

From Windhoek to Warsaw: The Society of Racial Privilege in German South West Africa – a Model with a Future?

I have repeatedly encountered *Bambusen* [African army servants] alone on horseback; I urge all authorities to strictly ensure that Natives do not appear on the street on horseback unless accompanied by whites – signed Langer, Major

In September 1906, the senior officer of the Windhoek garrison wrote to the Imperial Governor's Office to express his concern at this outrageous conduct.¹ The Governor's Office reacted promptly, and only a few days later circulated the following instruction to all offices of the Administration:

Native servants (*Bambusen*) are only allowed to ride government horses when accompanied by their masters. Every official who has charge of horses must ensure compliance with this order and is responsible for such compliance.²

This may sound like a trifle, even a laughing matter, and in a sense it is. Nonetheless, it reveals some of the principles that were central to the society of racial privilege as it shaped the interaction between African subjects and colonial masters in the former German colony of South West Africa. Precisely because the matter it relates to is essentially a triviality, it lays bare the fundamental character of the racial state: manifesting itself not only in the fields of politics and administration but also in those of business and culture, this social system radiated a powerful symbolism that left no scope for any readiness, or indeed any ability, to admit of any exceptions, even in the smallest detail.

The example of the 'Native servants on horseback' highlights the subordination of the 'Natives' to the officials. The former are servants, the latter are masters who keep themselves personal servants following the pattern of the military officers' batmen. But why should a 'Native' not be permitted to ride a horse? Because he could not possibly be allowed the extra height he gained from being 'mounted', and certainly not if this placed him 'above' any Whites who might be standing nearby on a lower level. This would symbolically overturn the socio-political order. For the society of racial privilege was founded precisely upon this strict separation of the 'races', on the binary coding of all areas of life. It represents at

1 Major Langer, Windhoek Garrison, to the Governor's Office, Windhoek, 25 September 1906, National Archives of Namibia, Windhoek (NAN), Central Office of the Governor (ZBU) W.III.A.1, Vol. 1, Sheet 1a.

2 Hintrager, Circular Order, 23 October 1906, NAN ZBU W.III.A.1, Vol. 1, Sheet 1c.

one and the same time both real subjugation and the repression that is implicit in colonial discourse based on the construct of the ‘Other’, the colonised, itself a construct invented by the colonisers – by those who are allowed to ride horses and above all are able to forbid others from riding. Despite this, in a country the size of German South West Africa it is not possible to prohibit the ‘Native’ from riding entirely; after all, the White man does not want to have to do without his servant when he is travelling. But he is not allowed to ride by himself, but only in the company of his ‘master’, whose presence symbolically re-establishes the hierarchical order.

At the same time, the correspondence quoted above demonstrates that it was not possible to implement such a prohibition by a simple stroke of the pen, that merely issuing the prohibition did not guarantee that it would be observed. The complaint relates precisely to the fact that African servants were riding horses in defiance of the prohibition, and could be seen to be doing so “repeatedly”. They were breaking the prohibition, and showing their will to resist even in this trivial respect.

‘Mixed’ Marriages and Their Prohibition

The ‘Native servant alone on horseback’ who was such a headache for the German administration in 1906 is only a minor example of the kind of society of racial privilege that the Administration was seeking to construct in South West Africa.³ Essentially it is the same attitude that lies at the root of this trifle on the one hand and of an issue with far more serious implications on the other, which Deputy Governor Hans Tecklenburg warned about in 1903 when he wrote:

³ I have described the history of German Native Policy and the German governmental and administrative utopia in greater detail in Jürgen Zimmerer, *Deutsche Herrschaft über Afrikaner: Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, 3rd edn, Hamburg 2004 [English edition: *German Rule, African Subjects. State Aspirations and the Reality of Power in Colonial Namibia*, New York 2021]; Jürgen Zimmerer, “Der totale Überwachungsstaat? Recht und Verwaltung in Deutsch-Südwestafrika”, in Rüdiger Voigt, ed., *Das deutsche Kolonialrecht als Vorstufe einer globalen ‘Kolonialisierung’ von Recht und Verwaltung*, Baden-Baden 2001, pp. 175–198 (English version: “Total Control? Law and Administration in German South West Africa”, pp. 77–103 in this book); Jürgen Zimmerer, “Der koloniale Musterstaat? Rassentrennung, Arbeitszwang und totale Kontrolle in Deutsch-Südwestafrika”, in Jürgen Zimmerer and Joachim Zeller, eds, *Völkermord in Deutsch-Südwestafrika. Der Kolonialkrieg in Namibia (1904–1908) und seine Folgen*, Berlin 2003, pp. 26–43. These works also include detailed references to and an analysis of the research literature. I shall therefore refer below only to a number of fundamental and more recent works and source references.

Panzlaff's Hottentot woman is now taking up a lot of space alongside our German ladies at the festivities of the Soldiers' and Marksmen's Associations, although still without managing to form much in the way of relationships with them. This would change if two or three more such women were to gain admittance to the circle. [...] So we have no other alternative than to get legislation in place while there is still time that will erect a strong barrier between non-natives and natives, even if this represents a hard blow to some mixed-race individuals or people married to mixed-race individuals, and it initially leads to something of an increase in the number of illegitimate children.⁴

Here again, the Deputy Governor was outraged by the open breaching of the 'race barriers', the blurring of the distinction between 'Black' and 'White'. Two years later, therefore, in 1905, he ordered a complete U-turn in the previous policy of assimilation.⁵

4 Report by Tecklenburg [transcript], 24 September 1903, NAN ZBU F.IV.R.1., Sheets 61ca–61ea.

5 The history of the ban on 'mixed marriages' has already been presented numerous times, whereby the majority of authors have limited themselves to the discursive level, or else focus on the development of the applicable rules and legislation. Here I shall mention only the most important sources, from which it is easy to access older literature as well. For a summary of the current state of research, see Wolfram Hartmann, "... als durchaus unerwünscht erachtet ...". Zur Genese des 'Mischehenverbotes' in Deutsch-Südwestafrika", in Larissa Förster, Dag Henrichsen and Michael Bollig, eds, *Namibia-Deutschland. Eine geteilte Geschichte. Widerstand, Gewalt, Erinnerung*, Köln 2004, pp. 182–193. Sippel analyses the ban from the point of view of legal history: Harald Sippel, "Im Interesse des Deutschtums und der weißen Rasse". Behandlung und Rechtswirkungen von 'Rassenmischehen' in den Kolonien Deutsch-Ostafrika und Deutsch-Südwestafrika", *Jahrbuch für afrikanisches Recht*, 9 (1995), pp. 123–159. Wildenthal positions the ban in the context of general endeavours in the colonial women's movement to improve the social standing of White women through an emphasis on 'racial purity': Lora Wildenthal, *German Women for Empire, 1884–1945*, Durham 2001, esp. pp. 86–107. Walgenbach places the ban in the metropolitan context of the Empire, and taking the journal *Kolonie und Heimat* as an example analyses the ban on 'mixed' marriages in connection with the creation of the construct of 'whiteness' as part of the settler identity: Katharina Walgenbach, "Zwischen Selbstaffirmation und Distinktion: Weiße Identität, Geschlecht und Klasse in der Zeitschrift 'Kolonie und Heimat'", in Carsten Winter, Andreas Hepp and Tanja Thomas, eds, *Medienidentitäten – Identität im Kontext um Globalisierung und Medienkultur*, Köln 2003, pp. 136–152. Becker analyses the question more pronouncedly in the context of the colony itself, by thematising the attitude of the Missionary Society to 'mixed' marriages: Frank Becker, "Kolonialherrschaft, Rassentrennung und Mission in Deutsch-Südwestafrika", in Frank Becker, Thomas Großbölting, Armin Owers and Rudolf Schlögel, eds, *Politische Gewalt in der Moderne*, Münster 2003, pp. 133–163. Closer consideration of aspects of the image of the African that were crucial to the concepts of 'race', 'defilement' and 'degeneration' is to be found in Schubert: Michael Schubert, *Der schwarze Fremde. Das Bild des Schwarzafrikaners in der parlamentarischen und publizistischen Kolonialdiskussion in Deutschland von den 1870er bis in die 1930er Jahre*, Stuttgart 2003. Kundrus too analyses the issue of 'mixed' marriages on the basis of German colonial discourse and fantasies: Birthe Kundrus, *Moderne Imperialisten. Das Kaiserreich im Spiegel seiner Kolonien*, Köln

The topic of 'racial mixing', of sexual relations between Europeans and Africans, had preoccupied the colonial administration right from the start; it was above all men who migrated to the colony, so that there was a conspicuous 'shortage' of European women.⁶ Many of the unmarried men entered into relationships with African women. Although they essentially looked down on them as being members of an "inferior race", as Carl Gotthilf Büttner noted, the shortage of White women caused them to push this fact to one side. In addition, marriage to African women, who generally came from the leading families, offered numerous economic advantages.⁷ On the one hand, many of these women contributed substantial dowries, often in the form of land ownership; while on the other hand, the support given to the wife by her relations represented valuable assistance from an economic point of view.

