

Documenting Interpersonal Conflict in Senegal during the First Quarter the Twentieth Century

Analysis of Case Registers from Native Courts

L'analyse des conflits interpersonnels au Sénégal au début du xx^e siècle. Les apports des registres des tribunaux indigènes

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Documenting Interpersonal Conflict in Senegal during the First Quarter the Twentieth Century Analysis of Case Registers from Native Courts

Karine MARAZYAN *

Abstract. In the early twentieth century, in countries of former French West Africa, new adjudicatory bodies, the so-called “native courts,” were created and managed by the French colonial administration to handle disputes between native people. The monitoring of court activity generated high-frequency litigation data that provide a unique opportunity to document interpersonal conflict in a context of colonial rule undergoing rapid transformation. This paper has three objectives: (i) to describe the institutional framework that gave rise to the case registers, “Les États Récapitulatifs,” upon which this research is based; (ii) to detail our method for compiling time series of cases adjudicated by the native courts of Senegal; (iii) to describe certain time trends in the dynamics of cases adjudicated by these courts. We conclude by discussing how this database could be used to better understand the economic and political roots of interpersonal conflict.

Keywords. divorce, justice, institutions, colonial State, gender, quantitative methods

Résumé. L’analyse des conflits interpersonnels au Sénégal au début du xx^e siècle. Les apports des registres des tribunaux indigènes. Dans l’Afrique occidentale française du début du xx^e siècle, l’administration coloniale instaure des « tribunaux indigènes » afin de réguler les tensions et conflits entre les personnes de statut indigène. Le suivi de l’activité de ces tribunaux a produit plusieurs jeux de données qui offrent une opportunité unique de documenter les conflits interpersonnels dans des économies sous domination coloniale et en transformation rapide. L’article entend décrire le cadre institutionnel qui a permis la production des données étudiées (les « États récapitulatifs des jugements »); il s’agit ensuite de détailler notre méthode de compilation des séries temporelles des litiges arbitrés par ces tribunaux indigènes et enfin de dégager quelques tendances de la dynamique des litiges ainsi arbitrés. Nous concluons en discutant de la manière dont cette base de données pourrait être utilisée pour mieux comprendre les déterminants économiques et politiques des conflits arbitrés dans les tribunaux indigènes.

Mots-clés. divorce, justice, institutions, État colonial, genre, méthodes quantitatives

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French colonization had a major impact on the economic structures of colonized countries and on their legal and judicial institutions. One important change was the creation of native courts by the colonial administration in the early 20th century.

The native court system in former French West Africa (hereafter FWA) had four notable features: adjudication decisions were made in accordance with local customs (if compatible with the “civilizing” mission of the colonial power); adjudication was free of charge; judges and assessors received monetary compensation for their work from the colonial administration; and finally, decisions were enforced by the administration and the police. While the two first features were shared by both native courts and traditional adjudication courts, the last two were specific to the former.¹

For oversight reasons, native courts were required to keep track of all cases brought before them and to record their adjudication decisions in case registers called “Les États Récapitulatifs des jugements.” These registers produced by native courts thus offer a unique opportunity to analyse the dynamics of grievances between individuals not only under colonial rule but also in a context of rapid transformation. The high-frequency litigation data compiled for our research is drawn from these case registers for Senegal, currently held at the Archives Nationales du Sénégal (hereafter ANS).

Between 1906, when the first native court opened, and 1922, shortly before a major reform of the judicial system (in 1924), approximately 33,000 cases were adjudicated by the 43 sub-district native courts located in 12 districts of Senegal. For each of the 43 native courts, we compiled time-series of cases that can be disaggregated by quarter, by type (civil/commercial or correctional/penal), and by type of grievance.

Analysing the functioning of native courts sheds light on various aspects of society at that time. A first strand of the literature on native courts observes that by providing alternative adjudicatory bodies (potentially applying an

I am very grateful to the directors and personnel of the National Archives of Senegal for authorizing me to access the archive files and for facilitating their exploration. I am also indebted to Louise Cassagnes, Estefani Izurieta, Peggy Mendes, Maria Mendoza Aravello, Sylvie Nunes, Cécile Phélippeau, Rawane Yasser and their endless energy for their help in categorizing the cases registered in the judicial archives. I acknowledge the support of the COLECOPOL (Political Economy of Colonialism) research programme directed by Denis Cogneau (Paris-Jourdan sciences économiques [PSE], Institut de recherche pour le développement [IRD], École des hautes études en sciences sociales [EHESS]) and funded by the French National Research Agency (ANR-19-CE41-006); CEPREMAP (Centre pour la recherche économique et ses applications) and Labex OSE (Ouvrir la science économique). All errors are mine.

1. Native courts were also set up by the British colonial administration in former British colonies, but functioned according to rules more similar to those of customary adjudication courts. For an analysis of the activity of native courts in colonial Nigeria: J. FENSKE, 2012.

alternative set of adjudication rules), the native court system may have served to reshape power relationships during the colonial period. To date, however, the results of existing studies are mixed. Drawing on data from the case registers for the period 1906–1912 in four sub-districts of French Sudan (now Mali), Richard Roberts suggests that native courts provided a means for women to renegotiate their marriage arrangements to their advantage.² Indeed, contrary to most local customs, native courts only considered a marriage to be legitimate if the woman had consented to it. Roberts reports several cases in which women asked the Court to annul their marriage for reasons of non-consent. However, looking at court records between 1918 and 1939 for the sub-district of Kayes (now Mali) and between 1900 and 1946 (with only a few records after 1920) for various sub-districts in Dahomey (now Benin), respectively, Marie Rodet and Bénédicte Brunet-Laruche come to a different conclusion.³ They suggest that men’s control over their wives increased after the creation of the native courts, citing several cases of men who complained about their wives’ absence and asked the court to force their wives either to return or to refund the bride price. The authors argue that in contexts where men’s non-agricultural labour was particularly valued by the colonial administration, local traditional leaders and the French colonial administration colluded to reinforce the gender division of labour (i.e., men specialized in wage labour and cash crop cultivation and women specialized in domestic activities and staple food cultivation) and to guarantee the stability of marriage (to underline women’s reproductive role).⁴ Through their gender lens, these analyses contribute to the very scarce literature documenting the living conditions of women in colonial Africa.⁵ However, as suggested by Catherine Coquery-Vidrovitch,⁶ these papers fail to provide a broader picture of the changes in gender relations and the factors driving these changes because each study focuses on a single type of marriage-related dispute (bride price, adultery, or divorce) and does not explicitly consider changes in the economic and political environment.

Another institution analysed in existing literature is the so-called *indigénat*. It was a crucial tool – like the native courts – for maintaining control over native people.⁷ Under the *indigénat* system, people were punished

2. R. ROBERTS, 2005.

3. M. RODET, 2007; *Id.*, 2009; B. BRUNET-LARUCHE, 2014.

4. Odile Goerg highlights gender differences in misconduct adjudicated in correctional/penal affairs by native courts in colonial Guinea (O. GOERG, 2007).

5. D. SAVINEAU, 2007; M. DOBKIN, 1968.

6. C. COQUERY-VIDROVITCH, 2007.

7. Native courts could influence the behaviour of individuals by defining objectionable behaviour/conduct. For an analysis of precedent-setting decisions made by the upper court of the native court system, the *Chambre d’homologation*, see D. SARR, 1975.

without the right to defend themselves in court. Sanctions were pronounced by colonial administrators.⁸

The present study contributes to a better understanding of the more general functioning of colonial institutions.⁹

There was some debate about the case adjudication rules that should prevail in native courts.¹⁰ Although local customs were adopted as the norm, the system was actually designed to familiarize the population with French legal code.¹¹ Such a process could go through three main channels: cases on appeal were ultimately adjudicated by the district administrator who was French (and was socialized in metropolitan France); the *Chambre d'homologation*, the upper Court in the native court system, headed by a French magistrate, could seek a review of any lower court decision; and finally, the circumstances in which a local custom was incompatible with the “civilizing” mission of the colonial power were left vague in the decrees – and could therefore be judged under French law.

