

“How the British Stayed in Power in Early Colonial Natal”

Michael R. Mahoney, Yale University

Paper presented before the University of Natal, Durban, African Studies Seminar, 13 June

2001

From 1843 to 1879, European settlers in Natal – like settlers all over the world – lived in a constant and hysterical state of fear that the indigenous inhabitants of the territory in which they had settled would, as the saying went, “push them into the sea.” The fear was particularly pronounced in early colonial Natal because it bordered the still-independent Zulu kingdom, the very kingdom which had until 1838 also ruled Natal. And yet, when war between Natal and the Zulu kingdom finally came in 1879, not only did Natal Africans fail to fight on the Zulu side, many actively fought on the British side. The settlers’ pre-war suspicions towards Natal Africans evaporated, and after the war the colony’s legislature, “in the name of the people of Natal,” passed a resolution “expressive of their high appreciation for the loyalty shewn and services rendered by the Natives of this Colony in the recent war in Zululand.”¹

The “loyalty” of Natal Africans throughout the early colonial period must be explained, as must the submission of any oppressed people to the authority of an inegalitarian state. It is perhaps surprising that this question has been neither explicitly theorized nor directly examined in Natal historiography, for it has been a major theme in the historiography of colonialism over the last twenty years. To oversimplify the matter enormously, one can identify two trends. On

¹ Resolution dated 2 December 1879, from a placard hanging in the halls of the Pietermaritzburg Archives Repository.

one side are those scholars who see states in general, and colonial states in particular, as establishing their “dominance” through violence and coercive force alone.² On the other side are those scholars who argue that states “manufacture consent” by operating on the consciousness of the governed and producing willing submission. There are several competing models for how such a process might work, among them Weber’s “legitimacy,” Gramsci’s “hegemony,” Foucault’s “biopower” or “governmentality,” and the Comaroffs’ “colonization of consciousness.” There are also two different modes *through which* such processes might have worked in states under European colonial rule. One of these modes was the “civilizing mission,” which involved the transplantation of European political culture into colonial settings. Much recent scholarship has been devoted to identifying and closely examining various institutions of the “civilizing mission”: mission Christianity, western education, biomedicine and biomedical public health, urban planning, capitalist commodification, the regulation of sexuality, and artistic and scientific representation generally.³ The other mode, somewhat less researched but perhaps more relevant to the case of early colonial Natal, was what might be called “colonial

² See, for example, James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990); Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India* (Cambridge: Harvard University Press, 1997).

³ For just some examples from a vast literature, see John L. Comaroff and Jean Comaroff, *Of Revelation and Revolution*, 2 vols. (Chicago: University of Chicago Press, 1991-1997); Nancy Rose Hunt, *A Colonial Lexicon of Birth Ritual, Medicalization, and Mobility in the Congo* (Durham: Duke University Press, 1999); Maryinez Lyons, *The Colonial Disease: A Social History of Sleeping Sickness in Northern Zaire, 1900-1940* (Cambridge: Cambridge University Press, 1992); Randall Packard, *White Plague, Black Labour: Tuberculosis and the Political Economy of Health and Disease in South Africa* (Berkeley and Los Angeles: University of California Press, 1989); Timothy Mitchell, *Colonising Egypt* (Cambridge: Cambridge University Press, 1988); Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa* (Stanford: Stanford University Press, 1997); Paul Rabinow, *French Modern: Norms and Forms of the Social Environment* (Cambridge: MIT Press, 1989); Gwendolyn Wright, *The Politics of Design in French Colonial Urbanism* (Chicago: University of Chicago Press, 1991); Ann Laura Stoler, *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995); Edward Said, *Orientalism* (New York: Pantheon, 1978); Ali Behdad, *Belated Travellers: Orientalism in the Age of Colonial Dissolution* (Durham: Duke University Press, 1994).

traditionalism”: colonial governance through the appropriation of what Nicholas Dirks has termed “indigenous logics.” The main agencies of colonial traditionalism, in Natal as elsewhere in Africa and to a certain extent in Asia, were indirect rule through “native authorities,” customary law, and communal land tenure.⁴

In the historiography of Natal, the question of “dominance” vs. “hegemony” has taken a back seat to debates over the legitimacy of chiefs. Under white rule in Natal and elsewhere in Africa, the state’s main claim to popular legitimacy in the eyes of its African subjects has been its supposed preservation of pre-colonial African political structures. An earlier scholarly tendency was to debunk this claim. According to Norman Etherington, under colonialism there was no question of consent or legitimacy: the state used violence to force chiefs to obey, and to force their subjects to do the same; chiefs became either violent despots or irrelevant figureheads.⁵ More recent scholarship, informed by the continued legitimacy of chiefs in post-apartheid South Africa, has tended to argue that chiefs enjoyed not only legitimacy but also authority in the eyes of their subjects, and autonomy from the colonial state. Particularly fruitful has been Jeff Guy’s suggestion that the “Shepstone system” succeeded in Natal because it was an “accommodation of patriarchs”: elder African men obeyed the state in return for the state’s guaranteeing their authority over women and youths.⁶

⁴ For two important syntheses from the last decade, see Sara Berry, “Hegemony on a Shoestring: Indirect Rule and Access to Agricultural Land,” *Africa*, vol. 62, no. 3 (1992), pp. 327-355; and Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996).

⁵ Norman Etherington, “The ‘Shepstone system’ in the Colony of Natal and beyond the borders,” in Andrew Duminy and Bill Guest (eds), *Natal and Zululand from earliest times to 1910: A New History* (Pietermaritzburg: University of Natal Press; Shuter & Shooter, 1989), esp. p. 179. See also David Welsh, *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910* (Cape Town: Oxford University Press, 1971), chs. 2, 7, and 15; and Shula Marks, *Reluctant Rebellion: The 1906-8 Disturbances in Natal* (Oxford: Clarendon Press, 1970), pp. 35-47.

⁶ Jeff Guy, “An Accommodation of Patriarchs: Theophilus Shepstone and the Foundations of the System of Native Administration in Natal,” paper presented before the University of Natal-Durban African Studies Seminar, 20

What needs to be done now is for historians of KwaZulu-Natal to study the *relationship* between violence and hegemony, the ways in which struggle and consensus could coexist. Here I would like to build on Jonathon Glassman's application of Gramsci's theory of hegemony to the study of African political structures. For Glassman, hegemony produces a limited consensus, but what people agree upon are certain transcendent values which provide the material for symbolic struggle. Like the rules of a game, the procedures of judicial courts, or the grammar of a language, this consensus actually serves as a framework for contestation.⁷ This is important, for studies of social conflict can all too easily ignore the sometimes converging interests of even the most bitter antagonists.⁸ On the other hand, we must also be aware of the ways in which material "carrots and sticks" enforce hegemony, a factor which Glassman's study does not examine explicitly to any great extent. The cost of defying certain hegemonic principles is often ruling class violence, while obedience often pays in both symbolic and unsymbolic ways.

Any consideration of how states maintain authority over their subjects must be based on a theory of the relationship between states and the interest groups or classes of the societies over which they rule. Following John Lonsdale, I will argue that the colonial state in Natal was

August 1997. See also John Lambert, *Betrayed Trust: Africans and the State in Colonial Natal* (Pietermaritzburg: University of Natal Press, 1995), ch. 2; Heather Hughes, "Politics and society in Inanda, Natal: The Qadi under Chief Mqhawe, c1840-1910" (Unpublished Ph.D. dissertation, University of London, 1995); Michael R. Mahoney, "Between the Zulu King and the Great White Chief: Political Culture in a Natal Chiefdom, 1879-1906" (Unpublished Ph.D. dissertation, University of California, Los Angeles, 1998).

⁷ Jonathon Glassman, *Feasts and Riot: Revelry, Rebellion, and Popular Consciousness on the Swahili Coast, 1856-1888* (Portsmouth: Heinemann, 1995), pp. 8-23.

