7.
34. *Drinker, A Private Journal*, 14 November 1840, 88–89.
35. *Drinker, A Private Journal*, 14 December 1840, 100.
36. Horace Putnam, *Journal*, “Notes from a visit to Zanzibar aboard the Cherokee from Salem,” MS M656, 1847C3, 6 July 1847, Peabody Essex Museum.
37. Herman Melville, “The ‘Gees’,” *Harper’s New Monthly Magazine*, 12:7, March 1856. Published anonymously. One must be careful with this essay. In it Melville satirizes scientific racism.
38. Greg Denning, *Islands and Beaches: Discourses on a Silent Land, Marquesas, 1774–1880* (Honolulu: The University Press of Hawaii, 1980), 159. I rely upon Denning’s compelling analysis of the violence of sailors: “In an institution such as a ship, where all was depersonalized, violence was easy and constant. The boundary around all on the ship also made violence easy against an outsider. The careless violence of seamen to islanders was consistent with their violence towards one another, but it was magnified by the sense of ‘we’ and ‘they’ that all the systems of conformity of a ship created. Seamen might rationalize their violence towards the islanders in terms of racial and cultural superiority...”
39. Given the racial epithet — “the ‘Gees’” — satirized by Melville, it should come as no surprise that it was a Portuguese sailor who testified against his shipboard peers. Melville noted that the term “‘Gee’” was “an abbreviation... the corrupt form of Portuguese. As the name is a curtailment, so the race is a residuum.”
40. RG 59, M 468, T 100, R 1, Deposition of Charles Ward, 5 September 1846, National Archives Washington, DC.
41. Willits D. Ansel, *The Whaleboat: A Study of Design, Construction, and Use from 1850 to 1970* (Mystic, Conn.: Mystic Seaport Museum, 1983), 16–29.
42. Nightfall in the tropics comes quickly and the *Maghrib* prayers were timed with the sunset. The anchorage in Zanzibar harbor would position vessels with the setting sun directly behind. It was typical to raise a light while at anchor. These practices are followed to this day. August came at the end of the southwest monsoon (*kusi* in Kiswahili), which blows consistently from April through October. Richard Burton, in *Zanzibar City*, notes the seasonal variations in wind and temperature for 1858 (427–428, 449).
43. RG 59, M 468, T 100, R 1, Deposition: Captain John Lambert, 2 September 1846.
44. RG 59, M 468, T 100, R 1, John Lambert to Charles Ward, 1 September 1846.
45. RG 59, M 468, T 100, R 1, Deposition: Captain John Lambert, 1 September 1846.
46. Putnam, *Journal*, 25 April 1847.
47. RG 59, M 468, T 100, R 1, Deposition: Abel Perry, 2 September 1846.
48. Ezra Goodnough, *Journal*, bark *Ann Parry*, 30 August 1845, no. 51, Catalog no. 140, Reel 4, Peabody Essex Museum.
49. Briton Cooper Busch, “*Whaling Will Never Do for Me*”: *The American Whaler in the Nine-*

- teenth Century* (Lexington, Kentucky: University Press of Kentucky, 1994), 85.
50. *Drinker, A Private Journal*, 7 December 1840, 94.
 51. RG 59, M 468, T 100, R 1, Letter, Charles Ward to Sultan Seyyid Said, 1 September 1846.
 52. Osgood, *Notes of Travel*, 41; Randall Pouwels in his study of Islam on the East African coast, *Horn and Crescent: Cultural Change and Traditional Islam on the East African Coast, 800–1900* (New York: Cambridge University Press, 1987) writes: “qadis who lived off gifts received in deciding cases usually were accused of bribery by European observers who failed to understand the dynamics of town social structure and how they bore on the implementation of religious law (81).”
 53. Pouwels, *Horn and Crescent*, 82.
 54. Osgood, *Notes of Travel*, 41.
 55. Letter, Charles Ward to US Secretary of State James Buchanan, 14 September 1846, Ward Papers, Peabody Essex Museum.
 56. Browne, *Etchings of a Whaling Cruise*, 406.
 57. Tyler Dennett, *Americans in Eastern Asia* (New York, 1941), 669–672.
 58. Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service, 1776–1914* (Westport, Conn.: Greenwood Press, 1990), viii.