In this paper, our main objective is to present an original dataset, illustrate how this database was compiled and showcase how our data can provide a better understanding of the economic and political roots of interpersonal conflict in colonial Senegal. Documenting changes in sentencing for a given instance of misconduct (and thus the role of the native court system in controlling native people) or assessing the effect of colonial policy on women’s ability to negotiate better marriage arrangements are questions that remain to be studied.

In the first section, we describe the institutional documentation, the *États Récapitulatifs*, that we used to compile the data forming the basis of this research. In the second section, we explain the method used to construct the time series of cases. In the third section, we describe some trends in the dynamics of adjudication requests over the period under consideration. We conclude by discussing how the database could be used to document the economic and political roots of interpersonal conflict.

8. For an analysis of the institution in the countries of former French West Africa: I. MERLE, 2004; L. MANIÈRE, 2007. Other institutions that served to control the population, either directly or indirectly (through their influence on norms) were prisons and Christian missions. For an analysis of prisons in colonial Nigeria: B. ARCHIBONG & N. OBIKILI, 2020. For an analysis of the activity of missions in colonial Ghana, colonial Nigeria, and colonial Congo, respectively: R. JEDWAB, F. MEIER ZU SELHAUSEN & A. MORADI, 2021; D. OKOYE, 2021; C. GUIRKINGER & P. VILLAR, 2022.

9. For the countries of former AOF, see the work of D. COGNEAU, Y. DUPRAZ & S. MESPLÉ-SOMPS, 2021, and É. HUILLERY, 2009, for example.

10. C. BECKER, S. MBAYE & I. THIOUB, 1997.

11. The decision to not impose the French legal code was made partly for practical reasons: the administration lacked the resources to enforce a new set of rules.

1. Institutional Context

Organization of native courts in FWA: Context

In 1903, the French colonial administration adopted a decree setting up the native court system to regulate disputes between natives.¹² The decree followed two attempts by the French colonial administration to reform the functioning of local justice: first in 1892 and then in 1902.

In 1892, local chiefs (and cadis for Muslims), who played a key role in adjudicating minor and major misdemeanours, were stripped of their power to adjudicate criminal offences. Yet, because this decision led to distortions in sentencing decisions for minor offences – chiefs tended to increase the fines imposed for minor offences to compensate for their loss of income –, their power to adjudicate all types of offences (except crimes) was restored in 1902, but under a certain degree of supervision: the *Chambre d'homologation* was created to systematically review all prison sentences of over a year. Other decisions could also be reviewed at the request of the general attorney.

However, case records were incomplete and the French magistrates of the *Chambre d'homologation* did not receive any assistance in understanding the local customs guiding adjudication decisions. So, a new reform was introduced in 1903 to set up native courts with the aim of taking better account of local customs.

Organization of native courts in FWA: General principles

As indicated in the introduction, the native court system had four important features. First, adjudication decisions were made according to local customs, provided they were compatible with the “civilizing” mission of the colonial power. That meant, for example, that thieves were no longer punished by cutting off their hands, but by a prison sentence. In addition, adjudication was free of charge;¹³ judges and assessors received monetary compensation for their work from the colonial administration, and decisions were enforced by administrative and police officials.

The native court framework was a four-tier justice system. The first tier comprised village courts, headed by village chiefs, whose role was to reconcile opposing parties.¹⁴ If the conciliation failed, the parties could request adjudication from the next tier up, the sub-district court. It was not

12. This sub-section is based on C. BECKER, S. MBAYE & I. THIOUB, 1997.

13. Appealing a decision was costly, however: 100 francs (if the decision was confirmed).

14. Only civil or commercial disputes were brought to village courts. Judges in village courts were not paid by the colonial administration for their judicial activity. Their decisions were not enforced by the administration or police.

mandatory to go through the first tier of the system: parties could bring their cases directly to the sub-district court.

Sub-district courts adjudicated all types of cases except serious crimes. They were headed by a panel of judges composed of the sub-district chief and two assessors (local public figures). Decisions could be appealed. Appeal cases were taken to the next court up: the district court.

District courts were the third tier of the system. They judged cases on appeal and tried serious crimes. The court was headed by the district administrator and two assessors, who – contrary to the sub-district level – did not take part in the decision-making but only advised the administrator about local customs.

The fourth tier was the “Chambre d’homologation,” a board of French magistrates and local assessors who systematically reviewed all prison sentences of more than five years. They could also review other decisions, at the specific request of the general attorney.

As is depicted in Figure 1, native courts were part of a broader justice system in FWA, which also included two other court systems. Disputes between inhabitants of Les Quatre Communes¹⁵ or between French citizens were heard by French Courts, headed by French magistrates who applied the French legal code. Disputes between inhabitants of Les Quatre Communes who kept their Muslim personal status could also take their case to Muslim Courts headed by Cadis who adjudicated according to Koranic Law.¹⁶

Another component of the justice system was the *indigénat*, which covered behaviours and actions condemned by the colonial administration (those violating colonial rules, and offences directly targeting representatives of the colonial power). It was enforced by the district administrator (without any oversight) and only natives were concerned.

The native courts were reformed four times, in 1912, 1924, 1931 and 1946. The reforms of 1912, 1924 and 1931 mostly aimed at improving their functioning. For instance, the 1912 reform clarified which custom should apply when the plaintiff and defendant did not follow the same customs. In addition, the judges now had to include representatives of both the plaintiff’s and the defendant’s population group, with their specific customs, and the case registers had to specify the customs according to which the case was settled so that the verdict could be enforced more effectively. In 1924, local

15. Inhabitants of Les Quatre Communes of Senegal were those born in the following towns: Saint-Louis, Dakar, Gorée, or Rufisque. They were granted full French citizenship in 1848.

16. There were French and Muslim Courts in the districts of Dakar and of Saint-Louis, but no native courts. Disputes between natives could be heard by French courts and the French magistrate was assisted by an assessor.

chiefs were replaced by sub-district administrators (trained by the colonial administration) to adjudicate cases in sub-district courts.

Figure 1. *Organization of the justice system*

Native courts <small>reformed in 1912, in 1924, in 1931, in 1946</small>	Indigénat	French courts	Muslim courts
<p>“Chambre d’homologation” (headed by the general attorney) Oversee administrators’ judicial activity (based on “les États récapitulatifs” and on their administrative report) Verify court decisions resulting in prison sentences of more than 5 years</p>	Cercle/District administrator	French legal code	Koranic law
<p>Cercle/District courts (headed by the district administrator, advised by local authorities) Adjudicate criminal cases and appeals</p>			
<p>Province/sub-district courts (headed by the chief of the province + local authorities) Adjudicate civil/commercial cases + misdemeanours</p>			
<p>Village courts (headed by village heads) Settle disputes (only civil/commercial)</p>			

In 1946, a major reform rendered the distinction between natives, inhabitants of Les Quatre Communes and French citizens null and void. This reform had a significant impact on the organization of native courts. Following this reform, all penal cases were now adjudicated by French Courts, according to the French Penal Code. Native courts continued to deal with civil and commercial disputes until the country’s independence.

2. Compiling the time series of cases from Les États Récapitulatifs

The Raw Material: Les États Récapitulatifs

The oversight of adjudication decisions of sub-district native courts by the district administrator and board members of the Chambre d’homologation yielded a series of documents that form the basis of the present research. These documents, archived at the ANS (series 6M), include:

- registers summarizing cases adjudicated both by sub-district and district native courts. They were written in French by court secretaries (usually teachers) on a quarterly basis until March 1914, and after that on a monthly basis.¹⁷ These registers are referred to as “Les États Récapitulatifs;”
- administrative reports written by district administrators, documenting the judicial activity of their district.

The États Récapitulatifs were produced separately for civil or commercial disputes and for correctional or penal cases.¹⁸ In addition to indicating the court decision, the date of the decision, and whether one party has decided to appeal, these registers give details about the case (nature, context, sums involved, identity of witnesses and witness statements, if any). Other sets of information were added with each reform (e.g. the customs of each party had to be specified after the reform of 1912 – although records show that this information was not, in fact, systematically provided). Figures 2a and 2b illustrate registers summarizing civil or commercial disputes adjudicated by the Saniokhor sub-district native court in the District of Tivaouane in May 1915.

