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LIVINGSTONE AND THE LAW: AFRICA’S GREATEST EXPLORER AND THE ABOLITION OF THE SLAVE TRADE

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AFRICA’S GREATEST EXPLORER AND THE ABOLITION
OF THE SLAVE TRADE

Jay Milbrandt*

ABSTRACT

Few historical events have had such tragic, widespread, and lingering consequences as the exportation of slaves from Africa. While the abolition of western Africa’s transatlantic slave trade is well documented, the events and legal framework that led to the abolition of the slave trade in East Africa remain practically untold. There, an unlikely hero championed abolition: Missionary and explorer Dr. David Livingstone. His method: an ambitious publicity stunt to dramatically change international law.

This article will illustrate how explorer David Livingstone’s advocacy profoundly affected the legal landscape to restrict the slave trade in East Africa, and eventually dealt the deathblow abolishing it forever. Further, this article will illustrate how a lack of enforcement of the law and a policy of incremental restrictions on the slave trade, in lieu of outright abolition, was destructive to East and Central Africa, intensifying the slave trade with ramifications that can still be felt today. Finally, it will demonstrate, by modern analog, how strict enforcement of the rule of law is necessary in the developing world today.

TABLE OF CONTENTS

Introduction

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I. The East African Slave Trade

II. The Livingstone Effect

A. Brief Biography of David Livingstone

B. Origins of an Advocate: South Africa (1841-1853)

C. Failure: The Zambezi Expedition (1858-1864)

D. Turning Point: The Nile Expedition (1866-1872)

E. Impact on Abolition

III. Conclusion: Modern Implications

INTRODUCTION

Few historical events have had such tragic, widespread, and lingering consequences as the exportation of slaves from Africa. While western Africa’s transatlantic slave trade is closely intertwined with the development of Europe and America, similar events also transpired in East Africa with horrific consequences that violently carried on for years after the cessation of the western trade.¹

The events and legal framework that led to the abolition of the East African slave trade are little known and sparsely documented—practically untold. Yet, they had a profound effect on the evolution of abolition and the current state of development in East and Central Africa.² While America and Europe were not directly implicated the East African slave trade, it was their advocacy in these countries that crafted the legal framework for abolition and ultimately brought down the trade entirely.

An unlikely hero championed abolition: Missionary and explorer Dr. David Livingstone. It was Livingstone’s expeditions, publications, and self-sacrifice that dealt the deathblow to East African slavery.³ To make his

³ *David Livingstone* 176.
case, he turned to a grand publicity stunt to gain the attention of international law makers. It worked.

Livingstone set out to open pathways for trade in Africa, including a infamous search for the source of the Nile River. What he witnessed as he explored shocked him to his very core—the abhorrent, swelling, and violent East African slave trade. As the glamour of the staking claim to the Nile’s source faded, Livingstone found a new purpose—abolishing the slave trade entirely—a purpose for which he would risk his life.

David Livingstone is well known for his explorations. His direct and indirect impact on the law leading to abolition, however, is little known or recognized. Aside from a few obscure biographies written soon after his death, history has all but forgotten the new era of law and justice ushered into Africa by Livingstone and his successors’ ardent abolitionist mandates.

This article also fills a missing link between biographers and historians. Biographers focused primarily on Livingstone’s expeditions, giving only a passing mention to his abolitionist advocacy. Historians, on the other hand, chronicled events leading to the end of slavery, but overlooked Livingstone’s integral role. Tracing the little known events leading up to abolition of the slave trade in East Africa, it demonstrates Livingstone’s direct responsibility for much of the success of these efforts. By reporting and decrying the conditions of slavery, as well as calling for the legal barriers to end it, he ultimately would succeed. But, he would never know the fruits of his labors and success, which arrived mere days after his death. The results of his sacrifice have gone largely unrecognized.

In Part I, this article will set the stage for the East African slave trade by sketching its scope and its distinctions from its West African counterpart.

In Part II, this article will illustrate how explorer David Livingstone had a profound effect on the development of the legal framework to restrict the slave trade in East Africa and eventually abolish it. Further, Part II will seek to prove that a policy of incremental restrictions on the slave trade, and not outright abolition, was destructive to East and Central Africa, intensifying the slave trade, with effects that can still be felt today.

In Part III, this article will briefly sketch out the implications of this history applied to contemporary rule of law problems and pose questions about enforcement of the law in the developing world. This article, for instance, will ask whether history indicates that incremental restrictions in
international law may cause greater damage than immediate, comprehensive responses.

For this article, my primary sources were Livingstone’s original books, letters, and journals. Extensive resources of his letters can be found in privately printed collections and online at the Livingstone Online, a collaborative project of several global libraries. Secondary sources included modern scholarly biographies written about him, particularly Tim Jeal’s biography, *Livingstone*, and Adam Ross’ biography, *Mission and Empire*, and Alistair Hazel’s biography on John Kirk, *The Last Slave Market*. This article also relied upon an extensive collection of old biographies written during or soon after his death, notably William Blaikie’s biography, *The Personal Life of David Livingstone*, published in 1880. The article also uncovered many obscure documents, newspaper articles, and letters, including a look at recent and ongoing spectral analysis of Livingstone’s journals. The article is by no means exhaustive as Livingstone was a prolific writer and letters from or about him continue to surface and deepen our understanding.

**PART I: THE EAST AFRICAN SLAVE TRADE**

_A. Timeline of Important Events_

1818: Treaty between Britain and Portugal to abolish slave trade.
1836: Portugal abolishes transatlantic slave trade.
1841: Livingstone arrives in South Africa in July.
1842: Treaty between Britain and Portugal to extend the enforcement of the ban on slave trade to Portuguese ships sailing south of the Equator.
1845: Zanzibar restrictions begin.
1856: Livingstone returns to Britain.
1858: Livingstone begins Zambezi expedition.
1864: Livingstone ends Zambezi expedition; Sultan forbids slave transport during monsoon season.
1866: Livingstone returns to Africa for Nile expedition; world is misinformed that Livingstone dies.
1869: Portugal abolishes slavery in its African colonies; Stanley sets

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4 [http://www.livingstoneonline.ucl.ac.uk/](http://www.livingstoneonline.ucl.ac.uk/). I have by no means read all of Livingstone’s more than 2,000 archived letters. I focused primarily on letters with Kirk and Frere.
out in search of Livingstone.

1871: Livingstone and Stanley meet on Oct. 27; Parliamentary committee on slavery.

1872: Stanley leaves in March; New York Herald article runs on August 10.

1873: Livingstone passes away on May 1.

1873: Treaty between Britain and Zanzibar effectively ends the slave trade.

1897: Zanzibar becomes a British protectorate and fully abolishes slavery.

B. Scope of the African Slave Trade

At the height of the global slave trade, from the late eighteenth to the mid-nineteenth century, over 100,000 slaves were taken from Africa every year. The African Slave Trade generally broke into two directions—west across the Atlantic and east into Arabia. The Transatlantic Slave Trade operated largely on the west coast, where an estimated 80,000 slaves were exported to Europe and the Americas annually in the 1780s. The Arab Slave Trade operated on the east coast, with the island of Zanzibar as central hub for Arab and South Asian destinations.

Prior to the 16th century, before the development of the Transatlantic Slave Trade, the bulk of slaves exported from Africa were shipped from East Africa to the Arabian Peninsula. Zanzibar became a leading port in this trade. Zanzibar’s public slave market—its origins dating back to the early 18th century—was the oldest institution on the island and existed before the town itself. For much of its history, between 15,000 and 20,000 slaves were brought to Zanzibar annually from mainland Africa, three-quarters of whom were shipped on to the Red Sea and the Persian Gulf. By the peak of the slave trade in Zanzibar around 1870, it is estimated that

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5 While the details and interworking of the slave trade in Africa could fill volumes, this article will purposely focus on East Africa, specifically the Great Lakes Region including countries known today as the Democratic Republic of the Congo, Central African Republic, Burundi, and Tanzania. This article will only address regions such as Angola and South Africa to the extent that Livingstone describes the trade there in his early work.


8 Id.


10 Id. at 21.
25,000 to 50,000 slaves were passing through the city each year. Many more, however, never made it to Zanzibar. Livingstone estimated that no more than one in five of the Africans captured ever reached the coast alive. By this estimate, at least 125,000 human beings were taken from their homes in East Africa of which 100,000 perished en route every year.

In the 16th century, Congolese Kingdoms were comprised of rich and prosperous societies with approximately 2 million people. This number was reduced by two-thirds over the course of the slave trade. The decline of these societies and economies contributed to the chaos caused by the colonial conquest of the continent in the late nineteenth century. The societies left behind did not reach their original populations again until the late 1960s. The impact in East Africa, where societies were smaller and more scattered, was just as severe, and was further exacerbated by the use of East Africans as porters during First World War. The effect of the East African slave trade can still be felt today in the form of diminished populations and underdeveloped societies.

C. Birth of the East African Slave Trade

The East African slave trade was distinct from its Europe-driven counterpart on the west coast. Rather than being primarily motivated by profit from the sale in humans for labor, it was inextricably intertwined with the demand for one resource: ivory.

\footnotesize{11} See HAZELL, supra note 9, at 128–36. The slave trade from Zanzibar reached its apex in 1870 and 1871, after a cholera epidemic tore through the Arabian Peninsula and eventually made its way down to Zanzibar itself. Id at 199 (citing Kirk’s report of Jan 25, 1872). Estimates made by those on the island in 1871 place the number of slaves exported from Zanzibar at around 25,000. See HOWARD, supra note 7, at 38. More modern estimates have placed this number closer to 50,000. HAZELL, supra note 9, at 314. This remains, however, a contentious issue among scholars.

\footnotesize{12} Horace Waller, et al., Slavery in Africa 107 WESTMINSTER REVIEW 394, 398 (1877).

\footnotesize{13} METTE MONSTED & PARVEEN WALJI, A DEMOGRAPHIC ANALYSIS OF EAST AFRICA: A SOCIOLOGICAL INTERPRETATION 18–19 (1978)

\footnotesize{14} Id. at 19

\footnotesize{15} TIYAMBE ZELEZA, A MODERN ECONOMIC HISTORY OF AFRICA: VOLUME 1, THE NINETEENTH CENTURY 69 (1993)

\footnotesize{16} Id. at 19

\footnotesize{17} Id.

\footnotesize{18} An area of further research is to theorize how Africa today might be different had Livingstone’s vision been implemented from the beginning. Africa’s chaotic interior nations might have larger populations, stronger industry, robust trade, and great stability. At a minimum, the uninhibited slave trade led to significant population devastation.
Ivory was the primary legitimate export from Africa in the mid-nineteenth century, presenting the largest profits. Indian profiteers largely funded the pursuit of ivory, while Arabian and Swahili traders set up the caravans and ran the trade in Africa’s interior. Arab and Indian shippers then purchased ivory tusks at the ports for export.

As the search for ivory went deeper into the African interior, its caravans demanded more people for support and to carry the loads out to port. They resembled mobile cities:

The Zanzibaris of the interior travelled with large retinues of retainers, servants and fighting men. The more successful leaders had their harems and small armies, while their key supporters also had their women and followers. For all these, slaves were needed—to provide the warriors, the porters, and the concubines. As the traders pressed farther into the interior in their search for ivory, they acquired more and more slaves, for their own needs and to exchange for other wealth.

Ivory and slavery seemed inseparable. Slaves were the backbone of trade, but also the currency. One could not fall without the other, it seemed.

D. British Abolition of Slavery

By Livingstone’s birth in 1812, slavery was already abolished in England. In 1772, the case R. v. Knowles, ex parte Somersett ruled that slavery was unlawful in England. The ruling on slavery affected only England and not the entire British Empire or the trans-Atlantic slave trade. Thus, slavery remained a common practice throughout lands under British rule.

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19 HAZELL, supra note 9, at 78
20 Id.
21 Id.
22 Id.
23 “[B]ecause it was ivory that drove the exploration of the [African] interior, the search for tusks fueled the trade in human beings.”
24 HAZELL, supra note 9, at 79–80.
25 “[I]vory trading and slave trading went together. Of the porters who carried the tusks to the coast, some we slaves and some were free men, and often it was hard to tell them apart. But the idea common in England that slaves were recruited specifically to carry the ivory was generally untrue. Slaves, together with guns, copper, beads, and cloth, were one of the commodities for barter, and each had its value depending on scarcity and need.” HAZELL, supra note 9, at 79.
26 R. v. Knowles, ex parte Somersett (1772).
27 Id.
28 Id.
The Committee for the Abolition of the Slave Trade was subsequently formed in 1778, which included British parliamentarian William Wilberforce and Thomas Clarkson.\textsuperscript{29} At the time, the British Empire was the largest contributor to the international slave trade, shipped an estimated 2,532,300 Africans across the Atlantic, or roughly 41\% of the entire global slave trade of 6,132,900.\textsuperscript{30}

The Act for the Abolition of the Slave Trade was eventually passed by Parliament on March 25, 1807, coming into effect on January 1, 1808.\textsuperscript{31} The act imposed a fine of \£100 for every slave found aboard a British ship with the intention of effectively suppressing the trade throughout the British Empire.\textsuperscript{32} To enforce this, the British Royal Navy established the West African Squadron.\textsuperscript{33} Between 1807 and 1860, the West Africa Squadron seized approximately 1,600 ships involved in the slave trade and freed 150,000 Africans who were aboard these vessels.\textsuperscript{34}

Due to the size of the British Empire, the Act for the Abolition of the Slave Trade was extremely damaging to the global slave trade. With the trade effectively ended throughout the empire and stymied across the globe, the next step was to abolish slavery completely throughout the Empire. The Slavery Abolition Act, passed on August 23, 1833, outlawed slavery in the British colonies. Slavery was further abolished in India by the Indian

\textsuperscript{29} \textsc{David Livingstone, Dr. Livingstone’s Cambridge Lectures}, 85 (1858). Also, Livingstone was alive during the time when Wilberforce and Pitt campaigned against slavery. From his Cambridge lectures: “But let no Englishman too proudly blame the rulers of Loanda for their slave-gangs, or for their having sometimes, perhaps, shut their eyes to a smuggling export of negroes from their coast. I am old enough to remember the dreary time when the brave indignant oratory of Fox, the majestic eloquence of Pitt, and the silver voice of Wilberforce (speaking like an angel in the cause of mercy and truth and national honour), were heard in vain the St. Stephen’s Chapel; when, year after year, the representatives of free England sanctioned and commended a vile unchristian trade in the flesh and blood of the men of Africa. Vain were the pleadings of eh Christian love and national honour, when the children of mammon were allowed to hold the balance while the debate was going on. Yet our temptation to wrong was not comparable to that of the governors of Loanda. They inherited a bad polity, which put them in moral fetters; from which they had not then, nor have they now, the power of gaining an instant freedom. But they have the power to mitigate the horrors of the imported slave-gangs, and perhaps to put them down: and now that there is an opening, we may hope that they will effectually encourage a human, free commerce with central Africa.”

\textsuperscript{30} Mwachiro, supra note 1.
\textsuperscript{31} \textit{Id.}
\textsuperscript{32} \textit{Id.}
\textsuperscript{33} \textit{Id.}
\textsuperscript{34} \textit{Id.}
PART II: THE LIVINGSTONE EFFECT

A. Brief Biography of David Livingstone

Born into poverty near Glasgow, Scotland, and laboring as a child in the factories, Livingstone’s family immersed him in the Christian faith at an early age. As a boy, Livingstone believed his calling in life was to spread the Gospel in unreached parts of the world. After putting himself through medical school, Livingstone entered the London Missionary Society’s seminary in suburban London. In a time where very few child factory workers achieved even basic literacy, it was remarkable that Livingstone graduated from both medical school and seminary by the age of twenty-seven. His determination and work ethic came at a cost: “no real childhood or adolescence, little or no play or recreation, day after day in the mills, evening after evening working. . . . [t]he obstacles he had overcome and the suffering he had endured had made lasting marks. He was never able to judge others except by the standards he had set for himself, and, as time passed, these standards became less flexible; nor did he have much patience with views that ran counter to his own.”

