

# **VIOLENCE AND WORK: CONVICT LABOUR AND SETTLER COLONIALISM IN THE CAPE-NAMIBIAN BORDER REGION (c. 1855–1903).**

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*This article focuses on convict labour in the Namibian-Cape border region in the late nineteenth and early twentieth centuries. It situates this form of unfree labour within broader trans-colonial discussions on the “labour question” and compulsion after the abolition of slavery. The article demonstrates that convict labour was a flexible and steadily available labour force, which officials used on both sides of the Orange River to manage, in part, the fluctuating labour demands of public and private employers. While local Cape officials utilised it to meet re-occurring labour deficits at short notice, their German counterparts followed the long-term objective of “educating” Africans to work by means of compulsion. At the same time, colonisers on this shared frontier of the Cape Colony and German Southwest Africa lamented the weak deterrent effects of convict labour, as this potentially undermined their claimed authority and control over convicts as well as African labour more broadly, partly unsettled by convicts’ own actions. Ultimately, this article argues that officials conceived of violence as a key measure to counter these subversive tendencies, but that it had equivocal consequences which further complicated the “labour question” on the ground. By analysing the debates on and (violent) practices of enforcing convict labour, the article also opens a window into the contentious formation of settler colonialism on the ground.*

**Key words:** convict labour, labour question, violence, settler colonialism, border region, Namibia, Cape Colony, German Southwest Africa

## **Introduction**

In course of Africa’s nineteenth century history, colonisers ascribed growing importance to convict labour<sup>1</sup> for the economic operations of their colonies and the establishment of rule. By punishing transgressions of colonial law with sentences of hard labour on public works or private estates, Africans could be forced into colonial labour markets and economies, an integration which they had often resisted by

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<sup>1</sup> I build on the definition of De Vito and Lichtenstein, after which convict labour is ‘the work performed by individuals under penal and/or administrative control.’ See C.G. De Vito and A. Lichtenstein, ‘Writing a Global History of Convict Labour,’ in A. Eckert (ed), *Global Histories of Work* (Berlin, De Gruyter Oldenbourg, 2016), p. 55. My emphasis. I further distinguish convict labour from hard labour, the criminal punishment by which convicts were forced to work.

breaking employment contracts or avoiding tax payments. As Florence Bernault reminds us, after the formal abolition of slavery convict labour emerged as a 'hidden form of forced labor', and continued to provide colonisers with a 'docile, cheap, and constantly available' labour force in course of much of the continent's colonial history.<sup>23</sup> And yet, from the perspective of the colonisers, convict labour was not only economically beneficial but also a paradox: utilising convicts as labour force risked undermining the punitive effects of their criminal sentences.<sup>4</sup>

This article investigates the relevance of convict labour as form of unfree labour in the Namibian-Cape border region in the late nineteenth and early twentieth centuries, after the Cape Colony and the German Empire had formally incorporated the vast tracts of land bordering the Orange River into their territories (in 1847 and 1884 respectively). It does so by situating convict labour within ongoing trans-colonial discussions on the "labour question" and the issue of compulsion after the abolition of slavery, before examining the specific labour situation and implementation of convict labour in the border region itself. Here, the expanding settler colonial frontier of the Cape Colony exerted increased pressure upon the region's local population since the eighteenth century.<sup>5</sup> In the wake of the Cape's and Germany's colonisation, governments, settlers and companies tightened their grip on land, livestock, and natural resources.<sup>6</sup> Nonetheless, supplying the public and private sectors with African labour was perceived as an issue on both sides of the Orange River, especially in the context of Africans' cross-border and seasonal mobility. This article shows that convict labour was part of local officials' attempts on both sides of the border to manage the "labour question", despite the rather modest labour

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<sup>2</sup> F. Bernault, 'The Politics of Enclosure in Colonial and Post-Colonial Africa', in F. Bernault (ed), *A History of Prison and Confinement in Africa*, trans. J. Roitman (Portsmouth, Heinemann, 2003), p. 22. On convicts' work as productive form of labour and means to (re)produce colonial hegemony also see S. Hynd, "...a Weapon of Immense Value"? Convict Labour in British Colonial Africa, c. 1850–1950s', in C.G. De Vito and A. Lichtenstein (eds), *Global Convict Labour* (Leiden, Brill, 2015), p. 251; N. Penn, "Close and Merciful Watchfulness": John Montagu's Convict System in the Mid-Nineteenth Century Cape Colony', *Cultural and Social History* 5, 4 (2008), p. 477; S.A. Peté, 'Penal Labour in Colonial Natal—The Fine Line Between Convicts and Labourers', *Fundamina* 14, 2 (2008), p. 67.

<sup>3</sup> Hynd, "...a Weapon of Immense Value"?', p. 251; Penn, "Close and Merciful Watchfulness", p. 477; Peté, 'Penal Labour in Colonial Natal', p. 67.

<sup>4</sup> On the paradox of convict labour in that respect see Bernault, 'The Politics of Enclosure', p. 22; Peté, 'Penal Labour in Colonial Natal', p. 68.

<sup>5</sup> N. Penn, *The Forgotten Frontier: Colonist and Khoisan on the Cape's Northern Frontier in the 18<sup>th</sup> Century* (Athens, Ohio University Press; Cape Town, Double Storey Books, 2005), pp. 157–236.

<sup>6</sup> For an overview over this particular period in the region's history see M. Wallace with J. Kinahan, *A History of Namibia: From the Beginning to 1990* (Oxford, Oxford University Press, 2013), pp.115–154; W. Dooling, 'Reconstructing the Household: The Northern Cape Colony Before and After the South African War', *Journal of African History* 52, 3 (2009), pp. 402–406.

demands of the region's predominantly pastoral economy. In Namaqualand, the Cape's most north-western district, convicts were a steadily available labour source and moved flexibly to private employers and government works at short notice. Officials in the south of German Southwest Africa (GSWA), too, had a sizable workforce of convicts at their disposal for flexible use. But although they allocated convicts to private employers in the construction sector, they followed the long-term objective of "educating" imprisoned Africans to work through compulsion. The gross numbers of convict labourers never reached the levels which it did in other territories, such as the US, Australia, or even the Western Cape. However, officials both in Namaqualand and GSWA's south recognised that convicts provided a flexible solution to fluctuating labour demands.

Moreover, this article interrogates the role of violence in the context of convict labour and the "labour question" in the border region, that is the threat and infliction of physical forceful acts aimed at injuring or destroying human bodies such as famishing, flogging, or chaining.<sup>7</sup> Officials and private employers on both sides of the Orange River made use of convict labour but bemoaned a lack of deterrent effects, which potentially undermined their claimed authority and control over convicts, and African labour more broadly. Convicts themselves partly contributed to this unsettling by tricking or refusing to work for their employers, being indifferent towards or delaying the tasks assigned to them.<sup>8</sup> Ultimately, I argue that colonisers considered violence a key tool to counter these subversive tendencies and to enforce convict labour, as well as reasserting settler colonial power more generally. Moreover, this article claims the slippage between the goals of violence and the degree of its enforcement inhibited solving the "labour question" on both sides of the border and opened room for African manoeuvring. While Cape authorities were convinced of the need for police supervision and punishment of convicts, they hesitated to rent convicts to private employers, knowing that this would break their official monopoly on violence. In southern GSWA, officials were ruthless in their use of force to the extent that any goals of "educating" workers through violence were undermined, also leading to conflict between settlers and the state over labour issues.

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<sup>7</sup> On such a narrow conceptualisation of violence see K. van Walraven and J. Abbink, 'Rethinking Resistance in African History: An Introduction', in J. Abbink, M. De Bruijn and K. van Walraven (eds), *Rethinking Resistance: Revolt and Violence in African History* (Leiden, Brill, 2003), pp. 17–18; H. Popitz, *Phenomena of Power: Authority, Domination, and Violence*, trans. G. Poggi (New York, Columbia University Press, 2017), pp. 25–26.

<sup>8</sup> Cohen outlines similar practices as hidden forms of protest of African workers. R. Cohen, 'Resistance and Hidden Forms of Consciousness Amongst African Workers', *Review of African Political Economy* 19 (1980), p. 12.

In considering these issues, my article shows the significance of unfree labour in Namibia's early colonial history and the need for scholars to situate it within a broader southern African context. This article approaches convict labour as 'microcosm'<sup>9</sup> through which the shaping and reshaping of colonial labour relations can be studied in greater detail. Moreover, it makes clear that convict labour and violence can be used as a lens to examine the formation of settler colonialism on the ground. Recent important research into the history of settler colonialism holds that it differs from other modes of domination because the focus is land theft, rather than labour exploitation.<sup>10</sup> While land theft was indeed key to settler colonialism, the case of southwestern Africa shows that the labour of the colonised accompanied and further complicated the process of both utilising the land and consolidating rule.

The historiography of convict labour, especially that on the nineteenth-century Cape Colony, has dramatically expanded in recent years.<sup>11</sup> Scholars such as Nigel Penn have explored the emergence and day-to-day function of the Cape Colony's convict labour system, as well as elaborated upon its links to the Australian penal colony of Van Diemen's Land.<sup>12</sup> Notions of freedom, bondage, and convict status in the Cape were ultimately shaped in the context of trans-imperial connections and the transposition of ideas.<sup>13</sup> With regard to nineteenth-century Natal, Stephen Peté further outlines how distinctions between convict and free labourers were confused in practice, and how this impeded the maintenance of discipline on the colony's

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<sup>9</sup> This term is borrowed from Hynd, who investigates convict labour 'as a microcosm of the tensions and contradictions traversing colonial states and societies from an imperial to a local level'. See Hynd, "'...a Weapon of Immense Value'?", pp. 250–251.

<sup>10</sup> L. Veracini, 'Introduction: Settler Colonialism as a Distinct Mode of Domination', in E. Cavanagh and L. Veracini (eds), *The Routledge Handbook of the History of Settler Colonialism* (Abingdon, Routledge, 2017), pp. 2–3. Other leading scholars in the field make similar claims: C. Elkins and S. Pedersen, 'Introduction. Settler Colonialism: A Concept and Its Uses', in C. Elkins and S. Pedersen (eds), *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies* (New York, Routledge, 2005), p. 2; P. Wolfe, 'Structure and Event: Settler Colonialism, Time, and the Question of Genocide', in A.D. Moses (ed), *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York, Berghahn Books, 2010), p. 103.

