

Contested concepts of 'white'/'native' and mixed marriages in German South-West Africa and the Cape Colony 1900-1914: A *histoire croisée**

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Abstract

*The article examines the interactions between German and British colonies which arose over mixed marriages between British citizens from the Cape colony and mixed-race or African women living in German South-West Africa. When the German colonial administration banned mixed-race relations and degraded the offspring of these marriages during the years 1905-1907, the people affected tried to use their British citizenship to lodge complaints via the British Consul. Communications concerning the marriages in question evolved on colonial and imperial level between the Cape colony and German South-West Africa as well as between the respective motherlands. The article addresses the interactions through the multi-vectorial analysis of a *histoire croisée*, thus offering a new, comparative view on the often discussed issue of mixed marriages in the German colony. It also focuses on the negotiations of the categories 'white', 'native' and 'mixed-race' between colonies of different European empires, and points at different modes of implementation of racial policies in the Cape colony and German South-West Africa.*

Introduction

Mixed marriages and the related bans and regulations in German South-West Africa have regularly been the topic of research; articles and books mostly focused on the exceptional regulations in the German colony as well as on the continuities or discontinuities between racial policies in German South-West Africa and the Nazi period.¹

* The investigation is part of a larger research project looking at neighbouring African colonies (German South-West Africa and the British Cape Colony; British and German East Africa). A monograph on "Colonial encounters. Germany and Britain as European imperial powers in Africa before WW1" has just been completed. The research in Germany, the UK and Africa was conducted with help of the Alexander von Humboldt Foundation and the German Historical Institute London, whom I would like to thank. I would also like to thank the anonymous referees of the *Journal of Namibian Studies* for their valuable comments

¹ Cf. Birthe Kundrus, *Moderne Imperialisten. Das Kaiserreich im Spiegel seiner Kolonien*. Köln, Böhlau, 2003: 219-284; Birthe Kundrus, "Von Windhoek nach Nürnberg? Koloniale "Mischehenverbote" und die nationalsozialistische Rassengesetzgebung", in: Birthe Kundrus, (ed.), *Phantasiereiche. Zur Kulturgeschichte des deutschen Kolonialismus*, Frankfurt a. M., New York, Campus, 2003: 110-131; Franz-Josef Schulte-Althoff, "Rassenmischung im kolonialen System", *Historisches Jahrbuch*, 109, 1985: 52-94; Frank Becker, (ed.), *Rassenmischehen – Mischlinge – Rassentrennung*, Stuttgart, Steiner, 2004; Lora Wildenthal, *German Women for Empire 1884-1945*, Durham, Duke University Press, 2001; Fatima El-Tayeb,

Here, I will concentrate on a rarely investigated aspect of the topic that will put the discussion in a comparative context: British citizens, most of them originally from the British Cape Colony, who lived in the German colony in mixed marriages. They were also affected by the German regulations that made mixed marriages illegal and that degraded their children into 'natives' without any rights.² Some of these people who held British citizenship and whose personal rights were restricted protested against the treatment by the German administration and lodged complaints with the British consul in German South-West Africa. The consul represented the Cape Colony and the United Kingdom in the German colony. Thus, interactions emerged between the Cape Colony and German South-West Africa as well as between the motherlands Great Britain and Germany concerning these cases. An analysis of the various communications provides a new view on the topic of mixed marriages in German South-West Africa and on the racist regimes in its neighbouring colonial society.

I will investigate these cases with the approach of a *histoire croisée*, looking at the complaints of the people affected who approached British and German administrators, at the mutual receptions and crossing views of British and German colonizers at colonial administration level as well as in the imperial metropolises. The concept of a *histoire croisée* was outlined by Michael Werner and Bénédicte Zimmermann in 2002 and emerged from European cultural transfer studies.³ Werner and Zimmermann insisted on always looking at least at two viewpoints for every problem tackled in a historical investigation and on integrating the interactions resulting from the crossing of the viewpoints into the analysis.⁴ More generally, the approach tries to connect transfer studies with comparative elements. It focuses on processes of mutual influence, on reciprocal or asymmetric perceptions and on entangled processes.⁵ Such a combination

"Dangerous Liaisons. Race, Nation, and German Identity", in: Patricia Mazon and Reinhild Steingröver, (eds.), *Not so Plain as Black and White. Afro-German Culture and History 1890-2000*, Rochester, University of Rochester Press, 2005: 27-60; Lora Wildenthal, "Race, Gender, and the Citizenship in the German Colonial Empire", in: Frederick Cooper and Ann Laura Stoler, (eds.), *Tensions of Empire. Colonial Cultures in a Bourgeois World*, Berkeley, University of California Press, 1997: 263-283; Dag Henrichsen, "'...unerwünscht im Schutzgebiet ... nicht schlechthin unsittlich'. 'Mischehen' und deren Nachkommen im Visier der Kolonialverwaltung in Deutsch-Südwestafrika", in: Marianne Bechhaus-Gerst and Mechthild Leutner, (eds.), *Frauen in den deutschen Kolonien*, Berlin, Links, 2009: 80-90; Birthe Kundrus, "'Die Farbe der Ehe'. Zur Debatte um die kolonialen Mischehen im Deutschen Kaiserreich", in: Waltraud Ernst and Ulrike Bohle, (eds.), *Geschlechterdiskurse zwischen Fiktion und Faktizität*, Hamburg, Lit, 2006: 135-151.

² Birthe Kundrus has already pointed at the inconsistencies stemming from the cases that involved British citizens, cf. Kundrus, *Imperialisten*: 266.

³ Michael Werner and Bénédicte Zimmermann, "Vergleich, Transfer, Verflechtung. Der Ansatz der *histoire croisée* und die Herausforderung des Transnationalen", *Geschichte und Gesellschaft*, 28, 2002: 607-636; see for the concepts of cultural transfer the works of Michel Espagne, e.g. "Transferanalyse statt Vergleich. Interkulturalität in der sächsischen Regionalgeschichte", in: Hartmut Kaelble and Jürgen Schriewer, (eds.), *Vergleich und Transfer. Komparatistik in den Sozial-, Geschichts- und Kulturwissenschaften*, Frankfurt am Main, New York, Campus, 2003: 419-466.

⁴ Werner and Zimmermann, "Vergleich": 618.

⁵ See for more general remarks on the method of a *histoire croisée* Jürgen Kocka, "Comparison and beyond", *History and Theory*, 42, 2003: 39-44 and Hartmut Kaelble, "Die interdisziplinären Debatten über

of transfer and comparison should be a very valuable concept for analysing the mutual receptions that resulted between the two colonizers when dealing with the problem of mixed marriages. Thus in the following pages, I will – after some general remarks on mixed marriages and miscegenation – compare the two legal backgrounds in the neighbouring colonies before looking at crossing views and interactions on colonial and imperial level. The various sources used in the investigation which include the Foreign and Colonial Office in London, the administration of the Cape Colony, the British consul in German South-West Africa, the administration of the German colony and the Colonial Office (Reichskolonialamt) in Berlin allow a multi-vectorial analysis of the mutual perceptions between the two colonizers in form of a *histoire croisée*.⁶

With such an approach, one can first of all place the discussion of the mixed marriages in the German colony in an imperial context and look at 'German exceptionalism' in a comparative colonial setting. Such a strategy should help to assess the problem in a more comprehensive way than has been done so far. Secondly, one can address the constant discussions of the categories 'white', 'native' and 'mixed-race' in an analysis that not only looks at one colonial society but also includes interactions between colonies of different European empires. Thirdly, when comparing the British and the German colonies, one is able to point at the different modes of implementation of racial policies. As a last issue, it is possible to demonstrate how the affected people tried to negotiate their status between the two colonies, and how they used their rights as British citizens to gain some leeway against the wilfulness of the German authorities. The investigation will thus also look at the otherwise hidden agency of a group of mixed-race people in a colonial society.

