

Klaus Bachmann

German Colonial Empires

German Colonialism in Africa and the Third Reich

The image shows the front page of the 'Swakopmund Zeitung' newspaper, dated Saturday, April 9, 1938. The masthead features the title 'Swakopmund Zeitung' in large, bold letters, with '(MIT ILLUSTRIERTEN BEILAGEN)' in smaller text below it. The publication frequency is stated as 'ERSCHEINT JEDEN MITTWOCH und SONNABEND'. Below the masthead, there is a section for subscription prices and advertising rates. The main headline reads 'Ein Volk! — Ein Reich! — Ein Führer!' followed by 'Die Deutsche Volksabstimmung in Südwest'. The page contains several columns of text, including an editorial on German colonialism in Africa and a report on the German referendum in South West Africa. There are two photographs: one on the left showing a group of people, and one on the right showing a large assembly or election process. Captions are provided for both images.

Swakopmund Zeitung

(MIT ILLUSTRIERTEN BEILAGEN)
ERSCHEINT JEDEN MITTWOCH und SONNABEND

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Jahrgang 1938 **Sonnabend, den 9. April 1938** Nummer 29

Ein Volk! — Ein Reich! — Ein Führer!

Die Deutsche Volksabstimmung in Südwest

Aus der Ära der Kriege ist — die Welt und wir — ein Volk geworden. Und wir sind ein Volk geworden, weil wir uns in den Kämpfen der Welt und in den Kämpfen der Ära der Kriege bewährt haben. Und wir sind ein Volk geworden, weil wir uns in den Kämpfen der Welt und in den Kämpfen der Ära der Kriege bewährt haben.

Das ist die Welt und wir sind ein Volk geworden. Und wir sind ein Volk geworden, weil wir uns in den Kämpfen der Welt und in den Kämpfen der Ära der Kriege bewährt haben. Und wir sind ein Volk geworden, weil wir uns in den Kämpfen der Welt und in den Kämpfen der Ära der Kriege bewährt haben.

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Die Bekucker des Führers aus Wien.

Aus vielen Grüben hat der Schwereppel dieser Abstammung in Swakopmund und Nama, wie es in dem neuen Reich geworden ist. Die große Anzahl der eigenen Wahlberechtigen, die die ersten Stimmen abgab, wird durch die großen Massen der Deutschen in Swakopmund und Nama bestätigt. Die große Anzahl der eigenen Wahlberechtigen, die die ersten Stimmen abgab, wird durch die großen Massen der Deutschen in Swakopmund und Nama bestätigt.

Die Cape in Swakopmund

Die Cape in Swakopmund ist ein Ort, der sich in der Geschichte der deutschen Kolonien in Südwest Afrika befindet. Er ist ein Ort, der sich in der Geschichte der deutschen Kolonien in Südwest Afrika befindet.

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Deutsch-Südwester, wach' auf! Der Morgen rät, die Nacht verweilt — Nun öffne die Augen, du schlafst ein!

Die Zeit ist auf, der Tag ist nah. Nun schalte die Kette los. Wir sind ein Volk, wir sind ein Reich, wir sind ein Führer!

Der Sternental, er ist so klein. Nicht öffnet die Himmelswelt! Deutschland ist ein, es heißt nicht mehr. Es heißt nicht mehr, es heißt nicht mehr.

Deutsch-Südwester, wach' auf! Aus dem Getöse von Afrika ist unser Land. Die deutsche Erde, die deutsche Erde, die deutsche Erde!

Aus dem Getöse von Afrika ist unser Land. Die deutsche Erde, die deutsche Erde, die deutsche Erde!



Die historische Reichstagsitzung (1848)

Klaus Bachmann

Genocidal Empires

Between 1904 and 1907, German soldiers, settlers and mercenaries committed mass murder in Africa. Can this be considered the first genocide of the 20th century? Was it a forecast of the Third Reich's extermination policy in Central and Eastern Europe? This book provides the answer. Based on extensive archival and library research in Tansania, Namibia, South Africa, Germany and Poland as well as on the most recent and up-to-date jurisprudence of international criminal tribunals, the renowned historian and political scientist Klaus Bachmann paints a new and surprising picture of the events and their legal significance, which many will find disturbing and provocative. It abolishes many well-established interpretations about German colonialism and its alleged links with the Third Reich and provides a new and intriguing contribution to the current post-colonial debate.

The Author

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Foreword

German colonialism belongs to the darker parts of the German past. It remains a puzzle until today. It was neither profitable for Germany, nor was it a period of which contemporary or later generations could be proud of. Although pride was predominant in the political speeches of the day, throughout the colonial period between the Berlin Conference and World War I German officers, German bureaucrats and German soldiers looked up to the British as the more experienced, more senior colonizers, from which the Germans could learn how to effectively deal with “the natives”, how to organize colonies, and how to develop them. Before the colonial adventure had started, it was already over. Less than 30 years after the first German emissaries had concluded their first treaties with native chieftains, troops of the Entente overran the German positions in Togo, Kamerun and German South-West Africa, forcing German troops to surrender and taking control of the local administration. Only in German East Africa the German troops did not surrender until the armistice in Compiègne, but even until the end of the war, they never exercised effective control over the whole territory of German East Africa.

During these 30 years, the German administration of the colonies faced a plethora of often violent conflicts, sometimes between the local ethnic groups, sometimes between ethnic groups and the German colonial administration. Three of these conflicts stand out from all the others, not only because of the utmost cruelty by which they were finally settled, but also because of their prominence in historical and political debates in the former colonies and the mainland.

The first one is the war against the Herero, which is today widely regarded as the first genocide of the 20th century, committed by Germany. The second is the war against the Nama, another group that stood up to German rule almost immediately after the Herero uprising. And the third is the Maji Maji rebellion in German East Africa, which was quashed in blood by an army consisting mostly of Askaris, that is African and Arab mercenaries who fought under the command of German officers.

The debate on German colonialism has become overshadowed by two topics that are strongly connected to partisan politics and diplomacy. One such topic is the genocide debate, or the tendency to impose the label of genocide on the Nama and Herero wars and to claim that the *Kaiserreich*, Germany or “the Germans” committed genocide against the Herero and Nama. In most articles and books whose authors agree with the genocide claim, the main argument in its

support is the high number of casualties attributed to the German war strategy. The second important issue, which overshadows the debate about German colonialism in Africa, is the attempt to link the violence which was applied by the German troops in German South-West Africa to the violence later used by the Third Reich in occupied Central and Eastern Europe. Both strands in the scholarly (and partly also political) debate suffer from two main shortcomings.

Many of the authors eager to attach the genocide label to the events in German South-West Africa either do not reveal which definition of genocide they apply, or they base their assumptions on the mere fact that the German war strategy caused a militarily unnecessary high number of victims and did not spare civilians. These authors often know a lot about Namibian and German history, but are unaware of the legal significance of the genocide concept. Sometimes they mention or quote the “Convention on the Prevention and Punishment of Genocide” (further the Genocide Convention), which was signed in 1948, but even when they do, they fail to apply its meaning to the events they describe as genocidal. The few historians and sociologists who invoke the Genocide Convention appropriately usually ignore the jurisprudence that has emerged from the judgments and decisions of those international criminal tribunals, which wield jurisdiction over the crime of genocide. This is the first gap that this book fills in. It uses the most precise and most widely acknowledged concept of genocide – the one created by International Criminal Law – in order to assess whether the events in German South-West Africa after 1904 amounted to genocide or not. As the reader will see, this concept differs a lot not only from the popular connotation the genocide label has been given in the media, but also from the original wording of the Genocide Convention and the literal understanding many authors derive from the Convention. This genocide concept is at the same time much more precise, multi-layered and complex than the notions usually applied by politicians, journalists, historians, and social scientists when they argue that a specific real-world massacre was genocidal.

In principle, this is an ahistorical endeavor. It is ahistorical, because at the time when the Nama and the Herero war took place, there was no concept of genocide, no Genocide Convention and there was no court or tribunal that could have judged perpetrators of genocide. The only notion from International Criminal Law¹ (which did not yet exist either) that could be applied was that of a war crime or, in other words, of a violation of the 1867 Convention of the Red Cross

1 Further: ICL.

and the 1899 Convention regulating warfare on the land.² Trying to find out whether the conflicts in a German colony at the beginning of the 20th century were genocidal in the meaning of an international agreement which came into being much later is nothing else than measuring the behaviour of people in the past according to norms and values of today, about which they could not know and of which they could not even fathom that they would ever come into being. It is morally unfair with regard to those to whom such an experiment is applied and it is arrogant from the perspective of the historian, who submits people's past acts to such an experiment. This said, it does make sense from an academic point of view. Neither the social sciences nor historiography have so far developed a comprehensive definition of genocide that is undisputed and coherent enough to bring clarity into the discussion of whether an act of violence was genocidal or not. Very often authors claim such acts of violence to be genocidal without applying any definition of genocide at all, they do so simply because the violence they encounter in the sources is outrageous, widespread and irrational from their point of view; sometimes they do so just because a massacre caused an immense number of (civilian) casualties.³

Not every attempt to assess past conduct in the light of international law which was developed later is in itself ahistorical. At the time of the Nama, Herero and Maji Maji wars in the German colonies, Germany was bound by international humanitarian law, precisely by the Red Cross Convention and The Convention on the Amelioration of the Condition of the Wounded on the Field of Battle (one of the so-called Hague Conventions, further abbreviated as Hague II). Both conventions put considerable humanitarian constraints on German commanders

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- 2 The Red Cross Convention and the Hague Conventions, which were already known and applicable during German colonial rule, are attached in Annex 1 to this book, together with the information, when they were signed and ratified by German and when they entered into force. They are further mentioned here under the abbreviations of "The Red Cross Convention", and "Hague II" and "Hague IV", according to the information retrieved from the online database of Yale University's Avalon project: http://avalon.law.yale.edu/subject_menus/19th.asp.
 - 3 As will later be shown in chapter 3, many experts in ICL treat genocide as a specific case of a crime against humanity, which is defined as a "widespread and systematic attack on the civilian population". From ICL's perspective, it is therefore possible (and the genocide concept in ICL facilitates that) to distinguish certain genocidal acts within a larger event, which in itself was not genocidal, for example, in a case, where within the framework of a large military campaign, during which war crimes were committed, a small part of the military committed genocide against a specific part (for example an ethnic group) of the population, but did not target other communities in the same way.

and provided legal protection for belligerents and civilians from arbitrary execution and abuse.

The German Empire had a problematic attitude towards these obligations. The government had signed the Red Cross Convention long before 1904 but Germany only ratified it in 1907. Hague II was signed in 1899, entered into force in 1900 and was thus already binding for Germany in 1904.⁴ In 1911, Hague II and the Red Cross Convention were also added to the internal regulations, which the government sent to the lower echelons of the army. They became part of the *Felddienstordnung*, and a short summary about the duties arising for individual soldiers from these international agreements was provided to each individual conscript. The summary even described criminal sanctions for violations of these duties.⁵

Although these steps were undertaken after the Herero and Nama wars, the content of the Red Cross Convention and of Hague II was well known to German commanders, officers, and to the civilian administrators of the colonies. They often referred to them both implicitly and explicitly in their correspondence, and they knew the differences between belligerents and civilians, between prisoners of war and other prisoners very well.

However, this knowledge was not accompanied by appropriate action. The German government had signed these international obligations, but the attitude of political and legal authorities towards international law as such and the specific consequences arising from international law for Germany in case of war remained strongly ambiguous. Many lawyers argued that relations between states could not be regulated at all, because states were the sources of all law and the relations between them governed by violence alone. In a publication following the 1899 conference, the Great General Staff (*Große Generalstab*) of the German army downplayed the obligations from Hague II as “mere customs” and claimed they could only be obeyed when the “nature and purpose of the war”

4 See: <https://ihl-databases.icrc.org/ihl/INTRO/150?OpenDocument>; and <https://verdragenbank.overheid.nl/en/Verdrag/Details/002338>. There is a bit of confusion in these databases, because according to the database of the International Committee of the Red Cross, the Reichstag ratified Hague II only in 1910. But already years before that, in 1907, Hague II was made public in the official legal publication of the Kaiserreich, the *Reichsgesetzblatt*. See: Gerd Hankel: *Die Leipziger Prozesse. Deutsche Kriegsverbrechen und ihre strafrechtliche Verfolgung nach dem Ersten Weltkrieg*, Hamburg, (Hamburger Edition) 2003, 165.

5 Hankel, *Die Leipziger Prozesse*, 165–166.

allowed it.⁶ According to leading criminal lawyers, the state could ultimately cherry-pick from these obligations and obey only those beneficial for its war objectives. Germany went so far in this interpretation of international law that its courts even exonerated foreign prisoners of war from charges of war crimes committed against German soldiers during the time of their armed service. They had only obeyed their superiors' orders, German courts argued, and neither they nor their superiors could be charged under German criminal law.⁷ This changed only after World War I, when the *Reichsgericht* suddenly found that killing vulnerable people in war was only legal if committed within the ramifications of international law. But this happened after the Entente powers had imposed on Germany the duty to judge war criminals in the Versailles Peace Treaty.⁸ Back in 1904, the German attitudes towards international constraints on warfare were biased in several aspects: Germany did not at all see Hague II as legally binding and it did not see the Herero and Nama as an equal counterpart to be treated in accordance with the international law the German authorities saw as a sample of regulations between states.

Additionally, there also was no international enforcement mechanism at work, which could have coerced German officers into compliance with these conventions, and German soldiers were right when they assumed that they could only be held accountable before German courts, which would hardly convict them.⁹

6 Hankel, *Die Leipziger Prozesse*, 153.

7 Hankel, *Die Leipziger Prozesse*, 154.

8 Hankel, *Die Leipziger Prozesse*, 154–155.

9 The experience of the Leipzig trials against alleged German war criminals from World War I confirms this. In accordance with the Versailles Peace Treaty provisions, the Leipzig Supreme Court started trials against members of the German (and only the German) military in 1921. These were also based on the 1907 Hague Convention, but judges struggled to reconcile the concepts from International Humanitarian Law with German law and the trials finally ended in a deadlock – only a few accused were sentenced (to terms, which were regarded much too lenient by the public of Germany's former enemies and too harsh by the German public) and finally the idea of holding officers accountable for war crimes, was abandoned. See: Hankel, *Die Leipziger Prozesse*; Alan Kramer: *Deutsche Kriegsverbrechen 1914/1941. Kontinuität oder Bruch?* In: Sven Müller, Cornelius Torp (eds): *Das Deutsche Kaiserreich in der Kontroverse*, Göttingen: Vandenhoeck & Ruprecht, 2009, 341–358. The above mentioned “enforcement mechanism” would have been an international tribunal with jurisdiction over these crimes and their perpetrators, alike the International Criminal Court or an *ad hoc* tribunal created by another convention. No such mechanism existed before World War I and no international organization existed that could have created it.

The international obligations which Germany had accepted in both conventions were enforceable only in Germany, and they actually were never enforced with regard to crimes committed in the colonies.

Germany did not live up to the obligations it had endorsed in The Hague, but this does not make these obligations non-existent. When the Herero uprising started, there was humanitarian law in force, which could have been applied in practice and which should have prevented the *Schutztruppe* and the Navy from committing atrocities. Germany was obliged to implement the conventions it had signed, and because it did not, it violated its international duties. Here a reservation is necessary. On the basis of the same legal documents and similar factual findings, Steffen Eicker has come to a different conclusion according to which Germany neither violated the Red Cross Convention nor the Hague Conventions. He does so because he is mostly interested in establishing whether the German Federal Republic, as a successor of the German Empire, can be held legally responsible for atrocities committed in colonial Namibia. He denies this, based on the (in my opinion correct) assumption according to which the Herero were not a state party to these conventions, and Namibia today is not a legal successor to the Herero community.¹⁰

My claim is different. It is not about state responsibility and the law regulating relations between states, but about the criminal responsibility of individuals and their obligations towards other individuals. In other words, I claim that the German soldiers were obliged to uphold the standards of International Humanitarian Law and to treat the Herero and Nama according to the Red Cross Convention (which at that time, although not yet ratified by Germany, was part of customary international law and well known to the German authorities) and to Hague II, which had even been signed and ratified by Germany years before the Herero uprising. I claim that treating the Herero and Nama the way they were treated amounted to a violation of these conventions and was punishable as a war crime. Whether today the Herero, Nama or the government of Namibia can (or should) hold Germany accountable for these war crimes is a different issue which requires different arguments. The same applies to the question whether Germany should pay individual compensations or reparations to the Herero, the

10 Neither is it a legal successor to the Nama community, but this aspect does not play a role in Eicker's analysis, which focusses solely on the German war against the Herero. Steffen Eicker: *Der Deutsch-Herero Krieg und das Völkerrecht. Die völkerrechtliche Haftung der Bundesrepublik Deutschland für das Vorgehen des Deutschen Reiches gegen die Herero in Deutsch-Südwestafrika im Jahre 1904 und ihre Durchsetzung vor einem nationalen Gericht*, Frankfurt/M.: Peter Lang, 2009, passim.

Nama or the state of Namibia today. Due to the lack of jurisdiction of an international court, this seems rather to be a political and diplomatic issue, which is beyond the scope of this book.¹¹

Applying both convention's concepts to the German war conduct against the Nama, Herero and the Maji-Maji movements does make sense for an historian as well as for a lawyer. It shows much more precisely than the sweeping moral claims, which permeate the debate about German colonialism, which crimes were committed, when and by whom, and it shows which actions of the warring parties were legal under the law of the day, no matter how outrageous and repugnant these actions may be for us today. An interesting side effect of this approach is likely to impact the current debate about apologies, compensation and reparations, which representatives of the Herero and Nama communities in Namibia have been requesting from the German government. Applying such a modern, updated notion of genocide to the events in colonial Namibia helps to answer two different questions: whether these claims are legally justified and which concrete actions actually deserve the genocide label, and which do not.

The second politically motivated tendency which overshadows the scholarly debate about the events in German South-West Africa between 1904 and 1907 is enrooted in post-war Germany's tendency to deal with its past. It is the claim about a causal link that allegedly connects the extreme violence the German military and the colonial administration applied towards the Nama and Herero to the violence which the Third Reich applied in Central and Eastern Europe after 1939. According to some very far-reaching claims in the literature, the Germans 'learned' genocide in German South-West Africa and applied this knowledge later either (as some say) in occupied Central and Eastern Europe or (as others say) during the Holocaust. This is the second focus of this book: It tries to test these claims against the evidence that is currently available, by asking whether the elites of the Third Reich were influenced (and if yes, how) by colonial nostalgists and the colonial lobby of the Weimar Republic, and whether the concepts and methods developed in the German colonies were similar to those applied in occupied Poland and the Soviet Union during the war. One of the cornerstones of this test is the question whether the outbreak of irrational violence is better explained by a functionalist bottom-up or an intentionalist top-down approach.

11 The International Court of Justice in The Hague may be able to rule on the jurisdictional issue, because according to press reports from 2017, the Namibian government intends to sue Germany over the reparations issue. See: Immanuel Shinovene: Namibia – government makes U-turn on genocide. *Allafrica* 17.3.2017, available at: <http://allafrica.com/stories/201703170487.html>

Some of the violence, which came to the fore in both cases, can be explained by rational choice, that is by the fact that the application of violence benefitted those who applied it in one way or another. But there are also cases where the German military, the German administration and German civilians decided to apply extreme violence to the occupied or colonized either without any visible benefit or at a considerable cost which exceeded any benefit they could expect. The most prominent example, which is well known to the wider public, is the case of the Third Reich's use of its infrastructure, railways, police force for mass deportations of Jews to the death camps at a time when Germany needed all these capabilities for the war effort. As will be shown later in this book, a similar conduct could be observed in German South-West Africa at the beginning of the century. How can we understand such cases of irrational violence? Are they better explained by racially informed intentionalism or by the interplay of factors which were beyond the control of those who became so violent?

These two big controversies shape the structure of the book. It is divided into two main parts. The first part applies International Criminal Law's (ICL) genocide concept to the events in German South-West Africa (and to a lesser extent also to German East Africa) at the beginning of the 20th century, using the legal notion of genocide as a point of reference for historical research. This experiment will bring some surprising results: Some events, which so far have been almost undisputedly regarded as genocidal, cease to seem as such, whereas others, which have remained untainted by genocide accusations, will appear in a new light. This first part of the book tells the story of the Herero and Nama uprisings and their aftermath as it appears from the currently available archival records. Within this story, it is analyzed whether (and if yes, to what extent) the conduct of the warring parties violated the international obligations which were applicable at the time. It answers the question whether and how the Germans – but also the Herero and Nama – committed war crimes in the light of the Red Cross Convention and Hague II.

The issue of genocide is more complicated due to the complexity of the concept, but also due to the fact that it is applied retroactively to a context when genocide did not yet even exist semantically. It is therefore dealt with in a special chapter, which demonstrates the development of the genocide concept, the underlying legal logic and the jurisprudence which has emerged in recent decades. This chapter answers the question which of the German actions against the Herero and Nama and against the civilian native population of German South-West Africa can be regarded as genocidal in the light of the modern ICL-informed

notion of genocide. It also shows some of the advantages for historical research of using the legal notion of genocide rather than concepts formulated *ad hoc*.

The second part examines the hypothesis about a continuity between the colonial policies, practices and experiences of the *Kaiserreich* and the policies of the Third Reich in Central and Eastern Europe more than three decades later. This part also contains some surprises. In the light of the archival records, it is better to speak of a rupture between the *Kaiserreich's* colonial policies and the Third Reich's occupation conduct than about continuity between the two. The Nazi elite did not only not want to learn from the old *Kaiserreich* and Weimar elites, they also did not have much to learn from, because personal and institutional continuities, which would have normally existed between two generations, had been cut off by the Nazi movement's ascent to power. It appears that it was not the Nazi movement that learned something from the German settlers in German South-West Africa, but the white political leadership in first the Cape Colony and later the Union of South Africa which adopted measures of race segregation very similar to those of the German settlers. There was continuity – but much more between German South-West Africa and wider South Africa than between German colonies and the Nazi state. This does not mean that there are no causal links between these two worlds – the world of the *Kaiserreich* and the Third Reich. First of all – both used genocide as a means to achieve political and social objectives. This is nothing new. Much more surprising is another line of continuity, which has so far been ignored even by the booming literature about race relations and gender issues in German colonialism. When drafting the Nuremberg laws and elaborating the means to sever the ties between Aryans and Jews in the Third Reich, a legal concept was applied that had emerged in the colonies and proved much more efficient and fatal for those who fell victim to it than the old racism in the early years of colonialism, which based the rejection of the racial other on physical appearance. It was the emergence and perfection of a bureaucratic, blood-based and legally enrooted racism which left its victims no escape and empowered the state bureaucracy to exclude (and ultimately kill) groups and individuals randomly and without any need for public justification. This racism was a result of the violence between 1904 and 1907 in German South-West and East Africa, and it led to the radicalization of racial persecution, which characterized the Third Reich. These two aspects form the backbone of this book's title. Both German empires, the *Kaiserreich* and the Third Reich, were genocidal and linked together by one fatal concept which made the Holocaust possible.

Acknowledgements

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- 1 NCN grant nr.DEC-2012/07/B/HS5/03674, *Intencjonalizm lub funkcjonalizm - dynamika polityki eksterminacyjnej Niemieckiej Rzeszy wobec Herero* (Intentionalism or functionalism – the dynamics of the extermination policy of the German Empire against the Herero), National Center of Science, 2013–2016.
 - 2 Publication co-financed by the Polish Ministry of Science and Higher Education core funding for statutory SWPS University of Social Sciences and Humanities, Faculty of Arts and Social Sciences, 219912/E-560/S/2015.
 - 3 This book was finished during my Senior Research Fellowship at the Robert Bosch Academy (from March to August 2017 in Berlin), an institution of the Robert Bosch Stiftung. STIAS is the abbreviation of Stellenbosch Institute for Advanced Study (STIAS), Wallenberg Research Centre at Stellenbosch University, Stellenbosch 7600, South Africa. The views expressed in this book are those of the author and should not be attributed to the staff, officers or trustees of the Robert Bosch Stiftung.
 - 4 Klaus Bachman: On the margins of German Vergangenheitsbewältigung. German Colonialism revisited, *Przegląd Zachodni*, 1 (2014), 137–152.
 - 5 Klaus Bachmann: Germany’s Colonial Policy in German South-West Africa in the Light of International Criminal Law, *Journal of Southern African Studies* 43.2 (2017), 331–347.

which was mainly concerned with international relations. Thanks to his advice and support, I dared to apply for a scholarship at the University of Stellenbosch, which was granted. Prof. Gerhard Kemp from the Stellenbosch Law Faculty welcomed me with open arms and an open heart, and introduced me to the academic world of South Africa. He also reviewed this book before it went to the editor, and I am grateful for his comments and the additional information he gave. During a long conversation we had in Stellenbosch in 2016 about the Afrikaner movement, right wing tendencies in the 1930s in South Africa, and the role of the *Ossewa Brandwag*, he also mentioned *Operation Weissdorn*. This conversation inclined me to revise a part of the book and include the activities of the NSDAP's *Auslandsorganisation* in South Africa in the chapters about the continuity hypothesis.

When we met for the first time in South Africa, I was still more interested in the work of the South African Truth and Reconciliation commission and the legacy of apartheid than in Namibia. It was my wife, Anna, who inspired me with her curiosity about Namibia and who organized our first trip there. Several shorter and longer trips to South Africa and Namibia followed. During these trips through the Western Cape, the Northern Cape and almost the entire landscape of Namibia, we (that is, first my wife Anna and I and later also our daughter Helena) met with many, many very different people, who shared their insights, opinions and experiences with us. We forced our car to climb rocky hills and bumpy dirt roads to remote farms and settlements, which seemed to be located at the end of the world, we travelled across incredibly beautiful landscapes, painted in colors unknown in Europe and sat at fires watching the sundown over the Atlantic, listening to stories which started hundreds of years ago told by people who trace their ancestors back to the 17th century. We spoke with Afrikaners, whose ancestors had moved to Namibia from South Africa, with descendants of Angola Boers, who had emigrated first to Angola and then turned to South West Africa during the 1920s, with participants of the South African *koevoet* Operation, soldiers of the border war, descendants of German settlers and Germans who had emigrated after World War II to Namibia. We spoke with Herero and Nama whose grandparents had waged war with the German colonial troops and whose parents had cooperated with the remnants of the German colonizers and white South African settlers during the late 1980s in the Democratic Turnhallen Alliance, a third political force against South African rule and the South West African People's Organization's (SWAPO) claim to solely represent the entire population of the country. We spoke to Ovambo, for whom the colonial wars were just a distant memory they knew from schoolbooks and museums, we listened to stories of Baster people and their fascinating narrative about their own "Great

Trek” from the Cape Colony to Southern Namibia. We went to forgotten graveyards, explored cemeteries, analyzed museum expositions and amazing old book shops in Cape Town, Windhoek, and Swakopmund, with their huge collections of colonial literature, old documents and maps. And the more we learned, the more our initial inclination to judge, blame, separate good from evil and measure past events from the perspective of 21st century Europe faded away and made room for the wish to understand what had happened and why it had happened. But at the same time, we were also able to delve into the controversies, quarrels, personal intrigues and academic infighting, which is being waged in Namibia between German historians and intellectuals and their German-speaking counterparts in Namibia, but also between Germans in Germany. In some way, this book may become a contribution to these debates and conflicts, as it provides a new interpretation of many of the contentious issues, which have been discussed during the last twenty to thirty years.

The political controversies about the Namibian war and its consequences for Namibia and Germany have also cast their shadow over the scholarly debate and the methodology applied by historians dealing with these issues. The more I acquainted myself with the literature and the historiographical debate, the more examples of a problematic approach to sources I found. Until the transitions in the German Democratic Republic (GDR) and South Africa and the independence of Namibia in 1990, researchers from the Western hemisphere had hardly any access to German colonial records, most of which were kept in the Eastern part of Berlin, the capital of the GDR. Researchers from the GDR in turn had no possibility of accessing archives in the strongly anti-communist Republic of South Africa, which was additionally under a UN embargo with far-reaching consequences for travel and scholarly exchange. Access by Namibian and South African historians to the archives in the GDR and the Federal Republic of Germany was even more difficult for political and financial reasons. It was understandable, though imprudent, to make far going claims and assumptions on the basis of records, of which their authors must have known that they were far from complete and would need to be confronted with records that were inaccessible to them at the time. This way, Horst Drechsler based his highly accusatory and judgmental books on the records stored in Potsdam, but never confronted them with the records in Windhoek, London, Cape Town or West Germany.⁶ His books often rely

6 Horst Drechsler: *Südwestafrika unter deutscher Kolonialherrschaft. Der Kampf der Hereros und Namas gegen den deutschen Imperialismus (1884–1915)*, Berlin: Akademie Verlag, (zweite Auflage) 1984; Horst Drechsler: “*Let us die fighting.*” *The struggle of the Herero and Nama against German imperialism (1884–1915)*, London: ZED Press, 1980.

on anecdotal evidence, which he uses to present *pars pro toto* arguments, with strong personalization. He often imputes intentions to actors without substantiating them with evidence. In some of her polemical articles, Brigitte Lau made allegations about what foreign archives might or might not contain, but never confronted them with the content of these records. In one case, she even put in doubt the existence of prisoner camps, although the relevant records were stored in the archive of which she was the director. Jan-Bart Gewalt enumerates a large amount of archives in the annex to his book, suggesting he investigated them all, but in the text, he often quotes records as relayed by other authors who accessed them, although the original files must have been available to him if he really had visited all the archives listed in his annex.⁷ Some accounts of the events between 1904 and 1907 in German South-West Africa are also strongly polemical, to the extent that their authors use more adjectives to discredit their adversaries than they use in order to characterise their sources.⁸

There are also exceptions: Helmut Bley, who obtained access to the Potsdam records already before the GDR collapsed, and Jürgen Zimmerer, who was the second who had the opportunity to peruse the archives in Windhoek, West and East Germany and confront their records with one another.⁹ Both authors' monographs have become seminal works on German colonialism in German South-West Africa and are still worth reading today. Surprisingly, most authors who have been dealing with the Namibian war¹⁰ or similar topics choose to quote from Zimmerer, Bley, and Drechsler, rather than consult the original archival records

7 Jan-Bart Gewalt: *Herero Heroes. A Socio-Political History of the Herero of Namibia 1890–1923*, Athens, Oxford, Cape Town: Ohio University Press, David Philip and James Currey, 1999.

8 An extreme example is Claus Nordbruch: *Völkermord an den Herero? Widerlegung einer Lüge*, Tübingen: Grabert, 2004; another author, whose polemical ambitions sometimes blur his sense for logic, is H. R. Schneider-Waterberg: *Der Wahrheit eine Gasse. Zur Geschichte des Hererokrieges in Deutsch-Südwestafrika 1904–1907*. Teil 1 & 2, Swakopmund: Wissenschaftliche Gesellschaft, 2005.

9 Helmut Bley: *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1884–1914*, Hamburg: Leibniz Verlag, 1968; Jürgen Zimmerer: *Deutsche Herrschaft über Afrikaner. Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, Münster: Lit Verlag, 2001.

10 The notion of “the Namibian war” is often used by authors, who see the violence 1904–1907 as a collective effort of the native population to fight against colonialism. It is a retrospective interpretation of the events in the light of the African independence movements and encompasses both wars, the German war against the Herero and against the Nama.

directly. Many did so even after the breakdown of the Soviet Union and of apartheid in South Africa. Drechsler often made very bold allegations on the basis of a very narrow basis of sources and had a strong inclination to press everything into his ideological framework, according to which the Herero and Nama waged an anticolonial war of liberation against German imperialism. Many of his claims and interpretations were later taken over uncritically by other authors.¹¹ David Olusoga and Caspar Erichsen base a large part of their book on the English translation of Drechsler's book on the Namibian war, although the East German records were already available (and the German edition with the original references, too). In many cases, they even quote documents, of which Drechsler had translated excerpts into English. Erichsen does the same in his dissertation about the camp system. Instead of quoting directly from documents to which he claimed to have access in his bibliography, he quotes sources according to the references of other authors. Walter Nuhn's book on the Herero war, apparently written as a popular science account, is even more confusing, because it lacks footnotes and some (important and intriguing) sources, on which his claims are based, can only be identified by conducting what amounts to detective work.¹²

Confronted with the large amount of archival records now available and the confusing way these records were used by others, I decided to go literally back

11 In Olusoga and Erichsen's book, Drechsler's English version provides almost the entire empirical evidence base for their claims and arguments. David Olusoga and Caspar W. Erichsen: *The Kaiser's Holocaust. Germany's forgotten genocide*, London: Faber and Faber, 2010. But Gewalt, Nuhn, Zimmerer also quote many many archival records from Drechsler, although they were already accessible, when their works were published. For this specific problem see also: Andreas Eckl: "S'ist ein übles Land hier". *Zur Historiographie eines umstrittenen Kolonialkrieges. Tagebuchaufzeichnungen aus dem Herero-Krieg in Deutsch-Südwestafrika 1904 von Georg Hillebrecht und Franz Ritter von Epp*, Köln: Rüdiger Köppe Verlag, 2005 (especially Eckl's introduction). But Drechsler aroused also opposite emotions and some authors uncritically dismiss any of his findings and conclusions, just pointing to the fact that he worked and published in the former German Democratic Republic, for example Schneider-Waterberg and Nordbruch.

12 Walter Nuhn: *Sturm über Südwest. Der Hereroaufstand von 1904 – Ein düsteres Kapitel der deutschen kolonialen Vergangenheit Namibias*, Stuttgart: Bernard & Graefe Verlag, 1996. The first edition was published in 1989, when the GDR archives were still almost unavailable for researchers from the West. Nuhn's book on the Nama war does contain references to sources: Walter Nuhn: *Feind überall. Der Große Nama-Austand (Hottentottenaufstand) 1904–1908 in Deutsch-Südwestafrika (Namibia). Der erste Partisanenkrieg in der Geschichte der deutschen Armee*, Bonn: Bernard & Graefe, 2000.

to the archives, in order to avoid misrepresentations and bias, which might have permeated the literature during the past decades. The result is this book. It references the original archival records whenever I managed to get access to them. In all other cases, the reader will be informed that a document is quoted or referenced according to someone else's account, which I could not verify. This happened frequently, mainly because of the restructuring of archives. Many records previously in the *Bundesarchiv* Koblenz were moved to Berlin Lichterfelde during the 1990s. In the meantime, the Evangelical Lutheran Church in the Republic of Namibia (ELCRN) split into two congregations and the ELCRN records about the colonial period are now stored in two different places, both in Windhoek. Unfortunately, I was unable to access many of the documents quoted by Gewalt in his book about the "Herero Heroes" – I simply could not find them.¹³ Nevertheless, I am very grateful for the help and advice, which I got from the staff of the libraries and archives, which I visited during my research, especially the people from the *Bundesarchiv* in Lichterfelde and the Staatsbibliothek in Berlin, from the Gericke Library of Stellenbosch University, the National Library and the National Archive in Windhoek, Namibia, the National Archive of Tanzania in Daressalam, the Sam Cohen Library in Swakopmund and the church archives and museums in Windhoek, Duwisib, Lüderitz and Swakopmund.

There is one important disclaimer to be made. This book has not been written to blame anyone or to shift guilt from one side to the other. It is an academic, intellectual endeavour, which tries to put to a rigid test some of the theories, assumptions and hypotheses formulated by some of my fellow historians in Germany, South Africa, Namibia and other countries, and which have to some extent been taken up by the media and by the political establishments in Windhoek, Berlin and Cape Town. Readers may use the information contained in this book in order to place blame on some and exonerate others, others may use the analysis contained in the book to refute or support claims about compensation for victims of past atrocities. But they should all know that this book has not been written with such a purpose. It has never been my intent to blame individuals or groups for the past conduct of groups or individuals with whom they may or may not side or identify today. It is not my aim to exonerate or unmask German colonialism in South-West Africa, to establish the guilt of the German settler community or of German soldiers. The same is true with regard to the groups

13 In such cases, the respective documents are quoted according to the author, who claims to have read them. This should not be understood as a suggestion that other authors invented or erroneously quoted these documents.

against whom they fought. In many cases, all these people were caught in a web of expectations from their peers, in hierarchies and structures, which made it extremely difficult (though not impossible) to evade the moral traps and dilemmas on their way and which are extremely difficult for us to understand today, let alone to judge them morally. This book is written based on the insight that the primary task of the historian is not to blame and judge, but to understand and foster comprehension among his or her audience for the difficult choices made by contemporary actors and for the web of expectations, constraints and influences, to which they were subjected. This book is informed by the insight that too often we tend to pass judgment from today's moral high ground, rather than trying harder to understand why the objects of our analysis acted the way they did.

On terminology

Throughout this book, terminology is used in the same way as during the time when the respective events took place. The notion of German South-West Africa (*Deutsch Südwestafrika*) will be used for describing the country which was then a German colony, or, according to the official terminology of the *Kaiserreich*, a protectorate (*Schutzgebiet*).

Later on, it will just be labelled South-West Africa or “the mandate”. Whenever Namibia is mentioned the term refers to the country after it became independent in 1990. Throughout the text, Herero, Nama and other groups which at the time were labelled “natives” or “tribes” will be called “ethnic groups.” It is the author’s opinion that these groups were (just like ethnic groups in other parts of the world) based on a common understanding of the past, joint traditions, customs and habits, had a common language and a parastatal internal organization, lacked territoriality (due to their nomadic lifestyle) but had much a broader social basis than kinship alone. The latter was due to frequent contacts with other ethnic groups in what is today Namibia and different African and non-African groups in the Cape Colony. They used to conduct their own diplomacy and their politics, engage in agreements with other groups and their elite was often better educated and literate than their colonizers’. The word “native” will only be used to describe several or all ethnic groups at the same time, that is in cases when no distinction between Nama, Herero etc. is made and in quotes from sources. By no means should this label be regarded as denigrating, although it is undisputed that the term was denigrating at that time.¹ Whenever the word “native” is used in a way other than as a direct quote from records, it refers to the autochthonous African population present there before the arrival of Europeans. *Askari* in German East Africa can, but need not always to be “natives”, because some of them had been recruited among the native population of the territory, while others came from non-African German colonies and neighboring countries. The latter were therefore autochthonous Africans, but not native to the German colony in the narrower sense of the word.

The term “tribal” is used as a denotation for subgroups of an ethnic group and whenever this expression is quoted from sources. Herero and Nama consisted of many such subgroups (some of whom fought against the Germans in 1904 and

1 This is also true for the German translation “Eingeborene”, which is frequently present in the sources.

later, while others did not) and not all were based on kinship. Especially some of the militarily more effective Nama subgroups also included Herero. “Tribal” should therefore not be taken as a kinship- or family-based label. It was often, but not always, based on ancestry.

All topographical notions are taken from the time during which they were used by the entity wielding effective power over the respective territory. Therefore, the place which forms today’s capital of Namibia will be referred to as “Windhuk” during German colonial rule, it will become “Windhoek” under South African rule, which is also used to describe the capital of independent Namibia. Accordingly, the Cape Colony becomes the Cape Province in the Union of South Africa and “Bechuanaland” becomes Botswana once the territory gains independence.²

All translations of names and places into English from other languages, including German and Afrikaans, were taken over from Marion Wallace’s history of Namibia.³ Clan, tribe and ethnic group names are not pluralized (Herero, not Hereros, Baster instead of Basters). Skin color descriptions are taken over from the terminology of apartheid, which distinguished between black, colored, Asian and white people and according to which Basters were colored, not black. The readers should bear in mind that in this book (contrary to apartheid legislation), this description does not involve any moral or other judgment and that this terminology was not in use under German colonial rule, when “colored” (*Farbige*) and “black” (*Schwarze*) were mostly conflated. The use of apartheid terminology is only justified in order to reflect the divisions under the laws of South Africa, which had a severe impact on social and political life in the country. It is in no way intended to perpetuate these divisions or approve them retrospectively.

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- 2 The Bechuanaland Protectorate (east of the Herero-populated territories of German Southwest Africa) should not be confused with the Bechuanaland Crown Colony (south of the Protectorate and east of the Nama inhabited territories of the German colony), which was incorporated into the Cape Colony at the end of the 19th century.
 - 3 Marion Wallace (with John Kinahan): *A History of Namibia. From the Beginning to 1990*, London: Hurst and Company, 2011.

Introduction: German South-West Africa 1904–1907 – The exception to German colonial rule

The Second German Empire was a latecomer in many aspects. When Bismarck solemnly declared the Empire's foundation in Versailles in January 1871, after a victorious war against France, he united the majority of the population, which identified with German culture and German nationalism. Austria still remained outside that Empire, but the larger aspect of the "German Question" had been solved – Germans and Germany now overlapped more than ever since the dissolution of the Holy Roman Empire of the German Nation. However, Germany was a late nation – France, Britain, Russia had managed to create their nation states centuries before. While the German principalities had been divided and feud-ed against each other, against internal opposition or external enemies, Britain, France, Portugal, and Belgium were already busy dividing Africa. The status of a double latecomer – as a nation state and as a colonizer – was a constant concern to German politicians and intellectuals in the second half of the 19th century interested in Germany's role in the world and its alleged right to "a place in the sun" (Ein Platz an der Sonne).¹ The claim to a "place in the sun" was often compared to the British Empire's possessions in the world and to France's position in Africa. Equal rights with the British or the French were, however, difficult to achieve – the scramble for Africa was in full swing and the biggest share of available territories had just been claimed by the Belgian King in the Congo.

Unlike in France and Britain, colonialism in Germany never had a strong lobby. Germany's most senior and influential politician at the time, chancellor Otto von Bismarck, opposed colonial expansion to other continents. Colonial associations remained weak and their influence on the government of the *Reich* marginal. In 1882, a number of politicians, industrialists, and intellectuals founded the first umbrella organization for Germany's small and scattered colonial associations, the *Deutscher Kolonialverein*.² Two years later, an association (rather than a lobby) for practical colonization emerged, the *Gesellschaft für deutsche*

1 The quote "Ein Platz an der Sonne" stems from Chancellor Bernhard von Bülow in the Reichstag 1897. Winfried Speitkamp: *Deutsche Kolonialgeschichte*, Stuttgart: Reclam, 2005, 36.

2 Horst Gründer: *Geschichte der deutschen Kolonien*, Paderborn: UTB, 44–45.

Kolonisation. They merged into the *Deutsche Kolonialgesellschaft* in 1887. Until the outbreak of World War I, the new umbrella's units never had more than 42,000 members and were dominated by the *petite bourgeoisie* and lower middle class as well as state bureaucrats, all of whom had no direct personal interest in colonization and were rather unlikely to emigrate overseas. They supported the idea not for ideological, but rather economic reasons.³ First attempts to establish a colony were undertaken by a small group of traders whom one could call venturesome or even audacious. They had appeared in the south-western part of Africa following the footsteps of missionaries of the Rhenish Mission (*Rheinische Mission*). The latter's attempt to get protection from the Reich's government (or from the British, who maintained permanent posts in Walvis Bay, Bechuanaland – the later Botswana – and the Cape Colony) had failed, most probably because of the German government's reluctance to engage in any kind of colonial endeavour. A tobacco trader from Bremen, Adolf Lüderitz, was more successful. He managed to sign several contracts with local chieftains, which brought a vast territory under his de jure control. , But he never found valuable commodities and lacked the resources needed to wield effective control of the territory. He went bankrupt, sold his possession to the *Deutsche Kolonialgesellschaft für Südwestafrika* (DKG-SWA) and later drowned in the river Oranje. Furthermore, the DKGSWA was incomparably weaker than the British colonial associations as well as the West Indian and East Indian Companies.

The government in Berlin oscillated between rejection and hesitance, but it was confronted with an incremental trend in German society which favored colonial adventures. As time went by, the leadership of the Reich came under subtle pressure from this bottom-up call for expansion, driven by the economic interests of a relatively small but vociferous trade lobby, which did its best to encourage popular support for national expansion. One of the main figures of that lobby was the Woermann trading house which, by the end of the 19th century had established a vast network of ship connections to and from Africa. It is paradigmatic that German colonialism was advanced and promoted by economic interests linked to transport rather than the search for labour, commodities or trade surpluses. This was in stark contrast to the official claims, which the colonial lobby emphasised in its propaganda. There, four main motives were put forward: First of all came population growth. According to the colonial lobby, this had to be channeled into colonies overseas for two reasons: to prevent overpopulation and to prevent emigrants from assimilating in their new home countries.

3 Gründer, *Geschichte der deutschen Kolonien*, 46–47.

Colonies were seen as places where Germans could emigrate to, but at the same time keep their national identity. The second justification for colonialism was less popular – the colonies were regarded as a means of allocating production surpluses of the German industry. The third component of colonial propaganda sought to provide cheap labour for German manufacture and industry. The fourth argument for colonialism was also frequently quoted by its opponents from the left – colonies were meant to ease social tensions in Germany proper by diverting public attention away from social problems toward issues of national pride and honour and Germany’s alleged “mission of bringing civilisation” to under-developed regions and by channelling the social cost of overpopulation and unemployment to other continents. Creating colonies, which frustrated workers could emigrate to, was expected to weaken the revolutionary potential of the Social Democrats. The latter quickly saw through this idea and its potential impact on their political basis and rejected colonial expansion as an attempt “to export the social question.”⁴

All four issues deviated attention from the real cause of colonial hubris in Germany. Overpopulation, economic arguments and the attempt to export social problems abroad were justifications for a policy, but they were not the reasons why this policy was pursued. This becomes immediately obvious when one confronts these claims with the available data: Germany was not overpopulated when compared with other European countries. It never needed “living space”, or, as a colonial author, who became famous during the Third Reich, would later say “Lebensraum.”⁵ At the end of the 19th century, Germany had large swaths of land in East Prussia which were depopulated, and German landowners had to employ thousands of migrant workers from what was then the (Russian ruled) Kingdom of Poland and the (Austrian ruled) Western and Eastern parts of Galicia.⁶ At the

4 The notion of “exporting the social question” stems from Karl Liebknecht, who talked about the “Export der sozialen Frage” in a speech in the Reichstag in 1885. Liebknecht later was among the founders of the German Communist Party (Kommunistische Partei Deutschlands, KPD). Gründer, *Geschichte der deutschen Kolonien*, 32.

5 The author is Hans Grimm, who wrote many books about German South-West Africa. He also wrote the paradigmatic book “Land ohne Raum”, which later served the National Socialist movement in Germany as the basis for its claims, according to which Germans needed more space in order to avoid overcrowding. Hans Grimm: *Volk ohne Raum*, München: Albert Langen, 1926.

6 Before World War I, Berlin had attracted about 80,000 immigrants from Poland, whereas the industrial regions at the Rhine hosted between 300,000 and 400,000, additionally every year hundreds of thousands of Poles only travelled to the Prussian countryside

beginning of the Rhineland's industrialisation, the core industrial regions in the Ruhrgebiet attracted thousands of Polish workers because of the labour shortage in the centers and the low population density in the eastern parts of Prussia. The other arguments for colonization were false, too. The only German colony, which ever attracted some emigrants from the mainland, was Namibia, but their number never exceeded several thousand, whereas hundreds of thousands of Germans emigrated to the United States, Canada, Australia, and even South Africa. None of Germany's colonies had any significance as receivers of German industrial overproduction, because neither the German settlers, nor the native population had the necessary purchasing power. Subsequent German governments did nothing to improve that, they upheld the customs border between the colonies and the mainland until they lost their colonies during World War I.

The export of primary commodities to the mainland also remained meager – until World War I, the colonies had a trade deficit with Germany. And exporting social problems was hardly effective, if one takes into account that the only colony to attract a higher number of settlers – today's Namibia – never hosted more than 20,000 German settlers.⁷

Some authors have tried to interrelate German colonialism with globalization, describing it as a specific form of the imperialist peak, which they see at the end of the 19th century. In their eyes, German colonialism was an early form of globalization, driven by an increase of trade, progress in transport and communication and the increasing rivalry between the main European powers.⁸ The argument sounds convincing from a globalization-critical perspective, but it hardly holds when scrutinized: all these seemingly globalizing tendencies were accompanied

seeking seasonal employment on farms. Włodzimierz Borodziej: *Geschichte Polens im 20. Jahrhundert*, München: Beck, 2010, 43–44.

7 The huge difference between colonial propaganda and its anti-capitalist edge on one hand and the real figures about German demography and economy on the other did not prevent some authors from taking the propaganda seriously and pasting them into their works as if the pro-colonial claims described the real Germany of the late 20th century. For example: Olusoga and Erichsen, *The Kaiser's Holocaust*, 85–95.

8 See, for example, Ulrike Lindner: *Transimperiale Orientierung und Wissenstransfer. Deutscher Kolonialismus im internationalen Kontext*. In: *Deutscher Kolonialismus, Fragmente seiner Geschichte und Gegenwart*. Herausgegeben vom Deutschen Historischen Museum. (Katalog zur Ausstellung im Deutschen Historischen Museum Berlin im Frühjahr 2017). Lindner's argument sounds a bit like a beefed-up version of Drechsler's idea to present the colonial conflicts in German South-West Africa as a struggle between an imperialist Germany and an African national liberation movement. More about Drechsler can be found in chapter 1.

by protectionism, the drawing and policing of borders, and the creation of new, invisible dividing lines in law, culture, social habits and customs, which rendered the world more fractured. The argument also neglects an extremely important feature of colonial ideology and propaganda. Behind all these theories about colonial expansion, the need to explore new sales markets and primary resources was a strong mistrust and deeply enrooted fear of capitalism, which came in the form of industrialisation, urbanization and the expansion of trade and finances within Germany. German culture and the understanding of German identity, which the colonial lobby and its protagonists propagated in their leaflets, reports, memoirs and policy papers, were profoundly pre-capitalist. They perpetuated a picture of Germany without capital companies, stock exchanges, transnational corporations, and intransparent transactions between anonymous companies, a Germany without a working class, a proletariat, without Social Democracy and other left-wing parties, in which dominated hard and honest physical work done by ethnic Germans, who relied on the strength of their family ties, on old traditions and discipline. It was the Germany of tiny, clean and orderly villages, with clear hierarchies in society and within the family, with an economy dominated by hard-working farmers. This world had passed a long time ago. Germany's colonial dream was one about a country without big, sinful, anonymous cities, allegedly full of beggars, prostitutes, bandits, without huge, anonymous companies and revolutionary or subversive movements, challenging the existing social and political order, calling into question the old and beloved customs and habits, to which people who had migrated from the countryside to the big cities were exposed.

German colonialism created more problems, than it ever solved; it was an irrational dream of a glorified and idealized world, which was juxtaposed with the upsetting, incomprehensible and unpredictable vision of a modernizing, industrializing country with its various and overlapping social, economic, and political conflicts. German colonialism was the attempt to escape from a menacing present to the idealized world of yesterday.⁹ Reality was different. Between 1871 and 1905, the German population had grown from 41.1 to 60.6 million. This in itself was no problem and could have rather been a source of national pride than of concern about the future. The main problem the promoters of the colonial idea saw in these figures was the disproportion between inhabitants and soil,

9 Daniel Joseph Walther makes the same claim throughout his whole book. Daniel Joseph Walther: *Creating Germans abroad. Cultural Policies and national identity in Namibia*, Athens: Ohio University Press, 2002.

or, in other words, the decrease of available surface per inhabitant. The surplus in population had been absorbed in big cities and by the fast development of industry, which again could be seen as an asset, since Germany lagged behind its main rival, Britain, in terms of industrialization. But the colonial lobby did not see it this way, its proponents saw it as a threat to traditional German culture and habits and as a danger for the development of agriculture. They rightly saw industrialization as a driving force for the expansion of Social Democracy, but they confounded cause and effect, when it came to industrialization. According to the pamphlets of the colonial pressure groups it had not been the development of new factories that had forced farmers to seek employment in industry, but the other way around. People had escaped the countryside for unknown reasons, and their migration had inflated industrial production.¹⁰ Strangely enough, emigration had decreased in the same time span, while immigration increased, another factor that contradicted the assumptions about Germany being overpopulated. The trade dynamics were even more favorable for Germany. Once an exporter of agricultural products (with little added value) and an importer of industrial products (with a lot of added value), Germany had become one of the biggest exporters of industrial production and an importer of food. But instead of looking at the added value and praising the modernization of the German economy, colonial activists saw this development as a factor that made Germany dependent on foreign countries' food production. 'Food security' became an obsession, which the colonial lobby later shared with the National Socialists. The only real danger, threatening the political interests of the mostly monarchist and conservative colonial lobby was the rise of the Social Democrats, who marched from one election victory to the next, only slightly hampered by Bismarck's laws on social transfers, the election system (which discriminated against the Social Democrats) and anti-Socialist legislation. But conquering colonies was no remedy for the rise of socialism and the need to export the surpluses produced by the booming industrial sector. The German colonies did not help to solve these problems, and when Germany acquired them, it was predictable they never would.

By the end of the 19th century Germany had established trade posts secured by armed forces and acknowledged internationally through a number of agreements with neighboring colonial powers (mostly France and Britain) in what later became Togo, Cameroon, Tanzania, Burundi, Rwanda, and Namibia. These

10 Wirtschaftlicher Ausschuss der Deutschen Kolonialgesellschaft, Kolonial-Wirtschaftliches Komitee: *Die ökonomische Bedeutung der deutschen Kolonien für die Wirtschaft*, 2010 in: BArch R43.913.

were not the only German colonies; in addition, Germany maintained intensive trade in the Pacific Islands of Polynesia (Samoa, Tonga) and New Guinea and in Kiautschou (China) as the consequence of agreements with local chiefs, secured by armed forces and later recognised by the other colonial powers. Especially the latter was a more promising territory than the African possessions, at least with respect to labour which could be recruited for the German manufacturing industry and with respect to the potential demand for German trade surpluses.¹¹

Deutsch-Südwestafrika became the first German colony in Africa and in comparison with Cameroon, German East Africa and Togo, which were later taken under German protection, remained an exception for many reasons. The first and most important one, which remains of consequence until today, was the relatively strong presence of German settlers. In all other German colonies, settlers were rather the exception than the rule of German presence, and native power structures were used in order to maintain control over the country. In *Deutsch-Südwest*, control was imposed through settler colonies, the military (the so-called *Schutztruppe*) and the *Rheinische Mission*. The strong German presence created tensions with the native ethnic groups (mainly the Damara, Nama and Herero) over land, trade, taxes, and security. The expansion of the German settlements threatened the native, mostly nomadic ethnic groups with marginalisation and even starvation, as more and more territory became occupied by the settlers, depriving the natives of pastures for their cattle and access to water.

The barrenness of the land was the origin of a paradoxical tension: Due to the fact that a settler needed a relatively vast territory (as compared with European agriculture) in order to make a living, a relatively low number of settlers sufficed to deprive native cattle holders of their pastures and waterholes. To some extent, this explains the different perceptions of native groups and the German public about the significance of *Deutsch-Südwest* as a colony: Compared to the overall German population, only a few Germans were present in *Deutsch-Südwest*, and their voice was hardly ever heard in Berlin. For the native groups in the colony, however, the German settlements became more and more suffocating.

This was different in Kamerun, Tanzania, Rwanda, Burundi, and Togo where German settlers were so scattered across the land that they did not pose any demographic threat to local ethnic groups. German posts were scarce, and power was exercised indirectly through local chieftains. Colonialism changed the balance of power among the different groups because it used existing power structures and favored certain chiefs over others (but could also be used by some

11 Sebastian Conrad: *Deutsche Colonialgeschichte*, München: C.H. Beck, 2012, 28–32.

locals to obtain preponderance over other groups), but it did not change the structure of the population. At the beginning of the 20th century, tensions over land in *Deutsch-Südwestafrika* had already increased to the extent that the German administration considered establishing population reserves (*Reservate*) for the Herero.¹² Yet there was another exception to German colonial rule present in *Deutsch-Südwest* – the *Schutztruppe*. Unlike in Togo, Kamerun and East Africa, German military power rested on German soldiers in *Deutsch-Südwest*, not on local recruits commanded by German officers. After the outbreak of the Herero uprising, the number of German soldiers rose to 17,000. In East Africa even the rise of the Maji Maji did not trigger an increase to more than several thousand German soldiers, and the main burden of the fighting was carried by local recruits called *Askari*. This means that atrocities occurring during and after the battles were likely to be conceived as a conflict between different ethnic groups in East Africa, whereas in *Deutsch-Südwestafrika*, they were seen as inflicted by the Germans on the Herero and later the Nama.¹³

At the beginning of the 19th century, the German colonies were shattered by several waves of uprisings of local ethnic groups against the colonial authorities. The immediate causes of those violent protests were economic. In East Africa, the Maji-Maji rose against colonial rule because of the harsh conditions under which the Germans intended to extend the use of cash crops, or more specifically, cotton. The German authorities had implemented a two-track strategy to turn local farmers into a labour force that could be used in order to connect the colony to the German market, which would create production surpluses that could be sold, making the colony's economy sustainable. They imposed a relatively high head tax forcing local farmers either to produce surpluses and sell them (rather than using them for their own consumption) or to work off their tax debts in commercial cotton plantations run by Germans. Immediately before the uprising, the German authorities had started to disarm the rural population causing additional outrage. The situation was similar to the one in *Deutsch-Südwest* – in

12 Otto von Weber: *Geschichte des Schutzgebietes Deutsch-Südwest-Afrika*, Windhoek: Wissenschaftliche Gesellschaft Namibia, (10. Edition) 2010, 137.

13 This does not alter the fact that the source of systemic violence was situated in Berlin, but it was likely to affect the social construction of the conflict at a later stage. On the Askari in German East Africa see: Michelle Moyd: "All people were Barbarians to the Askari": Askari Identity and Honor in the Maji Maji War 1905–1907. In: James Giblin, Jamie Monson (eds): *Maji Maji. Lifting the Fog of War*, Leiden, Boston: Brill, 2010, 149–182.

both local ethnic groups tried to resist attempts to integrate them into the logic of a capitalist market as workforce.¹⁴

As Wilfried Speitkamp has pointed out, German colonial policy was full of contradictions and far from consistent and homogenous. In *Deutsch-Südwest*, settlers strove for self-government (which was incrementally granted by Berlin), while German rule in East and West Africa relied mostly on the dispersion of trade posts, military strongholds, and fragile administrative offices which were vulnerable to violent protests and organised riots. At the same time, German rule exacerbated tensions between local leaders and ethnic groups, complicating attempts to integrate the colonies into a larger German market. The tricky problem of the colonies' legal status was never solved. As a consequence, the colonies were regarded both as a German possession and as foreign territory (*Ausland*); they were bound by German state law (*Staatsrecht*), but not regarded as subjects of international law (*Völkerrecht*) because the latter would have required Germany to recognize their sovereignty. The German colonial lobby strove to integrate the colonies into a larger, intra-German market, but until the outbreak of World War I, they were separated from Germany by customs tariffs.

14 Speitkamp, *Deutsche Kolonialgeschichte*, 129–132.

1. The genocide that did not take place

At the turn of the year 1903, many German settlers realized an incremental and disturbing change in the behaviour of their Herero employees and clients, which, as some later claimed, created a climate of suspension and tension in their environment. It is impossible to say whether this was a retrospective interpretation based on the benefit of hindsight, or a reliable description of their impression of the period that preceded the outbreak of the Herero uprising. In some cases, Herero who had been polite with traders became intransigent and dismissive, in other cases, house workers suddenly disappeared without explanation.

Traders were among the first to realize that something unusual was happening, but they failed to detect the reason why. Suddenly many more Herero than usual showed up at their stores, trying to buy for credit exceeding their financial possibilities more than ever. At the store of the Sonnenberg family, the run for commodities almost led to riots among the Herero: “The next day, a huge crowd besieged our house during the whole day. Whenever someone I knew was let in, others rushed in behind him. I called Ludwig, who worked at the new building, for help. He sent some away, but gave goods to other local captains for credit and even went behind the counter himself and handed out merchandise”, wrote Else Sonnenberg, a trader’s wife, who later became famous for her memoir.¹

In many settlers’ and traders’ reminiscences, complaints and accusations are levered against the Herero for allegedly attacking without any notice, out of the blue and misleading their employers and clients and allegedly cheating on them. But some settler memories reveal clear-cut and easily discernible warnings. Margarete von Erkenbrecher, a farmer’s wife, later recalled the son of a local captain asking her husband when she, Margarete, would go back to Germany, “because Africa is not a good country for her, it is a country for men who like war.” If he loved her, he should send her home. Other Herero urged her to leave, “because God will send a terrible war” and the woman who did the washing on

1 Else Sonnenberg: *Wie es am Waterberg zugeing. Ein Originalbericht von 1904 zur Geschichte des Herero-Aufstands in Deutsch-Südwestafrika*, (reprint of the original which was published in 1905/06), Wendeburg: Verlag Uwe Krebs, 2004, 62–63. Else Sonnenberg’s husband was later killed and she was abducted and set free by Herero. In the racist hysteria which followed the Herero uprising in Germany it became one more alleged proof of the Herero’s cruelty toward the Germans. Until today it is quoted in popular science accounts and TV documentaries about the uprising.

the farm even sang a song about the “poor whites who will all die here.”² When the uprising of the Bondelswarts started in the Southern part of the colony, von Erkenbrecher treated it as a transient problem that could easily be solved by the authorities. What they did not know was that due to the uprising of the relatively small and distant group, the Omaruru garrison had been deprived of military protection. Captain Franke, already a popular figure among the *Schutztruppe*, had been sent there and left only four soldiers in the town.³

These accounts not only indicate that the uprising did not start out of nowhere, they also indicate the existence of a precise plan, of good coordination and a central command, which was able to coordinate the Herero’s action. A number of meetings, whose purpose was successfully kept secret from the Germans, had taken place among the heads of the most influential Herero clans. It is undisputed that the uprising broke out at different moments in different places, but this is no proof of the lack of a unified command structure or a premeditated plan, it may just be due to the communication problems the Herero encountered. Contrary to the German authorities, who could use the railway and the “Blitz”, a light-based telegraph system for their communication, the Herero had to use manpower to send orders from Samuel Maherero and his advisors down the chain of command. Nevertheless, the moment and place of the first attack were chosen with supreme knowledge of the weaknesses of the German military structures.

1.1 The causes of war

The causes of the uprising were already well known at the time the violence started, however, there is some controversy about which factors were more important than others.

In the following, these factors will not be mentioned according to their influence on the Herero’s decision to fight, but with regard to the question whether they were necessary but not indispensable to trigger the decision to fight; whether they were necessary and indispensable; whether they determined the decision

2 Margarete von Erkenbrecher: *Was Afrika mir gab und nahm. Erlebnisse einer deutschen Frau in Südwestafrika 1902–1936*, Berlin: S. Mittler & Sohn, 1940 (9. Edition of the original reprint by Peter’s antiques, Swakopmund 2012), 106.

3 Erkenbrecher, *Was Afrika mir gab und nahm*, 107. The *Schutztruppe* in Omaruru called in reservists from the local white population, who were equipped with arms, a move that according to Nuhn, saved the lives of many farmers in the subsequent days and weeks. Nuhn, *Sturm über*, 52–53.

to fight or the decision to start fighting at that precise moment; or whether they constituted only a retrospective justification for the violence. It is always important to distinguish between the causes of events (the factors that inclined actors to act the way they did) and the justification of the events (the reasons the actors give – either during their actions or later – for their behaviour).

The land issue was an important contributing factor, but not sufficient to trigger the uprising by itself. The Herero were a nomadic pastoral group for which the German notion of land ownership was impractical and obscure. Prior to German colonization there had been no market for land. When the Germans arrived, they started to buy land from local chieftains, but due to the specific German interest to keep the price down, and the fact that land was abundant, land was and remained quite cheap. The arrival of industrial consumer goods, alcohol and fire weapons from Germany and the development of money-based trade together with the paternalist structure of Herero society created opportunities for German settlers to take over land from the Herero at a low price and to indebt the Herero leaders more and more. They could then pay off their debts by giving land away – enriching themselves (or getting rid of their debts) to the detriment of their constituents, who were incrementally deprived of good pastures for their cattle. This whole mechanism, which in some aspects resembled the peasant clearances carried out after the abolition of serfdom among the European peasantry, damaged the authority of traditional leaders among their people and pressed the Herero into an increasingly narrow territory (whose land quality was lower than the soil taken over by the Germans).⁴ The development of the railway was another blow to Herero interests, because it brought even more settlers to the country and enabled the *Schutztruppe* to move its troops and canons very quickly through the savannah.⁵ Both factors alone formed the background of the uprising, but they neither triggered it, nor did they determine the moment

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- 4 Helmut Bley: *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1884–1914*, Hamburg: Leibniz Verlag, 1968, 132–134 has emphasized the advantage these debt-for-real-estate swaps provided to both sides, Herero sellers and German buyers. By basing land deals on debts, Herero and German settlers circumvented Leutwein's regulation, according to which land purchases could be blocked by the administration if they threatened to jeopardize stability in the colony. The regulation was meant to prevent the ordinary Herero from the hardship which land sales by their leaders used to cause. As a result of such deals, ordinary Herero families would lose their pastures and the authority of traditional leaders – the pillars of Leutwein's policy – were undermined.
- 5 Gerhard Pool: *Die Staatsbahn in Duits-Suidwes-Afrika, 1897–1915*, University of Stellenbosch, (PhD) 1980.

of the uprising. The same is true for the injustice, which was enshrined in the protection treaties and which led to large-scale abuses of Herero (and all other native groups in the colony) by the German judiciary. The protection treaties had created a two-tier justice system, according to which white settlers and natives would each have their own system of justice and judge members of their own community, as long as their case did not affect members of the other community. However, transgressions of Herero against Germans were to be judged within the German system, whereas the Germans would refuse to submit German offenders to Herero justice. This two-track system led to huge injustices against Herero: abuses and murders committed by Herero against white settlers were punished severely, whereas the same abuses committed by whites against Herero were dealt with very leniently. All these factors were later mentioned by Herero in letters and accounts as justifications for the uprising. They were also well known to the German administration and had been emphasized before, during and after the uprising by missionaries, who had often taken the side of the Herero. But all these factors had existed long before the uprising, and although they had incrementally contributed to the tension which arose during the months before the uprising, they cannot be seen as the final trigger. Especially the land question – highlighted strongly by Drechsler to bolster his case about an anti-imperialist war – had become less salient after the great cattle plague (*Rinderpest*) of the 1890s. The *Rinderpest* decreased the need of the Herero for pastures, and it made the land price plummet and brought relief to the settlers, many of whom did not understand why governor Leutwein wanted the issue to be regulated by introducing reserves.⁶ Paradoxically, the attempt by the German administration to solve the most burning issue – the debt crisis – became the last straw that broke the camel's back. In 1903, the Governor set a deadline for the paying off of Herero debts owed to German traders. This was done in good faith – in order to relieve the Herero from their debt burden and to slow down the process of pushing the Herero into de facto reserves, but it exacerbated the already existing tensions in the country. Once the deadline was imposed, German traders used all means in their possession to make their Herero debtors pay before their debts would

6 The reserve issue had a double edge: once established, the reserves would confine the Herero to certain areas, but protect them from settler expansion. For the settlers, they would restrict the area that was available for further expansion of farms and therefore raise the prices. Since the settlers expanded into Herero land and not vice-versa, the reservations were likely to protect Herero interests against farmers. However, the size of reserves would determine the ability of the Herero to stick to their traditional way of life.

expire. Sometimes, they even resorted to the help of soldiers and used violence to force the Herero to repay quickly. In the mounting tension which ensued, almost every little incident could have triggered the outbreak of large-scale violence and inclined the Herero leaders to launch an uprising. However, they were divided due to the fact that Leutwein had managed to weaken the influence of regional leaders to the benefit of Samuel Maherero,⁷ and due to the fact that there were important differences of opinion among the Herero leaders concerning the land issue.⁸ Gewalt claims, the final trigger for the uprising to have been a manipulation by the Okahandja station chief Zürn, who unilaterally had amended (and forged) an agreement with Herero elders about the borders of the land reserves and then wanted to start a war in order to obfuscate the forgery.⁹ However, this can hardly be the final trigger that launched the uprising, because it had taken place in late 1903 and Zürn's reserve boundaries were made public on December 8, 1903 – more than a month before the uprising.

The uprising finally started as an outbreak of spontaneous hostilities which exploded in an atmosphere of mutual distrust, like an unsolved security dilemma.¹⁰ An important element which contributed to the rise of the tensions was the rumour which reached Maherero according to which the Germans wanted

7 Jan-Bart Gewalt: *Herero Heroes. A socio-political history of the Herero of Namibia 1890–1923*, Oxford, Cape Town, Athens: James Currey, David Philip, Ohio University Press, 1999, 29–109.

8 Samuel Maherero wanted the land reserves for the Herero to be small, so that he could sell more land, whereas other chiefs, particularly Assa Riarua from Okahandja, wanted the reserves to be bigger, in order to enable the Herero to keep their traditions and social structure. Riarua was supported by Leutwein. Gerhard Pool: *Die Herero-Opstand 1904–1907*, Pretoria: Hollandsch Afrikaansche Uitgevers Maatschappij, 1979, 48–49.

9 Gewalt, *Herero Heroes*, 144–149.

10 In International Relations Theory, a security dilemma is a concept that describes the outbreak of war in a situation where no side actually wants to start a war, but does so as the result of a culmination of mutual distrust and fear: each side starts to arm, convinced about the other side's bad intentions. Each side then interprets the arms race as further proof of the other side's war preparation, and the conflict finally breaks out, because one side tries to prevent the other from getting the upper hand in the arms race. In the end, both sides are at war, although none originally intended to go that far. In International Relations Theory, such an outcome can be prevented through confidence-building measures (mutual inspections) and third-party mediation. In the context of 1904, the missionaries tried both but ultimately failed, most probably because they did not enjoy the confidence of the conflict parties.

to kill him.¹¹ The decisive events took place in Okahandja, where the German population withdrew to the fort after word had spread about armed Herero patrols gathering outside the town. Trader Dieckmann was among those who did not go to the fort. According to a missionary account, his wife was shot in the back, and Dieckmann himself was beaten to death after he had thrown himself on the body of his wife to protect her.¹² However, this was the trigger of the uprising in Okahandja, not in the whole colony. In Omaruru, the Herero remained passive long after the news about the events in Okahandja had become known. It is therefore quite likely that Maherero was forced to fight by the events and under the influence of some elders, but against the will of others. One of the events that did not determine the decision to fight, but decided about the time of the uprising, was a rumour about the death of Leutwein, who had left for the South to quash the Bondelswart revolt. Another such rumour concerned an alleged uprising of the whole Nama group under Hendrik Witbooi.¹³ Nevertheless, many Herero, including elders, were caught by surprise by Maherero's decision to fight. Some still were paying their debts to traders (which they would have hardly done if they had known about the uprising). But on the other hand, there are strong indications that the revolt was prepared long in advance. During the months before January 1904, arms smuggling had increased so much that the Herero possessed more rifles than the *Schutztruppe*.¹⁴

During the debates that ensued after the outbreak of the uprising in the German media in German South-West Africa and on the mainland, one document played a special role: Samuel Maherero's famous order to rise against the Germans, which was allegedly written on January 11, 1904. The letter was used as evidence for manifold claims, among others it was said to prove the existence of a centrally coordinated conspiracy against the Germans. As Jan-Bart Gewald has

11 The rumour about killing Maherero seems to have come from the trader M. von Michaelis. Maherero alleged that Michaelis had threatened him with death in a letter to Leutwein from March 1904. The letter is quoted in Gewald, *Herero Heroes*, 167–168. Gewald claims to have found an Otjiherero copy of the letter in the ELCIN archive in Windhoek (the whole sample of Maherero letters was unavailable to me and did not show up in the inventory in 2016), a German copy is quoted in Paul Rohrbach: *Kolonialwirtschaft 1*, Berlin: Buchverlag der Hilfe, 1907, 338.

12 Nuhn quotes an account of missionary Meyer without indicating the source: Walter Nuhn: *Sturm über Südwest*, Bonn: Bernard & Graefe Verlag, (3. Auflage) 1996, 57. The incident is reported in *Rheinische Missions-Berichte: Der Sturm im Hereroland*, 116 (Here: report of missionary Meyer about the events in Okahandja). BArch R 1001.2124.

13 Gerhard Pool: *Samuel Maherero*, Windhoek: Gamsberg MacMillan, 1991, 197.

14 Pool, *Die Herero-Opstand*, 196.

convincingly shown through extensive inquiries in the archives of the Rhenish Mission, the letter was neither written by Maherero, nor was it penned and issued before the uprising started.¹⁵ Its purpose also wasn't to launch an uprising. The very wording of the letter suggests that it was sent because the uprising had already begun and some cases of violence against German women and children and missionaries (and maybe also against foreigners) had taken place, and Maherero wanted to prevent further attacks on them. It is possible, though so far unsubstantiated, that the letter was forged by missionaries in order to prove their ignorance about the upcoming uprising after they had been accused by settlers, militaries and parts of the German press of siding with the Herero and having failed to alert the authorities.¹⁶ If the letter had been written after the outbreak of hostilities, the sentence about keeping the missionaries in the dark about the uprising would have been nonsense – they would have seen the uprising with their own eyes. In this scenario the real purpose of the letter would have been to caution to the local chieftains to stop attacking women, children, missionaries, and foreigners. According to German statistics, a number of Boers were among the first-day casualties. This could easily have led to repercussions for the Herero's relations with the Cape Province in the South and the British authorities in Bechuanaland and Walvis Bay, which played an important role in Maherero's calculations. The deaths of Boers in themselves would have been reason to issue a warning down the chain of Maherero's command. But there also was another incident which later became famous and reverberated in many memoirs and accounts written by settlers – the deaths of Mr. and Mrs. Dieckmann during the Herero attack on Okahandja. German statistics also reveal that the couple had a child that died, too, although apparently not in the violence.¹⁷

Samuel Maherero's letter might have been a response to the incident, too. But even if the famous letter was not an order to start the uprising and even if it was – in part or in whole – an invention of the missionaries, it would go much too far to assume the uprising was not planned beforehand and was not centrally coordinated. The logical consequence of Gewalt's investigation points to such a conclusion: how could the Herero have overcome their collective action dilemma,

15 Gewalt, *Herero Heroes*, 156–161.

16 Gewalt, *Herero Heroes*, 158–160.

17 Verzeichnis der während des Hereroaufstandes ermordeten und im Gefecht gefallenen Personen. BArch R 1001.2124. Since the Dieckmanns had only been married for a year before they were killed in Okahandja, it is likely that their child was very young and still breastfed at the time when its parents died. It might therefore have died from starvation. See also Nuhn, *Sturm über Südwest*, 57.

assuming the uprising really was a spontaneous outbreak of violence triggered by settler paranoia and the incompetence of one single German officer, if not with central planning and coordinated action?¹⁸ If it had been spontaneous, one would expect chaotic, uncoordinated attacks by isolated groups of Herero from the vicinity of Okahandja, Zürn's playground. Instead, all available settler memories point to extensive preparation and conspiracy by the Herero chiefs. The few Herero sources that are available also support the assumption of a carefully planned uprising. After the war, David Kariko, a local chief from the Omaruru region, told the authors of the British Blue Book¹⁹ that "our people were shot and murdered; our women were ill-treated; and those who did this were not punished. Our chiefs consulted and we decided that war could not be worse than what we were undergoing. We all knew what risks we ran... yet we decided on war, as the chiefs said we would be better off even if we were all dead."²⁰ At the

18 Some German officers had an answer to this question. They mentioned "rumours" about a "British conspiracy". According to them, a British and an Australian workforce recruiter for the South African mines had instigated the Herero to rise, promising them weapons. The rumour was most probably based on an erroneous interpretation of Maherero's letter, because it also mentions "a kind of protection letter, in which Samuel recommends clemency for all Englishmen, Boers, missionaries and blacks." Chef des Generalstabs der Marine an den Staatssekretär des Auswärtigen Amts, Berlin 27.4.1904 in: BArch R1001.2114.

19 The Blue Book was drafted and published after the invasion of Union troops into German South-West Africa, when the South African administration had discovered the atrocities committed during and after the Herero and Nama uprisings. It was based on the records the South Africans had found in the German offices and on Herero and Nama testimonies. The book was used to disqualify Germany as a colonial power during the peace negotiations in Paris and to justify the transfer of the German colonies to Britain, France, and Belgium. See: Jeremy Silvester and Jan-Bart Gewald: *Words cannot be found. German colonial rule in Namibia: an annotated reprint of the 1918 Blue Book*, Leiden, Boston: Brill, 2003. Germany published its own answer in form of a pamphlet, which largely failed to challenge the facts from the Blue Book and instead presented evidence about the cruelty of British and French rule in Africa. Later on, Britain agreed to destroy the book after negotiations with the Weimar Republic. *The Treatment of Native and other Populations in the Colonial Possessions of Germany and England: An Answer to the English Blue Book of August 1918*, published by the German Colonial Office, Berlin: Engelmann, 1919.

20 *Words cannot be found*, 95. In his book *Herero Heroes*, Gewald totally ignores this evidence, although it was available to him at the time he wrote the book. Nuhn mentions Kariko's testimony without indicating the source (the British Blue Book) in his book *Sturm über Südost*, whose first edition was published ten years before Gewald's. Pool's

time when Kariko testified about the plans for the uprising, he had no specific incentives to admit the uprising had not been a spontaneous action. But Kariko's testimony is not the only evidence that points to preparation. More evidence can be found when analyzing the Waterberg battle.²¹ Last but not least, disputing the claim of a spontaneous uprising does not necessarily entail the assumption that the Herero elders jointly planned the attack on the Germans beforehand. Much indicates the existence of a war party among the Herero, which pushed Maherero to fight and might have created *faits accomplis* to that end.²² The same can be said of the Germans: there were settlers who thought straightening out the Herero would prevent Leutwein's plans for large land reserves or make them obsolete, and there were officers who sympathised with these ideas.²³

Summing up, Samuel Maherero's letter was most probably not a declaration of war and an order to attack, as it later appeared to be in political debates in Berlin and in a large part of the historiography about the Herero uprising, but a successful attempt to temper the moods of his fighters in order to prevent retaliation from the Germans and to maintain an atmosphere in which negotiations would be possible and mediators available. Maherero was irresolute, hesitant and, as Pool found, did not want to go to war at all. But he was also smart, prudent and forward-looking. When the uprising started, he sent letters to the Witbooi and the Baster, in which he described the conflict as one provoked by the Germans and appealed to their solidarity and – in the case of the Witbooi – asked for ammunition. But both groups remained loyal to the Germans. Until the battle

book about the uprising contains the information that Kariko was interviewed about this topic for the Blue Book. Nuhn, *Sturm über Südwest*, 58; Gerhard Pool: *Die Herero Opstand 1904–1907*, Kaapstad: Hollandsch Afrikaanische Uitgevers Maatschappij, 1979, 63.

- 21 The question of “who started” was an important point in the debate in Germany and Namibia as well as in historiography, and many authors seem to assume that the blame would lie with the war party that started the fighting. From a legal point of view, it is less important to establish “who started” and more important to find out whether the attack was unprovoked.
- 22 Some Herero elders talked about such a divide between supporters of war and supporters of peace among the Herero. Christian Hereros would usually place the blame for the uprising on pagan Herero. BArch R 1001.2117, Bericht über die Vorgänge am 29.10–2.11. und über das Gefecht bei Ombakaha am 2.11., Abschrift, Geheimsache der Kaiserlichen Schutztruppe.
- 23 One has to keep in mind that the boundary between being a soldier and a settler was blurred by the custom of attributing land to soldiers who had served their term in the *Schutztruppe*.

of the Waterberg, Nama assisted the German troops as pathfinders. The Baster forwarded Maherero's letter to the local administration in Rehoboth (the biggest town of the Baster territory) rather than giving it to the addressee.

If Maherero's intent had been to prevent atrocities against women, children, foreigners, and missionaries, he was extremely successful with his letter. Despite the German atrocities carried out during the war, the Herero spared these vulnerable groups. Contrary to later accounts about allegedly random atrocities committed by the Herero against women and children, the German records show the Herero to have been very faithful to Maherero's humanitarian order.²⁴ This is strongly reflected by the German archival records. At the beginning of May 1904, Leutwein, acting on an order from the German Foreign Office, sent a cable message to Berlin, in which he refuted allegations about an order not to take prisoners. The message also confirmed the Herero's humanitarian conduct vis-à-vis German women. Leutwein claimed that they did not target German women, because earlier the German troops had also spared Herero women. Children, missionaries and foreigners had also been spared, Leutwein wrote.²⁵

The number of whites killed during the Herero uprising can be derived from medical reports, which do not distinguish between victims of the Herero and victims of the Nama uprising. For the years 1904/05, there is no medical report available for German South-West Africa. In the general medical report about all German colonies, South West Africa is mentioned on only five pages, which show the number of deceased white persons (including foreigners) and the causes of their deaths. According to this sparse information, only two people had died in Swakopmund in 1904 from unnatural causes: a pioneer (*Pionier*) in Swakopmund who was shot in the spine, and a horse rider (*Reiter*) who suffered a bullet to the chest. All other whites who died in the colony were victims of either diseases or had had symptoms of food poisoning or died in accidents. This was different in Gibeon, where only 5 out of a total of 40 died of natural causes. The overwhelming majority of the deceased were – according to the statistics – “murdered”; one

24 Theodor Leutwein: *Elf Jahre Gouverneur in Deutsch-Südwestafrika*, 4. Auflage Windhoek: Namibia Wissenschaftliche Gesellschaft, 467. Claims about “cruel random killings” of Germans by Herero, “including women and children” can be found, among others, in the settler report “Die Ursachen des Herero-Aufstandes und die Entschädigungsansprüche der Ansiedler”, Berlin 1904, 10; in: National Archives of Namibia ZBU 450 DIV11 Weissbuch Hereroaufstand, Drechsler, *Südwestafrika unter deutscher Kolonialherrschaft*, 146–149 also mentions examples of this kind of propaganda.

25 Leutwein to the German Foreign Office (GFO) by telegraph (sent either 2. or 3.5.1904, the arrival time is not annotated), in: National Archives of Namibia, D-DV-I-2_1.

farmer, and another one who had joined the *Schutztruppe* as a volunteer, were declared “killed in action”. The Grootfontein district was largely spared by the Herero uprising, since only four people were recorded as “killed in action”, and one was registered as “murdered” (two others were recorded as “shot”). In Keetmanshoop, most of the deceased were killed in action, only a small minority died from disease or accidents. The same picture prevailed in Warmbad, where twelve were killed in skirmishes, and only one person died in an accident. But the Keetmanshoop and Warmbad victims were most likely caused by Nama, not Herero attacks.

The figures from the medical reports are revealing not only with regard to the regional distribution of the uprising, which can be reconstructed from other sources, too. They are particularly important in order to test some of the conflicting narratives about the uprising. According to some authors, the Herero almost entirely spared foreigners, women and children, while others claim they did not and point to (mostly secondary) sources, claiming the Herero raped, tortured and killed civilians, including women and children. These claims cannot be checked against the official military accounts as issued by the General Staff, because the latter included only the casualties among the soldiers. The commanders of the *Schutztruppe* and the Navy had no reliable means to count casualties among the civilians, especially since the military had no means of establishing the causes of death of those who died long after being injured. Nevertheless, the Government in Windhuk did its best to establish the number of casualties, even interrogating natives. This way, a final account about “those murdered and killed in action during the Herero uprising” was drafted.²⁶ It is hardly surprising that most deaths occurred among the militaries. This also indicates that civilians were spared. Future fighting during World War II would often lead to a higher probability for civilians to suffer than for combatants. During the Herero uprising, soldiers were more likely to die than civilians. The German statistics, which can hardly be suspected of being biased in favor of the Herero, do not at all support the claims about Herero killing or otherwise hurting women and children. Out of 242 casualties, only two were women, one had been Mrs. Dieckmann, the other one the wife of a farmer.²⁷ Violence against women and children seemed to

26 The report is stored in the National Archives of Namibia under record no. NAN D – IV – I – 2_1A (electronic archives) and in the Bundesarchiv Lichtenberg under BArch R1001.2114, both versions have the same title: “Verzeichnis der während des Hereroaufstandes ermordeten und im Gefecht gefallenen Personen.”

27 These numbers differ considerably from the ones given by Governor Leutwein in his memoir, where he claims the overall number of killed white people to be 123, including 13 soldiers, 7 Boers and 5 women. Leutwein: *Elf Jahre*, 466–467.

be an exception to the rule with regard to the war strategy of the Herero. They had never been signatories to the Hague Convention, but, for some reason, they obeyed it to a large extent.²⁸

Among those who knew about the Herero's strategy to spare children and women, there were different explanations for this conduct. Governor Leutwein confirmed the Herero's humanitarian way of fighting in a telegram to Berlin, in which he also argued that the Herero spared women and children because the German troops had done the same in 1896, when they had quashed a smaller uprising of some Nama and Herero groups.²⁹ Another possible explanation why the Herero did not kill women and children (despite their enemies doing so) is the likelihood that they treated the uprising as an action not directed against German rule as such, but against certain groups. As the death toll shows, deadly violence was targeted at some people more than at others. In a highly conclusive and captivating missionary account, which was tendered to the Government in Windhuk, but never gained any special attention later, an Otijohero speaking missionary described his discussions with Herero warriors, who had treated him as a non-combatant and had assured him he would not be killed. He spent five weeks as their prisoner together with his family, then the Herero released them.³⁰ They often started to discuss the reasons why they had taken up their weapons and moved against the Germans. The missionary's interlocutors did not want the Germans as such to leave their land, they did not even hate German soldiers. They mostly hated and wanted to get rid of the traders, who had pushed them into debts and then abused the Herero who owed them money, often by

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- 28 The Hague Convention refers to the so-called IV Convention respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The relevance of this and other conventions for the Herero and Nama war (and the question whether these groups can be regarded as parties to these conventions) will be discussed in chapter 3 of this book. It should be clear that the Herero did not comply with all of The Hague Convention's provisions. Killing unarmed traders and farmers at the beginning of the uprising was a violation of Hague II since they were civilians who did not take part in the fighting. Paul Leutwein, the son of the governor, also claims that the Herero abused the humanitarian conduct of the Schutztruppe not to target women, and used their own women as human shields. Hague II did not forbid this. Paul Leutwein: *Afrikanerschicksal. Gouverneur Leutwein und seine Zeit*, Stuttgart, Berlin, Leipzig: Union Deutsche Verlagsgesellschaft, 1929, 121.
- 29 Leutwein Telegramm to the GFO, 2.5.1904, in: National Archives of Namibia ZBU 0451, D-IV-I-2v1p260. On 1896 see also von Weber, *Geschichte des Schutzgebietes*, 73–75.
- 30 Report of missionary Kuhlmann, received 21.5.1904 at the Foreign Office in Berlin, BArch R 1001.2114.

exaggerating the sums to be paid. The casualty statistics of the Government's administration show a very clear picture of whom the Herero uprising targeted and why it had broken out. If put into a ranking, most of the casualties were of course soldiers, followed by traders (31 cases) and settlers (28 cases). There was only one policemen and one clerk among the casualties. Among the ten people who disappeared, seven were traders. When the Herero rushed to arms, they did not want to kill Germans, nor did they target representatives of German power and authority. They shot at traders and killed farmers. Governor von Leutwein had an almost proverbial description for this state of affairs: "The Herero have accepted the authority of the government, but not the authority of each and every white farmer and settler."³¹

Since the German Army of the time did not recruit women, it is hardly surprising that women do not show up as casualties in the military statistics. Due to the shortage of women in the colony, women also rarely feature as deceased patients in the medical reports. In 1904, only one woman died, a housekeeper (*Wirtschafterin*) from Prussia who had died of meningitis in the Swakopmund District. The case is important because it shows that the medical statistics for DSWA included women and that it would have contained data about murdered women, if women had been murdered. But this was not the case. Among the 152 people, who died in all districts of DSWA in 1904, there is no single woman reported as "killed" or "murdered". There was also no single child whose cause of death had been reported as "murdered".³² The medical reports also confirm this picture for the following years: out of 239 deceased in 1905, only a very few had been women. But none of them had died from violence, all had succumbed to diseases.³³ Since those statistics included the possible casualties of the war against the Nama, they also exonerate the Nama of wrongdoings against German civilians.

31 Leutwein said so already before the Herero uprising. Bley, *Kolonialherrschaft und Sozialstruktur*, 121.

32 *Medizinal-Berichte über die Deutschen Schutzgebiete. Deutsch-Ostafrika, Kamerun, Togo, Deutsch-Südwestafrika, -Neu-Guinea, Karolinen-, Marianen-, Marschall-Inseln und Samoa für das Jahr 1904/05*, herausgegeben von der Kolonial-Abteilung des Auswärtigen Amtes, Berlin 1907, 136–140. Staatsbibliothek Berlin.

33 *Medizinal-Berichte über die Deutschen Schutzgebiete. Deutsch-Ostafrika, Kamerun, Togo, Deutsch-Südwestafrika, -Neu-Guinea, Karolinen-, Marianen-, Marschall-Inseln und Samoa für das Jahr 1906/07*, herausgegeben von der Kolonial-Abteilung des Auswärtigen Amtes, Berlin 1908, 175–189. Staatsbibliothek Berlin.

Gerhard Pool has argued that Maherero's strategy to spare these groups had diplomatic and strategic reasons: he wanted to isolate the Germans and prevent foreigners from supporting the German war effort.³⁴ Nuhn regarded Maherero's humanitarian constraint as proof that the war was not a racial conflagration (as many politicians and commentators in Germany would later claim) but simply an uprising against German rule.³⁵ This is true, but it is not the whole truth. The Herero did not rise against the Germans, they rose against the German traders and farmers. Traders and farmers had wielded power over the Herero and they had abused that power. Traders bore an additional burden – they kept records about the Hereros' debts, many of which had literally exploded during the weeks before the uprising. The Sonnenberg account hints at this link with utmost clarity. In attacking the farmers, killing them and ravaging their premises, the Herero did something which is well known from Central- and East European anti-Jewish pogroms, where violent mobs targeted those Jewish businesses, to which the mob members were most indebted. Some Herero captains later admitted targeting traders in conversations with missionaries and even with *Schutztruppen* officers, with whom they negotiated ceasefires.³⁶ But why did the Herero not target other civilians, like missionaries, children and wives of traders and farmers? The reason is most probably rooted in the Herero's own war strategy and – contrary to Pool's assumption – this strategy was not necessarily shaped by humanitarian or diplomatic concerns. The Herero knew about the technological superiority of the *Schutztruppe*. They knew that they were more vulnerable in a war without humanitarian constraints than the Germans, who could hide behind the walls of their forts and stone buildings, while the Herero had to protect their families,

34 Pool, *Die Herero-Opstand*, 62.

35 Nuhn, *Sturm über Südwest*, 58.

36 An example are the negotiations between the station chief in Ombakaha and, van Beesten and Yoel Kavezeri (Okahandja), Karimue (Gobabis) Kaevera (Otjihaenena), Salom (Otjenga) and Eliphas, Traugott, Kavirona and Gottlieb. Traugott stated clearly: the reason for the uprising were the store people. BArch R 1001.2117, Bericht über die Vorgänge am 29.10ß2.11. und über das Gefecht bei Ombakaha am 2.11., Abschrift, Geheimsache der Kaiserlichen Schutztruppe. When senior lieutenant Kurt Streitwolf later talked to Herero who had fled to Bechuanaland, they would also first mention the trader issue as a reason for the uprising. While Herero engaged in truce negotiations with the *Schutztruppe* might have had a reason to blame a group that was not participating in the negotiations (and would therefore rather not blame the Governor, the administration, the police or the army), the Bechuana refugees had no reason to be so polite. BArch R1001.2118, Abschrift eines Berichts von Oberleutnant Streitwolf, Gobabis 24 August 1905.

who moved on the battlefield behind the front with their cattle, the most valuable asset the Herero possessed. If the Herero had embarked on a scorched earth tactic, looting, raping and killing everyone in their way, they would have been confronted with retaliation against their civilians and their cattle by an enemy who could much more easily resort to the use of heavy arms, one who could reach the Herero, their civilians and cattle from a distance. This made the attackers almost invulnerable to retaliation. The Herero did not have the *Schutztruppe's* mobile cannons and machine guns, which spread great fear among the Herero. With that in mind, it is even difficult to assume that the uprising's ultimate purpose was to get rid of German rule at all. It is more likely that the uprising was an attempt to eradicate debts and negotiate a new settlement with the Germans, which would have made the situation more predictable for the Herero. From this view, there is nothing left of Drechsler's concept of an anti-colonial or anti-imperialist liberation war in 1904.³⁷

There is yet another reason why the Herero could afford to refrain from violence against women, children, and missionaries. The latter were spared, because they were trusted and considered indispensable as mediators in case the German authorities wanted to negotiate. With regard to the remaining groups, the Herero had no reason to escalate the violence they had launched because first, they had the upper hand in the conflict and later, after the Waterberg battle, when they lost their advantage, they were no longer in a situation where they could target civilians, because civilians were no longer present in those parts of the colony to which the war had moved. This does not mean that there were no incidents of violence against civilians by Herero after the Waterberg battle. For years, white settlers in the colony lived in constant fear of attacks by scattered groups of displaced Hereros, who robbed farms, stole cattle and tried to survive in the bush as something resembling bandits. It means that the Herero had no

37 It should not be forgotten that not only Leutwein used the limited leverage of the German authorities over the different groups in the colony to advance his objectives – the Herero, Nama, Ovambo and Baster leaders did the same, resorting to the Germans when they had a conflict with other native groups. Over time, a fragile balance of power had emerged, which Leutwein had managed to shift slowly (and mostly in a peaceful way) to his advantage. Starting a war to get rid of the Germans and achieving success would have probably led to a situation which would have exposed the Herero (very much weakened by the unilateral war effort) to the expansion of the other groups. A Drechsler-like war of national liberation would have only been a rational choice and potentially a success if it had been supported by all groups in the colony in a joint effort and if all these groups had a chance to agree on the division of the spoils afterwards.

rationale to target women and children, and when such an escalation would have been desirable, they had lost the opportunity to attack civilians. This was also a consequence of the settlers' reaction. The uprising had erupted at different times in different parts of the colony, in the North it started earlier than in the South. Since the Germans had the superior communication technology, we can assume that some, if not all, settlers in the South were warned about the fights in Omaruru, Windhuk and around the Waterberg before Maherero's orders had reached the Herero in the South. Therefore, the German farmers who lived scattered across the land and were most vulnerable knew about the imminent danger before the local Herero had received the order to attack them. Usually, the farmers moved to larger settlements, exposing their farms to plunder and arson, or gathered in larger groups on premises that could be defended more efficiently.³⁸

At first, the uprising was a big military success for the Herero. They did not manage to get hold of towns and larger settlements, but it is doubtful whether this was ever intended. Imputing such war aims to the Herero would rather amount to a projection of European war strategy upon the Herero. Conquering settlements would have been what anticolonial revolutionaries would have tried to do in order to drive out the colonizers. It is what the Herero should have done, if they had been obsessed by the same annihilative thinking popular with the German general staff or if they had tried to follow the strategy of Drechsler's anti-imperialist war. If the aim was more limited – to get rid of debts and achieve a new settlement with the German authorities – then it was enough to kill and rob farmers and traders, avoid open fights with the (better equipped) *Schutztruppe* and wait for an offer from Gouverneur Leutwein. Leutwein, as we know, actually wanted to negotiate.

In January, when the Herero attacked, there were only 756 colonial soldiers in German South-West Africa.³⁹ The Northern part of the colony was totally exposed, because a few months earlier, a smaller uprising of the Bondelswarts (a Nama clan) had erupted which needed to be settled. Therefore, Leutwein went there with most of the soldiers, including Franke and his men, who were convinced that "their" Herero would never attack Omaruru, where Franke worked as

38 Leutwein, *Elf Jahre Gouverneur*, 471–473. Leutwein explicitly mentions this with regard to Swakopmund, where the message about the uprising arrived before the Herero managed to destroy the landline.

39 Sam Cohen Library, Archive of the Swakopmund Scientific Society, *Sanitäts-Bericht über die Kaiserliche Schutztruppe für Südwestafrika während des Herero- und Hottentottenaufstandes für die Zeit vom 1. Januar 1904 bis 31. März 1907*. Erster Band, Administrativer Teil, Berlin: Ernst Siegfried Mittler und Sohn, 1909, 1.

Bezirksamtman. ⁴⁰ When he heard about the uprising and the fights in Windhuk, Okahandja and Omaruru, Franke asked Leutwein, who also was the commander of the *Schutztruppe*, for permission to return. Next, he went back from Gibeon in the South to Windhuk in a four and a half day long ride – without hurting his horses – and liberated Okahandja and Omaruru from their Herero siege. The march made Franke an extremely popular officer among the German settlers and after the war, the population of Omaruru erected a tower named in honor of Franke, which today is a tourist attraction.

Until the Waterberg battle, the other ethnic groups in the colony did not respond to Maherero's letters. The Ovambo and the Nama were eager to sell weapons, but they declined to join the fight against the Germans. In their considerations, the Germans were not only oppressors, but also an important factor in a balance of power among the different groups, which sheltered them from domination by one of the other groups. The initial passivity of the Nama and Ovambo towards the Herero struggle can hardly be seen as the starting point of an anti-colonial struggle, at least not in 1904.

