



## The Impact of Theories of Civilization and Savagery on Native Policy in Colonial Natal<sup>1</sup>

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### Introduction

A year before his death, Sir Theophilus Shepstone engaged in a debate with Orange Free State President F.W. Reitz over 'native' policy in southern Africa. Reitz had proposed that indirect rule in Natal, with its recognition of native law and chiefly rule, should be abolished. Natal's first Secretary for Native Affairs responded with a pithy defence of the system of government he had implemented and which bore his name:

I hold that so long as the social condition of the natives is what it is chieftainship and tribalism are necessary. They are necessary to give us proper control of them, and proper control they must have. I do not believe in the efficacy of violent measures to destroy prejudices; to efface barbarism, or to commend civilised ideas and habits to a barbarous race....Their ancient institutions may be faulty, but they are efficient, and can be made so for the purposes of enlightened government....Civilisation will undermine them by the gradual but sure process of enforcing the fitness of things.<sup>2</sup>

Shepstone was not alone in asserting that societies should be understood through the lens of civilization and barbarism, for similar views shaped settler perceptions of Africans, rationalized white supremacy, guided policy decisions and informed legislation throughout colonial South Africa.<sup>3</sup>

This paper briefly examines the impact of theories of civilization and barbarism on the form of rule adopted in colonial Natal. Such an examination is important, for the significance of these theories extended beyond the colony's borders. While nineteenth century settlers did not think in terms of 'Zuluness' their assertion that all Africans in KwaZulu-Natal shared a homogeneous barbaric culture and society blinded them to the complex kinship identities that existed in south east Africa. This characterization foreshadowed white constructions of the Zulu in the twentieth century.

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<sup>1</sup> This paper confines offensive terms to direct quotes. In order to avoid cluttering the text, an exception to this rule is the use of words such as 'civilized', 'barbarous', 'savage' and 'native'. In no way should this practice be seen as an endorsement of the racial ideas associated with these words.

<sup>2</sup> 'Sir Theophilus Shepstone Disagrees with the Orange Free State President, 1892' in J. A. Williams, *From the South African Past: Narratives, Documents and Debates* (New York, 1997), p. 160.

<sup>3</sup> For Enlightenment theories in the Cape colonial context see A. Bank 'The Great Debate and the Origins of South African Historiography' in *Journal of African History* 38 (1997), pp. 261-281, 'Liberals and their enemies: racial ideology at the Cape of Good Hope. 1820 to 1850 (Unpublished Ph.D. dissertation, University of Cambridge, 1995); E. Elbourne, 'Domesticity and dispossession: the ideology of "home" and the British construction of the "primitive" from the eighteenth to the early nineteenth centuries' (Unpublished paper, Princeton, 1999).



For much of the nineteenth century, British attitudes towards colonization were informed by a stadial theory of societal development.<sup>4</sup> Principally derived from the writings of influential Scottish Enlightenment thinkers, this theory posited that humankind was comprised of a diverse variety of peoples at different developmental stages. All societies occupied a place on the scale between savagery and civilization; at the bottom of the scale were the 'rude' savage tribes of America and Australia, at the top the civilized 'polished nations' of Europe. While this formulation rested upon an assumption of European supremacy, it was distinct from biologically racist theories of the late nineteenth and early twentieth centuries. Enlightenment philosophers rejected the idea that there were innate differences between the savage and civilized; for them all people regardless of origin belonged to a single human family and inherited a universal human nature. Human differentiation resulted from environmental conditions, especially the state of societies in which people lived.

According to Enlightenment theory, all societies naturally passed through four economic stages, each phase corresponding to a different mode of subsistence. Hunting communities gradually evolved into pastoral societies, which, over time, developed agriculture. Eventually, agricultural communities made the final progression to commercial society, the apogee of human organization. Moreover, it was argued that as the mode of subsistence varied in societies, so to did customs, manners and morals, as well as ideas and institutions relating to law, property and government.<sup>5</sup>

Because it asserted that all human societies evolved similarly, the four stages theory ignored differences between communities regarded as uncivilized. Thus pastoral societies in different parts of the world were often assumed to share similar laws, morals and customs. When translated to the colonial context, this assumption encouraged educated administrators to approach the governance of colonized peoples in certain prescribed ways. This investigation will concentrate on those Enlightenment ideas relating to chieftainship, governance and the position of women in savage societies, and the extent to which they influenced native policy in colonial Natal.