Mixed-race relationships and miscegenation in colonial societies

Sexual relations between colonial rulers and indigenous people were an important point of contention in colonial societies, since the demarcation lines between colonized and colonizers as well as definitions of 'white', 'native' and 'mixed-race' had to be constantly negotiated. These issues were particularly influenced by racist ideas. Reflections on race-mixing between black and white had been gaining importance in racist theories in most European countries since the mid-19th century. The term 'race mixing' did not only

Vergleich und Transfer", in: Hartmut Kaelble and Jürgen Schriewer, (eds.), *Vergleich und Transfer. Komparatistik in den Sozial-, Geschichts- und Kulturwissenschaften*, Frankfurt am Main, New York, Campus, 2003: 469-494; see for the concept of entangled histories that is similar to the concept of a *histoire croisée* Sebastian Conrad and Shalini Randeria, "Einleitung. Geteilte Geschichten – Europa in einer postkolonialen Welt", in: Sebastian Conrad and Shalini Randeria, (eds.), *Jenseits des Eurozentrismus. Postkoloniale Perspektiven in den Geschichts- und Kulturwissenschaften*, Frankfurt a.M., New York, Campus, 2002: 9-49 (17-22).

⁶ Material on the British Foreign Office/Colonial Office from The National Archives, Public Record Office, Kew, GB, material on the Cape Colony from the National Archive of the Republic of South Africa, Pretoria, material on the British consulate in German South-West Africa and on the administration of the German colony from the National Archives of Namibia, Windhoek, Namibia, material on the German Colonial Office from the Bundesarchiv Berlin-Lichterfelde.

imply a fear of sexual contacts between the races but also a fear of their consequences, i.e. a growing mixed-race society.⁷ Still, the attitude towards mixed-race people could be rather ambivalent in colonial societies. Particularly at the beginning of colonial occupation in Africa, mixed-race people were often appreciated as collaborators of the colonizers. But during the last decade before WW1, these groups were more and more perceived as an extreme threat to white superiority in Africa. Growing mixed-race societies were seen as ultimately leading to a degeneration of the 'white race'.⁸ Race segregation and its possible implementation in the colonies were now fiercely discussed by colonial administrators and colonial experts.⁹

At the same time, mixed-race relations were common practice in most African colonies.¹⁰ Typically, sexual relations existed between European men and African women or women of mixed-race origin. At the beginning of the colonial commitment of the European imperial powers on the African continent it was mostly men who came to the new African colonies as administrators or settlers and who started sexual relations with indigenous women. In many cases those relations gave them access to property and to trade relations, which were useful for strengthening their standing in the colony and for establishing their business. This was linked to their idea of colonial manliness, that is, of a man who naturally dominated socially and racially inferior people in his part of the colony.¹¹ Such phenomena could be found both in German and British African colonies.¹² The partners in these relationships rarely got married; they mostly lived in illegitimate associations. Children from mixed-race relations were normally not granted any special rights but were treated according to their mother's rights. The few legitimate relations were regarded as 'mixed marriages', a term which so far had been applied mostly to partners belonging to different religions. Since the end of the 19th century the term was also used for marriages between different races i.e. in the cases discussed here for marriages between African women and European men.¹³

From the contemporary eugenic point of view the mixed-race relations were unacceptable, but they emphasized the accepted forms of colonial rule that meant total

⁷ Sander Gilman, *Rasse, Sexualität und Seuche. Stereotype aus der Innenwelt der westlichen Welt*, Reinbek, Rowohlt, 1992: 147.

⁸ George Steinmetz, *The Devil's Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa and Southwest Africa*, Chicago, University of Chicago Press, 2007: 217-218.

⁹ Ann Laura Stoler, "Sexual affronts and racial frontiers. European identities and the cultural politics of exclusion in colonial Southeast Asia", in: Frederick Cooper and Ann Laura Stoler, (eds.), *Tensions of Empire. Colonial Cultures in a Bourgeois World*, Berkeley, University of California Press, 1997: 198-237 (198).

¹⁰ Schulte-Althoff, "Rassenmischung": 53; Henrichsen, "Mischehen": 81-82.

¹¹ See Wildenthal, *Women*: 80; Sandra Maß, *Weißer Helden, schwarze Krieger. Zur Geschichte kolonialer Männlichkeit in Deutschland 1918 – 1964*, Köln, Böhlau, 2006: 121.

¹² Helen Callaway, *Gender, Culture and Empire. European Women in Colonial Nigeria*, Urbana, Chicago, University of Illinois Press, 1987: 4; Henrichsen, "Mischehen".

¹³ See the definition of mixed marriages in Heinrich Schnee, (ed.), *Deutsches Koloniallexikon*, Leipzig, Quelle & Meyer, 1920, vol. 2: 546.

control of the indigenous people by the Europeans – also in sexual terms.¹⁴ When theories of dissimilation began to gain ground in the societies of the mother countries, the concept of a separation of the spheres began to be seen as the preferred form of colonial rule in Africa. The growing settlers' and planters' societies and the arrival of white women in the colonies intensified the separation between colonizers and colonized.¹⁵ White women followed their husbands or were being sent to the colonies to marry white bachelors. They were to help to uphold the superiority of the white population by establishing 'civilized European standards'.¹⁶ Naturally, these women supported a strict suppression of interracial sexual contacts.¹⁷ In the British settler colony of Rhodesia, for example, women's organizations repeatedly tried to enforce a ban on sexual intercourse between white men and indigenous women, but they were not successful.¹⁸ However, the role of white women in strengthening the demarcation lines between colonizers and colonized has often been overrated; concepts of segregation and separation became generally more influential in colonial societies.¹⁹

In German colonies, the contemporary term used to describe the problem of miscegenation was '*Verkafferung*', illustrating the social descent of men who lived together with indigenous women to the allegedly lower cultural level of the African partner.²⁰ The dangers of these connections were increasingly emphasized in the German colonies since the turn of the century. In British African colonies as well, such ideas were more frequently expressed around 1900 – even in the Cape Colony that had pursued a more

¹⁴ Philippa Levine, "Sexuality, gender and empire", in: Philippa Levine, (ed.), *Gender and Empire*, Oxford, Oxford University Press, 2004: 134-155 (140); Wildenthal, *Women*: 81.

¹⁵ Frances Gouda, "Das 'unterlegene' Geschlecht der 'überlegene' Rasse. Kolonialgeschichte und Geschlechterverhältnisse", in: Hanna Schissler, (ed.), *Geschlechterverhältnisse im historischen Wandel*, Frankfurt a. M., New York, Campus, 1993: 185-203 (196).