Livingstone hoped his work as a missionary would place him in China. By the time Livingstone finished seminary, however, Britain and

35 MARTIN DUGARD, INTO AFRICA: THE EPIC ADVENTURES OF STANLEY AND LIVINGSTONE 34 (2003). Livingstone’s father “was such a zealous member of the Independent Congregational Church that he impulsively dropped the ‘e’ from the family name, imagining a connection between a ‘living stone’ and witchcraft. Id.
36 TIMOTHY JEAL, LIVINGSTONE 11 (1973) (quoting Letter from Livingstone to London Missionary Society, (May 9, 1837) available at London Missionary Society Archives). As a boy, Livingstone was terrified by the possibility of his personal damnation, especially given his interest in science. As he once admitted: “I found neither peace nor happiness, which caused me (never having revealed my state of mind to anyone) often to bewail my sad estate with tears in secret.” Id. However, when he was nineteen he read The Philosophy of a Future State, which convinced him that science and faith were not mutually exclusive, but were actually complementary. Id. at 15. Then, at the age of twenty-one, Livingstone read Three Journeys Along the coast of China, which convinced him that he could combine his faith with his passion for science as a medical missionary.
37 DUGARD, INTO AFRICA, supra note 35 at 34.
38 JEAL, supra note 36, at 24.
39 DUGARD, INTO AFRICA, supra note 35 at 34.
China were at war over opium. The Opium Wars forced Livingstone to, instead, choose between the West Indies or Africa. Livingstone chose to go to South Africa, where he was the apprentice of a Missionary named Dr. Robert Moffat. Under the supervision of Dr. Moffat, Livingstone began taking the Gospel to unreached tribes. He caught a vision for opening rivers and trails—highways into the jungle—so that Christianity, commerce, and civilization could find the hearts and minds deep in Africa’s interior. Going where no outsider had gone before, Livingstone became an accidental explorer. He discovered new places and conducted scientific experiments along the way.

Livingstone’s career was marked by three major journeys. His first journey spanned 12 years as a missionary in South Africa, punctuated by a historic walk from the Atlantic Ocean across the continent to the Indian Ocean and his discovery of Victoria Falls. His second journey sought to open the Zambezi River as a highway for international trade. From the beginning, the Zambezi was wrought with strife and ultimately failure. His third and final journey attempted to find the source of the Nile River—the greatest unanswered geographical question of his day—but it was a trip from which he ultimately would not return.

40 Id.
41 Id.
42 WILLIAM GARDEN BLAIKIE, THE PERSONAL LIFE OF DAVID LIVINGSTONE: CHIEFLY FROM HIS UNPUBLISHED JOURNALS AND CORRESPONDENCE IN THE POSSESSION OF HIS FAMILY 28 (1888) (quoting Dr. Robert Moffat):

By and by he asked me whether I thought he would do for Africa. I said I believe he would, if he would not go to an old station, but would advance to unoccupied ground, specifying the vast plain to the north, where I had sometimes seen in the morning sun the smoke of a thousand villages where no missionary had ever been. At last, Livingstone said: ‘What is the use of my waiting for the end of this abominable opium war? I will go to Africa.’ The Directors concurred and Africa became his sphere.

43 “I bless God that He has conferred on one so worthless the distinguished privilege and honour of being the first messenger of mercy that ever trod these regions.” BLAIKIE, THE PERSONAL LIFE OF DAVID LIVINGSTONE, supra note 42 at 39 (quoting Livingstone).

44 This view was shaped by his attendance at the June 1, 1840 public meeting put on by the Society for the Extinction of the Slave Trade and for the Civilization of Africa. There he hears Thomas Fowell Buxton, William Wilberforce’s successor, argue that Africans would only be saved from the slave trade if they were woken up to the possibilities of selling their own produce; otherwise chiefs would continue to sell their own people to pay for the European goods they coveted. Buxton proclaimed that Commerce and Christianity could achieve the miracle, not Christianity alone. JEAL, supra note 34, at 22.

45 BLAIKIE, THE PERSONAL LIFE OF DAVID LIVINGSTONE, supra note 42 at 39
In addition to geographic discoveries, he influenced science and medicine, by documenting insects, weather patterns, and geological formations. Livingstone, for example, was one of the first to institute an effective prophylactic and therapeutic treatment for malaria: a daily dose of quinine. He was the first to document and describe the harmful effects of the tsetse fly. His scientific achievements were so recognized that he was invited to lecture at universities across England, including a series of noted lectures at Cambridge University.

Livingstone’s journals proved not only fodder for science, but also public imagination. The account of his travels, Missionary Travels and Researches in South Africa, published in November 1857 sold an astounding 70,000 copies. He became a national hero and an icon. Yet,
Livingstone’s triumphs preceded his fall. His following expeditions failed miserably, shaking the foundations upon which his identity stood. Livingstone lost himself, both physically and spiritually.

Through his darkest hours, Livingstone committed to a purpose surpassing any scientific discoveries he might make: Ending the African slave trade. And, when Henry Morton Stanley, his physical rescuer, arrived, Livingstone responded to the world that it must demand abolition in East Africa. The world was stirred to action.

Livingstone did not leave Africa alive. He passed away in rags in a hut in a tiny African village. His final admonition to the world, was be a prayer to God for the slave trade to end: “All I can add in my solitude is: May Heaven’s rich blessing come down on every one, American, English, or Turk, who will help to heal this open sore of the world.”

Unknown to Livingstone, however, his work and legacy would profoundly impact the law. It would abolish slavery in East Africa.

B. Origins of an Advocate: South Africa (1841-1853)

Livingstone committed to serving as a missionary through the London Missionary Society and set sail for South Africa in 1840. He arrived at Robert Moffat’s mission in July of 1841. Initially, Livingstone was disappointed by the small size of the village and congregation. Moffat had only converted 40 people in his 20 years of work. Livingstone soon round of visits, lectures, and honours went on and on, Oxford University awarding him a DCL in November, a little before he delivered a set of lectures in Cambridge.”

See also Gale Encyclopedia: “Livingstone was now a famous man. In 1855 the Royal Geographical Society had awarded him the Gold Medal; now at a special meeting they made him a fellow of the society. The London Missionary Society honored him; he was received by Queen Victoria; and the universities of Glasgow and Oxford conferred upon him honorary doctorates.”

DUGARD, INTO AFRICA, supra note 35, at 302.

Id.

Livingstone Journal Entry, (May 1, 1872) in THE LAST JOURNALS OF DAVID LIVINGSTONE 182 (1874)

He planned to be a missionary, not an explorer. Letter from David Livingstone to the London Missionary Society (March 9, 1849) in Livingstone’s Missionary Correspondence 1841–1856, 134 (I. Schapera, ed., 1961), (“I hope to be permitted to work as long as I live beyond other men’s line of things and plant the see of the gospel where others have not planted.”).

Livingstone, Missionary Travels, at ___.

See Letter from David Livingstone to the London Missionary Society (May 26, 1849)
moved to several missions further north of his initial post. He married Moffat’s eldest daughter Mary on January 2, 1845. Livingstone converted only one African to Christianity during his time there.

Livingstone’s approach to missions was, in many ways, ahead of its time. First, unlike his contemporaries, he approached the natives, with the view that Europeans were not intellectually superior. Second, he proposed the use of rivers as highways for missionaries. His unconventional and progressive ideas made it difficult for him to work with other Europeans and missionaries, likely contributing to the reasons he pressed north to establish new missions in uncharted areas. His zeal and drive also strained relationships with his peers.

While Livingstone was in South Africa focused on his mission work, Europe failed an attempt to combat the East African slave trade. In the early 1840s, efforts were made to abolish the export of slaves from Zanzibar, the hub of the East African slave trade. Still, all out abolition of the slave trade was not pursued as a remedy for Africa, and restricting the slave trade in East Africa only intensified it.

The British government began moving against the practice, placing the

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58 In 1944, Livingstone was mauled by a lion. His arm was badly injured and never fully recovered.
59 See J. E. AL, supra note 36, at 61.
60 Id. at 55 (quoting Livingstone, Missionary Travels, supra note __, at 20). Unlike many missionaries of his day, he did not claim that Africans refused the gospel of stupidity, “in fact, he believed that, in what they knew about from direct experience, natives ‘showed more intelligence than is to be met with in our own uneducated peasantry.’”
61 Id. at 93. Livingstone’s early discoveries in Africa were motivated by an idea novel to South-African Missionaries: the use of rivers to open up the continent to Christianity, commerce, and civilization.
62 Id. at 66.
63 See Owen Chadwick, Mackenzie’s Grave 221 (2009). Many who tried to work with Livingstone noted that once he set his mind to a particular aim, he would throw all of his hopes and energies into the venture without ever pausing to consider whether the goal was practical. Also see J. E. AL, supra note 36, at 151. Some have suggested that Livingstone’s bravery bordering on insanity was a result of his belief that his work was ordained by God and that as long as he was working within God’s plan, he could not die, and that as soon as he was no longer serving that plan, it was just as well that he did.
64 Jack Simmons, Livingstone and Africa 154 (1955).
Sultans of Zanzibar in a difficult position with respect to the politics of the slave trade. On one hand, they wanted to appease the British government which offered protection and economic prosperity. On the other hand, the social order and economy of Zanzibar rested firmly upon the slavery and the trade in slaves. As historian Jack Simmons noted, “to proclaim an outright abolition would have meant a social change so great as to endanger the stability of their regime.” 65

The British government’s strategy involved the implementation of compounding restrictions, initially proposing a treaty to the Sultan that would limit the scope of the trade. Though Sultan Seyid Said initially resisted, 66 in 1845 he signed a treaty with the British committing the Zanzibaris to cease exporting slaves from Africa. 67 As Zanzibari slave trade historian Hazell wrote:

So the matter was settled—except that the treaty was a sham, it gave everyone what they wanted, including the Zanzibaris, and it changed nothing. Once it was signed, the [East India] Company lost interest in the trafficking of slaves, and the new treaty was left unpolicied and unenforced. Along the western shores of the Indian Ocean the slave trade did not cease; on the contrary, it grew, unimpeded, tolerated, even half protected within the shadows of the law. The numbers of black Africans exported from Zanzibar increased as the century advanced. It seemed that nothing could stop the traffic. 68

These restrictions were merely shams—and the trade continued. Even if the export law was properly enforced, they still could be shipped legally along the coast within Zanzibari territory as far north as the Somali coast. “Lamu, the little port at the Northern most reach of Said’s ‘dominions’, until then not especially notable for its labour demands, suddenly became the destination for thousands of slaves every year.” 69 Slaving ships would

65 SIMMONS, supra note 64, at 154. “The Sultans’ difficulties have to be remembered: to proclaim an outright abolition would have meant a social change so great as to endanger the stability of their regime. They were in an embarrassing situation, between their subjects, to whom slavery and the slave trade were part of the natural order and a powerful vested interested, and the British government, which they were always anxious to stand well.”

66 HAZELL, supra note __, at 23 (quoting Letter from Horton to government of Bombay, Jan 3 1842. FO 54.5). At one point, Said told the British Consul whom he was negotiating with, “The Koran, the word of God . . . sanctioned it; and the Arabs, of all Mohamedans, the people considered by the Almighty as most deserving of favour, had a right to enslave infidels.”

67 HAZELL, supra note 9, at 23.

68 Id. at 23.

69 Id. at 105.
legally sail up to Lamu and then, when the time was right, make the last illegal leg of their journey up the Somali coast and across to the Gulf.\textsuperscript{70} “The smuggling trade boomed. For the treaty to ban slave trading in the gulf was in truth a dead letter, and existed only on paper. In securing this loophole, Said had, in fact, ensured that nothing would change.”\textsuperscript{71}

In South Africa, Livingstone began encountering the effects of the slave trade and accompanying treaties, after witnessing the Arab slave trade firsthand in 1853.\textsuperscript{72} In Livingstone’s first published account of his work in Africa, 1857’s \textit{Missionary Travels and Research in South Africa}, he began detailing the scope and nature of the slave trade.\textsuperscript{73} This early description of the way in which the trade worked in Africa was widely read and it planted the seeds for Livingstone’s growing outrage. He was one of the few Europeans to witness and report back on the situation.

Livingstone’s years in South Africa may be characterized as largely observational of the slave trade.\textsuperscript{74} This was his first close encounter with the slave trade and it took place at a time when the slave trade was fading in South Africa on account of Portuguese abolition.\textsuperscript{75} His abolitionist efforts

\textsuperscript{70} \textit{Id.}
\textsuperscript{71} HAZELL, supra note 9, at 105.
\textsuperscript{72} SIMMONS, supra note 64, at 156. See JEAL, supra note 36, at 85. Livingstone’s first experiences with slavery in Africa were at the hands of the Boers in the Transvaal. This lead him initially to be cautious of the idea of European intervention in African affairs, but soon he was committed to the idea that Europeans could fix Africa by bring Christianity, commerce, and civilization.\textsuperscript{72}

\textsuperscript{73} Livingstone, \textit{Missionary Travels}, at 39. “I can never cease to be most unfeignedly thankful that I was not born in a land of slaves. No one can understand the effect of the unutterable meanness of the slave-system on the minds of those who, but for the strange obliquity which prevents them from feeling the degradation of not being gentlemen enough to pay for services rendered, would be equal in virtue to ourselves. Fraud becomes as natural to them as "paying one's way" is to the rest of mankind.”

\textsuperscript{74} Although Livingstone provides little description of his own observations of the abolitionist movement happening in Britain, he would have witnessed significant changes at home that shaped his view of slavery and likely contributed to his anger.

\textsuperscript{75} Livingstone, \textit{Missionary Travels}, at 312. One of Livingstone’s earliest documented encounters with the slave trade happened in South Africa as he set up camp near a pair of native Portuguese slave traders. It was the first time many of his men had seen slaves in chains. (“The two native Portuguese traders of whom we had heard had erected a little encampment opposite the place where ours was about to be made. One of them, whose spine had been injured in youth—a rare sight in this country—came and visited us. I returned the visit next morning. His tall companion had that sickly yellow hue which made him look fairer than myself, but his head was covered with a crop of unmistakable wool. They had a gang of young female slaves in a chain, hoeing the ground in front of their encampment to clear it of weeds and grass; these were purchased recently in Lobale, whence the traders had now come. There were many Mambari with them, and the
were modest, reflecting a man still developing ideas and practices, particularly his own convictions about the trade. Throughout his book, *Missionary Travels and Researches in South Africa*, he cites incidents and encounters frequently.

Livingstone tried to set an example against slavery, but rarely was he aggressively outspoken against it. For instance, on one occasion, Livingstone was offered a slave girl by a local tribal chief:

> When I came he presented me with a slave girl about ten years old; he said he had always been in the habit of presenting his visitors with a child. On my thanking him, and saying that I thought it wrong to take away children from their parents, that I wished him to give up this system altogether, and trade in cattle, ivory, and bees'-wax, he urged that she was ‘to be a child’ to bring me water, and that a great man ought to have a child for the purpose, yet I had none. As I replied that I had four children, and should be very sorry if my chief were to take my little girl and give her away, and that I would prefer this child to remain and carry water for her own mother, he thought I was dissatisfied with her size, and sent for one a head taller; after many explanations of our abhorrence of slavery, and how displeasing it must be to God to see his children selling one another, and giving each other so much grief as this child’s mother must feel, I declined her also. If I could have taken her into my family for the purpose of instruction, and then returned her as a free woman, according to a promise I should have made to the parents, I might have done so; but to take her away, and probably never be able to secure her return, would have produced no good effect on the minds of the Balonda; they would not then have seen evidence of our hatred to slavery, and the kind attentions of my friends would, as it almost always does in similar cases, have turned the poor thing’s head.

Over the course of his first twelve years, he developed an anger for slavery, refusing to even follow in the same paths as the slave traders. As Livingstone wrote, “...it is so undesirable to travel in a path once trodden by slave-traders that I preferred to find out another line of march. […]” There, however, the slave-trade had defiled the path, and no one ought to

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76 Id. at 368-69. In *Missionary Travels*, Livingstone does show aggression at one point. “In reference to a man being given, I declared that we were all ready to die rather than give up one of our number to be a slave; that my men might as well give me as I give one of them, for we were all free men.”
follow in its wake unless well armed.”

During his time in South Africa, Livingstone worked closely with the Kololo people and sought to set up a mission outpost in their territory. While exploring the territory, he discovered that the Kololo were already involved in the trade in slaves and ivory. In Kololo, he found that the Portuguese had already arrived from the west coast to facilitate the trade. From the east coast, Swahili traders from Zanzibar were reaching the edges of the Kololo kingdom.