At that time, such relationships were not yet regarded as a particularly significant problem. Sexual relations with African women were not stigmatised, but appear to have been largely regarded as 'necessary' for the wellbeing of the men, as

2003, pp. 219–279. For a general view of the problem of 'mixed' marriages in the colonies, see Franz-Josef Schulte-Althoff, "Rassenmischung im kolonialen System. Zur deutschen Kolonialpolitik im letzten Jahrzehnt vor dem Ersten Weltkrieg", *Historisches Jahrbuch*, 105 (1985), pp. 52–94; Cornelia Essner, "Wo Rauch ist, da ist auch Feuer". Zu den Ansätzen eines Rassenrechts für die deutschen Kolonien", in Wilfried Wagner, ed., *Rassendiskriminierung, Kolonialpolitik und ethnisch-nationale Identität*, Münster 1992, pp. 145–160; Cornelia Essner, "Zwischen Vernunft und Gefühl. Die Reichstagsdebatten von 1912 um koloniale 'Rassenmischehe' und 'Sexualität'", *Zeitschrift für Geschichtswissenschaft*, 45/6 (1997), pp. 503–519; Kathrin Roller, "Wir sind Deutsche, wir sind Weiße und wollen Weiße bleiben" – Reichstagsdebatten über koloniale 'Rassenmischung', in Ulrich van der Heyden and Joachim Zeller, eds, *Kolonialmetropole Berlin. Eine Spurensuche*, Berlin 2002, pp. 73–79. What was hitherto lacking was a contextualisation of German racial policy as a component of German Native Policy and the German governmental and administrative utopia. I have attempted this in Zimmerer, *Deutsche Herrschaft* (English edition: *German Rule*.) The following analysis is based on this.

6 On 1 January 1903, for instance, there were 4,640 Whites living in South West Africa, of whom 3,391 were men. Theodor Leutwein, *Elf Jahre Gouverneur in Deutsch-Südwestafrika*, 3rd edn, Berlin 1908, p. 232. Lora Wildenthal has recently quite rightly pointed out that there was by no means any lack of women; there were plenty of African women, but they were simply of the 'wrong' skin colour or 'race'. On this subject, see Wildenthal, *German Women*, p. 6. The colonial administration and pro-colonial circles in Germany tried to remedy this by deliberately encouraging women of marriageable age to emigrate to South West Africa. On this subject, see also Karen Smidt, *Germania führt die deutsche Frau nach Südwest'. Auswanderung, Leben und soziale Konflikte deutscher Frauen in der ehemaligen Kolonie Deutsch-Südwestafrika 1884–1920. Eine sozial- und frauengeschichtliche Studie*, University of Magdeburg 1995 (Ph.D. Thesis).

7 Memorandum of the Rhenish Missionary Society, "Denkschrift betr. die Schließung von Ehen zwischen Weißen und Farbigen in den deutschen Schutzgebieten" [transcript], 1887, NAN ZBU F.IV.R.1., Sheets 3a–6b.

more or less normal manifestations accompanying the process of settlement, as can also be seen in the failure of the German administrative and judicial institutions to take any effective action in the face of the ever-increasing number of African women being subjected to rape.

The debate was initially much more focused on the question as to whether 'mixed' marriages should be permitted, and especially on that of the status of the children born out of relationships between White men and African women, who were direct personifications of trespasses against the 'racial barriers'. Büttner in particular, in the name of the Rhenish Missionary Society, was in favour of permitting legally binding marriage. He refused to countenance extramarital relations for moral reasons and was concerned about the consequences of the widespread practice whereby, after a period of time, men simply departed from the colony again, leaving their partners and children behind. Büttner argued in favour of 'mixed' marriages in such cases as an economic opportunity, as the people involved were potential consumers of German goods.

Although he was unconvinced by arguments regarding the "moral, political and economic consequences", as he presumed the number of such marriages that were likely to occur would be small, the first Imperial Commissioner, Heinrich Göring, did concede the admissibility of marriages between Whites and African women, while believing that the best thing would be for such marriages "to be neither restricted nor encouraged".⁸ Governor Theodor Leutwein was already much more strongly opposed to the practice, wanting to prevent the legal recognition of such relationships and conceding only the possibility of a church ceremony for them. Under the Act on the Acquisition and the Loss of Confederation and State Nationality of 1 June 1870, all "children born in wedlock to a German man acquire the nationality of the father by birth, even if this takes place abroad",⁹ – and thus even if the mother was an African.¹⁰ Children born out of wedlock, on the other hand, acquired the nationality of the mother. In the case of a legally valid marriage, the wife also acquired the nationality of the husband; but Leutwein nevertheless wanted such 'mixed-race' children to be regarded as illegitimate, as he considered "the promotion of such marriages" to be "not in the interests" of the colony, and hoped to create a deterrent effect. It was after all the case, he maintained, that some Germans had indeed been put off marry-

8 Göring to Imperial Chancellor, 17 September 1887, NAN ZBU F.IV.R.1., Sheets 7a–8b.

9 "Gesetz über die Erwerbung und den Verlust der Bundes- und Staatsangehörigkeit", 1 June 1870. This was actually a law of the North German Confederation, which was taken over into Imperial German law a year later. It is reproduced in Theodor Meyer, *Reichs- und Staatsangehörigkeitsgesetz*, Berlin 1914, pp. 235–272, here pp. 237 and 242.

10 The Colonial Department informed Leutwein of this. Colonial Department Berlin to Governor's Office Windhoek, 17 August 1897, NAN ZBU F.IV.R.1., Sheets 14a–15b.

ing African women when it was made clear to them that their children would be considered to be 'bastards'.¹¹

The Colonial Department in Berlin was however not willing to accept Leutwein's unilateral position, but stuck to its own view that "a marriage can be entered into in the *Schutzgebiet* of South West Africa [...] even if only one of the bridal couple is a non-Native."¹² This made it possible for 'mixed' marriages to be entered into in a civil ceremony. The wife and children of such marriages automatically acquired German citizenship and were therefore removed from the sphere of applicability of the nascent Native Law.

The Administration in the colony was however not prepared to let things rest there. Even though a mere 42 'mixed' marriages in all had been concluded in the time up to 1 January 1903, Leutwein and others saw in them a threat to the 'German character' of the colony. The opportunity to ban 'mixed' marriages, even against the will of Berlin, arose during the upheavals following the outbreak of war in 1904. There were about 1,000 soldiers from the colonial forces who wanted to settle in the colony after completing their service, and some of them intended to marry African women. This conferred a degree of urgency on the matter which served as an excuse to implement a ban on 'mixed' marriages even without the consent of the Colonial Department in Berlin, which had foiled Leutwein's previous attempts in this respect.

When in September 1905 a District Officer inquired if it would be in order for him, in two cases, to conduct weddings between soldiers and 'Baster' women, the aforementioned Hans Tecklenburg, who had headed the civil administration under von Trotha's military regime during the Herero War, circulated an order to all register offices instructing them "not to conclude such marriages until further notice", since they were to be regarded as "undesirable [...] in view of their legal, political and social consequences".¹³ Although the Colonial Department in Berlin had declared such marriages to be admissible as recently as 1899, the impact of the war was such as to enable the Administration to force through what Theodor Leutwein had failed to achieve: the drawing of a statutory line between 'Black' and 'White', between 'Native' and 'non-Native'. The concept of a 'race war' that was being propagated just at that time by Lothar von Trotha, the commander of the *Schutztruppe*, which had been expanded by massive reinforcements from

¹¹ Leutwein to Colonial Department Berlin, 22 August 1898, NAN ZBU F.IV.R.1., Sheets 15b–17a.

¹² Colonial Department Berlin to Governor's Office Windhoek, 3 August 1899, NAN ZBU F.IV.R.1., Sheets 21af. Panzlaff had applied to the Colonial Department for its authorisation of his civil marriage to Magdalena van Wyk, a 'Baster'.

¹³ Circulated Order, Governor's Office Windhoek, 23 September 1905, NAN ZBU F.IV.R.1., Sheet 22a.

‘home’, provided a suitable environment for this move. In September 1907 Windhoek District Court followed Tecklenburg’s line and retroactively declared marriages that had previously been validly entered into to be null and void.¹⁴

“Membership of the Native Race Is Determined by Descent”

More important than the detailed background of this decision is what the court had to say about how to define a ‘Native’, a question that had, until this point, not been specified in law. In the early years of the colony, a culturalistic definition had clearly predominated. Assimilation was rewarded and ‘mixed’ marriages were seen as positive, as Büttner’s memorandum already quoted above shows:

Such people of mixed race, who have been brought up by their white fathers and so are able to count themselves, and like to count themselves, as being in every respect part of the ‘white’ community, will strengthen the German element in the *Schutzgebiet*, and that increasingly as time goes by; and increasingly as time goes by the Native population, whose leading families are related by marriage to the settlers, will truly feel themselves happy and at ease as subjects of the German Empire and enjoying its protection.¹⁵

Windhoek District Court, however, had now decided the question in favour of a racist biological position, defining ‘Natives’ as:

all blood members of a primitive people, including the progeny of native women that they have borne to men of the white race, even if there should have been miscegenation with white men over a period of several generations. As long as descent from a member of the primitive people can be proven, the descendant is, by virtue of his blood, a Native.¹⁶

¹⁴ Judgment of Windhoek District Court, 26 September 1907 [executed copy dated 25 April 1908], NAN ZBU F.IV.R.1., Sheets II-37a–40b. Original of the judgment in NAN Gericht Windhuk (GWI) 530 [R 1/07], Sheets 23a–26a.