¹⁶ In the contemporary discourse 'white' was understood as belonging to the 'white race' and was often used as synonym for European.

¹⁷ See as a contemporary record of women's roles in the German colonies in Africa: Leonore Niessen-Deiters, *Die deutsche Frau im Auslande und in den Schutzgebieten*, Berlin, Fleischel, 1913; see also Katharina Walgenbach, "*Die weiße Frau als Trägerin deutscher Kultur*". *Koloniale Diskurse über Geschlecht, "Rasse" und Klasse im Kaiserreich*, Frankfurt a. M., New York, Campus, 2005: 125-126; Wildenthal, *Women*: 131-171; Ann Stoler, *Carnal Knowledge and Imperial Power. Race and the Intimate in Colonial Rule*, Berkeley, University of California Press, 2002: 33; Birthe Kundrus, "Weiblicher Kulturimperialismus. Die imperialistischen Frauenverbände des Kaiserreichs", in: Sebastian Conrad and Jürgen Osterhammel, (eds.), *Das Kaiserreich transnational*, Göttingen, Vandenhoeck & Ruprecht, 2004: 213-235; Karen Smidt, *Germania führt die deutsche Frau nach Südwest. Auswanderung, Leben und soziale Konflikte deutscher Frauen in der ehemaligen Kolonie Deutsch-Südwestafrika 1884-1920. Eine sozial- und frauengeschichtliche Studie*, Magdeburg, Univ., Diss., 1995.

¹⁸ Dane Kennedy, *Islands of White. Settler Society and Culture in Kenya and Southern Rhodesia 1890-1939*, Durham, Duke University Press, 1987: 177.

¹⁹ See for this argument Gouda, "Geschlecht": 196.

²⁰ Bundesarchiv Berlin-Lichterfelde (BAB), R 1001/5423, Kaiserlich-Deutsches Gouvernement für Südwestafrika an das Auswärtige Amt Kolonialabteilung, Zulässigkeit von Eheschließungen zwischen Nichteingeborenen und Eingeborenen, 1905, 69.

liberal 'native policy' so far.²¹ The corresponding keyword used in British colonies was 'going native', also symbolizing the collapse of European standards.²²

Sexual relations between black men and white women were perceived as even more dangerous as they allegedly undermined the whole colonial hierarchy. Although there were only few relations of that kind – given the fact that they were considered absolutely unacceptable in both the colonial societies and in imperialist Europe and only very few couples dared to ignore the rules – the danger of those relations and their assumedly terrible consequences were constantly pointed out. The contemporary opinion was that a white woman who preferred an inferior black man to the white superior patriarch ultimately damaged the latter's authority. Furthermore, black men were considered to be sexually aggressive and potent in general, an assumption that also threatened the superiority of the white colonialists.²³ In many colonial societies sexual relations between white women and black men had been forbidden since the turn of the century. One has to stress that these measures were mainly aimed at poor white women and white prostitutes who had contact with black men. These women stood in the lower ranks of white colonial society and were seen as a particular danger for upholding white supremacy.²⁴

Racial separation from the colonized peoples had thus always been connected to gender specific sexual sanctions that helped to define the demarcation lines between white Europeans and black Africans. Regulations of sexuality developed into important mechanisms of inclusion and exclusion in colonial societies.²⁵ In the German colonies the idea of separating the colonizers from colonized led to ordinances that banned mixed marriages. They were introduced in German South-West Africa in 1905, in German East Africa in 1906 and in Samoa in 1912.²⁶ These were the only colonies of a European colonial power where mixed marriages were generally forbidden, not only for white women, but also for men.²⁷ The exceptional case of German marriage bans has drawn much attention in contemporary discussion as well as in current research.

²¹ See for this development Ian Goldin, "The reconstruction of Coloured identity in the Western Cape", in: Shula Marks and Stanley Trapido, (eds.), *The Politics of Race, Class and Nationalism in Twentieth-Century South Africa*, London, Longman, 1987: 156-181 (161).

²² Kennedy, *Islands*: 173.

²³ See for the German colonies El-Tayeb, "Liaisons": 48; Stoler, "Affronts": 218-219; see generally Gouda, "Geschlecht".

²⁴ See for the Dutch East Indies Stoler, *Knowledge*: 75-76; see for British colonies in Africa G. Cornwell, "George Webb Hardy's 'The Black Peril' and the social meaning of 'Black Peril' in early twentieth-century Africa", *Journal of Southern African Studies*, 22, 1996: 441-453 (443-444).

²⁵ Catherine Hall, "Of gender and empire: reflections on the nineteenth century", in: Philippa Levine, (ed.), *Gender and Empire*, Oxford, Oxford University Press, 2004: 46-76 (50); Stoler, "Affronts": 198-199.

²⁶ Kundrus, *Imperialisten*: 219.

²⁷ Another exemption is the Republic of Transvaal, where mixed marriages were not possible. However, the Transvaal must be seen as a Boer republic before 1902, not as a colony of an imperial power. See for the Transvaal Martin Furlong, *The Mixed Marriages Act*, Cape Town, University of Cape Town, 1983: 1.

The legal background for mixed marriages in German South-West Africa and the Cape Colony

If we turn to the subject of mixed marriages in German South-West Africa it is clear that a strict separation of white Europeans and black Africans developed into an important political aim during and after the Herero and Nama War from 1904-1907. In the German metropole, the Colonial Society and the Pan-German Society had long been ardent advocates of strict racial segregation, of a new definition of German citizenship and of a general ban on mixed marriages. This intensified with the challenges of the colonial war.²⁸ At the same time, the presence of African concubines in military homes and in settlements far away from the main administration points was quite common and well documented, even if this was officially despised.²⁹ Furthermore, prostitution and forced prostitution of African women was an undeniable aspect of the social situation in German South-West Africa during and after the war.³⁰ Despite the widespread occurrence of miscegenation and a growing mixed-race population and despite the low numbers of the actual mixed marriages (only around 50 in the colony), German ordinances concentrated on mixed marriages. The aim was to prevent a growing number of mixed-race people with German citizenship. According to a law from 1870 that was also valid in the South West African colony children from a marriage between an African woman and a German man could claim German citizenship. This fact was seen with growing concern by the colonial administration, particularly by Governor von Lindequist.³¹ Children born of non-marital alliances were automatically treated as 'natives', they were thus not viewed as an immediate danger to the colonial order.

The administrative position regarding marital alliances between whites, persons of mixed race and Africans was tightened. In 1905, Deputy Governor Tecklenburg forbade all marriages between Africans and whites in the South-West African colony until further notice. In 1907, the high court in Windhoek also pronounced marriages recorded before the prohibition as invalid, thereby assigning 'native' status to the children coming from these alliances.³² The German South-West African colony generally underwent a racist radicalization. The Native Ordinances of 1907 decreed that neither Africans nor mixed-

²⁸ See for the contemporary discussion e.g. J. Friedrich, "Die rechtliche Beurteilung der Mischehen nach deutschem Kolonialrecht", *Koloniale Rundschau*, 1, 1909: 361-368; Max Fleischmann, "Die Mischehen in den deutschen Schutzgebieten vom Rechtsstandpunkte", *Verhandlungen des Deutschen Kolonialkongresses 1910 zu Berlin*, Berlin, Reimer, 1910: 548-567; Schulte-Althoff, "Rassenmischung": 86. See on the racial policies of the Alldeutsche Verein Rainer Hering, *Konstruierte Nation. Der Alldeutsche Verband 1890 bis 1939*, Hamburg, Christians, 2003.