⁸ See, for example, the analysis of gender and generational conflict in Benedict Carton, *Blood from Your Sons: The Colonial Origins of Generational Conflict in South Africa* (Charlottesville: University of Virginia Press, 2000). *Contra* Carton, during the 1906 Poll Tax rebellion the young male rebels remained committed to elder leadership, and during the "faction fights" of late colonial Natal young men from different chiefdoms fought *against* one another *in the name of* their respective chiefs or indunas. This is perhaps not surprising, for patriarchy meant different things for young men and for women: young men were more likely to be invested in patriarchy, for most of them would eventually become patriarchs themselves, while women would never enjoy as much social privilege as would men of the same age.

neither a neutral arbiter of social conflict nor simply the executive committee of the bourgeoisie, whether metropolitan or colonial. Rather, the state is an uneven playing field in which different social actors, some more powerful than others, debate the nature of society and through which the outcomes of those debates are realized. Several points must be made: First, all social actors have some influence on the operations of the state, however attenuated and unequal that influence might sometimes be. Second, the agents of the state are to some degree autonomous social actors, with their own interests often very different even from those of the people they claim to represent. Finally, all political projects are fraught with internal debates, contradictions, and unintended consequences.⁹

So the following discussion seeks to examine how the colonial state in Natal tried to stay in power up to 1879 through both violence and efforts to establish hegemony. Sometimes it failed, sometimes it was successful, and sometimes it was too successful, creating unanticipated problems that highlight the contradictions of the colonial project.

Conflicts among the Colonizers

Perhaps more than most early colonial histories, Natal's was marked by deep conflict between different groups of white colonialists. On one side were whites like Theophilus Shepstone who favored preserving the authority of pre-colonial African elites. On the other side were settlers and missionaries who called for the abolition of chiefship, customary law, and communal land tenure. Each side had its putative African ally: the "tribal" African patriarch on the one hand and the "mission-trained," dressed, and gainfully-employed African on the other.

⁹ John Lonsdale, "States and Social Processes in Africa: A Historiographical Survey," *African Studies Review*, vol. 24, nos. 2-3 (June/September 1981), pp. 139-225.

And yet in the end, from the point of view of ideology or policy proposals at least, both arguments were premised on white supremacy. For Shepstone, even the highest-ranking black chief was subordinate to the lowest-ranking white administrator or magistrate; indeed, in many ways it was this very subordination that made one side white and the other side black. For the settlers and missionaries, on the other hand, integration assumed the superiority of European culture over African, and they favored legal equality for Africans only as long as Africans knew their place and did not threaten white supremacy. Shepstone's colonial traditionalism had a way of gaining the support of those who mattered: In the early colonial period the metropolitan government found it the cheapest and easiest way of preserving white supremacy, and the initially reluctant settlers came around once they gained responsible government and, simultaneously, became more threatened by "detrribalized" Africans the more the population of such Africans grew.¹⁰

But white-on-white conflict in early colonial Natal was not limited to supporters of the Shepstone system (largely government officials) and opponents (largely settlers and missionaries). Perhaps even more threatening was the conflict among government officials over precisely how the Shepstone system was to be carried out, for such conflict could be exploited by Africans. It was not that Shepstone opposed the abolition of the "tribal system," he merely felt that the process had to happen very gradually and of its own accord, with minimal government intervention. But this desire to both preserve and undermine the power of chiefs placed both chiefs and resident magistrates in unenviable positions, and made them likely to come into conflict. So chiefs were made subordinate to resident magistrates and were stripped of their

¹⁰ These are the arguments of David Welsh, *The Roots of Segregation*, seen through the rubric of racial formation.

authority as judges of first instance in criminal (but not in civil) cases. Not surprisingly, many chiefs ignored government regulations and continued to claim judicial authority in criminal cases. It was difficult for officials to detect, let alone prevent, these activities unless, as often happened, the losing party appealed the chief's decision to the magistrate.¹¹ With little in the way of a police force or prison facilities, resident magistrates had to rely mainly on fines and corporal punishment to deter disobedience. But Shepstone and other officials in Pietermaritzburg were also aware that chiefs' usefulness to them would be severely undermined if they weren't allowed to try at least some criminal cases, and excessive corporal punishment could provoke disobedience instead of deterring it. Some limits were thus placed on the resident magistrates' powers in these areas.¹² In addition, Shepstone insisted that conflicts between magistrates and chiefs be submitted to him for arbitration, and that the authority to grant chiefs permission to hold the *umkhosi* (first fruits festival) be reserved for the Lieutenant Governor as Supreme Chief (and therefore Shepstone himself) and not the magistrates.¹³ Whether out of a desire for his own personal aggrandizement, or out of a sincere feeling that Africans' respect for him would decline if his authority declined, Shepstone clearly wanted to concentrate power in his own hands.

The state's efforts to mediate this conflict between Shepstone and the resident magistrates proved ineffectual. The Shepstone system depended on the legitimacy of those chiefs whom the government classified as hereditary, but their very hereditary status meant that they derived their authority not from the state alone and were therefore not entirely beholden to it. As early as 1851

¹¹ Natal Government Gazette Supplement, 8 March 1853, evidence of Lloyd Evans Mesham, RM Inanda.

¹² SNA 1/8/2 Remarks on Native Magistrates Cases Adjudicated, no. 7, August 1851. SNA 1/8/5 no. 1 Sec. to Lt. Gov. to RM's Inanda, Umvoti, Impafana, and Umzinyati Locations, 6 November 1851. SNA 1/8/8 SNA to RM Inanda, 28 July 1862.

¹³ SNA 1/7/2 43/1853 Report, SNA, 3 January 1853.

magistrates were complaining that hereditary chiefship and magisterial supremacy over chiefs were incompatible principles.¹⁴ Shepstone's superiors were sympathetic to these complaints and, for example, some limits were placed on the ability of chiefs to go over their magistrate's head and appeal to Shepstone directly.¹⁵ Even Shepstone himself came to see that the strategy of bolstering chiefly authority by extending or at least preserving their judicial powers came at the cost of undermining the magistrates' authority.¹⁶ But Shepstone's scheme to gradually replace hereditary chiefs with appointed chiefs largely failed: With the notable exception of Shepstone's induna Ngoza, appointed chiefs were less successful than hereditary chiefs in attracting followers, and even Ngoza's chiefdom rapidly disintegrated after his death in 1869. As late as 1881-2 all the largest chiefdoms in Natal were hereditary.¹⁷ Moreover, the Secretary for Native Affairs continued to side with chiefs in their disputes with magistrates throughout the early colonial period.¹⁸ White solidarity and the total subordination of black authorities to white ones were difficult to establish and maintain.

The Alliance of Chiefs and White Officials

If conflict and contradiction all too often characterized white officials' relationships with each other, this was even more the case with white officials' relationships with chiefs. It is one

¹⁴ SNA 1/3/1 RM Impafana to SNA, 26 February 1851.

¹⁵ SNA 1/8/5 no. 1 Stephen B. Gordon, Secretary to the Lt. Gov., to the Diplomatic Agent and RM's Inanda, Umvoti, Umzinyati, and Impanfana Locations, 6 November 1851.

¹⁶ GH 1541 SNA, Memorandum on Native Affairs, 28 November 1874., p. 113.

¹⁷ John Lambert, *Betrayed Trust: Africans and the State in Colonial Natal* (Pietermaritzburg: University of Natal Press, 1995), pp. 25-29; Colony of Natal, *Report of the Natal Native Commission, 1881-1882*, pp. 40-46.

¹⁸ See, for example, SNA 1/8/2 Diplomatic Agent to Sec. to Govt., 14 April 1852; SNA 1/1/24 91/1874 Chief George Fynn to acting SNA, 12 November 1874.

thing to wonder whether it was violence or hegemony that compelled Africans to obey the colonial state. However, this begs the question: Did Africans in early colonial Natal actually obey the state? For indirect rule to achieve the goals of the indirect rulers, subjects had to obey their chiefs, and the chiefs in turn had to obey their white superiors. To what extent were these two requirements fulfilled in early colonial Natal?