<sup>11</sup> Paradigmatic for this trend: C.G. De Vito and A. Lichtenstein (eds), *Global Convict Labour* (Leiden, Brill, 2015); M. van der Linden and M. Rodriguez Garcia (eds), *On Coerced Labor: Work and Compulsion After Chattel Slavery*, (Leiden, Brill, 2016).

<sup>12</sup> Penn, "'Close and Merciful Watchfulness'", pp. 465–480.

<sup>13</sup> C. Anderson, 'Convicts, Carcerality and Cape Colony Connections in the 19<sup>th</sup> Century', *Journal of Southern African Studies* 42, 3 (2016), pp. 429–430. See, concerning the contingent and ambiguous ways in which control over imprisoned subjects was negotiated, L. Rizzo, 'Policing the Image: The Breakwater Prison Albums, Cape Town, in the Late Nineteenth and Early Twentieth Centuries,' *Social History* 41, 3 (2016), pp. 285–303. On the use of convict labour on South Africa's diamond mines see W.H. Worger, 'Convict Labour, Industrialists and the State in the US South and South Africa, 1870–1930', *Journal of Southern African Studies* 30, 1 (2004), pp. 63–86.

public works.<sup>14</sup> These contributions notwithstanding, further systematic research is needed into the relationship between convict labour, the “labour question”, and violence under settler colonialism; this is particularly relevant concerning Namibian history. While there have been some forays into the study of forced labour in GSWA’s concentration camps, convict labour has been largely neglected.<sup>15</sup>

The perspectives and methodological priorities of Global Labour History (GLH) can assist in addressing these shortcomings.<sup>16</sup> Christian De Vito and Alex Lichtenstein invoke historians to investigate ‘different localities and scales’, rather than confining research to single geographic areas and regimes of punishment. Moreover, exploring “excarceration”—the use of convicts outside prison walls—allows scholars to further contextualise the role which convicts played in colonial economies.<sup>17</sup> A GLH of convict labour and violence in southwestern Africa necessitates an understanding that colonial borderlands and boundaries are often sites of fragility and contested hegemony, where colonised move across borders and colonisers seek to (violently) control them.<sup>18</sup> Despite the entangled history of the Cape-Namibian borderlands, Martin Legassick notes that scholars have been hindered by the separation of the region into South African and Namibian national historiographies.<sup>19</sup> In exploring the broader history of convict labour in this region, it is necessary to cross these historiographical boundaries, as well as divisions in archival source-base. This paper compares the debates and practices revolving around convict labour on both sides of the river, and draws from careful reading archival materials in Windhoek, Cape Town, and Berlin in order to understand how colonial officials sought to use convict labour

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<sup>14</sup> Peté, ‘Convict Labour in Colonial Natal,’ pp. 68, 70, 82–83.

<sup>15</sup> Tellingly, one of the very few studies addressing the issue of convict labour in Germany’s colonial empire more directly focuses on debates concerning the deportation of convicts from the metropole. M. Fitzpatrick, ‘New South Wales in Africa? The Convict Colonialism Debate in Imperial Germany,’ *Itinerario* 19, 1 (1995), pp. 97–104. On connections between South African labour compounds and GSWA’s concentration camps see T. Dederling, ‘Compounds, Camps, Colonialism,’ *Journal of Namibian Studies* 12 (2012), pp. 29–46.

<sup>16</sup> For a general introduction to GLH as research perspective see A. Eckert and M. van der Linden, ‘New Perspectives on Workers and the History of Work: Global Labor History’, in S. Beckert and D. Sachsenmaier (eds), *Global History, Globally: Research and Practice Around the World* (London, Bloomsbury Academic, 2018), pp. 145–161.

<sup>17</sup> De Vito and Lichtenstein, ‘Writing a Global History’, pp. 74, 82–84.

<sup>18</sup> T. Dederling, ‘War and Mobility in the Borderlands of South Western Africa in the Early Twentieth Century’, *International Journal of African Historical Studies* 39, 2 (2006), p. 276; J. Adelman and S. Aron, ‘From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History’, *American Historical Review* 104, 3 (1999), pp. 815–816; C. Vaughan, ‘Violence and Regulation in the Darfur-Chad Borderland c. 1909–56: Policing a Colonial Boundary’, *Journal of African History* 54, 2 (2013), pp. 179–180.

<sup>19</sup> M. Legassick, *Hidden Histories of Gordinia: Land Dispossession and Resistance in the Northern Cape, 1800–1990* (Johannesburg, Wits University Press), p. 160.

and violence to deal with the “labour question”, as well as how African convicts sought to maintain autonomy, inscribing themselves into the colonial archive.

### **The “Labour Question” and Compulsion After the Abolition of Slavery**

The point to be decided is this, if a native makes a living in some way, and need not to work, his immediate wants being supplied, how can you compel him to work for a farmer?<sup>20</sup>

This statement by an Eastern Cape farmer amalgamates one of the central quandaries settlers and government officials in nineteenth-century southern Africa faced: channelling African labour into the colonial economy. The emancipation of slaves in most parts of the British empire in 1834—and the Cape Colony in 1838—made the so-called “labour question” particularly acute.<sup>21</sup> Since former slaves were legally granted the freedom of mobility and choosing their employers, private employers on the Cape’s agricultural estates could no longer rely on the slave system to place labouring bodies at their disposal. The departure of ex-slaves from estates caused the Cape’s agricultural economy to slide into a severe crisis, and the Cape government also found difficulties convincing ex-slaves to work as wage labourers on government projects.<sup>22</sup> Officials soon discovered convict labour as a possible answer to the “labour question”, particularly the Colony’s colonial secretary John Montagu.<sup>23</sup> His penal reform scheme, lasting from 1843-1853, included the establishment of convict labour at the Cape. While convict labour under Montagu sought to improve the Colony’s productivity, its penal and reformatory effects took centre stage. In essence, Montagu’s reforms aimed at the moral, social, and religious “upbringing” of prisoners, not least through closely supervised labour building the Colony’s roads and mountain passes. Montagu believed that these measures would promote the “civilization” of African prisoners on the one hand, and the reform of white criminals on the other.<sup>24</sup>

Nearly forty years after emancipation, the “labour question” remained a matter of substantial concern for officials and employers, as economic transformations meant

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<sup>20</sup> J. Frost in Cape Parliamentary Papers (hereafter CPP), C.2-1892, ‘Report of the Select Committee on the Labour Question’, p. 43.

<sup>21</sup> For an overview over the abolition of slavery and its consequences for labour relations see M. van der Linden, ‘Introduction’, in M. van der Linden (ed), *Humanitarian Intervention and Changing Labor Relations: The Long-Term Consequences of the Abolition of the Slave Trade* (Leiden, Brill, 2011), pp. 22-38.

<sup>22</sup> W. Dooling, *Slavery, Emancipation, and Colonial Rule in South Africa* (Scottsville, University of KwaZulu-Natal Press, 2007), pp. 116-117. On the latter aspect see Penn, “Close and Merciful Watchfulness”, p. 471.

<sup>23</sup> Penn, “Close and Merciful Watchfulness”, p. 471.

<sup>24</sup> *Ibid.*, pp. 465-466, 471-475.

they were no closer to answering it.<sup>25</sup> A rapidly growing mining industry alongside a thriving railway sector during the second half of the nineteenth century meant that the labour supply was a key grievance for Western Cape farmers in particular.<sup>26</sup> Under these circumstances, convict labour remained a veritable option to meet the fluctuating labour demands of the Colony's public and private sectors. Montagu's successors, however, neglected the "rehabilitative" component of convict labour,<sup>27</sup> promoting the convicts' productive labour instead.<sup>28</sup> While the revised Vagrancy Act of 1879, designed to force the African population into the colonial economy,<sup>29</sup> was soon pronounced a 'dead letter',<sup>30</sup> a system of leasing convicts introduced in the same year was considered more efficient.<sup>31</sup> Estimates by the Cape parliament found that between 1884 and 1887, the leasing of convicts to government bodies and private employers generated over £16,000 in revenue, largely covering government expenses for prison maintenance. Consequently, a committee report enthusiastically claimed that

[...] the system cannot be pronounced anything but satisfactory from an economical or financial point of view; and that it is satisfactory to those who hire the prisoners must be inferred from the fact that, even where it costs as much as free labour, it is pronounced superior to free labour in quantity, quality, and reliability.<sup>32</sup>

This opinion indeed resonated with employers of convicts. In some districts, convict labour was at times the only source of labour available—considered more reliable, controllable, and cheaper than free labour.<sup>33</sup> Hence, when the nineteenth century drew to its close, convict labourers were perceived as a 'valuable commodity' by some

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<sup>25</sup> 'Native Labour and Native Policy', *The Cape Monthly Magazine* 10 (1875), p. 1.

<sup>26</sup> Rizzo, 'Policing the Image', pp. 293-294; CPP, C.2-1892, 'Report of the Select Committee on the Labour Question', p. v.

<sup>27</sup> Penn, "Close and Merciful Watchfulness", p. 477.

<sup>28</sup> By favouring productive convict labour to the expense of penal labour in a stricter sense, the Cape Colony went through a development similar to other parts of the British Empire. See Hynd, "...a Weapon of Immense Value", p. 251.

<sup>29</sup> On the latter aspect see P. Ocobock, 'Introduction: Vagrancy and Homelessness in Global and Historical Perspective', in A.L. Beier and P. Ocobock (eds), *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective* (Athens, Ohio University Press, 2008), p. 14; E. Elbourne, 'Freedom at Issue: Vagrancy Legislation and the Meaning of Freedom in Britain and the Cape Colony, 1799 to 1842', *Slavery & Abolition* 15, 2 (1994), pp. 114-150.

<sup>30</sup> O.J. Marais in CPP, G.3-1894, 'Labour Commission', Vol. II, p. 327. Colonial officials, too, believed the law as such was powerful but insufficiently enforced. CPP, C.2-1892, 'Report of the Select Committee on the Labour Question', p. 20; CPP, G.39-1893, 'Labour Commission', pp. 146, 184-185.