²⁹ Schulte-Althoff, "Rassenmischung": 53; Pascal Grosse, *Kolonialismus, Eugenik und bürgerliche Gesellschaft in Deutschland 1850-1918*. Frankfurt a.M., New York, Campus, 2000: 149-150.

³⁰ Wolfram Hartmann, "Urges in the colony. Men and women in colonial Windhoek", *Journal of Namibian Studies*, 1, 2007: 39-71.

³¹ Nils Ole Oermann, *Mission, Church and State Relations in South-West Africa under German rule (1884-1915)*, Stuttgart, Steiner, 1999: 186.

³² Kundrus, *Imperialisten*: 219-223; Helmut Bley, *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1894-1914*, Hamburg, Leibniz, 1968: 249-256.

race persons classified as 'natives' could hold land or enjoy freedom of movement. Africans had to wear badges with identification numbers and their residency was strictly regulated.³³ The German administration also developed rigid regulations to demarcate the line between 'natives' and 'whites'. The general line was that one African ancestor, even among the great-grandparents, would define you as 'native'.³⁴ One outcome of this legislation was, for example, the case of the German engineer Baumann, who had been regarded as a white man and was now redefined as a 'native' by a South-West African court in 1913, although he was from a family of white missionaries with only one of his great-grandmothers having been an African woman.³⁵

In British African colonies, mixed marriages were not officially forbidden, new legal definitions defining 'white' and 'native' as in German South-West Africa were not developed. Only in the Republic of Transvaal, which was annexed by the British in 1900, with its tradition of Boer native policy mixed marriages were not allowed.³⁶ After the foundation of the Union of South Africa in 1910 these differences prevailed and mixed marriages were still possible in the Cape Colony and other provinces.³⁷ Before 1900, policy in the Cape Colony towards the black and so called 'coloured' mixed-race population had been relatively liberal and had relied more on class distinction than on race segregation. (The term 'coloured' denotes a certain group of the population in South Africa, descended from Boers, indigenous people and East Asian slaves). Voting rights were not based openly on racial grounds: African people could vote if they had certain possessions or a certain income. Since only very few of the black people fulfilled these conditions, the supremacy of white Europeans was never challenged. During the last decades of the 19th century, racial policies became more important in the Cape Colony and racial tensions grew. In the 1890s, several bills restricted voting rights for blacks.³⁸ Segregation started in many fields, in schools, in sports etc., as Vivian Bickford-Smith

³³ Trutz von Trotha, "Zur Entstehung von Recht. Deutsche Kolonialherrschaft und Recht im Schutzgebiet Togo 1884-1918", *Rechtshistorisches Journal*, 7, 1988: 317-346, see for the native decrees of 1907 Bley, *Kolonialherrschaft*: 208-212; 257-262; Jürgen Zimmerer, *Deutsche Herrschaft über Afrikaner. Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, Münster u.a., LIT, 2002: 68-94.

³⁴ Cornelia Essner, "'Wo Rauch ist, das ist auch Feuer'. Zu den Ansätzen eines Rassenrechts für die deutschen Kolonien", in: Wilfried Wagner, (ed.), *Rassendiskriminierung, Kolonialpolitik und ethnisch-nationale Identität*, Münster, Hamburg: LIT, 1992: 145-160; see also Harald Sippel, "'Im Interesse des Deutschtums und der weißen Rasse': Behandlung und Rechtswirkung von 'Rassenmischehen' in den Kolonien Deutsch-Ostafrika und Deutsch-Südwestafrika", *Jahrbuch für afrikanisches Recht*, 9, 1995: 123-159.

³⁵ BAB, R 1001/5424, Swakopmunder Zeitung, 18.3.1913; BAB, R 1001/5424, Deutsche Gesellschaft für Züchtungskunde an den Staatssekretär des Reichskolonialamtes, 21.4.1913, 31-32; see also Kundrus, *Imperialisten*: 273-274.

³⁶ Furlong, *Marriages*: 1.

³⁷ See Martin Chanock, *The Making of South African Legal Culture, 1902-1936*, Cambridge, Cambridge University Press, 2001; see also Pamela Scully, "Rape, race, and colonial culture: the sexual politics of identity in the nineteenth-century Cape Colony, South Africa", *American Historical Review*, 1995: 335-359.

³⁸ D. R. Edgecombe, "The non-racial franchise in Cape Politics 1853-1910", *Kleio*, 10, 1978: 21-37.

has shown in his research on Cape Town.³⁹ Men living in mixed marriages were ostracized in the higher circles of the Cape Colony. For example, they would not have access to the men's clubs of the colonial societies that were important instruments of exclusion and inclusion in all British African colonies. Generally, mechanisms of demarcation seemed to have been negotiated within social institutions and not through legal sanctions as in the German colonies.⁴⁰

As in German African colonies, concubinage and half-legal marriages were widely practised by members of the British colonial services as well as by white traders, railway engineers and unmarried settlers who lived far off the administrative centres.⁴¹ This was mainly the case in the new colonies in West and East Africa but was still found at the margins and borders of the Cape as well as in the lower strata of society.

Nevertheless, on the British side too, the awareness of racial issues grew and the aim to maintain an imperial British race became more important around 1900.⁴² In 1902, sexual relations between white women and black men were forbidden in the Cape, mainly aiming at white prostitutes and at the white underclass.⁴³ A general change of policy can be found in 1909: a new decree, the so-called Crewe directive was issued which gave for the first time a general rule to discourage members of the colonial service from concubinage, as this would endanger the authority of the colonial administration. Ronald Hyam shows in his book on "Empire and Sexuality" that the change in policy was mainly the result of a publicized affair in Kenya, where an assistant district commissioner who took over concubines from his predecessor had roused the contempt of a neighbouring settler. When the British commissioner was only mildly rebuked, the settler published the whole affair in a letter to the Times. However, this was only the trigger for a change in policy. British authorities had already started to turn decisively against mixed-race-relationships.⁴⁴

Despite the common trend towards segregation, there were still strong differences between Cape policy and the much more racist colonial rule in neighbouring German South-West Africa. This meant that people with roots in the Cape Colony could hardly accept the new restrictions introduced by the German government. They fought for their previously enjoyed rights and insisted upon their British citizenship.

³⁹ Vivian Bickford-Smith, *Ethnic Pride and Racial Prejudice in Victorian Cape Town*, Cambridge, Cambridge University Press, 1995: 10.

⁴⁰ Kennedy, *Islands*: 179; Helmuth Stoecker, "Koloniale Rassendiskriminierung: Das Beispiel Britisch-Westafrika", in: Wilfried Wagner, (ed.), *Rassendiskriminierung, Kolonialpolitik und ethnisch-nationale Identität*, Münster, Hamburg, LIT, 1992: 77-88.