Due to his close relationship with the Kololo people, the situation turned personal and urgent. “Livingstone felt all the more pressure now to find a readily accessible route from either the west or east coasts to bring legitimate trade into the region and, by undercutting the slave trade, to destroy it.”

Ivory, he observed, was the dominant force. Slaves were captured primarily to facilitate the transport of ivory. It was far easier to sell them at the end of the journey than to return them or reuse them, and there was no major trade going back into Africa.

Livingstone brought it upon himself to find the readily accessible route from south-central Africa to the coast. He decided to first go to the east, reasoning that if Portuguese slave traders could make the journey, then legitimate traders could do so as well. Instead of following in the path of the slave traders, he chose to make his own way. Further, he decided to try to find a route to Loanda, the capital of Angola, where he heard there might be British contacts. From there, he headed east, crossing the entire

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77 Id. at 247.
78 Ross, Mission, at 90.
79 Id.
80 Id.
81 Id.
82 Id.
83 Id.
84 Id. Livingstone’s frustration lay with the international trade in slaves. Indeed, there was domestic slavery in Africa within its tribes. Livingstone accepted traditional African domestic slavery as part of the culture—but an element that would eventually change as African societies developed. It was “not something that warranted immediate interference.”
85 Id.
86 Id.
87 Id.
88 Id.
89 Id. Although he did not know it, Loanda happened to be a port for the British Royal
continent by foot and following the Zambezi River to its mouth. He was the first European to accomplish such a feat.

Livingstone’s search for accessible routes brought about an idea novel to African missionaries: the use of rivers to open up the continent to “Christianity, commerce, and civilization.” For Livingstone, the answer to Africa’s development lay in the introduction of Christianity (a moral force) and commerce (legitimate trade), which would then bring about civilization.

By the end of his time in South Africa, Livingstone was optimistic about the end of the slave trade. In Missionary Travels, he wrote about his perception of the positive effect of the 1845 law in Zanzibar restricting the exportation of slaves. His optimism even extended to the Portuguese government, publicly crediting them with a sincere desire to reduce and eliminate the slave trade in Africa. In Missionary Travels, he writes, “The Portuguese home government has not generally received the credit for sincerity in suppressing the slave-trade which I conceive to be its due.” He further applauded the Portuguese government for dutifully working to legislate against the slave trade.

As soon as he arrived in England, Livingstone talked of returning to Africa—this time to the Zambezi River—and returning to as soon as possible. The Zambezi River, would be the river-highway into the African interior for which he was searching. He wanted to be back no later than April 1857, but had no financing and was persuaded to stay and write a book chronicling his adventures: Missionary Travels and Researches in South Africa.

Livingstone’s fame and influence soared. He became a national hero—an icon of British resolve and exploration. Missionary Travels sold 70,000 copies and he became a highly sought-after speaker. The crescendo of his rise included a meeting with Queen Victoria.

Navy and a station for Edmund Gabriel, British Commissioner for the Suppression of the Slave Trade.

90 See JEAL, supra note 36, at 93.

91 Livingstone, Missionary Travels, at 247. “The fact, however, of a change from one system of carriage to another, taken in connection with the great depreciation in the price of slaves near this coast, proves the effectiveness of our efforts at repressing the slave-trade on the ocean.”

92 Livingstone, Missionary Travels, at 429.

93 Ross, Mission, at 117.
As Livingstone traveled and lectured throughout Britain, he remained outspoken about the trade, suggesting the core cause for the slave trade’s continuation: the disproportionate profitability between the slave trade and the cost of lawful commerce. He theorized that opening up lawful commerce in Africa’s interior would quickly shut down the trade.

C. Failing: The Zambezi (1858-1864)

Approaching the Zambezi expedition, Livingstone wrote a letter to Lord Clarendon, British Foreign Secretary, outlining five requests and purposes for the trip. His first reason: to eliminate the slave trade. He appealed to the British government’s appetite for resources, such as the possibility for trade in cotton, oil from groundnuts, and juice from sugar cane. The British government agreed to fund Livingstone’s expedition to the Zambezi for the purpose of opening up the river to navigable travel and surveying the region’s natural resources.

94 Id. at 429-430. “In 1839, my friend Mr. Gabriel saw 37 slave-ships lying in this harbor, waiting for their cargoes, under the protection of the guns of the forts. At that time slavers had to wait many months at a time for a human freight, and a certain sum per head was paid to the government for all that were exported. The duties derived from the exportation of slaves far exceeded those from other commerce, and, by agreeing to the suppression of this profitable traffic, the government actually sacrificed the chief part of the export revenue. Since that period, however, the revenue from lawful commerce has very much exceeded that on slaves. The intentions of the home Portuguese government, however good, cannot be fully carried out under the present system. The pay of the officers is so very small that they are nearly all obliged to engage in trade; and, owing to the lucrative nature of the slave-trade, the temptation to engage in it is so powerful, that the philanthropic statesmen of Lisbon need hardly expect to have their humane and enlightened views carried out. The law, for instance, lately promulgated for the abolition of the carrier system (carregadores) is but one of several equally humane enactments against this mode of compulsory labor, but there is very little probability of the benevolent intentions of the Legislature being carried into effect.”

95 George Seaver, David Livingstone: His Life and Letters, Harper & Brothers, 1957, at 299.

96 Id. (Request number one: “To make the Zambesi a path for commerce into the Interior and thus end the slave trade.”)

97 Id.

98 Sir Roderick Murchison wrote to the British Foreign Secretary, the Earl of Clarendon, urging him to make use of Livingstone, which he called “this extraordinary man.” Ross, Mission, at 119. Murchison then arranged for a meeting between Livingstone and Clarendon. As a result of the meeting, Clarendon asked Livingstone to submit a formal statement of his aims for the Zambezi expedition. In the letter, Livingstone “insisted that his chief aim was to make the Zambesi a path for commerce and Christianity into the centre of Africa: Because I believe we can by legitimate commerce, in the course of a few years, put an entire stop to the traffic of slaves over a large extent of territory.”
In 1857, Clarendon gave Livingstone an official government post, appointing him to British Consul for East Africa and presenting the opportunity for funding his expeditions.\(^9\) He parted ways with the London Missionary Society, which had funded his work in South Africa, and the Zambezi expedition set sail in March of 1858.\(^10\)

Although the Zambezi expedition was ostensibly for geographic exploration and commerce, Livingstone had in mind that the ultimate purpose was to end the slave trade. One of his notable companions, crew physician John Kirk, would become instrumental in the fight against the slave trade much later.\(^11\) In a personal letter at the outset of the expedition, Livingstone confided in Kirk that one of the main objects of the expedition was to make advancements towards the end of the slave trade and asked him to “aid in the great work of supplanting by lawful commerce the odious traffic in slaves.”\(^12\)

While Livingstone had traced much of the Zambezi during his transcontinental crossing, he had missed a significant series of rapids and waterfalls that left the Zambezi impenetrable by boat. Ultimately, this rendered the goal of the expedition—to open the Zambezi as a waterway into central Africa—futile.

Reaching Lake Nyassa in 1859 was one of the few notable successes.\(^13\)

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\(^9\) Thus he was a paid governmental employee.

\(^10\) Ross, *Mission*, at 117. “Before leaving Africa, he had become sure that his chosen role was to be that of opening up what he called ‘intertropical Africa’. Even before receiving Tidman’s letter refusing to countenance any more ‘adventures’, Livingstone had sensed that the leadership of the LMS, which had allowed him independence for four years, would not continue on this course.” Ross, *Mission*, at 120. “No letter of resignation from Livingstone is known, but, in a letter to Tidman of 30 April 1857, Livingstone wrote that he felt that he must withdraw from pecuniary dependence on the LMS, or any other missionary society. Many of his friends advised him not to make a public with the society, as it might lead people to think he was giving up the missionary task. On their part, the LMS did not want a public break with Livingstone at the height of his popularity.”


\(^13\) Today, Lake Nyassa is known as Lake Malawi. The expedition’s reached Lake Nyassa on September 16, 1859.
The inland lake was a significant geographical feature: 210 miles long and 26 miles wide.\textsuperscript{104} The large inland lake was significant both geographically and to Livingstone’s view of the slave trade. Although Livingstone witnessed the slave trade in South Africa, its evil impact on Africa did not become clear until Lake Nyassa. Livingstone deemed the lake the “fountainehead” and “center” of the slave trade.\textsuperscript{105}

Livingstone wrote: “The Lake slave-trade was going on at a terrible rate. Two enterprising Arabs had built a dhow, and were running her, crowded with slaves, regularly across the Lake. We were told she sailed the day before we reached their head-quarters.”\textsuperscript{106}

At Nyassa, it was evident that slavery had overtaken ivory as a primary export.\textsuperscript{107} Although he was accustomed to witnessing the trade of slaves and slave raiding parties, it was the size and scope of the operation here at Nyassa that was his turning point. He continued to share what he saw:

Would that we could give a comprehensive account of the horrors of the slave-trade, with an approximation to the number of lives it yearly destroys! for we feel sure that were even half the truth told and recognized, the feelings of men would be so thoroughly roused, that this devilish traffic in human flesh would be put down at all risks; but neither we, nor any one else, have the statistics necessary for a work of this kind.

Let us state what we do know of one portion of Africa, and then every reader who believes our tale can apply the ratio of the known misery to find out the unknown. We were informed by Colonel Rigby, late H.M. Political Agent, and Consul at Zanzibar, that 19,000 slaves from this Nyassa country alone pass annually through the Custom-house of that island. This is exclusive of course of those sent to Portuguese slave-ports. Let it not be supposed for an instant that this number, 19,000, represents all the victims. Those taken out of the country are but a very small section of the sufferers. We never realized the atrocious nature of the traffic, until we saw it at the fountain-head. There truly “Satan has his seat.”

Besides those actually captured, thousands are killed and die of their

\textsuperscript{104} David Livingstone 180
\textsuperscript{105} SIMMONS, supra note 64, at 156 (“[Livingstone] started to learn about the Arab slave trade when he was in Makololo country in 1853, but he did not come into close contact with it until six years later, at the time of his discovery of Lake Nyasa”).
\textsuperscript{106} David Livingstone, Narrative of an expedition to the Zambesi and its tributaries: and of the discovery of the lakes Shirwa and Nyassa, 390 (1865).
\textsuperscript{107} Id. at 390-91. “We did not see much evidence of a wish to barter. Some ivory was offered for sale; but the chief traffic was in human chattels.”
wounds and famine, driven from their villages by the slave raid proper. Thousands perish in internecine war waged for slaves with their own clansmen and neighbours, slain by the lust of gain, which is stimulated, be it remembered always, by the slave purchasers of Cuba and elsewhere. The many skeletons we have seen, amongst rocks and woods, by the little pools, and along the paths of the wilderness, attest the awful sacrifice of human life, which must be attributed, directly or indirectly, to this trade of hell.

We would ask our countrymen to believe us when we say, as we conscientiously can, that it is our deliberate opinion, from what we know and have seen, that not one-fifth of the victims of the slave-trade ever become slaves. Taking the Shire Valley as an average, we should say not even one-tenth arrive at their destination. As the system, therefore, involves such an awful waste of human life.108

After the incident at Lake Nyassa, Livingstone began thinking about how the slave trade could be more swiftly and practically brought to an end.109 Livingstone endeavored to obtain any information he could which might push the government to act.110 He believed that only whole-hearted and determined government action could make any impression on the East African slave trade.111

One such solution he proposed envisioned the British Royal Navy patrolling Lake Nyassa with a vessel.112 Livingstone wanted to take the battle against the slave trade inland from the coasts.113 As Livingstone suggested, “by judicious operations … one small vessel would have decidedly more influence, and do more good in suppressing the slave trade, then half a dozen men-of-way on the ocean.”114

Livingstone set out to build such a boat and promote “honest trade” on Lake Nyassa.115 He built the boat from his own funds—primarily income from his first book, Missionary Travels. The boat, Lady Nyassa, was built in Scotland and sectioned so that it could be disassembled for transport

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109 See JEAL, supra note 36, at 294.
110 Id.
111 Id.
112 Livingstone, Zambesi, at 392.
113 Id.
114 Id. “This reasoning, if not the result of ignorance, may be of maudlin philanthropy. A small armed steamer on Lake Nyassa could easily, by exercising a control, and furnishing goods in exchange for ivory and other products, break the neck of this infamous traffic in that quarter; for nearly all must cross the Lake or the Upper Shire.”
overland into Africa.

Mary Livingstone arrived along with the Lady Nyassa in 1962 to join her husband on the Zambezi. She contracted Malaria and died on April 27, 1862, adding further pain and setback to Livingstone’s failures. Livingstone found his Christian faith in question. After Mary’s death, he began to doubt whether his was work was really serving God as he had always believed.

Despite his wife’s death and the contention in his team, Livingstone continued his explorations, turning his attention to the Rovuma River as a navigable alternative waterway flowing from Lake Nyassa.

After the Nyassa incident, Livingstone found himself inundated with the horrors of the slave trade. For Livingstone, the villain of the trade became a half-caste Portuguese slave agent known as “Mariano,” a most notorious slave trader in the region. Mariano’s “trail was everywhere, 

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116 Id.
117 See JEAL, supra note 36, at 260.
118 Livingstone, Zambesi, at 359. (“Our hopes were turned to the Rovuma, as a free highway into Lake Nyassa and the vast interior.”) Ross, Mission, at 166-67. The Portuguese claimed that the Zambezi was not an international waterway in an attempt to prevent Britain for accessing inland territory to establish colonies, missions, and trade. As a result, Livingstone had to look to for other “free” waterways, such as the Rovuma. According to an earlier treaty, the southern bank of the Rovuma set the northern border for Portugal’s presence. Thus, the Rovuma was not under Portuguese control. Livingstone saw this opportunity as the waterway to the interior and wrote to Lord Russell, who agreed to extend the Zambezi expedition for this purpose. The Portuguese wanted to frustrate Livingstone. In 1862, they sent government representatives to Zanzibar to ask the Sultan to close the Rovuma to anyone but the Portuguese. Negotiations failed.
119 Livingstone, Zambesi, at 474. Livingstone’s detailed accounts of Mariano and slave trade begin after setting sail in early January of 1863 (“The Shiré having risen, we steamed off on the 10th of January, 1863, with the “Lady Nyassa” in tow. It was not long before we came upon the ravages of the notorious Mariano.”)
120 Little is known about Mariano, but he was notorious in the region. In many ways, Mariano becomes the villain to Livingstone. Livingstone cites some of Mariano’s dealings in the area and deserves further research.

“Another difficulty is that the Portuguese use their African colonies as convict settlements which are somewhat loosely managed. The convicts are allowed to scatter themselves over the continent and when complaints are made of their outrages the apology is that they are out of Portuguese control. They and their half caste offspring are also a troublesome element of the population about the settlements. In Livingstone’s time there was a half caste of the name of Bonga a scourge on the river Zambezi by his piracies Mariano, another of them, swept the whole valley of the Shire with fire and sword in the interests of the slave
and everywhere blood-spattered. He and his men would rape, burn, slay, destroy utterly hamlets and villages, lay waste valleys, and rob those too old for the slave market.\footnote{David Livingstone, 174.}

The latter half of Livingstone’s Zambezi account is filled with stories of the destruction of the slave trade.\footnote{See generally Livingstone, Zambesi.} In particular, Livingstone angrily and sorrowfully recounted his experience happening upon the violent destruction of Mariano:

“It was not long before we came upon the ravages of the notorious Mariano. The survivors of a small hamlet, at the foot of Morambala, were in a state of starvation having lost their food to one of his marauding parties. The women were in the fields collecting insects, roots, wild fruits, and whatever could be eaten, in order to save their lives, if possible, till the next crop should be ripe. Tow canoes passed us, that had been robbed by Marianos band of everything they had in them; the owners were gathering palm nuts for their subsistence. They wore palm-leaf aprons, as the robbers had stripped them of their clothing and ornaments. Dead bodies floated past us daily, and in the morning the paddles had to be cleared of corpses, caught by the floats during the night. For scores of mile the entire population of the valley was swept by this scourge Mariano, who is again, as he was before, the great Portuguese slave agent. It made the heart ache to see the widespread desolation; the river banks, once so populous, all silent; the villages all burned down, and an oppressive stillness reigning everywhere where formerly crowds of eager sellers appeared with the various products of their industry. Here and there might be seen on the bank a small, dreary, deserted shed, where had sat, day after day, a starving fisherman, until the rising waters drove the fish from their wonted haunts and left him to die. Tingane had been defeated; his people had

\footnote{The water highways of the interior of Africa, with notes on slave hunting and the means of its suppression, James Stevenson, 1883. Livingstone also notes the death of Mariano in 1864, apparently from “debauchery.” See Expedition to the Zambezi at 578.}
been killed, kidnapped, and forced to flee from their villages. There were a few wretched survivors in a village above the Rue; but the majority of the population was dead. The sight and smell of dead bodies was everywhere. Many skeletons lay beside the path, where in their weakness they have fallen and expired. Ghastly living forms of boys and girls, with dull, dead eyes, were crouching beside some of the huts. A few more miserable days of their terrible, and they would be with the dead.”