<sup>31</sup> On the lease system see CPP, G.2-1888, 'Report of the Committee on Convicts and Gaols', pp. xli-xliii; B. Fall and R.L. Roberts, 'Forced Labour', in S. Bellucci and A. Eckert (eds), *General Labour History of Africa: Workers, Employers and Governments, 20<sup>th</sup>-21<sup>st</sup> Centuries* (Woodbridge, James Currey, 2019), pp. 101-102.

<sup>32</sup> CPP, G.2-1888, 'Report of the Committee on Convicts and Gaols', p. xlii.

<sup>33</sup> CPP, G.39-1893, 'Labour Commission', p. 455-456; CPP, G.3-1894, 'Labour Commission', Vol. II, pp. 103, 291, 386-387; CPP, G.3-1894, 'Labour Commission', Vol. III, p. 70.

of the Colony's officials.<sup>34</sup> Not only was this a flexible labour force which could be relocated to other sectors quickly,<sup>35</sup> but leasing convict labourers also yielded considerable financial returns.<sup>36</sup>

At the same time, however, integrating convicts more firmly into the Cape's public and private sectors evoked criticism both from within the government and by private employers. Many believed that productive convict labour would compromise its envisaged punitive effects, since employers of convicts were not granted authority to (violently) "discipline" them. Keoberg district farmer J.D.J. Visser declared hiring out convicts to private employers 'a great mistake', as they would receive sufficient food rations—sometimes even alcohol—but no punishment other than overnight imprisonment.<sup>37</sup> Such dissent resonated with F.H. Skead, a senior partner of a contractor firm in Cape Town, who employed convicts for waste disposal, road building, and farm labour. Although his forty convicts earned less than a third of the wages of free labourers—9d. compared to a minimum of 2s. 6d. per day—he considered convicts' labour as inferior and worthless. Skead felt he could not 'get anything out of them', neither through driving them hard nor through 'working on their feelings' by giving out extra food and coffee.<sup>38</sup> Productive convict labour also met the disapproval of H. Basil Roper, the Colony's inspector of prisons. In 1893, he lamented that '[h]iring out prison labour, and discipline, are two things which [...] must always be diametrically opposed to one another' and that the primary aim of convict labour 'should be punishment, and the second, but very far removed from the first, profit.' Roper echoed popular sentiment that imprisonment with hard labour 'has no terrors for the ordinary native', partially because he felt that food rations were too generous and that African guards often supervised convicts at work, rendering the 'whole business a farce'.<sup>39</sup>

When the German Empire became a colonial power in the 1880s, the issue of mobilising labour in the post-slavery colonial world soon became subject of heated

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<sup>34</sup> Western Cape Archives and Records Service (hereafter WCAR), CO 6447, SLD (Secretary to the Law Department) to AG (Attorney General), 17 Mar. 1891.

<sup>35</sup> WCAR, CO 6447, 'Gratis Convict Labour', 3 June 1891. In order to counter the strong fluctuation of the labour supply, in 1889 the Cape government was granted powers to distribute prison labour free of charge, when- and wherever necessary.

<sup>36</sup> On the appeal of convict labour for colonisers compared to free labour, particularly concerning flexibility and costs, see Fall and Roberts, 'Forced Labor', p. 101–102.

<sup>37</sup> J.D.J. Visser in CPP, G.39–1893, 'Labour Commission', p. 59.

<sup>38</sup> F.H. Skead in CPP, G.39–1893, 'Labour Commission', pp. 192–193.

<sup>39</sup> WCAR, CO 6478, IP (Inspector of Prisons) to SLD, 8 Mar. 1893.



debates as well.<sup>40</sup> The Berlin missionary and a leading proponent of German colonisation, Alexander Merensky, was quick to point out that the “labour question” had become ‘a burning issue’ after the formal abolition of slavery and that colonisers across the globe still struggled to find a replacement for the steadily available workforce of slaves—not least in southern Africa.<sup>41</sup> Compared to the Cape discussions on the “labour question”, however, for the Germans compulsion remained on a rather conceptual level. In addition, the “labour question” was closely connected to the German empire’s “civilisationist” justification for colonising Africa. In the wake of the late nineteenth-century anti-slavery movement, German colonisers—like other imperial powers engaged in the “scramble”—claimed abolitionist principles. At the same time, many believed mobilising labour without any coercive measures would hardly be possible.<sup>42</sup>

Debates concerning coercion and the “labour question” centred on Germany’s tropical colonies in Africa,<sup>43</sup> and from the beginning, colonialists and their advocates debated the implementation of different forms of unfree labour, ranging from compulsion through contracts and tax laws to forced labour in a stricter sense.<sup>44</sup> While advocates of forced labour underscored that compulsion spoke to the supposed “servile nature” of Africans and highlighted its “educating” and “civilising” effects, adversaries rejected it as reinforcing an alleged “natural aversion” to work, contradicting liberal ideas of individual freedom, and resembling slavery and thereby compromising the “civilising” mission. Moreover, they questioned its economic efficiency, as forced labourers would not devote themselves to the work they were made to do, or proposed deportations from their homes to remote worksites could compromise the growth and agricultural

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<sup>40</sup> On the “labour question” and its central role in discussions on German colonial policy see S. Conrad, “Eingeborenenpolitik” in *Kolonie und Metropole: “Erziehung zur Arbeit” in Ostafrika und Ostwestfalen*, in S. Conrad and J. Osterhammel (eds), *Das Kaiserreich transnational: Deutschland in der Welt 1871–1914*, 2<sup>nd</sup> ed. (Göttingen, Vandenhoeck & Ruprecht, 2006), pp. 109–110.

<sup>41</sup> A. Merensky, *Wie erzieht man am besten den Neger zur Plantagen-Arbeit?* (Berlin, Walther & Apolant, 1886), p. 4. Translation of this and all the other quotes originally in German by myself.

<sup>42</sup> A. Eckert, ‘Abolitionist Rhetorics, Colonial Conquest, and the Slow Death of Slavery in Germany’s African Empire’, in M. van der Linden (ed), *Humanitarian Intervention and Changing Labor Relations: The Long-Term Consequences of the Abolition of the Slave Trade* (Leiden, Brill, 2011), pp. 351–355; H. Pogge von Strandmann, *Imperialismus vom Grünen Tisch: Deutsche Kolonialpolitik zwischen wirtschaftlicher Ausbeutung und “zivilisatorischen” Bemühungen* (Berlin, Ch. Links Verlag, 2009), pp. 191–192.

<sup>43</sup> See for instance A. Diesterweg, ‘Unsere ostafrikanischen Erwerbungen’, *Deutsche Kolonialzeitung* 2, 21 (1885), p. 672–673; Conrad, “Eingeborenenpolitik” in *Kolonie und Metropole*, pp. 109–110.

<sup>44</sup> P.J. Schröder, *Gesetzgebung und “Arbeiterfrage” in den Kolonien: Das Arbeitsrecht in den Schutzgebieten des Deutschen Reiches* (Berlin, LIT Verlag, 2006), pp. 358, 361–364.

output of local populations.<sup>45</sup> Nevertheless, German colonialists walked a fine line between free and unfree labour, as evidenced by the head of Frankfurt's branch of the German Colonial Association, stating in 1886 that rather than introducing slavery into Germany East Africa, they were merely using coercion to "educate" and "civilise" Africans; this meant, in his view, implementing a compulsion to work, not forced labour in the stricter sense.<sup>46</sup>

Until the early twentieth century, the issue of managing the labour supply in the Empire's African colonies continued to be one of the key questions for colonialists.<sup>47</sup> All the while, however, convict labour had attracted little to no public attention, in spite of its widespread use and intense discussion at the Cape and in other colonies around the globe. Germany's central colonial authorities agreed upon the need of exploiting Africans' labour in order to make the newly claimed colonies profitable while avoiding a solution that would clearly resemble slavery.<sup>48</sup> In this context of heated debates on the "labour question" and compulsion, and largely unnoticed by public opinion and politicians, convict labour was institutionalised in 1896 when the German Empire officially introduced hard labour in all of its African colonies—including today's Namibia—as criminal punishment for Africans.<sup>49</sup> Henceforth, local officials had the legal power to exploit the labour of African convicts for economic purposes and to use this form of punishment to "educate" them to work.<sup>50</sup> The *Deutsche Kolonialzeitung* was swift to point to the productive dimension of convict labour, voicing its confidence that sentences of hard labour would succeed in inducing Africans to work. The paper thought such sentences would especially favour planters, as convicts could now be forced to work on their estates. Moreover, it believed that Africans could be made economically useful to colonisers, rather than being left in prison without occupation while receiving supposedly generous rations.<sup>51</sup>

### **The "Labour Question" in the Border Region**

The labour situation in the Namibian-South African border region of the second half of the nineteenth century differed markedly compared to the plantations of GEA or

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<sup>45</sup> Ibid., pp. 359–361.

<sup>46</sup> 'Deutscher Kolonialverein', *Deutsche Kolonialzeitung* 3, 4 (1886), p. 97.

<sup>47</sup> A. Merensky, 'Die Arbeits- und Arbeiterfrage in unseren deutschen Kolonien', *Die Zeit* 2, 13 (1902), pp. 393–397.

<sup>48</sup> Pogge von Strandmann, *Imperialismus vom Grünen Tisch*, pp. 193–194.

<sup>49</sup> R. Schlottau, *Deutsche Kolonialrechtspflege: Strafrecht und Strafmacht in den deutschen Schutzgebieten 1884 bis 1914* (Frankfurt/Main, Peter Lang, 2007), p. 284.

<sup>50</sup> J. Zollmann, *Koloniale Herrschaft und ihre Grenzen: Die Kolonialpolizei in Deutsch-Südwestafrika 1894–1915* (Göttingen, Vandenhoeck & Ruprecht, 2010), pp. 138–139.

