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KEEPING THE NATIVES IN THEIR PLACE: THE IDEOLOGY OF WHITE SUPREMACY AND THE FLOGGING OF AFRICAN OFFENDERS IN COLONIAL NATAL – PART 1

Stephen Allister Peté*

ABSTRACT

The political economy of colonial Natal was based on a coercive and hierarchical racial order. Over decades, the white colonists struggled to assert their power over the indigenous inhabitants of the colony, to force them off their land and into wage labour in service of the white colonial economy. This process resulted in ongoing resistance on the part of the indigenous population, including a series of rebellions and revolts throughout the colonial period, which were met with force by the white colonists. White colonial ideology was shaped by the violent and adversarial nature of the social, political and economic relations between white and black in the colony. It was also influenced by the

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broader global context, within which colonisation was justified by racist variants of the theory of Social Darwinism. Driven by a strange mix of deep insecurity and fear on the one hand, and racist paternalism on the other, the white settlers of colonial Natal developed a variant of white supremacist ideology with a special flavour. Nowhere was this more apparent than in their near obsession with flogging as the most appropriate manner of dealing with African offenders in particular. By closely examining a series of public debates that took place in the colony of Natal between 1876 and 1906, this contribution seeks to excavate the various nuanced strands of thinking that together comprised the ideology of white supremacy in the colony at that time.¹

Keywords: Race; racism; racist; white supremacy; corporal punishment; flogging; whipping; colonial ideology; colonial Natal; colony of Natal

1 Introduction

An analysis of the discourse among colonial officials, prison authorities and representatives of the white colonists of Natal during the colonial period² reveals a significant disjuncture between the views of the different stake holders concerning the various forms of punishment considered appropriate for various types of offenders in the colony. During the last quarter of the nineteenth century, in particular, the views of colonial officials with direct ties to London began to diverge from the views of those officials and parties who identified as colonists and, instead, came to see themselves as representing the interests of the white settler community. The views of the officials were shaped by prevailing theories of punishment in the colonial metropole, whereas those of the colonists and their direct representatives were shaped by what they regarded as the harsh realities of colonial life.³ As the colonial period wore on,

- 1 Readers are advised that this contribution deals with historical material that may be deeply offensive to many as it includes racist terms commonly used during the colonial period. For the sake of historical accuracy, many direct quotations cited here retain the racist terms originally used. However, neither the author of this contribution nor the editors of this journal condone – much less approve of – the use of these racist terms. Instead, the presence of such terms in some of the direct quotations is aimed solely at giving an accurate picture of the racist ideology that existed in Natal during the colonial period.
- 2 The colonial period in Natal stretched from 1845 to 1910.
- 3 As the nineteenth century came to an end and the twentieth century began, the colonial authorities in London became increasingly uncomfortable with whipping as a form of punishment. As Paul Ocobock 2012: 35 points out:

the white colonists and their representatives increasingly began to regard the colonial authorities as being out of touch with the types of punishment required to maintain order in a colony such as Natal.

In the European context, the birth of the modern prison during the last decades of the eighteenth and the first decades of the nineteenth centuries was bound up with the idea that it was possible to achieve harmony in society through a social contract that recognised the human rights of each individual citizen. Those individuals who violated the social contract were to be trained and disciplined while in prison, so as to bring them back within the terms of the broad social consensus.⁴ In the colonial context, however, achieving effective social control was much less about attempting to establish some sort of ideological consensus than it was about the direct exercise of coercive physical power by the coloniser over the colonised. Furthermore, this coercive power was explicitly racist in character – it was the power of the white colonial master over the body of his black colonised servant. In the colony of Natal, the instrument of that power was the notorious cat-o-nine-tails.⁵

“In 1897 and again in 1902, secretary of state for the colonies Joseph Chamberlain ordered all territories to submit annual returns of corporal punishment for Parliament’s perusal.”

4 As Michael Ignatieff 1978: 72 points out: “The key problem for social order [in England] ... was to represent the suffering of punishment in such a way that those who endured it and those who watched its infliction conserved their moral respect for those who inflicted it. The efficiency of punishment depended on its legitimacy.”

5 Details of the extent to which brutal corporal punishment was employed in the colony – mostly against members of the black indigenous population – are provided in sections 3, 4 and 5 of Part 1, and in sections 2, 3 and 4 of Part 2 of this contribution. Section 4 of Part 2 explains how the extensive use of the cat-o-nine-tails gave rise to the term “Cult of the Cat” in relation to the punishment of so-called natives in the colony. It should be noted that it was not only in colonial Natal that corporal punishment donned a racist mantle. For example, with regard to colonial Kenya, David Anderson 2011: 496 states as follows: “Punishment was a matter of race, expressed through notions of Social Darwinian development. In essence, ‘primitive man’ was thought to deserve only primitive punishment because that was all he would understand. The African needed to be flogged ‘like a child’ to inculcate discipline, yet once ‘trouserred’, he had taken an important step towards the world of the white man and might be treated with greater respect.” Ocobock 2012: 39, also referring to colonial Kenya, makes a similar point: “[R]ace played a significant role in the nature of corporal punishment. The vast majority of youths caned by the colonial state were Africans. Only a handful of Arab and Asian young men received corporal punishment In

As has been pointed out in earlier work on this topic by the present author together with Annie Devenish, the white supremacist ideology that came to shape the views of many white settlers in colonial Natal seemed to be a cognitively dissonant mixture of patronising paternalist concern on the one hand, and fear on the other.⁶ This toxic ideological mix – it is contended – gave rise to an almost fanatical belief on the part of the colonists that the infliction of physical pain through flogging was the only truly effective manner in which to punish the so-called natives for almost any type of infraction against white colonial sovereignty and authority. The purpose of this contribution is to expand upon earlier work in which this basic argument has been advanced in a somewhat summarised form, in order to provide more detailed empirical evidence in support of the thesis.⁷ This will enable a more nuanced picture to emerge of the white supremacist ideology that existed in colonial Natal – particularly during the last quarter of the nineteenth and the first decade of the twentieth centuries.

This contribution deals with the ideological implications of six major debates – in the broad sense of the term – that took place between 1876 and 1906 regarding the matter of whipping in the colony of Natal. Due to the considerable scope of the evidence considered, the contribution has been divided into two parts. Each part deals with three of the above-mentioned six debates. Part 1 deals with one debate that took place in 1876 and two debates that took place in 1883, while Part 2 considers debates that took place in 1883, 1905 and 1906. Although each of these debates in some

very rare cases, magistrates sentenced young European offenders to caning However, the disparity between the numbers of Africans and non-Africans subjected to court-ordered physical violence illustrates that the rattan cane was indeed an instrument of racialized colonial violence.”

- 6 See Peté & Devenish 2005: 8: “The particular paternalistic racist ideology developing in colonial Natal was shaped by both the specific context of race relations in the colony as well as by late Victorian ideas about imperialism, masculinity and race. Settler society tended to adopt a paternalistic view of African subjects, which saw them as childlike, easily corruptible and in need of firm guidance. But this society also viewed African subjects with fear and apprehension. Fear of insurgency and attack from surrounding black populations was a constant overarching concern for white settlers in Natal.” For a detailed analysis of the ideological factors that shaped the manner in which white prisoners were punished in colonial Natal, see Peté 2018: 1–26.
- 7 See, for example, Peté & Devenish 2005: 3–21; Peté 1986: 99–114. See, also, Peté 2017: 1–26.

way touches upon the issue of whipping as a form of punishment, they vary widely in their focus, namely from that of the whipping of recalcitrant so-called servants; to the public flogging of prisoners; to the punishment of so-called natives accused of committing what were referred to as “outrages” against white women; to whether or not the cat-o-nine-tails should be considered an instrument of torture. Each debate provides interesting insights into the nuances of white supremacist ideology in colonial Natal.

Before proceeding to the first of the three debates covered in Part 1 of this contribution, the next section situates certain of the main strands of racist thinking, which formed part of white supremacist ideology during the nineteenth century, within the social, political and economic context of colonial Natal.

2 Situating the main strands of racist thinking within the context of colonial Natal

Much has been written about the racist ideology that was prevalent in the colony of Natal throughout its existence, but that became particularly virulent towards the end of the colonial period.⁸ In order to provide a context for the discussion of the various debates regarding whipping as a form of punishment that took place in colonial Natal between 1876 and 1906, it is necessary first to identify certain of the main strands of racist thinking that informed white supremacist ideology at the time, and to situate these strands of thinking within the social, political and economic context of the colony.

It is beyond the scope of this contribution to provide a comprehensive and detailed history of the emergence and development of racist thinking in Europe. It may be noted, however, that – as will be illustrated in the paragraphs that follow – the origins of what has come to be known as “scientific racism” may be traced back to the European Enlightenment. Beginning in the late seventeenth century, this period saw the rise of scientific thinking, which required the application of scientific methodologies, involving careful observation, measurement and classification, in the construction of newly emerging scientific disciplines. These

8 See, for example, Peté & Devenish 2005: 7–10. See, also, in general, Marks 1970; and Morrell 2001.

disciplines came to include the study of humans as part of the natural world.⁹

One of the first modern scientific thinkers to divide humans into different varieties or types was Carl Linnaeus, a Swedish botanist, zoologist and physician, who is known as the “father of modern taxonomy”.¹⁰ In his work, *Systema Naturae*, first published in 1735, he divided humans (the species “Homo”) into the following four types (*varietate*), namely European Man, Asiatic Man, African Man and American Man.¹¹ His later attribution of a range of vague

- 9 The close relationship between the European Enlightenment, science and empiricism is described as follows in an online course offered by The Open University: “The Enlightenment’s dedication to reason and knowledge did not come out of the blue. After all, scholars had for centuries been adding to humanity’s stock of knowledge. The new emphasis, however, was on *empirical* knowledge: that is, knowledge or opinion grounded in experience. This experience might include scientific experiments or firsthand observation or experience of people, behaviour, politics, society or anything else touching the natural and the human. For any proposition to be accepted as true, it must be verifiable, capable of practical demonstration. If it was not so verifiable, then it was an error, a fable, an outright lie or simply a hypothesis. Although Enlightenment thinkers retained a role for theoretical or speculative thought (in mathematics, for example, or in the formulation of scientific hypotheses), they took their lead from seventeenth-century thinkers and scientists, notably Francis Bacon (1561–1626), Sir Isaac Newton and John Locke (1632–1704), in prioritising claims about the truth that were backed by demonstration and evidence. In his ‘Preliminary discourse’ to the *Encyclopédie*, d’Alembert hailed Bacon, Newton and Locke as the forefathers and guiding spirits of empiricism and the scientific method. To any claim, proposition or theory unsubstantiated by evidence, the automatic Enlightenment response was: ‘Prove it!’ That is, provide the evidence, show that what you allege is true, or otherwise suspend judgement.’ See OpenLearn “The Enlightenment” Section 3 available at <https://www.open.edu/openlearn/history-the-arts/history-art/the-enlightenment/content-section-3> (accessed 21 Oct 2020).
- 10 See, for example, the University of California Museum of Paleontology *sd*: Preface.
- 11 See Hudson 1996: 253. In commenting on race and history from an epistemological point of view, Staffan Müller-Wille (2014: 598 and 600) states as follows: “The concept of race is one of the most problematic legacies of the Enlightenment At the beginning of the story, we have the invention of race by European naturalists and anthropologists, marked by the publication of the book *Systema Naturae* in 1735, in which the Swedish naturalist Carl Linnaeus proposed a classification of humankind into four distinct races Right next to the genus *Homo* and its definition – ‘Know thyself (*Nosce te ipsum*)’ – he presents human diversity in the following, apparently straightforward way as part of the animal kingdom: *Europaeus albesc[ens]*.”

social characteristics to each of these types – Europeans were, for example, ingenious and inventive, while Africans were crafty, lazy and careless – indicates the distorting effects of European social and cultural prejudices upon the emerging so-called science.¹²

Another example of an early thinker who made use of the scientific method to categorise humans was Johann-Friedrich Blumenbach, sometimes known as the “father of physical anthropology”.¹³ In 1775, in the third edition of his work, *On the Natural Variety of Mankind*, Blumenbach divided “all mankind” into the following five “varieties”, namely “Caucasian, Mongolian, Ethiopian, American, and Malay”.¹⁴ He associated each variety with a characteristic skin colour, although it is clear that Blumenbach regarded skin colour as variable within each variety

Americanus rubesc[ens]. Asiaticus fuscus. Africanus nigr[iculus]. A closer look at the abbreviated color terms is worthwhile: in literal translation, Europeans are said to be ‘whitish’, Americans ‘reddish’, Asians ‘tawny’, and Africans ‘blackish’ (translations are my own). The terms are rather vague and broadly applicable, and hence indicate that Linnaeus did not mean to draw sharp distinctions.”