Livingstone’s anger at the slave trade became directed at the Portuguese, who controlled the mouth of the Zambezi River and, under the authority of the Sultan of Zanzibar, much this region of East Africa. In Livingstone’s letters, dispatches, and later writings, he now denounced and incriminated the Portuguese, whom he had applauded after his return from South Africa.

123 Livingstone, Zambesi, at 449-450.
124 Livingstone criticism was so strong that Lord John Russell, the successive British Foreign Secretary, asked Livingstone to moderate his criticism. In this same letter, Lord Russell granted a two-year extension to the Zambezi expedition to explore the Rovuma as a possible alternative waterway to the Zambezi.
125 Livingstone, Zambesi, at Postscript to Preface vii-x. At the Outset of Narrative to the Zambezi, Livingstone would write:

“The credit which I was fain to award to the Lisbon statesmen for a sincere desire to put an end to the slave trade, is, I regret to find, totally undeserved. […]

But the main object of the Portuguese Government is not geographical. It is to bolster up that pretence to power which has been the only obstacle to the establishment of lawful commerce and friendly relations with the native inhabitants of Eastern Africa. […] The Portuguese interdict all foreign commerce, except at a very few points where they have established customhouses, and even at these, by an exaggerated and obstructive tariff and differential duties, they completely shut out the natives from any trade, except that in slaves. […]

Tin’s Portuguese pretence to dominion is the curse of the negro race on the East Coast of Africa, and it would soon fall to the ground, were it not for the moral support it derives from the respect paid to it by our own flag. […] Our squadron on the East Coast costs over 70,000Z. a year, and, by our acquiescence in the sham sovereignty of the Portuguese, we effect only a partial suppression of the slave-trade, and none of the commercial benefits which have followed direct dealing with the natives on the West Coast. A new law for the abolition of slavery has been proposed by the King of Portugal; but it inspires me with no confidence, as no means have ever been taken to put similar enactments already passed into execution, and we can only view this as a new bid for still further acquiescence in a system which perpetuates barbarism. Mons. Lacerda has unwittingly shown, by his euger advocacy, that the real sentiments of his employers are decidedly pro-
Livingstone’s increased anger toward the Portuguese was due to three things. First, the stark contrast between Portugal’s development and racial tolerance in West Africa and its unstructured development and tolerance for the slave trade in East Africa, particularly the brutal Arab slave traders who were allowed unfettered reign. Second, Portugal was asserting greater sovereignty over more territory in East Africa and insisting that the Zambezi was not an international waterway. Finally, Portuguese slave traders were rapidly expanding in the Zambezi valley, particularly in areas where there was no slave trading before Livingstone’s prior explorations. Livingstone wondered whether he was opening the way for slavers and the destruction of Africa—contrary to the development and civilization for which he hoped.

Livingstone felt that “…Portugal’s claim that she was taking civilization to the untutored and her talk about spreading Christianity and putting down cruelty and slavery were mere shams.”

slavery. The great fact that the Americans have rid themselves of the incubus of slavery, and will probably not tolerate the continuance of the murderous slave-trade by the Portuguese nation, has done more to elicit their king’s recent speech than the opinions of his ministry.”

126 Ross, Mission, at 165. Also see JEAL, supra note __, at 266. Jeal attributes Livingstone’s disdain for the Portuguese as his need to find a scapegoat for the utter failure of the Zambezi expedition. I agree that Livingstone’s pride was involved and his fight with Portugal, in part, became a matter of saving his reputation with respect to his discoveries, but he was deeply angered over the Portuguese and saw them as representing one thing to the world while acting with depreciation or at a minimum ambivalence in East Africa. Ross, Mission, at 165 (“His pride was involved (how could it not be, after all he was a human being?), but it was not the fundamental source of his anger and despair.”).

127 Id.

128 Id. If the Zambezi was not recognized as an international waterway, it removed the hope of using this river for international trade.

129 Id. Livingstone was particularly angered over slavery in the Shire valley.

130 Id. at 165-67. Ultimately, the Portuguese wanted to connect their East and West African claims and thus root out non-Portuguese claims to territory and rivers. In response, the Portuguese began a campaign in academic journals to show that they had already discovered what Livingstone claimed to have discovered, though he just charted his discoveries with greater accuracy. Livingstone feared that Portugal’s claim would be accepted by Britain and the international community. This would allow Portugal to go on with the slave trade and effectively make his discoveries moot. Livingstone responded by dismissing Portugal’s claims and the discoveries of its early explorers. According to Ross, “[Livingstone’s claims] were foolish because they did make him appear petty and small-minded in his desperate attempts to make the Portuguese reports appear to be the work of ‘armchair geographers’, which most of them were not.”

131 David Livingstone, 171.
Despite the loss of his wife and his shaken faith, Livingstone continued his explorations. He launched the Lady Nyassa and set sail upriver for the lake. Although the boat had been built in sections in order to transport it around difficult parts of the river, they encountered cataracts, which proved an insurmountable obstacle for the boat. Another defeat.

The Rovuma proved not to be as easily navigable as expected.\footnote{Livingstone, Zambesi, at 499. (Livingstone wrote, “Under all these considerations, with the fact that we had not found the Rovuma so favourable for navigation at the time of our visit as we expected, it was impossible not to coincide in the wisdom of our withdrawal.”)} Due to its failure to find a navigable route and increasing costs of the expedition, the British government ordered the expedition to return to England. The expedition was formally recalled on July 2, 1863.\footnote{Niall Ferguson, Empire: The Rise and Demise of the British World Order and the Lessons for 132.}

The Zambezi expedition was ultimately a failure. Ever-shifting sandbars and impervious cataracts meant that the Zambezi could never be the highway of which Livingstone dreamed, carrying Christianity, commerce, and civilization into the African interior.\footnote{See JEL, supra note 36, at 202–14.} On top of that, many of the same character traits that allowed Livingstone to study his way out of a life in mills and walk across Africa without another European made him a less than ideal leader of other men with lesser constitutions.\footnote{Id. at 199–200. Even expedition physician John Kirk wrote in 1862, "I can come to no other conclusion than that Dr. Livingstone is out of his mind and a most unsafe leader." Id. at 175–84 for the fate of the two missionary families sent by the London Missionary Society under pressure from Livingstone.} Miscommunication and misunderstanding plagued those associated with the expedition.\footnote{Id.}

Back in Britain, the failure of the Zambezi took its toll on Livingstone’s once heroic reputation. Public opinion turned against him.\footnote{Ferguson at 132.} His letters to the Prime Minister asking for help in establishing a colony and moving steamers up the river were swiftly and publicly rejected.\footnote{Id.} Even The Times spoke out against him in a bitter editorial:

> We were promised cotton, sugar, and indigo, commodities which savages never produced, and of course we got none. We were promised trade and there is no trade. We were promised converts and not one has been made. We were
promised that the climate was salubrious, and some of the best missionaries and their wives and children have died in the malarious swamps of the Zambezi.\textsuperscript{139}

Once again, Livingstone edited and published his journals.\textsuperscript{140} In 1865’s, \textit{Narrative of an Expedition to the Zambesi and Its Tributaries; and of the Discovery of the Lakes Shirwa and Nyassa}, the slave trade took a prominent role and his tone toward changed dramatically.

Livingstone’s attitude toward slavery became even more outspoken and poignant after his second expedition due to the nightmare he encountered at Nyassa. His focus shifted from general development in Africa’s interior toward ending the violent and growing Arab slave trade operating out of Zanzibar.\textsuperscript{141} As Simmon’s noted, “he turned his whole attention to the Arab slave trade, and in the last nine years of his life […] he did everything he could to press the attack on it, through his published writings, by correspondence, by the ceaseless noting of information that might ultimately be used as evidence.”\textsuperscript{142}

In England, Livingstone began crafting a vision for the complete end of slave trade in East Africa. Despite the failure on the Zambezi, Livingstone used whatever remaining platform he had to advocate for the abolition of the East African slave trade. Although he had little to show for the success of the Zambezi, he still had the ear of the people when it came to his observations of Africa, particularly slavery. “The missionary societies listened to him… But so did British governments […] His dispatches home were published and discussed eagerly in Parliament, in \textit{The Times}, at the Royal Geographical Society.”\textsuperscript{143} In the matter of the slave trade, Livingstone led public opinion.\textsuperscript{144} Beyond Livingstone, there were few sources upon which to rely.

As a result of Livingstone’s advocacy, British public interest returned to the slave trade and the British government responded with increased

\textsuperscript{139} Id.
\textsuperscript{140} See generally Ross, \textit{Livingstone}. After Livingstone’s first expedition, he was greeted with continuous invitations to lecture at high profile events. After this expedition, he received only three (?) invitations.
\textsuperscript{141} SIMMONS, supra note 64, at 156. “[The Arab slave trade] then began to take a prominent place in his mind, side by side with the Portuguese slave trade.”
\textsuperscript{142} SIMMONS, supra note 64, at 156-157.
\textsuperscript{143} Id. at 157.
\textsuperscript{144} Id. at 157.
restrictions toward the Sultans.\(^{145}\) The government, however, remained reluctant to take decisive action.\(^{146}\) Unlike the Transatlantic slave trade, the British government did not feel any sense of moral obligation to end the Arab slave trade in East Africa.\(^{147}\) British diplomatic relations further suggested that pushing the sultan could harm their relationship with the leader of Zanzibar and give the French or Germans an opportunity to gain political power in Zanzibar to the detriment of the English.\(^{148}\)

In 1864, the British government made headway, persuading Sultan Majid to issue a decree forbidding all transport of slaves from January to April—the period of the southwest monsoon.\(^{149}\) This restriction became an important step forward as slave traders exporting from East Africa into the Middle East could only conveniently sail their dhows during the period of restriction.\(^{150}\) This particularly affected the “Northern Arabs.”\(^{151}\) To enforce this restriction, the British Navy ran patrols and held stiff consequences.\(^{152}\) Any slaving ship caught by British slave squadron during this period was condemned and its captives set free.\(^{153}\)

Again in 1864 through British pressure on the Sultans, restrictions on the slave trade were stiffened further, preventing Zanzibari people from trading or cooperating with the “Northern Arabs” altogether.\(^{154}\) The Sultan issued a decree:

“…any of the Sultan’s East African subjects who co-operated with the ‘Northern Arabs’ in slaving was to be liable to fine and imprisonment; and the Sultan wrote to the rulers of the Arabian coast warning them that ‘in future every northern dhow reaching Zanzibar shall be burned forthwith, as their sole business here is to steal the children of the inhabitants of Zanzibar and their slaves.’”\(^{155}\)

Through these restrictions, the laws limiting the slave trade grew

\(^{145}\) See JEAL., supra note 36, at 124 (“Since the British had never participated in the centuries-old Arab slave-trade, it was not a subject that preoccupied them overmuch until Livingstone’s revelations in the 1860’s.”).

\(^{146}\) See JEAL., supra note 36, at 294.

\(^{147}\) Id.

\(^{148}\) Id. at 194.

\(^{149}\) SIMMONS, supra note 64, at 154.

\(^{150}\) Id.

\(^{151}\) Id.

\(^{152}\) Id.

\(^{153}\) Id.

\(^{154}\) Id.

\(^{155}\) SIMMONS, supra note 64, at 154.
increasingly strong and clear.\textsuperscript{156} Still, enforcement lagged.\textsuperscript{157} The law was difficult to administer, and the Sultan’s forces were small and timid. Meanwhile, the British government reduced its squadron off the Zanzibari coast for economic reasons.\textsuperscript{158} With reductions in the British squadron and an expansive area, slave traders found weaknesses in the system and exploited them. Despite the risks to the slave traders, “…it was estimated that 12,000 slaves were still being exported every year from Zanzibar and less than 900 intercepted and freed.”\textsuperscript{159} Similar to early attempts to reduce the slave trade, these restrictions only applied to ocean-going export.

Overland export of slaves was not prohibited, so the slave traders increased routes that avoided sailing transport in the Sultan’s territories. And in Zanzibar, the great slave market remained open. Slaves could still be imported to Zanzibar and traded, primarily for domestic servitude and labor. Little had changed, it seemed.

Overall, public perception of the policy concluded that restrictions on the slave trade in East Africa were failing.\textsuperscript{160} England needed new leadership in Zanzibar to reinvigorate the fight and convince the Sultan. Livingstone began a series of correspondence with Kirk in 1865, writing, “The slave trade must be suppressed as the first step to any mission—that baffles every good effort.”\textsuperscript{161} The mission to which he referred was the British Foreign Office in Zanzibar and Livingstone wanted to see effective leadership chosen. Livingstone used his platform to press the British government to station Kirk in Zanzibar because Kirk hated the slave trade, and had gained extensive first-hand knowledge.\textsuperscript{162} Kirk became Vice Consul, a position that would lead to his eventual rise to become the British Consul.

\textbf{D. Turning Point: The Nile Expedition (1866-1872)}

Meanwhile, the race was on for the source of the Nile River. Legend held that at the source of the Nile there were great fountains bubbling up from the ground. No one had yet found this fabled source, yet many were looking. Explorers Richard Francis Burton, John Hanning Speke, and

\begin{itemize}
  \item \textsuperscript{156} \textit{Id.}
  \item \textsuperscript{157} SIMMONS, supra note 64, at 154.
  \item \textsuperscript{158} \textit{Id.} at 154-155.
  \item \textsuperscript{159} \textit{Id.} at 155.
  \item \textsuperscript{160} \textit{Id.} at 155.
  \item \textsuperscript{161} R. FOSKETT, THE ZAMBESI DOCTORS 109 (1964)
  \item \textsuperscript{162} See Letter from David Livingstone to John Kirk (Jan. 1, 1866) in THE ZAMBESI DOCTORS, supra note 161, 132, 133.
\end{itemize}
Samuel Baker had all cast their guesses, suggesting it was either Lake Albert or Lake Victoria. Livingstone thought otherwise and suspected the source was further south. If found, this would be Livingstone’s greatest discovery—the greatest unanswered geographical question of his day—and professional redemption after the failed Zambezi expedition.

At this point in Livingstone’s life, it is difficult to determine his primary motivation. The suppression of the slave trade occupied his thoughts, but it did not demand his whole attention. He still saw himself as an explorer with the discovery of the Nile as life redeeming work. As he wrote to his daughter Agnes, “To return unsuccessful [would mean] going abroad to an unhealthy consulate to which no public sympathy would ever be drawn.”163 A widower with his fortune lost and reputation tarnished,164 he knew that if he did not find the Nile he would have little to look forward to in England. The Nile may be an escape—a last ditch effort to regain the life he had after returning from South Africa.

On the other hand, Livingstone confided in a friend: “The Nile sources are valuable only as a means of enabling me to open my mouth with power among men. It is this power which I hope to apply to remedy an enormous evil [the East Africa slave-trade]. Men may think I covet fame, but I make it a rule not to read aught written in my praise.”165 If this letter truly reflects his private intentions, then the Nile expedition may be viewed as a grand publicity stunt.

Even Livingstone’s critics admit, “during Livingstone’s last journey it became . . . hard to judge whether the search for the Nile’s source or his desire to expose the slave-trade was his dominant motive.”166 Clearly, it was a time of internal struggle for Livingstone and whether the quest to end slavery was his primary motive, he would first and foremost have to succeed at finding the source of the Nile—or die trying.