Time series of cases: Method used to compile the time series of cases

Our primary objective is to create several time series of cases adjudicated by courts between 1906 and 1922. To do so, we exploit the following documents: the registers summarizing cases adjudicated by sub-district courts and administrative reports written by district administrators concerning the functioning of justice in their district. Note that cases judged in the sub-district native courts exclude most violent crimes (which were heard directly by the district court).

As mentioned above, we focus on the period 1906–1922, i.e., just before the second reform of the system in 1924. Note that the year 1907 is not recorded in the archives. From 1906–1922, around 33,000 cases were adjudicated by 43 sub-district native courts located in 12 districts (thereafter, we will refer to sub-district native courts simply as native courts).¹⁹

17. The quarter is the time unit of observation for the period documented.

18. In other words, the categorization of disputes as civil/commercial or correctional/penal cases, presented below, is directly deduced from the raw material at our disposal.

19. This description is based on notes taken during a visit to the reading room of the ANS, and notes based on digitized versions of the raw material. Around half of the material has been digitized.

Step 1 of our method: Documenting the native courts' activity each quarter between 1906–1922

To create our time series of cases adjudicated by native courts between 1906–1922, we consider activity per quarter between 1906–1922.

We create as many Excel files as we have quarters between 1906 and 1922 (a total of 64, as the four quarters of the year 1907 are missing). Then, for each quarter, we list the courts documented in the registers and describe their activity: the total number of civil/commercial cases, and of correctional/penal cases, the total number of cases that went to appeal, and whether these cases were marriage-related or not. Around 33,000 cases were categorized.²⁰

Step 2 of our method: Reconstructing the genealogy of the courts

The second step is to reconstruct the genealogy of each court. Over the observed period, some courts were divided into two or entities and others merged. We define 1916 as our reference year, and we count 43 courts operating that year. We thus follow these 43 courts over time. In Figure A1 and in Figure A2 (Appendix 1) we illustrate cases where two courts merged and where a court was divided into two, respectively.

Basically, two courts (A) and (B) which merged as (C) before 1916, and are observed as (C) in 1916, are considered as one court (C) for the years we observe both courts (A) and (B). This is the case, for instance, for the “deux Guoye” court we observe in 1916 in the district of Bakel, which resulted from the merging (in 1909) of two courts, “Gouoye inférieure” and “Gouoye supérieure” (Figure A1).

Cases adjudicated in courts (A) and (B) are grouped to represent the number of cases adjudicated by court (C). A court (C) which was divided into two courts (A) and (B) before 1916 is thus considered as two distinct courts, (A) and (B). The allocation between (A) and (B) of cases adjudicated by (C) is based on the respective distribution of cases handled by (A) and (B) in the year before the merger.

For instance, in the district of Kolda, the “Fouladou” court (renamed “Kolda” in 1911) was divided into two courts, “Kolda” and “Velingara” (Figure A2), in 1912. To observe the two courts “Kolda” and “Velingara” between 1906 and 1911, we “reconstruct” these courts by redistributing cases adjudicated by the “Fouladou” court using the distribution observed in 1912.

Note that some of the courts that appear in 1906 could not be linked to any court observed in 1916. In Figure A2, this is the case for the “Ntembolou”

20. For a subset of courts, we also describe the adjudication decisions as well as the characteristics of plaintiffs (and defendants) – whenever available.

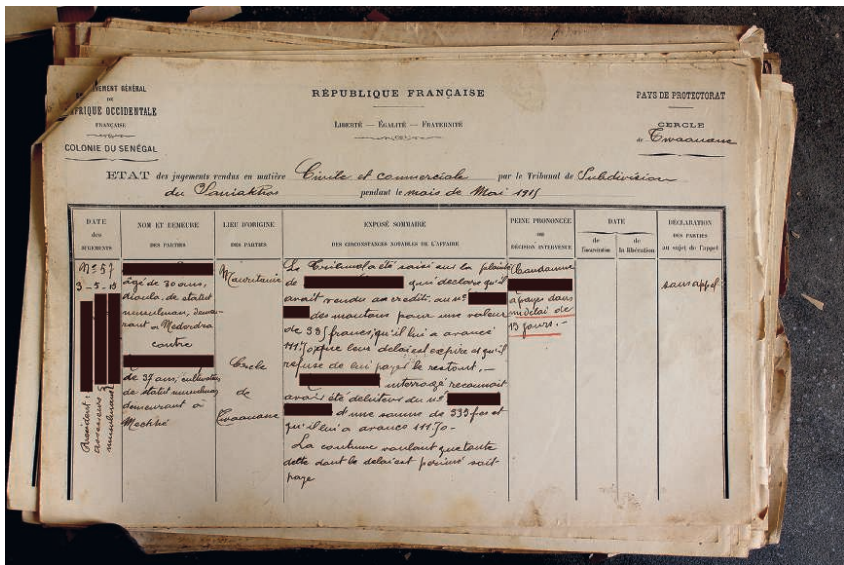
and “Sambougar” courts, for example (there are 7 in total). These courts are thus dropped from the analysis.

The final database

The final database is a panel of 43 courts observed on a quarterly basis between 1906 and 1922. Courts are not observed each quarter: for some courts, some quarters are missing (the four quarters of 1907 are missing for all courts). The panel is thus unbalanced. We will discuss below the patterns associated with missing quarters.²¹

We also include the locations of the courts in our analysis. To do so, we exploit a series of information sources: the court names, the decrees specifying where courts must be located (usually, the sub-district capitals) and maps of colonial Senegal.²²

Figure 2a. Court of Saniokhor (District of Tivaouane), May 1915, Civil and Commercial Disputes (page 1)

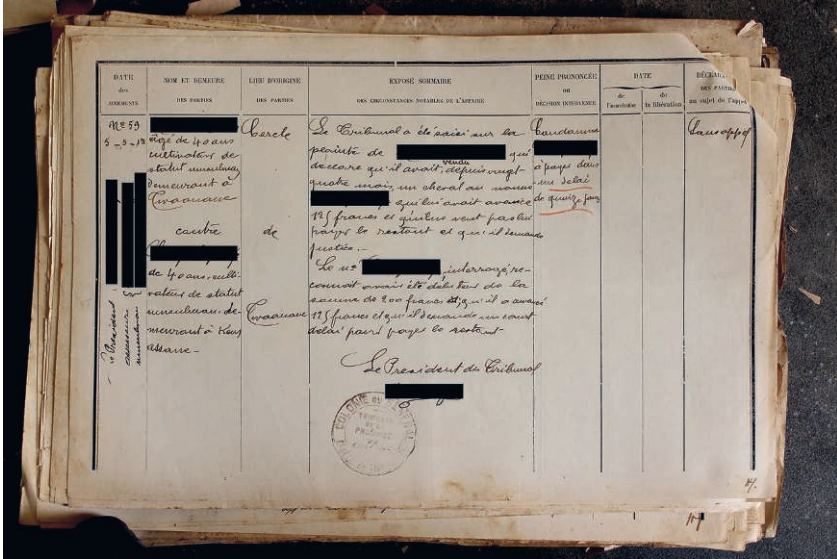


Source. ANS, Série 6M.

21. When a court adjudicated zero disputes in a quarter Q, the court secretary indicated “null” in the record of that quarter. “Null” is zero in our data. Sometimes the record is missing but information can be recovered from the administrative report established by the district administrator (whenever available to us). In our data, a court’s activity is considered as missing during quarter Q whenever we lack information on its activity during Q, whether through the registry, or through the administrative report we could access.

22. Maps are taken from E. DE MARTONNE, 1924.

Figure 2b. Court of Saniokhor (District of Tivaouane), May 1915, Civil and Commercial Disputes (page 2)



Source. ANS, Série 6M.