 59. Pouwels, *Horn and Crescent*, 81.
 60. RG 59, M 468, T 100, R 1, Ward to Buchanan, September 14, 1846.
 61. Pouwels, *Horn and Crescent*, 81–82.
 62. RG 59, M 468, R 1, Letter, Ward to Buchanan, 6 March 1847.
 63. RG 59, M 468, T 100, R 1, Ward to Buchanan, 14 September 1846.
 64. RG 59, M 468, T 100, R 1, Charles Ward to Sultan Seyyid Said, 2 September 1846.
 65. RG 59, M 468, T 100, R 1, Ward to Buchanan, 14 September 1846.
 66. RG 59, M 468, R 1, Ward to Buchanan, 14 September 1846.
 67. RG 59, M 468, R 1, Ward to Buchanan, 14 September 1846.
 68. *Drinker, A Private Journal*, 14 December 1840, 101.
 69. *Ibid.*
 70. RG 59, Ward to Buchanan, 15 May 1846.
 71. Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service, 1776–1914* (Westport, Conn.: Greenwood Press, 1990), 107–8; Foster Rhea Dulles, *China and America: The Story of their Relations Since 1784* (Princeton: Princeton University Press, 1946), 15.
 72. Kennedy, *The American Consul*, 110; Dulles, *China and America*, 28.
 73. On the nineteenth century legality of self defense, see Richard Maxwell Brown’s *No Duty to Retreat: Violence and Values in American History and Society* (New York: Oxford University Press, 1991).
 74. Alexis de Tocqueville, *Democracy in America*, J. P. Mayer, ed. (1848, New York: Harper-Perennial, 1988), 617.
 75. Horace B. Putnam, *Journal*, bark Emily Wilder, June 1847, Peabody Essex Museum, M 91, Reel 34.
 76. Dennett is the correct spelling of this Portsmouth, New Hampshire, captain’s name.
 77. Ezra Goodnough, *Journal*, 2 March 1847.
 78. Rediker, *Between the Devil and the Deep Blue Sea*, 106.
 79. Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill and Wang, 1982), 89; Robert K. Barnhart, *The Barnhart Concise Dictionary of Etymology* (New York: Harper-Collins, 1995).
 80. “Seamen were sometimes willing to extend their protests beyond slowdowns or false efforts, to outright refusals to work. Mutinous work stoppages were not uncommon on whalers, and they often led to arbitration that was handled quickly and informally.” Margaret Creighton, *Rites and Passages: The Experience of American Whaling, 1830–1870* (New York: Cambridge University Press, 1995), 130.
 81. Goodnough, *Journal*, 3 September 1846.
 82. R G59, M 468, Reel 1, Trail transcript, 5 January 1848.
 83. Planters in the southern United States “instructed their overseers to give twenty lashes for ordinary offenses and thirty-nine for the more serious ones....” Eugene Genovese, *Roll Jordan Roll* (New York: Vintage Books, 1976) 65.
 84. Creighton, *Rites and Passages*, 132.
 85. Goodnough, *Journal*, 19 October 1846.
 86. Richard Henry Dana, *The Seaman’s Friend* (Boston: Little, Brown, 1844). Quoted in Creighton (133) from Bruce Nelson, *Workers on the Waterfront: Seamen, Longshoremen, and Unionism in the 1930s* (Urbana: University of Illinois Press, 1988), 12–13.
 87. Rediker, *Between the Devil and the Deep Blue Sea*, 101.
 88. Joseph Blunt, *The Shipmaster’s Assistant and Commercial Digest* (New York: E. & G. W. Blunt, 1837).
 89. Denig, *Islands and Beaches*, 158–159.
 90. Elmo Paul Hohman, *The American Whalemens: A Study of Life and Labor in the Whaling Industry* (New York: Longmans, Green, 1928), 5; Busch, *Whaling Will Never Do for Me*, 3.
 91. Richard Burton’s observations, noted in John Gray, *History of Zanzibar from the Middle Ages to 1856* (London: Oxford University Press, 1962) 197; Maury Whaling Chart, Series F,

- 1850, Map Reference Room, Sterling Memorial Library, Yale University.
92. Browne, *Etchings from a Whaling Cruise*, 556.
93. Herman Melville, *Moby-Dick; or, The Whale* (1851, New York: Penguin Books, 1980), 205.
94. Peter Duignan, *The United States and Africa: A History* (New York: Cambridge University Press, 1984), 59.
95. *Journal of Ezra Goodnough, Ann Parry*, no. 51, catalog 140, reel 4, Peabody Essex Museum, Salem, Mass.