The German administration was much more successful than Samuel Maherero in organizing support from outside. One of the reasons for this was the mentioned superiority of the German communication infrastructure. During peace times, the *Deutsche Post* maintained a dense network in the colony and between the colony and the mainland. ⁴¹ The steamboats of the Woermann ocean carrier needed 30 days to connect Hamburg with Swakopmund and Lüderitzbucht. Both harbors were also connected by a monthly line to Cape Town. Since 1902, the railway from Windhuk to Swakopmund expedited the postal transport. Instead of 12 days, a parcel needed only two to reach its addressee. ⁴² That was quite an achievement, but it still left the German authorities at the mercy of the British Empire, which controlled the short-term communication between German South-West Africa and the German mainland. Decades earlier, the British had installed a cable connection which ran from Cape Town up the coast of East Africa and then merged with a cable connection between India and Portugal. It was part of a system that included more than 320,000 km of cable and constituted almost two thirds of all countries' cable connections. ⁴³ Until 1899, telegrams

40 Leutwein, *Elf Jahre Gouverneur*, 465.

41 Already by 1902, the German Post had 32 post offices in the colony. BArch R1001.6457.

42 Sebastian Mantei: *Von der Sandbüchse zum Post- und Telegraphenland. Der Aufbau des Kommunikationsnetzwerks in Deutsch-Südwestafrika*, Windhoek: Namibia Wissenschaftliche Gesellschaft, 2007, 35.

43 Mantei, *Von der Sandbüchse*, 106.

could be sent from Windhuk and the North of the colony to Walvis Bay, were then taken to Cape Town, where the German consul would bring the messages to the post office and mail them on. Depending on the boat connection, such a message could take between two and three weeks before it reached Hamburg. In 1899, the German and the British governments agreed to connect a cable from Swakopmund to the British West-African cable, which had been sunk years earlier.

By then, the German authorities' messages only needed a few hours to reach the mainland instead of several weeks. However, there was a price tag on the cable: The Deutsche Post had to pay for the maintenance of the infrastructure and the whole construction gave the British full control over the communication channel. Since the cable ran over their territory and used their connections between Africa and Europe, they could spy on the German interlocutors and stop the communication at any time, for example during war.⁴⁴

Theoretically, the Herero could have used the communication network, too. But they lacked the technical skills to exploit it and in order to reduce the German dominance in this field, they cut the telegraph lines inside the country when the uprising started. For their own communication, they relied on messengers. The German troops had a great advantage in this field – they used heliographs, a visual communication system which used the sunlight in order to send messages with the help of mirrors installed on hills. The system was of course hampered when the sun was covered by clouds and during night and rain. It was this system which informed the Governor in Gibeon about the Herero riots in the North and triggered Franke's famous march.

Due to this system, the German administration was able to call in reinforcements from Cape Province and use its small manpower in the most efficient way. As a response to the information about the uprising in the North, the Swakopmund municipality started fortifying buildings and arming inhabitants. One week after the uprising had erupted, the military cruiser "Habicht" dropped anchor in the tiny Swakopmund harbor. 52 soldiers, one officer, and a medic entered Swakopmund and organized the defence of the town and the railway. They were joined by reinforcements from Kamerun and later by the next scheduled rotation of 200 *Schutztruppen* soldiers, who were expected to arrive in Swakopmund, too.

The initial part of the uprising might have been a success for the Herero. Though they had not managed to get hold of any of the towns, they had surprised and horrified the German settlers and got rid of many of the traders, to whom

44 Mantei, *Von der Sandbüchse*, 108–110.

the Herero were indebted. But as the German troops regrouped, they launched a modern war against them. While waiting for reinforcements and strengthening the defence of the towns, the *Schutztruppe* and the Navy covered the territory they controlled with heliographs and radio stations. With the information they gathered, they were able to observe the Herero's movement over a large territory in real time and coordinate their own actions inconspicuously. In the meantime, troop strength increased incrementally. Until October 1904, the *Schutztruppe* alone had increased to 8,527 soldiers.⁴⁵

The Herero tried to compensate German technological superiority with a better knowledge of the territory and by using the properties of the land for their own advantage. "This part of the Herero lands, where the fights are taking place, is savannah, covered by thorn bush. It is largely impermeable for whites, whereas the native knows all paths and rat runs", a Navy troop inspector complained in a report written in early September 1904. He admired the Herero's intelligence. They used scouts hidden in cliffs in the immediate vicinity of the troops. Because of the Herero's ability to sneak around in the savannah, open battles the German soldiers were used to, were almost impossible to wage. In addition, patrol riding was extremely dangerous, because the Herero would ambush the patrolling soldiers from hidden positions.⁴⁶

Franke's successful march to the North was not only a boost to German morale, but it also had a clear strategic impact, because it returned the initiative to the surprised German troops. After the battle for Omaruru, which cost the Herero about a hundred casualties, they were in retreat and the Germans were attacking.⁴⁷ However, since the Herero avoided battles in the open field and refrained from besieging towns, the Omaruru shift did not result in any action that would have made the Herero surrender. This changed when German intelligence learned about the Herero gathering at Waterberg, a water-rich mountain chain north of Okahandja. The literature about the Herero uprising concentrates on

45 Sam Cohen Library, Archive of the Swakopmund Scientific Society, *Sanitäts-Bericht über die Kaiserliche Schutztruppe für Südwestafrika während des Herero- und Hottentottenaufstandes für die Zeit vom 1. Januar 1904 bis 31. März 1907*. Erster Band, Administrativer Teil, Berlin: Ernst Siegfried Mittler und Sohn, 1909, 2.

46 Denkschrift des Obersten Dürr über die Entsendung des Marine-Expeditionskorps und die in Südwestafrika gesammelten Erfahrungen, Kriegsministerium, an den Reichskanzler, geheim, Berlin 5.9.1904. BArch R1001.2116. Dürr had been part of the Navy expedition against the Herero, but due to a heart condition he had to leave the colony after one month. Leutwein, *Elf Jahre Gouverneur*, 509.

47 Leutwein, *Elf Jahre Gouverneur*, 492–496.

the events at Waterberg mainly from the perspective of the genocide controversy and focuses on the tactics of the German troops and the way the German soldiers carried out their orders. It neglects the strategic and tactical considerations of the Herero to the extent that most of the articles and books about the issue do not even address the question why the Herero gathered there and which aims they hoped to achieve by taking the risk of a battle against the technologically superior German *Schutztruppe*. Until then, they had avoided open battles, conducting small skirmishes, attacking out of the blue and preventing the Germans from taking advantage of their superior capabilities.⁴⁸ This became impossible once they faced the Germans in a large battle with their civilians and their cattle behind them. It meant putting all their eggs into one basket.

One possible explanation for their tactical move to the Waterberg might have been the conviction they would not be attacked, but instead able to negotiate a truce. In such a case, the Waterberg gathering would have been a good move. It guaranteed that all important chiefs would be in one spot and could easily communicate without being exposed to German spies. The water reserves of the Waterberg were big enough to make the Herero independent of any German-controlled supplies from outside, hence they would not face any time constraints during negotiations. But Waterberg had yet another advantage, which is ignored by almost all the literature dealing with the battle there. Seen from inside – or from one of its peaks – the Waterberg is U-shaped, with the opening facing east. From outside, the mountain looks like one of the table mountains so common in Namibia, but in reality, there is no plateau on top. Instead, there is a huge valley inside the U, with water sources and vegetation dense enough to hide and feed a large number of cattle.

As long as the Herero were able to occupy the surrounding heights, they could observe all of the *Schutztruppe*'s preparations and movement without being seen themselves. The heights were easy to defend, they look like natural fortresses. But even if the Germans managed to conquer them, the Herero would still be able to withdraw by hiding under the trees and bushes in the valley. The valley had yet another advantage – its opening to the east was very broad. Under the cover of the night, the Herero could leave the inside valley of the Waterberg massif together with their families and their cattle, even if the Germans occupied

48 The only exception was the battle of Oviumbo, which the *Schutztruppe* lost. The Germans retreated and decided to wait for reinforcements. Leutwein did his best to play down the significance of defeat, but German public opinion in the mainland was outraged. Leutwein conceded later that he had underestimated the determination of the Herero. Nuhn, *Sturm über Südwest*, 169–181 and Leutwein, *Elf Jahre Gouverneur*, 520.

the heights above the opening. They could march for many miles under the shelter of the savannah. Such an exit strategy had only one disadvantage: it led directly to the Omaheke desert. This, on the one hand, made it extremely unlikely that the *Schutztruppe* would follow suit. If the soldiers did, they would hardly be able to take their cannons with them, and they would face huge problems with their horses. The Herero could assume to know the waterholes in the Omaheke much better than the Germans. But if the *Schutztruppe* did follow, then the Herero would be in deep trouble, because they could move less quickly with their families and their cattle than the Germans, among whom were only men who could ride on horses without taking care of cattle. But all this was just the last possible exit strategy. The Herero could be quite sure that Leutwein also would try to reach a negotiated settlement, as he had done before in similar situations. In fact, he did. He sent his troops to the mountain, encircled it and waited for reinforcements from Germany. As we know from his own memoir, his orders and the memories of some of his officers, he never had the intention to defeat the Herero at Waterberg in military terms. But then something happened that the Herero had not anticipated and could not have foreseen. Contrary to earlier uprisings, the political climate in Germany changed and so did the German war strategy.

1.2 The policy shift in 1904

The Herero had expected Leutwein to negotiate, as he had done before when violent protests erupted. What the Herero did not and could not anticipate were the political and military dynamics which their uprising would trigger far away, in Germany. And here we have another paradox: More often than not, German politicians, settlers, militaries and the press would impute to the Herero (or generally to all black people) to be driven by emotions, prejudices, and irrational beliefs, to be irresponsible and unpredictable. But it was the Germans that responded to the Herero's rational uprising with irrational, utterly emotional overreaction, which hurt German interests almost as much as the Hereros'.

Before the Herero uprising, the German media had depicted the inhabitants of Germany's African colonies – and black people more generally – as childish, primitive and simple creatures, who needed to be educated, guided, and controlled by white men. This stereotype had not been challenged by previous uprisings. It changed dramatically with the Herero uprising, because it was no longer consistent with the incoming messages about atrocities committed against German settlers, traders, and their wives and children. The latter were exaggerated or even entirely invented and part and parcel of a general panic among the settlers, which the media transmitted into the public in Germany proper. But true or not

– they openly contradicted the picture of immature, childish natives, with whom German newspaper readers had been acquainted.

The uprising was not only debated in the media, but also in the *Reichstag*, where the government had to seek parliamentary approval for unanticipated expenses for deploying military reinforcements to German South-West Africa. This was an occasion for the Social Democrats (and some liberal representatives) to criticize the colonial policy of the von Bülow cabinet, but it was also an occasion for the imperialist right to stress the need for a more repressive policy toward the natives and to provide the public with a new narrative about the reasons for the uprising. The latter were, in their entirety, relatively well known to the members of parliament. They had been outlined in a comprehensive statement by the Chancellor and discussed in the press. The parties in the *Reichstag* differed mostly with regard to the emphasis which they placed on some topics rather than others and with regard to the conclusions which they drew from the events. However, no side of the colonial cleavage – those who saw the uprising as a warning to stop Germany's colonial advance in Africa and those, who saw it as a call for more repression – could uphold the old stereotype of the helpless, disoriented native who needed guidance from the whites. As a result of the colonial debates following the Herero uprising, a new stereotype emerged. It showed an active, self-conscious, resilient native. But depending on the ideological preferences of the speaker, this native appeared either as a resistance fighter against oppressive settlers and soldiers who had abused him, or, in the eyes of the imperialist, pro-colonial parties, he became an ingrate, sneaky and devious creature of utmost cruelty, who needed to be kept down with violence and required strict upbringing rather than education and nurturing.⁴⁹ In the press, the natives became “bloodthirsty beasts”, who “open the bellies of children and cut off prisoners’ hands and legs.”⁵⁰ This new tendency in public opinion, which dominated among the colonial hawks of the right, included one very important novelty that had been absent before and which was tendentially genocidal: the call to eliminate the Herero as a polity. This call often came even in the form of protest against von Trotha's policy and rejected the so-called “annihilation of the Herero” as a desirable objective of the war. “I would not at all be in favor of annihilating

49 Frank Olier Sobich: “*Schwarze Bestien, rote Gefahr*”. *Rassismus und Antisozialismus im deutschen Kaiserreich*, Frankfurt, New York: Campus, 2006, 72–82.

50 Sobich, “*Schwarze Bestien*”, 83–86. Bley, *Kolonialherrschaft und Sozialstruktur*, 196–197 describes that the uprising was considered a war politically, in military and financial terms, not an uprising. The enormous cost of the military intervention was financed by issuing bonds, not through the official state budget.

the Herero”, Duke Johann Albrecht told the newspaper “Berliner Lokalanzeiger” a year after the Herero uprising had broken out, “what should vanish are the captains with their pompous dignity, which they use to incite riots.” Therefore, the Duke demanded “the leaders and the murderers” to be hanged, rather than shot, because he saw shooting as the more honorable way of executing enemies. He wanted to keep the Herero as individuals, “because they are our most valuable material”, but without their own tribal organization.⁵¹ This opinion was shared by many. The same demand to abolish the tribal organisations was part of the German Colonial Association’s annual report for 1904.⁵²

The shift in stereotypes about natives had some far-reaching consequences for the every day life of Germans in the colony, too. The uprising drew a boundary between black and white, which was afterwards difficult to overcome. Mixed marriage became less likely, and they even became more difficult between Germans and women from groups who had not risen against German rule. The female deficit in the colony had already been dramatic before the uprisings, but the violence in the colony deterred even more German women from settling there. After the outbreak of the Herero and Nama uprisings, the authorities feared that this deficit would lead to an increasing number of mixed marriages and make German culture (or more generally German identity) vanish. In a confidential circular decree, Governor von Lindequist reminded the Bezirksamter in December 1905 that the end of the uprising would bring a proportional increase of the white male population, who then, “as experience shows” would react to the female deficit in the colony by concluding mixed marriages, mostly with Baster girls. Baster girls, the Governor argued, were more attractive than others to young white males, because they would bring a flock of cattle, an ox-wagon and often even a whole farm into the relationship. Von Lindequist saw it as the duty of the administration to prevent such a course of events by increasing the supply of German women in cooperation with the Deutsche Kolonialgesellschaft. The effort was likely to succeed, Lindequist believed, because the transfer of 20 young women five years before, had led to marriages with German farmers “in almost

51 Berliner Lokalanzeiger, 26 January 1905. The quote comes from Jacob Irlé: *Was soll aus den Herero werden? Ein Beitrag zur Landes-, Volks-, und Missionskunde*, Gütersloh: Bertelsmann, 1906, 4.

52 Jahresbericht 1904 der Deutschen Kolonialgesellschaft, Abteilung Berlin, in: BArch R43.915.

all cases". The Bezirksämter were urged to deliver lists of employers who were eager to hire German women from the mainland.⁵³

However, the German bureaucracy also created a number of obstacles for them. A young woman who wanted to emigrate to DSWA had to present a kind of contract promise with her future employer (in two copies), a medical certificate, declaring her fit for the journey and the stay in DSWA, the approval of her parents, a statement of her religion, her most recent work certificate (*Dienstzeugnis*), a photo, and a copy of a debt certificate. The latter was issued by the *Deutsche Kolonialgesellschaft*, which facilitated emigration to the colonies, matching prospective emigrants with employers and pre-financing their travel cost. A loan for a young lady, who wanted to go to DSWA in 1906 amounted to 90 Mark, which had to be repaid in monthly rates of 5 Mark.⁵⁴ Married women could travel to see their husbands for free, just like brides and close relatives, but they could only travel in the third class of the Woermann vessels (and were forbidden to upgrade their free third class tickets to a higher class). Another, non-bureaucratic, but financial impediment to a higher number of immigrant women was the minimal wage, which had been fixed at 30 Mark for maids.⁵⁵

Some of these obstacles were the response to abuse by people who tried to use the subsidies of the *Deutsche Kolonialgesellschaft* to get a free ride to the colony (but did not intend to stay there) or used the financial assistance of the colonial administration for means, which were not in line with the latter's interest. The administration paid "settler assistance" of 6,000 Mark to people who intended to settle down in the colony. But some used the mere promise of a district office to take a loan in the bank, presenting said promise as an asset (although the assistance was a purely arbitrary decision of the administration, whose refusal could not be challenged in court).⁵⁶

53 Vertrauliche Rundverfügung an die Bezirksämter, Windhuk 20.12.1905, BLU 24, LD16-457. Von Lindequist seemed to believe that the increase in male settlers would result from members of the *Schutztruppe*, who would stay in the colony after the hostilities (rather than return to the mainland and pursue a career as soldiers), but he also seemed to regard the uprisings (the warlike unrests, as he wrote) as a factor that attracted, rather than repelled immigrants.

54 Berlin 13.11.1906, Anlage, attachment to Lucie Blattner's request to settle down in Swakopmund and work for baker Franz Schuster. BLU 24, LD16-457.

55 Kaiserlicher Gouverneur von DSWA, Windhuk, 17.10.1907. A ticket in the third class was priced in 1908 at 150 Mark, in the second class at 300 Mark. The salary of a maid oscillated between 30 and 50 Mark a month in 1908.

56 Kaiserlicher Gouverneur von DSWA to the Kaiserliche Bezirksamt in Lüderitzbucht, 206.1907, in: BLU 24, LD16-457.

All this leads to the paradoxical result that the Herero uprising and the awareness it brought about in the German press, prevented women from traveling to the colony and thus increased the female deficit on the supply side, at the same time increasing the demand for females thanks to the military reinforcements. It was predictable that many soldiers would stay in the colony after the defeat of the Herero, become farmers and try to establish families. An increase of mixed marriages was more than likely, mostly with Baster women. The administration tried to curb that, but due to the necessary provisions against the abuse of its funds, it was unable to eradicate the female deficit. After 1905, numerous restrictions for mixed marriages, citizenship for offspring from trans-racial sex relations were introduced, but they only could regulate legal relations, not corporal and emotional ones.

This shift in the stereotypes about the native inhabitants of German South-West Africa bore consequences for the policy of the German government. It also shifted away from Governor Leutwein's strategy to pacify the Herero by a mixture of repression and negotiation, which had kept the relative peace in the colony. The rebellion needed to be quashed by force and such a policy was unlikely to be carried out by a governor, who, as commander of the *Schutztruppe*, was well known for his prudence. But the appointment of a new commander with a very different reputation was more than just the personification of a new policy. It also meant a shift away from the interests of the settlers and the Herero and toward an imperialist agenda. Leutwein had spent a lot of time in the colony, he knew almost everything about it and he was aware of the different interests that had to be reconciled by his policy. He knew that due to the lack of white manpower and the huge gender imbalance, the settlers would need the Herero as labor, and that the Herero would not be able to survive without their cattle. Therefore, Germany could punish them for the uprising, it could defeat them in military terms, but it did not make sense to annihilate them or reduce their number considerably. The experience of the past showed clearly that they could not be replaced, neither by (more expensive) white labor from abroad or from Germany proper, nor by other native groups. The larger influx of the former would have driven up wages and increased the trade deficit between the colony and the mainland. It would have made the colony an even greater burden for Germany to carry than it already was. The import of workers from other native groups was no alternative to the Herero, since they had their settlements far away from their workplaces. Inclining the Ovambo to come down from the North and work on German farms was difficult, as they were mostly beyond the factual reach of the Germans, who did not penetrate the malaria-infected Northern part of the country. Inviting

the Nama from the South to replace the Herero would have stripped the farmers there of their workers. Both ways would create higher costs for farmers, because workers, living and working far away from their traditional settlements would need housing and food. These – and not so much humanitarianism – were Leutwein's reasons to conclude a negotiated peace that left the Herero intact as an ethnic group.

This was different for the new commander, Lieutenant von Trotha, who had no prior connection to the colony. He had fought in China and German East Africa, where he had gained a reputation as a ruthless, merciless suppressor of revolts. His main concern was to win the war he had been assigned to, to uphold his reputation and make a good impression on his superiors in Berlin. He represented the interest of the Empire, or, to say it bluntly, the interests of the *Kaiser*, as he understood it, not the interest of the colony and its farmers. According to the Royal Bavarian military envoy in Berlin, Major Ritter von Endres, the *Kaiser* had appointed von Trotha against the opposition of the Chancellor, the head of the general staff, and the director of the *Kolonialreferat* at the Ministry of Foreign Affairs.⁵⁷

At one point, von Trotha described this difference in colorful and unambiguous words in a letter to the Chancellor upon his arrival in German Southwest-Africa: "I ask myself, how to end the war with the Herero. The opinions of the Governor and some 'old Africans'⁵⁸ on the one side and mine on the other side totally differ. The former already wanted to negotiate a long time ago, and they describe the Herero as a necessary workforce for future use to the country. I have an entirely different view. I believe the nation as such must be annihilated, or, if

57 Walter Rahn: *Sanitätsdienst der Schutztruppe für Südwestafrika während der großen Aufstände 1904–1907 und der Kalahari-Expedition 1908*, (Hamburg, Beiträge zur deutschen Kolonialgeschichte, Band 9, 1997), 29. Rahn bases this claim on archival records found in the Bavarian War Archive (*Bayrisches Kriegsarchiv*). Press reports from before von Trotha's appointment also indicate that there was opposition against his assignment, which was overruled by the Kaiser. The Chancellor, the head of general staff, and the head of the colonial department at the German Foreign Office were against von Trotha. Pool, *Samuel Maherero*, 245.

58 The German word used by von Trotha was "Afrikaner", which in today's language would describe someone living in Africa. In the context of von Trotha's situation, this meant rather a white colonial soldier or settler. The use of quotation marks by von Trotha hints to that and makes clear that he did not mean "Afrikaaner". "Afrikaaner" (with a double "a") was sometimes used in German in order to describe the Boer population in South Africa (who called themselves "Afrikaaner") and in order to distinguish them from the German word "Afrikaner", which meant people living in Afrika.

this was so far impossible to achieve by tactical hits, then it has to be expelled from the country operatively and thanks to a detailed treatment.”⁵⁹ Upon his arrival in Swakopmund, he immediately introduced martial law, subordinating all soldiers, reservists and marines to his orders only. In par. 7 of his declaration, he also empowered “every commanding officer”, to shoot or hang without trial “all colored inhabitants of the country who are found in flagrante delicto of committing treacherous actions against German troops, that is all rebels who are encountered armed and with the intent to wage war.”⁶⁰ This paragraph already violated the Red Cross Convention of 1867, which had been signed by Germany, had already become common humanitarian law and was even applied in other cases.⁶¹ The officers of the *Schutztruppe* and the German Foreign Office’s colonial office were well aware of it.⁶² The following incident illustrates this. In December 1904, a number of Witbooi, who had first fought with the *Schutztruppe* against the Herero and then defected, had been imprisoned on the vessel “Alexandra Woermann” and sent to Togo. The accompanying officers told the legal assessor who had taken over the Witbooi that they were not “real” prisoners of war, because they had fought on the German side and had only been disarmed and imprisoned after the Witbooi had started their uprising against the Germans. The

59 Von Trotha an den Chef des Generalstaabs der Armee, BArch R 1001.2089. The original wording of the letter (which is also slightly ambiguous in German) is the following: “Es fragte sich nun für mich nur, wie ist der Krieg mit den Herero zu beenden. Die Ansichten darüber, bei dem Gouverneur und einigen ‘alten Afrikanern’ einerseits und mir andererseits gehen gänzlich auseinander. Erstere wollten schon lange verhandeln und bezeichnen die Nation der Herero als notwendiges Arbeitsmaterial für die zukünftige Verwendung des Landes. Ich bin gänzlich anderer Ansicht. Ich glaube, daß die Nation als solche vernichtet werden muß, oder, wenn dies durch taktische Schläge nicht möglich war, operativ und durch die weitere Detail-Behandlung aus dem Land gewiesen werden wird.” The document does not bear any date, but it mentions that the notorious “extermination order” had been issued a few days before.

60 Conrad Rust: *Krieg und Frieden im Hereroland*. Aufzeichnungen aus dem Kriegsjahre 1904 von Conrad Rust, Farmer in Deutsch-Südwestafrika, Berlin-Lichterfelde: Förster and Leipzig: Kittler, 1905, 346–353. The document can also be found in the National Archives of Namibia, ZBU 237 IX.H “Kommandeursbefugnisse”.

61 The issue of whether and to what extent it was binding for Germany in 1904 will be discussed in chapter 3.

62 Lack of knowledge about the Red Cross Convention and Hague II would not have lifted the obligation from the German soldiers to obey them, and it would not have shielded them from prosecution if they neglected their obligations. However, prosecution was unlikely, as the only instance that would have been able to prosecute them was a German court.

Witbooi seemed to know about their status and had demanded remuneration for their services. The Governor in Togo urged the German Foreign Office to tell him, how the prisoners were to be treated. Apparently, all sides – the Governor, the *Schutztruppe* and even the Witbooi – knew about the difference between prisoners of war and other people.⁶³

Art. 6 of the Red Cross Convention required the signatory states to distinguish between wounded and unwounded soldiers and to “collect them and care for them.”⁶⁴ It is quite likely that von Trotha (or the officers that had prepared the proclamation for him) were well aware of their humanitarian obligations, because they labelled the Herero not soldiers, but “rebels”, a notion that does not appear in the Convention and whose purpose was to deprive the Herero from the protection they enjoyed under the Convention.⁶⁵ However, in an internal armed conflict or a simple riot, to which international humanitarian law did not apply, the Herero would have been entitled to civil rights under the German

63 BArch R 1001.2090, der Gouverneur (Togo) an das Auswärtige Amt, Kolonialabteilung, 30.12.1904. (The letter was not signed by the Governor personally, but by an officer who replaced him (“in Vertretung”).

64 Art. 6 of the Red Cross Convention says: “Wounded or sick combatants, to whatever nation they may belong, shall be collected and cared for. Commanders-in-Chief may hand over immediately to the enemy outposts enemy combatants wounded during an engagement, when circumstances allow and subject to the agreement of both parties. Those who, after their recovery, are recognized as being unfit for further service, shall be repatriated. The others may likewise be sent back, on condition that they shall not again, for the duration of hostilities, take up arms. Evacuation parties, and the personnel conducting them, shall be considered as being absolutely neutral.”

65 In 1908, von Trotha wrote an article “Politik und Kriegführung”, in which he argued that it had been obvious that a war in Africa could not be conducted in strict accordance with the ‘Genfer Konvention’. The latter had not yet come into existence, but in Germany Hague II was often referred to as ‘Genfer Konvention’. Von Trotha argued in his article that in order for the Germans to win, the war had to be merciless. He based his arguments on openly Darwinist reasoning about “the survival of the fittest.” The article proved his knowledge about Hague II (although under current International Criminal Law (ICL), such a proof would not be required for a conviction for war crimes). The article is part of BArch R1001.2140 and carries no information about the source or date of publication. According to Pool, *Samuel Maherero*, 293; Jürgen Zimmerer: *Deutsche Herrschaft über Afrikaner. Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, Münster: Lit Verlag, 2001, 37, the article was published by the “Deutsche Zeitung” on 3.2.1909.

constitution – but these had just been suspended by von Trotha’s proclamation.⁶⁶ The sheer use of the army, rather than the police, and the declaration of “the state of war” (which the Emperor lifted only in 1907) make it clear that the German authorities did not regard the Herero uprising as a purely internal affair, but as an act of war.⁶⁷ If so, the Herero were combatants and not only the Red Cross Convention, but also the Hague Convention of 1899, which established binding rules for war on land, applied to them. Under Hague II, von Trotha’s proclamation could not have required officers to shoot any armed Herero fighter. If von Trotha wanted to comply with the Convention, he would only have been able to instruct his soldiers to shoot to armed Herero who refused to surrender. Hague II explicitly obliged army personnel to take surrendering combatants (no matter whether they were members of a regular army, of a militia or inhabitants who spontaneously took up arms against an invader) into custody and “to treat them humanely.” Shooting just anyone under arms was incompatible with Hague II.⁶⁸ As the subsequent events in the colony demonstrated, von Trotha’s proclamation became the effective basis for the treatment of the Herero and later also the Nama. It is important to mention the proclamation here, firstly because it is usually ignored by both the supporters and the opponents of the genocide hypothesis, and because it shows that von Trotha’s notorious order from October 2, 1904 (often referred to as the “extermination order”) did not come out of the blue. It was the logical and consistent next step after the proclamation. Unlike the October order, the proclamation was not revoked until the state of war was lifted by the *Kaiser*.

Whereas the supporters of the Leutwein strategy usually went to great lengths arguing for the necessity of a settlement with the Herero, von Trotha followed a kind of Catonian strategy, repeating time and again that the Herero had to

66 In that case, the Herero could have not been court-martialled and would have been subject to ordinary trials before civil courts.

67 This was at least consistent with the fact that Germany had concluded protection treaties with the Hereros, and hence regarded them as subjects of international law. These treaties were only later, after the uprisings, abolished unilaterally by Germany. The question whether this was legally effective remains outside the scope of this book.

68 The issue of whether Hague II was binding for Germany in 1904 will also be discussed in chapter 3. It is worth mentioning here that von Trotha knew about Hague II and its contents and admitted to that in a press article in “Der Tag” in 1909. The article is part of the volume in the Bundesarchiv: BArch R1001.2140. As will be shown later, the German authorities were sometimes eager to make a distinction between prisoners of war and others and demonstrated their knowledge of Hague II at various occasions.

perish, without explaining why the arguments of his opponents lacked validity. Von Trotha's line was not only unsubstantiated, it was also irrational, as the events would show years later. He intended to apply extreme violence to the Herero, but he never mentioned the ultimate purpose to which his policy should lead. It was violence for the sake of punishment, for the glory of the victorious and in order to prove the German Empire's power to impose its will on those who tried to resist. Von Trotha's own reports reveal that he was solely responsible for this strategy. It had not been imposed on him by the general staff, the Chancellor, or the Kaiser. The "necessary rigorous treatment" which he described in one of his reports to the general staff, was "carried out by myself and on my own". He would only deviate from it upon a clear order from his superiors, because he was convinced "that the negro does not surrender to an agreement, but only to brute force."⁶⁹ Von Trotha was a stubborn commander, a bad statesman, egoistic and cold-hearted, "a bad comrade and a bad African", as one of his higher-ranking officers, Ludwig von Estorff described him, and he was completely isolated.⁷⁰ He only assumed that the generals and the government in Berlin supported him, and many of his officers opposed him, as their diaries and notes would later reveal. A "pathetic theatre general", Viktor Franke wrote about von Trotha, even before the latter had arrived in Windhuk. The rumour that von Trotha was to replace Leutwein as commander of the *Schutztruppe* also led to discussions among the officers.⁷¹ Some of them even intended to protest against the appointment by directly writing to the Kaiser. "If the man [Leutwein] leaves now at this critical moment, then the colony will face unprecedented dismay", Franke commented.⁷²

On August 4, von Trotha finally issued the order to attack the Herero at the Waterberg: "I will attack the enemy from all sides as soon as the Deimling unit has gathered, in order to annihilate him."⁷³ The day before the attack, each unit

69 Ibid.

70 Ludwig von Estorff: *Wanderungen und Kämpfe in Südwestafrika, Ostafrika und Südafrika 1894–1910*, edited by Christoph-Friedrich Kutscher, Wiesbaden o. J., 117.

71 Paul Leutwein, governor Leutwein's son even claims, "Franke and all his soldiers" supported Leutwein. Leutwein, *Afrikanerschicksal*, 107.

72 Tagebuch Viktor Franke (September 1903 bis Dezember 1904), photocopy at the archival section of the Sam Cohen Library, Scientific Society Swakopmund. Franke changed his mind slightly a few days later after an encounter with von Trotha ("the first commander who asked for my opinion"), noting, "I like him."

73 Ibid. The original wording is: "Ich werde den Feind, sobald die Abteilung Deimling (ohne 5. Komp.) versammelt ist, gleichzeitig mit allen Abteilungen angreifen, um ihn zu vernichten." (Emphasis from the source).

had to move toward the Herero without disturbing them, only Witbooi and Baster could be used in the front line of combat, no other native soldiers. There were six units moving toward the Waterberg, their actions were coordinated by a system of mirrors, but they were also told to keep in contact with the respective neighboring units. The units commanded by the officers von der Heyde and Deimling were the weakest and it seems, they lost contact during the final phase of the battle. This was not unexpected, as Franke had anticipated it in his diary, describing a discussion with a lower-ranking soldier. According to Franke, spirits among the German officers were low before the battle, and reinforcements consisted of inexperienced, undisciplined young guys, the equipment was poor, and the horses were mistreated by their riders. During the battle, the Herero actually managed to overrun the von der Heyde unit, which had been the smallest battle group during the siege and attacked the mountain from the east. Von Estorffs unit tried to move toward the von der Heyde unit, which suffered considerable losses, but failed to prevent the mass of the Herero from sneaking out between both units.⁷⁴ Instead, the Herero escaped into the Omaheke desert, where many of them died from starvation, dehydration, and exhaustion.

There are a whole number of controversies connected to these events. But contrary to the claims of some authors, who try to exonerate von Trotha and the *Schutztruppe* from war crimes during the Waterberg siege, the available records leave no doubt about von Trotha's intention to exterminate the Herero as a group and not only as a military threat. It is correct, as Wallach points out, that the term "extermination", in German "Vernichtung", was often used by the officers in a purely military meaning that did not necessarily entail the extinction of an entire enemy group including women, children and other kinds of non-combatants.⁷⁵ "Vernichtungsschlag", or a "battle of extermination" was a war strategy which aimed at the destruction of an enemy by military means in way that rendered him unable to resist and forced him to agree to unconditional surrender.⁷⁶ This did not need to include the aim of killing all enemy fighters, instead aiming to

74 Von Estorff, *Wanderungen*, 116.

75 It is of no relevance for the genocide hypothesis whether von Trotha's strategy included the taking of prisoners of war or shooting surrendering Herero. Such behaviour would not automatically be considered genocide, but a war crime. For the problematic connection between war crimes as elements of a genocidal Joint Criminal Enterprise, see chapter 3.

76 Jehuda Lothar Wallach: *Das Dogma der Vernichtungsschlacht. Die Lehren von Clausewitz und Schlieffen und ihre Wirkung in zwei Weltkriegen*, München: Deutscher Taschenbuchverlag, 1970, 23–109.

destroy their command structure, military infrastructure and capabilities, so that the victorious army would only have to deal with individuals who then could surrender or be killed in action. This notion belonged to the terminology of large battles, as they later would be conducted during World War I in Europe, with the extensive use of large tank detachments and heavy weaponry. Von Trotha's order to circle the Herero and then annihilate them was an attempt to apply this kind of warfare to the conditions of German South-West Africa. It neglected the impossibility of distinguishing between combatants and civilians in a situation, in which the Herero entered the battle with their families and their cattle behind them. This problem was exacerbated by the shape of the battlefield on the Waterberg, where Herero fighters were difficult to identify in the bush and where the bush itself was almost impermeable for soldiers who did not know the terrain well. Under such circumstances, von Trotha's battle order must have led to war crimes and militarily unnecessary atrocities against civilians, even if its edge was only directed at Herero fighters. It is correct that the mere use of the term "Vernichtung" in the eyes of a military commander did not yet prove his intent to physically destroy an enemy group as a distinct social organisation and it did not include the killing of all combatants.⁷⁷ But von Trotha's battle order is not the only record which mentions annihilation as an aim of his actions. Others are much more outspoken and unequivocal. His cables to Berlin also contain several confessions about his objective to "annihilate" or "exterminate" the Herero, and the context, but also their mere wording, reveal that von Trotha intended to eliminate the Herero as an ethnic group.⁷⁸ When the General Staff and von Trotha wrote of "extermination", they had in mind the Herero as a nation and they said so explicitly: "That he [von Trotha] intends to annihilate the whole nation or chase them out of the country, with that one can only agree", wrote General Alfred Graf von Schlieffen, the Chief of Staff of the Army on November 23, 1904 to Chancellor von Bülow. Von Trotha noted in his own diary, how he for himself understood the notion of "Vernichtung": "I believe that the nation as such should be annihilated, or, if this is not possible by tactical measures, it has to be expelled from the country by operative means and further detailed

77 Gert Sudholt: *Die Deutsche Eingeborenenpolitik in Südwestafrik. Von den Anfängen bis 1904*, Hildesheim, New York: Georg Olms Verlag, 184–185; Brigitte Lau: 'Uncertain Certainties'. The Herero-German war of 1904. In: Brigitte Lau (ed): *History and Historiography. Four essays in reprint*, Windhoek: National Archives of Namibia, 1995, 2–4.

78 The respective verb is "vernichten."

treatment.”⁷⁹ There can be no doubt that von Trotha intended to annihilate the Herero as a nation, and not only as a military threat at the Waterberg. However, he did not manage to do so, due to a series of misunderstandings, shortcomings and communication problems, as well as a premature attack of the von der Heyde unit, which opened the Herero the way to the desert. Many authors have argued that the Herero escape from the Waterberg siege was actually a war ruse, whose aim was to chase the Herero into the desert, where they would be unable to survive.⁸⁰ These authors usually see the Waterberg battle as the first step of genocide, which from there extends to von Trotha’s famous extermination order in October 1904, to the atrocities committed against surrendering Herero (and later also Nama), their confinement in camps with high death rates and the subsequent enslavement of the Herero and Nama as forced labour. According to this interpretation of the Waterberg battle, von Trotha intentionally left a weak exit point in the South-Western part of the mountain and wanted the von der Heyde unit to be overrun. But there is no evidence for such a plan. Not only do the archival records and von Trotha’s own battle order contradict this theory, but so do the reactions during and after the battle, as far as they can be reconstructed from the diaries of the participating officers. They all regarded the escape of the Herero as a failure of the initial plan to surround and kill them, regardless of whether they agreed with this plan or not.⁸¹

“It was a big failure that the mass of the Herero was able to break through, even if it was an escape. But it prolonged the fighting and the big, visible event, for which everyone had waited, did not happen”, von Estorff wrote.⁸² Franke did not assess the overall outcome of the battle, but his diary was much more graphic

79 Von Trotha’s diary. The diary is in the private possession of von Trotha’s relatives. Pool, who was given access, quotes from it, but the quote is an English translation. He does not provide the original German wording of the quote. Pool, *Samuel Maherero*, 272–273.

80 von Weber, *Geschichte des Schutzgebietes*, 148–150. He describes the events as an attempt to surround and annihilate the Herero at the Waterberg battle and sees the sealing of the desert as a means of avoiding a hunt on the escaping Herero; Nuhn, *Sturm über Südwest*, 260 rather sees it as a success for the Herero, who managed to escape and as a defeat for von Trotha, who “had to watch it helplessly.” For Drechsler, *Südwestafrica unter deutscher Kolonialherrschaft*, 182–183, letting the Herero escape from Waterberg to the desert was part of von Trotha’s plan to annihilate them by starvation rather than annihilating them by military means.

81 Gesine Krüger: *Kriegsbewältigung und Geschichtsbewußtsein. Realität, Deutung und Verarbeitung des deutschen Kolonialkriegs in Namibia 1904–1907*, Göttingen: Vandenhoeck und Ruprecht, 1999, 24.

82 Von Estorff, *Wanderungen*, 116.

and depressing: “15 men fell by the wayside, some officers and soldiers are missing, poor Lekow is among the dead. Tomorrow, this nonsense and the abuse of animals will continue.”⁸³ Maximilian Bayer, who belonged to the general staff of the *Schutztruppe*, claimed the *Schutztruppe* was totally unprepared for the escape of the Herero. His unit woke up in the morning and realized with surprise that the enemy was gone. “But were did they escape?” he wrote, “The opinions were divided, we did not know the country enough to say with certainty where they would stop again.” Bayer was even unsure whether the Herero had left to the northeast or the southeast.⁸⁴ A bit later it became clear that the majority of the Herero had gone to the southeast, leaving behind dying cattle. If the von der Heyde-gap in the encirclement of the Waterberg had been a war ruse, it had backfired. Rather than defeating the Herero once and for all, von Trotha and his officers had to follow them into the desert and hunt them down. This interpretation also dominated the contemporary discussion about the Herero uprising in the Kaiserreich. “The attempt to encircle the Herero at the Waterberg in August 1904 did not yield the success which was wished for. The mass of the Herero people broke through to the east. Our troops hunted them, as much as the desert allowed, further and further to the east”, wrote missionary Irle in a famous account which was published in 1906.⁸⁵ But hunting the Herero down proved far beyond the possibilities of the *Schutztruppe*: The men and horses were already exhausted, the soldiers did not know the terrain well enough to find waterholes, often they had to return before they and their horses died from dehydration.⁸⁶ The latter claim, often repeated in the literature, is actually a gross understatement. The *Schutztruppe* had no clue about the position of waterholes in the *Sandveld*. The soldiers relied on the intuition of the accompanying Bushmen.⁸⁷ The German

83 Franke Diary, notice from 12 August 1904. Franke was outraged by the treatment of the horses, which, in his opinion, were crucial for the war effort, because they decided about the mobility of the units. The good treatment of his horses had enabled him to carry out the march from Karibib to the north when the Herero uprising broke out. The original term in the diary for “fell at the wayside” is the German idiomatic expression “auf der Strecke bleiben”, which stems from hunters’ terminology and means hunted down and then exposed for the after-hunt ceremony.

84 Hauptmann M. Bayer: *Mit dem Hauptquartier in Südwestafrika*, Berlin: Marine- und Kolonialverlag, 1909, 156–159.

85 Irle, *Was soll aus den Herero werden*, 4.

86 Irle, *Was soll aus den Herero werden*, 4–5.

87 The Nama had withdrawn after the Waterberg siege; the remaining Baster who assisted the German troops could not have much knowledge about waterholes in the Omaheke, since this was not the territory they knew.

war map only revealed the courses of rivers and their tributaries, yet it contained absolutely no information about the locations of waterholes.⁸⁸ The famous Osombo-Windibe waterhole, where von Trotha issued his notorious “extermination order”, is nowhere to be found on the map he used.

On their way, the soldiers discovered apocalyptic scenes of Herero who had died from thirst digging deep holes in the desert, cattle that had perished on the march and fighters who had been left behind dying, because their relatives and comrades had been unable to carry them. These pictures fit well into the narrative about genocide at the Waterberg, they served those who accused von Trotha and the *Schutztruppe* of outrageous cruelty, but they also contributed to the glory of the German soldiers among the colonial lobby, where the hardship of the Omaheke raid served as proof for the dedication and perseverance of the German soldiers in the colony. It becomes clear from the diaries of the soldiers and officers that the Herero escape from the Waterberg might have been a tactical defeat for the Herero, but it was far from being a victory for the *Schutztruppe*. The “battle of annihilation” had not taken place, the result was a months-long hunt in the desert, which brought hardship for both sides but deprived the Germans of the success which they needed in order to accommodate public opinion in Germany. A decisive battle would have served that purpose, a never-ending pursuit in the desert, far from the eyes of the public, did not.

The official account of the general staff in Berlin, which was published later and which for many authors served as proof of the war ruse theory, confirms the failure of von Trotha’s attempt to deliver a “battle of annihilation” to the Herero. “This way, the important fights at the Waterberg ended. Their development was very different to what the Supreme Command had expected. The von der Heyde unit’s attack against Waterberg station damaged the hope for a decisive fight, which should have taken place on August 12, and which would have brought a faster, though less radical end to the war against the Herero.” After admitting the failure, the authors of the report then turned it into a victory, because by escaping into the desert, the Herero had suffered more severe losses, “than German

88 Because the available maps were inadequate, the General Staff of the *Schutztruppe* in Berlin commissioned a new map, based on the earlier available works and dedicated exclusively to the war effort. The new map was finished within 5 weeks following the outbreak of the Herero war. It was a 1:800 000 piece on 8 sheets. The official name was “Kriegskarte von Deutsch-Südwestafrika 1904”. The map was republished by the National Archives of Namibia in 1987 as no. 9 of the Windhoek Archives Publication Series. A copy is in my possession.

weapons could have inflicted on them in battle, no matter how bloody and rich in losses it might have been.”⁸⁹

Drechsler and others who see the tactic at Waterberg as part of Trotha’s genocidal strategy interpreted some paragraphs of the report as proof that the *Schutztruppe* command wanted the desert to finish “what German arms had started—the annihilation of the Herero nation.”⁹⁰ But those paragraphs do not describe the general staff’s intention, but the situation the fights had led to. The original wording, “Die wasserlose Omaheke sollte vollenden, was die deutschen Waffen begonnen hatten: die Vernichtung des Hererovolkes”, is preceded by several detailed accounts of Herero groups who starved to death while “hunted like wild animals from waterhole to waterhole” by relentless and brave German soldiers. However, the authors of the report regard this as the outcome of a “fatal fate” (*vernichtendes Schicksal*), which was the result of tactical errors of the *Schutztruppe* at Waterberg, not as the consequence of an intended policy.⁹¹ The report was published long after the fights at the Waterberg and it contains the authors’ ex post interpretation, not the intention of the commanders before and during the battle. The latter are crucial for the assessment of the genocide hypothesis.

The intentions of von Trotha and von Schlieffen are contained in another document which has been widely and frequently quoted, mostly in order to prove the racism and genocidal intent of both. In von Schlieffen’s letter to the Chancellor, he writes about the impossibility for Germans and Herero to live together any more, about “racial hatred” (*Rassenhass*) and his support for von Trotha’s intention to either eliminate the Herero or drive them out of the country. Von Schlieffen also states, the “war has come to stillstand.” Then he writes about earlier assumptions about the Omaheke as a “waterless desert” in which people and cattle could not survive. According to von Schlieffen, this presumption had been wrong: the desert contained enough water to prevent the Herero from trying to break through the ranks of the *Schutztruppe* and it prevented them from

89 *Die Kämpfe der deutschen Truppen in Südwestafrika. Aufgrund amtlichen Materials bearbeitet von der Kriegsgeschichtlichen Abteilung I des Grossen Generalstabes*. Erster Band. Der Feldzug gegen die Hereros, Berlin: Ernst Siegfried Mittler und Sohn, 1906, 193–194. In his account of the Oviumbo battle, Leutwein had included a similar manipulation. There, the *Schutztruppe* had to withdraw and was unable to attack the Herero or even follow them. Leutwein interpreted this as a German victory, emphasizing the fact that the Herero had escaped. Leutwein, *Elf Jahre Gouverneur*, 520.

90 Drechsler, *Südwestafrika unter deutscher Kolonialherrschaft*, 183; *Die Kämpfe der deutschen Truppen in Südwestafrika*, 211.

91 *Die Kämpfe der deutschen Truppen in Südwestafrika*, 193.

escaping to Bechuanaland. As we know with the benefit of hindsight, this was not true. Most of the Herero tried to reach the British colony. But the letter proves that von Schlieffen did not regard the “sealing of the Omaheke”, which is so often mentioned as a genocidal action, as an effective action intended to annihilate the Herero. Instead, he describes it as an unintended outcome, which would not lead to annihilation. Von Schlieffen also admitted that the *Schutztruppe* had no clue about the position of waterholes and was unable to hunt the Herero in the desert.⁹² His letter completely contradicts the narrative of the official war account published later by the general staff and all the historiographic accounts which treat the general staff publication as an indication of genocidal intent. Just like von Trotha’s officers on the spot, von Schlieffen did not believe the Waterberg battle to be a shining victory, and he saw the Omaheke campaign as the dire consequence of the tactical failure at the Waterberg. There never was a war ruse or a plan, to chase the Herero into the desert in order to let the drought kill them. This is how it was later sold to the public, but it was not what von Trotha, his officers, and superiors in Berlin believed. But in 1906, when the general staff’s documentation was published, public opinion in Germany had been stirred up so much that admitting a tactical defeat by von Trotha, the *Kaiser’s* praised general, was not an option. Instead, the authors of the official account presented the Omaheke campaign, which had stretched the German forces to their limits, as a clever manoeuvre to defeat the Herero. The story fit well into the many press accounts about the hardship of warfare in the desert which had been spread before, either by supporters of the government (who emphasised the soldiers’ sacrifice) or the opponents of the colonial policy (who stressed the suffering of the Herero).

But even without all these sources, the war ruse theory is wrong for a number of other reasons. It is completely illogical from a military point of view. As we know, the Herero managed to escape after a skirmish with the von der Heyde unit, which left several officers and a relatively high number of soldiers dead. If von Trotha had a secret plan to push the Herero into the Omaheke desert, he had apparently not informed his officers about it. Their men fought and died, rather than let the Herero through and spare their own men. If the aim had been to let the Herero escape, it would have been much more rational to offer them an unmanned corridor to the desert and to withdraw the von der Heyde unit altogether, without risking those soldiers’ lives. There also was no reason then for the von Estorff unit to rush to von der Heyde. Instead, the von der Heyde unit lost seven men in the battle and twelve

92 Chef des Generalstabs der Armee an Reichskanzler und Kolonialamt, 23.11.1904 in: BArch R1001.2089.

were severely wounded, some of them higher officers. These casualties would have been entirely unnecessary if the plan had been to drive the Herero into the desert.⁹³

The alleged war ruse would have only made sense if von Trotha was sure of winning the battle, and if he and his officers were sure of preventing any other possible break of the siege by the Herero. As the Franke diary reveals, this was not at all the case. Many officers feared the Herero could break the encirclement and then attack other units from aback.⁹⁴ The other reason why the war ruse theory is hardly convincing is the role it ascribes to the Herero. The authors supporting the war ruse theory see them as a passive mass, which stumbled into a trap set by clever Germans, unaware that this would drive them into the desert. But the Herero knew the terrain much better than the Germans, and they left on their own, under the cover of the night. There is quite some evidence showing that Samuel Maherero and his elders knew what they were doing and had planned it long beforehand. Their escape route was difficult and rough, but it did not only lead to the desert, it also led to the British Bechuanaland Protectorate, where they could find shelter. In June, Samuel Maherero even had tested the waters, sending a messenger to Walvis Bay to ask the British whether they would give Maherero asylum on their territory.⁹⁵ According to an account by the South African writer Eugene N. Marais from the late 1920s written after a long meeting with Herero leaders (including Samuel Maherero) in the Transvaal, the decision to escape through the desert had been made deliberately. The Herero intended to find water not only from riverbeds and waterholes (as many white peoples' accounts later claimed), but mainly from pumpkins that were growing in the desert. They admitted they had underestimated the hardship of the journey.⁹⁶

93 Franke Diary, 373.

94 Franke Diary, 358.

95 Nuhn mentions the episode relying on a archival record from the Public Record Office in London, Nuhn, *Sturm über Südwest*, 185. When Samuel Maherero finally crossed the border into Bechuanaland, the British accepted him as a refugee. Nuhn, *Sturm über Südwest*, 292. The incident at Walvis Bay is also mentioned by Sudholt, *Die deutsche Eingeborenenpolitik in Südwestafrika*, 180.

96 Marais' account is the only one directly derived from participants of the march through the desert, the only one which is not reconstructed from the scenes, which Herero later (based on oral transmission) or German soldiers (who only saw the corpses and the waterholes and drew conclusions from what they saw) described. Eugene N. Marais: *Die Woestynvlug van die Herero's*. In: Eugene N. Marais (ed): *Sketse uit die Lewe van Mens and Dier*, Kaapstad, Stellenbosch, Bloemfontein: Nasionale Pers Beperk, 1928, 1–21. (The article apparently also appeared in *Die Brandwag* of March 1921). It can be consulted in the National Archives of Namibia, sign. PB/0717. Gewalt quotes it in a

The battle on the Waterberg was over and von Trotha had a problem. He had to sell his tactical defeat to the government in Berlin and to the public in Germany and the colony. According to some of his officers, he did so by issuing a number of orders formally addressing his soldiers, but really intended for his superiors in Berlin. The first one dealt with the battle near Hamakari, where 33 German soldiers had died, 44 had been severely wounded and 19 had been slightly wounded.⁹⁷ In the aftermath of the battle, the leading officers had discussed the measures, they deemed necessary to prevent a total breakdown of the troops. On August 14, Franke's unit had decided to turn around due to the lack of water and starving horses. Franke's diary for this period contains a lot of bitter remarks about the breakdown of the soldiers' discipline and the lack of authority of the officers. When asked about his impressions by one of his superiors, Beaulieu, Franke responded by urging him to withdraw to the grasslands and stay close to the railway, "in order to avoid a catastrophe."⁹⁸ Beaulieu told him that the command had completely underestimated the strength of the Herero.⁹⁹ He also admitted something else: that the last orders to the troops – to follow the Herero and hunt them down – had been issued "more or less only with regard to Berlin". They would not be followed, instead the units would withdraw in order to prevent a "total breakdown of the troop."¹⁰⁰ According to some of his officers, von Trotha was well known for such practices: he issued orders which were not meant to be followed, because their only purpose was to impress his superiors in Berlin. Another example of this public relations strategy occurred at the end of August. Von Trotha presented the disaster of his starving, decimated, and demoralized campaign to the east as a shining victory, which had brought the Herero "heavy losses" (not specified in the telegram) and had caused the loss of "thousands of cattle."¹⁰¹ In response to his cable, he received congratulations from the Kaiser for the "highest bravery."¹⁰² The pursuit into the

different context, describing Marais as an „opium addict, mystic, naturalist and manic depressive Afrikaner writer”, but fails to deliver any evidence for this characterisation. Gewald, *Herero Heroes*, 179.

97 Franke Diary, 373.

98 Franke Diary, 16.9.1904, p. 365.

99 The German troops did not only suffer from casualties, lack of water and dying horses, but also from various diseases. Pool, *Samuel Maherero*, 271.

100 Franke Diary, 16.9.1904, 365.

101 Franke Diary, 372.

102 Franke Diary, 367.

desert was depicted in a similar way: a victorious advance with few casualties, but high losses for the enemy.¹⁰³

During the months that followed, the *Schutztruppe* was busy hunting down small groups of Herero or even individuals, who had been left behind the mass of the escaping fighters. It was a brutal, cruel and merciless hunt. The myth of gallant, noble, heroic German soldiers fighting wild, cunning and deceitful natives, which would later emerge in the colony-nostalgic literature, has no grounding in the available sources, not even in the contemporary sources published with the aim of upholding the myth. More often than not, participants of the Herero war frankly admitted that captured Herero were not court-martialled, but simply shot or hanged, regardless of whether they had previously taken part in the fighting, had killed civilians or just fled from the war into the bush.¹⁰⁴

There are no records about how the Herero saw the hunt.¹⁰⁵ There is also no admittance of crimes committed against the German soldiers. According to the records of *Schutztruppen* officers, the Herero committed abuses, too, for example by mutilating the bodies of their enemies. Such excesses had already taken place at the Waterberg, but because the corpses were only found after some time, the authors of these reports were unable to establish whether the bodies had been mutilated post mortem or before the soldiers had died.¹⁰⁶

Numerous authors see the Waterberg battle as the decisive blow towards the extinction of the Herero as an ethno-political community. Many also have tried to count their losses, sometimes arguing that a majority died in the aftermath of the battle in the desert or – the opposite – that most of them had survived. Since there never were any reliable data about the population size of the Herero before the Waterberg events and no precise data about their casualties, the whole exercise is futile. For the legal assessment of the German conduct, or, in other words, the discussion of whether the German command and soldiers had committed genocide during and after the Waterberg battle, the establishment of the number

103 Franke Diary, 379.

104 Franke Diary, 362 contains a short description of a war crime committed by unknown *Schutztruppen* soldiers on 12 August 1904 near the Waterberg: “In the camp [the military camp of the *Schutztruppe*, KB] a Herero woman is shot with her child. The former needs two bullets, the latter only one. What a wicked bunch of people!”

105 Except for the account of Marais, *Die Woestynvlug*, passim.

106 The incident is mentioned in Bayer’s Diary (p. 130) as well as in Franke’s. The latter claims that at least some of the casualties had been mutilated before being shot dead.

of casualties is unnecessary, too.¹⁰⁷ A large number of Herero survived the march through the desert and escaped either to British Bechuanaland, to the Ovambo in the north of Namibia (and to Angola) as well as to the Cape Province, mainly through British-held Walvis Bay.¹⁰⁸ In 1905, senior lieutenant Kurt Streitwolf visited the Herero refugees in Bechuanaland. He found about a thousand people, who lived a more than modest life, without cattle, income, or weapons. Some of them had decided to leave for the Transvaal mines and search for work there.¹⁰⁹

There is also a strong indication that not all Herero, who had been encircled by the *Schutztruppe* at the Waterberg, went to the desert. In mid-September, Major Franke noted in his diary that behind the front between the escaping Herero and the soldiers following them, a kind of partisan war had started: “A guerilla war is launched. When will these pleasant times return, when anywhere in this large country, one could wrap oneself into a blanket on a Herero werft [village] and fall asleep without fear? Now, no bush is harmless any more, behind each and every bush there could lurk a Herero with a deadly bullet.”¹¹⁰

As the war went on and on, the public in the colony and in the mainland became more and more hysterical and chauvinistic and von Trotha was exposed to more and more criticism. His reputation as a ruthless but efficient warrior, who knew “how to deal with Negroes” (as he had described it himself) started to suffer. In mid-September, the news about the Herero’s defeat at the Waterberg reached the south of the colony, and led to the uprising of almost all Nama-clans there. The uprising hit von Trotha at a most unfavorable moment: most of his

107 For the legal debate on whether the number of victims plays any role for the determination of a massacre was genocide – and how this relates to the Waterberg/Omaheke issue – see chapter 3.

108 The presence of Herero refugees from German South-West Africa, who had escaped into the Cape Colony, was discussed in the Cape parliament in 1907. Gierike Library of the University of Stellenbosch, government records, Kaap de Goede Hoop, *Debatten in den Wetgevende Raad in de vierde sessie van het elfde Parlement van de Kaap de Hoede Hoop*, geopend de 21ste Junie, 1907, Kaapstad 1907. Already in 1906, more than 2,000 Herero had fled to the Cape Colony, where they were fed by the authorities. The cost of food was paid by the German government, according to the information of the agricultural minister of the Cape Colony (secretaris voor landbouw). Kaap de Goede Hoop, *Debatten in den Wetgevende Raad in de derde sessie van het elfde Parlement van de Kaap de Hoede Hoop*, geopend de 25.5.1906 1906, Kaapstad 1907, 233–234.

109 BArch R1001.2118, Abschrift eines Berichts von Oberleutnant Streitwolf, Gobabis 24 August 1905.

110 Franke Diary, 379.

troops were either engaged in following the Herero into the desert and hunting down the remnants of Maherero's army, or they were busy protecting civilian settlements from dispersed Herero fighters. Caught in a partisan war against two different enemies, with a front stretched across the south and another, almost invisible one, in the north, he had no chance of stabilizing the situation. His strategy to encircle, isolate and then destroy the Herero had failed at the Waterberg, and now the colony was less peaceful than ever. This was well known in the colony; the settlers knew it, his soldiers knew it, but he could assume that no one in Berlin had yet been informed that instead of a shining military victory at Hamakari, he had suffered a tactical defeat and had barely avoided a military catastrophe. Samuel Maherero had vanished together with his cattle, the remaining Herero were conducting partisan warfare, making life in the colony more dangerous than ever, and the Nama had started an uprising in the south at the same time.¹¹¹

On October 3, after weeks of unsuccessful Herero-hunting, von Trotha held his notorious speech which would later be referred to as his "extermination order" or *Vernichtungsbefehl*. The speech – together with two orders, one addressing the Herero in general, the other addressing the German soldiers – is one of the most contested and controversial documents in recent German history. Because von Trotha's orders did not immediately become known and because the original order could not be found for a long time, some authors even doubted whether von Trotha's speech and the orders had existed at all.¹¹² There are also many controversies about what von Trotha actually intended, to whom the speech and the orders were addressed and what their consequences were. The scene from October 3 also became the object of colorful, emotional embellishment by some authors, for which there is hardly any substantiation in the sources. Therefore, it is important to recall what the sources contain about this scene. There are two main sources which confirm the event on October 3. One is the book written by Rust, a *Schutztruppen* soldier and farmer, who was charged with writing an

111 There is no consensus in the literature about when the Nama uprising actually started. There were a number of raids against farms and skirmishes with soldiers carried out by Morengo and his fighters, which date back even to August 1904. Some authors let the uprising begin after von Trotha's famous extermination order, but Estorff dates the uprising of the Bondelswarts already at September 1904. The official account of the German Army's general staff claims the Nama uprising only started in October 1904. Von Estorff, *Wanderungen*, 117; *Generalstab*, Band 4, 1.

112 Sudholt, *Die deutsche Eingeborenenpolitik in Südwestafrika*, 186–187, mentions some of the claims negating or doubting the existence of von Trotha's order.

official history of the war and whose book was distributed to all members of the *Reichstag* after it was published. It is a very detailed account with many documents (to which Rust was given access by the authorities), but it is written from the perspective of the army, it imputes (rightly or wrongly – but without consulting the other side) a lot of intentions to the Herero, for which there is no proof and it is, in its entirety, a product of *Kriegsschuldliteratur*, the kind of literary production that became so popular after World War I. These kinds of texts were intended to prove a pre-fabricated thesis (here: that the Germans were right and the Herero wrong) by bolstering it with carefully selected documents and arguments, which are not necessarily forged or manipulated. They avoided mentioning anything that would refute the initial assumption. Rust mentions von Trotha's order and describes the circumstances in which the orders were issued, while the official documentation of the general staff remains silent about it.¹¹³ *Kriegsschuldliteratur* usually provides facts, but with a politically biased interpretation and without mentioning facts that contradict the claims made by the authors. And, of course, it attributes good intentions to one side and bad ones to the other.

The second source is the (unknown to contemporaries) diary of Franz Ritter von Epp, who was present at the waterhole and wrote very enigmatically about the scene.¹¹⁴ Von Estorff, who also was there, does not mention the scene at all. Nor is there any mention of it in Franke's diary. Rust describes the scene in the following way – and this is also the way it has later been presented by most authors: “In the morning of 3 October, at 5¼ (sic) o'clock, some Herero were court-martialled and hanged in the presence of other prisoners. After the execution, the declaration to the Herero people was read out to the Herero in

113 Schneider-Waterberg claims that after the Chancellor had convinced the Emperor to withdraw von Trotha's order and allow the Herero to surrender in December, von Trotha was given the promise that neither of them – the order and the withdrawal order from the Kaiser – would be made public. It nevertheless became public a year later, when the text of the order was leaked to the social-democrat newspaper *Der Vorwärts*. Rust's account was published later than the general staff documentation, and therefore could include the order.

114 Andreas E. Eckl: “*S'ist ein übles Land hier*”. *Zur Historiographie eines umstrittenen Kolonialkrieges. Tagebuchaufzeichnungen aus dem Herero-Krieg in Deutsch-Südwestafrika 1904 von Georg Hillebrecht und Franz Ritter von Epp*, Köln: Rüdiger Köppe Verlag, 2005, 284. Von Epp's note says: “3. Okt. Theatralische Erhängung v. 2 gefangenen Herero. Vertheilung eines ungedruckten Ukas an 30 gefangene alte Männer, Weiber u. Kinder, daß für die Herero kein Platz mehr in deutschen [8] Landen, Entsendung der 30 in alle Winde – Im Übrig. vergl. Zeitungen.”

their language. They received different copies, were set free, and went away.” The declaration itself contained a number of new elements:

- The Herero were declared to no longer be German subjects¹¹⁵; von Trotha did not mention any consequences resulting from this statement. However, one might conclude that until that moment, von Trotha had regarded them as German subjects, which would make the war against them an internal German affair. In that case, the earlier imposition of military rule did not make any sense, because no country can declare war against its own citizens.¹¹⁶
- it set out a prize for every apprehended Herero leader, including Samuel Maherero. This part of the declaration was rather pathetic. Von Trotha could not expect the Herero to deliver their own leaders, and at the same time lacked the means to apprehend them on his own (which was the reason for offering a prize).
- It called upon the Herero to leave the land, because otherwise they would be forced to leave by cannon fire. This was nothing new, von Trotha had tried to do this for months, but during the weeks preceding the declaration at Osombo-Windembe (the waterhole where the declaration was read out), he had not managed to catch, let alone shoot, any Herero.
- Von Trotha declared that he would no longer take women and children as prisoners, but he would either send them back or “shoot at them”. As the later order to his troops stipulated, the aim was not to kill them, but to drive them away from the waterholes by shooting above their heads. In his order to the troop, he assumed the new practice would prevent the soldiers from taking prisoners.¹¹⁷

The declaration and the order can hardly be seen as proof of genocidal intent. Von Trotha’s genocidal intentions are well known from the records of the *Reichskolonialamt* and his correspondence with the General Staff, but the documents from Osombo-Windebe only constitute proof of a war crime. According to Hague II, it is not even relevant, whether the order was carried out and the

115 The German word used is “Untertanen”.

116 The statement does not make any legal sense. If it was meant to declare the Herero enemy fighters (and therefore combatants under Hague II), the remaining part of the declaration would amount to the admission that their rights as prisoners of war would not be respected.

117 Rust, *Krieg und Frieden im Hereroland*, 385. The orders are also part of BArch R1001.2089. The so-called extermination order is dated 2 October, but according to Rust and von Epp, it was issued a day later.

soldiers actually did not take prisoners, because the mere declaration not to take prisoners is already regarded as a war crime.¹¹⁸ The threat to drive them out of the country by force amounted to deportation – an element of a crime against humanity, which at the time of the declaration did not yet exist in international law. However, it was a pointless call – the Herero had already decided to leave the land and had done so. It would be easy to dismiss von Trotha's speech as a proof of the feeble aggression of a failed field commander, who finds relief for his errors and misconduct in such an outburst. That would be partly true, because he had not been able to deliver any proof of his efficiency so far. As such, his speech was not even addressed to the Herero, to whom von Trotha no longer had a communication channel. The Herero were dead or scattered across the land and even if von Trotha had any contact to Samuel Maherero, it would not have helped him, as he could easily assume that Maherero himself had lost contact with most of his followers.¹¹⁹ The idea of sending out released prisoners in order to bring messages to dispersed Herero fighters in the field demonstrated how much von Trotha's tactics had backfired: even with all the reinforcements he could have wished for, he would not be able to defeat the Herero in a decisive battle of annihilation, because he would not be able to find them. But if he instead wanted to negotiate with them, he would also be unable to do that – for the same reason and because the Herero no longer had any central command, which could take responsibility for all Herero and enter a binding agreement. The “extermination order” was proof of his failure, but it was also an attempt to hide this proof from his superiors.

Instead, some authors claim that it was the declaration of a new, genocidal policy. But there was nothing new in it. German soldiers had killed Herero who had surrendered to them long before and they had patrolled water holes and prevented the Herero from using them (since the Waterberg battle). More than a hundred years of research on the issue have not revealed any order from a German commander that would have cautioned the soldiers to respect the integrity of prisoners of war or to court-martial prisoners, who were suspected of crimes, in an orderly and fair way. No case is known in which a soldier was punished for abusing Herero prisoners or Herero civilians. From the moment he entered Swakopmund and imposed martial law, von Trotha had the intention of ignoring the duties international humanitarian law placed on him. But on the other hand:

118 A more detailed discussion is included in chapter 3.

119 The Marais account confirms this interpretation. Marais, *Die Woestynvlug van die Herero's*, 3–18.

even if he had intended to respect international humanitarian law, would he have been able to do so?

There was a reason for many of the atrocities of the Herero war which goes much beyond mere sadism, overreaction, or racism turned violent. Von Trotha mentioned it himself in one of his letters to Berlin. The Herero, whom the *Schutztruppe* could have taken prisoners, were exhausted and often ill. They had neither food nor drink, but their state was only slightly worse than that of many of the German soldiers who hunted them. The *Schutztruppe* in the field had been reinforced with many freshmen from Germany, who were vulnerable to malaria, diarrhea and many other diseases against which they had not developed any immunity. As the German statistics show, they died like flies. Under the Red Cross Convention and Hague II, the Herero could have surrendered, and the Germans would have been obliged to take them into custody, feed and treat them well, and either court-martial them (if guilty of crimes)¹²⁰ or take them along until they could be exchanged for German prisoners or set free after an armistice or peace treaty. Germany never recognized the Herero as legal combatants in the sense of international humanitarian law, it was never actually decided whether they should be regarded as members of armed forces or rebels. Germany fought them like an enemy army, but once captured, the Herero were treated like rebellious outlaws. Treating the Herero according to the law would have required the *Schutztruppen* commanders to share their soldiers' food and water with the prisoners and risk contamination from ill Herero. This would have led to a paradoxical, even absurd situation: the more prisoners the Germans took, the less food, water and transport they would have at their own disposal and the less they would be able to pursue the hunt after the remaining Herero. By surrendering, the Herero would relieve those of their kin, who decided to escape further (they would have more water, food and transport for themselves) and burden the *Schutztruppe* with feeding and transporting the surrendering Herero. Under these premises, taking prisoners undermined both the war effort and the survival chances of the side which decided to comply with Hague II.

The Herero faced the same problem but with an additional burden: they could not retreat to any fortified premises like the German towns or garrisons. Their

120 It is worth emphasizing that fighting and killing German soldiers in combat would not have been regarded a crime. The *Schutztruppe* could court-martial Herero, who had killed unarmed civilians, for example traders and settlers. Attacking them amounted to a war crime in an international armed conflict or to an ordinary crime (murder, robbery etc.) if one regards the fighting as an internal riot of German subjects against their authorities.

highly mobile way of fighting made it very difficult to keep prisoners. Following Maherero's order to spare missionaries, civilians, and foreigners, they never took hostages – which would have been the best way to make sure, the Germans would take prisoners, too, and exchange them. When the Herero kept prisoners at the beginning of the uprising, they released them without any service in return.¹²¹ So von Trotha's "extermination order" did not describe any new practice, neither for the German soldiers, nor for the Herero. It was something new, though, for von Trotha's superiors in Berlin. And they approved it. In November, General Alfred von Schlieffen wrote in a letter to Chancellor von Bülow:

"The coexistence of whites and blacks will, after all that has happened, be very difficult if the latter are not to be kept in a permanent state of forced labour, which means slavery. The racial hatred can only be contained by either extermination or the enslavement¹²² of one party. In the present circumstances, the latter is not feasible. The intent of General von Trotha shall therefore be approved."

Von Schlieffen then argued that von Trotha's forces were too weak to enforce such a policy of annihilation, and therefore had to confine the Herero to the Omaheke desert, leaving it to them whether they would flee to Bechuanaland or live in the desert. Von Schlieffen – the same who had developed the military doctrine of battles of annihilation earlier – regarded the Hereros' survival as possible, assuming there would be enough waterholes unknown to the German troops.¹²³ In the light of the scholarly debate about whether the war against the Herero was genocidal or not, it is important to stress here that the above mentioned letter clearly shows that von Schlieffen as well as von Trotha wished the Herero to be annihilated as a nation, undertook steps to annihilate them but then came to the conclusion that their ultimate aim was no longer achievable. They had what lawyers call a guilty mind (*mens rea*), they took action to achieve their goal, committing a guilty deed (*actus reus*) but did not manage to achieve their aim because of the circumstances.¹²⁴ As we will see later in this book, they implemented their genocidal intent later, when the circumstances became more favorable.

121 Hostage taking was not foreign to the Herero. They had taken and exchanged hostages in the context of negotiations with other groups.

122 The German word used is 'Knechtung'.

123 Generalstab des Heeres to Reichskanzler von Bülow, November 23, 1904, BARCH R1001.2089.

124 As will be explained in chapter 3, it is not necessary for them to commit genocide in order to be found guilty, it is enough to agree on a common plan with others (who have a genocidal intent) which involves other crimes, like war crimes. Having a "guilty

Some authors assume the subsequent order to “seal off the Omaheke” and occupy the waterholes with small detachments, which were to shoot above the heads of women and children, was part of a genocidal war. But there are several problems with this argument: first, it is very unlikely that it was ever carried out effectively. In order to implement the order efficiently, the *Schutztruppe* had to cover a boundary with the Omaheke desert of more or less 250 km. The soldiers only knew the waterholes which they had discovered on their way. And last but not least, there were only a few units available for the sealing off of the desert and the occupation of the waterholes – Estorff’s unit and the remainders of the von der Heyde unit.¹²⁵ The Mühlenfels unit went to Otjimbinde to hunt for scattered Herero, the Volkmann unit was sent to Grootfontein, the Zühlow unit was detached to Swakopmund and the Wossidlo unit had to take over the fort at Namutoni.¹²⁶ A few days later, von Trotha was informed about the Nama uprising and went south.

According to Bayer, the *Schutztruppe* had had 20 officers at the Waterberg, less than 1500 soldiers, 30 cannons, and 12 machine guns at its disposal. It was confronted with 60,000 Herero, of which five to six thousand were combatants. Before Osombo-Windebe, many of these soldiers had been killed, or had fallen ill. In his account of the Waterberg battle, Bayer highlights the impossibility of 1,500 soldiers surrounding the Herero effectively. The units had to stretch over a front-line of 100 km, but between the German units there was a distance of 20 to 40 km. After Osombo-Windebe, much less than 1,500 soldiers (there are no sources indicating the precise number of soldiers of the Mühlenfels, von der Heyde and Estorff units) had to seal off a line of 250 km and occupy waterholes.¹²⁷ This must have been an impossible task. In other words: von Trotha’s so-called extermination order did not lead to extermination. It was a purely symbolic gesture, whose aim was to cover up his failure and to impress von Trotha’s superiors at the general staff and the government in Berlin. In addition, there is some evidence which suggests that von Trotha’s officers ignored the order in practice. One of them,

mind” alone, without committing any crimes, would not render them punishable under ICL.

125 Estorff, *Wanderungen und Kämpfe*, 117.

126 Rust, *Krieg und Frieden im Hereroland*, 386, mentions “Amutoni” as the units’ destination, but the official war map of the *Schutztruppe* does not contain any such place. It is more likely that the unit was sent to Namutoni, a small fort at the entrance of the Etosha salt plain, which had been taken over by Ovambo at the beginning of the Herero uprising in January 1904. Zimmerer, *Herrschaft*, 34–35.

127 Bayer, *Mit dem Hauptquartier in Südwestafrika*, 139.

senior lieutenant von Beesten, head of Ombakaha station, received letters from some Herero elders who wanted to negotiate a truce with him. After exchanging several letters, they met at a farm. In his later report van Beesten was anxious to emphasize that he had respected the envoys and not taken them in immediately in order to get hold of as many elders as possible, but his report also makes clear that he never intended just to kill the Herero. The aim of his tactics was it to capture them and take them prisoner. The negotiations failed, the Herero, suspicious by the behaviour of the Germans, began dispersing and finally both sides shot at each other and the Herero escaped. Some of the elders were shot in the skirmish. Van Beesten's report also underlines that the entire Herero unit had been strong and healthy, they were "neither half-starved to death, nor dying of thirst", and their horses had also been in good shape.¹²⁸

Von Trotha's October order was a public relations stunt, designed to impress his superiors and with the aim of obfuscating the failure of his war strategy.¹²⁹ It was never destined for the local German population and probably not even for the Herero. When information leaked to the local farmers, the local press started protesting against von Trotha's war conduct. Commentators feared the annihilation of the Herero would deprive the colony of the Herero labor force and their cattle and scattering the Herero across the land would lead to the creation of gangs and the return of revengeful Herero to the west of the colony, where they would cause havoc. Von Trotha responded by issuing a censorship order: the *Windhuker Nachrichten*, just like the *Deutsche Südwestafrikanische Zeitung* in Swakopmund, would no longer receive any information from the *Schutztruppen* command. At the same time, von Trotha forbade officers returning to Germany to speak about the situation in the colony to the press.¹³⁰

Von Trotha did not want his October order to become public and he managed to keep it confidential until it was revoked in December, when an intervention by Chancellor von Bülow, who regarded the order as inhumane and a political error, inclined the Emperor to force von Trotha to allow the Herero to surrender

128 BArch R 1001.2117, Bericht über die Vorgänge am 29.10.1904 und über das Gefecht bei Ombakaha am 2.11., Abschrift, Geheimsache der Kaiserlichen Schutztruppe.

129 Pool, who had access to von Trotha's diary, claims von Trotha himself saw the Waterberg battle and the aftermath as a defeat. Pool, *Samuel Maherero*, 262–263.

130 The whole story about the censorship orders is described in an article of the Social democrat newspaper *Vorwärts*, 1.8.1905, stored in BArch R1001.2136. The original orders (if they were issued in writing) could not be found.

without being shot at.¹³¹ Until then, nothing had leaked to the press, neither in the colony, nor on the mainland. According to the few testimonies concerning the scene at Osombo-Windembe which are available, one may even doubt whether the order transpired to all of von Trotha's officers.

The revocation of the October order was certainly a reprimand for von Trotha, further undermining his poor reputation among his officers. But it was no red line for war crimes. The latter continued unabated, not only because of the abuses German soldiers committed against surrendering Herero and the emergence of the camp system, but also because of the patrol raids the *Schutztruppe* carried out against the scattered Herero groups that roamed the country in search of water and food. Almost a year after the revocation of the October order, von Trotha himself sent a report to the high command of the *Schutztruppe* and the Chancellor in Berlin, summarizing the results of the most recent raids. By then, von Trotha should have already developed some kind of sensivity about how to describe atrocities in the colony in a way that would not cause public outrage and problems for the government if these accounts were leaked to the press. He had not. He reported that "during the joint patrols of all occupation troops in the Herero territories, 30 settlements were assaulted.¹³² 250 Herero were killed, 600 taken prisoner, among the latter two thirds women and children." These casualties were contrasted with one officer and two file and rank soldiers killed in action on the German side.¹³³

What is important for the argument of this book: von Trotha's October order was neither revoked due to public outrage in the German media and the *Reichstag*, nor as a result of lobbying by the farmers, who had a long-term material interest in maintaining the Herero as a source of labor and their cattle as a source of the colony's economic development.¹³⁴ The press in Windhuk and Swakopmund did not mention von Trotha's order at all, neither did the German press. The first leak took place only a year later, when the *Vorwärts* published the order, which by then had been long revoked by the government. If there was an

131 Von Bülow later described his intervention in his memoir. Bernard von Bülow: *Denkwürdigkeiten*. Berlin: Ullstein, 2. Band 1930, 20–22.

132 The words used in German was "Werften", a term taken over from Afrikaans and describing small mobile native settlements and "überfallen" for "assaulted", a term used in German for criminal assault, e.g. armed robbery.

133 Telegramm, Windhuk 11.10.1905. der K. Generalleutnant an Reichskanzler (Oberkommando der Schutztruppen), in: BArch R1001.2136.

134 For the very ambiguous attitude of the farmer community in the colony toward von Trotha's policy, see chapter 7.

impact from outside, it rather came from the missionaries who saw the basis of their presence in German South-West Africa vanish. They sent letters to the Governor, urging him to take a more lenient stance toward the Herero who wanted to return, underlining the Hereros' willingness to atone for the cruelties they had committed and the lack of loyalty to the German state. But until December, von Trotha remained intransigent.

2. The genocide that did take place

The ambiguities in the sources and many authors' uncritical reliance on Drechsler's way of telling the story of the Waterberg battle and of von Trotha's notorious order from October 1904 have inclined some authors to openly deny that genocide took place in German South- West Africa between 1904 and 1907.¹ As will be shown later, it is indeed very difficult – although not impossible – to find a legal concept in International Criminal Law, which could confirm an allegation of genocide concerning the war against the Herero. However, such a claim's evidentiary basis would neither be the alleged “war ruse” at the Waterberg (which was perfectly legal under contemporary and present-day humanitarian law)² nor von Trotha's declaration from October, which constituted a war crime. The genocide, which von Trotha and his superiors wanted to commit, did not take place. At least not at the time when they had the intention of committing it.

This should not be understood as a rejection of the genocide notion for the entire military campaign in Namibia between 1904 and 1907. Genocide undoubtedly did take place – but not in the way most authors tend to claim. Genocide was not committed during the fighting; it took place afterwards, once the fighters had laid down their arms. From that moment on, they were no longer masters of their own life, which then depended solely on decisions made by the German authorities. With regard to the Herero, this happened after the government in Berlin had forced von Trotha to rescind his order that no quarter be given and no prisoners be taken. Instead, the Herero were called upon to surrender and promised to be spared (if they had not committed crimes in the understanding of the German administration). However, the call to surrender did not change much, because it was most probably not heard by the Herero. As argued above, the Herero as a polity had ceased to exist after the Omaheke campaign and had lost their ability to make collective decisions and to carry them out. Spread across the bush and the neighboring countries, they only could respond individually or

1 Claus Nordbruch: *Völkermord an den Herero in Deutsch-Südwestafrika? Widerlegung einer Lüge*, Tübingen: Grabert Verlag, 2004; Gert Sudholt: *Die deutsche Eingeborenenpolitik in Südwestafrika. Von den Anfängen bis 1904*, Hildesheim, New York: Georg Olms Verlag, 1975; Brigitte Lau: *Uncertain Certainties. The Herero-German War of 1904*. In: Brigitte Lau (ed): *History and Historiography. Four Essays in Reprint*, Windhoek: National Archives of Namibia, 1995.

2 Art. 24 of Hague II explicitly allows war ruses.

in small, isolated groups. The calls to surrender only led to responses after the missionaries had reached out to the scattered Herero settlements in the bush and distributed the news there. Slowly and in small groups, some Herero came back and surrendered. From that moment on, the German administration was confronted with a large-scale problem von Trotha's war strategy had so far avoided in the field – the Germans now took prisoners. Camps sprang up all over Central Namibia. The problem was exacerbated by the outbreak of the Nama uprising, which started after the Waterberg battle in early October 1904 and posed the same humanitarian challenges for German soldiers as the Herero war had already done.

2.1 The war against the Nama

The reasons why the Nama rose against the German troops were similar to the ones which had triggered the Herero uprising. However, there also were some differences, mainly due to the differences between Southern Namibia and the central part of the country. Nama – like the Herero – organized in several large kinship-based clans, but did not have as many cows as Herero used to possess, because the land was less suitable for big cattle. Therefore, the Nama were less susceptible to the *Rinderpest*, but growing debt burdens had also accelerated the descent of many families into poverty. This had been aggravated by the fact that their land was cheaper and that white settlers needed more of the Nama's arid land to achieve the same income as on a farm in central Namibia. Just like in central Namibia, the main thrust of violence was directed against farmers and traders.

The outburst of violence in the South was triggered by the same increase of mutual mistrust and gossip as the Herero uprising in central Namibia. One of the biggest and weighty differences between the two situations consisted in the fact that the Herero did not know what the Germans were up to, but the Nama did know almost everything about the Germans and their plans. There was a group of 70 to 80 Nama, who had assisted the German troops during their campaign against the Herero.³ They were also present at the Waterberg, together with a group of Basters. After the Waterberg battle, 19 Nama defected. Hendrik Witbooi heard about their escape and wrote an apologetic letter to Leutwein as well as messages to the defectors' superiors in the field, urging them to remain loyal to the Germans. With the benefit of hindsight, the defection can hardly be seen as

3 Leutwein, *Elf Jahre Gouverneur*, 455–6.

the trigger of the uprising. Some authors argue that the stories these defectors told after their return home might have inclined the Nama elders to call their people to arms. Leutwein alleged that the defectors contributed to the decision to rise, because their stories seemed to prove that the Germans could be overcome.⁴ Other authors claim that their stories about the cruelty of the Germans outraged the Nama.⁵ Due to a lack of sources from Nama perspective, we do not know what these defectors told Witbooi and their comrades in the south. They certainly had no reason to downplay German cruelties, but on the other hand, they were also unlikely to present the Waterberg battle and the subsequent campaign in the desert as a shining victory of the Herero and proof that the Nama would be able to beat the German troops. But Hendrik Witbooi's decision to rise was also unlikely to be based on these stories. Two other events might have contributed more. One was the constant and intense gossip among the Germans, according to which the Nama were "the next to be subdued" after the Waterberg battle.⁶ In central Namibia, hostilities broke out, because each group interpreted the actions of the other side as preparation of violence. In the south, the same happened: Nama interpreted German triumphalism as preparation to move against them.⁷ With the fate of the Herero in mind, they decided to strike first and in a different way than the Herero had done.

The second reason the outbreak of violence in the south varied from the situation in the north in January 1904, too. It was connected to the arrival of a strange, but influential prophet. It was Klaas Shepherd Stuurmann, also called Bekeert, a Kowesin from Natal, who had travelled across the continent spreading Ethiopianism, a new ideology or religion which postulated equality between black and white Christians, and urged all black Africans to unite under the roof of their own church.⁸ The Ethiopian movement had a sharp anti-white, pan-African, and

4 Leutwein, *Elf Jahre Gouverneur*, 456, who was a firm opponent of von Trotha's ruthless way of waging war against the Herero, had a personal motive to assume the Nama had left Waterberg with the conviction the Germans had lost the battle. In his memoir, such a claim helped play down von Trotha's military victories and emphasize the advantages of Leutwein's own strategy of de-escalation.

5 Walter Nuhn: *Feind überall. Guerillakrieg in Südwest. Der große Nama-Aufstand 1904–1908*, Bonn: Benhard und Graefe, 2000, 51.

6 Nuhn, *Feind überall*, 50.

7 If the Nama interpreted the German gossip about them as the next victims, they had no reason to see the Waterberg battle as a proof that the Germans could be beaten by the Nama.

8 Stuurman also appears as "Stürmann" in German sources. He was married to an Afrikaner woman, the daughter of the Boer farmer Moses Meyer. He had arrived in the

political edge. It demanded an “Africa for Africans” (which excluded whites as Africans) and the creation of a united African Empire. His arrival in the Nama territory coincided with the return of the 19 defectors and the rumours about an imminent German attack. It gave the Nama fighters a powerful instrument to achieve coherence and overcome their collective action dilemma during the fighting.⁹ What ensued was a fierce and long-lasting partisan war, which cost the German troops relatively more casualties and much more effort than the Herero uprising. In the months after October 1904, the Nama conducted a highly mobile guerilla war, which also proved more successful than the Herero uprising, if one compares the ceasefire conditions in both cases. The reason for the sustainability of the Nama resistance was clear: they had learned from the Hereros’ errors and did not count on a compromise with the German authorities any more. They had watched the Herero uprising and quickly reached the conclusion that they were now fighting a different kind of Empire than had been the case in 1896 or 1903, when Leutwein had fought to negotiate. In 1904, the German Empire was no longer eager to do so, instead it fought to destroy the enemy and rule with a heavy hand.

Nama territory between March and April 1904, according to a report sent from an administrative officer from Rietmond to Tecklenburg in January 1905, contained in BArch R 1001.2135.

- 9 During armed conflicts between groups, individual fighters face a specific kind of collective action dilemma. Each fighter wants to contribute to the common effort against the enemy, but at the same time spare his own life. This prevents him from taking more risks than he expects his comrades to take. Because his comrades are likely to do the same, their collective behaviour will lead to a race to the bottom, which will make the whole group more risk-aware than each of the members would be on his own. This dilemma has to be overcome in order to prevent demoralisation. The dilemma is most visible, when soldiers have to leave their trenches and to attack, being exposed to the enemy’s fire. In modern warfare in Europe, the dilemma was often overcome by officers, who would leave the trenches behind their troops and shoot reluctant soldiers, thus balancing one deadly risk (from the enemy’s hands) with another one (from the officer). For purely technical reasons, such a balance is more difficult to achieve the fewer firearms are involved. Societies without enough firearms have different possibilities of overcoming this trench-dilemma. The Maji Maji in German East Africa had religious incentives, which helped them overcome the dilemma. They believed to be invulnerable and thus did not need to compensate for the risk of being killed by the enemy. The Nama solved the problem in the same way, when Stuurman’s Ethiopianism instilled them with the will to sacrifice their lives for a greater cause (similar to political or religious fanatics). The Herero did not have a similar belief system.

In terms of humanitarian obligations, warfare in the south resembled warfare in the north – on both sides. Just like the Herero, the Nama attacked traders and farmers firstmost, sparing women and children. The German medical reports exonerated the Nama of any wrongdoings against German women and children, as did the memoirs of German women, who were taken captive by the Nama. One example is the Antonia Thiede's account which would usually serve as further proof of the Namas' cruelty and the hardship German civilians suffered during the uprising. Thiede had fled from her farm to Gibeon, alarmed by a rumour claiming Samuel Isaak, a hot-headed Nama leader had overthrown Hendrik Witbooi and was about to start a war against the Germans.¹⁰ The Thiede family went to Gibeon, where they found refuge in a building, into which more and more women (often with children) were squeezed. They had all abandoned remote farms and told heart-rending stories about their husbands, who had usually either been killed at the farm or on the run. These stories all had one thing in common: the women and the children had been left untouched.¹¹ But those who told the stories concentrated on their loss and the fate of their husbands and hardly ever contemplated the logic according to which they had survived.

Another account, written as a letter to his parents by a battle-scarred war enthusiast and *Schutztruppen* soldier, described the unpretentious, though somewhat rude solution the Nama had found for their prisoners' dilemma, i.e. the problem how to take prisoners without undermining their own war effort. A large Nama corps had caught two Germans, who pretended to be postal workers fixing a telegraph line. The Nama commander wanted to kill them on the spot, but Johannes Christian, a senior clan leader, refused and ordered them to be handcuffed. Then,

10 Like in the case of the Herero in the north, where some Herero clans had refused to join the fight, the Nama uprising was also not the endeavor of all Nama – Hendrik Witbooi, the son of the Nama leader, who had been raised as a school teacher and refrained from politics, immediately crossed the border with the Cape Colony, when he heard about the uprising. He never fought against the *Schutztruppe* and tried only to come back after the war. See the correspondence between the German administration about his case in the National Archives of Namibia ZBU 2369 VIII M. He was finally allowed to settle in Grootfontein at the end of 1909. Letter from the mission station in Karibib to the Gouvernement asking whether there were any reservations against engaging him in the mission, 30.12.1909, National Archives of Namibia NAN D-IV-m-3_3.

11 Antonia Thiede: *Kleine Miss Toni. Mädchen- und Frauenjahre der Großmutter Antonia Thiede im Sonnenland Deutsch-Südwestafrika, dem heutigen Namibia, 1903–1908*. Bericht über die Reise auf Großmutter's Spuren in Namibia im Jahre 2003 von Heide Pfläging, zusätzliche Informationen von Kurt Pfläging, Windhoek: Benguela Publishers, 2004, 84–85.

both had to undress and to march nude in the arriere guard of the corps, “until you guys die from starvation”, as Johannes Christian told them. He wasn’t eager to share his men’s food with the prisoners. Some of the Nama fighters did anyway. In the cold of the night, their clothes were returned. They eventually managed to escape one night – fully dressed –, while their guards had fallen asleep.¹²

The other side of the equation was less bright. The German soldiers had no intention of complying with their humanitarian obligations and killed Nama, no matter whether they surrendered, carried weapons, had actually taken part in the uprising or were wounded. Again, court-martialing was a synonym for the indiscriminate hanging of any black male, whom German soldiers encountered on their way.¹³ In some cases, German soldiers boasted about their behaviour even in their memoirs, some of which have been published. Erich von Gilsa, a veteran of the Nama war, described scenes at waterholes after the *Schutztruppe* had confiscated two leather-made water cisterns, left behind by Nama. “Desperate Nama or Herero came to the waterholes, claiming they had run short on their water supplies. They were mostly close to dying of thirst. Despite pretending to be innocent, they were executed according to the verdicts of the military court.”¹⁴ However, in some cases, von Trotha’s order not to allow Herero civilians to approach the waterholes, was ignored by German officers with respect to the

12 Erich von Schauroth: *Liebes Väterchen...Briefe aus den Feldzügen gegen Cornelius, Morris, Morenga und Johannes Christian*, herausgegeben von Bernd Kroemer, Windhoek: Glanz und Gloria Verlag, 2008, 124–125.

13 Like far from all Herero had joined the uprising, also not all Nama joined Hendrik Witbooi’s war. This is an important fact, because it shows that the German troops could not assume every Nama met on their way to be their enemy, and because it abolishes Drechsler’s main argument about the war as an anti-colonial or anti-imperialist fight to get rid of the Germans. Apparently not all Herero and not all Nama wanted to get rid of them, neither did the Ovambo (one clan rushed against the Namuntoni fort in the north, the others remained calm, sold weapons to the Herero and accepted their refugees), nor did the Baster (who remained loyal to the Germans until World War I and then sided with another ‘imperialist oppressor’, the Union of South Africa, whose parliament had just passed the Native Land Act in 1910.)

14 The word military court has to be understood in the context of von Trotha’s Swakopmund proclamation, which also applied to the Nama war. It means in practice that the decision to shoot or hang the prisoners was made by an officer. Court-martialing enemy fighters was only admissible under Hague II, if it involved proceedings with the aim of discovering the truth and in which the accused could present his case, even if only shortly. And it was only admissible in cases where Nama were suspected of crimes, not just of having fought against the Germans or having carried weapons. For the practice of Gilsa’s unit see: Peter Spätling (ed): *Auf nach Südwest! Kommentiertes und*

Nama. Von Estorff's memoir contains a scene which describes a Nama ruse to obtain water despite the Germans occupying a large water hole. They sent their women and children to get water, assuming the Germans would not shoot at them. And, as von Estorff claims, the German soldiers did not shoot.¹⁵

In early 1905, the Mühlenfels unit, which had been charged with pursuing the Herero in the Omaheke, could complete its operations. It did not encounter any Herero and could now be sent to the south to fight the Nama. By then, the *Schutztruppe* had considerably increased its manpower. In April 1905, von Trotha moved his headquarters to Gibeon and issued another "extermination order" against the Nama, threatening them with annihilation if they did not surrender. Contrary to his October order, he allowed and even urged the Nama to surrender and promised to spare the lives of those who had not killed civilians at the beginning of the conflict. At the same time, he offered large sums for apprehended Nama leaders, if they were delivered "dead or alive".

This time von Trotha's Nama declaration, apparently issued for the sake of publicity, was met with immediate repudiation by the German public. It was also condemned by media in Britain and in the Cape Colony, and, again, von Trotha was ordered to withdraw it. It did not incline any Nama to surrender. Much less than in the case of the Herero were the German troops able to "annihilate" the Nama. Many skirmishes and battles ended with a high number of German casualties, although the German troops were almost always superior in number and equipment. But the Nama groups, scattered across the land, had a better geographical orientation, knew the waterholes they needed and conducted a highly efficient partisan warfare for which the German troops were unprepared. Chasing the Nama commandos required the *Schutztruppe* to send out small units with extraordinarily long and vulnerable supply chains. Paradoxically, the number of both civilians and armed Nama was much lower than the number of Herero had been, but they were able to cause the German troops (which also were more numerous than they had been at the beginning of the Herero uprising) more headaches than the Herero had been able to. As a result, the partisan war lasted and lasted, costing the German Empire more and more money, soldiers, and its reputation. It became increasingly unpopular in Germany. And despite the death of Hendrik Witbooi, hostilities did not end. Time and again, small Nama commandos surprised superior German units. Two Nama leaders were especially efficient: Jakob Marengo

illustriertes Tagebuch eines Leutnants über seine Erlebnisse in Deutsch-Südwestafrika 1904–1905, Barleben: Docupoint Verlag, 2014, 129–131.

15 Ludwig von Estorff: *Wanderungen und Kämpfe in Südwestafrika, Ostafrika und Südafrika 1894–1910*, herausgegeben von Christoph-Friedrich Kutscher, Wiesbaden o. J., 122.

and Simon Kopper. Marengo had been born to a Herero father and a Nama mother and raised as an orphan. His career as a rebel leader had not been rooted in any kinship links with members of the ruling Nama clans, but he was intelligent, able to make strategic plans, spoke several languages and developed such charisma with his fighting that young Nama were inclined to follow his lead. In the end he left the German colony and was imprisoned by the British, who released him in 1907. He then settled near the Namibian border, but soon engaged again in raids in both the Cape Province and the German colony, again attracting Bondelswarts from across the Orange River. Finally, he died in 1907 in a skirmish with Cape Mounted Police near the Eenzamheid Pan on British territory.¹⁶ Simon Kopper, another Nama rebel, was never apprehended and the Germans finally decided to pay him a kind of ransom for settling in the Cape Colony and not invading their territory. The ransom was transferred to him upon agreement with the British authorities.¹⁷ For years, several hundred partisan fighters had kept 14,000 German soliders busy in the southern part of the colony.¹⁸

Another problem the German authorities had to cope with was devolution of authority. Von Trotha's command was not always respected, his orders were ignored, and when he finally filed for his return to Germany, a conflict broke out between the leading officers. Colonel Dame had become the interim commander of the *Schutztruppe* after von Trotha's departure. When the first Nama warriors beat the bush about a truce, it was von Estorff who conducted the negotiations. He had the approval of Dame to guarantee the Nama personal freedom and *de facto* land reserves, where they could keep a part of their cattle. In return, they would have to surrender, acknowledge the supremacy of the German Empire, and hand over their weapons. But Friedrich von Lindequist, the new governor since into 1905, denied the conditions after von Estorff and Dame on the one side and the respective Nama leaders on the other side had agreed to them. As a result, Isaak Witbooi, Samuel Isaak and their fighters were imprisoned in Windhuk and later transferred to Shark Island in Lüderitzbucht. The Witbooi, who had signed a similar agreement and which von Lindequist wanted to revoke, too, could settle in their locations, because the *Kaiser* himself overruled von Lindequist's protest and accepted von Estorff's peace conditions.

16 For the details of his death, see John Masson: *Jakob Marengo. An early resistance hero of Namibia*, Windhoek: Out of Africa Publishers, 2001, 44–49.

17 See numerous letters between German and British authorities and other records about the Kopper affair in BArch R.1001.2140.