⁴¹ Ronald Hyam, *Empire and Sexuality: The British Experience*, Manchester, Manchester University Press, 1990: 158; Callaway, *Gender*: 4.

⁴² Hyam, *Empire*: 159.

⁴³ Cornwell, "Webb": 443-444; similar laws were issued in 1903 in Natal and in the Orange Free State, see Furlong, *Marriages*: 1.

⁴⁴ Hyam, *Empire*: 157; Stoecker, "Rassendiskriminierung", 84-87.

Interactions between the colonies

Interactions between the two colonial powers became inevitable through the approximately 20 mixed marriages existing in German South-West Africa that involved British citizens. The women concerned frequently belonged to the 'Rehoboth Bastards', a Christian group of mixed-race people descending from Boer and Nama, who had settled in South-West Africa before the Germans arrived.⁴⁵ Early settlers in the area tended to marry Christian Rehoboth women, who were regarded as good wives. Many of these couples had only had church weddings, rendering their marriages void under the regulations adopted in 1905. As in the German cases, the offspring of such unions had generally been regarded as white until the passing of the new regulations between 1905 and 1907, but the children were now redefined as 'natives'. This meant that they might not receive legacies, it was unclear if they could own land. They were generally subject to severe restrictions to their rights.⁴⁶ Many of the couples concerned thus tried to obtain legal recognition of both their marriage and the capacity of their children to inherit. As soon as children from such unions were categorized as 'natives', they were not allowed to continue the lives they had been leading with their parents in colonial German South-West Africa, instead being reduced to the level of second-class citizens.⁴⁷ This applied not only to German, but to British nationals as well. Since a colonial administration could not simply declass citizens of another European nation into 'natives', the issue of mixed marriages became a matter of controversy.

Forms of interaction were brought about by German or British citizens who crossed the border to the Cape Colony to marry under British law, because they had been denied the right to marry in German South-West Africa. Most couples went to Rietfontein, situated in the southeast of the German colony, directly on the other side of the border, or to Walvis Bay, the British enclave in the south-west of the colony. There, they could marry without restrictions, but the problems started when they tried to obtain recognition of their marriage in the German colony or have their children entered as Germans or Europeans in the register of births.⁴⁸

By rights, the marriages should have been recognized, as the German Reich had acceded to the Hague Marriage Convention of 1902 in the year 1904. The Convention's objective was the mutual recognition of marriages concluded in foreign countries. There were exceptions, however; these were geared mostly towards states that knew only church weddings and, consequently, were not forced to recognize civil weddings. 'Mixed-race marriages', on the other hand, were not one of the exceptions listed in the Hague Marriage Convention. With the recognition of this convention, Germany had made an

⁴⁵ Essner, "Rauch": 146-147; Kundrus, *Imperialisten*: 220; see also more generally on the Rehoboth Bastards Steinmetz, *Devil's*: 216-222.

⁴⁶ Kundrus, *Imperialisten*: 261.

⁴⁷ Henrichsen, "Schutzgebiet": 84-85.

⁴⁸ See for example the case of the Windelberg family. BAB R 1001/5424, Solf, Staatssekretär Reichskolonialamt to Staatssekretär Auswärtiges Amt, Personenstand von Mischlingen, 30.6.1913.

international commitment that could not simply be overruled by a colonial administration.⁴⁹ While the German Colonial Office was well aware of this, repeatedly instructing the colonial administration in German South-West Africa to respect the international rules, the latter frequently refused to obey these instructions or at least delayed their implementation.⁵⁰

Controversy between the colonizers about 'international' marriages started when a British couple protested against the way they were treated by the German colonial power, turning to the British for support. British consul Müller, stationed in Lüderitzbucht in the south of the German colony since 1909, played a special role in this context. Müller had explicitly been sent there in order to defend British interests in the German colony, being responsible for both European British citizens and African subjects of the British Empire.⁵¹ Müller was the child of German missionaries and spoke German fluently. He had been raised in the Cape Colony and had worked in the rather liberal administration of the Native Department in Cape Town.⁵² His views were influenced by the policy of John X. Merriman, prime minister of the Cape Colony 1908-1910, who advocated a relatively lenient treatment of the indigenous population and had been one of the few politicians that had stood up for the rights of Africans during the negotiations on the Union of South Africa, even if he was not successful.⁵³ With this background, Müller had a critical view of the severe regulations enforced in the German colony. He reported the cases he was informed of both to the Cape Colony and to the Foreign Office in London. It was he who advised the British authorities of the new regulations on marriage and civil status in the German colony.

A typical example of an intervention by Müller is the case of Mrs Fish from Bethanien: she had previously been regarded as British in German South-West Africa and was not prepared to simply accept her redefinition as 'native', instead fighting for the recognition of her status and her marriage with an Englishman. Her new classification also had consequences for her children: her daughter had been about to marry a European. This was now prohibited. According to the new rules, she and her daughter were suddenly

⁴⁹ See for the Hague convention of 1902 Fritz Freiherr von Schwind, "Wandlung von Ehe und Familie im Spiegel internationaler Abkommen", in: Otto Sandrock and Günther Beitzke, (eds.), *Festschrift für Günther Beitzke – zum 70. Geburtstag am 26. April 1979*, Berlin, de Gruyter, 1979: 721-737 (728-729); Essner, "Rauch": 148.

⁵⁰ See for Solf's attitude towards the question of international recognition of marriages BAB, R 1001/5418, Solf, Staatssekretär Reichskolonialamt to Staatssekretär Auswärtiges Amt, 18.7.1913, 163-165.

⁵¹ See for Müller's installation in Lüderitzbucht National Archives of Namibia, Windhoek, (NAN), ZBU 136 A IV B 3, Kaiserliches Gouvernement für Deutsch-Südwestafrika, Britisches Konsulat in Lüderitzbucht, 1911-1914.

⁵² See for Müller also BAB, R 1001/2189, Reichskolonialamt, Vertretung fremder Staaten in Deutsch-Südwestafrika, 1909; Cape Town Archives Repository, GH 35/150, Consul Müller in Lüderitzbucht, December 1909.

⁵³ See for Merriman's policy Phyllis Lewsen, "Merriman as last Cape Prime Minister", *South African Historical Journal*, 7, 1975: 62-87; see for Müller and Merriman their correspondence in Cape Town Archives Repository, GH 35/150, also Lewsen, "Merriman": 78.

'natives'. To obtain permission for her daughter to get married, Mrs Fish now had to prove that her marriage had been legal and she herself was a British citizen.

She began by consulting the Imperial District Office in Keetmanshoop in order to obtain information on her own case. Even this was met with astonishment, since the German administration had not expected such personal initiative. Mrs Fish wanted to know why she had suddenly been classified as a 'native'. After being turned away by the District Office with the reply that she had, in fact, always been 'coloured', she contacted the British consul in Lüderitzbucht. Apparently, she felt that consul Müller would be better suited than herself to defend her interests with the German authorities, thus making use of the possibilities she had as a British citizen in a German colony. She presented Müller with documents proving that she was the descendent of Germans that had settled in the Cape region and stated that she herself had been married to an Englishman, thus possessing British citizenship.⁵⁴ As a result, consul Müller wrote to the imperial administration in Windhoek, requesting a review of the case. The German side reacted by making inquiries, which finally led to the representative of the Imperial District Office, von Roebern, writing to Windhoek on 18 December 1911 that Mrs Fish had indeed been regarded as a British subject. Her documents must have been convincing, as the colonial administration subsequently instructed the District Office in Bethanien to recognize the citizenship and the marriage of Mrs Fish; a corresponding certificate was issued.⁵⁵ Whether Mrs Fish's daughter had actually been allowed to marry the European man is unfortunately not to be found in the files. It is, however, likely, since with the recognition of the marriage, the daughter, too, had obtained the status of a British woman.