3. Time series of cases: Descriptive analysis

Exploring inter-annual variations

Our panel of courts allows us to calculate various time series of cases for 43 courts.²³ To give a better idea of the trends, Figure 3a shows various annual series of total numbers of cases adjudicated for three areas: a groundnut-producing area excluding Casamance; an area where this local cash crop was not grown; and Casamance. Casamance, a region in southern Senegal, is considered separately as it had been pacified by the colonial power more recently and may thus have had specific behavioural patterns which meant the native court system was not as widely accepted as in other parts of the country.²⁴

23. Each native court adjudicated 769 disputes on average over the entire period, and 50 on average each year.

24. We exploit information in X. GUIRAUD, 1937, to identify groundnut-producing districts. They include Bakel, Louga, Niani-Ouli, Sine-Saloum, Thiès, Tivaouane, Baol, Casamance. The non-groundnut-producing districts are Dagana, Matam, Podor and Haute-Gambie.

To compare trends between areas, we also represent the share of quarters we do not observe each year (second axis, on the right). Since the case registers were produced separately for civil/commercial disputes and correctional/penal cases, we provide two series for the proportion of missing quarters: one for each type of case. The corresponding dots of the two series are almost undistinguishable. This means that the mechanism(s) underlying the probability that a quarter is missing is the same for civil/commercial disputes, and for correction/penal cases.²⁵

Figure 3a sheds light on two patterns that are worth commenting on before focusing on the time trends. First, almost all of the dots in the total cases series in the groundnut-producing area are higher than those in the other two series. In the groundnut-producing area, courts adjudicated 1,306 cases per year on average. The corresponding figures are 523 and 236 for the non-groundnut producing area and Casamance, respectively. Second, the shares of missing quarters vary over time. The variation observed follows a similar pattern across zones.

According to the 1910 district-level population census,²⁶ the groundnut-producing area was the most populated. More cases may have been brought to court simply because the number of potential (litigious) disputes was greater. Besides, the economic opportunities associated with groundnut production might have led to large in-migration flows. Thus, in the groundnut-producing area, there may have been not only more individuals but also a larger number following different customs. This may be another reason why there were more requests for adjudication at native courts (informal conciliation attempts were more likely to fail when the plaintiff and the defendant did not follow the same customs).

To account for population size, Figure 3b shows the annual series of total adjudicated cases per capita. Since we do not have a population data series, we use the census in 1910 as a baseline measure.²⁷ The groundnut-producing area adjudicated 1.71 cases per 1,000 inhabitants per year on average, versus 2.23 and 0.85 for the non-groundnut producing area and Casamance, respectively. Note that in 1914, a year that followed a major drought,²⁸ the number of cases per capita was higher in the non-groundnut-producing area

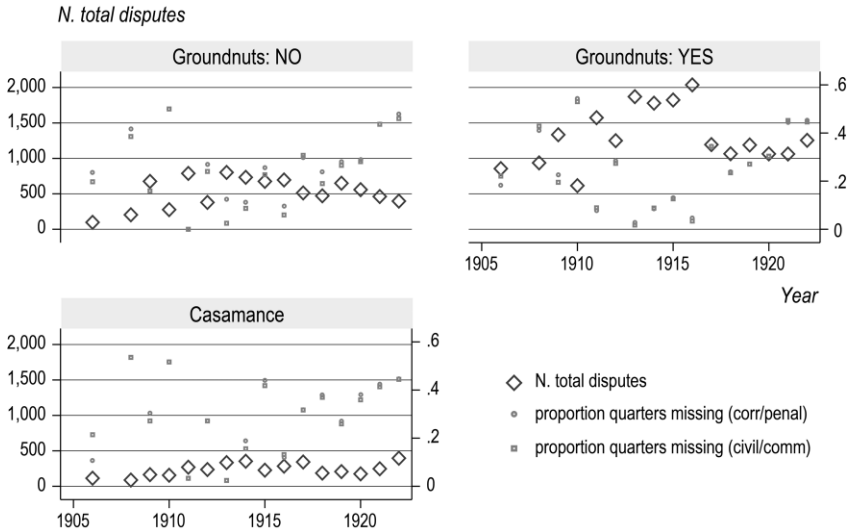
25. After the first quarter of 1914, registries were kept monthly. After this date, we consider that information for quarter Q is missing for court C if there is no information on the activity of court C for at least one month during quarter Q. We therefore tend to overestimate the level of missing information after 1914.

26. É. HULLERY, 2009.

27. A second measure is available for 1925. Patterns described are quite similar if we use the measure in 1925 instead of the measure in 1910 (results not shown but available upon request). In Appendix 2a, we describe the annual series of total cases per capita adjudicated by courts separately for the 12 districts.

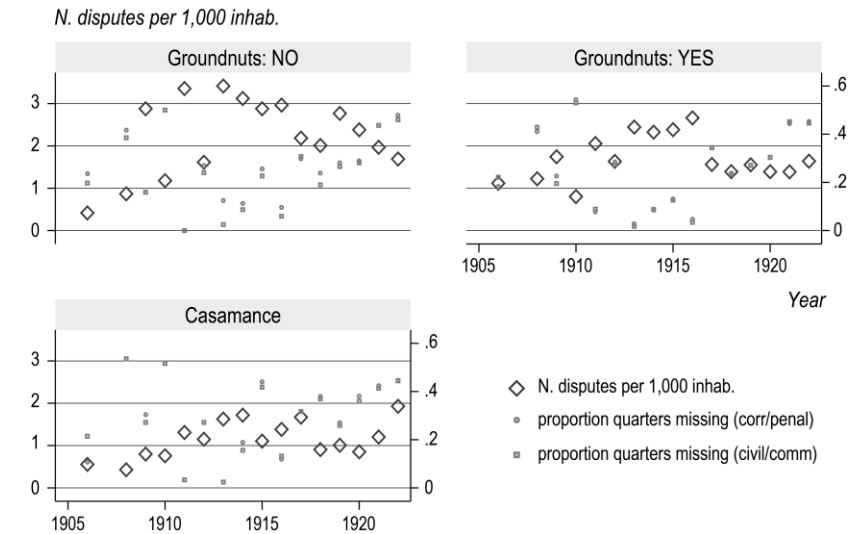
28. M. CHASTANET, 1982.

Figure 3a. Time series of total cases by area



Source. Author's calculations.

Figure 3b. Time series of total cases per capita by area



Source. Author's calculations.

compared to the producing area (the pattern of missing quarters is similar across the two areas).

Within an area, the time trend of cases is difficult to interpret due to variations in the share of missing quarters over time. It is interesting to note that, except in Casamance, the share of missing quarters follows a U-shaped pattern, whereas the total cases per capita follow an inverted U-shape.

Our database also allows us to explore within-year variations. In Appendix 2, we disaggregate the annual number of cases per capita by quarter. We produce the information separately for the groundnut-producing area and for the other two areas (Figure A2b). It appears that more cases are adjudicated during second quarter in the groundnut-producing area, i.e., just before the beginning of the rainy season in Senegal.²⁹

Distribution of cases by type

In Table 1 Panel A, we describe the share of total civil/commercial disputes and the share of total marriage-related disputes.

Our interest in marriage-related disputes is motivated by at least three factors: (i) the prevalence of such disputes in our data (a fifth of our total disputes, see below), (ii) the focus on marriage-related disputes in many existing studies on native courts in countries of former French West Africa;³⁰ (iii) the role of marital arrangements in determining women's welfare in Senegal today,³¹ and especially in colonial Senegal, and the potential of our database to shed light on norms underlying marriage and family arrangements.

Our work expands on existing dispute data compilation efforts by providing various series of disputes covering a longer period, for all the districts with a native court, and that can be disaggregated by quarter, by type, and by type of grievance.³²

Whether a case concerns a civil/commercial or correctional/penal case is directly deduced from the raw data. We construct the indicator of marriage-related disputes. They are identified as those opposing a man (or a

29. This pattern holds until 1917. Starting from 1920, the second quarter is systematically missing for all courts.

30. R. ROBERTS, 2005; A. YADE, 2007; O. GOERG, 2007; M. RODET, 2007; id., 2009; B. BRUNET-LARUCHE, 2014.

31. S. LAMBERT, D. VAN DE WALLE & P. VILLAR, 2018.

32. In this paper, we distinguish marriage-related cases from other cases. For cases not related to marriage, we can further distinguish cases where the disputed object is an animal, a plot of land (or another productive asset like a boat) or another good or service. A last set of cases is more mixed. It includes charges of assault and battery, vagrancy, or violation of hygiene rules.