¹⁵ Rhenish Missionary Society, “Denkschrift” [transcript], 1887, NAN ZBU F.IV.R.1., Sheets 3a–6b. According to Kathrin Roller, this is not an official statement of the position of the Rhenish Mission, but rather the personal opinion of Carl Gotthilf Büttner. The high regard in which ‘mixed marriages’ appear to be held in this text is, she maintains, by no means representative of the entire mission. Kathrin Roller, “Mission und ‘Mischehen’, Erinnerung und Körper – geteiltes Gedächtnis an eine afrikanische Vorfahrin. Über die Familie Schmelen-Kleinschmidt-Hegner”, in Larissa Förster, Dag Henrichsen and Michael Bollig, eds, *Namibia-Deutschland. Eine geteilte Geschichte. Widerstand, Gewalt, Erinnerung*, Köln 2004, pp. 194–211.

¹⁶ Judgment of Windhoek District Court, 26 September 1907 [executed copy dated 25 April 1908], NAN ZBU F.IV.R.1., Sheets II-37a–40b. Original of the judgment in NAN Gericht Windhuk (GWI) 530 [R 1/07], Sheets 23a–26a.

Two years later, Windhoek Superior Court confirmed this decision on appeal.¹⁷ Thus through the adoption of a definition of the 'Native' based on the principle of descent, the idea of 'race' as being a question of the level of civilisation was replaced definitively and in a legally binding manner by one based on biology. The degree of assimilation was no longer the criterion. Basically it was no longer possible for it to remain so anyway, as the biologisation of the concept of the 'Other' meant that the boundary between the two sides was closed, and any crossing of it prevented. There continued, of course, to be relationships between German men and African women, but in terms of the social construct the 'races' were segregated from each other.

Contrary to the publicly asserted justification for anchoring racial segregation in law, which argued on the basis of the unbridgeable, since indeed racial differences between the individual 'races', one of the main reasons why such an unassailable legal grounding appeared necessary to Tecklenburg and others was that the differences were in fact not always so easy to determine in everyday life. One could not always simply recognise with the naked eye who was a European and who was a 'Native'. Even the 'lifestyle' aspects that were often put forward, i.e. the distinctions in levels of 'culture' or 'civilisation', often did not help here either, as is shown by laments from German settlers of good standing about other Germans from low social backgrounds or about 'Boers' who had 'gone native'. This was made evident by a few spectacular cases of people who had lived as 'Whites' and were then suddenly classified as 'Natives' and thus assigned to a completely different legal sphere.

One example of this was the case of the trader Willy Krabbenhöft of Keetmanshoop, who in 1910 had been sentenced to pay a fine of 20 *Reichsmark* by Keetmanshoop District Court on a charge of causing damage to property, and had then appealed to the Superior Court. The Superior Court quashed the sentence on the grounds that Willy Krabbenhöft was a 'Native', since it had been discovered during the trial that his mother was the daughter of a Scotsman and a 'bastard girl', as the court called her, that is to say a woman of 'mixed' descent from the Cape Colony. The fact that his parents had been married in a register office changed nothing. The court explained its reasoning as follows:

Membership of the native race is determined by descent, whether on the paternal or the maternal side or both. People of mixed race, as opposed to members of the pure white race, belong to the coloured tribes and are natives. This is not dependent on the degree of consanguinity with any native. As long as descent can be proved, membership of the native race is established. It cannot be ignored that this principle, applied with complete consistency, may

17 Judgment of Windhoek Superior Court, 10 November 1909, NAN F.IV.R.1., Sheets 52a–55a.

result in hardship. The admixture of native blood (!) may over the course of generations become so infinitesimal that one can barely still speak of native ancestry; it would perhaps be useful to legally define the degree of kinship from which, given exclusively white reproduction thereafter, membership of the native race would cease. The Court cannot however determine this border on its own initiative, and must therefore, at least at present, identify all those as natives whose descent from natives is still demonstrable and known to the living, and not just through documentation. This is undoubtedly so in the case of the Defendant, whose grandmother is still fully a member of the well-known Baster family of Kluthe. [...] And finally, insofar as the Defendant has pointed out that the military accepted him as a volunteer in 1903, and that he served in the forces until 1906, i.e. that he was treated as a national of the *Reich* by the military authorities, this would only have led to the Defendant losing his quality of being a native if the military had been the authority responsible for determining whether a person is a native or not. This, however, is not the case, and there does not appear to have been any precise examination of the question. Therefore the Defendant is deemed to be a native, and as such, hard though it may be for him considering his position in life up until now and his level of education, must be subject to the separate native jurisdiction.¹⁸

The court did, however, assure Krabbenhöft that it was still possible for him to apply for naturalisation.

Much the same thing happened just two years later to Ludwig Baumann, a graduate civil engineer and scion of the distinguished Kleinschmidt missionary family. As the executor of an acquaintance's will he had embezzled money, resulting in a two-year prison sentence handed down by Swakopmund District Court. When Baumann appealed to the Superior Court in Windhoek, it quashed this sentence, but on grounds that were disastrous for Baumann: the court found that, as had become clear during the proceedings before the lower court, “he is descended on the maternal side from a native woman”. The consequences were clear: “The Defendant, as the great-grandchild of a native woman, is thus to be regarded as a native and as such, hard as it may be for him in view of his educational achievements and his position in life up until now, must be subject to native jurisdiction.”¹⁹

The main reason why this hit the persons affected so hard was that classification as ‘Natives’ transferred them to the legal sphere of Native Jurisdiction, resulting in the loss of their most essential individual rights. Within the colony, the legal spheres of ‘non-Native’ and ‘Native’ jurisdiction were strictly separated to the point where a dual legal system prevailed. Not only was participation of any kind in political processes excluded; so was the private ownership of land or live-

¹⁸ Grounds of the judgment, Krabbenhöft appeal proceedings, Windhoek Superior Court, 26 January 1911, NAN ZBU F.IV.R.2. Vol. 2, Sheets 54a–58a.

¹⁹ Grounds of the judgment, Baumann appeal proceedings [transcript], Windhoek Superior Court, 12 March 1913, NAN ZBU F.IV.R.2., Vol. 3, Sheets 36a–37b.

stock. Freedom of movement was restricted and an obligation to seek employment imposed: both of these matters fell under the provisions of Native Law, as determined especially in the three Lindequist Native Ordinances of 1907. It was this separation that formed the foundation of the society of racial privilege the German bureaucrats were bent on constructing.

“A Sin against Racial Consciousness”

‘Mixed’ marriages and ‘persons of mixed race’ were however deemed undesirable not only because of their implications for the political power structure, but also from the point of view of ‘racial hygiene’. The protagonists of a biological concept of ‘race’ sought to “protect [...] the ranks of the Europeans against being mixed with coloured blood”,²⁰ as they feared that any mixing of the ‘races’ would lead to more and more of the population ‘going native’, or ‘going kaffir’ as the local idiom expressed it. It was after all said to be “an old fact of experience, evident not only in Africa, that where a white man lives together permanently with a woman of a lower race he does not draw her up to his level, but is drawn down to hers”. Similarly, “experience teaches us that such relationships do not improve the race, but debase it: the offspring are as a rule physically and morally weak, they unite in themselves the bad qualities of both parents and by their nature take more after the native mother in their language and behaviour than after the White father.” What happened if one did not pay attention to the ‘race’ question could be seen in the “deterioration of the European race in the former Spanish and Portuguese colonies in America and in Portugal’s African possessions.”²¹

As a consequence of this logic of binary opposition, critical attention was drawn not only to legal marriages and the question of the citizenship of ‘persons of mixed race’, but to their very existence in itself. Thus all sexual contacts became a matter of concern to the colonial authorities and their supporters; as the missionary Carl Wandres formulated in a memorandum:

Mixed marriages are not only undesirable, but are truly immoral and a slap in the face for Germanness [...]

Mixed marriages are always a sin against racial consciousness. A nation that sins against its own honour in this way definitely sinks to a lower level and, as can be seen from the Latin nations, is not capable of carrying out any thorough colonisation. [...]