In the meantime, the Foreign Office in London had received details of several cases submitted by consul Müller, in which the rights of British citizens in German South-West Africa had been restricted. The British government thus considered it necessary to issue an official statement. The British ambassador in Berlin, Sir Edward Goschen, consequently wrote to the German Foreign Office in October 1912:

His Majesty's Government consider it is desirable that no British subject who had the status of a white man when the Protectorate was taken over by the German Government should be reduced to the status of a native, and that the legitimate children of such British subjects should be entitled to the same status as their father.⁵⁶

This official British position resulted in a more cautious treatment of such matters by the German authorities as soon as British agencies intervened. At least the German Colonial Office was careful to honour international commitments. In cases where courts in South-West Africa had already annulled marriages and changed the status of British citizens,

⁵⁴ NAN, ZBU 666 F IV R 2, Bd 1 Müller, British Consul for GSWA, Lüderitzbucht, to Kaiserliches Gouvernement Windhuk, 14.7.1911, 107-108.

⁵⁵ NAN, ZBU 666 F IV R 2, Bescheinigung, 128.

⁵⁶ BAB, R 1001/5417, Granville to Kiderlen-Waechter, Note über die Behandlung von britischen Subjekten nach dem Rassenmischgesetzen der Deutschen, 11.10.1912, 259.

Colonial Secretary Wilhelm Solf himself intervened several times, instructing the local administration to reverse their decisions.⁵⁷ If affected persons complained, especially if they turned to the British consul and their cases obtained an international character, the marriages were mostly recognized. Regarding the recognition of the children, the situation was less clear. In most of the cases, the authorities in South-West Africa wanted to take a tougher stance, while the Colonial Office was more considerate.

The arbitrariness of the decisions is illustrated by the example of the Windelberg family. The case in point was a marriage in the British colony, which should by rights have been recognized by the Germans. The German citizen Windelberg wanted to marry a woman who was, according to German doctrine, classified as a “native”, but was regarded as European in the Cape Colony. The German administrative official responsible refused to wed the couple, as a result of which they went over to Rietfontein in the Cape Colony and got married in 1907. According to British law, this presented no problem. Subsequently, the South-West African administration refused to enter the children of the now married couple in the register of births. The couple turned to the British consul in German South-West Africa, who lodged a protest. Following another statement by the Foreign Office, Solf himself intervened, confirming that the children were, in fact, Germans in accordance with international law, since the marriage was legal under British law.⁵⁸ This instruction was sent to South-West Africa but refused by Governor Seitz, who replied indignantly that he was not going to comply. He listed a number of reasons why this was not possible. For one, the white population was never going to accept equal treatment of ‘mixed-race’ people and would fiercely reject such ‘false’ whites. Secondly, he pointed out the – in his opinion, irrefutable – fact that ‘mixed-race’ persons take after their mothers, “the native blood unmistakably breaking through”.⁵⁹ Seitz went on to claim that the fact that children from such marriages were worse off legally was, at that moment, the best way to deter white men. He thought that it would prevent them from crossing the border to Rietfontein or Walvis Bay in order to marry ‘mixed-race’, non-European women. Should, in the case of Windelberg, this restriction be lifted, Seitz feared that the entire “good government policy of protecting racial purity” would be endangered. He thus considered the entry of the Windelberg children into the register of births to be a crucial issue for the future of the German colony. He asked Solf to re-examine the case.⁶⁰ There is no further correspondence to be found on this case. It is

⁵⁷ BAB, R 1001/5418, Auswärtiges Amt to Staatssekretär Reichskolonialamt, “Über das Personenstands- und Mischehenrecht in den deutschen Schutzgebieten in Bezug auf englische Staatsbürger, Briefwechsel.” 23.8.1913; see also R 1001/5417, Urteil über Eheschließung zwischen farbiger Engländerin und Deutschem, 10.11.1909, 59. In this case the plaintiff was a British citizen, however she was categorized as native by the German government.

⁵⁸ BAB R 1001/5424, Solf, Staatssekretär Reichskolonialamt to Staatssekretär Auswärtiges Amt, Personenstand von Mischlingen, 30.6.1913.

⁵⁹ NAN, ZBU 666 F IV R1 vol. 1, Kaiserliches Gouvernement Windhuk to Staatssekretär Reichskolonialamt Berlin, 12.8.1913, 157-161.

⁶⁰ NAN, ZBU 666 F IV R 1 vol. 1, Kaiserliches Gouvernement Windhuk to Staatssekretär Reichskolonialamt Berlin, 12.8.1913, 157-161.

likely that the matter of the registration of the Windelberg children had not been settled at the onset of World War I.

The controversy about the marriage of Agnes Bowe and German Oswald Schubert, in contrast, was settled in favour of the Bowe/Schubert family. Agnes Bowe was the daughter of Katharina Cloete, from the group of 'Rehoboth Bastards', and Bowe, an Englishman. Her parents had had a church wedding in 1879. Agnes Bowe had married the German Oswald Schubert in church and at the registry office. The marriage had been authorized since Agnes Bowe was a British citizen. The child from this union, however, was subsequently banned from being entered in the register of births. All of a sudden, the German authorities questioned the legitimacy of Agnes' parents' marriage. In this case, upon intervention of consul Müller, an official inquiry was made to the British government as to whether the church wedding in 1879 should be considered legitimate.⁶¹ The British government confirmed the legitimacy of the parents' marriage. Colonial Secretary Solf stated that based on this legal marriage, both Katharina Cloete and her daughter Agnes were British citizens and thus to be treated as citizens of a foreign country and not as 'natives'.⁶² The intervention of the British consul was obviously successful.⁶³

A further example for the contested and insecure demarcation lines between white and black are the children of the Hill family and their 'bastardization'.⁶⁴ Charles Hill, an English farmer coming from the Cape Colony, bought a huge farm from the indigenous Bondelzwarts in the 1870s in the south of what later became the German colony. He married the daughter of a German missionary by a mixed-race wife.⁶⁵ When Hill died in 1900 he left a farm of some 500,000 acres to his seven children, who had been brought up as white persons. This was a huge estate, even in Namibian terms, and the German government had repeatedly tried to claim parts of it. In 1908, the estate should have been divided between the children. At the same time, the tax authority of German South-West Africa went to court against the Hills and tried to reduce the estate in order to receive land for a military station.⁶⁶ However, the court ruled that the Hill children who had had the status of British subjects and white people were in fact to be classed as 'natives'. The marriage of the father with a mixed-race woman was now seen as invalid and that meant an automatic declassification of the children. The court which was only

⁶¹ BAB, R 1001/5418, Staatssekretär Reichskolonialamt to Gouverneur Windhuk, Eheschließung zwischen britischen Mischlingen und deutschen Personen in den Kolonien, 5.7.1913, 168-169; for the Bowe/Schubert case see also Kundrus, *Imperialisten*: 266.