18 Helmut Bley: *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1884–1914*, Hamburg: Leibniz Verlag, 1968, 191.

The negotiations about the peace conditions reveal the difference in intentions between the military and the civil administration under von Lindequist. They also show how much the German policy toward the colony had shifted from Leutwein's *divide and impera* style and his attempts to find a compromise for every conflict to von Trotha's heavy-handed approach to eliminate Nama and Herero as polities and then impose his conditions upon them. The Bondelswart agreement provided for a symbolic surrender, according to which the Bondelswarts would recognize the supremacy of the Germans and surrender their weapons to them. They would still be able to rent weapons for hunting. They would be settled on their traditional pastures around Warmbad as "free men", but would have to carry a pass. They would keep a part of their goats. The captains, whose role was acknowledged in the agreement, would get goats owned by the government, but they would be allowed to keep the offspring as their property. The agreement could be extended to those Nama, who remained in the bush, if they surrendered their weapons and recognized the German supremacy.¹⁹

Compared to the Herero conditions (who were only granted their lives), this was a much more lenient stance and reflected the fact that the less numerous and much poorer Nama had conducted a far more efficient war against the *Schutztruppe* than the Herero had done. The reasons why the Governor opposed these conditions and ordered the Nama to be imprisoned in camps reveal a lot about the core points of the new German policy and the objectives with which the German authorities had conducted the war. Von Lindequist was opposed to the settlement, because it left the Nama polities with their chieftaincies intact. It was his aim to destroy them, "so that the tribe, with whom the protection treaty had been concluded, ceases to exist." Von Lindequist argued that this was necessary to ensure the tribe would no longer be able to stage an uprising, but this also meant that the tribal polity would disappear and the Bondelswarts would only continue to exist as individuals, but not as an organized group. This was more than military surrender and disarmament. It was the objective to destroy the Bondelswarts as an organized group with social ties, a distinct identity and an own polity. Additionally, von Lindequist wanted to resettle the Bondelswarts to the north, into Herero territory, which was easier to surveil than the mountainous terrain in the south. Von Lindequist openly admitted that the agreement would render impossible the "native policy, which I initiated in accordance with

19 The whole agreement is contained in a correspondence between Hintrager and von Lindequist in BArch R 1001.2140.

my superiors.”²⁰ And actually, his superiors at the *Reichskolonialamt* agreed with him. In other words: the German civilian authorities responsible for the colony once again had the intent to erase the Bondelswarts as an ethnic group and resettle the group members individually to another part of the country, but they failed to do so because of the resistance of the military and the *Kaiser*, who, contrary to his stand in the Herero war, rather played the role of a dove than a hawk.

2.2 The camps

In his memoir, von Estorff attributed a large-scale deportation plan to the new governor, von Lindequist. According to von Estorff, von Lindequist, while still in Berlin, had envisaged resettling Nama to the north and the remaining Herero to the south. This plan was never carried out, though. But according to von Estorff, this was the origin of the creation of the first camps. Erichsen imputes the plans to create camps to the *Kaiser* himself, who already in early November 1904 had asked a high officer of the *Schutztruppe*, Count Georg von Stillfried und Rattowitz, to elaborate a plan for the treatment of the Herero after their defeat. Von Stillfried had proposed a strict surveillance system, including the creation of camps, which very much resembled the measures taken after 1907.²¹ The first camps were actually created in early 1905. There were three different types of camps: camps for the Herero, whose main objective was initially to gather, feed and control them, and prevent them from joining those remaining in the field; camps created by missionaries to assemble Herero who had responded positively to the calls to surrender but did not trust the military and wanted to stay close to the missions; and camps that were part of larger plan to destroy the tribal organisations of those Nama, whose polities had survived the partisan warfare, but whose leaders had decided to surrender.

There are no controversies about the mission camps, which were of a transitional character and often not even guarded and fenced in.²² A lot of controversy

20 The original wording is: “die von mir mit Einverständnis meiner vorgesetzten Behörde inaugurierte Eingeborenenpolitik”. Von Lindequist memorandum in BArch R 1001.2140.

21 Casper Erichsen: “*The angel of Death has Descended Violently among them*”: *Concentration Camps and Prisoners-of-War in Namibia 1904–1908*, Leiden: African Studies Centre, 2005, 35.

22 The correspondence between the Government in Windhuk and the headquarters of the *Schutztruppe* indicates the absence of any restrictions on the freedom of movement of the Herero and Nama gathered in these camps. The Gouvernement had proposed, and the headquarters had agreed, to reduce the amount of food available to the camp

surrounds the other camps, mainly due to their character, the number of deceased prisoners (and the reasons why they perished), and how they should be labelled. Contemporaries usually named those camps concentration camps (*Konzentrationslager*), for example Ludwig von Estorff, who had observed the British war against the Boer commandos in South Africa a few years before the uprisings started in German South-West Africa. He was rather critical of the camp concept, mostly because he had seen the dire consequences for the imprisoned Boer families, who had died in great numbers and with whom he and a large part of the German political establishment and the press had sympathized. Von Estorff wondered why von Lindequist, who also had been in South Africa, was not repulsed by their fatal effects. Labelling camps for captured or surrendered Herero and Nama concentration camps was not meant to denigrate them. Concentration camps had been created already before the millennium in Cuba in order to resettle the rural population into larger settlements. For the Spanish colonizers, the resettling had had two main advantages – it facilitated the control of the peasants, and it deprived the rebels of the peasants’ support. The same was true for the Boer camps in South Africa during the fights between the British and the Boers. Concentrating the civilian Boer population (also a mostly rural one) in camps deprived the Boer commandos of the food, information, shelter, and moral support they could expect if the rural population had been allowed to stay on its farms.²³ This is an important feature, which did not play a role in the creation of camps in German South-West Africa: there, the Herero and Nama population would not have stayed in the field anyway, families with their cattle would follow the fighters behind the front and move with them. Living from field fruits, roots and pumpkins would have even been easier for the Herero and Nama if they had done so without their families. In German South-West Africa, the purpose of erecting camps was control and punishment. Contrary to the camps for Boers in South Africa, the German camps were created not in order to force the enemy to surrender, but after the enemy had already surrendered. They were, in other words, unnecessary in military terms, and they targeted civilians rather than combatants. Since the camp system was widespread and systematic, this would make it a crime against humanity under modern International Criminal Law (ICL), or, if one assumes genocidal intent behind their creation, an element of genocide. In the South African case, we would be dealing with a war crime

inmates, because they were able to collect field food outside the camps. Windhuk 29.1.1907 in BArch R 1001.2140.

23 Jonas Kreienbaum: “*Ein trauriges Fiasko*”. *Koloniale Konzentrationslager im südlichen Afrika 1900–1908*, Hamburg: HIS Verlagsgruppe, (Neue Edition) 2015, 27–56.

instead. The same is partly true with regard to the Nama, some of whom were still fighting while their comrades had already been incarcerated in camps. However, the huge percentage of women and children in some of the camps indicates that even in this case, the camp system was an element of a crime against humanity (committed against civilians) rather than a war crime.

This should not obfuscate the fact that labelling camps as concentration camps in 1904 or 1907 did not entail the same meaning as in World War II. Such a meaning could not be familiar to contemporaries. Therefore, there is no reason to use this label retrospectively – neither the supporters, nor the opponents of the camps in Namibia ever thought about the German concentration camps there in the same way we do when we use this word today. More often than not, the meaning of concentration camp is conflated with the meaning given to death camps – the German camps in the east, whose explicit purpose it was to kill as many prisoners as possible and as effectively as possible, either by forcing them to work to death, or by gassing people in large numbers and then burning their corpses. The latter did of course not happen in Namibia. But the camps erected after 1904 in Namibia also differed from the later German concentration camps. Their function was not to isolate or punish political opponents, but to confine prisoners of war, no matter whether Germany formally recognized them as such or not. The main issue was to prevent them from continuing to fight. At the same time, they were a very imperfect (or even outright cynical) solution to the well-known humanitarian dilemma of how to care for prisoners without undermining the war effort of one's own soldiers. Additionally, the Herero custom to have whole families with children accompany the fighters posed another humanitarian challenge for the German officers, when fighters surrendered or were captured. They could either separate the civilians from the fighters and only imprison the latter, or confine them jointly. The first option would have been in accordance with Hague II, but it would also have implied the risk that the civilians outside could have helped the prisoners escape, or, in extreme cases, it could have led to a situation in which one part of the family had to watch the other starving. Imprisoning civilians and combatants together made the challenge easier, but it was not in line with Hague II. In other words: despite the ugly meaning the notion of the concentration camp implies today, the creation of such camps in German South-West Africa was in itself nothing illegal. However, this does not mean that the conditions in these camps were in line with Germany's humanitarian obligations.

Until February 1906, the German administration had gathered 13,040 prisoners in these camps, among whom 10,877 were Herero and only 2,343 Nama. The overwhelming majority of prisoners were women and children; there were only 2,720 men among the Herero prisoners and 730 men among the Nama

prisoners.²⁴ They were gathered in several camps across the country, in Okahandja, Windhuk, Swakopmund and Lüderitzbucht. The precise distribution of prisoners among the camps does not show up in the archival records, neither does the exact death toll of each camp. There were two camps with a very bad reputation: Swakopmund and Lüderitz. More is known about these two camps than about the others, because the missionaries who tried to take care of the prisoners wrote comprehensive affidavits about the conditions there and lobbied the colonial administration to ease the pain of the Herero and Nama prisoners, and because these camps later became subject of more extensive studies and monographs.

The camp with the worst reputation was in Lüderitzbucht. At the time, it was situated on Shark Island (*Haifischinsel*), an island close to the mainland, but surrounded by a stormy sea.²⁵ The climate in Lüderitzbucht is much rougher than in other spots along the Namibian coast, the town is tormented by strong winds and even storms, with temperatures going down to 12 degrees Celsius in winter. The water is infested by sharks and seals and the coast of the island as well as the mainland are rocky and steep. The German medical services described the island as “rocks and sand, without any vegetation.” “The climate is not beneficial for patients”, the authors admitted in a report, “all year round there is wind from the South-West, which carries a lot of sand and blows often very strongly.” The nights must have been very unpleasant because the soil would cool down and the humid air would descend on the island as a very dense form of mist, which “makes everything ooze and trickle in the morning.”²⁶

The desert begins almost immediately behind the town, and within a range of a few kilometers, the stormy seaside climate transforms into a hot desert climate with temperatures up to 30 degrees Celsius in winter and 40 in summer. However, for Nama and Herero, who were accustomed to the life in the savannah, the

24 Report by commander Dame to the general staff of the Army and the Chancellor, 5.2.1906, in: BArch 1001.2119. It must be clear that this was the number of living prisoners. Those who had died in the camps were not included.

25 During the period of the Nama and Herero war, the island was linked to the mainland by a wooden bridge. Later, the bridge was replaced by a concrete construction linking mainland and island, so that today it looks as if the island were actually a peninsula. In 1905, a military hospital (Lazarett) was built, whose function is obscure during the existence of the prisoner camp. According to the medical report of 1907/08, it was to be abolished in 1908. See: *Medizinal-Berichte über die Deutschen Schutzgebiete Deutsch-Ostafrika, Kamerun, Togo, Deutsch-Südwestafrika, -Neu Guinea, Karolinen, Marshall-Inseln und Samoa für das Jahr 1907/08*, herausgegeben vom Reichs-Kolonialamt, Berlin: Ernst Siegfried Mittler und Sohn, 1909, 337–339.

26 *Medizinalberichte für das Jahr 1907/08*, 338.

desert, and the rocky mountains of central and southern Namibia, being forced to live on a wet, clifty and storm-blown island must have been like being deported to another continent. There were three main health risks linked to the island: scurvy, hypothermia, and contagious diseases, which, due to the population density in the camp, could spread very quickly. In February 1906, when Dame wrote his report to Berlin, missionary Laaf counted ca. 1,700 prisoners on the island, almost all of them were Nama.²⁷ Missionaries were a great source of knowledge about the camps, since they were not only allowed to penetrate them and talk to the prisoners, they were also eager to share their knowledge and lobby the administration to improve the conditions for the prisoners. Their interventions were often successful when addressed to the administration and the oppositional part of public opinion in Germany. They had almost no impact on the local German population, which ignored the camps entirely. Between 1904 and 1907, no single report in the *Swakopmunder Zeitung* mentioned prisoner camps, let alone the conditions under which the inmates were living and dying there. In December 1906, Laaf approached Deimling, the German commander in the south, personally, described these conditions to him and asked him for a remedy. His report was often quoted in the literature about the Namibian war. It is less well known how much the *Reichskolonialamt* opposed his and commander von Estorff's humble attempts to ease the fate of the prisoners.²⁸

27 Laaf memorandum, 5.2.1906 in National Archives of Namibia, National Archives of Namibia, ZBU 2364.

28 Isabel Hull has argued that the military decision-making process had been sheltered from influence by the public, because of the leeway, the Emperor (and thus the government and the military) enjoyed. From a theoretical perspective, this is convincing because parliament had no formal say over the course of military action in the colonies. In practice, the opposite was the case: The Reichstag used its leverage over other issues and its interaction with the press to influence political decision-making. The opposition was very successful in doing so. The result was paradoxical: Colonial atrocities were broadly discussed in Germany and military decision-making was constrained by public opinion, whereas the public in German South-West Africa was sheltered from such influence (and did not want to know about the dark sides of colonial policy). All in all, the constitutional ramifications did not lead to radicalization of the military, as Hull claims, instead, the (self-imposed) isolation from discussions in Germany facilitated the radicalisation of the settler community. As will be shown later, the military often moderated settler radicalism. Isabel V. Hull: *Absolute Destruction. Military culture and the practices of war in imperial Germany*, Ithaka: Cornell University Press, 2005, 2, 182–193 and – using my argument, Kreienbaum, *ein trauriges Fiasko*, 62.

In April 1907, Shark Island was evacuated due to an order issued by von Estorff, the new commander of the *Schutztruppe*, and against the will of the Colonial Agency in Berlin.²⁹ According to his reports, out of 1,795 natives, who had been on the island in September 1906, 1,032 had died there. “I refuse to take responsibility for such hangman services, to which I neither can delegate my officers, especially as the the imprisonment of the Hottentotts on Shark Island constituted the breach of the promise I gave with the consent of the commander to Samuel Izaak and his people when they surrendered”, von Estorff wrote to Berlin.³⁰

The prisoners were taken to the mainland and put in a camp there. At that stage, only 573 of them were still alive, among them only 151 men. 123 out of 573 prisoners were “fatally ill”, and the author of the respective report expected them to die soon.³¹ When von Estorff ordered the women and children to be transported to Okawajo in the north, where conditions would be better for them, the Governor protested, arguing that “England let 10,000 women and children die in camps”.³² When he finally approved the transfer, only 112 men, 236 women and 124 children were still alive.³³

Some authors have argued that these deaths were not caused by intentional abuse and violence, but by diseases, which had also affected the civilian German population, and Herero and Nama who had not been imprisoned in camps. But in 1907, out of 18 European civilians, who had been treated in Lüderitzbucht and subsequently died, only 9 had died from diseases the inmates of Shark Island could have contracted as well. The remaining fatalities were due to suicide (2), a train crash (2), marital murder (1) and mental illness.³⁴ In other words – at least in 1907 there was no pandemic, which could explain the high death rate on Shark Island. It is correct that the high death rate on the island was mainly due to scurvy and not to direct corporal violence. However, von Estorffs report shows that scurvy had become such a fatal illness only on the island. Between September 1906 and March 1907, prisoners had died from scurvy at a monthly rate of between 66 in September and 247 in January 247 (the peak of the fatalities), whereas no single scurvy victim had been registered among the German population on the shore during the same period.

29 Correspondence between Hintrager and von Estorff, 1.4.1907 in National Archives of Namibia, ZBU 2364.

30 Von Estorff, telegram, 10.4.1907 in BArch R 1001.2140.

31 Report from 26 April 1907 in National Archives of Namibia, ZBU 2364.

32 Windhuk 14.4.1907, Der K. Major an Schutztruppe Berlin in: BArch R 1001.2140.

33 Von Estorff’s report, 25.9.1907 in National Archives of Namibia, ZBU 2369 UM6.

34 The number of 18 fatalities included a stillborn child, too.

Schneider-Waterberg invokes the testimony of a British officer, who visited Shark Island in 1905 and reported home about an orderly camp with “native huts” and an “abatis fence”, and about 920 prisoners, half of them men, who used to work in town during the day and well-dressed women, “all healthy and strong.”³⁵ But Officer Trench saw Shark Island at the beginning of its existence, when the prisoners had just arrived and were still in good shape. The argument also neglects that the same Trench later (in 1906 and 1907) wrote letters home, in which he imputed the Germans (with regard to the Shark Island prisoners) the intention to kill the whole Nama people.³⁶ In November 1905, he described the camp on Shark Island as a kind of hell on Earth, to which “Dante might have written a notice for the gate.” He was particularly appalled by the health and sanitary conditions there. Trench also knew about the deportation of the Nama, who had fought with the Germans against the Herero, and had then been disarmed and deported to Togo and Kamerun.³⁷

There is no other explanation for the high death rate on Shark Island than either neglect or outright intention. For the legal assessment of the camp, this distinction does not matter at all. According to Hague II, the German authorities had the right to erect camps and keep prisoners of war there, but they also had the obligation to “treat them humanely”. Not doing so was a war crime as long as the underlying military conflict lasted. Even a lack of knowledge about the prisoners’ fate would not have exonerated the respective military commanders.³⁸ In his correspondence with Berlin, deputy governor Oskar Hintrager mentioned he had not felt entitled to interfere with military issues and had therefore ignored reports by the missionaries, the military, and the district administration about the conditions on the island.³⁹ If Trench’s alleged claim was true and the German authorities had the intention to create unbearable conditions for the Nama and

35 Heinrich R. Schneider-Waterberg: *Der Wahrheit eine Gasse. Zur Geschichte des Herero-krieges in Deutsch-Südwestafrika 1904–1907*. Teil 1&2, Swakopmund: Wissenschaftliche Gesellschaft Namibia, 2011, 40.

36 Erichsen, *The angel of death*, 146, who quotes from records of the Cape Archives.

37 Lindner, *Koloniale Begegnungen*, 246–248. These parts of the Trench report do not show up in Schneider-Waterberg, *Der Wahrheit eine Gasse*, passim.

38 Under modern ICL, they had the obligation to inform themselves if such information was available. Thanks to the missionaries’ accounts and their interventions, they would have had difficulties claiming that no such information had been at their disposal.

39 Hintrager, on behalf of the Governor, von Lindequist, 2.5.1907 in: BArch R 1001.2140. The argument is hardly convincing, if one bears in mind that the Governor had been responsible for overturning the surrender agreement signed by von Estorff and Deimling. Only because of this, the camps had come into existence and the Nama been imprisoned.

Herero in the camps, the camp policy would become an element of genocide.⁴⁰ Such an accusation would be aggravated by the fact that the German authorities no longer needed to solve the humanitarian dilemma they would have faced in field combat. They could treat the Shark Island prisoners (and all other imprisoned Nama and Herero) humanely without undermining their own war effort and they could provide food and water to the prisoners without depriving their own troops of provisioning. They did not, however. Even more: Hintrager's statement about the British camps suggests that the death of more than a thousand Nama on Shark Island might either have been intended by the German authorities or at least they might have hazarded the consequences. The crucial issue here is, though, that neither Hintrager, nor von Lindequist had effective control over the camp system, and therefore it is not their possible genocidal intention that is at stake here. The camps were a military endeavor, for which the *Schutztruppe* – that is, Estorff – bore responsibility. But von Estorff clearly had no genocidal intent and was busy overcoming the resistance of his superiors in order to save the lives of the prisoners.

There is considerable confusion in the sources about the number of Herero and Nama, who were affected by the camp system. This confusion has also transpired into the literature and makes it difficult to corroborate or undermine existing claims about the character of the camps. From the perspective of ICL,

40 Erichsen, *The angel of death*, 136, claims, basing his argument as usually on Drechsler, *Let's die fighting*, 211, that governor von Lindequist actually had the intent of using Shark Island as a death camp to "reduce the number of Nama to be deported". However, the relevant quote leaves it open whether von Lindequist's sentence "to wait and see [...] whether the numbers to be deported might be reduced so as to cut down the cost incurred", should be understood as an intention to reduce the number of prisoners by killing them (or letting them die) or by setting them free or selling them as forced labour to enterprises. The case is even more obscure, because Erichsen quotes from the English translation of Drechsler's book, whereas the von Lindequist quote from the archival records is of course in German. The original quote is not provided for by Erichsen. According to the records of the *Reichskolonialamt*, the initial intentions to deport the Nama to other colonies had become obsolete after the creation of the Shark Island camps. That seems to be the real intention behind the sentence to use Shark Island "to reduce the number of Nama to be deported." This also becomes obvious from a report, which the government in Berlin submitted to the Reichstag in February 1907: *Aufzeichnung für den Reichstag über die kriegsgefangenen Eingeborenen auf den (sic) Haifischinseln (sic) and Denkschrift über den Verlauf des Aufstandes in Südwestafrika*, Reichstagsdrucksage 107/1907, 1st Session 1907, both in BArch R 1001.2140. In the same sense, see also: Kreienbaum, *Ein trauriges Fiasko*, 128.

death rates and the number of prisoners are not the most relevant issues. But trying to establish the precise numbers about both has some significance for the discussion whether the camps in German South-West Africa were “death camps” in the sense of the later Nazi death camps in Central and Eastern Europe⁴¹ or whether they were just prisoner camps, where people died from diseases and the consequences of the rough conditions in the field, which had inclined them so surrender and for which the German authorities cannot be blamed.⁴²

The camps and their functioning are closely connected to the conditions of surrender. Once the government in Berlin had forced von Trotha to let the Herero surrender, the *Schutztruppe* and the administration were confronted with the problem of the treatment of surrendering Herero and Nama. In the case of the Herero, there was no formal agreement, which would decide about their fate. Von Trotha, who wielded unlimited power over the colony, never had made up his mind about the land reserve issue. But even if there were land reserves, the surrendering Herero needed to be gathered, disarmed, and questioned about their participation in the uprising, and then prevented from returning to the field once they had regained their strength. Therefore, the revocation of von Trotha’s October order implied the creation of some kind of camps. But at the beginning, the Herero did not come. In early 1906, some missionaries had agreed to reach out to the Herero and convince them to surrender. Herero prisoners were set free, and asked to inform their comrades in the field about the new conditions. But some of them were killed instead by those who declined to surrender. Apparently, they were treated as traitors and killed, not without merit, because these emissaries were rewarded for every Herero they brought back. The *Schutztruppe* command responded to these killings by arming the Herero envoys. All these efforts increased the number of surrendering Herero and in early February, 13,040 prisoners had surrendered, most of them Herero.⁴³ This number only includes those who had surrendered to the military, not the ones gathered in the missionary camps, whose number was fluid and about whom we don’t have any precise information. Subsequent to the surrender of Herero, the German authorities created large camps in five locations, from Okahandja, to Windhuk, Karibib, Swakopmund, and Lüderitzbucht. But according to a record of the *Schutztruppe* from 1906, there was also a number of other, smaller locations in which “native

41 Olusoga and Erichsen, *The Kaiser’s Holocaust*, 226; Madley, *From Africa to Auschwitz*, 446.

42 Schneider-Waterberg, *Der Wahrheit eine Gasse*, 26–50.

43 There also were 2,353 Nama. Out of these 13,040, 10,766 were Herero, of which 2,720 men (the rest were women and children), out of the 2,353 Nama, 730 were men. See the report from 8.2.1906 in BArch R 1001.2119.

prisoners of war” were held.⁴⁴ Two enterprises that were building railway tracks and had been delivered prisoners were also enumerated.

An internal report drafted by the *Schutztruppe* in early 1908 lists detailed inmate and death rate statistics for each of these camps, which are given in the Table 1.

Table 1: Death rates for the five camps in 1908⁴⁵

	Windhuk	Okahandja	Swakopmund	Lüderitzbucht (Shark Island)	Karibib ⁴⁶
Average death rate	4.2	3.1	6.2	Nama: 10.1 Herero: 2.5	1.3
Most fatal month	September 1906	June 1905	June 1905	December 1906	–
Death rate during most fatal month	752 out of 4,002	138 out of 2,411	165 out of 976	276 out of 1,464	–
Least fatal month	March 1907	March 1907	December 1906	November 1906	–
Death rate during least fatal month	44 out of 3,862	11 out of 1,032	8 out of 1,006	42 out of 584	–

The report on which this table is based is largely inconsistent and has some serious shortcomings. The report ends with the statement that among 15,000 Herero and 2,000 Nama (“Hottentots”) who were in custody between 1904 and March 1907, 7,682 died, which amounts to a death rate of 45.2 percent. This is much more than the average death rates for the different camps. Kreienbaum claims the average death rate for all camps to be much lower than 45.2 percent,

44 The original wording is: Bestandsnachweise über Eingeborenen-Kriegsgefangene, 18.8.1906 in: National Archives of Namibia NAN D-N-1-3-2.

45 Based on the report “Sterblichkeit in Kriegsgefangenenlagern”, 23.3.1908 in BArch R 1001.2140. The death rate needs to be understood as the number of prisoners who had died until 2008 as a percentage of all prisoners kept in the camps. But this is a conclusion from the table, it is nowhere explicitly explained by the table’s (unknown) author.

46 The numbers for Karibib are inconclusive in the report. The numbers indicated in the table above were taken from another, more detailed report, which summarizes the number of camp inmates, deceased and escaped persons in August 1906. The report was found in National Archive of Namibia, NAN D-N-1-3-2 “Bestandsnachweise über Eingeborene Kriegsgefangene”.

because the number of prisoners must have been far above 17,000 by 1908.⁴⁷ He proposes instead to base calculations on a prisoner number of 25,000. However, another internal document in which the *Schutztruppen* command argued against a troop reduction in December 1906 mentions 16,400 prisoners, a number close to the 17,000 from the 1908 report.⁴⁸ The National Archives of Namibia also contain a more detailed report, which enumerates the number of men, women, and children incarcerated by August 1906 and which also includes smaller camps, mobile camps, and the prisoners who directly surrendered to the military in the field.⁴⁹ This report ends with an overall figure of 17,018 camp inmates in August 1906. It does not give any summary death toll, but the death rates indicated for the different camps were never higher than 10 percent. This threshold was only reached with regard to prisoners who had been outsourced to private companies.⁵⁰

In other words: the prisoner statistics, on the basis of which the death rate of 45.2 percent is calculated, seem to be reliable. What remains obscure is how the low average death rates on a micro scale (attributed to the different camps) added up to the high death rate for all camps given in the Berlin records.

It is also clear from the records in Berlin and Windhoek that Shark Island had extraordinarily harsh conditions and a relatively high death rate. According to missionary Laaf, who served at Lüderitzbucht, about 50 people died per week. But just like the authorities in Windhuk, he blamed scurvy and the bad climate for their suffering. He even underlined the relatively big portions of food the prisoners received and stated that they were also well-equipped with clothing.⁵¹

47 Kreienbaum, *Ein trauriges Fiasko*, 124–125. He proposes instead a number of ca. 25,000 prisoners, which would decrease the death rate to 30.7 percent.

48 Der kommandierende Oberst (der Schutztruppe, KB) an Kolonialdirektor, 9.12.1906 in BArch R 1001.2138.

49 The text in the report allows for two different interpretations: either the 1. Feldregiment maintained its own camp, or all surrenders made by patrols were summarized as one camp population. See: National Archive of Namibia, NAN D-N-1-3-2 “Bestandsnachweise über Eingeborene Kriegsgefangene”.

50 The numbers for “Firma Lenz” (a railway contractor) included 494 men, 454 women and 282 children, out of which 114 had died, which amounted to a death rate of 9.9 percent. The camps with the highest death rates had been Okahandja 6.7 percent and Windhuk 4.2 percent. No camps in Lüderitzbucht were included in these statistics. The Otavibahn figured with 2,300 prisoners, but no death toll was given.

51 This document is often quoted in the literature because of Laaf’s famous and dramatic quote by Samuel Izaak, a Nama leader: “Het volk is gedaan” (the people is finished off). Korrespondenz Hausleithner (Rheinische Missionsgesellschaft) an Kolonialdirektor

An important element of the problem was the presence of many women and children not accompanied by men on the island. According to the general rules in force for prisoners, these were to be given rations similar to the ones allocated to workers, cattle herders, guardians, and policemen. These portions were regarded as sufficient (by the administration and the missionaries) for one person, but on Shark Island, these portions were given to whole families, because in the light of the rule in force, the heads of each family were responsible for the redistribution of the food among the family members. Ashore, where prisoners were in better shape and the adults were able to work, this was not a problem. It became one when applied to families without men and to groups, whose members were unable to work. In these cases, the *Schutztruppe* had to distribute the same amount of food to a higher number of prisoners. Additionally, the Gouvernement had reduced the amount of meat in the portions, which had even incited protests among the working prisoners ashore.⁵²

Formally the *Schutztruppe* was responsible for prisoners – according to Hague II as well as according to the internal German regulations of the day. However, the high death toll was mostly due to negligence by the civilian authorities. The Gouvernement had reduced the food portions and had rejected *Schutztruppen* demands about a relocation of the prisoners. This had happened because the *Schutztruppen* reports about the bad conditions on the island had been sent to the command in Windhuk, but not to the Governor. The military had been convinced that the Gouvernement would obtain information about the Shark Island prisoners from the district administration in Lüderitzbucht, whereas the latter had never sent such reports, because it had assumed the Governor would be informed by the *Schutztruppe*. Additionally, Oskar Hintrager, the vice-Governor, had felt unable to make any decision about the matter during the absence of Friedrich von Lindequist.⁵³ In the end, von Estorff decided on his own, and against Hintrager's will, to relocate the prisoners to the shore.⁵⁴ The records reveal initial

Berlin (no date). The document also contains quotes from missionaries' reports about the conditions on Shark Island. The reports are from December 1906. BArch R 1001.2140.

52 Oberst Daimling an das Kaiserliche Gouvernement Windhuk, 29.12.1906. The regulation about the food portions was issued on 12.2.1906, in: BArch R 1001.2140.

53 Draft report for the Reichstag (no date), in: R 1001.2140.

54 In his demarche to the *Schutztruppen* command in Berlin, von Estorff mentioned resistance from the Gouvernement which had asked him to bring the prisoners back to the island, "adding that England had allowed 10,000 women and children to die in South Africa". Von Estorff an *Schutztruppe* Berlin, 14.4.1907 in: BArch R 1001.2140.

plans of the Governor to send the prisoners to other colonies, too. But due to the bad experiences with earlier deportations, these plans were abandoned. The records do not show any genocidal intent with regard to the group of prisoners on Shark Island. The military was eager to save the lives of the prisoners and criticized and pressed the civil administration to improve the prisoners' fate, after the missionaries had alerted high-ranking officers in private conversations.

There is a number of myths and exaggerations in the literature about the camp issue. Erichsen and Olusoga have produced a number of strongly judgmental and accusatory accounts, which put the camps in the colony on an equal foot with the concentration camps of the Third Reich (and without making a clear distinction between death camps and concentration camps). Zimmerer has argued that the camps constituted "genocide through negligence",⁵⁵ and that the fatalities in the camps were intended by the German authorities.⁵⁶ Other authors see the camps just as normal prisoner of war camps, in which people died because of diseases, but which did not differ from the usual practice of the time and can therefore hardly be regarded as criminal.

The relatively low general death rates for the camps are in stark contrast to these morally loaded assumptions, which often come in very emotional language and are based on the missionary accounts of the day, whose purpose was to pressure the administration into improving the conditions and to alarm public opinion in Germany. But the missionaries hardly ever had precise data about inmate numbers and death rates, hence they referred to heart-rending accounts which only have anecdotal value for historians. Evidence from archival records does not provide a solid basis for comparisons with the Third Reich's practices. Erichsen's and Olusoga's claims about the existence of Nazi-like concentration camps in the colony sound compelling because of their moral rigour, but they have no evidence-based backing in the sources. The aim of the colonial camps was to get the inmates to work for the colonial economy, not to "kill them through work", as was the case in the concentration camp system in Central and Eastern Europe.

Zimmerer's claim about a "genocide by negligence" in the camps has the same value. The prisoners were neglected and many of them died. But International Criminal Law does not know Zimmerer's "genocide by negligence"; negligence

55 Jürgen Zimmerer: Krieg, KZ und Völkermord in Südwestafrika. Der erste deutsche Genozid. In: Jürgen Zimmerer and Joachim Zeller (eds): *Der Kolonialkrieg (1904–1908) in Namibia und seine Folgen*, Berlin: Ch. Links, 2003, 62.

56 Jürgen Zimmerer: *Deutsche Herrschaft über Afrikaner. Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, Berlin, Münster, Wien, Zürich, London: Lit Verlag, 2001, 45–47.

neither shows up in the Genocide Convention, nor in the Rome Statute of the International Criminal Court (ICC). Assuming negligence could lead to genocide would also be contrary to the basic logic of criminal law, which requires crimes to be committed willingly and knowingly. So far, the debate about the camps has also failed to take into account the differences among the different camps. Usually, the situation on Shark Island is projected on the whole system, as if each and every single camp were a replication of the conditions in Lüderitzbucht.

However, the fact that the camps were not as bad as some authors paint them does not necessarily exempt the German authorities from responsibility for genocide. A high death rate is not necessary to establish whether the camp system was an element of genocide in the sense of the Genocide Convention. Outside Shark Island, the death rates were not egregiously high, especially if one takes into account that many prisoners must have been ill and weak after their return from bush and desert, and if one assumes that they not only came back ill and weak, but because they were ill and weak. Von Estorff's quote about the 10,000 Afrikaner civilians England allowed to die during the Anglo-Boer war was not attributed to any specific person. It would be an indication of genocidal *mens rea*, but we can't really be sure it ever took place and we certainly don't know who the source of this quote was.

Nevertheless, under modern ICL, one would be able to see the camp system as an element of a larger plan with the objective of destroying the Herero and Nama as ethnic groups. In this plan, the camp system's aim was to isolate certain group members without whom these groups could not survive as organized polities. In order to do that, the German authorities created unbearable conditions – at least on Shark Island. This alone would make the Shark Island camp a count of genocide, even if no single prisoner died there. As an element of a war-like situation, the camps would be perfectly legal, although in some cases, the conditions or the treatment might constitute a violation of Hague II's requirement to treat prisoners "humanely." As an element of a genocidal plan, the same camps become an element of genocide for which the civil and the military commanders could be held accountable. This is even true for von Estorff, whose attempts to ease the fate of the prisoners would then become mitigating circumstances. But he would still be responsible for the situation in the camps, even if he did not know about the hardship there. Just like Hintrager and von Lindequist, he could be expected to gather the necessary information. None of them, after learning about the camp conditions, punished anyone, although both – the governor and the *Schutztruppen* commander, had the power to punish subordinates responsible for the prisoners' suffering.

After the war, the social relations between the German settlers and the native population changed dramatically. Before the uprisings, Nama and Herero had worked on farms for some kind of remuneration and with the possibility of changing their workplace and going back to their relatives. After 1907, work had become a kind of punishment, with no opportunity to leave or change one's employer. Nevertheless, the prisoners were paid, although the payment was fixed by the administration. This part of the camp system was legal under Hague II, which did not forbid charging prisoners (against remuneration) with work "for the public service, for private persons, or on their own account."⁵⁷ However, this work "shall not be excessive", as Hague II stipulated, but it was excessive, hard, and accompanied by humiliation and abuse, as many missionary reports and the administration's responses show.⁵⁸

2.3 The deportations

Long after the hostilities in German South-West Africa had ended, the Basler mission sent a young lady, Anna Wuhrmann, to Kamerun. In Dschang, she visited the German fortress, knowing that Nama were kept there. The German commander had given her and the accompanying missionary permission to enter the building. "In a remote courtyard, caught between high walls, we found a group of fatally ill men, women, and children. A year ago, they had been 68, but now they were a mere 43 and many of them were close to death. The climate and the way of living here are so detrimental to their health that all of them suffer from emaciation; they look like wandering corpses, hollow-cheeked, pale and with dull eyes. A constant throaty coughing is heard, coming from the small huts at the end of the courtyard. These Hottentots are Christians and their teacher, who was banned together with them, an old, lovable man, is a son of the rebellious Witbooi." After her return to Germany, Anna Wuhrmann testified to the scenes she had witnessed in Dschang in a journal for female missionaries.⁵⁹ According to Wuhrmann, the commander of the fortress had assured her that even his officers had petitioned the government in Berlin to allow the Nama to return to their homeland. The report was picked up by the mission director, who urged the *Kolonialamt* to send the Nama back. As his correspondence revealed, he had

57 Art. 6 of the annex to Hague II.

58 See, among others, the records in the National Archive of Namibia, NAN D-N-I-3-2

59 The article was published in the no. 2 (March 1912) "Mitteilungen aus der Basler Frauenmission", 24-25.

already pressured the agency since 1910 to inquire about the fate of those prisoners.⁶⁰

The Witbooi, whom Anna Wuhmann had found in the Dschang fortress in 1912, five years after the German Emperor had declared the end of the state of war in German South-West Africa, were the last remnants of a policy which was clearly genocidal, although it had not caused as many fatalities as the armed hostilities before 1907. They were also the consequence of a functional dilemma, which the German authorities had been unable to solve in another way than by severing the Gordian knot with a sword. The camps had solved the problem, which had been the result of the revocation of von Trotha's October order. But it did not solve the more intrinsic problem that had emerged from his policy to reduce the number of Herero and Nama and to eliminate them as polities. Imprisoned Herero and Nama needed to be fed, fenced, and guarded, and this required considerable resources. The logical, though not very humane, solution was to make them work. This problem also solved another problem, the increasing need of the settlers for a workforce. But the settlers were also afraid of the Herero and Nama, and the latter tended to escape from the camps and from their workplaces. Therefore, the German authorities put a strict regulation scheme in place, which foresaw the registration and control of the native workers any time they were on the move outside the camps.⁶¹ This system would contribute to the effective control of the (native) population after the abolition of the camp system and it would give the settlers a feeling of control and security, and soothe their fear of another uprising. This facilitated the control over the Herero, whose tribal organisations were mostly in shambles. The Herero still existed as individuals and families, but without their hierarchies and social structures they were unable to make collective decisions and connect the different families.⁶² Without their own polity, the Herero had become a powerless mass of workers for the German administration and private enterprises. The Nama had escaped this fate, thanks to better surrender conditions and the flight of some groups across the border, from where the leaders still could keep contact with their followers in the colony. They also remained a threat for the settlers. Organized in small commandos, they were still able to raid remote farms and settlements.

60 Missionsdirektor J. Spiecker an Staatssekretär Dr. Solf, Kolonialamt, 23.5.1912 in BArch R 1001.2090.

61 Probably the best description of the surveillance system put in place after 1907 is in Zimmerer, *Herrschaft*, 56–93.

62 For a discussion about the consequences of the Namibian war for the Herero and their tribal organization, see the last part of this chapter.

The first ideas about deporting rebelling Hereros to other colonies appeared already in May 1904, when the *Deutsche Kolonialzeitung* proposed such a plan in order to ease the labor problems of other colonies.⁶³ Plans for mass deportations had been made at a relatively early stage during the Nama uprising. The first traces of such plans can be found in the correspondence between the Reichskolonialamt and the *Schutztruppen* command in German South-Africa about the peace conditions, which were to be imposed on those Nama, who had agreed to a settlement with the officers. Instead of settling them in certain locations in the southern part of the colony, where they could breed their goats and hunt, the *Reichskolonialamt* and the new administration, which had replaced von Trotha's people, wanted the Nama to be disarmed, subdued and resettled to the north, into deserted Herero land, where they were isolated from their kin, far away from the units fighting in the desert and where it would be easier to destroy them as a polity. The plans did not envisage the physical destruction of all Nama (or those clans that had risen against the Germans), but it clearly foresaw the destruction of the tribal structures.⁶⁴ Due to the opposition from the Chancellery and from the Emperor himself, this plan was never fully implemented. Resettlements took place, but not on a massive scale. The first group of people from German South-West Africa to be deported to another German colony were Witbooi soldiers, who had fought on the German side during the first weeks of the Herero uprising. Some of them had defected after the Waterberg battle and the *Schutztruppe* had then imprisoned the remaining ones on the vessel "Alexandra Woermann", which had anchored in Swakopmund. They were sent to Togo.⁶⁵ The Topnaar Nama, who had been disarmed by the *Schutztruppe* before the Nama uprising broke out, were resettled to Etosha.⁶⁶ The records do not provide any evidence

63 "Herero Arbeiter", Sonderabdruck Nr 18 der Deutschen Kolonialzeitung. The article had been written by a certain Dr Reinecke from Breslau, who, according to the archival record, had handed it over to an officer of the Reichskolonialamt. BArch 1001. 2114.

64 The "destruction of the tribal structures" was an extremely widespread and popular topic in the discussions after the Herero uprising. Demands to suppress the internal hierarchies of the Herero (and often of all native groups whose members had risen against German rule) were a common feature of press comments as well as administrative reports. See, for example, the report of the district officer in Okahandja after the outbreak of the uprising in National Archives of Namibia, Bezirksamtman Mann Gouverneur, 15.1.1904, ZBU D-IV-I-2_1.

65 BArch R 1001.2090, der Gouverneur (Togo) an das Auswärtige Amt, Kolonialabteilung, 30.12.1904.

66 Reichskolonialamt an Kaiserliches Gouvernement von Kamerun, Buea, 18.8.1910 in: BArch R 1001.2090.

suggesting that this was already an established policy, which had been planned beforehand. It was an entrepreneur, who made the first proposals about deporting the Nama to other colonies. As early as in March 1905, Carl Hermann Boldt, an international trader of animal feedings stuff with subsidiaries in Danzig, Stettin, Hamburg, and Cape Town proposed deporting the “dangerous elements to East Africa”, where they “could be used for building railway tracks”. “One could also transport them to other colonies and thus use their workforce and clean the land.”⁶⁷ The archival records do not reveal whether Boldt’s letter triggered any response by the colonial agency. It was only in July that the Governor in Windhuk approached his counterpart in East Africa about whether he would be ready to accept prisoners, who had escaped prison in German South-West Africa several times. Governor Bruno von Schuckmann had argued that the prisoners would lose incentives to escape if there was no chance to join their clan or tribe. But von Schuckmann’s colleague in Daressalam feared that the Nama, who knew how to handle weapons and were experienced warriors, would quickly learn Swahili and then become role models for the other inmates.⁶⁸

The fate of the deportees varied. The 47 interned Witbooi (together with a Herero boy), who were to be deported in 1906, were brought to Kamerun. But when they arrived in Victoria, one had already died, and 13 Nama and the Herero had to be hospitalized, because they were too ill to travel further. Three Witbooi died in hospital, due to dysentery, beriberi and malaria.⁶⁹ The medical report about the Witbooi also mentioned that almost all who had contracted malaria had received additional food and malaria medication. At the time of writing the report, only three still showed malaria symptoms.⁷⁰ Seven prisoners were sent to Buea, but five of them were either too weak or unwilling to work, and the Governor immediately asked the Kolonialabteilung to send them back to German South-West Africa, because “they are not worth the expensive approvision.” Von Lindequist agreed and in May 1906, the Governor in Kamerun informed him that he would send back 42 Witbooi to Swakopmund. But due to a misunderstanding

67 Boldt an die Intendantur der Kaiserlichen Schutztruppe, Stettin 31.3.1905 in: BArch R 1001.2090.

68 The Governor did not explicitly refuse to take the (more than 40) prisoners, because he had sent one prisoner to German South-West Africa before. Daressalam 24.7.1909 in: BArch R 1001.2141.

69 Beriberi is a vitamin B1-deficiency, which often results from the consumption of polished (white) rice, which removes B1 from the body.

70 Kaiserliches Gouvernement Kamerun an AA Kolonialabteilung Berlin, 5.1.1906, Bericht über die kriegsgefangenen Witbooi in: BArch R 1001.2090, 36–56.

between Berlin, Kamerun and Windhuk, 41 of these Witbooi prisoners ended up in Liberia, where they missed the connecting vessel.⁷¹ They arrived in Swakopmund with a delay of several weeks. Paradoxically, at that time, there were already intense discussions going on about mass deportations of Witbooi to other colonies. A letter from von Lindequist to the German Foreign Office (GFO) from July 1906 reveals that both, the Governor and the GFO, had envisaged to deport the Nama after the end of the war. Invoking a proposal by von Deimling, von Lindequist suggested to deport the captured Nama immediately and not to wait until a peace settlement or their complete surrender. He wanted to deport the Witbooi to Samoa and the Simon Kopper people to Adamaua in Kamerun. He urged his superiors in Berlin not to limit deportations to the leaders only.⁷² According to the records, his request concerned 1,599 Witbooi, among them 501 men (including 9 captains), 191 Bethanier (107 men, among them 8 captains).⁷³ But the GFO rejected von Lindequist's request and allowed him only to deport Nama leaders. Von Lindequist asked to additionally also deport "some particularly influential men, who could become dangerous if left here", and increased the number proposed by Berlin to 42 men.⁷⁴ But the attempt to pacify their ambitions failed entirely. The deportees escaped and, with no possibility of working legally, raided farms and settlements to make a living. In consequence, the Governor was allowed to deport the group, altogether 93 people, including children and women, to Kamerun. In June 1910, they were shipped off from Swakopmund.⁷⁵ The group included 10 people with criminal convictions (including

71 Report from the embassy in Monrovia to the Chancellor, 20.6.1906 in: BArch R 1001.2090.

72 Apparently, the request was urgent, because von Lindequist asked for a response on the wire that is through the Swakopmund-Walvis Bay line. He also used the telegraph line, due to which his letter arrived in Berlin after 30 hours. Windhuk, 10.7.1906, in: BArch R1001.2090.

73 I was unable to find the request for this statistic in the records. The above-mentioned interpretation is based on von Lindequist's letter from 23.7.1906, which contains the statistics and constitutes a response to an inquiry from the GFO. BArch R1001.2090.

74 Here, too, the wire message from Berlin could not be retrieved and the interpretation is based on von Lindequist's answer, telegramm 12.9.1906 in: BArch R1001.2090.

75 Nuhn, *Feind überall*, 271 and Drechsler, *Südwestafrika*, 274–276 wrote about 124 persons deported to Grootfontein, but only 93 who were afterwards deported to Kamerun. The fate of the remaining Nama is not explained, it also remains obscure in the archival records.

a case of “inciting unrest”),⁷⁶ among which were also three women, one of them with two children. According to the records, the remaining prisoners had no court convictions and one may assume they were deported for security reasons. Among them were 19 Nama from the Stuurmann clan, 22 from the Witbooi, and 14 Ortmann clan members. In the case of the Witbooi, whole families were deported, including children. Among the prisoners there were a lot of prominent people, among others a son of Hendrik Witbooi, Klein Hendrik, who had been allowed to resettle in the northern part of the colony, after having returned from British territory, where he had spent the time of the Nama uprising. The list of deportees even contains an orphan and it must have been difficult to guess for which security concern the German authorities had decided to send him to Kamerun.⁷⁷ The whole group arrived in Duala in late June, emanciated, starving, and ill. In Duala, a senior medical doctor with the *Schutztruppe* staff, Hans Ziemann,⁷⁸ did his best to care for them, time and again sending letters to Berlin, in which he urged the authorities to allow him to feed and treat the prisoners better. “It is impossible that these people get used to the climate after two months, because they are so miserable and weak, because these people walk around either naked or in rags.”⁷⁹ The records do not reveal whether Ziemann’s interventions were successful, but a month later, he reported the death of two Nama, a man who had died from a cardiomyocardial breakdown and a boy who had died from measles and pneumonia. The Nama women, “despite being accustomed to hard work in their homeland” were still unable to work. Again, Ziemann lobbied his

76 The German term was “Aufwiegelung” and concerned Piet Jose, who had received a ten-year sentence.

77 Nachweis der nach Kamerun abtransportierten Eingeborenen, 6.6.19010 in: BArch R1001.2090, 134–136.

78 Doctor Ziemann’s first name does not show up in the archival records, but it is quite likely that the doctor Ziemann, who intervened in favor of the prisoners, was Hans Ziemann, who published several books and articles about tropical diseases and guide-books for Europeans who went to Africa. For example: Hans Ziemann: *Belehrungen für Europäer an Orten ohne Arzt. Für Kamerun verfaßt von prof. Dr. Hans Ziemann*, Duala, Berlin: G. Heinicke, 1907. His wife Grete published a memoir: Grete Ziemann: *Mola Koko, Grüße aus Kamerun (Tagebuchblätter aus Kamerun)*, Berlin: Wilhelm Süsserott, 1907. The memoir is now available online at: <https://ia800209.us.archive.org/20/items/molakokogrsseau00ziemgoog/molakokogrsseau00ziemgoog.pdf>. The Ziemans are also mentioned in Christian Bommarius: *Der gute Deutsche. Die Ermordung Manga Bells in Kamerun 1914*, Berlin: Berenberg, 2015. A different, less sympathetic picture of Ziemann is painted by Kreienbaun, *Ein trauriges Fiasko*, 61–62.

79 Oberstabsarzt Ziemann, Duala, 21.6.1910 in: BArch R1001.2090.

superiors to give them better food.⁸⁰ In mid-July Ziemann finally received a positive response from the Governor in Buea: the prisoners were to be given better food, scarves and blankets, “but only of the most simple material”, and no shoes, “because they are not acquainted to shoes”.⁸¹ The Governor’s office then shifted the blame back to Ziemann: “It is now the task of the doctor to prevent further deaths among the prisoners through adequate medical treatment.”⁸² Did the governor know that this “doctor” had already been appointed professor and was one of Germany’s most prominent experts for tropical diseases?⁸³ The records do not reveal this. Ziemann, who had come to Kamerun with the Navy, had been taken over by the *Schutztruppe* and then been appointed the head of the hospitals in Duala. In 1912, he quit and became a doctor for tropical diseases in Berlin-Charlottenburg.⁸⁴

A few days later, a colleague of Ziemann informed the Governor’s office about the decease of a Nama girl, “which was due to total emaciation”, the girl had “only consisted of bones and skin”. The report also mentioned the death of one man and three children. Again, the doctor urged the administration to provide the prisoners with more meat, to which they were used from South-West Africa, and to equip them with more clothes to prevent pneumonia.⁸⁵ But his demarches fell on deaf ears. The commander of the *Schutztruppe* was against giving them tobacco and better food, because otherwise, they would be better fed than the (native) *Schutztruppen* soldiers, who would protest. The Governor did not want to resettle the prisoners to other parts of Kamerun, where the climate was more adequate, because he feared the prisoners would then be on the territory of tribes whose customs were closer to theirs and that could incline them to stir up unrest among these tribes. But the German authorities had to do something about the prisoners’ conditions, because the medics had also informed them about a visit

80 Meldung über den Gesundheitszustand unter den Hottentotten, 8.7.1910 in: BArch R1001.2090.

81 A previous report from Ziemann revealed that they had already manufactured their own shoes from raw leather. This had been necessary to prevent infections caused by fleas.

82 Stellvertreterender Gouverneur, Steinhausen an den Herrn Chefarzt der Schutztruppe in Duala, Buea, 14.7.1910 in: BArch R1001.2090, 132.

83 The news about Ziemann’s appointment as professor comes from the “Archiv für Schiffs- und Tropen-Hygiene”, vol. XI/1907, 378.

84 According to the 1996 reprint of the *Deutsche Koloniallexikon*, originally edited by Heinrich Schnee, vol. III, 748–749.

85 Oberarzt Dr Friese, Duala, 16.7.1910 in: BArch R1001.2090.

from catholic missionaries, who could be expected to raise alarm in Germany. At the end of September, the Governor decided to bring the prisoners in two waves to Dschang, in the Kamerun highlands, where they would not risk being contaminated with malaria and dysentery. Those who were in better shape were to be moved first. It is important to emphasize two issues here: After the fiasco of the Nama deportation in 1906, the German authorities had knowledge about the unsuitability of the climate and the health conditions in Kamerun for the Nama. And the Governor in Buea specifically knew that keeping the prisoners in Duala would “expose them to certain death”, as he wrote in a letter to the *Kolonialamt*.⁸⁶

The *Kolonialamt* also received information about the Witbooi prisoners from the head of the Basler mission, who had personally intervened at the *Kolonialamt* in Berlin.⁸⁷ This had not prevented further deportations from Swakopmund to Duala.⁸⁸ In December he could report to Berlin that Dschang had been a good option – the Nama who had travelled there were now well off.⁸⁹ He was wrong, however. The Nama no longer died from pneumonia and Malaria, instead they succumbed to tuberculosis, typhus, and liver cirrhosis. By September 1911, 25 of the 67 Nama who had been transported to Dschang, were dead, 17 of them had died from TB, which they had contracted after their arrival in the highlands. Only a third of the prisoners were free of any TB suspicion. According to the medic (*Medizinalreferent*), the remainder was so ill that in one or two years’ time, only a vanishingly low number of Nama would be able to survive. The officer emphasized that the survivors were mostly women and children, which would hardly constitute a security threat if they were allowed to return, but they could

86 The original wording was: “Es ist zu hoffen, dass in dem malaria- und dysenteriefreien Hochlande die noch übrig bleibenden Hottentotten die in Duala dem sicheren Tod preisgegeben waren, am Leben erhalten werden können.” Kaiserliches Gouvernement von Kamerun an den Staatssekretär des Reichs-Kolonialamtes Berlin, 8.10.1910 in: BArch R1001.2090. He assured his superiors in Berlin that an earlier telegram opposing the resettlement had been sent without his approval. He added that he could not guarantee for the survival of the second group, which was due to be resettled after recovering. In the National Archives of Namibia, these events are reflected by the records in ZBU 716 F.V.p5.

87 Brief vom Missionsdirektor an das Kolonialamt, 23.5.1912. The letter describes an earlier intervention in 1910 (of which no records could be found in the state archives). BArch R1001.2090.

88 This is revealed in a letter from the police to the Woermann company, which mentions the deportation of “five natives” to Duala. Inspektion der Landespolizei an Woermann Linie Swakopmund, 17.10.1910 in: National Archives of Namibia, ZBU 716 F.V.p1–5.

89 Kaiserliches Gouvernement in Kamerun, 7.12.1910 in: BArch R1001.2090.

form a dangerous source of infection for others if they stayed in Dschang. The message asked Windhuk to take over the transportation cost and warned that due to the illness of the prisoners, the cost of catering would be relatively high.⁹⁰ The medics blamed the humid climate in Dschang for this dire state of affairs and recommended bringing the survivors back to their homeland, “as soon as possible.”⁹¹ The message from Buea had long reached the Governor’s office in Windhuk when the authorities in Lüderitzbucht and Windhuk started to prepare the next transport of five Nama to Kamerun. But the *Reichskolonialamt* opposed the return of the Nama from Dschang, regarding them as too big a threat for the security of the white population, “whose needs enjoy priority”. Only women and children could be admitted back to the colony.⁹²

The fate of the survivors seemed hopeless. Neither the interventions of the Basler Mission, nor the warnings and requests of the *Schutztruppen* medics had been able to salvage the Nama. It is therefore questionable whether the Dschang report from September 1911 would have changed anything. But there was a change – due to the intervention of the German public. It was most likely Anna Wuhrmann who saved the remaining prisoners with her article. The mission head in Barmen quoted it suggesting there would be trouble in Germany if the prisoners were not repatriated. But the Governor in Kamerun was not inclined to concede. He wanted to treat the prisoners in Dschang for six months and then “see whether the measures had had success.” He also invoked the alleged wish of the women not to be repatriated without their husbands. Having no relatives anymore in German South-West Africa, they feared being without the means to survive once they returned, and even refused to travel when they were offered help from the German administration. This confronted the German authorities with a limbo. If they kept the prisoners in Dschang, they would die and cause outrage in the German public. If all survivors, including women and children, were repatriated, this would stir up protest among the German settlers in South-West Africa and put all the security concerns, which had led to the deportation, on the agenda again. The Governor in Kamerun remained intransigent, even when

90 ZBU 716, F.V.p5, Kaiserliches Gouvernement in Kamerun, Buea to Governor in Windhuk, 22 October 1911 (the letter was stamped as incoming on the 19.12.1911).

91 Bericht über den Gesundheitszustand der nach Dschang verbannten Hottentotten, Dschang 14.9.1911. This report is archived in BArch R 1001.2090 and the National Archives of Namibia, ZBU 716 F.V.P1–5.

92 ZBU 716, F.V.p5, see the correspondence between the consulate in Lagos and the Gouvernement in Windhuk in January 1912 and the report from 12.3.1912. The refusal from Berlin dates from 1.4.1912 and arrived in Windhuk on the 9.5.1912.

confronted with the interventions of the missionaries. He asked the Kolonialamt to explain to the mission that “these Hottentotts were dangerous criminals, who menaced state security that they are already contaminated with diseases and that the security of the white population in German South-Africa had priority over all other reasons.” The resulting hardship was deplorable, yet unavoidable, he argued. And the mission should be asked to temper the moods of those in Germany, who had different opinions.⁹³ With the exception of one Nama boy, who was allowed to return in August 1912, the Nama were literally in a deadlock. But due to the missionaries’ campaign, the opposition in the *Reichstag* had heard about the affair. During the budget debate in 1913, a motion was tabled urging the government to repatriate the surviving Nama. Public pressure had made a difference. From then on, the bureaucrats in Windhuk, Buea, and Berlin became much more reluctant to order deportations – not because they were detrimental to the prisoners’ health, but because the prisoners’ poor state was more likely to be observed by outsiders. For the missionaries, the prisoners were poor natives and not at all associated with any danger. From the perspective of the German officials, they were dangerous rebels who would immediately resort to violence if re-admitted into the colony. Public opinion, not health and security, became the main argument in the correspondence between Buea, Berlin, and Windhuk.⁹⁴ Despite the protests from Kamerun, Windhuk insisted on deporting another group of prisoners, followers of Simon Kopper, who were presented as extremely dangerous. Six of them embarked on the “Windfried” from Lüderitzbucht in early February.⁹⁵ But then, Windhuk’s attempts to get rid of the rebels in Kamerun met fierce resistance in Berlin and Buea. The case of the Kamerun deportees had become an issue in the *Reichstag*, which had even endorsed a resolution urging the Chancellor to bring the deportees back to DSWA. At that stage, only 37 out of the 93 deported were still alive. But it was not so much the concern about their health that drove the Reichskolonialamt to order Windhuk to bring the deportees back, but the fear of the public reaction to more fatalities. Now, the deportees were to be taken back to DSWA immediately and to be scattered across the country, so that they could not communicate with each other and would constitute

93 Kaiserliches Gouvernement in Kamerun an Staatssekretär des Reichs-Kolonialamtes, Buea 20.9.1912, in: BArch R1001.2090, pp. 170–172.

94 ZBU 716,F.V,p5, for example the correspondence between the Governors of Kamerun and Windhuk between 22.10.1912 and 6.12.1912.

95 ZBU 716, F.V,p5, Kaiserliches Bezirksamt Lüderitzbucht to Kaiserliches Gouvernement Windhuk, 2.2.1913.

less of a safety risk.⁹⁶ The last deportees from DSWA, the Nama Simon Winstan, Hendrik Brenner, Simon Lietz, Paul Pigenin, and Jeremias arrived in Duala in early March 1913, and were brought to Banjo, where the climate was less dangerous and where they would be better sheltered from the eyes of curious missionaries, who could alarm public opinion in Germany. But the Governor once again issued the “humble request to refrain from future transfers.”⁹⁷ Windhuk came under double pressure – Berlin and Buea wanted the deportations to be stopped and the deportees to be returned to DSWA, but the public in the colony was against their return. Missionaries usually took a more lenient position, but one of them even wrote a letter to the Governor, urging him not to admit any of the male prisoners back into the colony. Invoking opinions of other missionaries, allegedly well acknowledged with the customs and behaviour of the Nama, which, in the eyes of the writer, could never be trusted and would always commit crimes, escape from prisons and break their commitments, the letter tried to make a very blunt and clear point: It was better to let the convicts die in Kamerun than to have them attack and kill white settlers in German South-West Africa.⁹⁸

Even after the Kolonialamt's decision to repatriate, Buea and Windhuk quarrelled about seven prisoners, whom Windhuk suspected to be potential leaders of another uprising, if they were allowed to come home. Most of them were from the Simon Kopper commando, among them Jeremias, who had raided the colony across the Cape border. Windhuk won and the seven had to remain in Kamerun. On October 16, 42 Nama arrived in Swakopmund. More than half of their group had perished before they were allowed to go home.⁹⁹ The fate of the bigger Nama group had efficiently eclipsed the lot of a smaller group, about which next to nothing is known: ten Herero, who had not made the journey from Swakopmund to Duala and from there to Dschang, but had been transported to Banjo.

96 Der Staatssekretär des Reichs-Kolonialamtes to the Governor in Windhuk (with a copy to Buea), 18.3.1913 (the message arrived in Windhuk 16.4.1913); in: ZBU 716, F.V.p5.

97 Kaiserliches Gouvernement von Kamerun, Buea to the Governor in Windhuk, Buea 8.3.1913 (arrived 18.4.1913) in: ZBU 716, F.V.p5.

98 The letter was apparently written by a missionary, but it was not signed. It carries the date of 30.12.1912 and was written in Berlin. The author had insider knowledge about the deportation issue and indicated that he had talked about that with “people who know the situation”. ZBU 716, F.V.p5.

99 Nuhn, *Feind überall*, 272, is wrong in claiming that only 37 Nama had survived and returned. The number of 37 survivors is confirmed by several documents from Kamerun, but a letter from Governor Seitz to the Kolonialamt on 23.9.1913 clearly indicates the number of returned Nama as 42. The letter is contained in BArch R1001.2091.

Five of the Herero had fought with the Simon Kopper group, but the reason for deporting the remaining five Herero prisoners remained unknown. The Herero group appears in two lists of deportees, used by German authorities to repatriate the Nama in 1913. Only for one of them, Friedrich, do the records contain a verdict for raping a white child. Among the 42 (the list included one person called “Hendrieck Witboy”), were also Elisabeth Frey and Feidje Hause (no ethnic or tribal affiliation was mentioned), one Baster, Daniel Diergardt¹⁰⁰ and Salomon Bries, Simon Lambert and Paul Schmidt (no affiliation mentioned). The Herero Klaas Bries had died on May 21, 1913 in Banjo, where a month later also the Simon Kopper member Hendrik Brenner died. Five members of the Simon Kopper group also remained in Banjo because they were ill of malaria, TB and syphilis.¹⁰¹ Upon arrival, the 42 were divided among the military stations of Okanjande and Okawayo, where they were living in self-erected houses made of corrugated iron, canvas, and wooden boxes. A *Schutztruppen* officer reported that they were “all very weak and unable to work as a consequence of malaria, coughing, infections of the lung, the stomach and the intestine as well as venereal diseases.”¹⁰² Details about their health conditions are revealed by the correspondence between the *Schutztruppe* and the Governor. The latter appealed to the Gouvernement on various occasions for approval to give the children the full adults’ portion of food, because their parents were not able to work to earn food, as they were to ill and too weak. 21 out of the 42 prisoners arrived at the *Schutztruppe*’s horse station in Okanjande. Long after they had arrived, the six men, nine women and six children all were still ill, without any exception. As the *Schutztruppen* command enumerated, they all suffered from malaria and tuberculosis, and most of them also from additional diseases. When the report was drafted, in December 1913, the youngest prisoners were a four-year-old boy and a girl of the same age, followed by two six- and eight-year-old boys. The adults’ age oscillated between 16 and 55.¹⁰³ The group that was sent to Okawayo seemed to be in a slightly better shape, as there were fewer cases of malaria. The Okawayo group consisted of proportionally fewer children and elderly people, the age of the group members ranged from a boy of six years to woman of estimated 35–40 years, most

100 Diergardt was a special case. Because of his recidivist behaviour as a criminal, his own community, the Rehoboter Baster, had asked the German authorities to deport him to Kamerun, where he behaved much better.

101 ZBU 716, F.V.p5, Kaiserliches Gouvernement von Kamerun to Governor in Windhuk 24.79.1913.

102 Kommando der Schutztruppe, Windhuk 4.12.1913 in: ZBU 716, F.V.p5.

103 Kommando der Schutztruppe, Windhuk 22.12.1913 in: ZBU 716, F.V.p5.

members of the group were in their twenties. According to the statistics, one of the women at the age of 24 had given birth to a girl during the return voyage from Kamerun. At the time of reporting, the child was six months old and in relatively good shape. The report only mentioned the need for milk.¹⁰⁴

The Nama (and to a lesser extent, Herero and Baster) deportees were not the only ones that travelled from Kamerun to DSWA. In 1909, the Governor in Buea had managed to convince the authorities in DSWA to accept a transport of 42 native *Schutztruppen* soldiers, who had been sentenced to 4 to 15 years of severe prison (*Kettenhaft*) for mutiny. They were to be sent to Swakopmund for the rest of their lives.¹⁰⁵

The bitter experience with deportations did not convince the German authorities in Windhuk about the need of finding better ways of dealing with the security concerns of the settlers than deportations. Already before the Nama from Kamerun had been repatriated, Governor Seitz launched a discussion with the *Kolonialamt* about the deportation of Nama to Neuguinea, which at that time also was a German colony.¹⁰⁶ The Governor of *Deutsch-Neuguinea* was not amused and argued that conditions on his islands were even worse than in Africa, and the prisoners also would face a totally different menu from the one they were used to in the southern part of Africa. Already in 1914, he proposed using the Island of Tinian as a destination for a larger group of (at least 30) Nama.¹⁰⁷ The outbreak of the war and the blockade of the seas by the British fleet put an end to all deportation plans.

2.4 The consequences of Germany's colonial policy in Namibia

With the expansion of the settler community in German South-West Africa, it became increasingly difficult for the Nama and Herero to maintain their traditional way of life, to keep their pastures and to take advantage of the German presence for their strife with other groups. Until 1904, a fragile equilibrium had prevailed under which the German governor, Leutwein, had been able to

104 Kommando des Nordbezirks der Schutztruppe 19.1.1914 in: ZBU 716, F.V.p5.

105 Records about the transport of mutineers from Kamerun to German South-West Africa are stored at the National Archives of Namibia, ZBU 716, F.V.p3.

106 Kaiserliches Gouvernement in Deutsch-Südwestafrika an Reichs-Kolonialamt, Windhuk 12.8.1913 in: BArch R1001.2091.

107 Kaiserlicher Gouverneur von Deutsch-Neuguinea and das Reichs-Kolonialamt, Rabaul, 13.3.1914 and a second letter, which was sent later but refers to the first one, both in: BArch R1001.2091.

promote Samuel Maherero from a disputed regional chief to the paramount leader of all Herero. In order to counterweigh the influence of the more numerous and wealthier Herero, the Nama had sided with the Germans. This equilibrium was challenged with the incremental aspirations of the settlers to press the Nama and Herero into a specialized economy based on the division of labor, which could produce surplusses and export them to the German mainland. This required the Herero and Nama to become a workforce for the farms and trading companies, which occupied a greater and greater part of the colony and pushed the Herero and Nama into less fertile regions, preventing them from pursuing their half-nomadic way of life. The conflict became violent over an escalation of the disputes between the Herero and traders, which was triggered by an attempt of the administration to shelter the Herero from an escalation of their debts. For part of the Herero, this conflict was neither a racial one, nor was it an anticolonial fight or a war of national or tribal liberation. It started as an attempt to get rid of the debts by killing the traders and take revenge on the settlers who had mistreated them. The fight was imposed on Samuel Maherero by a war fraction among the Herero leadership, but not all clan leaders followed him in the fight. The objective was most likely to come to a negotiated solution at the Waterberg, similar to the ones the Bondelswarts had previously concluded with Leutwein. But while the Herero were gathering at the Waterberg, Leutwein was replaced by von Trotha, who had no links to the colony. He saw the conflict as a racial conflagration and a challenge to Germany's (and his own) reputation. To him, the Herero were not difficult yet necessary partners in a systemic balance of power, but a racially inferior and redundant factor that prevented Germany from imposing its policy at will. He tried to eliminate the Herero polity, first by trying to deliver it a "battle of extermination" at the Waterberg, and, when he failed and the Herero escaped, by presenting his failure as a shining victory, thanks to which the Herero would be hunted down and killed by his troops. Von Trotha managed to destroy the Herero not as a nation, but as a functioning polity and military challenge to the German troops. But by doing so, he deprived the colony of the workforce that the farmers, traders and – after 1908 – the mines needed so dearly. His policy set in motion an escalation of racism and violence, which his successors either took over or proved unable to temper. The order from the government in Berlin to let the Herero surrender, rather than hunting them down, triggered the emergence of prison camps and forced labor. Public opinion in Germany, stirred up by the missionaries and by press accounts about German atrocities, forced the authorities to improve the camp system and abandon the deportations. After the wars, the Herero and even more the Nama, who had risen against German rule after

the Herero, constituted an even bigger security threat to the German population than during the war. Scattered across the land, deprived of their channels of communication and traditional leadership structures, wild, independent commandos emerged, whose members refused to acquiesce to the German system of labor recruitment, identification, and punitive justice. The German settlers responded with more and more punishment, instigating the use of state sponsored violence, which drove them into an increasingly irrational system in which they used more and more violence to get control of the native workers, which were abhorred by the system and escaped to the commandos. As the example of the Bushmen shows,¹⁰⁸ this system shattered the ethnic structure of the colony, increased the likelihood of inter- and intra-ethnic violence, and deprived the farmers further of the workforce they needed. As a result, they recruited Ovambo workers through their chieftaincies in the north and black workers from the Cape. By doing so, the settlers became entangled in a system of competition with the mines in South Africa, which attracted more and more workforce and were able to pay wages unaffordable to the German farmers. The settlers' punitive, irrational and violent response to the Herero and Nama uprisings backlashed against their own interests. As a result of the German-imposed system of registration, surveillance and punishment, labor became scarcer and more expensive than it had been before 1904; it forced the German settlers to seek workers from distant places and even from abroad, reduced their competitiveness with regard to German and South African agriculture, and did not do much to soothe their threat perceptions. After von Trotha's return to Germany and the reintroduction of a civil administration, the German authorities in the colony tried to temper the violent mood of the settler community, which demanded more and more repression against the scattered native communities. Unable to efficiently deal with the security threats of the small Nama commandos, the German administration started to deport Nama first to the north of the colony, then to other colonies. This attempt also failed – due to public pressure and missionary interventions most of the surviving deportees had to be repatriated. Nevertheless, deportations had become an accepted means of German colonial policy and inhabitants of German colonies were shoved across the continent. Not only Nama and Herero were deported to Kamerun and plans were made for bringing them to East Africa, Togo and Samoa; in 1909, the Governor of Kamerun deported 49 black *Schutztruppen* soldiers, who had been convicted of mutiny, with their families, altogether 77 people, to Lüderitzbucht. They were kept in the *Burenkamp*, the

108 For the Bushmen issue see chapter 4.

camp, to which some of the Shark Island prisoners had been transferred under von Estorff's orders. The prisoners were used as forced labor at the district administration, and free workers, who had been employed there, were fired. But due to health problems, the newcomers remained weak workers.¹⁰⁹

For the Herero and Nama, the whole course of events after 1904 proved fatal. Both communities managed to survive as ethnic groups, but they lost their position in the system of power that had existed before 1904 and for generations, they lost the ability to make collective decisions and carry them out as polities, becoming a mass of individuals, which first the German and later the South African administration could steer at will, confine to land reserves and deprive of the rights they had possessed before. There still were Herero and Nama in the colony who identified with their former tribal organisations and regarded themselves as Herero or Nama, but the traditional patterns of social life, the internal hierarchies of the clans and tribes and the Herero and Nama polities had been eradicated. This had been an explicit objective of German policy, and it had been achieved. Internal documents prove that the German administration was perfectly aware of it. In 1908, the *Reichskolonialamt* distributed a questionnaire about the natives' customs, traditions, family patterns and legal concepts, emulating a similar (but more holistic) questionnaire elaborated by the "International Association for Comparative Legal and Economic Science."¹¹⁰ Governor Hintrager sent the folder with the *Reichskolonialamt's* questions to the *Bezirksämter*. The answer from Lüderitzbucht was simple and short: "There is no tribal organization here any more." "The natives", the rapporteur wrote, "are working altogether for the whites and live in the same *Pontok* or the same *werft*. Therefore, the [traditional] habits and customs regarding law have quickly disappeared. The places where they are still relevant, that is the waterholes in the Namib Desert, where Hottentots

109 Several reports and the correspondence between Windhuk, Berlin, and Lüderitzbucht about the deportation of the black soldiers to German South-West Africa can be found in National Archives of Namibia, ZBU 716 F.V.p3.

110 Fragebogen der internationalen Vereinigung für vergleichende Rechtswissenschaft und Volkswirtschaftslehre zu Berlin über die Rechtsgewohnheiten der afrikanischen Naturvölker, in: ZBU 713–714, F.V.n2. If the researchers from Berlin had hoped to burden bureaucrats with the empirical part of their project, they failed. According to the records, exhaustive information was provided only about the Damara, the Bechuana (die Betschuanen) and the Baster and the Bushmen. The latter were the only group which knew blood revenge (for intentional murder), all groups knew and applied corporal punishment.

and Bushmen are living, are not accessible for whites.”¹¹¹ The information was a bit too enigmatic, and the bluntness which emanates from it may have also been caused by the rapporteur’s intention to get rid of the additional workload a longer answer would have required. Nevertheless, the short letter is the outright proof that the German administration was aware that the Nama had been destroyed as a distinct ethnic group, either in whole, or in part – in and around Lüderitzbucht.

German colonial policy had also far-reaching consequences for the ethnic fabric of the colony. A *Schutztruppen* report from 1906 estimates the number of Nama and Herero who remained in the colony and were able to carry weapons at only 15,000.¹¹² This was more or less consistent with a report drafted by von Lindequist after his tour through the colony after the end of the hostilities in 1907. He assumed the number of natives at military age to be 20,000, or, if the Ovambo were included, 34,000.¹¹³ Labor market dynamics filled the vacuum von Trotha’s policy had caused. The quashing of the Herero and Nama revolt by force triggered a dramatic increase of immigration from Germany, which pushed the remaining herder communities even further out to the edges of the colony, forcing their members to seek employment on farms. In 1908, a railway worker near Lüderitzbucht found a diamond and triggered a gold-rush-like run of diggers and prospectors to the colony. The creation of mines increased the need for unskilled workforce even more.¹¹⁴ Reports from the Lüderitzbucht district and the mines show how much the wars had shattered the ethnic composition of the colony. Under normal, peaceful circumstances, the Nama would have been the ideal work force for the diamond mines. But by 1910, they only formed a

111 ZBU 713–714, F.V.n2., Lüderitzbucht, Kaiserliches Bezirksamt to Kaiserliches Gouvernement Windhuk, 4.11.1908. The tribes whose organizations had ceased to exist were enumerated as: Kapjungen, Hereros, Ovambos, Klippkaffern, and Hottentotten. Most Bezirksämter refused to answer the request from Windhuk, claiming there were no competent persons under their jurisdiction. In some cases, they charged missionaries with the work or submitted analyzes, which missionaries had written earlier on similar subjects.

112 Der kommandierende Oberst (der Schutztruppe, KB) an Kolonialdirektor, 9.12.1906 in BArch 1001.2138. The report mentions the number of natives, reduced by Bergdamara, Bushmen and Ovambo. It does not mention the Baster, who had remained loyal to the Germans.

113 Report Dernburg, Berlin 22.12.1908. The report was forwarded to Chancellor von Bülow. Berlin 14.11.1907, in: BArch 43/927.

114 Bericht über Dienstreise des Unterstaatssekretärs v. Londequist nach Deutsch-Südwestafrika vom 19. Juni bis 2. November 1907, in: BArch R43/927.

tiny minority among the native workers in Lüderitzbucht and constituted between 0.1 and 5 percent of all native workers hired by the *Deutsche Diamantengesellschaft*.¹¹⁵ The overwhelming majority were not even Herero, but Ovambo and black workers from the Cape Province, who show up in the statistic as “Cape Boys”.

115 The absolute numbers are between 9 and 36 out of 335 to 774 (for every month between January 1910 and May 1911). Deutsche Diamant-Gesellschaft an Kaiserliches Bezirksamt Lüderitzbucht, in: National Archives of Namibia, BLU 102 S14T Arbeitsmangel Diamantfelder Verschwinden Nama Herero. No single Herero showed up in the statistic.

3. Germany's colonial policy in the light of international criminal law

The question whether – and if yes, to what extent – German colonial policy in Namibia was genocidal, has been the object of scholarly and media debates for a long time. The discussion about this issue suffers from a basic shortcoming: Historians and social scientists who deal with the matter usually lack a coherent and precise understanding of genocide and the differences between genocide and other forms of collective violence. Most authors who write about the events between 1904 and 1907 in German South-West Africa do not even disclose their understanding of genocide.¹ In most cases, it is assumed that a high number of casualties, or a high percentage of deaths among the civilian population in itself constitutes a proof of genocide, an approach that ignores the boundaries between genocide and other legal concepts of mass violence, such as war crimes and crimes against humanity. Marion Wallach takes such an approach in her “History of Namibia”, when she first quotes from the UN Convention against genocide’s definition, and then lists the different claims about the death rates of Herero and Nama, suggesting a link between a high number of casualties and genocide.² Like many other authors – no matter whether supporting or rejecting the genocide hypothesis – she quotes the Convention’s definition, but only applies it in a very fragmentary, cursory way, assuming that genocide occurs where perpetrators intentionally kill a high number of another national, religious, racial or ethnic group. The (false) conviction that causing a high number of casualties in itself amounts to genocide, inclines many authors to concentrate on victim numbers. This approach unites supporters and deniers of the genocide claim, who otherwise usually differ in almost every possible interpretation of what happened in German South-West Africa. Both are convinced that the genocide

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- 1 Jürgen Zimmerer invokes a quote from Raphael Lemkin, who is widely believed to be the author of the Genocide Convention’s concept. But this quote differs from the concept which was later ratified by states in the Convention. Zimmerer’s book does not contain any fragment, which would confront the Convention’s (or any other) genocide definition with the events he claims to be genocide. Jürgen Zimmerer: *Von Windhuk nach Auschwitz? Beiträge zum Verhältnis von Kolonialismus und Holocaust*, Berlin: Lit Verlag, 2011, 196.
 - 2 Marion Wallace: *A History of Namibia. From the beginning to 1990*, London: Hurst and Co., 2011, 177–180.

hypothesis can be corroborated or disproved by calculating how many Herero and Nama died. But none of them ever tells his or her readers where exactly the threshold is which distinguishes a genocidal from a non-genocidal atrocity. Usually, all these calculations are only made in order to demonstrate that victim numbers were either higher or lower than “is usually assumed”, or were not high enough to justify the claim of genocide. Some authors went to considerable lengths to prove that the number of Herero, which other authors claim to have died at the Waterberg, must have been lower than estimated before, because the Waterberg did not provide enough water for such a large number of people.³ These calculations allow their authors to scale down the Herero casualties. For instance, Nordbruch claims that more or less 21,000 Herero were present at the Waterberg, of which only several hundred lost their lives in skirmishes and battles with the *Schutztruppe*. But he completely fails to argue why killing several hundred out of 21,000 did not – according to him – constitute genocide. In all these considerations, victim numbers seem to be of utmost importance to the argument of their authors, although they have almost no significance for the legal assessment of whether a massacre constituted genocide or not. It is striking in all these works that both supporters and deniers of the genocide hypothesis seem to assume the existence of a kind of hierarchy of crimes, according to which genocide becomes “the crime of crimes” and all other legal notions of mass violence become somehow less evil. In the case of Namibia, approximations range from 60,000 to 100,000 casualties, which means that between fifty percent and more than eighty percent of the pre-war Herero population perished. Jeremy Sarkin, an international lawyer, has summarized the debate about the victim numbers.⁴ He, too, did so in an attempt to prove the genocide claim based on victim numbers.

The whole debate about the Herero and Nama genocide in Namibia is tainted by this assumption about the importance of victim numbers, which, as it must

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- 3 Rainer Tröndle: *Ungewisse Ungewissheiten. Überlegungen zum Krieg der Herero gegen die Deutschen, insbesondere zu den Ereignissen am Waterberg und danach*, Windhoek: Namibia Wissenschaftliche Gesellschaft, 2012, 7–25; Claus Nordbruch: *Völkermord an den Herero in Deutsch-Südwestafrika? Widerlegung einer Lüge*, Tübingen: Grabert Verlag, 2004, 84–86; Gert Sudholt: *Die deutsche Eingeborenenpolitik in Südwestafrika. Von den Anfängen bis 1904*, Hildesheim, New York: Georg Olms Verlag, 1975, 185–186.
 - 4 Jeremy Sarkin: *Germany's Genocide of the Herero; Kaiser Wilhelm II, His General, His Settlers, His Soldiers*, Cape Town: James Curry, 2011, 136–142. Sarkin was an advisor to those Herero, who decided to sue Germany for the genocide in U.S. courts (and failed). The book also summarizes his arguments on behalf of the Herero court case.

be admitted, has even begun to permeate the jurisprudence about international crimes. Nevertheless, it must be stressed here that for the legal assessment of an event as genocide, the number or percentage of victims is a minor issue. Formally, there is no and never was any hierarchy in International Criminal Law (ICL), according to which genocide would be regarded as a crime worse than war crimes or crimes against humanity. With regard to victim numbers, many events later classified by courts as war crimes caused many more victims than some cases of mass violence that were later classified as acts of genocide. While this book is being written, the internationalized civil war in Syria is going on. According to the available data collected by UN bodies and international human rights organisations, already several tens of thousands of civilians have lost their lives as a result of war crimes. So far, no legally grounded allegation of genocide has been made in Syria. But due to these war crimes, more people have died than were killed in the only genocide that took place in Europe after World War II. The mass killings of Srebrenica cost the lives of about 7,000 to 8,000 Bosniaks in 1995 – much fewer than have died so far in Syria, but nevertheless the Srebrenica massacres were classified as genocide by the International Criminal Tribunal for the former Yugoslavia (ICTY).

The above-mentioned confusion comes from the lack of a coherent, precise and widely accepted notion of genocide in historiography and social sciences, which could be applied to real world cases in order to find out whether they do or do not fulfil the criteria of genocide. For some authors, the decisive element of genocide seems to be whether the intent to annihilate another group can be ascribed to the perpetrators, and whether this intent could actually be achieved. Taking this approach, genocide occurs when one group manages to extinguish another group, and genocide does not occur if the victimised group survives the onslaught.⁵ In the case of the German suppression of the Herero uprising, the mere use of notions such as annihilation or extermination is enough proof for some authors to conclude that genocide must have occurred.⁶ This is also the background of the unresolvable dispute among scholars concerning the number and percentage of Herero and Nama who died from German persecution:

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- 5 See, for example, Vahakn Dadrian's definition as reported by Adam Jones: *Genocide. A Comprehensive Introduction*, London, New York: Routledge, 2006, 15–16. Jones provides a whole number of definitions, some of which would make German colonial policy genocidal, while others would not.
 - 6 Gesine Krüger: *Kriegsbewältigung und Geschichtsbewußtsein. Realität, Deutung und Verarbeitung des deutschen Kolonialkriegs in Namibia 1904–1907*, Göttingen: Vandenhoeck und Ruprecht, 1999, 62–68.

the higher the number of victims, the more likely it seems that genocide was committed.⁷ This line of argument underlies the attention so many authors pay to the Battle at Waterberg, the Omaheke campaign, and Lieutenant von Trotha's infamous speech; it is why much less space in the events' analyzes is dedicated to the later actions of the German authorities. Obviously, the dispute is overshadowed by the Holocaust, which is – consciously or not – taken as a reference point, sometimes together with other modern cases of state-induced mass atrocities, which are used as ideal-typical cases bearing all the hallmarks of what allegedly makes genocide genocide.⁸ By highlighting the ideological and political continuities between the *Kaiserreich* and the Third Reich, between colonial racism and the racism of the Third Reich, and between both regimes' policies of social and racial engineering, such perspectives have contributed to a deeper understanding of the factors that drive and shape mass violence. But at the same time, they tend to infect the debate with broad, state-centric and imprecise definitions of genocide, making it harder for their users to distinguish cases of genocidal violence from non-genocidal violence. Since claims about where and when genocide occurred are often normatively underpinned, such a mechanism is likely to lead to a specific kind of inflation: More and more cases of mass atrocities are regarded as genocidal not because emerging empirical evidence sheds new light on the patterns and roots of mass violence, but because the way genocide is constructed by those who invoke the genocide label has become more inclusive over time.⁹

In order to overcome these pitfalls, a precise, narrow and coherent definition of genocide is needed, one that can then be applied to different cases from real life and that will then show whether an action has to be regarded as genocide or not; and if it does, which elements, decisions, and actors can be identified as genocidal. Such a definition of genocide has been formulated by the Convention for the Prevention and Punishment of Genocide (further: the Genocide Convention). The Genocide Convention is quoted and applied to the events in German

7 Sarkin, *Germany's Genocide of the Herero*, 136–141 provides the most comprehensive overview of the different casualty estimations.

8 Anthony Dirk Moses: Toward a theory of critical genocide studies, *Online Encyclopedia of Mass Violence* (18 April 2008), 2–4, available at <http://www.massviolence.org/Toward-a-Theory-of-Critical-Genocide-Studies>, retrieved on 15 January 2015.

9 Daniel Chiro: Traditional Methods of Avoiding Genocidal Slaughter, *Online Encyclopedia of Mass Violence* (30 March 2008), available at http://www.massviolence.org/Article?id_article=181, retrieved on 15 January 2014.

South-West Africa by some authors,¹⁰ but they usually fail to include the jurisprudence of international criminal courts that applied the Genocide Convention in their judgments and decisions, often deepening it and making it more precise. Such an updated definition not only provides more clarity and stringency in the debate on whether German colonial policy in what is now Namibia was genocidal or not, it also enables us to distinguish which actions can rightly be regarded as genocidal and which cannot.

This chapter is about such a definition, derived not only from the Genocide Convention, but also from the jurisprudence of the Nuremberg Tribunal, the Tokyo Tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the Special Court for Sierra Leone (SCSL). Their jurisprudence will be taken into account to show how far ICL genocide findings have evaluated and changed the original content of the Convention. International and internationalised tribunals that either did not deal with genocide, like the Extraordinary Chambers in the Courts of Cambodia (ECCC),¹¹ or have not (yet) contributed to the development of the genocide-doctrine in ICL, like the International Criminal Court (ICC), are only included in this analysis if their rulings affected the genocide doctrine invoked by the other tribunals and courts. In the next step, this chapter applies the ICL notion of genocide, which is derived from the Genocide Convention and the ICTs' jurisprudence to the events between 1904 and 1907 in German South-West Africa in order to demonstrate which actions actually can, and which cannot, be regarded as genocidal, and which fulfil criteria of international crimes other than genocide.¹² In the end, it will become evident which episodes, policies, and actions should be regarded as genocidal in the light

10 For example by Zimmerer, *Von Windhuk nach Auschwitz*, 54; Jeremy Sarkin: *Colonial Genocide and Reparations in the Twenty-First Century: The Socio-Legal Context of Claims Under International Law by the Herero against Germany for Genocide in Namibia 1904–1908*, London, Westport: Praeger Security International, 2009, 107–111.

11 Genocide belongs to the so-called subject matter jurisdiction of the ECCC, but so far the court has not yet issued any judgment concerning genocide. See: E. E. Maijer: *The Extraordinary Chambers in the Courts of Cambodia for Prosecuting Crimes Committed by the Khmer Rouge: Jurisdiction, Organization, and Procedure of an Internationalized National Tribunal*. In: C. P. R. Romano, A. Nollkaemper and J. K. Kleffner (eds): *Internationalized Criminal Courts and Tribunals*, New York: Oxford University Press, 2004, 211–215.

12 In ICL, international crimes are crimes which are under the jurisdiction of ICTs, such as genocide, crimes against humanity and grave breaches of the Geneva Conventions (also often called war crimes). They need not to be transnational, i.e. cross state borders in order to be regarded as international.

of ICL, and whether such a narrow definition can serve as a reference point for social scientists and historians.

For the sake of clarity, an important disclaimer has to be added: The argument made in this chapter essentially pertains to the realm of social sciences and history; it is not legal or judicial. Deriving a tool from ICL, which enables us to clearly distinguish between genocidal and non-genocidal atrocities from the past is not the same as adjudicating these events and their actors. Judging the atrocities committed against the Herero and Nama is currently impossible, because no court and no tribunal, which is currently empowered to prosecute and judge genocide, has the necessary jurisdiction over events that unfolded at the beginning of the 20th century in German South-West Africa. The reader should also bear in mind that even perfectly substantiated conclusions about the genocidal character of certain actions undertaken by the *Kaiserreich* and its organs in its colonies cannot be invoked in order to draw a line of legal state responsibility from the *Kaiserreich's* colonial administration to the Federal Republic of Germany for example, in order to claim compensation for victims or reparations for Namibia. ICL is first and foremost concerned with individual criminal responsibility and punishment, not with the liability of states or other collective bodies for past wrongdoings. Establishing the latter would require a different argument, which would hardly be useful for the purposes of social science and history. Some authors claim, for example, that the German policy toward the Herero during and after their uprising in 1904 constituted a violation of international agreements already at the time, because Germany was bound by colonial treaties, which conferred certain rights upon the Herero as a “third party beneficiary”, according to the Vienna Convention on the Law of Treaties.¹³ By conflating the notion of “nation” with the notion of “state”, this approach treats the Herero as a state party to a treaty, whose rights were subsequently violated by Germany and for which the Herero would be able to claim compensation. Dealing with this argument would exceed the scope of this article, especially as the alleged violation would concern obligations between states, whereas ICL deals with violations of International Humanitarian Law by individuals.¹⁴

13 Rachel Anderson: Redressing Colonial Genocide under International Law: The Hereros' Cause of Action against Germany, *California Law Review*, 93 (2005), 1155–1189.

14 This argument does not solve the problem that – notwithstanding violations of Herero rights stemming from whatever treaty – genocide had not yet been codified as a crime in 1904. The article also remains silent about the problem of legal continuity between the Herero then and now. Even if one accepts the argument that the Herero constituted a sovereign state in 1904, it leaves open the question whether they can rightly

3.1 The evolution of the genocide concept in international criminal law

The legal concept on which the definition of genocide is based in ICL is derived from the notion of crimes against humanity as it was developed and adjudicated by the International Military Tribunal for Germany (IMT), also known as the Nuremberg Tribunal. The IMT did not prosecute genocide, however, genocidal acts were included in its judgments as crimes against humanity. According to the final version of the “Convention on the Prevention and Punishment of the Crime of Genocide”, which was elaborated by the UN and presented for ratification to the member states, genocide was defined as follows:

[...] any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

At Nuremberg, the prosecution of war crimes and crimes against humanity was subordinated to the prosecution of crimes against peace and the *de facto* jurisdiction of the trial limited to the time of war. The IMT did not deal with crimes committed before 1939. In the Genocide Convention, the definition of genocide was completely detached from war, and art. 1 explicitly stated: “The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.” Since then, crimes against humanity as well as their specific form, genocide, can legally occur in times of armed conflict or without. The most recent exemplification stems from the statutes of the ICC, the ICTY and the ICTR, which all detach genocide from armed conflict. It is therefore no longer necessary for trial chambers to establish whether an armed conflict occurred at a given time, in

be regarded as a state party today and are therefore entitled to file a lawsuit against Germany. It seems that even the Herero do not agree with that point of view, since they decided to act as a private plaintiff under the U.S. Alien Torts Act and to sue German enterprises rather than the German state. More about the U.S. lawsuits can be found in Sarkin, *Colonial Genocide and Reparations Claims*, 148–154. Anderson’s argument is problematic for yet another reason: it retroactively applies a notion from the Vienna Convention, which was ratified after World War II, to events, which took place much earlier, when the Vienna Convention did not only not exist, but the inherent rules were far from being part of customary international law.

order to be able to prosecute a person for genocide. This is only needed in order to prosecute war crimes. In the latter case, the judges need to decide whether the underlying conflict was an international or internal one, because the protection of civilians and prisoners of war (POWs) differs slightly depending on the character of the conflict.

Art. 6 of the ICC's Rome Statute replicates the Genocide Convention's definition word for word. A close look reveals that the violent death of two members of an ethnic, religious, racial or national group would be enough to make a genocide finding with regard to count a), and that a conviction for the remaining counts would be possible, even without any casualties at all.¹⁵ In the meantime, the numerical threshold for a genocide finding has been lowered even further. In May and June 2010, the signatory states to the Rome Statute deliberated in Kampala and – among other decisions – supplemented the statute by a description of “elements of crime”, which gives the crimes enshrined in the statute more precision. With regard to the genocide definition's numerical requirements of killing or otherwise abusing “members of the group” (which indicated that at least two human beings must be affected by the counts which form part of the Rome Statute's art. 6), the signatory states concluded that “one or more persons” must be affected by the actions described in art. 6 in order to be punishable.¹⁶

The ICTY and ICTR statutes additionally criminalise conspiracy to commit genocide, direct and public incitement to commit genocide, the attempt to commit genocide, and complicity in genocide, which would theoretically even enable the prosecution of persons who jointly planned to commit genocide, but never executed their plans.¹⁷ In other words: It is definitely not the number of casualties that decides whether an action constitutes genocide or not. But in some cases, trial chambers required the number of victims to be “significant” in order to speak of genocide. But they did so not in order to link the genocide concept to a certain number of victims, but in order to narrow down what it means to destroy a group only “in part” with regard to the perpetrator's intentions.¹⁸ “It is well established

15 William Schabas: *Genocide in International Law*, New York: Cambridge University Press, (2. Edition) 2009, 178–180.

16 Elements of crimes, available on <https://www.icc-cpi.int/resource-library/Documents/ElementsOfCrimesEng.pdf>.

17 In practice, this is hardly imaginable, since in such a case no tribunal would be established to judge genocide that has not taken place.

18 This criterion of ‘significance’ pertains to the realm of the perpetrator's intent (*mens rea*), not to his deeds (*actus reus*). It is therefore necessary to establish whether he had in mind the destruction of a ‘significant’ number of members of a group protected

that where a conviction for genocide relies on the intent to destroy a protected group ‘in part’, the part must be a substantial part of that group. The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole.¹⁹ The trial chamber in *Jelisić* and in *Sikirica* required the number of victims to be “substantial”.²⁰ This is neither an absolute number, nor a percentage threshold. In real life, judges will therefore have to delve into the context of a crime in order establish whether the death of a certain number of members can be regarded as “substantial” for that group. It is worth mentioning here that the trial chamber in *Krstić* found the death of approximately 7,000 inhabitants of Srebrenica (out of several million Bosnian Muslims) substantial enough to regard killing them as genocide. In some judgements of the ICTR, the threshold was lower, and trial chambers found that – in order to satisfy the requirements for “killing members of a group” as a count of genocide – it was enough to kill one person.²¹

Projecting this argument onto the debate about Germany’s colonial policy toward the Herero and Nama demonstrates the redundancy of disputes about the number or percentage of Herero and Nama that perished during the conflict. No matter which casualty numbers one agrees upon with regard to the Herero and Nama uprisings (and the subsequent repressions against their populations), it can hardly be disputed that the part that perished in the conflict was “substantial”, especially because the conflict reduced the strength and influence of both groups with regard to other ethnic groups. But this alone does not make the mass atrocities against them genocide. What is more important in the light of the definition quoted above is the intent of the perpetrators of the enumerated acts, because intent is the most important factor distinguishing genocide from a crime against humanity and from war crimes. While in the latter cases, a perpetrator may just strive to obtain military or political advantages from persecuting his enemies, a genocidal perpetrator aims at “destroying in a whole or in part” another group. In other words: the same action (for example a mass execution) can be a war crime (if an international armed conflict is taking place at the same time), a

under the Genocide Convention. This does not mean that it is necessary to establish whether he actually killed such a significant number of group members.

19 *The Prosecutor v. Krstić*, ICTY appeals judgment, par 8.

20 The trial judgement in *the Prosecutor v. Jelisić*, at the ICTY, and *the Prosecutor v. Sikirica*, ICTY trial chamber decision on defence motion to acquit (under rule 98 bis).

21 *The Prosecutor v. Mpambara* and *the Prosecutor v. Ndindabahizi* at the ICTR, as quoted in Schabas, *Genocide in International Law*, 179.

crime against humanity (during war or without it) or genocide – depending on the intention of the perpetrators. But the distinction between genocide and other international crimes requires not only proof of a perpetrator’s intent to kill (or hurt) other people, but proof of his or her intent to kill them as members of their group in order to destroy that group either as a whole or in part. While ordinary murder knows only one type of victim – the human that is killed –, genocide concerns two separate types of victims: the individual group members who have perished, and the group as such, which is targeted by the perpetrator through the killing of its members.

The Genocide Convention’s inclusion of non-lethal violence and its failure to protect groups other than racial, national, ethnic, and religious ones was subject to critique from social scientists, who favored a state- and mass violence-centred approach to genocide.²² In the meantime, International Criminal Tribunal (ICT) jurisprudence has stood by a genocide definition which does not restrict the concept to state violence, addressing the latter concern in the first verdict of the ICTR. The requirement to adopt one of the four characteristics to the target group of genocide constituted a problem for the trial chamber in *Akayesu*, because the divide between Hutu and Tutsi did not fit into any of the four group definitions.²³ The ICTR ultimately never decided whether Tutsi and Hutu were different ethnic or racial groups,²⁴ but the *Akayesu* trial chamber ruled that the Tutsi, “like any stable and permanent group”, enjoyed the protection of the Genocide Convention. In the context of German persecutions of Herero and Nama, this problem is irrelevant, because Herero and Nama undisputedly constituted ethnic groups distinct from all other groups in the colony, including the Germans, and they constituted “stable and permanent” groups, which would have

22 Frank Robert Chalk and Kurt Jonassohn (eds): *The History and Sociology of Genocide: Analyses and Case Studies*, New Haven: Yale University Press, 1990, 23–25; Barbara Harff and Ted Robert Gurr: *Toward Empirical Theory of Genocides and Politicides*, *International Studies Quarterly*, 32 (1988), 359–371. The politicides and some of the (state-organized) genocides the authors refer to would actually be regarded as crimes against humanity under ICL.