20 Report by Tecklenburg [transcript], 24 September 1903, NAN ZBU F.IV.R.1., Sheets 61ca–61ea.

21 Tecklenburg to Colonial Department Berlin, 23 October 1905, NAN F.IV.R.1., Sheets 24a–34a.

As far as people of mixed race are concerned, we have to say on the basis of widespread experience that these people are a calamity for our colony. These pitiable creatures are almost all very severely impaired genetically. All that is to be seen among them are lies and deceit, sensuality and stupid pride, an inclination to dishonesty and to alcoholism, and last but not least they are almost without exception syphilitic. And it could scarcely be otherwise, since their fathers are not good for very much, and their mothers for nothing at all.²²

In an intensifying process of interventionism, the toleration of 'mixed' marriages under Göring was succeeded by a first attempt to restrict them under Leutwein and their banning under Tecklenburg, until in the end all sexual relations came under scrutiny. Initially, the target of this attack was the White father. He was to be socially ostracised and punished for his lack of 'racial consciousness' by being deprived of his rights of citizenship. Thus the *Selbstverwaltungsverordnung* (Local Self-Government Ordinance) of 1909, which was designed to afford the German population of South West Africa a limited degree of political involvement in the administration of the colony through the election of District and Regional Councils and a Territorial Council, simply excluded all men who lived with African women from the right to vote for or to be elected to these bodies.²³ As "experience shows" that these men were "drawn down by such marriages", it appeared to be justified for them to be "treated under public law as being disqualified from voting". The Imperial Colonial Office claimed that this measure was "in harmony with the views of the majority of the white population of the *Schutzgebiet*, who regard those whites who are married to native women as having forfeited something of the reputable standing they would otherwise enjoy".²⁴

22 Wandres, "Bemerkungen", NAN F.IV.R.1., Sheets 143b–145b. Similar ideas were also popularised by various journals in the Empire: see, for example, Walgenbach, "Zwischen Selbstaffirmation und Distinktion", pp. 144f.

23 Imperial Chancellor, "Verordnung betr. die Selbstverwaltung in Deutsch-Südwestafrika", 28 January 1909, reproduced in DKG, Vol. 13 (1909), pp. 19–34. For more on local self-government, see Helmut Bley, *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1894–1914*, Hamburg 1968, pp. 223–256, here pp. 223–234; also: Hansjörg Michael Huber, *Koloniale Selbstverwaltung in Deutsch-Südwestafrika. Entstehung, Kodifizierung und Umsetzung*, Frankfurt 2000.

24 Imperial Colonial Office Berlin to Imperial Governor's Office Windhoek, August 1908, Federal Archive Berlin Lichterfelde (BArch) R 1001/2057, Sheets 118a–122a. In fact, though, the attitude of the settlers in South West Africa to this issue was far from being as clear-cut and unequivocal as the Imperial Colonial Office tried to make out. Among the men disqualified under the Local Self-Government Ordinance there were settlers who enjoyed high regard. They defended themselves against the stigmatisation and were supported in this by other citizens. Moreover, by constantly making submissions to the highest levels of the Administration the men concerned succeeded in keeping the issue on the boil, so that in the end even the Reichstag was forced to devote time to the problem. For examples, see Bley, *Kolonialherrschaft und Sozialstruktur*.

This measure apparently bore little fruit: for as Deputy Governor Oskar Hintrager explained in a letter to the Imperial Colonial Office two years later, it was essential for the measures concerned to be strictly implemented in the “already very bastardised colony”. He feared that if the Administration sought to accommodate those who were “forgetful of their race”, it would only encourage others to imitate them in this issue, which involved “nothing less than the maintenance of racial purity and racial consciousness”.²⁵

With Hintrager himself being forced to acknowledge that there were “still regrettably lax attitudes on the part of the settlers in this respect”, and therefore to announce that more stringent measures would be forthcoming, in May 1912 Governor Theodor Seitz once again intensified his struggle against extramarital sexual relationships between White men and African women by extending the stigmatisation and social ostracism of the father of a ‘mixed-race’ child to the mother as well, and promulgating an Ordinance Concerning the Mixed-Race Population.²⁶ This made it mandatory for the births of children whose fathers were ‘non-Natives’ but whose mothers were ‘Natives’ to be recorded in special registers at the District Offices. While these register entries, containing the name, ‘tri’ affiliation, status or occupation and pass number of the mother – no details of the father were asked for²⁷ – were still completely in the tradition of the way illegitimate German children were registered within Germany itself,²⁸ Section 3 of the Ordinance was clearly directed towards criminalising such relationships:

Where the extramarital cohabitation of a non-native man with a native woman gives rise to a public nuisance, the police may require them to separate, and to the extent that the period set for compliance expires without such compliance, may enforce such a separation. In the same way, the immediate ending of a contract of employment and the removal of the

²⁵ In concrete terms, this related to the proposal by which Governor Bruno von Schuckmann attempted to calm the fury of settlers who were married to African women, namely that the Local Self-Government Ordinance should be amended to the effect that the Governor could admit exceptions. Imperial Governor’s Office Windhoek to Imperial Colonial Office Berlin, 20 June 20 1910, BArch R 1001/2059, Sheets 44a–47b.

²⁶ Imperial Governor’s Office Windhoek, *Verordnung über die Mischlingsbevölkerung*, 23 May 1912, NAN ZBU F.IV.R.1., Sheets 128a et seq.

²⁷ Only in cases of ‘mixed’ marriages, which in fact no longer legally existed, or if it was the father himself who reported the birth were his personal details to be recorded as well. Circulated Decree, Imperial Governor’s Office Windhoek to DOs, 19 July 1912, NAN ZBU F.IV.R.1., Sheets 146a et seq.

²⁸ Imperial Chancellor, Instruction relating to the Act of 4 May 1870, *Gesetz betr. die Eheschließung und die Beurkundung des Personenstandes von Bundesangehörigen im Ausland*, reproduced in DKG, Vol. 1 (up to 1892), pp. 58–79.

mother of a half-white child may be required if the father of the child is the employer or a relative or employee of the employer who forms part of his domestic community.²⁹

In order to enhance the social disciplinary impact on African women, Hintrager instructed Registrars to conduct the registration proceedings in such a way that they would have the effect of “detering the coloured mothers [...] through the disgrace involved” and make them aware of the fact that it was “a transgression against their nation to become involved with a white man”.³⁰

Especially under Section 3 of the Ordinance, private and intimate matters were dragged out into the public domain and every White person was given the task of supervising the sexual behaviour of his or her fellows. There was a certain logic behind this: if sexuality and reproduction were made a matter of public concern, if they were regarded as a contribution to the health or the endangerment of an abstract *Volkskörper* (‘body of the nation’), then they were no longer private matters. At the same time, it threw the door wide open for denunciations of any kind, which could now be represented as acts performed in the interests of the nation. With Native Law having already ascribed to every White person a supervisory and police function in respect of every African, the Whites were now also subjected to mutual social control.

“That Man Has Gone Completely Native; He Reeks of *pontok*”

The employment of African women and girls as domestic servants provided a cloak for many sexual encounters. It was one of the contradictions of German Native Policy that while all African women, like the men, were required to work, it was a matter of common knowledge “that in these cases the girls, with few exceptions, are used for sexual intercourse and thus spoilt for work of any kind”³¹ and that “almost every white man who is not married procures himself a native woman to have sexual intercourse with”.³² The Windhoek Native Commissioner was also well

29 Imperial Governor’s Office Windhoek, *Verordnung über die Mischlingsbevölkerung*, 23 May 1912, NAN ZBU F.IV.R.1., Sheet 128a f.

30 Ibid.

31 Native Commissioner Ebeling, Warmbad, to Governor’s Office Windhoek, 6 May 1914, NAN ZBU W.IV.A.5. Vol. 1, Sheet 8a.

32 District Office of Grootfontein to Governor’s Office Windhoek, 6 May 1914, NAN ZBU W.IV.A.5. Vol. 1, Sheet 6a.

enough informed to report “that sexual intercourse takes place between a large proportion of the unmarried employers and their female servants”.³³

So even after the promulgation of the various Ordinances aimed at furthering racial segregation, relationships between White men and African women were still commonplace. The local officials were well aware of this, but generally did not see any possibility of taking action against such behaviour, or any occasion to do so. As with the implementation of the rigid Native Policy in general,³⁴ how the ‘mixed marriage’ question was handled depended on the personal attitudes of the officials concerned.³⁵ Nonetheless, the latent threat of sanctions, and the fact that any official was in a position to be able to take action against a sexual relationship whenever he felt inclined to do so, definitely represented a substantial intrusion into the private lives of all those affected.

In general it is hard to gain any meaningful insights into the day-to-day cohabitation of African women and White men, as it largely took place away from the public view. Such cases only became a matter of record when state authorities got involved. One such case related to the trader Feodor Stelzner and an African girl known to us only by the name Amanda.

On 27 May 1914, Stelzner complained to the Imperial Government in Windhoek that he had been forbidden by the police officer stationed in Usakos to employ the sixteen-year-old Amanda, whom he knew from a previous job, as an assistant in his store there. Instead, he claimed, she was to be forced to work for someone else against her will. Police Sergeant Knickrehm, to whom he had complained, had informed him that he was not going to get the girl back, even if it was her own wish to remain with him; to which Stelzner had replied: “A. does not have a will of her own any more.” Stelzner was of the view that Amanda could not be denied the right to work for him; he did not want to have any other ‘Natives’, people he did not know.³⁶

33 Native Commissioner Bohr to Governor’s Office Windhoek, 22 July 1914, NAN ZBU W.IV.A.5. Vol. 1, Sheet 23a.

34 I have described how differently the individual colonial officials used the discretion they possessed under Native Law in Zimmerer, *Deutsche Herrschaft*, pp. 126–242 [English translation *German Rule*, pp. 159–294].