### **Chieftainship in early colonial Natal**

When explaining the development of indirect rule in colonial Natal, historians emphasise a number of factors: the strength of Nguni institutions, the unwillingness of the British to spend large sums of money on African administration, the pragmatic genius of Theophilus Shepstone and the practical necessity of cultivating indigenous allies to safeguard colonial security.<sup>6</sup> The validity of these factors is beyond dispute, nevertheless, it is possible that ideas about civilization and savagery played a more significant role in shaping the Shepstone system than has hitherto been acknowledged. British preconceptions about the indigenous inhabitants of Natal were in no small measure

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<sup>4</sup> P. Maloney, 'Savagery and Civilization: Early Victorian Notions' in *New Zealand Journal of History*, 35, 2 (2001), p.153-4.

<sup>5</sup> See for example R. Meek, *Social Science and the ignoble savage* (Cambridge, 1976), p. 2.

<sup>6</sup> See for example D. Welsh, *The Roots of Segregation: Native Policy in Colonial Natal* (London, 1971); N. Etherington, 'The "Shepstone System" in the Colony of Natal and beyond the borders' in A. Duminy and B. Guest, *Natal and Zululand from Earliest Times to 1910: A New History* (Pietermaritzburg, 1989), pp. 170-192; J. Guy 'An Accommodation of Patriarchs: Theophilus Shepstone and the Foundations of the System of Native Administration in Natal' (Unpublished paper, Durban, 1997).



influenced by Enlightenment theories about appropriate forms of government for savage societies.

Adam Ferguson, John Millar and others had argued in the late eighteenth century that 'the uniform history of mankind in a barbarous state' demonstrated that when 'rude nations' made the transition from hunters to herders and farmers, their mode of government changed to reflect evolving distinctions between 'the leader and follower, the prince and the subject'. Chiefs emerged to lead large communities, but resorted to 'the bridle of despotism and military force' to control their followers' 'warlike and turbulent spirit'. Consequently '[r]apacity and terror' became the 'predominant motives of conduct', forming 'the character of the only parties into which mankind are divided, that of the oppressor, and that of the oppressed'. In this state, the power of superstition led to the creation of an 'order of men' who used magic and who sometimes gave communities 'an early taste of despotism and absolute slavery'. Over time chiefs asserted control over land, and assumed legislative power. And, once members of the tribe were dependent on him with regard to their property, they were 'in no condition to dispute his commands, or to refuse obedience to those ordinances which he issues at pleasure'.<sup>7</sup>

The 1847 Locations Commission report was one of the first documents to outline the principles of Natal native administration, and its assertion that prosperity depended on 'management and efficient control of the large native population' guided colonial policy into the twentieth century. The recommendation that locations be set aside for African habitation, the administration of law involve 'chiefs and councillors' and legal decisions be adapted as much as possible 'to the usages and customs of the native law' were predicated on a understanding of society very similar to that of Ferguson and Millar. Africans' 'universal character' was 'superstitious and warlike', they had a low regard for human life, and their passions were 'easily enflamed'. These characteristics were not innate, however, but were formed by 'education, habits and associations'. Africans had 'grown up in habits of such servile compliance to the wills of their despotic rulers, that they still show ready obedience to constituted authority'.<sup>8</sup>

Earl Grey, Secretary of State for the Colonies, endorsed the Commission's assessment of African society. 'It is obvious', he asserted, 'that those who have hitherto been under a rule of despotic severity cannot without extreme danger be emancipated from all control'. It was therefore essential that the Natal government abstain 'from any sudden or violent interference with the authority exercised over these people by their own chiefs.' Africans should continue to 'administer justice towards each other as they had been used to do in former times', although chiefs should be restrained from 'those acts of cruelty and tyranny which are so common among savages'. However, this restraint should be sparingly exercised so that chiefly power was not diminished and the chiefs were not 'lowered in the eyes of their tribes', for their

maintaining a strong authority affords the only means by which in the actual state of things absolute anarchy and confusion can be averted, and it would therefore be advisable to abstain from examining too minutely into

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<sup>7</sup> A. Ferguson, *An Essay on the History of Civil Society 1767* Reprint (Edinburgh, 1966), pp. 100-105; J. Millar, *The Origin of the Distinction of Ranks; or An Inquiry into the Circumstances which give rise to Influence and Authority in the Different Members of Society* 3<sup>rd</sup> Edition (London, 1779), pp.171-197.

