

ABSTRACT

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MARRIAGE, PERVERSION & POWER: The construction of  
moral discourse in Southern Rhodesia (Zimbabwe)  
1890-1930

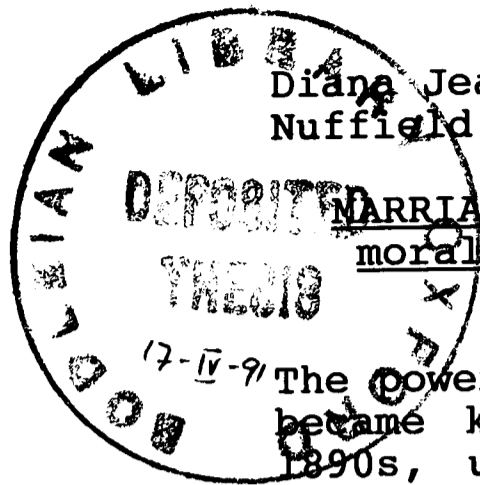
The power of the rural patriarchs in the region which became known as Southern Rhodesia depended, in the 1890s, upon their control over marriage alliances. Meanwhile, in Europe, the power to control sexual behaviour was becoming linked to the distinction between 'moral' matters which were no concern of the State, and 'perverse' matters, subject to legislative control.

The occupying administration established in 1890, spurred by internal political disputes, deemed African male sexuality to be 'perverse', using this to justify its attempts to undermine rural patriarchs and proletarianise African women. Simultaneously, the whites introduced new social environments, where lineage links were not the primary determinant of people's interactions with one another, and encouraged large numbers of single men from across the sub-continent into Southern Rhodesia, to work there.

These changes inevitably affected the ways in which members of the African communities perceived themselves. Individualist notions of sexual choice were encouraged by BSACo legislation, while the spread of migrant labour created situations in which men and women could actually make such choices. Rural patriarchs lobbied for State support in their attempts to control women and their seducers.

This support came in 1916 with the Natives Adultery Punishment Ordinance, which, although ostensibly supporting 'traditional' patriarchal power, actually reinforced the notion that individuals, and women in particular, were alone answerable for their sexual choices. Meanwhile, fears about African male 'perversity' in the white communities combined with the appearance of African prostitution to challenge African ideas about what was valuable in 'men' and 'women' and to suggest that sexuality was something that could be used and abused outside any wider implications regarding lineage obligation.

Africans began to accept the notion of 'immorality' as applied to independent women. By the 1930s, the internal politics of the white community saw this typification extended to all African women, alongside the fear of African men as 'perverse'.



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IN SEARCH OF THE MORAL REALM: A theoretical and historical starting-point, Gwelo District, 1893

The area which became known as Gwelo District in Southern Rhodesia lies along the highlands on the Zambesi side of the watershed which divides Zimbabwe. People had long used it as a passing point in movements across the sub-continent, but at the start of the 1890s it was sparsely populated, and those who lived there were largely chiShona-speakers<sup>1</sup>. The area was thickly forested, with clay soil to the north and sandier soil to the south. The region of dark soil to the north, which was soon to become incorporated in the Lower Gwelo Reserve, was flatter and difficult to cultivate with hoes, whereas the prevalence of muchikata trees to the south drew attention to the comparatively sandier soils of this region, in which the Que-Que Reserve was later situated. The district lay outside the tsetse fly belt, within the narrow area along the high plateau that was safe for domestic animals<sup>2</sup>. The people living in the district hunted in the forests, kept cattle and farmed the vleis and the lowlands by the rivers. All cultivation depended on the use of hoes<sup>3</sup>. The rugged toplands were used for agriculture, but were

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<sup>1</sup> The following account of the politics and economy of Gwelo District prior to the Occupation relies heavily on unpublished research into the Chiwundura & Gambiza chiefships carried out by Chenjerai Shire during 1988.

<sup>2</sup> Edward C Tabler: *The Far Interior: Chronicles of pioneering in the Matabele and Mashonaland countries, 1847-1879* (Cape Town, 1955) pp35-6

<sup>3</sup> NC, Annual Report [AR], Lower Gwelo, 1899. NB6/1/2

mostly important as the sites of defensible fortresses. There was gold mining and iron manufacture in the surrounding area, but trade-oriented hunting in the forests and the selling of supplies to passing Europeans and other traders seem to have been the main commercial activities in this district in the decades before it was occupied by the British South Africa Company [BSACo] during their advance on Lobengula in 1893.<sup>4</sup>

The region marked a boundary of Ndebele influence during the years of the Ndebele empire in this part of Southern Africa. Beyond it were the even more thinly-populated areas of the Munyati and Sebakwe valleys<sup>5</sup>. The polities in the district at that time fell under the authority of three chiefs: Wozheri nyati, Gambiza dziva and Chiwundura shava. Gambiza's territory extended into what was to be Lower Gweru, and Chiwundura's covered a large part of what was to be Que-Que (but is now called 'Chiwundura') Reserve. The Chiwundura area was largely forest which was used for hunting. Wozheri's territory is less easy to identify. Wozheri was an offshoot of the Makoni to the north-east, but Gambiza and Chiwundura were both within the influence of Nyashanu to the east, and were members of the Hera people. These two groups

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<sup>4</sup> Tabler (1955) pp35-6

<sup>5</sup> Tabler (1955) p36; David Beach: *War and Politics in Zimbabwe 1840-1900* (Gweru, 1986) p133

intermarried, and it is hard to trace which arrived in the area first. Gambiza was not the same as the more influential Gambiza who had built up the Njanja dynasty to the east, but seems likely to have come from somewhere further south. The shava group largely settled in the region for hunting, moving north from the more populated Shurugwi area, and accepted the authority of Chiwundura, who himself, according to one story, earned the chiefship after killing a lion bare-handed one day while on a hunting expedition in the district<sup>6</sup>. The entire district was under Ndebele influence, being described by a later commentator as "one of the northern outposts for Lobengula's cattle country".<sup>7</sup> However, the people living in the area were members of the Shona federation, rather than under the direct control of the Ndebele monarch, and some informants suggest that the dziva and shava groups in the district moved there primarily to avoid seizure of their young men and women by Ndebele raiding parties during the mid-nineteenth century.<sup>8</sup> Other

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<sup>6</sup> But one version of this story, told to Chenjerai Shire, also claimed that this was after the European Occupation, and that the 'real' Chiwundura - the lion killer - turned down the offer from the BSACo to take the chiefship, in preference to his European-educated brother, who lived in Bulawayo. In the next generation, according to this account, the chiefship reverted to the sons of the original Chiwundura, who had also been to school.

<sup>7</sup> Pat Davis: *The History of Gwelo* in Rhodesiana 34, March 1976.

<sup>8</sup> Beach (1986) pp22; 25 would support this interpretation.

refugees came from further afield, driven north by the earlier Nguni mfecane.<sup>9</sup>

This, then, was a region disrupted by war and immigration. However, the disruptions of the previous half-century were quickly overshadowed after 1890, by the unprecedented actions of a new invading force. An army of occupation, led by white men, not only brought white settlers into the area to appropriate the land, but built a town, expanded the mining industry and encouraged the massive immigration of waged labourers from across the sub-continent into this small area now renamed 'Gwelo District'. Much has already been written about the ways in which colonial occupation transforms economic and political relationships, but less has been written about how it affects the ways in which groups of people think about themselves and their role in social interactions. In particular, it seems clear that the set of ideas which the Occupiers held about gender roles and the control over sexual behaviour were not the same as those held by the people of the Gwelo valley. As the social environment changed, and new ways of living were introduced, so too those ideas must have clashed and coincided.

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<sup>9</sup> Among those I interviewed for whose families this was true were 'Sekuru', whose father came from South Africa in the mid-nineteenth century, and Mbuya Mangwenya, whose family came from Natal about the same time *"running away from the war which was between the Karangas and the Ndebeles"*, and whose totemic surname, ngwenya, demonstrates that her family became attached to the Gambiza dziva polity.

There are many problems to be faced in attempting to write about the impact of the Occupation on gender identities and marriage arrangements in the area called Southern Rhodesia. The first of these is to decide what exactly it is that is under discussion. Theories about African marriage and female subordination have developed rapidly over the last two decades, and with hindsight, much of the earlier analysis seems to have been looking at the wrong things; or at least, only looking at a small part of significantly more complex whole.

The importance of gender construction and control over sexuality in the political systems of nineteenth century Southern Africa has gained increasing recognition, so that an interest in these issues no longer requires extensive justification. However, there remains some confusion over the explanatory force of recognising these issues. Essays which address the issue of women's subordination may seem unclear over the status of gender as causal factor in the understanding of social systems. For example, John Wright's stimulating analysis of male control over female labour under Shaka suggested, on the one hand, that household production depended on female labour and on the other hand, that there were both ideological and material factors inherent in the domestic community, defined as a unit of production,

that perpetuated the subordination of women<sup>10</sup>. In other words, household production was seen as the ultimate basis for female subordination at the same time as it was seen to be dependent upon female subordination. A similar conceptual circularity is pointed out in Pauline Peters' critique of Belinda Bozzoli's pathbreaking essay, "Marxism, feminism and South African studies", in which Peters comments that, whereas on the one hand male migration was seen in the essay as a product of rural female subordination, on the other hand male migration was cited as evidence of that subordination<sup>11</sup>. This ambiguity over explanatory force can be linked to one aspect of the so-called 'trouble with patriarchy'<sup>12</sup>, that is, the problem that any analysis of female subordination which does not use class as a sole determinant seems to leave no determining role for a material base:

the whole concept of determination in the last instance by the economic would have been transformed by a determination in the last instance by the superior instance of patriarchy...This is not to privilege the concept of mode of production but simply to

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<sup>10</sup> J Wright: *Men's Control over Women's Labour in the Zulu Kingdom* in J Peires (ed): *Before and After Shaka. Papers in Nguni History* (London, 1981)

<sup>11</sup> B Bozzoli: *Marxism, Feminism and South African Studies* in *Journal of Southern African Studies* [JSAS] 9 (2) 1983; P Peters: *Gender, Developmental Cycles and Historical Process: a critique of recent research on women in Botswana* in JSAS 10 (1) 1983.

<sup>12</sup> The term comes from Sheila Rowbotham's essay *The Trouble with 'Patriarchy'* in Raphael Samuel (ed): "People's History and Socialist Theory" (London, 1981) pp364-369, although that essay does not directly address the question identified here.

register that while it is maintained it cannot be logically articulated to a general theory of patriarchy.<sup>13</sup>

In response to this impasse over the question of class versus gender, I have found it useful to consider the notion of social identity. This avoids the issue of ultimate determination placing emphasis not only on productive processes, but on other ways in which social actors acquire roles (or identities) that place them in positions of power or subordination. Social identities are not simply ideologies, nor are they necessarily distinct from the bodies, or being, of those to whom they belong. An examination of the ways in which groups create social identities allows a dramatic widening of the sense of 'material' to include the physical body in more complex ways than those envisaged in classic Marxist materialist analyses. In this sense, we can discuss not only the creation of lineage subordinates as labourers, but also the ways in which people become 'men' and 'women', 'husbands' and 'wives', without searching for the basis of female subordination simply in the production process. I hope to demonstrate that the construction of sexual and gender identities was an essential component of power relationships in Gwelo District, Southern Rhodesia, at the time of the European Occupation, and

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<sup>13</sup> Mark Cousins: *Material Arguments and Feminism* in m/f 2 (1978) p66

that the opening of opportunities to create different identities was at least as important as changes in production relationships in undermining that power.

To understand the force of this argument, it is useful to begin with a critique of those accounts which engaged with the question of female subordination, but did not fully appreciate its complexity. Those materialist analyses of nineteenth-century Southern Africa which were influenced by the 'new historiography' abandoned the search to identify articulations of modes of production and 'fractions of capital', and focussed instead on the dynamics of household production to explain the social and political transformations seen during the process of industrialisation and urbanisation<sup>14</sup>. In these accounts, the patrilineal bridewealth system was found to be dominant through most of the region. In the words of Norman Etherington, reviewing the collection which included Wright's essay:

if the search for stable modes of production in unstable situations is quixotic, the study of units of production is not...If there is any constant in the political economy of the Nguni revealed by the work of these historians, it is the homestead-based family (whether large or small) cultivating fields and keeping cattle. That unit was the base on which

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<sup>14</sup> For details of these developments, see for example Shula Marks: *Towards A People's History of South Africa? Recent Developments in the Historiography of South Africa* and Alessandro Triulzi: *Decolonising African History*, both in Samuel (ed) (1981) pp297-308 & 286-297

different sorts of political authority - from the fragmented Xhosa to the centralised military monarchies - had to construct their edifices of power. Its productive capacities defined the limits of social and political experimentation.<sup>15</sup>

All too often these accounts depended on a structuralist functionalism in which the motor of history was obscured, and even when theorised, denied women any distinct role in operating it. Nonetheless, the shift in focus did bring the bridewealth system to centre stage. This is because homesteads were created by marriages, that is, by bridewealth agreements, and these, surely, had something to do with gender relationships as well as with the processes of production.

Initially, bridewealth analyses depended on a jurisprudential model heavily influenced by classical Marxist theorisations of class. The gender element was hard to detect. Instead, the emphasis was on labour-power, and control over the means and relations of production. On one side of the class struggle were the junior men, who in trying to become producers on their own account and establish their own households, had their labour-power stolen from them in the form of bridewealth cattle or brideservice. On the other hand were the lineage

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<sup>15</sup> N Etherington, Review of Peires (ed) (1981), in JSAS 11 (1) 1984. I do not intend here to discuss matrilineal descent groups.

elders, who formed a distinct class in and for themselves, extracting labour-power from junior men through their control over unmarried women and cattle. In the words of Jeff Guy:

labour was continually being realised in the form of cattle and cattle in the form of labour. It meant that cattle could be seen as self-reproducing stores of spent labour and of labour-power.<sup>16</sup>

This was a dramatic reinterpretation of bridewealth systems, making familiar and accessible to rational class analysis the dynamics of Southern African social systems in the early periods of colonisation and industrialisation. On the basis of this analysis, historians could identify the significant material interests of groups within the social structure and thereby provide a coherent materialist explanation for the events that took place. It was a big step forward.

However, crude interests-oriented analyses always require a degree of over-simplification. The extent to which lineage heads might be said to constitute a class was soon questioned. In many cases, it seemed that the recognition that lineage defined social relationships between groups had been collapsed into an assumption that lineage, in itself, defined right

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<sup>16</sup> Jeff Guy: *The destruction and reconstruction of Zulu society* in S Marks & R Rathbone (eds): "Industrialisation and Social Change in South Africa" (London, 1982) p170

of access to resources controlled by members of those groups. In fact, asserted W D Hammond-Tooke:

There are no functional descent groups in South African social formations apart from what I have called clan sections - tiny local groups with authority and ritual interaction limited to themselves...there is no evidence that 'elders' formed a delineable class.<sup>17</sup>

In support of this assertion, Hammond-Tooke notes that chiefs could allocate resources directly to individual men, leap-frogging the authority of lineage heads over those men. Moreover, work parties collaborating in the production process typically involved neighbours rather than kin, implying that the lineage was not the central unit of production. The assertion that lineage heads constituted a separate class was largely based on the assumption that family herds were controlled by lineages rather than by smaller family units, and that junior lineage members had to petition the lineage heads for rights of access to the herd for bridewealth purposes. In effect, however, the limits of patronage were set fairly narrowly, and a young man could anyway look beyond his lineage, to the patronage of a 'big man', in order to raise his bridewealth cattle. None of this destroys the argument that class conflict and accumulation of wealth in homestead-based Southern

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<sup>17</sup> W D Hammond-Tooke: *Descent Groups, Chiefdoms and South African Historiography* in JSAS 11 (2) 1985

African societies revolved around extraction of surplus labour from junior men. It does, however, expose a conflation of the roles of 'chiefs', 'elders' and 'fathers', a simplification which raises problems when attempting to analyse the specific dynamics of the many separate polities existing in nineteenth-century Southern Africa.

A more fundamental problem with the 'labour-power' analysis was that it revolved around elders extracting surplus labour from junior men, when it seemed clear that at least half of the labour being performed, and most of the surplus labour being extracted, originated from female, not male, labourers. The tools of analysis were gender-blind, but the labour allocation system under consideration was not. Consequently, the description itself, despite its use of gender-free terms, was highly gender-specific and failed to provide more than a functionalist account of women's labour and women's interests.

Patrick Harries attempted to address this question in his account of kinship systems in the Delagoa Bay hinterland during the mid-nineteenth century<sup>18</sup>. He saw the fundamental class division lying between the numzane (elders) who controlled bridewealth goods on

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<sup>18</sup> Patrick Harries: *Kinship, ideology and the nature of pre-colonial labour migration* in Marks & Rathbone (1982).

the one hand and women and junior men on the other. He explained the lack of a common class consciousness among these two latter groups as the result of conflicting family, lineage and clan ties and the fact that only junior men could look forward to eventually controlling bridewealth goods themselves.

The strengths of this analysis are undermined not only by the assertion that elders constituted a distinct class, but also by the assumption that control over bridewealth goods in itself provided entry into that class. Taking the argument to its logical conclusion would imply that if a woman accumulated enough cattle or other bridewealth goods, she too could become a member of the ruling class. This is a conclusion which Harries' account specifically discounts, by demonstrating that accumulation always depended on control over female labour, and that only men had such control. Even when a woman could accumulate cattle or other bridewealth goods, she was still subordinate to the head of the family that had paid bridewealth or brideservice for her. Moreover, a woman could never become a lineage elder, because in Southern African patrilineal systems, children do not inherit their mother's blood, that is her lineage membership. Women's lack of a shared consciousness with junior men arose, not from conflicting lineage ties, but from the

structurally different positions they occupied within the lineage.

Attempts to understand bridewealth payments therefore began to move away from an emphasis on the transfer of labour-power, towards the idea that the most significant rights being transferred in bridewealth exchange were rights over women's reproductive capacities<sup>19</sup>. Adam Kuper described how, in some Southern African bridewealth systems, women with control over cattle could help their brothers' sons to obtain wives and thereby claim a stake in other women's reproductive capacities<sup>20</sup>. Marriage was not simply a case of women being transferred between men as part of a process of extracting surplus labour, but was rather a transfer of control over women's reproductive capacities, in which both women and men might obtain an interest by investing bridewealth. This avoided the problems of the simple 'labour-power' model, which had implied that bridewealth goods acted as a kind of currency which could be 'cashed in' for labour-power, any labour-power, regardless of the gender or fertility of the labourer. At the same time, it maintained the possibility of identifying material interests

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<sup>19</sup> See, for example, my paper, *Patriarchy in a pre-capitalist setting: some considerations on the position of women in nineteenth century Shona society*, presented to Feminist History Workshop Conference, Conway Hall, London, 1985.

<sup>20</sup> Adam Kuper: *Wives for Cattle: Bridewealth and marriage in Southern Africa* (London, 1982) p40

involved in bridewealth exchange and thereby identifying the class dynamics of the societies in question. As with the 'labour-power' model, there was no need to understand the specific meanings attached to the exchange, but only to note the material and jurisprudential consequences of such an exchange, in order to describe the class interests of the various groups involved.

This apparent solution to the problem of identifying significant class interests in bridewealth societies fell apart, however, when researchers attempted to describe the exact nature of the class benefit accruing from control over reproductive capacity. In itself, the category 'controller of reproductive capacity' is simply descriptive, and does not throw light on the circumstances in which it is important, or even possible, to control fertility. As Megan Vaughan and Anne Whitehead have commented:

many of these discussions about rights in children are shadowed by unthought-through ideologies about the meaning of children in European property systems, in which children are important as heirs to property.<sup>21</sup>

So followers of Engels, for example, suggested that the circumstances under which it is important for a

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<sup>21</sup> Anne Whitehead & Megan Vaughan: *The Crisis over Marriage: an overview* (1988) p13, presented to the 'Crisis over Marriage in Colonial Africa' workshop held at Nuffield College, Oxford in December 1988.

social system to involve control over women's fertility are those in which this ensures the reproduction of that system. In this view, the monogamous family developed as a unit through which capital could be maintained across generations, but also through which women reproduced members of each class on the capital/labour divide<sup>22</sup>. However, this analysis is not really dealing with the actual process of babies growing in women's wombs. Instead, it deals with the reproduction of a set of social relationships. The point at issue is the process whereby there is a constant supply of 'owners of the means of production' and 'labour-powers'. Within this process, the birth of the individual labourer must be an irrelevancy. As Mark Cousins has pointed out:

Old labour-powers do not die, they are withdrawn from the market. Fresh labour-powers are not born, they appear in the market as substitutes.<sup>23</sup>

Social totalities do not reproduce like people.

Alternatively, and more influentially in the Southern African context, it has been suggested by Claude Meillasoux<sup>24</sup> and his followers that the class of

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<sup>22</sup> Roisin McDonough & Rachel Harrison: *Patriarchy and Relations of Production* in Annette Kuhn & AnnMarie Wolpe (eds): 'Feminism and Materialism: Women and Modes of Production' (London, 1978) pp11-41

<sup>23</sup> Cousins (1978) p67

<sup>24</sup> Claude Meillasoux: *Maidens, Meal and Money: Capitalism and the Domestic Community* (Cambridge, 1981)

elders benefitted from control over women's reproductive capacities as this ensured control over the labour-force. The argument is based on the observation that in patrilineal bridewealth societies, control over women's fertility is linked to labour allocation, in that junior men work for family heads in order to gain access to unmarried women, either directly through brideservice or indirectly through bridewealth prestations. In an attempt to account for this, the reproduction of life - having babies - is equated with the long-term survival of settled communities. The essential first act of social differentiation in agricultural communities, then, is grasping control of the reproducers - women. Those who seize such control, it is argued, are in a position to control the labour force by posing the threat of withholding access to fertile women. Exogamy rules ensure that this leads to bridewealth exchanges between the ruling class of lineage heads who control the women, and bridewealth thereby becomes the mechanism for extracting surplus labour from the junior men.

This account has been widely influential as an explanation of the class benefits accruing to lineage heads from control over women's reproductive capacities. However, while acknowledging the gender-specificity of the actors in the bridewealth exchange, it does not compare like with like: junior

men are defined by their labour power, while women are defined by their reproductive capacities. Like the 'labour power' model, it leaves the exploitation of women's labour invisible alongside the emphasis on their role as producers of children. Indeed, Meillasoux tells us that:

despite the dominant place which they occupy in agriculture as well as domestic labour, women are not granted the status of producers.<sup>25</sup>

This begins to raise the issue of social identity, but Meillasoux does not follow through the implications of this. Both the 'labour power' model and the 'reproductive capacities' model assume that bridewealth exchanges must be reducible to an account of class conflict over rights to capacities which are vested in people and are vital to the production process. Consequently, the people themselves are reduced in the analysis to bearers of those capacities, and the exchange of those capacities is seen as the fundamental relationship which defines the class structure of the society.

The problem which these models have to confront is that people do not seem to be reducible to the capacities assigned them in the bridewealth exchange. Women, for example, are both labourers and

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<sup>25</sup> Ibid p77

reproducers, when in the analyses based on identifying fundamental class interests they should be just one or the other. Rather than being defined by the bridewealth relationship, the actors in the bridewealth exchange seem already to be involved in social, political and economic relationships which have been constituted elsewhere. In the words of John Comaroff:

many structuralists have fallen into the elementary errors of reductionism and decontextualisation by treating marriage exchanges as if they constituted a totality, rather than being encompassed in one.<sup>26</sup>

In *The Meaning of Marriage Payments*, Comaroff proposed that bridewealth exchanges should be discussed, not in terms of rights exchanged, but in terms of other "organisational elements" within the social system. We need to examine the context in which bridewealth exchanges take place, and the meanings which the actors ascribe to those exchanges. The exchange of prestations, in this view, is a moment in which people "live" - or make manifest - the organizational principles underlying their socio-cultural system. These principles are not reducible to a single relationship. For example, as Pauline Peters pointed out with reference to bridewealth exchanges and control over junior men in Botswana,

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<sup>26</sup> J Comaroff (ed): *The Meaning of Marriage Payments* (London, 1980) p31

the exchange of bridewealth goods is important not only because control of young women is one way of establishing control over young men, but also because it controls the transition of men to social adulthood<sup>27</sup>. In other words, the bridewealth exchange is not only about rights and property, but also about people and the ways in which social identity is constructed.

The fundamental point at issue here is that rights to capacities vested in people are not the same thing as rights to property. Whereas capitalist relationships alienate the worker from the worker's labour-power, bridewealth relationships deal with the whole person. Therefore, the construction of social identity becomes a central issue. As Megan Vaughan and Anne Whitehead point out:

African marriage is about resources AND human reproduction; it is about gender relations AND relations between the generations; it is about individual relations AND about group relations; it is about authority AND about labour; above all it is about property AND persons.<sup>28</sup>

The bridewealth exchange, then, is not only a moment in which certain economic relationships are constructed. It is also a moment in which 'persons' are confirmed in their social identity. The ways in

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<sup>27</sup> Peters (1983)

<sup>28</sup> Whitehead & Vaughan (1988) p10

which members of a social group conceptualise themselves set limits on their actions and on the relationships - political, economic, social and indeed sexual - in which they play a part. These discursive limits are maintained by sanctions and reinforced by significant social interactions such as, in the societies under discussion, the bridewealth relationship. When Etherington tells us that the productive capacities of the homestead "defined the limits of social and political experimentation", he tells us only half the story. These limits were also defined by the framework of social identity, or what Vaughan and Whitehead describe as the 'meaning of people'.

Once the question of social identity is raised, the bridewealth relationship is taken beyond the simple realm of rights over capacities and resources important to the production process. Other components in marriage must also be taken into account, including the sexual component. Comaroff reminds us that:

prestations transform mating, which in itself may have no intrinsic social value, into a socially meaningful process, and thereby locate it in a universe of relations.<sup>29</sup>

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<sup>29</sup> Comaroff (1981) p37

The implication is that mating becomes socially meaningful when it is transformed into a recognised social relationship. This raises the question of why 'mating' needs to be socially recognised. The glib answer would be that social groups need some established channel through which children become recognised members of the group. The use of the term 'mating' to describe loving relationships between people encourages such an interpretation. However, a closer analysis of Southern African marriages demonstrates that sexual relationships are not seen simply as child-producing activities, and so their regulation cannot be accounted for simply in these terms. J F Holleman, an ethnographer working in Southern Rhodesia in the mid-nineteenth century, tells us that among the Hera, which included the people of Chiwundura and Gambiza:

Sexual gratification is recognised as a basic need in married life. A husband is expected to have frequent and regular intercourse with his wife, and in a manner which leaves her satisfied...Wilful neglect of a wife's sexual needs is considered so serious that she may decide to bring an action against the husband before a tribal court.<sup>30</sup>

Methods of contraception practised by nineteenth century Southern African communities ranged from the use of herbs tied around the woman's waist<sup>31</sup>, via

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<sup>30</sup> J F Holleman: *Shona Customary Law* (Oxford, 1952) pp214; 276.

<sup>31</sup> K Wilson: *The Human Ecology of Zvishavane District, Zimbabwe. Background paper six*, (unpublished, 1986), p9-11

coitus interruptus to, among some groups, the practice of non-penetrative sex<sup>32</sup>. Moreover, Whitehead tells us that inherited wives past child-bearing age in Ghana are still expected to have a sexual relationship with their new husbands<sup>33</sup>. The regulation of these relationships through official marriage ceremonies demonstrates clearly that not only procreation, but also sexual desire, is being socially recognised in the bridewealth exchange.

The construction of sexual desire and of people as sexual beings is not something that occurs 'naturally'. Comparative anthropology has conclusively demonstrated that 'gender' (as opposed to biological sex) is differently constructed in different societies. What is understood to constitute 'womanhood' or 'manhood' is extraordinarily flexible. Beyond this, however, concepts of sexual pleasure and acceptable forms of sexual relationship also vary from society to society<sup>34</sup>. The construction of sexuality is linked to, but distinct from,

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This method is still used today (A Cornwall, pers comm) and was referred to by several of my informants in informal discussions

<sup>32</sup> Holleman (1952) p215 and footnote 1, p216

<sup>33</sup> Anne Whitehead: *Runaway Wives: Political change, political authority and the politics of marriage in North East Ghana*, paper presented to the 'Crisis over Marriage in Colonial Africa' workshop (1988) p23.

Gelfand, *The Shona Woman* NADA 10 (5) 1973 p49, suggests that in Shona communities, post-menopausal sex required medicines from a n'anga to make it ritually 'safe'.

<sup>34</sup> See, for example, the essays in the collection *The Cultural Construction of Sexuality*, ed Pat Caplan (London, 1987)

constructions of gender. Alongside the property and procreative components of the homestead unit, there is also a sexual component, within which a large part of the 'meaning of people' - social identity - is constructed.

The regulation of sexual desire is seen by Michel Foucault as one of the most fundamental mechanisms by which power is exerted in a society<sup>35</sup>. The point is not that specific sexual practices are repressed or forbidden, but that the social construction of sexuality requires the operation of power relationships at one of the most fundamental levels of human experience. Rather than sexual activity being regulated solely by laws of the "thou shalt not" variety, Foucault notes that in modern European society, some forms of sexual activity are actively acknowledged - either for approval or disapproval - whereas others are not. It is not through the repression, but through the creation, of sexuality that relationships of power are expressed and reinforced. In other words, it is not that there is an original 'natural' sexuality which is stunted and moulded into different forms in different societies, but that sexuality is always constructed from out of infinite variety.

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<sup>35</sup> Michel Foucault: *History of Sexuality volume 1: An Introduction* (London, 1979)

However, in much the same way as functionalist-structuralist anthropology presents bridewealth exchange as a symbol defining group limits and relationships between groups, without analysing the unequal nature of these exchanges and the possibility of material accumulation by one partner in the exchange, so Foucault refuses to suggest that the construction of sexualities serves any specific social group. To make such an admission would, in his eyes, logically require the reintroduction of the idea of absolute repression which his emphasis on the infinite variability of sexuality is intended to refute. He demonstrates the link between power and sexuality but, as Perry Anderson comments, "*power loses any historical determination: there are no longer specific holders of power, nor any specific goals which its exercise serves*".<sup>36</sup> This account will resist that conclusion, and suggest that a specific construction of gender and sexual identities worked to maintain the identifiable material interests of those who held power in Gwelo District in the 1890s.

The context of the bridewealth exchange is one in which such identities are already present. Bridewealth exchanges are not equal exchanges on any level. In examining the meaning of bridewealth payments in Ghana, Anne Whitehead has observed that:

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<sup>36</sup> Perry Anderson: *In the Tracks of Historical Materialism* (London, 1983) p51

in bridewealth marriage one term of the exchange is a human being and the other term is not: although it is at least an animate object...In being equated with objects, women thus become themselves, if not objects, at least objectified in so far as their status as subjects is constituted differently, and with less effectivity, than men's.<sup>37</sup>

The fact that women can be transferred between lineages, and men cannot, is one of the major factors in creating gender differences and separate social identities between men and women in bridewealth societies. Women have less power than men to exercise effective control over their lives in the bridewealth exchange. The ways in which women are conceptualised - the construction of female social identities - includes this element of gender subordination. In examining the construction of sexual identities, then, which occurs in parallel with the construction of gender identities, we would also expect to see an imbalance of power, and more limited options available to women.

So far, following Etherington's lead, this discussion has centred on the basic homestead unit associated with patrilineal bridewealth systems in Southern Africa. However, bridewealth systems do not come all in one shape or size. They change over time as well as from community to community. One of the consistent

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<sup>37</sup> Whitehead (1988) p22

errors of Western feminist attempts to interpret bridewealth marriage systems has been to assume that:

in merely describing the structure of the marriage contract, the situation of women is exposed. Women as a group are positioned within a given structure, but there is no attempt made to trace the effect of the marriage practice in constituting women within an obviously changing network of power relationships.<sup>38</sup>

The effect of this is to homogenise the oppression of women as a class, without "uncovering the material and ideological specificities that constitute a group of women as 'powerless' in a particular context".<sup>39</sup> In the same way that the homestead production unit could cover a variety of political formations, from the federated Shona groups to the highly centralised Zulu monarchies, so the bridewealth exchange could encompass a variety of sexualities and gender formations. The strict age limits on sexual activity under Shaka<sup>40</sup>, for example, suggest a different approach to the regulation of desire from that found in Shona communities, where elopement was a common method of initiating bridewealth negotiations, and pledging of young girls (kuzvarira) was a vital element in maintaining 'chiefly' power.

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<sup>38</sup> Chandra Mohanty: *Under Western Eyes: Feminist Scholarship and Colonial Discourses* in *Feminist Review* 30, Autumn 1988 p69-70

<sup>39</sup> Ibid p66

<sup>40</sup> Wright (1981)

This account, then, will consider the Shona communities, and in particular, the people who lived near the Gwelo river at the start of the 1890s. Here we confront the second major problem in beginning an analysis of the impact of colonisation on gender identities, which is that there is very little information about these communities at the point when the Occupation began. This historical starting-point, then, is a reconstruction based largely upon oral testimonies and the work of later ethnographers. This starting-point is seen more clearly in the ripples which emanate from it as later events develop: we can infer that things were as described here, not only because of the ethnographic and oral testimony, but also because of what happened after.

The ethnographers tend to present Shona social systems as fixed and functionalist rural paradises in which everyone knows their place and political power is unchallenged. In fact, the Gwelo area in the 1880s was far from peaceful or stable, as refugees moved into the area from south and west. The social system into which these immigrants were absorbed was one in which 'big men', under the authority of the chiefs, had considerable power. These men could mobilise large amounts of labour and thereby controlled food production and surpluses. As periodic drought led to hunger, control over food surplus was of considerable

political significance<sup>41</sup>. Production had become relatively centralised over the preceding decades, following the retreat of more extensive communities into fortified kopje summits under a 'big man' as a defence against raiding, but even where land was extensive, labour-intensive production was a vital element in the generation of surplus for the granaries<sup>42</sup>. Access to people was vital to the continuation of political and production systems. This became even more significant in the latter part of the nineteenth century, when Ndebele raiding parties began to concentrate as much on seizure of young men and women as on thefts from cattle holdings depleted by earlier raids and disease. It was these seizures which had undermined Shona power bases to the south<sup>43</sup>, and which had probably inspired the more recent in-migrations into Gwelo District in the second half of the nineteenth century.

Refugees into the district were unlikely to bring cattle with them, but could offer tribute labour to the 'big men'. The 'biggest' men were the chiefs.

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<sup>41</sup> David Beach: *The Shona Economy: branches of production* in R Palmer & N Parsons (eds): "The Roots of Rural Poverty" (London, 1977) p37-65; AR, Lower Gwelo, 1898,1899. NB6/1/2; AR, Gwelo, 1904. NB6/1/4

<sup>42</sup> Ken Wilson: *Historical dynamics of the farming systems in Mazvihwa in relation to coping with rainfall variability*, appendix to "Ecological Dynamics and Human Welfare: a case study of population, health & nutrition in Southern Zimbabwe", University of London PhD thesis (1990).

<sup>43</sup> Beach (1986) pp22; 25.

They had the power to grant land to incomers and confiscate it<sup>44</sup>, in addition to controlling large granaries and land themselves, and having big households of wives and dependent men. Other 'big men' might be described as 'elders', or shallow-lineage heads. However, like the chiefs, their power did not lie in the fact that they were surrounded by genuine descendants, but that they could tie a labour force, particularly junior men from immigrant lineages, to their service through kinship links founded in a manipulation of marriage arrangements.

In these particular circumstances, control over cattle was not a particularly significant element in the power of elders<sup>45</sup>. Polygyny and pledging of daughters, that is, control over women, were much more important. Elders were able to accumulate young wives through pledging (kuzvarira), usually in exchange for grain during times of food shortage. The 'wives for cattle' exchange was virtually unknown in this period of extensive polygyny by 'big men', and the account of marriage arrangements in most of the anthropological literature, which seem to imply that young men and women of comparable ages entered into free and monogamous marriages, overlooks the extent to which many young women were pledged at a young age

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<sup>44</sup> Tabler (1955) p103

<sup>45</sup> AR, Lower Gwelo, 1898, 1899. NB6/1/1; 2

to an older man who already had several wives<sup>46</sup>. Men who paid bridewealth were more likely to offer hoes or axes than cattle<sup>47</sup>. Poor men, especially incomers, had to do bride-service (ugariri) to win their wives, thereby expanding the labour resources of the 'big men'<sup>48</sup>. Political authority, including judicial authority, the power to allocate land and, significantly, to call on tribute labour<sup>49</sup>, was perpetuated through the clientage relationships which resulted, in which elders commanded the loyalty of both sons and sons-in-law based in their households. Meanwhile, the surplus grain produced by the household members was controlled by the 'big man', who could thereby obtain more wives.

In considering the relationships of power in Gwelo District in the 1890s, then, it is important to realise that even though the communities had not been long-established in the area, power relationships were still operating effectively. A fair degree of disruption could be weathered without undermining the

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<sup>46</sup> AR, Gwelo, 1904, NB6/1/5; Carl Mauch, ed E Burke: *Journals 1869-1872* (Salisbury, 1969) pl67-8; and numerous reports from NCs across the region.

<sup>47</sup> AR, Lower Gwelo, 1898. NB6/1/1

<sup>48</sup> AR, Gwelo, 1904. NB6/1/5

<sup>49</sup> Wilson (1990, appendix, footnote 24) comments that:  
A definition for zunde [tribute labour] was given by the NADA editor for the article by Chitehwe (1954;25); he adds the 'Shona' ideological justification that tribute labour existed so that the patriarch could feed subordinates in times of need. This itself illustrates the importance of such labour to patriarchal political power.

dynamics of power, provided that shallow lineage links were not challenged. Deep lineage links and ancestral lands could be left behind by incoming lineages, so long as marriage arrangements still ensured them a place in the new political situation<sup>50</sup>. If we are to understand fully the context in which these marriages took place, it is necessary not only to consider the political and production systems, but also the set of understandings about the nature of the marriage tie and the regulation of sexuality, which contributed to the perpetuation of these relationships.

Much of the information about the conceptualisation of the marriage relationship in these communities must be gleaned from anthropological studies of the Hera, and Karanga groups in general, which do not really address the question of the impact of historical disruptions<sup>51</sup>. As already noted, the ethnographic material underestimates the significance of polygyny and pledging, and much of it was compiled

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<sup>50</sup> This is significant in the light of the emphasis placed on 'ancestral lands' in some liberal accounts of Southern Rhodesian land seizures. As the account of movements into the Gwelo area in the nineteenth century suggests, people were able to move in large groups without losing contact with their ancestors until the forced removals under the Europeans.

<sup>51</sup> The most important texts here are Herbert Aschwandien: *Symbols of Life: An analysis of the consciousness of the Karanga* (1982); J F Holleman: *Shona Customary Law* (1952). Also useful are M Bourdillon: *The Shona Peoples* (3rd edition, Gweru, 1987); H Kuper: *The Shona*, in Kuper et al: 'The Shona and Ndebele of Southern Rhodesia', *Ethnographic Survey of Africa*, part iv (1954) and a variety of works by Michael Gelfand and Sr Mary Aquina [A K H Weinrich], some of which appeared in the Native Affairs Department Annual of Rhodesia [NADA].

significantly later than the period under discussion. Nonetheless, in attempting to reconstruct this framework from the, admittedly flawed, anthropological material, I hope to draw particular attention to the way in which sexual matters did not occupy a sphere separate from that of other social interactions, but were an essential component of a more generalised social identity in which shallow lineage links were paramount.

Gender constructions, that is, the way in which people experienced themselves as 'men' and 'women', were inextricably linked to the production process. Learning the significance of gender-roles was one of the most important aspects of Karanga education<sup>52</sup>. The child's entire relationship with the material world was structured by its gender, so that, for example, girls and boys had different relationships with everyday objects such as seeds, calabashes and bundles of firewood<sup>53</sup>. This carried over into adulthood, in which the gender division of labour was reinforced by taboos which were often explicitly linked to sexual potential<sup>54</sup>. It seems, from contemporary evidence, that female identity was closely linked to ideas about lineage fertility and

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<sup>52</sup> Aschwanden (1982) p44

<sup>53</sup> Ibid, pp44-46; 51-56

<sup>54</sup> Gelfand: *African Background: The traditional culture of the Shona-speaking people* (Cape Town, 1965) pp21-23; p33; cf Aschwanden (1982), p227-8.

rainfall, so that women's power was conceptualised in terms of their influence over these things. Learning of gender differences, then, covered everything from good manners to good production and was not distinct from learning in general<sup>55</sup>.