35 Detailed research into this is still lacking. Henrichsen provides an interesting case study on one such relationship: Dag Henrichsen, “Heirat im Krieg. Erfahrungen von Kaera Ida Getzen Leinhos”, in Jürgen Zimmerer and Joachim Zeller, eds, *Völkermord in Deutsch-Südwestafrika. Der Kolonialkrieg in Namibia (1904–1908) und seine Folgen*, Berlin 2003, pp. 160–168. Further research will however be needed to determine whether this was merely a one-off case, or whether it can be viewed as being representative of a larger number of ‘mixed’ marriages.

36 Feodor Stelzner, Usakos, to Governor’s Office Windhoek, 28 May 1914, NAN ZBU W.III.N.2. Vol. 1, Sheets 35–41.

Knickrehm, who was then called upon to report to the Governor's Office on the case, explained his decision on the basis of the sexual relationship between Stelzner and Amanda, which needed to be put a stop to. Right at the beginning of his justification, he spoke at length about "the immoral life led by the Complainant":

Stelzner, now a man of 25, has indulged in intimate relations with native women for about 6–7 years, which has cost him a great deal of the respect due to him as a white man from the reputable white population. He begat four mixed-race children with a recently deceased Herero woman called 'Sucko'. It was a few years ago that the offence evoked by this intercourse with the native woman reached its peak among the population at large. Brawls occurred in which Stelzner was consistently the party that came off worse. Very often, whites whose word can be relied on observed events that constituted a public nuisance, and in some individual cases they also informed the police in confidence. However, they stopped short of filing any formal complaints, in order not to expose themselves to unpleasant talk, which they would otherwise not have been able to avoid. No-one wanted to be the first to bring a public accusation. There was still a certain amount of sympathy for Stelzner, whose character even today displays a lot of childlike traits.³⁷

This account does not rest upon Knickrehm's own observations, he wrote, but had been communicated to him, and was now confirmed again, by his predecessors. In the previous year, Stelzner had then got to know Amanda when he took over the running of the store and restaurant in Johann-Albrechtshöhe for a person named Zingel:

With time, a relationship developed between the two which went far beyond the degree of what was permissible and once again cast Stelzner in a negative light. This relationship attracted the particular attention of the railway crossing keeper and his wife, who made some very derogatory remarks about it. Zingel himself explained to me that he had received information regarding Stelzner's conduct towards natives – and especially towards Amanda – from people whose credibility was beyond doubt.³⁸

As a result, Stelzner lost his job. An aspect of his behaviour that was regarded as particularly scandalous was the way he openly called the 'racial hierarchy' into question, allowing Amanda to be served by other 'Natives' and permitting her to make use of the areas of the house reserved for Whites.

Stelzner had the table on the veranda of the restaurant laid for Amanda and himself, and the two had breakfast there together. Other natives waited on them. Moreover, Amanda had been witnessed sitting on the sofa while Stelzner knelt in front of her with his arms around her legs, imploring and beseeching her not to leave him. In addition, the two had

³⁷ Police Sergeant Knickrehm to Governor's Office Windhoek, 3 July 1914, NAN ZBU W.III.N.2. Vol. 1, Sheets 46a–49a.

³⁸ Ibid.

danced together to music from the gramophone in full view of other natives. These last incidents sound rather improbable or exaggerated, but they presumably represent only a small proportion of several similar cases.³⁹

When Amanda changed her job of her own accord, Sergeant Knickrehm's report continued, Stelzner had gone after her and begged her employer to transfer Amanda back into his service. With regard to this conversation, the "woman, who was otherwise very restrained in her manner of speaking and very scrupulous about telling the truth [...] expressed herself most disparagingly" and was very indignant. Subsequently he went to the local tavern:

During his conversation with the proprietor's wife he also brought up the topic of his motherless mixed-race children and sorrowfully bewailed the way Amanda was being withheld from him. With tears in his eyes he unburdened himself to the woman in such a way that when she wanted to tell me about it soon afterwards all she could bring out was a single 'pooh', and the spontaneous utterance: 'That man has gone completely native, he reeks of *pontok* [hut]!' ⁴⁰

In consultation with Karibib District Office, therefore, Knickrehm had refused Stelzner's plea to send Amanda back into his service. He declared that any giving way would "represent full endorsement of their earlier relationship". Stelzner's claim that Amanda did not have a free will of her own any more had, according to Knickrehm, been misinterpreted; what he had been referring to was the fact that Amanda still had a father, who was also against her being employed by Stelzner. The Governor's Office dismissed Stelzner's complaint.⁴¹

What is striking is the amount of detail about Stelzner's and Amanda's private lives that was known to the police, even if it is impossible to distinguish how much was based on precise information and how much on rumour or malicious gossip. The whole weight of prejudice against such relationships is summed up in the remark that Stelzner "reeked of *pontok*", as a way of expressing the process of 'going native' so often invoked by Tecklenburg, Wandres and others as an ever-present danger. But the image of self-neglect and backwardness it evoked was only one reason for the fear of 'mixed' marriages and 'people of mixed parentage'. The possibility that precisely the opposite might also occur seemed equally unsettling.

Transgressions against the 'purity of the race' appeared threatening not only because of the imagined 'pollution' of the 'body of the German nation': rather, the

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Governor's Office Windhoek to Feodor Stelzner, Usakos [draft], 31 July 1911, NAN ZBU W.III.N.2. Vol. 1, Sheet 50a.

very existence of people of, in particular, ‘mixed race’ actually called into question a constitutive principle of the colonial state, which rested upon the binary distinction between ‘White’ and ‘Black’, ‘Native’ and ‘non-Native’, ‘master (race)’ and ‘servant’. If this boundary became blurred, then confusion and uncertainty loomed, threatening ultimately to jeopardise German rule altogether, because, according to Tecklenburg:

Males of mixed race will be liable to serve in the forces, will be capable of occupying public offices, and will be beneficiaries of the right to vote, which is likely to be introduced at some time in the future, and of other rights attached to nationality. These consequences are extremely alarming and in view of the present situation in German South West Africa they represent a grave danger. They will not only compromise the maintenance of the purity of the German race and of German civilisation to a major extent, but also put the white man’s entire position of power in jeopardy.⁴²

The “maintenance of the purity of the German race” and the “white man’s entire position of power” could not be separated from one another. The ban on ‘mixed’ marriages and the measures taken to prevent sexual relations of any kind between the ‘races’ were attempts to compel people to observe and uphold a boundary between the colonisers and the colonised, one which in this binary form had only been created by the colonial laws themselves. Any transgression was thus perceived as a threat to the system of colonial rule, one that called into question the utopian conception of the society of racial privilege.

The Governmental and Administrative Utopia: A Society of Racial Privilege

In South West Africa perhaps even more strongly than in other colonies, the German governmental and administrative utopia, meaning the ideal-typical construct of what the colonial state and its society would look like if the German colonial bureaucracy were able to implement its theoretical conceptions without having to pay any regard to power politics and without effective resistance either from Africans or from Germans, was based on the distinction between ‘Natives’ and ‘non-Natives’. Ideological concepts of ‘race’ and considerations relating to power politics need to be seen in context and in their mutual interdependency; they were conditional upon each other. Racial segregation did not represent an end in itself or an erratic block unconnected to other aspects of colonial policy; rather, it was a funda-

⁴² Tecklenburg to Colonial Department Berlin, 23 October 1905, NAN ZBU F.IV.R.1., Sheets 24a–34a.

mental pillar in the model colonial state that the administrators were seeking to realise. Since the days of Theodor Leutwein, the goal of this utopia of development and exploitation had been the construction of an efficient economic system whose functionality was to be ensured through the establishment of a society of racial privilege in which the institutions of government, the European settlers and the African population would each occupy their firmly assigned place. The African population was to be comprehensively registered and kept under surveillance, integrated into the colony's economic system as cheap labour and re-educated to function as a compliant workforce through a process of social disciplining. In this way, it was assumed, the economic development of the colony could be pushed ahead with and the extraction of minerals guaranteed, so that the territory would be able to develop into a settler colony in an orderly manner. The end result was intended to be a unified economic area across which the African people were to be distributed as workers in such a way as to meet the needs of the colonial economy.

The core of this colonial Native Law consisted of the three Native Ordinances of 1907: the Control Ordinance, the Pass Ordinance and the so-called Master and Servant Ordinance, by which for the first time every individual African was subjected directly to German laws and ordinances and placed under the control of a bureaucratic and centralised Administration.⁴³ This was an attempt to regulate all spheres of African life and to give the Administration an overview of how many and which Africans were resident in any particular Region or District at any given time, where they lived and if and where they were employed. For this purpose, all Africans had to be entered in a Native Register. A pass token, to be worn visibly, was designed to ensure that all Africans could be unambiguously identified. Moreover, anyone who needed to leave his or her place of residence was required to be in possession of a travel pass. As opposed to the forced labour practised during the war, both in the concentration camps of the colonial forces and in the labour camps set up by private companies,⁴⁴ in the period after the war the elements of direct compulsion were replaced by measures that were structural in nature. It was no longer imprisonment, fetters and whips that were to be used to force the 'Natives' to work, but rather a sophisticated system of rewards and direct or indirect compulsion. Since the Africans no longer owned any

⁴³ For more detail, see: Zimmerer, *Deutsche Herrschaft* [English translation: *German Rule*].