<sup>51</sup> 'Strafrechtspflege in deutsch-afrikanischen Schutzgebieten,' *Deutsche Kolonialzeitung* 9, 36 (1896), p. 282.

the Cape's grain farms, wine estates, and infrastructure projects—the sites which had attracted most attention from commentators on the “labour question” in the Cape Colony and imperial Germany. Given the region's predominantly pastoral economy, employers' relative want of labour remained low (with the exception of Namaqualand's mining companies).<sup>52</sup> Moreover, although the region had been subject to slaving for the transatlantic and Cape colonial slave trade,<sup>53</sup> by the time it became entrenched into settler colonial schemes more firmly, slavery as an institution had already been abolished.<sup>54</sup> Nevertheless, up to the turn of the twentieth century, government officials and private employers on both sides of the Orange River time and again experienced difficulties with the supply of African labour. Echoing the debates described above, they also discussed and partially implemented coercive measures to cope with the “labour question”. In 1896, one of Namaqualand's former resident magistrates noted that the region was unusual because of its ‘floating population who lives part of the time on the lands this side of the Orange River, and part of the time on the other side’. In the district of Namaqualand, this substantially impeded the collection of taxes—and hence the inducement to wage labour.<sup>55</sup>

Soon after the Cape Colony officially incorporated the region southwest of the Orange River into its territory in late 1847, wage labour was soon introduced to the region with the commencement of industrial copper mining in 1852.<sup>56</sup> Over the decades, the mining companies' demand for labour fluctuated, closely correlating with the global market price for copper.<sup>57</sup> In times of want, Namaqualand's mining companies continuously struggled to mobilise a large enough local workforce. In 1883, civil commissioner Colonel Eustace complained on behalf of the Cape Copper Mining Company to the central government that ‘the difficulty with the natives in this division

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<sup>52</sup> On pastoralism's lower demands of manual labour compared to other forms of production see N.J. Jacobs, *Environment, Power, and Injustice: A South African History* (Cambridge, Cambridge University Press, 2003), pp. 43-45.

<sup>53</sup> J.-B. Gewald, ‘Untapped Sources: Slave Exports from Southern and Central Namibia up to c. 1850’, in Carolyn Hamilton (ed), *The Mfecane Aftermath: Reconstructive Debates in Southern African History* (Johannesburg, Witwatersrand University Press; Pietermaritzburg, University of Natal Press, 1995), pp. 417-435.

<sup>54</sup> Dooling reminds us that in the course of the nineteenth century, Northern-Cape frontier farmers launched commandos—particularly against San groups—for the purpose of acquiring African labour, as they were unable to afford slaves to any significant extent. Dooling, ‘Reconstructing the Household’, p. 406.

<sup>55</sup> W.C. Scully in CPP, A.7-1896, ‘Select Committee on Mission Lands and Reserves’, p. 17.

<sup>56</sup> On the introduction of wage labour with the commencement of industrial copper mining and its effects on Namaqualand's local population see P. Carstens, *In the Company of Diamonds: De Beers, Kleinzee, and the Control of a Town* (Athens, OH, Ohio University Press, 2001), pp. 10-11.

<sup>57</sup> C.J. Kelso, ‘On the Edge of a Desert—A Namaqualand Story: 1800-1909: Climatic and Socio-Economic Drivers of Decline’ (PhD thesis, University of the Witwatersrand, 2010), p. 176.

has been to secure their permanent service in well paid mining work', as they would leave as soon as they had earned enough money to acquire livestock or a promising season enabled them to return to their fields.<sup>58</sup> He was in 'no doubt that the district [Namaqualand] could not supply the wants' of the copper mining companies for 'native labour'.<sup>59</sup>

The labour demand of settler livestock farmers in Namaqualand district was much more modest than that of the mining companies,<sup>60</sup> as only a few workers were needed throughout the year for the herding of animals. Nonetheless, they repeatedly complained to the government about labour shortages, particularly those cultivating grain, as they needed a reliable source of seasonal labour. Many Africans regularly moved to the region's mission stations—outside of the colonial government's direct control—practicing peasant and/or subsistence cultivation. William C. Scully, Eustace's successor, cited this economic independence in arguing that the "labour question" in Namaqualand was more acute than in other districts.<sup>61</sup> In the following years, settler farmers in want of seasonal labour continued to lobby for governmental intervention into Namaqualand's labour market. An opportunity presented itself in 1893, when the Labour Commission took up its work.<sup>62</sup> The German Theodor Vollmer—a shop owner and employer of cattle herders and shepherds in Namaqualand for over a decade—claimed that the regular return of young African men to their own farms for seasonal harvesting caused settlers significant economic losses. Asked by the Commission whether Africans should be forced to work in order to rectify this, Vollmer replied: 'Yes, I think so, and have the Vagrancy Act enforced.'<sup>63</sup> However, Namaqualand's magistracy was regularly unable to accommodate these demands, as a lack of administrative personnel meant that the Cape's tax and vagrancy laws were not enforced to the level that it provided a constant stream of seasonal farm labour.<sup>64</sup>

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<sup>58</sup> WCAR, 1/SBK 5/1/8, CC (Civil Commissioner), Namaqualand, to ACCLPW (Assistant Commissioner of Crown Lands and Public Works), 23 Feb. 1883.

<sup>59</sup> J.T. Eustace, CPP, G.3-1894, 'Labour Commission', Vol. II, p. 12. In order to compensate the local labour shortages, the mining companies among other things fell back on African labour from Delagoa Bay, "Damara" labourers from today's Namibia and Gcaleka war captives from the Transkei.

<sup>60</sup> J.T. Eustace in CPP, G.3-1894, 'Labour Commission', Vol. II, p. 12.

<sup>61</sup> WCAR, 1/SBK 5/1/11, CC, Namaqualand, to USNA (Under Secretary for Native Affairs), 11 Dec. 1891.

<sup>62</sup> CPP, G.3-1894, 'Labour Commission', Vol. III, p. 328. This assessment was made by six farmers from Namaqualand in a joint statement to the Labour Commission.

<sup>63</sup> CPP, G.39-1893, 'Labour Commission', pp. 148-150.

<sup>64</sup> WCAR, CO 3674, RM (Resident Magistrate), Namaqualand, to UCS (Under Colonial Secretary), 6 June 1891; W.C. Scully in CPP, A.7-1896, 'Select Committee on Mission Lands and Reserves', p. 17.

When Germany formally declared GSWA—today’s Namibia—its “protectorate” in 1884, local officials and private employers in its southern districts soon drew conclusions concerning the “labour question” similar to those of their counterparts in Namaqualand. They, too, perceived the issue to be one of labour mobilisation and control, rather than one of local demographics. Government agents on the ground witnessed a constant outflow of labour throughout the late nineteenth century, particularly to the Cape Colony. Dag Henrichsen and Jeremy Silvester point to (forced) labour migration by Damara and Herero from southern and central Namibia to the Cape Colony since the second half of the nineteenth century, where they worked in households, on farms, and mines.<sup>65</sup> Similar patterns of cross-border labour migration also affected the public sector in GSWA’s south. In 1896, works at the harbour of Lüderitzbucht stagnated, as Africans rather moved on to the Guano Islands right off southern Namibia’s shore, but under British control. When German officials in the south failed to attract workers to the Lüderitz harbour works through the payment of higher wages or offering better working conditions, they introduced regulations prohibiting foreign labour recruitment in the Lüderitz area as well as restricting the movement of African labour from there to the islands.<sup>66</sup>

Southern GSWA’s overwhelmingly pastoral farming sector seemed only slightly affected by the constant outflow of labour in the 1890s. Continuous droughts and stock raids compromised settler farmers’ subsistence and profitability in the 1890s and early 1900s.<sup>67</sup> And similar to settlers across the border, livestock farmers in southern GSWA needed fewer workers to herd their cattle, sheep, and goats. Nonetheless, mobilising African labour was perceived as an issue—again by employers of seasonal labour, but also on a more general level. Heinrich Petersen, an early German settler in the south and employer of seasonal labour, published an 1889-piece in the *Deutsche Kolonialzeitung* about his land cultivation operations at Ausenkjer on the banks of the Orange River, where he planted tobacco, cotton, figs,

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<sup>65</sup> D. Henrichsen, “Damara” Labour Recruitment to the Cape Colony and Marginalisation and Hegemony in Late 19<sup>th</sup> Century Central Namibia’, *Journal of Namibian Studies* 3 (2008), pp. 63–82; J. Silvester, ‘Assembling and Resembling: Herero History in Vaalgras, Southern Namibia’, in M. Bollig and J.-B. Gewald (eds), *People, Cattle and Land: Transformations of a Pastoral Society in Southwestern Africa* (Köln, Köppe, 2009), pp. 473–495.

<sup>66</sup> National Archives of Namibia (hereafter NAN), ZBU W.IV.a.3, Vol. 2, DG (District Governor), Keetmanshoop, to IGR (Imperial Governor), 11 Sept. 1896; DG, Keetmanshoop, to C.H. Jackson, 1 Mar. 1897; DG, Keetmanshoop, ‘Verordnung betreffend Anwerbung und Ausfuhr eingeborener Arbeiter im Südbezirk,’ c. Mar. 1897.

<sup>67</sup> On the latter aspect see for instance NAN, ZBU F.V.o.1, ‘Auszügliche Abschrift aus dem Antrage des Vereins für landwirtschaftliche Interessen des Südbezirks’ (undated, c. 1903).

grapes as well as a number of fruit and nut bearing trees.<sup>68</sup> As he informed his metropolitan readership, the single greatest difficulty Petersen had in tilling the fields and hence realising the enterprise was a shortage of labour.<sup>69</sup> Introducing the readers of the newspaper more broadly to the southern parts of the newly formed German colony as place of settlement in 1890, livestock farmer Ernst Hermann described the local labour situation as a rather unfavourable one: only about 24,000 people lived in the vast area, many of whom were ‘extremely reluctant to work.’<sup>70</sup> Moreover, from 1894 onwards officials throughout the colony began implementing master-servant regulations that aimed at impeding the breaches of contracts by African wage labourers and constraining their mobility.<sup>71</sup> Nevertheless, farmers often failed to keep Africans in their service. In 1902, for instance, one of the Nama Kapteins in Bethanie, Paul Fredericks, imposed a boycott on the produce of the German farmer Hermann Groeneveld as well a general prohibition to work for him, causing a labour shortage and considerable economic losses for the latter.<sup>72</sup> The boycott was preceded by the settler’s refusal to drive his stock off the pastures of the community, after Fredericks had ended their land lease agreement.<sup>73</sup>

Attempting to accommodate the labour needs of the southern and other districts of the colony, officials debated a number of coercive measures. However, they were reluctant to implement them, as Jürgen Zimmerer argues, because the Germans did not perceive themselves powerful enough to suppress African resistance, which was likely to follow. In 1903, the imperial governor opposed efforts to implement a general “native” head tax for exactly these reasons, although he acknowledged that it would be ‘a nice thought’ to force Africans to work by such means.<sup>74</sup> Three years earlier, the governor of GSWA’s southern district, Angelo Golinelli, had already rejected a pass regulation aimed at restricting Africans’ ‘unrestrained movement’ and at preventing the running away of ‘indolent and insubordinate’ individuals.<sup>75</sup> Golinelli viewed its implementation as a ‘highly questionable experiment’,<sup>76</sup> presumably also because of

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<sup>68</sup> H. Petersen, ‘Eine deutsche Niederlassung am Oranienflusse’, *Deutsche Kolonialzeitung* 2, 12 (1889), p. 91.