- 12 See Dubow 1995: 25–26. Müller-Wille (“Linnaeus and the four corners of the world” in Coles et al 2015: 191–210 at 200–201) explains the manner in which Linnaeus expanded his classification of different so-called varieties of the human species, *inter alia*, as follows: “The tenth edition [of *Systema naturae*], published in 1758, saw the first substantial expansion of the classification of 1735. Again, it lists four main ‘varieties’ of the human species, numbered consecutively by Greek letters. Skin color remains the first mark of distinction, although the color terms have altered to red (*rufus*), white (*albus*), pale yellow (*luridus*) and black (*niger*), indicating both a hardening and, in the case of *luridus*, a more judgmental distinction. In addition, Linnaeus associated a range of other characteristics with his four human varieties Many of these characterizations relied on nascent racial stereotypes – Africans, for example, are said to be governed by *arbitrio*, which can be translated as caprice or dominion, i.e. mastery by others – yet the corrections and additions in Linnaeus’s personal copies also make clear that the classification was fluid.” The descriptions given by Linnaeus in the 1758 edition of the *Systema Naturae* of European Man and African Man respectively, read as follows: “European Man: ‘Europaeus. albus, fanguineus, torofus. *Pilis* flavescens prolixis. *Oculis* caeruleis. *Levis*, acutiffimus, inventor. *Tegitur* Vestimentis arctis. *Regitur* Ritibus.’ African Man: ‘Afer. niger, phlegmaticus, laxus. *Pilis* atris, contortuplicatis. *Cute* holofericea. *Naso* fimo. *Labiis* tumidis. *Feminis* finus pudoris; *Mammae* lactantes prolixae. *Vafer*, fegnigens, negligens. *Ungit* fe pingui. *Regitur* Arbitrio.” See Linnaei 1758: 21–22.

13 See Dubow 1995: 26.

14 Blumenbach 1795: 264 para 81.

and did not believe that skin colour was necessarily definitive of the variety to which an individual could be said to belong.¹⁵ He postulated that the Caucasian variety was “the primeval one”.¹⁶ Diverging in two different directions from the primeval category – becoming increasingly remote – were the following categories: in the one direction, the Malay variety followed by the Ethiopian variety, and in the other direction, the American variety followed by the Mongolian variety.¹⁷ Explaining why he believed the Caucasian variety to be the primeval one, he stated, *inter alia*, as follows:¹⁸

I have taken the name of this variety from Mount Caucasus, both because its neighbourhood, and especially its southern slope, produces the most beautiful race of men, I mean the Georgian; and because all physiological

15 Blumenbach (*idem* at 209–210) states as follows in relation to the different varieties of skin colour: “Although the colour of the human skin seems to play in numberless ways between the snowy whiteness of the European girl and the deepest black of the Ethiopian woman of Senegambia; and though not one of these phases is common either to all men of the same nation, or so peculiar to any nation, but what it sometimes occurs in others, though greatly different in other respects; still, in general, all the varieties of national colour seem to be most referable to the five following classes: 1. The white colour holds the first place, such as is that of most European peoples. The redness of the cheeks in this variety is almost peculiar to it: at all events it is but seldom to be seen in the rest. 2. The second is the *yellow, olive-tinge*, a sort of colour half way between grains of wheat and cooked oranges, or the dry and exsiccated rind of lemons: very usual in the Mongolian nations. 3. The *copper colour* (Fr. *bronzé*) or dark orange, or a sort of iron, not unlike the bruised bark of cinnamon or tanner’s bark: peculiar almost to the Americans. 4. *Tawny* (Fr. *basané*), midway between the colour of fresh mahogany and dried pinks or chesnuts: common to the Malay race and the men of the Southern Archipelago. 5. Lastly, the *tawny-black*, up to almost a pitchy blackness (*jet-black*), principally seen in some Ethiopian nations. Though this tawny blackness is by no means peculiar to the Ethiopians, but is to be found added to the principal colour of the skin in others of the most different and the most widely-separated varieties of mankind: as in the Brazilians, the Californians, the Indians, and the islanders of the Southern Ocean, where, for instance, the New Caledonians in this respect make an insensible transition from the tawny colour of the Otaheitans, through the chesnut-coloured inhabitants of the island of Tongatabu, to the tawny-black of the New Hollanders.” In relation to skin colour, Nicholas Hudson 1996: 255 comments as follows: “As is vividly evident in Blumenbach’s work, the Enlightenment imagination had become dominated by the picture of great continental land masses, each, apparently, with its own color of human.”

16 Blumenbach 1795: 264 para 81.

17 *Idem* at 264–265.

18 *Idem* at 269 para 85

reasons converge to this, that in that region, if anywhere, it seems we ought with the greatest probability to place the autochthones of mankind. For in the first place, that stock displays ... the most beautiful form of the skull, from which, as from a mean and primeval type, the others diverge by most easy gradations on both sides to the two ultimate extremes (that is, on the one side the Mongolian, on the other the Ethiopian). Besides, it is white in colour, which we may fairly assume to have been the primitive colour of mankind, since ... it is very easy for that to degenerate into brown, but very much more difficult for dark to become white, when the secretion and precipitation of this carbonaceous pigment ... has once deeply struck root.

As is intimated in the above quotation, Blumenbach believed that the more remote varieties of mankind – namely those to a greater or lesser degree removed or different from the original primeval category of the white Caucasian – emerged due to a process of degeneration caused by different environmental factors, such as excessive sun or poor diet. Two important points about this postulated process of degeneration, however, are worth noting here. First, Blumenbach did not believe that this process resulted in the development of *different species* of humans, but rather insisted on the essential unity of mankind.¹⁹ Although varieties could be broadly distinguished from one another, there were no sharp boundaries between them; one shaded into another due to small degrees of difference between a myriad individuals in different positions along

19 In 1775, Blumenbach stated: “I have desired nothing so much as that the arguments which I have brought forward for the unity of the human species, and for its mere varieties, may seem as satisfactory to my learned and candid readers as they do to myself. For although there seems to be so great a difference between widely separate nations, that you might easily take the inhabitants of the Cape of Good Hope, the Greenlanders, and the Circassians for so many different species of man, yet when the matter is thoroughly considered, you see that all do so run into one another, and that one variety of mankind does so sensibly pass into the other, that you cannot mark out the limits between them.” See Blumenbach 1775: 98. Blumenbach’s views on the unity of the human species remained the same more than thirty years later, when he stated as follows in 1806: “I do not see the slightest shadow of reason why I, looking at the matter from a physiological and scientific point of view, should have any doubt whatever that all nations, under all known climates, belong to one and exactly the same common species. Still, in the same way as we classify races and degenerations of horses and poultry, of pinks and tulips, so also, in addition, must we class the varieties of mankind which exist within their common original stock.” See Blumenbach 1806: 303.

a gradual spectrum.²⁰ Secondly, Blumenbach did not believe that the process of degeneration meant that the non-white varieties were inferior to the Caucasian one.²¹ The following three extracts, which are worth quoting at length, reflect Blumenbach's thinking in 1806 with regard to the admirable qualities of "the Negro in particular":

"God's image he too," as Fuller says, "although made out of ebony." This has been doubted sometimes, and, on the contrary, it has been asserted that the negroes are specifically different in their bodily structure from other men, and must also be placed considerably in the rear, from the condition of their obtuse mental capacities. Personal observation, combined with the accounts of trustworthy and unprejudiced witnesses, has, however, long since convinced me of the want of foundation in both these assertions I am acquainted with no single distinctive bodily character which is at once peculiar to the negro, and which cannot be found to exist in many other and distant nations; none which is in like way common to the negro, and in which they do not again come into contact with other nations through imperceptible passages, just as every other variety of man runs into the neighbouring populations.²²

[I am convinced] of the truth of what so many unsuspected witnesses have assured me about the good disposition and faculties of these our black brethren; namely, that in those respects as well as in natural tenderness of heart, they can scarcely be considered inferior to any other race of mankind taken together. I say quite deliberately, taken altogether, and natural tenderness of heart, which has never been benumbed or extirpated on board the transport vessels or on the West Indian sugar plantations by the brutality of their white executioners. For these last must be nearly as much without head as without heart, if after such treatment they still expect to find true attachment and love from these poor mismanaged slaves.²³

- 20 In Blumenbach's own words: "[N]o variety exist, whether of colour, countenance, or stature, &c., so singular as not to be connected with others of the same kind by such an imperceptible transition, that it is very clear they are all related, or only differ from each other in degree." See Blumenbach 1795: 264 para 82.
- 21 As Raj Bhopal 2007: 1309 notes: "These errors were not the result of colour prejudice. Blumenbach refuted the notion that Ethiopians were inferior to other races. Blumenbach wrote favourably about 'negroes', extolling their beauty, mental abilities, and achievements in literature and other fields. He pointed to variations in opportunity as the cause of differences. His viewpoint on Africans was out of tune with that of the times and more in line with that seen during the movements for civil rights and equality in the 1960s."
- 22 Blumenbach 1806: 305.
- 23 *Idem* at 307–308.

Finally, I am of opinion that after all these numerous instances I have brought together of negroes of capacity, it would not be difficult to mention entire well-known provinces of Europe, from out of which you would not easily expect to obtain off-hand such good authors, poets, philosophers, and correspondents of the Paris Academy; and on the other hand, there is no so-called savage nation known under the sun which has so much distinguished itself by such examples of perfectibility and original capacity for scientific culture, and thereby attached itself so closely to the most civilized nations of the earth, as the Negro.²⁴

The complex scholarly legacies of early modern thinkers, such as Linnaeus and Blumenbach, cannot, however, be adequately summed up in two brief paragraphs. Neither can any firm conclusions be reached as to the extent to which their thinking may have led to the development of subsequent racist thought.²⁵ For the purposes of this contribution, it is sufficient to note that Nicholas Hudson is probably correct when – in discussing the origin of racial classification in eighteenth-century thought – he states that:²⁶

Linnaeus, Buffon, Blumenbach, and other scholars converted the scattered misconceptions and antagonisms of traders and travelers into coherent systems. Before these authors, “racism” could exist as little more than a visceral distrust of physical difference, crudely expressed in degrading images and outbursts of disgust. Only with the rise of racial science could “racism” take the form of an “objective” and self-conscious conviction in the radical inferiority of certain visibly different groups.

As Europe moved into the nineteenth century, “scientific racism” became ever more entrenched within European thought. The middle of that century saw the publication of influential works in the field, such as Robert Knox’s *The Races of Men* in 1850, and Joseph Arthur de Gobineau’s *De l’Inegalite des Races Humaines*

24 *Idem* at 312.

25 Sara Eigen 2005: 277, for example, states as follows in relation to Blumenbach: “[A]ttributing the invention of race to Blumenbach may have been a standard gesture of 19th- and 20th-century histories of science, but it is nonetheless a misleading simplification. It took Blumenbach many years to accept the use of ‘race’ as a classificatory term, and once he did, he was always careful to stress that association with a particular race did not have bearing on individual or collective human capabilities. While this qualification is dutifully cited by critical historians of race thinking, Blumenbach’s recognition of five races was cited with far more resonance by generations of subsequent scientists.”