Table 1. *Distribution of disputes per court by type (mean and standard deviation in brackets)*

	<i>All courts</i>	<i>Courts in districts with population size in 1910 > national average^a</i>	<i>Courts in districts with population size in 1910 < national average</i>
	Column 1	Column 2	Column 3
Panel A			
Number of disputes ^b	769 (685)	837 (779)	654 (489)
share of civil/commercial disputes	0.617 (0.13)	0.563 (0.13)	0.708 (0.09)
share of marriage-related disputes	0.217 (0.10)	0.194 (0.08)	0.256 (0.12)
share of civil disputes among marriage-related	0.924 (0.13)	0.899 (0.12)	0.967 (0.14)
Panel B: Post 1910			
Number of disputes	665 (588)	718 (660)	574 (444)
share of civil/commercial disputes	0.616 (0.13)	0.564 (0.12)	0.704 (0.10)
share of marriage-related disputes	0.221 (0.10)	0.199 (0.09)	0.256 (0.12)
share of civil disputes among marriage-related	0.929 (0.14)	0.901 (0.13)	0.975 (0.15)
Panel C: Post 1910 Among marriage-related			
share of requests for divorce	0.421 (0.13)	0.423 (0.14)	0.417 (0.12)
share of complaints about a wife's absence	0.049 (0.04)	0.06 (0.05)	0.03 (0.02)
share of breaches of promise to marry or marriage fraud	0.172 (0.08)	0.162 (0.07)	0.189 (0.09)
Number of courts	43	27	16

Notes. a: The national average population per district is 100,400, very close to the national median (99,000). The districts with a population size below the national average are the four districts along the Senegal river (Bakel, Dagana, Matam, Podor) plus two districts in the east (Haute-Gambie and Niani-Ouli).

b: We cannot compute the average number of cases per capita adjudicated by courts as we do not have a baseline population measure at court (sub-district) level. Per capita measures can be obtained at the district level, however. The districts (of which there are 12) adjudicate 2,755 cases and 33 cases per 1,000 inhabitants on average. The most populated districts (6 districts) adjudicate 3,767 cases and 25 cases per 1,000 inhabitants on average. Less populated districts (6 districts) adjudicate 1,744 cases and 42 cases per 1,000 inhabitants on average.

representative) and a woman (or a representative) who are engaged/married at the time of the dispute or were formerly married.

Marriage-related cases were adjudicated in civil courts (e.g. for divorce petitions) but also correctional/penal courts (e.g. for charges of bigamy or adultery), so we can also describe the share of marriage-related disputes adjudicated in civil courts.

According to Table 1 Panel A, 62% of all cases are civil/commercial disputes and 22% were marriage-related (Column 1). Among marriage-related disputes, 92% were civil cases.

Columns 2 and 3 disaggregate these figures by location of the court in a highly populated and less populated district. A highly populated district is defined as a district with a population above the national average (or median) in 1910.³³ It is noteworthy that courts in highly populated districts adjudicated a higher share of total cases and of correctional/penal marriage-related cases (the share of total cases and the share of civil marriage-related cases was lower in these courts according to Column 2).

Generally, a case was adjudicated in a correctional/penal court when the complaint related to behaviour likely to undermine the social order (according to the prevailing social norms).³⁴ It might be interesting to document how the share of marriage-related cases adjudicated in correctional/penal proceedings varied over time (in a given area), as variations might indicate changes in underlying norms of family organization.³⁵ We leave such analysis for a future study.

Marriage-related disputes by sub-type

In this sub-section, we describe three sub-types of marriage-related disputes that have already been discussed in the existing literature (for other contexts): requests for divorce, complaints about a wife's absence and litigious breaches of promise to marry. Other marriage-related disputes include charges for adultery, charges for abduction (for marriage), disputes regarding child custody (following a divorce, or the death of one or both parents) and any marriage-related disputes that do not fall into the above categories.

33. Note that the most populated districts are more likely to be groundnut-producing districts.

34. Convicted offenders were required to pay a fine or serve a prison sentence. Offenders could also be imprisoned if they could not pay the fine. In the situation studied, restraint by force was legal.

35. As seems to occur with the intensification of cash crop cultivation, as suggested by the work of M. RODET, 2007 and B. BRUNET-LARUCHE, 2014.

We describe their respective share among marriage-related disputes in Panel C of Table 1. The information is only provided for the period 1910–1922 as our categorization into sub-groups before 1910 does not distinguish complaints about a wife’s absence and other marriage-related disputes.

Panel B reproduces the statistics provided in Panel A for the sub-period 1910–1920. This sub-period is quite similar to the period as a whole. Altogether, the three sub-groups represent most of the marriage-related disputes adjudicated between 1910 and 1922 (around 65%, according to Panel C, Column 1).

Requests for divorce

Requests for divorce represent 42% of marriage-related disputes (Panel C, Column 1). In Appendix 3, we report cases that illustrate such disputes (see Case 1).

R. Roberts studied requests for divorce between 1906 and 1912 in four sub-districts of South Sudan.³⁶ As already indicated in the introduction, he reports several cases where women were requesting a divorce because they did not consent to marry. In colonial Senegal, absence of consent by the woman was sufficient grounds for divorce. Divorce petitions were also lodged for other reasons. One of the courts’ objectives was to reconcile spouses who disagreed on the amount of the bride price that the wife had to repay to her husband if she was the one filing for divorce. The plaintiff could be either the husband or the wife. On the basis of the evidence available for our study, if a woman wanted a divorce, she had to repay her husband the bride price she received at the time of the wedding (except under very rare circumstances defined by custom).³⁷ By contrast, if it was the man who wanted a divorce, his wife could keep the bride price.

Husbands had specific incentives for formalizing their wives’ requests for a divorce in court, even if they had agreed on the amount of the bride price to be repaid. According to Luc Thoré³⁸, who analysed adjudication data for a later period in Senegal, this formalization ensured that a third party (the native court) would enforce the reimbursement.

Women also had an incentive to formalize their own request for a divorce in native courts. Formalization reduced the risk of accusations of bigamy by ex-husbands if they later remarried, as court records proved that they were divorcees.³⁹

36. R. ROBERTS, 2005.

37. See B. MAUPOIL, 1939.

38. L. THORÉ, 1964.

39. There are a few cases of alleged bigamy in our data.

Table 1 shows that shares of requests for divorce are comparable across Column 2 (courts in highly populated districts) and Column 3 (courts in other districts).

Complaints about a wife's absence

Marriage-related disputes also include complaints from husbands about their wife's absence (5%). Some examples are given in Appendix 3 (see Case 2).⁴⁰

Husbands were liable to complain about the absence of their wife from the marital home in court if their wife refused to return despite the intervention of customary arbitrators (elders for instance). They would then ask the court to force their wife either to return or to repay the bride price.

Complaints from husbands about their wives' absence have already been studied by Rodet and Brunet-Laruche, as indicated in the introduction.⁴¹

It is interesting to note that the share is twice as high in Column 2 as in Column 3. In other words, courts in highly populated districts adjudicated a higher share of husbands' complaints about their wife's absence. Given that highly populated districts were more likely to produce groundnuts, the observed pattern might be consistent with Rodet and Brunet-Laruche's argument that male labour demand was associated with colonial policies designed to promote family stability.

Litigious breaches of promise to marry or marriage fraud

Lastly, our data include numerous cases of breaches of promise to marry (17% of marriage-related disputes). Some examples are given in Appendix 3 (see Case 3).

According to Bernard Maupoil, in the early 20th century, marriage in Senegal was preceded by a promise of marriage made to the fiancé by the daughter's family.⁴² Between the promise and the wedding, the fiancé was authorized to date the daughter, and on his visits, was expected to bring gifts for the daughter and her family. The gifts signalled to other suitors that the daughter was engaged.