⁴⁴ See, for example, Jan-Bart Gewald, *Towards Redemption. A Socio-political History of the Herero of Namibia Between 1890 and 1923*, Leiden 1996, pp. 220–224; Gesine Krüger, *Kriegsbewältigung und Geschichtsbewußtsein: Realität, Deutung und Verarbeitung des deutschen Kolonialkrieges in Namibia 1904–1907*, Göttingen 1999, pp. 126–135. As an introduction to the war in general, see Jürgen Zimmerer and Joachim Zeller, eds, *Völkermord in Deutsch-Südwestafrika. Der Kolonialkrieg (1904–1908) in Namibia und seine Folgen*, Berlin 2003.

land – they had been expropriated as early as 1906/07⁴⁵ and were now also prohibited from owning riding animals or other large livestock⁴⁶ – they had no other option than to hire themselves out – as farm labourers, to the engineering companies building the railways or in the diamond mines. Anyone who nevertheless did not take up such work was to be punished as a vagrant. Free choice of one's place of residence was abolished, and a special permit from the colonial authorities was required for African settlements consisting of more than ten families. This served the purpose of making it possible for the African population to be better monitored and for the entire colony to be supplied as efficiently as possible with a labour force.

As practically all adult Africans had to work for Whites, a legal codification of working relationships was necessary. Instruments to this end were a *Dienstbuch* (Employment Logbook), and contracts of employment. The former contained the 'working biography' of each individual and was supposed to provide an unbroken sequence of information about the African's employment relationships and his availability for work, i.e. the 'willingness to work' so often invoked in colonial discourse. Contracts of employment between workers and employers had to be approved by the police. On handing out an Employment Logbook, the police were to verify "that the content of the contract had been made adequately comprehensible to the employee, and agreed to by him". To the displeasure of the farmers, this encompassed instructing the Africans with regard not only to their duties, but to their (minimal) rights as well.⁴⁷

This last provision, like others offering 'protection for the natives' in general, was overshadowed by the repressive character of Native Policy as a whole, and nonetheless formed an integral part of the society of racial privilege. It afforded German officials an illusory confirmation that they were not merely the cat's paws of business or executors of a ruthless policy of oppression, but that rather they were doing their part in achieving a balance of interests between Europeans and Africans:

⁴⁵ On this subject, see Zimmerer, *Deutsche Herrschaft*, pp. 57–68 [English edition: *German Rule*, pp. 72–83].

⁴⁶ Anyone who nevertheless still sought to possess animals was required to obtain explicit governmental approval; so that the government was able to control, restrict or promote the degree of economic independence of the African population.

⁴⁷ As an example see the report of Gobabis District Office, where employers rarely made contracts of employment for longer than a month as they feared the explanations of their rights that the Africans would be entitled to receive from the police. Gobabis District Office to Governor's Office Windhoek, 31 October 1908, NAN ZBU W.III.A.3. Vol. 1, Sheet 42a.

The Ordinance relating to Employment Contracts with natives is to be welcomed as a great step forward, in the interests both of the whites and of the natives themselves. [...] The native will lose the feeling of being practically a slave and deprived of all rights in respect of his employer, and if he is well treated and paid in accordance with his performance will do everything he can to keep his employer satisfied.⁴⁸

In the internal logic of the largely hermetic world of colonialist attitudes inhabited by the officials involved, the Native Ordinances were by no means seen merely as measures of subjugation; rather, they truly believed them to be instruments that could bring about a long-term 'reconciliation' between the interests of the different 'races'. After all, they were seen as a way of teaching the 'Natives' to work, which in its turn was regarded as a basic prerequisite for any development towards a higher level of civilisation. True, they had to work for very low wages and their rights were restricted as compared to those of the Whites, but this corresponded to what was assumed to be their 'nature', their level of 'development'. This colonial logic could only function if justification could be found for discrimination and subjugation as such, and to this end the 'racial' distinctions were emphasised. To do this, though, it was necessary to make a strict differentiation, a precise definition. Violations of the 'racial boundaries' called this intellectual construct into question, thereby endangering more than merely the 'purity of the race'.

Discrimination also extended to the realms of the law, the administration and the police. The society of racial privilege was based on a dual legal and administrative system. Whereas, for example, the separation of powers as between the executive and judicial branches of government existed for Europeans, or rather for all Whites (apart from the four Imperial District Courts, there was also a Superior Court to hear appeals), this was not the case for the 'Natives'. For them, the Regional or District Officers were prosecutors, judges and penal authorities all rolled into one. This was why the Superior Court rejected the appeals in the cases of Krabbenhöft and Baumann. From 1910 onwards, a separate Native Administration with an Office of Native Affairs and Native Commissioners was set up.

In addition, the three Native Ordinances of 1907 not only led to the compulsion to take up employment and a system of unparalleled surveillance, but also elevated every White to the rank of a supervisor over the African population. The newly introduced pass tokens, for example, which had to be worn visibly around the neck, were to be shown to any White person upon request. In the sophisti-

⁴⁸ Swakopmund District Office to Governor's Office Windhoek, 8 June 1907, NAN ZBU W.III.A.1. Vol. 1, Sheets 26b–27a.

cated system of registration, too, Whites took on several crucial tasks. Thus not only did the boundary between the colonial authorities and the settler population become blurred, but the settlers themselves became increasingly conscious of being part of the legal or law enforcement systems, and ultimately even of standing above them.

“Brutal Excesses of Whites Against Natives”

The possible consequences of this were shown in the so-called ‘parental powers of physical chastisement’. The settlers claimed for themselves the right to inflict corporal punishment on their African workers, as in respect of their state of personal development they were considered to be the equivalent of children and to need a ‘firm hand’. The courts, by acknowledging this ‘right of chastisement’ as one hallowed by custom, opened the doors wide for a general culture of corporal punishment. Although it was forbidden to inflict punishment in such a way as to cause damage to the health of the person concerned,⁴⁹ any assessment of whether this was the case was clouded by the racial stereotypes that were shared by officials and settlers. According to these, Africans were not affected by physical punishment due to their “lower level of civilisation”; and their different type of skin, being “particularly hardened and largely insensitive”, meant that “even when they are more severely punished” they would suffer “at the most superficial abrasions of the skin”.⁵⁰

Such beatings eventually got so out of hand that the Government and the representatives of the settlers complained in the *Landesrat* (Territorial Council) that the “brutal excesses of whites against natives”, which in some individual cases even policemen were involved in, were increasing in number “to an alarming extent, and are often not expiated before the courts in a manner that satisfies the natives’ own sense of justice”, so that the Africans “would lose faith in the impartiality of our administration of justice”.⁵¹

49 For a discussion of and the application of the ‘parental right of chastisement’, see Martin Schröder, *Prügelstrafe und Züchtigungsrecht in den deutschen Schutzgebieten Schwarzafrikas*, Münster 1997, pp. 101–120.

50 Governor’s Office Windhoek to Imperial Colonial Office Berlin, 30 December 1907, quoted according to: Horst Gründer, ed., ‘... da und dort ein junges Deutschland gründen’. *Rassismus, Kolonien und kolonialer Gedanke vom 16. bis zum 20. Jahrhundert*, München 1999, p. 279.

51 Circular Order, Governor’s Office Windhoek, 31 May 1912, NAN ZBU W.III.R.1. Vol. 1, Sheets 7a–8a.

And indeed it was the case that in the rare instances in which settlers were prosecuted, generally only ridiculously light sentences were imposed. Thus it was in the case of the farmer Friedrich Schneidewind who in 1912 was sentenced to two years and three months in prison by Windhoek District Court for inflicting bodily harm resulting in death and grievous bodily harm. He was found guilty of having, on 18 December 1911, threatened an African woman called Goras, who allegedly was not doing her work, with the *sjambok*, a type of heavy horsewhip, whereupon she ran away. He then pursued her with his dogs, caught up with her after some 600–800 metres and drove her back, “striking her repeatedly with the *sjambok*”:

In doing so he shoved her violently several times, so that she fell very heavily. When he got close to the ox cart he first grabbed the girl, who was lying completely exhausted on the ground, by the left foot and dragged her a distance of 20 m, then placed an ox strap around her neck, dragged her by it another 12 m or so to the cart and tied her firmly to it. When she tried to crawl into the shadow of the cart, he pulled her back into the sun [The occurrence took place in December, i.e. at the height of summer]. Finally he threw several heavy rocks at her, striking her on the thigh and on the upper arm. This was in the morning. She died in the afternoon, at about 4 o'clock. It was later possible to determine from the body that an upper arm and several ribs were broken.⁵²

Such were the findings of the court. Nevertheless, extenuating circumstances were allowed, since the accused person had been suffering from *Jähzorn* (an outbreak of violent temper).