When it comes to the relationship between chiefs and the colonial state, it is striking just how often serious confrontations arose between the two. In fact, such incidents occurred so frequently that they would have made Shepstone's repeated claims of being in control absurd to anyone who might have been keeping track. So in 1847 came the first violent clash between the military forces of an African chiefdom and those of the colonial state (which, incidentally, always consisted mostly of "native levies" throughout the colonial era). The "rebel" chief Fodo was defeated and stripped of his position. Afterwards, Shepstone said the incident "produced a very great effect upon the minds of the Native population, they saw in it what might have taken years to show them so clearly by other means, that the Government intended to be supreme in its own territory, and that all independent action on the part of Chiefs and Tribes would be prohibited and punished."¹⁹ He added that "[t]he tenor of the complimentary messages received from the several chiefs within the district on the subject of Fodo's affair has been such as to satisfy me that they are at present full sensible of the danger of setting the Government at defiance."²⁰ But three years later, popular resistance to a proposed cattle census, troop levies for a war against Moshoeshoe, forced labor call-ups, and hut tax collection produced what Shepstone would later call "the most

¹⁹ Quoted in Welsh, *The Roots of Segregation*, pp. 19-20.

²⁰ Quoted in Guy, "An Accommodation of Patriarchs," p. 13.

dangerous crisis it [i.e., Natal] has ever seen as regards the native population.”²¹ Three years after that, in 1854, Shepstone cracked down harshly on a chief accused of cattle stealing, saying “I am quite convinced that if the Government does not take decisive action in this the first instance of such a serious crime, there will soon be no chance of any white man keeping his cattle.”²² And yet another three years later, in 1857, Shepstone had to crack down again on two more rebellious chiefs, Matshana and Sidoyi. Etherington argues that on at least two occasions immediately thereafter white officials were able to bring disobedient chiefs in line simply by referring to the Matshana and Sidoyi incidents.²³ Then, in 1869, Shepstone was quite surprised and shaken by the confrontational manner in which some chiefs protested the marriage law that was introduced that year. Shepstone stood his ground and responded with veiled threats, causing the chiefs to back down, make profuse apologies, and bestow him with gifts. Shepstone smugly assured his readers that as a result he had “succeeded in placing it [i.e., ‘the peace of the Colony’] on a firmer basis than it was before, for in such encounters, one side or the other must always permanently lose ground and strength too, it depends much on the skill with which you play your game, in this instance I won, they lost.”²⁴ Four years after this “victory,” there occurred the largest confrontation between the state and a “rebellious” chief – Langalibalele of the Hlubi – in the history of early colonial Natal.²⁵

²¹ Pietermaritzburg Archives Repository, Theophilus Shepstone Papers, vol. 82, Notes Explanatory of Returns, 1864, section 26.

²² Quoted in Lambert, *Betrayed Trust*, p. 26.

²³ Etherington, “The ‘Shepstone system,’” p. 179.

²⁴ SNA 1/1/19 120/1869 Memorandum, SNA, 2 September 1869.

²⁵ Published accounts of this affair are legion: John Colenso, *Langalibalele and the Hlubi Tribe* (London: Spottiswoode and Co., 1874); Frances E. Colenso, *My Chief and I* (Pietermaritzburg: University of Natal Press, 1994 [1879]); W. Rees (ed), *F. S. Colenso: Letters from Natal* (Pietermaritzburg, 1958), pp. 259ff; Edgar Brookes

Not only did the repeated exercise of colonial violence fail to prevent repeated examples of large-scale resistance to the colonial state, but obedience was sometimes bought rather than coerced. Magistrates sometimes bestowed presents, at government expense, to different chiefs for good behavior, and the government relayed payments to African soldiers through the soldiers' chiefs.²⁶ In addition, from 1863 onwards all chiefs received salaries from the government, on a sliding scale.²⁷ Needless to say, just as the state used such payments to cultivate the loyalty of the chiefs, chiefs could turn around and use the same payments to cultivate the loyalty of their own subjects to them personally.

But perhaps the most telling evidence of the weakness of the state in early colonial Natal, and of the strength of the chiefs, are the numerous instances in which the state backed down in the face of popular opposition from Africans. Take, for example, the case of Fodo mentioned above, a case which Shepstone himself viewed as a trial of strength between the colonial state and Natal Africans. Shepstone replaced Fodo with an appointed chief, but Fodo's old subjects resisted the chief to such an extent that Shepstone was compelled to reinstate Fodo a few years

and Colin Webb, *A History of Natal* (Pietermaritzburg, 1965), pp 113-121; David Welsh, *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910* (Cape Town: Oxford University Press, 1971), ch. 8; R. O. Pearse et al., *Langalibalele and the Natal Carbineers: The Story of the Natal Rebellion, 1873* (Ladysmith: Ladysmith Historical Society, 1976); Bill Guest, "Colonists, Confederation, and Constitutional Change," in Duminy and Guest (eds), *Natal and Zululand from Earliest Times to 1910: A New History* (Pietermaritzburg: University of Natal Press; Shuter and Shooter, 1989); Bill Guest, *Langalibalele: The Crisis in Natal, 1873-1875* (Durban: University of Natal, Department of History and Political Science, 1976); Norman Herd, *The Bent Pine: The Trial of Chief Langalibalele* (Johannesburg: Ravan Press, 1976); Norman Etherington, "Why Langalibalele Ran Away," *Journal of Natal and Zulu History*, vol. 1 (1978), pp. 1-24; John Wright and Andrew Manson, *The Hlubi Chieftdom in Zululand-Natal: A History* (Ladysmith: Ladysmith Historical Society, 1983); Jeff Guy, *The Heretic: A Study of the Life of John William Colenso* (Johannesburg: Ravan Press; Pietermaritzburg: University of Natal Press, 1983); William Worger, *Contending Realities: Struggles over Mind and Body in Colonial South Africa* (forthcoming).

²⁶ SNA 1/8/5 p. 220 SNA to RM Ladysmith, 8 December 1853; SNA 1/8/5 SNA to RM Ladysmith, 16 December 1854.

²⁷ Lambert, *Betrayed Trust*, p. 23.

later.²⁸ Far from being chastened by the episode, Fodo continued to act in a “refractory” manner towards the government, for example by refusing his magistrate’s orders to pay hut tax in 1854.²⁹ Fodo and many of his subjects crossed the border into Pondoland the following year, but there is no evidence that they were forced to do so.³⁰ Thereafter he and his people remained a thorn in the government’s side, raiding Natal Africans for cattle.³¹

The “crisis” of 1850-1851, which, as noted above, was identified by Shepstone as the worst in the first twenty years of British rule in Natal, was another instance in which the state was compelled to back down. In this case, at roughly the same time the government in Natal tried to 1) implement a census of African-owned cattle, 2) requisition African troops for military operations against Moshoeshoe, and 3) enforce annual forced labor obligations. Popular resistance was such that officials had to suspend the cattle census and forced labor in order to get Africans to comply with the state’s highest priority at the time, namely its troop levies.³²

Indeed, forced labor, and hut tax as well, on occasion provoked such strong resistance that officials had to suspend enforcement of those obligations. This was particularly true during 1853 and 1854. As early as 1853 Shepstone was endorsing some chiefs’ complaints that their subjects were unable to pay hut tax.³³ Around the same time, chiefs Langalibalele and Phakade

²⁸ Natal Government Gazette Supplement, 30 November 1852, evidence of Theophilus Shepstone. nos. 131-133.

²⁹ SNA 1/8/5 SNA to RM Upper Umkomanzi, 22 March 1854.

³⁰ SNA 1/7/2 Report, SNA, 21 March 1855; Colony of Natal, *Correspondence relating to Granting to natives in Natal of documentary tribal titles to land* (1890). p. 110.

³¹ SNA 1/3/10 166/1861 RM Richmond to SNA, 9 July 1861; SNA 1/3/10 192/1861 Field Cornet Umzimkulu to SNA, 21 August 1861.