23 The difference between Hutu and Tutsi is essentially a functional one between cattle raisers and land owners, but it became institutionalised during Belgian colonial rule, when the different notions were introduced into Rwandan identity cards. From then onwards, it was also possible for foreigners to distinguish between Hutu and Tutsi, but this did not change the fact that both groups’ members do not differ in terms of culture, language, religion, nationality, or race.

24 Richard A. Wilson: *Writing History in International Criminal Trials*, New York: Cambridge University Press, 2011, 170–191.

enjoyed the protection of the Convention, if the Convention had already been in force.

There is also a specific element of the protected group concept, which has a particular relevance for the Namibian context. This element is also closely linked to a popular misunderstanding about what it means to have the intent to destroy a group “in whole or in part”. In popular science and media accounts, this is usually interpreted as a policy which aims at destroying the group by destroying its members. This interpretation neglects the possibility of a group to be destroyed as such without even targetting a single member by an action described in the Rome Statute’s art. 6. In real world cases, it is hardly imagineable that group members would just watch their group to be destroyed, for example by administrative measures which aim at dispersing the group members in a way that prevents the group from functioning. They would resist and some of the actions described in art. 6 (killing members of the group, creating unbearable conditions for some group members etc) would certainly follow. But art. 6 does not invoke real world actions, it describes the intent, which a perpetrator needs to have in order to fulfil the *mens rea* requirement. In other words, such a perpetrator can be found guilty of genocide if he or she aims at the destruction of a protected group only as a group, without planning any other measures and if this perpetrator commits for example a war crime. This is particularly relevant in the context of Namibia 1904–1907, where the German authorities undertook certain measures, such as resettlement, forcible removal and deportation not in order to destroy Nama and Herero as physical persons, but in order to destroy them as groups. If they had managed to achieve their aims, the Nama and Herero would have ceased to exist as polities, they would have ceased to function as distinct ethnic groups with internal procedures, structures, hierarchies, and traditions, even if no single Herero or Nama were targetted by one of the actions described in art. 6 of the Rome Statute. One could imagine an extreme example of a group, targetted by the intent of an occupier to abolish it, but whose members all remain in perfectly good mental and physical health, but as a result of that policy cease to be members of that group (and instead join another group or the ethnic group of the occupier). This is actually what happened to the Herero after the Omaheke disaster: they lost their intra-group communication channels, traditional leaders, their hierarchy, and a part of their tradition, and replaced them with elements they took from the Germans. This is the essence of the processes, which Gewald describes in detail as the cultural resurrection of the Herero after the war. But what he interprets as a social revival was nothing else than ethnic assimilation, which had been imposed by the violence used against them by the German troops,

settlers and the civil administration after their defeat in the war.²⁵ In the first phase, between 1904 and 1915, the Herero were transformed from an organized polity into an amorphous mass of individuals and scattered small groups, deprived of their traditions, habits, norms and hierarchies, forced to rely on themselves for their individual, physical survival. Herero society was atomized, to a much larger degree than the Nama community, within which some sub-groups had been able to reorganize, keep their cattle and traditional life style. When, as a result, the *Truppenspieler* movement emerged among young Herero, who had been socialized as servants of the *Schutztruppe* and who adopted military slang and military habits, it was almost the peak of assimilation. Similar examples of victimized groups who adopt habits, customs, norms and even the language of their former oppressors are known from different times and different countries, and they are neither unusual nor are they normatively indifferent.²⁶ They constitute the result of symbolic violence, behind which the real, military violence is hidden, which forced them into symbolic compliance. What probably prevented the young Herero from becoming Germans *pure et simple*, was the immense racial barrier the German state had erected in the meantime and the insurmountable obstacle of the Hereros' skin color. Paradoxically, the impossibility to change skin color and race enabled them to become the nucleus of a cultural and ultimately political revival, which Gewald describes. The German habits were integrated into a new Herero identity, which allowed to reconcile German uniforms and German military badges with a polity that was once again based on Herero tradition and Herero social hierarchies.

But the positive turn in Herero history after 1907 should not obscure the real-world case of the eradication of a protected group, which constitutes the root of this development. It is exactly what the authors of the Genocide Convention's art. 6 had in mind when they wrote about a perpetrator's intent. Such an intent can remain in the perpetrators mind, but it turns any action, described in art. 6²⁷

25 More about how the Herero dealt with the war in 1904 can be found in chapter 2 and in the conclusion of this book.

26 The psycho-social mechanism behind it is the same as the adoption of denigrating labels by oppressed groups (like "les canaques" in the French colony of New Caledonia), which then is transformed into a label of pride. In both cases we can observe that the symbolic violence, which is inflicted on the group by an oppressor, is formally endorsed and then turned into an instrument of group coherence and turned against the oppression.

27 Under the concept of a JCE of the third degree, such an intent would also make any other international crime (for example a war crime) a count of genocide.

into a count of genocide. This logic, if applied to the Herero and Nama context, makes every case of a forced removal or deportation a count of genocide, if the intent of the perpetrator was the destruction of the Nama and Herero as a group (in whole or in part) even if this does not lead to the death of the group members. This was specified during the Kampala deliberations of the Assembly of the ICC's state parties, when the addition "as such" was added to the existing definition of the group criterion of art. 6.²⁸ Due to the internal logic of the *mens rea* requirement of art. 6, the resettlement plans, whose declared aim was to abolish the tribal structures of the Nama and Herero, as far as they still existed after the war, rendered the forced removal and deportations of Nama and Herero a count of genocide. In other words – this part of German policy also was genocidal, even if its implementation did neither cause mental or bodily harm to the Herero and Nama nor lead to fatal consequences for some of them.

Social science concepts tend to become narrower, more precise, and more specific over time as a result of scholarly discussion and their application to empirical research. This is sometimes different in ICL because there, such concepts do not only evolve as a result of academic discussions, but also because of new jurisprudence issued by courts. A court, like every bureaucracy, has the tendency to expand and extent the scope of its jurisdiction, which often inclines judges to act as occasional legislators, create legal novelties, or broaden the meaning of definitions in the law.²⁹ A good example is the requirement for a genocidal perpetrator to have the intent to destroy such a group in part or entirely. In the practice of prosecutions and trials, this requirement usually proves to be the most difficult one for the prosecutor, because it requires him to present evidence for something that took place in the perpetrator's mind. In cases where no documentary evidence is available or where perpetrators used coded language, such a "guilty mind" (*mens rea*) can only be inferred from actions. But actions tend to be ambiguous, even when it comes to massacres and armed conflicts. In Rwanda, the ICTR has never managed to rule whether the genocide of 1994 was the result

28 The "Elements of crimes" now describe art. 6 in the following way: "Article 6 (a) Genocide by killing: Elements of Crimes: 1. The perpetrator killed one or more persons. Such person or persons belonged to a particular national, ethnical, racial or religious group. 2. The perpetrator intended to destroy, in whole or in part that national, ethnical, racial or religious group, as such. 3. The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction."

29 Richard A. Posner: *How Judges Think*, Cambridge: Harvard University Press, 2008, 19–124.

of an unintended escalation of a power struggle between Hutu and Tutsi, which spun out of control and ended in genocide, or a carefully planned operation under a central command.³⁰ But occasional legislation by ICT judges has made it easier for prosecutors to invoke genocide, even when evidence of genocidal mens rea is difficult to obtain.

3.2 Genocide without genocidal intent?

This happened thanks to the development of the so-called Joint Criminal Enterprise (JCE) doctrine, which was tailored to hold members of large, non-hierarchical and strongly decentralised organisations accountable for criminal actions which these members planned together. The concept stems from the fight against organized crime, but it was introduced into ICTY jurisprudence already during the ICTY's first case, *D. Tadić*. Since then, it has become one of the most controversial concepts in ICL, and has even caused confusion among judges on whether it is a mode of liability or a new crime.³¹

In *D. Tadić* at the ICTY, the accused, a local Bosnian Serb leader was, among other acts, charged with being responsible for the deaths of five men, who had been chased out of a Bosnian village and then killed. The question was whether the accused was only responsible for their forcible removal, or whether he could also be held liable for their killing, without any evidence that he had intended for them to be killed. On appeal, the defence had argued that Tadić could only be convicted if the prosecution managed to show that the common plan to expel the five men from the village had included their murder. The prosecution claimed that such evidence was not required under the concept of a common plan. This dispute was taken up by the appeals chamber in order to conduct a comprehensive discussion of the question whether Tadić could be held responsible for acts that exceeded the common plan he had agreed to. The appeals judges set out three types of JCE. The first type of JCE, as the appeals chamber wrote, “is represented by cases where all co-defendants, acting pursuant to a common design, possess the same criminal intention.” This enables prosecutors to hold

30 *The Prosecutor v. Bagosora et al.*, ICTR trial judgment; Klaus Bachmann, Thomas Sparrow-Botero, Peter Lambert: *When Justice Meets Politics. Independence and Autonomy of Ad Hoc International Criminal Tribunals*, Frankfurt/M.: Peter Lang, 2013, 174–179; André Guichaoua: *Rwanda: de la guerre au génocide. Les politiques criminelles au Rwanda (1990–1994)*, Paris: Éditions La Découverte, 2010, 573–580.

31 Modes of liability (for example superior or command responsibility, complicity etc.) describe the link between a crime and the perpetrator and are not crimes in themselves.

people accountable for crimes in which they did not personally take part, if they had voluntarily participated in one aspect of a common plan, and if they had “intended the result.”³²

The second type of JCE was applied by international and national courts with regard to the personnel of concentration camps. Here, the courts held guards responsible for the torture of prisoners, although they had only guarded the camps, but not personally mistreated prisoners. It was alleged that as prison guards, they had had knowledge of the abuse of prisoners and had shared the intent to harm those prisoners as could be inferred from their behaviour. Holding them criminally accountable for the crimes committed in the camps was justified, because if a system of ill-treatment (exceeding only incidental ill-treatment) existed, the accused were aware of it and therefore contributed in some way to the commission of these crimes (for example, by preventing prisoners from escaping or just by failing to improve the lives of the prisoners). This category of JCE was also rather firmly established in the law when the Tadić appeals chamber quoted it. Then, the judges proceeded to solve the excess issue: Could a member of a group be held liable for actions of others, if they exceeded the elements of the plan he had agreed to beforehand? For the appeals chamber in *D. Tadić*, the answer was yes, if such an excess crime had been the “natural and foreseeable consequence” of the common purpose. In an interlocutory appeals decision in *Karadžić*, the ICTY appeals chamber decided that a JCE member, whose colleagues had deviated from the plan and committed crimes which had not been approved by him beforehand, could also be punished for those excess crimes, if he “must have known that they were possible.”³³ Until then, some trial chambers had applied the lower standard of “possibility”, while others had applied the higher threshold of “probability.” Replacing “natural and foreseeable” by “possible” lowered the standard of proof for the prosecution. The SCSL later found that the common

32 *The Prosecutor v. D. Tadić*, ICTY appeals judgment, par 196.

33 At the core of the dispute was a trial decision at the ICTY in *the Prosecutor v. Karadžić* to grant the prosecution leave to correct the indictment and to replace “probable” with “possible” in the description of Karadžić’s alleged liability. Karadžić had opposed the correction on trial. The trial chamber agreed with him, and the prosecution lodged an appeal which was granted. The appeals decision stipulated that ‘the ICE III *mens rea* standard does not require an understanding that a deviatory crime would probably be committed; it does, however, require that the possibility a crime could be committed is sufficiently substantial as to be foreseeable to an accused.’ Decision on the prosecution’s motion appealing trial chamber decision on JCE 3 foreseeability. *The Prosecutor v. Karadžić*, 25 June 2009.

plan needed not be criminal *per se*, but that it needed to include the commission of crimes under the SCSL's jurisdiction as a means of achieving the goals of the common plan.³⁴

The third (extended) version of JCE was in use at the ICTY, the ICTR and the SCSL, but it became very controversial. The prosecution often used it to avoid evidential problems with command responsibility (which requires proof of a superior-subordinate relationship among the perpetrators) for the prosecution of leadership cases, where nothing linked a bureaucrat behind his desk with a crime scene. In *S. Milošević*, the prosecution alleged that the accused had been a member of a JCE, which geographically covered Serbia, Republika Srpska, Kosovo, and the traditional Serb settlements of Croatia, and whose common purpose had been the creation of "Greater Serbia", understood as the assembling of all Serb-inhabited territories of the former Yugoslavia in one Serb state, ruled from Belgrade. In the operative Milošević indictment, type 3 JCE became the vehicle by which Slobodan Milošević could be linked to the genocide in Srebrenica, notwithstanding the fact that he had never wielded any formal power over the Bosnian Serb leadership and that the prosecution had great problems proving that he had instigated, aided, or abetted the massacre, or even known of its preparation. The *mens rea* proof for genocide would have been necessary if Milošević had been indicted for genocide alone, for example under superior responsibility. If he was indicted for genocide as the "natural and foreseeable consequence"³⁵ of a type 3 JCE, whose goal was to achieve "Greater Serbia", then no proof of his personal genocidal intent was required.³⁶

Thanks to the *Tadić* appeals judgment and the lowering of the standards of proof by other chambers, the prosecution was given an instrument which enabled it to circumvent the difficult requirement of proving a perpetrator's genocidal

34 *The Prosecutor v. Brima et. al.*, Judgment, SCSL Appeals Chamber (Case No. SCSL-04-16-A), 22 February 22, 2008, par 80. The prosecution was confronted with the dilemma whether attempts to gain control over Sierre Leone by forces of the internationally recognised government could be labelled a common plan as part of a JCE. For a discussion of the issue and the just war argument, which was linked to it, see: William Schabas: *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone*, New York: Cambridge University Press, 2006, 309–314.

35 At the time, the operational indictment against Milošević was drafted, the lower threshold requiring only proof that the JCE consequence to be 'possible' did not yet apply.

36 Harmen van der Wilt: *The Spider and the System: Milošević and Joint Criminal Enterprise*. In: T. Waters (ed): *The Milošević Trial: an Autopsy*, Oxford, New York: Oxford University Press, 2013, 484–488.

mens rea in a genocide case. Altogether with the SCSL decision, it was enough to link a crime committed by one perpetrator with genocidal intent to a common plan (even if that plan was not *per se* criminal, but constituted a political program for dismembering, annexing, or destabilising another country) and every supporter of that common plan could be prosecuted for genocide, if genocide had only been a “possible” consequence of the common plan.³⁷ There was no longer any need to prove that all participants in the JCE had agreed to commit genocide. It would exceed the scope of this subchapter to retrace all the meanders of the legal debate which the JCE doctrine triggered among lawyers. Some judges at the ICTY openly refused to apply it.³⁸ The ECCC denied the applicability of the extended JCE concept in both of its two cases.³⁹ The ICC’s Rome Statute does not contain JCE, but instead refers to co-perpetratorship, which was adjudicated in the judgement against Ituri warlord Thomas Lubanga for war crimes. In order to be held liable as a co-perpetrator, an accused at the ICC needs to wield control over the crime.⁴⁰

The introduction of JCE into ICL has very much lowered the threshold for prosecuting genocide in cases where it is difficult to prove a perpetrator’s genocidal *mens rea*. Genocide is no longer what it appears to be to the wider public. In the light of ICL, a crime whose scope and degree of atrocity remains considerably below the scope and atrocity of a war crime, can still be genocide. A huge massacre of civilians, carried out deliberately and extinguishing an entire ethnic group, may “only” be a war crime or a crime against humanity if none of the perpetrators had the intention of targeting the victims as a group.

The legal concept of genocide has often been criticized by Human Rights activists, social scientists and historians as too narrow or not appropriate for research, which not only aims at establishing legal responsibility but investigating

37 The reader should bear in mind that the SCSL decision took place after the Milošević trial had been terminated (due to the accused’s death) and therefore could not be included in the prosecution’s strategy at the ICTY.

38 On the ambiguity between ICC jurisprudence and *ad hoc* tribunals’ jurisprudence, see: Hector Olasolo: Joint Criminal Enterprise and its Extended Form. A Theory of Co-Perpetration Giving Rise to Principal Liability, a Notion of Accessorial Liability or a Form of Partnership in Crime?, *Criminal Law Forum*, 20 (2009), 263–287.

39 Trial chamber Case File Dossier No. 002/19–09–2007/ECCCITC, Decision on the applicability of Joint Criminal Enterprise, 12 September 2011, available at <http://www.eccc.gov.kh/en/document/court/decision-applicability-joint-criminal-enterprise>, retrieved on 12 December 2014.

40 Trial judgment in the prosecutor vs. Thomas Lubanga Dyilo, International Criminal Court, case no. ICC-01/04–01/06–2842, 14.3.2012.

the root causes of large-scale atrocities. It is relatively easy to criticize the ICL meaning of genocide, because the very concept is the result not only of legal deliberation and jurisprudence, but also of political bargaining. However, the effect of these bargains has slowly influenced jurisprudence of the ICTs. The intended mass murder of political opponents by a state was excluded from the Genocide Convention, because it would have incriminated the USSR's practice of large scale purges at the time, when the Genocide Convention was being negotiated. But future courts that want to bring it back into ICL, can now invoke the ICTR's *Akayesu* finding, according to which "any stable group" can enjoy the Genocide Convention's protection.⁴¹

In response to the criticism of the Convention's definition, some authors have tried to introduce another notion, which has gained popularity mostly in politics and the media – the concept of "ethnic cleansing". This, however, is even more problematic and potentially controversial than using the genocide notion. "Ethnic cleansing" does not even have a clear and precise definition in ICL. It is none of the crimes enumerated in the statutes of the ICTs. Like genocide, it also does not have any clearly circumscribed meaning in the social sciences or historiography. The ICTY invoked it in several verdicts (as the prosecution had previously done in indictments), attributing it the meaning of large-scale deportations of specific ethnic groups or a higher number of these groups' members out of a certain territory (for example from one village or region). However, "ethnic cleansing" was only invoked as the criminal plan of a JCE, never as a crime in itself. In other words – its validity as a scientific concept depends upon the question of whether one accepts the underlying concept of a third degree JCE. It would therefore be wrong to treat it as an alternative concept to genocide or war crimes, as some authors have tried to present it.⁴² If used within the framework of ICL, genocide is not something else than ethnic cleansing, but ethnic cleansing is the overarching plan, of which genocide can (but need not) be the consequence. Ethnic cleansing can also lead to war crimes or crimes against humanity, but in such a case it doesn't have much to do with genocide. This can happen when a group of perpetrators plans ethnic cleansing without any genocidal intent, but commits mass atrocities when carrying out their plan. If used outside the framework of

41 *The prosecutor v. Akayesu* at the ICTR.

42 For example Jonas Kreienbaum: *Ein trauriges Fiasko. Koloniale Konzentrationslager im südlichen Afrika 1900–1908*, Hamburg: Verlag des Instituts für Sozialwissenschaften, 2015, 66, who treats the concept of "ethnic cleansing" as something distinct from genocide.

ICL, “ethnic cleansing” does not have any precise meaning at all, that could be applied to real life cases of mass atrocities.

3.3 Was quelling the Herero uprising genocide?

From the perspective of ICL, it would be futile to examine whether the German reaction to the Herero uprising was genocide, since the Genocide Convention was not yet in force and none of the conflict parties were bound to comply with its rules. What undisputedly bound Germany at the beginning of the Herero uprising was the Red Cross Convention of 1864 and Hague II. For Germany, which was a contracting party to Hague II, the Convention imposed humanitarian constraints.⁴³ Art. 1 of Hague II stipulates that not only armies enjoy the protection of the convention, but also units which are “commanded by a person responsible for his subordinates; [...which] have a fixed distinctive emblem recognizable at a distance; [...] carry arms openly; and [...] conduct their operations in accordance with the laws and customs of war.” Since such units do not necessarily belong to a state party to the convention, one may infer that the Herero – who fulfilled these criteria – might have been protected by it, even if not regarded as a state party. Otherwise the inclusion of none-state belligerents in Hague II does not make much sense. Art. 2 clearly points to this: “The population of a territory which has not been occupied who, on the enemy’s approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article 1, shall be regarded a belligerent, if they respect the laws and customs of war.” If the intention of the Hague II drafters was to restrict the convention’s protection only to state parties, art. 1 and 2 would have been superfluous.⁴⁴ Additionally, the so-called Marten’s Clause urged the signatory

43 Hague II was approved and signed by the respective governments in 1899, but according to the database of the International Committee of the Red Cross (<https://ihl-databases.icrc.org/ihl/INTRO/150?OpenDocument>), it was only ratified in 1910 by the Reichstag, hence long after the events analyzed here occurred. However, the databases of both the Red Cross and the Dutch government (<https://verdragenbank.overheid.nl/en/Verdrag/Details/002338>) (which hosted the 1899 conference, at which Hague II was signed), indicate that the Convention entered into force in 1900 and was thus binding for Germany by 1904.

44 J. Sarkin also points to the inclusion of the so-called *Martens Clause* into *Hague II*, which stipulates: “Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established

states to adopt an inclusive and broad approach to the Convention's humanitarian purpose, which could have covered the Herero and Nama, even if one does not want to extend art. 2 of the Convention to them: "Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience. They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood."

In the historical literature about the Herero and Nama uprising, there are two main bones of contention usually invoked to substantiate the genocide claim. The first concerns the *Schutztruppe's* tactic at Waterberg, where the Herero – together with their families – were surrounded and shot at from a distance. As mentioned previously in this book, there is some dispute among scholars concerning the question whether the Herero managed to escape to the Omaheke desert by accident or whether this was the result of a German war ruse. Supporters of the war ruse theory, who usually invoke it to demonstrate the allegedly genocidal character of this ruse, may be surprised that this issue is not really relevant in assessing the course of the battle in legal terms. It was certainly not forbidden (as is still the case in current ICL jurisprudence) to let an enemy escape a siege, no matter in what direction. It was forbidden, though, to deny the Herero to surrender as POWs and to kill (or even abuse) them after they had laid down arms. In terms of ICL, it was up to the Herero to make the decision whether to surrender or to flee. If they had surrendered, they would have been entitled to the privileges of POWs according to Hague II – together with their families.⁴⁵ Things changed with von Trotha's famous "extermination order", which is the second important

between civilised nations, from the laws of humanity and the requirements of the public conscience". Sarkin, *Colonial Genocide*, 63–70.

- 45 Art. 3 of Hague II states, "the armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as POWs". This also applies to people who accompany belligerents with the latter's consent, but do not carry arms and do not take part in the hostilities, as stipulated in art. 13: "Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as POWs, provided they can produce a certificate from the military authorities of the army they were accompanying".

argument of the genocide claim. On October 2, 1904, standing in front of his soldiers and some Herero, German commander Lothar von Trotha ordered his soldiers not to take prisoners (a clear contravention of *Hague II's* art. 23), to shoot at Herero men approaching any waterholes (which were beleaguered by the German troops) and to shoot over the heads of women and children, who approached the waterholes in order to make them escape, rather than drink.⁴⁶ The announcement not to take any more prisoners and to shoot every Herero, no matter whether armed or not, was a clear violation of Hague II and – if it applied to wounded or surrendering Herero – of the Red Cross Convention of 1864, no matter whether the order was carried out in practice by von Trotha's soldiers or not, because art. 23 deems the mere declaration “that no quarter will be given” a crime.⁴⁷ The second problematic aspect concerns von Trotha's statement according to which the Herero “must leave the country, and if the nation does not, I will make them leave using the big cannon.” It is clear from von Trotha's later correspondence with Chancellor Bernhard von Bülow and the General Staff of the Army that his intention was to force the Herero to escape to British Bechuanaland. According to today's ICL standards, this must be regarded as deportation and as a war crime, if one assumes that the hostilities were still ongoing. But because von Trotha had already admitted that the Herero no longer intended to continue fighting, one may cast doubt whether German South-West Africa was still the theatre of an armed conflict.⁴⁸ In such a case the October declaration

46 The latter order was probably meant to relieve the German soldiers from the stress and moral pressure of shooting women and children, but was nevertheless intended to achieve the same goal – the deaths of unarmed civilians. Under these circumstances, the Herero (no matter whether armed or unarmed) had the choice to die in the desert, to be shot at waterholes, or to surrender and become forced labourers. See: Otto von Weber: *Geschichte des Schutzgebietes Deutsch-Südwest-Afrika*, Windhoek: Wissenschaftliche Gesellschaft, 2010, 169. The ‘Extermination Order’, which was later withdrawn, can be found in almost every publication dealing with the Herero uprising.

47 Art. 23 of the 1899 Hague II Convention states: “Besides the prohibitions provided by special Conventions, it is especially prohibited: To employ poison or poisoned arms; to kill or wound treacherously individuals belonging to the hostile nation or army; to kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion; to declare that no quarter will be given (...)”.

48 The Herero had ceased to constitute a military threat for the German forces, but in August, the uprising of the Nama had started in the Southern part of the colony. Walter Nuhn: *Feind überall. Guerillakrieg in Südwest. Der große Nama-Aufstand 1904–1908*, Bonn: Bernard & Graefe Verlag, 2000, 42–46. Formally, the state of war was revoked by the German Emperor only in 1907.

would therefore be treated as proof for the commission of deportation as a count of a crime against humanity. The revocation of von Trotha's order by the government in December occupies a special case in this argument. Some authors treat it as the exoneration of the general staff and the government from von Trotha's policy, others see it as proof that this policy was carried out only for a short time. The opposite is the case. As already demonstrated, von Trotha's negligence of international humanitarian principles and the custom of hanging or shooting Herero no matter whether they surrendered, were hurt or not, dates back from von Trotha's declaration of the state of war in Swakopmund. But the revocation of his October order by Berlin does not at all exonerate von Bülow or the general staff. Instead, it constitutes proof that they knew about von Trotha's conduct in German South-West Africa. Under today's ICL jurisprudence, it would make them liable for all the crimes committed by von Trotha between his arrival in Swakopmund and the revocation of the order in December. During this period, they not only had "reason to know" about von Trotha's crimes, they actually knew about them, since they intervened.⁴⁹ Kreienbaum has argued von Schlieffen only covered von Trotha's extermination order for a few days. In early October, he claims, von Trotha could not have sent a cable telegram to Berlin, because the lines in the colony were interrupted due to bad weather. If von Schlieffen got the message only about six weeks later, he must have informed von Bülow a few days later. Bülow reacted the other day, and the Emperor did so after several days of discussion with Bülow. But Kreienbaum wrongly assumes the messages to be exchanged only by using the ship traffic, which indeed would have taken about six weeks. But since April 13, 1899, the *Deutsche Post* could use the underwater cable, which the British had laid between Walvis Bay, Cape Town and the European continent.⁵⁰ The records in the *Bundesarchiv* show they actually did use this channel. Even if communication inside the colony was interrupted in early October, messages could be passed from Windhuk to Berlin within a few days, rather than weeks. The Berlin archives reveal how long von Schlieffen, the Colonial Agency and the Chancellery were actually in a state of "knowing or having reason to know" about the atrocities committed and the policies followed by von Trotha. Already in October, both von Trotha and Leutwein sent reports to Berlin, in which they described the impossibility of hunting the Herero in the desert. In mid-October, Leutwein complained about von Trotha's strategy not to allow

49 Kreienbaum, *Ein trauriges Fiasko*, 68–75.

50 Sebastian Mantei: *Von der Sandbüchse zum Post- und Telegraphenland. Der Aufbau des Kommunikationsnetzwerks in Deutsch-Südwestafrika*, Windhoek: Namibia Wissenschaftliche Gesellschaft, 2007, 108–109.

the Herero to surrender and described the executions at Osumbo Windembe. By November 23, the failure of von Trotha's annihilation strategy had become obvious to von Schlieffen, who then suggested to the Chancellor to order von Trotha to let the Herero surrender and increase the sums put on the heads of the Herero leaders. There might have been an additional reason: On November 18 the South African satirical journal "The Owl" had printed a comprehensive and vitriolic report about von Trotha's antics as a commander. With biting irony and hefty sarcasm, the journal described von Trotha as a lousy and pathetic soldier, always eager to adorn himself with borrowed plums and take credit for others. The article did not explicitly mention the October order, but it left little doubt about the author's intimate knowledge of von Trotha's reports sent to Berlin. "The Owl" was even well informed about the divisions among von Trotha's highest ranking officers. The October order could be leaked any time. The records do not reveal whether von Schlieffen knew about the article, but it must have attracted quite a lot of awareness at the *Kolonialabteilung*, since the clerks there had ordered it to be translated in its entirety.⁵¹ A few days later, von Schlieffen wrote the letter suggesting a policy change. On November 30, he alerted von Trotha of the imminent revocation of the October order by the Emperor, reassuring von Trotha that he would only send the *Kaiser's* order after he, von Trotha, had confirmed receipt of his message. On December 9 von Trotha sent the confirmation and ordered von Estorff to let the Herero surrender.⁵² During the whole period between early October (when the message about the October order must have reached Berlin, either thanks to von Trotha or thanks to Leitwein's reports) and December 9, when the order was revoked in the field, von Schlieffen, the Emperor, von Bülow and the officials at the Colonial Agency either had known or had had reason to

51 (No author): German South West Africa. His Excellency General von Trotha, the Natives at Bay, the Coming Conflict. The Owl, 18.11.1904 in: BArch R 1001.2089.

52 This in itself constitutes proof of the communication running through the underwater cable. Otherwise von Trotha would not have been able to respond so fast. Afterwards, von Trotha and von Schlieffen exchanged a number of messages discussing the precise meaning of the *Kaiser's* orders, which also show that the communication went through the cable. Von Schlieffen made his promise with the knowledge and approval of the Emperor ("Gleichzeitig haben Seine Majestät bestimmt, daß ich von diesem Telegramm vor seiner Absendung Eurer Exzellenz Kenntnis gebe."). Von Bülow also was informed, von Schlieffen sent him a copy of the cable. The correspondence forms part of BArch R 1001.2089.

know about von Trotha's strategy. Under current ICL, they would be liable for the war crimes committed under von Trotha's October order.⁵³

The documents also provide a thrilling example of a JCE, whose aim was the extermination of the Herero as an ethnic group, and whose members abandoned the common plan because they saw themselves unfit to carry it out. Genocidal intent was obvious, but was not (yet) channelled into a policy. Instead, Schutztruppen officers sent out captured Herero with messages to their comrades in the field, calling them to surrender and promising that they would not be killed upon surrender. Later, the missionaries did the same and with more success. This was in line with contemporary humanitarian law. When the German troops hanged surrendering Herero during the short time span between von Trotha's declaration and its revocation, it was a war crime, not a count of genocide, since the intent was to punish the fighters, not to destroy the group. Usually in such cases, women and children were spared and sometimes had to watch the executions.⁵⁴ It is worth mentioning here that the German soldiers had the right to hang those Herero who had killed civilians or mutilated the bodies of German soldiers, but only under condition of first court-martialling them and then finding them guilty of the crimes.⁵⁵ Killing German soldiers in combat was no crime.

53 It must be mentioned here that the responsibility of superiors for crimes committed by subordinates was a quite controversial issue at the ICTY. In the first phase of its existence, chambers issued severe verdicts against accused who had not responded to crimes of their subordinates or had not punished them, holding them accountable for the very crimes which had been committed. Later on, some chambers issued lenient verdicts against the same kind of accused, holding them only liable for neglect to respond. However, the ICTY statute gives chambers only the mandate to punish precisely enumerated (international) crimes, of which "neglect" or "failure to act" form no part. See also: Klaus Bachmann and Aleksandar Fatić: *The UN International Criminal Tribunals. Transition without Justice?*, London, New York: Routledge, 2014, 325–341.

54 R. Anderson, 'Redressing Colonial Genocide', 1162, is wrong here. Hague II requires an occupier to conduct a trial before executing POWs (which also means that killing POWs for crimes was not in itself illegal, although the procedures carried out by the *Schutztruppe* hardly fulfilled any criteria of fair trials).

55 Back in 1904, the mutilation of dead soldiers was not yet formally forbidden in the Red Cross Convention or Hague II, but one might well argue that it was generally regarded as unacceptable and immoral and therefore part of customary international law. It would be a count of a war crime today. If the German soldiers who were found mutilated had been abused before their deaths, such behaviour would have constituted a violation of Hague II's obligation to treat prisoners humanely. In the case of wounded soldiers, it would also violate numerous obligations of the Red Cross Convention.

All this does not yet exonerate the German military and civilian authorities of the genocide accusation. In the light of ICL's genocide definition, the latter is entirely justified, but not with regard to the Waterberg siege, the sealing off of the Omaheke desert and the October order not to take prisoners. What made Germany's colonial policy genocidal was the follow-up of the uprising, when the Herero, and later the Nama, were no longer able to resist, had surrendered and were then treated in a way that made their survival almost impossible. It was only after the uprising, when the German authorities imposed upon the two groups "conditions of life calculated to bring about their physical destruction in whole or in part", which is a count of genocide.⁵⁶

3.4 Destroying the Herero and Nama as ethnic groups

The attempt to destroy the Herero and Nama after their uprisings took shape in several ways and differed for each group. The Herero were forced into unconditional surrender, confronting them with the dilemma of either dying in the desert or becoming German POWs. Those who were suspected of having killed German civilians during the uprising were court-martialled and, if found guilty, shot.⁵⁷ The others became prisoners, but did not enjoy the privileges of POWs according to Hague II: They were used as forced labour,⁵⁸ although the

56 Art. 2 of the ICTR statute and art. 5 of the ICTY statute, as well as art. 6 of the ICC statute all contain the element of 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part' as a count of genocide.

57 Some officers of the *Schutztruppe* openly admit the phoniness of these procedures, whose only purpose was to kill Herero and Nama, regardless of whether they had committed atrocities against civilians or not. The diary of Lieutenant Erich von Gilsa recounts a scene from the war against the Nama, describing exhausted Nama and Herero coming to waterholes held by the *Schutztruppe* and asking for water and who were immediately court-martialled and shot. Knowing about the practice, many claimed to be Bushmen. P. Spätling (ed): *Auf nach Südwest: Kommentiertes und illustriertes Tagebuch eines Leutnants über seine Erlebnisse in Deutsch-Südwestafrika 1904/1905*, Barleben: Docupoint Verlag, 2014, 10.

58 Art. 6 of Hague II describes the rights of POWs with regard to labour and requires the relevant authorities to use their remuneration (if it is not directly paid to the POW) for the benefit of the prisoners: "The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance". According to Hague II, POWs have the right to work if they wish to, but cannot be forced to work and can under no circumstances be forced to work for the military or for military purposes.

German authorities (civil and military) made it abundantly clear in their internal correspondence that they were well aware of the rights and obligations which POWs enjoyed according to Hague II. For example, they treated Nama captured during a battle differently from those who had first cooperated with the *Schutztruppe* against the Herero, and then had been provisionally detained after their nation had taken up arms, too. The Nama had managed to obtain better surrender conditions, which left them a part of their cattle and foresaw their resettlement to places where they could live freely, if not suspected of having killed of German civilians. It must be mentioned that depriving the Herero and Nama of their cattle also constituted a violation of Hague II, which forbids confiscation of materials other than military from POWs. The most important violation of Hague II was the German authorities' attitude towards art. 4, which simply urges: "They must be humanely treated."

As even the internal correspondence between the commander of the *Schutztruppe*, Ludwig von Estorff, and the Army command in Berlin and the civilian authorities in Windhuk reveals, the German authorities admitted to having broken the peace agreement with the Nama, confining them to camps and holding them captive on Shark Island near Lüderitz.⁵⁹ But it was not so much the mere fact of imprisoning them, which created unbearable conditions likely to destroy both groups as such, but the detention conditions. Low food rations, almost no access to any kind of health care, detention on a cold and wet island – all this led to a high death rate among the POWs (who were living with their wives and children). In April 1907, von Estorff decided on his own to relocate the Shark Island prisoners to the mainland, because, as he wrote in an affidavit, the prisoners would otherwise face a rapid death. At the time, only 25 out of 245 men were "partly" able to work. Since September of the previous year, 1,032 out of 1,795 had already died.⁶⁰

59 Ludwig von Estorff: *Wanderungen und Kämpfe in Südwestafrika, Ostafrika und Südafrika 1894–1910*. Hausgegeben von Christoph-Friedrich Kutscher, Wiesbaden: Wiesbadener Kurier Verlag, 1968, 135. Von Estorff was appointed Commander of the *Schutztruppe* and later transferred the starving and ill Shark Island prisoners to the mainland. The correspondence between von Estorff, the Gouvernement in Windhuk and the government in Berlin about Shark Island and other camps is stored in BArch box R 1001.2040 and in the National Archives of Namibia in Windhoek, in the confidential political files concerning the Witbooi and Nama war (politische Geheimakten) in the files ZBU 2369 VIII G, VIII H and BLU 48 G3R (files from the Lüderitzbucht administration concerning the food supplies and housing conditions on Shark Island).

60 Oberstleutnant von Estorff an Schutztruppe, Berlin, 10 April 1907. BArch R 1001.2140.

As Zimmerer has shown,⁶¹ the German authorities were caught between rising settler paranoia about another uprising and the settlers' demand for cheap labour. The fear of a new uprising inclined the German authorities to resort to extreme measures, like the deportation of whole families and leadership groups of Nama to other German colonies, in order to deprive them of any contact with their followers in German South-West Africa and to isolate them from the local population. This could be achieved in an environment where even the native population would speak a different language and where no communication channels would link them to their homes. It was also predictable – but initially completely ignored by the German authorities – that the living conditions in other German colonies would endanger the mere survival of the deportees. In German South-West Africa, the Nama and the Herero were predominantly settled in areas without any life-threatening diseases such as malaria. In Togo and Kamerun, the climate was very different, and malaria was widespread. In addition, the Nama were treated with utmost disdain and negligence during and after their transfer to Kamerun. It took the authorities in Kamerun, Swakopmund and Berlin one more year to make the decision to send the Nama back to where they belonged. But even then, 7 out of 48 prisoners who were to be resettled to German South-West Africa were excluded, because they allegedly constituted too big a security threat.⁶² Compared to the overall number of Nama and Herero prisoners kept in custody in camps and on Shark Island, the number of deportees was relatively small. But they were deported because they were regarded as leaders of their nation and as potential instigators of protests and future uprisings. It was the German authorities' intention behind their deportation and behind the creation of unbearable life conditions to deprive the Nama of their leadership. This also becomes apparent in the decision-making process concerning the seven remaining prisoners, whose return to German South-West Africa had been denied for security reasons. Berlin sought to send them to one of Germany's overseas colonies in the Pacific in order to isolate them. To say it in the language of the Genocide Convention: the German authorities deported a number of Nama and Herero⁶³ and exposed them to unbearable conditions in order to deprive both groups of their leaders. These measures had (and were

61 Jürgen Zimmerer: *Deutsche Herrschaft über Afrikaner. Staatlicher Machtanspruch und Wirklichkeit im kolonialen Namibia*, Berlin, Münster, Wien, Zürich, London: Lit Verlag, 2001, 31–55, 126–147, 176–182.

62 Bericht des Kaiserlichen Gouverneurs von Deutsch-Südwestafrika vom 23. September 1913 in BArch R1001.2091.

63 Most of the deportees were Nama, a minority were Herero.

intended to have) a significant impact on the functioning of both groups and this impact was expected to affect their ability to make collective decisions and organise the internal structure of the groups. The Herero and Nama were to become an amorphous population of isolated individuals and families, deprived of larger cohesion and easy to govern for the German authorities. This is why even the relatively small number of group members affected by deportations turn the latter into a count of genocide in accordance with art. 6 of the Rome Statute and the “elements of crimes” which were added to it in Kampala.

3.5 The responsibility of superiors and peers

In order to find a superior, military or civilian guilty of an international crime, it is not necessary to present his orders to commit crimes to his subordinates. A superior is not only deemed guilty of a crime if he commits it in person or orders it, he or she is also liable for crimes committed by subordinates, if he either had knowledge about these crimes or had “reason to know” about them. This is relevant in hierarchical relationships between the participants of such crimes. But there is also an easy way, to hold perpetrators accountable who are not part of a clear hierarchy. In the light of modern ICL, it is enough to prove the existence of a JCE among different German actors (in Berlin, Kamerun, and German South-West Africa), whose common plan was to remove the Herero and Nama as an obstacle to German policy. Some of these actors (among them von Trotha) had the further going intent to commit genocide and it was apparent for the others that genocide was a possible consequence of implementing such a plan. Various institutions contributed to the commission of this crime, some by actively engaging in the persecution of Nama and Herero, others by omission of crucial measures which would have prevented the Herero and Nama from perishing in camps and during deportation. Whenever an international crime was committed by one of those who pursued the common plan, it has to be regarded as a count of genocide and even those, who contributed to the common plan without having a genocidal intent, would then be liable for genocide.

As set out above, JCE is highly controversial. But even under more traditional and less disputed notions such as command or superior responsibility, the government of the *Kaiserreich* would be criminally liable for the genocide carried out in German South-West Africa.⁶⁴ Sarkin has tried to establish whether the

64 Command or superior responsibility is a less contested ICL notion than JCE 3, which was frequently applied at the Nuremberg and Tokyo Tribunal and the *ad hoc* tribunals. Beatrice I. Bonafe: Finding a Proper Role for Command Responsibility, *Journal of*

Kaiser, as the head of state at the time, had knowledge about the events or had even issued the orders.⁶⁵ But under current ICL, there is no need to establish whether von Trotha's superiors ordered him to exterminate the Herero. It is difficult to dispute that von Trotha's superiors knew about his plan, because they approved it, but then found it impossible to implement and finally ordered him to change it. But even if they had not done so, it would not have relieved them from liability for von Trotha's actions. Even if they learned about these crimes *post factum*, they would have had to punish the perpetrators. But although they had the *de facto* power to do so, they never punished von Trotha and his officers.⁶⁶ Beyond that, the *Kaiser* not only refrained from punishing von Trotha, he even rewarded him explicitly for "the quashing of the uprising in German South-West Africa" by increasing his pension.⁶⁷

Applying the modern ICL doctrine about genocide to the context of Germany's colonial policy in German South-West Africa also casts a shadow over the conduct of a commander, who is usually portrayed in a positive light by supporters and deniers of the genocide claim. Both refer to the von Estorff memoir, because different parts of it sustain their argument. Von Estorff was a supporter of Leutwein's policy toward the natives and he despised von Trotha's brutal way of fighting the Herero. He tried to ease the fate of some of the camp prisoners and at the end relocated the survivors of Shark Island to the mainland. His testimony can be used in order to prove how humane some *Schutztruppen* officers were, but it can also be invoked to contrast his conduct with von Trotha's and to show how cruel and atrocious the Herero hunts in the Omaheke were. The problem with von Estorff is, however, that under the concept of a JCE 3, he would also appear

International Criminal Justice, 5 (2007), 599–618; Chantal Meloni: Command Responsibility. Mode of Liability for the Crimes of Subordinates or Separate Offence of the Superior?, *Journal of International Criminal Justice*, 5 (2007), 619–637.

65 Sarkin, *Germany's Genocide of the Herero*, 195–198.

66 According to the jurisprudence of the ICTY and the ICTR, a superior has the duty to inform himself about (possible) abuses committed by his subordinates, as long as such information is available to him. There is some dispute, however, on whether the failure to do so makes him liable for the very abuses or constitutes a different offence of negligence. See: Meloni, *Command Responsibility*, 619–637.

67 Von Trotha was a lieutenant general (Generalleutnant) when he retired, and the Emperor wanted to increase his pension to the amount a general would be entitled to. See the correspondence between the *Reichskolonialamt*, the *Reichskanzler*, and the Ministry of Finance about the intended reward, which the latter ministry regarded as a contravention of the pension law in force at the time. The correspondence stems from May 1906 and is included in BArch R 43.937.

as a member of a criminal group and therefore responsible for excess crimes of other members. More: under command responsibility, he could be held accountable for imposing unbearable conditions on the camp prisoners under his rule. This would constitute a count of genocide, regardless of whether he himself had a genocidal intention or not. It would be enough to prove that other participants to the common plan – like von Trotha and von Schlieffen – had a genocidal intent. It would not be necessary to prove von Estorff’s knowledge about their intent, but several fragments of his memoir, criticizing von Trotha’s conduct before and during the Waterberg siege, clearly prove that von Estorff knew about von Trotha’s genocidal inclinations. Refuting them, even criticizing von Trotha openly, would not have exonerated von Estorff, as long as he carried out von Trotha’s orders.⁶⁸ In other words – if today’s ICL concepts were applied to German South-West Africa in 1904, von Estorff would also be liable of genocide.⁶⁹

The latter argument does not include the *Schutztruppe*’s conduct at the Waterberg and in the Omaheke. As set out above, it was the common plan of von Trotha and the general staff, to commit genocide, but they failed to carry it out. Instead, they committed war crimes all along. Only under the very controversial

68 Since the Nuremberg Tribunal, orders from a superior cannot be invoked in order to exonerate the criminal conduct of soldiers. Under modern ICL jurisprudence, a soldier is expected to refuse to carry out orders which violate international humanitarian principles. Analogically, a superior is not exonerated for crimes committed by his soldiers, if he knew or had reason to know about them and did not try to prevent them, despite having the *de facto* power to do so. Soldiers are only exonerated if they acted under extreme duress, that is if there was a real and imminent danger for them to be killed themselves, if they refused to carry out criminal orders of a superior. This was established by the ICTY in *Erdemović*.

69 Stopping criminal behavior usually does not exonerate perpetrators under national jurisdictions either. It may be taken into account by a court as a mitigating circumstance (especially, if other perpetrators did not stop the commission of crimes), but mitigating circumstances can only be invoked for suspects who are found guilty (or admit guilt), never for people who pretend (or are found) to be innocent. In moral terms, perpetrators of international crimes who cease to commit them and engage in peace-building, reconciliation efforts or conclude a peace treaty with their enemies are often praised (and some of them even received Nobel prizes), but under criminal law, this does not exonerate them from crimes committed before. The same reservation must also be applied to Leutwein, who is often presented as a positive example of a colonial official, because of his inclination toward peaceful, rather than violent solutions. However, if it is true that he also shared the objective to abolish the Herero and Nama polities, as Zimmerer, *Deutsche Herrschaft*, 35–36, claims, he might well become a participant in a genocidal JCE.

concept of a JCE 3 would it be possible to construct an indictment including genocide about these actions. In such an indictment, the war crimes committed by von Trotha's officers and soldiers throughout their campaign against the Herero would be presented as the criminal acts, which the SCSL required for a plan to become a criminal one under ICL. Weakening the Herero (even as an ethnic group), removing them as a military threat would be a common plan which in itself would not be regarded as criminal. However, since it included the commission of international crimes, such as war crimes, it would become a common plan under the concept of JCE 3, especially as von Trotha's martial law declaration already anticipated the commission of war crimes. Only under these premises would it be possible to regard the *Schutztruppe's* war crimes before von Trotha's October order as crimes which rendered the common plan to weaken the Herero a criminal one under ICL, and of which then genocide would be the excess crime of the JCE, for which perpetrators with no genocidal intent could also be held accountable.

4. How ICL sheds new light on other cases of extreme colonial violence in the German empire

Applying the International Criminal Law (ICL) definition of genocide facilitates not only the distinction between different kinds of mass atrocities, but also helps to disentangle genocidal actions from non-genocidal ones within the same course of events. It is likely to shed new light on well-known and thoroughly researched events, some of which will no longer appear as genocide, while others may be regarded as such. In the following, two cases are presented, one which is usually not treated as genocide in the literature, but which fulfils most of the criteria of the ICL definition, and a second case, which has been regarded as genocidal by some authors, although it not only lacks the crucial features of genocide under ICL, but archival records even demonstrate that the actions of the authorities with regard to the respective group were motivated by the intent to maintain the group's existence and its survival as a group.

4.1 Genocide in German East Africa?

Compared to German South-West Africa, the situation in German East Africa was different in almost every aspect. The territory was much bigger – German East Africa was twice the size of the German Empire before World War II, and due to the rough climate and health conditions there, much fewer Germans had settled there. Most of them either had plantations or were working as traders or administrative staff. Plantations concentrated on the northern part of the country, but there never was anything like the settler community in German South-West Africa and the only towns with a more dense white population were coastal ones. German East Africa was also more diverse – in social, religious and ethnic terms. It had been penetrated by Arab trader caravans, which had spread Islam among the local population and erected chieftaincies. But also Indian traders were present. A multitude of tribal organisations permeated the country, creating a difficult equilibrium of local power structures and hierarchies, in which the Germans were only one of many factors of authority. Throughout their reign, the

German authorities relied on indirect rule, which ranged from constant pressure and military presence in some regions, to an almost complete absence in others.¹

The administration was based on native representatives in small settlements. These representatives were called “Jumben”, but they were under the control of German-appointed “Akiden”, who very often were foreigners to the local communities, often of Arab descent. With their help, the German administration collected taxes and issued orders. It was not the presence of the Germans, which put so much pressure on the local population in their “Jumben”, but the economic conditions they imposed.² This started with the imposition of a foreign ruler and extended to the very concept of taxes, which was as foreign to the local population as the introduction of borders and boundaries between land strips and the concept of serfdom for unpaid taxes.³

In order to project military power, the German administration relied on Askaris, African fighters, some of whom were recruited from other colonies – even British and French colonies – and usually from tribes other than the ones to which they were deployed during their duty. They were commanded by German officers. This situation was comparable to the use of Bushmen pathfinders and native fighters in German South-West Africa, but in East Africa, the native soldiers, not the Germans, constituted the main bulk of the military force. As Tanja Bühner has shown, this contributed to an Africanisation of tactics and war habits among the white soldiers, rather than an Europeanization of customs among the locals.⁴ It also left a stronger imprint of inter-ethnic conflict behind after the German troops had left a region, where they had committed atrocities. These

1 In Rwanda and Burundi, the German authorities had imposed a ban for white settlers and almost entirely relied on the local Rwandan and Burundian kingdoms, trying to avoid any frictions in order to maintain peace and avoid being dragged into a war on a territory they hardly knew and were unable to penetrate without a disproportionately strong military effort.

2 Karl-Martin Seeberg: *Der Maji-Maji Krieg gegen die deutsche Kolonialherrschaft. Historische Ursprünge nationaler Identität in Tansania*, Berlin: Dietrich Reimer Verlag, 1989, 54–57.

3 Seeberg, *Der Maji-Maji Krieg*, 56–58.

4 This statement should not be taken as normative or judgmental: Neither way of waging war was more or less humane or humanitarian. As Bühner shows, the adaptation of customs, habits and tactics was mainly caused by geography, climate and living conditions, not by any civilisatory mission and humanitarian constraints were ignored by all sides taking part in the conflict. The use of native soldiers enabled the Schutztruppe to adopt faster to these conditions and to compensate for the advantage the insurgents had with regard to knowledge of the territory and intelligence. Tanja Bühner: *Die Kaiserliche*

atrocities would not only be associated with their rule, but also with the ethnic groups, from which the Germans had recruited the Askaris, who had participated in the fights. And more often than not, the most heinous cruelties were committed by Askaris, who acted without orders but under the indifferent eyes of their German officers.

The conflicts in German East Africa did not break out because of the spacial expansion of German farms, but because of a tax reform, by which the traditional tax on huts (households), which could be paid in kind, was to be replaced by a personal tax due in cash. The reform's purpose was to increase productivity of the native workers, by forcing them either to produce surpluses on their own and pay the tax, or, when their plants did not yield enough, to work on communal plantages, which would yield surpluses. On a macro scale, the colony would be able to produce a trade surplus in each case and thus become less dependent on the mainland. Like German South-West Africa, East Africa also had a trade deficit with the German mainland and required subsidies.⁵ The background of the conflicts in South-West and East Africa was the same, though: fighting broke out because the traditional societies on the ground refused to be integrated into a world-wide system of labor division, which would expose them at the end to competition with other colonies and low-wage, labor-intensive economies in the world.⁶

In German East Africa, extreme violence had already taken place before the turn of the century. During the 1890s, German-led Askari troops, recruited from various other tribes, had outfought the mighty Wahehe kingdom in the central part of the colony. The Wahehe, inspired by Zulu war tactics, had resorted to a kind of partisan warfare, which in turn had triggered a German

Schutztruppe für Deutsch-Ostafrika. Koloniale Sicherheitspolitik und transkulturelle Kriegführung 1885–1918, München: Oldenbourg Verlag, 2011, 235–314.

- 5 *Jahresbericht über die Entwicklung der deutschen Schutzgebiete in Afrika und der Südsee im Jahre 1904–05*, Berlin: Königliche Hofbuchhandlung, 1906, 22–30 and *Jahresbericht über die Entwicklung der deutschen Schutzgebiete in Afrika und der Südsee im Jahre 1905–06*, Berlin: Königliche Hofbuchhandlung, 1907, 23–40.
- 6 The paradoxical irony of this state of affairs consists in the fact that both – colonizers and colonized – were driven by anti-capitalist sentiments, of which they were often not at all aware. The Germans sought colonies in order to escape from the intransparent property and production conditions in increasingly industrial and capitalist Germany. Many settlers and members of the colonial lobbies idealized oldfashioned and archaic values of pre-capitalist societies, agricultural skills, rural customs and production, rather than trade and industry. In Africa they clashed with groups, for whom the German imposed agricultural model was already too much capitalist. They, too, wanted to keep their pre-modern modes of production and traditional customs.

counterinsurgency. But the abolition of humanitarian constraints was not only motivated by the interests of the warring groups, but also by the absence of a common moral framework. In German South-West Africa, the Rhenish mission had wielded a monopolistic position among the German and the native population, challenged only by adherents to traditional, mostly animistic beliefs. In German East Africa, no mission had a comparable position, and alternative belief systems like Islam maintained a strong presence. The missionaries were often seen as challengers to the locally embedded hierarchies of sultans.⁷ Contrary to Namibia, where missionaries had acted as intermediaries between the governor and the scattered Herero groups after the Waterberg battle, they were unavailable as mediators in German East Africa. After the submission of the Wahehe, the German administration introduced the hut tax, and the region became a popular destination for missionaries and traders.⁸ In the war with the Wahehe, both sides committed atrocities against the civilian population. Mkwakwa, the Mahehe king, even ordered killing renegade leaders and mutilating their women. Already in 1897, Tom von Prince, a British-born *Schutztruppen* officer, issued an order which may be seen as the precursor of von Trotha's October order. He put a ransom on Mkwawa's head and declared not to take any prisoners. Each Wahehe seen with a weapon, was to be hanged, prisoners of war were to be killed. Prince's wife, who wrote a diary about her experiences in the colony, remarked: "The Wahaha had wanted their annihilation, they have again launched a murder campaign."⁹ The Governor at the time, Eduard von Liebert, labelled the final phase of the war "a campaign of annihilation and destruction."¹⁰

7 The local administration in German East Africa was often run by local chieftains of Arab descent. Local chiefs of higher echelons were often labelled "sultans" by the German administrators, but this must not be regarded as an indication of their religious affiliation. The Kings of Rwanda and Burundi are also labelled "sultans", although they were not Muslims.

8 Many Wahehe later supported the German troops in their campaign against the Maji Maji. They came from the Northern part of the colony, where resistance against the Germans was weak, although German settler presence was higher than in the South – another argument against the concept of a "war of independence", an "anti-colonial" or "anti-imperialist" fight, which was promoted later by German Democratic Republic (GDR) historians and Tanzania's independence movement.

9 Once again, the German word used is "Vernichtung". Magdalene Prince: *Eine deutsche Frau im Innern Deutsch-Ostafrikas*, Paderborn: Salzwasser Verlag 2012, 93, quoted according to Bühner, *Die Kaiserliche Schutztruppe*, 262.

10 Eduard Liebert: *Neunzig Tage im Zelt. Meine Reise nach Uhehe, Juni-September 1897*, Berlin, 1898, 9, zitiert nach Bühner, *Die Kaiserliche Schutztruppe*, 262.

The Maji-Maji uprising was different from previous rebellions as well as from the Herero and Nama uprisings in German South-West Africa. It was the first inter-ethnic uprising of more than 20 different ethnic groups, which united against the German administration. It started as a rebellion against Arab traders and cotton plantations in the coastal town of Samanga. Missionaries were not spared. The war that started was not directed against German rule alone. Many of the groups that fought against the *Schutztruppe* were also fighting against each other, and the use of Askaris from different ethnic groups by the *Schutztruppe* only contributed to these antagonisms. Other groups used the mere fact that their former enemies were now fighting each other to increase their power, get rid of former constraints or just rob their neighbors.¹¹ Trade was not dominated by only one ethnicity. There were traders from India, Arab countries, and from Europe; German traders did not dominate, so the first attacks also were not directed against traders. The main target of the initial violence were the cotton plantations, and for good reason. Cotton was foreign to East African agriculture, it yielded relatively high profits, and harvesting it was labor intensive. These features made the plantations the perfect vehicles for producing export surpluses on the one hand, and for spreading a system of forced labor in the country on the other hand.

There also was a new belief system, similar to the one which would unite the Nama tribes in Namibia in 1904 against the Germans. But in German East Africa, it was stronger, more widespread and militarily more useful. It had two important features: it solved the trench dilemma described earlier by convincing the fighters of their invulnerability and it equipped them with a unifying, overarching group identity, which overlapped their ethnic affiliation. By becoming Maji-Maji,¹² fighters of different, even hostile ethnic groups could unite and develop a common identity and extend their loyalty to members of other groups. This hampered the possibilities of the German troops to instigate one group against the other and helped the local population to overcome the trench dilemma. At the same time, the spread of the Maji-Maji imposed a new cleavage in every community affected by the conflict – people had to decide whether to support

11 Bührer, *Die Kaiserliche Schutztruppe*, 229–232.

12 The Maji Maji cult derives its name from the word “Maji” which means Water. The cult itself claimed that warriors impregnated with holy water became invulnerable of German bullets. But the cult went beyond that and included some humanitarian provisions: witchcraft, looting and taking women as prisoners was forbidden. The cult also had a chiliastic edge and claimed that the spread of holy water would contribute to richer harvests and protect its believers from abductions. Bührer, *Die Kaiserliche Schutztruppe*, 232.

Maji-Maji or the Germans. But the Germans were usually far away, while the Maji-Maji followers were close and would remain after any battle. This way, the new belief reduced the number of neutrals among the population and was likely to drag people into the conflict (on one side or the other), who would otherwise rather be inclined to keep a neutral position. Under the existing circumstances of indirect rule and scattered German military presence, it was likely to mobilize the local populations in an assymetric way to the advantage of the insurgents and to the detriment of the Germans. Locals would be inclined to follow the Maji-Maji rather than the *Schutztruppe*, if forced to take sides.¹³

In the ensuing war, war crimes were the rule rather than the exception. One of the first crimes against civilians was the murder of Bishop Spiess in Kilwa, who had been surprised by the uprising and had ignored the warning of the local authorities. He was killed by a mob on his way from Kilwa, together with two priests and two nuns. The rumour about the insurgents' success in killing such influential people, spread across the country and inclined others to join the uprising.¹⁴ The bishop had been armed with weapons from the local administration, which had advised him to stay at home and had denied giving him Askari support. But witnesses testified that he had made his status as a non-combatant clear in his conversation with the crowd but that he had been killed anyway. The many attacks on clerics forced them to arm themselves and fight back. Missionary stations became deserted or fortified and armed and priests turned into combatants.¹⁵

The insurgents did not only target Germans. They also attacked and killed other Europeans, Askaris, Indians, Arabs, and black traders on the coast.¹⁶ In response to the first attack, which came as a complete surprise to the Germans,

13 Bührer provides a number of examples for enforced recruitment, Bührer, *Die Kaiserliche Schutztruppe*, 232–233.

14 The Governor later conducted an investigation into the murder. The respective testimonies of survivors are stored in BArch R 1001.722.

15 “Neuste Nachrichten vom ostafrikanischen Aufstand” (unauthored report in:) BArch R 1001.723.

16 Bericht des Kolonial-Wirtschaftskomitees für das Auswärtige Amt (Kolonialpolitisches Amt) über die Ursachen des Aufstandes, 25.1.1906 und Denkschrift des kaiserlichen Gouverneurs von Deutsch-Ostafrika über die Ursachen des Aufstandes daselbst, Berlin 30.1.1906 in: BArch R 1001.726. The second report was written by Governor von Götzen and presented to the Reichstag by Chancellor von Bülow.

who also underestimated the scope of the uprising, the large-scale recruitment of Askaris started, even including fighters from Germany's pacific colonies.¹⁷

In 1905, many Wahehe cooperated with the German troops, despite the bitter fights eight years earlier. Under the orders of *Schutztruppen* officers, they embarked on a scorched earth policy, which included the abduction of women and children in order to prevent them from providing assistance to the warriors in the bush, the killing of prisoners of war, looting of villages, the destruction of the crops and the torture of surrendering enemies to extort intelligence.¹⁸ Their commander, Theodor von Hirsch, the former station chief of Mpapua, wrote a diary in which he admitted that he felt "like a murderer, arsenist and slave trader", but did nothing to stop the war crimes. He even paid his warriors a lump sum for heads cut off.¹⁹ He was not the only one. Fighters on all sides of the conflict tended to not only kill combatants, but entire populations of raided villages, destroying food and crops during their marches in order to weaken support for their enemies. This often left civilians without any means to survive. Reports from the local administration to the Governor did not hide these facts. "A lot of crops were destroyed by us. Food shortage is not excluded", wrote the head of the Lindi district to the governor. He wondered, whether the locals would be able to pay the fee the Governor had imposed on villages that had joined the insurrection: "Their huts and stocks are destroyed."²⁰ In a message to Berlin, general Glatzel in Daressalam described the actions of a Navy officer who had "attacked and destroyed a village."²¹ Usually, even after surrendering, insurgents (and especially their local leaders) were executed immediately in short and cursory proceedings which were called "martial courts."²²

It remains to be established, whether the war crimes during the Maji-Maji war can be regarded as genocidal within the meaning of ILC's genocide definition.

17 BArch R 1001.721–722 contains many records about the (often failed) recruitment actions. There even was an attempt to recruit 150 youngsters from Bougainville Island in German New Guinea. But they could not adapt to the climate conditions in East Africa, fell ill and had to be sent back. Kaiserlicher Gouverneur von Deutsch Neu Guinea an das Kaiserliche Gouvernement Daressalam, 7.12.1905 in BArch R 1001.727, p. 15.

18 Bühner, *Die Kaiserliche Schutztruppe*, 265–266.

19 Bühner, *Die Kaiserliche Schutztruppe*, 266.

20 Ewerbeck an Gouverneur (no date) in BArch R 1001.723.

21 Telegramm aus Daressalam, Gen. Glatzel an Admiral Berlin, BArch R 1001.723, p. 147.

22 Kaiserlicher Bezirksamtman in Lindi an Gouverneur, 15.9.1906 in BArch R 1001.723, 59–62. The report describes the district officer's personal experience from an excursion into territories where the uprising was about to be extinguished.

As pointed out previously, the weak influence commanders had on their Askari troops does not exonerate them from command responsibility, at least not as long as they were able to exercise effective control either over their soldiers in the field or were in a position to punish them afterwards. Punishment of Askaris was frequent and harsh, but hardly ever happened because of war crimes. Usually Askaris were punished for lack of loyalty, ignoring orders, or committing errors in battle. But was there a genocidal *mens rea*? Von Hirsch's diary reveals that genocidal considerations were not foreign to *Schutztruppen* commanders. The open question is whether genocidal intentions from 1897 continued to exist and influence military decisions a few years later and with regard to other groups. There are strong indications pointing to a genocidal intent by some of the German commanders. In October 1905, Hauptmann von Wangenheim presented the scorched earth strategy as a means of ending partisan warfare by starvation: "If the still remaining food is consumed and people's homes are destroyed and they lose the possibility to cultivate new fields because we conduct continuous raids, then they will have to give up their resistance."²³ Even some missionaries joined the call to fight the insurgents through starvation.²⁴ Subsequently, the German troops destroyed fields and crops to the extent that they endangered their own food supplies. Von Götzen justified this hunger strategy by pointing to the alleged civilisatory inferiority of the enemy.²⁵ The strategy was a success – the Maji-Maji uprising ended in a three year long mass starvation which devastated a large part of the southern part of the country. Young mothers were unable to feed their newborn babies, who perished in large numbers. Southern Usagara was entirely depopulated by 1906, in Ulanga, 25 percent of the women had become unfit to become pregnant. According to some estimations, one third of the pre-war population had died, with up to 300,000 casualties.²⁶ The ecological consequences of the war triggered an expansion of the Tse-Tse infected parts of the country, because the flies followed game which migrated into the depopulated

23 Quoted according to Seeberg, *Der Maji-Maji Krieg*, 79, who relies on Gustav Adolf von Götzen: *Deutsch-Ostafrika im Aufstand 1905–1906*, Berlin: Dietrich Reimer, 1909, 149.

24 For example, the superintendent of the Berlin Mission, C. Schumann, wrote in an affidavit to the military outpost in Jringa (19.1.1906): "The enemy refuses to hand himself in. He can only be overwhelmed by hunger." BArch R 1001.724, p. 66.

25 Seeberg, *Der Maji-Maji Krieg*, 80–82.

26 Susanne Kuß: *Deutsches Militär auf kolonialen Kriegsschauplätzen. Eskalation von Gewalt zu Beginn des 20. Jahrhunderts*, Berlin: CH. Links Verlag, 2010, 111–112. There were only a few casualties on the German side: 15 white soldiers, 389 African soldiers and 66 porters died.

regions. This way the German authorities had “deliberately inflicted conditions of life calculated to bring about the physical destruction” of other ethnic groups, as the ICL genocide concept requires. But did they do that because of the intent to destroy these groups in whole or in part? Here again, as already demonstrated in the case of the Nama deportees, the fate of these groups’ elites is crucial. There is no written evidence of an order that would point to such an intent by at least one of the German commanders or a possible member of a Joint Criminal Enterprise. Even the decision to apply scorched earth policy in the colony cannot be attributed to one central order, instead it was rather the result of several initiatives by commanders in German East Africa and the result of the escalation of violence.²⁷ There is some circumstantial evidence suggesting that the German administration wanted not only to destroy the members of the hostile ethnic groups, but also the groups as such by depriving them of their elites and leadership. In November 1905, von Götzen issued an order regulating the duties to be imposed on surrendering insurgent groups and villages. The first condition was the surrender of local leaders (of the uprising) and those whom the German authorities referred to as “the wizards”, i.e. those who spread the Maji-Maji cult.²⁸ The order to the commanders in the field does not specify how these people were to be treated, but from the entirety of the records one may conclude with little doubt that they were expected to be executed. This was likely to deprive the respective ethnic groups of their traditional leaders. But it was not justified as a means of shattering the traditional order, but as a punishment for participating in the uprising. Groups which had stayed away from the Maji-Maji were not repressed at all. From the beginning of the Maji-Maji uprising, traditional leaders of the affected groups were targeted deliberately, and the war led to the extinction of “a whole generation, whose members had learned to think in categories, which exceeded the horizon of their own tribe”, as Seeberg puts it.²⁹ “The Africans not only lost their traditional groups of rulers, as far as they had taken part in the uprising, their very existence was threatened because of the destruction of villages, harvests and stocks.” As a result of the German war strategy, some groups also were deported to other parts of the country – a case of “forcible transfer” which would today be punishable either as a war crime (if committed during a war and against belligerents) or a crime against humanity (if carried out against a civilian

27 Kuß, *Deutsches Militär*, 120.

28 Befehl an die Truppenführer im Aufstandsgebiet, 11.9.1905 in: BArch 1001.724, p. 119 and BArch 1001.728, p. 16.

29 Seeberg, *Der Maji-Maji Krieg*, 89.

population, which was the dominant pattern in German East Africa).³⁰ The main thrust of the punishment was motivated by economic considerations rather than by ideology. Some authors rejecting the genocide claim with respect to East Africa argue that the German authorities had no economic interest in exterminating tribes under their jurisdiction, because they needed them as workers. But this is wrong for several reasons – it assumes genocide to be a rational strategy, from which a perpetrator can expect material benefits, and it neglects the existence of irrational genocides, committed out of ideological motivations (like, for example, racism, communism or extreme nationalism), and it sets aside the fact that the Herero genocide in Namibia took place despite the German settlers' interest in maintaining the Herero as a labor force. Because of the demographic situation, the motivation to have the Herero raising cattle and working for Germans should have been much stronger in German South-West Africa than in German East Africa. But it did not prevent the settlers from pursuing a policy toward the Herero and Nama, which was fundamentally irrational, hurt their own economic interests, but responded to their yearning for revenge and retaliation. This did not happen at all in East Africa. In an order at the end of the uprising, von Götzen encouraged his subordinates in the districts to be flexible with regard to the surrender conditions he had set out in November 1905. These conditions were not to be imposed regardless of the situation on the ground. Their objective was to re-establish the authority of the colonizing power and to extract resources from the local population, but they were not to incite another riot, which would be contrary to the interest “of maintaining the population and its strength”.³¹ Von Götzen did not want the surrender conditions to be implemented as severely as he had once formulated them. Despite the fact that the Germans had a much bigger native workforce at their disposal in East Africa than the Germans in South-West Africa could dream of, they respected it much more than their compatriots in Windhuk. This was probably due to the much weaker settler influence on the administration of German East Africa. Most of them lived in areas which had been spared by the insurrection and did not feel the need to retaliate in an irrational manner.

The results for the native population were disastrous. The official German records estimate the number of Maji-Maji casualties to be 75,000.³² Gwassa

30 Kuß, *Deutsches Militär*, 124.

31 The message to the district officers is summarized in a letter von Götzen's deputy Haber sent to the German Foreign Office (GFO) on 16.7.1906: BAArch R 1001.724.

32 Stenographische Berichte über die Verhandlungen des Deutschen Reichstages. Anlagenband 622 (Sitzung 1907–1909), p. 3693.

estimates the real number between 250,000 and 300,000,³³ Bühner quotes 250,000 casualties,³⁴ which were mostly due to hunger and diseases. But according to the genocide definition, high victim numbers are not necessary to make a genocide finding and casualties need not be caused by direct violence. Victims who died because the perpetrators deliberately inflicted conditions of life calculated to bring about the physical destruction, would also be victims of genocide. Even without proof of genocidal *mens rea*, modern ICL would interpret the German policy as a common plan of a Joint Criminal Enterprise (JCE), which included the commission of war crimes, and whose possible consequence was genocide – as long as at least one participant of the military campaign had a genocidal intent to “eliminate in part or in whole” another group.³⁵ The high victim numbers (which are controversial until today) are almost irrelevant here, although they are very impressive when compared with massacres that have been adjudicated as genocide by international criminal courts.³⁶ The German authorities and their Askari troops did create conditions, which were likely to make the survival of

33 Gilbert Clement Kamana Gwassa: *The Outbreak and Development of the Maji Maji War 1905–1907*, Köln: Rüdiger Köppe Verlag, 2005, 217.

34 Bühner, *Die Kaiserliche Schutztruppe*, 274.

35 The intent to eliminate a group only in part must concern a significant part of that group, but there is a hindrance to apply this requirement to warriors only. In *Krstić*, the International Criminal Tribunal for the former Yugoslavia (ICTY) found that such an intent could also be targeted at the male part of the group (or even those able to carry weapons), if this group is important for the existence of the group. Ultimately, Krstić (and after him many others down the chain of command of the Bosnian Serb Army) were found guilty of genocide in Srebrenica, although women and children had been separated from the men and boys and were transferred to territory held by the Bosniak government. Analogically one could argue that even if the scorched earth policy in German East Africa only had the objective to eliminate enemy fighters, but these fighters were essential for maintaining the internal coherence of one or several ethnic groups, then such a policy would nevertheless fulfil the requirements of ICLs genocide concept – if there was proof for genocidal intent.

36 The official German records estimate the number of Maji Maji casualties to be 75,000: Stenographische Berichte über die Verhandlungen des Deutschen Reichstages. Anlagenband 622 (Sitzung 1907–1909), p. 3693. Kamana Gwassa, *The Outbreak*, 217 estimates the real number between 250,000 and 300,000, Bühner, 274 quotes 250,000 casualties, which were mostly due to hunger and diseases. In *the prosecutor v. Krstić*, the ICTY found the massacre of 7,000 to 8,000 Bosnian Muslims from Srebrenica to be genocide, the victim numbers of the Rwandan genocide, which was adjudicated as such by the International Criminal Tribunal for Rwanda (ICTR) in *the prosecutor v. Karemera* oscillate between 500,000 (the number used in the immediate aftermath of

their enemies impossible – in physical terms, but also in terms of their polities. Some of the possible demographic consequences of the uprising were visible in Tabora, whose district officer filed a report according to which the population had almost halved. Based on approximations on his tax income, he claimed that instead of 750,000 to 1 million inhabitants in the previous years, he now could only count on 500,000.³⁷

The missions in Tabora deplored the emigration of the male workforce to the coastal area, which caused problems for the remaining families, the missionaries' work as well as agriculture.³⁸ The strengthening of the colonial grip on the local population had some far-reaching consequences for the justice system. As a report from Tabora shows, before the uprising, the locals had hardly ever challenged the authority of their sultans, who had decided about complaints among their subjects. After the uprising, they challenged sultan decisions more and more before the German district administration. This was a problem for the Germans – they had more work now and were forced to expand their personnel in order to deal with the complaints. But it also was a problem for the local hierarchy and the authority of the sultans. Even in cases where they were right and had made the right decision on a complaint, once they were challenged before the German authorities, they had to show case there and were treated in the same way as their subjects, which constituted a big challenge to their authority among the whole local population.³⁹

One of the last few rebels, who resisted to colonial rule after the 1905 uprising, was Ngozingozi in den Ssongea district. In April 1908, the military left the district and its posts were taken over by the police, which in practice meant “ten policemen, 35 Askari, a police commander (Wachtmeister), commanded by the local civil administrator (called *Bezirksamtman*).” They moved in against Ngozingozi and his men, conquered several of his camps, shot Ngozingozi and several of his sub-commanders, which led to the surrender of the remaining rebels. The “Jumben” who had been loyal to the Germans were confirmed, the remaining

the genocide by the UN) and 800,000. The Rwandan government and victims' organization have been publishing claims of more than one million victims.

37 *Jahresbericht des Bezirksamtes Tabora 1908*, National Archives of Tanzania, G 1/6, *Jahresberichte 1908 Ssongea, Tabora, Mahenga*.

38 *Jahresbericht des Bezirksamtes Tabora 1908*, National Archives of Tanzania, G 1/6, *Jahresberichte 1908 Ssongea, Tabora, Mahenga*.

39 *Kaiserliches Bezirksamt an Kais. Gouvernement in Daressalam 12.6.1909, Jahresbericht des Bezirksamtes Tabora 1908*, National Archives of Tanzania, G 1/6, *Jahresberichte 1908 Ssongea, Tabora, Mahenga*.

ones destituted and punished. As the report from the district claims, with the end of the rebellion, more and more returnees and immigrants came back. In order to facilitate returns, refugees who had fled the bloodshed and came back to their homes were not taxed for the current year. The report states that during the previous year, one could have travelled for up to four days without seeing a human being, “but now there are people everywhere”. Many immigrated from the Portuguese side of the border.⁴⁰

Like in German South-West Africa, the treatment of the natives also triggered protests in Germany. In no. 76 of the *Frankfurter Zeitung* a kind of op-ed was published, written by an “expert of the African protection areas” (“ein Kenner der afrikanischen Schutzgebiete”), who sharply criticized the plans concerning the reorganisation of the Schutztruppe. The edge of the criticism was directed against the intent to either leave the administration of the colonies entirely to the military or to introduce a civil governor between the government in Berlin and the military in the colonies. Both would, the author argued, lead to the preponderance of the military, which would contradict the interest of the colonies. As a result, these would decay rather than flourish under the rule of the army. He questioned the underlying conviction of the Denkschrift about the reorganization, according to which there was a serious military threat in the colonies, which could only be countered by military rule, which, in his eyes, would inevitably lead to the creation of a colonial army. “Where in Africa – except German South-West Africa – do such enemy forces exist, whose horrible bloodthirst would require such a defence as the project demands?” the author asked. “Are the German people and the *Reichstag* still under the impression of allegedly existing negro armies in the Central-African jungle, whose leader, a Moltke of the jungle, does not think and strives for nothing else than waging war against the German Reich? Did the reports about the war in East Africa not prove how miserable the local negro armies are, when they happened to get into the range of the fire of our colored units and the crossfire of the machine gun?” During the last uprisings, “the natives were so much chased and shot at, until they all had either fled into inaccessible parts of the jungle or died, and all the Europeans who had taken part in the fights had obtained a distinction.” In Ssongea and Mahenga, the author continued, this had led to a famine, which forced the natives to eat ants and bugs in order to survive.⁴¹

40 Jahresbericht des Bezirksamtes Ssongea 1908, National Archives of Tanzania, G 1/6, Jahresberichte 1908 Ssongea, Tabora, Mahenga.

41 National Archives of Tanzania, G 21/161, Akten des Kaiserlichen Bezirksgerichts Darressalam, Deutsch-Ostafrika in der Strafsache gegen von eRoy wegen Beileidigung

The case of the Maji-Maji uprising illustrates the paradox behind the popular understanding of the genocide concept. Quashing the uprising caused many more casualties than von Trotha's campaign in German South-West Africa and it clearly had genocidal consequences for the affected population. Large parts of the traditional leadership of the ethnic groups and tribes were destroyed by the German war conduct, but because it is not (yet) possible to prove genocidal intent among the perpetrators, the atrocities and mass murders, the scorched earth policy and the attempt to quell the uprising through starvation must be regarded as war crimes (punishable already under Hague II), or, if one wants to apply a modern legal concept, as counts of a crime against humanity in so far as it was directed at the civilian population. But as long as there is no proof for the existence of a Joint Criminal Enterprise among the German elites and of at least one participant with a genocidal *mens rea*, the mass murder in German East Africa cannot be regarded as genocide. The Germans did target the leadership of the groups which rose against them and killed many leaders, but there is no proof they did so in order to destroy these groups "in part or in whole" and not just in order to punish them and eradicate the leaders as potential security threats. This is different with regard to the Wahehe campaign a few years earlier, for which genocidal intent is easier to prove.

4.2 The case of the Bushmen

The high casualty numbers and the devastation during the quashing of the Maji-Maji uprising are usually presented as the result of a spiral of military escalation, which was triggered by partisan warfare, leading to war crimes committed by both sides. The low intensity repressions in German South-West Africa against the Bushmen after the Nama and Herero wars are interpreted by some authors as another genocide. For example, Robert J. Gordon, the author of a monograph about the Bushmen myth and the socio-demographic decline of the Namibian

1907–1908. The article was reprinted by the *Deutsch Ostafrikanische Zeitung* on 27 April 1907. The *Schutztruppen* Kommando in Daressalam filed it immediately to the district court, regarding it "an attempt to reduce the reputation of the *Schutztruppe*", claiming it contained numerous untruthful claims. The journal editor responded claiming the original idea of printing the article had not been to libel the *Schutztruppe* but to start a discussion, and that a polemic response to the article had not yet been published (but would be). The court case ended when the prosecution in Frankfurt reached the conclusion that the incriminated libel fell under the statute of limitations, because the court in Daressalam had forwarded the records too late to the prosecution in Frankfurt.

Bushmen under German and South African rule, even wrote about several allegedly forgotten “Bushmen genocides”, basing his claims mainly on records from the National Archive of Namibia in Windhoek.⁴²

The Bushmen are often forgotten or neglected by accounts on German colonial violence in Namibia which focus on the more widespread persecutions against Nama and Herero people, which are, for various reasons, also better documented. Compared to the Herero and Nama, the San were more vulnerable and had much weaker polities. They lived in relatively small groups and made a living from hunting and gathering. They were the object of various stereotypes among other groups, both white and native, who regarded them as empowered by magic, unreliable, unpredictable, but at the same time as very well acknowledged and adapted to the conditions of the bush. Herero, Nama, and Germans feared them because of their use of poisoned spears and arrows and their ability to move almost undetected in the bush, but they also admired them for their endurance, their supreme knowledge of geography, animal life and their abilities as pathfinders. Without a central authority comparable to the chieftaincies of the Nama and Herero, they were unable to respond jointly to dangers, but on the other hand, they also were much more difficult to control and steer. When the German authorities introduced their famous pass and control regulations, which subordinated the surviving Nama and Herero to German farmers’ labor needs, the Bushmen became a disturbing factor in the new system. The latter was based on comprehensive control; it criminalized any attempt to pursue a life outside the German regulations and outside the German-controlled labor market. Those who refused to carry passes (which restricted their mobility) and work for German settlers were regarded as outlaws. German farmers, weary of a new uprising and full of fear about the remnants of the Herero and Nama fighters, who roamed parts of the country in search for food, animals and weapons, often shot at Bushmen. After the quashing of the Nama and Herero uprising, the number of *Schutztruppen* soldiers was reduced, but the colony then created a police force, which, among others, tried to rein in the Bushmen, who refused to register and work for settlers.

But it was not only the German post-uprising policy that put pressure on the Bushmen. The Grootfontein district, a Bushmen stronghold, saw the development of a strong mining sector after 1908, which attracted many workers from

42 Robert J. Gordon: Hiding in Full View: The “Forgotten” Bushman Genocides of Namibia, *Genocide Studies and Prevention: An International Journal*, 4, 1 (2009), 28–57. See also: Robert J. Gordon: *The Bushmen myth and the making of a Namibian underclass*, Boulder: Westview Press, 1992.

outside – Ovambo recruited from the North and even immigrants from Transvaal and the Cape. At the same time, Nama were being resettled from the south to the Grootfontein District. As herders of small cattle, they occupied the same landscape the Bushmen used for hunting, whereas the mere existence of so many other newcomers reduced the surface available to the Bushmen even more. They did what the Nama had done once their polities had been destroyed by the German war effort: They started to raid the environment and make a living from banditry. There are records reporting not only about Bushmen robbing farmers and traders, but also about cases when Ovambo mine workers were assaulted and robbed.⁴³

There were two kinds of responses to this “Bushmen problem”, as it was often labelled in the records. The first was a kind of blind and irrational retaliation by farmers, who often started to shoot at any Bushmen as soon as they saw them, often treating them like game. There are no indications that Bushmen hunting was more than the sum of individual acts of violence undertaken by farmers. There are no traces pointing to collective action by farmers, and there is no indication about the existence of a plan to exterminate the Bushmen as a group.

The second attempt to solve the “Bushmen problem” was a more bureaucratic one, which was aimed at deterring Bushmen from raiding and, at the same time, preventing vicious and indiscriminate attacks against them. It had two main objectives: to limit or eradicate the security threat, which some Bushmen posed, and to protect the Bushmen from excessive violence by the farmers and the police. In other words – it was the attempt to establish and strengthen the state’s monopoly of violence over the colony with regard to the Bushmen. In 1911, the Gouvernement in Windhuk issued a regulation, which allowed the police to destroy Bushmen settlements (the so-called “werften”) only if the respective Bushmen had stolen cattle or assaulted workers or farmers. For the district office in Outjo, the regulation was too restrictive. It suggested allowing the police to resettle Bushmen to other regions and forcing them into the labor market. The district officer, who apparently lobbied on behalf of the labor-short diamond mines, wanted the Bushmen to do forced labor on the diamond fields or to be expelled into arid parts of the country, where they would be unable to survive.⁴⁴ The district officer

43 Lüderitzer Minenkammer an Kaiserliches Gouvernement Windhuk, 29.4.1912 in: National Archives of Namibia, Gouvernementsakten WIIo2, betr. Buschleute speciala. The background of the intervention was the fear of the mines, the Bushmen raids would deter Ovambo from migrating to the mines and thus deepen the labour shortage.

44 Bezirksamt Outjo an Kaiserliches Gouvernement Windhuk, 20.1.1913, in: National Archives of Namibia, Gouvernementsakten WIIo2, betr. Buschleute speciala.

apparently had some genocidal intentions, but he had no means of implementing them and he fell on deaf ears in Windhuk.

There were other district chiefs, with opinions which strongly differed from those of the chief in Outjo. Rauch, the district chief in Gobabis, negotiated an agreement with a local Bushmen elder. According to this agreement, all Bushmen from the district, who were encountered by the police, were to be sent (on a voluntary basis) to “Captain Sadob”, where they could settle and hunt in a kind of reserve, out of the reach of white settlers and Herero.⁴⁵ The agreement’s aim was threefold – it should slowly and without violence incline the mobile Bushmen to settle down and become a farming community, it should make Bushmen available as a labor force for the German settler community and it should contribute to the survival of the Bushmen as a distinct ethnic group and prevent their decline. The latter purpose was explicitly mentioned. The author of the memo that was sent to the Governor in Windhuk shared the widespread Darwinist conviction of the time that small and allegedly backward groups would vanish when they came into contact with bigger and more advanced groups. For him, the Bushmen would disappear as a result of a natural process, but his measures were meant to prevent or at least delay their decline.⁴⁶ As had been the case before with regard to Nama and Herero, the district and the Government’s administration acted as moderators in the conflict between the farmers and those parts of the native population, which had escaped the German system of labor control. The farmers, who were more exposed to the raids of native outlaws than the population in the towns, reacted with the same irrational call for violence they had used to issue during the Nama and Herero wars. They wanted the free, unregistered natives, who raided their environment, to be punished, imprisoned, killed and removed – despite the imminent and lasting need for labor in the colony. Therefore, they pushed the administration to apply harsher and harsher restrictions against the Bushmen, which would either lead to their annihilation or drive them out of the colony, whereas the district chiefs and the Governor tried to curb the farmers’ retaliation and direct repressions only against those Bushmen, who could be blamed for robbery.⁴⁷ The district chief in Gobabis explicitly mentioned the

45 In the past, Herero had often captured Bushmen and held them in slave-like conditions. Therefore Herero were seen as enemies by many Bushmen.

46 Kaiserliches Distriktamt Gobabis an Kaiserliches Gouvernement, 25.11.1913, in: National Archives of Namibia, Gouvernementsakten WIIo2, betr. Buschleute speciala.

47 The records about the Bushmen policy also show that the farmers were not alone in their attempt to incline the Governor to apply harsher restrictions against the Bushmen. The same was done by the *Schutztruppe*, which successfully managed to get a broader

“opinion of the farmer association, an opinion which was rooted in the wish to exterminate the Bushmen population” and made clear that he intended to preserve the Bushmen for humanitarian reasons and because of his conviction that “the Kalahari region cannot be developed without them.”⁴⁸

Contrary to Gordon’s claim about “Bushman genocides” having taken place in Namibia before World War I, it was the policy of the German authorities to preserve the Bushmen as a group. There is no single document showing a genocidal intent from representatives of the German state in the colony; there is, at the most, some evidence pointing to genocidal thinking by farmers. However, there was no widespread and systematic attack on the Bushmen population, in whose framework individual acts of violence could be interpreted as genocidal. Rather the opposite was the case: the German administration moderated the farmers’ calls to eradicate the Bushmen and tried its best to preserve them as a potential source of labor for the colony’s economy. This does not exclude incidental violence, personal retaliation during Bushmen raids (in which often farmers, who had been robbed, were allowed to participate) and atrocities against Bushmen. But it does exclude genocide in the sense of ICL.

interpretation of the rules, which the administration had issued in 1911 for the conduct of so-called “Bushman patrols” (raids against Bushmen). The *Schutztruppe* received an interpretation, which enabled it to shoot at suspects and escaping Bushmen (rather than at suspects only), including women. Kommando der Kaiserlichen Schutztruppe für Deutsch-Südwestafrika an Kaiserliches Gouvernement October 1911 in: National Archives of Namibia, Gouvernementsakten WIIo1, betr. Buschleute generalia.

48 Kaiserliches Bezirksamt in Gobabis and das Kaiserliche Gouvernement, 20.9.1911, in: National Archives of Namibia, Gouvernementsakten WIIo2, betr. Buschleute speciala. The original wording of extermination in the document is “Ausrottung”.

5. From Africa to Auschwitz, from Windhuk to the Holocaust?

For a long time, the mass violence, which the German authorities in Namibia imposed on the Nama, Herero and – to a lesser extent – on the Bushmen remained at the margins of Germany’s dealing with the past, until Hannah Arendt started to argue that the mass murder of the Third Reich had its antecedents and even its roots in the colonial past.¹ This may be seen as the origin of the continuity hypothesis, which has been frequently revisited, rejected and criticized in more recent times, when the topic resurfaced in political and academic debates about Germany’s colonial past. There is a number of events, which brought this issue back to the media, triggering political controversy in Namibia and Germany – and in some cases even beyond. First, a group of Herero, inspired by the Jewish Claims Conference’s lawsuit against German investors in the US in the late 1990s, filed a similar, but much worse prepared lawsuit against German enterprises in the US. Like the first court action, which had targeted German enterprises as successors of firms that had used forced labour during the Third Reich, the Herero lawsuit was lodged under the Alien Torts Act.² There were two important legal differences and a political one with regard to the Jewish Claims Conference’s action. First, the Herero demanded reparations, not compensation.³

1 Hannah Arendt: *The Origins of Totalitarianism*, New York: Houghton Mifflin Harcourt, 1973, 185–221.

2 Jeremy Sarkin: *Colonial Genocide and Reparations in the Twenty-First Century: The Socio-Legal Context of Claims Under International Law by the Herero against Germany for Genocide in Namibia 1904–1908*, London, Westport, 2009, 107–111. The Jewish litigation had successfully argued that the forced workers had been deprived of their due salary, for which they should be compensated. In order to prevent the cost of court action and a (likely) defeat in U.S. courts (which would then open the door for the confiscation of German property there), the German government stepped in and started negotiating about compensation. This immediately led to similar claims made by governments and civil society organizations from countries whose populations had been – along with the Jewish workforce – forced to work for German enterprises during the Third Reich. In the end, a comprehensive agreement was reached, according to which the German budget fuelled the money into national foundations, which den directly (omitting taxes and other contributions) compensated the surviving victims.

3 In the past, the notion of reparations was mostly used in order to describe payments made by one state to another state, whereas individual compensations have to go

This difference was purely semantic, because the discussion that followed made it clear that they also wanted the compensation to be paid from the German budget directly to Herero in Namibia. The second issue was more important: the Herero wanted money to be paid not to the victims (they had died long before) but to their relatives. This was a difficult demand for the German government (which has so far always rejected it), because its acceptance would have opened the door for other groups to claim compensation for events that had happened not only decades or generations ago, but many centuries ago. Finally, there was an important difference to the Jewish claims. They were targeted at German enterprises, which had not only made profits of the abuse of forced workers, but also had a lot to lose due to their investments in the US. The lawsuit of the Herero only dealt with German enterprises, which had cooperated with the German government in quelling the Herero and Nama uprising, but these enterprises did not have any major investments in the US. Therefore, there was – contrary to the Jewish claims – no economic reason for the German government to step in and relieve German investors in the US. Nevertheless, the court action brought the topic into the main German media and also aroused attention outside Germany. Until then, the genocidal policy in Germany's colony had mainly been a topic of historians dealing with colonialism and post-colonialism, situating the events either in the broader framework of German history or European colonialism.

More recent scholarship has shifted postcolonial history to genocide studies, trying to put the Herero and Nama genocide into an even broader framework of world history or the history of mass atrocities.⁴ Some authors now complain about an allegedly exaggerated focus on the Holocaust, which overshadows other genocidal atrocities and inclines researchers to preconceive their understanding of less industrial and state-centred mass killings.⁵ This approach has

directly from one state (or another entity, e.g. an international organization) to individuals. In the former case, the money can, but need not reach the former victims and/or their descendants. This depends on the legislation of the receiving state. In the latter case, the receiving state is only involved in so far as its government has to agree to the transaction. The word “reparation” was probably chosen because in today's Namibia, the German troops' fights against the Nama and Herero are usually labelled as a war of national liberation, or a war conducted between Germany and these groups.

- 4 Thomas Kühne: Colonialism and the Holocaust. Continuities, Causations, and Complexities, *Journal of Genocide Research*, 5, 3 (2013), 339–362.
- 5 Dirk Moses: Toward a Theory of Critical Genocide Studies, *Online Encyclopedia of Mass Violence* (April 18, 2008), available at: <http://www.massviolence.org/Toward-a-Theory-of-Critical-Genocide-Studies>.

also broadened the view on colonial mass atrocities and the Holocaust in a way that allows comparisons across time and space and helps to answer questions on which conditions are necessary for genocides to take place and why, when and how people try to eradicate other groups resorting to mass violence. It also has inclined some authors to study alleged links between Germany's colonial genocides and the Third Reich's extermination policy in Central and Eastern Europe, between colonial elites and the elites of the Third Reich, between patterns of mass violence applied in German South Africa and the occupied (and annexed) parts of Poland, Ukraine, Belorussia, and Russia during World War II. One of the leading proponents of the continuity hypothesis in Germany is Jürgen Zimmerer, who has tried to construct a causal link between colonialism in German South-West Africa and the colonization of Eastern Europe according to the Third Reich's "General Plan East" (*Generalplan Ost*).⁶ Scholars like Zimmerer and Shelley Baranowski point to parallels and similarities between the justification for colonial expansion between the German Empire and the policy of "living space" (*Lebensraum*) under Hitler, they emphasize common elements like the Kaiserreich's racism and the Third Reich's anti-Semitism, and the role of German settler communities in German South-West Africa on the one hand, and the annexed parts of Poland during World War II on the other. But they hesitate to link the extermination of the Herero to the Holocaust and refrain from arguing that the Holocaust took place as a result of the colonial genocide.⁷

The latter claim has been made in popular science literature and by a popular, polemical and highly emotional account of the Herero genocide written by Olusoga and Erichsen, which has also been translated into Polish and Swedish.⁸

6 The problem with Zimmerer's continuity claims consists in the vagueness of his statements. In some articles, he suggests a causal link between colonial and Nazi violence, in others he rejects causality and invokes a number of fuzzier notions (which are more difficult to disprove) about the Third Reich continuing certain features of colonialism or colonialism being an "antecedent" or being "at the roots" of later Nazi policy. See also Beate Kundrus and Sybille Steinbacher (eds): *Kontinuitäten und Diskontinuitäten. Der Nationalsozialismus in der Geschichte des 20. Jahrhunderts*, Göttingen: Wallstein Verlag, 2013, 17. Kundrus regards this vagueness as an asset, because it inspired further research and debate. I rather regard it as an element which complicates the empirical verification of Zimmerer's claims. The vaguer and fuzzier they are, the more difficult it becomes to test them against the evidence in the archives.

7 Shelley Baranowski: *Nazi Empire. German Colonialism and Imperialism from Bismarck to Hitler*, Cambridge: Cambridge University Press, 2011.

8 David Olusoga and Caspar Erichsen: *The Kaiser's Holocaust. Germany's Forgotten Genocide and the Colonial Roots of Nazism*, London: Faber and Faber, 2010.

The very title illustrates the authors' main thesis: They see the Holocaust as the culmination of a policy that started in German South-West Africa and whose meanders ran through the Weimar Republic and the Third Reich. Contrary to Zimmerer's and Baranowski's rather limited continuity claims, Olusoga and Erichsen base their argument on elite continuity and the similarity of both regimes' ideologies, often by making connections which either did not exist at all, or were relatively marginal if put into a broader context: "What Germany's armies and civilian administrators did in Namibia is today lost history, but the Nazis knew it well. When the *Schutztruppe* attempted to exterminate the Herero and Nama peoples of Namibia a century ago, Hitler was a schoolboy of fifteen. In 1904, he lived in a continent that was electrified by the stories of German heroism and African barbarism emanating from what was then German South-West Africa."⁹ By quoting Moritz Bonn, they claim that "Nazi violence against the Jews drew directly upon the racial ideologies that Germany used to justify the Kaiser's holocaust in German South-West Africa forty years earlier." Shelly Baranowski takes the same stance when she argues, "[a]lthough the slaughter of the Herero and Nama was less centralized and bureaucratized than the Nazi regime's 'final solution', the obsession with 'military security' and hatred of the enemy ensured a genocidal outcome." This is a far-reaching claim, but Baranowski bases it on ideological, rather than institutional or elite continuity, pointing to the gradual radicalization of racial exclusion as a consequence of the Herero and Nama uprisings and the similarities between the *Kaiserreich's* racism and the Third Reich's anti-Semitism, which "both denied citizenship to anyone with so much as a drop of African blood."¹⁰

The theses which link Germany's colonial policy toward the Herero and Nama with the Third Reich's policies of *Lebensraum* in Eastern Europe and the Holocaust are based on a number of arguments, some of which can be tested against empirical evidence, whereas others cannot, mostly because of their generalizations or fuzzy notions, which do not reveal how exactly their authors imagine the avenues through which colonialism might have influenced the policies of the Third Reich. Continuity between German anti-Semitism and racism during the 19th century and the Holocaust has been traced by many authors.¹¹ Comparisons have been made between the methods with which the German authorities

9 Olusoga and Erichsen, *The Kaiser's Holocaust*, 11.

10 Baranowski, *Nazi Empire*, 48–59.

11 Fatima El-Tayeb: *Schwarze Deutsche. Der Diskurs um 'Rasse' und nationale Identität 1890–1933*, Frankfurt/Main, New York: Campus, 2001; Michael Schubert: *Der schwarze Fremde. Das Bild des Schwarzafrikaners in der parlamentarischen und publizistischen*

strove to achieve security and labour forces and carry out social and ethnic engineering after the uprisings in German South-West Africa on the one hand and in the occupied and annexed territories of Eastern Europe during the 1940s on the other hand. For example, claims about German South-West Africa being a “training ground for the German state’s conduct in Western Europe from 1938 to 1945”¹² are rather difficult to test, since they presuppose that the *Schutztruppe* and the military and civilian authorities trained something in German South-West Africa, which they could not at all have anticipated. There is also a methodological flaw in a part of the literature: comparisons may reveal similarities (for example between camp conditions in Namibia and later in Eastern Europe), but they will never be able to prove causality. The mere fact that the Holocaust happened after the genocides in German South-West Africa does not yet make the latter a “precursor” of the Holocaust. But the determinist assumption that B must be caused by A because it happened after A, forms the backbone of much of the literature, which tries to construct a line of continuity between the *Kaiserreich’s* colonial policies and the conduct of the Third Reich.¹³ It is this claim that this subchapter intends to challenge: Did the Nazi leadership refer to methods and concepts, which had been elaborated during the colonial campaigns in German South-West Africa? Was there an institutional memory, to which the Nazis could refer, and if there was, did they refer to it? Was there elite continuity, through which knowledge and concepts from Germany’s violent colonialism could have been transmitted to the policies of the Third Reich in the East? Of course, the colonial elites and soldiers in Namibia could not train the Holocaust or any other form of mass violence, which would later be applied by the Third Reich to the populations of occupied Europe. If there had been a link between Namibia and occupied Europe, it would have been only in reverse: The political elites of the Third Reich might have recurred to the *Kaiserreich’s* experiences in order to implement methods and use concepts that had been developed during

Kolonialdiskussion in Deutschland von den 1870er bis in die 1930er Jahr, Stuttgart: Franz Steiner Verlag, 2003, 221–247.