26 Hudson 1996: 252.

(Of the Inequality of Human Races) in 1853.²⁷ It was during the second half of the nineteenth century, however, that the various theories associated with scientific racism reached their apogee, due partly to the intellectual explosion caused by the publication in 1859 of Charles Darwin's *The Origin of Species*.²⁸ This resulted in the emergence of theories that applied the concepts of natural selection and the "survival of the fittest" – a term first coined by Herbert Spencer – to sociology and politics.²⁹ Today, the term "Social Darwinism" is mostly used in labelling such theories, although this was not the case when these theories first emerged.³⁰ Furthermore,

- 27 In relation to the influence of Robert Knox, Saul Dubow 1995: 27 points out that: "The conception of race as type was strengthened as the study of anthropology – in particular, physical anthropology – was institutionalised in Europe during the second half of the nineteenth century. In Britain, an important landmark was the publication of Robert Knox's *The Races of Men* in 1850, which sought to establish an essential link between anatomical differences and national character. Knox was one of the most important scientific racists of his time and his ideas proved highly influential as mid-Victorian society became increasingly susceptible to doctrines of racial determinism." As for the influence of Joseph Arthur de Gobineau, Jean Max Charles 2020: 287 points to the publication of *De l'Inegalite des Races Humaines* in 1853 as the moment at which "scientific racism" was fully and thoroughly born into public discourse", and Elazar Barkan 1992: 16 describes Gobineau as the "father of racist ideology" who "mixed aristocratic pessimism, romanticism, theology together with biology, all of which became part of a shared European value system based on racial differentiation."
- 28 Dubow 1995: 16 points to "the spectacular convergence of scientific racism and evolutionist thought in the 1880s", which "conforms to the widely held view that the late nineteenth century and the high point of imperialism constitutes an especially important moment in the development of scientific racism".
- 29 Care needs to be taken to avoid the assumption that, because Spencer first came up with the phrase "survival of the fittest", he was committed to Darwin's theory of natural selection. The phrase appears to have arisen during a brief discussion between Spencer and Darwin, which took place before the publication of Darwin's famous work, *The Origin of Species*. Mark Francis 2014: 3, an eminent biographer of Spencer, explains as follows: "After Darwin had explained his theory of natural selection, Spencer quipped that it might as well be called 'survival of the fittest'. Subsequently, Darwin adopted this phrase as describing evolutionary theory while its originator did not." Francis goes on to point out that a reading of Spencer's *The Principles of Biology* makes it clear that "its author was unsympathetic to Darwin's natural selection theory".
- 30 Riggenbach 2011 points out that the common adoption of the term "Social Darwinism" was due to the work of Richard Hofstadter, an American

the precise meaning of the term remains somewhat vague and contested.³¹ For the purposes of this contribution, it is sufficient to note that the name most commonly associated at present with the term “Social Darwinism” is Herbert Spencer,³² whose theories were very influential towards the end of the nineteenth century and which deserve a slightly more detailed discussion.³³

In a brief overview such as this, it is possible to do no more than provide a quick taste of Spencer’s early thought related to colonisation, which lies at the heart of this contribution.³⁴ Although

historian who published *Social Darwinism in America* in 1944: “In fact, there is considerable evidence that the entire concept of ‘Social Darwinism’ as we know it today was virtually invented by Richard Hofstadter. Eric Foner, in an introduction to a then-new edition of Hofstadter’s book published in the early 1990s, declines to go quite that far. ‘Hofstadter did not invent the term Social Darwinism’, Foner writes, ‘which originated in Europe in the 1860s and crossed the Atlantic in the early twentieth century. But before he wrote, it was used only on rare occasions; he made it a standard shorthand for a complex of late-nineteenth-century ideas, a familiar part of the lexicon of social thought.’”

- 31 Michael Ruse 1980: 23 notes that: “Social Darwinism means almost as many things as there are people who have written on it.” According to Halliday 1971: 389, “[b]oth the past and the present definitions of that enterprise labelled Social Darwinism, whether of a formal or an informal kind, remain uncertain and negotiable: touching at one extreme the maxims of positive eugenics and race-hygiene, touching at another those arguments which by analogical inference extend the findings of ethology to show man’s instinct for aggression”.
- 32 It must be noted that the label “Social Darwinism” was not applied to Spencer’s work during his lifetime. Despite Spencer’s name being commonly associated with the label today, the extent to which he can legitimately be described as a “Darwinist” is open to question. It is beyond the scope of this contribution to discuss the nuanced relationship between Darwin’s and Spencer’s numerous theories and works. It is, however, worth noting the considered opinion of Spencerian scholar, Mark Francis, that “Spencer was not Darwinian, either in his biological writing or in his account of human evolution”. See Francis 2014: 2.
- 33 According to Spencer’s most recent biographer, Mark Francis, “for all his provincialism, Spencer became the world philosopher of the late-nineteenth century. His works were translated into languages as distant from each other as Chinese and Mohawk and his philosophy of altruism found a home in ancient lands, such as India and China, and new worlds, such as the Americas. He was especially idolized in the United States, where he had many more followers than Darwin or Marx”. See *idem* at 8.
- 34 This paragraph and the quotation that follows it make reference to Spencer’s earliest published work, entitled *Social Statistics*, which was published to

Spencer was morally outraged by the cruelty and suffering caused by colonialism and slavery, he nevertheless seemed to regard these social practices as part of a natural evolution towards a higher form of civilisation.³⁵ In the same way that death and extinction lay at the heart of the natural evolution of plants and animals, so too did he view these in the case of human societies.³⁶ This evolutionary process would inevitably tend upward towards civilisation: the “savage” would “give place to his superior” from “a conquering race”.³⁷ “[F]rom the very beginning,” said Spencer, “the conquest

favourable reviews in 1851. Note, however, that Spencer’s views changed over subsequent decades. Francis (*idem* at 192), for example, notes that: “There was a cataclysmic shift in Spencer’s ideas concurrent with his nervous breakdown in 1856 In the area of anthropology he became less optimistic and began to doubt that savages were morally inferior to their civilizers.”

- 35 Spencer was well aware of the evils of colonisation. For example, after a long description of the many terrors inflicted on indigenous peoples by European colonisers, he stated as follows: “Even down to our own day kindred iniquities are continued. Down to our own day, too, are continued the grievous salt-monopoly, and the pitiless taxation, that wrings from the poor ryots nearly half the produce of the soil. Down to our own day continues the cunning despotism which uses native soldiers to maintain and extend native subjection – a despotism under which, not many years since, a regiment of sepoy was deliberately massacred, for refusing to march without proper clothing. Down to our own day the police authorities league with wealthy scamps, and allow the machinery of the law to be used for purposes of extortion. Down to our own day, so-called gentlemen will ride their elephants through the crops of impoverished peasants; and will supply themselves with provisions from the native villages without paying for them. And down to our own day, it is common with the people in the interior to run into the woods at sight of a European! No one can fail to see that these cruelties, these treacheries, these deeds of blood and rapine, for which European nations in general have to blush, are mainly due to the carrying on of colonization under state-management, and with the help of state-funds and state-force.” See Spencer 1851: 3 27 6.
- 36 According to Spencer: “Whilst the continuance of the old predatory instinct after the fulfilment of its original purpose, has retarded civilization by giving rise to conditions at variance with those of social life, it has subserved civilization by clearing the earth of inferior races of men. The forces which are working out the great scheme of perfect happiness, taking no account of incidental suffering, exterminate such sections of mankind as stand in their way, with the same sternness that they exterminate beasts of prey and herds of useless ruminants. Be he human being, or be he brute, the hindrance must be got rid of. Just as the savage has taken the place of lower creatures, so must he, if he has remained too long a savage, give place to his superior.” See *idem* at 4 30 4 para 1.
- 37 *Ibid.*

of one people over another has been, in the main, the conquest of the social man over the anti-social man; or, strictly speaking, of the more adapted over the less adapted.”³⁸ When it came to barbaric practices, such as slavery and colonialism, Spencer agreed that they were morally reprehensible, but – as stated above – seemed to regard them as part of the natural forces that would eventually lead to the evolution of a superior civilisation. In his own words, such practices were “aids given to civilization by clearing the earth of its least advanced inhabitants, and by forcibly compelling the rest to acquire industrial habits”.³⁹ As soon as a society had advanced to a level of civilisation that allowed it to understand how morally unacceptable such practices were, such society would have no choice but to abandon those practices.⁴⁰ Conveniently for the civilised societies that emerged from this brutal evolutionary process, Spencer seemed to believe that their moral character would not be detrimentally affected by cruelty and injustice inflicted on others during their pre-civilised state:⁴¹

Unconsciousness that there is anything wrong in exterminating inferior races, or in reducing them to bondage, presupposes an almost rudimentary state of men’s sympathies and their sense of human rights. The oppressions they then inflict and submit to, are not, therefore, detrimental to their characters – do not retard in them the growth of the social sentiments, for these have not yet reached a development great enough to be offended by such doings. And hence the aids given to civilization by clearing the earth of its least advanced inhabitants, and by forcibly compelling the rest to acquire industrial habits, are given without moral adaptation receiving any corresponding check.

Whereas Spencer seemed to remain aware of the evils of colonialism while maintaining that it was part of a process of evolution towards a more civilised society, other Social Darwinists of the

38 *Ibid.*

39 *Idem* at 4 30 4 para 3.

40 “Let not the reader be alarmed. Let him not fear that these admissions will excuse new invasions and new oppressions. Nor let any one who fancies himself called upon to take Nature’s part in this matter, by providing discipline for idle negroes or others, suppose that these dealings of the past will serve for precedents. Rightly understood, they will do no such thing As soon ... as there arises a perception that these subjugations and tyrannies are not right – as soon as the sentiment to which they are repugnant becomes sufficiently powerful to suppress them, it is time for them to cease.” See *ibid.*

41 *Ibid.*

time seemed less equivocal in their support of the practice. The process of colonisation – particularly by Anglo-Saxons – received wholehearted support from scholars such as Benjamin Kidd, who was part of the movement to establish the discipline of sociology as both a university subject and a professional discipline.⁴² In his work, *Social Evolution*, published in 1895, Kidd provided the following remarkable defence, worth quoting at some length, of Britain’s history of colonial conquest:⁴³

We watch the Anglo-Saxon overflowing his boundaries, going forth to take possession of new territories, and establishing himself like his ancestors in many lands In the North American Continent, in the plains of Australia, in New Zealand, and South Africa, the representatives of this vigorous and virile race are at last in full possession – that same race which, with all its faults, has for the most part honestly endeavoured to carry humanitarian principles into its dealings with inferior peoples The Anglo-Saxon has exterminated the less developed peoples with which he has come into competition even more effectively than other races have done in like case; not necessarily indeed by fierce and cruel wars of extermination, but through the operation of laws not less deadly and even more certain in their result. The weaker races disappear before the stronger through the effects of mere contact The Anglo-Saxon, driven by forces inherent in his own civilisation, comes to develop the natural resources of the land, and the consequences appear to be inevitable. The same history is repeating itself in South Africa. In the words used recently by a leading colonist of that country, “the natives must go; or they must work as laboriously to develop the land as we are prepared to do”; the issue in such a case being already determined.

Another Social Darwinist who was very influential at the turn of the twentieth century was Karl Pearson, an English mathematician, who has been credited with establishing the discipline of mathematical statistics.⁴⁴ Pearson was also a eugenicist, who wrote as follows in 1901:⁴⁵

42 Crook 1984: 110.

43 Kidd 1894: 49–50.

44 See, for example, the Royal Statistical Society’s website, “Karl Pearson sesquicentenary conference” hosted on Friday 23 Mar 2007 in London, available at <http://www.economics.soton.ac.uk/staff/aldrich/KP150.htm> (accessed 23 Oct 2020).

45 Pearson 1901: 19–20.

History shows me one way, and one way only, in which a high state of civilization has been produced, namely, the struggle of race with race, and the survival of the physically and mentally fitter race. If you want to know whether the lower races of man can evolve a higher type, I fear the only course is to leave them to fight it out among themselves, and even then the struggle for existence between individual and individual, between tribe and tribe, may not be supported by that physical selection due to a particular climate on which probably so much of the Aryan's success depended.

Although care must be taken when placing Kidd and Pearson together in a single basket, since they supported entirely different positions on many questions, it is submitted that Dennis is correct when he states that:⁴⁶

Kidd's and Pearson's ideas were responses to the rush on the part of the European nations and the United States to establish colonies during the last decade of the 19th century. Both were territorial expansionists who viewed European, and especially English, colonialism, imperialism, and other efforts to control the natural resources and people of distant continents as natural components of the Darwinist principles entailed in the struggle for existence, survival, and supremacy. However, unlike Spencer and Sumner, who were anti-imperialists, Kidd and Pearson saw English political, economic, and cultural control of "inferior" races as not only necessary to England's political and economic survival, but also important for bringing civilization to the unenlightened. The battle for control over Africa, Asia, and South America, in Kidd's and Pearson's view, was a battle, in the Hobbesian sense, of "a war of all against all" among contending European and American governments.

With the above as brief background to the type of racist thinking that underpinned British colonialism towards the end of the nineteenth and the beginning of the twentieth centuries, it is necessary at this point to comment on the manner in which this thinking was translated into the ideological context of colonial Natal in particular. As has already been alluded to in the introduction to this contribution, it is submitted that two central – and at times contradictory – forces shaped the overall ideological context that dominated white colonial thinking. The first was white fear of the black so-called savage, and the second was racist paternalism. Each of these ideological forces are discussed very briefly in turn.