Unsurprisingly, then, the discourses of sexuality in the Shona communities were, above everything else, profoundly heterosexual. The assumption that sexual gratification was to be found in the opposite sex was reinforced for both girls and boys in the practice of mahumbwe or trial-marriage. It took place towards the close of the harvest season and was played by children, who for several days were paired up to 'play house', acting out the gender roles assigned to men and women, such as hut-building, food preparation, utensil manufacture<sup>56</sup>.

In addition, girls were given extensive sex education. This was not the biological sort which embarrasses teenagers in British schools, but instruction of a more practical nature. It was provided by her paternal grandmother and her vatete, that is, her father's sister<sup>57</sup>. Part of this

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<sup>55</sup> Tabler (1955) p100; Aschwanden (1982) pp42-44

<sup>56</sup> M Gelfand: *The Shona Attitude to Sex Behaviour* in NADA 9 (4) 1967 p61-4; Gelfand: *Mahumbwe* in NADA 37 1960 p36-7; Kuper (1954) p20-21; Gelfand: *Growing up in Shona Society* (Gweru, 1979) pp 74, 79, 169

<sup>57</sup> Bourdillon (1987) p26, correctly notes that "all females in the father's generation are called vatete (paternal aunt) no matter how distantly they are related". However, in the matter

instruction was information on how to stretch her minor labia every morning and evening for several months, until it had been lengthened by several centimetres<sup>58</sup>:

The purpose of the custom is not explained to the the girl, she is merely told that it will please her future husband and ensure that he will not reject her.<sup>59</sup>

Progress was checked by the vatete, who could be held partly responsible for subsequent failure by the girl to satisfy her husband. In addition, betrothed girls close to marriage and young wives were given detailed advice by their vatete on how to satisfy their husbands, complete with demonstrations of useful positions to use during sexual intercourse<sup>60</sup>. Additional 'eroticisation' of areas of the girl's body was achieved through tatooing, notably of the abdomen and breasts, which must have been a very painful experience<sup>61</sup>. In addition, women wore bead belts which were imbued with great sexual significance as well as being thought to contribute to a woman's pleasure by moving against her body

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of sexual education the vatete should ideally be the sister who brought into the family the bridewealth which enabled the girl's father to marry.

<sup>58</sup> Gelfand (1979) p19; Aschwanden (1982), p77

<sup>59</sup> Aschwanden (1982), p77

<sup>60</sup> M Gelfand: *The Shona Woman* in NADA 10 (5) 1973; also Mary Hull pers comm; Miriam Chitongo pers comm.

<sup>61</sup> Mauch, ed E Burke (1969) p168; Aschwanden (1982) p77.

during love-making. Although boys also wore bead belts, they were not seen as objects of sexual interest in the same way<sup>62</sup>. Girls were also taught which herbs they could use to tighten their vaginas in order to increase male sexual pleasure. No comparable herbs existed for them to use in order to increase their own pleasure<sup>63</sup>.

A good wife was primarily one who was a good worker and a good mother, but the emphasis on pleasing her husband found in a girl's education indicates that wives were also expected to be good sexual partners. Although within the discourses of sexuality, both partners had a right to sexual enjoyment within marriage, and a man could be fined for failing to satisfy his wife<sup>64</sup>, girls were told that they could actually be sent away for failing to satisfy their husbands<sup>65</sup>. As in contemporary Britain, male sexual

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<sup>62</sup> Sr Mary Aquina: *Mutimwi: A Note on the Waist Belt of the Karanga* in NADA 9 (5) 1968 pp3-4; Aschwanden (1982) pp210-11.

<sup>63</sup> These herbs are still on sale in local markets such as the Mbare Musika in Harare. It is possible that the use of these herbs is a recent innovation, but there is no evidence for this and oral testimony against it. Moreover, it seems likely that any recently-introduced herbs to stimulate male sexual pleasure would be directed towards a male rather than a female market, which further supports the 'traditional' origin of these herbs.

<sup>64</sup> Holleman (1952) pp214, 276

<sup>65</sup> A Cornwall (pers comm) documents many cases of women today reporting that an insufficiently stretched labia will result in a woman being returned to her vatete for more herbs and stretching until she has improved her ability to please her husband. Aschwanden (1982 p211) also makes this claim. Cornwall did not find any instance of the threat being carried out, but found that the belief that it might be was very important to wives and young women.

desire was conceptualised as much stronger than women's, so that a wife was taught that she had no grounds to be jealous of her husband's other wives or lovers, provided that he did not cease to love her<sup>66</sup>.

Nonetheless, although sexuality was constructed firstly around male pleasure and only secondarily around female pleasure, discourses of sexuality seem to have been positive rather than negative. In other words, in so far as sexuality was discussed - and thereby created - it was mostly in terms encouraging the pursuit of pleasure for both parties, rather than forbidding certain pursuits<sup>67</sup>. Instead of being centred on a few permitted acts, sexual expression was relatively unstructured: there was nothing comparable to the 'missionary position' ideology of European sexuality. The limits of acceptability were defined by silences, rather than by the kind of explicit prohibitions which themselves contribute towards the social construction of sexuality. There was a notable absence of the concept of 'the perverse'.

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<sup>66</sup> A Cornwall (pers comm) notes how women still emphasise this in discussing their relationships with each other.

<sup>67</sup> This assertion is implicit from the ethnographical material, and was confirmed by a variety of informants in informal discussion. It is interesting to note in passing, from personal observation in Chiwundura Communal Area, that even today this pursuit of pleasure does not include kissing in public. This is not specifically forbidden but is none the less 'not done'. This is discussed by Gelfand, *The Shona Attitude to Sex Behaviour* NADA 9 (4) 1967 p63

Although the expression of sexual desire was fairly flexible, the channels through which it could be expressed were much more limited. In other words, it was not so much what was done as with whom it was done that attracted concern. Sexuality was constructed within a wider network of social relationships, in which shallow lineage membership provided the fundamental unit of social status<sup>68</sup>. Everyone was situated in terms of their position within family hierarchies. Theoretically, there was no ambiguity about social superiority, with each person knowing exactly where he or she belonged in the network of relationships. Within this network, degrees of intimacy as well as respect were regulated. The anthropological literature states that these hierarchies also operated between families, in the relationships between 'wife-providing' and 'wife-receiving' lineages, where the members of the 'wife-providing' lineage were one classificatory kinship rank above the 'wife-receiving' lineage<sup>69</sup>. Lineage relationships of this sort could operate even between total strangers, so that:

when two people with no traceable kinship ties meet, they adopt rules of behaviour towards each other based on any relationship which they know exists between other members of their respective clans. Thus if a Shona woman meets an elderly

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<sup>68</sup> J F Holleman: *The Pattern of Hera Kinship* Rhodes-Livingstone Papers no.17 (1949); Bourdillon (1987) p24.

<sup>69</sup> Holleman (1949) p41; Bourdillon (1987) p37.

stranger and discovers that a young man from her clan has married a young girl from his, she can address him as 'father-in-law'.<sup>70</sup>

However, 'effective' lineage groups, within which members respected the same ancestors and between which bridewealth alliances were negotiated, were rarely more than three extended generations deep. However, lineage ranking clearly did not translate directly into power relationships in cases where the 'wife-receiving' lineage was that of a 'big man' who took the wife in exchange for grain.

The lineage framework included within it certain relationships through which expressions of sexual desire could be acceptably channelled. Firstly - and this should not be taken for granted, given the mother/whore dichotomy of nineteenth century European sexual construction - sexual desire could be expressed, in private, between married partners. In addition to this, however, there was a network of other relationships where desire could be channelled, and 'talking dirty' in public was allowed<sup>71</sup>. These were the so-called 'joking relationships', between men and women in particular positions within the lineage network, whose families were already linked

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<sup>70</sup> Bourdillon (1987) p37.

<sup>71</sup> 'Talking dirty' is a particularly appropriate euphemism here, as it draws explicit connections with the Shona concept of svina or 'dirt', which refers both to semen flowing back from the vagina after sex and to menstrual blood, and is the source of illnesses arising from illicit sex. See Aschwanden (1982), p223-30

by marriage. The 'joke' could actually extend to intimate physical expressions of lust, although not, officially, as far as penetrative sex<sup>72</sup>. This aspect of lineage relationships provided a channel for expressions of desire and constructions of sexuality. Boys were teased about their transition to puberty in terms of their 'joking relationships' with older women, and girls encouraged to think of themselves as future wives in terms of their 'joking relationships' with their classificatory husbands<sup>73</sup>. It was also acceptable for men to joke about, but not act upon, feelings of desire towards their classificatory sisters or daughters.<sup>74</sup> The concept of people as sexual beings, then, was not separate from the concept of kinship relationships.

The restrictions on sexual relationships were, unsurprisingly, also conceptualised in terms of lineage membership. The threatened sanctions seem surprisingly familiar: backache, blindness, infertility, penises dropping off and so on. It is

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<sup>72</sup> Holleman (1949) p39:

...as between varamu (eg an unmarried boy with his brother's wife's younger sister) a considerable display of 'spring feeling' is tolerated as a matter of course...Privately an even greater amount of intimacy is taken for granted although it is expected that they will not go as far as actual co-habitation.

Also M Gelfand: *African Background: The Traditional Culture of Shona-Speaking People* (1965) p55. In modern Zimbabwe, a potential 'sugar daddy' will often try the chat-up line to a young girl that she is, in some distant classificatory kinship sense, his muramu, in order to make sexual advances.

<sup>73</sup> Aschwanden (1982), p74

<sup>74</sup> Ibid p99

the context in which these effects were threatened which is significant. Whereas folk wisdom in Britain threatens these effects for illicit acts that occupy a distinct sphere labelled 'sexually perverse', in the Karanga community the threat was usually linked to illicit partners. Sexual relationships had to be acknowledged by the lineages involved, and it was the absence of such acknowledgement which constituted the offence. In Shona terms, the danger in illicit sexual relations was that the relationship had not been approved by the ancestors, and a dangerous 'mixing of blood' would take place. Marriage rituals opened the way for the ancestral worlds of the different lineages involved to come safely into contact. This contact was explicitly sexual contact:

A man's semen is identical with his blood, and in the woman's body it comes into close contact with alien blood, i.e. with a strange world of ancestors...Even to the married couple the close contact means danger. However, the danger is partly removed by the marriage-contract with the ancestors.<sup>75</sup>

It was in these terms that adultery was conceptualised. Rather than being a simple matter between a husband, his wife and her lover, it was seen as a matter between the family of the adulterer and the family of the husband. On one level, the adulterer had violated the marriage arrangement

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<sup>75</sup> Ibid p224

between the husband's family and that of his wife, and had to compensate the husband's family for the civil offence of impinging on their rights as constituted in that arrangement. On another level, the husband had been put at risk of coming into contact with the 'blood' of the adulterer, and ritual aversion of the danger to his lineage was required. As a question of 'blood', it was not just the adulterer, but those who shared his lineage membership, who were implicated. The two levels were linked in that the marriage arrangement had to be an agreement between lineages rather than between individuals, because the ancestors were involved in the mixing of 'blood' which sexual relationships entailed.

As well as defining the limits within which sexual desire could be channelled, the lineage also provided the network whereby sexual relationships between men and women could be brought safely into the public realm. If a young man or woman fell in love, this could not be kept a secret for long. However, rather than becoming immediate general public knowledge, the information was transmitted through clear lines of communication within the lineage network, starting with the vatete, who acted as confidante to her brother's children, and culminating with the family heads between whom negotiations would have to take

place<sup>76</sup>. In his journals written in 1872, Mauch commented about the Karanga people to the south east of the Gweru area that:

The one and only redeeming feature among them is the purity of the young girls. Should one have really made a mistake, this will, without doubt, become public knowledge.<sup>77</sup>

Similarly, if there were marital problems between a couple, the network came into operation to transmit the information safely into the public sphere, where action could be taken to resolve the difficulties. Sexual matters were not 'personal' matters, but matters in which all the members of the shallow lineage group were involved.

The regulation of sexuality, then, was not distinct from other general obligations to the lineage. Discourses of sexual desire were not confined to a separate 'realm of the moral', and in so far as there was a moral discourse, it was expressed in terms of honouring the ancestors and maintaining the health of the lineage in general. Simon Roberts notes a similar elision of moral and other matters in Botswana:

The Tswana normative repertoire...remained undifferentiated in the sense that 'legal' rules were not distinguished in organisational or conceptual terms from those of other normative orders: norms of

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<sup>76</sup> Sr Mary Aquina: *The Group Aspect of Karanga Marriage* NADA 9 (4) 1967. This account implies that the relevant negotiations would be those which led to a marriage agreement. However, often the negotiations would be over the question of compensation, if the girl was pledged elsewhere.

<sup>77</sup> Mauch (1969) p204.

polite behaviour, moral imperatives and even express legislative pronouncements lay together in terms of indigenous classification.<sup>78</sup>

Within such a moral discourse, sexual identity only made sense to the people of Gwelo District in the context of the lineage:

Sex is the property of the family-group and the individual must account for its use. An unmarried man is not the master of his body but the family; in the same way an unmarried woman is not the master of her own body but the family-group.<sup>79</sup>

This explains why it was the girl's vatete, who was a member of her own lineage, and not the girl's mother, who taught her about sexual matters. It also helps to explain why the vatete checked unmarried girls regularly to ensure that they were virgins and had not been making independent use of their sexuality. What emerges clearly from this analysis of the way in which sexuality was constructed was that its regulation did not depend on a system of inflexible prohibitive rules. Girls who lost their virginity did not step over some absolute line, but put in motion a procedure whereby the transgression could be absorbed through the negotiation of compensation or bridewealth payment from her lover's family:

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<sup>78</sup> Simon Roberts: *Tswana Polity and "Tswana Law and Custom" Reconsidered* in JSAS 12 (1) 1985 p79

<sup>79</sup> Rev R P Hatendi: *Shona Marriage and the Christian Churches* in A J Dachs (ed): "Christianity South of the Zambesi" (Gwelo, 1973) p139

Generally anything is permitted provided that the relationship is leading towards a satisfactory marriage, suggesting that implicit permission is conveyed by the anticipation of marriage.<sup>80</sup>

Illicit sexual acts were only illicit in so far as the partners disrupted kinship relationships. Although adultery was prohibited, clear procedures existed for re-establishing relationships which had been disrupted by adulterous liaisons. Similarly, the anthropologists tell us that elopement was permissible as long as it was a means of initiating bridewealth discussions. However, it should be remembered that many fathers at this time would not be in a position to pay compensation if their daughters were already pledged elsewhere, and that many forced marriages must have taken place. The limits of sexual behaviour were defined by their likely impact on the family, rather than by fixed concepts of 'moral' and 'immoral' behaviour. Lineage authority and marriage negotiations depended upon the ability to control and absorb expressions of sexual desire, and power was as much a matter of being able to satisfy desire as to mobilise labour.

The power of the 'big men' required that women and poor men were not allowed to make independent sexual choices. Although this applied to men as well as

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<sup>80</sup> Bourdillon (1987) p48

women, the construction of female sexuality around concepts of lineage obligation was of particular importance, since women constituted one half of the pledging, bridewealth or brideservice exchange. Women were not just victims in this arrangement, with no right to demand sexual satisfaction. However, the satisfaction they did derive was in terms of a sexuality already constructed as subservient to those lineage obligations. Moreover, their sexuality was organised around pleasing their husbands rather than themselves, for a promiscuous woman could disrupt important patronage relationships in a way that a promiscuous man could not. It was in this context that marriage agreements were upheld and the gender division of labour perpetuated.

It is not enough, then, in considering the impact of the European Occupation, to think only of its impact on homestead production systems, in isolation from the sexual identities of the people who took part in that production. Men and women were differentiated at every level within the homestead, including the level of sexual identity, and this differentiation was a large part of what defined a homestead. The regulation of desire was fundamental to the perpetuation of family authority. There was no separate 'realm of the moral', nor were gender issues distinct from, or less 'material' than, other aspects of production. The deliberate attempts by Europeans

to interfere with 'moral' issues within the Shona communities had political and economic implications which went far beyond the simple question of what men and women did in bed - or rather, perhaps more uncomfortably, on the husband's mat. Moreover, it was not just new production opportunities which opened up at the turn of the century. The possibility that men and, even more significantly, women could begin to think of their sexuality outside the context of family authority was perhaps the greatest upset of all.

CIVILISATION AND MORALITY: Manichean attitudes among  
the Occupiers of Southern Rhodesia 1890-1905

The attitudes towards sex and sexuality which the white occupiers brought with them into Gwelo District were profoundly different from the codes which were prevalent in the African community. Sexuality was not primarily constructed in terms of lineage identity and obligation, and sexual matters were judged on the basis of a set of principles whose concerns were a long way from those of marriage alliance which dominated the African society. Sex occupied the realm of the moral, and was linked to concepts of sin and of absolute right and wrong. Not only did these occupiers have new ideas about what constituted a sexual offence; they also had different views about whose business it was that such an offence might have been committed. Two concepts in particular, those of 'morality' and 'civilisation', dominated white discussions of sexual behaviour. This chapter argues that the terms themselves had little intrinsic meaning, serving only to justify making Black sex a matter for white intervention.

Many of the white people with an interest in Southern Rhodesia at the turn of the century were from Europe, particularly the British Isles, and even those born elsewhere were influenced by the great change in attitude towards sexual matters which had taken place

in Europe during the course of the nineteenth century. Up to the end of the eighteenth century, codes governing sexual practice centred on the marital relationship, with the correct forms of marital behaviour extensively laid down<sup>1</sup>. Breaking the rules of marriage, however, was not clearly distinct as an offence from other forms of "debauchment", which was only uncertainly described and catalogued. This was to change as the rising bourgeoisie of the late eighteenth and early nineteenth centuries instituted two profound modifications to the system of sexual morality. Firstly, the married couple were granted a much greater degree of privacy, with the family and its activities relegated to a private sphere governed by rules of personal morality. Secondly, there was an explosion of debate, discussion and investigation around sexual activities deemed to be 'unnatural', which covered a diverse set of newly-defined practices not linked to the legitimate conception of children:

The area covered by the Sixth Commandment began to fragment. Similarly, in the civil order, the confused category of "debauchment"...came apart.<sup>2</sup>

Out of this fragmentation a new system was consolidated. There was, on the one hand, a set of

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<sup>1</sup> Foucault (1979) p37

<sup>2</sup> Ibid p39

sexual offences pertaining to marital and heterosexual matters, such as adultery and adult rape, which were 'natural' but 'immoral', and in which the law became less willing to intervene. On the other hand, there developed an extensive catalogue of specific perversions, including homosexuality and sexual relationships with children, which were seen as 'unnatural' rather than simply 'immoral' and in which social reformers showed an increasing interest.

The fading interest in sexual behaviour between heterosexual adults was in keeping with a general nineteenth century movement towards self-policing, or conscience, as a means of maintaining social order; a policy best encapsulated in Foucault's use of the image of the Benthamite Panopticon<sup>3</sup> as a system of penal reform, in which the inmates never knew whether or not they were under observation and so had to police their behaviour at all times for fear of possible detection. In the sphere of 'natural' sexuality, the idea of the criminal, such as the adulterer, having committed a crime, which would be met with punishment if discovered, was being eroded. It was replaced by the idea of a transgressor committing a moral offence, a sin which remained a sin even if committed in secret. Consequently, even

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<sup>3</sup> Michel Foucault: *Discipline and Punish* (Harmondsworth, 1977)

sexual behaviour deemed 'natural' became loaded with moral implications which existed quite apart from the potential material consequences of such behaviour. A sexual act was right or wrong regardless of whether or not it was a matter of public knowledge. The individual's conscience became the primary arbiter of his or her actions.

This attitude towards sexual behaviour was entirely alien to the people of Chiwundura or Gambiza, where it was inconceivable that sexual matters could be conceptualised as private and apart from lineage obligations. The nature of 'sexual' crime was entirely a matter of lineage alliance, and there was no sense of sexual activity being right or wrong in itself. Living family members would be certain to know of any illicit sexual activity, and illnesses attributed to ancestral intervention would be taken as a sure sign of guilt, making secrecy impossible<sup>4</sup>. Any indiscretion would have to be confessed, not primarily as a prelude to punishment, but in order that the disrupted marriage alliances could be re-established through payment of compensation. Sanctions, whether applied by spirits or by elders, were settled between and within kinship groups. The concept of private morality, applied to acts in isolation from their consequences, was entirely

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<sup>4</sup> see, for example, Gelfand (1965) p44-45

alien. Sex was clearly not a private matter, nor was it sensible to view sexual behaviour as something in itself, separate from the set of lineage relationships in which the actors were involved. Indeed, the entire distinction between public and private spheres, which grew in Europe with the separation of work and home as part of the process of industrialisation, was largely meaningless in a system of household production.

These differences in ways of conceptualising illegitimate sexual activity might have remained of interest only to the ethnographers, were it not for two other factors: the linking of concepts of morality with concepts of civilisation and justice, and the associated development of a pathology of perversity in Europe in the second half of the nineteenth century. Together, these two factors contributed to the fear of 'degenerescence', and led to a determination by the British to impose their own concepts of sexual irregularity in the territories they occupied or controlled. In their terms, the lineage-based systems of sexual regulation among Africans could not be seen simply as different, or even as local curiosities, for they were no less than a threat to civilisation, and perhaps even to the future of the human race.

There is a powerful polemic value in words such as 'justice', 'morality' and 'civilisation', which are often empty of much meaning beyond that of rhetorical markers. In early Victorian Britain, the concepts of 'morality' and 'justice' were manifested as the twins 'Christianity' and 'commerce', who joined with 'civilisation' to make the Unholy Trinity which was to build the British Empire. The 1830s was a period of optimism for British traders, who basked in the knowledge of their superior civilisation, being citizens of a country which had abolished slavery throughout its territories in 1833, and which brought the benefits of trade to the 'uncivilised' people of the world. Britain's opposition to the slave trade arose in a situation in which British interests had already benefited sufficiently from this trade to accumulate the capital required for industrial development, while its rivals had not<sup>5</sup>. Moreover, while Britain maintained its industrial lead in the world, it stood to benefit from a situation of free trade, where attempts to impose trading restrictions or build cartels were broadly characterised as violations of natural justice. In these circumstances, there was no sense of 'civilisation' or 'justice' as inaccessible to other peoples; rather, there was a feeling that it was the duty of the British to protect the non-European races with

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<sup>5</sup> Eric Williams: *Capitalism and Slavery* (Chapel Hill, 1944)

whom they traded, in order to allow them to reach comparable degrees of civilisation themselves. Rather than enslaving these people, the British, by creating an environment suitable for unrestricted commercial interactions, would create new markets and new aspirations for a better life<sup>6</sup>. Meanwhile, rivals who were so uncivilised and unChristian as to continue the slave trade were to be harried and obstructed in the name of justice and morality.

This duty of 'Trusteeship' was far more than a simple commercial philosophy, for the creation of new markets and trading opportunities was seen as part of a moral obligation towards other peoples. The British sense of superiority in the 1830s arose primarily from the feeling that Britain alone had taken full cognisance of that obligation to bring progress to the world. The sense of superiority was not, at this stage, based on a belief that other peoples were different in kind, unable to respond to progress or in need of permanent protection. The image of the child was often used; and children eventually grow up.

These ideas of Trusteeship and monogenism provided the initial impetus for the linking of civilisation

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<sup>6</sup> R Whitehead: *The Aborigines' Protection Society and the safeguarding of African interests in Rhodesia, 1889-1930*, ch 1. DPhil thesis, University of Oxford, 1975.

and morality in terms of imperialist expansion. The link remained strong at the end of the century, as this chapter will demonstrate. However, by that time the laissez-faire attitude of commerce-as-civilising-agent had been superceded in British imperialist thought by a more actively interventionist role. This was the time of the 'Scramble for Africa' following the Berlin Conference of 1884, which involved the colonialist appropriation and administration of areas of Africa. For Britain, this was a more effective way of excluding European rivals than the simple commercial dominance supported during the earlier period of British trade supremacy. Significantly, this policy involved a readiness to extend administration into the sphere of moral, as well as economic and political, regulation. This was as much a reflection of developments in British society as it was an aspect of colonialist expansion. The optimism of the early Victorian era had been overshadowed by a growing pessimism, and the place of morality and civilisation in the imperial project was in a process of change.

The change in British attitudes towards morality and civilisation over the course of the nineteenth century revolved around the second factor mentioned above, the creation of a pathology of perversity. The idea that physical health and sexual 'normality' were inextricably linked emanated from the middle classes

and grew in influence during the century. Unable to claim purity of blood, being excluded from the aristocratic classes, the rising nineteenth century bourgeoisie claimed purity of body, instead<sup>7</sup>. The distinguishing feature of the middle-class attitude towards morality was its obsession with sexual propriety as a sign of physical as well as spiritual purity. A most significant elision between health and sexual behaviour took place. The distinction between the 'immoral' and the 'perverse' discussed above was an aspect of this development. While immoral behaviour was a matter for conscience, perverse behaviour was 'unnatural' and therefore a matter for science. The first half of the nineteenth century saw the development of an entire medical practice devoted to the definition and cataloguing of 'perversion' and the investigation of both physical and psychic disorders in terms of sexual irregularity.

This European view of sexual perversion as sickness came to touch the lives of Africans in Southern Rhodesia by a complex route. It began with a fading of the British sense of supremacy in the face of economic depression and imperial embarrassments. This led, via an attempt to explain these upsets in terms of a distorted version of Darwinism, to an interest in the sexual activities of all those under British

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<sup>7</sup> Foucault (1979) p126

rule. Many factors contributed towards the crisis of self-confidence. At home, there was the spread of slums and poverty-associated disease as a result of industrial growth, exacerbated by working class protest and then acute economic depression in the 1880s. In the colonies, the 'superior civilisation' of British imperialists was brought into question by the behaviour of Governor Eyre in the West Indies in the 1860s, the extinction of aboriginal peoples in Tasmania and the horrors of the Indian Mutiny in 1857. It was as a response to these crises that the interest in sexual perversity became inseparable from a concern over national degeneration. Social Darwinism provided a ready explanation for the relative decline of Britain, suggesting that the problem lay in heredity<sup>8</sup>. Growing publicity about sexually transmitted diseases, especially syphilis among soldiers in India, added the fear that congenital defects resulting from sexual promiscuity might undermine the British Empire<sup>9</sup>. Under the umbrella of 'degenerescence', fears about national robustness and about sexual perversion continually reinforced each other, so that not only was it felt that feeble heredity produced sexual deviancy, but likewise that sexual deviancy would undermine the

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<sup>8</sup> Nancy Leys Stepan: *The Idea of Race in Science: Great Britain 1800-1960* (London, 1982) p117-8; G Jones: *Social Darwinism and English Thought* (Sussex and New Jersey, 1980) p4.

<sup>9</sup> Kenneth Ballhatchet: *Race, Sex and Class under the Raj: Imperial attitudes and policies and their critics, 1793-1905* (London, 1980)

future health of the nation<sup>10</sup>. It is very telling that this period is associated with the advice to the 'pure' wife to 'lie back and think of England', which was as much a plea for her to restrain unhealthy sexual urges as to produce healthy heirs for the nation.

The crisis in national self-confidence was fuelled by the growing concern about urban poverty, and this too was conceptualised in terms of sexual morality. The emphasis on sexual purity and moral health was taken beyond the ranks of the middle classes in the mid-nineteenth century, as social reformers began to turn their attention towards the sexual behaviour of the growing urban proletariat. By the mid-1880s in Britain, concern over morality constituted the main term of reference for debate over social problems. A range of anxieties arising from the profound upheavals of industrialisation and growing economic competition, combined with the impact of depression, had been projected onto the sphere of sexual behaviour:

social purity was...able to mine very deep fears of a more secular kind. 1885, an *annus mirabilis* of sexual politics, was also the year of the expansion of the electorate, fears of a national decline following the defeat of General Gordon, anxieties about the future of Ireland, and all this in the context of a socialist revival and feminist agitation...So moral

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<sup>10</sup> Foucault (1979) p118

purity became the metaphor for a stable society.<sup>11</sup>

The great campaign of 1885 was against the 'twin evils' of prostitution and sexual intercourse with young girls. The investigative journalist, W T Stead, was beginning his exposures of the 'white slave trade', while social reformers in the slums were struck by the number of young women making a living as prostitutes. A wide range of interest groups, including socialists, women suffragists and the Churches, combined to press for measures to prevent sexual intercourse with girls. It was symptomatic of the period that the campaign was directed against the moral offence rather than against the social conditions which led young working class women to work as prostitutes. The campaign and resultant legislation was imbued with the assumption that the girls were simple victims incapable of making choices for themselves. Five years later, while the moral campaign and these paternalist assumptions were still fresh, the Pioneer Column marched over the Limpopo into the land they called Southern Rhodesia.

The role of British commercial interests in Africa could not remain unaffected by this interest in morality. The existing ideology of a link between the moral rightness of the imperial mission and its

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<sup>11</sup> Jeffrey Weeks: *Sex, Politics and Society: the regulation of sexuality since 1800* (London, 1981) p87

civilising impact had to accommodate the changed implications of these terms. In Britain itself, the concern over sexual perversity was primarily directed towards issues of poverty, and was aimed at halting the 'degeneration' of the working class in the cities. However, its inextricable association with questions of national supremacy made it a welcome home for the theory of eugenics, the so-called science of 'racial stocks'. Although the definition of 'race' remained problematic<sup>12</sup>, the decline of monogenetic theories of humanity in favour of theories which posited a multiplicity of distinct types, or races, of humans was firmly established in scientific and social reforming circles by the close of the nineteenth century, not only in Europe but also in the USA<sup>13</sup>.

Eugenics allowed the specific concepts of civilisation and moral uprightness which had developed in Europe in the nineteenth century to be united under the idea of 'race'. In Britain, eugenicist theories were used to support the idea of an 'imperial race', superior to other races, not primarily in its awareness of its obligation to civilise the world, but inherently, by virtue of

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<sup>12</sup> See, for example, Antony Appiah: *The Uncompleted Argument: Du Bois and the Illusion of Race* in Henry Louis Gates Jr (ed): 'Race', Writing and Difference' (Chicago, 1986) for a discussion of the uncertainties involved in the use of the term 'race'.

<sup>13</sup> Stepan (1982) p111; I A Newby: *Jim Crow's Defence: Anti-Negro thought in America 1900-1930* (Louisiana 1965) ch 1.

having reached a higher stage of evolution<sup>14</sup>. The distinction between 'civilisation' and 'evolution' was blurred, while the concept of Africans as constituting a distinct and necessarily inferior race gained in popularity. In his essay, 'Victorians and Africans: The Genealogy of the Myth of the Dark Continent', Patrick Brantlinger has traced the development of this idea. He argues that the banning of the slave trade in Britain was highly influential in the growth of the belief in African barbarism. During the abolitionist period, Africans were largely presented as innocent children cruelly wrenched from their Edenic simplicity by slave traders. However, once Britain renounced the trade:

The blame for slavery could now be displaced onto others - onto Americans, for example. Blame was increasingly displaced onto Africans themselves for maintaining the slave trade as a chief form of economic exchange.<sup>15</sup>

If Africans were involved in slaving, they were thereby 'uncivilised' not by virtue of their economies but because of their moral standards.

As imperial expansion continued and trading competition became more intense, there was a significant shift away from the emphasis on commerce

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<sup>14</sup> Jones (1980) p144

<sup>15</sup> Patrick Brantlinger: *Victorians and Africans: the genealogy of the myth of the Dark Continent* in Gates (ed) p192

as the path to universal civilisation which had characterised the abolitionist period. An ideology more suited to strategies of colonisation gained ground. Slavery, common to Europeans and Africans, was not adequate to justify European supremacy. With the rise of eugenics, the condemnation of slavery was overshadowed by more racially-specific ideas of African barbarism. The idea of Africans as lacking in civilisation began to blur into the concept of savagery. Africa became increasingly 'The Dark Continent', with horror piled upon horror in popular representations. In mid-century a new theme emerged, which was to exercise considerable sway over European minds. This was the belief that cannibalism was rife in Africa, and that human flesh constituted a standard source of food for Africans. This fantasy was perpetuated in serious scientific works such as Thomas Henry Huxley's essay 'Man's Place in Nature' (1863) as well as in more lurid populist accounts. Such fears lent credence to the argument that there were absolute racial differences between those of European and those of African descent. The idea of the 'savage' became clearly attached to the idea of race, and drew with it the suggestion that Africans were evolutionarily inferior to Europeans.

In the United States during the same period, similar ideas were manifested in a different way<sup>16</sup>. The 1890s backlash against Black people in the southern states was expressed in the Jim Crow legislation and the horrific plague of lynchings directed against Black men. Black people were effectively disenfranchised and denied civil rights. This, too, was justified in terms of a racial distinction, with the famous 1896 separate-but-equal decision of the Supreme Court in *Plessy v Ferguson* defining the nature of separateness entirely in terms of 'racial' descent. These measures were a matter of considerable interest in Southern Africa, both for those of European descent and for those Africans with religious or educational links with the USA.

In Southern Rhodesia, racial theories were finding a local manifestation. Eugenicist ideas were not popular among all the settlers in Southern Rhodesia in the 1890s, but were dominant enough to ensure that the debate over their validity was conducted on the eugenicists' terms, with the notion of 'race' taken as given and the argument being over the impact of racial differences rather than over whether it was meaningful to discuss issues of social, economic and political importance in terms of skin colour or head shape. The evidence to the South African Native

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<sup>16</sup> John W Cell: *The Highest Stage of White Supremacy* (Cambridge, 1982) ch 2; Newby (1965) ch 2.

Affairs Commission [SANAC] in 1904 demonstrates that the white people who occupied Southern Rhodesia in the 1890s were influenced by theories of their racial superiority. Unlike the representatives of British commercial interests in the previous generation, they were inclined to see 'civilisation' as something inherent in their 'race' rather than in their position as dominant trading partners.

It is clear that many of these settlers linked their idea of civilisation with their ideas about moral, particularly sexual, propriety. For them, the systems of sexual regulation existing in the African communities were both 'primitive' and 'immoral', with very little clear distinction between these two ideas. Representatives in the Legislative Council in 1902 were in sympathy with the assertion that "*The native was no better, or very little better, than a brute in connection with crimes of [sexual assault]*" while an editorial in the Gwelo Times the preceding month made reference to "*the black, whose natural instincts are toward cruelty, depravity and brutality*"<sup>17</sup>. The missionaries, whose entire *raison d'être* was undermined if Africans did not need to be 'saved', also tended to connect these ideas. Catholic missionaries reported back to sponsors in the UK, for example, that:

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<sup>17</sup> *Debates, Legislative Council of Southern Rhodesia, 12th November 1902; Gwelo Times 17th October 1902*

The Mashona children in their early life, in their natural wild state, are not remarkable for their moral cleanliness<sup>18</sup>

while a Methodist worker informed the SANAC that

As to their moral condition, previously they were in a very low state, fearfully low. In fact I do not think you could find a chaste girl or a chaste woman in the country.<sup>19</sup>

Conversely, the project of 'civilising' the region was often spoken of in terms of 'moral' improvement, and not only by missionaries. This way of thinking could be found in the Native Affairs Department, which took part in the Inter-Colonial Conference at Bloemfontein in March 1903. The Conference, which led to the setting-up of the SANAC, affirmed as its first principle that:

...the advancement of the native should proceed under the direction and control of the Government on definite lines of policy, and the objects to be arrived at should be his industrial training and his moral and intellectual improvements.<sup>20</sup>

Some of those without direct responsibility for African administration or education also took this view. The Matabeleland farmer, Colonel Napier, for

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<sup>18</sup> *Zambesi Mission Record* [ZMR] (19) 2 1903, p183

<sup>19</sup> Evidence to Southern African Natives Affairs Commission 1903-5, volume IV [SANAC], §36,275

<sup>20</sup> GT, 27th March 1903

example, agreed wholeheartedly when asked by the SANAC:

You are disinclined to say that there has been moral improvement amongst the people since the change of Government?...Do you look for improvement later on as the effect of our civilisation becomes more defined?<sup>21</sup>

and such an assumption underlay many of the questions and responses in the SANAC investigation. As in Britain, morality constituted one of the primary terms in which social reform was discussed.

However, although it was largely agreed that Africans were both 'uncivilised' and 'immoral', there was far less agreement over the content of those ideas. It would be highly misleading to assume that simply because the Occupiers were all talking in terms of the distinction between 'civilised' and 'uncivilised', 'moral' and 'immoral', that they should all be in accord over which particular aspects of African sexual behaviour constituted evidence of barbarity. A range of stereotypes of African 'immorality' were in operation in the region, all earning their definition as 'immoral' primarily by virtue of not being the same as European practices which were, by definition, 'moral'. The setting up of polarities between Occupier and Occupied, in which the Occupiers represented all that was Good and the

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<sup>21</sup> SANAC, §36,205

Occupied all that was Bad, was typical of late nineteenth-century colonialism, especially in British-occupied regions when the British were grasping onto eugenic arguments to restore shaken national self-confidence. The 'self' and 'other' distinction provided a framework within which a surprisingly flexible range of stereotypes could be constructed. This polarisation, described by Abdul R JanMohamed as 'the manichean allegory'<sup>22</sup>, meant that although there could be broad agreement among the occupiers in Southern Rhodesia that the Africans were primitive savages, there was still little agreement about what, if anything, should be done to overcome this state of affairs.

Diverse sectors of the occupying society, with distinct interests and concerns, constructed the various stereotypes of African immorality and primitiveness which were represented during this period. Usually, these stereotypes were not clearly distinguished from each other, with a person taking one position in one context and another position in a different context, and apparently not even being aware of the shift. Nonetheless, although individuals might hold a variety of conflicting conceptions in their heads at one time, overall there were

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<sup>22</sup> Abdul R JanMohamed: *The Economy of Manichean Allegory: the function of racial difference in colonialist literature* in Gates (ed) p87

distinguishable differences of emphasis between the institutions and interest groups involved in the Occupation. In order to understand why these different stereotypes surfaced as they did at that time, it is necessary to consider the political and economic context in which they arose. The most significant issue in Southern Rhodesia with relevance to the way in which Africans were perceived at the turn of the century was that of labour. The shortage of cheap labour was a matter of acute concern, not only to mining companies but also to those whose businesses depended upon supplying the mines with goods and services, and to the handful of farmers in the country. Particularly after the outbreak of the South Africa war disrupted supply lines, labour shortage badly hurt the mining industry. Forced labour became problematic when local Africans provided the main source of grain to supply the mines, making it unwise to disrupt agricultural production<sup>23</sup>. Meanwhile local men themselves preferred to raise cash through grain sales, and were unlikely to choose to work in the appalling conditions of the mines while other options were available.