³² Lambert, *Betrayed Trust*, pp. 28-29; SNA 1/3/1 RM Inanda to SNA, 26 November 1850; SNA 1/3/1 RM Inanda to SNA, 30 January 1851; SNA 1/3/1 RM Inanda to Sec. to Govt., 21 July 1851.

³³ SNA 1/7/2 66/1853 Report, SNA, 27 May 1853.

refused to compel their subjects to comply with either forced labor or hut tax requirements.³⁴ The situation got so bad that from 1854 to 1858 forced labor was put on hiatus out of a fear that its continued use was about to provoke an armed rebellion.³⁵ Even in 1874, after colonial forces crushed those of Langalibalele's chiefdom, Shepstone still urged that forced labor be phased out on the grounds that the labor thus procured was not worth the resentment and resistance it produced.³⁶ Of course, while hut tax and forced labor may have been sometimes briefly suspended, they were always reintroduced as soon as officials sensed that the danger of violent resistance had passed.

Chiefs also successfully managed to continue to exercise their judicial authority in criminal law cases despite state regulations against their doing so. As noted above, this was partly because Shepstone was reluctant to weaken chiefs too much in the eyes of their subjects, or to let the magistrates become too powerful and therefore a threat to him personally. Still another reason was that it was simply difficult to detect, especially when it was still legal for chiefs to try civil cases and the distinction between civil and criminal cases was sometimes hazy. Moreover, magistrates had such a backlog of criminal cases that they had neither the ability nor the inclination to end this particular practice, and it was often the only alternative for Africans seeking redress. Significantly, often the only way that the state managed to detect such activity was when chiefs' subjects complained about it or appealed chiefs' judicial decisions to the

³⁴ Lambert, *Betrayed Trust*, p. 31.

³⁵ Welsh, *The Roots of Segregation*, p. 123.

³⁶ Welsh, *The Roots of Segregation*, p. 126.

magistrate. Thus many ordinary people could turn the stalemate between the chiefs and the colonial state to their advantage.³⁷

Chiefs and Their Subjects: The Question of Legitimacy

The continued access to land that both chiefs and their subjects enjoyed was both witness to and source of their continued strength in early colonial Natal. Like the exercise of judicial authority, it was also difficult for the state to police. Though the land settlements of the late 1840s and early 1850s left only 2,000,000 acres in African hands, in contrast to 5,000,000 acres under white ownership and 4,000,000 acres under government ownership, Natal Africans were until the 1880s powerful enough to successfully resist large changes in their actual patterns of residence and land use. Henry Slater and John Lambert have shown how officials and farmers in early colonial Natal were neither willing nor able to evict Africans from white-owned or government lands. Instead, African homestead agriculture continued much as it had been before European conquest, although African farmers now had to pay new rents and taxes. Not only were African evictions from European-owned lands minimal before the mineral revolution from the 1870s onwards, but African farmers produced more saleable produce and more tax revenue than their European counterparts throughout the early colonial period.³⁸ Still, from 1846 to 1849

³⁷ Natal Government Gazette Supplement, 8 March 1853, evidence of Lloyd Evans Mesham, RM Inanda; SNA 1/8/5 Shepstone to Crown Prosecutor, 21 September 1853; SNA 1/8/8 SNA to RM Inanda, 28 July 1862; Theophilus Shepstone Papers, vol. 82, Notes Explanatory of Returns, 1864, sec. 24; GH 1541 Memorandum on Native Affairs, 28 November 1874, p. 113; SNA 1/1/45 176/1881 RM Alexandra to SNA, 29 March 1881; Welsh, *The Roots of Segregation*, pp. 116-118, 278; Lambert, *Betrayed Trust*, pp. 33, 60-63.

³⁸ Henry Slater, "Land, Labour, and Capital in Natal: The Natal Land and Colonisation Company, 1860-1948," *Journal of African History*, vol. 16, no. 2 (1975), pp. 257-283; Lambert, *Betrayed Trust*, esp. chs. 1, 6, and 7. A similar – and better-known – argument has been made by Colin Bundy in regards to the whole of South Africa, and the Eastern Cape in particular. In a very important paper, Helen Bradford has thoroughly refuted Bundy's arguments for the Eastern Cape. However, the scholarship by Slater and Lambert – and more recently by myself – shows that Bundy's argument, ironically, seems more secure in the case of Natal. See Colin Bundy, *The Rise and Fall of the*

the government in Natal received and acted on numerous complaints of Africans refusing to leave European-owned lands or to pay rent, especially two or more years in a row. A lack of resources, and a lack of satisfactory cooperation even from the landowners (many of them Afrikaners), meant that officials occasionally had to leave the landowners to sort out the situation themselves.³⁹ Such conflicts on European-owned land subsided during the 1850s and 1860s, but as late as the 1870s the government was neglecting to enforce its own laws against Africans “squatting” on government-owned Crown lands.⁴⁰ Officials relied heavily on chiefs for enforcing the rights of property owners, often by punishing chiefs for failing to crack down on their subjects. The same was true of African thefts of European-owned cattle, which was the primary *raison d’être* of the very principle of “collective responsibility”: If the state lacked the resources to prevent or punish cattle stealing, then it would collectively punish chiefs and their subjects for failing to do so.⁴¹ Stock thefts declined steadily from the 1850s until they reemerged with a vengeance in the 1880s. In the meantime this particular crime was replaced by the curious and very common practice of stabbing cattle in the “fundament.”⁴²

Squatting on European-owned land and the stealing and stabbing of cattle demonstrate the limits of officials’ efforts to view their relationship with Africans strictly in terms of their

South African Peasantry (London: Heinemann, 1979); Helen Bradford, “The Rise of the Male Peasantry: A South African ‘Case Study,’ 1850-1886,” paper presented before the conference “Not Telling: Secrets, Lies, and History,” University of the Western Cape, July 1999; Mahoney, “Between the Zulu King and the Great White Chief,” ch. 2.

³⁹ SNA 1/1/1 no. 4 Statement, Madubana, 23 April 1846; SNA 1/1/1 no. 6 Matter of Phillip Christiaan Raath vs. Klass (an African), August 1846; SNA 1/1/1 no. 16 Donald Moodie to SNA, 4 April 1848; SNA 1/1/1 no. 17 D. Moodie to SNA, 4 April 1848; SNA 1/1/1 4/1849 Col. Sec. to SNA, 27 September 1849; SNA 1/1/1 no. 35 Field Cornet Weenen to SNA, 19 October 1849.

⁴⁰ SNA 1/1/24 45/1874 SNA circular to RM’s, 17 July 1874.

⁴¹ SNA 1/8/5 SNA to Acting Clerk, Legislative Council, 24 November 1854.

⁴² For just one example among many of this practice of “cattle stabbing” in early colonial Natal, see SNA 1/1/24 89/1874 J. W. Jeffers to acting SNA, 6 November 1874.

relationship with chiefs. Ideally, subjects' loyalty to their chief was to be taken as a given, and if not the principle of collective responsibility made it – again, ideally – the chief's problem and not the state's. This was all part of the “administrative optic” of colonialism in Natal. And yet, while there is abundant evidence of Africans challenging the authority and legitimacy of individual chiefs, they did not seem to challenge the institution of chiefship itself, or at least not hereditary chiefship. If people found the rule of their chiefs oppressive, they could and did transfer to another chiefdom.⁴³ Or, as was the case with Fodo's replacement, they could refuse to submit to the government-recognized chief and thereby force the government to recognize their own choice. Certainly the many succession disputes and faction fights, which pitted the followers of one chief or induna against the followers of another, must be read as often successful efforts of ordinary people to check the authority of their chiefs, indunas, or the colonial state.

What is perhaps most interesting, then, are those cases when conflict between chiefs and subjects was not accompanied by either a mass exodus of subjects from the chiefdom or by agitation for the chief's replacement. For example, on two occasions (1849 and 1861) the subjects of Umhlazi, the only female chief I know of in colonial Natal, resisted government orders to such an extent that officials forced her to take military action against her own people. She did so, and her subjects complied with a minimum of violence and the payment of fines to the state.⁴⁴ This could be read as a case of subjects pushing their chief as far as she will go, but it could also be read as case of a chief doing her best to accede to her subjects' wishes while

⁴³ Lambert, *Betrayed Trust*, p. 28.