46 Dennis 1995: 245.

White fear in colonial Natal operated at a number of different levels. One of the most obvious drivers of white fear in the colony was the perception on the part of the white colonists that they were vastly outnumbered by the indigenous inhabitants of the region.⁴⁷ The process of colonisation was often violent and was met with resistance by the indigenous population.⁴⁸ Ironically, this resulted in the white colonial psyche in Natal being marked by deep feelings of insecurity. The white colonists lived in constant fear of being attacked by the surrounding tribes and they were prone to panic whenever they felt threatened. For example, in referring to the “Zulu invasion scares” that regularly swept through the colony, Norman Etherington states that the white colonists “lived in perpetual fear of a black invasion which never came”.⁴⁹ Furthermore, white fear in the colony manifested itself in a somewhat irrational fear of attacks by black men on white women.⁵⁰ At a symbolic level, white women represented the pinnacle of white civilisation, whereas black men represented a savage and dangerously unrestrained sexuality.⁵¹ The multi-layered threat thought to be posed by black people in general and by black men in particular, resulted in the construction of a white settler masculinity that emphasised physical toughness, imperviousness to pain and martial values. These values included the ability to inflict physical pain upon black bodies in particular.⁵²

47 As has been pointed out in previous work by the present author together with Annie Devenish: “The small white population lived in a state of constant insecurity and fear, geographically surrounded by large African populations located in Zululand, Swaziland, Basutoland and the Eastern Cape. Within the colony, large numbers of Africans were settled on reserve lands that bordered on white farms. In 1880, white settlers made up only 6.5 per cent of the total population of the colony, the remainder consisting mainly of Africans, with a smaller number of Indian indentured workers.” See Peté & Devenish 2005: 9.

48 Examples of this resistance include the Langa Rebellion of 1873; the Anglo-Zulu War of 1879; and the Bambatha Rebellion of 1906.

49 Etherington 1988: 36.

50 See *idem* at 36–53; and Martens 2002: 379–400.

51 A detailed discussion is provided in section 2 of Part 2 of this contribution.

52 As stated in previous work by the present author together with Annie Devenish: “The history of colonial Natal was ‘regularly punctuated by wars, violent disturbances and calls to arms’, resulting in a militarism which became deeply embedded within the social fabric of the colony and played an important role in the construction of settler masculinity. ‘Spartan toughness’, corporal punishment, violence and the power to inflict pain hereby became key aspects of male experience. This settler masculinity was developed and entrenched in colonial society through the culture of various institutions, such as elite

In addition, white fears – mixed, no doubt, with the general human capacity for malevolence – were translated into a range of further vile and vicious racist tropes, such as the characterisation of black people as animals and as being the filthy bearers of disease.⁵³

The second driver of white ideology in colonial Natal was racist paternalism. This was linked to the common colonial racist trope that, in addition to being dangerous savages, the indigenous inhabitants of the colony were primitive children, who were in need of firm guidance on the upward path towards civilisation.⁵⁴ Bill Ashcroft outlines the nuances of this important trope as follows:⁵⁵

[T]he colonized other was represented in terms of tropes which invariably justified imperial rule, no matter how benign it saw itself to be. In this process, no trope has been more tenacious and more far-reaching than that of the child The trope of the child, both explicitly and implicitly, offered a unique tool for managing the profound ambivalence of imperialism, because it absorbed and suppressed the contradictions of imperial discourse itself The child, at once both other and same, holds in balance the contradictory tendencies of imperial rhetoric: authority is held in balance with nurture; domination with enlightenment; debasement with idealization; negation with affirmation; exploitation with education;

secondary schools in the Natal Midlands and sports like rugby. Teachers and masters came to believe that it was necessary and indeed normal ‘for boys to be beaten, to undergo hardship, in short, to be toughened’, as these beatings were seen to prove masculinity. The violence of corporal punishment within these institutions mirrored the ‘broader social context of settler violence in Natal’. Many of the boys graduating from such schools became farmers, government officials or magistrates in the colony. As members of the ‘superior and civilised race’, these men exercised power and control over African men, often expressed through the physical violence of flogging.” See Peté & Devenish 2005: 8–9. For a full analysis of the construction of white masculinity in colonial Natal, see, generally, Morrell 2001.

- 53 See, in particular, section 3 of Part 2 of this contribution.
- 54 Clearly, colonial Natal was by no means exceptional in the deployment of this trope. Ashcroft 2001: 43 points out that the “link between childhood and savagery is found everywhere in the post-Darwinian writings of Victorian travellers and explorers”.
- 55 *Idem* at 36–37. Ashcroft (at 42–43) also comments perceptively that: “The sense of childhood as a time of unformed nature and almost unlimited potential comes to characterize narrative perceptions of the empire’s own project of expansion and growth”, and that: “Talk in terms of dependence, of development, of benevolent and paternal supervision and of the ‘child’ or ‘childlike’ qualities of the ‘primitive’ peoples, mirrored the clear and unquestioned hierarchical structure of power relations which pertained to the middle-class Victorian family.”

filiation with affiliation. This ability to absorb contradiction gives the binary parent/child an inordinately hegemonic potency.

Ashcroft's nuanced description of the manner in which the primitive-as-child trope worked, namely its ability to manage "profound ambivalence" and "to absorb contradiction", fits the empirical data that emerge from the colony of Natal and that are discussed in detail in subsequent paragraphs. To the white settlers of colonial Natal, their perceptions of the threatening dangerous savage and the frustrating primitive man-child were two sides of the same coin or opposing ideological constructs, each of which existed in symbiotic tension with the other.⁵⁶ It is the contention of this contribution that fear of the "savage" and frustration at the "child" were two key impulses within the white colonial psyche.

Conceptualising the indigenous population as children in need of firm guidance and a helping hand up the ladder of civilisation, allowed the white colonists to rationalise the often violent and brutal process of colonisation as being "for their own good".⁵⁷ Measures to expand and enforce colonial control could be justified as part of a so-called civilising mission. But beneath all the talk of "uplifting the natives", the colonists were engaged in a social, political and economic struggle for control of the land and, in particular, of the labour power of the indigenous inhabitants of Natal.⁵⁸ It is within the protracted struggle for white control over black labour in colonial Natal that the final piece of the ideological puzzle examined here falls into place. If the natives were regarded as children by the white colonists, they were definitely not seen as being obedient and well behaved. Rather, they were regarded as rebellious and recalcitrant.⁵⁹ Furthermore, this conception of the

56 As to the construct of the primitive man-child, Ashcroft (*idem* at 40) points out that "the child" and "primitive man" are explicitly linked in the philosophy of Jean-Jacques Rousseau. He explains that "the child" is important to Rousseau "because childhood is the stage of life when man most closely approximates the 'state of nature'" and that "it is in Rousseau's writing that the unspoiled child and the natural man come together as interchangeable and mutually supportive concepts". Although Rousseau never used the term "Noble Savage" and it is beyond the scope of this contribution to trace the many meanings ascribed to that term, it resonates with Rousseau's idea of Man in a state of nature.

57 See section 5 *infra*, where this is discussed in detail.

58 See, in general, Slater 1975: 257–283; Slater 1980: 154; and Halpern 2004: 19–40.

59 See the many quotations contained in sections 3, 4 and 5 *infra*, in which the public representatives of the white colonists commented negatively on the

lazy and recalcitrant native who refused to perform his duty within the white patriarchal hierarchy of the colony, had everything to do with the frustrations that the white colonists experienced at being unable to gain easy access to cheap black labour. It took many decades for the self-sufficient and prosperous African peasantry in the region to be destroyed and eventually subsumed as labourers within the emerging regional and global capitalist economic system. During this time, a constant refrain within the discourse of white settlers in Natal – particularly those in rural areas and on farms – was that physical coercion was the only way to force the lazy, recalcitrant and child-like native to become a reliable worker.⁶⁰ To conclude this point, as David Killingray explains in the quotation below, it is worth noting that the colony of Natal was by no means exceptional in demanding that white employers be allowed to beat their black workers:⁶¹

In white settler colonies, where there was a direct relation between acquiring, controlling and exploiting African labour for profit, there was a constant demand if not an expectation that employers should have the right to punish workers physically.

The various strands of racist thinking discussed above, namely scientific racism and Social Darwinism, as well as the many racist tropes generated by white colonial fears and frustrations, all accompanied by a measure of unadulterated human malevolence, combine into a complex picture that reflects the white supremacist

allegedly rebellious and recalcitrant attitudes of the “Natives” towards their white “Masters”.

- 60 As noted by the present author in a previous work: “[R]acial domination was intimately connected to a system of labour coercion and exploitation within the colony The colonial state was [initially] too weak to destroy the strong and prosperous African peasantry. Thus the white settlers were forced to look to a coercive labour system based upon racial lines – rather than to the creation of a class of labourers subject only to the control of market forces. The coercive nature of social relations between whites and blacks in colonial Natal had a profound effect upon ideologies of punishment within the colony. Frustration at the shortage of labour amidst a large indigenous African population, as well as the desire to preserve a racially-based coercive labour system, clearly contributed to rampant racism within the ranks of Natal’s white colonists. For black offenders, this meant excessive exposure to harsh ‘sanguinary’ punishments – often in the form of whippings carried out with the notorious ‘cat-o-nine-tails’ – designed to subjugate the indigenous population through fear and physical pain.” See Peté 2018: 1–26 at 6–7.
- 61 Killingray 1994: 204.

ideology of colonial Natal. The final point to be made in concluding this brief theoretical discussion, is that brutal corporal punishment of the indigenous population catered to a range of somewhat contradictory imperatives dictated by the overall ideology. Not only was whipping seen as a powerful form of sanguinary punishment suitable for dealing with the rebellious and libidinous “native savage”, it was also seen as a suitable punishment for the “primitive child” who could not understand more sophisticated forms of correction, such as imprisonment.⁶² As mentioned above, the whip was also regarded as an essential disciplinary tool to spur on lazy workers. Furthermore, corporal punishment was regarded as a familiar form of punishment that was thought to be commonly applied within African society itself.⁶³ The final word in this discussion is left to David Killingray, who states as follows:⁶⁴

- 62 Anderson 2011: 496 articulates the latter point eloquently when he states that: “[S]ome counselled that to lock up the ‘raw native’ was inhuman because they did not comprehend the nature of the punishment, and simply ‘withered away and died’ in captivity; it was surely better to administer a flogging and set them free.”
- 63 According to Killingray 1994: 202: “Along with the idea that child-like people needed to be schooled and disciplined with physical force, the stick or whip was convenient, instant and closely related with the offence. It was, so its advocates argued, readily understood by Africans; coming from societies that inflicted brutal punishments on offenders, Africans clearly recognized, and indeed expected, physical abuse as the reward for misdemeanours. And in any case, it was argued, they had an ability to bear pain, ‘which the primitive African does not feel’.”
- 64 *Ibid.* Writing about the caning of juveniles in colonial Kenya, Ocobock 2012: 54–55 provides the following useful insights into the complex ideology behind this form of punishment: “Both Britons and Africans were familiar with corporal punishment as a means of disciplining the young. It should therefore come as no surprise that corporal punishment lay at the center of the British colonial state’s attempt to project its authority over younger generations in Kenya. Moreover, the caning of juveniles in the colonial theatre must not simply be historicized as a foreign or indigenous form of punishment introduced or borrowed by a coercive colonial state. Rather, corporal punishment bound a variety of members of the colonial community together in a relationship of violence with young people. Caning became an age-based disciplinary regime operating in productive tension across the colonial community to exert authority over the young. Whether a resident magistrate in Nairobi, farm manager in Kitale, schoolteacher in Maseno, chief or elder in Siaya, or father in Kiambu, corporal punishment had become a shared instrument of generational order.”

To the late Victorian mind Africa was still a place of “rude chaos”, the people child-like and societies disorderly. In the engagement with the modern capitalist world, order was required; indeed it was necessary for Europeans, if they wished to make any impression upon the continent, to impose their notions of order. In a colonial setting, ideas of racial superiority and modern discipline were closely related; both had to be upheld and advanced not only by example and direction but also when necessary by curt correction. Raw African labour needed to be trained and disciplined, and the most effective and economic way was by physical persuasion. For caravan porters and carriers, whether they were organized by traders, missionaries, hunters, or the military, and later for farm and mine labour, “the whip that talks” was a common and constant form of discipline and coercion.