<sup>69</sup> Ibid.

<sup>70</sup> E. Hermann, ‘Groß-Namaland’, *Deutsche Kolonialzeitung* 3, 13 (1890), p. 157.

<sup>71</sup> J. Zimmerer, *Deutsche Herrschaft über Afrikaner: Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, 2<sup>nd</sup> ed. (Münster, LIT Verlag, 2002), pp. 28, 69–77.

<sup>72</sup> NAN, BKE UA.23/1, H. Groeneveld to DO (District Office), Keetmanshoop, and Kaptein P. Fredericks, Bethanie, 1 Sept. 1902; H. Groeneveld to IGT (Imperial Government), 16 Oct. 1902.

<sup>73</sup> NAN, BKE UA.23/1, statement by P. Fredericks, 9 Apr. 1902.

<sup>74</sup> Zimmerer, *Deutsche Herrschaft*, p. 28.

<sup>75</sup> NAN, ZBU W.III.b.1, IGR to DOs, 30 Aug. 1900; Zimmerer, *Deutsche Herrschaft*, pp. 72–74.

<sup>76</sup> NAN, ZBU W.III.b.1, DG, Keetmanshoop, to IGT, 17 Dec. 1900.

the lack of means to enforce such measures, and to dissuade possible resistance. At the same time, local settler livestock farmers rarely called for direct government intervention into the local labour market but rather took it upon themselves to mobilise and control African workforces<sup>77</sup>—an issue which became a subject of discontent between the state and settlers, especially concerning convict labour.

### **Productive convict labour and violence in Namaqualand**

In the district of Namaqualand, convict labour was introduced shortly after the Cape Colony had incorporated the vast tracts of land bordering the western shores of the Orange River into its territory in late 1847. Throughout the second half of the nineteenth century, each month dozens of convicts were forced to work in and outside of the gaol of Springbok, the seat of the magistracy established around 1855.<sup>78</sup> The magistracy's documentation of convict labour was fragmentary and erratic, and only became slightly more systematic in the late 1880s. However, the figures officials produced in those years seem to provide a representative estimate of the average number of convict labourers at Springbok.

Table One: Selected Data Concerning Convicts Serving Hard Labour Sentences at Springbok

<b>Date Range</b>	<b>Average number of Convicts</b>
February 1876	8 new convicts booked
February-March 1888	6 new convicts booked
1889	13 convicts serving (daily average)
January 1890	12 convicts actively serving sentences
January 1893	10 new convicts booked
January 1896	15 convicts actively serving sentences
January 1899	6 new convicts booked

Data from: WCAR, CO 6446, RM, Namaqualand, to IP (Inspector of Prisons), 15 Jan. 1890; WCAR 1/SBK 1/1/2, 1/1/4, 1/1/7, 1/1/14 and 1/1/17. Given the general incompleteness of these files (with the exception of a handful of cases from 1875, no material is available for the years prior to 1876, and there are no cases for the years 1877–1883, 1885–1887, and 1890), I assume that not all criminal cases were documented and not all files were archived.

While there were variations, the data shows a fairly steady number of convicts serving hard labour sentence at Springbok. The criminal records also reveal that the vast majority of convict labourers were minor offenders residing in the northwestern Cape

<sup>77</sup> On settlers' general claim to the monopoly of violence in opposition to the colonial state see M. Häußler, "Collaboration" or Sabotage? The Settlers in German Southwest Africa between Colonial State and Indigenous Politics,' in T. Bührer et al. (eds), *Cooperation and Empire: Local Realities of Global Processes* (New York, Berghahn, 2017), pp. 180–183; Zollmann, *Koloniale Herrschaft*, pp. 18–19.

<sup>78</sup> On the background of the founding of the district see Smalberger, *Aspects of the History*, pp. 70–72.

itself or else the southern and central parts of today's Namibia—the former racially categorised as “Hottentot”, “Bushman”, “Kaffir” or “Baster”, the latter more specifically referred to as “Damara” or “born in Great Namaqualand”.<sup>79</sup> Both men and women were convicted (the latter's compulsory labour limited to tasks inside the gaol),<sup>80</sup> usually for assault, violating the master-servant act, storebreaking, vagrancy, or stock theft, and their hard-labour sentences mostly ranged from a single or a few months up to one year.<sup>81</sup> Many of these crimes were linked to the discriminatory settler colonial legislation which had only recently entered Namaqualand. While whites could be sentenced to hard labour by law, some of the legislation—such as the vagrancy laws—did not apply to them.<sup>82</sup> Moreover, restrictions upon African stock ownership and land access further diminished their economic agency and capacity to react to environmental strains such as the region's continuous droughts much more profoundly.<sup>83</sup>

Local officials hence had access to a small, yet given the district's relatively modest labour demands, sufficient African convict labour force. Moreover, it was source of labour which was steadily available, and which could be flexibly moved around to various private employers and government projects at short notice. Considering that enforcement of other means of coercion were deficient, convict labour potentially allowed for managing the “labour question” on the ground. In practice, for the local magistracy convicts—usually not more than six or seven at a time—procured water from the nearby fountain and collected firewood (both as supply for the gaol and the village), removed sanitary pails, and repaired roads and buildings. Inside the gaol precincts they grinded wheat, cooked, whitewashed walls, scrubbed floors, repaired veldskoene, and mended prison clothing.<sup>84</sup> Private employers made use of convict

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<sup>79</sup> See the criminal records in the files of the attorney general (AG) and the magistrate of Namaqualand (1/SBK) at the Western Cape Archives. Such racial categorisation had been practiced from the early 1880s onward at the latest. Henrichsen shows that in written sources of the nineteenth century, the term “Damara” referred to people who mostly spoke Khoekhoegowab and/or Otjiherero, today known as Damara and Ovaherero, respectively. Henrichsen, “‘Damara’ Labour Recruitment”, pp. 64, 68.

<sup>80</sup> WCAR, 1/SBK 5/2/4, RM, Namaqualand, to UCS, 4 June 1883; 1/SBK 5/1/10, CC, Namaqualand, to UCS, 16 Apr. 1888.

<sup>81</sup> As a rule, convicts undergoing sentences of hard labour of one year or longer, political prisoners and hardened criminals were deported to Cape Town via steamer.

<sup>82</sup> On racial segregation in penal and infirmary institutions of the Cape Colony themselves, from the 1860s and 1870s onwards, see H. Deacon, ‘Racial Segregation and Medical Discourse in Nineteenth-Century Cape Town’, *Journal of Southern African Studies* 22, 2 (1996), pp. 287–308.

<sup>83</sup> Concerning the effects of the local population's increasing reliance on agriculture on their reduced ability to react to climatic stress see Kelso, ‘On the Edge of a Desert’, p. 168.

<sup>84</sup> Details on convicts' tasks can be inferred from the reports and correspondence by the magistracy on the subject as well as from criminal records. See for instance WCAR, 1/SBK 5/2/6, Act. RM, Namaqualand, to SLD, 12 Jan. 1893; WCAR, CO 6446, RM, Namaqualand,



labour as well. Reflective of the practice in other parts of the Cape Colony, they hired convicts from the magistracy in return for rates, in the early 1890s about 6d. per day or from 2s. 6d. to 10s. per month.<sup>85</sup> Settlers in the village made use of them for the completion of tasks such as cleaning out wells,<sup>86</sup> or as grooms, water carriers or coalers,<sup>87</sup> often not more than three convicts at a time.<sup>88</sup> Moreover, settler farmers occasionally worked convicts on their outlying estates,<sup>89</sup> while the local mining companies employed them for surface-level work.<sup>90</sup>

From a financial perspective, convict labour seemed to work well for the government officials in Namaqualand, in spite of the fact that they at times struggled to find employment for them. The most profitable use of convict labour for the government was to rent them out to the copper mines, but their demand for workers was constantly in flux; low copper prices meant retrenchments and a lack of demand for convicts.<sup>91</sup> Nevertheless, convict labour contributed to Namaqualand's budget by reducing public spending on prisons and prison maintenance: according to a government report on the subject, the annual cost of maintenance per convict in 1887 was among the lowest in the entire Cape Colony. Officials in Namaqualand spent £4 and 8s. on each imprisoned African man; the same rate applied to African women. With regard to the former, the figures were higher in 85% of the Colony's gaols and lockups, with regard to the latter higher in over 66%.<sup>92</sup> Tellingly, a commentator in the newspaper *The Lantern* already noted a year earlier that Namaqualand had in general been 'shamefully neglected' by the colony's administrative centre, in spite of the overall revenue 'it continue[d] to quietly and steadily return'<sup>93</sup> thereto. What is more, government officials could use convicts flexibly and when- and wherever labour shortages were most acute. Namaqualand's settler farmers profited from convict labour as well. In 1892, farmers leased convicts from the local government at 2s. 6d.,

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to IP, 15 Jan. 1890; WCAR, 1/SBK 1/1/9, Queen vs. W. Wentzell, 5 May 1894; WCAR, AG 118, 'Inquiry into the Escape of Prisoner Jonas Damara from the Hard Labour Party on the 25<sup>th</sup> Nov. 1884', 29 Nov. 1884.

<sup>85</sup> WCAR, CO 6625, RM, Namaqualand, to SLD, 6 Oct. 1891; WCAR, 1/SBK 1/1/6, Queen vs. Piet Swartbooy et al., 29 Feb. 1892; WCAR, 1/SBK 1/1/6, Queen vs. Jan Quarra alias Africander, 25 Nov. 1892.