- 12 Jeremy Sarkin: *Germany’s Genocide of the Herero; Kaiser Wilhelm II, His General, His Settlers, His Soldiers*, Cape Town: Praeger, 2011, 244.
- 13 Madley points to this claiming that “the German experience in Namibia was a crucial precursor to Nazi colonialism and genocide.” Benjamin Madley: From Africa to Auschwitz: How German South-West Africa Incubated Ideas and Methods Adopted and Developed by the Nazis in Eastern Europe, *European History Quarterly*, 35, 3 (2005), 429.

the suppression of the Herero and Nama uprisings and during their campaign of racial engineering that followed suit.

This part of the book will be dedicated to the ways the continuity hypothesis can be tested.¹⁴ It starts with an examination of whether there was any institutional memory to which the Nazi system could refer and if so, whether Nazi institutions did resort to such a body of knowledge and use it in order to design their policies in Central and Western Europe. Part and parcel of this examination is the answer to the question whether there was any knowledge other than institutional knowledge, which the National Socialist decision makers could use in order to shape their policies and carry out their decisions: formal knowledge in books and the media, or informal knowledge, like the one transmitted within families.

An important aspect in this regard is demography: were people with colonial experience able, likely and willing to pass it on to the Nazi authorities and were they likely to be heard by the new elites, which filled the institutions after 1933? A crucial point that is often approached through mere comparison constitutes the similarity between at the one hand the *Kaiserreich's* colonial policy and at the other hand the occupation policies in Central in Eastern Europe after 1939 and more specifically the Holocaust. One of the following subchapters will challenge the assumption about similar patterns of violence applied in Namibia and Central and Eastern Europe, about the role of the state in both cases, and about the driving factors (and actors) of genocidal policies.

5.1 Institutional continuity between the *Kaiserreich's* colonial bureaucracy and the Third Reich

Institutional memory is a concept that is more popular in management science than in historiography. It deals with institutions' (rather than individuals') know-how, experiences and abilities to retain records and make them available across generations and between employees working in different units. In social sciences, institutions are usually very broadly defined as "sets of norms and values", which shape the behaviour (and often the identity) of people affected by them.

14 The previous paragraphs have shown that there is more than just one "continuity hypothesis" – depending on the author, there are different claims about the links between the *Kaiserreich's* colonial policy and the conduct of the Third Reich. But all have in common that they construct a link between the two – in different areas and with different claims. But their smallest common denominator is the link between the two – and this link will further be referred to as the "continuity hypothesis".

For the purpose of this analysis, they shall be defined in a more narrow sense – as bureaucratic entities such as ministries, agencies, or organizations. These entities keep material records about past actions, which are accessible for people employed at a later stage and enable them to acquire knowledge about the internal life of the relevant body. But these records need not only be material, they also may consist of practices, routines, codes and customs, which have developed over time, creating a body of informal knowledge, which helps smooth the integration of newcomers and develops a specific, though difficult to circumscribe collective memory of the organization, which is more than just the sum of all members' individual memories.¹⁵

This chapter traces the history of crucial institutions that might have created such an institutional memory, which then influenced the authorities of the Third Reich; it then asks whether the *Kaiserreich's* colonial bureaucracy actually created the necessary elements of such a memory; in the final part, it evaluates whether such memory was in fact later applied. This will allow the reader to determine whether there was any institutional continuity between the colonial bureaucracy and the Third Reich machinery which may have contributed to the execution of the Holocaust and the genocidal policies in Eastern Europe, whether these bureaucracies produced specific knowledge about the colonial genocides which could later be referred to, and whether the Nazi elites actually applied this knowledge in order to learn from the genocide of the Herero and Nama.

After the German colonial trade associations had proven too weak to guarantee the security of traders in Togo, Kamerun, East Africa and South-West Africa, the German Empire took on this task and created a direct administration of the territories between 1884 (for Kamerun and Togo) and 1885 (for German South-West Africa and German New Guinea). The German administration of German East Africa was founded six years later. At the time, colonization was regarded as an element of trade policy. The body competent for colonial issues was therefore the foreign trade department of the Foreign Ministry (*Aussenministerium*). This changed only in February 1885, when a special unit (*Referat*) for “colonial issues and the deployment of war vessels in order to protect German interests” was created. The unit is frequently referred to in the literature as the *Kolonialreferat*.¹⁶

As a result of the creation of formal “protectorates” (*Schutzgebiete*) under German rule, these territories ceased to be foreign countries and subjects of

15 Charlotte Linde: *Working the Past. Narrative and Institutional Memory*, Oxford: Oxford University Press, 2009.

16 Findbücher zu Beständen des Bundesarchivs. Reichskolonialamt, Bestand R 1001, Teilband 1. Bearbeitet von Michael Hollmann, Koblenz: Bundesarchiv, 2003, XIII.

German foreign policy and became internal territories under special rights. German parliamentarianism did not apply to them. In the protectorates, the *Kaiser* himself could issue decrees with the force of laws, which elsewhere on German territory would have to be passed by the *Reichstag*. Even the role of the Chancellor was much weaker in the colonies than on the mainland. In April 1890, the Kolonialreferat was established, but soon afterwards the competence of its supervision was split between a “secretary of state” (*Staatssekretär*) in the Ministry for Foreign Affairs, which was responsible for colonial issues, but only if they related to foreign powers, and the head of the Kolonialreferat, who reported directly to the Chancellor and was made responsible for all other colonial issues. The *Reichstag* was marginalized in colonial affairs. Its only possibility of interfering with colonial policies was its right to debate and vote on the budget and the provisions relating to colonial problems. Colonies did not elect representatives to the *Reichstag*, and the government did not need the approval of the *Reichstag* for specific decisions. The colonial decision makers in the Foreign Affairs Ministry and the Chancellery only sought advice from a special “Colonial Council” (*Kolonialrat*), which was composed of representatives of the enterprises and trading houses active in the protectorates.

The colonial department in the Ministry of Foreign Affairs was small, but its staff steadily grew. More significantly, the Kolonialreferat obtained competence for military actions in March 1881. Until then, military issues and the *Schutztruppe* had been under the roof of the “Imperial Naval Agency” (*Reichsmarineamt*). In July, the competence for punitive actions, carried out by the *Schutztruppe*, was transferred to the *Kolonialreferat* and the Chancellor became the commander of the *Schutztruppe*. He delegated his powers to the director of the *Kolonialreferat*. The latter had a small general staff, consisting of two military officers, while the local units of the *Schutztruppe* remained under the orders of the governors on the ground.

By 1902, the *Kolonialreferat* had swelled to 62 employees. The uprising of the Maji-Maji in German East Africa and of the Herero and the Nama in German South-West Africa caused further growth. By 1907, already 176 people were busy working on colonial issues.¹⁷ The uprisings also triggered a reform of the colonial administration, which the opposition in the *Reichstag* had requested in reaction to the atrocities in German South-West Africa and East Africa. They became a major issue in the elections of February 1907, which had been called

17 For staff statistics, see subsequent editions of the *Handbuch für das Deutsche Reich*, here the 1907 edition, 30–38.

after Chancellor von Bülow had dissolved the *Reichstag*. The new parliament was much more favorable towards the government's reform of the colonial administration. One of the results was the creation of the "Imperial Agency for Colonisation" (*Reichskolonialamt*), based on the former *Kolonialreferat*, which was extracted from the Ministry of Foreign Affairs and became a ministry of its own. The new agency employed 107 people in three civil departments and additional staff in its military administration. Many of these tasks became irrelevant after Germany was forced to surrender its colonies during the peace negotiations at Versailles and the former protectorates were taken over by Australia, France, Great Britain, Japan, New Zealand, South Africa, and Belgium. As a result, the Colonial Ministry again became a part of another ministry, the "Ministry for Reconstruction" (*Reichsministerium für Wiederaufbau*). This took place in April 1920, but four years later, the Ministry for Reconstruction was dissolved, and the department dealing with colonial issues was transferred to the Ministry of Foreign Affairs again. Its only tasks were now defined as: collecting information about the former colonies, supporting the study of colonialism and staff issues of former colonial officers. Staff was reduced continuously and by 1931, the department had shrunk to a unit dealing with tropical Africa, South-West Africa and the Pacific.¹⁸ After the National Socialists took power in 1933, they reorganized the Ministry of Foreign Affairs, but this only brought a further marginalization of colonial issues, which totally disappeared even from the ministry's nomenclature. In 1937, the only remaining department which had until then dealt with, among others, "colonial issues" was dedicated to issues of the "African Continent."

During all these changes, the archives of German colonialism remained almost untouched, at least until 1924, migrating from ministry to ministry. Only in 1924 were the archives screened, because the Ministry of Foreign Affairs had to decide which volumes it intended to take over, which to send to the "Imperial Archive" (*Reichsarchiv*)¹⁹ and which to destroy.²⁰ Only a few documents were actually destroyed, while an overwhelming majority was sent to the *Reichsarchiv*. The more colonial issues lost salience for the administration, the more volumes were archived. This process continued after the Ministry of Foreign Affairs had taken over the competence for colonial issues. A huge amount of archival documents,

18 Findbücher zu Beständen des Bundesarchivs. Reichskolonialamt, Bestand R 1001, Teilband 1. Bearbeitet von Michael Hollmann, Koblenz: Bundesarchiv, 2003, XXI.

19 The Central Archive of the government was still called *Reichsarchiv*.

20 The decision can be traced in a special inventory, in which the document selection is listed: BAArch R 1001/9603.

which were subsequently transferred from the former colonies to the Ministry of Foreign Affairs, was sent to the *Reichsarchiv* in 1938.²¹

Tracing the journey of these archives is particularly relevant to the purpose of this study. If one intends to assess whether there was any continuity between Germany's extermination policies in Africa at the beginning of the 20th century and the policies of the Third Reich in Central and Eastern Europe, it is necessary to check whether the rulers of the Third Reich actually had the possibility of learning, and if yes, whether they did learn from the experiences of the German colonial administration and the conduct of the *Schutztruppe* in Africa. The archival body of the former *Kolonialreferat* and later the *Reichskolonialamt* is the largest body of institutional memory one could consult in later years. But, as the destiny of the archives indicates, hardly anyone was interested in using them. The overwhelming part of the colonial documents was archived, a small part was destroyed, and even the few records, which the administrative successors of the *Kaiser's* colonial administration decided to keep in their offices, were eventually sent back as public and political interest in the colonial past ceased.

An analysis based on the inventory of the 1924 selection shows that the KA 1 documents (relating to East Africa) were mostly archived and that the volumes taken over by the Ministry of Foreign Affairs were in most cases related to economic and geographic topics, including border and delimitation issues. KA 2 volumes, which dealt with German South-West Africa, were taken over when they concerned mining, agriculture and other economic issues or administration. The records dealing with the Herero and Nama uprising went to the

21 This transfer can be traced in BArch R 1001/9671. At the *Reichsarchiv*, all documents pertaining to colonial issues were kept together. On 14 April 1945, the *Reichsarchiv* was bombed and destroyed and about 30 percent of the colonial collections were burnt, including the ones on Finance and Accountancy, technical issues and the railway, the documents about the *Schutztruppe* and the administration of the protectorates. Some documents about the *Schutztruppe* and the colonial administration in Africa could be retrieved from other ministries, the documents kept at the Ministry of Foreign Affairs and the national archives in Africa. Some documents from Tanzania and Namibia are now available at the Bundesarchiv as microfilms. The regional archives (from the "district offices" (*Bezirksämter*) in German South-West Africa) are still exclusively in Windhoek, and so are some of the few *Schutztruppen* records containing documents about the competences of the commanders, mobilisation for a possible war, espionage and contacts with the British authorities in Cape Town (National Archives of Namibia, ZBU 2372 IX A). For a general overview, see: Findbücher zu Beständen des Bundesarchivs. Reichskolonialamt, Bestand R 1001, Teilband 1. Bearbeitet von Michael Hollmann, Koblenz: Bundesarchiv, 2003, XXXIII–XXXIV.

Reichsarchiv and stayed there. According to the records, it was only in 1935 that a researcher from Ulm, Walter Berner, approached the *Reichsarchiv* and requested access to the records for a dissertation about the uprisings.²² The archive administration asked the Foreign Office whether they had any reservations concerning this request. They did not, as the request was backed by a professor from Tübingen.²³ Those who made the selection apparently did not intend to keep records of violence, the crushing of uprisings or military issues, which could later be used in a different context. But even if they had, it would not have made a big difference. In 1938, the German Foreign Office (GFO) made another selection, transferring most of the remaining records to the *Reichsarchiv*.²⁴ If later politicians, officers or militaries decided to apply lessons from Germany's colonial adventures in Europe, they did not obtain that knowledge from the German colonial records. This strain of the Foreign Affairs and the Colonial Office's institutional memory were severed after World War I.

5.2 Continuity of informal knowledge

If the Nazi elites wanted to learn about genocide from the experience of the *Kaiserreich* in German South-West Africa, they would have been able to do so. But the body of knowledge that was available was buried in the archives and there is no trace that would point to it ever being used by the bureaucracies dealing with colonial issues after 1933. Nevertheless, it would have been possible for the Nazi leadership to draw on a body of colonial knowledge that was derived from sources other than archival ones, for example from popular science literature, academic publications or even from poetry and fiction. As Kundrus has shown, colonial issues permeated into German everyday life, and the relatively short time during which Germany had been a colonial power was no obstacle to the emergence of specialized shops selling imports from the colonies (*Kolonialwarenläden*), children's games and fairy tales invoking colonial and racial motifs,

22 Gesuch um Gewährung in Akten des Reichsarchivs (sic), 19 May 1935, by Walter Berner. BAArch R 1001.2102. Whatever Berner wrote, it was never published according to the records of the Karlsruher Virtueller Katalog and the catalogues of the Staatsbibliothek zu Berlin.

23 Letter from the Foreign Office to the *Reichsarchiv* from 29 May 1935. BAArch R 1001.2102.

24 The inventory of the archived records can be found in BAArch R 1001/9671.

postcards and advertising cards²⁵ depicting scenes from the colonies, including fights of the *Schutztruppe* and hangings of Herero. The colonies were present in early film productions.²⁶

There was of course also a large body of literature and personal accounts, memoirs and fiction about the lost colonies, including the book that coined the notion of “living space” (*Lebensraum*).²⁷ There is, however, a crucial point which turns these facts into a counterargument to the continuity claim. As Olusoga and Erichsen, the most ardent supporters of the hypotheses about elite and ideological continuity between the Herero genocide and the Holocaust, point out in great detail, almost all of the literature that was produced after the sudden end of Germany’s colonial adventures was apologetic and negationist. Authors of colonial memoirs, memoirs and fiction tended to idealize and glorify colonial times and either downplay or openly deny (or, mostly omitted) the massacres committed by Germans in the colonies.²⁸ Instead, they painted deeply biased and counterfactual pictures about knightly battles of brave German soldiers, whose respectability required the enemy to be presented as courageous and bold rather than as the poor victim of outrageous slaughter. Among the flood of apologetic soldiers’ accounts which were published during the Weimar Republic, there are even some, which replicate photos of arbitrarily hanged Herero. But they usually justify the hangings by pointing to the alleged crimes the Herero had committed and put the emphasis of their works on the bravery of the German soldiers, not

25 These advertising cards were an early means of establishing and maintaining links between retailers and their clients. Cards with popular motifs were added to products and could be collected, exchanged and sold to hobby collectors, who glued them into albums. Many of these cards were outright racist, some showed cruel scenes like executions and fights. See: Joachim Zeller: *Bilderschule der Herrenmenschen. Koloniale Reklamesammelbilder*, Berlin: Ch. Links, 2008; Joachim Zeller: Harmless “Kolonialbiedermeier”? Colonial and Exotic Trading Cards. In: Volker Langbehn (ed): *German Colonialism, Visual Culture, and Modern Memory*, New York, London: Routledge, 2010, 71–86.

26 Wolfgang Fuhrmann: Patriotism, Spectacle and Reverie: Colonialism in Early Cinema. In: Volker Langbehn (ed): *German Colonialism, Visual Culture, and Modern Memory*, New York, London: Routledge, 2010, 148–164; Christian Rogowski: The “Colonial Idea” in Weimar Cinema. In: Volker Langbehn (ed): *German Colonialism, Visual Culture, and Modern Memory*, New York, London: Routledge, 2010, 220–238.

27 Madley, *From Africa to Auschwitz*, 430–435.

28 Olusoga and Erichsen, *Kaiser’s Holocaust*, 310–318.

on their crimes.²⁹ Through such stories, postcolonial attitudes and customs were channelled into everyday life and affected (or infected) intellectual debates and everyday discourse, but they were hardly suitable for teaching genocidal practices. They certainly helped to foster racist attitudes, contributed to the creation of a German identity based on the rejection of the racial “other”, and upheld a certain nostalgia for the former German possessions in Africa, but they hardly ever contained any information which could have been implemented in the Third Reich’s policies in Eastern Europe.³⁰ This argument becomes more apparent and compelling if one imagines for a moment which lessons about colonialism the literature and popular culture of the Weimar Republic could have emphasized in order to enable the Nazi movement to learn genocidal practices for their implementation in occupied Central and Eastern Europe. The Nazi leadership and state and party bureaucracy of the Third Reich would have been able to learn from the colonial lobby how to build and run camps, how to organize deportations and how to use diseases to decimate camp inmates and deportees.

Instead, the nostalgic accounts about the colonial adventures of settlers and soldiers stressed the battles conducted in German South-West and East Africa and the hunt in the Omaheke, but remained silent about the aftermath. The readers of Frenssen, Grimm, Bayer never found any information in their books about camps for Herero prisoners, Shark Island or the attempts to deprive the Herero and Nama of their traditional leaders and polities by deporting their families to other colonies.³¹

Nevertheless, colonial literature and colonial elements in popular culture should not be discarded when searching for links between colonialism and the Third Reich’s quest for expansion in Europe. There are important and quite strong ideological connections between the way authors of popular bestselling

29 For example: Paul Kolbe: *Unsere Helden in Südwestafrika*, Leipzig: Engelmann, 1907; Georg Maercker: *Unsere Kriegführung in Deutsch-Südwestafrika*, Berlin: DKG Charlottenburg, 1908.

30 Alexander Honold and Oliver Simons (eds): *Kolonialismus als Kultur. Literatur, Medien, Wissenschaft in der deutschen Gründerzeit*, Tübingen: Francke, 2002; Alexander Honold and Klaus R. Scherpe (eds): *Mit Deutschland um die Welt. Eine Kulturgeschichte des Fremden in der Kolonialzeit*, Stuttgart/Weimar: Metzler, 2004.

31 The Maximilian Bayer who wrote a kind of adventure literature about the fight against the Herero is the same as the Maximilian Bayer who had been officer of the general staff and published documentary accounts of the war. He published his novels under the pseudonym Jonk Steffen. Jörg Wassink: *Auf den Spuren des deutschen Völkermords in Südwestafrika. Der Herero/Nama-Aufstand in der deutschen Kolonialliteratur. Eine literarhistorische Analyse*, München: Meidenbauer, 2004, 166–167.

books presented the colonial struggle to their readers and the way Nazi agencies shaped their propaganda during the 1930s and 1940s with regard to the population of the occupied territories in Central and Eastern Europe. The German colonies never became a “living space” in the sense of Hitler’s concept of *Lebensraum* for German settlers. Even if there had been such a huge overpopulation, as many authors in late 19th century Germany claimed, the colonies would not have been able to alleviate it. But the Nazi version of “living space” – and the concepts for how to solve the problems connected to it – was partly based on the writings and concepts of Hans Grimm. Grimm, a novelist with a strong interest in German South-West Africa and a farm in South Africa, wrote a volume of more than a thousand pages which was entitled “Volk ohne Raum”.³² Basing it on earlier geopolitical and geographical and demographical works, he saw Germany’s development hampered and strangled by the impossibility of expanding. The Nazi movement later adopted some of his thoughts and the very name of “Volk ohne Raum” which became an often-used propaganda slogan with which the Third Reich’s propaganda tried to justify war against Poland and the Soviet Union and the later resettlement and extermination projects there. Just like von Epp, Hans Grimm is not the best personification of links between colonialism and the Third Reich. He became disappointed with the new rulers’ methods already during the 1930s (and therefore long before the outbreak of World War II), was later threatened with imprisonment by Goebbels, and withdrew from public life in the Third Reich.³³ If there is a common thread that runs from colonialism to the Third Reich, it links the *Kaiserreich*’s racism through the racism of the Weimar Republic to the racism of the Third Reich. But these strands of racism were not stable in time and did not carry the same meaning and the same stereotypes.

As described above, before the Herero uprising, black people in the colonies were viewed by the German public as childish, immature, they allegedly lacked self control and strategic thinking and needed to be guided and educated by superior whites. According to the mainstream pedagogical ideas of the time, this education had to be severe, heavy-handed and paternalistic. The stereotype, which has extensively been described in many studies, changed with the Herero

32 Hans Grimm: *Volk ohne Raum*. München: Albert Langen 1926. The book had several editions. It is sold until today in bookshops in Windhoek and Swakopmund.

33 After the war, Grimm defended Hitler as a reformer and tried to make a political comeback with nationalist German right-wing parties. In 1953 he was an unsuccessful candidate for the Deutsche Reichspartei and wrote for the right wing nationalist outlet “Nation Europa”. Ernst Klee: *Das Personenlexikon zum Dritten Reich. Wer war was vor und nach 1945*, Frankfurt/M.: Fischer, (5. Auflage) 2015, 201.

war, when the Herero – which by then started to embody “the native” and “the black” in general – turned into bloodthirsty, threatening monsters, who attacked from behind, were unreliable and doomed to be subjugated by the whites. After the Herero war, the old stereotype only persisted among missionaries. In the non-socialdemocratic public, “the negroes” became ingrate and cunning, animal-like creatures.

However, this stereotype started to overlap with another one, which was partly contradictory to it. It was a result of Paul von Lettow-Vorbeck’s campaign in East Africa during World War I. Unlike the *Schutztruppe* in South-West Africa, von Lettow-Vorbeck refused to surrender to British troops, sidelined the civilian governor in the colony and embarked on a kind of partisan warfare, which lasted until the end of World War I. In the Weimar Republic, he became the heroic personification of the undefeated German warrior, a kind of living proof that Germany had lost the war not because of the weakness of its army, but due to the intrigues and revolts of the left, whose protagonists had “put the knife into the back of the victorious German army.”³⁴ Von Lettow-Vorbeck became the positive, heroic part of this *Dolchstoßlegende* – his example seemed to show what would have been possible if the left had not hampered the German war effort.³⁵ Von Lettow-Vorbeck had fought until the end and was welcomed in Berlin as a victorious general who had withstood the Entente troops in Africa despite their numerical superiority. One of the ingredients of this myth was a new stereotype about black soldiers – the “faithful Askari.”³⁶

The stereotype did not distinguish between the various kinds of native fighters, which the *Schutztruppe* had recruited, and it never mentioned the atrocities the real Askari fighters had committed against the local population in East Africa. Instead, it concentrated on the relation between the Askaris and the German

34 The conspiracy theory, which is summarized in this sentence, is known in Germany as “die Dolchstoßlegende” (the stab-in-the-back myth). It poisoned political culture and political discourse in the Weimar Republic and even served as a justification for political assassinations. F. A. Krummacher: *Die Auflösung der Monarchie*. In: Walter Tomin (ed): *Die Weimarer Republik*, Hannover: Fackelträger, (22. Auflage) 1977, 53.

35 The mere claim that “the left” (i.e. left wing parties, trade unions etc.) had hampered the war effort by protesting and launching strikes in sectors of the economy that were important for the war effort, is part of the “Dolchstoßlegende”. A lot of the German scholarly literature on World War I and the Weimarer Republic deals with these claims and there are many authors, who dispute the strikes had any influence on the war effort.

36 The German phrase is “der treue Askari”, see Uwe Schulte-Varendorff: *Kolonialheld für Kaiser und Führer. General Lettow-Vorbeck*, Berlin: CH. Links, 2006, 57–63.

officers and stressed the former's dedication to the latter.³⁷ This stereotype fit very well into another one, which emerged in the colonial literature of the Weimar Republic and whose authors often adopted Karl May's way of portraying Indians in his Wild West novels. This stereotype, which permeates Bayer's writing very strongly, depicts black Africans as generally treacherous and bloodthirsty in the sense of the Herero-stereotype, but also emphasizes exceptions of heroic, faithful, devoted natives, who, after accepting the supremacy of the white man, can be trusted and addressed on an almost equal basis. Within this stereotypical context, the Askari became the African counterpart of Karl May's Winnetou, an example of the reliable "noble savage".³⁸ This discursive strategy can be well observed in Bayer's "Okowi" novels. Okowi is a minor figure, whose significance for the novel's plot is secondary, but he serves as the honorable exception of a loyal Herero, who stands out from the mass of the treacherous, unpredictable and internally conflicted Herero, who, for no good reason, rise against the Germans. He is a pathfinder for the Germans, because his tribe is in conflict with the majority of the war-mongering Herero of the colony. He saves the lives of his German officers, so they also help him when he is in danger. The role he plays in Bayer's books is the one of a loyal dog or monkey in contrast to the other Herero, who are often described as wild and dangerous animals. Just like Winntou in Karl May's books, Okowi has also some distinguishing corporal features: he is big, impressive and handsome.³⁹

Bayer's Okowi novels are the exception rather than the rule in German colonial literature, which comes either in the form of more or less authentic memoirs and nostalgic family accounts (of German settlers) or in the form of adventure accounts, similar in style to those about Northern America, other parts of Africa or even distant European destinations. The most successful author of this kind of colonial literature was Gustav Frenssen, whose Peter Moor novels were bought

37 The stereotype, which became a topic in many popular science, belletristic and press accounts of the war in East Africa, entirely neglected the fact that the Askari troops had been recruited from various and very different parts of geographical East Africa, including Arabs from Sudan. They were "Africans" in the sense that they were not white and had not come from Europe with the Germans, but they were often neither native, nor considered locals by the local population. As a kind of mercenaries, they often had no links with the population of the territory where they fought, which made them dependent only on the German officers who commanded them and intransigent toward the people against whom they committed war crimes.

38 The German phrase would be "der edle Wilde".

39 Wassink, *Auf den Spuren*, 166–195.

and read by hundreds of thousands of Germans in the Weimar Republic.⁴⁰ Frenssen, a clergyman, undertook considerable research before he started writing, and some chapters he wrote were so close to the unpublished memoirs of soldiers he had consulted that he was even confronted with accusations of plagiarism.⁴¹ He had no positive black protagonists, his stories focused on the adventures of a young German soldier and his hardship in fighting the Herero.

The idea of a strong and insurmountable separation between the races is the predominant element, which links all these works, despite the variety of the stereotypes they adopted. This idea is accompanied by a tendency to ascribe non-human, animal-like features to Africans.⁴² This dehumanizing approach runs from the *Kaiserreich* through the Weimar Republic to the Third Reich and served as the ideological backbone of the German South-West African camp system, the deportations and the war crimes committed by the *Schutztruppe*. It also formed the background of the genocidal occupation policies in Central and Eastern Europe, but there, it targeted different groups than in Africa: Slavs, communists, and Jews, who were often conflated with communists. They were altogether scorned by Nazi propaganda as subhuman beings, whose ultimate purpose was either to vanish and make place for Aryans, or to serve in a slave-like labor force. Here again, some parallels emerge to Germany's colonial policy and the way the Herero and Nama were treated as a labor force.

But there are two main problems with the attempts of tracing Nazi legislation back to colonial times. The first has to do with the specific features of anti-Semitism as an ideology, rather than just another form of xenophobia. The second problem occurs when a causal link between colonial racism and racism in the Third Reich is constructed.

Colonial racism shared some features with the racial ideology of the Nazi system. Both were bound to the body and ascribed a compulsive and animal-like sexuality to the respective outgroup's males. But colonial racism – and even the racism in the NS legislation – lacked ideological underpinning. “Negroes” (Neger) were rejected as racially inferior and dangerous for the constructed “purity” of the Aryan race, but they were never accused of staging world-wide conspiracies or held

40 Wassink, *Auf den Spuren*, 139–149.

41 Wassink, *Auf den Spuren*, 147–148. Frenssen was so successful as a writer that he finally quit his job as a priest and made a living only from his books. They still reached several hundred thousand copies during the 1950s in the Federal Republic of Germany.

42 Wassink, *Auf den Spuren*, 154.

responsible for the emergence of capitalism and communism.⁴³ Nor was there any attempt to accuse black people of being “parasites” – an accusation that was very often levered at Germany’s Jewry by Nazi propaganda.⁴⁴ In the Third Reich, black people were treated according to criteria also based on their citizenship and there never was a plan to annihilate them together with Jews, Sinti and Roma.⁴⁵

All these strands of xenophobia – racism, anti-Slavism and anti-Semitism – had one common source in the widespread Darwinism, which had begun to dominate political and cultural thinking in the second half of the 19th century, having been adopted by the national democratic movements. They shared a hierarchical understanding of relations between races, nations and ethnic groups.⁴⁶ However, this was a movement, which was far from being confined to Germany. The “Aryan Myth”, the conviction about the existence of a hierarchy of more and less valuable nations, whose origins could be traced back to biblical times and to the story of Cain and Abel, was shared by racial theorists in Britain, France, and many other countries.⁴⁷ According to the myth, black people, Slavs, and Jews were on the lower rungs of this ethnic ladder. This was the crux of the matter – the link between the hatred and scorn for black people, which seemed to justify genocidal violence against them and the large-scale extermination of whole peoples and ethnic groups in occupied Central and Eastern Europe. However, in the very content of this hatred against a constructed other, there also was

43 Conflating black people with communists sometimes took place, but hardly ever in Germany. It was common ground for Nazi organizations and radical Afrikaner nationalists in South Africa.

44 Birthe Kundrus: Von Windhoek nach Nürnberg? Koloniale “Mischehenverbote” und die nationalsozialistische Rassengesetzgebung. In: Birthe Kundrus (ed): *Phantasiereiche. Zur Kulturgeschichte des deutschen Kolonialismus*, Frankfurt/M., New York: Campus, 2003a, 110–113.

45 Pascal Grosse: Zwischen Privatheit und Öffentlichkeit. Kolonialmigration in Deutschland 1900–1940. In: Birthe Kundrus (ed): *Phantasiereiche. Zur Kulturgeschichte des deutschen Kolonialismus*, Frankfurt/M., New York: Campus, 2003, 91–109.

46 Horst Gründer: Zum Stellenwert des Rassismus im Spektrum der deutschen Kolonialideologie. In: Frank Becker (ed): *Rassenmischehen – Mischlinge – Rassentrennung. Zur Politik der Rasse im deutschen Kolonialreich*, Stuttgart: Franz Steiner Verlag, 2004, 27–41.

47 Leon Poliakov: *Der arische Mythos. Zu den Quellen von Rassismus und Nationalismus*, Hamburg: Junius, 1993; Michael Schubert: Der “dunkle Kontinent”: Rassenbegriffe und Kolonialpolitik im Deutschen Kaiserreich. In: Frank Becker (ed): *Rassenmischehen – Mischlinge – Rassentrennung. Zur Politik der Rasse im deutschen Kolonialreich*, Stuttgart: Franz Steiner Verlag, 2004, 42–53.

an important difference, which Poliakov later revealed in a study about the impact the meandering of the “Aryan myth” had on Jews. When the supporters of the myth abandoned the realm of religion and started to search for a scientific rather than a religious underpinning of their racial constructs – finding it in anthropology, linguistics and genetics –, the definition of “Jewishness” shifted. Instead of physical traits, the distinctions between Jewish and non-Jewish became identitarian, or as, we would say today, socially constructed and based on ancestry and blood.⁴⁸ This shift made assimilation first more difficult, and then – with the Nuremberg laws in Germany – impossible. With the shift from religion and physical appearance to invisible, but bureaucratically retraceable and socially constructed features, which the victims could no longer influence, racial anti-Semitism became a deadly trap. Changing one’s face, changing one’s corporal features, changing religious affiliation no longer sheltered from persecution, because such a person could still be identified by the state bureaucracy as Jewish on the basis of records, which testified to the person’s ancestors and their faith, customs, and ethnicity. This was different with regard to the black population of the German colonies. Before the Herero uprising, the difference between black and white had incrementally been blurred by mixed marriages, sexual relations between the different groups and the emergence of bi- and multiracial children. This development was the result of the huge male deficit in German South-West Africa and the inability of the government to incline German women and girls to emigrate there. Consequently, many German males entered into interracial marriages, mostly with Baster women, but also with Herero and Nama. Marriages between German males and Baster girls were even supported by the German authorities. Before 1900, the African offspring and the African partners of Germans, who had legally married in the colony, were granted German citizenship like any other “non-member of the union.”⁴⁹ The legal concept of German citizenship facilitated such behavior. In the *Kaiserreich*, it still was based on blood, but this principle did not exclude people from German citizenship on the basis of their blood ties, it only meant that citizenship was inherited – regardless of the ancestors’ skin color.⁵⁰

48 Leon Poliakov: *Geschichte des Antisemitismus*. Band IV Emanzipation und Rassenwahn, Worms: Georg Heintz, 1987, 106–110.

49 The original notion is “Nicht-Bundesangehöriger”, which means a citizen of another state than the German Union (of states which had joined the Kaiserreich). See: El-Tayeb, *Schwarze Deutsche*, 92–93.

50 Birthe Kundrus: Von Windhoek nach Nürnberg? Koloniale “Mischehenverbote” und die nationalsozialistische Rassengesetzgebung. In: Birthe Kundrus (ed): *Phantasiereiche*.

Beginning from 1900, the colony was no longer governed by German law, but by decrees issued by the Emperor on the basis of colonial law.⁵¹ Mixed marriages remained legal, but no longer automatically conferred German citizenship on the African members of such a family. Many Germans therefore went to the Cape Colony to marry black women, because then their marriage was respected by the German administration as an ordinary marriage with a foreigner, conducted abroad, which led to German citizenship for the black partner. The Herero uprising brought a dramatic change. In 1905, Governor von Lindequist banned mixed marriages between German subjects and Africans in general.⁵² In 1906, he added a ban on immigration for non-whites.⁵³ In 1908, even mixed marriages from before 1905 were retroactively declared nil and void. This included Baster women. By then, German men even lost their civil rights (citizenship, voting rights, the right to possess real estate) if they married black women.⁵⁴ The *Landesrat*, the German self-governing council, lobbied the Governor and the *Reichskolonialamt* to at least give hereditary rights to children of mixed marriages concluded before 1905. The reason behind the legal chaos ruling the rights of bi-racial marriages was the lack of any consistent definition of what “white” and “black” actually meant. German law had neither defined “blackness” nor “whiteness”, and lawyers, judges, and administrative officials were always floundering when they had to deal with people whose adherence to one or the other group was in doubt. But after the uprisings, the authorities abused this grey zone in order to impose the most severe and radical restrictions for which the law allowed. Incrementally, they interpreted skin color as a matter of identity based on blood links and ancestry. By doing so, they created a situation in which people, who had been regarded as white (and had such an appearance) were suddenly declared black

Zur Kulturgeschichte des deutschen Kolonialismus, Frankfurt/M., New York: Campus, 2003, 110–134; Dieter Gosewinkel: *Einbürgern und Ausschließen. Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland*, Göttingen: Vandenhoeck und Ruprecht, 2001, 303–310.

51 The so-called “Schutzgebietsgesetz”.

52 On the complex problems of mixed marriages, concubines and inter-racial sex in the German Empire see: Frank Becker (ed): *Rassenmischehen – Mischlinge – Rassentrennung. Zur Politik der Rasse im deutschen Kaiserreich*, Stuttgart: Steiner, 2004; Birthe Kundrus: Von Windhoek nach Nürnberg? Koloniale Mischehenverbote und die nationalsozialistische Rassengesetzgebung. In: Birthe Kundrus (ed): *Phantasiereiche. Zur Kulturgeschichte des deutschen Kolonialismus*, Frankfurt/M.: Campus, 2003, 110–131.

53 El-Tayeb, *Schwarze Deutsche*, 94. At that time, German East Africa took over the ban on mixed marriages. In 1908, it was also introduced in Samoa.

54 El-Tayeb, *Schwarze Deutsche*, 95.

because of their ancestors. They started to invoke the “one drop rule”, according to which one drop of “black blood” rendered a white person black.⁵⁵ It was the same mechanism, which Poliakov later described as the shift between visible and invisible Jewishness and which was the basic characteristic of the anti-Jewish legislation in the Third Reich.

The attempt to erect an invisible, but insurmountable wall between Germans and black natives in the colony after the Herero uprising had far-reaching consequences for the representation of interracial relations in German popular culture. After the Herero uprising, colonial novels no longer contained any allusions about sexual relationships between white settlers and black women.⁵⁶ Building a legal, symbolic, cultural and economic wall between the (Aryan) majority and a despised out-group was indeed something, the NS movement and the authorities of the Third Reich could have learned from the administrative and legal practice of German colonialism. What could inspire the Third Reich’s elites was not an easily available bulk of institutional knowledge about how to carry out genocide, but the ideological construction of otherness. They could have learned how to use the dehumanizing features of the Darwinist mainstream of the late 19th century to sever all ties that linked their in-group (the “Aryan” Germans) to an out-group (the Africans, the Jews, or the Slavs). Darwinism, anti-Semitism and thinking in the categories of the Aryan myth were not limited to Germany, they were popular even among some of the groups the Nazi system targeted in Central and Eastern Europe, as the history of Polish and Ukrainian democratic nationalism shows.⁵⁷ Thinking in racial and ethnic hierarchies and in categories of more and less valuable nations was widely accepted and promoted by

55 El-Tayeb, *Schwarze Deutsche*, 101–103, describes the case of the German engineer Ludwig Baumann, who functioned as a white person in the colony, but was declared “black” after a court proceeding had revealed that one of his grandmothers (his wife’s mother) had been a Baster from Rehoboth.

56 Wassink, *Auf den Spuren*, 155.

57 Based on Darwinist theories of racial and ethnic hierarchies, which replaced the survival of the fittest species with the survival of the fittest nations, Polish and Ukrainian nationalists like Dmytro Dontsov and Roman Dmowski elaborated political agendas for the establishment of ethnically homogenous nation states on the territories of then partitioned Poland and Ukraine. These theories were democratic (anti-elitist, populist, and anti-feudal), but ethnically exclusive and postulated the forced assimilation of minorities. Dmytro Dontsov: *Nacijonalizm*, Lviv, 1926, 27; Roman Dmowski: *Myśli nowoczesnego Polaka*, Warszawa: Wrocław, 1996 (the first edition was published in 1903); see also in English: Alvin Marcus Fountain II: *Roman Dmowski. Party, Tactics, Ideology 1895–1907*, New York, Boulder: Columbia University Press, 1980.

the Polish *Endecja*⁵⁸ and by Ukrainian integral nationalism. It was adopted by British, Belgian, and Dutch supporters of the “Aryan myth”, many of whom collaborated with the Third Reich after 1939. Against this backdrop, the NSDAP ideologues and political leaders of the Third Reich may have learned from colonial nostalgists and their ideas, but they also may have been inspired by sources outside Germany – from French, Portuguese, Spanish or British colonialism or from South African race segregation which gained pace after the creation of the Union of South Africa. If there was something they might have picked (although there is no evidence they ever did), it was the construction of out-groups on the basis of ancestral traits, established as the result of a bureaucratic process rather than mere visual appearance.

5.3 Elite continuity between German South-West Africa and the Third Reich

Many of the officers and soldiers who enrolled in the *Schutztruppe* were adventurers; young men seeking challenges on the battlefield, eager to demonstrate their vigour and virility, to reach out for bouts and military honours, and hoping to obtain a fast advance, which could not be achieved by serving in Germany proper. Since the Herero war was characterized by a significant asymmetry in capabilities to the disadvantage of the Herero, the fights and battles entailed a relatively low risk of injury or death and a relatively high probability of obtaining a medal and a higher rank. The risk of falling ill and dying from typhus and malaria were quite high, though. Nevertheless, the war against the Herero was rather unlikely to cure these young adventurers from their adrenaline surge. When the war ended, the next was already in sight, and many of the *Schutztruppen* members were drafted into the German Army, which later fought in World War I. The bitter end came with the breakdown of the front, the armistice in Compiègne, the escape of the *Kaiser* and the collapse of the Empire. Germany lost vast territories in the East, much less in the West, and all of its colonies, and – due to the severe peace conditions imposed by the Entente – it dismissed a large number of its soldiers, who started to form paramilitary units and clandestine organizations. These conspired against the new, democratic and republican authorities and prepared for revenge against the countries that had taken over the former German provinces. It is not surprising that a number of colonial officers and soldiers became members of these “militias” (*Freikorps*), just like many World War I

58 *Endecja* is an abbreviation from the first letters of the Polish words *Narodowa Demokracja* (National Democracy).

veterans joined them. This, however, does not make the militias a continuation of the *Schutztruppe*, at least not to a higher degree than they were the successors of the *Kaiser's Army*.⁵⁹ Unemployed, with no chance on the labour market in Germany's embattled economy, many of them became more and more radical during the big depression of the 1930s and entered the ranks of the National Socialist "Storm Troops" (*Sturmabteilung*, abbrev. SA). Here, we rediscover in the archival records names such as Franz Ritter von Epp, Paul von Lettow-Vorbeck, Eugen Fischer and even Göring.⁶⁰ Some supporters of the continuity hypothesis usually invoke these names, claiming, for example, that "they served as conduits

59 It is worth mentioning here that the *Schutztruppe* was not part of the Imperial Army (*Kaiserliche Armee*) and was not subordinated to the Minister of War, but to the Colonial Office. Officers who were eager to enter the *Schutztruppe* first had to resign from their positions in the Army.

60 Hermann Göring, the supreme commander of the German Air force in World War II, is probably the only politician and member of the Third Reich leadership who could have inspired Germany's genocidal policies in Eastern Europe with lessons learned from colonial times. Olusoga and Erichsen highlight his family and colonial connections in their book at the very beginning. However, the problem with Göring is that he never had any colonial experiences. When the Herero war broke out, he was 10 years old. His father, Heinrich Ernst Göring, had been the first *Generalgouverneur* of German South-West Africa, but Olusoga and Erichsen do not elaborate on how he should have passed on to his son any colonial or genocidal thoughts or knowledge, since Heinrich Ernst Göring remained in Haiti (where he served as a German consul) until three years after the birth of his son in Germany and died 1913, while his son attended a boarding school far away from home. He had several relatives with some experience in German South-West Africa, among them his mother (who went with her husband to South-West Africa and later to Haiti). But Hermann was not raised by her. She left him with a friend in Fürth after giving birth and went back to Haiti. During his early life, Hermann lived with a teacher of the boarding school during the week and in the fortress of his mother's sponsor and lover, medical doctor Hermann Ritter von Epenstein, whom the family had met in South-West Africa. Von Epenstein, who was Jewish under the criteria of the Nuremberg Laws, also became godfather to all the five children born from Franziska Göring's marriage with Heinrich Ernst Göring. Hermann never showed any interest in colonial issues. In his geopolitical thinking, the concept of finding living space for allegedly overpopulated Germany was just as paramount as in Hitler's thinking, but it concentrated on Eastern Europe, not Africa. Dieter Wunderlich: *Göring und Goebbels. Eine Doppelbiographie*, Regensburg, Graz: Pustet and Styria, 2002, 11–12; Richard Overy: *Goering. Hitler's Iron Knight*, London, New York: I.B. Tauris, 2012, 8–9; 76–79.

through which colonial and genocidal ideas and methods were transferred from German South-West Africa to the leadership of the Third Reich.⁶¹

The problem with this claim is not so much that it lacks evidentiary underpinning, as, for example, Kühne and Zollman wrote.⁶² The problem is twofold: methodological and empirical. First, if one only concentrates on cases which confirm a hypothesis, one will never be able to find evidence that challenges the hypothesis. And, as Zollmann has pointed out, supporters of the linkage between Windhuk and Auschwitz usually examine neither personal discontinuities between the colonial authorities and the Nazi leadership, nor cases which show links between a colonial career and engagement in the resistance against Hitler, political passivity during the Third Reich, or a commitment to pacifism.⁶³ Only if all these potential connections are examined in a comparative way can one make claims about which links are more important than others. Otherwise, there is a big risk of making circular conclusions. In the latter case, all colonial careers seem to lead to a career in the Nazi leadership, because only those colonial trajectories are examined. Second, even if the evidence suggested by supporters of the continuity hypothesis is taken into account, it counters their claim. This is the continuity hypothesis' blind spot: even the careers of the most prominent members of the post-1933 establishment, who had a colonial past, ended in a cul-de-sac. But authors who use them to support the continuity hypothesis, usually focus on the ascending phase of their careers and avoid describing their downfall. If put into a larger context, the fate of von Epp and many less prominent former colonialists during the Third Reich shows how much the former colonial elites were actually marginalized and side-lined by the Nazis, probably even more than if Germany had remained democratic.

In their new jobs and functions, former colonialists usually stuck to a strong colonial nostalgia, held speeches and published pamphlets whose aim it was to convince the public about the need to reconquer the colonies and that the colonies, just like Alsace-Lorraine, Upper Silesia, and the Prussian provinces had been lost due to conspiracies of leftist, communist, and Jewish traitors. During the Weimar Republic, these colonial nostalgists were organized in different and partly even competing organizations. After the NSDAP had taken power, they all were unified in the *Reichskolonialbund* under the leadership of von Epp, who was appointed director of the NSDAP's Colonial Office (*Kolonialpolitisches Amt der*

61 Madley, *From Africa to Auschwitz*, 430.

62 Kühne, *Colonialism and the Holocaust*, 342; Jakob Zollmann: From Windhuk to Auschwitz – old wine in new bottles?, *Journal of Namibian Studies*, 14 (2003), 77–122.

63 Zollmann, *From Windhuk to Auschwitz – old wine in new bottles*, 88.

NSDAP, KPA) in 1936. His new duty consisted of making plans for the administration of future German colonies. But, according to the archives, he never dealt with colonization plans in Eastern Europe. The Foreign Office kept its colonial competence, but that meant no longer administrating colonies, and not even trying to get them back. Von Epp's task was only to prepare plans in case the Foreign Office's policies were successful.⁶⁴ However, this never happened, for a number of reasons. First, Hitler did not attribute much significance to colonial issues, and the NSDAP saw Germany's territorial future and the *Lebensraum* Germans allegedly needed in order to survive and expand in Eastern Europe and the Soviet Union. Second, the course of the war made von Epp's plans superfluous, since the German Army only managed to get hold of North African territory that had never been in German hands before, but never entered any former German colony. Here, one must admit that von Epp and his officers proved to be visionaries, because they did not limit their planning efforts to the former German colonies, instead anticipating the taking over of French, Belgian and British colonies in Africa, too.⁶⁵ Third, shortly after Germany had gained control of most of Western Europe and some of the European powers with colonies Germany could take over from them, Hitler decided to attack the Soviet Union. Instead of serving the German war effort, the British, French, Belgian and Dutch colonies remained under the control of the respective governments in exile. After the battle of Stalingrad, however, the German Army was constantly retreating and any hope for taking the colonies in Africa back had vanished. Von Epp's plans had lost any value they might have had before.

Von Epp is a colorful example of elite continuity between colonial and national socialist elites,⁶⁶ but he is rather the exception to the rule. Zimmerer has

64 Kolonialpolitisches Amt der NSDAP, Findbuch des Bundesarchivs Berlin-Lichterfelde, Bestand NS 52, bearbeitet von Jonas Billy, Berlin 2004, 3–5. The Amt's archival records can be found in the Bundesarchiv, but are only fragmentary and often inconclusive.

65 This can be traced in the inventory of the Amt's archival records, where budgets were drafted for the administration of Belgisch-Kongo, Aquatorial Afrika, Nigeria, Kenya and Uganda. Funnily enough, there is nothing in the records that would suggest that von Epp and his subordinates ever planned to administrate countries of which Germany had obtained control for some time during the war – the territories, which Rommel's Army had conquered in North Africa.

66 He was a member of the NSDAP, while von Lettow-Vorbeck was only a nominal (and according to his biographer, rather unwilling) member of the SA. Uwe Schulte-Varendorff: *Kolonialheld für Kaiser und Führer. General Lettow-Vorbeck - Mythos und Wirklichkeit* (Berlin, 2006), 106–109. On von Epp, see: Katja-Maria Wächter: *Die Macht der Ohnmacht. Leben und Politik des Franz Xaver Ritter von Epp (1868–1946)*,

identified a number of former colonists who continued on a certain kind of career path during the Third Reich, often by going to the *Freikorps* and the SA and ending up as propagandists of National Socialism. But there are two important reasons why such cases could not and did not open any significant channels of influence between the colonial lobby and the Third Reich's leadership. The first reason is demography, the second statistics.

Most colonial officers were too old when the NSDAP took power and Hitler became Chancellor. A *Schutztruppen* soldier, who had been twenty years old when fighting against the Herero, would have reached the age of fifty in 1934. Officers, who were often much older when they led their units against the Herero, were already retired in the 1930s. Only those members of the colonial troops who entered politics and joined radical right wing organizations such as the *Stahlhelm* (as von Lettow-Vorbeck did), could hope to start a career in the NSDAP, the civil administration, or the *Schutzstaffel der NSDAP*, the Reich Main Security Office (*Reichssicherheitshauptamt*) or in the bureaucracy of an occupied country. Joining the *Freikorps* and later the SA was a dead end rather than a career boost. In 1934, Hitler solved the conflict between the Army and the NSDAP's armed wing, the SA, by sacrificing the latter in a large-scale purge, after which many leading SA members went to jail or were executed as traitors.⁶⁷ The situation of police officers was similar. They were repatriated already under the South African administration in 1919. But if they had expected to be welcomed with open arms as heroes, they were proven wrong. In the colony, they had only been hired on a temporary basis. In the Weimar Republic they were no state officials. All obtained a three months payment upon arrival, but far from all were taken over by the German police or other state agencies. Conditions were the harshest for those who had intended to stay in the colony and run a farm after the war – they neither had the means to return and do so, nor did the new South African administration allow this kind of re-immigration.⁶⁸ Under the conditions of a housing crisis, rising unemployment and political instability, they were the perfect reservoir for a radical movement, like the NSDAP, but, on the other

Frankfurt/Main, 1999; Eckard Michels: *“Der Held von Deutsch-Ostafrika”*: Paul von Lettow-Vorbeck: Ein preußischer Kolonialoffizier, Paderborn: Ferdinand Schöningh, 2008.

67 Madley, *From Africa to Auschwitz*, enumerates many of those SA leaders (and their contacts with von Epp) as examples of elite continuity between German South-West Africa and the Third Reich, but fails to mention what happened to them after 1933.

68 This changed in 1923, see chapter 6.

hand, the sheer number of policemen from German South-West Africa was marginal compared to the whole German police.⁶⁹

The second important reason why colonial lobbyists and their way of thinking could not influence the Nazi leadership is statistical: The number of Germans with a colonial past of any kind was too low to leave an imprint on the new system, whose proponents saw it as a rupture with Weimar, but also with the *Kaiserreich*. During the last years before the outbreak of World War I, the white population of German South-West Africa had increased to 14,830.⁷⁰ But among them, only less than 5,000 could have had a personal impression about the war against the Herero and Nama.⁷¹ Additionally, 107 officers worked at the Reichskolonialamt before the outbreak of the war.⁷² During the uprisings, the number of *Schutztruppen* soldiers had risen from 756 in late 1903 to almost 20,000 in 1907.⁷³ This is the number of soldiers that could have some kind of colonial

69 This is described in detail by Rafalski, who tries to paint the brightest possible picture of the colonial police force. He does not give any precise data about how many policemen were repatriated to Germany in 1919, but writes about “two transports”, so that even if this means two entire steamboats full of policemen, this would not exceed several hundred. According to his data, the police force counted 470 officers in 1914. Hans Rafalski: *Vom Niemandsland zum Ordnungsstaat. Geschichte der ehemaligen Kaiserlichen Landespolizei für Deutsch-Südwestafrika*, Berlin: Emil Wernitz, 1930, 72, 371–372; Zimmerer, *Herrschaft*, 297.

70 Zimmerer, *Deutsche Herrschaft über Afrikaner*, 110.

71 According to the population statistics, by 1907 the colony counted 4,929 Germans. Daniel Joseph Walther: *Creating Germans abroad. Cultural policies and national identity in Namibia*, Athen: University of Ohio Press, 2002, 27. The difference between these 4,929 and the 14,830 present until the outbreak of the war had come after the suppression of the Nama and Herero uprisings, when more land had become available for settlers.

72 *Handbuch für das Deutsche Reich*, 1914, 30–38.

73 These numbers are calculated on the following basis: According to the Sanitätsberichte of the *Schutztruppe*, the initial strength of the *Schutztruppe* before the Herero uprising had been 756. 45 officers and 734 privates from the Navy had reinforced them after the Herero uprising. During the uprisings, reinforcements of 17,856 soldiers arrived in the colony. This amounts to 19,391. This number does not include the settlers, who had been called to the arms during the Herero uprising. Including them rises the final number to 20,867, but this does not take into account those who either died in the colony (738) during the uprisings, or died in Germany after returning home because of injuries and illnesses (this number is totally unknown, as no institution collected data about such cases). Werner Rahn: *Sanitätsdienst der Schutztruppe für Südwestafrika während der großen Aufstände 1904–1907 und der Kalahari-Expedition*. Hamburg, Beiträge zur

experience from German South-West Africa, which they could pass to others, including their families and friends. After 1915, when the Union of South Africa took over the colony, less than 13,000 Germans lived there. More or less half of them – almost entirely state employees, who were replaced by South Africans, and soldiers, who had been interned or disarmed and left at large on parole – were expelled. Their number overlapped with the number of soldiers so that all in all, not more than ca. 25,000 Germans in the Weimar Republic had a direct and personal experience from German South-West Africa, out of which approximately 1,400 went back to the South African mandate once the immigration criteria had been liberalized by Pretoria.⁷⁴ But far from all had a deeper knowledge about the genocidal events during the war against the Herero and Nama, because the press in the colony had only covered the military actions, but refrained from reporting about war crimes and killings of Herero and Nama, no matter whether the latter concerned combatants or civilians. German settlers could only gain knowledge about the fate of prisoners, the conditions in camps or the treatment of surrendering Herero and Nama on the basis of their own observations or oral accounts of others. Between 1904 and 1908, the *Deutsch-Südwestafrikanische Zeitung* in Windhuk only mentioned the word “natives” (in German: Eingeborene) 31 times and the word “prisoners” (Gefangene) 8 times, but never printed a single article about camp conditions, deportations or executions.⁷⁵

Many German settlers remained in German South-West Africa after the South African Union had taken over the colony. But even if all of them had returned, their stake among those who joined the NSDAP and, after 1933, the state administration and NSDAP-controlled mass movements would have been less than marginal. The SA alone counted more than 200,000 members before the organisation fell from Hitler's favor; the SS, which swallowed many of the SA members

deutschen Kolonialgeschichte, 9 (1997), 109; *Sanitätsbericht über die Kaiserliche Schutztruppe für Südwestafrika während des Herero- und Hottentottenaufstandes für die Zeit vom 1. Januar 1904 bis 31. März 1907*, Erster Band, I. Administrativer Teil, Berlin 1909, 1.

74 Martin Eberhardt: *Zwischen Nationalsozialismus und Apartheid. Die deutsche Bevölkerungsgruppe Südwestafrikas 1915–1965*, Berlin: Lit Verlag, 2007, 347. After the conclusion of the London Agreement in 1923, 5,000 other Germans were allowed to immigrate into the mandate, but there are no data allowing to establish whether they were fresh immigrants or had been in the German colony before. Eberhardt treats them as newcomers.

75 Own research in the archival copies of the *Deutsch-Südwestafrikanische Zeitung* in the Archive of the Sam Cohen Library, Swakopmund in 2015.

later, oscillated between 40,000 members before the war and over 900,000 in 1944. The NSDAP had almost four million members before the party introduced an admission stop in 1933.⁷⁶ The political and economic unimportance of German South-West Africa and the small numbers of Germans that had gone there before 1915 would have marginalized their influence in any German regime, not only in the Third Reich. Zimmerer is right when he claims that colonial violence could have been transferred to other contexts by people with a colonial background, but that is true for all Germans with some violent background. People with a *Freikorps*-background in the Silesian Uprisings or one of the World War I fronts were much more numerous than those with a colonial background.⁷⁷ However, not only violent attitudes, but also ideas and ideologies could transpire from the genocide of the Nama and Herero to the Third Reich's institutions. They did so only to a very minor extent, as the following short history of the colonial lobby under Nazi rule shows.

In 1936, the NSDAP unified the scattered landscape of colonial associations. But this did not mean that colonial elites got a say in the NSDAP's policies, it meant that it was the NSDAP that decided about the policies and the propaganda of the colonial nostalgists. The NSDAP's Colonial Office became a de facto sanctuary for them, where they could follow their dreams and visions of a German colonial empire by drawing up plans and maps, which would never be used by anyone. It was a kind of early retirement, which isolated the former colonial lobby of the Weimar Republic from the real politics of the Third Reich and warranted that they would not interfere with Hitler's, Heinrich Himmler's or Reinhard Heydrich's plans in Western and Eastern Europe. Until 1940, most of the leadership of the Office worked for free or part-time, including von Epp himself, and also some former colonial leaders such as von Lindequist, Hintrager and many similar politicians and administrators from other German colonies.⁷⁸

76 Details about the huge increase in members can be found in Sven Felix Kellerhoff: *Die NSDAP. Eine Partei und ihre Mitglieder*, Stuttgart: Klett-Cotta, 2017, 273–276. Dietrich Orlow claims, in early 1935 the party had recorded 4 mio membership cards, but had only 2,5 mio members. Dietrich Orlow: *The Nazi Party 1919–1945. A Complete History*, New York: Enigma, 2010, 305.

77 Zimmerer, *The birth of the Ostland*, 213.

78 The Findbuch (see footnote 65), 4, also mentions Methner (Ostafrika), Ruppel (Cameeroon). Some of those former colonial leaders are subjects of academic biographies: Uwe Schulte-Varendorff: *Kolonialheld für Kaiserreich und Führer. General Lettow-Vorbeck – Mythos und Wirklichkeit*, Berlin: Ch. Links, 2006; Nils C. Löscher: *Rasse als Konstrukt. Leben und Werk Eugen Fischers*, Frankfurt/Main: Peter Lang, 1997; Katja-Maria Wächter:

In 1940, the Office became professionalized as the French and Belgian defeat made the acquisition of colonies much more likely than before. By then, its budget had increased sixfold with 290 persons on the payroll (including the leading staff), but their plans and memos never led to political decisions. As the remaining archival records show, the *Kolonialpolitisches Amt* was sometimes consulted before reports and booklets about colonial issues were approved by other state organs. It collected policy papers on future racial and colonial policies, which, according to their authors, Germany should undertake after retaking possession of the colonies.⁷⁹

During that period, von Epp's agency also drafted bills whose purpose was the regulation of many bureaucratic details, which would be needed if Germany were to run African colonies again.⁸⁰ The general line that permeates these documents and the *Kolonialpolitisches Amt's* responses to correspondence from other agencies is moderation. More often than not, the experts of von Epp's agency called other agencies to place the interest of regaining colonies higher on the agenda than the fulfilment of the NSDAP's racial policies in order to convince the existing colonial powers of Germany's ability and goodwill to deal with natives in a human way. Britain, France, and Belgium, who held the former German colonies, were to see that Germany would not commit the same errors again if the colonies were returned. Whenever a conflict of interest or a dilemma occurred between Nazi racism and colonial interest, they chose the latter – contrary to the Racial Agency of the National Socialists (*Rassenpolitisches Amt*). The colonial nostalgists in the KPA wanted German authorities to be nice to black people visiting Germany; they wanted the few blacks who stayed in Germany to be treated well, so that they could not be used as an argument against a return of the colonies to Germany. This was very much in line with the policy of the Weimar Republic governments, who had cut a deal with the British and South African governments in order to suppress the distribution of the Blue Book. It was contrary to Nazi ideology, which equated “negroes” with Jews, regarding both as “racial enemies.” In 1935, colonial nostalgists from the GFO argued the same

Die Macht der Ohnmacht. Leben und Politik des Franz Xaver Ritter von Epp 1868–1946, Frankfurt/Main: Peter Lang, 1999; Klaus Hildebrand: *Vom Reich zum Weltreich. Hitler, NSDAP und koloniale Frage 1919–194*, München: Fink Verlag, 1969.

79 Heinrich Lichtenecker: Südwester Eingeborenenprobleme und Vorschläge zu deren Lösung. BAArch NS 52.38. The manuscript arrived at the Kolonialpolitisches Amt on 22 April 1941.

80 These can be found in Karsten Linne: *Deutschland jenseits des Äquators. Die NS Kolonialplanungen für Afrika*, Berlin: CH. Links, 2008.

way: they wanted the *Rassenpolitisches Amt* and the Ministry of the Interior of Prussia to support work permits and subsistence payments for 18 black families from German colonies, who had previously been employed as musicians, actors and exhibits at museums and fairs. The GFO, which had supported some of them financially with small donations, deplored the increasing hostility they encountered and urged the NSDAP to call upon their members not to apply the racial principles in a way that would make those people jobless. In the correspondence with Prussia, a plan was discussed to create a “negro village”, where all these people (all in all not more than three dozens, according to the GFO) could live and work together.⁸¹

By doing so, von Epp’s collaborators proved relatively immune against the two big shifts which had taken place German public opinion after the Herero and Nama uprisings: regarding black natives as a danger, rather than poor uncivilized and wild people, who needed guidance from Germans and, as a result of the National Socialists’ expansion in German politics after 1933, to regarding them as inferior creatures, who should be marginalized or even eradicated.⁸² A pamphlet, sent by a colony-nostalgic frontline officer with a German South-West African background in 1941, even speaks of severe errors in the treatment of the Herero and attempts of the German authorities to correct them after 1907. In his report, the officer assumed that the war would end with a German victory (which at the time of writing must have looked quite realistic) and that Germany would get access to more colonies than it had possessed before World War I. Focusing on German South-West Africa, he pled for a partnership approach towards the natives for the development of the colony, accompanied by a racially correct strategy to avoid any “mixing of races (*Rassenmischung*)”⁸³ But the natives

81 The correspondence is contained in BArch 1001.7540. The *Rassenpolitisches Amt* faced a major ideological challenge when the Consulate in South-West Africa approached it inquiring whether descendants of German *Schutztruppen* soldiers and Baster women (such couples had been very frequent due to the gender imbalance among whites in the colony) would be regarded as “Aryan” or not.

82 Schubert, *Der schwarze Fremde*, 221–247.

83 It must be taken into account that von Epp’s agency had no competences to make decisions about the (very small) black population of Germany. Black people, who had immigrated to Germany before or were children of mixed-race parents were treated in a differentiated way by the authorities of the Third Reich. The children of black French soldiers in the Rhineland, the so-called “Rheinlandbastarde” were sterilized by force during the Third Reich. Black immigrants from foreign colonies were usually deported. The authorities had a more pragmatic and flexible approach towards Africans from former German colonies, from Abyssinia and Liberia, which was the result of inter-agency

in a future German colony would not be marginalized or eradicated, instead, he wanted to reconstruct their traditional leadership structures (which, as he claimed, had been damaged under South African rule and by the German policy toward the Herero). Racial and cultural superiority permeated the text, but its general tendency was pragmatic rather than ideological – and so very different from the stance of the Racial Agency.⁸⁴ Against the backdrop of the racial ideology, which dominated the NSDAP and its different institutions (but was relatively marginal compared to their anti-Semitism), former colonialists who worked for the Third Reich were characterized by far-reaching pragmatism, whose main reason was their yearning for regaining the colonies in Africa and developing them. Whenever they elaborated plans for the administration of colonies, which might sooner or later fall into German hands again, they did not make any recommendations for genocide or the eradication of the existing tribes and ethnic groups there. Instead, they proposed measures quite close to apartheid: race segregation, separate development, spacial and legal division between white and black.⁸⁵ But for the National Socialist leadership, the competences, networks and knowledge of the former colonial elites had little value. Old-fashioned diplomats

negotiations, in which the Reichskolonialamt, the GFO and the Rassenpolitisches Amt der NSDAP had a say. The correspondence of the Reichskolonialamt must be seen in this context. See: Kundrus, *von Windhoek nach Nürnberg*, 114.

- 84 BArch NS 52.38: “Anders ist es aber da, wo der Eingeborene, wie z.B. in Deutsch-Südwest-Afrika entwurzelt ist. Dort muß man ihn zunächst wieder zu seiner eigenen Art zurückfinden lassen und alles tun, damit sich neue Stammesordnungen entwickeln können.” A question mark on the paragraph shows the irritation of the reader, but in the letter which accompanied the report, the Kolonialpolitisches Amt recommended the pamphlet to be sent to other interested agencies.
- 85 A number of such pamphlets and plans illustrate this approach. See: BArch R1001.6287. Apartheid-like solutions to the “race question” in South-West Africa were also popular among the traditional colonial elite. See, for example, the protocol of the general assembly (Mitgliederversammlung) of the German Association for settlement and migration in BArch R1001.6280. The Kolonialpolitisches Amt also elaborated a (never implemented) bill on the colonial administration (Reichskolonialgesetz) and a Nuremberg-style bill on the protection of the blood in the colonies (Kolonialblutschutzgesetz) just in case Germany were to get the colonies back. They both foresaw an apartheid-style race segregation. Both ignored the fact that the the leadership of the Third Reich and most prominently Hitler, never wanted the colonies to attract German settlers. Under such circumstances, all the segregation bills would hardly have any real impact. Horst Gründer: *Zum Stellenwert des Rassismus im Spektrum der deutschen Kolonialideologie*. In: Frank Becker (ed): *Rassenmischehen – Mischlinge – Rassentrennung. Zur Politik der Rasse im deutschen Kolonialreich*, Stuttgart: Franz Steiner Verlag, 2004, 27–41.

from the *Kaiserreich* and the Weimar Republic were replaced and marginalized by ascending National Socialists, who often were younger and despised the old elites.⁸⁶ How much they were side-lined demonstrates the fate of von Epp and his agency. Von Epp might have served as a role model for Hitler during their joint fight in Bavaria during the 1920s, and he had been able to pursue his career in the Third Reich (unlike many other former colonial activists). He had joined the NSDAP in 1928 and entered the *Reichstag* for a Bavarian constituency.⁸⁷ But his career within the Nazi state had a price – he had to subordinate his colonial ambitions to the foreign policy of the NSDAP. And the latter’s leadership, with Hitler in power, were very reluctant to play the colonial card. Until 1934, members of the NSDAP were forbidden to take part in events of the colonial lobby and invitations by the colonial movement to NSDAP members of the *Reichstag* were usually rejected, because the National Socialists regarded the issue as irrelevant.⁸⁸ In December 1933, the ministry of propaganda even issued a directive, according to which colonial propaganda had to be limited to demands for a restitution of German colonies, but at the same time was not allowed to support plans for emigration and the creation of settler colonies abroad. The NSDAP regarded colonies only as a source of resources, not as a solution to the alleged overpopulation of Germany and its striving for living space. The latter was to be sought in the East, not the South.⁸⁹

After the Nazi rise to power in 1933, von Epp had two strong competitors in colonial affairs: Joachim von Ribbentrop, Hitler’s foreign policy advisor, and Ernst Wilhelm Bohle, the head of the *Auslandsorganisation der NSDAP* (AO). Bohle, a wholesaler who had joined the NSDAP in 1932, linked his position as head of the *Auslandsorganisation* with the job of first a member of the Führer’s staff, and then with the position of a secretary of state at the Foreign Office.⁹⁰ But he was

86 The memoirs of Otto von Strahl, such an old-fashioned diplomat, who rejected the radical and subversive methods of the *Auslandsorganisation der NSDAP*, provide a lot of details about this clash between the old elites and the Nazi revolutionaries, who seized power after 1933. Otto von Strahl: *Seven Years as a Nazi Consul*, Port Elisabeth and Cape Town: Unie Volkspers, 1944 (the first edition was published in 1942).

87 Hildebrand, *Vom Reich zum Weltreich*, 98–115.

88 Hildebrand, *Vom Reich zum Weltreich*, 288–289.

89 BArch R 43/626: Vertrauliches Rundschreiben des Reichsministers für Volksaufklärung und Propaganda an sämtliche Landesstellen des Ministeriums, 4.12.1933. (The document was reprinted by Hildebrand, *vom Reich zum Weltreich*, 863–864.

90 The German titles were “Mitglied des Stabs des Stellvertreters des Führers” and “Staatssekretär im Auswärtigen Amt” (since 1937). Bohle was also a *Gauleiter*.

powerful mainly due to his position as the leader of the *Auslandsorganisation*. Within the web of competing agencies of the Nazi state, the AO had been placed above von Epp's *Kolonialpolitisches Amt* already by 1935. In a regulation of Hitler's deputy, Rudolf Hess, the AO was entrusted with the care for and organisation of Germans in the former colonies (von Epp lost this competence), and the *Kolonialpolitisches Amt* was left with the decision-making concerning colonial policy and economic measures in those countries, which could not be applied because Germany had no leverage over its former colonies. In addition to that, such decisions could only be issued after the special envoy (*Sonderbeauftragter des Führers*), Joachim von Ribbentrop and the AO had approved it. If Bohle and von Ribbentrop could not agree, the final decision would belong to Hess.⁹¹ Hess's regulation disarmed the *Kolonialpolitisches Amt* almost entirely, making it a redundant, powerless bureaucracy. The KPA had to seek von Ribbentrop's approval before issuing publications.⁹² When von Ribbentrop started to streamline and centralize the colonial movement and organize it under one, state-controlled umbrella, the *Reichskolonialbund* (RKB), von Epp could do nothing against it. All over the country, the different organisations were ordered to dissolve and their members were called upon to join the RKB. In case of any resistance, the police had been instructed to dissolve hesitant organisations by force.

After 1935, it was the AO that took over the responsibility for streamlining the German population under South African rule. Bohle also managed to subordinate the GFO to the *Auslandsorganisation* after he was appointed secretary of state in 1937 and could then interfere with the appointment of diplomats. In some cases, they served at the same time as envoys of the *Auslandsorganisation* and helped to shelter the latter's subversive actions abroad.⁹³ The situation changed with the year 1938, when Hitler's and von Ribbentrop's foreign policy successes seemed to bring the return of at least some colonies back on the agenda. As Hildebrand argues, the colonial issue was never an issue for Hitler, who only needed a colonial agenda in order to coerce Britain into a standstill agreement vis-à-vis his plans for Eastern Europe. But the vast bureaucracy of Hitler's party and the German state had their own dynamics. There, the elevation of von Epp's agency

91 Hildebrand, *Vom Reich zum Weltreich*, 358–362. He claims that in the second half of 1935, von Ribbentrop managed to sideline Bohle, too. Von Ribbentrop then wrote to the AO that Hitler had given him the responsibility for the “entire colonial policy.”

92 Hildebrand, *Vom Reich zum Weltreich*, 262–263.

93 More details about the cooperation between the Auslandsabteilung and the embassies and consulates in the Southern part of Africa can be found in the chapters dealing with South Africa and South-West Africa (under South African rule).

to a full-fledged colonial ministry was expected, von Ribbentrop's right hand in colonial affairs, Consul Rudolf Karlowa, was sent to the Army headquarters as a liaison man for the creation of a colonial army. But the increase of international tensions and the perspective of military successes also triggered the awareness of the NS system's armed services, the SS and its *Sicherheitsdienst*. Immediately after rumours had spread that the KPA would become a ministry with the competence to create a colonial police force, the SS and the SD started to compete with von Epp. It was in vain, because though German troops advanced quickly in Eastern Europe, they did not reach African soil. Von Epp's plans, the envisaged resurrection of a *Schutztruppe* and a colonial police remained on paper. The bureaucracy continued to plan for the colonial conquest, and as long as the *Wehrmacht* won battles, the leadership of the Nazi state allowed von Epp's bureaucrats to draft memoranda and bills for the future. In 1941, hopes to conquer colonies were so high they inclined several high-ranking individuals from the Nazi elite to compete for positions that would never come into being. Phillip Bouhler, former plenipotentiary for the Nazi Euthanasia program, the centrally ordered mass murder of handicapped and mentally ill Germans, had been sidelined by Martin Bormann, Hitler's deputy. Bouhler had asked Hitler to be allowed to deal with colonial issues, but Hitler had denied.⁹⁴ Von Epp's influence was strong enough to outfight Bouhler, who was later appointed Governor for East Africa, hoping to become colonial minister in the future.⁹⁵ Characteristically, his counterpart in West Africa was SS Brigadeführer Bernhard Ruberg, who had been chief of staff in Bohlé's *Auslandsorganisation*.⁹⁶ There was a general pattern behind this bureaucratic infighting. The closer the perspective of gaining colonies (or getting them back), the more personnel von Epp's agency could employ. But this absolute rise in influence was countered by the efforts of other agencies to get a piece of the cake, too. And the more the KPA expanded, the more it had to yield to more powerful players, who did their best to pack the KPA with their own senior staff members. This way von Epp's old and trusted comrades from the colonial elites

94 Hildebrand, *Vom Reich zum Weltreich*, 707; 738–741; 925–926.

95 The positions of Governor of East and West Africa were purely symbolic, because Germany never got hold of the French and British colonies there. These “governors” were appointed, but never went to the territories they were to rule.

96 It is worth mentioning here that in 1942, when France had already been defeated, but Britain was still fighting (with the strong support of the U.S. and in an alliance with the USSR), the perspective of becoming a German governor of (mostly French-held) West-Africa must have been much more promising than the hope to become a governor in (British-held) East Africa.

were increasingly marginalized by the powerful Nazi bureaucracy, whose leaders had their own agenda.⁹⁷

The KPA continued to plan for the colonial future, although its staff was scaled down. With the bloodletting in the Soviet Union and the drafting of more and more civilians into the *Wehrmacht* and the SS, the KPA had to cede more and more staff members to the war effort. In early January 1943, Hitler had ordered Bormann to shut down every agency, which was not vital for the war effort. Two weeks later, Bormann requested von Epp to dissolve the whole office, fire the employees and hand over the building, arguing that the government needed every building and every person to support the war effort.⁹⁸ Such was the miserable end of a career that usually serves as the main proof of how “the Namibian experience inspired the Nazis.”⁹⁹ Von Epp, who for some authors serves as the main proof of the continuity thesis, became so frustrated and disappointed with the Nazi state that he was approached by a Bavarian resistance cell, the *Freiheitsaktion Bayern*, who wanted him to surrender the Munich army district to the advancing US troops in order to avoid further bloodshed. Von Epp refused, was captured by American troops and transferred to Salzburg, where he died in 1946.¹⁰⁰

The ups and downs of von Epp’s career in the Third Reich do not prove the influence of the colonial lobby on the new elites that took power in 1933. In fact, they prove the opposite: the immense influence the Nazi system had on the *Kaiserreich*’s colonial lobbies. Von Epp’s fate after 1933 was not impressive, but even the fact that he maintained some power in the newly emerging institutional environment of the Nazi state was rather an exception than the rule for a colonial nostalgist. Members of the elitist network of colonial organisations had more influence in the Weimar Republic than they were able to maintain under the Swastika. Hermann Göring’s brother, who had been a captain in the *Schutztruppe* in German East Africa and who knew the Head of the *Deutsche Kolonialgesellschaft*, Schnee, showed no interest in colonial affairs when approached by representatives of the colonial lobby.¹⁰¹ General Maercker, also a former colonial officer, who had played an important role in the *Reichswehr* and the fights against

97 Hildebrand, *Vom Reich zum Weltreich*, 733–735.

98 Hildebrand, *Vom Reich zum Weltreich*, 740–741; 941–945.

99 Madley, *From Africa to Auschwitz*, 430–32; Olusoga and Erichsen, *The Kaiser’s Holocaust*, 11–12; 288–290.

100 Wächter, *Die Macht der Ohnmacht*, 223–239, who bases her claims on von Epp’s frustration after 1943 on the unpublished diary of a close friend, Oberst von Geldern.

101 Hildebrand, *Vom Reich zum Weltreich*, 99.

the German left after 1918, died in 1925. Ernst Röhm, who had belonged to the *Freikorps Epp*, later played a leading role in the SA, but did not manage to inspire the Nazi movement, because in 1934, he was arrested, accused of high treason, convicted in a trial farce and shot in prison.¹⁰² Franz Georg von Glasenapp had taken part in the Boxer uprising in China and was later sent to German South-West Africa, where he fought against the Herero. He later became a *Schutztruppen* commander in the *Reichskolonialamt*. He could neither inspire Nazis nor even influence a Freikorps, because he died in 1914.¹⁰³

The new Nazi elites learned neither colonialism nor genocide from the *Kaiserreich's* colonial legacy, instead, they dominated, streamlined and marginalized the colonial lobby of the Weimar Republic in order to subordinate it to the foreign policy strategy of the Nazi state. Hitler and his entourage wanted to conquer Lebensraum in Eastern Europe, not in Africa, and the colonial issue was only an instrument by which they hoped to neutralize Britain on the European continent.¹⁰⁴ Colonial specialists for resettling, expropriation and ethnic engineering were not needed to carry out large-scale expulsions from the annexed territories of pre-war Poland to the General Government. The only official with a dual background in the colonies and in the administration in the East, whom Zimmerer managed to identify, was Dr. Viktor Boettcher, the former deputy governor of Kamerun, who became head of a district administration (*Regierungspräsident*) in the Warthegau.¹⁰⁵ When Zimmerer claims that participating in the colonization of the Eastern territories was “welcomed by the German state and the Nazi Party” and that “former German colonists in Africa [were] the preferred settlers in the East, where their ‘pioneer qualities’ were thought to be useful”, he may be right.¹⁰⁶ But how relevant is this after taking into account that only in 1940 the

102 The arrest was part of a larger conspiracy to dissolve the SA. Its leadership was accused of conspiring against Hitler, arrested, and killed. Among the victims were many former *Freikorps* officers, some of whom had also been in the colonies before World War I. For some cases of colonial officers and their fate in the *Freikorps* movement and the Third Reich, see Hildenbrand, *Vom Reich zum Weltreich*, 99–114.

103 Paul Leutwein: *Afrikanerschicksal. Gouverneur Leutwein und seine Zeit*, Stuttgart, Berlin, Leipzig: Union Deutsche Verlagsgesellschaft, 1929, 127; Schnee, *Koloniallexikon*, 47.

104 Hildebrand, *Vom Reich zum Weltreich*, 441–587.

105 Zimmerer, *The birth of the Ostland*, 212.

106 Zimmerer, *The birth of the Ostland*, 214. The argument is based on a letter from von Epp to a businessman, but von Epp and his agency were not involved in the large-scale resettlement plans and actions (*Heim ins Reich*) in Central and Eastern Europe. The responsibility for resettlement was with the commissioner for the reification

authorities of the Third Reich organized the resettlement of ca. 270,000 people from Romania and the Soviet occupied territories in the Baltics to the annexed Polish territories?¹⁰⁷ Even if there had been some resettlers from Namibia among them, they would have drowned in the bulk of those who surrounded them.

The same kind of tautological reasoning lies behind the claim about elite continuity: Yes, Ritter von Epp did not vanish from politics after World War I and led a prominent life during the Third Reich, just as Eugen Fischer became a respected expert on racial issues (and remained one in post-war Germany).¹⁰⁸ But does this really bolster the continuity thesis, if we take into account that other colonialists, like Walter Rathenau, were later assassinated by *Freikorps* members, that Bernhard Dernburg entered a Social-Democrat-led government in the Weimar Republic, whereas Franz Kempner, who initially supported von Epp after the war, later became a conspirator against Hitler and was executed as a traitor following Stauffenberg's failed assassination attempt?¹⁰⁹ Based on the same reasoning, one

of Germanness (*Reichskommissar für die Festigung des Deutschtums*) and the SS. Zimmer does not give any other names of former colonialists who went to Eastern Europe. He might have mentioned Hans Denk, the leader of the German-Afrikaner Chamber of Agriculture, who tried to forge an alliance between pro-Nazi Afrikaner and Germans after the dissolution of the Deutsche Bund. Denk was most probably a remainder from colonial times, because he was a farmer and had been married to a Baster woman in his first marriage. In 1939 he avoided imprisonment by the Union because he was in Germany when the arrests started. After carrying out a secret mission in South Africa he worked in the occupied Soviet Union. Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 396–398; 410.

107 Götz Aly: *Endlösung, Völkerverschiebung und der Mord an den europäischen Juden*, Frankfurt/Main: Fischer, 1995, 167.

108 Zollmann, *From Windhuk to Auschwitz – old wine in new bottles?*, 88–89. On Eugen Fischer and the ideological and legal problems the Third Reich's lawyers faced when they tried to press his theories into laws and regulations, see also Kundrus, *Von Windhoek nach Nürnberg*, 121–122.

109 Walter Rathenau, the later foreign minister, travelled with Dernburg to German South-West and East Africa before World War I, see: Lindner, *Koloniale Begegnungen*, 139–142; 148–150; Eugen Fischer published studies about race-mixing and eugenics (based on research on the Baster in the Southern part of German South-West Africa), became a member of the NSDAP and rector of the University of Berlin during the Third Reich. In 1961, an editor from Graz republished his 1913 work on the Baster with an adulatory foreword: Eugen Fischer: *Die Rehobother Bastards und das Bastardisierungsproblem beim Menschen. Anthropolog. u. ethnogr. Studien am Rehobother Bastardvolk in Deutsch-Südwest-Afrika*, Graz: Akademische Druck- und Verlagsanstalt, 1961). Bernhard Dernburg was head of the Reichskolonialamt between 1907

could claim that the anti-Nazi resistance was inspired by the colonial experience, or construct a causal nexus between colonialism and pacifism in the Weimar Republic.

To some extent, the Third Reich was a successor of colonialism in the same way that it was a successor of the *Kaiserreich* and the Weimar Republic. Careers from these times did not always end in 1933. But if there was a link between colonial mass violence against Herero and Nama and the German occupation of Central and Eastern Europe after 1939, it can hardly be proven by pointing to institutional memory or elite continuity. The NSDAP and the SS attracted some former colonialists, but they attracted proportionally many more non-colonialists and the connection between the *Schutztruppe* and the SA is much weaker than between the post-war *Freikorps* movement and the SA and SS. This does not exclude other linkages between colonial violence and policies of the Third Reich, like for example racism, concepts of racial or ethnic engineering and the patterns of violence, which were applied between 1904 and 1908 and between 1939 and 1945. This is the topic of the next chapter, which will give an answer to the question whether the Nazi system carried out “colonial genocide” in Central and Eastern Europe during the 1940s and whether the *Ostland* was born out of the “spirit of colonialism”.¹¹⁰

and 1910 and in 1919 became minister of finance and vice-chancellor under Philipp Scheidemann. Franz Kempner was “district governor” (*Bezirksamtman*) in German East Africa. See: Zollmann, *From Windhuk to Auschwitz – old wine in new bottles?*, 88.

110 Zimmerer, *Von Windhuk nach Auschwitz*, 254–289.

6. From Berlin to Cape Town and Windhoek

The hypothesis, according to which it was the colonial lobby, which influenced the Third Reich, its elites and institutions and inspired it to commit a colonial genocide in Eastern Europe, ends in a cul-de-sac; in the same one von Epp finally ended up in when the SS evicted him from his office. The colonial lobby was much too weak to impact on the huge National Socialist movement and the Third Reich's statecraft. But this does not preclude any link between the Third Reich and the former German colonies. Such a link existed and it was much stronger than anything the proponents of the continuity hypothesis have presented so far. Pointing to an avenue from Windhuk to Auschwitz not only lacks evidence, it is also wrong for a more important reason – it distracts from the real continuity. The Third Reich – or, more precisely, the NSDAP – had a huge interest in Africa and it undertook considerable efforts to get boots on the ground there. But the target was no so much South-West Africa, but South Africa. In this big gamble, the *Abwehr*, the NSDAP and specifically its foreign service, the *Auslandsorganisation der NSDAP* played a major role, whereas Epp's agency and even the Ministry of Foreign Affairs were sidelined and marginalized and often had no idea about the intrigues and conspiracies, which the other institutions were running in the neighborhood of the former German colonies. This was due to inter-agency competition, the vastness of the Third Reich's quickly expanding bureaucracy and the lack of coordination between the different state agencies on the one hand, and the party's units on the other. But it was also due to Hitler's own strategy, according to which the former German colonies were no aim in themselves, but rather an instrument for achieving other objectives, as Klaus Hildebrand has shown.¹ From the beginning of the National Socialist movement, there were a whole number of differences and cleavages, which separated the NSDAP from the colonial lobby of the Weimar Republic: the colonialists saw themselves as an elite and rejected the notion of a *Volksgemeinschaft*, which the Nazi propaganda endorsed to attract the impoverished masses of workers, petty traders, farmers and all others who had suffered under the hardships of the great economic depression. The colonial lobby's members usually belonged to the upper classes, worked in the higher echelons of state bureaucracy or were

1 Klaus Hildebrand: *Vom Reich zum Weltreich. Hitler, NSDAP und die koloniale Frage 1919–1945*, München: Fink Verlag, 1969.

entrepreneurs.² Next, they strove to get their colonies back – many leaders of the colonial lobby had held high positions either in the *Kaiserreich's* administration in Berlin or in the governing bodies of the colonies. Hitler and the NSDAP strove for territorial expansion in the East, not in the South. If one accepts their almost axiomatic assumption according to which the Germans needed more land in order to accommodate their demographic surplus, this was a rational concept – Eastern Europe and the Asian territories of Russia were easier to conquer and easier to populate with Germans than most of the former German colonies. The climate was rougher than in Germany, but the soils were fertile and no dangerous diseases waited for the settlers. The initial hopes that Namibia would ease the alleged overpopulation problem had proven unsubstantiated: due to the lack of fertility, the country's savannahs could only be divided into very large farms and all attempts to create smallholder farms (*Kleinsiedlungen*) with intensive production had failed.³ German South-West Africa was big, but the constraints its nature imposed on settlers were too severe to accommodate a larger stream of immigrants from Germany.⁴

But there also was a strategic divide between the NSDAP leadership and the colonial lobby, of which the latter was most probably not at all aware. Many of the colonial lobbyists intended to convince the victorious powers that had imposed the Versailles peace conditions on Germany to return some or all of the former colonies to Germany. Some even went so far as to admit wrongdoings toward the native populations of the colonies, in order to bolster their case. This stance was more or less reconcilable with Hitler's initial strategy to use the colonial issue to forge an alliance with France and Britain against Russia. If such an alliance had come into being and a compromise had been reached, the return of South-West Africa to Germany might have been more likely than without such an agreement. But Hitler's aims were more ambitious than that – he sought the alliance with Western Europe not only for colonial reasons, but also in order to be given a free hand in the East. During the first phase of the Third Reich's foreign policy, Hitler sought to weigh in the colonial issue in order to convince Britain to enter into an alliance with Germany. If successful, Britain would have agreed to an alliance with Germany and Germany would have given up its colonies and

2 Hildebrand, *Vom Reich zum Weltreich*, 108.

3 Daniel Joseph Walther: *Creating Germans Abroad. Cultural Policies and National Identity in Namibia*, Athens: Ohio University Press, 2002, 23–27.

4 About the (lack of) rationality of the assumption about overpopulation in Germany and the actual anti-capitalist and pre-industrial nostalgia behind it, see the introduction.

refrained from undermining British rule in its colonies.⁵ But this deal was never accomplished. Britain remained a protector of the Versailles peace treaty and refused to acquiesce to a revision of the treaty provisions. Hitler embarked on a strategy of gradual, step-by-step revision, first by remilitarising the Rhineland, then by destabilising and finally annexing Austria, next by doing the same with one of the last democracies in Europe, Czechoslovakia. By doing so, he gradually obtained a revision of the Versailles treaty. The colonial provisions of the treaty, which had deprived Germany of its colonies, were not at the core of his strategy. The colonial issue was only a bargaining chip to pressure Britain. But in order to build up an impressive scenario of intimidation, Hitler thought it necessary to create a domestic colonial front, which could be invoked to bolster threats and demands on the international stage, but which was easy enough to manipulate for him, so that it would be unable to constrain his manoeuvres and limit his scope of action. This was the foreign policy related rationale for streamlining all colonial organizations under one NSDAP umbrella.⁶ For the *Kaiserreich's* and the Weimarer Republic's colonial lobby, the former German colonies were the objective, and any possible concession in foreign policy the means to obtain it. For Hitler, it was the other way around. He wanted to secure German expansion to the East by sacrificing the colonial pawns in a game that was larger than the colonial elites could imagine.

6.1 The *Auslandsorganisation der NSDAP*

In Hitler's big game, there were a lot of minor actors who followed their own strategies and implemented their own methods, thus influencing foreign policy outcomes, challenging and checking the actions of competing agencies, and trying to weaken their influence on the Reich's leadership and ultimately on Hitler. In this game, there were strong and weak actors, and the German Foreign Ministry rather belonged to the weaker ones. This was due to its character as a state bureaucracy staffed with members of the *Kaiserreich's* and the Weimar Republic's elites, with aristocrats, technocrats and older people, who used to think in traditional diplomatic patterns rather than in the revolutionary mindsets of the relatively young and affluent NSDAP cadres.⁷ The latter despised the oldfashioned

5 This is what Hildebrand called a policy of colonial abdication ("koloniale Verzichtspolitik"), Hildebrand, *Vom Reich zum Weltreich*, 359.

6 Hildebrand, *Vom Reich zum Weltreich*, 366–371.

7 For the change in the recruiting patterns of the GFO, the increasing influence of young-Nazi-related bureaucrats and Hitler's lack of trust in the GFO (to the detriment of

diplomats and their methods. In issues important to him, which superseded the traditional tasks of the German Foreign Office (GFO), Hitler used special envoys and plenipotentiaries. One of them was Joachim von Ribbentrop, who had married into the wealthy family of a champagne producer and had obtained his aristocratic title through adoption by an aunt. After joining the NSDAP in 1932, he had quickly advanced and become Hitler's main foreign policy advisor. As a special envoy he had managed to get Britain to sign a treaty limiting both country's naval fleets and had opted for the remilitarization of the Rhineland against the opinion of most senior diplomats in the GFO.⁸ He joined the foreign service in 1936. Through him, Hitler extracted the colonial policy from the GFO and from the colonial nostalgists that populated von Epp's agency. Thanks to von Ribbentrop, who usually made Hitler's views his own, the colonial issue was subordinated to Hitler's grand strategy. But there was another actor in the game, who evaded von Ribbentrop's influence, sidelined the GFO and von Epp, and managed to conduct his own policy – the Foreign Service of the NSDAP, the *Auslandsorganisation*. After the Nazi rise to power in 1933, it was headed by Ernst Wilhelm Bohle, the son of Hermann Bohle, a professor of electrotechnics at the University of Cape Town, who had created a local NSDAP *Landesgruppe* already before 1933. The younger Bohle connected his service for the party with the job of first a member of the Führer's staff and then with the position as a secretary of state at the Foreign Office.⁹ But he was powerful mainly due to his position as the leader of the AO.

The AO was busy with the streamlining and forcible coordination of the German population abroad.¹⁰ It created cells and nationwide organisations, either openly or clandestinely, which mirrored the German landscape of Nazi mass organisations and did its best to use the leverage the new German state wielded

older, more experienced diplomats from the Weimar Republic) see: Eckart Conze, Norbert Frei, Peter Hayes, Moshe Zimmermann (unter Mitarbeit von Annette Weinke und Andrea Wiegeshoff): *Das Amt und die Vergangenheit. Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik*, München: Karl Blessing Verlag, 2010, 99–105.

8 Conze et al., *Das Amt*, 91–95.

9 The German titles were “Mitglied des Stabs des Stellvertreters des Führers” and “Staatssekretär im Auswärtigen Amt” (since 1937). Bohle also was a *Gauleiter*.

10 As the later events in South-West Africa will show, these efforts were not limited to German citizens. The AO acted under an ethnic, national paradigm, which saw every German subject as subordinated to Hitler, no matter which nationality, citizenship or passport was involved. The phrase “forcible streamlining” is used here as an (imperfect) translation for the notorious German word *Gleichschaltung*.

over relatives of Germans abroad to pressure them into joining these organisations and to turn them into a foreign policy asset of the Nazi government. Unlike to the GFO, which stuck to traditional instruments and methods of diplomacy and viewed the activities of Bohle's agency with suspicion, the AO was predominantly a revolutionary organisation, which did not limit itself to cultural diplomacy and cooperation with parties and movements that were ideologically close to National Socialism. It also spread propaganda, social and nationalist demagoguery, anti-Semitism and supported friendly movements with money and know-how. Back in 1933, Bohle had failed to convince Hess to create a separate ministry for dealing with German minorities abroad. His aim had been to extract this competence from the GFO, which they both regarded as unreliable. Instead, Hess had upgraded the *Auslandsabteilung* to the *Auslandsorganisation*. The latter had gained supremacy over all Germans abroad – which included German diplomats. They all were from that moment on under double supervision: by their own ministry and by their party organisation. The merger between state and party, which had already been announced in Germany proper, now also applied to the Germans in other countries.¹¹

Within the web of competing agencies of the Nazi state, the AO had been placed above von Epp's *Kolonialpolitisches Amt* already by 1935. Until then, there had been constant quarrels about competences between von Epp and Bohle. Bohle won. In a regulation of Hitler's deputy, Rudolf Hess, the AO was entrusted with the care for and organisation of Germans in the former colonies (von Epp lost this competence), and the KPA was left with the decision making concerning colonial policy and economic measures in those countries. If one takes into account that Germany had no means of implementing such decisions, one becomes aware that the KPA's power had been cut down to the elaboration of policy papers, strategies (which other agencies would have to implement, if told to) and the administration of the colonial legacy on the mainland. But the KPA's influence was even further restrained – such decisions could only be issued after the special envoy (*Sonderbeauftragter des Führers*), Joachim von Ribbentrop and the AO had approved them. If Bohle and von Ribbentrop could not agree, the final decision would belong to Hess.¹² Hess was widely regarded as Bohle's

11 Conze et al, *Das Amt*, 114.

12 Hildebrand, *Vom Reich zum Weltreich*, 358–362. He claims that in the second half of 1935, von Ribbentrop managed to sideline Bohle, too. Von Ribbentrop then wrote to the AO that Hitler had given him the responsibility for the “entire colonial policy.”

protector.¹³ In other words: after 1935, the KPA lost all leverage it might have had over colonial policy.¹⁴ Policy – the formulation of objectives – and politics – the implementation of measures in order to achieve these goals – were concentrated at von Ribbentrop’s office and the *Auslandsorganisation der NSDAP*, which had also partly – through the merging of diplomatic positions with the AO structures abroad – hijacked the GFO. Von Epp and the KPA were neutralized, the colonial lobby would soon be subordinated to the NSDAP and the AO would become the most important agency for the German population in the former colonies.

6.2 The failure of the *Auslandsorganisation* in South-West Africa

In 1938, Benjamin Bennett, a British journalist, traveled from South Africa to South-West Africa on a fact-finding mission concerning German grievances about the South African mandate. He arrived in Windhoek on Hitler’s birthday and experienced a shock. Apparently the mandate had become a part of the German mainland, including all the features of the Nazi system: Hitler-hailing German demonstrators, openly operating Nazi organizations, martial marches and widely displayed disloyalty to South Africa by the German population.¹⁵ “I arrived in Windhoek, capital of South-West Africa, on Hitler’s birthday. It was well celebrated. My hotel was decorated with Swastikas inside and out. From every other wall the Führer smiled down at me. From behind every other door, marshal Goering (sic) beamed”, Bennett wrote. “I strolled along Kaiser Street, the macadamised main street fronted by shops and offices and public buildings, overlooked unexpectedly by a plantation of trees and palms sprawled over a hillside. The literary output of the New Reich approved by Dr. Joseph Goebbels demanded purchase in a variety of bright jackets from the display window of a bookseller. Near by were stacks of the latest Berlin illustrated papers opened

13 Conze et al, *das Amt*, 97–98. Bohle, together with Hess, managed to promote their ally, Hans Schroeder, into the position of head of Foreign Office’s personnel. Through Schroeder, they could then shape their own personnel policy and direct their supporters to specific embassies and consulates abroad.