Litigious breaches of promise to marry have been studied by Awa Yade and Richard Roberts in Senegal and French Sudan, respectively.⁴³

40. Even today, it is not unusual in Senegal for women to temporarily leave their marital home and return to their original household to signal to the community that their relationship is in trouble. This practice is called *faye* in Wolof, one of the major local languages.

41. M. RODET, 2009; B. BRUNET-LARUCHE, 2014.

42. B. MAUPOIL, 1939.

43. R. ROBERTS, 2005; A. YADE, 2007.

Administrative reports (for Senegal) and court records (for French Sudan) include numerous cases where men complain about the fact that their fiancée is already married to someone else. They ask the court either for the repayment of the gifts they offered or the annulment of the other marital arrangement. According to Yade and Roberts, the increasing monetization of the economy, and hence of the bride price, has incentivized some parents to accumulate wealth by promising their daughter to more than one man (although polyandry is strictly forbidden in both countries). Such cases are labelled in administrative reports as marriage frauds.

In Table 1, the share in Column 2 is lower than the share in Column 3. In other words, courts in highly populated districts adjudicate a lower share of breaches of promise to marry. This result is surprising since the probability of finding an alternative marriage arrangement – and therefore of making a breach of promise to marry – may increase with the population size. However, highly populated districts are also those most likely to produce cash crops. In these districts, there may be more means of wealth accumulation, explaining why we observe a lower share of bride price payment frauds (as a means to accumulate wealth).

Other marriage-related disputes

Other marriage-related disputes include bride-related disputes not explicitly associated with a request for divorce or breach promise to marry,⁴⁴ charges for adultery, charges for abduction (for marriage), disputes regarding child custody (following a divorce, or the death of one or the two parents) and any marriage-related disputes not included in the above-mentioned sub-groups.

Sub-categories of marriage-related disputes: exploring trends

In Appendix 4, we investigate how the 3 sub-types of marriage-related disputes considered vary over three time periods (1910–1913; 1914–1918; 1919–1922) and across two areas (the district of Sine-Saloum and the remaining districts). Sine-Saloum is considered separately because of its relatively higher military conscription between 1914–1918. Marc Michel estimates that 2.4 percent of the population in 1921 had been enlisted, compared with a national average of 1.74 percent.⁴⁵ If a share of requests for divorce were filed on the grounds of the spouse's absence, we expect shares of requests for divorce to be especially high between 1914–1918, and especially in the district of Sine Saloum. We test this hypothesis in Figure A4a and Figure A4b in Appendix 4.

44. See Case 4 for an illustration in Appendix 3.

45. M. MICHEL, 1973. The computation at the country level includes Les Quatre Communes.

Figure A4a (respectively Figure A4b) represents the shares of the various sub-categories among marriage-related disputes (respectively shares among total disputes). The patterns described seem to confirm our hypothesis.

Conclusion: Exploring the economic and political roots of interpersonal conflict

Our database could be exploited to document various other questions. As indicated in the introduction, analysing how sentences for certain types of misconduct have changed over time, might shed new light on the factors that reinforce policies aiming at controlling the population,⁴⁶ and on the factors underlying divorce. Studying the adjudication of marriage-related disputes could shed light on the changes in norms that shaped marriage and family organization during the colonial period. Such an analysis could focus on two aspects that are detailed below.

Economic shocks and marriage dissolutions

In the examples of marriage-related disputes provided in Appendix 3, the bride price payment status is a central issue. This suggests that contextual economic factors are at stake in the marriages studied. Changes in the characteristics of the economic environment might have affected the economic value of a given marriage compared to another one, and thus the stability of marital arrangements (giving rise to requests for divorce and/or to breaches of promise to marry).⁴⁷

This hypothesis could be tested formally by combining our dispute data with rainfall data, taken from Willmott and Matsuura,⁴⁸ to proxy agricultural income shocks.⁴⁹ Since both datasets provide high-frequency data, the effect of rainfall deviation from its long-term mean could be assessed every quarter by looking at the number of marriage-related disputes adjudicated in courts in the following quarters.

46. The second database, in which we document adjudication decisions for a sub-set of courts, would be especially useful (see footnote 13) for this purpose.

47. Theoretically, the effect of income shocks on requests for divorce is ambiguous: positive income shocks could increase requests for divorce by increasing the value of alternative marriage options, or it may decrease them by reducing conflicts over resource allocation within the current marriage. Negative income shocks would produce the reverse effect. This ambiguity has been recognized in the literature, especially for developed countries (see G. J. BOBONIS, 2011).

48. C. J. WILLMOTT & K. MATSUURA, 2020.

49. This reflects the heavy dependence of households on agricultural production. The two databases can be merged since both sets of information are geo-referenced.

Colonial policies and norms of family organization

Future work could also document how intensification of cash crop cultivation, conscription, and forced labour might have influenced the adjudication of marriage-related disputes and the associated norms of family organization. One way to proceed would be to investigate how the share of marriage-related disputes adjudicated in correctional/penal courts varied with the implementation of colonial policies. Since the impact of some of these policies might have been greater in certain districts, the effect of colonial policies on adjudication of marriage-related disputes might also present spatial variations and be assessed following a difference-in-difference approach.

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Appendix

Appendix 1. Documenting the compilation of time series

Figure A1a. *Genealogy of selected courts observed in 1916*

1906	BAKEL				SINE SALOUM					
	101	102	103	104	801	802	803	804	805	806
	BOUNDOU MÉRIDIIONAL	BOUNDOU SEPTENTRIONAL	GOUOYE INFÉRIEURE 103	GOUOYE SUPÉRIEURE 104	DJILOR/BAS SALOUM 801	KAHONE	KAOLACK	RIP	SALOUM ORIENTALE 805	SINE
1908			GOUOYE INFÉRIEURE 103	GOUOYE SUPÉRIEURE 104	DJILOR/BAS SALOUM 801	KAHONE			SALOUM ORIENTALE 807	
1909				105	DJILOR/BAS SALOUM 801					
1911			DEUX GUOYES		DJILOR/BAS SALOUM 808				MALEM 807	
1912					BAS SALOUM 808				MALEM 809	
1913					BAS SALOUM				KAFFRINE	
1914										
1915										
1916	BOUNDOU MÉRIDIIONAL	BOUNDOU SEPTENTRIONAL	DEUX GUOYES		BAS SALOUM	KAHONE		RIP	KAFFRINE	SINE
1917										
1918										
1919	↓	↓		↓	↓			↓	↓	↓
1920										
1921										
1922										

Figure A1b. *Genealogy of selected courts observed in 1916*

1906	NIANI OULI				KOLDA	
	601	602	604	605	603	201
	KALANKABOUGAN	NIANI	OULI	SAMBOUGAR	NTEMBOLOU	FOULADOU
1908		606	604			201
1909		PROV OCC	OULI		PROV ORI	FOULADOU
1911		606	604		607	201
1912		PROV OCC	OULI		PROV ORI	FOULADOU
1913		606	604			208
1914		PROV OCC	OULI			KOLDA
1915		606	604			1601
1916		PROV OCC	OULI			KOLDA
1917		606	604			1601
1918		PROV OCC	OULI			KOLDA
1919		606	604			1601
1920		PROV OCC	OULI			KOLDA
1921		602	604			1602
1922		NIANI	OULI			VELINGARA
		602	604		607	
		NIANI	OULI		PROV ORI	
		602	604			1601
		NIANI	OULI			KOLDA
		602	604			1602
		NIANI	OULI			VELINGARA
		602	604			
		NIANI	OULI			
		602+604				
		NIANI + OULI devient MAK				
		1802				
		MAKA				
		1802				
		MAKA				
		1802				
		MAKA				