<sup>86</sup> WCAR, 1/SBK 5/2/6, Act. RM, Namaqualand, to SLD, 12 Jan. 1893.

<sup>87</sup> WCAR, CO 6446, RM, Namaqualand, to IP, 2 Febr. 1891.

<sup>88</sup> WCAR, 1/SBK 5/2/6, Act. RM, Namaqualand, 'Report Upon the Modes of Providing Employment', 12 Feb. 1891.

<sup>89</sup> See WCAR, CO 6659, Gaoler, Springbokfontein, to RM, Namaqualand, 3 Jul. 1893; WCAR, 1/SBK 1/1/6, Queen vs. Piet Swartbooy et al., 29 Feb. 1892.

<sup>90</sup> WCAR, 1/SBK 5/2/4, RM, Namaqualand, to UCS, 15 Mar. 1884.

<sup>91</sup> Ibid.

<sup>92</sup> CPP, G.2-1888, 'Committee on Convicts and Goals', p. xxviii. The statistic excluded the Transkeien Territories.

<sup>93</sup> 'On Dit', *The Lantern*, 4 Sept. 1886, p. 5.

7s. 6d., as well as 10s. per month.<sup>94</sup> Hence, convict labourers were either significantly cheaper, amounting to only a fourth of the cost for wage labourers in extreme cases, or the costs were equivalent. In contrast to wage labourers, however, convicts were steadily available; farmers could tap into this source of unfree labour at any given time, not least in harvesting and ploughing seasons, in which many struggled to mobilise African labour. In following years (1893–1899), monthly wages for non-convict farm labour in Namaqualand fluctuated between 10s. and 15s., with individual cases as low as 5s. or as high as 20s.<sup>95</sup> As a statement by Springbok's gaoler suggests, convict labour remained an economically viable option: in July 1893 he found that 'scores of prisoners' were annually recruited by local settler farmers.<sup>96</sup>

However, echoing criticism voiced in other parts of the Cape Colony, government agents and private employers alike also perceived convicts' productivity as an issue, not least that of Africans. The 1890s lend themselves for studying how colonisers on the spot dealt with convict labour in greater detail, given the denser documentation during this period. Scully, the resident Springbok magistrate, was constantly concerned with (the lack of) discipline amongst African convicts.<sup>97</sup> Generally, he deemed the habit of leasing short-sentenced convicts to Springbok's inhabitants without supervision except by their employers as contributing to a lack of discipline; once the work was complete, convicts were often simply instructed to return to the gaol on their own accord.<sup>98</sup> Furthermore, Scully bemoaned the fact that prisoners did not look emaciated, compared to wage labourers, possibly contributing to the view that convicts faced less physical exertion:

It hardly seems to accord with the fitness of things that those meant to be suffering punishments for legally proved misdeeds should be released of an hour before the free workman—toiling often upon wages insufficient to maintain him in a condition of physical comfort equal to that enjoyed by his erring imprisoned brother [...].'

As a consequence, he asked the law department for an extension of the working hours.<sup>99</sup> In addition, the Colony's inspector of prisons suggested to convert the convicts diet nearly entirely to mealies, as a means to visibly deteriorate the physical

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<sup>94</sup> WCAR, 1/SBK 1/1/6, Queen vs. Piet Swartbooy et al., 29 Feb. 1892; WCAR, 1/SBK 1/1/6, Queen vs. Jan Quarra alias Africander, 25 Nov. 1892. Unfortunately, the records in question give no indications on what grounds the difference in prices came about.

<sup>95</sup> These figures can be inferred from criminal cases in which infringements of master-servant laws were tried, for instance following labourers leaving service. See WCAR, 1/SBK 1/1/6–1/1/10 and 1/1/17 (no data available for the years 1896 and 1897).

<sup>96</sup> WCAR, CO 6659, Gaoler, Springbokfontein, to RM, Namaqualand, 3 Jul. 1893.

<sup>97</sup> WCAR, CO 6446, RM, Namaqualand, to IP, 15 Jan. 1890.

<sup>98</sup> WCAR, CO 6446, RM, Namaqualand, to IP, 2 Febr. 1891.

<sup>99</sup> WCAR, CO 6625, RM, Namaqualand, to SLD, 15 Jan. 1891.

condition of convicts, thus letting them embody deterrence at the cost of labour productivity.<sup>100</sup> Moreover, magistrates could order violent corporal punishment of convicts if the latter ‘wilfully disobeyed any lawful order’ or ‘committed any wilful act of disorder or breach of the prison discipline’,<sup>101</sup> the latter including ‘evading work by any means.’<sup>102</sup> Possible punishments included solitary confinement with or without spare diet for up to five days, putting convicts in chains for up to seven days, and corporal punishment of up to 25 lashes for convict labourers.<sup>103</sup> We do not have complete data as to how often these corporal punishments were implemented, but it is clear that Scully and his successor, Henry McArthur Blakeway, appeared reluctant to implement the mealie diet the inspector of prisons had suggested.<sup>104</sup> The magistrates were caught between malnourishing convicts and projecting violence to enforce discipline and deterrence on the one hand, and profitably exploiting the labour of the convicts on the other. The first option risked making the second impossible or inefficient. Nevertheless, they tried to strike a balance by instructing guards to keep labouring convicts at close distance and have their weapons ready, and warning them that ‘hard labour prisoners in their charge [were] to be made to work to the best of their ability’.<sup>105</sup>

Hence, officials remained both reluctant and insistent on resorting to violence to enforce the punitive effects of convict labour. This wavering stance further complicated the “labour question”. It carved out spaces of actions for convicts, in turn influencing officials’ decision whether to lease convicts to private employers and profit from their labour. Moreover, it triggered disputes between officials and settlers over the use of convict labour. The labour of convicts was comparatively cheap, but often slow. This was partially due to the poor physical condition of convicts and the fact that they might have lacked certain skills necessary for certain employers (such as the copper mines), and it was partially due to the convicts’ indifference towards the

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<sup>100</sup> WCAR, CO 6446, IP to RM, Namaqualand, 24 Jan. 1891; WCAR, 1/SBK 5/2/6, RM, Namaqualand, to IP, 2 Feb. 1891.

<sup>101</sup> Act No. 23–1888, ‘Act to Consolidate and Amend the Law Relating to Convict Stations and Prisons’, in *Statutes of the Cape of Good Hope, Passed by the Seventh Parliament, During the Sessions 1884–1888* (Cape Town, W.A. Richards & Sons, 1889), p. 528.

<sup>102</sup> WCAR, CO 6479, Cape of Good Hope, Government Notice, ‘Prison Regulations’, undated (c. 1892).

<sup>103</sup> Act No. 23–1888, ‘Act to Consolidate and Amend the Law Relating to Convict Stations and Prisons’, pp. 528–529, 533.

<sup>104</sup> WCAR, 1/SBK 5/2/6, RM, Namaqualand, to IP, 2 Feb. 1891; WCAR, 1/SBK 5/2/7, RM, Namaqualand, to SLD, 1 Feb. 1894.

<sup>105</sup> WCAR, 1/SBK 5/2/6, RM, Namaqualand, ‘Instructions to Constables in Charge of Hard Labour Gangs, Towards Preventing Escapes of Prisoners’, 28 Mar. 1891; WCAR, CO 6611, RM, Namaqualand, to SLD, 15 Apr. 1890.

labour at hand.<sup>106</sup> The necessity of having a constable supervising the convicts while they laboured meant that constables' wages might not be covered by the returns generated by the convicts.<sup>107</sup> Reflective of the need to cut costs and increase control of convicts, magistrate Blakeway decreed in October 1896 that convict labour outside of a one-mile radius around Springbok gaol would be banned.<sup>108</sup>

By the turn of the century, convict labourers were again leased to private employers.<sup>109</sup> But by all accounts, officials distributed convicts on a reduced scale, thus diminishing their economic significance compared to earlier years. Prior to that, when local settler farmers could tap into the convict workforce more extensively, a number of them, such as Jacobus Van Niekerk, regularly employed convicts for seasonal labour which wage workers were reluctant to take up.<sup>110</sup> However, convicts at times resisted the compulsion to work, provoking tension between settler farmers and the local government. Convict labourers were aware of the reputation of certain employers, and Van Niekerk was eventually unable to get them, as the latter heard that he violently abused his employees and had nearly starved some to death. The convicts the magistracy was prepared to offer him successfully refused to be taken to his farm.<sup>111</sup> In return, Van Niekerk publicly attacked the local government in the newspaper *Ons Land*. He accused officials of compromising his productivity by providing convicts with what he referred to as a pleasant prison life, resulting in their reluctance to work for a *baas* such as himself. Instead of sentencing potential workforces to longer-terms of imprisonment with hard labour, he called for shorter and severer penalties, which would allow a swift return of the workers to their employers and ensure effectiveness of punishments.<sup>112</sup>

### **Convict labour, "education" to work, and violence in the south of GSWA**

In the 1890s and prior decades, men and women from central and southern Namibia surely observed labouring convicts when they crossed the border to collect supplies or sell livestock in South Africa. Some had even been sentenced to hard labour

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<sup>106</sup> With regard to the latter see WCAR, 1/SBK 1/1/9, Queen vs. W. Wentzell, 5 May 1894; concerning the lack of skills: WCAR, CO 6625, RM, Namaqualand, to SLD, 4 Nov. 1891.

<sup>107</sup> WCAR, CO 6625, RM, Namaqualand, to SLD, 4 Nov. 1891.

<sup>108</sup> WCAR, CO 6711, RM, Namaqualand, to UCS, 5 Oct. 1896.

<sup>109</sup> WCAR, CO 2296, RM, Namaqualand, to UCS, 5 Jul. 1899; WCAR, CO 2095, RM, Namaqualand, to UCS, 12 Nov. 1900.

<sup>110</sup> Van Niekerk later lamented this in a letter to the editor, published in the newspaper *Ons Land*. J. Van Niekerk, 'Onze Gevangenen', *Ons Land*, 20. June 1893. A translation of the letter can be found in: WCAR, CO 6659.

<sup>111</sup> WCAR, CO 6659, Gaoler, Springbokfontein, to RM, Namaqualand, 3 Jul. 1893.