The extent of labour shortage varied from area to area. Gwelo District was thickly scattered with

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<sup>23</sup> Ian Phimister: *An Economic and Social History of Zimbabwe 1890-1948: capital accumulation and class struggle* (London, 1988) p23

mining claims staked by the speculators rushing into the area. The nascent town of Gwelo consisted in the 1900s largely of traders and hoteliers (and their African workers) who depended heavily upon the mining companies as clients. One of the largest mines in the area was the Globe and Phoenix mine, which was one of Southern Rhodesia's major gold producers. It operated erratically throughout 1901 and despite record outputs elsewhere in the country, returned a shortage of over 600 oz that year<sup>24</sup>. Labour shortage was the major cause of its difficulties, pushing up costs by an estimated 15%<sup>25</sup>. In September 1901, the Gwelo Times demanded Labour Boards for each state in southern Africa, which would work together to supply labour for all agricultural and industrial projects, "in such a way as to tap the hitherto almost unexplored resources of the huge kafir nations in the South".<sup>26</sup> Having failed in this, it ran a series of editorials on 'the Labour Question' at the end of 1901, which urged the introduction of Chinese workers via Aden, a scheme which had been considered and dropped<sup>27</sup>. With the restructuring of the mining industry in 1903, smaller mines began to meet their labour needs, but the larger mines continued to struggle. Despite the arrival of the railway, money was very scarce in

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<sup>24</sup> *GT* 30th May 1902

<sup>25</sup> Phimister (1988) p26

<sup>26</sup> *GT* 20th September 1901

<sup>27</sup> *GT* 20th February 1903

Gwelo town in early 1903<sup>28</sup>, and throughout that year the paper urged action to increase the supply of labour, preferably by the introduction of Chinese workers<sup>29</sup>. In late 1905, a bitter row broke out about the activities of the Witswatersrandt Native Labour Association, which was thought to be poaching workers from the Hartley District, within the Gwelo labour-catchment area, apparently with the connivance of the Rhodesia Native Labour Bureau<sup>30</sup>. By this time, the district also had about a dozen serious white farming interests, which were also competing for local labour. In August 1905, the farmers joined the mines in deploring the export of workers to the Rand. The same month, W D Finnie of Headwaters Farm wrote to the Gwelo Times:

The Mashona labour is par excellence the labour of the country. It is first and foremost the cheap labour. It is the labour on which the agricultural industry of Rhodesia will have to depend if it is to prosper. It is the labour, I may add, with which the smaller mining propositions - where the boys have not to work at depth - are largely developed and without which many prospectors and men with limited means could not prospect their claims.<sup>31</sup>

It was this labour which was not forthcoming. The men under Chiwundura and Gambiza were unwilling to offer

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<sup>28</sup> *GT* 29th November-13th December 1901

<sup>29</sup> see, for example, *GT* 27th March 1903; 24th October 1903

<sup>30</sup> *GT* 29th July-16th September 1905

<sup>31</sup> *GT* 19th August 1905

their labour to these people occupying their land and demanding taxes from them. This reluctance was reinforced by the fact that most men were involved in surplus food production and were able to meet their cash requirements through trade, especially those near to the town and the mines<sup>32</sup>. A few of the poorer men were prepared to undertake brief periods of a few weeks in mine or farm labour, but then only if there was food shortage as a result of drought and preferably not at harvest or planting times<sup>33</sup>. Despite the fact that wages were comparatively high, especially for domestic workers<sup>34</sup>, by far the majority of African wage labourers found in town, mine and farm were from outside the district, and often from outside the territory.

This need for labour was to have a significant impact on the way in which African 'barbarity' and 'immorality' were conceptualised in Southern Rhodesia. One of the most dominant stereotypes of local Africans was of the incorrigably lazy man, who lived off the labour of his many wives and did nothing himself except drink beer. It is significant that this putative behaviour was typically described as 'immoral'. The 'immorality' in this case had two

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<sup>32</sup> Phimister (1988) p71

<sup>33</sup> see, for example, AR, Gwelo, 1903, NB6/1/4B; 1904, NB6/1/5

<sup>34</sup> GT, 28th March 1902

aspects: the rejection of the discipline of work and the exploitation of female labour. The poorly-capitalised traders, farmers and mining smallworkers who suffered badly from labour shortages could not understand why such barbarity was tolerated. Adopting eugenicist arguments, they argued that local Africans were inherently lazy and incapable of skilled work<sup>35</sup>. Some even suggested that in evolutionary terms, it might be better if they were left to become extinct, like the Tasmanians and the Amero-Indians. In the words of one Mashonaland farmer:

I do not believe in individual authority [over Africans], that is to say, not anything approaching slavery; but I certainly think that to be slaves to the State, if you will allow the term, is the best thing for the development of the black races of Rhodesia. Of course, on the other hand, if you look into the question of the future of the white population, it would be much better if they did not work at all. If they did not work at all we would have them out of the way, and have a white race in the country, which would be far better for it than a black one.<sup>36</sup>

Such people tended to support the call for Chinese labour and justified the raising of forced labour gangs as bringing 'morality' along with 'civilisation' to the 'natives'.

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<sup>35</sup> see, for example, *GT* 29th November 1901; 13th December 1901; 28th March 1902; 17th October 1902; 11th July 1903; 24th October 1903

<sup>36</sup> SANAC, §35,365

There was, however, another aspect to this typification of the African population in terms of labour needs, which was less well represented in the pages of the Gwelo Times but rather more influential in terms of policy choices. This was to see the Africans in terms of a class, evolutionarily suited to meet the needs of industry and commerce. In this view, the process of 'civilising' was conceptualised in ways very similar to those in which campaigns of moral reform were directed towards the urban proletariat in the UK. The aim was to establish a settled and sturdy population of waged workers, hale, hearty and hard-working, as part of the development of the territory's economic infrastructure. Forced labour was not really a part of this vision, which saw civilisation as emerging gradually, not as a result of education but from engagement with the labour market. It took its terms from the theories of Trusteeship which characterised the 1830s, but placed emphasis on waged work, of a kind suited to the African 'race', rather than trade, as the tool of 'civilisation'. The SANAC committee had a certain sympathy with this viewpoint, as its clear prompting of this witness' argument displays:

Apart from compulsion, which you condemn, and which everybody condemns, do you think it is a good thing in the interests of the Native, in forming his character and improving him, that he should go to work as the white man goes to work? - I certainly do

And that in all reasonable ways he should be stimulated? - Yes

And the best way to stimulate him is to attract him? - Yes

Not necessarily by giving him higher wages? - No. He should feel that it is to his interest to go to work, and of course, that comes about through the higher civilisation.

Do you mean you would give him the highest civilisation, or how would you civilise him? - I would civilise him by expanding his mind, by his realising that his needs are greater, and through a certain amount of education, but I think that for the present education should be gradual.

You think it is the best policy of the Government to, as far as possible, create new wants? - Yes, new wants.

So that the Native may be obliged to satisfy those wants? - Yes

Which it requires labour to do? - Yes <sup>37</sup>

There were serious limitations on the BSACo's ability to create such a proletariat, not least of which was the unwillingness of the local African population to give up their own production interests. However, particularly among the upper-class administrators, there was a tendency to think in these class terms and to support a long-term policy of proletarianisation in preference to migrant labour<sup>38</sup>. Some of the larger mines, too, were keen to attract labour through a strategy of encouraging families to settle at the mines<sup>39</sup>. The policy was also adopted by some farmers, accepting African families not just as rent-paying occupants of the land, but as settled

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<sup>37</sup> SANAC, §36,763-36,770

<sup>38</sup> Philip Mason: *Birth of a Dilemma* (Oxford, 1958) p261

<sup>39</sup> Charles van Onselen: *Chibaro: African Mine Labour in Southern Rhodesia 1900-1933* (London, 1976) p77; 88-9

farm labour<sup>40</sup>. At both mines and farms, the majority of proletarianised families were from outside the territory. Nonetheless, the idea that 'civilisation' in Southern Rhodesia would involve the integration of the African population as settled waged workers and consumers into manual sectors of the white economy underlay official thinking in Southern Rhodesia during the 1900s.

This view of race as a class relationship was often confused with the more overtly racist tirades against the immoral laziness of African men. It did, however, demand a different interpretation of eugenicist arguments from that put forward by those who saw Africans as a disposable nuisance, better replaced by 'coolies'. Once it was assumed that the African population would form the major labour source in Southern Rhodesia, a policy of 'Darwinian' genocide was clearly not appropriate. Instead, eugenics had a greater application in discussing the African 'race' or 'races' in terms of possible degeneration and, as with the working classes in Britain, the means whereby such degeneration might be halted. Ndebele were distinguished from Shona in terms of 'race', with the latter being considered a rather more degenerate race than the former, less 'manly' because less warlike. (The women were not, of course,

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<sup>40</sup> see, for example, SANAC, §35,421-35,427

included in this definition.) Some settlers took these distinctions even further, as in the case of this farmer from the Orange Free State, who after seven years farming in Southern Rhodesia spoke of his workers in terms more suitable for describing his cattle:

I have found out that the better they are bred the more apt they are as pupils, and that the thoroughly well-bred Matabeles can really be taught anything.<sup>41</sup>

Overall, however, there was an interest in 'improving' the 'race', loosely conceptualised in the singular.

The question of 'degeneration' particularly exercised the minds of the Native Commissioners, and was, as one would expect, conceptualised in terms of the civilised/uncivilised, moral/immoral dichotomy. 'Civilisation' was, for the NAD, not so much a question of waged labour but of individual land tenure, comparable to the Glen-Gray initiative in the Cape<sup>42</sup>. However, its aspirations were not clearly distinguished at this stage from the proletarianisation hopes of the BSACo administration, since both asserted individual rather than lineage based involvement in the economy as a sign of 'civilisation'. Consequently, NCs were implicated, to

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<sup>41</sup> SANAC, §36,968

<sup>42</sup> see, for example, SANAC, §36,020-36,032

varying degrees, in attempts to raise labour. However, their first project was to assert real authority over the African population.

Native Affairs Department policy at this time was to usurp the power of the chiefs and to take over the chiefly role<sup>43</sup>. This should not be taken to imply that there was much by way of a direct assault on chiefs' power after the dust from the first Chimurenga war of 1896-7 had settled. Although the authority of the Cape administration was theoretically the supreme authority in Southern Rhodesia, in practice the Cape policy of eradicating chiefly power was not dominant in the NAD. Many of the NCs had had some training in Natal, where the Shepstone system, rather than attempting to replace chiefly authority, attempted to manipulate that authority towards its own ends. Such a policy assumed that there was some sort of genuine authority to manipulate. Unfortunately for many NCs, this was not necessarily the case in Southern Rhodesia. Particularly in the area under the Chief Native Commissioner for Matabeleland, the power of the king had been crushed and the power of the 'big men' had been undermined by the combined effect of rinderpest, military defeat, cattle seizures and land expropriation.

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<sup>43</sup> P J Duignan: *Native Policy in Southern Rhodesia 1890-1923* PhD thesis, Stanford University, 1961; J Taylor: *Emergence and Development of the Native Department of Southern Rhodesia 1890-1914*, PhD thesis, University of London, 1974, ch 10

Of course, conditions and opinions of NCs varied from district to district. However, in the Ndebele-speaking and Midlands areas which included Gwelo, there was a general feeling that the people did not respect discipline and authority as they did in Zululand or Natal. This was seen as evidence of 'degeneration' from their Zulu roots, which was blamed on sexual immorality among the young people. The theory was probably given credence by the fact that the Occupation almost certainly did allow young people to challenge lineage control, which was predicated on sexual regulation. However, the concern over sexual perversion was, for NCs, directly linked to the belief in racial degeneration (or primitiveness - the distinction between the atavistic and the primitive was often blurred). The argument was summed up by C T Stuart, NC in Gwelo from 1902, who had previously in Natal and then in Malema, Matabeleland. In 1904, he complained:

The old approved methods of handling natives (and which owed their success to the character of the race to whom they were applied) will not work when brought to bear on a community such as we have here, which is yet to emerge from a state of chaos, to found a code of morals and to originate an elementary organisation.<sup>44</sup>

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<sup>44</sup> AR, Gwelo, 1904, NB6/1/5

Stuart was certain that the problem lay in 'immorality', and that the solution was to be found in legislation to eradicate degenerating perversions from the African society.

We have, then, the context in which the administration and the NAD were united in the opinion that Africans needed a programme of moral improvement comparable to that recently seen applied to the working classes in Britain, in order to open the path to civilisation. Such a programme required a definition of what it was in African society that was perverse. In Britain itself, there was growing 'scientific' support for the view that perversion was an inherent feature of inferior races. This assumption had grown up in Europe over the course of the preceding fifty years, and was gaining in influence in the 1890s.

The theory fitted well in Europe with the classification of sexual perversity in terms of pathological degeneration. There is an excellent study by Sander L Gilman of the process whereby these two theories were combined<sup>45</sup>. He shows how detailed claims regarding the degenerate physiognomy of European prostitutes drew explicit parallels with the

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<sup>45</sup> Sander L Gilman: *Black Bodies, White Bodies: Toward an iconography of female sexuality in late nineteenth-century art, medicine and literature* in Gates (ed) p223-261

physiognomy described as typical of 'Hottentot' women, classified as the most 'primitive' of African 'races'. Both prostitute and Hottentot were considered to lack the self-control which marked the 'civilised' human. Moreover, this primitive or atavistic physiognomy was linked in both cases to the fears about syphilis which haunted late nineteenth century Europe, prostitutes being blamed for its spread and Africans for its introduction. Africa as a dangerous continent of unbridled primitive sexuality became a commonplace in both missionary and popular literature. Patrick Brantlinger reproduces a woodcut of 'Henry Stanley resisting temptation', taken from a volume published in 1898 entitled 'Heroes of the Dark Continent', which shows the intrepid explorer fighting back hordes of naked African women who are throwing themselves at him in shameless abandon<sup>46</sup>. The threat to 'civilisation' and the white 'race' posed by the promiscuity of Africans could hardly be expressed more clearly.

This myth of unregulated promiscuity among Africans was prevalent in Southern Rhodesia, in the NAD as well as elsewhere. It is, therefore, significant that this was not the main thrust of the NAD view of African perversity. The people were characterised as broadly 'moral', with the women in particular

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<sup>46</sup> Brantlinger (1986) p214

presented as the victims rather than the perpetrators of perversity. In the attempt to combat degeneration, two very specific perversions were the subject of NAD recommendations for legislative intervention. These were prostitution and sex with young girls - the very issues which had dominated the 1885 moral reform campaign in the UK. This campaign seems almost to have set the terms in which NCs observed and interpreted the impact of their occupation on the lineage-oriented systems of sexual regulation in the African communities. The next chapter will consider how these stereotypes from the other side of the world could be made to describe the marriage-alliance system of the 'big men' in Southern Rhodesia. The point to note here is that the NAD, with the support of the administration, did not want to challenge polygyny or the payment of bridewealth, despite the fact that both were seen as evidence of perversion by other settlers with different interpretations of African 'immorality'.

A variety of factors, which will be discussed in the next chapter, led to this decision to exclude polygyny and bridewealth from the official definition of African perversity. Its implications were not simply 'moral', for this exclusion required a specific interpretation of the concept of 'civilisation'. As mentioned above, nineteenth century Europe distinguished between 'natural'

immorality, which was a matter for personal conscience, and 'unnatural' perversions, which were a matter for public concern and scientific analysis. It was mark of a civilised society, in this view, that the state should not interfere in a man's marital arrangements provided he was doing nothing overtly perverse. This view was taken to apply to marriage systems in Southern Rhodesia, with this proviso in the Judicial section of the Southern Rhodesia Order-in-Council 1898:

In civil cases between natives the High Court and the magistrates' courts shall be guided by native law so far as that law is not repugnant to natural justice or morality.<sup>47</sup>

Polygyny and bridewealth were interpreted as legitimate 'native law', but prostitution and child-pledging were a different matter, being repugnant to natural morality and thereby damaging to civilisation. Besides, it was argued, bridewealth and polygyny would die out as civilisation spread. The important task, therefore, was to create the conditions in which advancement could take place. The CNC for Matabeleland, Herbert Taylor, readily agreed that it would be better to give women the same 'opportunity to advance' as was given to men, by which he meant the opportunity to acquire property

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<sup>47</sup> Southern Rhodesia Order in Council, 1898, §50

rights and majority status in law<sup>48</sup>. Generally, Native Departments in the Southern African region considered that the emancipation of the women would make it harder for African men to exploit their wives' labour and so would force them to engage in settled waged labour<sup>49</sup>. It was an integral part of the civilising project. African women needed protection in the same way as working class girls in England needed protection. Thus the paternalism as well as the perversions of the 1885 campaign in England were carried over into Southern Rhodesia at the turn of the century.

This concern with perversion in the NAD was directly associated with fears about the racial degeneration of the Africans, and was in harmony with the administration's idea that 'civilisation' for Africans would mean their transformation into a working class within the white economy and community. There were, however, other fears about racial degeneration in circulation in Southern Rhodesia at the turn of the century, which were much less compatible with this concept of 'civilisation'. These fears ensured that, within the civilised/uncivilised distinction, there was actually quite acute opposition to the official concept of 'civilisation'.

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<sup>48</sup> SANAC, §35,880-35,883

<sup>49</sup> Report of the Inter-Colonial Conference, Bloemfontein, March 19th 1903, *GT* 27th March 1903

In particular, there was hostility about the 'social' implications of such 'civilisation'. This use of the term 'social' was actually a euphemism for 'sexual', and referred specifically to fears about the consequences if there was sexual as well as economic integration between those of African and those of European descent. Once again, fears about sexual behaviour were related to fears about racial degeneration. Once again, also, this fear had its parallel in Britain, where it reflected the worries about Britain's imperial role. With the growing problems of class conflict and economic depression at home, social imperialism had advocated exporting 'surplus' workers to imperial domains newly subject to colonial administration. In this context, the fears about national decline as a result of urban promiscuity became expressed as fears about the moral standards of settlers whose duty it was to preserve the robustness of their race<sup>50</sup>. This concern raised a 'moral' issue already familiar in the United States. A new perversion was being created, which fell within the general definition of the perverse by being presented as a sexual act which was not only profoundly immoral, but so manifestly 'unnatural', since the partners were of different racial types, that it had to be a result of mental sickness. Far more directly than in the cases of prostitution or

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<sup>50</sup> Bernard Semmel: *Imperialism and Social Reform: English social-imperial thought 1895-1914* (London, 1960) chs 1 & 2

sexual relationships with under-age girls, it seemed clear that 'inter-racial' sex was linked to racial enfeeblement.

In Southern Rhodesia the administration had difficulties in absorbing this ideology, since legislation on the matter would pose a direct challenge to the equation of race with class. A missionary from the London Missionary Society, who fully supported the official line on 'civilisation', spelt out this dilemma for the SANAC committee:

I would make the illicit intercourse unlawful, but I do not know that we should be justified in saying "You must not marry". For instance, amongst the English people there are certain classes; you cannot make a law and say the upper class and middle class must not marry with the labouring classes. You can say it is an unwise thing to do, and I think that is all you can say with regard to this.<sup>51</sup>

The Resident Commissioner also condemned such marriages, but not because they were a threat to the white race:

I would simply object to it on the ground, that I do not think there is the element of happiness in it.<sup>52</sup>

This was hardly sufficient grounds for legislation.

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<sup>51</sup> SANAC, §36,344

<sup>52</sup> SANAC, §35,317

There was, however, an additional dimension to this issue, which seemed to require the total rejection of a race/class analogy. It was racial enfeeblement of the white 'race', as a result of white women's apparently sick perversity, which roused emotion. Although the NAD was aware that Africans were not altogether happy about white men's relationships with black women, the 'social question' was rather directed towards black men and white women. Any legislation which dealt with this without addressing the converse relationship denied to Africans the granting of 'civilised' rights, including the right to a private life free from state interference. However, if Africans were viewed as an inferior 'race', rather than as an inferior class, this difficulty evaporated. The matter was then simply one of protecting all concerned from perversion, in the same way that liquor legislation applying only to Africans was presented in terms of protecting Africans themselves from moral and physical harm.

This emphasis on 'race' exposed a very different interpretation of the civilised/uncivilised dichotomy from that of the official policy. It suggested that the division was fixed by nature, and that Africans were necessarily best left 'uncivilised'. Any attempts to 'civilise' Africans could be seen as attempts to force the 'race' into a position to which

it was evolutionarily unsuited, and which had undesirable social consequences:

It was not the raw Matabele or Mashona that attempted to rape white women, as they had some lingering respect for the superior race...but it was usually your so-called Christian kafir, who had divested himself of that respect for the white man which he had in his raw state, and who put on a spurious veneer of Christianity, just sufficient to enable him to disregard the European.<sup>53</sup>

These fears not only challenged one interpretation of 'civilisation', but also supported the view that African sexuality was wholly unrestrained and irredeemably promiscuous. In terms of the manichean allegory, then, there was a significant body of opinion in Southern Rhodesia which agreed with the administration that the Africans were immoral and uncivilised, but saw this as a natural state of affairs requiring protective rather than 'civilising' measures. Moreover, in this view, integration was *"not so much remote as morally wrong"*.<sup>54</sup>

It was not only this 'social question' which inspired opposition to the idea that Africans might be 'civilisable'. There were other ways of interpreting 'civilisation' which were unsettling for the administration as well as for many settlers. One of

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<sup>53</sup> Debates, Legislative Council, 12th November 1902.

<sup>54</sup> Mason (1958) p253

the most significant of these related to the franchise. The class analogy for Africans seemed less attractive for the administration when placed in the context of class conflict in Britain, where there was continuing labour agitation for a further extension of voting rights following the 1884 Reform Act. There was an awareness that in the USA the Southern States were beginning to take the vote away from those of African descent, ostensibly in their own interests, on the grounds that they were not capable of bearing the responsibility<sup>55</sup>. Southern Rhodesia was under Cape law, and consequently was expected to adopt the liberal 'Cape franchise' in which the only qualifications for voting rights were to be male, occupying property worth £50 per annum and able to write one's name and address. This system had developed in specific conditions in the Cape in which British interests wanted to restore stability and authority by encouraging an African peasant sector. By the end of the century, the Cape franchise was not popular among those with power even in the Cape, where the gold-mining industry was becoming more important to British interests and Africans were increasingly engaged in waged labour:

unlike liberalism in Britain, Cape liberalism was not posited on the incorporation of wage-labourers. On the contrary, Cape liberalism assumed a small prosperous peasantry which could act as a

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<sup>55</sup> Cell (1982) p89; Newby (1965) p148

buffer against poor peasants and the already declining power of chiefs. Black wage-labourers, on the other hand, presented no immediate threat and required no incorporating. Instead the franchise, legal equality and the market place could give them a strength that their early twentieth century social situation did not justify.<sup>56</sup>

Clearly a similar position faced Southern Rhodesia, where the administration wanted Africans to be wage labourers, but did not want them to have the vote.

The witnesses before the SANAC in Southern Rhodesia consistently linked the question of the franchise to the question of civilisation. "As long as they remain in an uncivilised state", opined CNC Taylor, "I think they are properly represented".<sup>57</sup> The problem with this, for those who opposed the idea of the African vote, was that there was an official policy of 'civilising' Africans, and, as the missionary John White observed:

Of course, when they have raised themselves they will have the franchise; I do not think it can be withheld from them; and I do not think it would be wise to withhold it.<sup>58</sup>

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<sup>56</sup> Stanley Trapido: *'The friends of the natives': merchants, peasants and the political and ideological structure of liberalism in the Cape, 1854-1910* in S Marks and A Atmore (eds): *'Economy and Society in pre-industrial South Africa'* (London, 1980) p268

<sup>57</sup> SANAC, §35,828

<sup>58</sup> SANAC, §35,141

If 'civilisation' meant only proletarianisation and waged labour, it was possible that this moment could be indefinitely postponed, since literacy and £50 per annum were not the usual manual labourer's lot. It was in these terms that the administration preferred to think of both 'civilisation' and the franchise. However, as we have seen, a range of ideas could be held under the umbrella of 'civilisation'. For many missionaries, literacy was an integral part of the concept. This was a contested view. While almost all those of European descent agreed that illiteracy was evidence that Africans were uncivilised, there was much less unanimity over the question of whether literacy should be taught, even among those who supported the view that 'civilisation' should be encouraged. The administration was inclined to support those missionary projects which favoured technical skills over literary skills. An African who could read and write was already on the way to earning the franchise.

Moreover, it was not just the question of the franchise which literacy raised. There was also the question of whether Africans would stick to the class role allotted them. This particularly worried those sectors of the white community who themselves lacked wealth or educational qualifications. In 1903, the Gwelo Times ran an editorial which urged:

We must not let him occupy positions that a white man should hold, be he Lovedale boy or mere Tebele...we have been treated to the sight of a black acting as High Court interpreter quite recently...Are there not hundreds of Natal or Colony youths who can speak the native lingoes fluently and who would be glad of his position? In the Post-Office, too, we have a native filling the post of delivery clerk that would be better given to the son of a poor white...Later on, in the years to come, the problem will become acute, and your white labourer, rather than work alongside blacks on an equal footing, will quit in favour of another colony that possesses more solid ground for its pose as a white man's country.<sup>59</sup>

The mission project was also unpopular with traders who bought and sold from Africans, and who found themselves in competition with missionaries<sup>60</sup>. The trader Stanley P Hyatt, publishing his memoirs in 1911, blamed the missions for encouraging 'immorality' among Africans:

The only use to which I ever knew an African native put his knowledge of reading and writing was the forging of white men's names, usually with a view to obtaining liquor...Just as the sense of being clothed seemed to bring out all the immoral instincts in the native girls - and most missionaries insist on clothing - so a knowledge of the alphabet seemed to turn the men into drunkards.<sup>61</sup>

Here we see yet again how extraordinarily flexible were the concepts of 'civilisation' and 'morality',

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<sup>59</sup> *GT* 10th October 1903

<sup>60</sup> *GT* 18th February 1905, Correspondence

<sup>61</sup> Stanley P Hyatt: *Off the Main Track* (London, 1911) p25-7

and how deeply divided whites could be within their basic premise that Africans were 'uncivilised' and 'immoral'. For other observers, the belief in the inherently 'uncivilisable' nature of Africans was used to attack the literacy project. The BSACo official, P F Hone, in chapter 7 of his book *Southern Rhodesia*, expressed this case very clearly:

this [missionary] work may be termed an unnatural evolution...They are endeavouring to instil into the unfertile mind of the savage a modern civilization based on the lines of a Christianity which it has taken the European centuries to acquire. Their task is even harder than it would be if they were suddenly plunged amongst the early Britons in their state of barbarity, because the Kaffir belongs to a far lower order of humanity than that from which the present English race has sprung, and much that is taught is incomprehensible to him and impossible for him to grasp.<sup>62</sup>

However, it was, of course, precisely because this was untrue that the settlers felt threatened in the first place. Their problem was expressed with disarming candour by the Colonial Office Journal in its review of Maurice Evans' pro-segregationist text, *Black and White in South-East Africa*:

The trouble is, in fact, not that it is difficult to educate natives, or that it is necessary to manufacture any distinguishing method for them, but that as fast as they are educated they compete with the whites; in other words, it is not that European education fails, but that it succeeds.<sup>63</sup>

Civilisation, clearly, was a double-edged sword.

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<sup>62</sup> P F Hone: *Southern Rhodesia* (London, 1909) ch 7

<sup>63</sup> Colonial Office Journal 5 (3) January 1912

For the missionaries themselves, there could be no doubt that 'civilisation' meant Christianity. This immediately put them into bitter conflict with the authorities over their interpretation of the 'manichean allegory', not only with reference to civilisation but also over the question of morality. While most missions, particularly those of a Protestant faith, were fairly indifferent to bridewealth, none could accept the administration's tolerance of polygyny. Missions needed to be able to convince their funders of the success of their projects, and one of the best ways to do so was by reporting the numbers of Christian marriages and Christian families they had established among the 'heathen'. Contributors at home, already convinced that sexual depravity was a major element in African sinfulness, were not likely to accept converts with a 'harem'. The *Zambesi Mission Record* in 1902 lyrically expressed the mission position on this question:

...how lamentably far the idea, in the mind of the Southern African savage, of the most intimate and sacred of human relations, that of husband and wife, falls short of the Christian institution and realisation, where this institution has been raised by Christ to the dignity of a Sacrament, the type of the union of Himself with His Church, gaining all its beauty and dignity from the tie of being indissoluble, the life-long consecration of two lives and two hearts to one another, which may never admit any invasion from a third.<sup>64</sup>

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<sup>64</sup> R Sykes, SJ: *Hindrances to Native Conversions in South Africa 1: Polygamy* in *ZMR* (16) 2 1902, p56

For both the missionaries and the administration, African marriage arrangements could be condemned for their perversity and their oppression of women. However, while the administration saw what it interpreted as prostitution and child sex as the most damaging perversions in the African community, the missionaries granted the same status to polygyny, which the administration refused to see as a perversion at all. Their positions were not only different, but actually in conflict. Yet both were able to present their case as embodying the fundamental and eternal values of morality and civilisation.

There was, then, a great range of ideas in circulation among the Occupiers in Southern Rhodesia at the turn of the century concerning African sexuality, all justified as upholding some version of 'civilisation' and 'morality' while opposing others. Meanwhile, in the African villages, these concepts of 'morality' and 'civilisation' had little meaning at all. There was no idea of the 'perverse', or of a distinct 'realm of the moral', nor was the territory conceptualised as a discrete country undergoing a process of 'civilisation'. In the manichean allegory, the terms were all set by one side. Although the content of the ideas of moral/immoral and

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civilised/uncivilised were open to interpretation, Africans had no voice in setting the terms of the allegory or questioning its basic premises. However, although their voices were silenced, their actions were not. The Manichean allegory demanded that African systems of sexual behaviour should be subject to white control, whether to eradicate 'perversion' (however interpreted) or to protect those of European descent from its worst manifestations. Such programmes of intervention would require interaction with the African communities, and, as I will show, this interaction forced both communities to reconsider the ways they conceptualised issues of sexual behaviour.

## MAIDENS AND HARLOTS: 'Moral' legislation 1901-1912

The legislation which was passed in the early 1900s regulating African sexual practices grew entirely out of European concerns. Unlike later legislation on adultery, these laws were not in response to lobbying from sectors of the African communities, and although they were said to be in the interests of Africans, there is little evidence of consultation having taken place. Indeed, there is a striking absence of interest in African opinion on such a significant issue. Nonetheless, it is worthwhile to examine the legislation in order to perceive the misunderstandings and obsessions which dominated the Occupying community and which the Administration attempted to impose on the African communities. It was out of the interactions between Occupied and Occupiers in the sphere of sexual regulation that the moral codes and beliefs of Southern Rhodesian society were created.

It was not until 1901 that legislative moves were taken to regulate African marriage arrangements. The Administration had no initial intention of meddling with such matters. Unlike in the Cape, where all African marriage customs were unrecognised on the grounds that they were 'contrary to natural justice',

the Southern Rhodesia Order in Council of 1898 stated specifically that:

If in any civil case between natives a question arises as to the effect of a marriage contracted, according to native law or custom, the court may treat such a marriage as valid for all civil purposes, in so far as polygamous marriages are recognised by the said native law or custom.<sup>1</sup>

At first, the BSACo was much more interested in dividends for its shareholders than in the private lives of the Africans in the territory. Many of its Native Commissioners were simply settlers who saw their role as raising forced labour rather than reporting on the marriage arrangements of their victims. Those missionaries and NCs who wanted intervention by the Administration on the subject were not heeded. It was not until after the first Chimurenga war of 1896-7 led to a reorganisation of the NAD and the recruitment of professional NCs that their worries about the degenerative impact of perverse practices in the African communities gained serious attention.

It was at this time that some thought was given to drafting a code of 'native law' in order to facilitate administration of the African communities. Ndebele chiefs were consulted with a view to

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<sup>1</sup> Southern Rhodesian Order in Council 1898 §51

producing a code based on the Natal code of 1891<sup>2</sup>. In the course of this exercise, the particular concern of NCs in Matabeleland, where the project was centred, began to gain a wider audience. One of the NCs involved in the project was C T Stuart, later to be NC in Gwelo. As suggested in the last chapter, Stuart's views were to be very influential in official thought about these matters, and when the High Commissioner requested Herbert Taylor, then CNC in Matabeleland, to present a report upon the current state of 'lobola' (the Sindebele word for bridewealth), Taylor's submission quoted in large part from a report by Stuart.

Stuart believed that bridewealth was the key to morality among the 'Zulu race' and that it was only by ensuring that the practice was observed that degeneration could be avoided. It is clear that Stuart was deeply influenced by his experiences in Natal, and had little interest in the possible flexibility of the bridewealth system. In particular, he felt that cattle ownership should be encouraged, in order for parents to be able to negotiate properly over bridewealth exchanges. He felt that bridewealth was roughly comparable to a sale in which daughters had a 'marketable value', and that once the system of direct exchange of wives for cattle broke down, there

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<sup>2</sup> T O Ranger, pers comm

was no longer any incentive to control the sexual behaviour of the daughters. In his annual report as NC for Malema, March 1898, he wrote that since cattle were no longer available for bridewealth exchange:

it has become tacitly understood that a girl may choose whom she likes, when she likes and as often as she likes...there is a pernicious practice of national prostitution going on.

Stuart was not alone in claiming that there was a critical breakdown of marriage regulation systems in Sindebele-speaking areas. The annual report from Mhlangenie the same year stated:

Lobola had almost died out among the Amandabele when the country was occupied by the Chartered Company, the late King Lobengula having made no effort to uphold it

while the report from Matobo concurred that "*Lobola among these people is a farce when compared to the really strict laws regulating the custom among the southern tribes*"<sup>3</sup>. These NCs had trained in Natal and clearly wanted a code comparable to the Shepstone system to operate in Southern Rhodesia. This may have

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<sup>3</sup> AR, Malema, March 1898; AR, Mhlangenie, March 1898; AR, Matobo, March 1898. I am grateful to Prof Ranger for these references. The extent to which this typification of the situation in Natal was itself accurate is brought into question by this comment from a woman whose family arrived in Southern Rhodesia from Natal in 1903:

When my parents married, it was not their law to pay roora. Whenever a man was in need of a wife he was free to choose one without payment of any roora.

Interview with Ambuya Mangwenya, 16th March 1987, Ascot Township, Gweru.

led them to overemphasise the degree of crisis. However, Stuart's assertion that it was only in Ndebele areas that the crisis was acute suggests that he was accurately reporting the situation as he perceived it.

It does indeed seem to be the case that control over young people was in a state of disturbance. It is important to bear in mind that these concerns were emanating from the Sindebele-speaking areas, where it seems that there was greater upheaval than in some of the chiShona-speaking areas. It is not possible now to say with certainty what was going on, but it seems that the usual forms of bridewealth negotiations were not taking place between the women's lineages and those of their lovers. Some of these lovers may have been immigrants working on the newly-opened mines or on their way to mines in the Transvaal. However, the NCs' comments imply that many were also local men. It was this situation, the free choice of lovers by young women, which was described as 'prostitution'. In fact, the term 'promiscuity' would be more accurate, for there is no evidence to suggest that this activity was in any way comparable to prostitution as usually understood. Prostitution was not a practice which made much sense within the African social systems at the turn of the century. Polygyny and widow inheritance ensured that all women (with a few very specific exceptions) were found

husbands, before which time they were under the control of their family head. Consequently, there were no 'loose' women (in the sense of 'unattached') who might be available for commercial sex. Moreover, sexual pleasure was not conceptualised as a saleable commodity but as an integral part of the marriage alliance. Sexual incompatibility between a couple would quickly be noticed and publicly discussed as a problem threatening the stability of the community. In such a context, the sale of sex by women to men would not only be impractical but inconceivable. The fact that apparent autonomy for young women was interpreted as prostitution by the NCs is indicative of a European mode of thinking which automatically equated women making independent sexual choices with criminality, and specifically with prostitution.<sup>4</sup>

It seems strange that NCs should claim that girls were behaving "*in the same way as one of the lower animals*".<sup>5</sup> Even in the strictest bridewealth systems, provided that a woman was not already pledged she was encouraged to choose her own husband. Payment of brideprice was not expected to take place all at once, for marriage was a process in which payment followed major events such as birth of children and

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<sup>4</sup> Lucia H Zedner: *The Criminality of Women and its control in England, 1850-1914*, DPhil thesis, University of Oxford, 1988, p19, provides a good discussion of this elision.

<sup>5</sup> AR, Malema, March 1898

depended to a large extent on the needs of the father-in-law and the prosperity of the husband. Clearly NCs from Natal were aware of this, so their concern over women choosing partners without bridewealth changing hands must have been rooted in something deeper than delayed payment. Stuart was primarily afraid of the complete collapse of patriarchal control<sup>6</sup>. However, he agreed with other Matabeleland NCs that the system of bridewealth negotiation had not broken down entirely, but that its current manifestation was so degenerate a form as to attract serious concern. According to these observers, bridewealth negotiations were not a matter of cattle payment, or even of pledging daughters in exchange for grain, as was current in Gwelo district. Instead, marriage negotiations seemed often to be a matter of transfer-pledging, in which the man's lineage might agree to provide a daughter when one was born, but no immediate transfer of bridewealth could take place. There was not, then, an absence of bridewealth negotiations, but an agreement to defer payment for almost a generation. In Stuart's words:

This custom is at the root of the instability and demoralisation which characterise the natives; and to it I attribute very largely the peculiar absence of a sound kraal and family system such as obtains among the other tribes of South Africa.<sup>7</sup>

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<sup>6</sup> AR, Gwelo, 1904. NB6/1/5

<sup>7</sup> Stuart to CNC Matabeleland, 21st October 1900. NBE 7/1/2. cf HMG Jackson to CNC, 13th April 1915. N/17/4.1. NC Marondella to

It seems that men could not raise bridewealth and perhaps were not prepared to work for their prospective wife's family instead. It would seem reasonable to speculate that it was poverty and a genuine crisis of lineage authority which led to this situation. If transfer pledging arrangements were being made, it implies that young women were setting up relationships with the men regardless of whether conditions were suitable for marriage negotiations to take place.

The conditions in which women were beginning to make their own choices of sexual partner are difficult to reconstruct. Indeed, it is not even clear whether the apparent promiscuity reported by NCs was stimulated by the women themselves, or whether family heads relaxed controls, preferring an arrangement which allowed them to reduce household size by letting the young women depart, and then taking rights over granddaughters as collateral for future times when cattle herds had been built up and disposable girls would be a significant asset. However, it does seem that the successive problems of military setback, cattle disease and then conquest by the BSACo had shaken authority in the Ndebele areas, and that women were not subject to the stricter controls which NCs

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CNC, 24th March 1908, N/17/4.1, suggests that the practice was not confined to Ndebele areas.

generally agreed were in operation among the Shona-speaking communities.

It seems that Ndebele authorities themselves felt a need to get bridewealth payments back onto a firmer footing. When Stuart, NC Thomas and CNC Taylor consulted with Ndebele chiefs in 1898 with a view to drafting a code of 'native law', it was reported that:

The unanimous desire of the assembled Chiefs was that a complete revival of these laws and customs would be most gladly welcomed.<sup>8</sup>

and in his report to the High Commissioner, Taylor declared that:

I have been constantly approached on this subject by parents who have begged me to re-establish the system amongst them<sup>9</sup>

Similarly, in his submission to the SANAC in 1904, Rev C D Helm, a LMS missionary who had been working in Matabeleland since 1875 reported that "*There is one man who said 'We have no girls now for marrying'*" because they had all run off<sup>10</sup>. Others in Matabeleland also felt that African parental authority needed

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<sup>8</sup> Terence Ranger, pers comm, archival source not cited.

<sup>9</sup> Herbert J Taylor, CNC, Matabeleland: *Report on the Custom of "Lobola" in Southern Rhodesia. 26th March 1900. N3/17/4.1* ['Lobola Report' hereafter]

<sup>10</sup> SANAC §36,275

support. Colonel Napier, the farmer and Legislative Council member who appeared before the SANAC, expressed the hope that parental rights and parental control would be nurtured by 'civilisation' and that this would reduce immorality among the local Africans<sup>11</sup>.

Accordingly, in his submission to the High Commissioner, dated 26th March 1900, Taylor strongly recommended that bridewealth should be enforced and regulated through legislation. He noted that:

there being no direct legislation on the subject by the Government, the matter is left practically in the hands of the natives themselves who observe or disregard it as it suits them.

One might have thought that it was their custom and they could do what they liked with it, but Taylor, quoting Stuart, added that:

no circumstance tends so much to disintegrate and demoralise the nation as a whole as does the non-observance of this custom.

It was this supposed degeneration of the Ndebele which aroused concern. Significantly, the pledging of unborn girls did not disturb Taylor, who, if anything, welcomed it as an indication that bridewealth practices were not wholly lost to the

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<sup>11</sup> SANAC §36,205

Ndebele<sup>12</sup>. Rather, the problem was promiscuity or 'prostitution', indicative of moral degeneration and the breakdown of authority, without which there could be no administration and no 'civilisation'.