This was not the only such case. The conditions that prevailed on the farms, on railway construction sites and in the mines are further illustrated by the sarcastic letter that the farmer and retired captain Georg Engelhard wrote to the Government in 1913, in which he ironically inquired:

There are cases known to me in which whites, without being in any employment relationship with a particular black person, have fallen upon the latter totally without cause and beaten him, without the black person being able to have any idea of why. In such cases, is the black person allowed, before he dies, to defend himself or to hold the white person fast until other whites come to protect him, or must he wait until after his death has occurred or he has fallen into a state of unconsciousness? Am I allowed to force the wife of one of my workers to work without giving her any food or wages or any other remuneration? Am I considered legally to be her master? May I hit her on the head if in my – incontrovertible – opinion she carries out my orders too slowly?⁵³

⁵² Judgment of Windhoek District Court against Friedrich Schneidewind; proceedings of 19 July 1912, NAN ZBU W.III.R.2. Vol. 1, Sheets 130a–132a.

⁵³ Georg Engelhard to Governor's Office Windhoek, 7 April 1913, NAN ZBU W.III.R.2. Vol. 1, Sheets 151a f. Emphases (underlinings) inserted in the original by a clerical officer in the Governor's Office.

The government clerk responsible for replying to this letter was evidently not receptive to this ironic tone, and answered tersely: “The Governor’s Office does not regard itself as being under any obligation to respond to inquiries of a purely theoretical nature. You are recommended to report any occurrences of the type you describe to the competent court with a view to prosecution.”⁵⁴

The brutality of the farmers was matched by the mildness and indulgence of the courts. If a White man was to be punished for the ‘maltreatment of natives’, he first had to be sentenced under due process of law. This hardly ever happened, however, and if it did, the penalties imposed were ridiculously light. For it was as a rule impossible to find any White witnesses who were prepared to speak against the accused, while Black ones would “simply not be believed, whereas the most dubious statements made by whites under oath would be given credence”, as the Lüderitzbucht District Officer complained. “And so the whole affair would end with a glowing acquittal, and there could be no more thankless task than to represent the prosecuting authorities in such cases.”⁵⁵ In a society as strongly characterised by racism as the colonial one, it was impossible to eliminate the racist assumption that Africans lacked credibility.

The claim of the settlers to be entitled to do whatever they liked even with the actual bodies of the ‘Other’ is also demonstrated in the demand raised by farmers in 1912 that “natives who display a propensity to run away should be identified by a tattoo”.⁵⁶ Although the Government ultimately rejected these demands, since “no [...] colonial nation makes use of such measures”,⁵⁷ and moreover, they might “stir up major unrest among the natives and be met with great resistance”, and furthermore “would be exploited at home by elements hostile to colonialism to justify wild agitation”,⁵⁸ this example still demonstrates what kinds of measures were deemed to be conceivable in certain circles in the colony.⁵⁹

54 Governor’s Office Windhoek to Engelhard, Ferdinandshöhe Farm near Omaruru, 16 April 1913, NAN ZBU W.III.R.2. Vol. 1, Sheet 153a.

55 Lüderitzbucht District Office to Governor’s Office Windhoek, 21 April 1913, NAN ZBU W.III.R.2. Vol. 1, Sheets 156a–159a.

56 Okahandja Farmers’ Association to Governor’s Office Windhoek, 16 December 1912, NAN ZBU W.III.B.1. Vol. 1, Sheet 35a.

57 Governor’s Office Windhoek to a farmer named von Gossler, Chairman of the Okahandja Farmers’ Association, 31 December 1912, NAN ZBU W.III.B.1. Vol. 1, Sheet 36a.

58 Outjo District Office to Governor’s Office Windhoek, 4 March 1912, NAN ZBU W.III.B.1. Vol. 1, Sheet 29a.

59 For more detail on this debate and on the context in which it was conducted, see Zimmerer, *Deutsche Herrschaft*, pp. 146–148 [English edition: *German Rule*, pp. 180–183].

As has been made clear in this section, the idea of the society of racial privilege extends far beyond ethnic segregation as an end in itself or as the means of implementing diffuse ideological concepts of 'racial purity'. It refers to a social order that is designed to be permanent and is based on a biological hierarchisation encompassing all aspects of life. The members of the 'races' concerned were to be made to internalise their positions in this hierarchy by measures of social disciplining. In this way, direct force was supposed to be rendered superfluous, being replaced by a structural compulsion that would no longer be perceptible as such. This is not the least of the reasons why the mental deformations set in train by this situation gave birth to a legacy that outlasted the actual phase of colonialism for so long. This society of racial privilege is not just a discursive formation, but also a cultural, social and communicative practice that permeated the relationships between the colonisers and the colonised at all levels. It is essential to be able to keep all these different levels in view in their entirety in order to understand the impact of colonialism on everyday life and its still persisting consequences. Taking this as a starting point, the question then arises as to how far these ideas continue to play a role.

From Windhoek to Warsaw

It has recently been argued very aggressively that it was a very long way from Windhoek to Nuremberg, and that it is therefore not possible to establish a connection between the German colonial experience and the crimes of the Nazis.⁶⁰ In my opinion, this judgment is based on two errors in perception. Firstly, it fails to take account of how racial segregation was actually practised in society and therefore presents a picture of a relatively open discourse; and secondly, it seeks parallels in the wrong places.

As has been shown earlier, there was very little to be seen of any heterogeneity and openness in the cultural image of the 'African Other' during the last 15 years of German colonial rule. Even though there were divergent views in Germany as to

⁶⁰ Birthe Kundrus, "Von Windhoek nach Nürnberg? Koloniale 'Mischehenverbote' und die nationalsozialistische Rassengesetzgebung", in Birthe Kundrus, ed., *Phantasiereiche. Zur Kulturgeschichte des deutschen Kolonialismus*, Frankfurt 2003, pp. 110–131; Birthe Kundrus, *Moderne Imperialisten*, pp. 277–279. Annegret Ehmann instead points to the connection – including in terms of the persons involved – between colonial and Nazi racism: Annegret Ehmann, "Rassistische und antisemitische Traditionslinien in der deutschen Geschichte des 19. und 20. Jahrhunderts", in Sportmuseum Berlin, ed., *Sportstadt Berlin in Geschichte und Gegenwart*, Berlin 1993, pp. 131–145.

who was a 'Native' and how 'Natives' should be treated, ultimately it was the hegemonic discourse of the German colonial bureaucracy in Windhoek that was decisive, since that was the discourse of those actively involved. Equipped with a relatively homogenous and consistent image of the 'Native', but also determined by the demands of power politics in the governmental and administrative utopia that they sought to create, i.e. in a society of racial privilege, a small group of highly influential colonial officials succeeded in bringing about the practical realisation of their ideas. These sought to prevent any transgression of the boundaries between the colonisers and the colonised. But the establishment of a social hierarchy along racial lines brought with it not only differing treatment, but generally also severe disadvantage. Even if in individual cases an attitude of paternalistic benevolence towards the African population was to be found, the Native Policy system as it was put into practice under the conditions of colonial rule and in everyday colonial life often mutated into brutal exploitation and subjugation, which in its most extreme manifestation could even go as far as sadistic murder.

However mistaken it would be to reduce German colonialism to the exploitation of the colonised and to see a sadist and an exploiter in every colonial official, it would be equally wrong to distil a paternalistically benevolent image of colonial rule from the opinions and programmatic writings of a few colonial propagandists and fantasists, most of whom had never even been in Africa.

A Herero man or a Nama woman living in German South West Africa at the beginning of the 20th century will not have gained any sense of there being an open – German – discourse. Their everyday life was controlled by the Native Policy of their colonial 'masters'. It is true that the latter never succeeded in transforming them into the compliant objects of colonial policy that they imagined them as being or becoming. They were able to find loopholes in various ways, and they had wills and ideas of their own which they deployed in opposition to those of their colonisers, to cultivate their own cultural traditions;⁶¹ but their opportunities to live their own lives and their options for action were severely restricted. Admittedly, the racial legislation did not apply 'back home' in Germany itself,⁶² so that Africans travelling there were not legally discriminated against; but the fact is that from 1904 onwards practically no African managed to travel to Germany, and even the number of those who had managed to get there in earlier years and from other German colonies was tiny. By contrast, the number of Afri-

61 On this subject, see the studies by Gewald and Krüger: Gewald, *Towards Redemption*; Krüger, *Kriegsbewältigung und Geschichtsbewusstsein*.

62 Kundrus, *Moderne Imperialisten*, pp. 278f.

cans who suffered repression and exploitation on the farms, in the mines and in the private households of South West Africa amounted to many thousands.

If, however, one bases a historical comparison on real practice in society rather than on colonialist discourse, then Nuremberg (that is to say the Nuremberg Race Laws) is not the right place, or at least not the only place, that it is worth while searching for similarities in. One must also look at the way things developed under the German occupation of eastern Europe: here too, German rule was based on a strict racial distinction between the occupiers and the occupied. If one takes not Nuremberg but Warsaw as the point of comparison – or indeed almost any other region in eastern Europe that was occupied by the Germans during the Second World War and was subjected to the Germans' plans for a complete reordering of society, politics and population economics,⁶³ then the similarities are easier to recognise. Unfortunately I do not have the time or space here to go into the relationship between colonialism and National Socialism overall, as I have done in more detail elsewhere;⁶⁴ so I will restrict myself to just a few remarks concerning the society of racial privilege in the 'East'.