3 Whipping under the Natal Masters and Servants Ordinance of 1850

One of the first public debates on the topic of whipping as a suitable form of punishment – particularly for Africans – took place in 1876. At that particular time, the white supremacist ideology that dominated the thinking of many of the white colonists throughout the colonial period may well have been amplified by recent memories of the Langalibalele Rebellion of 1873, which was followed by the high-profile trial of the Hlubi chief in 1874.⁶⁵ It should also

65 Marks 1970: 67; Guy 1994: 89. Referring to the early 1870s, Etherington 1988: 50–51 states that: “There were many powerful forces of change at work in southeast Africa at this time which created unease among the colonists. Within Natal, Africans were emerging as formidable competitors in agriculture and transport. In independent and semi-independent African politics – among the Sotho, the Shangane, the Swazi, the Pedi – similar processes of economic transformation were under way which nurtured fears of well-armed black allies mounting a general challenge to white dominance. The railway construction programmes of the Cape and the rush for diamonds at Kimberley increased and redirected flows of long-distance labour migrants. The peculiarly lawless and wild society which sprang up on the diamond fields was quite unprecedented in South African experience; the fields were known to be a school for every kind of vice and a source of firearms for the black men who worked there. On the other hand, very little was known about the state of Zululand. It was suspected that Mpande was in an advanced state of decrepitude and that Cetshwayo, the heir apparent, intended to resume the warlike ways of his ancestors. In September 1871 a rumour flew through the colony that Cetshwayo was about to cross the Tukela [*sic*] river at the head of an invading army.”

be remembered that the years immediately following 1876 marked the tense period leading up to the British invasion of Zululand in 1879.⁶⁶ The uncertain political and economic climate almost certainly influenced the tone of the public debate examined below.

In terms of the Masters and Servants Ordinance, magistrates in the colony of Natal were empowered to order the whipping of servants for offenses against their masters.⁶⁷ The fact that servants could be whipped for what were – essentially – civil misdemeanors in the realm of labour relations, was not unusual in the colonial context. It was part and parcel of an ongoing white colonial obsession with obtaining, controlling and disciplining black labour. Corporal punishment played an important role in achieving these aims. As David Anderson states:⁶⁸

Education of Africans into the discipline of labour was something that many colonial administrators and missionaries believed to be an important part of the civilising mission of colonialism, and punishment could thus be justified as a means toward an end. The settler flogged labourers on the farm and servants in the home, while the state flogged its criminals (often even for very petty offences) and commonly administered the cane to juveniles. For the colonised in both Natal and Kenya, corporal punishment was very much a feature of colonial control, whether administered by the state or by the settler: in reality, it is to be doubted that the difference between the two was at all clear.

The provision for whipping in the Masters and Servants Ordinance led to an ongoing dispute between the English colonial authorities, represented by the Lieutenant Governor of Natal and various government officials, on the one hand, and the colonists, represented by the elected members of the legislative council of Natal, on the other. The former considered it utterly wrong to inflict flogging for

66 Guy 1994: xix.

67 Masters and Servants Ordinance 2 of 1850. The use of corporal punishment in response to so-called labour-related offences was not unique to colonial Natal. For example, in referring to the extensive use of corporal punishment in colonial Kenya in the 1920s, Ocobock 2012: 41 notes as follows: “In the early 1920s, the rattan cane was most commonly used to discipline Africans accused of labor-related offenses. Employers and police brought African employees before magistrates for a variety of labor-related crimes such as failing to carry a work permit, being absent without permission, and desertion. The cane disciplined African laborers and placated anxious non-African employers.”

68 Anderson 2011: 496.

offences, such as misconduct, neglect, disobedience, bad conduct and absence without leave. In the years leading up to the debate of 1876, they urged that this harsh form of punishment “be restricted to crimes of violence or brutality, to which it is appropriate”.⁶⁹ The following view expressed by the Secretary of State indicates the dim view taken by the English authorities towards the whipping of servants for trivial offences of the kind mentioned above:⁷⁰

[T]he infliction of flogging for these trivial offences, is in my opinion unnecessary, liable to great abuse, at variance with sound and equitable legislation in Native matters, and finally is a stain on the Statute book such as I can hardly permit myself to doubt that the Natal Legislature when urged thereto by you will hasten to remove.

The matter came to a head in 1876, when the Lieutenant Governor of Natal put forward a Bill that proposed to abolish the punishment of whipping, which could be imposed for offences under the existing Masters and Servants Ordinance.⁷¹ In the Lieutenant Governor’s own words, the Bill was “viewed with the strongest disfavour in the Legislative Council”, and was thrown out on its second reading.⁷² This strong reaction laid bare the wide ideological gulf that existed between the English authorities and the colonists on the issue of the most suitable punishment for black offenders – including civil offenders against labour legislation – in the colony. The Natal government officials who gave voice to the views of the English colonial authorities were of the view that a measure allowing harsh physical punishment of servants for minor offences in terms of the Masters and Servants Ordinance would deter prospective servants from entering into employment with the colonists. Always desperate to reduce the costs of colonial government and to ensure that the colony was adequately supplied with black labour, these officials believed that the clause in the Ordinance authorising whipping for civil labour-related offences contributed to the ongoing universal shortage of black labour.⁷³

69 Pietermaritzburg Archives Repository (NAB) Government House (GH) 58 Despatch 325: Kimberley to Pine, 17 May 1873 paras 3 and 7.

70 NAB GH 64 Despatch 59: Carnarvon to Wolseley, 30 Apr 1875 para 6.

71 Bill 9 of 1876 (Natal) (To Alter and Amend the Ordinance No 2, 1850, Entitled Ordinance for Regulating the Relative Rights and Duties of Masters, Servants, and Apprentices).

72 NAB Colonial Office (CO) 179/124: Bulwer to Carnarvon, 30 Aug 1877 para 1.

73 See 28 Sep 1876 *Natal Witness*.

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From the earliest date at which it became my duty to administer the Master's and Servant's Law, I have felt that every lash inflicted under it was doing the employers of labour generally a great dis-service.

This argument may have carried weight in England, where the vision (however unrealistic) of a society based on a broad social consensus – namely, workers and employers equally committed to a single harmonious social entity – could still be defended.⁷⁴ In colonial Natal, however, it was an entirely different kettle of fish. The relationship between employers and workers in the colony was characterised by the strict racial and hierarchical division between white colonial “masters” on the one hand, and black colonised “servants” on the other. This relationship was not founded upon the hope of achieving some or other mythical social consensus, but rather on racial domination backed up by naked physical coercion.⁷⁵

In contrast, the white colonists of Natal were clearly not concerned that harsh corporal punishment meted out to their servants would exacerbate the problem of ongoing shortages of black labour.⁷⁶ Indeed, they existed in a different ideological universe to the English colonial authorities. Instead of espousing the ideology of consensus, rehabilitation and reform, the colonists and their representatives spoke the language of white supremacy and sovereignty. It was the language of the white colonial master – a language with its origins in pre-modern times, designed to express the power of the absolute monarch, the feudal lord, the slave owner and the all powerful *pater familias*.⁷⁷ In general, the white farmers

74 See Ignatieff 1978: 72.

75 Support for this contention is to be found in the voices of the colonists themselves, which emerge from the many quotations in both Parts 1 and 2 of this contribution. See, also, Peté 1986: 99–114.

76 Regarding the sometimes conflicting attitudes of Natal's white colonists towards black labour, as well as the ongoing obsession of many white colonists with obtaining access to and controlling the labour power of the indigenous population, see Slater 1975: 257–283; Slater 1980: 154; and Halpern 2004: 19–40. See, also, in general, Peté 2008: 66–83; and Swanepoel & Peté 2019: 169–198.

77 Of course, care should be taken not to take this argument too far. While the savage whippings that took place in colonial Natal seem quite close to the pre-modern sanguinary roots of this form of punishment, the caning of juveniles in courts, schools and homes – well into the twentieth century – in both Britain and its colonies, seems somewhat less pre-modern. It is also clear that this form of punishment was not reserved exclusively for “black savages” in the colonies. As Ocobock 2012: 54 notes in relation to the caning

of colonial Natal did not view their relationship with their black servants through a modern lens. There is no indication in the various pronouncements of their representatives on the issue of corporal punishment that they conceived of this relationship as one of formal equality between employer and employee. Instead, the relationship between white and black on the farms of colonial Natal was defined by the ideology of white supremacy.⁷⁸ Within the white colonial view of the world, the white man was in no uncertain terms regarded as the master, and the black man, by the very fact of his blackness, as the servant. It was regarded as natural that the black man should be the servant of the white man, since the so-called uncivilised black man was often regarded as being little more than a savage. It was thought that the only way in which to impress upon an ignorant black savage that he must faithfully serve his so-called civilised white master, was through the imposition of physical pain. All this is apparent in the following responses by various members of the legislative council of Natal to the colonial government's argument that the whipping of servants should be abolished:

Mr Saunders did not think it desirable to abolish the flogging of natives under the ordinance Natives were not fit to be brought under civilised laws.⁷⁹

of juvenile offenders in colonial Kenya during the first half of the twentieth century: "The corporal punishment of young people was not simply a violent, racialized colonial aberration of British imperial rule. It was a common feature of juvenile justice in Britain and the rest of the western world. In Britain, government used corporal punishment to discipline young people beyond parental control Caning died a slow death in the western world. It was not a pre-modern form of punishment banished by high-modernist methods of discipline to far flung imperial territories. Rather, the final outpost of the birch rod was not a British colony but the British school system, which finally banned corporal punishment in state schools in 1986 and private fee-paying schools only in 1998."

78 In support of this contention, as well as those in the rest of this paragraph, see the numerous references in many of the quotations *infra* to the "savage" nature of the "Natives", as well as to the challenges faced by their white "Masters" in maintaining control over them. Although it would probably not be accurate to characterise *all* relationships between black and white in the colony in this way, it is submitted that the colonial voices that we hear through these quotations represent the typical attitude held by many white colonists at the time.

79 See 28 Sep 1876 *Natal Witness*.

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The Rev. Mr Newnham [said that e]ver since he had been on a farm, when a Kafir had misconducted himself, he had him flogged The fact was, a Kafir liked a master who was masterful.⁸⁰

Mr Hartley said ... that a Kafir could only be reached through the skin. It was possible to reach his skin by other means than flogging, and that was by exhausting his knee-joints at the treadmill.⁸¹

Mr Aiken [said that d]eclining to work was a greater offence towards a master at certain periods than theft. He ... spoke very warmly against the bill.⁸²

In addition to emphasising that the natives were on a lower plane of civilisation and that the infliction of physical pain was the only effective punishment, the representatives of the colonists pointed out repeatedly – as is clear from the quotations below – that the punishment of imprisonment was completely ineffective as a means of punishing black offenders. In the eyes of the white colonists, the stigma usually attached to imprisonment as a form of punishment – which, in the case of white prisoners, was thought to imbue this form of punishment with much of its deterrent effect – was completely missing in the case of black prisoners:

Mr King said if flogging was abolished here, imprisonment would be of no service in its place. The only punishment a Kafir feared was that of the lash. The amount of money he lost by being in prison was very little, and he was well fed, so that it was scarcely any punishment at all to him. It was perfectly absurd to treat Kafirs as they would white persons; while a Kafir remained a savage, he should be treated as such.⁸³

Mr J N Boshoff thought that ... [w]hipping was no degradation to Kafirs, and only a punishment so far as the pain was concerned. They knew what kind of servants they were, and if this punishment were not allowed there only remained imprisonment, which ... was no punishment to them. In many cases the Kafir had such a thick skin that whipping had little effect.⁸⁴

Major-General Lloyd [said that i]mprisonment was no punishment to a Kafir, and something else must be substituted if flogging was abolished.⁸⁵

80 *Ibid.*

81 *Ibid.* See, also, Peté 2007: 111–125.

82 See 28 Sep 1876 *Natal Witness*.

83 *Ibid.*

84 *Ibid.*

85 *Ibid.*

Mr Greenacre also thought flogging alone was the way to reach the natives, and except some other punishment than imprisonment was substituted, he should not vote for the bill.⁸⁶

Clearly, the prisons of colonial Natal were not simply institutions designed to reduce crime by reforming criminals in the true sense of the word. Rather, they were, to a significant extent, instruments of social control, directed at the maintenance of white colonial power and authority over the subjugated indigenous population.⁸⁷ But, as is clear from the sentiments expressed in the above quotations, the white colonists did not regard simple imprisonment as up to the task of exercising the control required over a reluctant and periodically rebellious local population. In the minds of the white colonists, whipping was indispensable as a method of maintaining colonial order and protecting European civilisation in this part of Africa.