In January 1866, Livingstone returned to Africa via Zanzibar.167 On March 19, he assembled a team and set off up the Rovuma River.168

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163 Letter from David Livingstone to Agnes Livingstone (July 1, 1872) Available in, the British Museum Additional Manuscripts.
164 See supra note ___ and accompanying text (describing his purchase of the Lady Nyassa, its sale, and then the proceeds being dumped into a bank that failed).
165 BLAIKIE, THE PERSONAL LIFE OF DAVID LIVINGSTONE, supra note 42 at 374.
166 JEAL, supra note 36, at 287.
167 Livingstone, Zambesi, ___.
168 Id.
From the beginning of the expedition, Livingstone anxiously observed the slave trade. He witnessed disturbing evidence of the slave trade and how deprecated it had become. On June 19, he wrote, “We passed a woman tied by the neck to a tree and dead, the people of country explained that she had been unable to keep up with the other slave gang, and her master had determined that she should not become the property of anybody else if she recovered after resting for a time.”

After witnessing this scene and similar atrocities, Livingstone wrote two logical and unemotional dispatches to the Foreign Secretary, proposing that a total prohibition of the slave trade by sea would neither create anarchy in Zanzibar nor discourage the creation of new coastal markets on the mainland.

Livingstone’s team was a disaster. The men could not stand the challenging conditions or his difficult leadership style; they quickly deserted him. Several of the team members—all from the same tribe—returned to Zanzibar and informed the British Consul that Livingstone had died. Demanding payment for their efforts on the British-funded expedition—which would not be received if they admitted to deserting Livingstone—they concocted a story of ambush by an African tribe that left Livingstone murdered.

In England, news of Livingstone’s death rocked the nation and, in a very short time, swayed public opinion back in his favor. “[A]dmiration

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169 1 THE LAST JOURNALS OF DAVID LIVINGSTONE IN CENTRAL AFRICA 56 (Horace Waller, ed., 1874).
170 See Jeal, supra note 36, at 304.
171 1 THE LAST JOURNALS OF DAVID LIVINGSTONE IN CENTRAL AFRICA 287 (Horace Waller, ed., 1874). “Right through the losses, delays, and desertions of 1866 and 1867, Livingstone displayed a patience and tolerance which, if told about, any member of the Zambesi Expedition would have considered too unlikely to be credible.”
172 Ross, Mission, at 204.
173 Id.
174 Dugard supra note __, at 43-45.
175 Id. at 45.
appeared to overcome the bitter criticisms that had been heaped on him on his return from the Zambesi Expedition.” 176 Britain—and the world—found renewed fascination in the nearly forgotten explorer and his quest to end the slave trade. 177 A national hero had disappeared into the abyss of Africa—a place being ravaged by slave raids—and no one knew his whereabouts or circumstances. Rumors swirled and Livingstone became almost mythic. News of his death made world headlines. 178

Livingstone’s reputation and his curious circumstances reached their tipping point. As biographer Andrew Ross wrote, “The rapid rebirth of an admiring fascination with Livingstone at this time has still to be explained. As early as 1868, the British Government financed an expedition to southern Malawi to check on the story that he had been murdered there, this cost much more money than the derisory grant they had allowed him to help his return to Africa. From that first government-sponsored expedition the interest went on increasing and there followed a series of six search and or rescue expeditions.”179

In many ways, Livingstone became a martyr for abolition. Based, in part, on his writings, groups such as the Committee of the Church Missionary Society became committed to ending the slave trade. 180 From 1867 to 1868, these groups continued efforts “to enlist fresh sympathy and arouse public attention.”181

All of this—his increased reputation, the growing abolition movement,

176 Andrew Ross, David Livingstone, ÉTUDES ÉCOSSAISES, March 31, 2005, at 96 available at http://etudesecossaises.revues.org/index151.html. “After Livingstone began his last extraordinary journey and in 1866 disappeared into that area of Africa, Tanzania, Malawi, Zambia, eastern Congo that was being ravaged by ever increasing Portuguese and Swahili slave-raiding, a gradual but massive change took place in regard to his reputation. In a very short time the British public again became fascinated by him and admiration appeared to overcome the bitter criticisms that had been heaped on him on his return from the Zambesi Expedition. Yet this was at a time when he is not able to communicate with the outside world, or was it because it was such a time? Very soon the only word of Livingstone are rumours coming out of the bush – he had been murdered, married a young woman chief and so on. The process of people creating their own Livingstones without his being able to challenge or contradict them had begun.”

177 Id.


179 Ross, Livingstone, at 96. See also, Ross, Mission, at 205. Members of the previous Zambezi expedition who knew the deserters refused to believe the story that Livingstone was murdered. Lord Clarendon financed the search expedition.

180 EDWARD MOSS HUTCHINSON, THE SLAVE TRADE OF EAST AFRICA 34 (1874)

181 Id. at 35.
the search parties—went unknown by Livingstone. By August 6, 1867, he found himself back at Lake Nyassa and in destitute circumstances. He was disconnected from the outside world and his children. He was in poverty—his supplies had been stolen. His health was in decline and his medicine gone. Aside from his closest African aids, he had been deserted by his team and porters. Livingstone set off from Lake Nyassa for Lake Tanganyika, traveling through swamps. He sent a message to Zanzibar requesting that new supplies meet him in Ujiji on the shores of Tanganyika.

Consequently, dire circumstances and poor health put Livingstone in a difficult and controversial position, he had no choice but to rely upon the same slave traders, whom he despised, for his own survival.

Protection and sustenance came from a Zanzibari trader named Tippoo Tib. Tippoo Tib was one of the first and most aggressive Arabs to exploit the vast interior of East Africa.182 “When Livingstone met him in 1867, he was at the beginning of a career that would take him campaigning and trading in the Congo for another twenty years, until he was ruler of an empire covering much of the region.”183

Livingstone was miserable. As one biographer wrote, “The narrative of Livingstone’s travels between 1867 and 1871 seems at times to be written by a man drawn progressively into a kind of hell on earth.” Livingstone had been abandoned, was constantly sick, and at times delirious from illness. Tippoo Tib and other Zanzibari traders gave him medicine and basic comforts. Livingstone was thankful for the assistance, referring to them as the ‘gentlemen subjects of the Sultan of Zanzibar.’184

One of the nuances of the East Africa slave trade was that of traders—“general traders” making use of slaves—and “slaver traders”—those who raided villages to capture and sell men and women. Livingstone seemed to draw a distinction; putting up with the traders and abhorring the slavers.185 The former, he believed, were first and foremost traders whose involvement in slaving was relatively benign. He would seldom admit that they employed others to do their violence for them.”186

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182 HAZELL, supra note 35, at 178. Tippoo Tib was the Swahili name for Hamed bin Mohamad.
183 Id. at 178.
184 Id. Livingstone was “impressed by the Zanzibaris’ piety, by their regular observances and prayers, regarding them as thoughtful men who spent time reflecting on their progress and what they hoped to achieve.”
185 The “slave traders” are often referred to by Livingstone as the wangwana.
186 HAZELL, supra note 35, at 181. For a discussion on Livingstone as he wrestled
Livingstone arrived in Ujiji in March of 1869 to claim the supplies he requested from Zanzibar.\footnote{Ross, \textit{Mission}, at 221.} Suffering from pneumonia and various ailments, he arrived to find that the supplies had been stolen.\footnote{Ross, \textit{Mission}, at 213.}

Despite Livingstone’s greatest efforts, the East African slave trade continued to grow.\footnote{Id.} The Zanzibari traders discovered large sources of ivory.\footnote{Id.} High international demand for ivory and plentiful resources merged to create a perfect storm coinciding with an 1869 cholera epidemic that killed thousands of slaves on the East African coast and in Zanzibar.\footnote{Livingstone, \textit{Zambesi}, 586. “One of the evils of this traffic is that it profits by every calamity that happens in a country. The slave-trader naturally reaps advantages from every disaster . . . As a rule he intensifies hatreds, and aggravates wars between the traviges, because the more they fight and vanquish each other, the richer his harvest becomes. Where slaving and cattle are unknown, the people live in peace.”} The price of a slave skyrocketed. Traders made enormous profits simultaneously raiding for slaves and ivory.\footnote{Id.} The result was likened to a “gold rush” and many Zanzibaris gave up on general trade altogether to join

\footnote{On November 12, 1867, word arrived that Livingstone was seen alive in Africa. Naval wire on November 12, 1867, from Commander Robert A. Parr reporting that Livingstone was suspected to be alive and how the discovery was discerned:}

\begin{quote}
I have the honor to inform you than when at Zanzibar on the 11th October last, I heard a report that Dr. Livingstone had been seen alive in the neighbourhood of the spot where he was supposed to have been killed. Dr.Kirk the Vic Consul at Zanzibar who was (sic [with ?]) Dr. Livingstone during his expedition to the Zambezie in 1864 and is well acquainted with that part of the Country, overheard in course of conversation with some natives of Zanzibar that a party of Arabs had just arrived from the south and had seen a white man in the interior and after a long cross-examination of these men he felt satisfied that there was a great probability of Dr.Livingstone being still in existence. Some Photographs having been shewn to them including one of Livingstone, they picked his out being the one most like the white man they had seen. Dr.Kirk further gained from them that the white man in question had given some letters to another party of Arabs who were expected to reach Zanzibar on or about the 25th October.
\end{quote}

\footnote{Id.}
in slave raiding.\textsuperscript{194}

Unbeknownst to Livingstone, the British government took small steps toward further restrictions upon the slave trade. 1870 brought an important transition in Zanzibar with the death of Sultan Majid, opening a new opportunity for negotiations. The British government presented a proposal to the successor sultan, Sultan Barghash. This agreement asked Barghash to affirm:

1. Said’s[, Barghash’s father’s,] declaration of May 6, 1850, permitting British warships to enter the creeks, rivers, and harbours in the Zanzibar territories lying between Songo Mnara and Tungi Bay, and seize all dhows engaged in the slave trade;
2. the Canning Award of April, 1861; and
3. Majid’s proclamation of January 1, 1864, stopping the transport of slaves during the first four months of the year.\textsuperscript{195}

This proposal stopped just short of all out abolition. Sultan Barghash accepted his father’s declaration of 1850, but swiftly rejected the rest of the proposal.\textsuperscript{196}

Despite the rejection, Sultan Barghash engaged with Kirk in discussion about modifying existing treaties.\textsuperscript{197} These negotiations got off to a slow start. The Sultan remained reluctant to override his subject’s insistence that “the slave trade was not only a source of profit but also a ‘divinely sanctioned’ institution for the conversion of African ‘heathens.’”\textsuperscript{198}

Livingstone’s anger grew as he traveled west to inland Africa and witnessed increasing bloodshed in the wake of slavers—more violence than he had ever seen in Africa.\textsuperscript{199} He became increasingly outspoken and angered in his journals and letters. “By 1871,” one biographer noted, “hardly a page of his journal does not mention the violence, the plunder, and the bloodshed. ‘The prospects of getting slaves overpowers all else, and blood flows in horrid streams . . .’”\textsuperscript{200}

\begin{footnotes}
\item[194] Id.
\item[195] Id. at 94–95.
\item[196] Id.
\item[197] Id.
\item[198] Id. at 94–95.
\item[199] This was an important time for Livingstone’s anti-slavery advocacy in spite of his despair.
\item[200] The Last Journals of David Livingstone 363 (1875).
\end{footnotes}
The hunt for ivory was intense. Tribes competed for tusks as well as for slaves. When local people resisted, they were murdered. Livingstone wrote that trading had been reduced to “plunder and murder,” and noted that it bred hatred among the people: “Each slave as he rises in his owner’s favor, is eager to show himself a mighty man of valor by cold blooded killing.” In a close encounter with one raiding party, a slave raider boasted of the men he killed during a raid. Livingstone said, “you were sent here not to murder but to trade.” The slave raider replied, “We are sent to murder.”

Livingstone remained in Ujiji for four months and discovered that the Zanzibari traders saw him as a threat due to his contacts with the British Government and the Sultan of Zanzibar. His abhorrence to the East African slave trade was well known, even among the slave traders. Yet, he relied on them to relay his correspondences out of the African interior and, as a result, many of the traders who promised to deliver his letters instead destroyed them so that Livingstone could not expose their activities.

Some letters, however, did manage to escape. In one letter that arrived at the coast, Livingstone encouraged Kirk to finish the work on the slave trade. He wrote to Kirk, “The cheering prospect of stopping the East Coast slave trade belongs to you, and therein I do greatly rejoice.” He then gave Kirk advice on necessary next steps: “The Sultan must get troops who will scour the mainland and catch the bloody thieves inland.” The fight must move from ocean to land.

Livingstone remained at the mercy of slave traders, moving with them

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201 Id. at 342.
202 Id. at 318.
203 Id.
204 Ross, Mission, 213.
205 Id.
206 Letter from Livingstone to Earl Granville (Feb. 20, 1872, Unyanyembe, near Kazeh of Speke), in LIVINGSTONE’S AF RICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 574, 574 (Hubbard Bros. et al. eds., 1872). There are purported to only have been two letters that survived the hands of the Zanzibari traders. One letter that passed is reported to have been a letter to the Sultan exposing the Zanzibari traders for their slave raids. Another letter that may have passed was one to Kirk encouraging him to fight the slave trade. Given that dates of letters and deliveries are unknown, this is difficult to confirm.
207 Letter from David Livingstone to John Kirk (March 25, 1871) in THE ZAMBESI DOCTORS, supra note __, 145, 148.
208 Id.
to a village called Nyangwe on the banks of the Lululaba River. Nyangwe was an important town for regional traders. The rush for control of resources and wealth in the slavery and ivory boom resulted in intense competition. Ngwangwe village, in particular, was controlled by a trader named Dugumbe who was locked in bitter battle with another trader. Villages had been dealing with both sides - each side vying for control.

The market in Nyangwe was large, attracting over a thousand people on some days, to trade in general goods and agricultural products. Livingstone enjoyed watching the market gatherings, which took place every four days. It was a peaceful area, free from the violence in the countryside as market rules prevented anyone from carrying guns. But, there, on July 15, 1871, came a day that would change Livingstone’s life and root out any remaining complacency he held toward the East African slave trade.

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209 See Dugard, supra note 35, at ___.
210 HAZELL, supra note 9, at 182.
211 Id., supra note ___, at 181–82. “By the middle of [1871], [Livingstone] had reached NgWangwe on the banks of the river Lualaba, the headquarters of Muhammad Dugumbe, a trader who, in early 1869, had already taken nearly 20,000 pounds of ivory out of the country at negligible cost. As the first Zanzibari to enter the area, Dugumbe considered the surrounding country to be his personal fiefdom, and there Livingstone remained under his protection. He built himself a small house, and for a few months he had some peace.”
212 Letter from Livingstone to Earl Granville (Nov. 14, 1871, Ujiji) in LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 555, 564 (Hubbard Bros. et al. eds., 1872).
213 Letter from Livingstone to Earl Granville (Nov. 14, 1871, Ujiji) in LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 555, 563 (Hubbard Bros. et al. eds., 1872). Although the letter indicates that the event occurred on June 13, modern analysis had shown that Livingstone lost track of time while in the African interior, and he dates were often off by as much as two weeks.
214 This incident at Nyangwe is shrouded in recent controversy as a letter Livingstone wrote about the events has recently been analyzed through spectral imaging technology. Livingstone had run out of supplies, including paper and ink, and was forced to write over other documents and make ink from berries. Due to age, environmental conditions, and the nature of the ink used, the letters were previously indecipherable. According to the team involved in imaging, there is evidence that members of Livingstone’s party may have been involved in the massacre. Livingstone’s extreme remorse may have been due to members of his party being involved and his failure to intervene. This may also indicate while Livingstone chose to break off and travel alone after the incident. The research team further suggests that Livingstone removed such “problematic” passages, including showing an attitude of disgust toward liberated slaves in his party, when he transferred these writings to his 1871 journal. Media has used these early reports of the contents of the letters to vilify Livingstone. In my view, these matters do not show a dark side, but further indicate the complexities he faced. For more on this, see Experts shed light on David Livingstone massacre diary, BBC NEWS, Nov. 1, 2011, at http://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-15536564.
Some of the slavers resolved to punish a slave who had disobeyed them and “make an impression in the country in favor of their own greatness.” Dugumbe’s men arrived at the market carrying arms despite a violation of the rules. Just as Livingstone returned from the crowded market shots rang out. “Random firing followed, and within a short period of time, people were being mown down in numbers.”