Appendix 2. Exploration of our time series of disputes

Figure A2a. Time series of disputes per capita by district

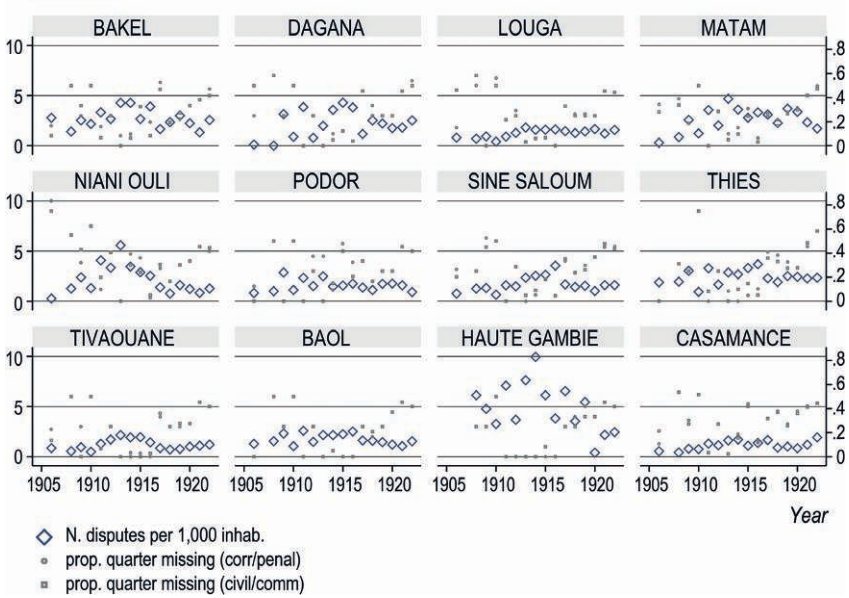
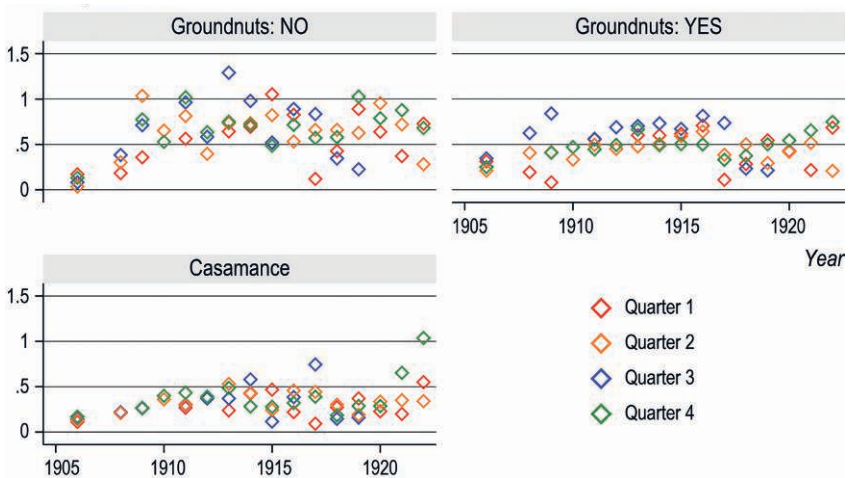


Figure A2b. Time series of disputes per capita disaggregated by quarter



Source. Author's calculation.

Appendix 3. Examples of marriage-related cases from “Les États Récapitulatifs”

Cases were reported in French. Cases are transcribed as written in the original documents. They are anonymized.

Example 1: Reasons for divorce

There are three main reasons for divorce petitions in our data: male spouse desertion, male spouse violence, and impotence. They are illustrated in the cases below (in French first, as taken from “Les États Récapitulatifs,” then in English). Cases are anonymized: Y refers to husbands, X to wives, Z to wives’ parents, M to second husband.

Request for divorce triggered by absence of male spouse

“DK déclare que son mari MK l’a abandonnée il y a deux mois qu’elle n’a rien pour son entretien et sa nourriture et demande que le tribunal intervienne. MK déclare ne pouvoir plus vivre avec elle et sollicite le divorce. Le divorce est prononcé sans aucun remboursement de dot.” (Kaolack, 1915, dossier 91)

[translated] “DK states that her husband MK abandoned her two months ago and that she does not have the means to pay for her living expenses and food. She asks the court to intervene. MK declares that he can no longer live with her and asks for a divorce. The divorce is pronounced without any reimbursement of the bride price.” (Kaolack, 1915, file 91)

Request for divorce triggered by violence of male spouse

“La femme SM introduit devant le tribunal, par suite de mauvais traitements, une demande en divorce contre son mari SaM. SaM partage l’avis émis par son épouse et demande le remboursement intégral de la dot et cadeaux, soit 5 bœufs, 2 moutons, 2 tissus de pagne et 5 f d’espèces. Le tribunal prononce le divorce entre les 2 époux et ordonne à X de rembourser le montant de la dot.” (Sedhiou, 1911, dossier 64)

[translated] “The wife SM brings a divorce claim against her husband SaM before the court due to ill-treatment. SaM agrees with his wife and asks for the full reimbursement of the bride price and gifts, comprising 5 oxen, 2 sheep, 2 loin cloths and 5 francs in cash. The court pronounces the divorce between the two spouses and orders SM to reimburse the bride price.” (Sedhiou, 1911, file 64)

Request for divorce filed due to impotence of the spouse

“MD demande le divorce sous prétexte que son mari BB est impuissant. BB nie mais reconnaît qu’il n’a jamais eu de relation avec sa femme bien qu’ils ont vécu pendant trois ans. Le tribunal prononce le divorce sans remboursement de dot.” (Sine Saloum, 1919, dossier 147)

[translated] “MD files for divorce on the grounds that her husband BB is impotent. BB denies this but admits that he has never had sexual intercourse with his wife

although they have lived together for three years. The court pronounces the divorce without reimbursement of the bride price.” (Sine Saloum, 1919, file 147)

In the three cases described above, it is the wives who request a divorce. There are also cases where the husband files for divorce. In those cases, they bring the case to court to formalize a separation that their wife has requested. Following Thoré,^a husbands are incentivized to formalize the separation, as the reimbursement of the bride price they are entitled to will be enforced by native courts.

The case below illustrates a situation where a wife has asked her husband for a divorce, but the spouses disagree on the amount of the bride price to be repaid by the wife. The husband took the case to court.

Disputes about the wife’s reimbursement of the bride price

“Le nommé AP réclame contre la nommée MG pour qu’elle lui rembourse une somme de 350 F montant de divers [sic] dépenses faites au moment de leur mariage. MG reconnaît seulement la somme 101 F 25 montant de la dot. Le tribunal prononce le divorce et condamne MG à rembourser 101 F 25 montant de la dot. Décide que les dépenses faites en dehors du mariage ne sont pas remboursables.” (Ziguinchor, 1920, dossier 156)

[translated] “AP demands that MG should reimburse the sum of 350 francs for various expenses incurred at the time of their marriage. MG only recognizes the sum of 101.25 francs as the amount of the bride price. The court pronounces the divorce, orders MG to reimburse 101.25 francs, the amount of the bride price, and decides that expenses incurred outside the marriage are non-refundable.” (Ziguinchor, 1920, file 156)

It is worth mentioning that the court did not order the wife to reimburse the bride price in cases of impotence and male desertion. According to Maupoil,^b who explains the customs of many social groups in FWA, if impotence is proven, a wife can divorce without having to repay the bride price. However, male desertion only is a customary motive for divorce without repaying the bride price for women only in the Wolof ethnic group, native to the Tivaouane district. If both Y and X were from this ethnic group, the court decision followed customs. If not, the court deviated from the customs. According to Roberts, court decisions that deviate from customs were not rare.^c

a. L. THORÉ, 1964.

b. B. MAUPOIL, 1939.

c. For a review of factors incentivizing chiefs in that direction: R. ROBERTS, 2005; C. BECKER, S. MBAYE & I. THIOUB, 1997. Deviations could have been even more frequent after 1924, when sub-district administrators replaced chiefs in sub-district courts. In fact, this could be one reason why litigants with low social status (women and young men) were keen to request adjudication by native courts.