⁴⁴ SNA 1/3/10 131/1861 RM Lower Umkomazi to SNA, 11 June 1861; SNA 1/8/1 Shepstone to Secretary to Government, 20 May 1849.

avoiding being deposed by the government. To the government, she could represent her initial non-enforcement of government orders as resistance from her subjects. To her subjects, she could represent her later enforcement as a result of government coercion and threats that left her no choice if she wanted to remain their chief. Archival records of conflict between chiefs and subjects must therefore not necessarily be taken at face value, especially when isolated to conflict over the chief's execution of government orders. They may just as well be signs of the chief's passive resistance to the state.

The very failure of state interventions into chiefship is evidence of the legitimacy of hereditary chiefship. The survival of pre-colonial chiefship in Natal was more than a convenient fiction, for it occurred despite widespread official and settler opposition to it. The contrast with the western Cape, where a more favorable balance of power for the settlers, and demographic and cultural catastrophe for the Africans, led to the early extinction of pre-colonial political structures, is instructive. Also instructive was the solidarity that chiefs and their subjects demonstrated in sheltering refugees out of Zululand who had joined their chiefdoms from the enforcement of laws that confiscated refugees' cattle and "apprenticed" them to settler employers. As one magistrate complained,

If any duty approaches in character and influence that of a sacred obligation in the Kafir's mind it is hospitality and so strongly is this felt among the natives generally, that, I believe, there is a mutual compact among all tribes to defeat in every way not openly hostile any attempt to apprehend the refugee, *after he has once demanded and obtained the protection of a chief*. Any informer would be abhorred among them and at once cast out of the tribe.⁴⁵

⁴⁵ Quoted in Keletso Atkins, *The Moon is Dead! Give Us Our Money!: The Cultural Origins of an African Work Ethic, Natal, South Africa, 1843-1900* (Portsmouth: Heinemann, 1993), p. 23. Emphasis added.

But the divergent fates of appointed and hereditary chiefdoms is the best evidence that hereditary chiefship was not merely a colonial construction. Many Natal Africans in the 1830s and 1840s chose not to place themselves under chiefs: the British commissioner of Natal, Henry Cloete, estimated that 60 to 70% of Natal Africans had no chiefs, while Shepstone thought the proportion was more like a third to a half. The government forced these “chiefless” people to submit to either hereditary or appointed chiefs and headmen. Despite government policy favoring appointed chiefs and headmen and aiming for the gradual replacement of hereditary by appointed chiefs, appointed chiefs and headmen did a poor job of attracting or retaining subjects. By 1881-2, 57% of the chiefs were hereditary, but 70% of the people were subject to hereditary chiefs. Natal’s 99 hereditary chiefs had an average of 646 huts under them, while appointed chiefs and headmen averaged only 376.⁴⁶ Despite some effort, government officials found it next to impossible to limit the ability of homestead heads, at least, to choose the chiefs under whom they would serve.⁴⁷

Colonial Traditionalism: The Colonial Appropriation of African Political Culture

If the reigning political idiom in early colonial Natal was going to be African, then Shepstone would have to comport himself as an African king. Certainly his youth in the Eastern Cape and his exposure there to Xhosa language and political culture, both very similar to that of Natal Africans, left him well placed to do so.⁴⁸ So, for example, he required chiefs and headmen

⁴⁶ Figures cited in Welsh, *The Roots of Segregation*, pp. 14, 20, 114.

⁴⁷ See, for example, the official comments on the subject in SNA 1/1/34 1652/1879 RM Umvoti to acting SNA, 29 July 1879.

⁴⁸ But he was also syncretic, and often self-consciously so. For example, he derived the principle of collective responsibility not only from his understanding of African political culture, but also from the British custom of

to visit him regularly and pay their respects, he held consultations with them outdoors under a tree, and he modeled hut tax collection assemblies on the Festival of First Fruits.⁴⁹ On the other hand, the imperatives of colonialism meant that, like the Zulu kings, Shepstone would also devote himself to subordinating the chiefs to his own centralized authority. It was inevitable that such a policy would collide with the whole system's dependence on chiefly authority and the notion of Natal as a haven from the despotism of the Zulu kings.⁵⁰

The prosecution of witchcraft was a particular site of contradiction and contestation under the Shepstone system. In general, Shepstone pursued his project of the subordination of chiefs in the realm of ritual as much as anywhere else. For example, he insisted that chiefs go to him first for permission before holding their own Festivals of First Fruits, and withheld such permission if the proposed date of the ceremony was too close to that of the state's hut tax collection ceremony in the chief's neighborhood.⁵¹ But witchcraft prosecution was especially troublesome, and not just because the state deemed it one of the elements of pre-colonial political culture that was "repugnant" to official sensibilities and therefore to be abolished rather than preserved. More than that, witchcraft prosecution provided chiefs with an important source of power independent from the colonial state. In 1892, Shepstone called for his successors to do as he had done and

assessing whole communities for the damages done by riots or arson occurring in their midst. See SNA 1/8/5 SNA to Acting Clerk, Legislative Council, 24 November 1854.

⁴⁹ For just one instance among many in which Shepstone explained the rationale for his mode of governance, see Theophilus Shepstone Papers, vol. 82-83, Notes Explanatory of Returns, 1864.

⁵⁰ Again, from the beginning Shepstone was quite frank about his use of the Zulu kings as a model, and aware of the problems that would arise from such a strategy. See SNA 1/8/1 Shepstone to Secretary to Government, Natal, 3 April 1846, as well as the discussion of Shepstone in Carolyn Hamilton, *Terrific Majesty: The Powers of Shaka Zulu and the Limits of Historical Imagination* (Cambridge: Harvard University Press, 1998), passim.

⁵¹ SNA 1/8/5 SNA to RM Inanda, 15 April 1854.

Forbid, except by special leave, the performance of any function devised to keep up the idea of tribal independence. Prohibit absolutely accusations of witchcraft. ‘Witch dances’ as they are called, such accusations being their purpose, are the great political engine of the hereditary chief; they take public opinion by storm, they make it easy to strike down, without trial or defence, the most formidable rival; they are what a standing army is to the military chief. Take away this engine and nothing will be left to lean upon but the power of the Government.⁵²

Perhaps not coincidentally, the “crisis” of state power relative to the chiefs in 1850 and 1851 was accompanied by an “epidemic” of witchcraft accusations.⁵³ If the state generally found it difficult to keep chiefs from exercising their judicial authority in criminal cases, this was particularly true when the crime was witchcraft. Even the most “loyal” people could be “unruly” in this regard.⁵⁴

Witchcraft prosecution was particularly valuable to chiefs in early colonial Natal because it promised to resolve some of the conflict that colonialism created between themselves and their subjects. Take, for example, the cases of the chiefs Matshana and Sidoyi, both the victims of colonial military crackdowns in 1857. The similarities do not stop there. Both became chiefs as minors in the 1840s, when elders tried to reconstitute their chiefdoms in Natal after the wars of the period had scattered the chiefdom’s subjects and killed off not only the previous chiefs, but also all possible adult successors. In both cases a succession dispute resulted, the outcome of which was decided by Shepstone, although conflict continued thereafter.⁵⁵ Neither chief had

⁵² Quoted in Welsh, *The Roots of Segregation*, p. 113.

⁵³ SNA 1/8/2 Diplomatic Agent to Secretary to Government, 15 September 1851. For one case of witchcraft accusation during this particular outbreak, see SNA 1/7/1 Case of Dibinyika vs. Mahlanija and Mapoqo, 13 August 1851.

⁵⁴ SNA 1/3/10 RM Tugela Division, Victoria County, to SNA 25 March 1861.