The NAD in Matabeleland, then, observing what it interpreted as prostitution in the African communities, recommended that steps should be taken to curb it in order to encourage stability and re-establish authority in the region. The steps suggested involved the enforcement of bridewealth payments. Elsewhere, observers saw a different form of 'immorality' and responded in the opposite direction by demanding a limit to bridewealth payments. These observers were disturbed by kuzvarira, the system whereby girls were pledged to 'big men', usually in exchange for grain during food shortages. This was the political system which predominated in Gwelo district and in many other Shona-speaking areas. Here the disruption of the Occupation and the Chimurenga war had shaken power relationships in the African communities, but they were not in crisis as they seem to have been in the Ndebele territories. Stuart noted with approval how well-established the bridewealth system appeared to

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<sup>12</sup> Taylor (Lobola Report) wrote:  
with the Matabele...the only apparent recognition of the custom [is] that the children of the marriage are regarded and claimed as the property of their mother's father. This shows that the idea has not entirely died out and is an alternative adopted by mutual arrangement as an outcome of the impoverishment of the natives.

be among the Kalanga, a satisfaction which was echoed in Taylor's report to the High Commissioner<sup>13</sup>. Nonetheless, these areas attracted more public concern than did the Ndebele territories. The practice of kuzvarira was interpreted as a form of sexual relationship with girls below consenting age, a perversion which would be known to the Occupiers not only because of the 1885 moral campaign in Britain but also because of the publicity over the 'white slave trade' in South Africa.<sup>14</sup>

The pledging of disposable women as part of a patronage arrangement between 'big men' and client lineages was not comparable to a Bowery Boy vice-ring, although we can speculate that the women's attraction for the 'big men' may well have been that they were young, therefore not only strong and ready to bear many children, but possibly also sexually attractive. However, it was politics rather than youthfulness which made the alliances desirable, and there was certainly no concept of a specific perversity based on the idea of sexual relations with young girls. Nonetheless, the pressure against pledging in the Occupying community was haunted by the idea of under-age sexual contact. The outcry

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<sup>13</sup> Stuart to CNC, Matabeleland, March 7th 1900, NBE 7/1/2 (I am grateful to Prof Ranger for this reference); Lobola Report

<sup>14</sup> Weeks (1981) p87; Charles van Onselen: *Studies in the Social and Economic History of the Witwatersrand 1886-1914, 1: New Babylon* (London, 1982) p120-123

against kuzvarira confused two issues; firstly the denial of choice to the girl and secondly the idea that she might be forced to have sexual relations with a man much older than herself. It was the second issue which caused the greatest disgust, and the tremendous support for the general principle that no woman should marry without her consent was given its force by its association with the image of an unwilling young girl with an older man<sup>15</sup>. As with the question of the extent of 'promiscuity' in Matabeleland, it is difficult to assess whether the situation was as bad as those pressing for legislation suggested. However, it seems that the Occupation was affecting kuzvarira practices and that this was in part responsible for the publicity the matter received.

It seems certain that where local people could exploit the markets opened up at the towns and mines, clientage relationships within their communities were affected. In particular, the link between grain shortage and kuzvarira grew in importance. Surplus grain was now sold rather than stored, and in times of scarcity had to be bought back or obtained by some other means<sup>16</sup>, kuzvarira being the established option for those with disposable girls. It seems likely,

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<sup>15</sup> see, for example, ZMR (2) 1 1898 p63; ZMR (6) 1 1899 p192; *Debates*, Legislative Council, July 9th 1901

<sup>16</sup> Hyatt (1911) p38-9; AR, Lower Gwelo, 1899, NB6/1/2

then, that there really was an increase in the practice at this time, and that it was the older men, building on established power bases, who were particularly able to take advantage of the changing situation. It is difficult to assess the sexual implications of an increase in kuzvarira, however. In Gwelo district, some lineage heads who wanted to expand grain production married off young women in the homesteads to men who were prepared to work for the lineage rather than pay bridewealth<sup>17</sup>. It is therefore possible that girls pledged in exchange for grain may have been married off to younger men rather than becoming the brides of the old polygynists into whose households they were pledged. The particular age-difference aspect of kuzvarira may not, therefore, have been as prevalent as some accounts suggested. Nonetheless, the marriage alliance system was predicated on lineage obligations which could over-ride personal choice. This was not a matter of 'morals' but of politics. The Occupiers, on the other hand, saw sexual choice as a fundamentally moral matter.

The question of female choice spread beyond the question of kuzvarira, and other changes seem to have attracted especial concern in eastern areas. The compensation system within marriage alliances did

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<sup>17</sup> see, for example, civil case no. 2/1915, 19th April 1915. NGA4/1/1

allow for pledged girls to reject the men to whom they had been pledged, provided that another man was able to return what had been paid to the original husband and pay additional compensation if necessary<sup>18</sup>. A woman could run away to the man she preferred and his lineage would then enter negotiations with the parties involved. Elopement was a common means of instituting marriage negotiations even where there was no previous arrangement, the girl even acting with the knowledge and tacit support of her vatete<sup>19</sup>. However, there was a suspicion that in some areas, particularly those not badly hit by cattle seizures or rinderpest, economic considerations were leading to women's wishes being ignored. Missionaries and some NCs claimed that women were being married to the men who could offer the most, to the detriment of younger or poorer men who could not accumulate the cattle<sup>20</sup>. This was not a matter of pledging a girl before she could choose for herself, but of family heads making arrangements about women already of marriageable age. Once more,

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<sup>18</sup> see, for example, Holleman (1952) p119; This later anthropological account is confirmed by cases numbered 9/1912, 3/1913 and 17/1913, all in National Archives of Zimbabwe file NGA 4/1/1. Of course, many such cases would not appear before the NC in the civil court because they violated the NMO. See also NC, Charter to CNC, 31st March 1908, NAZ N3/17/4.1 and NC, Insiza to CNC, 18th April 1918, N3/17/4.2.2

<sup>19</sup> Holleman (1952) p109ff; see also NC, Charter to CNC, March 31st 1908, N3/17/4.1; responses to CNC circular 518/1918 from NC, Gutu; NC, Chilimanzi; NC, Belingwe; NC, Gwelo; Acting NC, Nyamandhlovu, N3/17/4.2.2

<sup>20</sup> ZMR, vols 1-3, passim; Debates, 9th July 1901; see also NC, Gwanda, 18th July 1911; Justice Hopley's opinion, 31st March 1915, both in N3/17/4.1

there are problems interpreting this evidence, but expanding markets meant that cattle, particularly draught cattle, made a significant difference to a man's ability to sell his produce at good prices, and it does seem unlikely that household heads would be willing to relinquish such important capital goods in favour of a younger man's promise to provide bridewealth goods over a longer period.

The concern over women being required to marry against their wishes seems astoundingly hypocritical when viewed in isolation. Few would argue that girls were never pushed into marriages against their choice in Europe. Particularly among the middle and upper classes, women were expected to marry within their class and to the benefit of their families. Two factors fired the issue in Southern Rhodesia and made it a matter for legislation. One was the question of age difference between the woman and the man, which gelled easily with the assumption that African sexuality was inherently perverse. Perhaps more significant, however, was the phenomenon of girls running away to missions to escape from marriages. As Terence Ranger observes, the pressures on women cannot have been as bleak as some accounts would suggest, for, in the eastern area he was studying, *"there was no general revolt by Makoni girls against*

the marriages arranged for them"<sup>21</sup>. Nonetheless, as Ranger demonstrates, women did run away to missions, as it seems they were also running to the mines in Matabeleland. These women were clearly unhappy with their lot. The missions used the testimony of the girls who ran to them to push their argument that forced marriages should be the subject of legislation. Although, lineage heads were angry that the missions were stealing their daughters and leaving them with unmeetable debts to those to whom the girls were pledged<sup>22</sup>, their viewpoint, unlike that of the chiefs in Matabeleland, was not championed by the NAD. The combination of mission evidence and fear of perversion made the question of forced marriage one on which all sectors of the Occupying community were in accord. By 1901, the demand for legislation was met.

The Native Marriages Ordinance of 1901 is notable for its silences as much as for its provisions. Despite intense mission pressure, no moves were taken to limit or prohibit polygyny. This was not only because the Administration did not want to make a direct attack on the power-base of African leaders so soon

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<sup>21</sup> Terence O Ranger: *Women in the politics of Makoni District, Southern Rhodesia, 1890-1980* (unpublished, 1981) p8-9

<sup>22</sup> Ibid p9; see also Acting NC, Chilimanzi to CNC, 6th July 1912, N3/17/4.1; correspondence 11th June 1913-11th July 1913, regarding St Augustine's Mission, Umtali District, N3/17/4.1; letter from Rev Latimer P Hardaker to Miss Bradford, 4th March 1924, London Missionary Society Archives, SOAS, London, Box 1052

after the 1896-7 war, at a time when 'native policy' depended on maintaining their authority. It was also because the Administration felt that polygyny might actually be a good thing under present conditions. Besides the pragmatic political and administrative considerations, it was possible to meet the mission argument on its own grounds, of 'morality', and still win the case for preserving this 'sinful' practice. As Sir Marshal Clarke, the Resident Commissioner, explained to the SANAC in 1904:

No native woman is without a protector...If you did away with "lobolo" and if you did away with polygamy altogether and struck a blow at the root of the native system you would introduce the evils that we feel; you would introduce pauperism and you would introduce prostitution, which their social system has enabled them to avoid up to this time...<sup>23</sup>

Underlying this statement was a concern about 'surplus women', women who were not married and had no independent means of support. Here was another example of British concerns surfacing in 'native policy' in Southern Rhodesia. Clarke, like Stuart, felt that the bridewealth system was a disincentive to prostitution. However, the link between polygyny and the absence of prostitution went deeper than this. In the words of one NC writing seven years later:

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<sup>23</sup> SANAC §34,989

Possibly Schopenhauer was not altogether wrong when he considered that the thousands of prostitutes who infest European communities are merely so many victims sacrificed on the altar of monogamy.<sup>24</sup>

In Britain by 1901 the excess of women over men stood at 1,070,617, with no clear social role for them to fulfil and few employment opportunities. Many were in poverty and many worked as prostitutes. The question of 'surplus women' was inextricable from the issue of prostitution<sup>25</sup>. It was assumed that similar demographic imbalances had given rise to polygyny in Southern Africa:

Tribal wars have killed off the men, both of the invading tribe and of the country invaded, and there was left a greater proportion of women than men. These women were always allotted to men, and they were responsible to those men, were expected to be true to them, and in that way it prevented women becoming loose and public characters among them.<sup>26</sup>

In fact, it is very difficult to tell whether there really was such a demographic imbalance. Polygyny in itself is not evidence of an excess of women over men, since relative male and female age at marriage and the political significance of access to women can be just as relevant as demography in sustaining a system of polygyny. However, the glib assertion that

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<sup>24</sup> Acting NC, Wankie, commenting on the Native Affairs Committee of Enquiry Report [NAC], 7th July 1911. A.3/3.18

<sup>25</sup> Zedner (1988) p44

<sup>26</sup> SANAC §35,526

it was 'tribal wars' which accounted for the necessity of polygyny paved the way for the assumption that as the proportion of males to females in Southern Rhodesia was 'restored' under the *pax Britannica*, so polygyny would die a natural death. The introduction of the waged economy, coupled with the emancipation of women, would transform the practice into an 'expensive luxury' in which few men would be interested<sup>27</sup>. The fear of 'surplus women' outweighed the worries over the possible immoral implications of polygyny, and provided a sound 'moral' argument against attacking the system.

A similar argument was used in support of bridewealth itself, which some missionaries wanted outlawed as a traffic in women, bringing Southern Rhodesia into line with the situation in the Cape, where no African marriages were legally sanctioned. These mission interests were not convinced by the argument that bridewealth had been 'preventive of immorality':

This, it must be admitted, is true to a certain extent, but where immorality is great, as it is in pagan countries, lobolo is only a very partial check at best; whereas the evil existing from the bartering of women, the misery arising from unnatural and unhappy unions - old men of seventy with girls young in their teens - the utter neglect of and indifference to the true interests of children, fostered by

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<sup>27</sup> see, for example, SANAC §35,528; the phrase 'expensive luxury' is taken from SANAC §34,993. See also N M B Bhebhe: *Missionary activity among the Ndebele and Kalanga: a survey in Dachs* (ed) (1973) p45-6

the practice of lobolo, far outweigh the partial check on immorality.<sup>28</sup>

Here was a strong attack on the bridewealth system in the name of morality, bringing in the issues of child-abuse, the deeply-rooted immorality of 'pagans' and the traffic in women<sup>29</sup>. However, the alternative 'moral' argument, that bridewealth ensured social stability, protected women from pauperism and prevented people from randomly entering into sexual relationships 'like animals'<sup>30</sup>, was more influential than the abolitionist argument. The views of Stuart and Taylor were not simply voices crying in the wilderness. Many missionaries acknowledged that some form of marriage was better than none, and condemned bridewealth as 'uncivilised' rather than 'immoral'. An American Methodist missionary from Old Umtali Mission argued that "*I feel that there are, or there have been at least, some good features about it, but not for the future*", a view that seems to have been adopted by many missionary groups who hoped that the practice would die out as the economy was transformed<sup>31</sup>. Moreover, bridewealth was supported by the administration on grounds that extended beyond

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<sup>28</sup> ZMR (13) 1 1901 p445

<sup>29</sup> A similar piece in ZMR (2) 1 1898 equated the bridewealth system with slave trading, an indication of the late nineteenth-century readiness to perceive Africans as the perpetrators rather than the victims of the slave trade, regardless of the context

<sup>30</sup> SANAC §35,534

<sup>31</sup> SANAC §35,530; also §35,134; §36,346

the argument that it constituted a 'partial check on immorality'. There were powerful interests in Southern Rhodesia which felt that a law encouraging the payment of bridewealth would be to their benefit.

It was the perennial question of labour shortage and the means whereby African men might be persuaded to take up waged work which lent attraction to the bridewealth system for commercial sectors of the Occupying community. In his influential submission to Taylor in 1900, Stuart commented that:

the Kalanga may best be left alone. The fact they have always gone out to work from the earliest days of Kimberley and Johannesburg while the Matabele have not, I attribute largely to their lobola system<sup>32</sup>

The theory was that men would undertake periods of waged labour in order to raise brideprice<sup>33</sup>. It was suggested that a revival of cattle bridewealth payments in Matabeleland would have a similar effect. In his report to the High Commissioner, Taylor commented:

By decreasing prostitution the younger men have a stronger inducement to work and so place themselves in a position to become husbands...The legalised observance of "Lobola" in Natal is an unqualified success, and under similar conditions there is no reason to believe that it would not be equally so in this country.

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<sup>32</sup> Stuart to CNC, Matabeleland, 7th March 1900. NBE 7/1/2

<sup>33</sup> cf Guy (1982)

Outside the NAD, Chartered officials were discussing among themselves the stimulus to waged work presented by the requirement that bridewealth be paid in full for the legal recognition of an African marriage<sup>34</sup>. Moreover, although this commercial incentive was not alluded to in the Legislative Council debate on the 1901 Ordinance, there was a telling comment tucked away in another debate that session, from the mouth of no lesser person than the Administrator himself. In recommending the increase of hut tax, Milton declared that:

the course proposed was part of the system by which they hoped to induce the natives to take more to labour. The question of increasing hut tax had been fully considered, and it was felt at the present time that it was desirable to move in that direction. This, together with the law governing *lobola*, was as far as the Administration was prepared to go at present, but other means for inducing idle natives to work were under consideration.<sup>35</sup>

Although the rhetoric was centred around moral issues, the decision to encourage bridewealth payments was a cornerstone in the Company's scheme to transform the region into a haven for capitalist mining ventures.

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<sup>34</sup> J M Mackenzie: *African Labour in the Chartered Company Period in Rhodesian History* 1 (1970) p44, fn8

<sup>35</sup> *Debates*, 22nd July 1901. My emphasis.

Nonetheless, both those who supported and those who condemned bridewealth did so in the name of African women. Even Stuart, who saw the Ndebele girls as running wild, argued that a restoration of cattle bridewealth payments would be in the interests of the unborn daughters currently pledged in lieu of cattle. Neither the question of 'prostitution' nor that of the wage-incentive provided by compulsory bridewealth payments were highlighted in the Legislative Council debate over the proposed Native Marriages Ordinance. The protection of women came to dominate the terms of discussion, even though there might have been equal rhetorical force in, and credence given to, a Stuart-style presentation of African women as hopelessly licentious and in need of stricter controls.

This prominence given to women's oppression arose partly from the interests of missions keen to hang onto their new convert refugees, but partly because it suited the ideology of civilisation propagated by the Administration. If Africans were to be integrated as consumers and labourers into the Southern Rhodesian economy, it followed that they must be 'civilisable' rather than inherently immoral and licentious. Moreover, it was argued that if women had greater freedom of choice regarding their husbands, it would become harder for a man to accumulate many wives and live off their labour, instead of taking up waged work. For these reasons, the Administration was

keen to encourage female emancipation as a long-term policy<sup>36</sup>. Polygyny and bridewealth were tolerable in the short-term, but market forces, coupled with female rejection, would undermine them in the long-term. This position was rather easier to sustain if women were presented as maidens in distress rather than as irredeemable harlots.

Moreover, the European ideology of the civilised family was one in which wives were the responsibility of their husbands, and their control should, where possible, be a private matter. One of the problems with 'surplus women' was that they did not have husbands to keep them under control. The family was conceptualised as constituting a private sphere where women organised consumption choices and identified consumption needs. This was the situation envisaged for the African community in Southern Rhodesia, once 'civilisation' was established. A law on African marriage would be expected to reflect the aspirations towards this ideal. If, as Stuart and others were proposing, women were behaving in a licentious manner, it should not be the responsibility of the State to curb them but the responsibility of husbands and fathers. Consequently the legislation, when it

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<sup>36</sup> As CNC Taylor wrote to the Administrator, F D P Chaplin, on 15th May 1915, A3.21/50.1:

I am in full accord with Col Stanford's views on the emancipation of women. Our policy all along has been directed towards raising the native to a status of individualism.

appeared, was entirely directed towards the behaviour of men rather than that of women. No woman could be prosecuted for a crime under its provisions.

The legislation picked an uneasy path between those concerned to support bridewealth and those determined to suppress forced marriage. It was presented as being in the best possible interests of all Africans, regardless of their actual role in the bridewealth exchange. The assertions from Taylor that family heads had requested support in reviving the system made this claim more credible, but no mention was made in the Legislative Council debate about enforcing bridewealth, only about its limitation. Recommending the Native Marriages Bill to the Council in July 1901, the Attorney-General, Mr Kotze, justified it as satisfying four distinct needs:

the Ordinance had taken a view, on the one side, of the interests of the parents or guardians of the native girl, and, on the other hand, it also provided for the girl herself in a way that she would not be forced to get married against her will.

The Ordinance further enabled young men to enter into marriage according to the native law and custom, and, in order to secure that, an amount of lobola should be fixed, at a reasonable rate.

Another object was that, so far as young native girls far below a marriageable age were concerned, and so far as the practice of middle-aged or grown-up men paying lobola for little children was concerned, an end should be put to the abuses that occurred.<sup>37</sup>

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<sup>37</sup> *Debates*, 9th July 1901

The legislation demanded that there should be a bridewealth payment within twelve months prior to the date of marriage if a marriage was to be valid. The purpose of the twelve month limit was to prevent pledging arrangements. Any bridewealth handed over before that date could not be recovered if the marriage did not go ahead. In addition, it was argued that by introducing a limitation on bridewealth payments, junior men would have a better chance of obtaining wives, and the richer man would have no advantage over the poorer. So, it was hoped, freedom of choice would be restored to the girls. Consequently, Section 4 of the Ordinance set down a limit to bridewealth payments of 4 head of cattle or equivalent; 5 head in the case of a chief's daughter, and instituted a registration procedure whereby the details of bridewealth payments would be recorded by the NC, to prevent excessive payments or no payment at all. If the girl expressed herself unwilling to marry, the registration would be refused and the girl sent back to her father. No criminal penalties were thereby incurred. However, a heavy criminal sanction was imposed if a man claimed, received or caused delivery of bridewealth in excess of the limit. Section 1 of the Ordinance excluded marriages according to Christian rites from its provisions, while Section 7 imposed strict penal sanctions for 'harbouring', which was not clearly defined but was

widely taken to mean keeping a woman without the consent of her lineage. The Ordinance was based on an extremely limited understanding of African marriage processes. Moreover, although the law was in part inspired by the argument that bridewealth systems should be enforced, the concern over pledging meant that the actual legislation turned out to be much more directed towards preventing rather than encouraging marriages. Nonetheless, the Occupiers had the power to impose the Ordinance as the law of the land, and the very existence of the Ordinance provided a challenge to African ways of conceptualising marriage.

One of the most significant innovations to ideas about marriage in the region which the Ordinance imposed was the paramountcy of individual, particularly female, rights over lineage rights in matters of marriage and sexual partnership. The African idea that sexual identity was an aspect of lineage membership, and that individual members were answerable to the family group for the uses they made of their sexuality, was undermined at a stroke by the Ordinance's provision that no woman should be made to marry against her will. The woman's rights were given priority over the rights of the lineage. Moreover, not only was the lineage prohibited from imposing a marriage on a woman; it was also prohibited from disallowing a marriage. A woman could appeal to the

Senior Judge if her family head refused his consent to the marriage of her choice. This was in keeping with the European idea that sexual affairs were a private matter over which each individual should have total personal control, and furthered the political programme for the emancipation of African women.

This should not be taken to imply, however, that nothing was to replace the role of the lineage in censuring marriage alliances. While women were to have free choice, men's choices were to be restricted by the measures against pledging, and all choices were to be monitored by the state through the registration procedure. The broad definition of African male sexuality as suspect and potentially 'perverse' vindicated this State intervention in a matter of private choice. In effect, the State was usurping the rights of family heads to control the sexual choices of members of their households and lineages. The shift from answerability to the ancestors and the lineage to answerability to the State had major political implications in terms of the authority of 'big men' over the people, presenting client men and women as individuals not necessarily bound by or wholly defined in terms of lineage membership.

The legislation attempted to enforce its fundamentally European concept of marriage in the

region by the procedure of registration. It is worth noting that registration was introduced simply as a mechanism to ensure that bridewealth payments were monitored and that the woman consented to the marriage. However, the very fact that marriages had to be registered had unforeseen implications, not least of which was that this necessarily presupposed that marriage was a discrete event rather than a process of strengthening alliance. It was difficult for the Occupiers to understand that families might arrange marriages between themselves in the absence of any kind of official sanction, without gross confusion and immorality resulting. It was suggested that one of the reasons for support of the bridewealth 'ceremony', as one NC most inaccurately described the system<sup>38</sup>, was that it performed the function of "a stamp on a document...registering...in the public mind" that the woman was now under the control of her husband rather than that of her family head. However, as the missionary to whom this suggestion was made pointed out, bridewealth was frequently paid long before or long after the couple became engaged in a relationship one would describe as a marriage<sup>39</sup>. The demand for registration was a reflection of the middle-class European idea that marriage required some kind of rubber-stamping

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<sup>38</sup> SANAC §36,054

<sup>39</sup> SANAC §35,629

procedure, which was seen to be absent in the African community. This failure adequately to conceptualise African marriages was to make the legislation effectively unworkable.

The Administration's attempt to emancipate African women through a law about marriage involved them in attempting to impose certain assumed principles of bridewealth marriage. Almost immediately, it became clear that such an intervention had to be more responsive to the actual practices in the African community if it was to be effective. By 1905, the NMO had to be revised to accommodate marriages in which no bridewealth was paid. This move was not universally supported within the Occupying community. The 1901 Ordinance had demanded that some bridewealth should be paid, but had set no minimum limit on this. The same year, the Gwelo Times had demanded that a minimum limit should be imposed, on the grounds that:

The payment of insufficient lobola for wives has resulted in a largely increased tillage of native lands by women whilst the men idle at home. A higher and compulsory scale of lobola might well be considered now that the natives are recovering from the loss of cattle and crops.<sup>40</sup>

In 1902, this question was raised in the Legislative Council, but the Administration refused to contemplate setting a minimum limit:

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<sup>40</sup> GT 13th December 1901

The Government does not consider it would be in the interests of morality or order to fix a minimum rate for lobola, and thinks that the parents or guardians of a native woman may, in the large majority of cases, be safely entrusted with the duty of guarding their own interests in this matter.<sup>41</sup>

By 1905, it had become clear that, given the multiplicity of marriage forms, Stuart's intention that the law should enforce payment, however little, was incompatible with the project of enforcing female choice:

There were two classes of native marriages, one in which lobolo formed part of the marriage contract, and the other where marriages were contracted without the giving of lobolo, perhaps after rendering certain services, or, it might be, without any payment or service at all. In order to protect the girl who was to be a party to the contemplated marriage, her consent must now be given; and every marriage under native law must now be registered.<sup>42</sup>

The decision to include these marriage forms in the terms of the Ordinance is indicative of the extent to which the Administration had to adapt its ideas of marriage to suit African practice. Nonetheless, there was no intention of compromise over the issue of what constituted a moral and civilised marriage form. In justifying this decision, the Attorney General referred to the findings of the SANAC and stated:

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<sup>41</sup> *Debates*, 13th November 1902

<sup>42</sup> *Debates*, 9th May 1905

The Commission also recommended that while lobolo should not be absolutely prohibited, it should be discouraged; and the Administration felt that by making the ordinary non-lobolo marriages registerable they obtained a certain standing, and would perhaps be a factor in causing the practice of lobolo to die down.

Once again, we see here the idea that a marriage had to have some kind of official sanction in order to carry any social force, and that Africans would be more likely to respect a marriage form if it carried state approval. The willingness to accommodate a variety of marriage forms was not intended to empower lineage heads or to lay the groundwork for a system of indirect rule, but to attack their power through a programme of female emancipation.

Despite this limited response to actual marriage arrangements, much of the problem for the Occupiers in attempting to regulate marriage and sexual practices lay in assessing what exactly constituted a marriage. For them, marriage was a clear-cut and absolute state of affairs. A couple was either married or unmarried, and this was not a function of whether or not they had a sexual relationship, but whether they had carried out a relevant ceremony. In the African community, the nature of marriage was radically different. Its importance as alliance meant that marriage was very much more flexible as a concept than was allowed for in European-influenced

conceptualisations. Marriage was not an absolute either/or relationship but a negotiable contract, in which partners might be 'more' or 'less' married, depending on the state of relations between not only the partners themselves but also their families. Sexual relationships necessarily had implications in terms of alliance between lineages, but a range of variables would affect what those implications might be. Marriage was not only flexible in its original terms, over what should be exchanged and when to make the marriage alliance, but was also open to contestation and renegotiation if circumstances changed.

Moreover, whereas a sexual relationship in the African community always had lineage implications and so would be treated as a public matter, the European ideology included the idea of the purely private (hetero)sexual relationship with reference to which the State authorities had no right to intervene. It was extremely difficult to distinguish within this concept between those in the African community who had contracted a marriage and so were committing a crime by failing to register, and those who were simply having a sexual relationship which was their own private business. This was not a problem, or even a meaningful distinction, within the African community, but it raised thorny issues for the Administration. When asked if, "where two people were

living together", it was to be made compulsory on them to marry, the Attorney General replied that "that was the last piece of legislation he would try to undertake", but in fact this careful European distinction regarding the limits of state authority was extremely hard to maintain in the face of African systems of sexual regulation.<sup>43</sup>

Ironically, given the 'moral' intentions of the legislation, one of the immediate impacts of the Ordinance was to create unprecedented levels of technical concubinage. Instead of discouraging 'informal' unions, the NMO encouraged them, largely by restricting the scope of what might be recognised in law as a 'formal' union. All unregistered marriages, including those in which some but not all the bridewealth had been paid, were refused legal recognition. As W E Thomas, the Superintendent of Natives, Victoria, explained in a memo to the CNC in 1915:

the dicta of the Judges have created the recognition in law of concubinage amongst the natives here - a condition not known to, or recognized by, them.<sup>44</sup>

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<sup>43</sup> Ibid

<sup>44</sup> SN, Victoria to CNC, 22nd April 1915. N3/17/4.1; see also Emmet V Mittlebeeler: *African custom and Western law: the development of the Rhodesian criminal law for Africans* (New York and London, 1976) p52-3

Technical concubinage was also massively increased by the introduction of Christian marriage. It was clear that a man could only have one wife if he went through a Christian marriage ceremony. If a man who was married by Christian rites had more than this one Christian wife, whether married before or after the Christian marriage, then he could not legally register the other marriages, and there was a case of technical concubinage.<sup>45</sup>

The issue of technical concubinage was not simply a legal nicety. It became clear that the catch-all nature of the NMOs meant they could not address the issue of 'real' concubinage or illicit cohabitation. This was of increasing importance as African women began to respond to their changing circumstances. The infrastructure established by the Occupation, and in particular the mining compounds and towns, had created an environment in which local African women could evade lineage control and find a means of living which did not depend upon family-based

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<sup>45</sup> see, for example, the Opinion of the Attorney-General for circulation to all NCs, 24th June 1909; reply from W E Edwards to questions re African marriage requested by the Chairman of the NAC of Enquiry, 1910; reply from CNC, Salisbury to same questions, 7th September 1910; memorandum by His Honour the Administrator to members of the Executive Council and the CNC, 9th February 1915. All in N3/17/4.1.

Opinions differed as to which wife, under what circumstances, would constitute the concubine. Some thought that it was always the wife or wives not married under Christian rites. Others thought that the first marriage, if properly recognised and registered, set the terms in which subsequent marriages should be regarded. If this first marriage was under the NMO, then it would be the Christian marriage which was null and void; but if the first marriage was under Christian rites, then all subsequent marriages under the NMO would be concubinage.

household production. They were already living at the mine compounds at a time when most male mine labourers came from outside the territory<sup>46</sup>. The opportunities women were carving out for themselves in the compounds were harsh and limited, but it is clear that these were positively chosen in preference to village life. For these women, unlike both men and women at the compounds in later years, it was not a matter of being pushed out of the peasant sector, but of choosing to jump. Women who were not happy with their situation could run away to men living at the compounds or locations. More significantly, a woman could run away, not to another lineage who would have to take her back to her home and negotiate the terms on which, or whether, she could leave, but to a system outside lineage control entirely. The opening of these options for women reduced the degree of control and the severity of sanctions which family heads could apply.

The female rights embedded in the 1901 and 1905 NMOs aided women in this opposition. By 1912, NCs felt that something had to be done to stem the flow of women coming to them for help in rejecting marriages, including marriages that had been duly registered with ostensible female consent<sup>47</sup>. Although only a

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<sup>46</sup> van Onselen (1976) p123

<sup>47</sup> Mittlebeeler (1976) p60; Acting NC, Wankie, 7th July 1911 and NC, Makoni, 1911, re section 26 of NAC, both in A3/3.18; see also NGA 4/1/1, case no 3/13, 27th February 1913, in which a

minority of women were resisting marriage roles in this way, the political implications of their behaviour meant that this was an issue that could not be ignored. From the mid-1900s, the NCs had had to deal with complaints raised by African men about the lack of support offered to them by the state when wives absconded. The maidens-in-distress image of African women was not holding up well in the face of female assertiveness.

Nonetheless, in 1912, a new NMO carried on the belief that generally women only left their husbands because they had been married to them against their will. This belief may have been justified, but was anyway in keeping with the ideology of Africans which the 'civilisers' in the Administration wished to perpetuate. Although female promiscuity was not welcomed, the hope that emancipated women would encourage proletarianisation, and possibly take up wage work themselves in the domestic sector, lent support to the proposal that the power of the family heads to dispose of young women in marriage should be further weakened<sup>48</sup>. The 1912 legislation attempted to ban pledging entirely, marking the first time in Southern Rhodesia that a recognised system of African

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pledged woman in Gwelo District consistently ran away to a migrant worker in town, yet when this man objected to paying damages, the NC ruled against him in favour of her father and husband, whose marriage had by then been registered.

<sup>48</sup> Ranger (1981) p12-13

marriage was not only declared illegal but also made into a criminal offence. It is ironic that this direct attack on patriarchal authority occurred at the same time that family heads were lobbying for measures to restore their control over women. The NMOs had been intended both to provide legal support and recognition for the bridewealth system and to protect women from 'abuses'. However, where these two aims were incompatible, it was the latter which prevailed, at least until the late-1910s. Meanwhile, for reasons that will be examined later, another section of the Bill, intended to criminalise adultery and thereby address the question of female insubordination was rejected by the Legislative Council. African men were still conceptualised as the 'problem' and women as their victims.

It is not my intention here to assess the extent to which this conceptualisation was an accurate reflection of gender relationships in the African community. It is rather to demonstrate the strength of the paternalist attitude towards African women in the Legislative Council at this time, in order to contrast it with the very different attitude the Council adopted towards women from Europe who were also involved in 'irregular' sexual relationships. These women were not seen as 'victims' at all, but as perverse harlots. Organised prostitution had been well established in the Transvaal and the Cape at the

end of the nineteenth century, largely involving Jews forced out of Central Europe by pogrom and repression. In 1899, police crack-downs, combined with the outbreak of war, forced many of the pimps, prostitutes and gangsters in the South African Republic down south into Cape Town, while others newly-arrived stayed at the port rather than going up to the Transvaal. The Cape Colony Morality Act of 1902 sent many of those involved in the vice rings to other areas of southern Africa; some to Natal, some to Bloemfontein, some back to the Transvaal, and no doubt some to join those already established in Southern Rhodesia<sup>49</sup>. Stanley P Hyatt, recalling the "demi-mondaine" of the turn of the century described the majority as:

Germans, or German Jewesses, foul-mouthed, shameless, utterly coarse and unsexed...Most of them had been imported, or induced to come up, by the German storekeepers.

These woman attracted particular condemnation, not because they worked as prostitutes, but because they accepted African clients. Hyatt had nothing but praise for the 'decent' prostitutes:

some of these women...have exercised a splendid influence on the men of the frontier...all the good ones were Home-born, [but] for one of these there were twenty foul creatures who had been born in

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<sup>49</sup> van Onselen: *New Babylon* (1982) p103-137

Germany or Austria, or Russia, and looked on Yiddish as their natural language.<sup>50</sup>

These 'foul creatures' who accepted all customers, regardless of skin colour, were seen as a danger to all white women in the country. It was commonly believed by white men throughout southern Africa that such sex across the colour bar brought out the inherent perversity of African male sexuality and led to assaults on other European women. In 1902, legislation on the Cape model was urged, on the grounds that:

intercourse between white women and black men was one of the causes which led to the outrages on other white women. It was an unfortunate state of affairs that even in this very town white women, generally of foreign extraction, prostituted themselves to blacks.<sup>51</sup>

Southern Rhodesia had had a 'Black Peril' scare in 1902, instigated by a case in Bulawayo where a 'Portuguese native' was sentenced to thirty-six lashes and twelve years hard labour, having narrowly escaped a lynching<sup>52</sup>. Following this case, there was a spate of reports from Bulawayo, Salisbury and Hartley, and the claim that "in Bulawayo,...white women were attacked by native miscreants if they

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<sup>50</sup> Hyatt (1911) p128; 124

<sup>51</sup> *Debates*, 17th November 1902

<sup>52</sup> *GT*, 28th November 1902: "The Bulawayo Attempted Rape Case"

ventured to go on the Commonage".<sup>53</sup> The concern over these stories had little to do with a desire to protect women from sexual assault *per se*. Indeed, in his Legislative Council speech recommending that there should be legislation against this form of sexual assault, the member for Matabeleland suggested that women's interests were of secondary importance:

Many people, in speaking of this subject, referred to it only as a crime against women, no consideration being had for the wounded feelings of others. No nation would allow the weaker sex to be trampled upon by savages or anyone else.<sup>54</sup>

This attitude was rather different from the insistence on the paramount interests of women in the African community over the issue of marriage arrangements. In both cases, however, it was assumed that African male sexuality should be subject to strict controls.

In the United States at this time, 'Black Peril' cases in the South were habitually the justification for lynchings, murder and terrorisation of black men, at the same time that black women were victims of rape and sexual assault by white men. These campaigns of terror against the black communities burgeoned after the Civil War and the beginnings of segregation

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<sup>53</sup> *Debates*, 12th November 1902

<sup>54</sup> *Ibid*

policy in the 1890s<sup>55</sup>. By contrast in Southern Rhodesia, the early 'Black Peril' legislation in the 1900s was in a context not of excluding Africans from white communities, but of attempts to establish a white community in the first place. In the 1890s, the possibility of sexual relations between African men and women of European descent was too remote for the Administration to legislate on the issue. Such women were banned from the Pioneer Column and Fort Salisbury, and the men of European descent openly cohabited with African women. Recalling those days, Hyatt lamented that:

Never again will they dance war dances round the judge's quarters or insist on the retirement of the local parson because he had four native wives, and they reckoned one was sufficient for a cleric.<sup>56</sup>

The first white woman in Salisbury, who went under the name of 'Billy', arrived in this 'Eveless Paradise' with the Count de la Panouse in 1891 disguised as a man<sup>57</sup>. Others followed, and by the time of the first Chimurenga War in 1896 there were several families in the laagers whose plight added force to the lurid stories of savagery in the English

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<sup>55</sup> Hazel V Carby: *"On the Threshold of Woman's Era": Lynching, Empire and sexuality in Black feminist theory* p307-309 in Gates (ed) (1986)

<sup>56</sup> Hyatt (1911) p20

<sup>57</sup> J M Boggie (ed): *Experiences of Rhodesia's Pioneer Women* (Bulawayo, 1938) p37-43

newspapers<sup>58</sup>. Although the Occupying population was still predominantly male, the new NAD regulations of 1898 forbade NCs from keeping African wives. The BSACo specifically refused to allow Europeans living with African women to buy land or live in the Reserves<sup>59</sup>, while public disapproval acted as a powerful and openly expressed deterrent. Schemes were proposed to encourage eligible young women from England to settle in the new territory in that hope that they would marry and:

raise up a strong and free race, and that British women should do their part in that way to settle and restore the country.<sup>60</sup>

As more women of European descent came to Southern Rhodesia, concern about their possible sexual contact with African men grew.

The legislation of 1902 addressed the issue of 'Black Peril' assaults. It was an outrageously draconian piece of legislation, imposing the death penalty for rape or attempted rape by an African man on a white woman. The Gwelo Times claimed that the legislation was a deterrent to lynching<sup>61</sup>, but to many Africans it

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<sup>58</sup> In Gwelo laager, there were eight women and eleven children. Peter Falk: *The Gwelo Laager, 1896*, in Rhodesiana (22), July 1970

<sup>59</sup> Duignan (1961) p161

<sup>60</sup> Lady Frances Balfour, reported in *GT*, 16th August 1901

<sup>61</sup> *GT*, 3rd September 1904

must have seemed no more than a charter for cold-blooded lynching under the auspices of the courts. The legislation was justified primarily on the grounds that it was necessary if a white community was to be established in the territory. In the words of one of the members for Mashonaland to the Legislative Council:

Unless the crimes referred to were stopped, the authorities would be sapping the very foundations of the settlement of the country...In the rapid increase of these outrages a vast amount of suffering was entailed upon the women of the country...They cursed the necessity for their existence in the country, and desired to leave it at the first moment. Was that conducive to the settlement of the country?<sup>62</sup>

There was no comparable legislation or sentencing practice even in cases of actual, rather than attempted, rape if the perpetrator was of European descent, or if a man of any race raped an African woman. The protective legislation towards African women had clear limits, going no further than the Administration felt was necessary to create a 'civilised' Southern Rhodesia.

Legislation the following year was not directed solely at African men. The 1903 Immorality Suppression Ordinance outlawed all illicit intercourse between African men and European women,

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<sup>62</sup> *Debates*, 12th November 1902

and punished both parties to the offence, as well as those involved in procuring. Modelled on the Cape law, rather than the harsher measures of the Transvaal, the measure laid down that a white woman might be sentenced to two years hard labour, an African man might be sentence to five years hard labour, and a pimp could get five years and twenty-five lashes. As the additional penalty for pimps illustrates, the legislation was primarily intended to attack the prostitution business. However, the terms of the Bill were amended to cover women who freely chose to enter into sexual relations with African men as well as those who did it for a living. Supporting this amendment, the member for Western District informed the Legislative Council that:

unfortunately there were in large cities degraded women who would contravene the law other than for the purposes of gain, and...their object on both sides of the House was to stop anything which would lower the white races in the eyes of the natives...<sup>63</sup>

There is little evidence about who these women were, or what were their backgrounds, but the use of the term 'degraded' is significant, showing once again how 'immorality' was linked to atavism. These women, like the prostitutes, were considered 'perverse', and it was particularly their supposed impact on the

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<sup>63</sup> *Debates*, 23rd June 1903

prestige of those of European descent which attracted condemnation.