At a metaphysical level, it is submitted that the ideological perceptions of the white colonists in Natal were motivated by equal measures of racist paternalism and fear of the surrounding black population. The white settlers perceived themselves as being surrounded by overwhelming numbers of savage tribesman, against whom there would be no defence should a general uprising against

86 *Ibid.*

87 The Masters and Servants legislation discussed in this section is only one example of a law that was directed at social control rather than at preventing crime in the proper sense. It is beyond the scope of this contribution to list all the many laws, including the borough bylaws, passed in Natal during the colonial period that were primarily aimed at controlling the movement and behaviour of the indigenous population, particularly when in so-called white towns. Jeremy Martens 2002: 382–386, in detailing the legislative legacy of the 1886 rape scare in Natal, gives examples of this type of social control legislation. One example cited by Martens was “Law 15 of 1869, which, for the first time, empowered Natal’s urban authorities to enforce a night curfew for black people and to apprehend ‘idle, disorderly, or suspicious’ persons” (at 382). Further confirmation of the fact that the law was used extensively in colonial Natal as a means of social control over the indigenous population is provided by the Natal Prison Reform Commission of 1906, which noted specifically as follows: “The Natives are not only subject to their own special laws, of which there are many contraventions, but also to a number of artificial restraints and disabilities, chiefly when in towns, which go to swell the number of offences committed by them.” See *Report of the Prison Reform Commission*, Pietermaritzburg, Natal (28 May 1906) GN 344 *Natal GG 3542A* of 5 Jun 1906 at para 67.

white colonial rule occur.⁸⁸ Firm and strict control over the black population was essential to prevent such a situation from ever developing. The authority of the white man and of white civilisation had to be maintained at all costs. Any black challenge to white authority or civilisation had to be dealt with swiftly and severely, to prevent it from escalating to open rebellion. Any slackening on the reins of control could lead to disastrous consequences and the natives had to be kept most emphatically in their place.⁸⁹

The whip and the cat-o-nine-tails were regarded as powerful instruments for the protection of white bodies against physical threats, and for the defence of white values and civilisation against metaphysical threats.⁹⁰ Furthermore, and in line with the civilising mission of the white colonists, they were regarded as instruments for the necessary guidance of the indigenous population.⁹¹ As Paul Ocobock notes in describing the various pedagogical functions performed by corporal punishment in the colonial context:⁹²

Whether a method to punish criminal behavior, display racial superiority, or inculcate labor discipline, corporal punishment became an “essential pedagogical tool” of the colonial encounter, teaching through physical violence.

All the above helps to explain why the white colonists of Natal were so tenacious in their defence of the whip as an indispensable instrument for the punishment of black offenders in particular. The

88 See section 2 *supra*. See, also, for example, the discussion in section 4 *infra*, which examines the insecurities faced by the colonists around the time of the Anglo-Zulu War and its aftermath, as well as their general mindset in response to this insecurity.

89 The roots of white fear and insecurity are discussed in section 2 *supra*. White fear, coupled with the desire to maintain firm control over the indigenous population, is a theme that runs throughout the discussions in both Part 1 and Part 2 of this contribution.

90 This will become apparent from the discussion *infra*, as well as in Part 2 of this contribution. See, in particular, the reference to the Cult of the Cat in section 4 of Part 2.

91 As has been discussed in section 2 *supra* with regard to the common colonial racist trope in terms of which members of the indigenous population were regarded as primitive children in need of firm guidance by their white colonial masters. This will become further apparent in the discussion *infra* and in Part 2 of this contribution.

92 Ocobock 2012: 29.

1876 attempt of the Natal government to abolish whipping was therefore not successful.⁹³

The debate did not mark the end of the public discussion of the issue of flogging as a suitable form of punishment for Africans. Seven years later the issue was raised once again when it dominated a number of separate public debates on the punishment of the different categories of African offenders. These categories included prisoners, (again) recalcitrant servants under the Masters and Servants Ordinance, as well as natives who had allegedly committed so-called outrages against white women in the colony. Each of these are discussed separately in the paragraphs that follow.

4 The Private Flogging of Prisoners Bill 6 of 1883

From the perspective of public discussion on the issue of punishment, particularly corporal punishment, the year 1883 was to prove extraordinary in the colony of Natal. A series of public debates on this issue took place during that year, starting in July with a discussion on the flogging of prisoners. Before proceeding to that discussion, however, it is necessary to describe the general context within which these debates took place.

As will become apparent, the social, political and economic conditions prevailing in the general region at the time were unstable and insecure, feeding into white anger and fear. The Zulu kingdom was in a state of flux politically, having been destabilised by the British invasion of 1879 and a subsequent civil war, which was slowly drawing to a close in 1883.⁹⁴ It was also undergoing economic changes, with more and more of the indigenous inhabitants of Zululand being forced to leave their homesteads to seek paid work elsewhere.⁹⁵ Whipping clearly played an important part in

93 This is apparent from the fact that the issue of whipping under the Masters and Servants Ordinance was to come up for debate again in 1883. See para 5 *infra*.

94 Peté & Devenish 2005: 7.

95 Summarising the work of Jeff Guy, Shula Marks and Robert Morrell, the author of this article and Annie Devenish (*idem* at 7 n 30) state as follows: "Guy emphasises that by the 1880s the agricultural autonomy of African homesteads was being undermined and a significant number of Zulu were beginning to leave their homesteads in search of employment on mines, farms and railways or as domestic workers in neighbouring colonies. The British invasion of the Zulu kingdom in 1879, civil war in Zululand and colonial

controlling members of the indigenous population, once they had been drawn – by social, political and economic forces beyond their control – into the coercive capitalist labour system of the colony.

In 1883, the Natal government introduced a Bill in the legislative council that proposed to abolish the public flogging of prisoners.⁹⁶ This was an attempt to bring penal practice in line with that of the “mother country”.⁹⁷ In introducing the second reading of the Bill on Monday 16 July 1883, the Acting Colonial Secretary stated as follows:⁹⁸

It is, I believe, acknowledged by every civilized community that the flogging of prisoners, that is, the flogging of prisoners outside the gaol walls, exposed to the public gaze, with its demoralizing, degrading, and I might even say, its brutalizing influences, is neither justifiable nor defeasible.

He further pointed out that many years had elapsed since a prisoner had been flogged in public in the colony. He made it clear that the purpose of the Bill was not to abolish flogging, but rather to ensure that floggings be administered in private within the gaol walls.⁹⁹ Although he also stated that he did not anticipate any resistance against the Bill, he was soon to be disabused of this notion.¹⁰⁰ The Bill received an extremely hostile reception, with almost every member of the legislative council speaking out against it.¹⁰¹ The mood among the white colonists was dominated by anger and fear, with the issue of “outrages” allegedly committed by black men against white women being prominent in the minds of many. Speaking in opposition to the Bill, Mr T Shepstone drew attention to the differences between “European communities” and “the circumstances of this Colony”:¹⁰²

seizures of African land contributed to this economic breakdown. Marks also cites the increasing indebtedness and poverty of Africans, as a result of a lack of access to land and over-population within African reserves as factors.” See, also, Marks 1970: 120–122; Morrell 2001: 32; Guy 1994: xix.

96 The Private Flogging of Prisoners Bill 6 of 1883.

97 See NAB GH 372 Circular Despatch: Carnarvon to Bulwer, 7 Jan 1878; and NAB GH 382 Circular Despatch: Derby to Bulwer, 18 Jan 1883.

98 *Debates of the Legislative Council of the Colony of Natal* at 30.

99 *Ibid.*

100 *Ibid.*

101 *Idem* at 29–35.

102 *Idem* at 31.

It is quite possible, and I am not prepared to argue against it, that in entirely European communities public flogging, and perhaps flogging itself, ought to be abolished. But the circumstances of this Colony are exceptional, and I am not prepared to admit that flogging in public ought to be done away with here.

It quickly became clear that the issue of colonial control, based on the ideology of white supremacy, was uppermost in Shepstone's mind. Referring to a number of recent cases in which white women in the colony had allegedly been attacked by black African offenders, he stated as follows:¹⁰³

I do not think it is wise for hon. Members to shut their eyes to what is passing around us. When we have a native population such as we have here in this Colony, and when crime of a particular nature is increasing – as I am sorry to say it is – amongst us it would be injudicious, I think, to abolish public flogging, and I certainly could not vote for it. Flogging in public is not so much administered as a punishment to the criminal, as it is to act as a deterrent to others. I am sorry to say that within the last four days there have been to my knowledge and that of the Magistrate of this City no less than four cases of assault on females by natives, one of which ended in the murder of the victim, and Sir, I cannot stand here and admit that flogging in public should be abolished when I know that crimes like these are being perpetrated daily in our midst ... I say that there are exceptional circumstances under which this public flogging ought to be administered.

It is clear from the above that in terms of white supremacist thinking at this time, as will be discussed in greater detail below, attacks on white women by black men were regarded as the ultimate challenge to white colonial authority and its patriarchal hierarchy.

One of the next speakers against the Bill was a certain Mr Reynolds. His views clearly reflect the influence of Social Darwinism¹⁰⁴ on the particular variant of colonial racist ideology and white supremacist thinking, which was prevalent in the colony of Natal at that time. Reynolds clearly believed that the indigenous inhabitants of the colony occupied an intermediate social evolutionary niche, somewhere between savage and civilised.¹⁰⁵

103 *Ibid.*

104 See section 2 *supra*.

105 Later speakers, such as Mr Richardson, were clearly also of this view. Since the so-called natives still occupied a savage state, it meant that the normal considerations that would apply when dealing with members of a so-called civilised society did not apply: "When the Acting Colonial Secretary used the terms 'demoralising, degrading and even brutalising' with reference to public

As is evident from the quotation below, Reynolds seemed to regard Africans in the colony as naturally suited to occupy the role of “obedient servants” to their white colonial masters, but believed that any higher aspirations on their part would inevitably lead to trouble. Public flogging of native prisoners would serve to drive the message of white supremacy home to the indigenous population at large:¹⁰⁶

I contend that public flogging is necessary in the transitional state of the natives. There are many members present who have resided in the Colony for years who know as well as I do that the native Zulu was once a tractable, docile and obedient servant. He was afraid of the sjambok, and you may depend upon it that nothing but that will make him dread doing wrong As to the flogging being done publicly, I say the more publicly the better. The native will fear and respect the white man by this punishment rather than by leniency and a desire to close our eyes to what is passing around us. We are in a transitional state, and the native is daily getting more and more obtrusive upon us. I assure the House that unless we can impress upon the natives the terror of vice and wrong doing so certainly will they tread upon our corns.

It would seem from the above that Reynolds regarded fear in the minds of the natives as being synonymous with “respect” for the “white man”. This is not surprising, given that respect based on fear is a characteristic of many hierarchical and authoritarian social structures. The views put forward by Reynolds also reflect the “white fear” that lay just below the surface of the racist and white supremacist ideology motivating those views. The ideological mechanism which seems to be operating here is that of white fear driving a white supremacist ideology, which is obsessed with creating fear in the minds of the natives. Neither was Reynolds the only one to have held such views. The belief that the flogging of natives had to be public in order to create fear in the minds of the indigenous population was reflected over and over again in the

flogging, he seems to have forgotten the state of our native population, and it seems to have escaped his memory that the crimes which come under our own Law as punishable by flogging will under their own Law be severely punished, even by death.” See *idem* at 33.

106 *Idem* at 31. The theme of the indigenous population being at a different evolutionary level to the white colonists was also expressed in less subtle ways, with Mr Randles stating that he thought there was “a certain class of animals in this Colony walking on two legs whom only flogging will bring to their senses” (see *idem* at 33).

views expressed by members of the legislative council. Mr Hulett, for example, stated as follows:¹⁰⁷

Mr. Speaker, flogging is essentially necessary in many cases, not only necessary to those that are flogged, but necessary for the surrounding population as a warning, and in that respect it must be in public. The private flogging of a native is perfectly useless for a moral influence on his fellow-countrymen. Therefore, to pass this Bill would really be to do away with what at the present time is a terror to the Kafir generally.