<sup>112</sup> Van Niekerk, 'Onze Gevangenen'.

themselves.<sup>113</sup> In southern Namibia itself, however, convict labour was still a novelty when the century drew to its close. By all accounts, it had not been implemented before 1896. Rather than being directly imported from the metropole, penal policies in GSWA's south were to a considerable extent the product of improvisation as well as adaption to local conditions 'through pragmatism and neglect'.<sup>114</sup> In February 1896, GSWA's highest ranking official in the south, Gustav Duft, informed governor Theodor Leutwein that hard labour as supplement to sentences of imprisonment was already in use—months before it had officially been stipulated as criminal punishment for "natives" in Germany's colonies by a decree of the imperial chancellor.<sup>115</sup> In the following years, penal policies in GSWA's south were closely linked to Duft's successor, Angelo Golinelli. He thought of himself as a pioneer of imprisonment, who took it upon himself to establish this form of punishment together with sentences of hard labour and "accustoming" the local African population and their leaders to it.<sup>116</sup>

In October 1896, Golinelli issued a separate instruction for German officials in the southern district concerning the criminal jurisdiction of and disciplinary power over Africans, in which he declared imprisonment as legitimate criminal punishment for the entire African population. Imprisoned was *always* to be executed in combination with hard labour,<sup>117</sup> even if it was not laid out as such in the criminal registers.<sup>118</sup> Golinelli's instruction made few specifications about the use of convict labour. Official's comments on convict labour suggest that it was conceptualised as criminal punishment for the infringements of colonial law but primarily thought of as means to "educate" the local African population to work, echoing metropolitan discussions about the "labour question" and compulsion in the Empire's African colonies. Golinelli's predecessor had already pondered convict labour's effectiveness on the, in

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<sup>113</sup> Again, this is suggested by the categorisation of some convicts in the criminal records of the attorney general (AG) and Namaqualand's magistrate (1/SBK) as "Damara", or "Hottentots" who were born in "Great Namaqualand".

<sup>114</sup> Hynd has pointed to such practices with regard to nineteenth century legal and penal systems in British Africa. See Hynd, "...a Weapon of Immense Value"?, p. 256.

<sup>115</sup> NAN, ZBU F.I.c.1, DG, Keetmanshoop, to IGR, 8 Feb. 1896. On the chancellor's order specifying the criminal jurisdiction and disciplinary power over "natives" and its implementation in GSWA see J. Zimmerling, *Die Entwicklung der Strafrechtspflege für Afrikaner in Deutsch-Südwestafrika 1884–1914: Eine historisch-juristische Untersuchung* (Bochum, Universitätsverlag Dr. N. Brockmeyer, 1995), pp.47–48.

<sup>116</sup> NAN, ZBU F.V.a.2, DG, Keetmanshoop, to IGO (Imperial Government Office), 29 Jan. 1897.

<sup>117</sup> NAN, ZBU F.V.c.1, 'Instruktionen betreffend die Strafgerichtsbarkeit und Disziplinierungsgewalt der Kaiserlichen Distriktschefs und Stationsleiter gegenüber Eingeborenen', 30 Oct. 1896. My emphasis.

<sup>118</sup> NAN, ZBU, F.V.k.19, Vol. 1, DG, Keetmanshoop, to IGO, 6 May 1897.

his view, generally “lazy” local population.<sup>119</sup> Golinelli himself felt that not forcing Africans under sentences of chained detention to work—as the imperial chancellor initially determined—would mean an educational failure and incite Africans’ ‘desire for idleness’.<sup>120</sup> The station chef of Warmbad later reiterated such opinions, reporting that prison labour in his area was a ‘superb means’ to break the ‘innate indolence’ of the local population.<sup>121</sup>

Officials’ documentation of convict labour during this period was superficial and fragmentary, but taken together the few criminal statistics as well as contracts, correspondence, and the annual reports from district offices and stations allow us to draw conclusions. Convicts in GSWA’s south laboured in the veldt and in quarries, made bricks, constructed roads, and built wells. Under immediate police supervision, they were forced to provide raw materials such as grass and stones.<sup>122</sup> Moreover, government officials channelled convicts into the region’s public sector, at a time when the central government in Windhoek was no longer willing to cover the south’s high costs for construction works, wages of free labourers, or building material.<sup>123</sup> The south’s officials made contracts with local settlers for the plastering of office buildings, road construction, and the making of bricks, allocating convicts as workforces free of charge.<sup>124</sup> Their number at one workplace rarely exceeded ten. In 1897, for example, settler Carl Eyth employed two convicts on a road construction site; Otto Metzke was provided with six convicts for the making of bricks in 1899.<sup>125</sup> As in Namaqualand, the majority of the convict labour force in GSWA’s south were Africans, mostly from Nama, San and Herero communities. The reasons for their hard labour sentences varied—including assault, theft, stock theft, trespassing, or burglary—, and the duration ranged from a few months (particularly for women) to several years.<sup>126</sup> Like in Namaqualand, many of these sentences reflected Africans’

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<sup>119</sup> NAN, ZBU F.I.c.1, DG, Keetmanshoop, to IGR, 8 Feb. 1896.

<sup>120</sup> NAN, ZBU F.I.c.1, DG, Keetmanshoop, to IGR, 25 Oct. 1896.

<sup>121</sup> NAN, BKE B.II.15.a, Vol. 2, SC (Station Chef), Warmbad, Annual Report, 30 May 1897.

<sup>122</sup> NAN, BKE B.II.66.g, LPA (Local Police Authorities), Keetmanshoop, to DG, Keetmanshoop, 1 Sept. 1896; NAN, BKE, B.II.66.o, Vol. 1, statement by D. Africaner, 29 Sept. 1901.

<sup>123</sup> NAN, BKE B.II.45.b, IGO, to DO, Keetmanshoop, 31 Dec. 1897; NAN, BKE, B.II.45.b, DG, Keetmanshoop, to IGO, 27 Feb. 1898.

<sup>124</sup> NAN, BKE B.II.48, contract between DO, Keetmanshoop, and C. Eyth, 1 Jan. 1897; contract between W. Grundmann and DO, Keetmanshoop, 24 July 1897; contract between DO, Keetmanshoop, and O. Metzke, 27 Apr. 1899; contract between DO, Keetmanshoop, and C. Wrage, 27 June 1899.

<sup>125</sup> NAN, BKE SPS.181, C. Eyth to DG, Keetmanshoop, 22 May 1897; NAN, BKE B.II.48, contract between DO, Keetmanshoop, and O. Metzke, 27 Apr. 1899.

<sup>126</sup> See the “native” court files and the overview lists on criminal punishments for “natives” occasionally attached to annual reports, both in the records of the district office of Keetmanshoop (NAN, BKE SPS; BKE B.II.15.a–g).

diminished economic autonomy under settler colonialism, especially in the wake of the rinderpest epizootic in 1897,<sup>127</sup> and it follows that sentences of hard labour for alleged stock theft numerically outweighed the others. Moreover, although the overall number of convict labourers fluctuated,<sup>128</sup> the monthly average at a single prison was rather low, rarely exceeding a dozen or more. Between June and September 1897, for instance, two African women and eight men had been sentenced to hard labour at Warmbad, all following a conviction for assistance to stock theft and stock theft, respectively. The duration of the women's sentences amounted to two weeks; the men's ranged from six to eighteen months.<sup>129</sup>

Measured against the settler economy's relatively moderate demand for labour, government officials had a sizeable workforce of convicts at their disposal for flexible use. Moreover, allocating convicts to private employers allowed lowering government expenses for construction works and building material—two of the costliest budget items in GSWA's south.<sup>130</sup> For instance, settlers reduced the price for building materials in return for gratis workforces, one of them selling 1000 bricks for 16 *M* instead of 18 *M*,<sup>131</sup> another providing the same quantity for only 10 *M*.<sup>132</sup> Private employers themselves profited from convict labour as well. In the late 1890s, future German settlers were warned of 'extraordinary high' wages for African labourers in the entire colony of GSWA, ranging from 20 *M* to 30 *M* per month,<sup>133</sup> which was two to three times the price of wage labour in Namaqualand.<sup>134</sup> By renting convict labourers from the government, however, settlers in GSWA's south could avoid such high costs. After all, convicts were allocated to them free of charge. But in spite of these economic qualities amidst reoccurring labour shortages in the south and the financial strains of the public sector, local officials seemed less concerned with convicts' immediate contribution to the "labour question" and the direct returns

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<sup>127</sup> The rinderpest in the south of Namibia is still a desideratum in need of further research, but Wallace suggests that its effects for the population in the south were similar to those in the central parts of the country, including the loss of cattle. Wallace, *A History of Namibia*, p. 145. This would explain the significant number of stock thefts during the epizootic. Between mid-1895 and -1896 110 cases were documented, dropping to 72 for the mid-1897/98-period and again to 38 between mid-1898/99. See NAN, BKE B.II.15.d, DC (District Chef), Warmbad, Annual Report 1899/1900, 3 May 1900.

<sup>128</sup> For example, the numbers given in the footnote above point to a fluctuation of the number of convict labourers in wake of the rinderpest.

<sup>129</sup> NAN, BKE B.II.66.o, Vol. 1, SC, Warmbad, to DO, Keetmanshoop, 1 Oct. 1897.

<sup>130</sup> Again see NAN, BKE B.II.45.b, IGO, to DO, Keetmanshoop, 31 Dec. 1897; NAN, BKE, B.II.45.b, DG, Keetmanshoop, to IGO, 27 Feb. 1898.

<sup>131</sup> NAN, GKE 338, G.43/97, statement by G. Strahl, 11 Feb. 1897.

<sup>132</sup> NAN, BKE B.II.48, contract between DO, Keetmanshoop, and O. Metzke, 27 Apr. 1899.

<sup>133</sup> R. Hindorf, *Der landwirtschaftliche Werth und die Besiedlungsfähigkeit Deutsch-Südwestafrikas*, 3rd ed. (Berlin, Ernst Siegfried Mittler und Sohn, 1902 [1895]), p. 33.

<sup>134</sup> 20 *M* were equivalent to c. £1, and 30 *M* equivalent to c. £1 10s.

they could generate. Tellingly, in contrast to the Cape's leasing system they did not charge employers of convict labour. Rather, German officials in the south followed a longer-term objective of profiting from convict labour: they remained fixed on the idea of "educating" the African population to work by means of compulsion.