<sup>8</sup> Locations Commission Report in British Parliamentary Papers (BPP) *Correspondence Relative to the Establishment of the Settlement of Natal* Presented July 1848 (London, 1848), p. 132



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the manner in which the chiefs may rule over their tribes, even though this should unfortunately allow of the existence of much oppression, and the commission of many acts highly repugnant to our notions of justice and humanity.<sup>9</sup>

These principles of government were embodied in the Royal Instructions of 1848 which recognised the validity of customary law and the powers which ‘the laws, customs, and usages of the inhabitants’ had vested in the chiefs. These principles also underpinned the enactment of Ordinance 3 of 1849, which gave to the Lieutenant Governor ‘all the power and authority which, according to the laws, customs, and usages of the natives, are held and enjoyed by any supreme or paramount native chief.’<sup>10</sup> Indirect rule in Natal therefore fitted neatly within the theory that savage societies were suited to despotic rule, and that any tampering with this rule would result in anarchy. An enlightened, decentralised despotism<sup>11</sup> was the best that civilized government could provide. That Theophilus Shepstone shared these ideas for the whole of his career is evidenced by the quotation at the beginning of this chapter.

If the transition from barbarism to civilisation was a gradual process, enlightened government could at least facilitate the process through the encouragement of ‘industry and the formation of a taste for the comforts and luxuries of civilized life’.<sup>12</sup> Ferguson had argued that in between ‘the prospects of ruin and conquest’ the barbarian spent ‘every moment of relaxation in the indulgence of sloth. He cannot descend to the pursuits of industry or mechanical labour’<sup>13</sup>. Earl Grey applied a similar formula to the ‘Zoolahs located in Natal’.<sup>14</sup> He agreed with Harry Smith’s assessment that Africans in the colony had inherited ‘that apathetic idea of comfort comprised in having a sufficiency to eat and time to sleep’, arguing that this disposition was one ‘which almost universally distinguishes uncivilized men’.<sup>15</sup>

The imposition of a system of taxation would not only increase the revenue of the colony, and provide funds for schools and other beneficial institutions, but would also encourage Africans to ‘acquire habits of industry’ and raise them in the scale of civilisation.<sup>16</sup> The form of taxation eventually adopted was a ‘rate upon their huts’, fixed at 7s per annum. Shepstone argued a hut tax was the most just to impose, for it embraced ‘every advantage of both a property and an income tax, and has the further recommendation of directly discouraging poligamy [sic], that great incentive to the exclusive acquirement of cattle, as the most desirable description of property.’<sup>17</sup> The adoption of the hut tax was a seminal moment in Natal’s development of indirect rule,

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<sup>9</sup> Grey to Smith, 10 December 1847 in BPP, *Correspondence* 1848, pp. 138-9.

<sup>10</sup> Cited in Welsh, *Roots of Segregation*, pp. 14, 17.

<sup>11</sup> The term ‘decentralised despotism’ is Mahmood Mamdani’s. See M. Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, 1996).

<sup>12</sup> Grey to Smith 19 June 1848 in BPP, *Correspondence* 1848, p. 223

<sup>13</sup> Ferguson, *Civil Society*, p. 101. See also Millar, *Distinction of Ranks*, p. 43.

<sup>14</sup> Grey to Smith 19 June 1848 in BPP, *Correspondence* 1848, p. 222.

<sup>15</sup> Smith to Grey 4 March 1848; Grey to Smith 19 June 1848 in BPP, *Correspondence* 1848, pp. 218; 222.

<sup>16</sup> Grey to Smith 19 June 1848 in BPP, *Correspondence* 1848, p. 222.

<sup>17</sup> Shepstone Memorandum on Hut Tax, 18 June 1849 in BPP *Correspondence relating to the Settlement of Natal* Presented 14 August 1850 (London, 1850), p. 65.



and the connections Shepstone drew between taxation, polygamy and civilization would continue to shape revenue collection in the colony.