A massacre ensued in which the slave traders began to open fire on those attending the crowded market. Even as the villagers, who were unarmed and most of whom were women, attempted to flee across the nearby river, the slavers continued to fire upon them. They aimed at the exposed heads of those trying to swim to safety. Livingstone wrote, “It was horrible to see one head after another disappear, some calmly, others throwing their arms high up towards the Great Father of all, and going down.” By the time the massacre ended, the Arab slave traders estimated that they had indiscriminately killed four or five hundred people.

Livingstone was traumatized. He could do nothing to stop the killing. After the incident, he found Dugumbe and made a personal appeal to end the violence and cruelty. Dugumbe allowed his men to commit this massacre as a show of force and control of the region.

215 Id.
216 HAZELL, supra note 9, at 182.
217 Id.
218 Id. at 565.
219 Letter from Livingstone to Earl Granville (Nov. 14, 1871, Ujiji) in LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 555, 565 (Hubbard Bros. et al. eds., 1872). The massacre at Nyangwe filled Livingstone “with such intolerable loathing,” that he resolved to return to Ujiji and continue his work without the assistance of the slavers.
220 Letter from Livingstone to Earl Granville (Nov. 14, 1871, Ujiji) in LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 555, 565 (Hubbard Bros. et al. eds., 1872).
221 HAZELL, supra note __, at 182–83.
222 Id.
223 Id. (“[I]t was obvious that he had colluded in the massacre. By allowing his men to inflict this violence, he was demonstrating that his followers controlled the region. This was how things were done, and when Livingstone sought to intervene, Dugumbe strongly advised him to keep out of the conflict. His men had been ravaging the country for days, and many of the market people that morning had come from villages that oppose them. Now it was the town’s turn.”)
224 Id.
The matter was “hellish for Livingstone.” He had depended on and admired Dugumbe, but any admiration was now shattered. Livingstone likely felt shame for his friendship and, to a certain extent, complicity with the man by accepting his charity.

Despite his condition and his lack of provisions, he decided to set off independently. Livingstone could no longer stand to be near Dugumbe or any of the slave traders, no matter how much he needed their aid. He headed for Ujiji where he expected supplies from Zanzibar to be waiting for him. Livingstone did accept “some parting gifts from Dugumbe—a goat, gunpowder, trade beads, and cowries.”

Back in England, the public clung to any rumors of Livingstone’s possible whereabouts in Africa, and his abolitionist advocacy from the Zambezi expedition was finally beginning to see results.

The work of the Committee of the Church Missionary Society and other advocacy groups inspired by Livingstone finally came to fruition. When Livingstone’s dispatches and letters from Africa were published in England, the matter was taken up the country’s highest offices. Queen Victoria gave a Speech drawing the attention of Parliament to the East African slave trade, followed by a Royal Commission and then a Select Committee of the House of Commons to prepare the way for further action. Finally, in the Session of 1871, a motion for inquiry was made in the House of Commons in collaboration with the Anti-Slavery Society.

Parliamentary appointed a committee to investigate the proposition for

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225 Id. at 183. (“He recorded it, yet he still could not bring himself to blame the man. The moral ambiguity of his own position was deeply painful, for he now know without a doubt the kind of men he had depended on and admired. Although under provisioned and ill equipped, he fled, setting off several days later for Ujiji, unable to endure the horror. He must have felt deep shame—at witnessing something no one should have to see; at his own inability to protect the people in the market; and most of all, at his own complicity with the perpetrators of the atrocity. For months [, years even,] he had accepted their charity, blinding himself to the world they had created. He could not bear the knowledge.”)

226 Id.
227 Id.
228 Id.
229 Id.
230 Id.
231 Last Journals, supra note 198, Posthumous.
232 Id.
abolition of the slave trade in East Africa. In July 1871, the committee called and examined fourteen witnesses. It also interviewed two missionaries who had been on Livingstone’s fateful second Zambezi trip: Horace Waller, and Edward Steere.

Waller gave the most explicit and shocking description of the slave trade at its source, when he put the loss of life in terms that were familiar to his audience:

> It is like sending up for a large block of ice to London in the hot weather; you know that a certain amount will melt away before it reaches you in the country as it travels down; but that which remains will be quite sufficient for your needs.

Steere then explained that the previous treaties with the Zanzibar sultans were “a mere blind” that had no effect on the scale of the trade. Admiral Heath, who had been in charge of the fleet enforcing the treaties between 1867 and 1871 had no answer for how the slave traders were able to get past his ships, and Captain Colomb, who had commanded one of the patrol cruisers explained that when a slave trading ship was about to be captured, they often simply threw the slaves into the sea to save the other valuable cargo.

All of these witnesses seemed to agree that it would be impossible to abolish the slave trade in Zanzibar. In fact, two witnesses believed that if the trade were ever abolished under pressure, "it would be considered such a humiliation that there would be a revolution and the sultan would probably

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234 Id.
235 Id. The first witness was the Honorable C. Vivian, head of the Anti Slavery Department at the British Foreign Office. Another was Christopher Rigby, who had been consul to Zanzibar in the late 1850’s. There was also Henry Churchill, the most recent full-time consul to serve in Zanzibar. The committee also interviewed Sir John William Kaye, Secretary to the Political and Secret Department of the Indian Office in London.
236 Ross, Livingstone. “A great deal of [Livingstone’s heroic image] was also due to Horace Waller, who had been part of the UMCA mission to Malawi. He had bombarded the Times with letters about Livingstone throughout the absent years and kept the interest aroused by the funeral at a high pitch with his publication of Livingstone’s Last Journals. He carefully edited these journals to suit the taste of the wide audience in the UK and US who had been well prepared by Stanley’s work.”
237 HAZELL, supra note 9, at 216 & 218.
238 Id. at 217.
239 Id. at 219.
240 Id. at 219.
241 Rigby and Vivian.
lose his life. Yet one witness—Frere—came forward who was different than all the rest:

Sir Bartle Frere gave evidence in his capacity as a former governor of the Bombay presidency, and therefore a man who had once been nominally responsible for the Zanzibar agency. Whereas all the other witnesses presented difficulty and complexity, Frere was clear, specific and determined. Whereas everyone else had been cynical, he was optimistic about a possible outcome. He was the only witness to offer the committee what it desperately wanted, a clear and convincing way out of their impasse.

Frere’s solution was similar to that proposed by Livingstone. “[Frere] believed in technology and commerce as agents of change, which by themselves could overcome many of the disabilities of under-developed countries.” Frere told the committee, “You must, to some extent, bring [the sultan] over to your view, that this matter of slave trading is a bad one for him.” Frere even told the committee exactly how the slave trade should be extinguished in Zanzibar. “A senior officer should be sent to Zanzibar ‘prepared with some authority, and with the dignity of a special envoy to press these points.’” Frere also believed he was the man for the job, offering to lead British diplomatic efforts there.

The committee produced a report recommending that the British government take measures to secure the entire abolition of the East African slave trade. “The Committee understood that this would mean bargaining with the new Sultan of Zanzibar, who had already turned down most of a much less drastic proposal, but they were sure that no comprise was possible, that ‘any attempt to supply slaves for domestic use in Zanzibar will always be a pretext and cloak for a foreign trade.’”

After this committee concluded, “nearly a year passed without any apparent result, during which continued efforts were maintained to interest

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242 HAZELL, supra note 9, at 212.
243 Id. at 221.
244 Frere was no newcomer to British colonies or developing nations. From 1851-59, Frere served as Commissioner of Sindh, a grouping of provinces in Pakistan. From 1862-67, he served as Governor of Bombay.
245 HAZELL, supra note 9, at 222.
246 Id. at 223.
247 Id. at 223.
248 Id. at 223.
249 SIMMONS, supra note 64, at 155
250 Id. at 155
the general public . . .”251 Frere held public abolition events, in partnership with others like Granville and Clarendon, and though he was making some progress he had not been able to tip the scale of public interest sufficiently to induce the government to act.

In late October, after passing a countryside of villages plundered and burned to the ground, Livingstone arrived at Ujiji on the shore of Lake Tanganyika.252 Anticipating the supplies he had requested the previous year from the British Consul at Zanibar, he was utterly dismayed to find that there was nothing. Indeed, the supplies arrived many months earlier, but the Zanzibari agent in charge of the caravan decided that Livingstone was dead and appropriated them for his own purposes. “When Livingstone finally arrived to claim his property the man merely shrugged his shoulders—the supplies had been spent, and there was nothing to be done.”253

Livingstone was sick, destitute, and exhausted.254 In a lost letter, he predicted that he would never leave Africa.255 It appeared to him that this was the end of his journey.

Ten days later, on October 27, 1871, Livingstone’s closest African aid ran to his tent shouting that a caravan headed by a white leader was arriving in Ujiji.256 It was Henry Morton Stanley, an American journalist, and the

251 EDWARD MOSS HUTCHINSON, THE SLAVE TRADE OF EAST AFRICA 43 (1874).
252 HAZELL, supra note 9, at 183. Today, Lake Tanganyika forms the Western Border of Tanzania.
253 Id. at 183.
254 Id. at 183–84. “Deeply shocked by what he had witnessed, he remained in Ujiji, a place he hated, unable to leave. Perhaps it had been naïve of him to expect that these valuable provisions would remain untouched all this time, given what he knew of the conditions of the country. Perhaps he was, in many ways, author of his own predicament. He had journeyed deep into the most dangerous places, and was lucky to have escaped with his life. Now he faced failure and despair, and was unsure where to turn.”
255 David Livingstone’s ‘lost letter’ deciphered, BBC NEWS, July 1, 2010, http://www.bbc.co.uk/news/10459263 (last accessed July 20, 2012). The “Letter from Bambarre” was one of the Livingstone’s lost letters, scribbled on torn out book pages. The letter provides previously unknown details about Livingstone’s health condition, which Waller omitted from final publication—and Livingstone asked him not to share. Livingstone wrote, “I am terribly knocked up but this is for your own eye only: In my second childhood [referring to his lack of teeth] a dreadful old fogie. Doubtful if I live to see you again.” The lost letter was discovered through spectral imaging by researchers from Birkbeck College, University of London, along with the National Library of Scotland and the David Livingstone Centre in Blantyre.”
256 See JEAL, supra note 36, at 387–88. Given the inconsistencies in the dates of both men’s journals, the date which Stanley met Livingstone in Ujiji has never been definitively
celebrated meeting between the two men took place.\textsuperscript{257}

Unknown to Livingstone or England, Stanley set sail from Zanzibar on February 5, 1871. Stanley, a journalist for the New York \textit{Herald}, was on assignment to find Livingstone in the heart of Africa.\textsuperscript{258} Stanley was an adventurer, concocting wild stunts for his stories and reporting from dangerous locations. He wanted to make a name for himself—and an expedition to find Livingstone was just that opportunity. James Gordon Bennett, the editor of \textit{The New York Herald}, recruited Stanley for the job, knowing he was just crazy enough to take the assignment. Bennett wanted to make international headlines and saw Livingstone as the opportunity to do that—and to one-up the British. For both men, finding Livingstone was primarily about personal gain.

After spending time together searching for the source of the Nile on the shores of Lake Tanganyika, the explorers travelled together from Ujiji to Tabora.\textsuperscript{259} Livingstone refused to leave, ostensibly to continue his search for the Nile, while Stanley raced back to Zanzibar to get supplies and share the news that Livingstone was alive.\textsuperscript{260}

The meeting with Stanley changed the game with respect to abolition of the East African slave trade. To Livingstone, Stanley “was an extraordinarily effective means of publicizing his findings and exposing the world to the devastation that the east coast slave trade was causing Africa and her peoples.”\textsuperscript{261}

As a gesture of thanks to \textit{The Herald}, Livingstone wrote two letters to Bennett, the \textit{Herald’s} editor, intended for publication and intended to leverage the platform now made available.\textsuperscript{262}

“If Stanley and Bennett stood to gain, so [Livingstone] felt did he. He was able to put his views on the slave trade before a vast audience and to give

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\textsuperscript{257} \textsc{Dugard}, supra note \_\_ at 266. Though Stanley’s journal indicated that the meeting took place on November 10, 1871, \textit{id.} at 263, later review of both Stanley and Livingstone’s journals showed that both men lost track of time due to their many illnesses suffered while deep in the African interior.

\textsuperscript{258} \textsc{Martin Dugard}, \textsc{Into Africa: The Epic Adventures of Stanley and Livingstone} 127–29 (2003).

\textsuperscript{259} \textit{Id.} at 274. Tobora is also known as Unyanyembe.

\textsuperscript{260} \textit{Id.}

\textsuperscript{261} \textsc{Ross}, \textit{Mission}, at 225.

\textsuperscript{262} \textsc{Dugard supra} note 35 at 274.
enormous publicity to the massacre he had witnessed at Nyangwe. Stanley’s arrival could not have come at a better time from that point of view. In fact, the publicity given to these and other letters written by him, and the general furore caused by Stanley’s feat, were of crucial importance in the revival of public indignation in Britain and America at the continuation of slavery in East Africa. Graphic descriptions of a full-blown massacre, and not just a few isolated deaths, were just what missionary and philanthropic pressure groups needed to spur the Government on to a policy of abolition rather than restriction.**263

With Stanley came the greatest factor in stirring public sentiment on abolition: “the discovery that Livingstone was alive and more than ever opposed to the slave trade.”**264 The world soon knew of Livingstone’s anger; his first letter to the New York Herald went to press on July 2, 1872.**265

The letter discussed his travels and praised Stanley for coming to his rescue, but its conclusion focused on the slave trade in East Africa. In the final paragraph, Livingstone elevated the importance of the fight against slavery above his mission of finding the Nile’s source:

“…if my disclosures regarding the terrible Ujijian slavery should lead to the suppression of the east coast slave trade, I shall regard that as a greater matter by far than the discovery of all the Nile sources together.”**266

He then implored the world to pursue the cause of ending the global slave trade:

Now, that you have done with domestic slavery forever, lend us your powerful aid towards this great object. This fine country is blighted as with a curse in the above, in order that the slavery privileges of the petty Sultan of Zanzibar may not be infringed, and the rights of the Crown of Portugal, which are mythical, should be kept in abeyance till some future time, when Africa will become another India to the Portuguese slave traders.**267

Stanley brought Livingstone’s image to a new high water mark.**268

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263 See JEAL, supra note 36, at 345; see also Id. at 353. (“Livingstone also used the New York Herald to put over his arguments against notions of African racial inferiority.”)

264 EDWARD MOSS HUTCHINSON, THE SLAVE TRADE OF EAST AFRICA 43-44 (1874).

265 See EXPLORATIONS IN AFRICA supra note 266, at 330.

266 Letter from David Livingstone to James Gordon Bennett, Esq., Jr. (Nov. 1871), in EXPLORATIONS IN AFRICA 324, 328–29 (L. D. Ingersoll, ed. 1872).

267 Id.

268 See generally, Ross, Livingstone. “It has often been argued that it was H. M. Stanley’s despatches and his rapidly produced book of 1872, How I Found
Stanley’s regular dispatches to *The Herald* chronicling his search for Livingstone and rapidly published book in 1872, *How I Found Livingstone*, “imprinted on the public imagination a picture of Livingstone divorced from anything Livingstone ever wrote. This was Livingstone, the gentle, almost helpless, worn-out old man, doggedly staying on in Africa to do his duty, an image that the British public took to its heart.”

Along with the letter to the *Herald*, Stanley carried out Livingstone’s letters describing the East African slave trade. Several letters were addressed to Earl Granville, a British Politician and British Foreign Secretary. In one of these letters, Livingstone outlined the problem and a solution:

“Slaves are not bought in the countries to which Banian agents proceed—indeed it is a mistake to call the system of Ujiji slave—“trade” at all; the captives are not traded for, but murdered for, and the gangs that are dragged coastwards to enrich the Banians are usually not slaves, but captive free people. A sultan anxious to do justly rather than pocket head-money would proclaim them all free as soon as the reached his territory.”