Hulett was clearly of the opinion that the greater the “terror” that existed in the minds of the African population, the better. Another speaker, Mr Mellersh, went so far as to suggest that the only negative emotion the natives of the colony were able to feel, was fear:¹⁰⁸

[W]e know perfectly that the crimes mentioned in this House to-night can never be stopped by any other means than flogging, so far as our natives are concerned. They have no morbid feelings about them, nor feelings of any kind except fear.

The view that the only effective way of deterring crime committed by the natives of the colony was to create fear and terror in the minds of the African population by means of flogging, was shared by Mr Boshoff, who once again touched on the hot-button issue of the interactions between Africans and white “ladies”:¹⁰⁹

I think it might do good to bring in a Bill to prevent natives annoying ladies with insulting expressions by ordering flogging in the Market Square In my days in the Cape Colony flogging was carried out a great deal, and in those days one seldom or never heard a Kafir or any other black say anything against anybody; they take good care not to, and

107 *Idem* at 33. Yet another example of the view that public flogging was the only truly effective deterrent for native offenders was expressed by Mr Randles: “[T]here is only one way by which to teach a certain class, and that is by means of the lash. I never saw but one flogging, and that was some years ago in the time of Chief Justice Harding. He ordered the flogging, and the influence that it had at that time over the natives, and especially on the particular crime for which the flogging was inflicted, was such that there was a stillness through the land for a time.” See *ibid*.

108 *Idem* at 35. The supposedly unique link between fear and flogging in the minds of the indigenous population of colonial Natal was further emphasised by Mr Kershaw: “[W]e know as a matter of fact that if there is one punishment which a native dreads it is flogging If this mode of punishment has a deterrent effect on the natives, by whom we are so largely surrounded, this House should hesitate before relaxing it.” See *ibid*.

109 *Idem* at 33.

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there was much less mischief with them then than there is at the present time. I think it would go a long way if a dozen or half-a-dozen Kafirs were flogged in the Market Square; we would no longer hear of insults to ladies, and they would be safe.

The fact that an “insulting expression” was regarded as being worthy of a public flogging indicates the position occupied by white women within the racial hierarchy that underpinned the white supremacist ideology at the time. For a black man to “insult” a white woman in public was seen as an open act of defiance against the entire white colonial order. As will be seen in Part 2 of this contribution, social interactions of this kind took on an entirely different social meaning when viewed through the lens of Natal’s white supremacist ideology.

Yet another theme to emerge strongly in the debate over the public flogging of prisoners, was the attitude of many white colonists that the authorities in England – and those who took orders from them in the colony – did not understand the indigenous population in the same way that the white colonists did. As is seen in the discussion below, the view that the English authorities and their colonial lackeys were guilty of excessive sentiment when it came to the natives was expressed repeatedly.¹¹⁰ There was a strong feeling among the members of the legislative council that the white colonists, and not the English authorities, knew what was best for the indigenous population of the colony.¹¹¹ This clearly reflects the strongly paternalistic strand within the white supremacist ideology that dominated the thinking of many white settlers at the time. In the same way that the settlers thought that they knew best what was good for their own children, so they believed that they knew best what was good for the natives, whom – due to the effects of white supremacist ideology – they regarded as children.¹¹² In addition to

110 In modern parlance, it seems fair to say that they were being accused of being so-called bleeding hearts.

111 Anderson 2011: 480 notes precisely the same attitude amongst white colonists in Kenya: “Kenya’s settler iconography demonised a parsimonious and unimaginative colonial administration in London for having shackled and constrained European initiative, in favour of the protection of African interests. In the settler view, it was they, not the government, who best understood ‘African interests’ and it was white settlers who should therefore have been allowed to dictate the policies to be applied to ‘the native’.”

112 See section 2 *supra* regarding the common colonial racist trope in terms of which members of the indigenous population were regarded as primitive children in need of firm guidance by their white colonial masters.

their know-it-all attitude with regard to the “natives”, the white settlers and their representatives also felt highly insulted and aggrieved when being told by outsiders – the colonial authorities, who were under the sway of public opinion in England – how they should treat the indigenous inhabitants of the colony. The rather overblown sense of grievance that emerges from the statements of certain of the representatives speaks also, perhaps, to the existence of a white colonial inferiority complex. This all is apparent from the views of Mr Robinson set out below:¹¹³

This measure, Sir, is undoubtedly another instance of that system of pandering to the cries of those sentimentalists at Home who call themselves philanthropists, though they are, I venture to say, in many respects the worst enemies the natives have. Now, Sir, it is in the interest of the natives ... that I should oppose this Bill [W]e should not – in order to propitiate and conciliate the goodwill and respect of people who will never afford to us their respect or goodwill – be guilty of an act that might recoil on the Colony in an increase of the foulest crimes.

The particular brand of white supremacist and racist paternalism that was prevalent in colonial Natal, coupled with its strong sense of grievance, emerges clearly in the above quotation. This received further expression in the views of Mr Crowder:¹¹⁴

This Bill is brought before the House just to satisfy, as I have said, the morbid sentiment of people who do not understand in the slightest degree the state of society out here, or the needs and necessities of the natives and what is best for them. I do not believe there is one hon. member sitting round this table who would injure a native, but who would not on the other hand, to the utmost of his ability, help raise the native in the scale of being.

Crowder’s words – in particular his reference to the “scale of being” – indicate, once again, the strong influence of Social Darwinism on the thinking of many white colonists at this time. The colonists clearly regarded themselves as agents of salvation and civilisation, dedicated to uplifting the indigenous population to a higher level of social evolution. But in order to uplift the natives, they had to be kept firmly in their place for their own good. The white colonial logic of the time was crisply expressed by Mr Walker: “It is neither humane nor safe not to keep the natives in their place.”¹¹⁵ As long as the natives

113 *Debates of the Legislative Council of the Colony of Natal* at 34.

114 *Idem* at 32.

115 *Idem* at 33.

remained “children” in the social evolutionary sense promoted by the Social Darwinists – so went the logic – they had to be treated as such for their own protection. This deeply racist and patronising view of Africans as being the equivalent of children, as people who were still at an early stage of social evolution, clearly played an important part in the white supremacist ideology of colonial Natal. It enabled the white colonists not only to justify the brutal flogging of the African inhabitants of the colony, thereby alleviating their fear of being attacked and wiped out, but also to feel good about doing what was seen to be best for the Africans themselves. This emerges clearly in the following words of Mr Garland:¹¹⁶

[I]n view of the large population that we have around us, and with the experience I have had in witnessing the result of flogging upon the native mind, if very similar to that which was conclusive to my mind as a boy at school. I never had a public flogging at school, but I had to witness other boys being flogged, and it was quite enough for me I assure you. I hadn't to be flogged myself; the influence upon my mind of the sufferings of the poor boys and the shame they felt was quite sufficient for me. I believe that the mind of the native population is very similar to what is found in the boyhood of our life.

In response to the overwhelming barrage of negative opinion discussed above – infused as it was with the virulent white supremacist ideology of the time – the Acting Colonial Secretary stated the obvious:¹¹⁷

I ... regret that a good many arguments have been used against the Bill on account of its application to natives. It is plain that nearly every member who has spoken had only in his mind the public flogging of natives.

There is little doubt what the representatives of the white colonists would have thought of this comment. Needless to say, the Bill was rejected when it was put to the vote.¹¹⁸

5 Whipping under the Masters and Servants Ordinance of 1883

Just over a month later, the topic of whipping came up for debate in the legislative council once again. This time it centered around the

116 *Idem* at 35.

117 *Ibid.*

118 *Idem* at 36.

question of whipping under the Masters and Servants Ordinance, which had been debated in the council seven years earlier.¹¹⁹ It would soon become apparent that the almost fanatical devotion of the white colonists to whipping as a form of punishment – specifically for Africans who in any way resisted white colonial and patriarchal authority – was as strong as ever.

The immediate cause of the new debate in August 1883 was a number of petitions to the government by various groups of white settlers, complaining of “the insubordination and general bad behaviour of the Kafir boys coming under the Masters and Servants Ordinance” and for which the petitioners felt there was “at present no adequate remedy”.¹²⁰ Of particular concern to the white colonists was a stratagem that had been adopted by the government (or rather, the executive authorities who took their orders directly from London) to limit whipping under the Ordinance. After failing to have whipping under the Ordinance officially outlawed in 1876, the government had simply issued an executive instruction requiring that any sentence of whipping by a magistrate under the Ordinance be approved by the governor before being executed. According to Mr Mellersh, a member of the legislative council who spoke on behalf of the petitioners, this instruction effectively prevented magistrates from ordering a whipping under the Masters and Servants Ordinance:¹²¹

That instruction, of course, prevented the Magistrates from ordering whipping. The Magistrate can either whip or imprison but he cannot do both, and therefore he cannot keep the boy in prison until he receives the Governor’s decision. The consequence has been that no Magistrate sentences a boy to be whipped. This state of things has produced the present evil or most of it, for neither fine nor imprisonment is felt as a punishment by Kafir boys. They care for neither the one nor the other. The only thing they fear is a whipping.

119 See para 3 *supra*.

120 *Debates of the Legislative Council of the Colony of Natal* at 328. According to Du Bois 2015: 92–109, the petitioners were strongly in favour of harsh punishments for recalcitrant servants: “Indicative of the settler preference for harsh punishment was a series of petitions presented to the legislative council in 1883 calling for magistrates to be empowered to order whipping as a punishment for recalcitrant Africans. Two of the petitions came from residents of Weenen County. The third petition was submitted by Charles Reynolds (son of Thomas Reynolds) and 52 others of Alexandra County.”

121 *Debates of the Legislative Council of the Colony of Natal* at 329.

The colonists wanted the above-mentioned instruction to be revoked. They also requested the legislative council to nail its colours to the mast by unequivocally declaring its support for the view of many white colonists at the time, namely that whipping was a suitable and necessary punishment for African servants. As a consequence, on 24 August 1883, the following motion was put forward by Mr Mellersh for debate in the legislative council:¹²²

(a) That in the opinion of this Council, private whipping is a proper and necessary punishment to be inflicted on native boys in certain cases under the Masters and Servants Ordinance. (b) That a Respectful Address be presented to the Governor, requesting His Excellency to be pleased to withdraw his instructions issued to the Magistrates some years since, requiring them to reserve all sentences of whipping under the Masters and Servants Ordinance for His Excellency's approval, which instruction has virtually prevented the Magistrates from inflicting the punishment of whipping under the said Ordinance.

The tone of the debate was set by the following openly aggressive and racist statement by Mellersh, making plain both the deep fears and insecurities, as well as the considerable anger, felt by many white colonists at the time:¹²³

We have been going on too long in a sentimental manner. It is nothing but sentiment – pure sentiment. We have reduced the Colony, with regard to the Kafirs – not only Kafir boys in service, but all Kafirs – to a very dangerous condition, and if this sentimentalism goes on much longer, we will either have to shoot down the Kafirs, or the Kafirs will shoot down us. I don't know where it will end. The Kafir boys know they will not get punished, and consequently they get more impudent every day; they get greater confidence in themselves, and go on from one crime to another.

Mr Mellersh received the support of Mr Hulett, who described the instruction issued to magistrates as “an endeavour on the part of the Governor to over-ride the wishes of the Colony, and the distinct enunciation of this House”.¹²⁴ Railing against this “interference on the part of the Executive”, Hulett went on to explain – in a somewhat condescending manner typical of the white colonists at the time – that when it came to punishment, the English authorities did not properly understand the colonial context.¹²⁵

122 *Idem* at 328.

123 *Idem* at 329.

124 *Ibid.*

125 *Idem* at 329 and 330.

It is a vain attempt to treat the natives of this country exactly on the same lines as we would treat a civilized community. Since the virtual abolition of whipping under the Masters and Servants Ordinance there has been a growing increase of insubordination amongst the natives of this country.

In the minds of many white colonists in colonial Natal, coercive control over black labour by means of whipping, which was an essentially pre-modern form of sanguinary punishment, was absolutely essential. The prevention of any kind of insubordination or revolt that could be regarded as resistance to white authority went hand in hand with ensuring the subordination of black labour to white colonial interests.

The view that severe corporal punishment was the only effective manner in which to punish Africans – who were regarded by many white colonists as being uncivilised savages – was repeated over and over again. Mr Reynolds, for example, stated as follows:¹²⁶

I know from experience there is nothing a Kafir boy dreads so much as a whipping We have had a Bill introduced this Session tending to do away with flogging. Those who advocate this sort of thing little know how different it is dealing with the native races to what it is dealing with white people, and how little the natives feel flogging to be a disgrace in comparison to the feelings of white men. If proper chastisement is dealt out to Kafir boys, it will very often prevent them going wrong hereafter.