14 Martin Eberhard ignores the 1935 shift, which empowered the AO to the detriment of von Epp’s agency, although this shift is strongly emphasized by Jacobsen and Hildebrand, from whom Eberhard quotes frequently. Martin Eberhard: *Zwischen Nationalsozialismus und Apartheid. Die deutsche Bevölkerungsgruppe Südwestafrikas 1915–1965*, Berlin: Lit Verlag, 2007, 322–323.

15 Benjamin Bennett: *Hitler over Africa*, London: T. Werner Laurie Ltd., (no date). Quotes are from the second edition. The first was most probably published after 1938.

haphazard to show the Führer kissing little girls who gave him buttonholes, or shaking his fist to the Bolsheviks; and the uniformed, bemedalled Goering.” Bennett had an aversion against Göring – he constantly wrote his name as if Göring were an Afrikaner – but his description of Windhoek under the Swastika is still impressive today. It does not resemble a country belonging to the British Empire, ruled from Cape Town and Pretoria, but rather a provincial town somewhere in Germany. “Motor-cars passed leisurely by with Swastika flags fluttering from the bonnets and Swastika discs screwed to German mascots. Messenger-boys and scholars decorated the handle-bars of their bicycles with hooked crosses. Dachshunds, Dobermans and wire-haired terriers nosed about the doorways with Swastikas engraved on their collars. Returning to the hotel, I saw a car-load of men alight, shoot up their right arms in Nazi salute and march to the proprietor’s sanctum where führers meet in secret conclave. Into my room penetrated the strains of the Horst Wessel song and ‘Deutschland Über Alles.’”¹⁶ As many of his interlocutors, Bennett was sure that Hitler wanted the former German colony back and what he was watching were the preparations for it. As will later be shown, many Germans in the mandate held the same conviction and were eager to contribute their share. Many attributed the atmosphere in the country to the efforts of Ernst Wilhelm Bohle: “The German inhabitants of the Union and South-West Africa take pride in the high office of Bohle and his nearness to the Führer. His name is mentioned with respect and enthusiasm. He should enjoy excellent health if half of the toasts I saw pledged to him in South-West Africa are fulfilled.”¹⁷ But besides colorful and rustic descriptions of everyday life in South-West Africa, Bennett also presented his readers with a sombre vision of how the Nazi system created a parallel structure of governance, which interfered in the everyday life of the mandate’s German citizens. Bohle’s organisation imposed a system of parallel courts, which sidelined the South African courts and forced Germans to accept the *Auslandsorganisation’s* arbitration in civil matters. German plaintiffs suddenly decided to withdraw their cases from South African courts, after being muzzled by emissaries of the *Auslandsorganisation* or German diplomats. Instead, they accepted verdicts of Bohle’s people in the region.¹⁸ Later on, Bennett watched clandestine rituals of the South-West African branch of the *Hitlerjugend*. He left for London with the impression that the Nazis had taken over the country from the Union of South Africa.

16 Bennett, *Hitler over Africa*, 4–5.

17 Bennett, *Hitler over Africa*, 15.

18 Bennett, *Hitler over Africa*, 19–21.

How was this possible? In 1915, troops of the Union of South Africa had overrun the German colony, forcing a small army, led by the legendary liberator of Omaruru, Victor Franke, to surrender in Khorab. Under martial law, the South African government expelled almost all government officials, soldiers and a number of personae non grata from the country, but allowed almost all farmers to remain. More than a thousand Germans returned on their own to Germany. The expulsions violated the Khorab ceasefire agreement as well as the Hague Convention of 1899, which forbade occupying powers to carry out changes in the ethnical structure of an occupied country, but the South African government saw the Khorab agreement as replaced by the Versailles Treaty. In Versailles, Germany had been deprived of the colony and later, the League of Nations gave the Union of South Africa the mandate to administer the country. It was a so-called C-mandate, which allowed South Africa to rule the former German colony almost as tightly as if it were an integral part of the Union. After the ratification of the Versailles treaty, the number of expulsions declined.

The South African government wanted Namibia to become a country under white domination, to merge Afrikaner and Germans into one people. In order to do that, it needed the Germans to become South African citizens and the German government to acquiesce to it. In 1920, the South African governor of South-West Africa, Gysbert Reitz Hofmeyr, acknowledged the right of the German population to stay in the country. The practical emanation of this principle was the inclusive way, in which South Africa granted Union citizenship to all Germans, which did not explicitly refute it. The League of Nations accepted the measure. However, this created a conflict of loyalty for many Germans, who started to ask their government how they should behave in order not to lose German citizenship and safeguard their economic interests in Germany. With the mediation of a pro-German writer, the German and the British governments embarked on negotiations about the status of the former German colony under the new circumstances. In 1923, they concluded an agreement that was based on a quid-pro-quo principle: Germany would encourage its nationals in South-West Africa to accept South African citizenship and the Union of South Africa would grant them more rights concerning culture and language. Germany's relinquishment of the colony, to which Germany had agreed beforehand, was implicit. In Berlin, diplomats were convinced that there was no chance South-West Africa would be returned to Germany and that the former colony would sooner or later become an integral part of the Union. In such a case, Germans would be better off if they became Union subjects, but, on the other hand, a German government could

only recommend that if South Africa granted improvements of their status.¹⁹ The London Agreement opened the door for German immigration to the mandate (the South African immigration laws would apply to Germans, too) and to the participation of Germans in the administration. The treaty endorsed double citizenship: Germans who accepted the Union citizenship, would not be deprived of their German one, and Germans, who refused it, would not be discriminated against.²⁰ The extension of the Union citizenship to Germans enabled the South African government to grant the mandate more political autonomy. In 1925, a small constitutional assembly enacted a constitutional law, which provided for the direct election of 12 and the appointment of 6 further members of a regional legislative body, the Legislative Council, which elected an advisory board to the governor, the so-called advisory council. The governor, appointed by the South African government, still had the last say in the executive. The 12 members of the Legislative Council were elected by majority voting. Under the conditions of ethnic voting patterns, it was clear that such a system would increase rather than moderate the ethnic tensions between the main (white) groups that were granted the franchise. The Boer and German populations would create their own parties or election lists and compete against each other. But whereas the Germans were united and launched one overarching organisation, the *Deutscher Bund*, the Afrikaner vote split into warring factions, which replicated the party cleavages among South African Afrikaners.²¹ Hence, there was a *Nasionale Party van Suid West Afrika*, the counterpart of Hertzog's National Party and the *Unie Party*

19 Werner Bertelsmann: *Die deutsche Sprachgruppe Südwestafrikas in Politik und Recht seit 1915*, Windhoek: SWA Wissenschaftliche Gesellschaft, 1979, 29–35.

20 As long as Germans remained in the Union, their German citizenship did not lead to any legal consequences, it was only “resuscitated” once they entered Germany. Bertelsmann, *Die deutsche Sprachgruppe*, 38–40. After the introduction of a separate South African citizenship in 1927, the naturalized Germans only had British citizenship within the dominions, outside Britain, British diplomats could only represent their interests by courtesy and never with regard to Germany, if they had kept German citizenship, too. There was a *modus vivendi* between Britain, Germany, and South Africa. The German consulate in Cape Town used to issue German passports to South-Westerners whose British passport had a stamp, limiting their citizenship to the dominions and South Africa. Britain did not oppose the German approach to the South-Westerners. Bertelsmann, *Die deutsche Sprachgruppe*, 38–39.

21 There was an important difference between the party cleavages and the party system in South Africa and South-West Africa: whereas Germans did not play any role as an ethnic affiliation in the South African party system, they were the most important affiliation in the mandate. In South-West Africa, English speakers did not play any role

(after 1926 *Suidwes Party*) of Smuts. During the 1926 elections, the Afrikaner lost against the Germans, who took 7 out of the 12 seats that had been available in direct elections. The governor recompensated the German victory by appointing four South Africans and only two Germans, which created a balance of nine to nine seats. After the defeat, the South Africans merged their parties into the *Vereinigde Nasionale Suidwes Party*.

The way South Africa (and Great Britain) treated the German population in the former German colony may seem inclusive, tolerant, forthcoming and amiable from today's perspective. Compared with what happened in other parts of the world in the postwar period – mass expulsions, mass murder and the systematic discrimination and oppression of national and ethnic minorities – it was a very humanitarian way to achieve a viable compromise. But it nevertheless created dissatisfaction, protest and opposition. Despite the London Agreement, German had not become an official language in the mandate and many Germans had accepted naturalization as the lesser evil, hoping for a reunification with Germany or at least a shift from the C-status of the mandate to a status, which would give them more autonomy. As a result of Versailles and the London Agreement, immigration from Germany decreased and immigration from South Africa increased, creating fears about a slow, but inevitable “Boerisation” of the Germans. Statistically, those fears were not unfounded. Between 1921 and 1936, the percentage of Germans among the overall white population of the mandate had fallen from 41 percent to 31 percent, whereas the percentage of the Boer population had risen from 43 to 59 percent.²² It was foreseeable that the Afrikaner parties would get the two third majority in the Legislative Council that was required for a motion to be incorporated into South Africa. By then, the former German ruling group of South-West Africa would be reduced to the status of a small minority, left with the same fear of becoming equalled with the colored population, which had contributed so much to Afrikaner radicalism in South Africa.

The dissatisfaction with the unstable Weimar Republic and the chaotic, intransparent party politics in Berlin, with the weakness of the German state, which had emerged from the war and proved unable to check the power of Britain and South Africa was exacerbated and exploited by radical movements in Germany. It was especially exploited by the colonial lobby, which created the illusion that a return of the mandate to Germany was possible or even within

(especially as Walvis Bay did not belong to the mandate), but in South Africa, they were the main contenders against the Afrikaner.

22 Walther, *Creating Germans abroad*, 115.

reach. The German fears about a loss of their cultural identity and their language rights increased with the influx of disappointed and often dispossessed so-called Angola-Boers, who were viewed as an economic competition for the German settlers.²³ These fears and hopes were mirrored by a large part of the Afrikaner population, which wanted the mandate to be annexed by South Africa. This created a political clinch in the Legislative Council, which prevented the most far-reaching attempts of reaching a lasting reconciliation between the two groups before the takeover of Germany by the Nazi movement. In 1932, the Cape Town Agreement failed, when the South African parties insisted on their postulate to merge the mandate with the Union. Until then, both sides – Germans and South Africans – had striven for more autonomy, but never reached the necessary two-thirds majority that would have been necessary to establish more self-governing rights. Both sides wanted the same, but for opposite reasons: the German representatives wanted to have more rights in order to move the mandate closer to Germany, the Afrikaner wanted more autonomy to be able to make more use of their relative dominance in the administration.

The rise of the NSDAP in Germany had been observed in South Africa, where many Afrikaner intellectuals saw it as a potential ally against the British and adopted the nationalist and anti-Semitic thrust of its ideology.²⁴ It also had been observed by the German population in South-West Africa, but with less enthusiasm. Most contemporary observers agreed that the older generation of German settlers was nostalgic about the *Kaiserreich* and unimpressed by the Weimar Republic, but did not share the revolutionary enthusiasm and the totalitarian radicalism of the Nazi movement in Germany. Additionally, as Union citizens their main focus was on South Africa, not Germany, which had less means of influencing their life. During the early 1930s, a generational cleavage emerged among the German population: the older generation, keen to keep what they had managed

23 “Angola Boers” were Afrikaner, who had emigrated from the Cape to Angola, but were forced to leave Angola due to the hardship of the natural living conditions and conflicts with native groups there.

24 Albrecht Hagemann: Nationalsozialismus, Afrikaner - Nationalismus und die Entstehung der Apartheid in Südafrika, *Vierteljahreshefte für Zeitgeschichte*, 39, 3 (1991), 415–425. Strikingly, the link between the Third Reich’s persecution of Jews and the Jewish immigration, which was such a stone of contention for South Africa’s radical right-wing Afrikaner, was never discussed in these circles. South African anti-Semites used to blame the Jews for their own persecution in Germany, but they never blamed Germany for pushing them abroad and thus increasing Jewish immigration to the Union.

to build and retain during the tormentuous past of the country, viewed the rise of the new radical torrent in German politics with suspicion. The emissaries of the Nazi movement were more likely to be listened to and obeyed by the younger generation, which had less to lose.

The NSDAP and the *Hitlerjugend* (HJ) had already established their own structures in the mandate by 1932 – before Hitler was appointed Chancellor. In August 1933 – a few months after the seizure of power – the Afrikaner dominated Legislative Assembly banned the NSDAP and the *Hitlerjugend*, driving them underground.²⁵ The leaders, Hans Weigel and Erich von Lossnitzer, were deported to Germany. The German members of the Council resigned in protest, although they were not members of the NSDAP.²⁶ During the raids against the NSDAP and the HJ, the police also confiscated a number of records, which later served the so-called van Zyl Commission as a basis for assessing the relations between, as it used to label it, the two races: the Boers and the Germans. After analyzing the correspondence between von Epp, the NSDAP leaders in South-West Africa, and local representatives of the German community, the authors of the report concluded bluntly: “The repression of the Nazi movement in South-West Africa did not change things significantly, it only channeled the Nazi-energy into the *Deutscher Bund*.”²⁷ In fact, Nazi emissaries had resorted to a different strategy. They would pressure the leaders of German institutions to employ reliable NSDAP members in key positions, rather than to expose Nazi organisations openly. Some of the van Zyl commission’s records illustrated how the Nazi state tried to counterbalance the dependency of South-Western Germans on the local administration by using its leverage in Germany. When a leading teacher of the middle school in Windhoek, who had refused to appoint a loyal NSDAP member as

25 During the elections of 1929, only four out of 12 seats had been taken by candidates of the *Deutscher Bund*, eight constituencies had been won by the Afrikaner candidates. The governor appointed three members for each national community, thus moderating the German losses and preventing a two-third majority for the Afrikaner. Bertelsmann, *Die deutsche Sprachgruppe*, 43–44.

26 Dirk Mudge: *All the way to an independent Namibia*, Pretoria: Protea Book House, 2016, 37.

27 It must be taken into account that the van Zyl Commission (whose main task was to assess whether South-West Africa was – in the light of the Afrikaner motion to annex the mandate by the Union of South Africa – fit for self-government) only had records from 1933 and 1934, hence from a period during which von Epp still had a say about the actions of the NSDAP in the former colonies. Special collections of the Stellenbosch University Library, Afrikaans, *Verslag van die Suidwesafrika-Kommissie*, Pretoria 1938, 63, par. 288.

teacher, went to Germany, the authorities prevented him from returning to the mandate.²⁸ Hans Hirsekorn, the German representative in the Legislative Council who served the Commission as a kind of spokesmen for German interests, was unable to disprove the existence of such a NSDAP-led remote control for German organisations in South-West Africa, he only objected that the records were not complete, showing the interference from Germany in a gaudier light than it actually was.²⁹ Before the commission, Hirsekorn faced a severe problem. In his correspondence with Berlin and Hamburg, where the AO had its headquarters, he had mainly used tactical arguments in order to prevent the Nazi institutions from interfering too strongly in the matters of the *Bund*. He had avoided challenging their basic ideological assumptions, arguing, for example, that a possible return of the mandate to Germany would not be furthered by public engagement of known Nazi activists for a change of the status quo. But in front of the van Zyl commission, the same documents showed a Hirsekorn, who had apparently conspired with foreign and hostile diplomats and decision makers against the interests of his own country, South Africa. Hirsekorn most probably just wanted to safeguard the *Bund's* autonomy with regard to both governments, but for the commission, his role looked much more one-sided than it actually might have been. Schwietering had the same problem: in a letter to von Epp, he had argued that taking an oath of loyalty from *Bund* members who were South African citizens might lead to serious political repercussions. When he wrote that, he could have hardly rejected such a demand without risking repercussions from Germany. The commission, which had obtained the letter, reprimanded him that as a British subject he should have rejected the demand as a matter of principle and not only for tactical reasons.³⁰

The assessment of how far South-West African Germans were prone to become National Socialists and support Bohle's envoys in the mandate is very difficult. Bertelsmann, who had early access to the records of the *Deutscher Bund*, claims that most Germans rejected the NSDAP's violation of their unwritten law, according to which German parties should not extend their activities to the mandate and that the *Deutscher Bund* remain a non-partisan platform defending the interests of all Germans in the former colony.³¹ Walther repeats this claim, referring to Bertelsmann: only a young minority supported Hitler in the early

28 *Verslag van die Suidwesafrika-Kommissie*, 59, par. 264.

29 *Verslag van die Suidwesafrika-Kommissie*, 64, par. 290.

30 *Verslag van die Suidwesafrika-Kommissie*, 66.

31 Bertelsmann, *Die deutsche Sprachgruppe*, 57. Bertelsmann obtained the records from Erich von Schaurath, the secretary of the *Deutscher Bund*, who sent them to

1930.³² Töttemeyer writes in his memoirs about the majority of Germans supporting Hitler and vesting their hope in the Nazi movement to get the colony returned to Germany; Mudge goes into the same direction.³³ Since the NSDAP was banned so early and never participated in elections in the mandate, these claims are difficult to verify. Since 1921, the number of Germans arriving in the mandate (or being born there) had risen from 19,714 to 31,200. In other words: 11,486 Germans lived in the mandate who lacked any *Kaiserreich*-experience.³⁴ At the same time, only 7 percent of those entitled to South African citizenship had rejected it by 1937.³⁵ The overwhelming part of the German population held South African citizenship and was answerable to the governor and his administration – and their fate depended on these institutions, not on German authorities. This proved a stronger obstacle to *Geichschaltung* by the *Auslandsorganisation* than the scepticism toward Nazi ideology, which might have prevailed among the South-West African Germans.

Beginning from 1933, the *Auslandsabteilung* tried to unify the different German organizations in South-West Africa in order to subordinate them to the party leadership and the interests of National-Socialist Germany, and to turn them into efficient spearheads of a German foreign policy that was defined in Hamburg (the seat of the *Auslandsabteilung*) rather than the GFO or the *Kolonialpolitisches Amt*. But in Windhoek, the AO emissaries were confronted with the *Deutscher Bund*, which had the support of the whole population and acted as the only representative of Germans in the mandate. Since the Nazi cells mostly included Germans who lacked South African citizenship, they could not hope to participate in – let alone win – elections. On whatever subversive action Bohle

Bertelsmann shortly before he died. Bertelsmann, *die Deutsche Sprachgruppe*, XIX. The records are now stored in the National Archive of Namibia.

32 Walther, *Creating Germans abroad*, 166–167.

33 Gerhard Töttemeyer: *Das Werden und Wirken eines Rebellen. Autobiographische und historische Notizen eines Deutsch-Namibiers*, Windhoek: Kuiseb Verlag, 2015, 23–25; Mudge, *All the way*, 37. Töttemeyer is a Namibian professor, brother to the former German SPD member of the *Bundestag*, Hans-Günther Töttemeyer. Gerhard Töttemeyer joined SWAPO during the 1980s and later played an important role in the Namibian transition from South African rule to independence and in post-transition politics. Mudge is from the other side of the political barricades – the offspring of an Afrikaner family, who left the National Party during the transition process and helped create the Democratic Turnhallen Alliance, the third force during transition between South Africa and SWAPO.

34 Walther, *Creating Germans abroad*, 115.

35 Bertelsmann, *Die deutsche Sprachgruppe*, 39.

and his accolites in the mandate embarked, they would be confronted with the bonds that linked the German population to South Africa. The administration of the mandate had one very sharp sword at its disposal, which the Nazi emissaries could not counter: the governor could deport every German without South African citizenship, by declaring him or her *persona non grata*. In the case of farmers, this meant the loss of their whole lifetimes' achievements, the deportation of their families and starting from zero in a Germany they hardly knew. Such risks were lower for traders, people with no family, for workers and manufacturers. However, the *Auslandsabteilung* not only targeted German citizens, it claimed supremacy over all inhabitants of the mandate of German origin. It also tried to counterbalance the power of the South African state over the Germans in the mandate by using sticks of its own making. Farmers, traders, business people with links to Germany were exposed to threats if they refused to obey orders from the AO or from German diplomats, and people with relatives in Germany were confronted with the risk of reprisals against their dear ones on the mainland if they did not behave the way the Third Reich's envoys wanted them to behave. Soon, the new atmosphere created tensions within the German population and within its organisations, and even within families and among neighbors.

However, the *Auslandsorganisation*, acting together with diplomats from Windhoek, Cape Town, and Pretoria, never managed to take over the *Deutscher Bund*. A first attempt to oust its president, Albert Voigts, failed. Voigts, a well-known farmer and trader from Okahandja, founder of the famous trading house *Wecke & Voigts* (which still exists today) and member of the Legislative and the Executive Council of the mandate, had been elected head of the *Bund* in 1927 and thereby ousted Fritz Brenner, a physician, who had returned to Germany. But after the NSDAP had come to power in Berlin, his time came. He came back, allegedly with the support of some prominent Nazi politicians, and tried to take over the association which ran the German schools in the mandate, introducing the so-called "leader principle."³⁶ The outrage about him inclined the KPA and the GFO to send two mediators to Windhoek, who first forced Voigts to resign from his position, threatening him with reprisals against the whole German population by the Nazi state. But Brenner proved too

36 The leader principle, in German "das Führerprinzip" required (streamlined) organizations in Germany to be led by one leader, who was appointed by a higher-ranking leader (rather than being elected bottom-up). As *Eberhardt, Zwischen Nationalsozialismus und Apartheid*, shows at various occasions, the South-West African Germans initially thought it would be enough to elect a leader democratically in order to comply with the new Nazi standards.

controversial a candidate and the two mediators finally accepted a physician from Swakopmund, Dr. Schwietering, as the new head of the *Bund*, although he was not a member of the NSDAP. Töttemeyer is right when he assumes the *Bund* to be in favor of the Nazi system at least before 1935. With regard to the merger of the state and NSDAP in Germany and the absence of any effective opposition, Southwestern Germans were deprived of any alternative: they could be in favor of Germany, but in such a case, there was only the Third Reich with its totalitarian ideology, or they could be against the Nazi system, but in that case, they had also to be against Germany. Caught in this trap, Germans used to argue within the dominant Nazi phraseology. They tended to declare their loyalty towards Germany, Hitler, and the new ruling ideology, but in the next sentence would try to argue that the latter's interest would be better served by solutions that were closer to their, the Southwestern Germans' interests. Any other strategy would have exposed them to reprisals from German diplomats and von Epp's and Bohlé's envoys. However, the AO's and the GFO's attempts to force the *Deutsche Bund* into compliance experienced severe setbacks. They managed to streamline the youth organisations, the scouts were transformed into the *Hitlerjugend*, German girls were organized in the *Bund deutscher Mädchen* and even the *Stahlhelm* youth was taken over. But they failed to control the *Deutscher Bund*, and whenever the AO took over a German outfit, its older South-Westerners created another one, exposing the streamlined organisation to repression by the South African administration.³⁷

Much indicates that the split within the German population, caused by the expansion of Nazi organizations to South-West Africa, proved counterproductive. In 1934, after the ban of the NSDAP and the *Hitlerjugend* by the Legislative Council and the resignation of the latter's German members, the *Deutscher Bund* incurred its harshest defeat at the ballot boxes. Driven together by the polarization in the mandate and by the Smuts-Hertzog merger in South Africa, which was already underway, the Afrikaner founded the United National South-West Party and garnered eight seats. Additionally, one seat went to an independent (who supported the USWP), another one to the Economic League, a new outfit which had concluded an election agreement with the *Deutscher Bund*. After the vote, the governor appointed only two additional Germans, but four Afrikaner to the Council, giving the Afrikaner parties together the long hoped-for two thirds

37 Hagemann, *Rassenpolitische Affinität*, 58, paints a very different picture than Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, passim.

majority, which empowered them to pass a motion calling for the mandate's annexation by South Africa.³⁸

There are no detailed election analyzes available, which would trace the shifts in voting patterns across constituencies. But it is more than likely that the change from a clear German majority during the 1920s to a Afrikaner majority during the 1930s would not have been possible without German votes for Afrikaner parties or at least a huge voting abstention by Germans. The population statistics do not reflect such a huge increase in potential Afrikaner voters. It could be explained by the shifts caused by block voting under majority rule, if there had been only one Afrikaner party. However, there were several, while the German candidates had all been put forward by the *Bund*. Its leader, Schwietering, had become so intransigent towards the envoys from Germany that the *Auslandsorganisation* contemplated a reinstatement of Voigts, the popular trader from Okahandja, hoping he would retire on his farm in Okahandja and leave the daily business to his deputy, whom the AO envisaged as the leader of the clandestine NSDAP in the mandate. However, Voigts, once elected, refused to appoint such a deputy. Bolstered by the widespread sympathy for him among the Germans, he took a tough stance and withstood the pressure from Germany and the Nazi diplomatic envoys.³⁹ Instead of taking over the *Deutscher Bund*, the National Socialists in South-West Africa had to create their own outfit, the *Deutsche Front*, which started to openly and publicly compete with the *Bund*. Relying on the *Bund* records, Bertelsmann claims the leadership of the *Bund* usually enjoyed about 80 percent support during the internal votes.⁴⁰ If the *Bund* really had been taken over and streamlined by the Nazis, as Eberhardt claims, it would not have been necessary for the die-hard National Socialists among the Germans to create their own outfit, the *Deutsche Front*. National Socialism might have been very visible in the mandate, but it did not enjoy much support among the German elites. Many were aware of this in Berlin. During a crisis meeting, which even Hitler himself attended, another compromise was reached: the *Deutsche Front* was to be dissolved, Voigts would remain leader of the *Deutscher Bund*,

38 Walther, *Creating Germans abroad*, 173.

39 Hagemann, *Rassenpolitische Affinität*, 62, treats Voigts return as a defeat for the NSDAP, too.

40 Bertelsmann, *Die deutsche Sprachgruppe*, 62. By 1937, the clandestine NSDAP in South-West Africa had 1,127 members. Hans-Adolf Jacobsen: *Nationalsozialistische Aussenpolitik 1933–38*, Frankfurt: A. Metzner, 1968, 664–670.

but would appoint Neuendorf, Bohle's candidate, as deputy in 1936.⁴¹ He did so in May 1936.⁴² This "Berlin peace agreement" had required many compromises from all sides. Voigts had to promise to lead the *Bund* in the future according to Nazi principles and to tolerate a NSDAP deputy, Hitler himself made a declaration for colonial revision, and the *Deutsche Front* was to be dissolved.⁴³ Following the peace in Berlin, moderate local leaders of the *Bund* were replaced with hardliners.⁴⁴ Voigts had appointed two deputies, Michael Neuendorf from the NSDAP and Max Johannesson from the South-Western *Stahlhelm*, an organisation which was regarded as hostile by the NSDAP.⁴⁵ In mid-1936, Voigts went to Berlin and resigned. Neuendorf then ran the *Bund*, which became an NSDAP outpost in the mandate. This, however, did not solve the intrinsic problems which accompanied all the efforts to get the Germans in the mandate under one umbrella that could be steered and manipulated by the AO according to the Third Reich's foreign policy preferences. Contrary to the situation in Germany proper, the Germans in the mandate functioned in a pluralistic environment. Unlike in Germany, every attempt to "streamline" an organisation had to be hidden from the vigilant eyes of the South African administration. The tensions, which arose from these conditions, were exacerbated by the divisions among the German population. Most Germans were South African citizens due to the automatic naturalization and the relatively easy individual naturalization which was available for those who had come later. The easiest way to resist to Nazi influence in the mandate was therefore to apply for South African citizenship – an option that was unavailable for Nazi opponents in Germany. Germans in Germany had no choice. If they wanted to evade the influence of the increasingly totalitarian state, they only could go underground, losing their income, social embedding and risking being sent to a concentration camp. In South-West Africa, they could escape under the umbrella of the Union and would only risk social ostracism by compatriots and neighbors. The AO never found a way of overcoming the

41 Bertelsmann, *Die deutsche Sprachgruppe*, 62. At the meeting, von Ribbentrop, Neuendorf, von Schauorth, Voigts, Bohle and von Epp were present.

42 Message from Neuendorf in the *Swakopmunder Zeitung*, 2.5.1936.

43 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 287.

44 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 288.

45 *Der Stahlhelm* was originally a paramilitary organization gathering former World War I soldiers. In 1933, it had run during the elections as a (monarchistic) rival of the NSDAP. After the NSDAP had taken over power, the *Stahlhelm* was streamlined and the reluctant part of its leadership ended in concentration camps in the framework of the violent dissolution of the SA in 1934.

contradictions which arose from this situation. If the South-Western Germans were expected to influence the politics of the mandate, they had to accept South African citizenship, take part in the elections and fight for their interests within the political system in South-West Africa, whose ramifications had been established by the Union and Britain. The Weimar Republic had suggested such a strategy, but the Third Reich expected the Germans abroad to be loyal to Germany alone, even if this contradicted these Germans' economic and political interests. But if the Germans in the mandate behaved like the AO expected them to do, remaining uniquely loyal to Germany, they would lose their influence in the mandate and hurt their economic interests.

There were two main factors that linked Germans to the Third Reich: one ideological – or geopolitical in a sense – and one economic. The first factor was colonial revisionism. From 1915 until the war, the *Deutscher Bund* stuck to the perspective of the former colony being returned to Germany. Von Epp and later the GFO and the AO did their best to convince the *Bund* leadership about their sincere wish for colonial revision. Therefore, each and every stroke Hitler dealt out to the peace order established at Versailles increased the hope of the South-Western Germans of a return to the homeland. But this hope was not equally distributed among the German settlers. For some it was more important than for others. As Eberhardt shows, export-oriented farmers, for whom it was difficult to compete with their South African rivals because of the high costs of transport, were more likely to support colonial revisionism than farmers who produced for the domestic market. The percentage of farmers among local NSDAP leaders was higher than their share in the overall German population. The same is true, but for different reasons, with regard to young Germans and (unnaturalized) newcomers.⁴⁶ They had less to lose than the farmers, were more eager to take risks and were attracted by the image of the relatively young and dynamic Nazi movement. The older generation of Germans, who had been in the colony before the South African invasion of 1915, was more reluctant. They were in favor of colonial revision, but mistrusted the revolutionary zeal of the Nazis. They supported the well-established, respected and influential colonial elite, which was impersonated by people like Voigts, Hans Hirsekorn and John Meinert. In the first half of the 1930s, only 10 percent of the South-Western Germans joined the NSDAP, mostly in the towns of the central part of the mandate, in Okahandja, Tsumeb, Swakopmund, Windhoek. The party remained weak in the South, even in towns like Keetmanshoop and Lüderitz. It had proportionally

46 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 354–358.

more members among the South African Reichsdeutsche (16 percent) and the Germans in East Africa (13 percent). In Togo, Cameroon and Moçambique, even half of the German population belonged to the NSDAP.⁴⁷

Under these circumstances, The Third Reich's popularity was likely to grow after its first foreign policy successes. Hopes were being strongly sustained by the *Swakopmunder Zeitung*, which had become a National Socialist mouthpiece and dedicated a huge part of its reports to propagandist reports about the achievements of the Nazi state in Europe.⁴⁸ The newspaper covered the remilitarization of the Rhineland in 1936 on its first page, it praised the German national uprising (as the seizure of power by Hitler was usually referred to), which had shown the Germans the right way forward and ended the erroneous confusion and the trials and tribulations of the German nation and liberated the German worker from the grip of Bolshevism.⁴⁹ The *Swakopmunder Zeitung* also noted every comment, interview and speech that German leaders made about a possible return of the German colonies. These hopes soared when Germany sent its troops into the Rhineland without triggering any resistance by the guarantors of the Versailles Treaty. They peaked after the annexation of Austria in 1938, when the *Swakopmunder Zeitung* printed on its title page "Ein Volk, ein Reich, ein Führer", calling on its readers to cast a vote in favor of the annexation in Germany and Austria.⁵⁰ South-Western Germans who had kept their German citizenship could do so on board of the *Usambara*, a German steamship that anchored in Cape Town and Swakopmund. According to the results, which were published by the German Consulate, 856 Germans from the mandate took part in the election, while in Cape Town 395 Germans cast their vote. Since opponents of the Nazi state were rather unlikely to make an effort to reach the *Usambara*, the approval rate was extraordinarily high. In Swakopmund, only one person had dared to vote

47 Hagemann, *Rassenpolitische Affinität*, 66.

48 It is worth mentioning that there was a big difference between the media in Germany and the *Swakopmunder Zeitung* with regard to one important aspect of Nazi propaganda: anti-Semitism was almost entirely absent in the *Swakopmunder Zeitung*. Sometimes the paper would quote Goebbels, but in a neutral manner and without emphasizing his opinions about Jews. There is hardly any anti-Semitic coverage in the *Zeitung* between 1936 and 1939 (when the South African governor introduced censorship after the outbreak of the war).

49 See for example the first page coverage of the *Swakopmunder Zeitung* on 2.5.1936 about the German national holiday, the *Tag der Deutschen Nation*.

50 *Swakopmunder Zeitung*, 9.4.1938.

against the *Anschluss*, in Cape Town only four had done so.⁵¹ These numbers contradicted the *Swakopmunder Zeitung*'s mouthy claims about a mass migration of patriotic Germans, who had allegedly left their households and farms to travel to the coast from the most remote places of the mandate in order to vote.⁵² Unlike in Austria and Germany, no information about the number of those entitled to vote were given. During the 1929 elections, 1919 voters had voted for the *Deutscher Bund*. The official statistics for 1936 indicated the number of Germans in South-West Africa at 9,779.⁵³ Even if one takes into account the long way some Germans would have had to travel in order to reach the vessel, the official data about the vote demonstrate rather a failure than a victory.

The tensions in Europe, which rose with each new move to abolish the Versailles system and expand German territory, increased the hopes in South-West Africa for a colonial settlement with Britain, but they also put a lot of pressure on each and every family. This became apparent when the German embassies and consulates started registering German citizens abroad for army service. The action took place in a legal grey zone. According to government sources in Berlin, it only included German citizens abroad who did not have another citizenship, but, as South African media and the *Swakopmunder Zeitung* reported, some of the calls to present themselves before a doctor (who would assess the addressees' fitness for military service) had been sent to people who were also South African citizens and therefore British subjects.⁵⁴ For most Germans in the mandate who had acquired South African citizenship but kept their German one, the situation was precarious. If they followed the order, they risked sanctions by the South African authorities, who refused to acknowledge the de facto double citizenship of Germans in the mandate, as long as they lived there and not in Germany. If the Germans who received a call from their consulate ignored it, they faced punishment upon returning to Germany.

51 *Swakopmunder Zeitung*, 13.4.1938.

52 *Swakopmunder Zeitung*, 9.4.1938.

53 Walther, *Creating Germans abroad*, 115. It must be taken into account that a few Germans in the mandate (about 7 percent) had refused to accept South African citizenship, but all had kept their German nationality, since the London Agreement entitled them to do so. Therefore most, but not all Germans in the mandate could vote in the elections to the Legislative Council, but all were entitled to take part in German elections and votes, if they managed to get to the ballot boxes. The number of 9,779 might still have included some Germans without the right to vote (because of insufficient age).

54 *Swakopmunder Zeitung*, 10.6.1936.

The international tensions of 1938 also had an impact on a part of the mandate's population, one that would not at all be expected to yearn for a return of German rule to the country – the Herero. However, there is some evidence indicating that even among the Herero survivors, there were some pro-German tendencies. After the uprisings, Herero orphans had been employed as knaves and pages by the *Schutztruppe* and had started to adopt the habits and even the expressions of their military masters in every day life. Under South African rule, when traditional hierarchies and ties between scattered Herero groups recovered, the custom of mimicking German soldiers gave rise to a new social movement among younger Herero. They developed a nation-wide network of mutual aid, which helped restore their collective identity by organizing ceremonies. The latter became famous as *Truppenspiele*, during which the young Herero used to dress by adding elements of German uniforms to their clothing and addressing each other in the military terms, which they had learned from their German commanders.⁵⁵ During the 1938 celebrations at Samuel Maherero's grave in Okahandja in 1938, they appeared in uniforms of the *Schutztruppe* or with clothes to which German military distinctions and rank badges had been added. During the ceremony, which was attended by the South African governor, David Gideon Conradie, and the British commissioner, William Courtney Clarke, the Herero translator even used the German words "Gouverneur" (rather than the official label of Administrator) and "Truppenspiele" in his translation from Afrikans to Otjiherero. In his speech, Administrator Conradie assured the Herero of his deep sympathy, but urged them not to believe the rumour about an imminent return of the mandate to Germany. This rumour, he said, had been spread all over the country by two Herero. It was, he told his audience, ungrounded gossip and a lie so mean that in retaliation he, Conradie, had decided to ban all *Truppenspiele*. Conradie then did his best to convince the Herero to abandon the addition of German military badges and distinctions from their outfits, because they would not make them officers anyway. He also assured them that Germany had no intention of reclaiming South-West Africa, and had concluded a treaty with Britain according to which the country would never ever become German again.⁵⁶

55 Werner Hillebrecht: Denkmäler – und was sonst noch? Das Kontroverse Erbe der deutschen Kolonialherrschaft in Namibia. In: *Deutscher Kolonialismus, Fragmente seiner Geschichte und Gegenwart*. Herausgegeben vom Deutschen Historischen Museum. (Katalog zur Ausstellung im Deutschen Historischen Museum Berlin im Frühjahr 2017), 74–83.

56 BArch R1001.2102, Auswärtiges Amt 17.9.1938. Bericht eines seit Jahrzehnten verlässlich auf deutscher Seite stehenden Kapitäns auf der Windhuker Werft über

It was in vain. Although the records of the South African Administration do not contain any hints about German propaganda among the Herero after 1933, the South Africans seem to have concluded otherwise and decided to counter the pro-German rumours among the Herero. In October, Conradie addressed a message to the Herero, discounting gossip about the South African Union's alleged intention to hand the mandate back over to Germany. The message triggered consultations between the NSDAP and the GFO about a possible response from Germany, because it was likely to incite the outrage of the German population in the mandate and cause "incidents".⁵⁷ The GFO instructed the German ambassador in Pretoria to protest orally against this "unfriendly act".⁵⁸

Subsequent to the conflict in the South-West African Legislative Council, the Afrikaner motion for annexation and the split within the German organisations, the South African government charged a special commission under Hendrik Stefanus van Zyl, a prominent judge from Cape Town, with writing a report about the future of the mandate. The commission was specifically tasked with finding out how the two groups, the Germans and the Boer population, lived together and whether the mandate was fit for more self-government. It issued a damaging report – on the relationship between the two groups as well as on the interference from Germany in the internal functioning of the *Bund*. It predicated its findings on the records that had been confiscated in 1934 during the police raids against Nazi organisations in the mandate, on media reports and interviews.⁵⁹ Among the former, there was a bulk of letters between the AO, the KPA and the local German organisations, which clearly pointed to subversive activities carried out by official Nazi organisations. When the Nazi organizations – the *Hitlerjugend* and the *Bund deutscher Mädchen* – were created, the AO gave orders to establish them in parallel structures that already anticipated their possible delegitimation.

obengenannte Feier. The record speaks of several hundred Herero in German uniforms. The title of the short report reveals that the GFO had a trusted informer among the Herero, a captain called David Roos. A larger report about the events was later submitted by a German farmer, whose name was not mentioned in the records.

57 BArch R1001.2102, Dienststelle des Baufragten der NSDAP für außenpolitische Fragen im Stabe des Stellvertreters des Führers an das Auswärtige Amt, Pol X, 5.11.1938.

58 BArch R1001.2102, Telegramm an Botschaft Pretoria.

59 The van Zyl Commission's findings about Nazi activities in South-West Africa were later compiled into a separate report, entitled "Nazi Activities in South West Africa". The report was distributed by the London-based organization "Friends of Europe", to which Lord Lugard wrote a foreword (further: Lugard report). The report was archived in the special Africana collection of the University of Stellenbosch Library.

Both organisations were to keep a double uniform system. If they were forbidden as Nazi organizations, they should take out the old scout uniforms and distribute them to their members, so that they could continue their activities as allegedly “non-partisan” and apolitical youth organisations.⁶⁰ The commission report also included records showing that the AO and the GFO had tried to circumvent the South African judiciary by establishing a mediation system for German quarrels, which prevented South African courts from digging into the internal affairs of German organisations when conflicts of interests occurred within these organisations. The commission concluded that if this interference continued unabated, the administration of the mandate would be impossible.⁶¹ The commission report put a lot of pressure on the government of South Africa, which included some pro-German politicians. South African diplomats in London complained to the German ambassador in Britain that Nazi activities had made the mandate practically ungovernable.⁶²

The van Zyl Commission’s report was discussed controversially in the Union parliament in Cape Town and in the British and South African press. The German media remained silent about it, except for a short report from the *Abendblatt*’s correspondent in London and the evening daily *Der Angriff*. As the *Swakopmunder Zeitung* reported (and also abstained from any comment), the German government had declined to comment on it. Having subversive activities exposed to the public could hardly be seen as a success of Nazi diplomacy. The *Swakopmunder Zeitung* dealt with this part of the report only in a very cursory way, and the deputy head of the *Bund*, Neuendorf, denounced the British press reports as “a lot of noise about nothing.”⁶³ In September 1936, the head of the *Bund*, Voigts, finally decided to resign, “for health reasons”, as he wrote in a letter to his deputy Neuendorf.⁶⁴ But Neuendorf was a German citizen only, he had never applied for South African citizenship and he had not been naturalized in one of the automatic naturalization waves of the 1920s. In October, a general reshuffle of the *Bund* leadership took place. Apparently, these changes were closely monitored by the South African government. In December, when the government issued its official position with regard to the van Zyl Commission’s conclusions, it strongly condemned the subversive activities of the Nazi organisations in the mandate and emphasized the fact “that the current head of the *Bund* is not even a South

60 *Lugard report*, 10.

61 *Verslag van die Suidwesafrika-Kommissie*, 69, par. 309.

62 Shain, *A perfect storm*, 159.

63 Various articles in the *Swakopmunder Zeitung* from June 1936.

64 *Swakopmunder Zeitung* 17.9.1936.

African citizen” as an example of how illoyal a part of the German population had become. In the future, foreigners would not be able to become members of organisations in the mandate and naturalization would not be facilitated, as long as there were Germans who were living in the mandate and eligible for naturalization but did not request it.⁶⁵ The government also rejected the demands of the Afrikaner population to annex the mandate, making it clear that there was no intention to hand the mandate over to another power. This part of the position was meant to pacify German hopes as well as Afrikaner fears about a looming “colonial compromise between Germany and Britain”. The message was: the status quo was to be maintained for a long time.

Contrary to the far-reaching claims of South African diplomats, the Nazi activities had not rendered the mandate ungovernable. Nazi subversion had been targeted at two groups in the mandate, one of which was statistically marginal – the *Reichsdeutsche* – Germans with German citizenship only. They were the ones most strongly exposed to Nazi influence, because they usually had more economic, cultural, and political ties with Germany than with South Africa. But they were also the most vulnerable with regard to reprisals by the South-West African administration. If they became a nuisance, the governor could just deport them. The second target for Nazi propaganda were naturalized Germans, who constituted the absolute majority of German-speaking inhabitants of the mandate, but had usually stronger ties with the mandate than with Germany and much more to lose than the *Reichsdeutsche*. Under these circumstances, any polarization of attitudes among the South-Western Germans was more likely to weaken the influence from the Reich and to strengthen the leverage the Union government wielded in the mandate. There is no evidence pointing to any attempts from the AO, the KPA or the GFO to influence the Boer population in South-West Africa in the same way Nazi propaganda had been spread among radical Afrikaner movements in Transvaal and the Cape Province. Afrikaner in South-West Africa were less prone to the perceived or anticipated deprivation, which Afrikaner in the Union had experienced as a result of rapid urbanisation and industrialisation. In South-West Africa, the only comparable process had taken place around Lüderitz after the discovery of diamonds, but on a much smaller scale. This does not mean that there were no Afrikaner with Nazi sympathies. A police report from Hochfeld near Okahandja lists two Afrikaner families as “Nazis”. But they were rather the exception to the rule.⁶⁶ The purpose of Nazi propaganda targeted

65 Swakopmunder Zeitung, 12.12.1936.

66 National Archives of Namibia, SWAA 1756, station commander Hochfeld, 22.4.1939.

at Afrikaner was not to convince them, but rather to upset them and make them feel insecure about the future of the mandate. In 1937, a retired German professor, Kurt Renz from South America, had used his diplomatic connections in Berlin and Britain to obtain a rather informal approval for entering the mandate through Walvis Bay. Police reports disproved his claim of being on an academic fact-finding mission about agriculture. Instead he visited farmers and spread propaganda about an imminent German attack after the Spanish civil war. In his opinion “the next day after the end of the war in Spain, German troops would show up in South-West and take the country back.”⁶⁷

In other words: Nazi interference could be successful only with regard to a very small part of the white population. And so it was. The fight between Nazi hostile members of the mandate’s German-speaking elite and the envoys from Berlin lasted and lasted, but it never ended with a clear victory before 1939. In 1937, the governor declared the *Deutscher Bund* a political organisation and deprived non-naturalized Germans of its membership. Based on a proclamation issued before⁶⁸, he could deport foreigners who engaged in political activities or tried to coerce their opinions on others. The proclamation was a response to the pressure Nazi envoys and diplomats had brought to bear on reluctant Germans. The polarization, which Proclamation 51 had led to, made societal tensions rise and created an atmosphere of mutual suspicion among the German populace that exceeded everything observed so far. Differences of opinion and small quarrels among neighbors now developed into political intrigues: people sent denunciations to the German consul, or, when they tried to keep Nazi interference at distance, to the governor or to the local police. In one rather bizarre case, a young German had sent a private letter to a friend, and then received the letter back, but open and stamped by the German consul, who threatened him with arrest and deportation to Germany. Apparently the letter had been opened on the way and been forwarded to the Consul by a helpful postman with Nazi sympathies.⁶⁹

Polarization bolstered consolidation in both camps – within Nazi organisations and among those who wanted to drive Nazi influence back. The moderate German elite of the mandate had the constant problem of how to be pro-German but keep its distance to the AO and the consulate, how to bring the

67 National Archives of Namibia, SWAA 1756, several pieces concerning the Renz affair from 1938.

68 Proclamation 57 of 1937.

69 National Archives of Namibia, SWAA 1757, Confidential report on Nazi activities from the district commander in Omaruru to the deputy commissioner in Windhoek, 26.4.1939.

mandate closer to Germany without bringing it closer to Hitler. There also were Germans in South-West Africa, who did not have this dilemma – clear-cut Nazi opponents. In October 1938 some of them, Germans and Afrikaners together, organized a meeting in Hochfeld, during which they urged the governor to create a permanent force for the protection of strategic buildings, railway, post and police stations and to arm them. They had been threatened with the perspective of being hanged from the camel trees after Germany's return to its former colony and were convinced that their enemies were already arming themselves to that end.⁷⁰ In August 1938, a police officer from Okahandja was approached by a group of Germans from Windhoek and Okahandja, who let him know that they were about to create a resistance group. The leader, who was mentioned in the subsequent police report, was named Hassenstein, a bookkeeper at Lentin and Barry. The group wanted to buy weapons and a device for jamming German propaganda broadcasts to South-West Africa. They were also planning to distribute an anti-Nazi pamphlet. They had approached the officer to make sure that their activities were not contrary to the governor's policy, in order to keep the administration informed and to get its moral support.⁷¹

The anti-Nazi group was not the only one afraid of what might happen. Their antagonists were scared, too. Some of them were convinced they would be thrown into concentration camps if a war broke out.⁷² These tensions peaked during the Czechoslovakian crisis. It appears from the police reports that neither side was happy about the perspective of a war, and after the Munich conference, relief seemed to be the prevalent feeling on all sides – pro-Nazi Germans, their opponents in the mandate, and Afrikaner.⁷³ The Munich crisis also showed that the South African fears about pro-German tendencies among the natives had probably been exaggerated. In December 1938, local protests by black inhabitants of the colony and immigrants from the Cape led to rumours about an imminent black uprising against the perspective of the colony being handed over to Germany. The rumours were strong enough to trigger increased ammunition

70 National Archives of Namibia, SWAA 1756, "Protes vergadering gehou te Langdon op 19/10/38" (report by the station commander in Hochfeld, Constable D. J. Venter).

71 National Archives of Namibia, SWAA 1757, Station commander Okahandja to the commissioner in Windhoek, 3.8.1938.

72 National Archives of Namibia, SWAA 1756, "Nazi Activities Hochfeld" 4.10.1938.

73 National Archives of Namibia, SWAA 1756, The South-West African police commissioner, intelligence report September 1938.

sales and consultations between the South African administration and German diplomats on how to prevent riots.⁷⁴

After proclamation 51, Neuendorf dissolved the *Deutscher Bund* against the protest of the moderate Germans. Together with other Nazi activists and the German consul in Windhoek, he then started to use the *Verband deutscher Berufsgruppen* to create a new, seemingly apolitical organisation, to which *Reichsdeutsche* could also belong without violating the new legislation.⁷⁵ The moderate Germans founded the *Südwester Bund* as an outfit which they wanted to be free of Nazi interference. However, the AO envoys and the diplomats from the consulate tried their best to regain control over this new *Bund*, too. In early 1939, they surrendered to the pressure from Berlin and elected a naturalized NSDAP member as head of the *Südwester Bund*. Some Germans drew more radical lessons from the infighting between the German establishment in the mandate and the different Nazi agencies, which wanted to control them. In February 1939, they created an explicitly anti-Nazi party, which also upheld its loyalty towards the Union of South Africa. This was the *Deutsch-Afrikanische Partei*, which admitted only naturalized Germans. If a German without citizenship of the Union wanted to join, he had to present the written consent of the Administrator.⁷⁶ Both outfits, the *Südwester Bund* and the *Deutsch-Afrikanische Partei* lacked any lasting impact on the situation in the mandate, as in September 1939, war broke out.

Before September 1939, tensions had run high and the police had received many letters from Afrikaner and Germans, who rejected Nazi interference and pointed to the danger of an armed confrontation. Some police officers shared their impression that war would incline the pro-Nazi part of the German population to take up arms and fight rather than quietly go into custody.⁷⁷ But then the war broke out, and nothing was left of the alleged intent to fight. Instead, the non-naturalized Germans in the mandate were eager to leave as fast as possible. As the police reports from the time between the outbreak of the war and the beginning of the internments show, many *Reichsdeutsche* quit their jobs and packed their luggage, booking passages on German and Italian steamers heading

74 See the correspondence between the Embassy in Pretoria, the consulate in Windhoek and Berlin in: BArch R1001.2088.

75 The police was aware of this: National Archives of Namibia, SWAA 1756, station commander Witvlei 29.10.1938 to the district commandant Windhoek on "Berufsgruppen – Nazi Organizations".

76 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 400.

77 Many police reports and letters to the police testify about that in National Archives of Namibia, SWAA 1756, mostly records from September 1938.

back to Europe. “The *Reich’s* Germans as a whole firmly believe that they will be interned within the next week”, a police sergeant from Walvis Bay reported to the district commander in Omaruru.⁷⁸ But they remained passive. The South African authorities were well prepared. In the wake of the war, they had infiltrated the clandestine Nazi organizations in the mandate and obtained a list of 2,800 members of Nazi organisations, whose members were to be arrested and deported, if they had not yet left.⁷⁹ A leading role in the transformation of the Nazi landscape in South-West Africa was played by the consul and the consulate, in whose premises some of these outfits opened their offices (where they were sheltered from possible police raids). Diplomatic shelter also made it very difficult for the police to collect evidence about Nazi infiltration. But on the other side, the police records from this time suggest quite clearly that the police had informers inside the German organisations. When in August 1939, the German consul, Dr. Lierau, met with the leaders of the *Deutscher Südwest Bund* in Lüderitz, the police had quite a precise memorandum about the meeting, which was sent to the deputy police commissioner in Windhoek. The memo makes it clear that “the Consul is the leader of the *Deutscher Südwest Bund*”, giving orders, suspending hesitant

78 National Archives of Namibia, SWAA 1757, confidential report on Nazi activities by station commander Walvis Bay to district commander Omaruru, confidential, 8.9.1939.

79 In 1937, the NSDAP had counted 1,127 members in South-West Africa, out of a German-speaking population of ca. 10,000. The number of 2,800 indicates a sharp increase in membership, but at the same time also shows that the overwhelming majority of South-Western Germans had not joined the party. The number of 2,800 cannot not be seen as indicative for a high number of naturalized Germans who were at the same time members of the NSDAP, because the mandate had seen a big influx of Germans from the Third Reich in 1938. Police reports indicated that the influx was steered by the consulate and the AO, and that businesses and even farmers were coerced into endorsing employees, which they would not have employed under different circumstances. National Archives of Namibia, SWAA 1757, Report of the Administrator to H. D. J. Bodenstern, secretary of the Prime Minister, Pretoria, about “the activities of the foreign German element in South-West Africa since the issue of Proclamation 51 of 1937”, 4.1.1938. The above-mentioned numbers need to be taken with a (large) grain of salt, because they may or may not have included children and were certainly blurred by the unknown number of non-naturalized Germans. The numbers concerning the 2,800 stem from the account of a South African journalist and writer. Hans Strydom: *Für Volk und Führer*, Johannesburg: Jonathan Ball Publishers, 1982, 186–187. He does not indicate any sources for his claims, of which some seem to be hardly sustainable (e.g. that the arrest of the 2,800 prevented a *coup d’état* on Hitler’s birthday. The arrests were made in September 1939, whereas the next birthday of Hitler would have taken place in April 1940!)

members and threatening “to keep them under observation.”⁸⁰ After the outbreak of the war, the AO’s and the GFO’s pre-war strategy to concentrate the real power of the German organisations in the consulate, backfired when the South African authorities expelled all German diplomats. Within a few days, their whole mysterious network of façade-organisations and allegedly non-political bodies, which were in reality steered from Berlin, was in shambles. Its leaders were arrested, deported, the cadres were escaping to vessels under friendly flags to get home to Germany, and the rank and file members were watching out for the police, expecting to be arrested. A police officer from Omaruru reported on September 8, 1939: “I have the honour to report that so far the Germans are very quiet.” Those who were not quiet – mostly *Reichsdeutsche* – were preparing to leave and packing their luggage.

The majority of the naturalized Germans who stayed in the mandate during the war were left in limbo. In 1939, the German consul in Windhoek had agreed to leave naturalized Germans untouched by the order to register Germans abroad for military service.⁸¹ After the outbreak of the war, the Union of South Africa declared it would not recruit citizens from the mandate who held the citizenship of another country, as long as they did not join the Union army voluntarily. This vacuum could have left the South-Western Germans in the most comfortable situation, without having to fight or being forced to send their sons into one or the other army. However, the Union government prepared a different scenario. In South Africa, arrests of Germans started already on September 4. The prisoners were brought to a camp in Salisbury.⁸² In Windhoek, the German consul – and two days later also the German members of the Legislative Council, Hans Hirsekorn and John Meinert and the (new) leader of the *Deutscher Südwest Bund*, Ernst Dressel – issued appeals to the German population to keep calm, avoid political manifestations and to continue to work as they had done before. All three had had a conversation with the Administrator.⁸³ During the following weeks and until the end of 1940, 1,338 Germans were interned, first in facilities near Windhoek, later in camps inside South Africa. More than 300 others were placed

80 National Archives of Namibia, SWAA 1757, confidential report from station commander Lüderitz to the deputy commissioner in Windhoek, 15.8.1939.

81 National Archives of Namibia, SWAA 1757, Deutsches Konsulat in Südwestafrika to the Secretary for South-West Africa, 22.3.1938. The letter was a response to an urgent inquiry by the Administrator, based on a report in the *Allgemeine Zeitung* about the recruiting efforts of the consulate.

82 South African Press Agency 5.9.1939.

83 *Deutscher Beobachter*, 7.9.1939.

under supervision. Later during the war, the South African authorities revoked the automatic naturalisations of the 1920s and only treated those naturalized Germans as full-fledged British subjects, who had joined the army. After the war, another wave of forced repatriations ensued.⁸⁴

There can be no doubt: the AO, in close cooperation with the GFO and its diplomats, had done its utmost to destabilize South-West Africa and to transform the German organisations into subversive spearheads of the Nazi system. By doing so, they had bolstered widespread hopes among the population about an imminent return of the former colony to Germany, they had alienated Germans and Afrikaner, but they had failed to achieve any palpable success. Between 1933 and 1939, Nazi conspiracies had not brought South-West Africa any closer to Germany than it had been during the Weimar Republic. Even the opposite was the case – the Nazi politics of polarization had brought the Afrikaner camp closer to the two-thirds majority, by which they could request the annexation of the mandate by the Union of South Africa. The AO's policy was a complete failure, but it had been very dynamic and carried out with a lot of determination. However, agencies connected to the colonial lobby had played as good as no role in it. Von Epp's *Kolonialpolitisches Amt* had had a say only in the initial stage of the campaign before 1935, then it had been sidelined by Bohle's *Ausland-organisation*, which had also taken advantage of the GFO. It was this alliance between the AO and the diplomats in Windhoek, Cape Town and Pretoria, with which the traditional German elites in South-West Africa were confronted. The AO sent loyal party soldiers, not members of the former colonial administration, esteemed *Schutztruppen* officers or colonial lobbyists. Such people would most probably have had fewer difficulties convincing local businessmen, politicians and cultural activists into more compliance with the expectations of the Nazi bureaucracy in Hamburg and Berlin, but apparently they did not enjoy Bohle's and von Ribbentrop's confidence. When Bohle and von Ribbentrop sent envoys to Windhoek to intimidate the German leadership, they hardly ever sent people with a colonial background. Ernst Warndtke, the first NSDAP envoy to be appointed country leader (*Landesgruppenleiter*), had come to the mandate in 1929. He had no colonial background.⁸⁵ Fritz Brenner, who led the first attack to streamline the *Deutscher Bund*, was a South-Western farmer. He had become a NSDAP member during a stay in Germany, but he ultimately proved to be

84 Bertelsmann, *Die deutsche Sprachgruppe*, 66–70.

85 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 243.

too controversial for the other *Bund* members.⁸⁶ He was supported by Robert Mathiessen, who had a colonial background as a Navy officer and had settled in the colony in 1908. He entered the NSDAP in mid-1933 and a year later became Landesgruppenleiter.⁸⁷ He was one of the exceptions to a rule, which Eberhardt formulated as follows: “All country leaders were newcomers.”⁸⁸ Beside Brenner and Mathiessen, the NSDAP treasurer, Alfred Diener, and Hinderk Groenewold, a Brenner supporter and co-founder of the NSDAP in the mandate, had been automatically naturalized and were therefore likely to be old South-Western Germans from colonial times. There were also many old South-Western Germans in the streamlined *Deutscher Bund* before its dissolution as well as in the *Deutsche Front*, but they were always a minority (although sometimes their percentage was higher than their part among the overall German population).⁸⁹ Probably the most influential figure among those former colonialists, who furthered the Third Reich’s interests in the mandate, was the first German consul in Windhoek after the Nazi takeover in Germany, Hans Oelhafen von Schöllnbach, who negotiated the “Berlin peace agreement” between the *Bund* and the *Deutsche Front*. He had been a *Schutztruppen* officer before the war.⁹⁰ In 1934, Ernst Warndke, the second NSDAP *Landesgruppenleiter* in South-West Africa, had a direct superior at the AO, Grothe, who also was an old “Südwester”.⁹¹

The NSDAP leadership used its power to merge the different colonial organisations into one, subordinate them to the leadership principle and the tutelage of the party, and transform them into a domestic factor that could be used to bolster Hitler’s and von Ribbentrop’s strategy toward Britain. This strategy never included any intention to negotiate a return of the colony to Germany, instead, it used the colonial issue to pressure Britain (unsuccessfully) into a standstill agreement, which would have given Hitler a free hand in Eastern Europe. This was the precise opposite of what the colonial lobby had dreamt

86 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 244.

87 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 244–350.

88 “Newcomers” are understood as Germans who had not undergone the automatic naturalization after the London Agreement but had arrived later in the colony and were unlikely to have a colonial background.

89 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 350–358. It should be clear that an overproportional representation of naturalized Germans among NSDAP members only says something about the composition of the NSDAP, it does not say anything about the distribution of party preferences among the German population.

90 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 287.

91 Hagemann, *Rassenpolitische Affinität*, 51.

of. People like Voigts and Hirsekorn wanted to take advantage of the Third Reich's capabilities to bring the mandate closer to Germany, whereas the Nazi agencies wanted to take advantage of their influence to achieve their foreign policy goals in Europe.

Bohle's and von Ribbentrop's efforts were enough to destabilize the former German colony, to foster hopes of local Germans for an imminent return of the country to Germany, and to instill fear into the South African and British public about the German conspiracies and their ultimate goal. They were hardly enough to change the status of the mandate and they were unsuccessful in bringing a majority of South-Western Germans in line with the Nazi system. The more the Nazi envoys managed to infiltrate the German organisations, the less electoral support they got from German voters. The more they were streamlined by Berlin, the more they were exposed to repression by the South African administration. And the more the Nazi movement managed to infiltrate the German organisations, the more their members withdrew from politics and civic engagement.⁹²

The Nazis in South-West Africa were loud, noisy and intrusive, but their conspiracies and provocations had split the German population and actually brought the mandate closer to annexation by the Union than to a colonial compromise or a revision of the colonial order.

Their efforts had not even been sufficient enough to bring the British to the negotiation table. The Nazi envoys from Germany had been more successful in streamlining the German press. In 1939, von Oelhafen's successor Walter Lierau coerced John Meinert into the sale of the *Allgemeine Zeitung*. The paper was purchased by the editor of the *Swakopmunder Zeitung*, which had already been refurbished as the *Deutscher Beobachter*, a loyal Nazi mouthpiece. The *Deutscher Beobachter* and the *Allgemeine Zeitung* were merged. Due to the closure of the *Lüderitzbuchter Zeitung* in 1937, the manoeuvre reduced the number of German newspapers to one. From that moment on, Germans could only read one Nazi propaganda outlet.⁹³

92 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 313–317; 375, tries to prove the old South-Westerner's strong involvement with the Nazi movement, but the frustration and withdrawal into passivity, which according to his description followed the infiltration of the *Deutscher Bund* by the Nazis, actually shows the opposite.

93 Eberhardt, *Zwischen Nationalsozialismus und Apartheid*, 395–396.

This does not mean that the Third Reich was incapable of doing more. It only shows that getting back the former German settler colony between the Okavango and the Orange River never was a priority for the Nazi leadership. In early 1939, there were panic-like rumours in the mandate about an imminent German military intervention, about airplanes landing on remote and clandestine airstrips and weapons being distributed by Nazi agents. The South African government, weary of unrest in the mandate, sent police reinforcements and incorporated the South-West African policeforce into the Union police. A small and clandestine group of die-hard Nazis planned to take the radio tower in Windhoek and to storm British banks, hoping to trigger a military intervention from the Third Reich. But Karlowa led them down. The Third Reich was not able to launch a front, thousands of miles away from the homeland, where German soldiers would have to fight their way through ocean waters controlled by superior British Navy forces, facing a showdown with South African troops, which were also likely to be more numerous and better acquainted with the territory than any possible German intervention force.⁹⁴

In the immediate neighborhood of South-West Africa, the Third Reich's agencies carried out an operation that had the potential to derail an important part of the British Empire. But this operation was carried out by an agency that had nothing to do with the colonial lobby. Its target was a country that had never been a German colony before – the Union of South Africa. The whole operation was prepared and carried out by the German secret service, the *Abwehr*, and despite all the influence German agencies wielded in South-West Africa, the former German colony played absolutely no role in it.

6.3 Higher stakes: South Africa

Shortly before the Herero war had started, the Anglo-Boer war had ended with a victory for the British troops. During the war's last phase, the Afrikaner had resorted to small commando-led operations avoiding open battles, and the British had responded with a scorched earth policy and the internment of Afrikaner civilians in camps. The hardship of the fights, the relatively high casualty rates among the civilians, who had been pressed into the camps and suffered from malnutrition, lack of water, insufficient medical treatment and had died from contagious diseases had created a deep psychological divide between the English-speaking population of South Africa and the Afrikaner, who regarded

⁹⁴ Hagemann, *Rassenpolitische Affinität*, 207.

themselves as the rightful rulers and owners of the country (and the British as their colonizers). The British victory had also led to widespread fears about a marginalization of the Afrikaner population and about their assimilation to the status of colored people.

This divide, which permeated the political debates and the party system of the post-war period, was exacerbated by the consequences of the worldwide economic crisis of the late 1920s. Due to the loss of their European markets, South African farmers became more and more indebted, many lost their farms and had to search for jobs in the towns. The government introduced support schemes for poor farmers, which inclined them to work on roads and build dams in order to earn additional money. For the farmers, this was another hardship, it often doubled their work without increasing their income as compared with their situation before the crisis. Fear of deprivation was paramount and it contributed greatly to their radicalisation. The emergence of a class of poor whites coincided with the rise of National Socialism in Europe after the takeover of power by the NSDAP in the 1933 elections in Germany.⁹⁵ As outlined above, this led to a rise of nationalism and anti-Semitism, which was fuelled by National Socialist organizations from Germany. In 1933, the South African Party of Field Marshall Jan Christian Smuts and the National Party of General James Barry Munnik Hertzog merged into the United South African National Party (USANP). This was the result of the economic crisis' pressure on the government and of internal party tensions in the National Party. The consequence of the merger was the secession of a radical Afrikaner splinter group, widely called the "purified" National Party (*Gesuiwerde Nasionale Party*) under Daniel François Malan. The new party constituted a right-wing opposition to the government, attacking it from nationalist, ethnocentric Afrikaner positions whose edge was both directed against the moderate pro-British stance of the Hertzog-Smuts merger, their policy of reconciliation between the two camps of the Anglo-Boer war, and the attempt to fund a South African identity based on both main cultural strands among the white population – the English-speaking and the Afrikaans-speaking peoples. Malan's policy was exclusive; he appealed to the inferiority complex of the Anglo-Boer war's losers and to their feeling of supremacy toward the colored and black population majority in the country. This ethnic exclusionism was incrementally directed against a specific group within the white population, which overarched

95 Töttemeyer recalls his father, who also had been affected by the crises, being offered work at a dam. He preferred to prepare meals for the dam workers instead. Töttemeyer, *The life of a rebel*, 23.

the cleavage between Afrikaner and British – the Jews. One of the consequences of the economic depression in the Union of South Africa was a debate about the immigration of Jews from Germany.⁹⁶ Their number had increased, although not dramatically, due to the persecution of Jews under the Nuremberg laws. This had led to a campaign for immigration restrictions, whose scope went much beyond the sphere of influence of Malan's party. Articles expressing reservations toward Jewish immigration were published in non-partisan newspapers and shared by government officials and members of the USANP leadership. These reservations often were twofold – they concerned fears that more and more Jewish immigrants would be too poor to be able to make a living and thus become a burden for the public. But at the same time, there also was a discussion about the Jews being to entrepreneurial and thus constituting a threat to natives in certain sectors of the economy. In the right-wing press, Jews were accused of being prone to communist propaganda, supporting the South African Labor Party and even being communist agents, and at the same time of promoting exploitative capitalism, which was alleged to be detrimental to the interests of native businesses. The whole debate strongly echoed the political climate in Europe and it was only a matter of time before elements of National Socialist anti-Semitism, quotes by Joseph Goebbels and the NSDAP's *Der Stürmer* appeared in South African newspapers and speeches made by the "purified" National Party.⁹⁷ Anti-Semitism became the floodgate through which National Socialist organisations from Germany could direct their propaganda into South Africa; from the bulk of German-centric National Socialist propaganda, this became the most popular and influential element among South African white supremacists and the Afrikaner right-wing organisations.

Malan's new party was not the only one to adopt elements of National Socialist ideology and apply it in the South African context. The 1930s saw radical right-wing organisations mushroom in the Union of South Africa, some openly referring to the style and behaviour of the NSDAP's *Sturmabteilung*, the outfit of the *Hitlerjugend* and Mussolini's fascist organizations. In the aftermath of the Smuts-Hertzog merger and the disorientation that prevailed among the right-wing remnants of the National Party, a whole plethora of such organisations emerged. They were mostly weak, radical and often split, merged or changed their

96 Milton Shain: *A perfect storm. Antisemitism in South Africa 1930–1948*, Cape Town: Jonathan Ball Publishers, 2015, 127–129.

97 This actually happened when *Die Republikein* quoted Goebbels about the alleged Jewish threat to destroy European civilisation, *Die Republikein* 18.9.1936, see also Shain, *A perfect storm*, 191.

name and leadership, but they had a potential to pull for the “purified” National Party to the right and managed to infest it with anti-Semitism, which was the overarching ideological issue that united them. Some of these movements, like the Greyshirts, had links with Germany. The Greyshirts, whose stronghold was Paarl, even adopted the Swastika. They had been founded and were led by a South African of German descent, Louis T. Weichardt, and were often suspected of being financed from Berlin.⁹⁸ There were *oranjeshemde* (Orange Shirts), founded by Frans C. Erasmus, who were anti-Semitic and anti-democratic at the same time, just like the Blackshirts, who also agitated against Indians.⁹⁹ Additionally, there were the (also anti-Semitic) *Volksbewegung*, the Christian Vigilance League, the Gentile Protection League, and the South African Fascists under Johannes Strauss von Moltke, who had switched from the Greyshirts after a quarrel with Weichardt. There was the *Nasionale Werkersbond* van Suid-Afrika (also known as the Brownshirts) in Pretoria. Altogether, they shared not only strong anti-Semitic inclinations and sympathy for National Socialism in Germany and Fascism in Italy, but also strong anti-capitalist reservations, a dedication to pre-industrial modes of production such as in agriculture, and the rejection of trade and finance (which they usually regarded as dominated by exploitative Jews and Indians) and the negation of party politics and parliamentary democracy. The latter alienated them from Malan’s National Party, whereas anti-Semitism, racism and nativism overlapped with the preferences of a large part of the National Party leadership.¹⁰⁰ Anti-Semitism was not only driven by ideology, it also constituted an exaggerated threat perception, which resulted from the dramatic poor whites problem during the economic crisis, which deprived many farmers of their status and created fears about a social race to the bottom, after which they would have to compete with black workers on the labor market. This coincided with

98 Christoph Marx: *Oxwagon Sentinel. Radical Afrikaner Nationalism and the History of the Ossewabrandwag*, Berlin: LIT Verlag and London and Brunswick: Transaction Publishers, 2008, 242–244. The book was originally published ten years earlier in German under the title *Im Zeichen des Ochsenwagens. Der radikale Afrikaner-Nationalismus in Südafrika und die Geschichte der Ossewabrandwag*, Berlin: LIT Verlag, 1998. For the allegations about Weichardt being supported by Germany, see also: Albrecht Hagemann: Very special relations. The Third Reich and the Union of South Africa 1933–1939, *South African Historical Journal*, 27 (1992), 127–147. Hagemann claims that the Greyshirts were never taken seriously in Berlin, Hagemann, *Rassenpolitische Affinität*, 131–133.

99 On the functional and ideological connection between anti-Semitic and anti-Indian propaganda, see Marx, *Oxwagon Sentinel*, 245–249.

100 Marx, *Oxwagon Sentinel*, 244–245.

the increase in Jewish immigration from Germany. This threat perception, reinforced by ideology and propaganda from Europe, was often close to obsession and panic, especially when Jewishness became conflated with communism and capitalism at the same time.

The peak of the anti-Jewish hysteria was reached with the *Stuttgart* affair in 1936. The turmoil surrounding the *Stuttgart*, a vessel which had left Bremerhaven with 537 German Jews on board, can only be understood against the background of the immigration debate, which had started earlier. The immigration legislation from 1913, which had been amended in 1930, imposed quotas on immigrants, but those quotas were based on the refugees' country of origin rather than their ethnicity or nationality. They did not prevent German Jews from entering South Africa.¹⁰¹ Between 1935 and 1936, Jewish immigration had increased dramatically, but from a very low starting point. Pressured by the anti-Semitic campaign of the right-wingers, the government had envisaged further restrictions, such as safeguards that immigrants would not become a burden for the public. There was also talk about letting already issued permits expire, if the respective person for whom the permit had been issued did not reach South Africa before the end of 1936.¹⁰² This was likely to trigger a last minute panic among those who intended to come to South Africa and it was very likely to increase their number before the deadline – bolstering the case of the anti-Semitic campaign, rather than weakening it. Rumours spread claiming Jewish organisations were in support of as many immigrants reaching the country before the deadline. However, under the existing quota system – and with regard to the fact that German Jews were on average much wealthier than their Eastern European counterparts and therefore unlikely to become a public burden – the South African government could do nothing to prevent the *Stuttgart* from anchoring in Cape Town and

101 The quota system had an anti-Jewish edge, but this was implicit rather than explicit. It limited immigration from countries with a high percentage of Jews among its population, but did not explicitly mention quotas for Jews. The quota system, which had been introduced in 1930 in order to accommodate the nationalist campaign for restricting Jewish immigration, was based on the immigrants' country of origin, not their nationality, and thus banned Eastern European Jews from entering South Africa even if they had acquired British citizenship in the meantime and intended to emigrate from Britain. Marx, *Oxwagon Sentinel*, 254.

102 Shain, *A perfect storm*, 128. According to the numbers given by Shain, Jewish immigration had risen from merely 17 in September 1935 to 224 in August 1936. This demonstrates the huge gap that stretched between the facts and the arguments that were brought forward by the anti-Jewish campaigners, but it also illustrates that against that background, the influx from the *Stuttgart* was quite considerable.

releasing its passengers to the Cape. When the ship approached the coast, waves of angry letters from readers reached the editorial boards of South African newspapers (which were eager to print them in length), the anti-Semitic campaigners rushed into the countryside to mobilize public opinion and hold public rallies. Among them were then also many academics, especially at the University of Stellenbosch. Shain partly exonerates them by pointing to their concern for the poor white issue and their engagement for unemployed Afrikaner, arguing that social sensibility might have driven them to adopt a nationalist, ethnocentric agenda.¹⁰³ In late October, a meeting entitled “The Jewish threat” at the Recreation Hall in Stellenbosch gathered an audience of 1,500 participants, who discussed the alleged danger resulting from an invasion of strangers who were said to be “non-assimiliable”, deprived of any (even Jewish) patriotism, prone to further the interests of capitalists and likely to “colonize” South Africa. A smaller meeting in Potchefstroom addressed the danger of “blood mingling” and the threat Jews allegedly constituted for the existing businesses of the region. At Stellenbosch University, an anti-Semitic German propaganda film was screened.¹⁰⁴

The day before the Stuttgart’s scheduled arrival, the Greyshirts held a meeting at the Koffiehuis, a famous right-winger meeting point in Cape Town, which was attended by 3,000 protesters. Several hundred of them later moved, apparently drunk, to the docks. The liner decided to anchor in the bay and to delay the docking until the early morning, when most of the protesters had vanished or fallen asleep. But when the first refugees went ashore, they still encountered small groups of young people, shouting anti-Semitic slogans and greeting them with the Nazi salute. “Clouds of anti-Semitic vapour have arisen from Stellenbosch and Potchefstroom during the last few days”, the South African Jewish Chronicle later wrote, accusing the academics who had taken part in the campaign of oblivion with regard to their ancestors’ fate, many of whom had fled to South Africa due to religious persecution in Europe.¹⁰⁵ But the arrival of the vessel did not end the campaign, more and more meetings and rallies took place and at one of them, Malan threatened the government with addressing the immigration issue with a bill that would ban the immigration of people, “who could not be assimilated” – a coded word for Jewish. The main points of Malan’s proposal amounted to nothing less than a *numerus clausus* for Jews in certain professions

103 Shain, *A perfect storm*, 132–133.

104 Shain, *A perfect storm*, 132–134.

105 The article hinted at the Huguenot origin of some campaigners. For a comprehensive description of the *Stuttgart* affair and the conflict around it, see Shain, *A perfect storm*, 134–140.

and were directed not only against Jewish immigration, but also against Jewish citizens who had settled in South Africa long ago.¹⁰⁶ The discourse became more and more racist and infested with elements of National Socialist ideology, dehumanizing Jews, describing them as “flotsam”, and “elements, which Germany no longer wanted.”¹⁰⁷ In Pretoria, Weichardt spoke to 2,000 people in Church Street and in Paarl, some speakers threatened to march to the parliament if it did not pass further restrictions on immigration. The gathering took part in close cooperation between the various “shirt”-movements, Malan’s National Party, leading Afrikaner intellectuals and openly National Socialist groups, which were already active in South Africa. Slowly, the anti-Semitic mood infiltrated the governmental parties, too. The anti-Semitic campaign had proven to be a very efficient means of mobilizing public opinion and stirring up enmity towards the government. Many leading USANP politicians felt it required a reaction and that, as the Cape Argus put it, “with the best will in the world, the Union cannot accept all the victims, whether Jewish or Aryan, of Dr. Goebbels’ frenzy and must induce some form of discrimination to keep the numbers down to reasonable limits.”¹⁰⁸ The government did – Hertzog tabled a bill, which included the requirement of immigrants to be “assimiliable.” In the years that followed, Jewish immigration came to a halt, but the radicalisation within the National Party did not. Its members presented another bill reducing Jewish immigration, taking advantage of the fact that previous law amendments had not tackled the Jewish issue directly, but instead mounted obstacles to Jewish immigration without openly naming it. The National Party did name it. In a new bill called the “Aliens Amendment Bill”, Eric H. Louw, a former diplomat and Member of Parliament from the very right wing of the National Party, declared Jews utterly undesirable as immigrants. With a crude mixture of conspiracy theories and racial prejudice, he blamed Jews for the hatred they had allegedly aroused among Gentiles and presented restrictions against Jews as a way of preventing anti-Semitic violence as it had taken place in Europe. There is some consensus among scholars dealing with the issue that the National Party leadership itself was hardly anti-Semitic. For Malan, as it seems from his utterings during the 1930s and his later actions as prime minister,

106 The proposal went so far as to envisage special permits, issued by the government, which were necessary to carry out certain professions, and even the possibility for the government to close certain professions to foreigners. It excluded Yiddish from the list of European languages.

107 Professor Geoff Cronje, a criminologist at Pretoria University, as quoted by Shain, *A perfect storm*, 139.

108 Shain, *A perfect storm*, 141.

anti-Semitism was only a means of attracting the far right, integrating it into the party and consolidating the Afrikaner movement. However, there are some indications that show the close relationship between exclusionist attitudes against Jews and calls for racial segregation, which forecast what would later – after Malan had become prime minister – be labelled apartheid. In 1940, the Transvaal branch of the party decided to bar Jews from party membership and urged the government to ban Jews, colored people, and Asians from key positions in some sectors of the economy.¹⁰⁹

But anti-Semitism was not the only fallout from the crisis in Europe, which had reached South Africa even before Jewish refugees had arrived. Another element of the totalitarian torrent in Europe was the rejection of democracy. Contrary to most European countries, whose parliamentary democracy had succumbed to authoritarian or even totalitarian regimes during the 1920s and 1930s, South Africa had remained a democracy, albeit hardly an inclusive one. Even the National Party stuck to parliamentarianism and rejected the authoritarian tendencies of its right-wing allies. Paradoxically, it was the government which showed signs of scepticism toward democracy, although the USANP had been the main beneficiary of the parliamentary system, as the winner of the elections, as it was. According to Marx, there were two main reasons for Hertzog's shift to authoritarian attitudes: First, the frustration about the never-ending need for compromises in a party whose unification had abolished the inter-party cleavage between British and Afrikaner and the winners and losers of the Anglo-Boer war, but replaced it with an intra-party divide that affected not only party politics and parliamentary procedures, but incrementally also governance. The second reason might have been due to the influence of close advisors and friends, who had embraced fascist attitudes. One of them was Oswald Pirow, son of a German missionary, who held strong Nazi convictions, which he merged with racial supremacy and anti-Semitic conspiracy theories, which he extended to Indians and colored people, too. In 1933, he even met Hitler personally. As minister of defence, he created the *Spesiale Dienstbataljon* in 1933, a militarized labour service for youngsters, which in parts resembled a mixture between the *Hitlerjugend* and the SA. It later became a recruitment reservoir for *Ossewa Brandwag (OB)*. Already during the war, he approached von Lettow-Vorbeck during a visit to

109 Marx, *Oxwagon Sentinel*, 259. Earlier, there had been similar calls in Cape Province to ban Jews from the ostrich feather trade.

Germany hoping to recruit him as an advisor. He wanted von Lettow-Vorbeck to form a black army in South Africa, which could be used against French forces.¹¹⁰

But Hertzog himself also displayed attitudes that could hardly be reconciled with parliamentary democracy. The right-wing tendencies, the pro-German currents in South African politics and the explicit anti-Semitism, which had emerged during the Stuttgart affair, were often criticized by the British media. Their criticism of the developments in Germany and their blame for Hitler's acolytes in South Africa spilled over to the liberal and left-wing media in South Africa. In response, German diplomats intervened and urged the government to take action against the alleged slandering of Germany in the South African press. Hertzog yielded to the pressure and drafted a press law, which, if passed, would have introduced far-reaching censorship in the Union. The outbreak of the war prevented the bill from being passed. Hertzog also supported Hans van Rensburg, a lawyer, who became minister of justice and founder of the *OB*. Van Rensburg harboured a strong sympathy for Hitler and National Socialism. In 1936, he went to Germany and met Hitler and von Epp, with whom he discussed the situation in South-West Africa.¹¹¹ He later approached a German diplomat in Pretoria, asking him for German assistance for the drafting of a new anti-Jewish immigration law.¹¹² According to his memoirs, which were published long after World War II, Hertzog had a strong inclination toward the leader principle, which required followers to be loyal to the party leader rather than to specific policies, values, or institutions.¹¹³ In 1933, Hertzog demanded candidates for the parliamentary elections in Transvaal to swear an oath to him, rather than to the party.¹¹⁴

110 The details about this initiative remain obscure and von Lettow-Vorbeck never went to South Africa. Hagemann, *Rassenpolitische Affinität*, 176–178.

111 Hagemann, *Rassenpolitische Affinität*, 262–263.

112 Albrecht Hagemann: Nationalsozialismus, Afrikaner - Nationalismus und die Entstehung der Apartheid in Südafrika, *Vierteljahreshefte für Zeitgeschichte*, 39, 3 (1991), 419. Van Rensburg only obtained official documents, like laws and regulations, but no real help, because his interlocutors in Germany did not share his view, according to which a limitation of Jewish emigration from Germany to South Africa was also in the interest of the Third Reich. Hagemann, *Rassenpolitische Affinität*, 125–126.

113 Johannes Frederik Janse van Rensburg: *Their Paths Crossed Mine. Memoirs of the Commandant - General of the Ossewa Brandwag*, South Africa: Central News Agency, 1956, 135.

114 Marx, *Oxwagon Sentinel*, 262.

This background of anti-Semitism, racism and authoritarianism constituted fertile soil for large-scale interference from Germany.¹¹⁵ Anti-Semitic propaganda and anti-Semitic networks linking Europe and South Africa had existed before, but after the National Socialist takeover in Germany, they were strengthened and streamlined and came under the tutelage of the NSDAP and the GFO. After 1933, the propaganda intensified, supported by emissaries from Germany and networks of people who had been active in South Africa before and returned to Berlin, such as Hermann Bohle. The British authorities and the South African government were quite well-informed about the network of National Socialist propaganda that encompassed the country. They had acted against such influence in South-West Africa,¹¹⁶ but under the conditions of a pluralist democracy with freedom of expression and freedom of press (and the fact that the government's leverage over the most distant parts of the country, such as Transvaal, was limited), it struggled to counter it. The events in South-West Africa had also shown that National Socialist interference was not rejected by everyone in South Africa. Several right-wing newspapers, more or less linked to the National Party, had criticized the clampdown on Nazi organizations.¹¹⁷ Two strands of Afrikaner thinking collided in this case – traditional pro-German tendencies, which remembered German support for the Boers during the war with Britain and which were the simple result of the old Anglo-Boer antagonism combined with a modern fascination with National Socialism, whose initial diplomatic and economic successes in Germany mirrored the hopes of many disoriented Afrikaners of overcoming the social hardship of economic depression and escaping the looming decline of their nation in the British Empire.

115 In the meantime, an impressive bulk of historiography about the Third Reich and South Africa has emerged, which is almost entirely neglected by supporters of the continuity hypothesis. These are not only Hagemann's works, but also: Werner Schellack: *The Afrikaners' Nazi Links Revisited*, *South Africa Journal of History*, 27, 1 (1992), 173–185; Robert Citino: *Germany and the Union of South Africa in the Nazi Period*, New York: Greenwood Press, 1991; Patrick J. Furlong: *Between Crown and Swastika. The Impact of the Political Right on the Afrikaner Nationalist Movement*, Johannesburg: Witwatersrand University Press, 1991; Patrick J. Furlong: 'Fascism, "The Third Reich and the Afrikaner Nationalism. An Assessment of the Historiography"', *South Africa Journal of History*, 27 (1992), 113–126; P. F. van der Schyff (ed): *Die Ossewa Brandwag: vuurtje in droe gras*, Potchefstroom, 1991.

116 For more details, see the following subchapter on *Operation Weissdorn*.

117 Shain, *A perfect storm*, 159. The newspapers were the *Die Waarheid*/The Truth and *Die Burger*.

After the events in South-West Africa, the South African Jewish Chronicle described the influence of German propaganda in the Union as follows: "Masses of propaganda literature, originating from Germany, have been in circulation throughout South Africa for a number of years. Also, it is impossible to read any of the numerous anti-Semitic publications of South Africa, e.g. *Patria*, *Die Republikein*, *Die Waarheid* without being struck by the fact that most of the anti-Jewish material contained in them is taken from *Welt Dienst*, a news service published in Erfurt in six languages, for use by anti-Semites in countries outside Germany. Similarly, the German paper *Der Blitz*, the official organ of the *Deutsche Aktion*, has regular correspondents in South Africa reporting upon the activities of local anti-Semitic organizations and carries propaganda material designed for use by anti-Jewish organizations in Ausland."¹¹⁸

There were three levels on which Nazi propaganda was coordinated in South Africa: an official level, on which German diplomats abused their status in order to support radical right-wing organisations, forge alliances between them and interfere with their internal structures. They did so with the aim of streamlining them according to the concepts of the GFO. On the second level, emissaries from the *NSDAP Auslandsorganisation* and local volunteers cooperated, supported Nazi-friendly movements in South Africa and provided propaganda and instruction. Both levels collided at the German embassy and the consulates, where German diplomats were at the same time local leaders of the *Auslandsorganisation*. The third level were totally clandestine operations, run by the *Abwehr*, about which the actors of the other two levels did not know anything. The South African authorities knew about the first level, due to the cooperation of a German diplomat, who provided them with inside information. His name was Baron Otto von Strahl. Without probably being aware of it, he was the personalization of the cleavage between the old diplomatic elites from the *Kaiserreich* and the Weimar Republic on one hand, and the new ascending Nazi elites, whom the National Socialist takeover in 1933 had swept into the German state administration and the quickly expanding Nazi bureaucracy on the other hand. Von Strahl had made a modest career, first as a lawyer, then – after his father had lobbied to get him into the foreign service – in the diplomatic service of the *Kaiserreich* and the Weimar Republic, which had brought him to posts in Wilna, Warsaw, Stockholm and Reichenberg (in the Sudetenland) before he was sent to Guatemala. There, he fell in love with a parapsychologist and fortune-teller. He divorced his wife and married her while on post in

118 South African Jewish Chronicle 9.4.1937, quoted (including clerical errors) according to Shain, *A perfect storm*, 160.

Bergen. When the NSDAP took power in 1933, he did not join the party, but his second wife did.¹¹⁹ He met with Hitler twice and nothing indicated that he would clash with the new system. He was recalled from Bergen and worked at the GFO in order to acquaint himself with his next mission in Durban, South Africa.¹²⁰ Upon arrival, he felt more and more isolated and sidelined in the Foreign Office. After denunciations, the German police and the Gestapo started to investigate his conduct, and the AO in Durban lodged complaints against him. After two years in Durban, he was recalled, left the diplomatic service and started to work for German enterprises, for whom he went back to South Africa and settled in Pretoria.¹²¹ He blamed his problems with the GFO on the influence of Ernst Wilhelm Bohle whom he suspected of conspiring against him. According to his own memoirs, he quit the service because he did not want to join the NSDAP. In September 1939, when South Africa joined the British war effort against Germany and expelled all German diplomats, the German Embassy wanted to evacuate him, too. But by then, he feared being arrested and decided to stay in South Africa. It is unclear what role he actually played. Shain claims he was an informer of the South African government “before and during the war”, leaving it open whether he became a defector. According to Hagemann, he worked as an advisor of the South African minister of the interior, Harry Gordon Lawrence, directly under the head of the censorship department, Theodore Truter, and provided the South African authorities with reports about Nazi infiltration.¹²² Von Strahl, who published a kind of memoir in 1942, which attacked the German government as a “a band of conspiring political

119 According to Hagemann, who had access to his file in the Berlin Document Center, which contains the NSDAP membership database (which then was not yet part of the collections of the Bundesarchiv in Lichterfelde), von Strahl had tried to become a NSDAP member in 1934, but had failed. In his application he wrote a fervent appraisal of National Socialism. Hagemann, *Rassepolitische Affinität*, 21–22.

120 Martin Kröger: *Widerstand und Wiedergutmachung. Der traurige Fall des Otto von Strahl*. In: Jan Erik Schulte, Michael Wala (eds): *Widerstand und Auswärtiges Amt. Diplomaten gegen Hitler*, München: Siedler Verlag, 2013, 35–50.

121 Kröger, *Widerstand und Wiedergutmachung*, 56–57. By chance, another German defector worked in South Africa in 1938: Fritz Kolbe, who later started to work for the Office of Strategic Services and delivered crucial documents about German spies to the U.S., worked as a deputy consul in Cape Town. There is no indication that he and von Strahl ever met. Lucas Delattre: *Einsamer Widerständler und Spion im Auswärtigen Amt*, Fritz Kolbe. In: Jan Erik Schulte, Michael Wala (eds): *Widerstand und Auswärtiges Amt. Diplomaten gegen Hitler*, München: Siedler Verlag, 2013, 71–82.

122 Hagemann, *Rassenpolitische Affinität*, 21–22.

gangsters”,¹²³ remained silent about the services he might have rendered to the South African or British government. In fact, he drafted a large report about the Nazi subversion in the Union of South Africa, based on documents from the German embassy and the consulates, which he had collected, and the information he had gathered as consul and later as a businessman. It is possible that he also used material which the German diplomats left behind when they were evacuated in September 1939.¹²⁴ The whole report is entitled “Nazi activities and Nazi propaganda in the Union of South Africa from the year 1933 until the outbreak of the War in September 1939.” Parts of it were later published by the South African press.¹²⁵ In his report, von Strahl emphasized the attempts of German diplomats to influence public opinion against the incoming Jewish migration – a topic that was extremely salient for the South African government because of the increasing anti-Semitism among nationalist Afrikaners. He also delivered a list of Nazi-infiltrated German organisations and of “dangerous Nazis”, which were part of a “Fifth Column in South Africa.”¹²⁶ For a long time, the GFO was unaware of this and speculated whether von Strahl had been interned (like other South African Germans) or had switched sides. Soon, they obtained intelligence through other diplomatic sources that he had not been imprisoned, was attacking German diplomats in the South African press and had accepted British citizenship. Astonishingly, they seemed not to be aware of von Strahl’s book, which he published for the first time in 1942 with a foreword written by the minister of the interior and public health at the time, Harry Gordon Lawrence, who attested von Strahl “many valuable services in combating Fifth Column activities.” In his book, von Strahl made it abundantly clear what he thought about the German government and provided a lot of rumour and diplomatic coffee klatsch from his diplomatic career, including denigrating remarks about the Third Reich’s elites and his personal enemies. However, the book does not contain any hard evidence against the German “Fifth Column”, no

123 Otto von Strahl: *Seven years as a Nazi Consul*, Port Elisabeth and Cape Town: Unie Volkspers, 1944 (the first edition was published in in 1942), 80 and University of Cape Town Library, BC640, E3.262-271, H. G. Lawrence Papers, Otto von Strahl: *Reminiscences of a former German diplomat*.

124 Kröger, *Widerstand und Wiedergutmachung*, 56; 298. Von Strahl’s “White Book” is now stored in the Jagger Library of the University of Cape Town (and, thanks to Albrecht Hagemann, who found them while doing research for his PhD thesis “Südafrika und das Dritte Reich”, also at the *Institut für Zeitgeschichte* in Munich).

125 Shain quotes press reports with the same title, which were apparently based on extracts from von Strahl’s report. Shain, *A perfect storm*, 191–193; 338, footnote 68.

126 Kröger, *Widerstand und Wiedergutmachung*, 57.

names or addresses (except of well-known people who were outside the reach of the South African and British authorities). Nevertheless, the book may have been quite interesting for South African readers, because of its description of the governmental structure of the Third Reich and the colorful and sulky reports about the infiltration of the German communities in South Africa by Nazi agents, spies, fanatical party members and self-declared party orators and propagandists and their methods. Readers learned that party cells were on board of almost every German vessel that anchored in Durban or Cape Town, that emissaries were even sent to remote farms, where they behaved like landlords, intimidated recalcitrant farmers, who had relatives or business interests in Germany; ship stewards would spy on fellow passengers and write calumnious reports about their findings, and Nazi agents would incline Germans to spy on their fellow countrymen, neighbors, or even family members.¹²⁷ In the absence of detailed analysis of the AO records and the unavailability of the *Abwehr* records, the book has remained a major source for historians until today. It paints a somber picture of the landscape of the Third Reich's ideological and organisational infiltration of South Africa.¹²⁸ The newspaper claimed that many Germans in South Africa had created organisations, which mirrored National Socialist bodies in Germany, beginning with the *Winterhilfe* to *Kraft durch Freude*, and from the *Hitlerjugend* to the *Arbeitsfront*. The local head of these networks was Bruno Stiller, the German consul in Cape Town, who also worked as the leader of the NSDAP Landesgruppe Südafrika and reported to the head of the *Auslandsorganisation*. The Cape Argus listed much of the information, which would later be repeated in von Strahl's book, but the journal was more outspoken with regard to names and listed a whole plethora of German propagandists, together with their places of residence and estates.¹²⁹ The press reports triggered a lot of comments in other media and finally even a discussion in parliament, during which Smuts tried to play down the infiltration by the Third Reich and reduce it to the domestic far right, the Greyshirts and other marginal South African movements.¹³⁰ Despite the outrage, which the information triggered in South Africa, the

127 Von Strahl, *Seven years*, 115–130.

128 The British Daily Express also reported on the same issues and at the same time as the Cape Argus. Both newspapers seemed to have based their reporting on leaks from the secret services. Daily Express 15.1.1938.

129 An important stronghold of Nazi propaganda was the Westphalia estate, which belonged to Hans Merensky, a geologist of German origin, and the town of Tzaneen as well as the farm Asta. Shain, *A perfect storm*, 191–193.

130 Nazi influence on Germans in South Africa remained weak. In the same way as in South-West Africa, all efforts to streamline German citizens (their number was 2,100

German authorities only learned about it from von Strahl's book in 1944.¹³¹ Due to his secret reports, the South African police and the secret service started to monitor the Nazi movements closely after they had been warned by the British that Germany was attempting to smuggle arms to South Africa under the cover of machinery imports.¹³²

The German infiltration of South Africa was menacing because it threatened the country's internal stability by bolstering anti-democratic organisations and polarizing the white population along ethnic lines. But its main edge was directed against the Jews, not against Smut's and Hertzog's strategy to forge reconciliation between the two main population groups among the whites, which had been antagonized by the Anglo-Boer war. Hitler's acolytes in South Africa appealed to the inferiority feelings of the Afrikaner by emphasizing anti-Semitic propaganda, but they did not do much to drive British and Afrikaner citizens against each other. In some cases, Nazi propaganda also targeted English-speaking groups in South Africa. But the British were aware (probably much more than the South African government) that German interference would be bolstered and would become much more menacing in the case of a military confrontation between Germany and Britain in Europe. In such a case, South Africa would not only have to take sides, but each and every South African citizen would be confronted with the question whether he wanted to fight for the British in Europe (and against Germany), become a deserter, or even join the German war effort in reminiscence of German support for the Boers during the Anglo-Boer war. In peacetime, the German infiltration created a threat to domestic stability and increased ideological antagonization among politically interested South Africans, but in a war, it would threaten to tear families apart and would force young white South Africans to join a war, which was not theirs, which was fought far away from their homes and in the interest of an Empire many of them saw as an oppressor.

Exactly this happened in September 1939, after Germany had attacked Poland, and Britain and France declared war on Germany. In a similar situation, during the outbreak of World War I, South Africa had been confronted with an

in the whole Union) only led to quarrels and split the community into opponents and supporters of the Third Reich. In South Africa, Nazi infiltration lacked one important argument, which drove Germans in the mandate into the NSDAP – colonial revisionism. In South Africa, almost no German dreamt about an annexation by Germany. Hagemann, *Rassenpolitische Affinität*, 50–56; 64–74.

131 Kröger, *Widerstand und Wiedergutmachung*, 60.

132 Shain, *A perfect storm*, 192.

uprising among its military and the disobedience of some leading generals, who refused to invade what was then German South-West Africa. Now, no such thing happened, but events turned dramatic anyway. Hertzog had prepared a motion for the cabinet, which included a declaration of neutrality, similar to the position the Belgian government had taken.¹³³ But there was no majority in the cabinet for such a line. The cabinet was divided and Hertzog could only mobilize 6 out of 13 members for his neutral position. Smuts, his deputy, had 7 behind his demand to enter the war with Britain. After another cabinet meeting, which only confirmed the split, the issue was passed to parliament. 80 members gathered behind Smuts, who was subsequently appointed prime minister; 76 supported Hertzog, who had previously been bolstered by Malan's party.