Officials thought of violence as central means to achieve this objective, and compulsion was rigorously enforced in practice. In February 1896, district governor Duft had warned that the rations given out to African convicts could undermine the envisaged "educating" effects of compulsory labour.<sup>135</sup> Duft's subordinates clearly kept rations at a minimum, as a few months later, the Keetmanshoop police remarked that convicts were in such a weak physical condition that they could not carry the number of stones that they were ordered to.<sup>136</sup> Leaders and elders from the Bondelswarts Nama community at Warmbad recalled the appalling bodily health of imprisoned Africans and starvation as among the most dominant memories of the period leading up to the war and genocide.<sup>137</sup> One of their commandants and former colonial policeman, Joseph Schayer, later testified that in this time convicts 'were practically allowed to starve.'<sup>138</sup> In addition, to enforce compulsion district governor Golinelli gave out instructions to put convicts in chains when they were found "lethargic" in the execution of the assigned work, or more generally in cases of insubordination.<sup>139</sup> He further stressed that in his district, convicts were generally laboured with chains outside of the prison, and only very rarely freed of them.<sup>140</sup> As the Bondelswarts recounted, convicts were forced to march in chains over hundreds of miles from peripheral gaols and police stations to the central prison in Keetmanshoop, claiming many lives.<sup>141</sup>

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<sup>135</sup> NAN, ZBU F.I.c.1, DG, Keetmanshoop, to IGR, 8 Feb. 1896.

<sup>136</sup> NAN, BKE B.II.66.g, Vol.1, LPA, Keetmanshoop, to DG, Keetmanshoop, 1 Sept. 1896.

<sup>137</sup> J. Schayer, A. Pienaar, and W. Christian in J.-B. Gewald and J. Silvester (eds), *Words Cannot Be Found. German Colonial Rule in Namibia: An Annotated Reprint of the 1918 Blue Book* (Leiden, Brill, 2003), pp. 159–161. On the value of the *Blue Book* as historical source despite its epistemological shortcomings see J.-B. Gewald and J. Silvester, 'Footsteps and Tears: An Introduction to the Construction and Context of the 1918 "Blue Book"', in J.-B. Gewald and J. Silvester, *Words Cannot Be Found. German Colonial Rule in Namibia: An Annotated Reprint of the 1918 Blue Book* (Leiden, Brill, 2003), p. xv; M. Biwa, "'Weaving the Past With Threads of Memory": Narratives and Commemorations of the Colonial War in Southern Namibia' (PhD thesis, University of the Western Cape, 2012), pp. 17–18. For a critical discussion of the *Blue Book* see R. Kössler, 'Review: Sjambok or Cane? Reading the Blue Book', *Journal of Southern African Studies* 30, 3 (2004), pp. 703–708.

<sup>138</sup> J. Schayer in Gewald and Silvester (eds), *Words Cannot Be Found*, pp. 159–160.

<sup>139</sup> NAN, ZBU F.V.c.1, 'Instruktionen', 30 Oct. 1896.

<sup>140</sup> NAN, ZBU F.I.c.1, DG, Keetmanshoop, to IGR, 25 Oct. 1896.

<sup>141</sup> J. Schayer and A. Pienaar in Gewald and Silvester (eds), *Words Cannot Be Found*, pp. 159–160.



Moreover, convict labourers in GSWA's south were routinely subjected to corporal punishment. Warmbad's station chief believed that breaking Africans' supposed aversion to work through compulsory labour could only be achieved in combination with the infliction of lashes.<sup>142</sup> Coupled with convicts' physical exhaustion and frail health, around the turn of the century floggings were another source of death among African convicts.<sup>143</sup> As Joseph Schayer later testified, in their state of weakness convicts 'could not stand the repeated floggings they received.'<sup>144</sup> Local German state agents were well informed about the frequent killings of African convicts following corporal punishment. In late October 1896, Warmbad's station chief told his superior that such fatalities had caused a great stir locally and in the bordering parts of the Cape Colony.<sup>145</sup> Later he acknowledged that the death of convicts in other parts of the south were 'commonly known'. Among other things, he referred to a German soldier who allegedly claimed that no sensation was made about them in Keetmanshoop—on the contrary, deaths were 'nothing unusual'.<sup>146</sup>

The famished, cut, chained, and lifeless bodies of convicts were a glaring expression of the ends to which German officials were willing to go to project settler colonial power and enforce convict labour. With regard to the "labour question", however, such violent means of "educating" African convicts to work overwhelmed the ends. Individual settlers in GSWA's hence questioned whether the local government's handling of the "labour question" met their interest, and more generally voiced their discontent about the state's monopoly to punish and control this particular workforce. In 1903, settler farmer Ferdinand Gessert attempted to assail the colonial authorities in GSWA's south for their failure in "educating" Africans to work through convict labour in an article for the *Koloniale Zeitschrift*. Referring to a case in Bethanie, Gessert claimed that imprisonment and hard labour would either kill Africans or provoke their escapes rather than accustoming them to work and forming them into potential wage labourers. Moreover, although he had experienced notable labour shortages earlier,<sup>147</sup> instead of making use of convict labour Gessert prompted farmers to take violent punishment of wage workers into their own hands. Eventually, Gessert's criticism was muffled, as the newspaper only published a censored version

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<sup>142</sup> NAN, BKE B.II.15.a, Vol. 2, SC, Warmbad, Annual Report, 30 May 1897.

<sup>143</sup> J. Schayer, A. Pienaar, and W. Christian in Gewalt and Silvester (eds), *Words Cannot Be Found*, pp. 159–161.

<sup>144</sup> J. Schayer in Gewalt and Silvester (eds), *Words Cannot Be Found*, p. 160.

<sup>145</sup> NAN, BKE B.II.66.g, Vol. 1, SC, Warmbad, to DG, Keetmanshoop, 26 Oct. 1896.

<sup>146</sup> NAN, BKE B.II.66.g, Vol. 1, SC, Warmbad, to DG, Keetmanshoop, 17 Nov. 1896.

<sup>147</sup> See the cases tried against Gessert in August 1899 in NAN, GKE 353, 4535.28/12. They also established that Gessert violently treated workers in his employ.

of his charge.<sup>148</sup> But disputes revolving around the enforcement of compulsion had been carried out earlier anyway.<sup>149</sup> At the same time, the ruthless violence left Africans under sentences of hard labour little room to undermine colonisers' claimed authority and control as they had done in the same period across the Orange River. But their labour for private contractors presented a niche to challenge colonisers—however marginal it might have been. In January 1897, the German settler Carl Eyth returned two African convicts he had received from the local authorities for construction works on the transport route between Keetmanshoop and the harbour town of Lüderitz. Both men had tricked him into giving out additional coffee rations; one of them also casually chatted with a foreman, was in Eyth's eyes 'lazy', did not follow the latter's orders—and, to the settler's irritation, showed no sign of awareness that he was a convict and not a wage labourer.<sup>150</sup>

## Conclusion

This article has shown that in the Cape-Namibian border region of the late nineteenth and early twentieth centuries, colonial officials on both sides of the Orange River made use of convict labour to manage the "labour question". The relatively modest demands of labour of the region's predominantly pastoral economy notwithstanding, convict labour allowed to react to Africans' cross-border and seasonal mobility—frequent causes for re-occurring labour shortages on both sides of the border. To Cape officials in the district of Namaqualand, convicts presented themselves as steadily available labour force, as well as one that could be allocated to private employers and government works flexibly and at short notice. Their counterparts in the south of GSWA also had a considerable convict labour force for flexible use at their disposal. However, in spite of renting convicts to private employers in the construction sector, German officials rather followed the long-term objective of "educating" Africans to work through compulsion.

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<sup>148</sup> The original of Gessert's article can be found in German Federal Archives (hereafter BArch), R 1001/5116, A. Herfurth to CD-FO (Colonial Division of the Foreign Office), 30 June 1903. A censored version was later published, excluding the part on the high mortality rates of African prisoners at Bethanie. See BArch, R 1001/5116, DKA-AA (Director, KA-AA) to IGR, Windhoek, 22 Jul. 1903; F. Gessert, 'Die Sucht nach grossen Zahlen', *Koloniale Zeitschrift* 4, 14 (1903), pp. 257–259. Nonetheless, officials and the public both on the spot and in the metropole were aware of the high death toll in Bethanie's prison because of malnourishment and insufficient clothing, overcrowding and torture. See NAN, ZBU F.V.h.1, DC, Bethanie, 'Bericht über die Sterblichkeitsziffer im Gefängnis von Bethanien (3 Anlagen)', 13 Oct. 1903; 'Furchtbare Enthüllungen aus Südwestafrika', *Vorwärts*, 3 Sept. 1903.

<sup>149</sup> Zollmann, *Koloniale Herrschaft*, p. 19.

<sup>150</sup> NAN, BKE B.II.48, contract between DO, Keetmanshoop, and C. Eyth, 1 Jan. 1897; NAN, BKE SPS.181, C. Eyth to DG, Keetmanshoop, 22 May 1897.

However, echoing trans-colonial debates on convict labour and compulsion, public and private employers in the border region also believed that convict labour was not severe and deterrent enough. The lack of punitive elements risked undermining colonisers' claimed authority and control over convicts, as well as over African labour more broadly. Indeed, convicts themselves partly unsettled colonisers' demands and expectations by tricking their employers, refusing to work, showing their indifference, or slowing down the tasks assigned to them. The main argument this article made is that colonisers conceived of violence as key measure to counter these subversive tendencies and reassert settler colonial power, but that it further complicated the "labour question" on the ground, and at times opened room for African manoeuvring. Cape authorities in Namaqualand were convinced of the need for police supervision and punishment of convicts. However, they hesitated to rent convicts to private employers, knowing that this would break their official monopoly on violence. In southern GSWA, officials were ruthless in their use of force, undermining any goals of "educating" workers through violence, also leading to conflict between settlers and the state over labour issues. Finally, the article also demonstrated the potential of GLH as research perspective. It brings into view the shared yet differing use of convict labour by public and private employers under two competing settler colonial regimes, which originated in trans-colonial debates on the "labour question" and compulsion, and was (violently) negotiated in disparate ways north and south of the Cape Colony's and GSWA's mutual border.

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