⁵⁵ A very common pattern. For example, precisely the same conditions accompanied the reconstitution of the Qwabe chiefdom during the same period. See the following enclosures in SNA 1/1/277 3041/1897: 484a/1893 Statement of Hetshepi, 18 Apr 1893; 1369/1890 Statement of Musi, 19 Nov 1890; 392a/1893 Statement of Mvazazi, 28 Mar 1893; The Disputed Succession to Musi’s Chieftainship, Theophilus Shepstone, [n.d., but probably 1893]; Proceedings of the hearing into the succession to Musi’s chieftainship, 20-28 Feb 1893, testimony of Fokazi, Bababa, Paga, Ngongolwana, Mkhonto, Ntshwili, Ngotshane, Mdungazwe, Mnewabo, Ncaphayi, and Mhambi.

posed much of a problem for the state before his “rebellion”; in fact, only months before, the magistrate of Matshana’s district commended him for being so cooperative.⁵⁶ In both cases, colonial forces cracked down on the chiefs not because they were directly confronting the state, but because they were prosecuting rivals for witchcraft. In both cases, the colonial state forced disgruntled subjects to acknowledge the authority of the chief they opposed, and – as with all chiefs – placed the chiefs in the invidious position of having to do the state’s dirty work while maintaining the loyalty of their followers. At the same time, however, by outlawing witchcraft prosecution the state deprived them of one of the most important means of solving these problems.⁵⁷

State Violence

One problem with the domination vs. hegemony debate is that, in Natal at least, the state’s hegemonic project of colonial traditionalism and its use of violence fed into one another. The bulk of the state’s military force during the early colonial period consisted of African regiments (*amabutho*) organized and doctored for war by their chiefs. In reward for loyal service, the soldiers were not paid directly by the state; instead the state paid the chiefs, who then

⁵⁶ SNA 1/3/6 RM Klip River to SNA, 10 August 1857.

⁵⁷ For the similarities between the two cases, see SNA 1/1/8 115/1858 SNA, Report on the Affair of Matyana, 17 March 1858; Shepstone to Lt. Gov., 16 April 1858. For the crackdown on Matshana and the events leading up to it, see SNA 1/1/8 3/1858 J. W. Shepstone, Commander Native Force, to Philip Allen, 25 January 1858; SNA 1/1/8 15/1858 Copy of Proclamation declaring Matyana to be an outlaw, and breaking up his tribe, 19 March 1858; SNA 1/1/8 37/1858 J. W. Shepstone to SNA, 18 May 1858; SNA 1/1/8 57/1858 Papers in the case of murder of Sikadija, 12 July 1858; PAR, Colenso Papers, vol. 144, C1280/5, *The History of the Matshana Enquiry with a Report of the Evidence as taken down by the Bishop of Natal and the Rev. Canon Tonnesen* (1875); BPP C1401-1, Further correspondence regarding the colonies and states of South Africa (1876), pp. 36-7, G. Pomeroy Colley to Bulwer, 10 September 1875. For the case of Sidoyi, see SNA 1/3/6 H. F. Fynn to acting Col. Sec., 27 January 1857; SNA 1/3/6 RM Upper Umkomanzi to SNA, 31 March 1857; SNA 1/3/6 RM Upper Umkomanzi to SNA, 21 September 1857; SNA 1/7/2 Report on Usidoi, 27 May 1857; Natal Parliamentary Papers vol. 235, 2/1858 No. 5: On operations against the Kafir Chief Isidoi.

paid their subjects. The whole system thus both depended upon and reinforced the legitimacy and authority of chiefs. Shepstone also made the *amabutho* part of his project of trying to establish himself as a more benign version of the Zulu kings. He felt that a standing army of mostly African soldiers could unite Natal Africans in loyalty and submission to the colonial state, while also promoting the sorts of rivalries necessary to “divide and rule.” This revealing statement is worth quoting at length:

I must also mention a custom that tends powerfully to support the military power of all the savage nations of South Eastern Africa that I have any acquaintance with. The annual assembling of all the warriors, that is the whole male population of the nation at the royal residence, at these festivals they dance before the king and renew their vows and pledges to defend and die for him. These protestations produce a rivalry between the different regiments which their leaders well know how to turn to advantage in the day of battle. Another apparently intended and frequently resulting effect of their custom is to induce a feeling of national unity and create and execute demonstrations of enthusiastic attachment to the person of the reigning chief. ... In organizing the natives of this district I am of opinion that this custom should not be lost sight of and that its adoption in a modified form would be productive of much good. Thousands in the district have scarcely felt that they have a government over them. ... Without an assembly of this nature it is the opinion of all the chiefs and people with whom I have conversed on the subject that a call upon the service of the entire population on any emergency would be productive of very little result. It is necessary first to create and excite feelings of unity and nationality under one head before those of rivalry and emulation can be awakened between the different tribes in the service of that head.⁵⁸

This “Native Police Force,” consisting of first 100 and later 200 African soldiers, was placed under five European officers and “regularly drilled according to the European mode, and by English words of command.” According to Shepstone, “they looked upon themselves as soldiers of the ‘Great House’ and considered, as Zulu soldiers are prone to do, that the native population must be altogether subservient to their convenience and comfort.” Shepstone considered the force a success, but it had to be disbanded in 1851, after only three years of existence, because of

⁵⁸ There are at least two copies of this report: SNA 1/1/1 no. 21 Report, SNA, 2 August 1848; SNA 1/8/1 Shepstone to Secretary to Governor, 2 August 1848.

budgetary concerns.⁵⁹ Natal was then without a rural police force until 1874, relying in the meantime on irregular levies of African soldiers.⁶⁰ Even the application of force was carried out according to pre-colonial patterns: African colonial soldiers wore “traditional” war dress and used “traditional” shields and spears, and “[t]he usual custom, when an armed force attacks, of calling out the name of the chief by whose orders it is done, was observed,” in this case the name being that of the relevant European colonial official.⁶¹

None of this should obscure, however, the very harsh realities of state violence in early colonial Natal. As late as 1879, one official argued that

It is almost absurd even to suppose that one European and eight native constables, who form the police establishment at this Magistracy, and stationed in the centre of an extensive Division, containing a population of about 35,000 souls, can have much effect in deterring from the commission of crime.⁶²

And this was in Umgeni division, which contained the city of Pietermaritzburg and was a concentrated node of both white settlement and colonial state power in general. The state was even weaker in more outlying districts. Surveillance was severely limited as well: it was only in 1874 that resident magistrates were empowered to employ African detectives to prevent and investigate cases of cattle stealing and stabbing, a high priority from the point of view of settlers.⁶³ As in other times and other places in white-ruled Africa, the very weakness of the state

⁵⁹ Theophilus Shepstone Papers, vol. 82, Notes Explanatory of Returns, 1864, sec. 21.

⁶⁰ SNA 1/1/24 25/1874 Comm. Police to SNA, 22 April 1874.

⁶¹ SNA 1/8/5 no. 1 Gordon to RM Umvoti, 18 November 1851.

⁶² Colony of Natal, *Blue Book on Native Affairs* (1879), Report of RM Umgeni, p. 5.

⁶³ SNA 1/1/24 71/1874 Minute paper, 1874.

made it more brutal.⁶⁴ This was partly because under such conditions the state had difficulty policing not only its subjects, but also itself. Thus there was little to keep African policemen from displaying favoritism in the enforcement of law, or from extorting those they were charged to protect.⁶⁵

European law enforcement agents enjoyed even more of a *carte blanche* than did their African subordinates. Partly out of necessity, and partly because they could get away with it, magistrates relied heavily on exemplary corporal punishment.⁶⁶ The “legal” exercise of such violence was excessive enough. In 1875, sentences included the following: A 10 or 11 year old boy was convicted of goat stealing, had all his property confiscated, and was sentenced to one year of hard labor and twelve lashes with a birch. A 16 year old boy, convicted of the same crime, had all his property confiscated, and was sentenced to two years of hard labor and twelve lashes once a year for three years running. An adult convicted of cattle stabbing also had all his property confiscated and was sentenced to three years of hard labor and eighteen lashes a year for the next three years.⁶⁷ Even more chilling are the official directives to magistrates ordering them to refrain from exceeding the legal limits on flogging.⁶⁸

⁶⁴ William Beinart, “Political and collective violence in southern African historiography,” *Journal of Southern African Studies*, vol. 18, no. 3 (September 1992), pp. 455-486; Frederick Cooper, “Conflict and Connection: Rethinking Colonial African History,” *American Historical Review*, vol. 99, no. 5 (December 1999), p. 1530.