South African joined the British war effort against Germany. For the Afrikaner population, this meant that they would have to sacrifice their sons in a war, which they did not understand, which was waged far away from their homes, in which there were no apparent South African interests at stake, and side by side with the descendants of those who had humiliated their fathers during the Anglo-Boer war. For supporters of the radical Afrikaner movements, such as the Grey Shirts and *OB*, it even meant having their sons fight for the enemy and against a European power they supported, at least in moral terms.

During the cabinet discussions, warnings had been uttered that the decision to enter the war on the British side could lead to an uprising or civil war in South Africa. Smuts had defended it by pointing, among others, to the threat of losing South-West Africa in case of South African neutrality. There were also rumours about an imminent intervention by Germany: allegedly, 2,000 Germans in Moçambique were waiting for the signal to overthrow the government there.¹³⁴ It is against this background that the *Abwehr* in Berlin decided to launch an

133 The South African dilemma was similar to the Belgian one and the term "neutrality" did not solve it. As tension increased, it became clear in both countries that even under strict neutrality in diplomatic relations, the countries would face a conflict between a pro-German and anti-German public opinion, between a German-friendly or anti-German trade and economic policy, not to speak about the issue, at which border the national army would be concentrated in order to protect neutrality. The latter problem was smaller in South Africa than in Belgium, because South Africa hardly had an army which could withstand an external invader. In South African conditions, it was more important who would be allowed to use the harbours and ports of the country, for example for provisioning submarines, which could threaten trade and military convoys in the South-Eastern part of the Atlantic. Furlong, *Between Crown and Swastika*, 121–122.

134 Shain, *A perfect storm*, 235–236.

operation that could push South Africa over the edge – and into the German camp of World War II.

6.4 Operation Weissdorn

The story of Operation Weissdorn begins during the 1936 Olympic Games in Berlin, in which a young boxer from South Africa, Robey Leibbrandt, also took part. He came from a strongly nationalist Afrikaner family. Robey's father had taken part in the Anglo-Boer war. He was a *bittereinder*, one of those, who had opted to fight until the bitter end. As Leibbrandt later wrote, his father despised those of his countrymen who had surrendered to the British troops more than the British themselves. Nevertheless, he also admired General Smuts.¹³⁵ At the Olympics, Robey was not very successful and broke his right hand before the decisive fight for a medal. He impressed the public, because he did not resign but instead fought ferociously with his left fist only, ending up in fourth place and without a medal.¹³⁶ As an already quite radical, politicized and anti-British Afrikaner, he was fascinated by National Socialism and Germany in general, and quickly became a radical and unconditional supporter of Adolf Hitler.

Through some National Socialist acquaintances and the former South African consul general in German South-West Africa, Rudolf Karlowa, he was discreetly guided to the *Abwehr*. Karlowa had good connections with the radical right-wing Afrikaner movement *OB* and leading German National Socialists, and saw the young boxer as a chance to forge an alliance against the South African Britain-friendly government of general Smuts.¹³⁷ Because Leibbrandt was a rather simple-minded person, it was not difficult for Karlowa and the *Abwehr* officers to radicalize him to the extent that he was ready to sacrifice himself for National Socialism. According to his own memoirs, which he wrote in the 1960s on a farm in Transvaal, they even had to prevent him from returning to South Africa immediately and starting an Afrikaner uprising. Instead, they sent him on a year-long training course as a parachutist, equipped him with a radio transmitter, put

135 Robey Leibbrandt: *Vertel alles in Geen Genade*, Pretoria: Binedell Uitgevers, 1966, 1–8.

136 Leibbrandt, *Geen Genade*, 31–39.

137 Leibbrandt, *Geen Genade*, 65; Hans Strydom: *Für Volk und Führer, Johannesburg*, Jonathan Ball Publishers, 1982, 70–75. Strydom's book is a journalistic account, without a precise indication of sources, but based on interviews with all main protagonists, including the policeman, who lured Leibbrandt into an ambush, and who in Strydom's eyes is the main hero.

him on a yacht under a false flag and sent him to the northwestern coast of South Africa, where he paddled to a lonesome beach and then walked to a contact person in Namaqualand.¹³⁸ His task was to prepare an uprising of radical Afrikaners in Transvaal, assassinate general Jan Smuts, the South African prime minister (and, if possible, some leading businessmen and moderate politicians), launch an Afrikaner uprising in Transvaal and install a pro-German government in the Union of South Africa. One might speculate whether this would have led to civil war in South Africa, to an armed intervention by the British government or to an agreement between Germany and the Union of South Africa about the withdrawal of South African soldiers from the German-British fronts and the return of South-West Africa to Germany. In the light of the scarce sources, which are available on the subject, it is more than doubtful that getting back Namibia was actually a major purpose of *Operation Weissdorn*. The operation seemed more likely to aim at weakening the British war effort by alienating South Africa from Britain and installing a pro-German government in South Africa.

From today's perspective, the plan looks immature, hazardous and break-neck. But if one includes the specific situation within the white South African society that had emerged after 1938, it actually appears as an action with significant chances for success. The polarization between the Afrikaner and the English-speaking parts of the white population, which had been triggered by the war in Europe, took place after an important event, which bolstered Afrikaner nationalism in a constructive and optimistic sense. It had helped push aside the inferiority complex from the Anglo-Boer war and replace it with a forward-leaning uplifting patriotism that was more rooted in former achievements than in past defeats. This process had been triggered by a mass event – the commemoration of the Great Trek. To be precise, there were two distinct events that could be commemorated on such a large scale in 1938. The first one was the battle at the Blood River from 16 December 1838, when the Boer Vortrekkers under Andries Pretorius had finally defeated the troops of Zulu king Dingaan, inflicting upon them about 3,000 casualties. The second was the hundredth anniversary of the Great Trek itself, the exodus of many Boer families and clans from the British-ruled Cape Colony to the northern and northeastern territories, which later became known as the Orange Freestate and Transvaal. During the 1930s, there had been plans to commemorate the Great Trek anniversary through the erection of a huge monument near Pretoria. Then the *Afrikaner Broederbond's* leadership decided to merge the commemoration of the two events into one and to use

138 Leibbrandt, *Geen Genade*, 67–76.

it to enroot Afrikaner nationalism in the masses. A whole number of institutions was created in the country in preparation for the celebrations and the necessary mobilization of the Afrikaner population. In 1938, a countrywide surge took place in a huge re-enactment of the Great Trek, which went from Cape Town to Pretoria and ended at the foundation of the Vortrekker monument.¹³⁹ “The Great Trek of 1938 is only a vivid memory. But the emotions that it stirred up are still alive. Those Afrikaners who came from their karakul farms in South-West Africa, from their cattle ranches in the bushveld, from the vineyards and orchards of the Cape, are going back with an intenser feeling of patriotism”, the Rand Daily Mail wrote in December 1938. “Eight thousand schoolchildren in the uniforms of the Voortrekker movement will remember the ceremony as the greatest experience of their lives. I listened to their shrill cheers on Saturday morning as they left their tents to march to Pretoria station... heard them singing ‘Die Stem’ as a final solute to the greatest monument that will be built on the koppie. ‘Over the hill in the east, with the rising sun glinting on the barrels of their rifles, the commando rode homewards...”¹⁴⁰ The surge of Afrikaner patriotism and its embedding in the countryside and among less educated people gave rise to the creation of a new, and much more radical movement than Malan’s “purified” National Party had been – the *OB*.¹⁴¹ Among all the radical right-wing organisations that had spread in South Africa during the thirties, *OB* was, with its estimated 400,000 members, the most important and the most threatening one. It was modelled on the German SA as a paramilitary organisation with a legal and a clandestine arm. The latter were organized as so-called *Stormjaers*, abbreviated SJs, which can be translated as Stormtroopers. What made them a threat to the existing democratic

139 Marx, *Oxwaggon sentinel*, 267–270. The Vortrekker monument had been planned before and was finished years later. The hill, on which it was erected, was renamed Vortrekkerhoogte (Vortrekker hill) in 1938. It is worth mentioning that the Blood River battle did not play any major role in Afrikaner collective memory before the 1930s.

140 Rand Daily Mail from 14.12.1938, quoted according to Strydom, *Für Volk und Führer*, 64–65. *Die Stem* relates to the *Die Stem van Suid Afrika* (The Voice of South Africa), the official anthem of the Union at the time (and later the Republic). The *koppie* (hill, peak) relates to the ceremony during the commemoration, when the cornerstone for the Vortrekker Monument was laid by three descendants of famous leaders of the Vortrekker movement in the 18th century. The monument was finalized in 1949.

141 The name of the movement, *Ossewa Brandwag*, consists of two elements, *Ossewa* – the Oxwaggon, which refers to the Great Trek and invokes a very important element of Afrikaner mythology – and *Brandwag*, the fire sentinel. The most popular translation into English is therefore “The Oxwaggon Sentinel”.

order was their ideology, which was very close to National Socialism, and the fact that many SJs were at the same time members of the police, which gave them access to insider knowledge and arms. The stronghold of radical right Afrikaner nationalism was Transvaal, where the number of votes for the National Party had more than doubled between the 1936 provincial elections and the general elections in 1938: from 30,000 to 70,000.¹⁴² A pamphlet, which the party distributed among the English-speaking population of South Africa, makes the point clear: the aim was “the National Social authoritarian republic”, and “if our opponents call that National Socialism, the accusation leaves us unmoved”.¹⁴³ In terms of foreign policy, *OB* was republican, which in the South African context must be understood as anti-British and, at the same time, pro-German, and was fiercely opposed to any South African engagement in a war on the side of Britain. When *OB* was founded, war loomed large in Europe: The Third Reich had annexed Austria and the Sudetenland of Czechoslovakia after the Munich conference. In case of an escalation between Germany and Britain, not only *OB* would be against South Africans being sent to the front in Europe; most Afrikaners would reject that, too. But *OB* was the most outspoken and uncompromising about it, last but not least because of its admiration for Hitler and National Socialist Germany.

The internal dynamics of Afrikaner identity politics are just one part of the equation, which made *Operation Weissdorn* so dangerous for South Africa. The other part has to do with external influence – the emergence of a large and strong network of German agents and propaganda in South Africa that based its activities on diplomats, right-wing Afrikaner organisations and the local population of German descent. After the evacuation of the German diplomats from South Africa through Moçambique, the network was steered from Laurenço Marques (what is today Maputo), where a German diplomat, Luitpold Wertz, had remained. From there, he followed South African domestic politics and sent

142 Shain, *A perfect storm*, 207.

143 Gericke Library of the University of Stellenbosch, special collections, Africana, (No author): *Some facts about the Ossewa Brandwag. Propaganda refuted*, (no place) 1944, 1, 27. The pamphlet was an attempt to defend the movement, which had been delegitimized after the outbreak of the war and repressed by the Union authorities, with many of its members imprisoned. Under these circumstances it is even more astonishing that even in 1944 it did not make an attempt to distance itself from National Socialism.

a constant stream of correspondence to Berlin.¹⁴⁴ The authorities in Berlin were therefore well aware that Smuts, despite the provisions for a general draft under the Union Defense Act, had only recruited volunteers for the war to avoid another rebellion like the one the government had faced in 1914. After the defeat in parliament, prime minister Hertzog wanted the governor-general, Sir Patrick Duncan, to dissolve parliament and call general elections. But Duncan, weary of violence and aware that the war faction had a majority in the existing parliament which it might lose in a newly convened one, refused and charged Smuts with the formation of a cabinet. The move kept South Africa on the British side, but weakened the democratic tendency in Afrikaner nationalism. Until then, a positive attitude toward parliamentary democracy had been the main difference between radical Afrikaner nationalism and National Socialism, which shared so many ideological features, from anti-Semitism, anti-Capitalism, its rivalry with Britain, anti-Communism and the emphasis on ethnicity and racial differences. After Duncan's move, more and more Afrikaner gave a cold shoulder to democracy, too.¹⁴⁵ Their proclivity for Nazi propaganda was accompanied by attempts of German missionaries to spread anti-British propaganda among South African natives, who used to argue that a British victory in the war would trigger the abolition of their mission. Some even went so far as to proclaim that a German victory would lead to the deportation of all whites from South Africa. Confidential reports for the government described efforts of missionaries to fortify their buildings and to store petrol as reinforcements for the German troops which were expected to invade South Africa.¹⁴⁶ Nazi propaganda also made its way into schools.¹⁴⁷

An important asset for German propaganda was Radio Zeesen, a radio station in Afrikans with a considerable Afrikaner audience, which spread carefully disguised Nazi propaganda in Afrikaans, supporting the anti-war camp among the Afrikaners. Radio Zeesen was very popular, even among the English-speaking

144 The correspondence fell into the hands of the Allied Forces and is now stored in The Hoover Institution of Stanford University. In 1946, Wertz wrote a long report about the German networks in South Africa, which was used by the security forces to clamp down on the *Ossewa Brandwag*. Furlong, *Between Crown and Swastika*, 129; 141; 289–290.

145 Furlong, *Between Crown and Swastika*, 126–129.

146 Furlong, *Between Crown and Swastika*, 133–135.

147 Some almost absurd consequences are described in Furlong, *Between Crown and Swastika*, 150–152.

population.¹⁴⁸ Across the country, radical Afrikaner organisations and German associations, often sponsored by German government sources, cooperated.¹⁴⁹ These conditions were extremely favorable for a German intervention. And there were South Africans who invited it. In August 1940, when Germany was at the peak of its power in Europe, but neither the USSR nor the US were yet involved in the war, Wertz forwarded a plan to his superiors in Berlin, according to which the OB would first conduct a campaign of sabotage, which would paralyse the weak South African armed forces. Next, the railway and the police (the latter strongly infiltrated by the OB) would go on strike and pro-British newspapers would be blown up. This would open the country up for a German invasion. The author of the plan was OB leader Hans van Rensburg. According to Wertz' affidavit, van Rensburg's *Stormjaers* protected German agents and helped German submarines down British vessels off the South African coast thanks to intelligence from the police. In return for South Africa joining the *Axis*, van Rensburg wanted Southern Rhodesia (today Zimbabwe) and the British protectorates (today's Botswana, Lesotho, and Swaziland) for South Africa under a German-sponsored postwar settlement. If given 8,000 rifles, he would be able to mobilize 15,000 soldiers. He even had thought about the logistics of bringing the rifles to South Africa – either by boat to South-West Africa or by aircraft to Rhodesia. The plan never materialized, because the rifles did not arrive.

The reason was the reluctance of the *Auslandsorganisation*, the GFO and the *Abwehr*, which regarded the OB as too weak to launch such a campaign successfully. But there also was another reason: After France's fast defeat on the battlefield, the planners in the German agencies expected to take over the vast French colonies in Africa. If van Rensburg had managed to stage a coup and bring the Afrikaner nationalists to power in Pretoria, Germany would have had a strong

148 Furlong, *Between Crown and Swastika*, 134–135; Hagemann, *Rassenpolitische Afinität*, 286–290.

149 After 1933, the German state and the NSDAP merged, and Germany became a one-party state. This often led to legal duality in civil and criminal law, the Weimar-inherited system continued to function, whereas on the higher echelons of political decision making and jurisprudence, the “will of the leader” became the paramount and sole source of law, which could overrule any decision made on a lower echelon, no matter whether political or legal. Under these circumstances, even German organizations with no visible or obvious Nazi affiliation had to be regarded as streamlined and subordinated to the NSDAP. A German organization in South Africa (or a South African one supported by a German counterpart) could therefore hardly be regarded as neutral or apolitical.

competitor for its expansion in Africa. Malan's National Party and van Rensburg's *OB* both dreamt about a "Greater South Africa", meaning an expansion into the neighboring countries in the north.¹⁵⁰

There was strong evidence pointing not only to a lack of loyalty in the police force, but also in the army. Army members could swear a so-called "Africa Oath", which made them eligible for fighting against Axis soldiers anywhere on the African continent. But hardly any did so. In some of the nationalist strongholds of Transvaal and the Free State, only a minority did so, a commando in the Cape was regarded by military intelligence officers as so unreliable that they recommended to disband it.¹⁵¹ Against this background – and especially the widespread disloyalty of a large, but not precisely known part of the police force – Leibbrandt's mission no longer looked so desperate and hopeless. His task had been either to convince the leadership of the *OB* to support him and move against the government. This plan failed when the leader of the organisation, Hans van Rensburg, previously the governor of the Orange Free State, rejected Leibbrandt's plans for a coup d'état. The alternative plan was to extract about 3,000 of the most radical and dedicated members of the organisation, to assassinate Smuts (and some of the big Jewish business leaders), and start an insurgency in Transvaal that would either shatter the government, or incite other radical right-wing Afrikaner in the other parts of the Union to take to the streets and force the government to resign or change its war policy. During the first weeks of his stay in Transvaal, Leibbrandt was busy organizing – with the support of some local *Brandwag* leaders – meetings of dedicated radicals, whose loyalty he tried to secure in gatherings with archaic, martial rituals.¹⁵² The *OB*'s national leadership quickly realized the danger, which lurked in Transvaal and denounced Leibbrandt to the government.¹⁵³ The minister of the interior, Harry Lawrence, who had long ignored the presence of the popular boxer in Transvaal, finally alerted Smuts.

The message about Leibbrandt's arrival in Transvaal and his activities among the radical Afrikaner nationalists there set off waves of panic among the political establishment in Pretoria and the police leadership. The latter's task to prevent Leibbrandt from killing Smuts was bedeviled by Smuts' own negligence to take care of his security and by the government's uncertainty about the loyalty of the

150 Hagemann, *Rassenpolitische Affinität*, 293–295.

151 Furlong, *Between Crown and Swastika*, 149–150.

152 Those included a blood-oath and the requirement to participate in fake-executions, in order to make sure that the fighters were really ready to take extreme action, including murder. Strydom, *Für Volk und Führer*, 157.

153 Strydom, *Für Volk und Führer*, 147–150.

police force. Lawrence decided to implant a double agent, a trusted police officer, who was publicly known for his negative opinion about Smuts' war policy, but was undoubtedly loyal to the government – Jan Taillard.¹⁵⁴ Taillard managed to get to Leibbrandt's immediate environment and gain his confidence. He eventually succeeded in luring the boxer into an ambush on the way to Cape Town on Christmas Eve 1941. Leibbrandt was caught alive, imprisoned, judged and sentenced to death for high treason, together with several other OB leaders. The ambush turned the tide for the government. Several waves of arrests of local OB members and leaders, mostly *Stormjaers* swept across the country. Whether they had been implicated in Leibbrandt's conspiracy or whether the government just used the occasion to crush the whole movement, remained unclear. The *Brandwag* leadership lamented loudly about the alleged persecutions of its movement by the government, which was a clear indication that the waves of arrests had decimated the membership in the Transvaal and severely weakened the Afrikaner radical right. The purges confirmed earlier suspicions about the army infiltration by the OB: 320 army officers were arrested under charges of treason in January 1942.¹⁵⁵ Leibbrandt was devastated because of his capture, having intended to die in a shoot-out with the police, sacrificing his life for his cause and his Führer, but due to the swiftness of the police during the ambush, he had not had the chance to fire a single shot. What humiliated him even more was the unconditional surrender of Germany in May 1945.

There is a controversy in the literature about the significance *Operation Weissdorn* had for South Africa. Some authors argue that the Smuts government had so many informers and double agents in the *OB* that it actually controlled the organisation and used it to split the Afrikaner movement. According to this theory, Smuts and Lawrence took advantage of the Leibbrandt mission to split and weaken the *OB*, too.¹⁵⁶ This argument has a blind spot, though. If it were true, how can one then explain the government's reaction to Leibbrandt's apprehension, the massive clampdown on the *OB*, by which Smuts deprived himself of the instrument for weakening the radical Afrikaner? There are strong indications that Leibbrandt's attempt of a coup d'état was not the only one. A few months

154 According to Strydom, Taillard had managed to obtain the member list of the NSDAP in South-West Africa in 1939 and enabled the authorities there to deport 2,800 people to Germany, including the NSDAP leadership of the country. Strydom, *Für Volk und Führer*, 186–187. Taillard later wrote an extensive report about Leibbrandt's arrest which is stored in UCT Library, BC640 H. G. Lawrence Papers, E3.262–271.

155 Furlong, *Between Crown and Swastika*, 149.

156 Hagemann, *Rassenpolitische Affinität*, 285.

after Taillard's ambush, Smuts received a secret telegram from the South African embassy in Washington about an imminent plot to overthrow the government and replace it with a pro-German one. The plot was allegedly organized from Angola and Moçambique through Portuguese agents, whose government was neutral, but sympathetic to Germany. They were allegedly smuggling in weapons and establishing short wave senders in various locations.¹⁵⁷

Once the war was over, Smuts converted Leibbrandt's death sentence into life-long prison. Leibbrandt was finally pardoned in 1948 and settled on a farm. According to his wife, he never ceased to be a National Socialist until his death in 1966. Before he died, he wrote and published a memoir in Afrikaans, in which he described the whole operation in detail, finally admitting that he had been brought to the coast in a yacht, rather than a submarine, as he had claimed after the landing in order to protect the yacht crew from being sought by the British Navy.

The whole operation had actually helped Smuts keep South Africa in the war against Germany and get rid of disloyal policemen. *Operation Weissdorn* also showed that the Third Reich had a plan to intervene in South Africa – but in order to destabilize the British war effort and alienate the Union from the British Commonwealth, not in order to get back its former colony. The significance of this to the Third Reich can be seen in the fact that *Weissdorn* was not only an *Abwehr* operation, which had been planned and prepared secretly by the military alone, but a political and diplomatic endeavor in which one of von Ribbentrop's closest aides had participated; a bureaucrat, who was well-connected to the NSDAP leadership and widely regarded as the most important stakeholder in colonial policy. However, this man, consul Karlowa, had no personal links to the colonial lobby. He had been the one who implemented von Ribbentrop's policy to streamline, subdue and neutralize the colonial lobby and make it an obedient instrument of Hitler's foreign policy.

For Leibbrandt and his superiors in Berlin, the return of South-West Africa to Germany had not been a priority in the operation – it was hardly even a crucial element of the whole game. If the operation had succeeded, South Africa would have descended into a civil war, left the British war effort and would have been ready to negotiate a separate peace agreement with Germany. Maybe this would have included a deal about South-West Africa, too, but this was not the primary aim of Germany's foreign policy. *Operation Weissdorn* was first and foremost intended to weaken the British war effort. None of those who had a say in the Operation had belonged in any kind to the former colonial elite of the *Kaiserreich*

157 Furlong, *Between Crown and Swastika*, 131.

or been a colonial nostalgist. If the reconstruction of Germany's former colonial empire had been at stake, Leibbrandt would have landed in Swakopmund rather than in Transvaal, and he would have recruited members of the illegal *Hitlerjugend* to march into Windhoek, rather than Cape Town or Pretoria. But South-West Africa did not have much strategic value for the German, or respectively the British war effort. The ports in Swakopmund and Lüderitzbucht were unsuitable for larger military vessels and their potential utility for submarines was sidelined by the importance of Walvis Bay and Simonstown. Whoever controlled the South-West African coast would still be checked by whoever controlled the vast South African coastline, which also covered the Indian Ocean. In terms of natural resources and infrastructure, South Africa was much more important than South-West Africa with its poor infrastructure and relatively modest copper and diamond mines.

7. Patterns of extreme violence in the German colonies and German-occupied Central and Eastern Europe

There is not much that links the extreme violence applied by the German state to the Herero and Nama, with the extreme violence of the Third Reich. Because of the Nazi movement's despise for the old elites of the *Kaiserreich* and the Weimar Republic, there is almost no institutional continuity, von Epp's colonial agency being the only exception. After 1933, the institutional core of decision making about the former colonies swiftly shifted from the state administration to the NSDAP, to von Ribbentrop, Bohle, and away from the people with colonial experience such as von Epp. The new elites of the Nazi state were all much too young. When the *Schutztruppe* were shooting at the Herero, most members of the new elite had been children or teenagers. When they took power in the 1930s, those who had commanded the *Schutztruppe* or served as soldiers were close to retirement. As Götz Aly pointed out, the Nazi movement as such was the emanation of a generational conflict: "For the majority of the young Germans, National Socialism did not mean dictatorship, censorship and oppression, but liberty and adventure. They saw it as a prolongation of the youth movement, a kind of corporal and spiritual anti-aging program."¹ The Nazi leaders did not want to continue the policy of the *Kaiserreich* and they certainly did not want to follow the line of the Weimar Republic, which they had abolished and which they deeply disdained for its weakness, instability, the mass poverty of the 1920s, and the way the victors of World War I had treated Germany. This disdain and the compulsion to sever the bad past formed the backbone of the absence of colonial nostalgists and members of the colonial lobby from the centers of Nazi decision making in foreign policy. It was not the colonial movement that manipulated the Nazi movement, it was the NSDAP that streamlined, marginalized and subordinated the colonial movement to transform it into a flexible, reliable and obedient instrument. Its purpose was to impress Britain when Hitler deemed it necessary in order to extract concessions. No organized group in Germany was probably less prone to learn anything from the colonial lobby than the National Socialists. When former colonial officers and administrators managed to pursue

1 Götz Aly: *Hitlers Volksstaat. Raub, Rassenkrieg und nationaler Sozialismus*, Bonn: Fischer Verlag, 2005, 12.

their careers during the Third Reich, they were the exception rather than the rule. And usually, they reported to superiors, who had no colonial experience and had been put into power by the NSDAP. This does not mean that there were no links between colonialism and the policies of the Third Reich whatsoever. There definitely was informal knowledge about the colonies and about colonial policies available, which could be used by the protagonists of the Third Reich. There is a certain continuity between on the one hand the racial exclusionism of the *Kaiserreich* and its Darwinist concepts of racial hierarchies, which were shared by many Germans and, on the other hand, the racial exclusionism of the Third Reich. The *Kaiserreich's* elites (and its population) had been deeply permeated by anti-Semitism and the records from German South-West Africa reveal a high degree of racism even among German soldiers, who respected Herero and Nama as enemies in the field. After 1904, this racial exclusionism became exterminatory in the sense that it not only led to extermination, but explicitly and publicly called for the annihilation of the enemy as such.² It was the Herero uprising that triggered the shift from paternalistic racism, which claims to oppress the native in his own best interest, to an exterminatory racism, which oppresses the native in order to get rid of him forever. There are similarities between this shift and the one, which occurred between the anti-Semitism of the Weimar Republic and the exterminatory anti-Semitism, which triggered mass executions and the creation of death camps.

One of the major bones of contention in the literature about the Holocaust is the question of when exactly and why this shift took place. There can be no doubt about the Namibian part of the equation – it was the Herero uprising that changed the stereotypes about black natives in Germany. Von Trotha's Swakopmund declaration and his October order were only the practical implementation of this discursive shift. The issue is more contentious with regard to the Third Reich's occupation policy in Central and Eastern Europe, or, to be more precise, on the territory of pre-war Poland, the Baltic states after 1941 and the Soviet

2 The notion of "exterminative anti-Semitism" may recall Goldhagen's "eliminationist anti-Semitism", but it is used here in a different meaning. It does not mean a deeply entrenched form of anti-Semitism, which (according to Goldhagen) was specific for Germany and led to the Holocaust, it only describes the fact that in some countries anti-Semitism led to mass murder (and the participation of an anti-Semitic public in the Holocaust), whereas in other countries it did not, and is therefore regarded as "non-exterminative." Daniel Jonah Goldhagen: *Hitler's Willing Executioners. Ordinary Germans and the Holocaust*, London: Little, Brown and Co., 1996.

Union after the German invasion of the latter in June 1941.³ There are two main strands in the literature about the Holocaust and the German occupation policy with opposing interpretations of why the Holocaust occurred. For one camp, often called “intentionalist”, the Holocaust took place as a result of Hitler’s and the NSDAP’s anti-Semitism, which is seen as the main driving force of occupation policy, to which all other motivations and agencies’ agendas were subordinated.⁴ From this perspective, the parallels between von Trotha’s strategy of total war against the Herero and the intentionalist interpretation of the Holocaust are striking. In both cases, we have to do with extreme violence against specific groups, which was decreed and enacted top-down and either motivated by or at least justified with racial exclusionist arguments. In the case of German South-West Africa, this led to the genocidal practices in the Shark Island camp and to the deportations; in German East Africa, it triggered a war of annihilation against the Maji-Maji supporters, followed by a scorched earth policy, similar to the “total war” of the *Wehrmacht* in the East. Even the mechanisms of violence are similar – in East Africa like in Eastern Europe, “total war” was seen as a response to partisan warfare, a “little war” (*Kleinkrieg*), as the *Schutztruppen* officers often labelled this kind of fighting. The intrinsic logic of a “war without limits”⁵ was at play in both cases, only the war in German East Africa did not lead to the emergence of death camps and mass executions. There were camps, whose

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- 3 After the German invasion of Poland in 1939, the country was divided into four different zones of influence: the Western parts were annexed by Germany and submitted to a rigorous Germanization policy, the Eastern parts were annexed in 1940 (after fake referenda, which were carried out among a terrorized population) into the Belorussian and Ukrainian Soviet Republics. In the German sphere of influence, the Generalgouvernement (GG) was created, a kind of protectorate into which the German authorities deported and expelled the Polish and Jewish population from the German-annexed parts. After 1941, the GG was expanded with some Western territories of Soviet Ukraine and two additional units, the Reichskommissariate Ostland (in the north, including Belorussia and Lithuania) and the Reichskommissariat Ukraine were created.
 - 4 Examples for intentionalist accounts are: Klaus Hildebrand: *Das Dritte Reich*, München: Oldenbourg, 1980; Andreas Hillgruber: *Germany And The Two World Wars*, Cambridge: Harvard University Press, 1981; Eberhard Jäckel, *Hitler in history*, Hanover: University Press of New England, 1984.
 - 5 “War without limits” is used here as a translation of the German “entgrenzter Krieg”, which is often mentioned in the German literature as a term for describing a war conducted without any humanitarian or moral constraints. Tanja Bühner: *Die Kaiserliche Schutztruppe für Deutsch-Ostafrika. Koloniale Sicherheitspolitik und transkulturelle Kriegführung 1885–1918*, München: Oldenbourg, 2011, 269–276.

function can be compared to those of earlier and later concentration camps, but despite their sometimes high death rates, they had not been created in order to annihilate a maximum of human beings in an industrial way.

The intentionalist interpretation has come under significant pressure in the historiography of the Holocaust, but it still is the predominant viewpoint of authors dealing with Germany's colonial policy in German South-West Africa.⁶ There, extreme violence in the "war without limits" against the Herero took place, because von Trotha, supported by high-ranking members of the general staff, ordered and implemented it, motivated by his racist attitude and the wish to bolster his public reputation as a successful, uncompromising field commander. It was then, reluctantly or not, carried out by his officers and soldiers. This is the way the story is told by Zimmerer, Drechsler, and many others, including authors who dispute the genocide claim or try to exonerate von Trotha and the *Schutztruppe*. They all have one in common: the focus on von Trotha and his October order as the main act of genocide in German South-West Africa. Once this focus is put aside and a broader view on the events is taken, intentionalist explanations of genocidal violence in German South-West Africa become much less compelling. But even if one accepts the perspective, according to which von Trotha's conduct gave rise to genocide, a basic problem is left: why then was von Trotha's October order rescinded in December of the same year? If von Trotha's order is the main proof and the most compelling argument for the occurrence of genocide in the colony, then the December decision constitutes the proof that the government in Berlin and the *Kaiser* did not wish genocide to be committed. This is also the way the December order is presented by some authors who relativize or renege the atrocities of the *Schutztruppe*.⁷ With such a narrow view on the events, no link to the Third Reich's occupation policies is possible any more, simply because genocidal violence in Central and Eastern Europe was inextricably linked to all resettlement plans and set out extensively by leading members of the NS elite, often in front of large audiences. In other words: from an intentionalist perspective, genocide was intended by von Trotha, but stopped by his superiors

6 For the discussion among intentionalists and functionalists (sometimes also called structuralists) see: Tim Mason: Intention and Explanation: A Current Controversy about the Interpretation of National Socialism. In: Gerhard Hirschfeld, Lothar Kettenacker (eds): *Der Führerstaat: Mythos und Realität*, Stuttgart: Klett, 1981, 21–40.

7 Claus Nordbruch: *Völkermord an den Herero? Widerlegung einer Lüge*, Tübingen: Grabert, 2004, 1–34; Heinrich R. Schneider-Waterberg: *Der Wahrheit eine Gasse. Zur Geschichte des Hererokrieges in Deutsch-Südwestafrika 1904–1907*. Teil 1&2, Swakopmund: Wissenschaftliche Gesellschaft Namibia, 2011, 15–21.

very quickly, whereas in Central and Eastern Europe, it was part and parcel of the occupier's intentions from the beginning to the end. This was very different in German South-West Africa. There, the camp system and the deportations were not the result of von Trotha's strategy, but the result of his failure. Had he managed to circle and annihilate the Herero in a big battle at the Waterberg, there would have hardly been anyone to be imprisoned in camps. The Herero would have found themselves either as refugees in other countries, scattered across the land in small groups (living from raids and robbery, like later the Nama), or they would have been killed in action at the Waterberg. Instead of camps, the *Schutztruppe* would have had graveyards to administer. The camps emerged, because the Herero (and later the Nama) were allowed to surrender, and when the camps were abolished, plans for deportations to other colonies started to mushroom. To press it into the categories of the intentionalism versus functionalism divide: von Trotha's way of waging war is best explained by intentionalism, while the creation of the camp system, the deportations inside and beyond the colony's borders are better explained by a functionalist approach – as the result of dynamics, which had been set in motion by the German authorities creating constraints and incentives that inclined them to apply more and more abusive measures in order to solve the problem their earlier actions had created.⁸ These measures were often (though not always) genocidal according to the International Criminal Law (ICL) concept of genocide, and a functionalist approach does not at all exonerate the leadership of the *Kaiserliche Gouvernement*, the *Schutztruppe* and the *Reichskolonialamt*. From such a point of view, these measures could be seen as the precursors of the large-scale ethnic engineering, which Germany imposed on the

8 Functionalists explain the shift from ethnic exclusionism towards Slavs and Jews in German occupied Europe by the tensions, which arose from the ethnic engineering projects of different, often competing Nazi agencies. According to the functionalist interpretation, the execution of these projects met obstacles on the mid-level administrative level and on the ground, which various mid-level decision makers tried to overcome by resorting to massacres. Examples for functionalist accounts of the Holocaust (which usually link the latter to the larger resettlement and deportation plans in Poland and the Western part of the USSR) are Raul Hilberg: *Täter, Opfer, Zuschauer. Die Vernichtung der Juden 1933–1945*, Frankfurt/M.: S. Fischer; Götz Aly: *“Endlösung”, Völkerverschiebung und der Mord an den Europäischen Juden*, Frankfurt/M.: S. Fischer, 1995; Christopher R. Browning: *The Origins of the Final Solution. The Evolution of Nazi Jewish Policy, September 1939–March 1942*, Tel Aviv: Yad Vashem, 2004. For the discussion among different strands of functionalism, see: Christopher R. Browning: *The Path to Genocide. Essays on launching the Final Solution*, Cambridge: Cambridge University Press, (10. Edition) 2008.

populations of the occupied territories in the East a generation later. But there is one important issue, which makes a big difference – the issue of rationality.

German occupation policy on the territory of pre-war Poland and the Western parts of the Soviet Union was based on a simple assumption: the territories, which were incorporated into Germany, had to serve as a kind of catch-basin for all those Poles and Jews, who were to be deported from the annexed territories, which were to be ethnically cleansed and entirely and ultimately germanized. At the same time, the *Generalgouvernement* (and after 1941 the *Reichskommissariate*) was expected to produce food surpluses, which should help maintain the pre-war standard of living in Germany proper and feed the *Wehrmacht*. It was a program of extreme exploitation, but it was rational, at least in the short term.⁹ And it worked. As Götz Aly has shown, despite the devastating losses of the *Wehrmacht* in the East and even during the large-scale bombing of German cities by the Royal Air Force, the living standard of the average German constantly increased – at the expense of the average Pole or Russian, who was starving at the same time.¹⁰ Gold reserves, foreign currency, artworks were shipped away from the occupied territories to Germany, farmers were forced to deliver a large part of their products to the administration and the industries of the occupied countries were incorporated into the German war effort. Until 1945, there was no hunger revolt in Germany, there were no strikes and demonstrations like had been the case in 1917. In other words – this policy, as cruel, heinous and atrocious as it was, served the interest of those, who had designed and implemented it. It was ruthless, but rational.

This was very different in German South-West Africa. In the South-West African colony, von Trotha's strategy of a "war without limits" was detrimental to the settlers' and the *Kaiserreich's* interests in two ways. First, because the colony

9 One might well contest whether the war against the Soviet Union in itself (and on which the extension of the GG and the creation of the Reichskommissariate were contingent) and the way it was conducted (without seeking to accommodate and gather the population of the occupied countries behind the German war effort) was a rational endeavor, because it put the Third Reich at an extremely high risk at a time, when the Nazi state was on the peak of its foreign policy successes and had expanded across all of Europe. However, this does not erase the difference to German policy in German South-West Africa. Collecting colonies may or may not be regarded as rational (like the war against the USSR), but within the framework of colonialism, killing the native labour force in times of huge labour shortage and in the presence of competing, but more attractive labour markets (in South Africa) remained irrational, no matter how one assesses the rationality of the colonial endeavor as such.

10 Aly, *Hitlers Volksstaat*, 26–34.

in itself was dependent on subsidies from the mainland and the destruction of its only assets,¹¹ the huge cattle herds of the Herero and their herders, made colonialism in this part of Africa an even worse business for Germany than it had been before von Trotha's arrival. And second, because it deprived the settler economy of the labor force it needed in order to expand.¹² These are arguments, which were often invoked by von Trotha's critics, who usually knew the conditions in the colony much better than he did. In other words: von Trotha's war strategy was detrimental to the colony's short and long term interests, and as such was irrational from the perspective of the colony and the mainland. One may claim that such a strategy was only possible because von Trotha had been such an ignorant outsider, who could manipulate his superiors to some extent by taking advantage of their relative information deficit about what was going on in the colony. The backing he enjoyed from the general staff and from the Emperor does not invalidate the argument. They can also be expected to care more for their personal reputation, and the reputation of the armed forces, than for the interest of the colony and of Germany as a whole. From the perspective of the whole *Kaiserreich* or even the colony only, von Trotha would still act irrationally. Finally, when von Trotha's measures became controversial and were contested by others (like von Bülow), they were revoked. But this does not mean that from that moment on, policy making in the colony became rational. Quite the opposite – the end of the war set in motion a spiral of incrementally irrational decision making. After the war, the Herero community was destroyed. A large part of it was dead, another part had fled to neighboring countries, all had lost their cattle and the small part of cattle which had survived the fighting and the starvation had been confiscated by the administration. If Herero wanted to stay in the colony, they now had to become workers and integrate into the settler colony. In practice that meant either becoming servants in the towns or farm workers in the countryside. Few decided to become outlaws and make a living from raids against farms, stealing cattle, and robbing travellers. But these few were at the

11 It must be taken into account that in 1904, no major primary commodities of any value had been found in the colony. The diamond fields around Lüderitzbucht were only explored after 1908.

12 One might also argue that killing, starving and deporting the Herero into Bechuanaland also deepened the gender imbalance of the settler colony, with its high deficit of women. There is some evidence that the destruction of the Herero community inclined Germans in the North to take away women from the Bushmen and contributed to the tensions between Bushmen and settlers which heightened after 1907. In the South, many settlers had lived in concubinage with Baster women.

root of the irrational decision making, by which the settlers hurt their own economic interest more than the Herero could. In the literature about German colonialism in South-West Africa, “settler paranoia” is an often cited term, whose purpose is to explain why the settler community reacted the way it did after 1907. The use of the term suggests that “settler paranoia” is a kind of mental deviation, which explains why people in an objectively, measureably more secure environment feel – and in consequence behave as if they were – less secure and more vulnerable than before. But there is nothing quixotic in such a behaviour and it does not at all require a medical explanation. The underlying mechanism, which was at play, is well known to social psychologists and criminologists. Insecurity perceptions are hardly ever directly linked to measureable threats and dangers, they may be low in an environment with high crime rates and high in an environment with a low crime rate. People often are weary of crime, when they actually feel insecure for entirely different reasons: because of a domestic crisis, because some kinds of crime (with no significant effect on the crime rate) have been highlighted by the media, because their country undergoes political or economic transition. Often perceived insecurity is low in neighborhoods, which are effectively controlled by one powerful gang, which is able to keep out competitors, impose its rules on petty criminals and therefore keep law enforcement at bay. This may change dramatically when the police cracks down on such a gang, arresting leaders, destroying the hierarchy and thus inclining mid-range gangsters to start a violent competition for the succession of the arrested gang leaders. Such a situation opens the neighborhood to infiltration from rival gangs and is very likely to increase petty crime and armed conflagrations between the remnants of the fallen hegemon. As a result, social perceptions of insecurity will sharply rise, despite the indisputable success of law enforcement. This is what happened in German South-West Africa. Before 1904, security perceptions had been shaped by the relative equilibrium, which governor Leutwein’s policy of *divide et impera* had created. In 1904, this feeling had been shattered by the violence of the uprising, but then come back with the *Schutztruppe*’s campaign and the destruction of the Herero and Nama polities. But after 1907, the German administration, the troops, the police and the settlers were confronted with a situation, which was much more complicated to solve: instead of one strong polity, which could coordinate and steer the actions of its members and engage in credible commitments with the Germans, they were confronted with a multitude of small groups of outlaws, which were difficult to detect, follow or catch, and which evaded fighting but strongly contributed to the perceived insecurity of the settlers. This is the mechanism in which “settler paranoia” was rooted. It was nothing specific to

settlers, it was nothing that would be specifically colonial or German. And the settler community and its organs (which, due to the introduction of limited self-government, had become better organized and more influential) reacted in a way that is also very well known to social psychologists. They tried to compensate their feelings of vulnerability, insecurity and exposure by resorting to repressivity.¹³ They wanted the remaining Herero and Nama to be punished, because punishment would give them a feeling of agency and power. They ignored that the consequences of ever harsher punishment would backfire on their own economic interests and that it would hardly solve the underlying security problem. Ultimately, the Herero and Nama who tried to make a living from banditry, did not raid their farms, steal their cattle (which had in part been taken from them before) and rob traders and travellers because they enjoyed it, but because it had become the only way of making a living outside the German economy. They would also not stop raiding farms because of harsher punishment, because among the Herero, a similar logic of radicalisation could be observed. Missionary Kuhlmann, who had agreed to reach out to the Herero to convince them to surrender, described this logic in an extensive report. The surrender offer had split the Herero settlements in the bush into traitors and collaborators, so that Herero emissaries, who were sent out to convince their kinmen to surrender, risked being executed by their own people and had to be equipped with arms for self-defence. The result was, however that Herero settlements spent the day in the field and returned only after dark to their huts. If they detected any trace of a foreigner, they escaped. Additionally, the destruction of the Herero polities had also led to banditry and lawless behaviour among the Herero community and to widespread insecurity and mistrust. Lonely Herero or small families, who encountered outlaw communities, were treated with such mistrust and hate that they had to join the outlaws in order to save their lives. As a result, many families, gathered by Herero envoys, had become so poor that they used to live like Bushmen: gathering fruit, roots and pumpkins, hunting and trapping wild animals. They had no cattle any more and often were given food by the envoys in order to

13 The notion of repressivity is used here as a synonym for punitivity. It describes a social attitude, not an action. Repressive or punitive applies to people, who more than others tend to respond with calls for (harsher) punishment to certain situations. Punitivity is regarded as an element of authoritarianism, but this does not mean that every punitive person also supports the imposition of authoritarian government. German settlers were repressive, because they urged the government, the police and the courts to respond to their insecurity perceptions with more repressive measures, not because they called for the introduction of a dictatorship in the colony.

be able to follow them.¹⁴ The combination of von Trotha's war strategy and the surrender offer had created anarchy among the Herero, which made it impossible to govern them – both for their own elders and for the German administration.

But time and again, when the issue was on the agenda of settler councils, the press or consultations with the administration, the settler community would opt for harsher punishment, more control over the native population and stricter enforcement measures. This line runs through all settler statements, petitions and lobby initiatives from the beginning of the Herero uprising until the German surrender to Union troops in 1915. This made the justice system in the colony more and more repressive and cruel. It added a specific kind of violence to the one, which the war had triggered: systemic violence, which came in the form of brutal law enforcement, the erosion of elements of the rule of law in the two-tier system the protection treaties had created, and the imposition of incrementally arbitrary punishment on natives. This becomes visible if one races the evolution of the colonial judiciary. In 1890, a special *Kaiserlicher Kommissar* was appointed to act as a second instance to the Governors judicial decisions. He was then replaced by the *Obergericht*. However, the Governor remained in charge of doing justice over natives. The prosecution was also subordinated to him, just like the officers of the police.¹⁵ Since September 27, 1903, the Governor was empowered by the Chancellor to regulate the administration of the *Schutzgebiet* and to issue by-laws governing the police. He then empowered some officers to govern the *Bezirke*. At the beginning, the Governor also was responsible for doing justice with regard to whites and natives. Until September 1909, natives, who had been mistreated by settlers, could introduce complaints against them on their own. This was in line with art. 65 *Strafgesetzbuch*, according to which plaintiffs were entitled to enter their own motions in court if they were at least 18 years old. In August 1909, the *Kaiserliches Obergericht* came to the conclusion (and advised the Government and the local administrations accordingly) that this was a contravention to the *Schutzgebietgesetz* (Sch.G.G.), art. 4, which required treating natives in the same way as white non-adults. The *Obergericht* argued that maintaining the practice which had been applied so far, would lead to a situation, in which native plaintiffs could decide on their own whether to initiate a case against whites for mistreatment. The presiding judge of the *Obergericht* urged

14 Undated report by missionary Kuhlmann, most likely from 1906 in: National Archives of Namibia BLU 48 G3R.

15 Based on: National Archives of Namibia, Windhoek, Findaid 1/1/1 Zentralbureau des Kaiserlichen Gouvernements ZBU vol. 3, Dr. D.J. Pieterse; A.C. Sern 1973 and Die deutsche Kolonialgesetzgebung 2. Teil.

the administration only to admit complaints of natives if they were introduced by a “legal representative”. As such he regarded the *Eingeborenenkommissar* or, if none was yet appointed for the respective territory, the head of the *Bezirks-* or *Distriktsamt*. Of course, “legal representative” did not mean a lawyer of the plaintiff’s own choice.¹⁶ The crime most frequently committed by natives against settlers was cattle theft. Usually, settlers saw harsher punishment as the only way of dealing with it. In August 1903 – before the uprising of the Bondelswarts and the Herero uprising – a settler organization from the south urged the Governor to impose harsher penalties on cattle thieves and to oblige the police to pursue them. The memorandum also reveals a conflict of interest between the administration and the police on one side and the settlers on the other: The settlers wanted the police to hunt cattle thieves, the police regarded it as more appropriate if the settlers did so. In a comment to the memorandum, Leutwein even proposed empowering the settlers with police competences.¹⁷ The local administration shared the conviction that repression was the best means of deterring potential thieves from stealing cattle, but it regarded the imposition of harsher minimum sentences as unnecessary, since each *Bezirks-* and *Distriktsamt* had a relatively free hand to mete out the punishment it regarded as adequate.¹⁸

The Herero uprising was still in full swing and the Waterberg battle had not yet taken place when a settler delegation showed up in Berlin with a comprehensive report about the reasons for the uprising and the request to indemnify the settler community in the colony with money from the German budget. The settlers’ argument concerning the reasons for the uprising was only one, which from today’s perspective sounds rather familiar and very similar to Drechsler’s line of reasoning; and it also differed strongly from all missionary and administration accounts of the conflict. The Herero, the report said, had launched the uprising because of “the Herero’s hate against German foreign rule.”¹⁹ “From history we know, and

16 Kaiserliches Obergericht, J. Nr. E.R.1754, Windhuk, 9.8.1909, ZBU 601–603, F1a1 Band 1.

17 ZBU 715 FV.o1, Auszügliche Abschrift aus des Antrage des Vereins für landwirtschaftliche Interessen des Südbezirks, 13.9.1903.

18 BU 715 FV.o2, Kaiserliches Bezirksamt an das Kaiserliche Gouvernement (about a motion of the farmer association from Outjo) 31.10.1909.

19 The original wording was *Fremdherrschaft*. The settler report was entitled “Die Ursachen des Herero Aufstandes und die Entschädigungsansprüche der Ansiedler. Dargestellt von der Ansiedler Abordnung”, Berlin: Verlag Wilhelm Bauch 1904. The report was tendered to the German Foreign Office and the Reichstag by Franz Erdmann (one of the authors and a settler) in early June 1904. See: National Archives of Namibia, ZBU

we see it every day that no people endures foreign rule without rising against it trying to get rid of it at the best moment”, the report claimed. It then presented the uprising as the inevitable consequence of German colonialism – it had had to happen simply because the Germans had subjugated the Herero and regardless of how they had treated them. This discursive strategy had one objective – to marginalize the arguments of missionaries, *Schutztruppen* officers and the Gouvernement in Windhuk, who all blamed the conduct of the farmers and traders for the outbreak of the uprising and painted a bleak picture of their behaviour toward the Herero, emphasizing the importance of the debt crisis. Instead, the settlers highlighted the land reserve debate, the fact that Samuel Maherero had become paramount chief against Herero traditions and against the will of some influential Herero elders. There had been abuses against Herero, but they had been committed by “flying traders” (hence not by permanent residents of the colony) and had been marginal, the report claimed. The report was not only meant to bolster settler demands for compensation, it was also meant to contradict the official version of the Gouvernement, or, more precisely, the version of Governor Leutwein. This becomes clear, when the report is confronted with press reports about settlers harshly criticising Leutwein for his lenient conduct with the Herero before the uprising, his alleged lack of competence and experience, and his failure to ask for more reinforcements after the outbreak of the uprising, which had cost unnecessary lives.²⁰ What did the settlers reproach Leutwein with? Mainly that he had not acted like von Trotha: heavyhanded against the Herero, quashing the uprising before it had happened and not having it repressed more ruthlessly once it had broken out. According to settlers who had shared their views with a newspaper correspondent, the Herero did not understand friendly attitudes; they interpreted it as weakness and felt emboldened. The only way to treat them effectively was to show them that the Germans were their “lords and masters”.²¹ This, however, would have driven the Herero only further into the arms of labor recruiters, who worked for the South African mines. Apparently the settler community was unaware how much the Germans competed over access to labor with their South African rivals. Settler representatives called for punishment and

450 DIVI1 Weissbuch Hereroaufstand. The delegation consisted of Erdmann, Albrecht Voigts, Kürsten, Schlettwein and Erhardt (the record does not provide first names). National Archives of Namibia, ZBU 450 DIVI1 Weissbuch Hereroaufstand.

20 Müglitzthal-Nachrichten, 2.7.1904. The article was read by Leutwein who had ordered investigations into the composition of the settler delegation. National Archives of Namibia ZBU 450 DIVI1 Weissbuch Hereroaufstand.

21 The original wording was “überlegener Gebieter”.

submission, rather than for better working conditions and higher wages, which would have been the only way to incline the highly mobile Herero to stay in the colony. Repressions would only serve the interest of the labor recruiters and the mining industry across the border.²²

This competition became tougher and tougher after the hostilities had ended. With the end of the state of war in 1907, the camps were dissolved. Some Nama and Herero were still imprisoned, but often they managed to escape.²³ The administration tried to get rid of the most rebellious inmates by resettling them within the colony and to Togo and Kamerun. But the conditions there proved too rough for the Nama and Herero who had been sent there, so they returned. This in turn, caused outrage among the settlers and increased their fear of another uprising, undermining their confidence in the administration.²⁴ At the same time, the administration put in place a surveillance system, which separated the white population from the natives and submitted the latter to the control of each and

22 This aspect also makes the colonial policy after 1904 much less rational than the Nazi occupation of Poland (and later Ukraine and Belorussia). The South-West African labour force had an alternative to the German labour market, the population of the German occupied countries did not. Polish, Ukrainian, Belorussian workers who did not want to work for the German industry, could only become outlaws similar to the Nama, who had refused to surrender and stayed in the bush. Eastern European workers could work for the German occupation authorities at home (producing surpluses for Germany under inhumane conditions), as forced or (more or less voluntary) migrant workers in Germany proper or in the concentration camp system (which also produced surpluses for Germany). The only way to evade that was to go to the forests and join partisan movements. In German South-West Africa, there always was a third option between integration into the German labour market and the bush – the mines in South Africa. In Central and Eastern Europe, the Nazi state could impose inhumane conditions and exploit the local labour force to the maximum because there was almost no way for the workers to circumvent the German labour market (partisan activity was only suitable for young people without children). There was one exception from the rational patterns of German expansion to the East: the death camps. They used state resources in order to destroy a potential labour force for ideological reasons, which – under the presumption of total rationality – could be used in order to create surpluses for Germany and to support the war effort.

23 That was the case in Karibib in March 1910. Governor Hintrager an Reichskolonialamt, 1.3.1910 in: BArch R1001.2090.

24 This is exemplified by a leaflet from Keetmanshoop, which was distributed there in August 1906 and attacked missionaries and the administration for not treating the Nama harshly enough. (The source is obscure, the archival record suggests, it could also have been an article in a shortlived local newspaper): BArch R1001.2090.

every white person. Natives had to carry passes, which could be controlled by anyone. In case of violations, a native could also be arrested by any white person. Natives had an obligation to work and were assigned to their employer. Since they were no longer allowed to own cattle, they also had no other option for their survival than to work. They could not leave their employer without a cumbersome and complicated procedure.²⁵ This was the way the settler community responded to the competition from the South African labor market. It imposed rigid control on the natives, forcing them almost physically to stay in the colony and at the farms they were working at, rather than raising wages and improving conditions to keep them and make their work more productive. Under the conditions of a liberal labor market and lack of workforce, farmers would have had to compete over native workers and, after some time, the market would become supply-driven. Workers would be able to choose their employer and, and would be offered better payment and better conditions. Once these conditions were better than in South Africa, the colony would attract labor rather than export it, eventually noting a surplus and again becoming demand-driven. But this was not how things happened in German South-West Africa. There, the more time elapsed since the uprisings, the stricter and harsher labor market and surveillance provisions became. And in response to this change in societal values, legal norms shifted and the judiciary turned yet more repressive. Beginning from December 1, 1909, all prisoners declared healthy were obliged to do forced labor. Working exempted them from paying specific fees for their catering (for non-working prisoners 1 Mark per day). If the prisoners worked for private contractors, the latter had to pay 1.25 Mark per day and another 1.5 Mark per day for a native policeman, who had to guard the prisoner. If such a private contractor provided food to the prisoner and the guard, he would obtain 0.50 Mark per day as compensation.²⁶ The compensation mechanism between the colonial administration and private

25 In 1912, the obligation for natives, to carry a “duty book” (*Dienstbuch*), was imposed. This enabled any outsider to check whether a native was actually working for the employer, who had concluded a contract with him, or had fled to another one. Contracts were registered by the administration. The administration made sure that the contract (usually for one year) included provisions about payment and free food. Kaiserlicher Gouverneur von Deutsch-Südwestafrika, summary of the deliberations of the *Landesrat*, 26 June 1912 in: National Archives of Namibia ZBU 715 Fvo1r, Polizeiverordnung. The wording of the document makes it clear that natives were not always paid or given food.

26 ZBU 687 F.V.A1–3, Kaiserlicher Gouverneur von DSWA and das kaiserliche Bezirks-Distriktsamt, J. Nr. 25852, Windhuk, 29.9.1911.

employers was efficient. The private sector would employ native convicts, who would produce a certain additional value, which – in the form of the above-mentioned fees – would be refunded to the colonial administration. If the employer managed to incline the convict workers to produce a value which exceeded the fee, it would be his profit. The mechanism was likely to cause exploitation, since the workers would not get any benefit from working harder and creating additional profit for the employer.

The compensation mechanism failed with regard to convicts who could not be offered to private employers and had to work for public purposes, such as, for example, in building infrastructure. There, the mechanism led to a deficit, because in such a case, the respective building department had to feed the convicts at its own charge, but did not get any compensation. In such cases, the *Bezirksamt* tried to enforce a kind of accommodation fee for the time the convict had spent in custody. The *Bezirksämter* were opposed to the imposition of such a fee, because it hurt relatively diligent, settled and reliable workers more than lazy (or less skillful) and mobile ones. From the former, the fee was relatively easy to collect, whereas the latter hardly ever had the means to pay and were difficult to find.²⁷ In 1911, the Governor amended the rules for forced labor working for public purposes and obliged the judicial fund to refund public employers.²⁸

In June 1912, the *Landesrat* – the advisory council of the settlers – called for “imprisonment with forced labor” for those natives who were “straying around” (rather than working) and could not show their pass mark. This was to be applied even to women, who could then be sent to farms with labor shortage and thus be taken away from their families. But not only natives tried to circumvent the strict labor market regulations. For farmers with a labor shortage, a system which confined workers to their employers was only profitable as long as they had the labor they needed. If not, they would compete with others by employing workers, who had escaped their employer. In that respect, the economic interests of vagrant workers and farmers with labor shortages overlapped. And of course the natives, not the white settlers, were the ones who faced punishment if they violated the labor laws. Nevertheless, this common interest undermined the efficacy of the whole system, of which the authorities were well aware. But with respect to the repressivity of the settler community, there was no way of replacing the system with a more liberal and market-oriented one. The increasing punitivity of

27 ZBU 687 F.V.A1–3, Der Kaiserliche Bezirkshauptmann Lüderitzbucht an das kaiserliche Gouvernement in Windhuk 24.8.1909. The letter was written in order to exempt some (diligent) convicts from the *Strafverpflegungskosten*.

28 ZBU 713–714, F.V.12, Kaiserlicher Gouverneur von Südwestafrika, Windhuk 299.1911.

the surveillance system led to an increase in punishment. It filled the prisons and made capital punishment peak. To a large extent, this was a bottom-up driven tendency, fuelled by settler punitivity which the administration tried to temper and cushion.²⁹

In May 1912, the Governor realized that abuses during court proceedings had reached such an extent that intervention had become necessary. In a circular reminder to all Bezirks and Distriktämter he urged for the inclusion of native jurors in court proceedings against natives “in order to avoid verdicts which run contrary to the natives’ understanding of justice” and to enable the judges to obtain insights into the lives and opinions of the natives.³⁰ But the reminder was hardly efficient and in mid-July, another one was sent to the same offices, urging them to remember that the Bezirksamtmann alone was entitled to issue disciplinary punishment and that wardens, who handed out corporal punishment against prisoners, violated their duty rules. Native prison guards, who – according to the reminder – were especially cruel to the prisoners when flogging them, were to undergo disciplinary punishment themselves.³¹

The disciplinary punishment for prisoners invoked by the circular reminder included, according to art. 10 of the respective regulation³² food reduction until 14 days, solitary confinement up to 2 months (this could overlap with a 14 day food reduction), tying the prisoner for not more than 24 hours and beating him “according to the general regulations thereof.” The punishment could only be meted out by the Bezirksamt, not by prison guards or native assistants. All prisoners were obliged to do forced labor, except during the weekend.

As time went by, the efforts of the central administration in Windhoek to maintain the integrity of investigative and judicial procedures against the grass-roots pressure from the local administration, the police, and the settlers to punish native transgressions more and more harshly clashed ever more often. In October 1912, the Gouvernement threatened policemen with prison sentences of up to 3 months if they hurt suspects or witnesses during an investigation and

29 This is another difference to the Third Reich, where surveillance and punitivity were top-down driven and violence from the state was constrained (sometimes) only by interventions from churches (in Germany proper) or the army (when such violence threatened to undermine the war effort). Zimmerer, *Der totale Überwachungsstaat*, 101–103.

30 ZBU 687 F.V.A1–3, unsigned document from 29.5.1912.

31 ZBU 687 F.V.A1–3, Kaiserliches Gouvernement Windhuk, 29 July 1912.

32 Bestimmung über die Eingeborenengefängnisse vom 29 July 1912, in: ZBU 687 F.V.A1–3, Kaiserliches Gouvernement Windhuk, 29 July 1912.

with gaol punishment of up to 5 years if they tried to extort testimonies or confessions by force.³³ Hintrager's efforts to incline the local authorities to resort more to fees, rather than corporal punishment, proved to no avail. The local authorities saw fees as a proof of weakness, which would only incline the natives to become more challenging. The responses to Hintrager's reminders show a clear picture: according to the local administration, the reasons for punishment were mostly "laziness, indolence and insubordination" – or in other words, a pattern that is typical for situations, in which workers view their work as pointless and frustrating. From that point of view, even Hintrager's relatively lenient approach had no chance of improving the relations between the forced laborers and their guards and superiors, because the conflict's root was the situation created by the institution of forced labor itself. It provided sticks for the prisoners to work, but absolutely no carrots, and it deprived the prison administration of any means other than violence to incline the prisoners to work.³⁴ The correspondence between Hintrager and the local authorities revealed more and more of the clash between the former's rational and legalist considerations and the drive of the latter to regain control over the native prisoners by escalating violence when punishing them. The commissioner for the natives (*Eingeborenen-Komissar*) argued that lenient sentences always made prisoners even more resistant and obstructive and pushed them to commit further transgressions, driving farmers to resort to self-help and punish workers on their own.³⁵

On August 21, 1911 the Governor again intervened to remind the *Bezirksamt* to equip verdicts against natives with a justification and reasoning and not only add a short description of the investigation. Otherwise it would not be possible to confirm the verdicts. Apparently the local offices had sent in verdicts without reasoning, justification and the necessary legal terminology, and regarded confirmation as a mere bureaucratic requirement that was formal rather than content-related.³⁶ There is no record showing parsimonious verdicts to be rejected by the higher instance. It rather seems that Windhuk grudgingly confirmed all the verdicts coming from the periphery. In October, it threatened the *Bezirksamt*

33 National Archives of Namibia, ZBU 687 F.V.A1–3, Kaiserliches Gouvernement Windhuk, 1.10.1912 and 30.10.1912

34 National Archives of Namibia, ZBU 687 F.V.A1–3, Kaiserliches Bezirksamt Windhuk 5.11.1912 in response to the circular reminder from 30.10.2012.

35 There is whole number of records about this in the National Archives of Namibia, ZBU 687 F.V.A1–3.

36 ZBU 689 F.V.c1, Kaiserlicher Gouverneur von Deutsch-Südwestafrika, Windhuk 21.8.1911 an das Kaiserliche Bezirks-(Distrikts-)Amt.

Grootfontein with rejecting a scrappy judgment and even ordering a re-trial at the cost of the natives' judge in charge. Such judgments tended to be even more tenuous than the ones produced by the police and did not link evidence which precise crimes, Windhuk complained. But nevertheless, he confirmed the verdict, including the death penalty for two Bushmen. Procedural shortcomings caused conflicts within the German administration, but they did not affect the rights of the accused, as long as they were natives. Even in cases where the judgments did not present a clear argumentation in favor of their guilt, they could still be hanged if the lower instance wanted it that way.³⁷ In November 1913, two Bushmen were hanged for murder, although neither the investigation nor the trial had been able to reveal who their victims had been.³⁸

While the theft of cattle used to be punished either by corporal punishment or prison of several years before the uprisings, it became a crime punished with the death penalty afterwards. In March 1912, the native court (*Eingeborenengericht*) in Rehoboth needed only two pages to sentence the members of a small group of natives, who had lived in the waterless Dunes at Tsumis since 1908 and stolen a number of animals from nearby farms. One of them, Uwrichab, confessed. All were sentenced to death, but the *Bezirksamt* had asked to transform his sentence into one of imprisonment. The request was turned down in Windhuk. It is quite clear from the enigmatic judgment that the accused had stolen the animals in order to obtain food, since they were alleged to have slaughtered them immediately. They also had some primitive weapons (poisoned arrows, arches, an axe and a knife). Uwrichab, a Bergdamara, was regarded as their leader. It is unclear from the documents if the request to spare him the death penalty was linked to his confession or caused by something else. It was turned down anyway and Uwrichab was hanged, "in order to achieve the correct deterrent effect on the natives".³⁹

37 ZBU 689 F.V.A3, Kaiserlicher Gouverneur in Windhuk to the Bezirksamt in Grootfontein, 18.10.1913.

38 Kaiserliches Bezirksamt Grootfontein 15.10.1913 to the Governor in Windhuk (asking him to confirm the death sentences). The Governor confirmed and the two were hanged a month later: ZBU 689 F.V.A3.

39 ZBU 690 F.V.b2, Windhuk 15.4.1912, J. Nr. 8306 and verdict (*Todesurteil*) 1/5.5.1912 J. Nr. 10760. One of the accused, called Urikub, a Bergdamara, was alleged of having killed another native. He was hanged on 7.5.2012.

Table 2: Punishment between 1911 and 1913 in German South-West Africa⁴⁰

	Death penalty	One year of imprisonment or more	Prison between 6 and 12 months	Less than 6 months of prison	Fees	Corporal punishment (beatings and whipping)	Total
Group 1	4	14	6	18	26	26	94
Group 2	5	16	11	59	15	44	150
Group 3	1	92	74	271	15	164	617
Group 4			10	552	292	1479	2333
Total	10	122	101	900	348	1713	3194
Total for the previous year	14	119	101	1002	327	1655	3218

From the government's perspective, harsher punishment would incline the natives to switch sides in an approaching conflict with Britain and encourage them to start an uprising in support of an invasion from the Cape Colony. For each farmer, less punishment also would have been rational, because it would have prevented workers from switching employers. But, as mentioned above, the farmers preferred to pressure the administration to prevent employer-switching by administrative means and impose sanctions on it, which enabled them to stick to repression in their contacts with native workers.

In September 1912, the Governor went so far as to impose duty counsel on natives, who wanted to sue their employers for outstanding salaries. Until then, they had to hire a lawyer (and pay him), but from September 1912 onwards, the local administration had to appoint an officer, who could represent a native plaintiff for free in court (if possible, the *Eingeborenenkommissar*). In complicated cases, the *Bezirksamt* would have to file a request to include the native into the duty-counselling scheme for indigenous plaintiffs, after which a professional lawyer acting on behalf of the native plaintiff could deal with the case. The new

40 Own calculations based on the statistics contained in ZBU 694–695, F.V.g.2., betr. Strafrechtspflege gegen Eingeborene, Statistik specialia 1913. The convicts were grouped into categories of crimes, with Group 1 with the most severe crimes (crimes against the state such as high treason and resistance against state officers), Group 2 with crimes against the person (against public morality, against life, personal freedom and integrity), group 3 with economic and financial crimes (theft, robbery, blackmail, forgery, arsen etc.), group 4 included the least severe crimes (all other verdicts and administrative punishments).

regulation excluded such measures for “higher standing natives”, who could represent themselves in court, like the *Rehobother Bastards* and *Mischlinge*.⁴¹

In 1912, the Governor intervened against too lenient sentences for whites, who had committed crimes against natives. He urged the prosecutors to demand higher sentences during trial, “in order not to upset the natives”, and to appeal in cases, where the sentences remained considerably lower than the demands in the indictment. In cases of corporal mistreatment, the prosecutors should also ask for compensation for the victim, and the Eingeborenenkommissar should act as a custodian of the victims.⁴² By 1913, trials against natives had become more and more superficial. Native accused were not given translators by the courts and were not even heard before they were sentenced to death. This was criticized by the Governor, who sought to recruit translators and urged the courts to apply the procedures required by law.⁴³ Governor Theodor Seitz was also concerned about the brutal way courts tended to punish cattle theft. When the thieves had been armed, were unregistered or had been leaders of gangs, courts almost automatically issued death sentences. But even ordinary cattle thieves often faced capital punishment. In order to curtail this practice, the Governor proposed to the Reichskolonialamt to deport convicts to other colonies, despite the high cost and the opposition from other Governors, who did not want to relive the experience with the Nama groups deported to Kamerun.⁴⁴

In April 1914, the problem was already on the desk of the *Reichskolonialamt*. Since 1907, the district administrations were obliged to submit every judgment involving more than 15 beatings or 10 whippings to the Governor for confirmation. But the *Bezirksämter* had never complied with it. Neither did they after another reminder from Berlin in 1914. Instead, they argued the requirement to report judgments would constitute an exaggerated bureaucratic burden and the Governor allowed them to submit the original records rather than reasoned

41 Windhuk, 24.9.1912, Gouverneur to the Bezirks-distriktsämter Windhuk, Keetmanshoop, Sawkopmund, Luederitzbucht and Omaruru. ZBU 646–648 F.IVa1. The Germans often labelled Baster “Bastards”. “Mischlinge” refers to people with a mixed-race origin (at least one parent had been of black skin color. Before 1905, this distinction between “black” and “non-black” had not been clear).

42 Governor to the Bezirks-distriktsämter, Windhuk 29.5.1912. ZBU 646–648 F.IVa1.

43 Kaiserlicher Gouverneur an die Kaiserlichen Bezirksämter, 19.12.1913 in: National Archives of Namibia, ZBU 716 F.V.P1–5.

44 Kaiserliches Gouvernement an den Staatssekretär des Reichskolonialamtes, 12.8.1913 in: BArch R1001.2091.

motions for confirmation (which shifted the bureaucratic burden higher up the hierarchy).⁴⁵

The system, which emerged from the settlers drive to punishment, deepened the conflict between white and black people, exposing the latter to unfair trials and to cruel and disproportional punishment. But this was a bottom-up development, which went against the policy of the administration. It was far from being totalitarian in the sense of the Third Reich's treatment of occupied territories in Central and Eastern Europe. There, the systemic violence descended top-down from the highest echelons of the administration and was applied on the ground by obedient bureaucrats and willing executioners. It was a two, or even three-tier system, which strongly discriminated against the Jewish and Slav population and exposed them to a justice system, which was unpredictable and arbitrary. But it was imposed from above, unmoderated and untamed by the administration of the *Generalgouverneur* and the *Gauleiter*, and the German settlers on the ground had no say in it. They were better treated by the judiciary and law enforcement, they were privileged in comparison to the Jewish and Slav population on the spot, but they also were objects, rather than subjects of the policy that was applied.

Claims depicting German South-West Africa as a "surveillance state", where natives were subordinated to total control in a way that anticipated the surveillance of the population in the totalitarian system of the Third Reich, are misguided.⁴⁶ Surveillance in the South-West African context had the objective (as Zimmerer himself writes) of making sure the workforce was distributed more or less equally (or in accordance with the settlers' demand) across the land and that workers and employers stuck to minimum requirements (like free food and payment).⁴⁷ They restricted the natives' mobility. Contrary to the measures during the Third Reich (and especially in the occupied territories), the system was neither meant to lead to the total surveillance of individuals, nor was it meant to influence more than individuals' behavior. In the General Government, the German authorities showed anti-Semitic films to the Polish population, let members of pre-war pro-fascist movement beat up Jews in the streets, distributed

45 Kaiserlicher Gouverneur von Südwestafrika, Windhuk 29.4.1914 in: ZBU 698 FVkl Band 1.

46 Jürgen Zimmerer: Der totale Überwachungsstaat. Recht und Verwaltung in Deutsch-Südwestafrika. In: Jürgen Zimmerer (ed): *Von Windhuk nach Auschwitz? Beiträge zum Verhältnis von Kolonialismus und Holocaust*, Münster: Lit Verlag, 2011, 92–119.

47 Zimmerer, *Herrschaft*, 188.

anti-Semitic leaflets to the population in order to prepare the creation of ghettos in the cities and towns.⁴⁸ They undertook considerable efforts to influence the thinking, the value orientations and attitudes of the population of the countries under German occupation, supported pro-Nazi movements in the Netherlands, Belgium, France, Romania, and Hungary, and maintained propaganda radio stations in foreign countries. In German South-West Africa, the German authorities never cared about the political orientation of Herero and Nama in their locations and reserves, as long as they did not prepare another uprising. There was not even a noticeable propaganda effort to influence settlers, regardless of whether they were Germans, Britons or Afrikaner. The authorities in Windhuk never even thought about steering individuals' political, religious, ideological convictions, there was no ideological indoctrination and no attempt to influence private behavior, register talk or regulate the exchange of information between individuals. In other words – it was a labor market and security driven surveillance, without any totalitarian features.

The rumours about imminent uprisings, which formed the background of the surveillance, proved unsubstantiated. They circulated among settlers, but when the administration ordered inquiries to be made, it never found any evidence for the allegations. Sometimes, it discovered grievances of native groups, but surprisingly, they often came from groups who had not taken part in the Herero and Nama wars or had even fought with the German troops. The latter was the case when in 1913 – subsequent to such a rumour – deputy governor Hintrager obtained information that some of the Damara claims from 1904, which the administration had already approved, had not been settled yet.⁴⁹ The Berseba Nama in the south – who were also suspected by farmers to rise – had no intention of doing so, according to the inquiry of the district administration. During the war, they had been divided into a war faction and a clan, which opted against the uprising. Due to the surrender conditions, the Berseba were able to retain their cattle and continue to live on their own, but used to work on German farms in

48 Tomasz Szarota: *U Progu Zagłady: Zajścia Antyżydowskie i Pogromy W Okupowanej Europie*: Warszawa, Paryż, Amsterdam, Antwerpia, Kowno, Warszawa: Sic, 2000.

49 In 1904, the Bergdamara had taken advantage of the uprising to settle scores with the Herero, by whom they had been subjugated in the past. Some Bergdamara joined the *Schutztruppe*, fought against the Herero, managed to leave the serfdom-like relationship with the Herero and obtained the promise of the administration to be compensated for their war losses (mostly cattle). See the correspondence from May 1913 between the Governor and the Bezirksämter in: National Archives of Namibia ZBU 2365 VIIM Stimmung Eingeborene.

order to get access to cash. This proved to be a model for peaceful cohabitation, because it left the traditional tribal structures intact, provided the farmers with labor, and made clear to the elders what they would risk in case of a riot.⁵⁰ Other groups were too weak and badly organized to launch riots, or they had lost the ability of collective decision making due to a lack of central authority. Such a situation was described by a district officer, who had investigated the situation in Okambahe. There were a lot of grievances by the local Herero population, who saw their pre-war situation reversed: Now the Herero were sort of slaves, whereas there former subjects – the Bergdamara – were better off. But the most pertinent reason for grievances– according to the district officer, whose style seemed to indicate quite a lot of empathy for those grieving – was the bad treatment of the Herero by the farmers. They treated them *en canaille*, cursing them. “The native has a sense of dignity”, the report states, “but this is never being taken into account. He is treated like a piece of cattle.” The Okambahe officer could hardly know the report about the Berseba, but he proposed the same model for the Herero. Labor immigration from abroad should be facilitated in order to increase labor supply in the towns. Then the Herero could be sent to land reserves, where they would be able to follow their traditional lifestyle, sending workers to the farms. The officer did not say it explicitly, but this program would lead to the same consequences as with the Berseba. It would give back a sense of life and purpose to the Herero, increase their birthrate and decrease the impression that they had nothing to lose.⁵¹ Most district posts reported no indications of any imminent riot or protest, but almost all criticized the treatment of native workers by farmers. Some district officers even dared to criticize the general policy of the Gouvernement and the government in Berlin towards the colony, regarding it as too repressive for the natives. “All our regulations for the natives are more or

50 Labour supply for the farmers was obviously smaller than it would have been if the Berseba polity had been shattered to pieces. In the latter case, the settlers would have more labour force at their disposal, but would also have risked more insecurity. The administration made it clear to the Berseba that the status quo would only be sustainable if they remained peaceful. Otherwise they would be “annihilated” (vernichtet). Geheimbericht (no date, but the context indicates it had been written in May 1912) in: National Archives of Namibia ZBU 2365 UIIM, Stimmung Eingeborene.

51 The author of the report claimed that the low birth rate among the Herero was a result of their loss of social status with regard to other groups and that Herero even explicitly rationalized their lower birth rate in conversations with him. They often pointed to the Nama, who had been allowed to keep their cattle in the surrender conditions. Confidential report from Okambahe (no date, but the report arrived in Windhuk on 2.6.1913) in: National Archives of Namibia ZBU 2365 VIIM Stimmung Eingeborene.

less based on coercion and interfere deeply with the freedom of the natives” one officer wrote.⁵² This situation did not change until the colony was conquered by South African forces during World War I. There was no riot, no uprising took place, but the settler community remained weary and oppressive. The violence, which the Herero and Nama experienced, came from four different sources. The first source was the direct violence used by the military during the wars, the second were administrative decisions made by the military, the administration and the government (mostly the *Reichskolonialamt*) in Berlin regarding camps, deportations abroad and forced removal within the colony. The third was the law that was passed and implemented during and after the war, which confined native workers to their employers, solidified the abolition of most of the Herero and Nama polities, and made the former subjects of these polities dependent on the German employers and the administration. This was systemic violence, whose main purpose was to ease the fears of the settler community. Both sides of this equation, the native groups who had lost their polities and the German settlers, left the war feeling vulnerable, exposed and lacking control, although only the native part had actually lost control of its collective life. The last source of violence was entirely bottom-up – it was the direct and personal violence which individual settlers applied on individual native workers, either in the form of private violence or in the form of a strongly punitive, oppressive and biased justice, which sanctioned any wrongdoing by natives harshly, but often ignored or exonerated abuses committed by farmers, or treated them with extreme lenience. Much of the violence Nama and Herero faced after 1907 was directly or indirectly of a grassroots nature. The ascending, more and more numerous settler community pressured police, courts, and the local administration to use more and more violence against shirking and defiant Nama and Herero, to either amend the law in order to make it more oppressive or to interpret it in a way that would allow for more violence (like in the case of the Bushmen). But time and again, the Governor and the administration tried to curb these initiatives to prevent the settlers from acting against their own mid- and longterm interest and to shelter the colony from the disastrous consequences of the settlers’ drive towards punishment and retaliation.⁵³ The issue even become a topic of bilateral relations,

52 Undated report (received in Windhuk on 8.9.1913), no name detectable. The report deals with the Berseba and comes from the Nama territory in the South, it is included in the collection of the National Archives of Namibia, ZBU 2365 VIIM.

53 In the years preceding the outbreak of World War I, several discussions were going on in the Cape Colony (and after 1910 in the Cape Province) and the Transvaal concerning a ban for labour recruiters to bring workers to German South-West Africa, because of

first between the Cape government and the German colony, then between Britain and the Reich. After violent clashes between protesting workers and the army in Wilhelmstal, the British government inquired in Berlin about the treatment of natives in the German colony. Due to the labor shortage, Germany had to recruit labor in the Cape, but by doing so entered into a competition with the South African mines and farmers, who suffered a shortage of labor, too. At various occasions the Cape parliament discussed a recruitment stop for Germans in the Cape, which German diplomats tried to prevent through intensive lobbying.⁵⁴

Analogies between this situation and the one in German-occupied Central and Eastern Europe during the 1940s are not easy to imagine. Authors who construct them need first to shove aside the mere dimensions of both policies: tens or hundreds of thousands of Nama and Herero under German rule versus tens of millions of people in the annexed and occupied territories of pre-war Poland, the Soviet Union, the Baltic countries, Yugoslavia and Tschechoslovakia, with very different regimes, from collaborationist ones like in Slovakia and Croatia (with a considerable degree of autonomy), to entities which were at the entire mercy of civilian and military administrators (like the GG and the *Reichskommissariate*). One might even doubt whether the 20,000 settlers in German South-West Africa could be compared to any German communities in Central and Eastern Europe, many of which had a century-long history of integration with the local communities and were not at all regarded as colonizers by their host communities (by which they had been given citizenship long ago). But astonishingly, there even was a parallel to the African “settler issue” in occupied Poland, which has nothing to do with long-established ethnic minorities. Subsequent to the Pact between Hitler and Stalin in 1939, which partitioned Poland and recognized the Baltic countries as part of the Soviet sphere of influence, Germany, Italy, and the USSR had concluded a number of agreements about the resettlement of traditional national minorities. In a large-scale population exchange, Germans from Northern Italy, the Baltic countries, Ukraine and Russia were to be resettled to Germany. Given the Nazi movements obsession with “living space” and the popular conviction about Germany being too densely populated, these minorities were to be resettled to those parts of Poland, which had been annexed by the Third Reich

the labour shortage in the Cape economy. Some information about this debate found its way into the archives of the Gouvernement in Windhuk and the Reichskolonialamt in Berlin. See also: Government Documents, Gierike Library of the University of Stellenbosch, The Parliament of the Transvaal. Legislative Council. Debates in the extraordinary session, first parliament, 6.4.1910, 419.

54 Zimmerer, *Herrschaft*, 237–239.

in 1939. In order to convince these German populations to “come home to the Reich”,⁵⁵ they had to be offered more comfortable conditions than in their country of origin. But given the unsolved land reform issue in interwar Poland, the size of a rural household was usually much smaller in Poland than the average farm left by Germans from the Baltic countries and South-Tirol. Therefore, several Polish farms had to be given to one German family, in order to incline the latter to resettle. That in turn meant that the number of Poles to be chased out of the annexed territories into the Generalgouvernement had to be much higher than the number of arriving German families. In an attempt to achieve the required outcome, the German administration first concentrated and deported the Jewish population of the annexed territories, resettled the Poles into the former Jewish homes, while the German settlers were waiting at camp sites and in confiscated apartment blocks to take over their new households from the Poles. In some cases, this created tensions, which discharged in the form of protest letters to the German authorities, written by disappointed re-settlers, who had been promised riches but got stuck at a campsite for months. But the violence that was applied to the Poles and Jews in order to ease the resettlers’ fate came from above in the form of police raids. It was the result of the pressure which the Nazi interagency decision level process had imposed on the administration on the spot. According to the functionalist school of Holocaust studies, it was this kind of interagency competition and bureaucratic pressure, which made the Generalgouvernement the bottleneck of the Nazi state’s policy of ethnic engineering and produced a decentralized drive to open the bottleneck by means of mass executions. This mid-level drive was later streamlined, coordinated and approved on the highest level of the Nazi state during the Wannsee conference, opening the door to the creation of gas chambers and crematories in the death camps.

There are two main differences between the patterns of violence in Germany’s policy toward the Nama and Herero⁵⁶ and Germany’s policy against the

55 The term of the day was “Heim ins Reich”.

56 It must be taken into account that the German labour market and surveillance regulations did not or only partly apply to groups, who had not taken part in the Herero and Nama wars. The passive groups and those, who had supported the German troops, were able to keep their cattle, their personal freedom and could, but were not forced to, work on German farms. Bergdamara and Baster were not affected by most of the violence described above, and the fate of the Nama depended on their allegiance to the respective tribes. This is another important difference to the German occupation policy in the 1940s, which was less based on (though intertwined with) the actual conduct of the groups in the occupied territories but instead rooted in the Nazi leadership’s

population of occupied Central and Eastern Europe. In the latter case, the overwhelming thrust of violence which descended upon the people, came from the highest echelons of the Nazi state and the NSDAP, unchecked and unchallenged by media and public opinion and unmoderated by constraints other than military considerations. There is some evidence pointing to protest from resettled Germans, who were waiting to be allocated new farms in occupied Poland and pressed the German authorities to chase away more Poles and Jews. But there is no indication that these attempts were successful. The pace and intensity of the deportations from the annexed parts of pre-war Poland to the GG depended on administrative capacity and the availability of transport and housing as well as the power struggle between the rival agencies of the Nazi state, not on bottom-up pressure by individuals, for which the totalitarian order of the Third Reich did not leave much room. Resettlers from Romania, the Baltic countries and Northern Italy, who got stuck in the annexed territories of Poland, sometimes protested, but they never staged any organized collective action. Instead, they strayed around, tried to get work and accommodation from relatives who had fared better, or asked the authorities for permission to return to their country of origin.⁵⁷ They sought individual solutions to a general problem that had been created by the German authorities. In German South-West Africa, their counterparts had done both – tried to solve their problems coming from labor shortage and defiant natives by resorting to private violence and they had lobbied the authorities (often successfully) to find political solutions and transform them into law.

The second important distinction, which has to be made between German colonialism in Africa and Germany's occupation of Central and Eastern Europe concerns the role of ethnic engineering, which triggered the large-scale top-down violence in the 1940s.⁵⁸ No such thing occurred in the colonies. The

ideological and racial convictions. For example British, French and Belgian prisoners of war were much better treated than prisoners from Poland and the Red Army, no matter whether their government supported resistance against Germany or not. Occupation conditions were much more lenient in the West than in the East, but were most ruthless and cruel towards one group, which organized less resistance to German rule than most other groups – the Jews.

57 Götz Aly: *Endlösung. Völkerverschiebung und der Mord an den Europäischen Juden*, Frankfurt/M.: S. Fischer, 1995, 242; 320–321.

58 “Ethnic engineering” means a political concept, developed and implemented by a government in order to achieve and reinforce a specific hierarchy of ethnic groups and an ethnic order, which is different from the one the government encounters at the beginning of its rule. Some authors use the notion of “social engineering”, which in my opinion better describes Soviet attempts to reshape the structure of the societies

small-scale resettlement projects, almost unplanned, chaotic and often counter-productive, which the German administration had carried out in its South-West African colony, had only been motivated by the wish to accommodate the security perceptions of the settler community after the uprisings. There was no ethnic engineering concept behind it, no program for creating new races or purifying existing ones.⁵⁹ It was a small-scale attempt to prevent a surge of partisan warfare and banditry after the camps had been closed. In occupied Poland and the Western part of the Soviet Union, the *Generalplan Ost* foresaw the resettlement of millions of people; in the Polish *Zamość* region, a large-scale attempt of forced Germanization (even within the GG) took place, with the destruction of whole villages and mass deportations. The aim of these projects was not to separate Germans from a population that was regarded inferior and foreign, but to eradicate this population either entirely (the Jews) or to reduce it to the status of a cheap labor force (the Slavic people) in order to create space, into which a German population could expand.

There is probably only one parallel between Germany's colonial adventure in its South-West African colony and the large-scale resettlement, expulsion and extermination projects in Central and Eastern Europe a generation later. One might well see Götzen's and von Trotha's "wars without limits" as precursors of the total war against partisans, which the Third Reich waged in Yugoslavia, Poland, and the European part of the Soviet Union. But one must also be aware that such partisan and counterinsurgency strategies usually lead to extreme escalations of violence and to massive atrocities against the civilian population not because of genocidal intentions on one or the other side, but mainly because of the impossibility of separating civilians from belligerents during the fights. It is undisputed that the Third Reich's escalation of violence against civilians was a result of genocidal plans as well as of the intrinsic escalation of partisan warfare

under their rule than the policy of the Third Reich, which was obsessed with ethnicity, race and nation rather than social status. Piotr Madajczyk and Paweł Popieliński (eds): *Social engineering. Zwischen totalitärer Utopie und Piecemeal-Pragmatismus*, Warszawa: ISP PAN, 2014.

59 There was anthropological research with a racial (or racist) agenda ongoing in German South-West Africa, with medical experiments (of which some compare to the ones carried out by Joseph Mengele in Auschwitz-Birkenau) and field observations among the Baster, who attracted racial theorists. The most prominent one was Eugen Fischer, who continued his career in the Weimar Republic, the Third Reich and the Federal Republic of Germany. For the comparison with Mengele see Olusoga and Erichsen, *The Kaiser's Holocaust*, 304–310.

and it is (almost) undisputed that von Trotha had such genocidal intentions when he arrived in German South-West Africa. But the difference remains that these intentions were hampered and curtailed by his superiors just like the settler community's calls for retaliation were moderated by the administration after the end of the Herero and Nama wars. A generation later, the entire state apparatus clamped down on the population of the occupied countries, applying violence on an unprecedented scale, without any internal or external constraints and with no exposure to anything that could be called public opinion. Regardless of whether one embraces a functionalist or intentionalist approach to the occupation regimes in Central and Eastern Europe, it is obvious that the highest echelons of the Third Reich, with Hitler as the ultimate arbiter in the interagency rivalries of the Third Reich, remained in control of what was going on. Even if they did not plan the mass murder in the occupied territories beforehand, even if it was the outcome of interagency competition and mid-level initiatives to ease the pressure from the resettlement programs, Hitler could still have prevented or stopped the mass murder in the same way he stopped or slowed down some resettlement projects.

Schutztruppen officers in Africa often tended to rationalize the atrocities in the bush, in which they had taken part, by pointing to the local habits and the need to adopt to the tactics of their enemies. This is often presented as an excuse in the literature and it reverberated later in the attempts to justify the war of annihilation, which the *Wehrmacht* conducted in Central and Eastern Europe. There, too, officers would excuse their behavior by blaming the tactics of partisan warfare. In partisan warfare, there is an intrinsic dynamic, which pushes all sides of a conflict into an escalation of retaliation, which then may even go beyond the influence of military leaders and spill over into the civilian population. These patterns of violence can be well observed in the fights between various communist and anti-communist partisan movements in the former Yugoslavia and regions of Eastern Europe, where the military situation created a short-term power vacuum. Nevertheless, mass atrocities committed by German forces against civilians also took place outside the (relatively rational) logic of partisan warfare. In other words: war crimes and assaults on the civilian population were also committed without any detectable partisan activity – in Africa as well as later in Central and Eastern Europe. Von Trotha's Swakopmund declaration and his October order were issued long before the Herero could start anything similar to a partisan warfare and the first large-scale atrocities against civilians in Poland took place during the first days of the military campaign against Poland, when the Polish army withdrew in disarray and no partisan structures were yet in

place.⁶⁰ Apparently, there was a strongly irrational, emotion or ideology driven element in the motivation of those, who committed such crimes.⁶¹

The logic of violence and the dynamics of partisan warfare and counterinsurgency were similar in East Africa and in the war against the Nama, and they led to a kind of total war in the same way communist partisan movements in Belorussia, Ukraine and Poland became entangled in a spiral of violence with retaliating occupation forces (and sometimes rivalling partisan movements). In Central and Eastern Europe and in Africa, this spiral led to genocide and in both cases, these genocides were justified by the perpetrators on the basis of racial exclusionism, either against Slavs, Jews or – in the African cases – black people. But here the parallels end. And these parallels not only connect German colonialism in its South-West and East African colonies with later violence in Central and Eastern Europe, they also run beyond German history. The logic of unbound violence in partisan warfare could be observed in many conflicts across time and space, in which no German forces were involved. In the European summer of 1943, while the German troops were withdrawing on the Eastern front, Ukrainian anti-communist partisan fighters attacked Polish settlements on a large scale, forcing the thrust of the Polish population of Volhynia and Eastern Galicia to escape either to the towns, which were easier to defend, or to central

60 In the latter case, the German authorities invented a “partisan-like” activity, spreading propaganda reports about thousands of victims among the (German) population of the West-Polish town of Bydgoszcz (Bromberg), which had allegedly been slaughtered by Polish civilians and soldiers in retaliation for the fast German advance into Poland. These stories served as a justification for large-scale mock-trials before extraordinary courts, extra-legal imprisonment of Polish civilians in camps and more or less spontaneous executions. In the meantime, there is quite a lot of literature about that subject: Jochen Böhrer: *Auftakt zum Vernichtungskrieg. Die Wehrmacht in Polen 1939*, Frankfurt/M.: S. Fischer; Włodzimierz Jastrzębski: *Mniejszość niemiecka w Polsce we wrześniu 1939 roku*, Toruń: Adam Marszałek, 2010; Włodzimierz Jastrzębski: *Der Bromberger Blutsonntag, Legende und Wirklichkeit*, Poznań: Instytut Zachodni, 1990; Tomasz Chinciński and Paweł Machcewicz (eds): *Bydgoszcz 3–4 września 1939. Studia i dokumenty*, Warszawa: IPN, 2008; and the more journalistic account by Günter Schubert: *Das Unternehmen “Bromberger Blutsonntag”. Tod einer Legende*, Köln: Bund Verlag, 1989.

61 A possible rational explanation could be the assumption according to which such anti-partisan measures, carried out in the absence of actual partisan activities, took place because the military commanders who ordered them expected the enemy to resort to partisan warfare. This would explain why such tactics were used in traditional warfare by the side that saw itself as militarily superior.

Poland. Later, the advance of the Red Army into these territories drove these partisans into the south-eastern mountains, where they continued their fights against units of the Red Army, the Soviet Secret Service and the Polish Army under the command of Poland's pro-Soviet government. In order to deprive them of the support of the local (Ukrainian) population, the Polish Army deported Ukrainian civilians on a large scale into the Western territories, which had been taken over from Germany.⁶² Intellectuals, priests, and potential leaders were held in a camp in Jaworzno, which had previously been part of the German concentration camp system. Camps and resettlement as a means to crush a partisan movement had emerged in the South African war between the Boer republics and Britain, and they had been used by British forces against the Mau-Mau uprising in the framework of Operation Anvil.⁶³

The whole debate about German colonialism as a precursor, antecedent, inspirator or even a root cause of the Third Reich is an example of misleading academic agenda setting, which obscures strong parallels and causations, emphasizing instead weak or even non-existing coincidences. The colonial lobby, von Trotha's "war without limits", the deportation projects, and the camp system neither "inspired the Nazis" nor did they allow them to "learn genocide." There were influences between Germany's colonial policy and development in other countries, but they did not run between Berlin and Windhuk, and certainly not between Windhuk and Auschwitz. Instead, German colonial policy in German South-West Africa was partly influenced by people, who brought their experiences from other German colonies to the country and applied methods, which they had deemed appropriate and efficient elsewhere. This was the case with von Trotha, who had previously fought in China and East Africa, where he had helped suppress the Wahehe and the Boxer uprisings. It was also the case with General von Lettow-Vorbeck, who had fought in China, and, after

62 Gregorz Motyka: *Ukraińska partyzantka 1942–1960. Działalność Organizacji Ukraińskich Nacjonalistów i Ukraińskiej Powstańczej Armii*, Warszawa: ISP PAN, oficyna wydawnicza Rytm, 2006, 187–401; Grzegorz Motyka: *Tak było w Bieszczadach. Walki polsko-ukraińskie 1943–1948*, Warszawa: Volumen, 1999, 357–441. On Jaworzno, the camp which had previously been used as a branch of the Auschwitz concentration camp, see: Eugeniusz Misiło: *Akcja Wisła. Dokumenty*, Warszawa: Archiwum Ukraińskie, 1993. The story of "Operation Vistula" (Akcja Wisła) is also told in Timothy Snyder: *The Reconstruction of Nations. Poland, Ukraine, Lithuania, Belarus 1569–1999*, New Haven, London: Yale University Press, 200.

63 Caroline Elkins: *Imperial Reckoning. The Untold Story of Britain's Gulag in Kenya*, New York: Henry Holt and Co., 2015, 154–191.

quashing the Herero uprising, had been sent to East Africa.⁶⁴ Many officers of the *Schutztruppe* were very interested in and eager to learn from other colonial experiences. When von Estorff went to German South-West Africa, he stopped in East Africa and then observed the Anglo-Boer war in person, taking part in raids against Boer commandos.⁶⁵ For him, the African context also seemed to be more important than the German one. While German public and elite opinion were in favor of the Boer rebels and Germans on the mainland collected money for them and the media ran a campaign against the British war effort in South Africa, von Estorff held friendly talks with British officers and analyzed their tactics in the field. The notes he made in his diary about the experience do not leave much doubt about his sympathy for the British. When von Trotha landed in Swakopmund and issued his declaration, he apparently did so because he expected to fight a partisan war, which did not take place. But from his earlier experience in China and East Africa, it was logical to assume the Herero, as the technologically weaker side, would resort to *Kleinkrieg*. This assumption could not come from his experience in Europe. Since 1871, Germany had not fought a war, and the German army had no experience with counterinsurgency. The *Schutztruppe* had such experience, but from other parts of Africa (and from China), not from the European continent. The German colonies were entangled in a web of mutual and overlapping influences with their close neighborhood, that is with colonies of other European powers. For German South-West Africa, these were the Cape Colony, the Boer republics and later the Union of South Africa. With them, German South-West Africa shared a labor market and partially also a public sphere, created by traders, migrant workers, arms dealers, press correspondents and similar social, ethnic, political challenges and natural conditions. An important actor in cultural exchange and the transfer of information from the Cape to the German colony and back was the Rhenish mission, whose members were also present in the Cape colony, where they had important outposts in Worcester and Stellenbosch.

64 Uwe Schulte Varendorff: *Kolonialheld für Kaiser und Führer. General Lettow-Vorbeck*, Berlin: Ch. Links, 2006.

65 Von Estorff had originally applied for the position of a military attache. Susanne Kuß: *Deutsches Militär auf kolonialen Kriegsschauplätzen. Eskalation von Gewalt zu Beginn des 20. Jahrhunderts*, Berlin: Ch. Links, 2010, 318. According to Kuß, von Estorff even visited a British concentration camp for Boer civilians. He was mostly interested in the analysis of the partisan warfare, which he regarded as inefficient and doomed to fail.