Livingstone’s observations pulled back the veil of the Sultan’s façade to shed light on what the outside world could not see: the inner workings of the slave trade filled the Sultan’s coffers. In order to combat this corruption, Livingstone recommended strict financial oversight:

“The Banians, having complete possession of the Custom House and revenue of Zanzibar, enjoy ample opportunity to aid and conceal the slave trade and all fraudulent transactions committed by their agents. It would be good policy to recommend the Sultan, as he cannot trust his Moslem subjects, to place his income from all sources in the hands of an English or American merchant, of known reputation and uprightness. He would be a check on the

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*Livingstone*, which sparked off interest in an almost forgotten man but that is not so as these search expeditions and the publicity they generated show. The hard-nosed businessman, who owned the *New York Herald*, Gordon Bennet, was not going to finance an expedition unless he knew that the story was going to be a big one and it was.”

269 See generally, Ross, *Livingstone*.

270 See generally LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES (Hubbard Bros. et al. eds., 1872) (publishing a number of Livingstone’s correspondence from the African Interior)

271 See Id. at 555–85.

272 Indian descendants in Africa were termed Banians.

273 Letter from Livingstone to Earl Granville (Feb. 20, 1872, Unyanyembe, near Kazeh of Speke), in LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 574, 575 (Hubbard Bros. et al. eds., 1872).

274 Id. at 574, 582.
slave trade, a benefit to the Sultan, and an aid to lawful commerce.”  

Above all, he urged that the “moral element” be introduced into East Africa—ethical institutions and systems that could battle corruption. In Livingstone’s view, these included the British system of justice and the Christian church, institutions that he believed contributed beneficially in the suppressing the slave trade near English settlements on the west coast of Africa.

While waiting for supplies to arrive from Stanley, Livingstone wrote another letter to Bennett at the Herald further expounding on the horrors of slavery in East Africa. With Stanley and Bennett, he now had the ear of America—a nation gaining power on the world stage that stood as a competitive threat to Britain.

In the letter, Livingstone acknowledged the purpose of now directing his observations toward the American public—that America should join the cause, but more importantly, to force Britain’s hand. He wrote, “In now trying to make Eastern African slave trade better known to Americans, I indulge the hope I am aiding on, though in a small degree the good time coming yet when slavery . . . will be chased from the world.” He went on, “If I am permitted in any way to promote [the suppression of the East

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275 Id. at 574, 579.
276 Id. “If the Sultan of Zanzibar were relieved from paying the heavy subsidy to the ruler of Muscat, he would, for the relief granted, readily concede all that one or two . . . English Settlements [on the coast of the African mainland across from Zanzibar] would require. The English name, now respected in all the interior, would be a sort of safeguard to petty traders, while gradually supplanting the unscrupulous Banians, who abuse it. And lawful trade would, by the aid of English and American merchants, be exalted to a position it has never held since Banians and Moslems emigrated to Africa. It is true that Lord Canning did ordain that the annual subsidy should be paid by Zanzibar to Muscat. But a statesman of his eminence never could have contemplated it as an indefinite aid to eager slave traders, while non-payment might be used to root out the wretched traffic. If, in addition to the relief suggested, the Sultan of Zanzibar were guaranteed protection from his relations and others in Muscat, he would feel it to be his interest to observe a treaty to suppress slaving all along the coast.”
277 Id.
278 EXPLORATIONS IN AFRICA supra note 266, at 346.
279 Livingstone Journal Entry, (May 1, 1872) in THE LAST JOURNALS OF DAVID LIVINGSTONE 181 (1874). In his journal, Livingstone wrote: “Finished a letter for the New York Herald, trying to enlist American zeal to stop the East Coast slave-trade: I pray for blessing on it from the All-Gracious.”
280 Letter from David Livingstone to James Gordon Bennett, Jr., Esq. (Telegraphed from London, July 26, 1872), in LIVINGSTONE’S AFRICA: PERILOUS ADVENTURES AND EXTENSIVE DISCOVERIES 515, 516–17 (Hubbard Bros. et al. eds., 1872)
African slave trade, I shall not grudge the toil and time I have spent. It would be better to lessen this great human woe than to discover the sources of the Nile.”

Livingstone concludes this letter by suggesting that slavery could effectively be suppressed by stronger American or English oversight of Zanzibar’s trade and customs officials.

This letter to the Herald created even more pressure on Britain to end the slave trade in East Africa. At a time when America was beginning to compete with Great Britain as an emerging world power, and was trying to put its own history of slavery behind it, Livingstone’s letter gave the Americans ammunition. Many American publishers used Livingstone’s letter to blame Britain for the “great human woe” of East Africa:

It would be unjust to charge the government of Great Britain with intentional criminality in this case [of the East African slave trade through Zanzibar]. But it stands proved, by the failure of English expeditions to find Dr. Livingstone, and by his own positive, earnest testimony, now that an American expedition has succeeded in discovering him, that it is the subjects of the British monarchy who are responsible for the existence of the slave trade of Zanzibar and all the nameless horrors of the interior resulting therefrom. The moral culpability, by reason of neglect—not to put the case to strongly—of the British government is therefore made manifest; and of this great national turpitude that government must stand convicted before the bar of Christendom.

It worked. England’s highest offices took note and responded. On August 10, 1872, in an address to Parliament, Queen Victoria acknowledged the East African slave trade and committed her government to the cause.

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281 Id. at 526. Also see, Ross, Mission, at 232. Livingstone wrote in a letter to his daughter Agnes, “No one can estimate the amount of God-pleasing good that will be done, if, by Divine favour, this awful slave-trade, into the midst of which I have come, be abolished. This will something to have lived for, and the conviction has grown in my mind that it was for this end I have been detained so long.” The letter is dated August 15, 1872.

282 Id. at 531

283 EXPLORATIONS IN AFRICA supra note 266, at 355.

284 Id.

285 Id.

286 The Queen’s Speeches in Parliament, from her accession to the present time a compendium of the history of Her Majesty’s reign told from the throne, F. Sidney Ensor, editor, 1882, at 268. Queen Victoria continued to take interest and update Parliament on progress in East Africa. On August 10, 1872, “My Government has taken steps to prepare the way for dealing more effectually with the slave trade on the East Coast of Africa.” In her next address to Parliament on February 6, 1873, “You were informed, when I last addressed you, that steps had been taken to prepare the way for dealing more effectually
With public opinion stirred to stand up against the slave trade and the desire to head off any image as a complacent villain, Britain appointed a special diplomatic mission in 1872 to negotiate a new treaty.\textsuperscript{287} Led by Frere—according to his suggestion in the Parliament committee—the diplomatic mission left for Zanzibar with the intention rendering the slave trade illegal by sea.\textsuperscript{288}

“Frere’s assignment was a difficult one. Sultan Barghash was stiffly opposed to the idea of abolition, and much inclined to seek support and help from other powers, notably France the United States against what might be represented as a piece of British bullying.”\textsuperscript{289} Despite a month of negotiations, the Sultan categorically refused the new treaty.\textsuperscript{290} Making no progress, Frere departed Zanzibar,\textsuperscript{291} leaving treaty negotiations in the hands of Dr. John Kirk, now the British Consul at Zanzibar.\textsuperscript{292}

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287 Simmons, supra note 64, at 155.
288 Last Journals, supra 198, Posthumous.
289 Simmons, supra note 64, at 155.
290 Id.
291 Id.
292 Last Journals, supra 198, Posthumous. Some sources suggest that Kirk “pledged” to carry on Livingstone’s work to end slavery. I have not found any evidence that Kirk made a written or official pledge to Livingstone, though it’s quite possible. It is clear that Kirk’s travels with Livingstone and their correspondence after the Zambezi trip formed Kirk’s view of the evil’s of slavery and encouraged him to take up the cause for abolition.
In August of 1872, the convoy of supplies from Stanley arrived to Livingstone, carrying with it the last words he would hear of the outside world. He would not know of the actions taken in Parliament. He would only learn of the search parties and mountain family conflicts.

Livingstone’s health declined and on May 1, 1873, he passed away. He was found next to his bed kneeling in prayer, “as if he had dozed off while talking to God.” Deep in Africa, it would be nearly a year before the world would learn of his passing.

His assistants believed that his heart would forever be in Africa and, symbolically, they removed his heart and buried it under a tree near the village where he passed. Determined to return Livingstone’s body and journals to the coast, they began the arduous process of carrying his body across Africa. The journey would take nine months.

Livingstone passed away likely believing he was a failure. As one biographer suggested:

At the time of his death … Livingstone must have felt that he had failed. The Arab slave trade in East Africa continued, with all its horrors, the sickening miseries it involved for the Africans brought into contact with it. The geographical question he was struggling with remained unanswered.

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293 Id. at 295.
294 Ross, Mission, 232.
295 DUGARD, supra note 35, at 302. The village was named Chitambo after its chief.
296 Id.
297 See note below citing date news arrived in England.
298 DUGARD, INTO AFRICA, supra note 35, at 303–04.
299 Blaikie supra note 42, at 378.
300 Id.
301 SIMMONS, supra note 64, at 153–54. The “Nile-Lualaba-Congo problem,” better know as the search for the source of the Nile, was never completely solved. John Hanning Speke claimed the source was Lake Victoria in 1858. MARTIN DUGARD, INTO AFRICA: THE EPIC ADVENTURES OF STANLEY AND LIVINGSTONE 24 (2003). Henry Morton Stanley then “verified” this claim in 1874. Id. at 314. Lake Victoria is now conventionally seen as the source of the Nile. Robert Fay, Nile River, 1 ENCYCLOPEDIA OF AFRICA 244, 244 (Anthony Appiah & Henry Louis Gates, eds., 2009). However, a century after Livingstone’s death, satellite photography showed that the true headwater of the Nile “bubbles up from the ground high in the mountains of Burundi, halfway between Lake Tanganyika and Lake Victoria.” DUGARD, INTO AFRICA, supra note __ at 314. This tributary feeds the Luvironza River, which flow into the Kagera, which in turn flows into Lake Victoria. NURIT KLIO, WATER RESOURCES AND CONFLICT IN THE MIDDLE EAST 14 (1994).
He never found the source of the Nile—in fact, his theories led him 600 miles south of the source. He would never learn of his reputation or the progress his advocacy had made on the abolition of slavery.

Meanwhile, with Kirk at the helm of the British Foreign Office in Zanzibar, the British government decided that stronger means were necessary. Kirk received orders to inform the Sultan that if he did not consent immediately to the terms of the treaty, the island of Zanzibar would be blockaded by British naval forces. This would effectively end all economic trade.

Two days of argument followed. In the course of these two days, Kirk martialed all that he had learned about the Zanzibar slave trade over the past years to get the Sultan to sign the treaty. The Sultan, until this point, relied on his council to oppose the slave trade. Kirk understood the touchy nature of Zanzibari politics, and that the Sultan could not abolish slavery unless his council members agreed. If the Sultan were to abolish slavery, Britain believed, the council would condemn him and have him killed to gather more power for themselves. In order to get the Council members to agree, Kirk informed them of the disastrous economic consequences that continuing the slave trade would bring on the island and promised to make their involvement in the decision “a matter of public notoriety.” With this, the council was forced to end slavery or risk their own reputations and power in the face of impending naval blockade.

On June 5, 1873, the treaty was signed and came into effect immediately. The Zanzibar slave market was shut down the same day.

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302 SIMMONS, supra note 64, at 155
303 Id.
304 Id.
305 HAZELL, supra note 9, at 268–69.
306 Id.
307 Id.
308 Id. at 270–71.

In the name of the Most High God.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Seyed Burgash-bin-Săíd, Sultan of Zanzibar, being desirous to give more complete effect to the engagements entered into by the Sultan and his predecessors for the perpetual abolition of the Slave Trade, they have appointed as their Representatives to conclude a new Treaty for this purpose, which shall be binding upon themselves, their heirs, and successors, that is to say, Her Majesty the Queen of Great Britain and Ireland has
Three days later, on June 8, 1873, an order from the sultan was posted at the Customs House, which made clear that the slave trade had ceased on Zanzibar.  

Livingstone passed only a month before the crucial treaty of 1873 was appointed to that end John Kirk, the Agent of the English Government at Zanzibar, and His Highness the Seyed Burgash, the Sultan of Zanzibar, has appointed to that end Nâsir-bin-Saîd, and the two aforesaid, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles: -

ARTICLE I.
The provisions of the existing Treaties having proved ineffectual for preventing the export of slaves from the territories of the Sultan of Zanzibar in Africa, Her Majesty the Queen and His Highness the Sultan above named agree that from this date the export of slaves from the coast of the mainland of Africa, whether destined for transport from one part of the Sultan's dominions to another or for conveyance to foreign parts, shall entirely cease. And His Highness the Sultan binds himself, to the best of his ability, to make an effectual arrangement throughout his dominions to prevent and, abolish the same. And any vessel engaged in the transport or conveyance of slaves, after this date, shall be liable to seizure and condemnation by all such naval or other officers or agents, and such Courts, as may be authorized for that purpose on the part of her Majesty.

ARTICLE II.
His Highness the Sultan engages that all public markets in his dominions for the buying and selling of imported slaves shall be entirely closed.

ARTICLE III.
His Highness the Sultan above named engages to protect, to the utmost of his ability, all liberated slaves, and to punish severely any attempt to molest them or to reduce them again to slavery.

ARTICLE IV.
Her Britannic Majesty engages that natives of Indian States under British protection shall be prohibited from possessing slaves and from acquiring any fresh slaves in the meantime.  

ARTICLE V.
The present Treaty shall be ratified and the ratifications shall be exchanged at Zanzibar as soon as possible, but in any case in the course of the 9th of Rabîa-el-Akhîr [5th of June, 1878] of the months of the date hereof. In witness whereof the respective Plenipotentiaries have signed the same, and have affixed their seals to this Treaty, made the 5th of June, 1878, corresponding to the 9th of the month Rabîa-el-Akhîr, 1290.

310 Id.

311 HAZELL, supra note __, at 271 (quoting Barghash proclamation, June 8, 1873. FO 84.1374.) The notice read:

To allow our subjects who may see this and also to others, may God save you, know that we have prohibited the transport of raw slaves by sea in all our harbours and have closed the markets which are for sale of slaves through all our dominions. Whosoever therefore shall ship a raw slave after this date will render himself liable to punishment and this he will bring upon himself. Be this known.
signed. As a biographer wrote, “It was hard that he should not have known of it; for it was to him, more than any other man, that its conclusion was really due.”

Livingstone was credited publicly as the impetus for action:

The stirring letters which Mr. Stanley brought to England two years ago, coming as they did to confirm the worst of all the Dr. Livingstone had written on the subject in his previously published books, had the effect of so far arousing the country, that the Government of the day was thoroughly supported by the public when it commissioned Sir Bartle Frere to put strong pressure on the Sultan of Zanzibar, in order to negotiate a treaty by which, so far as was possible, an immediate stop might be put to the slave trade. The Feeling aroused was, “let this awful sacrifice of life be stopped at any cost.”

Yet, the matter was not over, and Livingstone’s posthumous advocacy not complete.

While the treaty largely thwarted the East African slave trade, the slave trade continued. The treaty succeeded in prohibiting the shipment of slaves over a seaboard of nearly a thousand miles, but “[a]n important hindrance to total abolition remained, in that it was still permissible to transport slaves through the Sultan’s dominions by land.”

The slave dealers quickly re-organized and began smuggling slaves by land. The route they chose became known as the Kisiju road, ending at a checkpoint from which slaves were then shipped to the Arabian Penninsula by sea. While numbers diminished, some argue that the horrific conditions of the trade increased due to the brutal over-land conditions and significantly longer journey.