These fears were rooted in the gender relations of the European community. Women were perceived as appendages to men and derived their social status from them. A man's status was independent of his choice of female companion, and was defined primarily by his background and economic class. However, a woman who became publicly associated with a man lost her status and took on that of the man. This happened because men took precedence over women in assuming the role of the household head, that is, the person who represented the household in the public sphere. This meant that in any liaison between a white woman and a black man, the woman 'lowered' herself to the social level of the African. In the same way that missions were blamed for 'Black Peril' on the grounds that they were 'raising' Africans to a level to which they were unsuited and leading them to imagine themselves equal to whites<sup>64</sup>, so it was argued that white women who 'lowered' themselves by setting up sexual relationships with African men were encouraging the same misconception and that it was this misconception which incited African men to attack white women.<sup>65</sup>

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<sup>64</sup> *Debates*, C T Holland, 12th November 1902

<sup>65</sup> *GT*, 22nd May 1903:

Despite its misgivings about racially-specific legislation, the Administration agreed to the legislation provided that it followed the lines of the Cape legislation. The settler representatives in the Legislative Council were pleased to see this issue of prestige taken seriously, supporting as it did the settler interest in being treated as different in kind from the 'savage' Africans. Arguments about prestige typified the hostility to such sexual contact across the colour-bar. By the end of the decade, attitudes were changing to a more overtly eugenicist hostility, and the threat of 'Black Peril' was a greater weapon in the hand of the segregationists. In 1903, however, the official view was less that such women were threatening the future of the white race, and more that they were threatening the establishment of a decent and civilised society in Southern Rhodesia; a society in which black was integrated with, but not equal to, white, where both black and white contracted civilised marriages with members of their own race and perversity was banished.

All the Ordinances regulating sexual behaviour in the early years of Southern Rhodesia perpetuated a

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This act is to be welcomed, as there is little doubt that the outrages that have occurred have originated from this branch of crime.

see also Hyatt (1911) p128-31

certain interpretation of the 'perverse', that is, of sexual behaviour which the BSACo Administration was not content to leave to private conscience. The legislation was the creation of the upper class of white men in the territory, and reflected their ideas about those subject to them. In particular, the measures all suggested that there was something very suspect about African male sexuality, and backed up this suspicion with severe sanctions which gave material force to the ideological typification of African men as 'perverse'. Women, on the other hand, were not all treated uniformly: African women were to be protected, whereas women of European descent were either also potential victims of the African male or irredeemable harlots who consorted with him. However, it is not enough simply to note that it was these strands of thought in the Occupying community which dominated the legislation. Laws such as these carry social force not only, or even primarily, in setting the terms in which issues of marriage and sexual contact are conceptualised, but also in the extent to which they are evaded or obeyed. Evasion as well as observance required positive responses from the African communities. The next chapter will examine how different interest groups in the African communities of Gwelo District reassessed their marriage practices in the face of the Occupation.

PART-TIME LOVE AFFAIRS: Changing marriage arrangements in Gwelo District 1898-1914

Despite the Administration's hopes of 'civilising' the African population through the introduction of marriage controls and its belief that this would assist the establishment of a Europeanised proletariat, 'big men' still dominated the African economy in Gwelo district at the outbreak of the First World War in Europe, a generation after the initial occupation of the region. The resilience of the 'traditional' bridewealth system seemed to confirm the inherent 'uncivilisability' of the African people and to vindicate the myth of a frozen African society, continuing unaltered in its 'primitiveness', whatever changes the Occupiers might institute. Such a view failed to appreciate that those with power in the rural areas had an interest in maintaining and adapting the bridewealth system as a response to the BSACo invasion and the spread of capitalist production relations. 'Big men' fought a long rear-guard action to preserve their position, and the social system on which their power depended. The vitality of the bridewealth system was not the result of inertia, but of positive intervention on the part of household heads. The Occupiers found that proletarianisation of African workers did not follow the path which the BSACo had originally anticipated.

Not all districts under BSACo rule were immediately disrupted by the Occupation. Gwelo, however, was targeted for settlement and mining, and it was impossible for the Africans in the District to ignore the newcomers. By 1896, there were eight white families in the town, with a total of fifty women and children and an unrecorded number of men settled close enough to take refuge there during the First Chimurenga War<sup>1</sup>. However, the disruption in the area was not solely the result of this settlement. The shock-waves from the mining boom in the Transvaal, the mfecane, the establishment of Ndebele power and the general dislocation in the south over the preceding half-century had already had their impact further north, even before the European invasion. The Gwelo district was a veritable melting-pot of people leaving or trying to reach the south. When the Occupiers founded the town as a staging post during their advance on Lobengula in 1894, they were part of a well-established process of in-migration. However, despite its comparable size and similarity in building materials, the village was from the first very different from African villages in the area. The families living together there were not linked by blood or marriage, nor were the newcomers interested in forming marriage alliances with the local lineages. Moreover, there were four hotels and a

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<sup>1</sup> Falk (1970)

Meikles store in the town, immediately marking this out as a settlement which operated on the basis of social and economic relations far apart from those in an African village<sup>2</sup>. The sale of goods, especially food produce, to traders, hunters and white explorers passing to and fro along the watershed from Bulawayo to the interior or the eastern coast was already established in the District before 1894. However, the nascent town provided a permanent market-place where goods and services were routinely exchanged and where cash predominated.

In 1895, the central cattle market was established in Gwelo. It began badly, and sales had to be cancelled because of rinderpest regulations and too few beasts being put forward for sale. Although wealthier African household heads had been trading cattle, by 1898 even their herds had been hit by war, seizure and rinderpest, and negligible trading took place<sup>3</sup>. In 1899, the NC commented that:

Rinderpest have [sic] decimated this part of the country...With regard to sheep and goats they are very few in number and miserable in quality, very sickly, diminutive, due to bad breeding probably, and generally infected with scale. The majority in possession of Natives have been recently purchased from traders returning from the Zambesi.<sup>4</sup>

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<sup>2</sup> Davis (1976), issue 34

<sup>3</sup> Ibid

<sup>4</sup> AR, Lower Gwelo, 1899. NB6/1/1

Crop production was consequently the primary activity of Africans in the region at this time, and this tendency was encouraged by the opportunities to market surplus in the nearby town and mines. Moreover, whereas other regions enjoyed a period of peasant prosperity, followed by cyclical periods of impoverishment and the out-migration of young men once white agriculture was established, in Gwelo the period of surplus crop production was accompanied by an in-migration of young men, seeking work in the town and at the mines.

In addition to the new social environment provided by the town, the BSACo occupation also introduced a range of new technology, from the plough to the steam-train. The telegraph line arrived in Gwelo on Monday, 20th January 1895, and the railway in June 1902<sup>5</sup>. The railway brought in its wake railway construction workers, traders, migrant workers and white settlers, many of whom were accompanied by their black employees. The reaction to these developments by Africans in the area was swift. One pioneer trapped in Gwelo during the First Chimurenga recalled:

The natives used to be afraid of the telegraph line and would not touch it in the last wars [1894], saying the devil was

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<sup>5</sup> Davis (1976), issues 34 & 35

in it...But a telegraph line had recently been laid to Selukwe 25 miles SE and natives had been employed on it, and had become accustomed to handling and using the materials, and thereby losing all fear of them.

After the first few days in laager the wire was cut on both side[s] of us...<sup>6</sup>

Many of the men who had worked on the new infrastructure were economic migrants, moving into the area not to escape war but to raise cash. They worked for wages, their families were far away, and they did not necessarily seek to be absorbed into the lineages of the 'big men' in the area. It was in this rapidly-changing environment, and over young people such as these, that chiefs and headmen had to maintain their authority.

In the cattle-barren early years of the century, 'big men' maintained their control over the lineage system by attempting to integrate the foreigners into their village strongholds. This not only made economic sense, allowing increased production for the new markets, but was also the established means of attracting client members into the household from incoming families during the period of Ndebele raids and consequent dislocation. Moreover, matrilocal service marriages were already established in many areas of habitual cattle shortage to the south and west of Gwelo. In the 1890s, before the introduction

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<sup>6</sup> Falk (1970)

of tax and the extensive monetisation of the African economy, and especially in the absence of livestock, a service marriage was the obvious arrangement for any young man wanting to establish himself with a wife.

It was in this context that the NCs initially saw little evidence of 'civilised' marriages in the District. In 1898, the Acting Assistant Native Commissioner described the bridewealth system in the District in terms which are familiar from Taylor's report of 1900:

Natives in this District, seem to have a much lower sense of morality than either Zulus or Natal Kaffirs.

Since rinderpest raged through the country, there has been no regular system of lobola in this District.

The scale (if it may be called one) of lobola, now in use, consists of three or four native hoes or axes per wife though in many cases no lobola at all is given.<sup>7</sup>

To blame this solely on rinderpest was disingenuous, given that local African cattle had been seized by the company as "King's Cattle" following the defeat of Lobengula.<sup>8</sup> Nonetheless, it seems clear that in the years before the promulgation of the NMO, bridewealth in the District was not paid in cattle and often not paid at all. However, although bridewealth was not

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<sup>7</sup> AR, Lower Gwelo, 1898. NB6/1/1 (emphasis in original)

<sup>8</sup> Davis (1976), issue 34

being paid, this was not necessarily comparable to the situation which was upsetting Stuart in Malema, where the bridewealth obligation was met by the handing-over of the first daughter to the woman's lineage. It seems probable that such arrangements were symptomatic of the weakness of lineage control in the Malema area. In Gwelo District, it seems 'big men' were not weak, but strong enough to utilise pledging and clientage arrangements in order to consolidate their position.

In the first decade of the twentieth century, when the whites in the area were still shifting slowly from mining to agriculture, there was a constant demand for African produce, not only from the colonisers but also from African people recently moved into the area or unable to support themselves from their own farming. Attracting client men into the household through service marriage made sound economic sense to family heads, for an extra pair of hands could reap more dividends than a bridewealth payment of cash or cattle. This was particularly true for the majority of cultivators, whose production methods were labour intensive. In 1907, a year after noting the absence of ploughs in use by local farmers, NC Stuart reported:

It may be taken for granted that the custom of allowing the future son-in-law to live at the future bride's kraal, the former

becoming practically the servant (or "son") of the girl's father, has not yet died out<sup>9</sup>.

The same year, he noted the increase of land under cultivation, producing surplus grain for the market<sup>10</sup>. It seems that family heads were using their control over daughters to attract men from elsewhere to come to settle in their villages, and abandon wage labour. The 1890s and 1900s saw a sustained undermining of the system of patrilocal marriage, as even local men who could pay bridewealth were nonetheless encouraged to enter a service marriage arrangement instead.

The civil court records for Gwelo District during this period highlight this arrangement. A man who registered his marriage in 1903 attested:

I paid 4 head of cattle as lobola. She came to work a garden at my kraal but lived at her guardians's kraal...Some 4 years later her uncle Mpunza came and asked me to take back my cattle as he and his brothers wished me to come and live at their kraal and work in lieu of paying lobola. They asked me on three occasions and I finally consented and took my cattle<sup>11</sup>.

Another man, on contract work in the town, who registered in 1908, described how:

When we were married we already had one child. Within the first year she returned

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<sup>9</sup> AR, Gwelo, 1907a. NB6/1/7

<sup>10</sup> AR, Gwelo, 1907b NB6/1/8

<sup>11</sup> NGA 4/1/1, case no 2/15, 19th April 1915

to her people and left the gardens...Eventually as she would not live at my kraal, I moved to her guardian's kraal and built a hut there<sup>12</sup>.

It seems it was in-migrants, however, who most commonly undertook such arrangements, in accordance with the established system of joining another lineage through a clientage relationship. A man from the Matobo District, also working in the town, whose marriage was registered in 1912, stated that:

I did not hand over any cattle as lobola. My father-in-law said he wanted me to live at his kraal and pay him later<sup>13</sup>.

A further plaintiff in a divorce case, a miner living at the mines during his period of contract, described himself as a member of his father-in-law's village. The woman's father attested that when the couple registered in 1908:

He agreed to become a member of my kraal and promised on marrying the girl to pay me 3 head of cattle as lobola. The marriage was then registered at the NC's office, Gwelo...I took no further steps [to get the cattle] as [he] became a member of my kraal<sup>14</sup>.

In none of these last three cases was cattle actually paid, despite clear statements of payment on the

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<sup>12</sup> Ibid, case no 5/16, 5th October 1916

<sup>13</sup> Ibid, case no 27/14, 17th March 1914

<sup>14</sup> Ibid, case no 1/15, 4th February 1915

registration certificates. The declarations to the NC at registration were indications of cattle which the husband intended to pay, in order to secure control over the children of the marriage. As these men were migrant workers, liable to leave the area or remove their children to their places of employment, the vana tezwar<sup>15</sup> were in no hurry to receive these payments.

These cases demonstrate how, even where marriages were registered, the new legal system did not fundamentally alter marriage practices. The Native Commissioner was not impressed by the response to the NMO. Even if bridewealth practices had changed to meet the model laid down in the 1901 Ordinance, Stuart would not have known, since the registration obligation was largely ignored. In 1903, he reported:

Since the Ordinance came into force, only one marriage has been contracted in terms of its provisions.

Perhaps the truest explanation of this lies in the improvident and apathetic nature of the natives whom the regulations were intended to benefit; and who, rather than undertake the walk necessary to effect the registration of a marriage, prefer to risk the endless litigations, and other evil consequences which the present system of wife purchase almost invariably brings in its train.<sup>16</sup>

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<sup>15</sup> -tezwar is the chiShona word for the family head. This is the man who receives bridewealth for a woman, and can be loosely translated as father-in-law.

<sup>16</sup> AR, Gwelo, 1903. NB6/1/4

Given Stuart's manifest contempt for the local Africans, it is hardly surprising if no-one wanted to visit him. Nonetheless, there was little incentive to register. A prosecution under the NMO the following year led to thirty further registrations, but this was still clearly way below the actual number of marriages likely to have been contracted among a population estimated at some seven thousand.<sup>17</sup>

The 1901 Ordinance was particularly inappropriate to the system of service marriages, where no bridewealth was paid. By 1904 even Stuart had conceded that there might be more than apathy and improvidence involved in the low rate of registration. Having reported the thirty registrations, he commented:

It would seem from these figures that marriages must either be fewer than they used to be, or that they are not all reported, but either explanation might, in part, be shown to be correct or false according to the meaning given to the word marriage.

Stuart concluded that many relationships were not registered because they would count only as concubinage or betrothal under the terms of the Ordinance. In large part he blamed the NMO itself for this, pointing out that:

since marriages often took place without any pre-payment, or on payment of a fifth

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<sup>17</sup> AR, Gwelo, 1904. NB6/1/5

or less of the "lobola", it follows from what has been said that the effect of the Marriage Ordinance in so far as it is duly observed, must necessarily be to prolong the period of "engagement".<sup>18</sup>

Indeed, the full-payment-before-registration model laid down in the 1901 NMO seemed, in Gwelo, to have rather the opposite effect to that expected by Stuart and his supporters. Instead of discouraging 'informal' unions, the NMO encouraged them, largely by excluding one of the most important marriage forms.

Meanwhile, service marriages could be no more than a short-term solution for the local African authorities to the problem of maintaining control over labour. It is notable that in all the civil cases mentioned above, the husbands were suing for, or agreeing to, divorce. In other cases, where there was no service agreement, men tended to sue for damages rather than divorce, preferring where possible to keep control over the wife and children. These cases demonstrate that the service option was, for these young men, a burdensome relationship, from which they tried to extricate themselves by appeal to the Occupiers' legal system.

Two factors worked to undermine the service marriage system. One was the increasing need for cash in the

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<sup>18</sup> Ibid

region. The other factor was the build-up of cattle stocks, both in African and in European hands. Cash was in demand in the Gwelo District from the start of white settlement<sup>19</sup>. The proximity of the town encouraged Africans to buy manufactured goods. Meikles, which opened in 1894, initially dealt primarily in 'kaffir truck'<sup>20</sup>, and by 1908 the NC reported that:

The proximity of the mines and intercourse with native mine labourers has had the effect of increasing the wants of local natives in small ways. Domestic utensils, of European make, are commonly seen in their kraals<sup>21</sup>.

As well as requiring cash for commodities, local men also needed to pay tax. From 1906, poll tax replaced hut tax, and this was the responsibility of the individual man, not of the household head. Sale of grain was the commonest means of raising the money<sup>22</sup>, but prices for African produce fell steadily during the 1900s<sup>23</sup>, until only the men with access to markets and considerable client labour could meet all cash needs through crop sales. Service arrangements did not allow young men to produce in their own right and

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<sup>19</sup> In 1898 and 1903, there were serious cash shortages among whites in the town. Beverley White: *Shanties and Champagne*, in 'Illustrated Life Rhodesia' (23) 3 1971; GT 20th February 1903

<sup>20</sup> Davis (1976), issue 34

<sup>21</sup> AR, Gwelo, 1908. NB6/1/9

<sup>22</sup> AR, Gwelo, 1907. NB6/1/8

<sup>23</sup> Phimister (1988) p50

reap the cash benefits that followed. Nor did they allow migrant workers to undertake lengthy contracts without fear of losing their marriage-rights.

The build-up in cattle stocks and the availability of waged labour provided these young men with the opportunities to challenge the authority of lineage heads. Cattle were in great demand in the area, and African producers were keen to establish their holdings. In 1907, the NC could report an estimated 1400 cattle in African hands, and noted:

A few years ago only two or three kraals could boast even a single head. Today a large percentage of the kraals have small herds. Goats and sheep have also done well<sup>24</sup>.

Cattle had a particular importance in Gwelo, with its excellent pasturage, particularly as the mines failed to make massive profits, and the Creamery was opened in 1914<sup>25</sup>. It was not only Africans who were building up cattle herds. In his report for 1915, the Mayor of the Municipality noted that:

there are more cattle in the Gwelo district than in any other district in the country, and with this fact in our favour and the advantages of our central position and railway connections, I trust that Gwelo

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<sup>24</sup> AR, Gwelo, 1907. NB6/1/8

<sup>25</sup> *Gwelo: The Steady Growth of the Midland Capital*, in 'Rhodesian Annual 1913-14', p127

will ultimately become the chief cattle market in the country<sup>26</sup>.

Unlike in other areas of Southern Rhodesia in the 1910s, then, white holdings of cattle in Gwelo District were as significant as African holdings. Africans were under constant pressure to improve their breeding-stock, since they shared pasturage with the Occupiers. In 1907, Stuart stated that "all stock needs an imported strain", while the following year his successor to the post gleefully reported that:

The removal of the embargo on cattle movement has opened the way for the introduction of a number of cattle from Mashonaland. This increase may be expected to generally stimulate improvement in agricultural methods and the general progress of the native<sup>27</sup>.

By 1913, African cattle holdings were estimated at 9500, clearly reflecting an extraordinary increase, regardless of the actual accuracy of the figures<sup>28</sup>. European breeding programmes were gaining authority, and the NC commented that:

Where dipping their cattle forms part of their contract with the landlords the natives have acquiesced readily as also where the landlord retains the right to

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<sup>26</sup> S/GW 244. Minutes of His Worship the Mayor, Gwelo Municipality, 1915

<sup>27</sup> AR, Gwelo, 1907, 1908. NB6/1/8,9

<sup>28</sup> Annual Report of the Chief Native Commissioner, 1913

castrate native bulls and substitute better animals<sup>29</sup>.

The importance of cattle had become paramount, not only for African producers, but also for white farmers and traders.

One of the effects of this expansion of cattle holdings, readily detected by the NC, was the spread of cattle bridewealth arrangements. This was reflected in a surge in registrations in 1905-06, following a special meeting with all the chiefs in the District in January, at which the need to register was spelt out. Although by December 1907 registrations were again absurdly low, Stuart reiterated that this was not a result of apathy, but because of a loophole in the law:

The explanation is not that natives do not recognize the benefits of registration, but that owing to the general habit of ante-nuptial cohabitation...the date of payment or "marriage" consequently becomes indefinitely postponed.<sup>30</sup>

Stuart's observations should be placed in their context. The 'general habit of ante-nuptial cohabitation' here referred to should be distinguished from the service marriages which characterised the District in the late 1890s, and

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<sup>29</sup> AR, Gwelo, 1913. N9/1/16

<sup>30</sup> AR, Gwelo, 1907. NB6/1/8

attracted the attention of the AANC in 1898. For now, ten years on, African cattle stocks had built up, produce prices were beginning to fall and service marriage held little attraction for local men who already had lineage attachments in the area. In 1908, the NC reported:

There is a marked increase in the number of marriages registered over the last year. In most cases horned cattle form the lobolo, small stock being used comparatively rarely.<sup>31</sup>

Assuming that the registrations reflected a trend not previously evident, this might be interpreted as a success for Stuart's project of imposing cattle bridewealth payments through legislation. However, this would over-estimate the impact of the new legal system. There were complex factors at work in the African communities, especially in the hinterland to the town, which were likely to encourage the use of cattle bridewealth.

The growing market for cattle in Gwelo District enabled young men to redefine the bridewealth relationship and gain more autonomy for themselves. For 'big men', cattle were now more readily available for obtaining wives, but attracting client men into the homesteads became more problematic. Given the real demand for cattle during this period, it was

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<sup>31</sup> AR, Gwelo, 1908. NB6/1/9

possible for them to forgo control over the labour of junior men, preferring to accept cattle rather than service in bridewealth exchange. The civil court records reveal that the majority of marriages registered during the late 1900s and early 1910s involved at least an agreement to transfer cattle, coupled with, in most cases, some transfer of cash and small livestock. This was not simply because cattle represented stores of wealth more durable than grain or banknotes, nor that, historically, control over lineage labour through cattle exchange had reinforced the power of 'big men'. By the late 1900s, cattle represented wealth in other ways. Apart from the impact of the meat and dairy markets, oxen were in great demand. They were essential for transport and ploughing, but, for some years, could not be imported from the south because of quarantine regulations. At a time when crop prices were falling and African producers were attempting to expand their areas under cultivation, the reliance upon labour-intensive methods was a drawback. In 1906, Stuart stated:

Only a few Colonial natives go in for the improved methods, the local native still being content with the pick and hoe. The scarcity of cattle is in large measure what prevents the use of ploughs and other implements...<sup>32</sup>

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<sup>32</sup> AR, Gwelo, 1906. NB6/1/6

With the introduction of the plough, the use of wagons to transfer products to markets, and the opening of the Creamery, cattle emerged as an integral part of the production process itself, routinely exchanged as such by the white occupiers.

In order to consolidate their privileged position in the production process, 'big men' had to gain control over cattle. The bridewealth system was tailor-made to enable them to build up their livestock holdings. However, the 'cattle beget children' nature of bridewealth exchange had been altered by the commoditisation of cattle and the influx of cash into the economy. Rather than marking a return to 'tradition', the attempts by lineage heads to secure control over cattle through bridewealth exchange demonstrated the advantages they held over junior men in responding to a new situation. The sale of cattle was becoming the most important industry in the region, and this began to change the significance of bridewealth payments. They could be seen as investment transactions in which lineage heads no longer had a monopoly of control over the disposal of herds, but could still use the bridewealth system to consolidate their hold over cattle resources.

Household heads could use the bridewealth system to build up their cattle stocks in a variety of ways. Payments of cash or small livestock could be

exchanged for cattle, particularly oxen. Discussing this period, one of my informants told me:

Those who got married to foreigners were married by money because these men had no cattle. Parents charged the money which was proportional to the price of the cattle, so that they could buy the cattle for themselves<sup>33</sup>.

Another woman told me:

It did not bother parents to be paid in money, it that was what was agreed. They could always buy cattle with the money.<sup>34</sup>

Similarly, in a civil case regarding a marriage instituted in the mid-1900s, it was claimed that £21 paid in damages (or as bridewealth; this was never resolved) was invested in four cattle. Later, it was added that a seduction damages payment of a goat and a hoe was rejected by the father on the grounds that he wanted an ox<sup>35</sup>. This use of cash and other payments to acquire cattle for production purposes was a rather different form of bridewealth transaction from the clientage and alliance-based exchanges of the nineteenth century. Goods carrying a commodity value were being transferred in a marriage or seduction payment which was simply one in a chain of

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<sup>33</sup> Interview with Ambuya Mangwenya, 16th March 1987, Ascot Township, Gweru

<sup>34</sup> Interview with Ambuya Majapa, 16th March 1987, Ascot Township, Gweru

<sup>35</sup> NGA 4/1/1, case no 6/13, 5th March 1913

transactions leading towards the acquisition of cattle, particularly draught cattle. These other transactions clearly involved market exchange of comparable commodities. It was becoming difficult to distinguish bridewealth-related payments from other market exchanges. For those household heads who were swift to benefit from the new markets, their position could be consolidated by using this transformed bridewealth system to accumulate capital goods.

Meanwhile, the provisions of the NMOs were a fertile ground for conflict between household heads and junior men over the question of access to women and cattle. Some interviewees mentioned that the registration provision was regarded as a weapon in the father's arsenal to ensure his full payment of bridewealth. However, as one woman warned:

Some people never respected their wife's parents after being accepted and getting their marriage certificate...They never bothered to finish the roora<sup>36</sup>.

Justice W M Hopley, the High Court judge in Salisbury, recognised the advantage to which household heads might put the registration provision. Writing in March 1915, he observed:

he refuses his consent to the registration...he holds Section 7 [against

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<sup>36</sup> Interview with Ambuya Sikhosana, 4th February 1987, Ascot Township, Gweru

'harbouring'] over the young couple's heads as a rod in pickle to enforce payment<sup>37</sup>.

A case of a tezwara using this strategy is evident in the civil court case mentioned above. The Plaintiff, suing for return of his initial bridewealth payment after his wife was given to another man, claimed:

this property I paid to him when Mr Stuart was NC [ie before 1908] after the Marriage Ordinance was in force. I asked that the marriage should be registered then, but the Defendant refused<sup>38</sup>.

This case record is unusual, in that unregistered marriages would not normally be recognised by the court. In this case, the dispute only reached the NC after several hearings before the Chief had failed to produce an acceptable compromise. Registered marriages were more easily brought to the NC for arbitration. Several cases heard between 1912 and 1916 involved household heads claiming cattle for seduction damages, and only reluctantly accepting the cash offered in lieu.

Nonetheless, the bridewealth statements on the marriage certificates were frequently a reflection of intention rather than of actual payment. Although household heads wanted to use the bridewealth system to accumulate cattle, the registrations before the NC

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<sup>37</sup> Justice Hopley, 31st March 1915. N3/17/4.1

<sup>38</sup> NGA 4/1/1, case no 6/13, 5th March 1913

probably suggest a greater exchange of livestock than was actually taking place. Despite the twelve-month rule, the statements made to the NC recorded bridewealth agreements, not actual transfers of wealth; for, as Stuart had noted, under the latter circumstances registration might be postponed for years. In none of the cases heard before the NC Gwelo between 1912 and 1916 where the marriage certificate was produced did the statement on the certificate reflect the actual transactions described by the parties and witnesses involved. Indeed, in one particularly outstanding incident, the 'husband', Ndusa, was not even present at the registration. Despite the neat declaration of two head of cattle having been paid by Ndusa on certificate no.534 of 2/12/1910, no bridewealth was paid, no handing-over ceremony took place, and when Ndusa, who worked as a 'Native Detective' in Bulawayo, was served a summons for divorce in May 1913, he could only protest:

I have never been married to her, and the registration of the alleged marriage never occurred at my instigation or request. It was reported to the NC by a cousin of mine named Shambok. I never requested it personally or gave Shambok authority to do so...I do not know why I should have been summoned.<sup>39</sup>

One gains the impression of ad-hoc accommodations and negotiations lurking behind the carefully-kept

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<sup>39</sup> Ibid, case no 13/13, 3rd May 1913

marriage registers of the NC, a bureaucratic veneer disguising a much more fluid set of contractual arrangements. Admittedly, the court only saw cases where these marriage contracts broke down. Even so, it is clear that the administration of the NMOs on the ground was a long way from the clear-cut process envisaged by the legislators.

However, the benefits of taking a case to the NC were uncertain, and by far the majority of marriages remained unregistered, disputes being resolved between the parties involved. Although lineage heads held an initial advantage in exploiting the new markets and production opportunities, their control over client men began to weaken. With wage opportunities and white traders present in the area, it was not essential to go to a 'big man' for grain in times of shortage. Moreover, the existence of an open market in cattle undermined the sanctions which lineage heads could bring to bear on local men, for they were less dependent on the family herd to raise their bridewealth. The availability of waged work provided many unmarried men with the opportunity to buy cattle or livestock for themselves. In-migrant men from far away could break with parental control completely. This was commented upon by several of the people interviewed. A Malawian who married a woman from Shurugwi in the early 1930s told me:

After I had paid the roora I told my parents about it. They were happy, but what they wanted was for me to have returned home first...Even if my parents had asked me why I had married in Zimbabwe, I was going to tell them it was my choice. There was nothing they could do because I had married already.<sup>40</sup>

This independence predated the 1930s, as the civil court records indicate. Several of the cases in the mid-1910s involve migrant labourers who raised their own bridewealth and lived permanently in the location or at the mines, where they were visited by their local wives.

Moreover, both local and incoming men had access to alternative sources of patronage if they were not able to raise bridewealth or damages for themselves. White employers were ready to take over the patronage role of lineage heads, even to the point of paying damages. On 26th April 1912, Robert Twilley, a respected local farmer, wrote to the NC, Gwelo:

I have arranged with Pete that if it is your ruling that he is liable to Mguide for a cow as the price of his wife, as I believe they agreed, that I have a cow here which is just dry from her last calf--this I agree to allow Pete to hand over in settlement in the event of your decision being in favour of Mguide<sup>41</sup>.

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<sup>40</sup> Interview with Mr Noah Moses, 4th February 1987, Mambo Township, Gweru

<sup>41</sup> NGA 4/1/1, case no 10/12, 2nd May 1912

In September of the same year, Mr Hurrell, who was later to become the Mayor of Gwelo, wrote in a similar vein:

Re this boy Sandy who is in my employ, I will pay the £5.0.0 [seduction damages] for him on my return from Salisbury<sup>42</sup>.

Under such circumstances, it was impossible for lineage heads to maintain a monopoly over cattle and clientage relationships.

The apparent return to long-established bridewealth 'traditions', then, masked considerable upheaval in marriage alliance systems in the District. In the late 1900s and early 1910s, a new set of variables had begun to affect the process by which some families accumulated wealth while others did not. Those already well-established, with access to draught cattle and client labour, were better positioned to exploit the new markets and to weather falling prices. However, this process of rural differentiation was accompanied by a struggle between junior men and household heads, both eager to take advantage of the new conditions. The commoditisation of cattle and the proximity of markets and employers threatened the advantaged position of the 'big men'. The chiefly monopoly over long-distance trade, particularly important to hunters such as Chief

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<sup>42</sup> Ibid, case no 14/12, 23rd July 1912

Chiwundura<sup>43</sup>, was shaken by the presence of nearer markets, which many traders could reach, while the chance to raise bridewealth through waged work offered unprecedented independence to junior men, who no longer needed to work for the lineage heads.

Men, however, were not the only, or even the primary, labourers in the communities. It was women who carried out the hoeing, weeding, general gathering and vegetable production<sup>44</sup>, both in those families which benefitted from the expanded markets and those which did not. The work load on these women must have steadily increased, both with extended acreages under cultivation and with the increasing absences of men on waged labour contracts. In the early 1900s, very few local men were offering themselves for waged labour, and those that did were unlikely to work for more than one or two months, during slack times of the agricultural year. They did not take themselves away to distant mines and compound conditions, but tended to work in the stores, at the farms and as domestic workers in the town<sup>45</sup>. Such brief absences were not without precedent, for both men and women were likely to visit relatives during winter months, without causing hardship to those left behind.

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<sup>43</sup> Chenjerai Shire, unpublished research on the Chiwundura and Gambiza chiefships, 1988

<sup>44</sup> AR, Lower Gwelo, 1898. NB6/1/1

<sup>45</sup> AR, Gwelo, 1903, 1904. NB6/1/4, 5

However, by 1909, although it was still only a minority of local men who chose to take up waged labour, those that did so were likely to engage for up to four months<sup>46</sup>. It is suggestive of increased differentiation in the rural communities that men should be absent for longer periods. Most would be poorer producers, no longer able to meet their cash needs through produce sale as grain prices fell, but ready to take advantage of steadily rising agricultural wages. By the following year, the NC reported that some local men were:

becoming habitual workers, being, in this respect, indistinguishable from the permanent foreign workers.<sup>47</sup>

By 1912, not only were proportionally more local men taking up waged labour options, but they were likely to work continuously for anything from six to twelve months<sup>48</sup>. The periods of absence had increased six-fold in less than a decade, and it fell to women to carry on the work previously shared with the men.

Even where men were not so consistently absent, women's workload was increased by the expansion of acreage under cultivation. It is difficult to assess how the overall increase in food production was

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<sup>46</sup> AR, Gwelo, 1909. NB6/1/10

<sup>47</sup> AR, Gwelo, 1910. NB6/1/11

<sup>48</sup> AR, Gwelo, 1912. NB6/1/12

divided within and between households, but in those households which could exploit the new markets it seems certain that this was achieved through an intensification of labour, particularly female labour. Hoe cultivation continued to predominate, despite the investment in ploughs by some entrepreneurs, and it was women who undertook most of the hoeing work. Moreover, contrary to the expectations of the Administration, the introduction of ploughs did not significantly alter this pattern. In 1903, the Inter-Colonial Conference at Bloemfontein had adopted the resolution that:

excepting in Rhodesia...the advance of civilisation has ameliorated the conditions of the native woman, and...the use of the plough has relieved them largely from field work.<sup>49</sup>

This may have been true in some regions of Southern Africa, but in Southern Rhodesia even the use of the plough did not lift the production pressures on women. The minority of men who invested in ploughs tended to use them to open up further lowland areas for cultivation, leaving women to continue hoe cultivation on the toplands as well as to weed the greater areas of land opened up by the ploughs<sup>50</sup>. Rural differentiation arising from this introduction of ploughs further increased the workload on women

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<sup>49</sup> *GT*, 27th March 1903

<sup>50</sup> Ken Wilson, pers comm

from poorer households, by reducing the possibility of calling on help from neighbours during labour-intensive periods of the agricultural cycle. The neighbourhood work-parties, named nhimbe in chiShona, which had always benefitted the 'big men' whose households could produce an adequate surplus to provide beer for the participants, became even more biased in favour of richer cultivators. According to Ian Phimister:

Invitations no longer went to individuals to bring their hoes but were confined to 'the owners of ploughs with their oxen'. At the 'modern beer party', five or more ploughs were used to turn up 'a large piece of land...in a short time'.<sup>51</sup>

Meanwhile, poorer producers came to depend less on extra-household labour and more on the women with their hoes to meet production needs.

As increasing numbers of men took up longer periods of waged work, marriages came to have a part-time aspect, not unprecedented in the area, but certainly more constant and more widespread than had been the case when men only went away to hunt or trade. Within such part-time marriages, men returned periodically to the villages to join their wives producing there - and to pay outstanding bridewealth to the family - but women also went to visit their husbands at the

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<sup>51</sup> Phimister (1988) p73

town location, farms or mine compounds. In 1915, the NC in Gwelo heard a case of a local couple, their marriage registered in 1908, who both went to live at the Selukwe mine compound, and then quarrelled so much that the Compound Manager intervened. In two linked cases regarding a marriage registered in 1906, the woman was forcibly taken by her husband to join her at the KweKwe compound, although she wanted to stay with her father<sup>52</sup>. It was not only at the mines that men wanted their wives to visit. As a woman in Gwelo told me:

Some men let their wives stay in the rural area farming and looking after cattle and fowl while they worked here. Some said they could not afford for both of them to stay in town. But other women stayed with their husbands here and went back to work in the fields during the summer.<sup>53</sup>

However, in one case involving a marriage registered in 1912 between a local woman and an in-migrant worker, the woman told the NC that her husband sent for her to visit him in Gwelo town, *'but I was too busy weeding my lands'*.<sup>54</sup> Few women could easily avoid agricultural obligations for long.

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<sup>52</sup> NGA 4/1/1, case no 4/15, 21st September 1915; case nos 14/13 & 15/13, 5th May 1913

<sup>53</sup> Interview with Ambuya Badza, 17th March 1987, Matapa Township, Gweru

<sup>54</sup> NGA 4/1/1, case no 27/14, 17th March 1914

It seems that many women were saddened and frustrated by the long absences of their husbands. The woman whose production commitments kept her from joining her husband in town found that he then wanted her to return the gifts he had left with her:

My heart is sore because [he] took my blankets and limbo and also did not come to see me at our kraal. He had promised to come and live at our kraal [and build me a hut].

The woman whose husband took her to KweKwe eventually rejected him and refused to accept £2 which he sent her from Munyati mine, where he was then working. She explained, 'He was always going away to work and staying away for a long time'. Another woman described her (local) husband as 'a roving spirit', a description supported by her brother, who would also have liked the man to spend more time in crop production:

I helped him with food. I helped him ploughing with my oxen. He never settles down. He and my sister have quarrelled for years.<sup>55</sup>

This women, like many others, had been left with her husband's family, subject to their accusations of witchcraft and promiscuity, without a resident husband to protect her. Heartache was not the only problem faced by these women. Sources of personal

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<sup>55</sup> Ibid, case no 5/16, 5th October 1916

wealth for rural women were shrinking, as purchase of manufactured goods replaced the exchange of home-made articles. Female labourers were becoming more dependent on men for their wealth, and in particular upon cash inputs from the waged labour market. Desertion or rejection by husbands on migrant contracts could mean a life of poverty.

Mothers, similarly, it seems, were unhappy about the prolonged absences of men. In 1910, the Southern Rhodesian Native Affairs Committee Report stated:

Women frequently adversely affect the labour supply, as they refuse to allow their sons to proceed to work lest they should die or be injured in the course of their employment.<sup>56</sup>

Given the working conditions to which many men were subject, such fears were well founded. As well as the anguish caused, such accidents left women carrying the extra workload not temporarily, but permanently. It was hardly surprising if women did not like their men leaving to take up contract work. Some women gave up the wait, and deserted their husbands to live with other men, notably with proletarianised in-migrants who did not expect them to work in the fields. A few became involved with white men, a choice that could

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<sup>56</sup> NAC Report, 1910, §41.

reap significant material dividends<sup>57</sup>. The majority, however, continued to wait.

When husbands did return to visit their wives, there were other penalties to be paid for the part-time arrangement. In 1908, the NC reported that '*Syphilis appears to be becoming common, whole families being infected*'.<sup>58</sup> The woman whose husband took her to KweKwe revealed:

He gave me a venereal disease when he came back from the mines and my second child died in consequence of the disease

in response to which the man defended himself by saying:

I admit that I communicated syphilis to her. Other men do the same and I consider it no grounds for divorce.

The 'roving spirit' likewise confessed that:

I did contract some venereal disease, which we call doropo, when working at the Camelia Mine. I contracted this from prostitutes. I admitted this to my wife.

Women responded to such cases as best they could:

Women used to go to the n'angas and ask for herbs to control their husbands and stop

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<sup>57</sup> NGA 4/1/1, case nos 10/13, 27th March 1913; 13/13, 3rd May 1913

<sup>58</sup> AR, Gwelo, 1908. NB6/1/9

them going with prostitutes. Sometimes they were given the wrong medicine and they would kill their husbands..and the n'angas were arrested. But sometimes it came out that the women really wanted to kill their husbands.<sup>59</sup>

This was not quite the situation of 'civilised' marriages between proletarianised Africans which the Administration had been anticipating.