### Colonial Debates over African Marriage

The issue of African marriage was central to settler discussions about civilization and barbarism. As early as 1847, the Locations Commission had insisted that any 'improvement of the natives' depended on 'raising their women in the scale of native society', for 'polygamy and bartering for women prevail universally in their worst form in the district'.<sup>18</sup> No official action was taken until 1869, when regulations proclaimed under a new law imposed a tax on every marriage contracted by Africans, restricted the practice of *lobola* and required that brides publicly express their assent before an official witness for marriages to be valid. The implementation of these measures unleashed a storm of protest from white settlers and missionaries.<sup>19</sup>

While economic considerations informed both the government's decision to pass the 1869 legislation and settlers' opposition to the law, both sides drew from ideas of civilisation and savagery to defend their positions. In Enlightenment theory, the condition of women was regarded as an index of the level of civilization of any society. It was argued that among savages 'the women of a family are usually treated as the servants or slaves of the men' and that nothing could exceed the 'dependence and subjection in which they are kept, or the toil and drudgery which they are obliged to undergo.'<sup>20</sup> Wives in these societies were 'bought and sold, like any other species of property' by their husbands from their fathers and 'the conclusion of a bargain of this nature, together with the payment of the price, has therefore become the most usual form of solemnity in the celebration of their marriages'.<sup>21</sup> This theory helps explain why white Natalians frequently compared African polygamous marriages to slavery transactions. African men supposedly purchased large numbers of African women and regarded them as property, to be bought and sold like cattle. Black women were little more than drudges, forced to slave in the fields while their menfolk sat idle. It was lamented that this savagery resulted in downtrodden women and unmanly, promiscuous, lazy men.

While all white Natalians agreed that female oppression was a sign of African barbarism, they could not agree on the best way to ameliorate the position of women and thereby raise African society in the scale of civilisation. Settlers and missionaries argued that moral legislation abolishing traditional African marriage practices would allow civilised domestic relations to emerge, and consequently black women and men would be rescued from barbarism. Conveniently, the enforcement of civilised monogamous marriages would also encourage black men to work for whites. Officials in contrast insisted that the only judicious way to facilitate civilization was to employ indirect methods to regulate African marriage practices, rather than abolish them outright.

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<sup>18</sup> Locations Commission Report in BPP, *Correspondence* 1848, p. 133.

<sup>19</sup> For detailed analyses of the marriage law controversy see Welsh, *Roots of Segregation*, pp. 67-96 and J. Martens 'So Destructive of Domestic Security and Comfort': Settler Domesticity, Race and the Regulation of African Behaviour in the Colony of Natal, 1843-1893' (Unpublished Ph.D. thesis, Queen's University at Kingston, 2001), pp. 78-134.

<sup>20</sup> Millar, *Distinction of Ranks*, pp. 42-43.

<sup>21</sup> Millar, *Distinction of Ranks*, p. 49.



Furthermore, officials insisted that the marriage tax would encourage Africans to enter the employ of settlers and augment the treasury.

In 1869 Shepstone recommended the new marriage regulations on the grounds that their implementation could 'only favor the operation of natural causes to achieve the extinction of polygamy.'<sup>22</sup> And, when called upon to defend the law, he reported that its provisions had the effect of 'protecting the young suitor from the mere property competition of the rich old polygamist: - in short, it makes the union a marriage, instead of practically a mere sale.' He went on to state that the application of the law since 1869 had greatly improved '[i]n every respect...the condition of both the young men and women...and native marriage has been placed on a better footing.'<sup>23</sup>

Lieutenant Governor Keate endorsed Shepstone's appraisal of the measure. As far as he was concerned, African marriages were a form of payment or barter as Africans themselves had

reached a certain stage at which the conditions of their life are such as to render to them, as to the patriarchs of old a multitude of wives and children a means towards the possession of wealth in the shape of flocks and herds and cultivated fields.<sup>24</sup>

In African society 'at present it is the wives and children who support by their labour the heads of families', and until 'surrounding circumstances so change as to throw upon the husband and the father the work and the duty of supporting wife and children polygamy will prevail.'<sup>25</sup>

Any attempt to tackle polygamy directly would be imprudent, because 'all that can be done by Legislative interference is to help on and remove obstructions [to] the natural causes which are leading however slowly to that result.'<sup>26</sup> The means by which the marriage registration measure would help on and remove these 'obstructions' would be by giving

to the woman, what has hitherto been entirely denied to her, a voice in her own disposal, and by so doing tend to raise her in her own estimation and in the social scale, and thus give her an influence in the control and management of her own family and eventually beyond its limits.<sup>27</sup>

Furthermore, the marriage tax would serve to increase the supply of African labour to settlers by encouraging 'labour habits among the male portion of the native community upon which more than anything else the extinction of polygamy depends.'<sup>28</sup>

The leading settler opponent of the legislation was *Natal Witness* editor R. E. Ridley. In his editorials, Ridley detailed how the legal recognition of 'a vicious and brutal

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<sup>22</sup> Pietermaritzburg Archives Repository (PAR), Secretary for Native Affairs Files (SNA) 1/7/8 (pp.18-23), T. Shepstone, 'Memorandum: Registration of Native Marriages', 22 March 1869, p. 23.