⁶² BAB, R 1001/5423, Solf, Reichskolonialamt to Gouverneur, Windhuk, 5.7.1913.

⁶³ BAB, R 1001/5585, Britische Botschaft Berlin to Auswärtiges Amt, 11.10.1912, 5; see also Kundrus, *Imperialisten*: 266.

⁶⁴ See, also for the following NAN, BKE 307 G 154, Kaiserliches Gouvernement für Deutsch Südwestafrika, Fiskus gegen Hillsche Erben, 1907-1914.

⁶⁵ NAN, BKE 307, G 154, Rechtsanwalt Forkel und Scharf to Kaiserliches Bezirksgericht Keetmanshoop, September 1908, 30-31.

⁶⁶ NAN, BKE 307 G 154, Hintrager to Kaiserlicher Bezirksamtman Keetmanshoop, 17.7.1908

able to deal with cases between Europeans would therefore not be competent to rule in this case. The case remained undecided. Such an outcome had not been in the interest of the German authorities; however, the new racist regulations that the German colonial administration had issued and that were taken seriously by the court contradicted the original strategy of the German tax authority.⁶⁷ Finally, the Hill heirs engaged lawyers and sued the German tax authority for recognition of their estate. As in the other cases, the Hills informed the British consul Müller, who also intervened for them.⁶⁸ They won the law-suit and were ascertained as owners of their estate, even if they were classed as mixed-race people. Again, Müllers' intervention contributed to the successful outcome for the Hills.

An analysis of the interactions on a colonial level shows quite convincingly that the neighbouring colonies were far more closely connected than one would expect in an African colonial environment before WW1. The presented cases generally demonstrate the ambiguity of the boundaries between 'white' and 'non-white' and the arbitrariness of the decisions by the colonial administration; they also show that these problems had to be dealt with not only within the German colony, but also with the colonial neighbour. Furthermore, an investigation in the form of a *histoire croisée* can not only uncover new aspects of a problem but also point to new material: the cases of the Hills and Mrs Fish to be found in the files of the British consulate have hardly received any attention so far. The material from the consulate only attracts interest when one is pursuing the concept of an entangled history and is looking for other, different views on German colonial society.

Interactions between the metropolises

On a different level, there were also interactions to be observed between British and German authorities in the motherlands. The marriage bans and degradations that affected British citizens had often to be revoked due to the intervention of British consular and colonial staff. The German colonial administration felt unsure how to treat such cases. Thus the German Colonial Office officially asked the British embassy in Berlin, in March 1913, how the Germans should treat church weddings with mixed-race people that had been concluded before the establishment of the German colony. This request was connected with a specific case. The German Colonial Office, however, wished to see a general declaration.⁶⁹ The question of the validity of marriage thus occupied the British ambassador in Berlin, the German ambassador in London, and various staff of the British Foreign and Colonial Office during the following months. Count Lichnowsky,

⁶⁷ National Archive of the Republic of South Africa, Pretoria (NARS), GG 276 4/42, Memorandum on the Status of Natives in German South West Africa, 12.4.1911.

⁶⁸ NAN, BCL 21, Agnes Hill, Keetmanshoop, to British Consul, Lüderitzbucht, 3.2.1911; NAN, BCL 21; British Consul for German South West Africa to Miss A. Hill, Groendoorn, 20.2.1911.

⁶⁹ The National Archives, Public Record Office (TNA, PRO), FO 367/328, Marriage between Englishman and Bastard women. Requests view as to validity of such a marriage in order to establish the political position of a daughter of the marriage, 8.3.1913

the German ambassador in London, initially wrote to Foreign Secretary Sir Edward Grey: He officially asked how a “bastard woman”, the daughter of a British citizen and a half caste, should be treated and if the church marriage of the parents that took place in 1880 before the establishment of the German colony in 1884 would be seen as valid under British law. The daughter of the couple had married a German farmer. Should the daughter be judged as a British woman and should the children of the new union be classified as Europeans?⁷⁰

The case led to some bewilderment and confusion in London and was discussed in the Foreign as well as in the Colonial Office. The Foreign Office tried to use marriages on the Pitcairn Islands as an analogy.⁷¹ However, discussions dragged on as the officials in the Foreign and Colonial Office were undecided how to proceed. In contrast to the German colonial administration, the British officials did not want to reach a fundamental decision that might have incalculable consequences. As a matter of principle, London was quite sympathetic towards a ban on mixed marriages since British policies in Africa had also changed and focused more on segregation since 1900. An internal Foreign Office minute stated that the Germans were quite right to ban mixed marriages in their colony.⁷² However, the German over-regulation was seen as highly problematic. Furthermore, the Foreign Office would never accept the degradation of British citizens even if they might be of multi-ethnic origin. All British citizens who enjoyed the status of a white person in British colonies should be protected from arbitrary decisions by the German administration. In several minutes officials remarked that consul Müller was quite right to emphasize that point again and again.⁷³ After long discussions, Grey finally wrote to Lichnowsky, that the marriage would be valid according to British law, even if some doubts could not be completely removed. Grey apologized that he could not give a more decisive answer and added that these problems had not been subject of an intensive juridical discussion in Britain so far.⁷⁴ In contrast, mixed marriages had aroused a strong debate in German colonial and legal journals, even in the daily press.

With Grey's answer of April 1913 the German colonial administration in South-West Africa had a precedent on how to treat problematic cases with British citizens involved. However, as this meant to concede British or German citizenship to mixed-race people, such decisions were still often delayed by the colonial authorities of German South-West Africa.

The German Colonial Office in Berlin also tried to reach a form of reciprocity in the question of mixed marriages. What they meant was that the British administration in the Cape Colony should respect the German mixed marriage bans when Germans tried to

⁷⁰ TNA, PRO, FO 367/328, Nr. 10928 Lichnowsky, German embassy London, to Grey, Foreign Office, 6.3.1913.

⁷¹ TNA, PRO, FO 367/328, Nr 4687, Reprint, the Law Officers of the Crown to Colonial Office, 27.8.1908.

⁷² TNA, PRO, FO 367/276, Nr. 35013, Proceedings of the Landesrat GSWA, Minutes 20.8.1912.

⁷³ Ibid.