This was equally disappointing for missionaries working in the Reserves, who had long been attempting to introduce or impose European conceptions of family life into the villages on their lands<sup>60</sup>. In Lower Gwelo, the Anglican and Seventh Day Adventist churches both laid great emphasis on Christian family life, which was remembered by one of the first Anglican converts in the area as the main thrust of their missionary message in the 1910s<sup>61</sup>. Rural women were a particular target of these campaigns throughout the region, for they were perceived as the 'homemakers'.<sup>62</sup> Many mission groups established classes to teach girls European domestic skills, not

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<sup>59</sup> Mangwenya interview

<sup>60</sup> Laurence Vambe: *An Ill-Fated People* (London, 1972) p3-13; Ranger (1981) p11; E Schmidt: *Race, Sex and Domestic Labour: The question of African female servants in Southern Rhodesia 1900-1939* presented to the Annual Meeting of the African Studies Association of the USA, October 29th 1988

<sup>61</sup> Interview conducted by Chenjerai Shire, Lower Gweru, 19th July 1988.

<sup>62</sup> see, for example, H M Bradford to John White, 1st November 1916, Methodist Missionary Society Archive, School of Oriental and African Studies, London. Box 1052.

with the intention that the girls could put this training to use in European households, but that they could become suitable Christian wives for the male converts. Unfortunately, many women had no resident husbands on whom to practise these skills.

There were many factors militating against the family proletarianisation envisaged in official Company thinking. On the Administration's side, there was no real investment in the kind of accommodation and other services which would make urban or compound resettlement a viable option for married couples. Also, however, for African men there were few incentives to allow women to relinquish rural production. Family heads would lose their control over women, and so be weakened in bridewealth negotiations. Husbands, meanwhile, would not be able to claim lineage rights in rural areas if they did not have wives living there, cultivating crops and rearing their children. As well as these material considerations, which the next chapter will discuss in more depth, it is also worth considering the way in which town and compounds were conceptualised, to highlight the improbability of a man contemplating the permanent relocation of his family to his place of work.

Town, or any place of waged work, was not a place where one 'belonged'. People might live in town, and

even have their families there, but it remained a place where one 'stayed', rather than had a permanent home. This was because social identity remained rooted in lineage membership. Even for those born or married in town, the urban environment could not bestow identity; family membership was not defined by one's birth-place or marital home, but by one's ancestors and one's lineage. A person who lived in town did not need to, and indeed could not, become integrated into that community through a marriage alliance, for it was not a community based on such alliances. Lineage membership existed outside the town, in the place where one's shallow lineage group remained. The network of inter-relationships between people in town were mediated by reference to marriage alliances between lineage groups which had been established outside the town, and often outside the territory. The part-time nature of marriages, rather than manifesting a failure to establish stable family relationships, was rather a manifestation of the continuing strength of lineage membership in the face of considerable disruptive pressures.

The anonymity of the urban and compound environments did not mean that they were bleak or lonely places. Conditions were certainly harsh, but there were compensations. As well as the availability of waged labour and access to a range of commodities, from large items such as nice clothes or bicycles to

everyday luxuries such as sugar and cakes, there was also a vibrant social life<sup>63</sup>. A letter to the Gwelo Times in October 1905 complained of the noise from a party organised by 'the Mines Office "boy"', concluding:

Kaffirs will always drink, but surely they could be kept to their own locations and not allowed to hire unoccupied houses in the township when they wish to indulge under the pretence of tea meetings at 2s 6d per head - ladies 1s 6d.<sup>64</sup>

Although men significantly outnumbered women, the attractions and the freedom of urban and compound life drew women as well as men. Many were trying to escape the increased pressures of rural production, while others, from further afield, came as economic in-migrants like the men, finding new ways to survive within a cash economy. It was a cosmopolitan environment, full of people from all over the Southern African region. As one woman told me:

I never got bored when I first came here, because there were always things going on in the township. There were concerts and dances...Some of the people from Malawi and Zambia taught us new dances. These entertainments were much more interesting than the ones we have today.<sup>65</sup>

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<sup>63</sup> Sugar, clothes and cakes were frequently mentioned in interviews as incentives for women, in particular, to chose urban life

<sup>64</sup> *GT*, 14th October 1905. Correspondence.

<sup>65</sup> Interview with "Ambuya", 11th February 1987, Ascot Township, Gweru.

In this cosmopolitan urban culture, the established systems of regulating sexual behaviour through networks of close intimacy and surveillance began to break down. Whereas previously sexuality had been necessarily constructed in terms of lineage membership, with both men and women regulating their sexual behaviour on the basis of lineage obligations and sanctions, now it was easier to think of sexual contact as taking place between individuals, not lineages. The anonymity of the towns, mines and farms encouraged young people to rethink notions of sexual identity, and to begin to challenge the hold which the 'big men' had over their lives. By 1914, the Occupation was beginning to affect not only the mechanisms of bridewealth payment, but also the entire moral discourse of the local African communities.

'THE PROBLEM WITH WOMEN': The Natives Adultery  
Punishment Ordinance, 1916

In a lineage-based social system, new ideas about sexual identity have immediate political consequences. While the changing social environment in Gwelo District was creating the opportunity for the people there to think about themselves in new ways, the tensions created by forced marriages, extended male absences and increasing workloads provided women, in particular, with incentives to reject lineage control and to seek out other options for themselves. Family heads were seriously threatened by this challenge to their power. Their response did much to consolidate the growing political alliance between the BSACo administration and a section of the African male elite.

It was undoubtedly the case that family heads were experiencing difficulties in controlling women, in Gwelo District as elsewhere. The NC's report for 1908 stated:

A standing grievance - of increasing moment to the natives - is the desertion of married women to the mining compounds.<sup>1</sup>

Desertions by wives recognised under the NMO posed a new 'moral' challenge with which the 1901 Ordinance

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<sup>1</sup> AR, Gwelo, 1908. NB6/1/9

had not been designed to cope. It had been introduced under other circumstances and addressed different issues. Complaints that women were now not honouring the marriages recognised by the Ordinance sat uneasily with the Administration's typification of African women as simple victims of male oppression.

The problems faced by family heads were exacerbated by conscious meddling on the part of the settlers. From the start, mineowners positively encouraged women to stay at the mines. There were many reasons for this. The food cooked by women tended to be of better quality than that which men cooked for themselves, and this increased labour productivity<sup>2</sup>. Moreover, women brewed beer, whose nutritional qualities were recommended by the Pasteur Institute of Rhodesia as an antidote to scurvy in the compounds<sup>3</sup>. Most importantly, however, women

attracted workers, lengthened the labour cycle and contributed to the proletarianisation of the black peasant at no direct cost to [the mine owners]<sup>4</sup>.

A 1914 Report to the Superintendent of Natives, Gwelo, remarked:

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<sup>2</sup> van Onselen (1976) p180

<sup>3</sup> A Loir, MD: *Notes on Rhodesia from a Bacteriological Point of View* 17th December 1902. Pamphlet held at Royal Commonwealth Society Library, London.

<sup>4</sup> Van Onselen (1976) p180

Native women are frequently induced to leave their homes by the advantages offered them by natives in employment at Mines...The Mining companies contribute towards their support by allowing them rations and one Compound Manager went so far as to tell me that he liked to see the boys bring the women to the Compounds and that the more immoral they were the better, as it made the Compound life more palatable to the boys.<sup>5</sup>

The suspicion that the government was supporting the mine-owners in the construction of an "immoral" community of women was not allayed by its action in passing the Native Marriages Ordinances. The paternalist impulse behind the insistence on the "personal consent" of the woman before marriage was widely interpreted as a move hostile to the authority of family heads. The new social and economic conditions which arose out of the Occupation, coupled with conscious meddling by the Legislative Council and the mine-owners, led to a deepening crisis in the established means of subordinating and controlling women. This problem for African authorities was not entirely new, as the comments from Matabeleland NCs in the early 1900s show. The growing concern through the early 1910s, however, was of a different order. Women were disregarding parental and marital authority entirely, and still finding ways to survive.

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<sup>5</sup> Acting NC, Selukwe to SN Gwelo, 14th May 1914. A3.21/50.2

The loosening of control over women in the 1900s and 1910s was inextricably linked to the comparable slippage of control over junior men over the same period. Like women, junior men had been able, to some extent, to exploit and benefit from the imposition of an alternative source of power within the region. Unlike women, however, junior men did not need to opt out of the established system of authority in order to exploit the new situation. In particular, they were able to use their new opportunities to extract more advantageous terms for obtaining women through the bridewealth system. This gave them an interest in maintaining the system and their links with the lineage. Recognising this, the family heads were able to negotiate the terms of the bridewealth system in order to protect their own interests *vis-a-vis* junior men. Even though many men were systematically denied access to women for many years, they were still potentially in a position of being able to acquire wives and establish households. It was precisely this potential which senior men were able to manipulate and over which compromise could be reached, in the transformations of the bridewealth system following the BSACo occupation.

Women, on the other hand, rather than holding an interest in the system, were themselves the object of interest. There was little space within the system to manipulate women's interests. It was possible to

redefine "bridewealth custom" with regard to payment medium and the independent negotiations of junior men, because both parties had interests in the transformation. It was not, however, possible to create new "custom" regarding women, in a situation where women had few vested interests to manipulate, but did have the option of ignoring lineage and marital control entirely, and engaging with the white economy instead.<sup>6</sup>

It is in this context that we see the growth of a consistent and powerful pressure campaign for action by the Administration. The Occupiers were, after all, responsible for the conditions in which women could challenge their subordination. Moreover, the mineowners and the Administration were, in different ways, actively encouraging women to assert their independence. Most importantly, however, family heads had so little power in the situation that their only recourse was to recognise, and appeal to, the power of the Occupiers. Time after time, from across the region, wherever there were towns or compounds, the issue headed the agenda of consultative meetings

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<sup>6</sup> I would therefore not consider Martin Chanock's comment on Malawi that:

male ambitions [to control women] could not be directly transformed into new customary law because they did not control the colonial state

[*Law, Custom & Social Order* (Cambridge, 1985) p192]

to apply to Southern Rhodesia. In Southern Rhodesia, the difficulty in asserting new customary law was not lack of control over the state - which did not have absolute control over custom anyway - but lack of female interests in upholding such law.

between NCs and "chiefs and headmen". This reached such a point that in 1914 the NC, Rusape & Umtali, reported that chiefs were presenting the need for legislation against adultery as '*the only thing that is [vital] to our tribe and our family*'.<sup>7</sup> Thus it was that adultery entered the overt political discourse of Southern Rhodesia, to be talked about and argued over from the village fireplace to the European dinner-table and, eventually, into the statute book.

There is, of course, no inherent link between female subordination and adultery. The campaign regarding adultery was only one of several fronts on which men attempted to control the behaviour of women. Ultimately, however, it was the issue of adultery which dominated the field.

An alternative means of restricting women, which had some appeal for both the NCs and African men, was simply to stop them leaving home and, if they did, to force them to go back. Terence Ranger records that in 1913, Manyika workers at the Argus Printing Company in Salisbury successfully petitioned for the forceable return of four Manyika women to their lineage homes, and asked for '*a law that shall never allow a Manica [sic] girl to come here and not let any of them ride the train from Umtali or from any of*

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<sup>7</sup> Ranger (1981) p13

the stations and sidings, such as Odzi, Rusape etc'.<sup>8</sup> It seems, moreover, that the Administration itself ensured the removal of women from white-occupied areas when it suited them. Ambuya Mangwenya, who worked at the women's prison in Gwelo in the 1910s, recalls being required to accompany 'criminal' women back to their home areas<sup>9</sup>.

In the clearer cases of marital break-up, the Administration's authorities were again utilised to order women home, when they had moved beyond lineage control. In a case in Gwelo in 1913, for example, a woman found herself a lover at the Globe & Phoenix mine, where she was staying with her husband's sister, Maviriri. She left the mine with her lover. Maviriri complained to the police, and the woman was brought back to her custody<sup>10</sup>. The authorities were also ready to help in tracking down errant women, as in a case in 1918, where, in the words of the father:

I came into Umtali to search and yesterday the police sent me to the Railway Compound, there I saw my daughter Numba in a hut, and brought her back to the police station.<sup>11</sup>

Numba's lover was subsequently cleared of any offence, casting doubt on the legitimacy of police

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<sup>8</sup> Ibid

<sup>9</sup> Mangwenya interview.

<sup>10</sup> NGA 4/1/1. Case 26/13, 2nd December 1913

<sup>11</sup> Rex vs Sarinda Sambulane, N3/17/4.2.2

involvement. The Native Commissioners were used even more than the police, as they had a right to intervene by virtue of the harbouring sections of the 1901 and 1912 Native Marriage Ordinances. The NCs were frequently asked in civil cases to rule that women return to their husbands or fathers<sup>12</sup>.

All this would seem to point to some form of pass law as the most suitable means of controlling women. This was hinted at the Superintendents of Natives Conference of 1916, where it was suggested by the NCs of Wankie and Charter that the NMO be amended and:

a Section be added to the effect that any female native found wandering about, leading an idle or immoral life, should be summarily arrested and brought before the N/C who may either send her home or deal with her in some other way.<sup>13</sup>

This was not, however, a popular suggestion, and notably less popular than a proposal for adultery legislation, which was submitted by no less than nine NCs. For one thing, such a move would not, as the CNC pedantically noted, properly be a part of marriage legislation. More significantly, however, the problems of enforcing such a law were considerable, and the NC would be acting alone, without the aggrieved husband as an ally. Similar pass

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<sup>12</sup> NGA 4/1/1 passim

<sup>13</sup> Report to CNC, 12th May 1916. N3/17/4.1

legislation in South Africa attempted in 1913 had met with considerable resistance. Women did not, at this point, constitute a major problem of authority for the Administration. NAD officials were worried about immorality and VD, but saw women as defying family heads rather than themselves. Indeed, for the Administration, a little insubordination by women was seen as a good thing, if it undermined forced marriages or encouraged labour to the mines. A system of restrictions over where women were permitted to travel would immediately place women in a position of tension with the Administration. NCs were not prepared to undertake the task of policing the movements of African women all the time. Besides, even for the family heads, the problem was not the free movement of women. It was usual for women to travel some distance to trade, visit relatives and so on. The concern among African men was that women were leaving and not coming back. The Argus workers are unusual in their demand for a blanket ban on rail movement by all Manyika women, in any circumstance. Most men simply wanted to tie women to their lineage obligations. So much for passes.

The Administration, on the other hand, had a good idea of its own about the best way to deal with the problem of "immorality". This was to take action against women brewing and selling beer. This was in itself something of a problem for BSACo officials,

for while they appreciated the nutritional qualities of "kaffir beer" in the compounds, they were less keen on a situation in which:

The labourers leave the mine on Saturday evenings, proceed to neighbouring kraals, and there indulge in debauches which, at times, render them incapable of work for several days.<sup>14</sup>

The beer was brewed by women, and was a good source of income. This did not make the Administration happy, for the evils of beer were notorious:

it is stated that, but for beer drinks and consequent orgies, serious crime would be almost non-existent amongst the indigenous natives in the Territory.<sup>15</sup>

This may be true. What is undoubtedly true is that the opportunity to sell beer was indeed one of the main reasons why women could live permanently on the mines, beyond lineage control. These were precisely the "immoral" women against whom complaint was made. Under the circumstance, banning beer sales seemed quite a good solution to the complaints about women running away. That beer-selling led to sexual immorality was a truism to the Native Administration. Significantly, the Native Affairs Commission tried to argue that Africans themselves had lobbied for bans on beer production. *'In connection with the sale of*

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<sup>14</sup> NAC, §134

<sup>15</sup> NAC, §136

beer in mining areas, a complaint comes from the natives themselves', the Report states with some satisfaction:

it is that women go to the mines and sell beer without the consent and against the wish of their husbands. This results usually in much immorality.<sup>16</sup>

Again, this may be true. However, it was the women who were upsetting the husbands, not the beer.

African men had no incentive to press for the outlaw of beer sales as a means of controlling women. Beer was not simply a good money-earner, it was an integral part of the neighbourhood work-parties upon which production depended. It was also central to all important ritual activities. Any controls over beer were unwelcome. Besides, selling beer was good business. In Goromonzi District in the 1900s:

it was evident to many households that female beer brewing was more lucrative than male, let alone female, wage labour, and was a more profitable use of female labour time than their involvement in field work.<sup>17</sup>

Banning beer sales may have struck settlers and Administration as a neat way of curbing "immorality", but to Africans it was of little direct relevance.

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<sup>16</sup> NAC, §135

<sup>17</sup> Elizabeth Schmidt: *Women and rural production in Goromonzi District 1900-1930*, paper to University of Zimbabwe history seminar, May 1986, p5

The pressure from the African lobby did not go away. Passes were inappropriate; banning beer was ineffective. That left adultery: and it was on this issue that the African lobbyists were themselves placing the most emphasis.

It was not because adultery was a new phenomenon that it received so much attention from the African authorities. There were well-established structures within the African communities for dealing with adultery<sup>18</sup>, by which was meant sexual relations with a married woman. The matter was treated as a civil offence by the adulterer - the man - against the husband. The husband would bring a demand for compensation. Reconciliation between both parties (including their families) was sought. In a situation where the basic unit of production was the marital household, occasional sexual indiscretion was not sufficient grounds for dissolving the marriage relationship, with all the concomitant negotiations over compensation, damages and return of bridewealth that would follow, disrupting all the families involved. Although regarded as a serious offence, adultery was not allowed to shake the stability of the community. Only if it was repetitive did divorce

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<sup>18</sup> That is, common-or-garden adultery. Adultery with a member of the Ndebele royal family, or some high-ranking families among the Shona, was a form of treason rather than adultery.

follow, after talks between all parties<sup>19</sup>. It was this happy state of affairs which was rudely challenged at the turn of the century. By the late 1900s, it was clear that adultery was not what it had been.

Africans began to realise that adultery was no longer absorbable. It was becoming disruptive. Already the use of pledging, in both Shona and Ndebele areas, could give rise to 'formal' adultery: pledged girls taking advantage of social upheaval to choose their own partners<sup>20</sup>. However, the social meaning of adultery changed fundamentally with the Occupation, wage labour and migrancy. It became a *problem*.

Part of the problem was the women themselves. Women were better placed than they had ever been when it came to escaping marital control. There is no doubt that many women living with workers at the mines were married to other men. Adultery, therefore, must have been on the increase, simply by virtue of these women's actions. Nonetheless, these women were a minority. It was not simply the *quantity* of adulterous acts which was giving rise to concern; it was the *quality*. Adultery took on new dimensions,

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<sup>19</sup> Holleman (1952) p273-4; Bullock: *The Mashona and The Matabele* (Cape Town, 1950), p283. Although published in the 1950s, both these volumes refer back to the earlier period discussed here.

<sup>20</sup> Ranger (1981) p8

with which the established system was not designed to cope.

It was migrancy which lay at the heart of the problem - men coming in and men going out. The men going away left behind them wives to look after the crops. Many, no doubt most, remained faithful to their husbands. It was hard to do otherwise when surrounded by his family, if only because the adulterous man would think twice. But other wives did take lovers. Their reasons were varied. Some husbands seemed never to be coming back, leaving wives to face heartache and poverty. Some were not loved by their wives in the first place. Moreover, sexual adventure always carries its attractions, especially if lovers have recently-earned cash to bestow. The somewhat commonplace reasons for these infidelities are less important than the upheaval in established conceptions of marriage which they illustrate. The context of shared production, in which marital stability had been of more significance than adultery, was becoming a thing of the past. The experience of out-migration left more women without male company for extended periods than had ever been experienced before.

However, what really tipped the balance in the alarm over adultery was the experience of in-migration. It was in regions of in-migration, rather than in

regions of out-migration, that the demands for criminal sanctions against adultery were pressed most strongly<sup>21</sup>. It was not only centres of employment which had the problem, but also places through which men passed on their way to the mines further west and south. Like the American GIs in Britain some thirty years later, these men were seen by locals as, if not over-paid, at least proletarianised, and certainly over-sexed and over here.

The concern about these men was that they were not accountable. Even where the man was known to the husband, and a claim for compensation could be brought against him, it was very difficult to enforce payment. These men were often far from their lineages and any stock their family might be ready to hand over. A cash payment missed the point of reconciliation (cash could not be shared in a meal by the affected families), even assuming it was paid up. In one case in 1913, an enraged husband did go to the family of a Gwelo hotel worker to get his damages. The father testified:

I paid 1 cow and calf and £2 and a goat, another goat, 5/- and a 5/- blanket and 2 hoes, a rooster. This property belonged to [my son]. I paid on his account but without

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<sup>21</sup> As evidenced, for example, by a comment from NC, Chilimanzi, May 1913, to CNC, N3/17/4.1, that:

this grievance is not confined to the Chilimanzi District only, but is perhaps more acute there owing to the proximity of the Falcon Mine.

In other areas, the established civil action for compensation continued to be effective, even after the NAPO was promulgated.

his authority...Masekela the husband of the girl came to my kraal and destroyed two pots, a meal shaker and a dish. This was before I paid the damages.<sup>22</sup>

Not so much negotiation as extortion, it seems, but times were extreme. For not only were these adulterers hard to pin down and extract compensation from; they were also abductors. Clearly, a new brand of adulterer had arisen, and new tactics were required to deal with him.

African husbands did not simply sit back and moan to the Native Administration. They worked hard to resolve matters within the structures already available to them. Where possible, they took action to extract their compensation. The civil court records of the Native Commissioners bear witness to these attempts. In most cases, the NC heard the case precisely because husbands had not been able to extract compensation from the alleged adulterers, even after intervention from the Chief, and required the clout of the Occupiers' judicial system. This was only possible where both the man and the woman could be traced and summoned, which itself assumed that the woman had only one lover. Even then, it was always possible that the NC would dismiss the case or find against the Plaintiff - whites had only a shaky grasp of what was due in a marriage dispute. The NC might

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<sup>22</sup> NGA 4/1/1 case no 3/13, 27th Feb 1913

consider the marriage null and void under the NMO, or rule that the woman was improperly pledged in marriage, or require a divorce rather than damages. All these concerns were a long way from the heart of adultery negotiations. Appeal to the NC was a last resort, and required a different approach: contestation rather than negotiation.

A study of civil cases in Gwelo, an area of immigration, demonstrates the breakdown of the established structures. Husbands bringing adultery cases before the NC were unlikely to be awarded much by way of compensation. Nor were the NCs well-placed to order the women to return to their husbands. A divorce ruling was far more likely to meet with success, this being more suited to the European idea of appropriate response to adultery<sup>23</sup>. The civil court records of the NC for 1912-16 reveal a variety of responses to the new context in which adultery was taking place. The sample is very limited, especially from 1914, when war service led to doubling-up of posts in the NAD and consequently fewer hearings in each District. Nonetheless, a pattern emerges. Out of a total of 59 cases recorded from the period (of which only 14 were post-1913), over a third (21) were adultery cases. This proportion rose from four cases (22%) in 1912 to a peak of five out of only six cases

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<sup>23</sup> This assertion is based on a detailed analysis of cases from file NGA 4/1/1.

heard in 1915. Of these 21 cases, 18 involved desertion by the wife, in which in only four cases was the husband an out-migrant. In the other cases, the woman simply left the marital home and her husband behind.

At the start of the period, husbands were still attempting to extract damages<sup>24</sup> from the adulterers. They did not get much joy from the court. Four (50%) of the adultery cases heard in 1913 were straightforward demands for damages and return of the wife. In only one of these cases was the ruling for full damages to be paid and the wife to return. In the other three, only partial damages were awarded, and in one case the woman was not even ordered to return to her husband, but was granted a divorce. Where the wives were ordered to return, one does not feel that they intended to obey such orders. Take the case of Muhlwa, whom NC HMG Jackson ordered to return to her husband, giving him custody of her child:

It is true that I am a whore. This child's father is unknown to me. I was pregnant before I went to live with the defendant. I am a Matabele woman and my husband and his people told me all Matabele women were whores, so I have shown them that it is true in my case.<sup>25</sup>

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<sup>24</sup> "damages" was a European interpretation, capturing the idea of personal injury to the husband. The African concept was closer to "compensation" and carried implications of reconciliation between the families and their ancestors.

<sup>25</sup> NGA 4/1/1 case no 22/13, 16th September 1913

No men applied for divorce in adultery cases in 1913. They wanted their wives and their compensation. It was not a very fruitful demand.

The situation the following year and thereafter is very different. Of the adultery cases heard in the period 1914-16, seven (78%) involve men petitioning for divorce, against only two cases for damages. Here the men had much more favourable response from the NC. In every case, divorce was granted and the men guaranteed custody of the children of the marriage<sup>26</sup>. By contrast, of the two damages cases (both involving deserting wives), one was granted full damages and the wife ordered to return, but in the other case only partial damages were granted and the man lost his wife, who was sent back to her family. The Native Commissioners, it seems, really did not like the practice of awarding damages; it smacked of condoning immorality.

Of course, such civil court records cannot tell us much about what was happening in the majority of cases, which did not involve an appeal to the NC. Divorce and damages cases could only be brought if the marriage was recognised under the NMO. Much more importantly, *registered* marriages could not be

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<sup>26</sup> This contrasts starkly with requests from adulterous wives for divorce: permission was usually refused.

officially dissolved without a divorce from the NC, whereas with compensation claims there was no need to involve him at all. Even so, the rise in divorce cases heard, coupled with the complaints about unaccountable men and deserting women, does indicate a definite trend. Divorce was replacing compensation, as husbands tried to cut their losses and hang onto their children.

This strategy for dealing with adultery was not very popular either with junior men or with family heads. The heart of male grievance was that women were not honouring their lineage and marital obligations. Divorce did nothing to improve this; on the contrary, it sanctioned their desertion. This is not to imply that divorced women had an easy time of it, but simply to note that men did not benefit from divorce, and did not like it.

Ironically, divorce and desertion were rising just at a time when they were most likely to bring a man down. Wives were needed more than ever in the rural hinterland, as men expanding their production had to extract more labour from the women in their households. Female absences, for whatever reason, were expensive. This must have increased marital tensions. In one case heard by the NC in 1913, a woman replied to her husband, from whom she wanted a divorce:

You hit me on the morning of the day I left...I was going to the garden lands when you hit me. You thought I was going home.<sup>27</sup>

Indeed, the increased work-load may well have been one of the main incentives for women to leave their husbands. Divorce usually ensured male custody of the children, but young children were of little use in the fields - extra mouths rather than extra hands.

Meanwhile, those men involved in out-migration, often in conjunction with peasant production, needed their wives at home to safeguard their land rights. As BSACo seizure of land progressed and acreages under African cultivation increased, land pressure became a problem. Land was allocated to those who used it. If a man's wife deserted his fields while he was away, and his children were too young to work, there were others ready and willing to take over his abandoned land. A cuckolded returning migrant, especially if childless, was back at square one, with no more status than an unmarried man.

Permanent in-migrants, on the other hand, in losing their local wives, lost any hope they might have had of getting a foot in the door for land rights in their new home. Their choices were then very bleak: returning home and starting again with a home-girl,

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<sup>27</sup> NGA 4/1/1 case no 12/13, 19th April 1913.

or total proletarianisation. So, while there were undoubtedly expanded opportunities for junior men at this time, they were predicated on the women doing as they were told: always a shaky basis for any young man's ambition, but especially in Southern Rhodesia in the 1910s.

Family heads - among whom were the 'chiefs and headmen' consulted by the NAD - were also none too pleased by the growing incidence of desertion and divorce. At least in an adultery case, the husband had a claim against the adulterer. In a divorce case, on the other hand, his claim was against his wife's family.

In urban centres such as Gwelo, where female desertion was rife, husbands were often in-migrants working for their wife's family rather than paying bridewealth. In the event of female desertion and/or divorce, the family head had no further claims on the man's labour<sup>28</sup>. Worse, when settlement was reached, the bridewealth he stood to gain, when the man secured rights over his children, would be reduced by virtue of the labour put in<sup>29</sup>. The family head, in

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<sup>28</sup> Indeed, the husband might even have claims on the father, for compensation for his unrewarded labour. SN, Gwelo to Law Department, 30th September 1919, N3/17/4.2.1, confirms that such compensation was due in cases where the woman refused to marry.

<sup>29</sup> See, eg, case no 1/15, 4th Feb 1915, where the family head claimed 4 head of cattle for 3 children, but was awarded only 2 head plus £5 maintenance.

consequence, could lose the woman, the cattle, the children and the son-in-law in one fell swoop. This was enough to drive any man to the NC in complaint.

In cases where a straightforward bridewealth payment had been agreed, the family head was not much better off. The NC civil court records in Gwelo include two adultery & desertion cases involving pre-1901 unregistered marriages, where the husband sued the family head for return of his bridewealth<sup>30</sup>. In both cases the judgement is for the Plaintiff<sup>31</sup>. These cases would not normally be brought before the NC, as unregistered marriages did not require an official divorce settlement. They are probably representative of all the other unregistered marriages where the wife deserted, which, being post-1901, were not recognised by the NC's office. The problem of returning bridewealth was a serious matter. The NC, Gutu claimed in 1914 that some fathers were even refusing to accept bridewealth in the first place, for fear of having to repay, '*as a protest against adultery not being a crime*'.<sup>32</sup>

It was clear to men in the African communities that women were out of hand and that something would have

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<sup>30</sup> NGA 4/1/1 case nos 16/12 and 17/13

<sup>31</sup> Although for considerably less than was claimed. The complications of the cases, which explain their reaching the NC's office at all, also explain the low compensation.

<sup>32</sup> NC, Gutu to SN, Victoria, 13th May 1914. N3/17/2

to be done. Gender struggle was an old story, but it had entered a new phase and was expressed via a new target and a new strategy. It was on the issue of adultery that all their interests converged, and so this formed the core of the pressure on the Administration. Junior men and senior men, in-migrants and out-migrants, urban dwellers and rural peasants, and all the mixtures of these, were, in general, not happy with the women, not happy with their lovers and above all not happy with the workings of the civil law. They did not want pass laws, they did not want beer banned, and they did not want divorces. They wanted adultery to be made a criminal offence and prosecuted by the Occupiers' state. It was in this context that the Native Affairs Dept found itself the target of a bombardment of demands for criminal sanctions.

The Native Affairs Department, which was on the receiving end of complaints from its African spokesmen, was ready to pass on the demand for criminalisation. The 1909 Superintendents of Natives Conference adopted a resolution that adultery should be penalized, noting that:

It was pointed out by all members of the Conference that this proposal emanates from the natives themselves, who, throughout the territory, are reluctant to avail themselves of the remedies which the Civil Law provides, and are unanimous and

constant in their demands that such legislation should be introduced.<sup>33</sup>

This was not, however, the first time that such a move had been advocated within the NAD. In 1903, the NC, Hartley recommended hard labour for the offence, commenting 'I am sure the respectable Native would welcome with joy such a means of protecting his home'.<sup>34</sup> The 1910 Native Affairs Commission took evidence from all districts and concluded that African men were extremely dissatisfied with the civil remedies available to them under BSACo rule<sup>35</sup>. A letter circulated to all NCs in 1914 brought back a unanimous response that criminalisation was the 'universal wish of the natives themselves'.<sup>36</sup> Clearly, the NAD was early made aware of pressure from African headmen, and passed on this pressure to the BSACo Administration.

Nonetheless, the Occupiers were not in the habit of doing things just because Africans asked them to. They had to be convinced of the judiciousness of the

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<sup>33</sup> Minutes, Superintendents of Natives Conference, Salisbury, 3rd February 1909. N6/1.1

<sup>34</sup> CNC Mashonaland Report, 1903

<sup>35</sup> NAC, §26

<sup>36</sup> CNC to Sec, Dept of Administrator, 9th December 1914, A3.21/50.2. However, as the ANC, Shabani wrote to the CNC on 9th May 1923, N3/17/2:

The SN, Gwelo gives figures to show that the [NAPO] was enacted at the unanimous request of the Natives of this country but he overlooks the fact that the women, who form, perhaps more than half of the population, were not directly consulted.

action. The BSACo had other strategies in mind for the development of the region, and preferred to press these. In particular, at first, it had hoped to encourage families to move *en bloc* to centres of employment as part of its proletarianisation strategy. This policy was of little interest to the African lobbyists. They wanted their wives to stay in the rural hinterlands, at least for most of the year, to grow the crops and protect their land-rights. It was precisely because women were not doing this that the men were making a fuss. Moreover, taking a wife to a mine compound did not seem a hugely effective way to prevent adultery:

It was suggested, some few years back, that Native Commissioners should try to persuade men to go with their families to the mines,...and I remember a remark by one native, who said, "Go there to be robbed of my wife?"<sup>37</sup>

The 'family policy' was doomed to failure. You could lead a man to civilisation, but you couldn't force him to bring his wife.

Nonetheless, there were other reasons for endorsing the legislation, and this setback in the "civilising" process did not mean that the Administration abandoned its claims to be improving the lot of the African. The Administration was supported in its

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<sup>37</sup> NC,Gutu to SN,Victoria, 13th May 1914. A3.21/50.2

decision to criminalise adultery by the servants of the British Crown<sup>38</sup>, who kept a watchful eye on the antics of Rhodes' men. In its review of the NAC Report, the Colonial Office endorsed the demand for criminal sanctions, on the grounds that '*Paternal government carries with it responsibilities in such a matter which the Committee fully recognise*'.<sup>39</sup> The Colonial Office may have had more than one sense of 'responsibility' in mind, for its endorsement of criminalisation was inspired by an awareness that African women could as well be deserting to white men as to black. Segregationist ideas were particularly at the forefront of Colonial Office thinking at this time, following a reassessment of eugenicist ideas in the light of papers laid before the Universal Races Congress, held in 1911. These papers had suggested that climatic influences primarily determined the prevalence of different races in different parts of the world. There was, in this view, a particular responsibility on white people living in hot parts of the world to preserve their 'civilised' blood from mixture with those more suited to thrive in such an environment:

When once the barrier has been broken down  
the local type must win. In former ages  
there was no such doctrine [of

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<sup>38</sup> High Commissioner, Cape Town, to Chaplin, 8th Feb 1916. A3.21/50.1

<sup>39</sup> Colonial Office Journal 5 (2), October 1911. Editorial notes

segregation]; fusion was common, and the imported variety disappeared.<sup>40</sup>

The Imperial watchdogs were ready to concede that it was the Occupation of the territory which created this danger of white extinction, against which adultery legislation was thought to offer protection. Moreover, even if the adulterer were African, that was still likely to be the responsibility of the 'paternal government'. 'We have', explained the Attorney-General, 'introduced a large number of batchelor [sic] natives (mine labourers) who are enticing their wives away'.<sup>41</sup> There was, it seemed, a duty to act.

The Administration was also worried about the high incidence of venereal disease. In 1914, the CNC reported to the Administrator's Office that:

A strong argument for criminalisation of adultery is that legislation in this direction would not only help to avert moral degradation, but would assist in fighting the spread of physical deterioration consequent on the dissemination of syphilis.<sup>42</sup>

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<sup>40</sup> Colonial Office Journal 5 (3), January 1912. Editorial notes

<sup>41</sup> Minute. 27th August 1913. A3.21/50.2

<sup>42</sup> CNC to Sec, Dept of Administrator, 9th December 1914. A3.21/50.2. However, the Attorney-General was not convinced that legislating against male immorality could help the situation: 'Disease is certainly spread by promiscuous intercourse, but the agent is the woman not the man.' Memo to Administrator's Office, 10th February 1915, A3.21/50.1

It was surely a part of paternal government to safeguard the health of those under protection - especially when ill-health undermined their productivity.

It was the threat to the rule of law, however, which perhaps struck most deeply at the roots of paternalism. The husband who began demolishing pots in order to get his compensation was relatively restrained. In 1912, the CNC Mashonaland noted an increase in hut burning, the huts in question being those of adulterers<sup>43</sup>. Men in the compounds appealed for huts with tin roofs, to protect themselves against pyromantically-enraged husbands<sup>44</sup>. Such summary justice undermined the principle of the rule of law. This could not be tolerated, for it was the claim to have established peace and security which was used to justify the imposition of Company rule. The judicial power of the state had to be reasserted.

It was not only personal vendettas which undermined the rule of law. So, too, did the blatant evasion of existing laws. Here, too, the NAD argued that criminalisation of adultery would help. The most widely evaded law was that requiring the registration of marriages. It was pointed out that eloping with a

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<sup>43</sup> CNC Mashonaland Report 1912

<sup>44</sup> van Onselen (1976), p174

woman whose marriage was not registered counted as abduction from the custody of her father, and was punishable under the NMO, but no criminal sanctions existed against those who ran off with wives whose marriages were registered. Adultery legislation would encourage registration. Not only did the NCs want action which would encourage registration<sup>45</sup>, they were also keen to see legislation which would lead to the '*lessening of the number of Civil Cases for damages for seduction*'<sup>46</sup>. It was not pure paternalism, but also a large dose of self-interest which led the NAD to support the African men's lobby.

However, there were greater forces at work than just the day-to-day headaches of administration. There were powerful political incentives in the mid-1910s to make some significant concessions to African "chiefs and headmen". The CNC warned the Administrator:

The native view that the Government is indifferent to their grievance should be combatted by providing legislation, otherwise discontent and disaffection are bound to follow.<sup>47</sup>

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<sup>45</sup> NC, Belingwe to SN, Gwelo. 4th May 1914. A3.21/50.2

<sup>46</sup> Acting NC, Selukwe to SN, Gwelo, 14th May 1914. A3.21/50.2

<sup>47</sup> CNC to Secretary, Dept of Administrator, 9th December 1914. A3.21/50.2

A proposal for criminalisation had already been defeated in 1912, and the CNC was anxious that a further bill should be put forward. Above all, the NAD wanted to avoid concerted African discontent developing into more serious opposition. Land seizures and the work of the Natives Reserve Commission, established in 1914, were already creating a tense environment for NCs<sup>48</sup> and the campaign over adultery was in many ways symbolic of a general anger among 'big men' in the African communities at the loss of their power and authority. With the Imperial Army occupied in war in Europe and East Africa, the prospects for the BSACo weathering a second Chimurenga war alone were poor.

There was more at stake than a damage-limitation exercise, however. Since the turn of the decade, the NAD had become increasingly concerned to bolster the power of chiefs and headmen. The "native policy" of the NAD shifted significantly about 1910, a shift reflected particularly in its recommendations regarding the status of chiefs<sup>49</sup>. The turnabout was forced by a fundamental contradiction within the BSACo's policy towards the African population. The initial instructions to the NAD to usurp chiefly authority for itself, and set up NCs alongside and in

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<sup>48</sup> Robin Palmer: *Land & Racial Domination in Rhodesia* (London, 1977) p80-120; Whitehead (1975) ch 4

<sup>49</sup> Duignan (1961) p157

lieu of chiefs, simply contributed to a collapse of all authority in the African areas:

young men are losing all sense of discipline, obedience and self-control, and all respect for their elders, and for authority generally.<sup>50</sup>

It was, paradoxically, the very attempt by the NAD to manipulate chiefly authority for its own ends which contributed largely to the collapse of that authority, and so to the weakening of the NCs' control. By 1910:

Although the Administration continued to view the breakdown of traditional authority with a degree of equanimity, they were forced to act in support of the chiefs, without whom their whole African policy would collapse.<sup>51</sup>

The NAD realised that it needed the chiefs and headmen as collaborators, for NC districts were too large to administer without local co-operation. "Traditional" authority had to be maintained. From 1910 onwards, pressure from 'chiefs and headmen' had a sympathetic hearing from the Department. Despite being so weakened economically and politically, the African authorities were able to exploit a weakness within the Administration's policy. The internal politics of "native policy" and the shifting

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<sup>50</sup> NAC, §48

<sup>51</sup> Taylor (1974) p373

relationship between chiefs and NCs during the 1910s meant that pressure for criminalisation carried a weight which was lacking both before and subsequently.

This helps to explain why the Administration tabled motions for the criminalisation of adultery, first in 1912 and again, successfully, in 1916. The demands of paternalist government coincided with the demands of political expediency, so that some concession to African pressure was seen to be urgently required. The African authorities, who provided the collaboration needed for peaceful government under the rule of law, were demanding criminal sanctions against adultery. And that, with some important qualifications, was what they got.