Example 2: Complaints about a wife's absence from the marital home

“IB déclare que son beau-père est cause si son épouse a abandonné le domicile conjugal. Le défendeur avance n'avoir jamais conseillé à sa fille de quitter son mari. La femme OD dit avoir quitté le domicile conjugal sans être conseillée et qu'elle a agi par suite des mauvais traitements. La femme ne fournit pas des preuves suffisantes. Le tribunal ordonne à la femme OD de réintégrer le domicile conjugal.” (Sédhiou, 1911, dossier 65)

[translated] “IB states that his father-in-law is the reason why his wife has abandoned the marital home. The defendant claims that he never advised his daughter to leave her husband. The woman OD says that she left the marital home on her own initiative and that she acted as a result of ill-treatment. The woman does not provide sufficient evidence. The court orders the woman OD to return to the marital home.” (Sédhiou, 1911, file 65)

Example 3: Breach of promise to marry

Litigious breach of promise to marry

“Le né AN déclare avoir versé 135 fcs à MN qui lui avait promis de lui donner sa fille en mariage, jusqu'à présent rien n'est fait, il demande son argent. Le nommé MN consent à verser cette somme.” (Baol, 1918, dossier 134)

[translated] “AN declares that he paid 135 francs to MN, who had promised to give him his daughter's hand in marriage, but nothing has been done so far, so he is asking for his money to be refunded. MN agrees to pay this sum.” (Baol, 1918, file 134)

“Le né AD réclame à AS le remboursement d'une somme de 360 F représentant les cadeaux qu'il lui avait donnés pour se marier avec elle, AS ne voulant pas se marier avec lui. Devant le tribunal AS ne reconnaît que 125 F et invitée à prêter serment sur le Coran, elle s'y refuse et consent à payer. Le tribunal décide que AS paie 360 F à AD.” (Baol oriental, 1920, dossier 157)

[translated] “AD demands that AS refund a sum of 360 francs representing the marriage gifts he had given her, AS having decided that she did not want to marry him. Before the court, AS only acknowledges 125 francs and when asked to take an oath on the Koran, she refuses and agrees to pay. The court decides that AS must pay 360 francs to AD.” (Baol oriental, 1920, file 157)

Our data reveal another type of dispute worth documenting for our research. As above, these quarrels are between grooms-to-be and their future fathers-in-law after the groom discovers that the woman they have been promised is actually already married. Polyandry is strictly forbidden in Senegal.

Cases where parents married their daughter or promised her to more than one man may have been possible, as spouses did not necessarily live together. A husband might thus not have been immediately aware of the existence of another marital arrangement.

In their reports, district administrators referred to such cases as *escroqueries au mariage* (marriage fraud), or accusations of bigamy.^d

Bride price payment fraud (marriage fraud in order to obtain the bride price)

“Le né SK se plaint que son beau père [sic] KD a remarié sa femme KaD a NF sans qu’il soit divorcé avec elle. Il résulte que KD a uniquement prononcé ce nouveau mariage dans le but de toucher une nouvelle dot (escroquerie au mariage selon la coutume mandingue). Le beau père [sic] ainsi que son complice NF reconnaissent leur culpabilité.” (Sedhiou, 1918, dossier 135)

[translated] “SK complains that his father-in-law KD remarried his wife KaD to NF even though they were not divorced. KD only pronounced this new marriage in order to get a new bride price (marriage fraud according to Mandinka custom). The father-in-law and his accomplice NF admit their guilt.” (Sedhiou, 1918, file 135)

“MM soldat à Saint Louis, ayant appris le mariage de sa femme AG avec le né OK du village de Thiamboukh réclame la dot de 550 F qu’il avait versée aux mains d’AD, son beau-père. AD est condamné à rendre à MM les biens reçus de celui-ci.” (Tivaouane, 1916, dossier 114)

[translated] “MM, a soldier in Saint Louis, learns of the marriage of his wife AG to OK from the village of Thiamboukh. He demands a refund of the bride price of 550 francs that he paid to AD, his father-in-law. AD is ordered to return to MM the goods he received from him.” (Tivaouane, 1916, file 114)

Example 4: Other brideprice-related disputes

We have described three types of marriage-related disputes. We also observed other types, where the brideprice again plays an important role. For example:

“DK réclame à BY une vache restant due pour celui-ci sur le paiement de la dot de sa sœur mariée avec ce dernier. BY déclare que celle-ci a un vice de conformation qui l’empêche de remplir ses devoirs conjugaux et demande que la dot qu’il a versée lui soit entièrement remboursée. BY condamné à donner la vache réclamée par son beau frère [sic]. En outre, le tribunal a reconnu que son mariage est valable, BY n’ayant jamais demandé le divorce contre sa femme depuis 4 ans qu’il vit avec elle.” (Dagana, 1914, dossier 82)

[translated] “DK claims from BY a cow still owed to him in payment of the bride price of his sister married to BY. BY declares that she has a deformity which prevents her from fulfilling her marital duties and demands a full refund of the bride price he has paid. BY is ordered to hand over the cow claimed by his brother-in-law. Furthermore, the court recognises that his marriage is valid, as BY has never asked for a divorce from his wife in the four years he has been living with her.” (Dagana, 1914, file 82)

d. Alongside adultery, these two marriage-related cases are tried as “penal” cases, i.e., the judge can sentence the defendant to prison and/or payment of a fine.

Appendix 4. Dynamics of sub-categories of marriage-related disputes

Figure A4a. Dynamics of sub-categories of marriage-related disputes (share of marriage-related disputes)

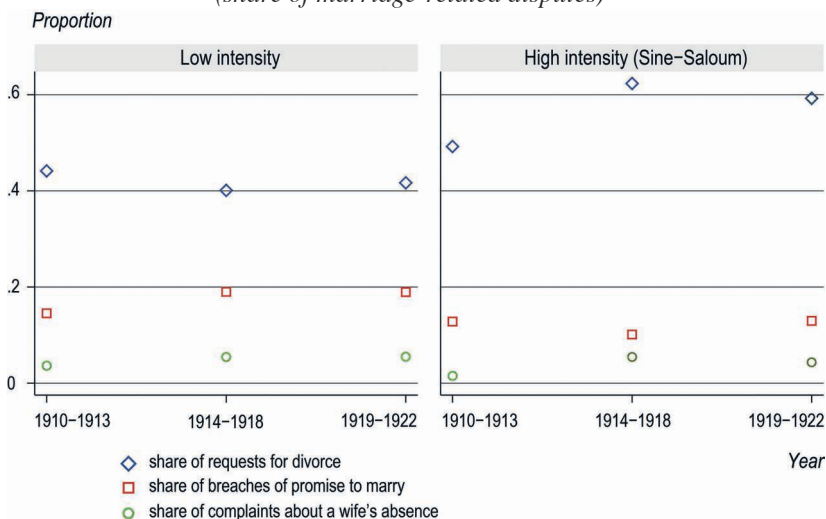
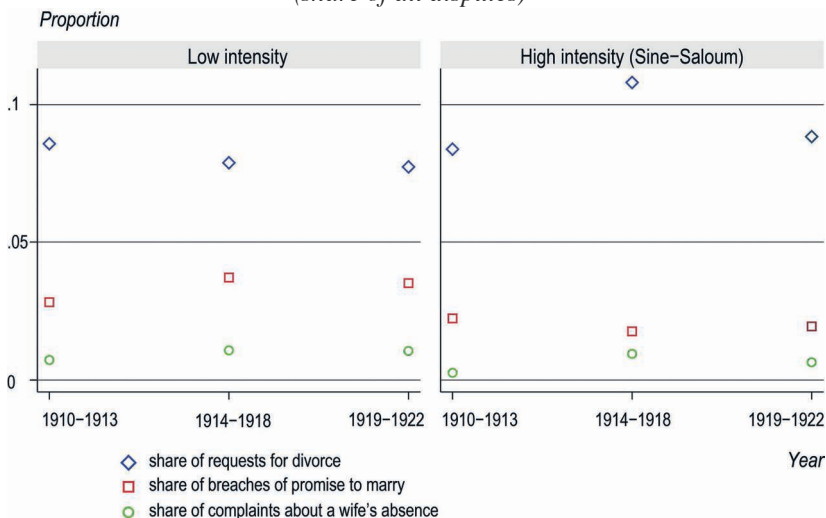


Figure A4b. Dynamic of sub-categories of marriage-related disputes (share of all disputes)



Source. Author's calculation.