⁷⁴ TNA, PRO, FO 367/328, Nr.16146, Grey to Lichnowsky, German embassy London 18.4.1913.

escape the law and to marry in the neighbouring British colony.⁷⁵ They wanted to stop the “marriage tourism” to the Cape, an issue that in reality hardly existed. On the British side, the German demand was seen with bewilderment.⁷⁶ In the internal discussion of the German request one reads:

I do not understand what is meant by our ‘recognition’ of the laws in force in the German Colonies respecting personal status and mixed marriage. I should have thought that no declaration on our part was necessary and that we recognise the right of the German Government to regulate their questions in their colonies.⁷⁷

At the same time the British ambassador in Berlin observed that in his view the German Colonial Office seemed to be quite confused about the question of mixed marriages.⁷⁸ The British government never granted the reciprocity the Germans wanted. They insisted on their former declaration that the rights of British persons could not be restricted and tried to avoid any more correspondence on the issue.⁷⁹

The German Colonial Office still tried to regulate the whole question of mixed marriages in a comprehensive fashion. In spring 1913, they asked the British Colonial Office in London to forward the exact laws and decrees of the various provinces of the Union of South Africa. This demand was again greeted with slight astonishment on the British side. In July 1913 the Foreign Office submitted an enquiry to the South African authorities, as all the different decrees and regulations were not known in detail in London.⁸⁰ In the comments of the South African administration one finds a certain reluctance to answer these demands, “mixed marriages” are addressed as “vexed question”. Furthermore, even the government of the Union was not quite sure about the different regulations. A first answer only reads: “My impression is that at present there is a wide diversity in the laws of the several provinces on this subject.”⁸¹ In November 1913, the government of the South African Union finally sent a statement to London:

⁷⁵ TNA, PRO, FO 367/328, Nr. 4687, Goschen to Edward Grey, 22.1.1913.

⁷⁶ BAB, R 1001/5418, Auswärtiges Amt an den Staatssekretär des Reichskolonialamtes, Über das Personenstands- und Mischehenrecht in den deutschen Schutzgebieten in Bezug auf englische Staatsbürger, Briefwechsel, 23.8.1913, 203.

⁷⁷ TNA, PRO, FO 367/328, Nr. 4687, Mixed marriages in German South West Africa, Minute, 31.1.1913. The next minute reads: “It is rather difficult to know what the German Govt. do mean. As Sir Langley points out we recognize the right of any country to make her own laws as to status, subject to treaty stipulations.”

⁷⁸ TNA, PRO, FO 367/328, Nr. 34029, Granville to Grey, Colonial Office 18.7.1913.

⁷⁹ TNA, PRO, FO 367/328, Draft, Foreign Office to Colonial Office, 9.8.1913.

⁸⁰ TNA, PRO, FO 367/328, Undersecretary of State, Colonial Office to Undersecretary of State, Foreign Office, 20.8.1913.

⁸¹ NARS, GG 278 4/158, Office of the Governor-General of South Africa, Marriages between white and coloured persons in GSWA. Request of German government to be furnished with laws and regulations regarding mixed marriages in the Union, 22.8.1913.

The only statement that we think can be made is, that under the laws relating to marriage at present in force in Cape Colony, Natal and the Orange Free State there is no legal invalidity to a marriage between a white and coloured person.⁸²

It was not until March 1914 that the information eventually reached Berlin. The long deferral of the answer points again at the reluctance of the British and South African authorities to discuss these problems. The problem of the mixed marriages was obviously seen as something that should not be touched upon too much, official statements should be avoided, even if the colonial administration and the Colonial and Foreign Office were generally opposed towards these unions. In contrast, German policy aimed at regulating the whole question in every detail. In July 1914 the German Colonial Secretary wrote a detailed despatch to governors of all German colonies, discussing the whole problem of mixed marriages, of mixed-race people and of the law of civil status in the colonies in detail.⁸³ However, the outbreak of the World War I put a halt to these plans.

Again, an analysis of the discussions on an imperial level indicates how close the connections between the colonies in Africa were before 1914. The implementation of a new concept of racial policy in a German colony in Southern Africa had to be discussed and negotiated with the neighbouring colonizer; international regulations had to be observed and processes of entanglement emerged.

Conclusion

Even if the number of cases of mixed marriages was small and the matter seems to be rather marginal, the discussions concerning the mixed-race couples point to several highly important issues when analysed with the approach of a *histoire croisée*, looking not only at the various viewpoints of the people concerned, the British and German colonizers, but also at the interactions between the different actors.

First of all, the controversy surrounding the mixed marriages of British citizens sheds new light on the peculiarities of racial policies in the two colonial empires. The German colony tried to use the ban on mixed marriages to implement an excessive, state-imposed racism, which would soon hit a wall and often ended in complete arbitrariness. The over-regulation and administration of racism in German South-West Africa seems to be a rather distinct phenomenon, which certainly had its roots in the radicalization of the German colony during and after the Herero and Nama War.⁸⁴ On a more general level it might be partly explained by the overemphasis on race segregation in the German reception of racial theories. It also acts as a reminder of Germany's late entry into the colonial sphere, when a racial order that placed the black Africans at the lowest scale of

⁸² NARS, Pretoria, GG 278 4/169, Office of the Governor-General of South Africa, Marriages between white and coloured persons in GSWA, 7.11.1913.

⁸³ BAB, R 1001/5418, Reichskolonialamt an die Gouverneure in Daressalam, Windhuk, Buea, Lome, Rabaul, Apia, 7/1914, 364-380.

⁸⁴ Zimmerer, *Herrschaft*: 94.

humankind was widely accepted. Such assumptions strongly influenced colonial policies of dissimilation. Germany had not experienced earlier forms of colonialism when racial theories were less omnipresent and other guiding principles seemed to be more important.⁸⁵ On the British side, the extreme state-imposed racism introduced by the German administration was not easily acceptable. British colonial officials generally regarded the racial over-regulation in German South-West Africa with some concern.⁸⁶ The British government was not going to commit itself to inflexible regulations that could have unforeseeable consequences – even if it did, as a matter of principle, oppose mixed marriages and pursued a policy of dissimilation. Greater flexibility made decisions possible that, in practice, permitted a slightly more human policy that left more room for individual cases or allowed certain cases to be ignored – even if the actual aims of colonial policy were not that different in both countries. Thus, seen in an imperial and international context, the German marriage bans in South-West Africa are still exceptional to a certain degree, however, they are embedded in a European imperial policy in Africa that generally strengthened the demarcation lines between white and black.

Furthermore, it becomes apparent that the colonial administration had to negotiate its racial policy not only between the challenges of the African population and the settlers but also with their British fellow imperialists. Although all European colonizers in Africa tried to uphold a white superiority, there were specific definitions and cultural forms in each national context that differed and that had to be discussed. Also, international obligations had to be accepted by all colonizers and could not be easily overruled, even in the territory of one African colony.

As a last point, it becomes clear to what extent the colonized peoples were trying to use the margins 'between the colonies' by making use of rights conceded to them on the other side of the border. It was precisely those who were branded in the racist minds of the German colonial administrators as inferior persons with no initiative of their own, i.e. the mixed-race people, who were sounding out their opportunities, fighting for their status, employing the British consul to defend their interests and attempting to circumvent the degrading regulations of the German colonial administration.

Generally, analysing the interactions of the two colonizers contributes to a more precise understanding of the various entanglements in the colonial situation throughout the era of European Imperialism, at an individual level in the colonies, at a colonial administration level and finally at government level in the mother countries.

⁸⁵ See Ulrike Lindner, "Colonialism as a European project in Africa before 1914? British and German concepts of colonial rule in sub-Saharan Africa", *Comparativ*, 19, 2009: 88-106.

⁸⁶ TNA, PRO, FO 367/230, Consul Müller, Lüderitzbucht, to Sir Edward Grey, Memorandum re Status of natives in German South West Africa, 3.5.1911.

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