<sup>23</sup> PAR SNA 1/7/7 (pp. 122-129) T. Shepstone, 'Memorandum...on the Law No 1, 1869', 5 January 1875, p. 125.

<sup>24</sup> PAR Government House Files (GH) 1216 (pp. 313-329), Keate to Buckingham and Chandos, 24 October 1868, p. 321.

<sup>25</sup> PAR GH 1216 (pp. 313-329), Keate to Buckingham and Chandos, 24 October 1868, p. 321.

<sup>26</sup> PAR GH 1216 (pp. 313-329), Keate to Buckingham and Chandos, 24 October 1868, p. 321.

<sup>27</sup> PAR GH 1216 (pp. 313-329), Keate to Buckingham and Chandos, 24 October 1868, p. 321.

<sup>28</sup> PAR GH 1216 (pp. 313-329), Keate to Buckingham and Chandos, 24 October 1868, p. 322-3.



polygamy' and 'woman slavery' condemned Africans to barbarism. If settlers wanted Africans to continue 'to be shrouded in the thick mantle of superstition and vice' and to remain impervious to Christianity and 'the gentle teaching of civilization,' then they should strengthen and foster Africans in their 'present depravity.' If, however, white Natalians had

any faith that this tractable savage can be raised, can be weaned from his brutalizing customs, can learn the practices of civilization, and can appreciate the high truths and discharge the holy duties of our common Christianity, then let us cancel this foolish law.<sup>29</sup>

Legalising polygamy, Ridley maintained, had the effect of 'making the savage habits of the Kafir perpetual.'<sup>30</sup>

Ridley explained to his readers that the law made 'the custom whereby Kafir men transfer the women, as property, from one to another' an 'authorized institution, the sale and price of women having been proclaimed as law.'<sup>31</sup> In the minds of colonists, this barbaric slavery hindered the establishment of a civilised commercial society in Natal. Well known settler Thomas Phipson argued that if it were not for the savage state of African society, the white settler 'would be able to sell his labour or produce in a fair market' and would be able to afford 'the food and clothing appertaining to civilized life.' Good prices would be obtained for agricultural products on one hand, and 'consumers, employed in arts, trades and commerce', would be found on the other. However, as things stood, none of these things could happen because

[t]he black man either sets to work the girls and women whom he breeds or buys, or he '*sebenzas*' (for work it cannot properly be called) a few months for the white man, and spends his money in cattle and women; or lastly, he ploughs himself (or makes his boys do it more likely), and thus comes into the market as a competitor with his civilized neighbour.<sup>32</sup>

Although Phipson claimed that Africans had a right to live 'barbarously, to wear rags, or skins, or nothing, when at home, to eschew groceries and squat in a beehive hut,' by doing so they tended 'to drag down to the same level' all who competed with them in agriculture. The settler farmer could not afford to live a civilised life 'so long as his savage competitor continues to be a savage, and so to undersell him'<sup>33</sup>

Settler opposition to the marriage legislation was too powerful to ignore, and consequently the Natal government abolished the marriage tax in 1875. Even so, the fact that both settlers and officials employed Enlightenment theories about civilization and savagery to defend their respective positions indicates the significance of these ideas to policy formulation in colonial Natal.

<sup>29</sup> *Natal Witness* 11 May 1869.

<sup>30</sup> *Natal Witness* 11 May 1869.

<sup>31</sup> *Natal Witness* 23 April 1869.

<sup>32</sup> R. Currey (ed.), *Letters & other writings of a Natal Sheriff: Thomas Phipson 1815-76* (Cape Town, 1968), pp. 131-2.

<sup>33</sup> Currey (ed.), *Letters & other writings*, pp. 131-2.



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### **Conclusion**

Debates about African barbarism and European civilization were ubiquitous in colonial Natal. From the vantage point of the twenty-first century, it is easy to dismiss these debates as crude settler racism. However, the importance of Enlightenment theories of societal development should not be underestimated, for they helped shape Natal's system of indirect rule and informed legislation affecting Africans, the legacy of which continues to influence political developments in contemporary KwaZulu-Natal. Furthermore, these theories encouraged settlers to ignore the historical and cultural diversity of the African inhabitants of Natal. This erasure of difference resembles later characterisations of the Zulu by whites in the twentieth century.