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312 SIMMONS, supra note 64, at 156
313 Id.
314 EDWARD MOSS HUTCHINSON, THE SLAVE TRADE OF EAST AFRICA 45 (1874).
315 SIMMONS, supra note 64, at 156
316 LAST JOURNALS, supra 198, Posthumous.
317 SIMMONS, supra note 64, at 156
318 Id., LAST JOURNALS, supra 198, Posthumous; see HAZELL, supra note 9, at 272–93.
319 HAZELL, supra note 9, at 275.
320 LAST JOURNALS, supra 198, Posthumous. “…instead of diminishing the horrors of
The route deliberately bypassed the major towns and the sultan’s forts, instead crossing remote creeks, and diverting through mangroves and other difficult country. It had been well provided with watering places; and cooking trenches, spare gang irons and slave stockades were evident in the villages along the way. At the waterways, ferries had been specially arranged. ... [A]s Kirk had surmised the mortality rate was evidently terrible. ... “‘places of skulls’ mark[ed] the various roads upon which the traffic continue[d] to flourish and skeletons lie thick scattered on the beach . . .” and old Akhida, an Arab from Sheher, who was well used to slave trafficking, said that “he had never seen anything so shameful, it was only killing men not trading.”

Kirk’s deputy, Frederic Elton, described the horrors of the Kisiju road:

One gang of lads and women, chained together with iron neck-rings, was in a horrible state, their lower extremities coated with dry mud and their own excrement and torn with thorns, their bodies were mere frameworks, and their skeleton limbs slightly stretched over with wrinkled parchment like skin. One wretched women had been flung against a tree for slipping her rope, and came screaming up to us for protection, with one eye half out and the side of her face and bosom streaming with blood.

Kirk was determined to end the slave trade over land as well, but it would be a formidable battle. He found waning government support in England as the new foreign secretary, Lord Derby, “didn’t care ‘a farthing about the suppression of the slave trade from conviction,’” and he would

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321 HAZELL, supra note 9, at 275 (quoting Prideaux to British Foreign Office, Feb. 17, 1874. FO 84.1398.)
322 JAMES FREDERICK ELTON & HENRY BERNARD COTTERILL, TRAVELS AND RESEARCHES AMONG THE LAKES AND MOUNTAINS OF EAST AND CENTRAL AFRICA 82–83 (1879).
323 HAZELL, supra note 9, at 293. Kirk did not do it out of moral fervor or deeply held religious conviction, or even from emotional outrage. “He did it because he considered slave trading a kind of social contagion, which was debilitating and ruining a vigorous and energetic society. From the start, he had been pragmatic, efficient, clear in his diagnosis, and precise in his application.”
only take up the battle if the public insisted on carrying it out.\textsuperscript{324}

Once again, abolition hit a roadblock, and increased public sentiment became necessary to make the final push to quash what was left of the trade. In March of 1874, that impetus for critical mass arrived. England received news from Zanzibar that their beloved Livingstone was dead, his corpse arrived on the African coast. His death resulted in “an almost unprecedented outpouring of national mourning.”\textsuperscript{325} “The nation’s most saintly hero had returned after his weary pilgrimage, and the cause for which he had given his life, the fight against slavery, had been sanctified by his death.”\textsuperscript{326}

Livingstone’s coffin arrived in England by ship and was brought to the headquarters of the Royal Geographic Society for formal identification.\textsuperscript{327} The funeral, paid for by the British government, took place on April 18, 1874.\textsuperscript{328} The streets from the Royal Geographic Society to Westminster Abbey were packed with massive crowds.\textsuperscript{329} Queen Victoria and the Prince of Wales sent empty carriages to lead the long train of carriages following the coffin.\textsuperscript{330} The Abbey was packed for the ceremony.\textsuperscript{331} The importance of Livingstone to the people of England was underscored by the insistence that “…no English missionary has ever had a national funeral.”\textsuperscript{332}

The government was surprised by the scale of the public response. There could be no stronger evidence of how deeply the country felt about the slave trade in Africa.\textsuperscript{333} Though Derby was still ambivalent, Kirk used the force of public sentiment created by Livingstone’s death to convince

\textsuperscript{324} HAZELL, supra note 9, at 277 (quoting letter from W.H. Wylde to Kirk, Feb. 11, 1876. KP 9942.7.).
\textsuperscript{325} Id.
\textsuperscript{326} Id. at 278.
\textsuperscript{327} Ross, Mission, at 237.
\textsuperscript{328} Id.
\textsuperscript{329} Id.
\textsuperscript{330} Id.
\textsuperscript{331} Id.
\textsuperscript{332} Livingstone and Africa at 153. Also see Queen Victoria’s Journals, April 18, 1874, Princess Beatrice’s copies, Vol. 63, 115-16. Available at http://www.queenvictoriasjournals.org/home.do. In Queen Victoria’s personal journals, she even mentions the Livingstone funeral on April 18, how England became aware of his death only two months prior, and how his body had been carried out of Africa by his faithful aids. The fact that the Queen would note this funeral shows the significance of Livingstone.
\textsuperscript{333} HAZELL, supra note 9, at 278.
Derby to give him a free hand to solve the problem of the trade over land.334

In July of 1876, Kirk persuaded Sultan Barghash to issue a proclamation outlawing the trafficking of slaves by land and to give Kirk the authority to pursue the caravans off the ocean and into the African continent. With this power, Kirk ruthlessly fought the slave trade, branding and imprisoning convicted slave traders, no matter their social rank. He turned the trade into a venture too risky for respectable citizens to fund. In early 1877, Kirk caught the most senior slave trader, and despite the pleas of many of the most influential citizens of Zanzibar, he had the man put in irons and sent to prison.

Kirk learned that the old slave routes from Lake Nyassa were still being supported and protected by Saeed Bin Abdulla, one of Sultan Barghash’s governors. In February of 1877, Kirk found his opening to pursue Abdulla. A gang of slaves and their owners had been captured in transport, and after interrogation, three of the owners admitted that Abdulla was their authority. Even though he was no longer governor, he continued to support the purchase of slaves from the interior for onward trading. Armed with this information, Kirk “risked everything he had achieved in one extraordinary confrontation, and he set it up with care.”

Kirk wanted a public display for the people of Zanzibar—the Sultan’s palace was just the place. The “public durbar”—a formal council

334 Id. at 275.
335 Id. at 285. See also, SIMMONS, supra note 64, at 156. A further agreement in 1876, forbid the slave trade by land in the dominions of the Sultan of Zanzibar.
336 HAZELL, supra note 9, at 288.
337 Id. at 275 “Public disgrace made people see slave trading as a route to dishonor and loss of dignity.”
338 Id. at 288.
339 Id. at 288. “Saeed bin Abdullah, the governor of Kilwa, was a powerful man. Not only did he control a lucrative and important part of Barghash’s territories, he was also directly related to the sultan. He was an Arab of the most senior rank, and he considered himself above the law. In late 1876, Kirk persuaded Barghash to recall him to Zanzibar in an attempt to neutralize his activities, but the trade still continued.” Also, I Saeed bin Abdullah was a member of the Sultan’s council, although he had not been present at the agreement to sign the treaty in 1873. Nevertheless, Kirk was determined to make good his threat to hold the most senior Zanzibar families to account, and bind them personally to what had been agreed.”
340 Transport between between Pagani and Zanzibar.
341 HAZELL, supra note 9, at 290.
342 Id. at 291.
343 Id. at 291.
meeting—took place in mid-February and the former government would be seated next to the Sultan. The plan was high-risk, but Kirk wanted to show everyone in Zanzibar that everyone was bound by the law—even the aristocracy. Kirk chose his day to be bold.

Without warning, Kirk entered the palace forum. He had the men who confessed to Abdulla’s involvement. He had the captured slaves. He had depositions and evidence. One of Kirk’s witnesses was “an old slave of Saeed bin Abdulla taken from his chain gang.” Kirk demanded this old many be allowed to speak. In open court, in front of the Sultan, the council, and the public, Kirk confronted the former governor.

Abdulla was arrested immediately. He was placed in slave irons, then moved to the common prison along with his own slave agents—slaves themselves who drove Abdulla’s gangs on Kisiju Road.

To humiliate Abdulla further, Kirk asked the Sultan to release Abdulla’s slaves. Although they drove the slave gang, they were only following commands and would have been beaten or sold if they disobeyed. The Sultan obliged.

As Hazell noted, “The ruin of Saeed bin Abdulla changed the whole tenor of slave trading in East Africa. The system of organized trafficking through Kilwas had been dealt a blow from which it never recovered.”

Thereafter, the slave trade in East Africa was virtually at an end, lingering on only at a small, localized scale, but dead as an organized trade. By August 1877, Kirk declared: “…the foreign slave trade from Zanzibar territory has been for practical purposes totally abolished.”

While the slave trade was quashed through restrictions, all out abolition was not yet the law. Although the trade had ceased, one could still own a slave. In 1897, Zanzibar became a British protectorate and the institution of slavery itself was finally, and legally, abolished.

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344 Id. at 292 (quoting letter from Kirk to Derby, Aug. 24, 1877. FO 84.1484.).
345 SIMMONS, supra note 64, at 156
346 HAZELL, supra note 9, at 292 (quoting letter from Kirk to Derby, Aug. 24, 1877. FO 84.1484.). Other officials were also removed by Kirk and the slave trade could now be dealt with on small scale, localized areas. He further wrote, “that which took thousands of slaves to south Somali land is equally a thing of the past and we have to do now with the limited land traffic alone.”
347 SIMMONS, supra note 64, at 156
E. Impact on Abolition

Taken as a whole, Livingstone’s work in Africa, was “the death blow to the slave trade.” Ultimately, Livingstone’s advocacy, even from the heart of Africa, was the voice with enough credibility and the platform to draw the attention of the global community.

Yet, taken in parts, Livingstone may not be viewed with sentimentality. Livingstone’s life, particularly his later work, was viewed critically by both the scientific community and the missionary community. His second expedition, the expedition to the Zambezi, was viewed largely as a failure or less important scientifically than his first expedition. After resigning from the London Missionary Society, then appearing to offer no Christian evangelistic relevance on the Zambezi expedition, critics saw Livingstone as departing from his original mission purpose.

Livingstone also likely viewed his life as a failure. Sadly, his success came mere months and years after his passing. “If only he could have known it, the decisive steps in the ending of the East African slave trade were to be taken, and the Nile-Lualaba-Congo problem solved, within five years of his death. And both those triumphs were directly due to him.”

Still, despite his condition in Africa, Livingstone expressed a sense of purpose related to the slave trade. “Livingstone himself had the impression that his long and weary detention [...] was designed by Providence to enable him to know and proclaim to the world the awful horrors of the slave-trade.”

His legacy splits in two directions with respect to his effect on the end

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348 David Livingstone 176. “There are those who have passed somewhat lightly over the record of the second journey, holding that the Zambesi tour was not as important in discoveries as the first. [...] Some again, who could not forgive Livingstone for resigning from the Missionary Society, have passed over his second trip as being of no religious value, forgetting, or not knowing, what the man’s eye and heart were fixed on a wider range of activity, and ignorant of the fact that he was training the natives to usefulness, to order, to a finer lives. All of these forget that Livingstone’s work was ‘the death blow to the slave trade’ in Africa.”

349 QUOTE JEAL – First pages of biography

350 David Livingstone 176.

351 Id.

352 See supra note 299.

353 See supra 279.

354 Last Journals, supra note __, Posthumous.
of slavery: Livingstone’s spirit and his advocacy. His advocacy his statements, letters, and ideas for abolishing the slave trade. It would be wrong to suggest that Livingstone alone was responsible for abolishing the slave trade in East Africa. Pragmatically, many individuals were involved in the abolition of the East Africa slave trade and the British government’s strategy to reduce the slave trade pre-dated Livingstone. Still Livingstone’s policy and legislative suggestions were largely accepted and followed. Credit for implementation of these ideas belongs to the British Foreign Office, its Consul at Zanzibar, Frere, and Kirk.\textsuperscript{355}

Livingstone’s spirit far exceeded his actions. He became a symbol for abolition—arguably mythic. His rise to global hero and iconic abolitionist must be attributed largely to Stanley and Bennett. Whether out of pecuniary interest or for genuine humanitarian purposes, they built the platform that fueled the fire for Livingstone’s message and fanned the flame that it lit.

Above all, Livingstone must be given sufficient credit for his direct impact on abolition and the law. As a biographer wrote, “Yet when all proper recognition has been given to the men responsible on the spot and in London, it was Livingstone who led them, who gave point to their work and secured them a sufficient backing from governments and public opinion to enable them to achieve success.”\textsuperscript{356}

\section*{Conclusion: Modern Implications}

Like Livingstone’s missionary work, his human rights advocacy was also ahead of its time. He argued for strong laws coupled with enforcement. He saw that strong rule of law in Africa was necessary to root out abuse and corruption in a porous system.

His suggestions and ideas for how to abolish slavery were largely ignored, but proved successful in the end upon implementation. All along, he argued for an all-out abolition of slavery. He suggested that simple sanctions against the Sultan would not prove effective—they were not. He suggested that inland enforcement was necessary—Kirk eventually followed this by tracking down and prosecuting slavers.

There is no way to know if Livingstone’s suggestions would have worked. Could all-out abolition actually have happened in 1864 after

\textsuperscript{355} SIMMONS, \textit{supra} note 64, at 157
\textsuperscript{356} \textit{Id.} at 157
Livingstone returned from the Zambezi expedition? Possibly. Presumably, the British naval fleet policing the slave trade routes could have blockaded Zanzibar to force the Sultan’s hand much sooner. It was not for nearly a decade before British enforcement would rise to its ideals.

Abolition in East Africa is a historical example with a modern analog. East Africa is an illustration of slow, incremental restrictions devoid of enforcement. As Britain would enact one treaty toward abolition, the slave traders would quickly reorganize to continue the traffic in humans by other routes and means.

While the law on the books might appear effective, the system failed in that it was never properly enforced. Similarly, the challenge for human rights and the rule of law today in the developing world, particularly East Africa, is enforcement.

As Gary Haugen and Victor Boutros wrote in *Foreign Affairs*,

> “Efforts by the modern human rights movement over the last 60 years have contributed to the criminalization of such abuses [i.e., forced slavery, illegal imprisonment, land grabbing] in nearly every country. The problem for the poor, however, is that those laws are rarely enforced. Without functioning public justice systems to deliver the protections of the law to the poor, the legal reforms of the modern human rights movement rarely improve the lives of those who need them most. At the same time, this state of lawlessness allows corrupt officials and local criminals to block or steal many of the crucial goods and services provided by the international development community.”[^357]

As the Livingstone story illustrates, the lack of enforcement is not merely a modern error of the last 60 years.

Further, past indiscretions are not without modern consequence. The effects of slave raiding in East Africa during this time period resulted in lingering devastation and diminished populations today. The East African slave trade may be viewed, in part, as a precursor to modern day human trafficking. As the slave trade moved from west to east due to relaxed restrictions in East Africa, it continued to move north overland as incremental treaties were signed. These movements brought new and increased human trafficking to North Africa and South Asia as the demand for human labor was pushed to new, lesser-enforced areas.

Had all out abolition, coupled with strong enforcement of the law been mandated by the British in 1845, we might see a different Africa today. Had slave raiders in the Zambezi valley been brought to justice immediately, we would not have seen the same slave traders move north to the violent Kisiju road. We would not have seen hundreds of thousands—maybe millions—killed en route to Zanzibar in more than two decades between 1850 and 1875.

The modern analog, thus, is a call for prompt, swift enforcement of human rights laws and international treaties. Today, for instance, many countries have effective anti-trafficking laws on the books, but fail to enforce them. The model of incremental restrictions—essentially sanctions—historically proves to be ineffective. Instead, a modern response will require building effective justice systems.

Still today, in the places where the world once dragged its feet, as if to say, “this is not our problem,” lag with respect to their justice sector. In present-day Zambia, which derives its name from the Zambezi River forming its border—where Livingstone once set foot—there is only one lawyer for every 25,667 people.358

Livingstone’s call is as relevant now as it was in 1875. While his particular mandate was the abolition of the East African slave trade, the underlying message throughout his entire career was that in order for development to happen in Africa, there must be an effective justice system that serves the poor.

Livingstone believed that the answer for Africa was “Christianity and commerce.” The modern revision to this might be that the developing world needs, as Livingstone also described it, “moral institutions.” In other words, for societies to flourish, we need moral systems that reach ends through just means in civic life. Commerce cannot proceed effectively without a fluid and remediable exchange of goods and services. Likewise, public life cannot progress without personal security and freedom from corruption.

In many ways, the “open sore of the world,” as Livingstone called it in his finals words, has yet to heal. And, like Livingstone, we must advocate for global participation in the development of effective justice systems that

358 Id. at 53.
do just that.

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