Yet another example of the white colonial view that whipping was the only effective way of “keeping the natives in their place” is to be found in the following opinion of Mr Garland:¹²⁷

All of us who have been some time in this country have been impressed with the fact that the native dreads very much more being flogged than he does going to prison, and it is under certain circumstances a really wholesome punishment, when it is wisely used, even under the Masters and Servants Ordinance.

There was some opposition from the Attorney General to the prevailing views expressed above, but he clearly knew that he was fighting an uphill battle in trying to change the minds of the representatives of the colonists on this issue. He did point out, somewhat despairingly, that their position on this issue was exceptional:¹²⁸

126 *Idem* at 330.

127 *Ibid.*

128 *Idem* at 331.

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All I can say is that I have searched through the Laws of the Cape Colony, Mauritius, and almost every other Colony, and I find there is no such punishment given for a contravention of Masters and Servants Ordinances.

The debate on 24 August 1883 was adjourned, but was resumed five days later on 29 August, when certain members of the legislative council began to express concerns about what the proposed motion – if passed – could mean for European boys who fell under the Masters and Servants Ordinance. Mr Escombe pointed out that, although the first part of the motion clearly targeted native boys, the second part of the motion could result in boys of all races being whipped for breaches of duty under the Ordinance. Opening the door to the whipping of European boys for what were essentially breaches of contract under the Masters and Servants Ordinance was, it would seem, not what those who supported the motion had in mind when they proposed it. As indicated in the quotation below, those supporting the motion were faced with an unpalatable choice, namely either maintain that it was acceptable for European boys to be whipped for breach of contract, or maintain that it was acceptable to pass racist legislation limiting the application of this barbaric form of punishment to native boys only. Mr Escombe explained the dilemma faced by those supporting the motion as follows:¹²⁹

What is there in the nature of the case that flogging should be confined to natives and should not be extended to Europeans and Coolies? Of course I do not contend that Europeans should be flogged under the Ordinance; the idea is so ridiculous and monstrous that the feeling of the whole of the Colony would be against such a proposition. But do we not profess as a Legislature to be above the distinction of colour in our legislation? If that be so, how can we inflict a flogging to natives which we would not apply to people of the same colour as our own.

Clearly, the twisted racist ideology that dominated the thinking of many white colonists at the time made this dilemma particularly difficult to resolve. Certain members of the council seemed prepared to bite the bullet and concede that, in order to avoid appearing to the world as openly racist, they would have to accept the possibility that white boys could also be subjected to corporal punishment under the Masters and Servants Ordinance. For example, Mr Woods responded to the dilemma posed by Mr Escombe as follows:¹³⁰

129 *Idem* at 368.

130 *Ibid.*

Endorsing, as I do, the principle of the motion of the hon. member for Klip River (Mr. Mellersh) that whipping is a proper punishment under the Ordinance, I think it should apply to white boys as well as native boys, and I therefore think it would be as well if the hon. member withdrew the word “native” in the first part of the motion. I don’t think it should appear to the world that this Council is hard on the negro.

Other members tried to sidestep the dilemma by avoiding the overt mention of race, instead emphasising the serious nature of the offences, which had to be countered by means of corporal punishment. What in other contexts may have seemed to be simple contractual infringements of a civil nature, became, in colonial Natal, a challenge to the sovereignty and authority of the colonists. Mr Walton, for example, stated that Mr Escombe had “stretched the point” and that, whereas he (Mr Walton) was quite inclined to agree that whipping was not a suitable punishment for a breach of contract, the motion was really concerned with “disobedience of orders” and “insubordination” and “such misdemeanors of that class as are committed by the youth of this Colony towards their masters and employers”.¹³¹ He further stated that:¹³²

There is no possible way of punishing certain children except by the rod, and I simply wish to place child-servants in the same category. If a child is placed under a master or mistress, and is disobedient or unruly, I think the Magistrate should be fairly left to adjudge a whipping if he thinks fit.

Within the racially charged atmosphere of colonial Natal, however, there was no way to avoid the issue of race from slipping back into the debate. Arguments in favour of the harsh corporal punishment of Africans in the colony were often couched in the language of concerned racist paternalism. For example, Mr Crowder vigorously opposed the argument put forward by Mr Escombe by touting the benefits of whipping over imprisonment for native boys:¹³³

I am absolutely opposed to the proposition which has been made by the hon. and learned member for Durban (Mr. Escombe), namely, that whipping is not a proper punishment for these offences – (Mr. Escombe: Breaches of contract) – by servants against their masters. The hon. member chooses to call them breaches of contract. I care not what he calls them. I maintain that imprisonment is no proper punishment for native boys. It is the curse of the country. It is bringing ruination on the

131 *Idem* at 369.

132 *Ibid.*

133 *Ibid.*

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country ... I am utterly opposed to the punishment of imprisonment on native boys. It only brings them into contact with hardened criminals, and turns them out of gaol in fourteen days prepared to do any amount of mischief.

The twisted nature of the white supremacist ideology that dominated white colonial thinking at the time is further illustrated by a somewhat bizarre turn then taken in the debate, as members of the legislative council began to grapple with the meaning of the word “boy”.¹³⁴ Everyone involved in the debate clearly knew that adult African men in the colony were referred to – and thought of – as “boys”. Part of the white colonial mindset was to think of the indigenous peoples as childlike savages, and to treat them accordingly. This deeply ingrained belief, together, no doubt, with the lived reality of a white colonist at the time, raised the following question in the mind of at least one member of the council, a certain Mr Binns:¹³⁵

I would ask the hon. member for Klip River (Mr. Mellersh) what meaning attaches to the word “boys” in his first resolution. Supposing the word “native” is taken out, and that the word “boys” bears the English meaning of the word, that is, boys of tender age, under the age of say fifteen or sixteen, then I should be inclined to support the resolution. But if the hon. member gives the meaning to the word that we are apt to give sometimes, that is applying the word to native servants of any age, then I should not for a moment support it.

After the bizarre turn described above, however, the debate returned to the central issue that had brought the topic to the forefront of white public attention in the first place, namely the desperate desire of the white colonists – particularly those outside the cities – to exert coercive control over black labour.¹³⁶ The framework of the colonial economy, constructed on a model of racial division and strict hierarchical control, was clearly a major influence on the white

134 See section 2 *supra*.

135 *Debates of the Legislative Council of the Colony of Natal* at 369.

136 The differences in the perceptions of the white colonists living in the towns, as opposed to those living in the rural areas, are well expressed in the following statement by Mr Robinson: “I feel grateful to those who have sent in these petitions for letting me, a townsman, know the full extent of the grievance which it is now sought to remedy. I am sure those petitions would not have been signed as they have been so generally throughout the Colony had there not been a general feeling that it was absolutely necessary that an existing wrong and grievance should be immediately remedied.” See *idem* at 370.

supremacist ideology of the time.¹³⁷ This is clearly reflected in the following practical opinion expressed by a certain Mr Reynolds:¹³⁸

I am not taking the philanthropic view of the case which other people who live out of this country may take, but as a large employee of labour, I say in all sincerity I believe it does a native boy good to have him chastised when he requires it without the intervention of any other power beyond the Magistrate's. We know that for the Magistrate to have to wait for the sanction of His Excellency removes half the terror of the punishment. I say the power of whipping is essentially necessary, and its application when required will do a boy good.

Mr Robinson then weighed in on the debate, with his view clearly reflecting the gulf that existed between the peculiar brand of racist ideology dominating the thinking of the colonists on the one hand, and the official ideological stance of the English colonial authorities on the other hand. A strong theme in Robinson's thinking, which was shared by many white colonists at this time, was that the local white settlers knew what was best for the indigenous population, since they knew and understood the natives in the same way that parents knew and understood their children.¹³⁹

[A]s I am a Colonial representative, I feel it much more my duty to defer to public opinion in this Colony than to defer to public opinion in distant countries, where the people are wholly ignorant, by personal experience, of the subject. I should be sorry indeed to pit foreign opinion against the public opinion of the Colony in a matter of this sort I shall support the motion of my hon. friend (Mr. Mellersh) if he consents to remove the words "on native boys" from the first section of it I do not consider I am in any way acting in a spirit of hostility or harshness towards the natives. On the contrary, Sir, I maintain that I am proving myself to be the best friend of the natives by putting an end to a constant source of irritation, which more than anything else must tend to produce sooner or later bad relations between the white and the black It is much better in the case of native delinquents to punish them sharply and severely by a moderate whipping than to thrust them into gaol for an indefinite period, and train them there as criminals who, in a short time, are let loose throughout the country.

137 For a detailed discussion of the manner in which racial definitions structured all aspects of life in British colonies under so-called indirect rule – such as was the case in colonial Natal – see Mamdani 2012: 1–2.

138 *Debates of the Legislative Council of the Colony of Natal* at 369.

139 *Idem* at 370.

Towards the end of the debate, in what seemed to be a clear message of defiance against the colonial authorities, Mr Randles gave a strong indication of what was actually happening on the ground in the colony in relation to the corporal punishment of African juveniles:¹⁴⁰

If boys who deserve a whipping are not to have it from the Magistrates the employers will soon take the matter into their own hands. Perhaps that will not be a very desirable thing, but it is done. I myself have done it many times. I have never taken a boy before the Magistrate, and I don't intend to take one. I have had Kafir boys handed to me with instructions to whip them if they are not good boys, and in some instances they have had a whipping.

The end of the debate turned out to be a bit of a damp squib, with the resolution that private whipping was “a proper and necessary punishment to be inflicted on native boys in certain cases under the Masters and Servants Ordinance” being withdrawn. What did go ahead was the respectful address to the governor, requesting that he withdraw his instruction to magistrates that sentences of whipping under the Ordinance had to be reviewed by him.¹⁴¹ Having passed the buck in this way, the members of the legislative council could presumably tell their constituents that the bleeding-heart English authorities, represented by the governor, were responsible for failing to take a firm hand (presumably clutching a whip) with the natives. Despite its somewhat anti-climactic ending, what does emerge clearly from the opinions expressed in the debate discussed above, is that the white supremacist ideology dominating white colonial thinking at the time had resulted in an almost fanatical belief on the part of the colonists that whipping was a necessary and indispensable form of punishment for Africans – particularly juveniles – guilty of disobedience when confronted by white settler authority.

6 Conclusion

Part 1 of this contribution sets out the basic hypothesis that the world views of many white settlers in colonial Natal were shaped by white supremacist ideology, which was deeply influenced by a cognitively dissonant mixture of patronising, paternalist concern on the one hand, and fear on the other. It is contended that this toxic

140 *Ibid.*

141 *Ibid.*

ideological mix gave rise to an almost fanatical belief on the part of the colonists that the infliction of physical pain through flogging was the only truly effective manner in which to punish the so-called natives for almost any type of infraction against white colonial sovereignty and authority. In examining the main strands of racist thinking that dominated white colonial thought at a global level, the origins and development of scientific racism and Social Darwinism were traced from the European Enlightenment starting in the late seventeenth century, to the apogee of this general line of thinking in the second half of the nineteenth and early part of the twentieth centuries. This thinking was then situated within the particular social, political and economic context of colonial Natal, and the role played by white fear and racist paternalism in shaping the white supremacist ideology of the colony was examined. The ideological role of the frustrations experienced by the white colonists at their inability to gain easy access to cheap black labour was also explained. Three public debates dealing with the issue of whipping as a form of punishment – for Africans in particular – were examined in turn. Two of these debates concerned the whipping of (mainly black) servants under the Natal Masters and Servants Ordinance and highlighted the extent to which the white supremacist ideology of colonial Natal was shaped by the coercive and racist hierarchical structure of its political economy, as well as by the frustrations of the white colonists at being unable to easily access and control black labour in the face of resistance to the colonial project by the indigenous population. The third debate examined in this contribution concerned the public flogging of (mainly black) prisoners and highlighted, *inter alia*, the extent to which fear and loathing shaped white supremacist ideology in colonial Natal, as evidenced by the dogged determination of the white colonists not to relinquish this brutal sanguinary form of punishment.

Part 2 of this contribution will examine the ideological implications of three further public debates that took place in the colony on the issue of whipping, namely the whipping of natives who had allegedly committed “outrages” on white women; the brutal manner in which the frequent whipping of black prisoners in the Durban goal was carried out; and the attempts to curtail the practice as part of a programme of prison reform just after the turn of the twentieth century.

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