As might be expected, one of the strongest voices against criminalisation was raised by E Montague, the Secretary for Mines & Works. The mine-owners, after all, had been cast as the villains of the piece, as the mines were clearly hot-beds of adultery. Montague refused to acknowledge that legislation was required<sup>52</sup>. His fears that legislation against adultery would impact badly on mine business were well founded. Taking the example of Pondoland, Belinda Bozzoli has argued that it was by

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<sup>52</sup> Memo from Office of Secretary for Mines & Works, 18th Dec 1914. A3.21/50.1

subordinating women and restricting them to the rural areas that African men were able to resist full proletarianisation and retain their interests in rural production<sup>53</sup>. It was this capacity to subordinate women's labour which the African authorities were hoping to safeguard by demanding adultery legislation. Mining interests, on the other hand, wanted to encourage, not impede, a process of proletarianisation.

However, in Southern Rhodesia, the approved policy of encouraging families to settle at the mines could not be sustained, and full proletarianisation was just one of several strategies to stabilise the supply of labour. Although garden plots and family accommodation were strongly recommended by the Native Affairs Commission report of 1910, the mine managers were prepared to accommodate to a system of partial proletarianisation, just as long as a supply of labour was maintained. Many mines were in too precarious a position financially to consider the investment which the 'family policy' required.

Furthermore, the proposed legislation against adultery said nothing about prostitution. Compound managers were happy to see prostitutes working at the mines: unlike wives living with their husbands, they

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<sup>53</sup> Bozzoli (1983)

serviced many men and were less likely to be at the centre of hut-burning incidents. So when Montague resisted legislation which would adversely affect the recognised wives and "foreign" labourers at the mine compounds, his protestations carried little weight. Besides, it was becoming only too clear that the mines were not a great economic asset, and that the political influence of the mineowners was fading in the rising light of settler power.

By the mid-1910s, the voice of the big mineowners could be shouted down. Indeed, supporters of adultery legislation argued that Montague had it all wrong, and that criminalisation would help, rather than hinder, the supply of labour<sup>54</sup>. African men themselves pressed this case, aware that economic carrots were as useful as political stick. Certainly it is true that the flow of local labour to the mines had increased by the 1920s, a development which the CNC directly attributed to the Natives Adultery Punishment Ordinance<sup>55</sup>. However, it was perhaps the nature rather than the frequency of waged labour which this legislation affected. There were many factors forcing men into waged labour at this time, notably the slump of the early 1920s and the restrictions on African land-holding. What the NAPO

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<sup>54</sup> *Debates, Legislative Council, 3rd May 1916*

<sup>55</sup> CNC Report 1920

helped to shape was the migrant nature of that work, and the flow of wages back into the rural economy. The concession over adultery was part of a general strengthening of the position of family heads. This enabled them to exercise greater control over women. As long as women remained working in the rural areas, the rural economy could survive and men had to remit cash there to obtain and support their wives.

The migrant labour system was, from the Administration's viewpoint, the outcome of an apparent contradiction between its political and economic interests. The NAPO, which aided African men in tying women to their lineage obligations, enabled a degree of resistance to proletarianisation. It seems surprising, then, that it received the support of the Administration. The settlers were obliged to adapt to and exploit a system of partial proletarianisation, because the Administration needed to bolster chiefly power and make concessions to African demands. Those demands arose because the changing social environment had enabled women to evade the sanctions previously used to restrict their independence. Because women were using this new-found independence to desert their marital homes, in the company of other men, adultery became a sensitive political issue. The Natives Adultery Punishment Ordinance was the result.

THE POINTING FINGER: Ascriptions of blame in the  
debate over adultery 1912-1916

The NAPO represented the entry of the issue of adultery into the public domain. Like 'civilisation' or 'morality', 'adultery' was interpreted in a multiplicity of ways. Unlike the case of the first two concepts, however, the discussion of adultery was initiated from within the African communities. The victory of the African lobby campaign for the criminalisation of adultery seemed to provide evidence of an African voice, that of the 'chiefs and headmen', exerting a degree of power in the Occupiers' state. However, they did not necessarily get the 'adultery' they wanted. It has been argued that in conditions of colonisation, it is not possible for there to be an 'authentic' voice of the colonised, far less for that voice to be powerful<sup>1</sup>. The sudden appearance of adultery as a political hot potato in Southern Rhodesia raises questions of how far the colonised authorities of Southern Rhodesia could set the terms of moral and political debate when discussing their own people.

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<sup>1</sup> I am thinking here in particular of G C Spivak's concept of 'epistemic violence' and debates around colonial discourse theory. See Benita Parry: *Problems in Current Theories of Colonial Discourse* in *Oxford Literary Review* 9 1987 for a good summary of these debates.

The very way in which the 'big men' presented their case to the Native Affairs Department revealed the fundamentally conservative nature of their campaign. They looked backwards, not forwards, for the answer to their problems. The theme was constantly reiterated of a "traditional" severity towards adulterers, which had been undermined by the Occupiers' seizure of judicial control over the people. These claims were reflected in a BSACo finding that "*Under native law death or deprivation of a limb or of eyesight were common punishments for the offence*".<sup>2</sup> This is an interesting claim, given that a perfectly adequate civil remedy was available in adultery cases. It seems unlikely that common-or-garden adultery was treated as a criminal offence in the mid-nineteenth century. There are references to severe treatment of those who committed adultery with members of the Ndebele royal family, but these were cases of treason, not adultery. There are also references to enraged Shona husbands killing those found with their wives. There are not, however, references to the offence being subject to judicial punishment agreed by the village court. Even the case cited in the Legislative Council by the Attorney General as evidence of 'traditional severity', where a man was drowned in connection with an adultery case, involved punishment for non-payment of the

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<sup>2</sup> NAC, §26.

compensation, and had initially been treated as a civil matter.<sup>3</sup> Indeed, it was precisely because this civil remedy was no longer effective that the lobby for criminal sanctions had emerged. The past to which the family heads looked back seems suspiciously to reflect the concerns of their present.

Nonetheless, the claim that adultery had been regarded as a major offence was an integral part of the lobbyists' case. Regardless of the reality of the matter, the claim had a useful polemic value. On the one hand, the power to define what a thing has been is a vital weapon in influencing what it will become. In the discourse over adultery, the 'big men' had seized the high ground by laying claim to its history. On the other hand, appeals to the past invite unfavourable comparisons with the present. In referring to a mythologised past, the family heads were effectively demanding a return to a state of affairs before the Occupation, when their authority had not been usurped, and when women were less able to evade their control. In the 'good old days', it was alleged, adultery had not been a problem. In this bad new present, the lobbyists argued, criminal sanctions against adultery should be "restored". Aspirations in the present were merged with a nostalgia for the past to create a new "tradition"

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<sup>3</sup> C Bullock: *The Mashona* (Cape Town, 1927) p321; Bullock (1950) p262; *Debates*, 3rd May 1916.

about adultery. There was a fundamentally political thrust in this appeal to the past, which challenged the legitimacy of BSACo judicial control. It was not simply the rights granted to women by the NMO which were under attack, but the whole imposition of an alien legal system. Recognising this threat, top BSACo officials always gave prominence to the argument about 'traditional' powers, noting that:

Having destroyed a custom (which was practically a law) it appears to be a duty to provide some substitute.<sup>4</sup>

We have done away with their old methods of dealing with these matters and have provided no alternative.<sup>5</sup>

By juxtaposing an idealised past with the present, the lobbyists lent authority to their case. Their demand for legislation was founded on a fundamentally reactionary discourse, looking backwards in order to reinvent adultery in the present.

It was not hard for the Administration to accept claims that adultery had previously been punishable by maiming or death. This fitted with the ideology that Southern Rhodesia had been an area populated by barbaric savages who needed European civilisation. Moreover, strict sanctions had existed among the Ndebele, as they did among the Zulu, although not, it

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<sup>4</sup> *Debates*, 3rd May 1916

<sup>5</sup> Minute, Attorney-General of Southern Rhodesia, 27th August 1913, A3.21/50.2

seems, for common adultery. The Administration tended to give more weight to Ndebele testimony than to that of Shona leaders, seeing the latter as a 'subject' people, previously dominated by their southern neighbours. It became established Company ideology that there had been '*stringent native laws in connection with adultery, which were in operation before the European occupation of the country*'.<sup>6</sup>

However, although both lobbied and lobbyists spoke in terms of a past severity towards adultery, the meanings each assigned to that myth were very different. Most Africans in Southern Rhodesia lived under patrilineal kinship systems and shared a broad understanding of what adultery was. Male guilt lay at the heart of this conception. Adultery was an offence in which a man - whose own marital status was irrelevant - had sexual relations with another man's wife. He had to pay compensation to the husband. It was only if a wife was persistently unfaithful that a husband would divorce her<sup>7</sup>. Demands for sanctions against adultery from the African lineage heads emphasised male culpability, complaining that '*wives are seduced with impunity*'<sup>8</sup>; '*a man who commits*

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<sup>6</sup> BSACo Executive panel on Native Affairs Commission Report, London. A3/3.29

<sup>7</sup> Bullock (1927) p368. Although this volume was published in 1927, a decade after the NAPO, Bullock had been publishing on the subject since 1912, and refers here to the earlier period

<sup>8</sup> NAC, §26

adultery should be criminally punished, in addition to paying damages'<sup>9</sup>. The NC, Ndanga remarked that:

Punishment by Law for women for adultery would only be regarded by the Mashona with amazement and distaste.<sup>10</sup>

This is not to imply that women were not punished for adultery; they were. But the compensation negotiations - the 'legal' aspect - were a matter for men. One of the main reasons why adultery was no longer absorbable within the existing system of compensation negotiated between the affected parties was because this conception of the offence no longer fitted the circumstances. Women were increasingly absconding with their lovers to mine compounds and towns, beyond lineage jurisdiction, or co-habiting with white settlers who had no intention of paying compensation. Despite the fact that the concern over adultery grew directly from a struggle to reassert power over these women, the Africans lobbying for sanctions against adultery still conceptualised the legally responsible party as male, and demanded legislation against the men who absconded with their wives.

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<sup>9</sup> NC Goromonzi submission to CNC on Native Affairs Commission Report 1910. A3/3.18

<sup>10</sup> NC Ndanga submission to CNC on Native Affairs Commission Report 1910. A3/3.18

The European conception of adultery was rather different. For them, it was a private offence, in which a married person, of either sex, betrayed their marriage vows by becoming sexually involved with a third party. Both responsibility and injury were personal and individual. Women were held to be equally, if not more, culpable than men. Men, it was argued, were by their nature likely to seek multiple partners, but women should know better. It was their responsibility to safeguard family life. For Europeans, adultery was not something simply done to women, but something they did. Among his reasons for advocating criminalisation, an official in the Gwelo district pointed to:

The protection it will be giving to married women against themselves as well as seducers...  
the effect it will have to impressing on the women the sacred nature of a marriage.<sup>11</sup>

In the case of a married English woman committing adultery, blame was far more likely to fall on her than on her lover. Her action jeopardised the husband's rights over his offspring, as, in European traditions, biological descent took priority over lineage membership in defining a man's progeny and heirs. The wife had compromised her position as 'Mother' and fallen into the category of 'Whore'. Under the circumstances, her husband's response was

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<sup>11</sup> Actg NC Selukwe to SN Gweru, 14th May 1914. A3.21/50.2

to sue for divorce under the 1857 Matrimonial Causes Act. The State was brought into the matter in order to untie the union, which as a legal partnership required legal dissolution. In the English system, a man who did not sue for divorce at the first instance of his wife's adultery was then deemed to have approved the situation as an aspect of his private life, and would not be permitted a divorce<sup>12</sup>. This conception of adultery was rooted in the Victorian ideology which posited a distinction between the public and the private sphere. Adultery belonged to the 'private' sphere, where transgressions were immoral rather than criminal in nature. It had not been an offence under the Romano-Dutch law, which governed the legal system of Southern Rhodesia, since the nineteenth century, a position which had been confirmed by the Fitzgerald case of 1914.<sup>13</sup>

The African family heads, on the other hand, wanted adultery legislation not because of any concern over morality, but because they were faced with a threat to their power. The gap between European and African conceptions of adultery would have to be bridged if legislation was to be meaningful to lobbyists and legislators alike. Clearly, fundamental redefinitions

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<sup>12</sup> This point was also made in Salisbury High Court, and noted in passing in NAD circular C4363/5072/M dated 12th Oct 1931. S138.47.

<sup>13</sup> *Debates*, 3rd May 1916

of adultery were required on all sides before any effective moves in this direction could be taken. These redefinitions were not a matter of gentlemen settling down at indaba politely to thrash out a new meaning of adultery. The issue of adultery was being resolved in struggle throughout the region, and the power to define what it meant was intimately related to the overall power of various interest groups. Adultery legislation already existed in two other colonies in the region: Natal and Nyasaland. An examination of the definitions of adultery in these cases highlights the context in which it was introduced in Southern Rhodesia.

Struggling with the issue of how to respond to the headmen's lobby, BSACo officials looked to Natal, where adultery legislation was introduced in

a situation where the African community was strong enough to resist outright dispossession and the colonial state was not in a position to control large numbers of people suddenly proletarianised.<sup>14</sup>

As Jeff Guy has demonstrated, the Natal administration was relatively weak. It could not break up homestead production without risking acute social disruption. A policy of encouraging entire families to transfer to areas of employment, comparable to the Administration's proletarianisation

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<sup>14</sup> Guy (1982) p173

policy in Southern Rhodesia, was not possible. Instead, the strength of the family heads was acknowledged and buttressed in so far as it could serve the interests of the colonial state. Nonetheless:

The continuities with the past were superficial ones. It is true that homesteads still existed and production took place within them, that chiefs were still local administrators who applied the customary law...; but...the content of these forms changed rapidly.<sup>15</sup>

A system of migrant labour came in through the back door. By adopting and enforcing 'tradition' from outside and above, the Natal administration changed the meaning and the context of those practices, introducing elements which were alien to the 'tradition' they supposedly reflected and guaranteed.

The 'Shepstone system' utilised the bridewealth system to force young men onto the migrant labour market. This inevitably increased pressure on the women left to carry on homestead-based production. Hut tax was paid on these women and the administration undertook to ensure the perpetuation of the homesteads, even if they were dependent on cash inputs for their viability. Pass laws were introduced to control women's movements out of the territory, and women's claims for divorce were not

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<sup>15</sup> Ibid p189

heard in the courts. In addition, the strictest possible interpretation was placed on established laws regarding seduction, elopement and, of interest here, adultery.<sup>16</sup>

In Natal, definitions of adultery were supposed to reflect the African position. This was in keeping with the entire policy of maintaining 'traditional' systems of authority. The BSACo administration was interested in the efficacy of this strategy. "I have ascertained", wrote Chaplin, the Administrator, to Colonel Stanford:

that in Natal, under section 277 of law 19 of 1891, adultery among natives, whether by males or females, is made a criminal offence. The CNC, Natal points out that the provisions of this section are made use of to a very great extent...and he adds that all the sub-sections of this section 277 are very effective and are appreciated by the natives.<sup>17</sup>

Stanford, who had been consulted as an expert in such matters, was less enthusiastic:

I know the position in Natal. There, apart from adultery cases, the Native women...is a minor all the days of her life. She is to all intents and purposes a chattel - the Natal code completely ties her up. [my emphasis]<sup>18</sup>

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<sup>16</sup> Ibid p180

<sup>17</sup> 10th March 1915. A3.21/50.1

<sup>18</sup> 22nd March 1915. Ibid

This issue of the permanent minority of women was a real stumbling-block for those attempting to bridge the gap between European and African concepts of adultery. The European legal system was based on precedent and individual property rights. This did not map easily onto the lobola system in which families, rather than individuals, were the contracting parties in marriage arrangements and in which there was no immutable distinction between civil and criminal offences. In cases of rape, abduction or adultery, it was the family head or husband who brought a compensation claim against the male offender. Women did not seem to behave as 'legal subjects' as they would in a European court. The perception of women as inferior and excluded from the public realm was integral to Zulu ideology. The kinship system in Natal set out clear limits within which men and women could conceptualise their gendered social roles and their relationships towards each other. The framework within which they thought about themselves was one in which the public sphere was occupied only by men<sup>19</sup>. In institutionalising the Zulu system, the Natal administration interpreted this as evidence of the perpetual tutelage of African women, and enshrined this principle in the legal code.

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<sup>19</sup> Wright (1980) p88

From this principle, it followed that the bridewealth exchange was in some sense a 'sale' of the woman and that she passed from the 'ownership' of her father to that of her husband. This would explain why, to the European legal eye, she had no legal rights and was excluded from court cases. Thinking in terms of individual property rights, the colonisers simply did not have the conceptual space to acknowledge that the woman retained membership of her father's lineage, and that in marital disputes it was families, not individuals, who were parties to the case. Bridewealth exchange was not a sale in the classic sense understood by European contract law. Nonetheless, the Shepstone system encouraged the idea of bridewealth as an individual purchase payment, as this provided an incentive for junior men to go out and work to raise the money to 'buy' a wife.

Once it was established that Zulu women were the 'property' of their husbands, it became easier to justify treating adultery as a criminal offence. Clearly what was at issue was not a moral question at all, but a simple matter of theft. This argument was carried through to Southern Rhodesia, where NCs were also trying to absorb African systems into their judicial practice:

The analogy of English law does not apply. A Native has paid lobolo for his wife and she is his property. Adultery therefore with a Native woman is a serious breach of

the rights of property only comparable with the more serious kinds of theft...The Court should be authorised to assess damages at the same time as in Stock Theft.<sup>20</sup>

There was a catch. The stock theft analogy broke down as soon as women were held in any way responsible for incidents of adultery. European concepts of female culpability disappeared somewhere along the way. A cow cannot be blamed if someone steals it. In Natal, the situation was fundamentally incoherent. Women were excluded from damages negotiations, therefore women were not legal subjects. On the other hand, women could be prosecuted for adultery, therefore women were legal subjects.

The confusion arose from a misinterpretation of why women were not party to compensation claims. Women had no control over the family cattle. This did not mean they were not punished for their adultery; it simply meant that court proceedings had nothing to do with them. Prosecutions for adultery under the Shepstone system, however, were less to do with family cattle, and more to do with who had done what with whom and whether this counted as theft. The private justice of the beating was elided with the public justice of the compensation payment, and women lost out both ways. The attempt to interpret and absorb the African position within a European legal

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<sup>20</sup> NC Ndanga to SN Victoria, 18th May 1914. A3.21/50.2

framework failed to produce a coherent account of the 'crime' of adultery. It did, however, protect the interests of both African men and the Natal administration against insubordination by African women.

According to Guy's account, adultery legislation was part of an overall strategy to further the restricted power of the colonisers through a transformation of African social relationships. In Southern Rhodesia, the demand for criminalisation came not from the Administration, but from the African heads of families. Rather than looking to Natal, the BSACo officials could have examined the situation in Nyasaland, where legislation "was alleged to have been found necessary"<sup>21</sup> following demands from African men. Unlike Natal, where there was a powerful and clearly-defined set of social relationships operating in a fairly homogenous African community, Nyasaland was more like Southern Rhodesia, in that there were many African communities following different social rules. Adultery was not a fixed concept. The patrilineal Ngoni settlers emphasised male culpability and, as wage labour and urban centres became established, husbands claimed high damages from offenders in order to protect themselves against rising bridewealth payments and rising female

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<sup>21</sup> *Debates*, 3rd May 1916

desertion<sup>22</sup>. Matrilineal groups such as the Mang'anja, on the other hand, had a much stronger concept of female culpability, which was more easily adaptable to European attitudes towards adultery. The woman's father, not the adulterer, was responsible for paying compensation, and divorce was linked to female adultery<sup>23</sup>. A single 'law of the family' did not exist in the region.

In this situation, there was room for European reinterpretation and codification of existing laws regarding marriage and divorce. The early twentieth century saw a state of flux in which the African communities transformed their social systems to meet the new circumstances, matrilineal groups began to ask for bridewealth payments<sup>24</sup> and "*the boundaries of ethnicity were themselves vague and fluctuating*"<sup>25</sup>. It was in this situation, Martin Chanock argues, that a uniform 'customary' law was introduced. The colonial administration wanted to regulate 'African customary marriage' not only in order to administer tax law, but also because

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<sup>22</sup> Martin Chanock: *Law, Custom and Social Order* (1985)

<sup>23</sup> E Mandala: *Capitalism, Ecology and Society: The Lower TChiri Valley of Malawi 1860-1960*, PhD thesis, University of Minnesota (1983). See also AI Richards' doubts whether compensation had been awarded 'customarily' in Chanock, p190.

<sup>24</sup> Mandala (1983), esp sections on the influence of the Kokolo

<sup>25</sup> Chanock p174

it was consciously perceived that there was a connection between traditional social organisation and authority and the stability of the colonial regime.<sup>26</sup>

There was a strong alliance between the defeated African authorities and the colonial administration, as both attempted to reassert a degree of social stability. Initially, as in Southern Rhodesia, the administration protected women's rights, and granted women full status as legal subjects. As marital instability began to threaten the *pax Britannica*, and women's desertion of their husbands made a mockery of the formal marriages under the "traditional" law, the emphasis changed, to focus on the need to prevent women flouting their marriage arrangements. The colonial administration introduced an adultery law "*founded on the male alliance against female indiscipline*".<sup>27</sup>

Unlike in Natal, there was no contradiction involved in punishing women. They were recognised as having rights, and could therefore also be said to have responsibilities. There was even a tradition of female culpability which could be built upon. The colonialists were free to create adultery in a European image. Ideologies of marriage had already been disrupted by the upheavals in household

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<sup>26</sup> Ibid p172

<sup>27</sup> Ibid p197

structure and the introduction of colonial 'customary' law. African male interests in defending their social systems against the imposition of colonial value-systems were felt less keenly than their community of interest with white men in subordinating African women. Although Nyasaland societies seemed less immediately threatened by colonial occupation than the people in South Africa, African men in Nyasaland may in some ways be seen as less powerful than those in Natal. Their ability to assert their voice in the discourse of adultery was muted and their control over women limited. Their primary struggle to assert their power was against women, and consequently the adultery legislation, in both conception and practice, was entrusted to their allies, the Colonial administrators.

The legislation in practice emphasised women as transgressors and de-emphasised male culpability. This satisfied African demands for sanctions against women, but pulled a whole train of ideological baggage in its wake. This juggernaut was hard for the African men to resist. As it was husbands who brought the claims against adulterers, it was only cases of wives committing adultery which were heard in the courts. In these cases, as if in England, divorce was deemed to go with adultery as biscuits went with tea. The punitive sanctions against the male offender became rather secondary to the issue of dissolving

the union. Chanock argues that the colonialist understanding of adultery was essentially moral, and did not encompass the civil process of compensation. If a man wanted to prosecute his wife for adultery, she was clearly a Bad Lot, and if he wanted her back afterwards, then his moral standards were surely questionable too. This was not at all what African husbands had intended in demanding adultery legislation:

While African men were in support of an administration of law which would punish women, they were appalled by the way in which divorce became a consequence of bringing an action for damages for adultery.<sup>28</sup>

In the alliance against women, then, African men were very much the junior partners. Ironically, it seems clear that, in conceding to the colonialists the power to define adultery, the African men in Nyasaland conceded the power to assert their own systems of control over women.

In Southern Rhodesia, as in Natal and Nyasaland, the redefinition of adultery was fundamentally a matter of power. The power to ascribe blame - the pointing of the finger - was the power to define adultery. It mattered whether women or men, Africans or those of European descent were placed at the heart of the

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<sup>28</sup> Ibid p199

adultery issue. Metaphorically speaking, those who occupied the margins of the law's ambit were then in a position to chuck stones at those in the centre. The interests of the African lobbyists were clear: they wanted punishment to fall on men, regardless of race:

No discrimination had ever been made in the discussions between white and black on the part of the male when the natives had brought the matter up<sup>29</sup>.

The issue of punishing women was less immediate, for the reactionary nature of their lobby would not allow them to conceptualise women as part of adultery prosecutions. This was a weakness in their campaign which, as in Nyasaland, left considerable space for the Occupiers to imprint their own ideology onto the African community.

The members of the white community were divided in their interests. The struggle to define the form that an adultery law would take was fought out under the familiar standards of 'morality' and 'civilisation'. These words continued to carry strong ideological value, and those who could present the strongest claim to represent them thereby held the advantage in any debate. The issue of adultery necessarily raised the questioning of these sacred cows. There was no doubt in the Administration's view that the

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<sup>29</sup> *Debates*, 3rd May 1916

Occupation had brought civilisation to the Africans. What remained in dispute was what this meant. Certainly it meant mines and trade and capitalist markets. However, one of the side-effects of this was the creation of new opportunities for women to desert their homes. Consequently, civilisation also seemed to mean social disruption and a rise in immorality. There seemed something intuitively wrong about this. It was hard to justify civilising people if that did not make them better. On the other hand, one of the benefits of European civilisation was that the state did not meddle with a citizen's private affairs. As adultery was a private moral matter outside the ambit of the law, either 'morality' had to be redefined, or 'civilisation', or both, in order to allow the two terms to sit together again in the company of a law against adultery.

It was the integrationists within the white community who argued for more civilisation as the solution to this anomaly. They still envisaged a stable African labouring class, living in accordance with European social rules, even though the policy of the 1900s towards African marriage had apparently not encouraged the spread of proletarianisation or of 'civilised' marriages. Among their numbers were Newton, the Treasurer of the BSACo Administration, and Montague, the Secretary for Mines and Works, both men who were too secure to be threatened by African

'advancement' in the shape of economic competition. They protested strongly against criminalising adultery, advocating instead the outlawing of polygyny, which had not withered as expected:

It seems to me that as long as polygamy is allowed the wives of one man are likely to look around for lovers. More especially if the man is elderly but has been able to buy young women. Stop polygamy and no doubt the husband will be better able to look after one wife.<sup>30</sup>

In this advice, the rhetorical force of the image of the unwilling young wife and the ageing polygynist husband was again brought into play. However, this renewed attack on polygyny now came from those who had previously hoped that it would die out without legislation.

It is interesting that this position against criminalisation of adultery led the integrationists not only to continue the championing of African women (as one would expect of gentlemen) but also to acknowledge that the problem over adultery arose from female insubordination. Moreover, this led them to assume that women, as well as men, would be subject to criminal sanctions if legislation were approved. Rather than endorse this criminalisation, they continued to blame the men for 'buying' the women:

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<sup>30</sup> Memorandum from the Office of the Secretary for Mines & Works, 18th December 1914. A3.21/50.1

There is something to be said even for the women who desert their husbands in favour of "foreign natives"...A native woman is after all a British Subject and supposed to be "free"; and now, after being liable to be bought with cows, and coerced to accept the divided attentions of a husband perhaps unacceptable to herself, it is proposed to inflict imprisonment on her in her last effort to assert herself.<sup>31</sup>

There is no hint of 'stock theft' here, but the incoherence lingers. This is a reversal of the position in Natal, where the 'purchase' of a wife both justified and made nonsense of adultery legislation. Here the wife is posited as both a free British subject and as a victim of purchase. The only coherent position to hold under the circumstances would be to outlaw bridewealth as well as polygyny. Indeed, these 'civilisers' were now prepared to accept this proposal, which would enforce a more European system of marital relationships, as well as aiding those women seeking to evade lineage control. However, not only would this be in contravention of the BSACo Charter and of official policy as established in the 1901 NMO, it would also be seen as a direct challenge to the African husband's 'property' rights. The protection of individual property rights, too, was part of the British concept of civilisation. This argument was clearly fraught with contradictions, undermined by the flexibility of

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<sup>31</sup> Newton to Chaplin, 14th July 1915. A3.21/50.1

the concept of 'civilisation' in debates over 'native' policy.

Nonetheless, colonial administration has never been noted for its logical consistency. Conveniently for those in favour of criminalisation, there were additional, more pragmatically political, arguments against outlawing polygyny as a means of dealing with adultery. The issue had been raised in the first place as a result of a lobby campaign by African family heads, who could hardly be expected to support a move to outlaw polygyny. Indeed, it was precisely to reinforce their control over women that they had demanded action against adultery. It would be hard to come up with a worse case of mismanagement than meeting such a demand with a law against polygyny. The integrationists misjudged the political nature of the situation, and in their aspiration to see a 'civilised' Africa underestimated the importance of those who wielded power in the African communities.

Moreover, the integrationists overestimated their own importance among those who wielded power in the white community. The influence of the settlers in Southern Rhodesia was growing throughout the 1910s, leading up to the granting of Responsible Government in 1923. In 1911 they gained a majority in the Legislative Council. They were not integrationists. The prospect of Africans gaining skills and knowledge which would

enable them to compete with the white artisan class, and withdraw their labour from the farms and other poorly-paid work, worried the majority of settlers far more than it disturbed the administrators and other upper-class whites. The doctrine of integration offered very little to these people, who felt threatened by such competition. On the whole, the settlers were keen to see a policy which would more effectively keep Africans unskilled but in need of waged work. The call for segregation grew steadily throughout this period.

Segregation policy posited a fundamental difference between Africans and Europeans<sup>34</sup>. It advocated not only physical separation but also judicial separation. It was perfectly possible within such a policy to have 'class' legislation: different laws for black and white. Indeed, to have such differences aided segregation. The settlers were not opposed to adultery legislation per se, but insisted that it should apply only to Africans. They pointed the finger happily at both men and women, provided only that those of European descent did the pointing and Africans were the target. There was no problem for them about talking in terms of morality, as this supported the exclusion of white men from the legislation. One of their strongest lobbying points was the assertion that civilised men could not be expected to be subject to laws affecting their

private conduct. The same, sadly, was not true of Africans, precisely because they were not civilised:

We must remember that immorality is not counteracted by "public opinion" as in European communities. It may be true that we cannot make women virtuous by a legislative enactment, but it does not follow that the law should ignore the moral aspect of Native life in all its bearings.<sup>32</sup>

It was by raising this banner of 'morality' that the segregationists were able to argue that adultery legislation should be 'class' legislation.<sup>33</sup>

There was no unanimous position among the representatives of the Native Affairs Department. At one extreme there was Alfred Drew, NC Mazoe, who consistently argued the integrationist line. At the other extreme were men like A F Posselt, whose 'game warden' approach to Africans led him to support a broadly segregationist policy. Nonetheless, the CNC had to produce a departmental view to the Administration, and he was able to identify broad areas of agreement among his staff. The NAD saw its primary role as representing the views of the African lobbyists. Among the white interest groups, the NAD's definition of adultery was closest to the African

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<sup>32</sup> Actg NC, Wankie, 7th July 1911, submission to CNC on Native Affairs Commission Report 1910. A3/3.18

<sup>33</sup> There is, of course, also a fundamental contradiction in this position, since, as John McChlery realised, true segregation also requires the outlawing of sexual contact on both sides.

viewpoint. Whereas both the integrationists and the segregationists assumed that women would be included in the legislation, the NAD saw this as a separate issue. In general, most NCs took for granted that the proposal for legislation was based on an African model in which only the man would be prosecuted - a direct criminalisation of the civil process. They fairly represented the view of the African family heads that the finger should be pointed at men, regardless of their race.

Nonetheless, the NCs did not entirely forget the question of women, and when pressed, generally agreed that they *should* be included in the legislation, "*being often the principal culprit*"<sup>34</sup>. This was, of course, in keeping with a European concept of adultery. However, the NCs who put forward this argument did so largely because they were aware that female insubordination underlay the male pressure campaign. It was this awareness that distinguished the NAD position from that in Natal. The Natal model entailed defining adultery in an 'African' manner, and putting all the emphasis on male culpability.

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<sup>34</sup> NC Mtoko, 1911, submission to CNC on Native Affairs Commission Report 1910. A3/3.18. The other major argument for including women was as a disincentive to blackmail. It was reasoned that husbands could connive at, or positively encourage, their wives to commit adultery and then threaten their lovers with prosecution, as long as the wives would not themselves be threatened by this. CNC to Secretary, Dept of Administrator, 9th December 1914; NC Marandellas to SN Salisbury, 4th May 1914. A3.21/50.

Several members of the NAD did adopt the argument that bridewealth exchange involved a sale:

To the native mind there is no doubt that adultery is the theft of a valuable article for which he, in the great majority of cases, has paid a not inconsiderable amount.<sup>35</sup>

After all, the stock theft analogy was peculiarly suited to the conditions in Southern Rhodesia, in which the agitation for adultery legislation was fuelled by the fact that women were deserting their homes. If they were going, it followed that someone must have taken them. At the heart of the adultery debate was a struggle to stop women asserting control over their lives. The power of the stock theft argument was that the discourse itself refused to acknowledge women as independent social actors.

This exclusion of women from the scene was not as cosy as it seemed. In order to maintain this position, the NCs had to avert their gaze from the Nyasaland model, where women were written large right across the adultery legislation. Women, the CNC implied in a letter to the Administrator's department, had nothing to do with the issue:

The question of making adultery a criminal offence would never have arisen but for the immigration of large numbers of male native

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<sup>35</sup> Actg NC Sebungwe to SN Gwelo, 7th May 1914. A3.21/50.2

foreigners, one of the results of  
civilisation<sup>36</sup>

It seems odd, then, that the question also arose in Nyasaland, from where these 'male native foreigners' were *emigrating*<sup>37</sup>. In the absence of these primary suspects - who were away being adulterous with Southern Rhodesian women, according to the CNC - then the only group who could be held responsible for the problem of adultery in Nyasaland was the women. No-one was 'stealing' them; in fact they were sitting tight at home while their men went away. Martin Chanock tells us that:

Both African and British men were now emphasising not the offence against the husband but the need to punish the women.<sup>38</sup>

In Southern Rhodesia, too, it was women's actions which gave rise to the question of adultery. The 'stock theft' argument did not address this at all. Neither did the 'traditional severity' line being put forward by the African family heads. Both were based on a model of adultery as an offence by a man against a husband. However, once women were acknowledged as actors in the adultery scenario, then a European

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<sup>36</sup> CNC to Secretary, Dept of Administrator, 9th December 1914. A3.21/50.2

<sup>37</sup> In such significant numbers that *Nyasi* or *Malawian* is the generic term used by Zimbabwean peasants to describe migrant workers from outside the region.

<sup>38</sup> Chanock (1985) p197

conception of adultery slipped in from the wings. The issue changed from one of compensation and damages to one of adultery *per se* - the sin rather than the civil offence.

It was for this reason that the NAD, like the segregationists, rallied behind the flag of morality and over-rode the objection that a civilised society did not legislate for the private sphere. The blurred distinction between 'evolution' and 'civilisation' supported this policy. The distinction between the public and the private spheres was an eighteenth century development in Europe, before which both Church and State had claimed authority over a unitary subject who was not distinguished into public and private parts<sup>39</sup>. The CNC argued:

Under Roman Dutch Law [adultery] is a criminal offence but it is not now observed as such, the advance of civilisation having rendered it unnecessary. The natives may be regarded as in the same low moral status as obtained when Roman Dutch Law was observed in this respect, and should be assisted by law to rise to a loftier morality. When they have attained to a higher standard the law will automatically fall into disuse, as was the case with those living under the Roman Dutch code.<sup>40</sup>

This was a powerful argument, for it combined the 'civilisation' aspirations of the integrationists

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<sup>39</sup> The pun is deliberate: see chapter two

<sup>40</sup> CNC to Secretary, Dept of Administrator, 9th December 1914. A3.21/50.2

with the segregationist position that morality legislation was suited to 'primitive' societies. Nonetheless, the NAD could not forget that the debate was the outcome of African agitation, and maintained its position that white men as well as Africans should be subject to the law.

The first hint of irretrievable breakdown in the marriage of morality and civilisation arose over the issue of adultery in 1912<sup>41</sup>. The Native Marriages Bill of this year was designed to carry out the recommendations of the 1910 Native Affairs Commission Report. The adultery clause was contained in section 4, supported by the Administration following representations from the NAD. It was ambiguous about whether it referred to adultery committed by white men as well as black. The white women of the Rhodesian Women's League were determined that white men should not be exempt from laws about inter-racial sexual relationships. However, Sir Charles Coghlan, the future leader of a segregationist settler state under Responsible Government, objected to the whole idea of legislation on a question of morality, in the absence of any assurance that men of European descent would not be included. Grey, the 'farmers' representative', who was a signatory to the NAC Report, suggested an amendment intended to restrict

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<sup>41</sup> *Debates*, 9th, 14th & 22nd May 1912

the workings of the law to areas settled by Africans "in any reserve or location". This failed to resolve the dilemma, and was demolished by the Attorney-General, who pointed out that the largest locations were precisely in urban areas. Moreover, the amendment would not cover Africans living on private farms or unalienated land, whose chiefs had actually expressed a desire for such legislation, nor would it cover adultery at mines, which had been the major cause for concern in the evidence presented to the NAC.

There seemed little chance of finding a successful amendment, and the government had to recognise that the newly-instituted settler majority in the Council would prevent it forcing through the legislation. After discussion, the Administrator, Milton, suggested that the whole topic of Section 4 should be dropped. It was one of the first signs that the settlers were prepared to resist the combined pressure from Company and Crown in order to get their own way in the Legislative Council.

When the issue was reintroduced in 1916, the Attorney-General, Clarkson Tredgold, was anxious to deflect settler objections by denying that this was morality legislation<sup>42</sup>. He was aware that in the

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<sup>42</sup> *Debates*, 3rd May 1916

African community adultery was an issue of civil offence and compensation, and tried to put this argument forward. It is clear, however, that he shared with other members of the Legislative Council a real difficulty in conceptualising adultery as anything other than a moral issue. Having mentioned the economic importance of the bridewealth system, he rather vaguely concluded:

Of course, it had the aspect of morality, but that was not the basis of the law. The basis of the law was to preserve certain social and economic conditions. They were told that the whole of native life was being largely undermined by the conduct of the women at present. There they had the social element, and the economic element was a similar one. Those were really the two grounds on which the law was supported.

He tied himself in sophistic knots trying to separate female culpability from moral opprobrium, for the two were closely linked in European concepts of adultery. His argument is at least imaginative: women should be punished too as this was more likely to lead to observance. Adulterers were largely immigrant workers, but their partners were local women, and *"the indigenous natives were a peculiarly law-abiding people"*. The moral status of African women did not feature in this reasoning. It is perhaps unfortunate that when he grasped the nettle of whether white men would be subject to the legislation, he used the word 'evil' and so brought morality straight back into the debate:

the evil...did exist, and was growing, and there was a demand that that law should be put into force. They were constantly attending to a far smaller class of the community. They legislated for the mines, the farmers and the merchants, and...there was a very strong point that they should legislate for the natives. The present law affected the native almost entirely. As worded, its incidence might fall upon some Europeans, but the real effect of the law would be upon the natives and they had universally asked for it.

The settlers were hardly likely to leap at the idea that white gentlemen should be subject to adultery legislation simply because the Africans asked for it. Of the settler representatives, only the arch-segregationist John McChlery, who had a horror of inter-racial sexual contact, supported the law as it stood. A long wrangle ensued in which the members refused to accept such legislation while it applied to men of European descent. In vain Tredgold pointed out that the African lobbyists *"had insisted that the association of the white man and the native woman was wholly undesirable"*, and that the whole point of the legislation was to satisfy African demands. Coghlan even referred to the CNC's own comment that the situation would never have arisen but for immigrant labour, to undermine the NAD argument that all men should be punishable. On 8th May, the word "person" in Section 1 was amended to "native", thus excluding white men from criminal sanctions. The amendment was publicly regretted by the Attorney-General and by the

Administrator, F D P Chaplin and the Resident Commissioner, H J Stanley, but they were powerless to prevent the amended Natives Adultery Punishment Ordinance from being passed by the Council four days later. It was a clear sign of growing settler power, and marked the end of "civilisation". "Morality", triumphant, re-entered the public sphere to lord it over the African community.

The NAPO confirmed a new age of adultery in Southern Rhodesia. It was reborn in the European image. There is a rich irony in the CNC's caution:

I hesitate suggesting legislation being placed on the Statute Book which would tend to perpetuate native customs.<sup>43</sup>

The NAPO was not perpetuating native customs. It was creating a new criminal offence: the offence of adultery.

Any native who commits adultery with a native married woman, or who induces a native married woman to leave her husband for the purpose of illicit sexual intercourse, or harbours her for the like purpose, shall be guilty of an offence<sup>44</sup>

stated the legislation. Compensation could not undo the crime, because it was the act itself which

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<sup>43</sup> CNC to Stanford, 15th May 1915. A3.21/50.1

<sup>44</sup> Southern Rhodesia Ordinance no 3, 1916 [Natives Adultery Punishment Ordinance] section 1.

constituted the offence, and the offence had statutory punishments attached to it:

a fine not exceeding £100, or, in default of payment of any fine inflicted, ...imprisonment with hard labour for a period not exceeding one year.