⁶⁵ SNA 1/3/1 RM Ladysmith to Diplomatic Agent, 21 November 1851; SNA 1/8/2 Diplomatic Agent to Sec. to Govt., 14 April 1852.

⁶⁶ For an example of how Foucauldian notions of “repressive power” might be applied to the use of exemplary corporal punishment in a quasi-colonial setting (in this case nineteenth-century imperial Russia), see Abby Schrader, “Containing the Spectacle of Punishment: The Russian Autocracy and the Abolition of the Knout, 1817-1845,” *Slavic Review*, vol. 56, no. 4 (1997), pp. 613-644.

⁶⁷ BPP C1401-1, Further correspondence regarding the colonies and states of South Africa (1876), no. 31, Aborigine’s Rights Protection Society to Colonial Office, 4 November 1875.

⁶⁸ SNA 1/8/2 Remarks on Native Magistrates Cases Adjudicated, no. 7, August 1851.

The state also used corporal punishment to discipline labor. A constant complaint of settler farmers, in particular, was that Africans did not readily come to work for them, and even if they did would not work satisfactorily and were likely to abscond. Farmers often appealed for the government to intervene, and from time to time it did so by urging the magistrates to pressure the chiefs into pressuring their young men to work for the farmers.⁶⁹ Both chiefs and their subjects were cajoled into complying by physical violence or the threat of it. Some men were flogged by their magistrates for absconding, and sometimes even for complaining to the magistrate about their treatment at the hands of their employers.⁷⁰

An Accommodation of Patriarchs?

And yet the notion of domination has its own limitations. It may explain why some comply with the dictates of the state, but it doesn't explain why others, often in the same time and in the same places, do not. It also entails too simple and non-relational a concept of elites and subalterns. After all, the conflict between colonizers and colonized was not the only one that mattered in early colonial Natal, or any colonial context for that matter. For example, some among the colonizers and some among the colonized shared a social position as patriarchs, and therefore shared an interest in preserving their privileges over against women.⁷¹ It is through the lens of patriarchy that the whole of the previous discussion must be read. Virtually all the domains and protagonists mentioned above were male. If there was conflict, this was often competition among patriarchs, a competition from which women were excluded. If there was

⁶⁹ Lambert, *Betrayed Trust*, pp. 19, 29.

⁷⁰ SNA 1/7/1 Statement, Chief Musi, 2 February 1852.

⁷¹ This is the argument of Guy, "An Accommodation of Patriarchs."

cooperation, women were likewise excluded, and may not have appreciated the ends and means of that cooperation.

Since early colonial Natal was a society in which the transformative projects of colonialism – the “civilizing mission” – were only just beginning to make headway, any consideration of colonial patriarchy must consider the question of continuities from the pre-colonial era. This has been a vexed debate, in Natal as elsewhere, for the whole notion of “patriarchy” has been criticized for being Western, not universal, and therefore doing violence to African realities.⁷² I would just like to note some important points. First, almost all the evidence about pre-colonial gender relations comes from the post-conquest era, so that that evidence may tell us more about realities under white rule than anything else. Second, regardless of whether there has been gender oppression in pre-colonial African society in the area now known as KwaZulu-Natal, it seems clear that there was until recently little if any consciousness of that oppression on the part of women. Indeed, gender oppression was mitigated by a whole host of factors – the centrality of women’s productive and reproductive labor, the social value placed on that labor, the blurring in practice of gender roles and norms, the salience of other determinants of status (most notably generation, wealth, and inherited rank), and men’s and women’s shared position as colonized and racialized subjects – that have often prompted African women to defend what even they have on occasion identified as an oppressive system.⁷³

⁷² A point made most recently and forcefully by Oyeronke Oyewumi, *The Invention of Women: Making an African Sense of Western Gender Discourses* (Minneapolis: University of Minnesota Press, 1997).

⁷³ For the limitations of the patriarchy concept in interpreting the history of KwaZulu-Natal, see John Wright, “Control of Women’s Labour in the Zulu Kingdom,” in Jeff Peires (ed), *Before and After Shaka: Papers in Nguni History* (Grahamstown: Institute of Social and Economic Research, 1981), pp. 93-95; Jeff Guy, “Gender Oppression in Southern Africa’s Precapitalist Societies,” in Cheryl Walker (ed), *Women and Gender in Southern Africa to 1945* (Cape Town: David Phillip, 1990), pp. 45-47; Atkins, *The Moon is Dead!*, pp. 41-46, 64-67; Sean Hanretta,

Whether or not African society was patriarchal is therefore subject to debate. What is not subject to debate is that one of the colonial state's projects was to promote patriarchy in African society by subordinating African women to African men. Jeff Guy describes this project as "an accommodation of patriarchs" and sees Shepstone as the central figure in it. Certainly there were many ways in which Shepstone helped to create African patriarchy. For example, I have already mentioned that Mhlazi of the Hlongwa chiefdom was the only female chief (to my knowledge) during the colonial era. Female chiefship was by no means common during the immediate pre-colonial era, but two more such chiefs besides Mhlazi – Mamtunzini of the Lumbi chiefdom and Macibise of the Abakwamacibise chiefdom – ruled then in the area of Natal.⁷⁴ Mhlazi inherited her chiefship from the pre-colonial era, and the phenomenon of female chiefship seems to have died with her. It is significant that this happened during Shepstone's watch, for he had the power to recognize and appoint chiefs and adjudicate succession disputes and therefore determine whether or not females could become chiefs. Shepstone also defended the right of husbands to rape their wives, in one case over the strenuous objections of the Legislative Council, on the grounds that husbands enjoyed this right in both African and European society, and that the state would provoke an armed uprising of Africans if it intervened in such matters.⁷⁵ Finally, Shepstone tended to side with African men in their disputes with African women and white

"Women, Marginality, and the Zulu State: Women's Institutions and Power in the Early Nineteenth Century," *Journal of African History*, vol. 39 (1998), pp. 389-415.

⁷⁴ Colony of Natal, *Correspondence relating to Granting to natives in Natal of documentary tribal titles to land* (1890), pp. 99, 105.

⁷⁵ GH 1540 Memorandum, SNA, 12 July 1870; SNA 1/1/24 96/1874 Attorney General to acting SNA, 24 November 1874.

missionaries on the issue of women taking refuge at mission stations to get out of forced marriages.⁷⁶

But Shepstone's role in arbitrating African gender relations was more ambiguous than this evidence might suggest. For example, he also defended the right of an abused wife to leave her husband without her family having to return the cattle which the husband had paid as bridewealth.⁷⁷ Shepstone was instrumental in the passage of the 1869 marriage law, which aimed to prevent forced marriages. The law may have been far from perfect: There was nothing to keep all the official witnesses who were supposed to confirm the brides' consent from being male, and disputes were to be adjudicated by male chiefs and headmen. On the other hand, it was effective enough for decades afterward to be identified by African patriarchs as a main factor in their declining authority over women.⁷⁸ Perhaps the most important way in which colonial traditionalism fostered African patriarchy was the 1878 Native Law Code's stipulation that women did not enjoy any property rights of their own. But this stipulation was handed down by the settler-dominated Legislative Council, which introduced the 1878 code in an effort to assert its supremacy over Shepstone. In fact, it was not European conquest, but rather the codification of African law forty years later that marked the end of African women's property rights in Natal.⁷⁹ Therefore, this particular evil cannot be blamed on Shepstone.

⁷⁶ Welsh, *The Roots of Segregation*, pp. 72, 92-93; Lambert, *Betrayed Trust*, pp. 135-136.