Taking a look at the practical implementation of occupation behind the actual front line, we can see that in occupied Poland too, a small elite of German civil servants and military personnel ruled over a much larger Polish population who were practically excluded from any opportunity to play a role in politics. Germans and Poles were assigned to the jurisdiction of different legal systems; this 'dual

⁶³ Among the sheer unending mass of literature, I would like just to mention a few of the more recent works: Ulrich Herbert, ed., *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies*, New York 2000; Götz Aly and Susanne Heim, *Vordenker der Vernichtung. Auschwitz und die deutschen Pläne für eine neue europäische Ordnung*, Hamburg 1991; Götz Aly, *'Final Solution': Nazi Population Policy and the Murder of the European Jews*, London and New York 1999; Christian Gerlach, *Kalkulierte Morde: Die deutsche Wirtschafts- und Vernichtungspolitik in Weißrußland, 1941–1944*, Hamburg 1999; Christian Gerlach, *Krieg, Ernährung, Völkermord. Forschungen zur deutschen Vernichtungspolitik im Zweiten Weltkrieg*, Hamburg 1998; Dieter Pohl, *Nationalsozialistische Judenverfolgung in Ostgalizien 1941–1944. Organisation und Durchführung eines staatlichen Massenverbrechens*, München 1996; Thomas Sandkühler, *'Endlösung' in Galizien. Der Judenmord in Ostpolen und die Rettungsinitiativen von Berthold Beitz*, Bonn 1996; Bernhard Chiari, *Alltag hinter der Front. Besatzung, Kollaboration und Widerstand in Weißrußland 1941–1944*, Düsseldorf 1998.

⁶⁴ I have attempted this in Jürgen Zimmerer, "Holocaust und Kolonialismus. Beitrag zu einer Archäologie des genozidalen Gedankens", *Zeitschrift für Geschichtswissenschaft*, 51/12 (2003), pp. 1098–1119 (English version: "Colonialism and the Holocaust", pp. 125–153 in this book); Jürgen Zimmerer, "Die Geburt des 'Ostlandes' aus dem Geiste des Kolonialismus. Ein postkolonialer Blick auf die NS-Eroberungs- und Vernichtungspolitik", *Sozial.Geschichte. Zeitschrift für die historische Analyse des 20. und 21. Jahrhunderts*, 1 (2004), pp. 10–43 (English version: "The Birth of the 'Ostland' out of the Spirit of Colonialism", pp. 230–261 in this book).

legal system' rested upon the criterion of 'race', whereby it is no longer necessary at this point to emphasise the purely constructed nature of the racial categories used. However, preferential treatment within this society of racial privilege was not limited to the area of formal law. The *situation coloniale* permeated all spheres of social interaction. Just as Europeans were always and everywhere favoured in South West Africa, so too in eastern Europe the Germans were to form the apex of the social hierarchy. Just as, for example, in German South West Africa the permanent situation of subjugation was demonstrated symbolically in the prohibition on riding horses described at the beginning of this chapter, in the obligation to greet every White person, or in the prohibition on walking on the pavements, so in the General gouvernement Poles had to show an appropriate degree of deference towards every German by making room for them on the pavements, by taking their hats off and by saluting them. They were prohibited from attending cinemas, concerts, exhibitions, libraries, museums or theatres, and from owning bicycles, cameras or radios.⁶⁵ If Hitler, talking about the Ukraine, once said: "Our Germans – this is the main thing – must form a closed community, like a fortress; outside the main centres, even the lowest stable boy must stand above any of the natives",⁶⁶ this is essentially a view of a social order based on 'race' similar to that of the society of racial privilege in South West Africa.

Similarities also exist with regard to the evaluation of the respective 'Native' populations. The value attributed to them derived from their degree of usefulness to the occupiers, but above all from their function as a labour force. Segregated legally and socially from the Germans, the 'Natives' of Eastern Europe were assigned above all the roles of servants and labourers for the German 'master class'. It was this function as a labour force that essentially gave them their right to live. As has already been demonstrated above by reference to the three Native Ordinances, it was the Africans' function as a labour force that stood in the foreground in German South West Africa too. What distinguished the two occupation situations, that in

65 Michael Burleigh, *Die Zeit des Nationalsozialismus. Eine Gesamtdarstellung*, Frankfurt 2000, p. 518. On this *situation coloniale*, now see also David Furber, 'Going East'. *Colonialism and German Life in Nazi-Occupied Poland*, University of New York at Buffalo 2003 (dissertation), pp. 5f. Furber shows how it was only by emphasising their common Germanness and the colonial task they shared in the 'East' that the German occupiers were able to establish a distance between themselves and the Poles, to whom they were essentially more similar than they would have liked to admit. This discursive colonisation of the 'Other' as well as of the conquered terrain also represents an important parallel to colonial rule outside Europe. I have covered this subject in more detail in Zimmerer, "Geburt des 'Ostlandes'" (English version: "The Birth of the 'Ostland'", pp. 230–261 in this book).

66 Hitler, 17 September 1941, Adolf Hitler, *Monologe im Führerhauptquartier*, ed. and with a commentary by Werner Jochmann, Hamburg 1980, p. 63.

Africa and that in eastern Europe, from each other was the idea that the Africans would in time adapt to their role, and thereby attain to an enhanced level of civilisation. Even though this was empty talk in the day-to-day reality of the colony, which was dominated by brutal exploitation, it was nonetheless never abandoned as an objective of colonialism. During the Second World War, the Germans no longer made this effort towards the Poles or the Russians, or whoever else they were prepared to allow to continue to exist purely as a helot class. There was no longer any trace of a cultural mission or of an educational function; or where such a mission was used as an argument, it applied to the terrain, to the area available for development, not to the local inhabitants. Some suggestion of this had already been perceptible in certain radical voices in South West Africa which had applauded the genocide against the Herero and the Nama; the development of the infrastructure was indeed conducted without any regard for the people living there.⁶⁷

The German colonial empire was not the same as the occupation of eastern Europe during the Second World War, and what happened in it did not have to lead inevitably to the criminal regime of the Third Reich. Nonetheless, around and shortly after the turn of the century ideas were articulated and, far more importantly, put into practice, which were then to be found again a generation later in a similar or more radical form. These included the belief that a society could be built up on a foundation of 'race' and the idea of adopting a eugenic policy to protect your own group from biological 'contamination'. There was no one-way street leading from South West Africa to the occupied eastern territories; looked at from the Windhoek perspective, the German colonial experience did not inevitably lead to the Third Reich; however, to maintain the metaphor, of the numerous roads that came together in the criminal policies of the Nazis, one began in the colonies, and it was by no means the least important. The colonial experience provided a cultural reservoir from which the perpetrators of the Nazi crimes could help themselves.⁶⁸

What impact does this have on the writing of history from a global point of view? The society of racial privilege was limited neither to the German colonial territories, nor to colonies outside Europe. Taking it seriously as a conceptual

⁶⁷ On this subject, see Jürgen Zimmerer, "Der Wahn der Planbarkeit: Vertreibung, unfreie Arbeit und Völkermord als Elemente der Bevölkerungsökonomie in Deutsch-Südwestafrika", *Comparativ*, 13/4 (2003), pp. 96–113 (English version: 'Planning Frenzy: Forced Labour, Expulsion and Genocide as Elements of Population Economics in German South West Africa', pp. 57–76 in this book).

⁶⁸ A direct continuity between the persons concerned can be proved only in individual cases. However, there are numerous other channels of reception through which this knowledge of the practice of dominance were transmitted, such as, for example, personal experience, institutional memory and the collective imagination. I have sketched this out in: Zimmerer, "Geburt des 'Ostlandes'" (English version: "The Birth of the 'Ostland'", pp. 230–261 in this book).

basis for the comparative investigation of foreign rule across the centuries and across continents would make a valuable contribution to overcoming the Euro-centric constriction of the term 'colonial rule'. Put into practice consistently, this would fulfil a central demand of the representatives of post-colonial studies, who have long pleaded for the history of colonial rule to be viewed not merely as a one-way street in which the non-European world was moulded in accordance with the European model and European concepts, but rather for it to be investigated how developments in Europe and overseas mutually influenced, spurred on and radicalised each other. To explore the paths that led from Windhoek to Warsaw, even if they did not necessarily all lead via Nuremberg, would not only link non-European and European history together, but would also help to prevent historiography from once again constructing an image of the colonial as existing in 'a special hermetic world', in "an exotic sphere all of its own".⁶⁹

⁶⁹ A demand that this should be done has come recently from Jürgen Osterhammel: Jürgen Osterhammel, "Krieg im Frieden. Zu Form und Typologie imperialer Interventionen", in Jürgen Osterhammel, *Geschichtswissenschaft jenseits des Nationalstaats. Studien zu Beziehungsgeschichte und Zivilisationsvergleich*, Göttingen 2001, pp. 283–321, here p. 286.