96. RG 59, William McMullan to William L. Marcy, 21 January 1854.
97. RG 59, M 468, T 100, R 1, R. P. Waters, Circular, 16 March 1843.
98. Bennett, *New England Merchants in Africa: A History through Documents, 1802-1865*, 371.
99. Denig, *Islands and Beaches*, 158.
100. RG 59, M 468, T 100, R 1, Sultan Seyyid Said to the President of the United States, 9 August 1846.
101. Goodnough, *Journal*.
102. W. J. Mammesen and J. A. de Moor, *European Expansion and Law: The Encounter of European and Indigenous Law in the 19th- and 20th-Century Africa and Asia* (New York: Berg Publishers, 1992), 3.
103. Jorg Fisch, "Law as a Means and as an End: Some Remarks on the function of European and Non-European Law in the Process of European Expansion," in Mammesen and de Moor, *European Expansion and Law*, 22.
104. Fisch, *European Expansion and Law*, 23.
105. Osgood, *Notes of Travel*, 28.
106. It should be noted that Africans and African-Americans served aboard American vessels. The nineteenth century records invariably documented the "race" of individuals of African heritage. Neither seaman Wright nor his comrades were identified as "black."
107. Charles Ward to Michael Shepard, 13 June 1846, Ward Papers, Peabody Essex Museum.
108. Richard P. Waters, *Journal*, 1 January 1837, reprinted in Bennett, 189.
109. Waters, *Journal*, 10 June 1837, reprinted in Bennett, 199.
110. RG 59, M 468, R 1, Edgar Botsford to Henry P. Marshall, 24 September 1842.
111. Philip D. Curtin, *Cross-cultural Trade in World History* (New York: Cambridge University Press, 1984), 245.
112. Salem merchant Samuel Masury published *A Vocabulary of the Soahli Language*, the earliest of its kind, in 1845.
113. RG 59, Ward to Buchanan, 14 September 1846.
114. Putnam, *Journal*, ms 656.
115. RG 59, Charles Ward to Secretary of State John M. Clayton, 13 July 1850.
116. RG 59, Consul Richard Waters to Secretary of State Daniel Webster, 26 August 1841.
117. Log, USS *John Adams*, 12 September 1838, National Archives, Washington, DC.
118. Reginald Coupland, in *East Africa and Its Invaders*(381), dismisses the incident as insignificant.
119. Michael Shepard to Charles Ward, 31 October 1850, Michael Shepard Papers.
120. RG 59, Ward to Clayton, 13 July 1850.
121. RG 59, Charles Ward to George Abbot, 13 March 1851.
122. John Gallagher and Roger Robinson, "The Imperialism of Free Trade," *Economic History Review*, 6, 1953, 1-15.
123. Edward Said, *Orientalism* (New York: Vintage Books, 1979), 201-208.
124. Charles Pickering, *The Races of Man and their Geographical Distribution* (1849).
125. Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981), 330.
126. Tocqueville, *Democracy in America*, 569.
127. The Americans were by no means particularly susceptible to presumed insults to the flag. British treaty writing often assumed "the British colours to be sacred." The Maori attacks on British colonial holdings in New Zealand in 1845 were directed specifically at the Union Jack. Hono Heke, the Maori leader, certainly recognized the symbolic importance of the flag and the first British act upon reestablishing control was "to hoist the Union Jack on the beach." Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985), 60-62.
128. Ephraim A. Emmerton, *Journal, A Visit to East Africa*, ms M 656 1848S4, Peabody Essex Museum.
129. Gray, *History of Zanzibar*, 223.
130. RG 89, M 89, R 1, Vol. 6, Squadron Letters, East India Squadron, Resident merchants in Zanzibar: Webb, Jelly, and Masury to John Aulick, 5 December 1851.
131. Putnam, *Journal, Zanzibar*, December 1847.
132. Log of the USS *Susquehanna*, 5 December 1851, National Archive, Wash. DC; Sandwith Drinker, *Journal*, 7 December 1840.
133. Horace Putnam, *Journal, "A visit to Eastern Africa on the Salem Bark Emily Wilder,"* M656, E1849, Peabody Essex Museum.
134. RG 49, M 89, R 6, Vol. 6, 237, *Squadron Letters*, John Aulick, 8 December 1851, National Archives, Washington, DC.
135. Horace Putnam, *Journal, "Notes from a visit to Zanzibar aboard the Cherokee from Salem,"* MS M 656 1847C3, Peabody Essex Museum.