7.1 An early version of Apartheid?

A whole school of thought in genocide studies links the genocidal character of the violence, which Germany applied to the Nama and Herero to the character of German South-West Africa as a settler colony. This assumption inclines them to compare the “settler genocide” in German South-West Africa with other examples of genocidal violence that occurred in colonial settler communities – from Australia to the Philippines and to the early days of North America, when European settlers fought against the native populations in Canada and the United States, pushing them into land reserves, creating unbearable conditions and preventing birth among the native groups. The main basis of these comparisons is the assumption that genocide was triggered by the competition over access to land between the native population and the colonizers. The argument reverberates, when, for example, Zimmerer mentions the genocide in Rwanda in 1994 as another example, although the violence back then can hardly be attributed to any colonizer. There was a land issue in the densely populated, agricultural, rural landscape of Rwanda, which contributed to social and political tensions, but it was not a colonial issue. The same is true for other cases of extreme mass violence, which are nowadays often labelled genocidal. Competition over access to land is a root cause of the conflict in Darfur, but again, this became an issue long after Sudan became independent and cannot be blamed on Egypt and Britain, who jointly administered Sudan as their colony. Control of land and territorial claims were at issue when the massacre in Srebrenica occurred in 1995, but Bosnia had ceased to be a colony generations before. One might doubt whether this notion applies to the rule of the Ottoman Empire or the relatively short period when the Habsburg Monarchy ruled Bosnia.⁶⁶

The analogy between the settler issues and genocide is based on a flawed and imprecise concept of genocide, which defines genocide as large-scale massacres of one group against another group. Such violence can, but need not always be genocidal. Because of the competition over access to land, colonial settler communities are more likely to get embroiled in conflicts over access to land than colonial settlers who are scattered across the land. But this is true with regard to any invader, no matter whether he comes from Europe or from another part of the African continent. A large part of Southern Africa was colonized by Zulu, who

66 After the gradual withdrawal of the Ottoman Empire from the Balkans, Bosnia was first occupied and then in 1908 annexed by Austria-Hungary. It became part of Yugoslavia after World War I and declared its independence during the breakdown of the Socialist Federation of Yugoslavia in 1992.

eradicated smaller tribes without mercy (and without humanitarian concerns for civilians), solving their land issue in a very radical way.⁶⁷ Competition over access to land and water, conflict between cattle herders and planter populations need not even be rooted in a measureable or visible otherness of the competitors. In Rwanda, the leadership of the Hutu community constructed the otherness of the Tutsi minority by declaring them descendants of mythical Hamitic invaders from the North (and thus foreigners to the Hutu, who were declared autochthonous).⁶⁸ Competition over land can initiate genocidal conflicts, but this does not depend on the origin of the foreign competitors, it does not even depend on whether they are actually foreigners with regard to those who claim the land. Neither does a lack of competition over land exclude the contingency of genocidal violence. What links all these cases – the quelling of the Herero, Nama and Maji-Maji uprisings – is the irrationality of the methods applied by the colonizers. It was their ultimate attempt, to integrate the native population into a labour market, whose ramifications had been imposed by Germany and whose purpose it was to connect the local native economy (which was mostly based on self-subsistency) with the world market through Germany. Under such circumstances, the colonies would be able to produce surpluses for export, which could create a profit for the mainland and inverse the situation, in which German South-West Africa and German East Africa depended on subsidies from the mainland. But this objective went out of sight after the Germans had destroyed the Herero, Nama, their cattle and deprived the colony of most of its workforce, and after the German troops and their Askaris had ravaged the rural landscapes of the Southern part of the German East African colony. Instead of extracting surpluses, the Governor in Daressalam had to distribute food aid and seeds to the Maji-Maji territory in order to prevent mass starvation.

It is not only the rationality issue, which makes a big difference between the extreme violence that was applied in the German colonies and in German-occupied Eastern Europe. It is also the patterns of violence and the way violence was applied against the local population. During the uprisings, the main thrust of violence on the native population came from the *Schutztruppe* (including the settlers, who had been drafted into the troop). Once the fighting was over, violence

67 Leonard Thompson: *A History of South Africa*, Johannesburg and Cape Town: Jonathan Ball, (reprint) 2009, 69–109.

68 Hutu and Tutsi differ neither in religion, nor in ethnicity, nationality or race. Their only difference in the past was functional – Hutu held the land and grew crops, Tutsi raised cattle on the Hutu's land. There was considerable social mobility between the groups. Jean-Paul Kimonyo: *Rwanda. Un génocide populaire*, Paris: Karthala, 2008, 15–51.

became less direct and more systemic. It took the form of the state's monopoly of coercion and was imposed through legal regulations, which were enforced by the police and the judiciary. It is undisputed that the native population in German South-West Africa could neither expect equal nor fair treatment by German policemen and judges. Even officially, there was a two-tier system enrooted in the old protection treaties, which subjected natives in conflicts with other natives to their own judiciary, whereas conflicts between natives and whites were to be decided by the latter's judges. Punishment for natives was much harsher than for Germans, given the same infraction and a reasonable standard of proof was only applied to white suspects. This had been one of the grievances by which the Herero had justified their uprising in 1904.⁶⁹

This all looks cruel and unique from the perspective of German history, but it was nothing new and nothing special from a broader perspective, the perspective of the Southern African context. When the German administration and the few German settlers who had arrived in German South-West Africa were still struggling to establish their rule in the colony, their South African neighbors in the Cape Colony had already established a well-functioning administration, which ruled over an ethnically and racially diverse society with an increasing degree of labor division. North and northeast of the Cape Colony, the Boer republics of Transvaal, Orange and Natal had emerged. They had been annexed by Britain, but even after the Anglo-Boer war, their white population had begun to enjoy more political autonomy from the mainland than the German settlers could ever dream of. With the expansion of white settlers into the Southern African interior, conflicts over land with native communities occurred, which were initially solved violently. After the white settlers⁷⁰ had managed to establish a firm rule over the country, such conflicts were mostly settled by law. Under conditions of white supremacy in the political institutions, this was likely to lead to the discrimination

69 There are indications in the sources, that before the uprisings, the colonial judiciary was recognized and respected by the different ethnic groups under its jurisdiction. As a report from July 1903 explains, the "tribes" usually surrendered criminals even in cases, where they belonged to the same tribal organization. ZBU 713-714, F.V.II, Kaiserliche Bezirkshauptmannschaft zu Windhuk to Kaiserliche Gouvernement 13.7.1903 and "Strafrechtspflege gegen Eingeborene, Strafstatistik, generalia", 8.2.1909 Abschrift. Der Reichsstaatssekretär des Reichs-Kolonialamts Berlin 82.1909 in: National Archives of Namibia ZBU FVg1.

70 Farmers in the South African republics, which later merged into the Union of South Africa in 1910, were usually of Dutch or British descent. Few came from other parts of Europe, such as Belgium, France, and Germany.

of native farmers. Competition between native and European farmers, as they were called at the time, was twofold: over access to land and over access to labour. This problem was for the first time legally tackled by the Glen Grey Act, a regulation that was originally dedicated only to a small valley – the Glen Grey district – where white farmers had pressed the administration to allocate land to their needs, which was still being used predominantly by black farmers. In order to allow white farmers to get broader access to land and to the black labor force, it introduced the “one family – one plot” principle, which then was extended gradually to all parts of South Africa. Due to the principle, surplus land in native possession could be sold to missions, the railway or the municipality, it could also be distributed among white farmers. By limiting the amount of land that could be maintained by natives, it created a surplus of people, who had to seek employment – either in the towns, or on farms other than those of their families.

This transformed a part of the agricultural native population into cheap labor for employment outside agriculture. It provided the white labor market with the labor it needed and helped to keep wages down. But many native farmers resisted the forces, which tried to turn them into workers. Becoming workers would require mobility, separate them from their families, elders and from their tribal organisations. Instead, many of them became squatters – landless farmers, who made their cattle graze on white farmers’ lands, paying them either with money or in kind. Others became subtenants, who grew their own crops on white farms, sharing the harvest with the owner. These informal agreements were often mutually beneficial and many farmers continued them even after they had been criminalized. After the Anglo-Boer war, this practice came incrementally under pressure. Several commissions elaborated legal measures to curb what they called “squatting”, which was deemed inappropriate and immoral. The commission conclusions urged the governments to remove black squatters from white farms into land reserves. It was the beginning of territorial segregation.

Before the native population lost the battle over access to pastures, it had already lost the battle for equal political representation. All South African republics had responsible governments, but outside the Cape Colony this had been restricted to Europeans. Party competition took place between Afrikaner and British South Africans; black and colored people were deprived of the franchise. This was different in the Cape Colony, where franchise was colorblind and tied to property and income. Black and colored citizens, who met the respective tax and property income, could vote, though hardly ever managed to elect non-whites into parliament. With a few exceptions, black citizens were represented by white or colored representatives. This part of Southern African history never inspired

the ruling circles in Windhuk, where a limited form of self-government had been introduced in 1909. It was not just restricted to the white population, but even more narrowly to Germans. Foreigners could only exceptionally be included.⁷¹

The German voting rules never included natives, but the franchise in the Cape Colony also became less and less inclusive over time. In 1887 the Parliamentary Voters Registration Act had already excluded tenants on municipal land from the vote. Five years later, the Franchise and Ballot Act raised the income and property threshold for natives and required an occupation address and the voter's ability to write their own name. There had been hopes after the end of the Anglo-Boer war that Britain would enforce the extension of the Cape's liberal approach to the other republics, but Britain was more interested in reconciling the white parts of the population than in reconciling blacks and whites. When the republics merged into the Union of South Africa, the less liberal and less inclusive principle which had prevailed in Transvaal, Orange and Natal was extended to the Cape, and the Cape franchise ceased to be "colorblind".⁷² This prevented the native population from taking parliamentary action against the further land dispossession and the racial segregation that was underway.

Long before the German administration in Windhuk had imposed the pass law and the duty books upon the Herero and Nama, black workers in the Transvaal already had to carry passes, for which they paid a special tax and which had to be renewed every month by the administration. They were also dependent on their employers. The latter could exempt them from the 21:00 curfew and from the need to renew their passes.⁷³ The South African republics and the German colony had a common belief, though. They viewed natives as children, who had to be raised and educated before they could enjoy political rights. This belief persisted in South Africa and lay at the roots of apartheid, which, by its inventors and supporters was seen as a paternalistic way of bringing the natives to a higher level of development. In German South-West Africa, this belief was severely

71 Otto von Weber: *Geschichte des Schutzgebietes Deutsch-Südwest-Afrika*, Windhoek: Namibia Wissenschaftliche Gesellschaft, (10. Edition) 2010, 184–186. There were Boer immigrants in the colony, who, unlike German settlers in the Cape, did not enjoy the franchise.

72 Leonard M. Thompson: *The Unification of South Africa 1902–1910*, Oxford: Clarendon Press, 1961, 109–126. The Treaty of Vereeniging, which had ended the Anglo-Boer war, already reserved the issue of the political rights (the franchise) for the republics to decide after they had been granted self-government.

73 John A. Williams: *From the South African Past. Narratives, Documents and Debates*, Boston, New York: Houghton Mifflin Company, 1997, 184–195.

shattered by the Herero uprising, probably because the uprising undermined the Germans' belief in their own superiority and security much more than any revolt or rebellion in the Union of South Africa could undermine Afrikaner supremacy.⁷⁴ The concept of racial segregation as a means of paternalist development (rather than oppression and retaliation) returned to the German colony after World War I with the South African administrators. The South African approach was more lenient, though. The South Africans who built the new administration, came from the Cape and had never experienced anything similar to the German settlers' fear resulting from the Herero and Nama uprisings. They stuck to their paternalist vision of race relations and immediately liberalized the German surveillance rules and the repression against the natives in the central and southern regions of the country. However, they maintained the core elements. The coin-like passes were replaced by paper documents, which became obligatory only for people older than 14 years; there were exemptions from the duty to work for natives, who could prove they made a living on their own, and the right to own cattle was reinstored. In 1916, corporal punishment of natives was brought under the jurisprudence of the courts. Farmers who wanted to beat their workers first had to sue them in court.⁷⁵ The German farmers regarded these regulations as directed against their security and their economic interest, as a way of undermining their authority. The *Swakopmunder Zeitung* published protests against the new policy. Only the approach to gender relations remained the same: Men living with colored or black women were prevented from land tenure.⁷⁶

At the outset racial segregation also was a rational concept, at least in the South African context. From a collective action perspective, it was the response to the development of the mining industry and the urgent need for labor for the big mines. The big conglomerates, which were densely intermingled with the subsequent white governments, needed cheap and unskilled labor, and the simplest way to get it was to push the natives, who had high birthrates, into the labor market by imposing taxes, restricting their farming areas and cattle pastures, so that families would be forced to send their youngsters into towns, to white farmers and to the mines to make a living and to be able to pay the taxes. This came with a huge social price, which would become obvious only after some time. It shattered family and kinship bonds, undermined traditional authorities, tradi-

74 Prior to the imposition of apartheid, there had never been a countrywide revolt of natives against white rule in South Africa. Uprisings and revolts had been regional rather than countrywide.

75 Eberhard, *Zwischen Nationalsozialismus und Apartheid*, 56–60.

76 Eberhard, *Zwischen Nationalsozialismus und Apartheid*, 87.

tions and value systems and scattered a large number of unmarried young men across the land. It was a recipe for more crime, less control and the emergence of social, cultural and political organisations across tribal boundaries, which rendered the young men prone to recruitment in radical organizations.⁷⁷ Nevertheless, from the short-term perspective of the mining industry and the white settlers, it was a rational strategy. Many representatives of the black communities saw this link between the restrictions to their political rights in the Cape Colony, their eviction from farmland and the development of the big mines.⁷⁸

But there were no such mines in German South-West Africa, with the exception of the copper mines in Tsumeb, which had already been discovered by Ovambo.⁷⁹ There, the pass laws, territorial and legal race segregation were the cause, not the consequence, of labor shortage. They were introduced to alleviate the security concerns of the Germans. There are not many records which support such an interpretation, but it is probable that the German administration adopted the Boer republics' methods, when it decided to put the natives under stricter surveillance after the quashing of their uprisings. Germans and Afrikaner learned from each other. After the uprising of first the Herero, and then the Nama in 1904, *Der Deutsche*, a German-language weekly in South Africa, praised the Transvaal treatment of natives as a shining example for German South-West Africa. The author was not well informed – he blamed the uprisings on the leniency, rather than the repressivity, of the German administration and on the availability of alcohol. He recommended the German authorities to apply harsh race segregation like in Transvaal, where the Boer population had strictly separated blacks from whites and had stigmatised mixed sex relations and where “the Kaffirs were forbidden to use sidewalks”. The article was reprinted by the press in Germany.⁸⁰ Transvaal became the blueprint for the supporters of race segregation in the German colony. People who supported a more lenient stance

77 Sol Plaatje, a (black) South African journalist and activist wrote and published the most insightful inside-report about the situation of the so-called squatters and black farmers confronted to the imposition of the Natives' Land Act: Sol Plaatje: *Native Life in South Africa*, Middlessex: Echo, 2007.

78 These commissions were the Cape Commission on Native Lands (1883) and the Glen Grey Commission (1893) which deliberated about the Glen Grey district, the Zululand Demarcation Commission in Natal (1902–1903) and the Lagden Commission (1903–1905), which provided the plans for territorial segregation in the future Union of South Africa (and hence dealt with the conditions in all four South African entities).

79 Von Weber, *Geschichte des Schutzgebietes*, 193–194.

80 Copies of the article and the re-prints are contained in BARch R.1001.2155.

toward the natives, usually invoked the example of the Cape colony. Hardliners pointed to Transvaal. There, mixed race relations had been forbidden already in 1898. German South-West Africa followed suit only in 1905. By then, Transvaal and the German colony were the only exceptions to a rule, which forbade white women to enter into sexual relations with Africans. In Transvaal and German-South-West Africa, the law also criminalized intercourse between white men and black women.⁸¹ But not only the German and the German South-West African press were observing the events and discussions in South Africa – the opposite was the case, too. British awareness of the events in German South-West Africa dated not only from the outbreak of the Herero and Nama uprisings, but already from the shortlived Bondelzwart rebellion in 1903 – because the latter had taken place in the immediate vicinity of the border.⁸² After the outbreak of the Herero and Nama uprising, which threatened to spill over to South Africa, the government in Cape Town was afraid the fights in the German colony would stir up unrest and rebellions among the natives in the northwestern part of the Cape colony.⁸³ Especially the “Cape Argus” was always very interested in reporting about the developments in the German colony and highlighted German atrocities committed against the Herero and Nama. The newspaper had correspondents there who reported about the uprisings and printed accusations of German cruelty against the natives in the colony. For the liberal part of public opinion in the Cape, German atrocities were evident and repugnant. In Transvaal, this was less obvious. There, newspapers also defended the German troops against the “Argus” accusations.⁸⁴

In some cases, the “Argus” also served as a mouthpiece of the Cape government, publishing on issues which the government was concerned about. This was the case when von Trotha issued his declaration to the Nama, where he threatened them with the same treatment to which the Herero had been submitted. The Cape government interpreted the declaration as if von Trotha wanted to expell all Nama to the Cape colony – an aspect von Trotha had hardly taken into account when making his war-mongering declarations, but which became

81 Lindner, *Koloniale Begegnungen*, 324.

82 Susanne Kuß: *Deutsches Militär auf kolonialen Kriegsschauplätzen. Eskalation von Gewalt zu Beginn des 20. Jahrhunderts*, Berlin: Ch. Links, 2010, 321.

83 Kaiserlich Deutsches General-Konsulat für Britisch Süd-Afrika an Reichskanzler von Bülow, 23.5.1905 in: BArch 1001.2135.

84 The “Transvaal Leander”, 3.9.1905, found the “Argus” accusations unsubstantiated and slanderous.

a problem for Germany's diplomats in Cape Town.⁸⁵ Together with the British government, the Cape government adopted a line of conduct, which tried to find a compromise between two contradictory objectives: to prevent the armed conflicts in the German colony from spilling over into British-held territories, and to support the Germans against the native uprisings. This line was not always clear. First, the Colonial Office in London forbade the German Navy to land reinforcements against the Herero in Walvis Bay, but when the Nama uprising broke out, it allowed German transports through the Cape. In East Africa, Britain had been less reluctant and had allowed German reinforcements to be brought in through British-controlled territory.⁸⁶

Probably the most important channel, which brought British and South African concepts about how to deal with the native question to the German colony, went through Berlin. Before World War I, quite a lot of politicians and officials from the government in Berlin had visited South Africa, written reports, essays and memoirs about their experience and promoted solutions, which had been applied in the Boer republics and later in the Union of South Africa. In doing so, the Germans usually assumed the British colonial experience to be superior to their own, sometimes they even admitted it openly in speeches to the British public, as the colonial secretary Bernhard Dernburg did in 1909 before the African Society in London, when he propagated a German-British colonial partnership.⁸⁷ Dernburg travelled twice to South Africa with the explicit purpose of learning from the British, before he visited German South-West Africa in 1908.⁸⁸ During his second, more extensive journey, he talked to German farmers, British officials, businesspeople, he visited farms, diamond mines, Victoria Falls, Kimberley, Pretoria, Port Elisabeth, East London, and Pretoria. In Port Elisabeth, he watched a court trial; in Natal, he visited a land reserve and talked to commissioners, white officials, whose task it was to represent the interests of the natives. He endorsed the idea of creating an indirect and consultative interest representation of natives toward the white administration, because he expected it to contribute to a more civil treatment of the natives. The concept was later imported by the administration in Windhuk. In a similar way, the South African way of managing the diamond mines was imported by the German colony after

85 See the articles "The Damara Revolt" in the "Cape Argus" of 16.5.1905 and "German Colonial War" in the Morning Post of 25.8.1905, contained in BArch R1001.2135.

86 Michael Fröhlich: *Von Konfrontation zur Koexistenz. Die deutsch-englische Kolonialbeziehungen in Südafrika 1884–1914*, Bochum: Brockmeyer, 1990, 239–243.

87 Lindner, *Koloniale Begegnungen*, 87–89.

88 Lindner, *Koloniale Begegnungen*, 139.

the discovery of the Lüderitzbucht minefields.⁸⁹ Dernburg was accompanied on a visit by later foreign minister Walther Rathenau, and both were appalled by the way the natives were treated in the German colony. As Rathenau later wrote, the brutality in the German colony contrasted strongly with the approach in the Cape.⁹⁰ Both Dernburg and Rathenau published extensively about their journey. A few years later, Wilhelm Solf undertook a similar journey, again with the explicit aim of learning from the British colonial experience. His notes, too, were full of criticism about the German administration and praised the way race relations were dealt with in South Africa.⁹¹

German colonialism did not inspire the NSDAP and the state agencies, which the National Socialists took over after seizing power. It did inspire – and was inspired by – the rise of race segregation in South Africa. This is very visible with regard to the land issue in race segregation. The Native Land Act was adopted in 1913 and banned squatting and sharing crops on white farms across the whole Union, imposing fines on farmers and their tenants. The Act reserved only seven percent of the soil in the country for acquisition by natives. This was long after the German administration had confined the Herero and Nama to land reserves in German South-West Africa. The Native Land Act's purpose was not only to accommodate the economic needs of the mines, but also to eliminate competition between poor white workers and their potential black and colored competitors on the labor market. After the Native Land Act, former squatters and tenants could either go to the reserves, or work on white farms as contract workers. But due to the additional restrictions imposed on them (like the curfew provisions), they were less likely to outfight white labor on the labor market. This effect was exacerbated later when the Urban Areas Act (1923), the Natives Land Trust Act (1936), and the Group Areas Act (1950) extended race segregation into the towns.

Not only top-down policies in German South-West Africa and South Africa went hand in hand. Resistance against German and South African race segregation also spilled over in both directions. This is true for black resistance against white rule, but also for Boer resistance to British rule. One of the reasons why public opinion and the administration of the Cape Colony observed the events in German South-West Africa so intensely was the fear that Boer commandos could use German hospitality to arm, regroup and make incursions into the

89 Lindner, *Koloniale Begegnungen*, 147–149.

90 Walther Rathenau: *Tagebuch 1907–1922. Herausgegeben und kommentiert von Hermann Pogge von Strandmann*, Düsseldorf: Droste, 1967, 107.

91 Lindner, *Koloniale Begegnungen*, 152–155.

northern parts of the Colony, undermining British rule and spreading havoc. These fears were not ungrounded. German public opinion had strongly sided with the Boer rebels during the war and Boers, who had settled in the German colony, had access to arms. Some of them served in the *Schutztruppe*. In November 1906, some of them left the *Schutztruppe*, crossed the border and shot at everyone wearing a uniform. They hoped to instigate a general uprising against the British in the Cape. The incursion, known under the name of “the Ferreira Raid”, was quashed by forces sent to the north and the attackers were killed or put to trial.⁹²

During the very same year, the Natal authorities imposed a tax, which a part of the black population, incited by a minor chief, declined to pay. Tensions ran high and culminated in armed clashes between the police and native youngsters, inclining the government of the republic to impose martial law. As a result, a part of the harvest and native settlements were destroyed and a Zondo chief, Bambatha, created a partisan force. The uprising, known in South African history as the “Bambatha rebellion”, took place right after the Herero uprising and caused the death of 3,000 black and 30 white people.⁹³ There are no written records left about communication channels, the exchange of informations or influences, which might have run from Herero and Nama to the Zondo and Zulu in Natal, but we do know that borders between the German and the British colonial spheres were far from impenetrable. Already during the Herero uprising, Herero refugees went to the Cape and to Bechuanaland. Samuel Maherero finally settled as a refugee in Transvaal. Herero and Nama unwilling to work for Germans went to the South African mines. Nama commandos used the border with the Cape Province as an asset, which allowed them to escape and regroup when they were hunted by the *Schutztruppe*. A special role was played in the communication between South Africa and the German colony – both for white and black people – by Walvis Bay, which had numerous and intensive contacts and ferry lines with German South-West Africa and the Cape. Finally, it is obvious that information was passed around among black workers from the Cape, who came to the German colony (“Cape boys” as they were called by the German administration),

92 Tilman Dederig: The Ferreira Raid of 1906: Boers, Britons and Germans in the Southern Africa in the Aftermath of the South African War, *Journal of Southern African Studies*, 26, 1, 43–59.

93 David M. Sher: Postwar race relations 1902–1948. In: Fransjohan Pretorius (ed): *A History of South Africa. From the Distant Past to the Present Day*, Pretoria: Protea Book (History Commission of the South African Academy for the Arts and Sciences), 2014, 264–265.

Ovambo who went South, and Baster, who, due to their specific language skills and contacts with the Cape and the German settlers, were the perfect mediators between the different groups. With the emergence of political movements among natives in the Cape, political consciousness came to the German colony's natives, too, creating the first cells of cross-tribal political and religious movements. The Stuurman prophecy was only one example.

Taking all this into account leads to one important conclusion: The German colony and the policies of its administrations were caught in a web of mutual and multilateral influences, in which policy shifts and socio-economic changes in South Africa triggered adaptation and reactions in German South-West Africa and vice-versa. To a smaller extent, such an influence can also be observed between German South-West Africa and German East Africa, mainly due to the migration of members of the military and administrative elite. Some of these influences were channeled through the German mainland – bureaucrats, traders, officers went from one colony to another, passing through Berlin and the central bureaucracy of the *Kaiserreich*. In short: German colonialism in Africa is not so much a predecessor of the Third Reich and its genocidal ethnic engineering in Europe's Eastern parts a generation later, but it is indeed a predecessor and inspirer of apartheid in South Africa in its early stages. Its warfare, which in German South-West and in German East Africa led to genocidal consequences, was the result of a counterinsurgency strategy. As such, it was inspired by the British conduct during the Anglo-Boer war and may have contributed to the shaping of later counterinsurgency strategies, like French warfare in Algeria, British responses to the Mau Mau and the *Wehrmacht's* and the Red Army's attempts to quash armed resistance behind the front.⁹⁴

94 This “counterinsurgency strategies” in the case of the Soviet Union and the Third Reich must be clearly separated from the genocidal assaults on that part of the civil population, which did not support partisan activities. These assaults were undertaken for ideological reasons, not in order to disconnect a civilian population from armed fighters. They were carried out without any military justification. This important difference is often blurred, because some of the units, which were engaged in counterinsurgency, were also involved in the Holocaust (the German *Einsatzkommandos*). In the Soviet Union, the NKVD carried out anti-partisan operations, but also conducted large-scale deportations of the civil population and mass executions of prisoners of war, which made no military sense.

Conclusion

Germany's colonial policy in German South-West Africa was clearly genocidal according to the later ratified UN Genocide Convention and the jurisprudence of international criminal courts. But a close look at the criteria and standards of the International Criminal Law (ICL) genocide concept shows that the war against the Herero and Nama did not amount to genocide, despite the genocidal intentions of some commanders. Only under the very controversial concept of a third level Joint Criminal Enterprise would von Trotha's warfare appear as the criminal elements of a genocidal plan. This, however, would only be possible with regard to the war crimes committed after the well-known and often quoted correspondence between von Trotha and von Schlieffen, in which they envisaged annihilating the Herero as a group. Von Trotha arrived in German South-West Africa with the plan to commit war crimes. This plan is enshrined in his declaration in Swakopmund. He probably did so, because he expected the Herero war to become a guerilla war like the one he had waged in East Africa. It remains unclear when he decided to fight the Herero not only as partisans or francs-tireurs, but also as an enemy group which had to be wiped out. He clearly had this intention before the Waterberg battle, but due to the successful escape of the Herero from the battlefield, was not able to carry it out.

Even under the international humanitarian law that was in force at the time, the *Schutztruppe* was allowed to circle its enemies and – what's more – let them escape, no matter in which direction. There never was a war ruse to let them escape, as the testimonies of German officers serving under von Trotha clearly show. The Waterberg battle was a failure of von Trotha's tactics, it was a disaster for the Herero, and a tactical defeat for the Germans. Von Trotha had never planned to let the Herero escape into the desert, he intended to deliver them a "battle of annihilation" and to abolish the Herero as an organized ethnic group. Contrary to Drechsler's claims – and all those, who base their own claims and analysis on his books – the Omaheke campaign was in itself not genocidal, it was the result of a decision the Herero leadership had made: to escape and possibly die from starvation rather than surrender to (and be killed by) the *Schutztruppe*. Refusing to let the Herero surrender was a war crime. The mere declaration that no mercy be given, which was part and parcel of the Swakopmund declaration, was a violation of Hague II, just like the neglect to distinguish between healthy and wounded Herero fighters. Both violated the Red Cross Convention. Von Trotha's October order has wrongly been labelled an "extermination order". It

was not the beginning of a genocidal campaign, but it was issued in order to obfuscate von Trotha's failure to commit genocide and to impress the government in Berlin. It did impress his superiors much more than he had probably expected, and they rescinded the order in December. Paradoxically, the abolition of the order would not relieve the General Staff, Chancellor von Bülow and the Emperor from responsibility for the war crimes committed after October, because they had tolerated them until December. The December order is proof that all three knew about von Trotha's war conduct. Under modern ICL – and according to Hague II, which was already in force during the Herero war – having the opportunity to know about and the power to prevent the crimes, without doing so, would already make von Schlieffen, von Bülow and the Emperor accountable for war crimes according to the concept of command responsibility. They also failed to punish anyone who had committed war crimes.¹

The real genocide took place later and it was much less spectacular than the Waterberg battle and the Omaheke campaign. It was, to a large extent, even the result of the revocation of the October order. Beginning from December, von Trotha and his soldiers had to take prisoners, so they had to tackle two contradictory tasks: to disarm and jail those who surrendered in order to accommodate the fearful farmer population and to care for the prisoners. Therefore camps were erected, first on an *ad hoc* basis in the field, later as permanent facilities. There are only inconclusive and fragmentary data about these camps' death rates and living conditions. They show a different picture for every camp, but also an extraordinarily high death rate for Shark Island. But again, it is not the death rate or the number of victims, which make Shark Island a count of genocide. There is one element, which runs from the Waterberg battle to Germany's whole postwar policy toward the Herero and Nama, which indicates the existence of genocidal intent among the German administration in Berlin and Windhuk. This element is the intention to get rid of the Herero and Nama tribal organizations. After von Trotha's departure from the colony, almost nobody wanted to eliminate the Herero and Nama physically and cleanse the colony from each and every individual Nama or Herero. The objective, which transpires through the archival records, was different: to deprive both groups of their leaders, their tribal structures and to reduce them to an atomized mass of workers, unable to make collective decisions. This intention was widely shared within the colonial administration in

1 The readers should know that the Nuremberg and Tokyo Tribunals first introduced the concept of command responsibility into international law. Before, soldiers acting on orders were usually exonerated from wrongdoings.

East Africa and in South-West Africa, it transpired through the administrative records, it was used in order to justify the deportations, and it was more often than not uttered in public speeches and interviews of prominent members of the colonial lobby. This objective is clearly genocidal under the ICL definition of genocide, which has emerged from the jurisprudence. In order to commit genocide, it is not necessary to kill many or all members of a protected group. But any crime, falling under the genocide definition, which is driven by the intent to “destroy a group as such in whole or in part” becomes an element of genocide. As set out in chapter 3, it is not even necessary to kill any member of such a group, in order to fall under the genocide concept. Creating unbearable conditions (like in the camps or during the deportations) for group members with the intent to deprive the group of a significant part of its members (for example leaders or warriors) already amounts to an act of genocide. And it is this drive to deprive the Herero and Nama of their leaders which make the camps and the deportations genocidal, not the high number of casualties inflicted on the enemy or the refusal to spare civilians and wounded soldiers.

The use of this legally enrooted genocide definition shows which deeds were genocidal and which were not. Conducting a cruel and ruthless counterinsurgency war in German East Africa was not, and even trying to shatter the tribal organisations to pieces by implementing a scorched earth policy and mass starvation was not, because of the lack of genocidal *mens rea*. This, however, may be different with regard to the quashing of the Wahehe uprising eight years earlier. Waging battles against the Herero and chasing them into the desert was not genocide. But creating unbearable conditions in camps and deporting the Nama and Herero, in order to deprive these groups of their traditional leaders and to abolish their internal hierarchies and their ability to make collective decisions, amounted to genocide.

Some authors have tried to downplay the genocide issue arguing that only von Trotha was responsible for the crimes committed after 1904. These claims are based on the wrong assumption according to which the Waterberg battle and the Omaheke campaign fall under the genocide concept. But they are wrong for yet another reason. First of all, because von Trotha’s superiors are also responsible for his war crimes, at least between October and December 1904, and for failing to punish those guilty of crimes during the whole time after October 1904. This strongly incriminates the Emperor in person, who not only failed to punish von Trotha, but even rewarded him with a higher pension. But there is another reason why shifting all the blame to von Trotha does not exonerate the German Empire. This reason has nothing to do with ICL, because ICL does not apply to

states.² The responsibility of the German Empire arises from two contradictory arguments: one is based on the German law of the time; the other is based on international law, or, more precisely, on Hague II.

As mentioned earlier in this book, Germany never clearly decided whether its colonies were part of the German state or foreign territory. Initially, the territory was regarded as “ownerless” under the assumed fiction that it was uninhabited. The obvious contradiction between the assumed emptiness of the country and the conclusion of protection treaties with the leaders of its inhabitants was never solved. At that time, the territory could not even be regarded as occupied, since the factual power of the colonizer only extended to some points on the coastline. The entire logic of the international law of the day was based on the presumption of only regulating the relations between the existing states, not the ones between colonizing states and native groups in the colonized territories. The latter were not regarded as bearer of rights, although the protection treaties created some obligations for both sides. In a purely semantic way, the Congo Treaty – whose main aim was to regulate the relations of the colonizing powers with regard to the colonized territories – imposed certain duties on its parties, such as the obligation to preserve the indigenous population of the colonized territories.³ This changed with the expansion of colonial power into the territory and especially with the quashing of the uprisings between 1904 and 1907, which effectively put almost the entire colony and not only the coast under German rule.⁴

If one regards the colonized territories as part of Germany and the conflict with the *Schutztruppe* as an internal German affair, the Herero, Nama and the Maji-Maji movement would have been rebels or an armed opposition group, to

2 A reservation is need here: Current international criminal law does not target states as perpetrators, because it only recognizes individual criminal liability. Nevertheless, the Rome Statute (and before it, the statutes of the International Criminal Tribunal for the former Yugoslavia [ICTY] and the International Criminal Tribunal for Rwanda [ICTR]) also contain certain obligations for states (for example, the duty of cooperating with the court, of executing arrest warrants and delivering evidence).

3 Art. 6 of the Congo Treaty called upon the signatory states “de veiller à la conservation des populations indigènes et à l’amélioration de leurs conditions morales et matérielles d’existence”, but the formula used there only applied to the territories (and natives) of the Congo Basin. Jörg Schildknecht: *Bismarck, Südwestafrika und die Kongokonferenz. Die völkerrechtlichen Grundlagen der effektiven Okkupation und ihre Nebenpflichten am Beispiel des Erwerbs der ersten deutschen Kolonie*, Berlin: Lit Verlag, 2000, 268–270.

4 Still, this was only partly true with regard to the northern part, which was controlled by the Ovambo.

which international humanitarian law would not apply.⁵ Instead, the German authorities would be bound by their own law – the German Constitution, the Criminal Code, the Penal Code. Under such circumstances, the Herero and the Nama would be ordinary criminals, whose apprehension would be a task for the police. They would then be able to defend themselves in a German court, with the right to be represented by counsel. In such a case, the actual treatment of the Herero and Nama would be a violation of German law and the perpetrators would have to be judged under German criminal law.

This line of argument sounds odd from today's perspective, and it would have sounded even odder in the *Kaiserreich*. Herero and Nama were not regarded as German citizens (rather as underlings of a minor value, officially called “protection area subjects”⁶) and the Empire did not send a police force to quash their rebellion, but a military force. It is not a valid argument here to point to the distinction between the *Schutztruppe* (which was institutionally separated from the Army) and the Army, because the German Empire also deployed regular troops against the Herero and the Maji-Maji. By sending in the armed forces, the German Empire made it clear that it did not regard the uprisings as an internal police affair. Before, emissaries of the government in Berlin had concluded “protection treaties” with Herero and Nama clans, acting as if they acknowledged the Herero and Nama as subjects who could enter into treaties with the German state and recognized the internal hierarchy of both groups. Germany treated Nama and Herero as subjects of international law, but it did not recognize them as such. Otherwise, the Nama and Herero war should have to be seen as a war between Germany and two foreign subjects, and Hague II would therefore apply. However, as Hague II also stipulates, its provisions were only applicable among signatories – and the Herero and Nama had not ratified Hague II. Nevertheless, the Marten's Clause created a one-sided obligation for Germany to treat hostile belligerents as if they were enemy soldiers. The fact that the Nama and Herero were no parties to Hague II did not entitle them to any claims toward Germany for the violation of this obligation, but this did not render the violation lawful.

5 This would be different today, where belligerents in civil wars enjoy the protection of the later ratified Geneva Conventions and the additional protocols.

6 This is my translation of the notion “Schutzgebietsangehörige”, which formed a third option between “citizens of the Reich” (Reichsangehörige) and foreigners (Ausländer). Malte Jaguttis: *Koloniales Unrecht im Völkerrecht der Gegenwart*. In: Henning Melber (ed): *Genozid und Gedenken. Namibisch-deutsche Geschichte und Gegenwart*, Frankfurt/M.: Brandes und Apsel, 2005, 126–127.

This brings us to the last possible argument, according to which – as the German government claimed after 1904 – the protection treaties had expired because of the uprisings – and German South-West Africa had come under German occupation.⁷ In the latter case, as has been shown in chapter 3, the Herero and Nama have to be seen as militias under art. 1 of the annex to Hague II, and Hague II's section III applies fully. The *Schutztruppe* and the Navy become a “hostile army” according to art. 42. Art. 43 says: “The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.” In short, this means that by occupying the lands of the Nama and Herero, the German Empire took over responsibility for the population there, and hence for the prevention and punishment of all possible crimes – including war crimes committed by its own forces. The confiscation of property (the Herero cattle) would be forbidden. Hague II leaves no doubt here: whatever crimes took place under the German occupation of the Herero and Nama lands (and the territories of German East Africa accordingly), they fall under the responsibility of the *Kaiserreich*, regardless of who bears individual personal responsibility for them. This argument is crucial for establishing the responsibility of the Federal Republic of Germany as the legal successor to the *Kaiserreich* for possible reparations under international law. For the purpose of this book's argument, it is also important in order to show that genocide in Africa was not only committed by individuals or in the framework of a Joint Criminal Enterprise, but under the responsibility of the German state as an occupier. It is also important for the examination of differences and similarities between Germany's policy in Africa and later in Central and Eastern Europe.

There can be no doubt about the genocidal character of the Third Reich's occupation policy in Central and Eastern Europe after 1939. It is not necessary to analyze whether this policy fulfils the requirements of the Genocide Convention, because the Genocide Convention was drafted in response to the crimes committed by Germany and its allies during World War II. The very concept of “genocide” was developed in order to describe (and penalize) the atrocities committed by German forces in the occupied territories. The Holocaust was not the only genocide the German authorities committed in these territories. The

7 There is a tendency among international law scholars to regard German rule over its colonies as a case of effective occupation. See: Aguttis, *Koloniales Unrecht*, 103–120; Schildknecht, *Bismarck, Südwestafrika und die Kongokonferenz*, 136–166.

Holocaust was a specific genocide – the most advanced one; one, which almost achieved its objective of wiping out Europe’s Jewish population, but in the light of the Genocide Convention, depriving each of the Slavic peoples of their polity and reducing Slavs to a mass of workers and servants for the German industry and agriculture, which would be unable to govern itself and to take collective decisions, amounted to genocide in each and every single case of an assault on a Central and Eastern European state. Even in countries, where the German government left a national government in power or created a native collaborationist government, its policy was usually genocidal with regard to minorities or groups other than the dominant one, like, for instance, against Serbs in Croatia, against Jews in Slovakia.

This constitutes the most obvious link between the *Kaiserreich’s* genocidal policies in Africa and genocide in German occupied Europe. In both cases, these policies were underpinned and driven by a constructed hierarchy of races, or, in other words, by an ideology, which put some racial and ethnic groups on the top of a hierarchy and others below. In Africa, the Germans were at the top, followed by British (who were regarded as equal), Afrikaner and then mixed-race groups like the Baster in German South-West Africa. On the bottom of this racial hierarchy were precisely those groups, who fell victim to the German forces’ extreme violence – the Nama, the Herero and the groups, which participated in the Maji-Maji uprising in German East Africa.⁸ But it would be an exaggeration to claim that this racial ideology also stood behind the genocide in Central and Eastern Europe a generation later. This was not the case, because the content of the *Kaiserreich’s* racial exclusionism shifted during that time considerably and as a result of the wars in German East Africa and German South-West Africa. This shift radicalized colonial policy and thus contributed to the violence, but it also changed the stereotypes about the racial other to more realistic ones. The warfare with the Herero – and even more with the Nama – turned them from “naïve and childish natives” into “dangerous creatures” in the public, but this shift also

8 Paradoxically – and partly contrary to the racial ideologies, which became popular in the *Kaiserreich* – groups, which did not differ from Nama and Herero in terms of the racial categories of the day, but were beyond the reach of the German military, enjoyed a higher reputation among the German authorities than those who had fallen under their rule. This was the case with the Ovambo in German South-West Africa and the different groups in Urundi and Rwanda in German East Africa. Especially the Rwandan Tutsi had a good reputation. One of the Woermann ships was called “Watussi”, a popular German phonetic transcription of the Kinyarwanda label for the Tutsi (abatutsi in Kinyarwanda).

inclined the middle and higher echelons of the *Schutztruppe* to take Nama and Herero more seriously as military enemies and effective fighters. This shift drove the nationalist right of the *Kaiserreich* to call for retaliation and punishment (and for the abolition of the tribal polities), but it also instilled respect into many German *Schutztruppen* officers. Contrary to the situation during World War II – and opposite to Isabelle Hull’s claims about a radicalization within the German army⁹ – the *Schutztruppe* was rather a moderating factor in German South-West Africa, whereas the spiral of violence was put into motion by the farmer lobby. *Schutztruppen* officers opposed and criticized von Trotha’s war of annihilation, they intervened on behalf of the starving and ill prisoners of war and they wanted to preserve the native population of the country.

The Third Reich’s institutions and its leadership were neither inspired by, nor did they learn from the colonial genocides in Africa. They could have been inspired by British experiences. Many National Socialists, including Hitler himself, harboured a deeply rooted appreciation of Britain’s colonial past which was mixed with envy.¹⁰ At the same time, Hitler and his entourage spurned the colonial adventures of the previous generations, since they had only led to fiascos and the loss of colonial possessions during World War I.¹¹

The available institutional memory about the German genocidal deeds in the colonies was never consulted. There was no interest in it. For Hitler, the colonial question was a bargaining chip in negotiations with Great Britain in order to coerce the British Empire into a passive attitude with regard to German expansion in Europe. The colonial elites of the *Kaiserreich*, whose influence had been strong in the Weimar Republic, were sidelined by the Nazi movement, marginalized and

9 Isabel V. Hull: *Absolute Destruction. Military culture and the practices of war in imperial Germany*, Ithaka: Cornell University Press, 2005. Bley goes into the same direction. He claims hiring Herero for assistance to the *Schutztruppe* decreased racial and social distance between the soldiers and the Herero. Stereotyping and distance were strongest among settlers in towns, who knew natives only as servants and unrooted prisoners and migrant workers, whereas traders and farmers, who were exposed to contacts with the local Herero and Nama elites on a daily basis, were less inclined to stereotype natives. Helmut Bley: *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1884–1914*, Hamburg: Leibniz Verlag, 1968, 119.

10 See also the introduction to Beate Kundrus and Sybille Steinbacher (eds): *Kontinuitäten und Diskontinuitäten. Der Nationalsozialismus in der Geschichte des 20. Jahrhunderts*, Göttingen: Wallstein Verlag, 2013, 18.

11 Jürgen Zimmerer: The birth of the Ostland out of the spirit of colonialism: a postcolonial perspective on the Nazi policy of conquest and extermination, *Patterns of Prejudice*, 39, 2 (2005), 198–218; Lindner, *Koloniale Begegnungen*, 43–46; 226–239.

streamlined. When Hitler or politicians behind him had serious objectives in Africa, they entrusted leading members of the Nazi movement with carrying them out, rather than members of the colonial elite. Attempts were made to control the German community in South-West Africa, but they were carried out by the *Auslandsorganisation* together with the German Foreign Office. Not even von Epp and his agency had a say in this operation, which ultimately failed because most Germans, who had become South African citizens, saw their interests better safeguarded by the South African administration than by the Third Reich. Von Epp had nothing to do with the biggest operation in Southern Africa the Third Reich ever launched – the attempt to topple the South African government in order to sever it from the British war effort and to bring a pro-German Afrikaner government to power. This operation – a combination of propaganda, soft power (among the radical, anti-British and anti-Jewish Afrikaner organisations) and the military undercover campaign of Robey Leibbrandt – could have and would have almost succeeded. But it had nothing to do with colonialism, because its objective was not to return South-West Africa to Germany, but to undermine the British war effort. And no single colonial nostalgist from the *Kaiserreich* was involved in it.

The scholarly discussion about German colonialism is tainted by misleading parallels, which are not supported by empirical evidence. The German camps for Nama and Herero are called concentration camps, but their function and their aims were different from both the camps for the Boer population in South Africa and the concentration camps of the Nazi state. Unlike in the British camps, no political indoctrination was conducted in the Herero and Nama camps. Prisoners were held for security reasons, not in order to isolate the civilian population from fighters in the field. In most camps, the majority of the inmates were civilians, that is women and children. There were no large-scale resettlement plans in the German colonies, only small-scale attempts to isolate native leadership groups from their followers. There was no plan for ethnic or social engineering that would have compared with the *Generalplan Ost*. But most importantly – not a single camp in German South-West Africa had been created with the objective of killing as many inmates as possible in the shortest possible time. There was no industrial mass murder. All the time, there was a public sphere, in which Germany's policy in Africa was discussed, criticized and opposed. There were intervening factors, which shaped this policy (usually moderating it) such as the press, the parliamentary opposition in the *Reichstag* and the missions. And last but not least – the violence in the South-West African colony was driven mostly by irrational fears and calls for retribution by the settler community, it was not –

like later in the Third Reich – driven by top-down decisions. In fact, the colonial administration and the *Schutztruppe* often moderated the violence. A generation later, genocide was ordered from above and carried out by eager and disciplined army units, commandos of the *Sicherheitsdienst (Einsatzgruppen)*, the SS and local militias and collaborators. It was a top-down policy, carried out by a totalitarian state, which met almost no resistance from within the system (and if at all, then for purely logistical reasons).

German colonial policy in South-West and East Africa was genocidal, but it was not a blueprint for the Third Reich's industrial genocide, which was not based on hatred vis-à-vis Africans, but on anti-Semitism. Germany's colonial policies did inspire – but not the Nazis, as some would have it, but the radical Afrikaner movement in South Africa, which was much closer and which in return impacted upon the way labor market policies and native affairs were shaped in South-West Africa. As such, one might well see the policies of Leutwein and his successors as a blueprint for apartheid, whose main pillars (race segregation and economic policies) were shaped between the end of the 19th century and the end of World War II, but never as a scenario for Germany's occupation policies in Central and Eastern Europe. Both the *Kaiserreich* and the Third Reich were genocidal empires, because their leaderships were obsessed with genocidal plans and intentions and because in both cases, the state apparatus was used to carry out genocidal actions against populations, who, on the basis of racial ideology, were regarded as inferior. But not only the scope of the atrocities differed, but also the actors and the way these policies were implemented. First and foremost, the Third Reich was not genocidal because the *Kaiserreich* had been genocidal. Instead both German empires were genocidal on their own account. The only element, which links the colonial genocides with the Holocaust and the genocides committed against the population of occupied Central and Eastern Europe, is the logic of radical exclusion, which was applied against the racial outgroups. After the Herero uprising, this logic was no longer based on visual features of the excluded, but it became enshrined in a concept, which defined otherness on the basis of blood and ancestry and the one-drop dogma. In order to find out whether a person belonged to the in- or out-group, it was no longer sufficient to look at him and establish his skin color and appearance. After 1905, the process of racial exclusion was based on blood and carried out in a bureaucratic manner in which a person's ancestors were screened. This created an inescapable trap for those who were excluded, because it prevented their group from reintegration into the in-group, no matter how much and how often they would engage in cultural or religious assimilation, mixed marriages or shift their political loyalty.

This insurmountable barrier between black and white, which was created after 1905 and replaced the blurred and shifting boundaries from before, was later introduced in the Third Reich in order to separate Jews from Germans, non-Aryans from Aryans. At the same time, it shifted the burden of distinguishing between the groups from the populace to the state, together with the immense power over the life or death of groups and individuals, which is inextricably associated with this burden. Due to this shift, the state always knew better than the populace who belonged to the in- and out-group. Due to this shift, a white person could be declared black and be excluded from the in-group forever; due to this shift, some Germans suddenly learned from the state bureaucracy that they were and always had been Jewish. And due to this shift, the totalitarian state was able to create a fatal trap without escape for those, who were ascribed to the out-group. This shift did not come into being as the result of military action, farmer obstinence or settler racism. It was developed by lawyers on the German mainland and imposed in the colony, where many settlers opposed it. The same concept was later applied to the German Jewry, enabling the state bureaucracy to distinguish between some Germans and others, who did not even differ in skin color, religion, political affiliation, the level of patriotism or any other trait – except the fact that some had Jewish ancestors and others did not and some therefore fell under this fatal one-drop-concept, which had initially been developed for severing the ties between Germans and natives in the German colonies.

ICL's genocide concept has been used in this book in order to obtain a tool, which enables us to distinguish genocidal crimes from non-genocidal ones and to disentangle genocidal elements in a wider campaign of violence from non-genocidal episodes. The genocide concept was invoked as a kind of epistemological filter without any moral or normative implications. It should be clear that declaring the Omaheke campaign non-genocidal (but overloaded with war crimes) does not make it worse or better than other cases of extreme violence. For the victims, it does not matter whether they died because their enemy regarded them as dangerous individuals in a fight, or as unimportant members of a large group he wanted to destroy. It does matter to their descendants. The way genocide is invoked in the public sphere, by pressure groups, political movements and the media, carries a heavy moral and normative load, which has made genocide the most heinous crime on earth. This works both ways – it makes perpetrators appear extremely evil, but it also avails victims and victim groups with a powerful resource, which entitles them to claim respect, dignity and material and immaterial resources, ranging from public acknowledgement of their (or their ancestors') suffering to financial and symbolic compensation, reparation

and indemnisation. The dynamics of the genocide concept's public use have led to a hierarchisation of international crimes and to a hierarchisation of victims. Committing genocide is regarded as more repugnant and abominable than committing a crime against humanity, a war crime or an act of terrorism, and being the survivor of genocide guarantees more media awareness, easier access to respect, acknowledgment and resources than survivors of other crimes can usually get. The inflationary use of genocide label (rather than the legal concept) is a result of these dynamics. This inflationary use has deprived the genocide label of some of its meaning and it is likely to make the genocide label less important and less salient for genocide prevention. As chapter 3 has shown, law follows the dynamics of the genocide concept's public use and has contributed to the widening of the genocide definition according to the media usage in Western countries, where there is a tendency to attach the genocide label to each and every case of mass killings regardless of the intentions of the perpetrators. As a result of ICL jurisprudence, genocide can now be committed by perpetrators who lack genocidal intent (as long as they are part of a Joint Criminal Enterprise [JCE] whose other members had such intentions), it can be perpetrated against any "stable and permanent group", not just one of the four groups mentioned in the Genocide Convention. But if every mass crime is sooner or later tagged with a genocide label, the very label becomes irrelevant. In such a world, the responsibility of preventing genocide becomes the responsibility to prevent every kind of mass atrocity, a task, which will surely overburden the United Nations and their member states.

This is one argument for a prudent use of the genocide label in historical research. But there is another one, which in the colonial and neo-, or post-colonial context in Europe and Africa is much more important. The very concept of genocide, its legalisation,¹² the way it is publicly invoked in order to underpin moral, political and legal claims is a result of World War II and the attempts to come to terms with the crimes which took place during the war. It is first and foremost a product of the Western world, the liberal world order which followed the fall of the German order in Europe in 1945 and was reinforced by the breakdown of the Soviet Union and its economic and military allies after 1991. One important aspect of this order is the tendency towards supranationality, the creation of international agreements and institutions, which limit the leverage of individual

12 Legalisation is used here in the same way as securisation in security studies: it describes the process of making a certain notion a legal one. It does not imply that the underlying act was first illegal and then became legal.

nation states, and the foundation of new supranational institutions tasked with making reluctant states obey the rules to which they agreed to adhere. International Criminal Justice is one important institutional aspect of this tendency. There is a wide consensus within the Western world which supports the expansion of International Criminal Justice institutions and regards them as indispensable for deterring nation states from mass crimes and in order to promote a Human Rights culture that is considered universal.

It is not necessary to challenge the universality claim of the Human Rights concept in order to shed doubts on the adequacy of projecting the Europe-made, liberal Western concept of genocide onto Africa. Genocide is a relatively new notion, whose meaning is derived from recent European history and it has been put into a legal frame and penalized by European and US lawyers. European, US and Canadian international Human Rights organizations have promoted the concept, and European countries were at the forefront of founding the International Criminal Tribunal, whose statute contains the most widely used concept of the crime. Many non-European countries joined the process, but the procedures, legal documents, and the concept of justice which permeates the court have developed under a strong influence from EU countries, the US, and Canada. Genocide as defined by the Rome Statute, was committed in many countries in the world, but the very concept, the idea of framing it legally in the way, in which it shows up in the Rome Statute, is a European one. Genocide, understood as the attempt to eradicate whole groups as such (and not only as the sum of individual victims), can only be grasped normatively if one accepts the underlying assumption of equality not only among individuals, but also among groups. It is based on a concept of humanity, which entitles each and every group (and racial, ethnic, religious and national groups in the first place) to the protection of humanity and which rejects any hierarchy of groups, which would make some groups more respectable and valuable than others. This is not only at odds with the nowadays discarded, but once influential trend to apply Darwinism to international relations and with the rivalry between nations and ethnic groups, which was dominant in 19th century Europe among national democratic and later nationalist and fascist movements. It is also at odds with the experience of many ethnic groups and nations in Africa, which fought their wars with enemy groups under the premises of eradicating or incorporating them, or facing extinction themselves. They did so without the constraints and protection of humanitarian concepts, which urge belligerents to spare civilians and wounded fighters. Such constraints were rather impractical and would hardly have given real protection under the circumstances of the day. In the early 19th century, a wave

of violence, known as the *Mfecane*, shattered and uprooted the Zulu communities in the territory that is now the Eastern Cape of South Africa. Groups and clans, who had been attacked and chased away from their settlements, fled and attacked other communities in order to survive. This violence sent shockwaves from East Africa to Rhodesia and Moçambique to the Cape Colony in the south. It was accompanied by the extermination of whole clans and tribes, which were either absorbed or killed by the Zulu militias, who raided their neighborhoods. They destroyed crops and confiscated cattle, which made the survival of the conquered groups impossible and created – to say it with the words of the Genocide Convention – “conditions calculated to bring about the physical destruction in whole or in part” of the vanquished.¹³ This took place a generation before Henri Dunant drafted the Red Cross Convention in Europe, and the Zulu would have hardly shared Dunant’s empathy for wounded soldiers. Taking prisoners, treating them well and sparing civilians (who often could hardly be distinguished from belligerents) would have weakened them and cost resources they needed to use for sustaining their own kin. Humanitarian approaches became more popular once war was waged not between cattle breeding and agricultural communities that fought for their survival, but between large armies, which operated on open territory, far away from the civilian population, and waged war in order to extend their borders or extract taxes from other communities. Especially in the latter case they had a strong interest in keeping their former enemies alive and in good shape.

But there is yet another important feature of the wars in Africa, which makes the projection of Western humanitarian concepts problematic. These tend to rely on the emphasis of victimhood and the rights of victims. The concept of individual Human Rights, in which ICL and the genocide concept are deeply rooted, gives priority to victims’ rights (to acknowledgement, justice and compensation) over any other competing claims. But this concept can only work in societies with a relatively high degree of redistribution by the state. Only there are the resources available in order to indemnify or compensate victims. It is the very logic of modern mass crimes that relatively few perpetrators can cause an immensely high number of victims. The mere proportion between perpetrators and victims renders traditional patterns of restorative justice, such as the payment of blood money or other forms of material compensation, impossible without

13 Thompson, *A History of South Africa*, 83; Jan Visagie: Migration and the societies north of the Gariep River. In: Fransjohan Pretorius (ed): *A History of South Africa. From the Distant Past to the Present Day*, Pretoria: Protea, 2014, 105–124.

a relatively high level of centrally enforced redistribution. For societies with no or only a low level of redistribution it is only feasible to grant acknowledgement and material compensation to heroes, because heroes are by definition rare and can therefore easily be compensated. In such societies, the acknowledgement of (many) victims is a private issue, whereas the state heralds (a few) heroes. Their achievements are commemorated rather than the suffering of the community's victims. Such societies are also more likely to be symbolically inclusive. Successful warriors are praised, but victims are not excluded from their community.¹⁴

Namibian history does not point towards the acceptance of Zulu-like genocidal campaigns, and the Herero and Nama conduct during the wars with the German troops demonstrates a readiness to endorse humanitarian constraints on warfare. But the Namibian past is dominated by a hero-centred rather than a victim-centred approach to commemoration. And it is very inclusive – Namibia's official narrative does not exclude any group from the community of Namibians. This can be observed all over the country.

Today, Shark Island is no longer an island. It is now linked to mainland Lüderitz, a sleepy, stormy little town with desolate shops, colonial buildings, and streets that empty at dusk when the wind from the sea turns into a violent storm. Shark Island now hosts a misplaced nouveau-riche palace in Spanish colonial style, several smaller villas as well as the former prisoners' camp which is now a camping site, with rusty devices and a lonely stone building that houses a kitchen, toilets and showers and – as a friendly guard explains – is still frequented by tourists from time to time.

The only hint about the dramatic events that took place there more than a hundred years ago, comes in the form of a commemorative stone in the middle of the little peninsula, which enigmatically presents a picture of Cornelius Fredericks and says:

“Captain Cornelius Fredericks 1864–1907 with 167 men, 97 women, 66 children, sons daughters and children of Nama Community Bethanie – Namibia”.¹⁵ The number of Shark Island victims is well known in Namibia: it was almost 2,000, and many (though a small minority) were Herero. Apparently the inscription's authors, by underestimating the number of casualties, neither regarded the events on the island as genocide, nor did they see them as something inflicted on the Herero or on all Nama. Even among those victims, who are mentioned on the

14 This holds only for victims of warfare. In many countries, victims may be symbolically or even physically excluded if they are victims of (mostly male) sexual violence. But here the emphasis is on widows, orphans and those wounded from warfare.

15 Author's field research on Shark Island in April 2015.

stone, only leaders have a name. The entire atmosphere of the place where the commemorative plaque is located is one of heroes rather than victims. Directly in front of the Cornelius plaque, dispersed in a half circle, are the tombstones of the German soldiers (and a few civilian victims), who lost their lives in the German war against the Nama. They were transferred to the island from a graveyard in town, as the exposition of the local *Heimatmuseum* reveals. There, not a single word mentions the Nama and Herero context of Shark Island, since the museum is not dedicated to the historical memory of Namibia, its citizens or inhabitants, but to its German past. The exposition explains at length the evolution of the diamond industry since 1908, the specifics of the geological environment, the flora and fauna of and around Lüderitz, and the traces German colonial rule left behind. The only camps, which are mentioned there, are the (relatively humane and comfortable) temporary prisons that the authorities of the South African Union erected in order to isolate the German population in 1915.¹⁶

Like throughout Namibia, the memory of the colonizers and the colonized coexist side by side – because of the strongly inclusive official narrative about the past that has been promoted by subsequent Namibian governments and because of the balance of socio-economic and political power between the different ethnic and linguistic groups in the country which lies behind it. Windhoek is probably the only town in the world where Bismarckstrasse crosses Fidel Castro Street and Kenneth Kaunda Street meets Schillerstrasse. During weekends, Herero families gather in the park of the former zoological garden around a stone that praises the memory of the *Schutztruppler*, who were killed in action against the Herero. Opposite the former National Museum – also a former German colonial building – a North Korean developer has built a huge, government-sponsored new National Museum, which is now busy with nation building. The nation, which at the museum is presented is an extremely inclusive one. The overarching narrative of the museum condemns colonialism (rather impersonally, though von Trotha and a few other prominent colonial leaders are named), apartheid and South African occupation, but as a final highlight it shows – styled in a socialist realistic manner known from East European Stalinism – people from all ethnic and linguistic groups (including a white farmer) as those who are now jointly building a new, harmonious and prosperous Namibia. The whole exposition is shaped in a chiliastic manner, which presents the past as a sequence of events that teleologically leads to a good present and a bright future.

16 Author's field research in Lüderitz in April 2015.

Several kilometers south of Windhoek, North Korean architects erected a “Heroes Acre” – a huge hillside area that contains the symbolic graves of all those, who, before and during colonial rule, fought against each other: Samuel Maharero as well as Hendrik Witbooi, Ovambo leaders, Baster leaders and, last but certainly not least, SWAPO leaders.¹⁷ On this large acre, former enemies are symbolically reintegrated into the Namibian nation. But they are presented as heroes, not as victims. In the middle of nowhere, hundreds of kilometers southwest of Windhoek, in the hilly Savannah between Swakopmund and Maltahöhe, suddenly a German medieval style fort appears on top of a hill. Back in 1909 – when the area was still recovering from the Nama’s uprising against the Germans, a *Schutztruppen* officer used the funds of his American wife to build a fortress in the middle of the Savannah. For years, he imported equipment, wood and furniture from Germany and made the porters carry it across the desert. But as soon as World War I broke out, he embarked for Germany and never came back. In 1915, he was killed in action, and his wife immediately sold the fortress. Until recently, the fortress was a major destination for SUV-equipped tourists, who took photos of the slowly deteriorating walls and spent the night on a nearby guest farm. Then the district government decided to fund the renovation of the object, successfully turning it into a small, but relatively luxurious hotel with a restaurant and a shadowy courtyard with a small swimming pool, where guests can spend the night in colonial style sleeping rooms and admire the furniture the Baron had gathered before he went to war again. In August 2014, the district government reopened Duwisib castle, driving a small crowd of about 40 people to the place, to whom the new manager gave a speech about the history of the fortress, introducing himself as “the black Baron”. “This is our historical legacy”, the Duwisib manager said proudly about the castle, “I am very happy you like it.”¹⁸

These indications for the preponderance of a hero- rather than victim-oriented national narrative overlap with evidence from oral history projects among Herero, which show the relatively marginal place the Herero war plays in Herero collective memory – and even less in the way Nama commemorate and narrate their past. In the available written records about oral presentations of Nama and Herero history, intra- and interethnic conflicts play a much bigger role than the conflicts with the Germans and the British. Even the uprising of 1904 and its

17 Author’s field research at the Heroes’ Acre in August 2011.

18 Author’s field research at Duwisib in April 2015 and interview with one of the persons present at the re-opening of the fortress in August 2014.

consequences only figure as minor events.¹⁹ The Herero uprising is mentioned and described in details (of which many differ considerably from Western historiography), but it appears as a war lost by some Herero tribes rather than a general slaughter of the Herero as such.²⁰

The court cases, which some Herero leaders filed before US courts against German enterprises and the German state, seem to contradict the claim according to which the genocide concept is alien to the Herero and Nama understanding of the colonial conflicts with Germany. But a closer look at the story actually confirms this claim.

The story begins with Hugo Princz, an American of Jewish descent, who had been a forced labourer in the Third Reich and had not been covered by the different compensation programs, which the Federal Republic of Germany developed in the postwar era. In 1994, he filed a lawsuit against the German government before an US court and lost. The court found Germany enjoyed state immunity. Nevertheless, the case had garnered considerable attention and a year later, the German government agreed to pay a lump sum of three million DM to the Jewish Claims Conference in order to settle the remaining cases of Jewish victims in the US, who had not been compensated under other programs. This sum was later increased. These payments were regarded as voluntary, humanitarian gestures by Germany and explicitly not as compensations, because the German government regarded the legal claims, which had given rise to these lawsuits, as legally unfounded. This position backfired when in 1998 a number of Jewish organisations in the US filed lawsuits under the Alien Torts Act against German corporations. These lawsuits neither demanded compensation for past abuses, nor humanitarian payments, they were intended to obtain compensation for unpaid labor. The plaintiffs argued that the forced labourers of the Third Reich had been deprived of a just remuneration for their work and that it should be paid retroactively. This argument circumvented the immunity the German government had been granted by the Princz decision, because the lawsuits were no longer directed at the German government, but at private investors with considerable property in the US, which could be confiscated if the courts took the side of the plaintiffs.

19 Annemarie Heywood; Brigitte Lau; Raimund Ohly (eds): *Warriors leaders sages and outcasts in the Namibian Past. Narratives collected from Herero sources for the Michael Scott Oral Records Project 1985–1986*, Windhoek, 1992.

20 *The Mbanderu. Their history until 1914 as told to Theo Sundermeier in 1966 by Heinrich Tjituka, Albert Kajovi, Heinrich Kavari, Paul Katjivikua, Ernst Ketjipotu*, Windhoek: Michael Scott Oral Records Project 1985–1986, 51–55. (Also available as vol. 8 [1987] of the *Beiträge zur Afrikakund*, Basler Afrika Bibliographien).

They were based on the legal continuity between enterprises, which had taken advantage of forced labor during the Third Reich and still existed under the German corporate law of the day.

In order to relieve the German corporations from the burden of conducting these trials and to prevent a legal disaster for them, the German government under Chancellor Gerhard Schröder stepped in and agreed to negotiate an agreement between the plaintiffs and the government, according to which the whole German industry would make voluntary contributions to a fund, which would then be augmented by the German budget. The money would then be distributed to former forced workers. The government came under considerable pressure from the EU public and members of the political establishment, who backed the Jewish claims against the German enterprises. Soon, the German media also started to collect testimonies of former Jewish workers in the war industry and in concentration camps. At this point, several Central and Eastern European governments lobbied the German and the US government to be included in the negotiations on behalf of those of their citizens, who had been forced laborers during the German occupation in World War II, but had not been included in any German compensation program. In July 2000, the German *Bundestag* approved a bill creating a special Foundation, which would distribute the money to national foundations in the respective countries, which would then deal with the individual applications of beneficiaries. The final sum was ten billion DM, divided into five billion from German businesses and five billion from the budget. In return, the respective governments agreed not to pursue any further claims connected to forced labor.²¹ It is worth mentioning that these payments were not reparations. Reparations are usually paid from one country's budget to another country's budget, whereas the forced labor compensations were payments made by one country which went directly (and without being taxed) to individual beneficiaries. As such, they embodied the pecuniary side of the social process of individualisation, which had taken pace in Western Europe after the war. Individual Human Rights had been supplemented by individual reparation payments, which were no longer channelled from state to state, but now ran from a foreign state to individuals of another state on the basis of individual claims.

In 2001, shortly after the *Bundestag* had voted on the bill creating the forced labor foundation, a group of Herero filed a lawsuit against the the *Deutsche*

21 The whole process, the legal background and the negotiations are best described in Jerzy Kranz; Bartosz Jałowiecki; Jan Barcz: *Między pamięcią a odpowiedzialnością. Rokowania w latach 1998–2000 w sprawie świadczeń za pracę przymusową*, Warszawa: Wyd. Prawo i Praktyka Gospodarcza, 2004.

Bank and the *Deutsche Afrika Linien* in the US, also under the Alien Torts Act in two district courts. They had sued these enterprises, claiming legal continuity between them and the *Kaiserreich's Deutsche Bank* that had financed German colonial endeavors and the *Woermann Line*, which had transported soldiers to the colony to quash the Herero and Nama uprising and had taken part in the deportations. The case looked like and appeared to have been inspired by the Jewish claims against the German investors several years before. But there was a number of differences: the Herero had no political support from the US establishment and the German government did not step in. The underlying atrocities had happened much earlier and the Herero had no chance of proving a causal effect between the atrocities and an actual tort for themselves, which could be remedied by a verdict in the US. And finally, the applicable statute of limitations for the alleged crimes was ten years under US law and the Herero were unable to provide a compelling argument why their case had not been pursued earlier, for example within a ten-year time span after the end of German colonial rule in Namibia. The case was dismissed in the state courts and subsequently also in a federal court.²² In all cases, the plaintiffs had pled the atrocities committed between 1904 and 1907 had been crimes against humanity and were justiciable under universal jurisdiction.²³

During and after the hearings in the US courts, negotiations were ongoing between the government of Namibia and the government of Germany. They had two main issues: an official apology by the German government, which would include an admission about the atrocities in 1904 being genocide, and financial compensation. In 1998, German president Roman Herzog had expressed “regret” for the atrocities committed by German soldiers, but without admitting genocide and without a formal apology. A few years later, the German minister for development aid, Heidemarie Wieczorek-Zeul, had already issued such an apology on her own behalf, from which the government had disassociated itself

22 The respective verdicts can be found on: <https://casetext.com/case/hereros-v-deutsche-afrika-linien-gmbht-co> and <https://casetext.com/case/herero-peoples-reparations-v-deutsche-bk#p1195> as well as: <http://caselaw.findlaw.com/us-dc-circuit/1054653.html>.

23 The problem with this argument was, however, that universal jurisdiction, a notion which describes the obligation of countries to punish international crimes (without a statute of limitations) regardless of whether they occurred under the country's timely or territorial jurisdiction, is a concept from criminal, not private law. The lawsuit in the U.S. was a civil one, and though it asked for compensation, it did not seek to establish individual criminal responsibility.

afterwards. The representatives of the Herero and Nama communities wanted the German government to admit genocide and apologize for it, but they also wanted the German government to pay what they called “reparations”, which were in fact individual compensations.²⁴ The latter demand was difficult for both governments. The Namibian government, dominated by SWAPO (which in turn is dominated by Ovambo, who had more grievances against South Africa than against Germany) wanted the German government to increase development aid, which could then be distributed to all Namibians rather than to only two ethnic groups in the country. The Ovambo (and other groups) feared the German compensations could shift the balance of power in Namibia’s political system to the advantage of Nama and Herero. SWAPO feared direct compensation would be difficult to control for the government. The German government was anxious to avoid direct individual compensation to people who had themselves never been hurt by the actions for which the compensation was to be paid. Severing the direct personal link between victimhood and compensation could open a legal Pandora’s box, which would expose Germany to claims of victims’ descendants for acts that had happened not only a few generations but even many centuries ago. So far, Germany has only paid compensations to direct victims, not to later generations.²⁵

The legal arguments involved, many of which are of a procedural and jurisdictional character,²⁶ are not important for the context of this chapter. It is more important that the content-related part of the claims was based on a victim-centred approach to law and on notions of International Criminal Law, which were both the consequence of the social individualisation that has shaped norms and values in Western societies after World War II. They were, however, rather foreign to the hero-centered memory in Namibia. The Herero and Nama plaintiffs had endorsed this individualist concept in order to obtain specific material

24 In the meantime, the Nama and Herero groups shifted their negotiation position to one, which demands compensation for their group, rather than individual people. Author’s own information based on talks with people engaged in the negotiations, who requested not to be quoted.

25 Paying individual compensation to people or their representatives, who themselves had not suffered, could also expose Germany to further claims by all those who were compensated under the post-1998 schemes for forced labourers.

26 There were major jurisdictional problems of the Herero and Nama lawsuits pertaining to the question of whether these claims were admissible under U.S. law at all, whether they were based on international or U.S. domestic law, and whether they should be heard by a state court or a federal court.

(“reparations”) and immaterial (“apology”) concessions. This became even more apparent with the second lawsuit against Germany, which was filed in January 2017, this time to a US state court and against the Federal Republic of Germany only.²⁷ No private companies were involved. The plaintiffs wanted the court to prevent Germany from excluding them from the negotiations with Namibia, basing their claims on the 2007 UN Declaration on the Rights of Indigenous Peoples and – with regard to the factual allegations – on the Genocide Convention.²⁸ The claim was a class action and this time it labelled the underlying crimes explicitly as genocide. In order to avoid the confusion between private and criminal law from the first wave of lawsuits, the Herero and Nama argued that their ancestors had been expropriated in the framework of genocide and the tort arising from this injustice had never been remedied. The factual allegations also invoked the scholarly debate about the link between German colonialism and the Third Reich. The plaintiffs tried to draw a line between the activities of Eugen Fischer and the later medical experiments of Josef Mengele in Auschwitz-Birkenau, between Ritter von Epp’s military service in the *Schutztruppe* and his role during the Third Reich and between the *Schutztruppe* and the NSDAP’s SA.²⁹ At the time of writing this book, there was neither a result of the negotiation between Germany and Namibia nor a final decision on the class action. But it is obvious that the individualistic Western and victim-centred notion of genocide, which had been foreign to the collectivist and hero-centred Nama and Herero tradition, had been imported to Namibia because it bore the chance for leaders

27 The lawsuit can be found on: <http://genocide-namibia.net/wp-content/uploads/2017/01/Class-Action-Complaint.pdf>. The plaintiffs’ claim to represent the entire Nama and Herero communities seems to be exaggerated. Some Nama and Herero bodies and the leaders of the Mbanderu community rejected the court action in the U.S. Germaine Ngatjiheue: U.S. genocide lawsuit dispute, *The Namibian* 10.1.2017 available at: <http://www.namibian.com.na/50174/read/US-genocide-lawsuit-dispute#>; and Elvis Muraranganda: Rifts widen over genocide reparations lawsuit, *Windhoek Observer* 20.1.2017, available at: <http://www.observer.com.na/index.php/national/7531-rifts-widen-over-genocide-reparations-lawsuit>

28 Both governments had rejected the demands of the Herero and Nama to be admitted as equal partners to the negotiations.

29 There is no argument in the document that would explain why the plaintiffs thought such a reference to the continuity hypothesis between German colonialism and the Third Reich would support their legal argument. The factual allegations look like an excerpt from a popular science book on German colonialism. For example, the link which the authors constructed between the *Schutztruppe* and the SA consisted in the alleged fact that some SA members had bought and worn *Schutztruppen* uniforms.

of both groups to improve their standing within Namibia and to get access to resources (such as respect, acknowledgement, money and land³⁰) which would otherwise be difficult or impossible to obtain. A few weeks later, Tanzania followed the Namibian example. In February 2017, the Tanzanian parliament urged the government to start negotiations with Germany about compensation for the atrocities committed by German troops during the Maji-Maji uprising. The word “genocide” has not (yet) shown up in the discussion, but with regard to the facts described in chapter 4, this is probably only a matter of time.³¹

By invoking the g-word in claims about compensations or reparations, African leaders support the expansion of Western, liberal-democratic and individualistic ideas to their country at a time, when some African countries (including Namibia³²) are starting to withdraw from the International Criminal Court’s (ICC) Rome Statute, justifying this withdrawal by pointing to the ICC’s alleged neocolonial character and its alleged anti-African bias.³³ In recent years, the debate about the ICC has become an important element of the discussion about colonialism and neo-colonialism, which is ongoing in many African countries. This discussion focuses on practices of the ICC and Western governments and businesses, on symbols such as monuments, street and town names, but less on legal or philosophical notions and concepts. In this context, the projection of the Western, liberal-democratic and individualist concept of genocide onto situation in Namibia can also be seen as a neocolonial endeavor, which neglects and sidelines the thinking and traditions of those, whom it wants to uphold. Strikingly, the attempt to assess the Herero and Nama wars in terms of genocide has become very popular among writers, researchers and intellectuals supporting neo-colonial, or

30 Representatives of those who started the court action usually argue that compensation will be used to buy back the land that had been taken away from their ancestors by the Germans. This way, the negotiations with Germany and the court actions in the U.S. can also be seen as an element of the ongoing land reform in Namibia.

31 Deutsche Welle: Tanzania to press Germany for damages for colonial era ‘atrocities’, DW 9.2.2017, available at: <http://dw.com/p/2XGCV>.

32 Namibia has declared its intention to withdraw from the Rome Statute, but has not yet undertaken the necessary legal steps to do so.

33 So far all persons accused, tried and sentenced before the ICC were citizens of African countries. I do not share the opinion of the ICC being anti-African, biased or an instrument of neo-colonial or imperialist powers, although I am critical about the ICC’s functioning and international criminal justice in general. But in the context of this book it is important to emphasize that African criticism of the ICC is usually based on anti-colonial justifications rather than any other possible argument.

post-colonial perspectives.³⁴ Neocolonial paternalism sometimes comes in the guise of development aid when Western countries try to impose their economic or cultural concepts, combining them with financial or political benefits. But it may also be underway, covertly and faintly, when traditional communities in an African country endorse foreign ideas, because they offer access to resources, which would otherwise be unavailable.

34 There is a large nongovernmental community in Germany, which strives for extending the German “dealing with the past” to Germany’s colonial past and supports claims of African victims’ organizations and African expat and immigration communities in Germany to “de-colonize” the public sphere by changing street, school and garrison names that recall former colonial heroes and to replace them with names invoking these heroes’ victims. See: Britta Schilling: *Postcolonial Germany: memory of empire in a decolonized Nation*, Oxford University Press, 2014.

Annex

The German Empire and International Humanitarian Law.

The following table enumerates the international conventions which are relevant for the discussion in this book together with the respective dates of signature and ratification by Germany and their entrance into force.

Name of the Convention	Signed by Germany ¹	Ratified by Germany	Entered into force ²
Amelioration of the Condition of the Wounded on the Field of Battle (<i>Red Cross Convention of 1864</i>)	6.7.1906	27.5.1907 ³	9.8.1907
Laws and Customs of War on Land (<i>Hague II of 1899</i>)	29.7.1899	4.9.1900	4.9.1900
Laws and Customs of War on Land (<i>Hague IV of 1907</i>)	18.10.1907	27.11.1909	26.1.1910

1 According to the information retrieved in April 2017 from the database of the International Committee of the Red Cross: https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=180.

2 According to the database of the International Committee of the Red Cross.

3 According to Eicker, *Der Deutsch-Herero Krieg und das Völkerrecht*, 148.

Bibliography

Archives

The following list of archival sources has several purposes. It shall make the footnotes in the book more transparent and enable the reader to clearly identify the sources that are quoted in the chapters. Hopefully, the data in the table will also make further research easier by providing information about the current state of the sources and the places where they are now located. Therefore the information provided in the last column do not or do not always correspond to the data provided about the different archival items (boxes, finding aids, electronic files etc.) by the archives in which they are stored. They only indicate what kind of material about German colonialism and Namibia is included in the relevant sample. In many cases, the archival items contain more than that; in many cases, I managed to discover sources about Namibia and German colonialism in boxes and files, whose description did not indicate such a content.

Readers who intend to conduct their own research in archives should take into account the state of some of the archives. Many of the documents stored in the National Archive of Tanzania were in such a dire state that I did not even dare to consult them, after discovering that some documents fell literally into pieces once the respective box was opened and the content exposed to daylight. In some cases, I was probably the last person who saw the content of some of these documents, because they disintegrated between my fingers. The archives in South Africa and Namibia are usually in a good shape, accessible, transparent, and user-friendly, and their staff is extremely openminded and helpful. German archives tend to be more bureaucratic, but also well organized.

a) Bundesarchiv Berlin – Lichterfelde
Sammlung Reichsarchiv

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R1 1001	9547	Annual Reports on the colonies 1905–06
R 1001	6489	Reports from the Gouvernement Windhuk to Berlin about the Nama and Herero uprisings 1904–05
R 1001	7539	Various issues connected to racial ideology and the colonial question during the Third Reich; mixed marriages; press polemics, pamphlets concerning colonialism and racism, debates about Germany's claim to former colonies in the context of the annexation of the Sudetenland
R 1001	6492	Report concerning the agriculture and colonisation of German South-West Africa (1894–1895)
R 1001	6459	Various (draft) reports to the Colonial Council about the development of the colonies, including statistics on trade, population, finance and agriculture
R 1001	6280	Scientific report about the living conditions for whites in the colonies
R 1001	6281	
R 1001	1943	Deutsche Afrikapost, reports about the Nazi movement and its opponents in DSW (after 1915), British use of “the report on the Natives...” during the 1930s.
R 1001	6287	Plans for future colonies, German plans for a apartheid order in (future) colonies, based on South African experiences, recruitment of labor
R 1001	9603	Records concerning the selection of colonial archives in 1924
R 1001	9671	Records concerning the selection of colonial archives in 1938
R 1001	6478	
R 1001	6489	Annual reports on the development of the colonies (here: German South-West Africa)
R 1001	9548	Annual reports on the colonies 1904–05

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R 1001	7540	“Black” Germans, allied vs. German propaganda about the treatment of natives by Germany, ideological dispute between the colonial department and the NSDAP
R 1001	2134	Herero Uprising 1904, Reichstag deliberations on budget expansion for the deployment of troops to DSWA, Nama uprising, cooperation with British authorities in South Africa against Nama
R 1001	2135	Nama uprising, death of Burgdorff, Stuurmann prophesy, repercussions of v. Trotha’s proclamation to the Nama
R 1001	2136	Nama uprising, Herero uprising (here: v. Trotha claiming the Herero were physically and morally annihilated)
R 1001	2137	Nama uprising, repercussions with Cape Government, smuggling and arms trafficking by traders, internment of Nama by the British, Cape Argus claiming that Germans carry out large-scale atrocities against Nama civilians (based on partly anonymous eyewitness accounts), counterclaims by Cape-Germans, the death of Hendrik Witboois, Nama uprising, quarrel between von Lindequist and Army about truce details with Nama
R 1001	2138	Nama surrender in large groups, Nama splinter groups in partisan warfare against <i>Schutztruppe</i> ,
R 1001	2139	Number of prisoners of war among Nama and Herero, provisioning of POWs among Nama and Herero, Nama surrender conditions, conflict between civilian and military leadership over Nama surrender conditions
R 1001	2140	POW camps, prison conditions of Herero and Nama, Estorff’s protest against poor conditions on Shark Island, statistics about death toll among prisoners, the debate about who is responsible for Shark Island, bribing Simon Copper in the Cape Colony. Irlé’s “Was wird aus den Herero?”. v. Trotha’s article, death rates in the camps
R 1001	2141	Bonn’s response to v. Trotha’s article, bribing Simon Copper (final agreement), resettling Herero to East Africa.

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R 1001	2142	Relations with the Cape Colony, Simon Copper, border, customs
R 1001	2143	Relations with the Cape Colony, border and customs
R 1001	1938	Brandwag debate in the South African press (1926) about alleged conspiracy of the South African government to return SWA to Germany and the role of the Nationalzeitung
R 43	913	Colonial Associations (Kolonialgesellschaften), press criticism about the Herero uprising, Colonial lobby during the election campaign (Kolonialpolitisches Aktionskomitee) 1907, report about the colonies' significance for the German economy 1910
R 43	915	Colonial Associations, various materials, denial of atrocities in DSW and explanation of the economic background of the Herero uprising by the German Colonial Association
R 43	918	East Africa, diverse materials and press reports
R 43	924	East Africa, administrative matters, report on the intended development of East Africa, report about a Dernberg trip to East Africa, Rathenau report on the situation in East Africa and the causes of the Maji-Maji uprising
R 43	925	Report about East Africa 1913
R 43	926	Calculation of the cost of linking Lüderitz to the railway, the use of a dowsing rod to find water, report on the causes of the Herero and Nama uprising
R 43	927	
R 43	928	
R 43	931	Transcripts of the Reichstag's debate of 3.5.1907 (about, among others, the creation of the Colonial Agency, the Reichskolonialamt)
R 43	937	Truce negotiations with the Bondelzwaarts, intervention of von Lindequist against the conditions agreed upon by Estorff, Gratification for v. Trotha from the Emperor for his merits in Africa, transcripts of the Reichstag's debate on 30.1.1905 (Herero uprising)

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R 43	941	Personal and organizational matters, dysfunctions of the colonial administrations, individual cases of misbehavior and criminal conduct
R 901	59920	Press reports from German and French press about Cameroon during World War II
R 9013	59921	Press reports from the British press about the conflict over the Caprivi Finger and national socialist activities in South-West Africa after 1939
R 1001	1944	Police issues, proposals about the strengthening of German elements at the eastern border of DSWA in order to prevent smuggling, improve security and preempt settlement of South Africans, British and mixed-race farmers in the territory, which, after the uprising, could be sold to farmers
R 1001	1875	Matters concerning missionaries in Gibeon
R 1001	2033	Situation before the Herero uprising, conflicts between settlers and the administration, critique of the "Leutwein system", Kolonialbund requests to oppress natives, warnings of a coming uprising, start of the uprising and reactions in the press and by colonial associations (including Alldeutscher Verband), Burgsdorff issue,
R 1001	2034	Demands of the Kolonialgesellschaft concerning the Herero uprising, von Lindequist report of 1906 about the economic development and security in the north (around the Waterberg)
R 1001	2154	Negotiations with the Nama 1903, Conflict between Leutwein and the Kolonialverband about treatment of natives, (Leutwein in favor of "British model" = full emancipation and equal rights), Windhoeker Anzeiger about Cornelius and Michael letters and Nama and Herero intrigues, panic among whites in Warmbad and the south,
R 1001	2155	Settler interventions with the Gouverneur in order to punish Herero and Nama. Negotiations with Cape Colony about extradition of Nama

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R 1001	2113	Report about British adventurers, who offer to fight for Germans against Herero, or, if refused, for Herero against Germans; Telegraph from General Staff siding with Leutwein's opinion, that insurgent Herero who killed settlers and looted their houses should be tried and executed
R 1001	2114	Pamphlet of the Rhenish Mission: Sturm im Hereroland, mentions Samuel's letter as proof that missionaries did not know about uprising beforehand, examples of violence against German women, investigations into the causes of the Herero Uprising, the causes of the uprising in the eyes of the Herero, pamphlet of the Rhenish Mission "Die Rheinische Mission und der Herero Aufstand"
R 1001	2115	Missionary's report on the beginning of the Herero uprising, v. Trotha's orders for the Waterberg battle, Report of the settlers about the causes of the uprising and the damages, for which they seek compensation, statement of the Gouvernement in Windhuk concerning Bebel's speeches in the Reichstag (including very critical assessment of the settler community and description of inequality between settlers and natives), Leutwein's message to the Herero: ordinary Herero, "surrender or die", Pamphlet on the Rhenish Mission and the Herero uprising, part 4,
R 1001	2116	Navy report for the Kaiser about the landing, and fighting conditions in DSWA, Leutwein report for the Reichstag about the background of the Herero uprising (includes memo about land reserves and debt issue), the alcohol issue, historical causes of the uprising, Pamphlet of settler representatives: "Deutschlands Kolonialpolitik und die augenblicklichen Zustände in Deutsch-Südwestafrika". Report on criminal behavior against natives by settlers ("whites"),
R 1001	2117	Von Bülow report for the Reichstag on the origins of the Herero uprising (includes copies of the protection treaties, all relevant colonial regulations and the letters from the chiefs), <i>Schutztruppe</i> does take prisoners,

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R 1001	2118	Surrender conditions of the Herero, v. Trotha's racism, Dernburg to missionaries: no mercy for dying Herero in Swakopmund, death toll among POWs in Swakopmund and Lüderitz, Herero escape to Bechuanaland and investigation into that, Herero justifying the war: It was against the traders and store owners only, war against the Nama, v. Trotha's extermination order in Vorwärts,
R 1001	2119	Death of Wilhelm Maherero in Bechuanaland, Statistics concerning all POWs, von Lindequist's truce, polemical letters Hohenlohne-Irle,
R 1001	2120	Various materials connected to the Herero uprising in 1904
R 1001	2087	Various copies of press articles, crime and security panicking among Germans
R 1001	2088	Reports on the development of DSWA and complaints of German settlers and traders to the Ministry of Reconstruction (from the early 20s), rumours among German settlers about a British-sponsored Herero uprising in 1922, Reactions in DSWA to Munich and Austria (in December 1938): Natives meet to vote whether they want to belong to Germany or South Africa, German settlers collect weapons because they fear an uprising
R 1001	2089	Clash of opinions on the Herero uprising between v. Trotha and Leutwein, Leutwein resignation, quarrel about how to conduct the war against the Nama, copy of the extermination order and the Kaiser's telegraph to amend it
R 1001	2090	How to treat POWs (on the Woermann vessel), deportation of Witboois to Togo, Liberia, returning them to Swakopmund, further deportations, health risks for Nama in tropical parts of Africa (some of whom starved to death)
R 1001	2091	Deportation of POWs to other colonies (title of the folder: "Überführung der Kriegsgefangenen aus Deutsch-Südwestafrika in andere Schutzgebiete")
R 1001	2092	Escape of rebels to British territories 1905–06

Bestandssignatur	Archivnummer	Content of the record (relevance for this book)
R 1001	2093	Escape of rebels to British territories 1905–06
R 1001	2094	Escape of rebels to British territories 1906
R 1001	2095	Escape of rebels to British territories 1907–1910
R 1001	2096	lacking
R 1001	2097	Liberalizing the possession of cattle for natives 1912
R 1001	2101	Several letters of Samuel Herero in translation (into German), Pastor O. Hausleitner's pamphlet "Zur Eingeborenen Frage in Deutsch-Südwest-Afrika. Erwägungen und Vorschläge" Berlin 1906, Pamphlet Irle: "Was soll aus den Herero werden?"
R 1001	2102	Press reports on SWA during the 1920s and 1930s, request to use the archives in Potsdam in order to write a dissertation about the Herero and Nama uprising in 1935 (by Walter Berner), reports about conflicts among the Herero under South African Rule, commemoration of Maherero in Okahandja
R 1001	2121	Report of the Reichskanzler to the Reichstag about the Herero Uprising 1904
R 1001	2122	Report of the Reichskanzler to the Reichstag about the Herero Uprising 1904
R 1001	2123	Red Nation affairs from the end of the 19th century
R 1001	2124	Issues linked to the Basters in Rehobot, cooperation with whites and the colonial administration 1906, Germans discuss lower tax burden in order to prevent Baster uprising, statistics concerning mixed race people and Basters in the colony, judgment concerning Baster woman who wants her marriage (concluded in Walfisbay) to be declared void,
R 1001	2216	Compensation for Herero uprising losses for farmers 1904
R 1001	2217	Compensation for Herero uprising losses for farmers 1904
R 1001	2186	Compensation for Herero uprising losses for farmers
R 1001	721–728	Uprisings in German East Africa 1905–1912

Records of the Kolonialpolitisches Amt der NSDAP (Agency for colonial politics of the NSDAP)

Bestandssignatur	Archivnummer	Content of the record
NS 52	13	Report about the dislocation of governmental ethnologists to future German colonies, opinion of the Kolonialpolitisches Amt der NSDAP and the Rassenpolitisches Amt der NSDAP concerning the intended travel of Alexander Olympio's brother from France to Germany
NS 52	37	Reports about racial politics in Poland and opinions concerning various publications on colonial issues for censorship purposes
NS 52	38	Report concerning proposals for solving racial problems in a future German South-West Africa

b) National Archives of Namibia, Windhoek

Group of accession code	Storage Unit	File number	Relevance
ZBU	687	F.V.A1-3	Government Record, central offices 1884-1915 Justice, punishment of natives, penitentiary matters general judicial affairs, bottom-up pressure for more punitivity against the native prisoners and workers 1912-1914
ZBU	688	F.V.B1+2	Judicial matters, correspondence between the Gouverneur and the Bezirke and Distriktämter
ZBU	689	F.V.c1 Band 1	(only one document): letter urging local offices to apply legal terminology and equip verdicts against natives with reasoning
ZBU	690	F.V.b2	Judicial matters, special cases (mostly confirmation of death penalty against natives convicted of crimes)
ZBU	694-695	F.V.G1+2	Statistics about crime and punishment, regulation of corporal punishment
ZBU	713-714	F.V.N2-9	Natives' understanding of rights, questionnaires about their customs, family structure, traditions etc.

Group of accession code	Storage Unit	File number	Relevance
ZBU	716	F.V.P1-5	The return and distribution of the 42 deportees from Kamerun, transfer of mutineers from Kamerun to DSWA, transport of an East African Beduin Sherif Salim to DSWA and his violent death there (F.V.4)
ZBU	724-728	F.V.VII-VII d.1-2,e1-2, f1-2,a1,b1	FVIId1: Zwangsvollstreckung gegen Eingeborene, 1903 und nach dem Aufstand
BLU	24	B10K_ B10M	Inventar der Akten des kaiserlichen Bezirksamts Lüderitzbucht Besiedlung, individual cases of immigrants, asking for subsidies and travel assistance from the Gouverneur and the Deutsche Kolonialgesellschaft, female deficit in the colony and how to respond to it
BLU	25	B10M_ B10R	Inventar der Akten des kaiserlichen Bezirksamts Lüderitzbucht Besiedlung, individual requests for immigration, settlement and subsidies for the latter, regulations about the correspondence between the Reichskolonialamt, the Gouverneur and the Bezirksamter,
BLU	48	G.3.R	Gefängniswesen, überführung von Gefangenen in andere Schutzgebiete, Verpflegung der Gefangenen und Wärter
BLU	102	S.14.T.	Strafstatistik der Eingeborenen 1907-1914 Beschäftigungsstatistik der Diamantengesellschaft zeigt, dass immer mehr Kapjungen und Ovambo immigrieren, Herero und Name sind ganz geringer Teil der Beschäftigten
ZBU	2369	VIII G VIII H	Witbooi Geheimakten, Shark Island etc.
ZBU	2365	VII H	Geheimakten Mischehen 1909-13
ZBU	2365	VII M	Stimmung unter den Eingeborenen 1913, Diskussion Anwerbungsverbot Südafrika Eingeborenenbehandlung

Group of accession code	Storage Unit	File number	Relevance
ZBU	450	DIVL1	Weißbuch über den Hereroaufstand (Report of the Reichskanzler to the Reichstag and memo of traveler Erdmann about the causes of the Herero uprising)
ZBU	2372	IX A	Geheimakten Kommandeursbefugnisse, Mobilisierungsvorbereitungen, Struktur der Schutztruppe, Spionage gegen England (Kapstadt), evt. Austausch von Militärattachés.
ZBU	603	F.I.A.2 F.I.A.3	Allgemeine Bestimmungen über Eingeborenengerichtsbarkeit und Entscheidungen von besonderer Bedeutung
ZBU	605	F.I.C.1 (voll + 2)	Ausübung der Gerichtsbarkeit gegen Eingeborene
ZBU	607–608	F.I.F.1 F.I.F.2	Statistik generalia 1901–1904 Statistic, specialia 1897–1914 Beisitzerernennungen
ZBU	646–648	F.I.V.C.1	Strafrechtspflege und Strafgerichtsbarkeit, Generalia 1900–1914
ZBU	698		Steuersachen
ZBU	715	F.V.O.1	Verbrechen und Vergehen Eingeborener und Massnahmen dagegen 1903–1912
ZBU	454	D.I.V.L3	Uprising Herero, POWs
ZBU	455	DIVL3	Uprising Herero, POWs
ZBU	459	DIVL5	Auswanderungsbewegung unter den Herero
ZBU	475–476	DIVN7	Assistance and compensation for farmers, settlers, traders and officials after the Herero uprising
ZBU	456	DIVL3	Hereroaufstand Kriegsgefangene
ZBU	0451	DIVL2_1A	Verzeichnis der während des Hereroaufstandes ermordeten bzw. in Gefecht gefallenen Personen
ZBU	108–109	A3L2Band1	Angriffe (im Reichstag) gegen die Verwaltung im Schutzgebiet
ZBU	108–109	All	Angriffe (durch die Presse) gegen die Verwaltung im Schutzgebiet

Group of accession code	Storage Unit	File number	Relevance
ZBU	2042/2043***	W II.O.1.-5.	Angelegenheiten Buschleute (police actions against bushmen 1911–1914)
SWAA	355		Secretary for South-West Africa, A files, criminal procedures and evidence, foreign political activities (mostly monitoring and investigation of Nazi activities in South-West Africa)

c) Archive of the Evangelical-Lutheran Church in the Republic of Namibia (ELCRN)

ELCRN	XXVIII 29, 1906–1913, 1920–1924		Protokolle der Konferenzen der Rheinischen Missionare im Hereroland
ELCRN	II 5.2. Akte XXIX (29)		Correspondence between Barmen and the Missionaries in German South-West Africa 1904–1907 Schreiben von Inspektor Hausleiter, Sekretär Olaf, Inspektor Spieker 1904–07, Schreiben von Doktor Thiele 18.7.1907
ELCRN	I 1.5.-9	1865–1925	Protokolle der Konferenzen der Rheinischen Mission im Ovamboland

d) Archiv der Evangelisch-Lutherischen Kirche in Namibia (DELK)**

ELCRN	IV.20	Chronik der Gemeinde Okahandja
ELCRN		Chronik der Rheinischen Missionsgemeinde Windhuk
ELCRN		Chronik der Gemeinde Omaruru (OKozondye)
		Chronik der Gemeinde Swakopmund Chronik der Gemeinde Otjimbingwe 1849–1900 Chronik über die Station Karibik der Rheinischen Missionsgesellschaft zu Barmen Chronik der Gemeinde Lüderitzbucht

* Digitised, available on microfilm.

** The chronicles of the different municipalities originally formed part of the ELCRN archive, but were then handed over to DELK. The ELCRN archive still has them in its finding aid.

*** The Bushmen records (Buschleute) are included in the inventory of the National Archives of Namibia under the number 2042, but the box, which contains them carries the number 2043. They are quoted as NAN ZBU 2042 by Gordon, though.

e) National Archives of Tanzania

Daressalam

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G 21/161, Akten des Kaiserlichen Bezirksgerichts Daressalam, Deutsch-Ostafrika in der Strafsache gegen von e-Roy wegen Beileidigung 1907–1908.

f) University of Cape Town

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BC640, H. G. Lawrence Papers,

E3 Minister of the Interior 1939-1943, 1948

K Articles and Broadcasts

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