⁷⁷ SNA 1/7/2 30/1852 Shepstone, Report on Assistant Magistrate Mesham's Letter, 7 December 1852.

⁷⁸ Certainly this is a constant refrain in the testimony of African patriarchs in Natal before the native affairs commissions of 1881-2, 1903-5, and 1906-7, not to mention before James Stuart, as recorded in the *James Stuart Archive*.

⁷⁹ Welsh, *The Roots of Segregation*, pp. 169-171.

Natal Africans and the Zulu Kings

One final factor that limited African resistance to British rule in early colonial Natal was the two groups' common opposition to the Zulu kings. Indeed, the very existence of the steady stream of refugees from the Zulu kingdom to British-ruled Natal throughout this period is silent testimony to this fact.⁸⁰ The archival records of the first decade of British rule, in particular, are filled with African expressions of fear of Zulu attacks.⁸¹ Some Africans even believed that the Zulu king Mpande was waging constant war against them by means of medicine.⁸² When, in 1853, African workers in Pietermaritzburg began leaving the city *en masse* because of rumors of an imminent invasion from the Zulu kingdom, the city police had to use threats of arrest to keep them on the job.⁸³ In 1869, when Shepstone promulgated the 1869 marriage law to an assembly of chiefs and headmen and the Africans responded with bitter complaints about it, he countered with references to the Zulu kings:

[I]t was necessary to preserve my own dignity and the prestige of the Government at such a moment. ... I told them that the way to the Zulu Country was short and was open to them, and I would even prepare their way by sending a messenger to announce their intentions to the Zulu Authorities, that the Government wished no discontented subjects to live under its rule and that they might depart in peace, but that those who did live under it must obey its laws. I said that I had never had such words uttered to me before, and I desired them to go home and think over what they had said, and what they had heard from me, and meet me the next day to discuss what I saw they did not as yet understand. This of course broke up the meeting and during the night they seem to have taken in, more or less, the particulars of my explanation, for before the time of meeting next morning, messengers came with profuse and abject apologies for the intemperate and wayward language they had used in my presence the day before, they said they wished to be assured of my forgiveness before the public conference began. ... They presented peace offerings,

⁸⁰ The most detailed discussion of this exodus is to be found in Atkins, *The Moon is Dead!*, ch. 1.

⁸¹ SNA 1/1/1 no. 2 Affidavits, Umkumbeli, Macatshiso, Umceleni, 27 February 1846; SNA 1/1/1 no. 16 Donald Moodie to SNA, 4 April 1848; SNA 1/1/1 no. 18 SNA to Lt. Gov., 20 April 1848; SNA 1/8/1 SNA to Secretary to Government, 24 December 1846.

⁸² SNA 1/1/2 no. 62 D. Tookey to SNA, 13 September 1848.

⁸³ SNA 1/8/5 SNA to RM Pietermaritzburg, 3 October 1853.

which of course I did not receive; so the conference was resumed, new light seemed to have broken in upon them. They were keenly inquisitive into the details of the measure, which after a time they completely mastered, and they came to the conclusion that it was not such a bad measure as they had supposed it to be ... At the conclusion, I said, that if I had felt obliged to take notice of their language, it must have been in a very serious way, that I overlooked it, because I saw that they regretted it, and had not meant all that their words conveyed; they thanked me heartily. The great men belonging to my train were enriched by sundry half crowns put into their hands as thank offerings which however they did not receive until they had asked my permission to do so. The meeting broke up with a hearty salute to me and all left in great good spirits.⁸⁴

When the Anglo-Zulu War of 1879 came, some African men did resist going into military action against the Zulu kingdom. Occasionally this was because they supported the Zulu side, but more often the complaint was different: A very common concern among African military levies was that they were being sent into war with insufficient arms, particularly considering the prowess of the Zulu army. In general Natal African soldiers complained that they were not being treated as equals to the colony's European soldiers, but rather like "women," and would be held up for contempt and ridicule by the Zulu soldiers they encountered.⁸⁵

In fact, if anybody had compromised this alliance against the Zulu kings, it had been not Natal Africans, but the colony's white officials. The government's cattle confiscation and refugee apprenticeship ordinances also included provisions for returning to the Zulu king any "fugitive" or "kidnapped" Zulu subjects, as well as some of the cattle: by law all cattle in the kingdom belonged to the king. These laws placed the colonial state – which usually tried to

⁸⁴ SNA 1/1/19 120/1869 Memorandum, SNA, 2 September 1869.

⁸⁵ For examples of this phenomenon, see SNA 1/1/34 768a/1879 Acting SNA to Lt. Gov., 11 Apr 1879; SNA 1/1/33 144/1879 RM Lower Tugela to acting SNA, 31 Jan 1879; SNA 1/6/13 904/1879 Circular: Means of distinguishing friendly Natives in the field from Zulus, 11 Feb 1879; SNA 1/1/33 18/1879 Fynney to acting SNA, 19 Mar 1879. Umlazi division was the site of one particularly large case of refusal to turn out for colonial military service on these grounds: SNA 1/3/30 C144/1878 RM Umlazi to acting SNA, 5 Nov 1878; SNA 1/3/30 96a/1878 George Ogle, et al. to RM Umlazi, Nov 1878; SNA 1/3/30 1622/1878 RM Umlazi to acting SNA, 17 Dec 1878; SNA 1/6/12 232/1879 RM Umlazi to acting SNA, 7 Feb 1879; SNA 1/6/12 376/1879 RM Umlazi to acting SNA, 24 Feb 1879; SNA 1/1/35 2162/1879 RM Umlazi to acting SNA, 13 Nov 1879.

present itself as the protector of Natal Africans against the “Zulu threat” – in the unusual position of working closely with the Zulu kingdom to police the movements of Natal Africans. What emerged was a struggle between the Zulu kingdom and the colonial state on the one hand, and Natal African men on the other, for the control of people – especially women and children – and things – especially cattle.⁸⁶

Conclusion

Any general statement about how the colonial state worked, or indeed if it worked, must be made with extreme caution. Evidence could be cited to the effect that the colonial state was weak or that it was strong, that it relied heavily on violence or on the cooperation of a significant proportion of the African population, that chiefs were essentially independent or were hopelessly compromised by colonialism,⁸⁷ that colonialism promoted or subverted African patriarchy. As I hope I have shown, this contradictory evidence is evidence of contradictions in the colonial project in Natal. Indeed, I would go further and maintain that it was this very proliferation of contradictions that enabled the colonial state to remain in power. After 1879, the colonial state would become stronger and the contradictions between various elements of Natal’s European population would diminish. As a result, the most negative effects of European conquest in 1838

⁸⁶ SNA 1/8/5 SNA to RM Weenen, 3 May 1854; SNA 1/8/5 Sgt. for SNA to RM Weenen, 27 May 1854; SNA 1/8/5 William C. Sargeant for SNA to RM Ladysmith, 31 May 1854; SNA 1/8/5 SNA to various RM’s, 17 August 1854.

⁸⁷ Compare the following two quotes from Welsh, *The Roots of Segregation*: “In the early days of British rule, the hereditary chiefs hardly considered themselves as being ‘ruled,’ indirectly or otherwise, by the Natal authorities.” (p. 113) “Such, then, was the dilemma of the chief under the Shepstonian system: stripped in all essential respects of his power and the dignity of being the head of a sovereign entity, and yet expected by the administration to exert his influence to ends which were not his own, and the implementation of which made him unpopular with his people. Inevitably, his tribesmen must come to identify him with that administration and not with their own interests.” (pp. 124-125).

would finally be felt by Natal Africans from the 1880s onwards, more than forty years after the fact. Natal Africans would not be as fortunate as their European counterparts in both material and ideological ways: Immiseration was not accompanied by greater unity, but by greater internal tension. The ideological history of late colonial Natal is the story of various efforts by Natal Africans to mediate the contradictions within their society, with very mixed results. Success, of a highly qualified and specifically located sort, came only during one brief, shining moment that ended fatally for thousands of Natal Africans and disastrously for many, many more: the 1906 Poll Tax Rebellion.