136. Logbook, USS *Dale*, 6 August 1851, National Archives, Washington, DC.; John F. Webb to

- Charles Ward, 27 September 1851 (in Bennett, 487).
137. Andrew H. Foote, *Africa and the American Flag* (New York: 1854), 379.
138. RG 59, *Consular Instructions* 14, Webster to Aulick, 9 May 1851, 159.
139. Francis Ward to Charles Ward, 18 December 1851; Ward Papers, reprinted in Bennett, 291; Frank M. Bennett, *The Steam Navy of the United States* (1896, reprint Westport, Conn., 1974).
140. Osgood, *Notes of Travel*, 27.
141. Log, USS Steam Frigate *Susquehanna*, 5–7 December 1851; *Journal*, Horace Putnam, M 656.
142. Francis Ward to Charles Ward, 18 December 1851, reprinted in Bennett, 490.
143. RG 89, Squadron Letters, Webb, Jelly and Masury to John Aulick, Letter dated 5 December 1851.
144. RG 59, Consular Correspondence, 1785–1906, *Instructions to Consular Officers*, Consular Instructions, Vol. 14, 157, Letter from Secretary of State Daniel Webster to John Aulick, 9 May 1851, National Archives, Washington, DC.
145. George Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York: Harper & Row, 1971; Middletown, Conn.: Wesleyan University Press, 1987 (paper)), 74.
146. In using the term “imperialism,” I want to be quite clear about the meaning implied, for, as Patrick Wolfe wrote recently, “Imperialism resembles Darwinism, in that many use the term but few can say what it really means (Patrick Wolfe, “History and Imperialism: A Century of Theory, from Marx to Postcolonialism,” *American Historical Review*, 102:2, April 1997).” See footnote 6 on page 2 of this essay for Michael Doyle’s definition of imperial practice, upon which I rely.
147. RG 59 M 468, T 100, R 1, Andrew Ward correspondence.
148. Hunter Miller, ed., *Treaties and other International Acts of the United States of America, Washington: 1931–1948*, III, 789–810.
149. Miller, *Treaties*, 789–810.
150. RG 59, M 468, R 1, Letter, Seyyid Said to Charles Ward, 3 September 1846.
151. “U.S. Yields Sultanate Right,” *New York Times*, Monday, 4 May 1959. The article noted that the Senate confirmed a new treaty with Muscat and Oman, replacing the 1833 treaty, “one of the oldest still in effect, and abdicated the last extra-territorial rights enjoyed by US anywhere in the world.”
152. Chester Lloyd Jones, “The Consular Service of the United States: Its History and Activities,” *Publications of the University of Pennsylvania, Series in Political Economy and Public Law* 18 (Philadelphia, 1906) 54.
153. Jones, “*The Consular Service of the United States*,” 54–56.
154. Francis N. Ward to Charles Ward, 18 December 1851; Francis Ward elaborated, “Commodore Aulick demanded and received from Said Khalid a letter in which he pledged his word, that the American Consul should receive all the honors and privileges which are granted to England and France...”
155. Norman R. Bennett, “Americans in Zanzibar: 1865–1915,” *Essex Institute Historical Collections* 15, 61.
156. See comparison of the English and Arabic text of the treaty with Seyyid Said of Muscat and Zanzibar in David Hunter Miller, ed., *Treaties and Other International Acts of the United States of America* III, Document 77, 789–810; “U.S. Yields Sultanate Right,” *New York Times*, Monday, 4 May 1959. The article noted that the Senate had just confirmed a new treaty with Muscat and Oman, replacing the 1833 treaty.
157. Even at its peak, trade with Zanzibar amounted to no more than two percent of the US total. Cyrus Townsend Brady, Jr., *Conquest and Commerce in East Africa* (Salem, Mass.: Essex Institute, 1950), 116.
158. RG 59, M 77, R 152, Special Missions 1, 10 June, 1851, 321, National Archives, Washington, DC.
159. “...Western thought struggles to comprehend the history of contingent events that it makes for itself by invoking underlying forces or structures, such as those of production or mentalite....” Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985), 58. Eric Wolf emphasizes this point in *Europe and the People Without History* (Berkeley: University of California Press, 1982): “By turning names into things we create false models of reality. By endowing nations, societies, or cultures with the qualities of internally homogeneous and externally distinctive and bounded objects, we create a model of the world as a global pool hall in which the entities spin off each other like so many hard and round billiard balls... In this way a quintessential West is counterposed to an equally quintessential East, where life was cheap and slavish multitudes groveled under a variety of despotisms...(6).”