This was hardly ancient tradition entrenching itself on the pages of the Statute Book. There was even a new culprit:

Any native woman who is a consenting party to any of the above acts shall be liable to the like penalties.

The criminalisation of adultery brought the criminal sanctions of the state to bear on women, punishing them for infidelity where their husbands had failed. Where before beatings had been administered informally, now fines or gaol were to be administered by the courts. This was a far cry from compensation arrangements; but both involved adultery and payment by the guilty party. Donning this thin disguise, the NAPO slipped into the Statute Book, mistaken for customary law.

The inclusion of women as full legal subjects in adultery court proceedings entailed a fundamental break with African systems of patriarchy<sup>45</sup>. The treatment of adultery as a 'moral crime' was to

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<sup>45</sup> Holleman (1952) p234.

change the status of women profoundly. No longer were they marginal to the legal processes of adultery. The State had, in the NAPO, taken on the task of policing women, previously the task of male relatives. Women had been thrust into the public space over which the State claimed rights of jurisdiction. This was hardly an emancipation, however, for the step into the public space was not one which women had chosen for themselves. It was not necessary that vast numbers of women should be carted kicking and screaming from that space into the gaols for this shift in their status to have significance. The point is simply that the Occupiers changed the way in which they conceptualised African women. No longer were they damsels in distress, to be protected from their brutal husbands and fathers. It was the husbands and fathers who were now to benefit from the State's protection, while women were the suspects.

It is important to note that the Occupiers agreed to the NAPO, not in order to protect themselves from female insubordination, but in order to support the African family heads. It was these men who were undermined by female insubordination, not the white administrators, and it was the politics of the bridewealth system which made adultery the focus of their attempts to reassert control. The marital infidelity of African women was not, in itself, a problem for the Administration. For them, the

politics of the issue lay not in gender struggle, but in the need to support the power of the African male elite. They were simply keeping the women in line on behalf of the African men. The State was taking over a role which really, to the European mind, belonged in the private sphere.

This was the first move which the Occupiers made against African women, and they did not themselves feel immediately threatened by female insubordination. The control over women was not, therefore, conceptualised primarily as a political issue, but as a local failure by the African community to enforce moral standards. This attitude was confirmed by the exclusion of white men from the legislation and the inclusion of women. To European eyes, the control of African women was entrenched as a moral issue which was only incidentally subject to the criminal sanctions of the State. Rather than use passes, vagrancy laws and so forth, the subordination of African women took place on the terrain of morality legislation, in co-ordination with African authorities. So when, in the 1920s, African women began to pose problems for white authority, it was as a moral issue that the government attempted to deal with the matter<sup>46</sup>. An ideology of the inherent immorality of African women was developing.<sup>47</sup>

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<sup>46</sup> It is possible that this approach diffused united opposition to the Occupation during those years. Elizabeth Schmidt suggested at a seminar at the University of Zimbabwe, July 1986,

Although the actual number of women prosecuted under the NAPO was small<sup>48</sup>, the legislation marked a turning-point in the expansion of opportunities for women and a closure of the social spaces opened in the 1900s and 1910s. The Administration had entered into alliance with the family heads, and was developing an ideology of control over African women. The era of paternalism towards women was over, and a new era of moralism had begun.

So the official definition of adultery was fixed by legislation in 1916. Morality was in but civilisation (except ultimately) was out. Women were in but white men were out. Most importantly, adultery itself was in, firmly fixed in the public sphere as a vibrant political issue. The political power of the settlers forced through the triumph of morality and the exclusion of white men. The political power of the African 'chiefs and headmen' led to the triumph of adultery itself as an issue and the exclusion of 'civilisation'. It was women's inability to exert power at all, except through insubordination, which

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that female resistance to white rule was stronger in South Africa than in Zimbabwe because the male alliance was weaker.

<sup>47</sup> see last chapter. J R Gray: *The Two Nations* (Oxford, 1960) p206, examines the power of this ideology in the 1940s.

<sup>48</sup> Ambuya Mangwenya, who worked as a gaoler at the women's prisoner in Gweru in the 1910s and might therefore be expected to have some knowledge of the crimes for which women were imprisoned, claimed that the law was only used against prostitutes.

raised the whole matter in the first instance and left them stranded at the centre of the legislation, with all fingers pointing at them. They did not stand alone, however. It takes two to commit adultery, and some male culprit had to be identified to stand alongside the women, in order to satisfy the African lobby.

Thus was created the bogey of the 'alien native'. The term itself is an absurdity, but even absurder was the notion that all adultery could be laid at the door of this non-indigenous indigene. It seems improbable that women were rampantly attracted to immigrant workers rather than to other suitors. Waged workers from outside the territory were attractive because they had cash to spend<sup>49</sup>, but so had proletarianised local men. And if it was their foreignness which attracted women, then white lovers were indubitably both richer and more foreign. Nonetheless, as I have shown, the threat of the 'alien native' became the dominant term in which adultery was conceptualised. The paramour was always assumed to be a migrant worker.

There were strong incentives to scapegoat the 'Nyasi'. Pointing the finger at them diverted attention from the two main interest groups in the

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<sup>49</sup> Interview conducted by Chenjerai Shire with village headman, Chiwundura Communal Area, Gweru District, July 1988.

adultery debate: white settlers and local African men. Both groups were potential adulterers, and both had grounds for blaming the immigrants. For the African family heads, these newcomers were indeed a large part of the problem, being virtually unaccountable. Adultery by local men was probably far more frequent, but was not a problem in the same way. For the Administration, blaming the 'alien native' was convenient. At this time (before the growth of organised trade unionism) workers from other territories, like local women, had no representative to defend their interests. Moreover, by presenting the adultery legislation as an attack on these workers, the Administration was able to deflect the accusation that "*the Government condones the evil in order to keep foreign labour in the field*"<sup>50</sup>. For the settlers, blaming the immigrant worker was a way of refusing to allow the legislation to apply to them.

This myth of the over-sexed 'alien native' demonstrates that it is not possible to conceptualise the situation in Southern Rhodesia in the 1910s as a simple coloniser/colonised dichotomy. Whites and Africans were not two monolithic blocks of homogenous interests; nor were all Africans simply 'victims'. Those raised in the European tradition regarded the African conception of adultery as strange and

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<sup>50</sup> CNC to Secretary, Dept of Administrator, 9th December 1914. A3.21/50.2

'Other', but in the course of the debate it seems that a collusion developed between local African leaders and the Occupiers. They shared a definition of the outsider. The 'alien native' was the 'Other' against whom both groups aligned themselves. This is particularly striking given how fluid ethnic identities were during this period<sup>51</sup>. Although for the Administration the idea of alienness was linked to political boundaries which did not occupy the same geographical or conceptual space as African political distinctions, their identification of the alien was broadly similar. This growing sense of national identity among the Southern Rhodesian African male elite was very different from the patchy Shona/Ndebele alliance against the Occupation in the first Chimurenga war, for this was an alliance with the Administration against Africans: local women and immigrant men. Colonial power relationships were taking shape.

Meanwhile, back in the African villages where all this had begun, NCs called meetings to explain that the law had been passed, and outlined its provisions. The CNC toured "almost all" the districts in 1916 and in his report for that year stated that "considerable satisfaction followed that promulgation, in August, of the Natives Adultery Punishment Ordinance". Only

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<sup>51</sup> TO Ranger: *The invention of tribalism in Zimbabwe* (Gweru, 1985)

two years later, however, he reported that "The native cannot appreciate the fine legal distinctions drawn by the European". It seems Africans were not alone in failing to appreciate fine legal distinctions. The legislation pointed a finger of moral condemnation at local women and, implicitly, at immigrant labour. This was a far cry from the demand that all male adulterers be severely punished as a means of reinforcing lineage control. 'Traditional severity' had dropped by the wayside somewhere in the debate between 'civilisation' and 'morality', and no-one in the Legislative Council had had an interest in picking it up again. The African lobbyists had indeed forced a law onto the statute book. But the crime of adultery as instituted in BSACo law was a reflection of the European notion of adultery. The victory, although real in a political sense, was nonetheless a Pyrrhic victory, imposing a European ideology of marital roles on the African community. The NAPO was a Trojan horse, welcomed into the judicial world of the African authorities as the creation of their own lobbying, but all the while containing the ideology of the settlers deep within it. It was a case of power, as well as meaning, being lost in the translation.

TOWNSHIP TROUBLES: Urban sexuality in Gwelo District  
1916-20

The invasion of European concepts of morality into struggles over control of African women was only one aspect of a more generalised challenge to African perceptions of themselves as 'men' and 'women', 'husbands' and 'wives'. These gender identities were building blocks of a social system which was changing to meet new economic and political realities. As part of these changes, the missions and the white authorities were introducing different ways of organising and understanding gender relationships. The towns, in particular, were developing under the influence of European ideas about how men and women should live and work together, and significant disruptions to African gender identities were therefore likely to surface there.

There were many more men in the town than women, both black and white. The small number of African women cannot be explained by a lack of work opportunities for them, nor because the Administration wanted them to stay away. Systematic efforts were made to encourage families to settle in towns as part of the BSACo's proletarianisation policy, on the grounds that:

There is very little semblance of home life in any location, and...this accounts for a

good deal of the disorder and immorality which is reported to be prevalent in them.<sup>1</sup>

Although most workers lived on their employers' premises, locations were widely established for African urban residence, and 'garden plots' were recommended for the women to work on, as:

This would give the wives of men who are away at work all day some legitimate means of occupying their spare time, instead of spending it in a less wholesome manner.<sup>2</sup>

It was felt that an increased number of African women resident in the town would stabilise the men in the locations and encourage settled urban marriages.

It was not, however, simply the desire for a stable workforce which lay behind the policy of encouraging women to settle in the towns. Domestic labour was not considered a suitable job for African men. In 1916, the Legislative Council member for Eastern District appealed very strongly for the Municipalities to:

make their locations so attractive as to induce the married native to settle there, [so that] the citizens would soon be able to employ black women in their houses instead of black men. At present it was impossible for black women to work in the houses of people living in town.<sup>3</sup>

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<sup>1</sup> NAC §77

<sup>2</sup> NAC §79 (4); see also Duignan (1961) p280

<sup>3</sup> *Debates*, 5th May 1916

In part, this feeling that women rather than men should be taking up domestic work arose from European views about the gender division of labour, particularly propagated by missionaries trying to encourage the spread of 'Christian' households, who saw the domestic sphere as peculiarly female. Increasingly, however, as more white women came into the territory and took charge of domestic matters, concern grew over the close working relationships between these women and their African 'house-boys'. This matter was raised by the 1910 Native Affairs Committee report, with the result that the following year Herbert Taylor suggested that:

As very large number of native boys are now performing household duties, if these could be relieved and their places taken by girls, it would be a boon to the community in more ways than one.<sup>4</sup>

The first steps to encourage women to take up domestic labour options largely involved an accentuation of the existing policy of encouraging urban families by providing better accommodation for married couples. In 1915, the Gwelo Municipality was alerted by an outbreak of 'kaffir pox' to the appalling state of location accommodation, and

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<sup>4</sup> Herbert Taylor: *Proposals for Carrying into Effect the Suggestions of the Native Affairs Committee of Enquiry as regards Medical Supervision and Industrial Education in Native Areas* 19th July 1911. A3/3.29

approved the erection of ten kaytor huts at its own expense:

for letting to the boys, especially the married ones, at a rental of 10/- per month. It was further thought that the erection of good weatherproof huts would entice more boys to live there and so reduce the number sleeping in the town itself.<sup>5</sup>

The following year, the Government paid for land about four miles from Bulawayo, to be used for housing and agricultural plots, with some commonage for grazing. This was intended:

To meet the wishes of the better class natives employed in Bulawayo, who desired to remove their women and children from the contaminating influences inseparable from town native locations <sup>6</sup>

Despite these efforts, poverty and overall under-investment meant that urban conditions remained squalid and overcrowded. As at the mines, the benefits of proletarianisation were often not considered sufficient to merit the expenses incurred by the municipal bodies.

With the failure of the 'garden plots' strategy, more direct attempts were made to bring women to the towns. The emphasis began to shift away from

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<sup>5</sup> *Minutes, Gwelo. S/GW 244, 1915*

<sup>6</sup> *CNC Report 1916*

encouraging ready-made families and towards the encouragement of single women, as white disquiet grew about living alongside African families who had made few concessions to 'Christian' lifestyles. The lack of suitable accommodation for single African women was identified as one of the main barriers to their taking up waged work. In 1917, the NC Gwelo (Stuart, back at his old post) noted that:

The number of native girls in domestic service is still small, but it could be much increased if the demand were keener. The supply does not, so to speak, offer, but needs to be unearthed, and suitable arrangements for care and housing are imperative.

The following year, he reported that the number of girls seeking domestic employment remained very small, and suggested that:

this might possibly be remedied in the town if there was a well conducted hostel for girl-servants.<sup>7</sup>

It was also in 1918 that John White, the Methodist missionary, launched an appeal for the building of a women's hostel in Bulawayo. He wrote to his London sponsors:

Bulawayo, where we live, is a European town of about 5000 people and 6 or 7 thousand Natives. The natives that live here are chiefly men, there are, in proportion, very few families. Lately an increasing number

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<sup>7</sup> AR, Gwelo, 1917, 1918. N9/1/20, 21

of Native girls have been coming to town in search of work: a very considerable number too come here on business or to visit friends. In the whole town there is no place apart from private houses to which any woman may go and get lodgings for the night.<sup>8</sup>

The proposed hostel was built, as were several others, although none was erected in Gwelo. However, these hostels clearly failed to answer the need for which they were intended. Those women who did arrive in towns were not, on the whole, attracted to domestic labour or keen to live in hostels. Five years later, at the close of Company rule, Herbert Taylor noted that "*The number of native women and girls employed as domestic servants shows but little increase.*"<sup>9</sup> The towns retained their male-dominated character. It seems, then, that the relative absence of women from urban areas could not be wholly attributed to lack of investment by the municipalities. The whites had to search elsewhere for an explanation of why they could not find women to work in their kitchens or nurse their babies.

One explanation, put forward by the Gwelo Times among others, was that:

the native women of Rhodesia are not as yet educated up to the standards of domesticity

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<sup>8</sup> John White to Miss H M Bradford, 30th April 1918. Methodist Missionary Society Archive, SOAS, London. Box 1052.

<sup>9</sup> CNC Report 1923

necessary for the performance of such duties.<sup>10</sup>

This view was ill-informed. Many African women were aware of white traditions of food preparation and presentation, and some were familiar with additional crafts, such as ironing and European needlework styles. On farms with labour-tenancy agreements it was not unusual for women and girls to do such work. Moreover, missionaries had been teaching these things for years, in the hope of encouraging Christian couples to follow Europeanised lifestyles. In fact, this training was of little use for women whose main domestic tasks involved cultivation of food crops and their preparation. However, it did mean that there were women with the skills required to take up domestic labour in white households.

The shortage of female domestic labourers in towns was explained another way by the Native Affairs Department, which pointed to the resistance of rural patriarchs as the root of the problem. This coincided with the NAD's view that the emancipation of women from patriarchal controls was essential to the process of proletarianisation. In 1913 the CNC's report stated:

A few native girls in Matabeleland find employment as domestic servants with farmers in the country, but parents

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<sup>10</sup> *GT*, 13th January 1911. Editorial

discourage their daughters from seeking work in towns, as they fear the evils of town life and the temptations incidental hitherto.

It is interesting that issues of 'morality' were immediately given prominence in these accounts. There is a notable consistency in the NAD's insistence on parental fear of 'moral corruption' as the main deterrent to women going to towns. The phrase "*the evils of town life and the temptations incidental hitherto*" occurs in a variety of reports throughout the mid-1910s, usually linked with references to parental opposition to female urbanisation, and coinciding with the debate over adultery. In Gwelo district, it appears that NAD officials maintained this analysis right through until the early 1920s. In 1919 the SN reported that:

There has been some increase in the number of native girls working in the Gwelo and Insiza districts. The indigenous natives however strongly object to their girls working at our industrial centres as the morals of these girls become corrupted. They also point out that the girls are not provided with proper accommodation and are not kept under proper supervision by their employers.<sup>11</sup>

These objections were no doubt justified. Not only parents, but their daughters too, must have harboured genuine concerns about the attitudes of men towards urban women. However, it seems clear that this

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<sup>11</sup> Covering Review of the SN Gwelo Division Annual Reports, 1919. N9/1/22

concern over 'morality' was not a matter of 'sin', but of lineage interest. The rural patriarchs did not distinguish between these two concepts in the same way as the NAD, which came only gradually to understand the full import of their concerns. In 1918, the CNC reported:

no appreciable number of native girls engage in domestic service. There is a deep-rooted objection on the part of the parents to such a course; not only do they fear the risks of moral contamination, but they are also, possibly to a greater degree, influenced by the dread of the possible loss of lobolo.

The CNC did not recognise that this fear of the loss of bridewealth was not so much an addition to, but in many ways constituted, what might be translated as a concern over the 'immorality' of the towns. Non-payment by urban men of compensation or bridewealth payments indicated a disregard for those codes of practice which covered the spectrum of 'good behaviour' and upon which the power of the patriarchs depended. Refusing to allow women to go to work in town was a pragmatic and effective defence against this challenge to their power.

There were, however, other reasons why men would want women to stay in the rural areas. Wives or daughters in town could mean a loss of land, labourers or harvests back home. Even men who were not affected by such concerns, and welcomed female company in town,

might have been hostile to the idea of women taking up domestic labour opportunities. In Gwelo, in particular, domestic workers were comparatively well paid, and were regarded as occupying the 'soft' end of the labour market<sup>12</sup>. They were provided with better rations and accommodation than those on offer in the compounds, as well as old clothing and food scraps. Women taking on such jobs were sure to be regarded with hostility by unemployed 'houseboys'. The NAD reported only part of the story.

Despite this, there was a small but steady inflow of women into Gwelo, as into other urban areas. There were many reasons why they came. Some came to join their husbands for short periods; others came to live permanently with proletarianised husbands, and became respected members of the community. In the words of one old man, "*these women were always treated with respect, and were never attracted by other people's husbands.*"<sup>13</sup> Ambuya Mtsitsi, for example, whose husband eventually set up his own business in one of the townships, told me:

My husband came here first, then I followed him. When I first came here there were only a few houses...the rest of the town was forest...When I came here I was not working, but my husband was a storekeeper...Once I came, I stayed for

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<sup>12</sup> cf *GT*, 28th March 1902, Editorial; Gray (1960) p230

<sup>13</sup> Interview with "Sekuru", 3rd February 1987, Old Brickyards, Ridgemont Stores, Gweru.

good, but I used to visit my parents in the rural area three times a year.<sup>14</sup>

Some women came to Gwelo not to join husbands or relatives, but for the trading opportunities, the missions and the medical facilities<sup>15</sup>. Trading, in particular, consistently drew women into the urban areas. The towns and compounds offered huge markets for beer and produce, and although beer-brewing was forbidden, it was too good a source of income to forgo. Women also took advantage of the Company's 'garden plots' strategy to invest in urban property, and although no figures exist for Gwelo, in Bulawayo in 1916, 106 of the 115 stands rented out by absentee landlords were owned by women<sup>16</sup>. For many women, however, the main attraction of the town lay in its cosmopolitan social life and the easy access to consumer goods:

When these women realised that their men in town were feeding themselves sweets and cakes, they came and stayed here as well. Also women would come to stay in town to look for a rich husband.<sup>17</sup>

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<sup>14</sup> Interview with Ambuya Mtsitsi, 3rd February 1987, Mambo Township, Gweru.

<sup>15</sup> Case no 5/16, 5th October 1916, NGA 4/1/1; "Ambuya" interview both refer to women coming into town for medical treatment.

<sup>16</sup> Kirsten England: *A Political Economy of Black Female Labour in Zimbabwe 1900-1980* (BA thesis, University of Manchester, 1982) p45

<sup>17</sup> "Sekuru" interview

The rural areas, even those near to town, could not provide these attractions.

Alongside these 'pull' factors, however, there were factors which were beginning to push women out of the rural areas. The 1914-18 war precipitated a rise in the price of manufactured goods alongside a fall in agricultural wages. The prices which rural producers could command for their produce also fell in relative terms. The work-load on women must have increased to overcome the drop in available cash, while their standards of living in the rural hinterlands fell. It is probable that in Gwelo District, as elsewhere, forced marriages continued to take place, and possible that some household heads were forcing women into relationships with the new 'big men', the white settlers, who could offer patronage to families suffering under the shortages<sup>18</sup>. The stresses created by part-time marriage arrangements of waged workers also pushed women into the towns. One of my informants told me:

I think most women who came to live with their husbands in town did so because they did not get on with their husband's relatives.<sup>19</sup>

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<sup>18</sup> CNC to Sec, Dept of Administrator, 18th January 1917, N3/17/4.2.2; *Debates*, 3rd May 1916, member for Salisbury town.

<sup>19</sup> Interview with Ambuya Dzinduwa, 4th February 1987, Matapa Township, Gweru.

Women of earlier generations had not had this choice; either they endured their husband's relatives or they returned to their own lineage. The town allowed women to live with their husbands away from his relatives. It provided a third option for which there was no precedent.

This third option was also available to women who had deserted their husbands or refused to marry at all. It was this that made the towns threatening for rural patriarchs. Although the NCs interpreted their opposition to female urbanisation as a concern over 'moral corruption', it was certainly not the case that all single women or girls in Gwelo were 'immoral' in a European sense. Nonetheless, for a woman to live independently of husband or lineage was a strange idea, and it is significant that such women were routinely accused of promiscuity. Even married women fell under suspicion if they lived in the town when their husbands were elsewhere. As one man put it in a court case in 1916:

I did ask my wife why she stayed in the Gwelo Location and I said that if she persisted in this she must be a prostitute.<sup>20</sup>

Rural women did not seem to fall under suspicion in the same way, even though prostitutes could operate

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<sup>20</sup> case no 5/16, 5th October 1916, NGA 4/1/1

from villages as easily as from the town. It seems likely that urban women were stigmatised as promiscuous in a way that rural women were not because the difficulties in claiming bridewealth or compensation from men who had sexual relations with urban women were so much greater. Their sexual behaviour was therefore much more of a problem for rural patriarchs. Unless there were relatives in town to negotiate between the parties, there was no appeal except to the NC. It seems that real hardship was suffered by some family heads over lost bridewealth:

The parents were not at all happy about the behaviour of their daughters, so they would come here and report them. But they just lost their roora, and there was nothing they could do.<sup>21</sup>

The law against pledging exacerbated the situation, making it impossible for the family head to bring a civil case if by so doing he himself risked prosecution:

The whites used to think that women were badly treated, but really it was the fathers who were badly treated, because they had to pay compensation, and often girls got pregnant and ran away, and their fathers got no roora.<sup>22</sup>

It was of minor significance whether or not women committed specific acts which might, in European

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<sup>21</sup> Mangwenya interview

<sup>22</sup> Badza interview

terms, be categorised as 'immoral'. The family heads lost the bridewealth and had to pay compensation regardless.

However, anger over female insubordination may in some cases have led family heads to exaggerate the material losses they were suffering. Urban women, like migrant men, could remit some of their wages back to rural families, "and in 1922 there were many...prostitutes in town sending money home".<sup>23</sup> However, unlike the young men who needed to maintain their rights to wives, children and land, women had few material incentives to keep up such remittances. Those who lived at the towns and compounds often left their children with the maternal grandparents. The money helped to cover this extra burden on the rural household, but gave the woman no rights over the children if her family preferred to accept full bridewealth from the father. Women who remained at home may have raised less cash, but they offered a security for family heads which was not found in the voluntary remittances from absconding women who knew that their donations could offer them no long-term benefits.

It seems that urban women were more likely to remain single if they did not have lineage interests

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<sup>23</sup> Interview conducted by Ken Wilson with Mr Mabombo Zivengwa, 5th September 1986, Zvishavane District

pressing them to marry so that their families could 'eat' the bridewealth. Ambuya Mangwenya, for example, grew up in Gwelo in the 1900s, but was sent to school in Bulawayo, where her chances of marriage were abruptly terminated:

My parents wanted me to have an education so that I would be civilised...At the school was a boarding master. This boarding master was a European. One day he took me into his office and raped me. I did not tell my parents, but I became pregnant, and so I had to tell them...No-one else would marry me, and I did not want to get married anyway. I had my baby boy to look after. The man never paid my parents damages, but he paid maintenance for the boy...I had to support myself and my child, so I worked at the women's prison as a gaol master.

With her wages from this work, she was able to invest in property, which she let out, gradually building up a considerable property business in both Gwelo and Bulawayo. Another woman who bought property for letting in Gwelo in the 1920s earned the initial capital by working as a maid in Mashava. She, too, was under no pressure to find a husband:

My sister was also working in Mashava as a maid. We had no-one to look after us, because our parents had died, and we wanted to make our own money...As soon as I got here, I bought a house...I never wanted to get married. Men beat their wives and are generally a problem.<sup>24</sup>

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<sup>24</sup> Mangwenya interview; "Ambuya" interview

These women were able to think of themselves as isolated individuals, without obligation to their lineages. It was this, rather than their wealth, which made them different from their grandmothers. There had been wealthy women and powerful women before the Occupation, but only destitute, outcast women had not also been daughters and wives.

Nonetheless, most urban women were involved in relationships with men. Many of these were what came to be known as mapoto marriages ('marriages of the cooking pot'). Such relationships were often, inaccurately, described as prostitution, but court testimonies suggest that women in mapoto relationships did not consider their marriages inferior to those of other women<sup>25</sup>. There were precedents for these marriages in the elopements which instigated many rural marriages, and even closer parallels in the marriages where no bridewealth was paid and the first daughter of the union was pledged to her mother's lineage instead. What particularly distinguished these relationships was that the woman conducted negotiations on her own behalf and could decide to terminate the relationship without reference to any third party.

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<sup>25</sup> The term mapoto seems to have come into general use rather later than the period under discussion, but is used here for convenience.

It was the scarcity of women in town, combined with the fact that other lineage members were not usually present to intervene, which created the conditions for these marriages. Mapoto marriages did not involve any payment of bridewealth; nor did they require go-betweens to negotiate between lineages who could be hundreds of miles distant. They seem to have been monogynous relationships, as there were so few urban women, but it seems likely that for many men the mapoto marriage existed in conjunction with other marriages, properly negotiated, which had been contracted with women still working in the rural areas. This would help to account for the growing complaints from rural wives in the 1920s that their urbanised husbands no longer visited or supported them<sup>26</sup>.

There were many reasons why a woman might want to enter into a mapoto marriage. It allowed her to retain her independence, while gaining male protection. For some women, the arrangement also provided them with accommodation, which was hard to find for those not in regular employment. Maria Jenkins, for example, was originally from the Cape. In Gwelo, she moved in with a middle-aged wagon driver who worked for Mr Antoniades, a Greek store keeper. Unfortunately for her, her lover paid no rent

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<sup>26</sup> NC Mtoko to CN Salisbury, 6th August 1923; SN Victoria to Ag CNC, 22nd September 1926. S138.47

on his room, which was provided with the job, so he had no right to allow her to stay with him. Antoniades successfully evicted her, and advised the wagon driver to find rooms in the location if he wanted to keep a woman<sup>27</sup>. Other material benefits were less dependent on the co-operation of employers. As one old man put it:

What happened was that women who were suffering from their hard lives in the rural areas came here looking for work. When they were working, they noticed that if they had a man to go out with, he would pay for a lot of things. So most of them ended up doing what got them the best lifestyle and the most money, and that's why women took lovers.<sup>28</sup>

As the depression of the First World War began to bite, it made sense for women to take up such opportunities to improve their standards of living.

The distinction between a prostitute and a mapoto wife could be blurred. Prostitutes might stay with the same man for some time before moving on to another location or compound. Unlike with the reciprocal agreements of a mapoto marriage, however, prostitutes demanded payment for their services. Prostitution, in the sense of women selling sex, was alien to the lineage-based system of household production in which sexual identity was an

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<sup>27</sup> Criminal cases nos 638 and 682/1917. D3/20/2

<sup>28</sup> "Sekuru" interview. This point was made by most interviewees.

inseparable aspect of lineage identity and not a detachable 'part' to be sold on its own. Women who accepted gifts from lovers were indulging in illicit sex, not making a living. By contrast, for the white men entering the Territory, far from home and living in a predominantly male pioneer community, the idea of buying sex was commonplace. As African men were crammed into compounds and townships, massively outnumbering the women around them and with cash incomes to spend, they too adopted this means of satisfying sexual needs. A new word, mahure, a direct adoption of the English word 'whore', entered the chiShona language. In a profound social upheaval, sex was divorced from other social relationships and transformed into a gender-specific commodity to be purchased by men of all races.

It seems that African prostitution was a lucrative business, in which women were usually their own bosses. Unlike the white vice rings which were being harried all over the sub-continent by legislative attacks, most of the African women working the mines and towns of Gwelo District did not operate out of brothels or under the direction of pimps. They visited mines and compounds, picking up clients when they wished. In an arson case in 1917, a local woman described herself as a prostitute, resident at a village near Que Que. She had gone to the Connemara mine primarily to visit her mother, who lived with a

'houseboy' there. According to cross-examination by a witness, she took advantage of the visit to ply her trade:

...did you not tell me Moses had given you #1 for sleeping with him and also 10/= to buy food and that he wanted you to stay with him permanently or for a time and that you did not want to do so because that would interfere with your profession as a prostitute?<sup>29</sup>

It seems from this exchange that the rates of pay for prostitution were high enough to offer women independence from permanent commitments.

Nonetheless, even where women were also involved in mapoto marriages, it seems the men did not act as pimps. In 1918, a charge was brought against a man for living on immoral earnings. He lived with his mapoto wife, her Matabele mother and her mother's mapoto husband. Despite police testimony that the mother was a known prostitute who had been working the railway compound at Gwelo and the Falcon Mine for years, the prosecution failed to demonstrate that the man lived on her income. He had only recently lost his own job at the Horseshoe Inn, while the evidence suggested that the woman had been working throughout the time that he was in employment. The mother herself, while admitting to relationships at the Mine, denied that she made a living as a prostitute,

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<sup>29</sup> Case no 444/1917. D3/20/2

claiming that her wealth came from beer brewing. In her testimony, she appears as a strong and independent woman, providing a home for herself and her daughter. If she shared her home with a man, it seems this was because she chose to, not because she needed him to support her. Such independence from male patronage seems to have been a distinctive feature of African prostitution.<sup>30</sup>

Prostitution was not necessarily a full-time profession. The disproportion of men to women made the exchange of sex for material goods an ever-present temptation for urban women, even when they had other sources of income or support. The woman who had worked as a maid in Mashava told me:

Women without husbands could earn their own money, even if it was by prostitution. Some women worked as maids as well as working as prostitutes, and they made a lot of money that way, having two jobs.<sup>31</sup>

Such double incomes would have been particularly welcome for women remitting wages back to their rural families. Other women, although not working as prostitutes, took opportunistic advantage of offers made to them. In 1917, a Malawian woman testified that on three occasions she had gone out into the bush beyond the location in order to have sexual

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<sup>30</sup> Case no 461/1918. D3/20/3

<sup>31</sup> "Ambuya" interview

intercourse with a waiter from the Horseshoe Inn. The man had access to the whisky store at the hotel. Africans were prohibited by the liquor laws from drinking such spirits, and the woman agreed to exchange sex for five shillings and a bottle of whisky. She was already involved in a mapoto marriage with a man named Pangolin, who, unfortunately for her, was a member of the Native Detective force. On the third occasion, he waylaid her on her way back, and the waiter found himself in court charged with contravention of the liquor laws. Meanwhile, "No-one had a drink from the small bottle of whisky exhibited [in court]. The contents were mostly spilt" as Pangolin beat his mapoto wife to extract a confession of infidelity from her.<sup>32</sup>

Men beating unfaithful wives was hardly an innovation inspired by the new urban environment. Such gender-based violence was, however, given an added importance in the town because few other sanctions were available to men wanting to control women's behaviour:

There was no-one to control them, they just did what they wanted. They stayed with relatives or with their employers. Some lived with their boyfriends. The missionaries tried to control those who went to church. Most found it difficult to follow church manners so they left the church.<sup>33</sup>

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<sup>32</sup> Case no 327/1917. D3/20/2

<sup>33</sup> Mangwenya interview

It was this freedom from lineage control which created the conditions for mapoto marriages and also for prostitution.

However, it cannot have been easy for local women who had grown up in the rural areas to adapt to this new independence. The ways in which they thought about themselves had been formed by the lineage and patronage systems of the villages. Lineage membership mediated all social relationships, defining who owed respect to whom, and those with whom one could be intimate. Many urban women were orphans, a condition that only began to have meaning as lineage links weakened in the African communities. Others, by depriving their families of bridewealth or compensation, lost the well-defined social identity which their place in the lineage entailed. Commenting on the similar position of women married by Christian rites without payment of bridewealth, Charles Bullock noted that:

in many such cases where the woman cannot carry out her customary visits, etc. to her parents, the love or lust she has for her lover sooner or later dies. The husband also feels that he has married an outsider and disaster results.<sup>34</sup>

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<sup>34</sup> Ag NC Mrewa to CNC, 8th December 1914, N3/17/4.1. See also NC Mtoko to CNC, 29th November 1929, S138.47

While some single urban women forged new social identities in the town, others must have found it difficult to live without close links with their lineage. It is not surprising that the numbers of urbanised women remained low.

The independence which many urban women enjoyed, then, was balanced by their loss of lineage position and status. They were liable to be accused of promiscuity, and while men could exert few sanctions against them, it was also true that women had little to protect themselves from men who saw them as sexually available. The acute gender imbalance in the town, which tempted many women into prostitution, also made African men rethink their attitudes towards women, and indeed, towards other men.

The number of recorded sexual assaults in Gwelo seems very low by European standards of the same period, demonstrating that gender balance alone cannot account for such attacks. The specific manifestations of sexual aggression by African men which did take place in Gwelo must be seen in the context of the manifold changes that had overtaken the African communities in the course of a single generation. New circumstances had arisen for which there were few established rules or sanctions and in which an occupying force was attempting to impose its own rules, based on alien concepts of 'morality' and

'perversity' which were hard to reconcile with existing rules regarding sexual propriety.

The established prohibitions on sexual offences within the African communities did not distinguish clearly between rape and other sexual disruptions to lineage relationships, such as those caused by seduction. The offence named in English as 'rape' revolved around the concept of consent, and it was the absence of such consent, in itself, that constituted the offence. Both English and African communities in the nineteenth century agreed that a man did not require consent from women over whom he had control, and limited the definition of sexual offences to situations in which no such control existed. However, the African tradition was less concerned with the issue of consent than with the offence to the lineage which unsanctioned sexual contact entailed. The issue of consent was of secondary importance, because sexual contact was not conceptualised as a private matter.

This lack of emphasis on personal consent makes the significance of sexual attacks before the Occupation difficult to assess. Kuruvhurera, which involved intercourse with a sleeping woman, continued to take place after the Occupation, and may have been exacerbated by gender imbalances. Although such offences were, by their very nature, unlikely to come

to the white court, several cases were brought in the late-1910s in Gwelo District, involving women in town and at farm locations<sup>35</sup>. This offence was distinguished in chiShona from others involving unsanctioned heterosexual intercourse in that the consent of the woman was clearly absent, and in this sense it came closest to the English concept of rape. Nonetheless, even in this case, the construction of predatory sexuality in the African communities differed from that in European societies, where the victim was usually aware that an offence was being committed from the outset. In kuruvhurera cases, the attack tended to cease once the woman woke up and realised that the man was not her husband. Perhaps this crime arose because, unlike in Europe, a defence claim that the woman had consented would not exonerate the man. In a small community, he could not hope to escape identification if the woman was fully awake, and so sexual attacks required the victim to be asleep.

These types of sexual attack had developed within the lineage-based communities, where kinship links established which women were available to which men, and where violations of the rules were generally recognised by all the members of the community. In the white towns, kinship links were weakened and men,

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<sup>35</sup> Case nos 190/1916; 507/1917; 621/1919. D3/20/1, 2, 4

like women, had to establish an urban identity for themselves. The situation was confused by the absence of wives or female kin, the presence of prostitutes and the imposition by the alien Administration of 'moral' legislation regarding bridewealth arrangements. Lineage membership had defined possible degrees of intimacy between people, but in such a fluctuating and cosmopolitan environment it was not always clear how to operate such rules. Moreover, men whose sense of self had been linked to a clientage relationship with a 'big man' now found themselves in similar, yet different, relationships with white employers who did not necessarily recognise a duty to provide their men with wives. Indeed, most employers refused even to acknowledge their manhood, calling them 'boy'.

These challenges to the ways in which urban African men thought about themselves were greatly compounded by white paranoias about them. The tendency among the Occupiers of the 1890s to assume that African male sexuality was 'perverse' led them to expect African men to behave as rapists. They saw support for this interpretation in the incidence of forced marriages and denial of individual sexual rights. However, these practices, interpreted by the early settlers as 'perverse', do not seem to have involved any of the prurient and fetishistic feelings about sexual contact which the notion of 'perversion' usually

conveys. It is one of the terrible ironies of Southern Rhodesian history that the settlers justified their occupation of the area on the grounds that they were eradicating 'perversion', but their presence actually created the conditions for new types of crime, described in chiShona by the neologism kurapi, which better fitted the European concept of the 'unnatural' or 'perverse'.

Legislation in the early 1900s had established in the Southern Rhodesian statute book the idea of the 'Black Peril'. The legislation was part of the attempt to consolidate a white community in the region, at a time when few white women had settled there, and when those that had tended to be poor whites working as prostitutes, who had moved north from the Cape and the Transvaal. The number of offences committed under the legislation was negligible, yet at the end of the decade the issue became the centre of a white discourse which had serious repercussions for African men.

The 1903 legislation had been wide open to abuse from the time of its promulgation, but it was not until 1908 that the 'Black Peril' issue became the focus of growing political tensions, as the lives of African men were used as pawns in a power struggle between settlers, BSACo and Crown. In 1908 and then again in 1910, the Resident Commissioner refused to ratify

death-sentences passed by properly-constituted Southern Rhodesian courts. In the first case, heard in Umtali, there were two major doubts: firstly, that the man arrested was the man actually encountered by the woman who brought the case, and secondly, that rape had really been attempted. It appeared that the encounter amounted to little more than a scuffle involving a dog and a pet baboon, which had left the woman badly frightened. The man was subsequently freed. In the second case, again heard in Umtali, a man was convicted of actual rape on the grounds that he had broken into his former employer's bedroom, while raiding her house for food. In this case, the Commissioner's intervention led to the sentence being commuted to penal servitude for life<sup>36</sup>. In both these cases, the interference of the British Crown's Commissioner was greeted by a storm of protest, public meetings, petitions and newspaper editorials, such as the one in the Gwelo Times which protested that the law reflected the unanimous wishes of the people.<sup>37</sup>

The 1910 reprieve gave tremendous impetus to the call for Responsible Government<sup>38</sup>. The following year, a man named Sam Lewis by-passed the court system when

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<sup>36</sup> Mason (1958) p252

<sup>37</sup> *GT*, 28th June 1912

<sup>38</sup> L H Gann: *A History of Southern Rhodesia* (London, 1965) p216; Dane Kennedy: *Islands of White: settler society and culture in Kenya and Southern Rhodesia, 1890-1939* (Duke, 1987) p145

he sought out and shot an African who had been making indecent suggestions to his daughter. Lewis' acquittal on a retrial for this premeditated murder provoked another heated debate over the fairness of the jury system. Despite the settlers' assertions that they were fit to administer justice within the Colony, the Special Juries Ordinance of 1912 took away the right of settler juries to decide cases where Africans and whites were involved, and replaced them by five jurors, specially selected by the Administration. The measure was deeply resented by the settlers.<sup>39</sup>

Over the following few years, 'Peril' stories continued to surface. At the start of 1913, the settler-oriented Gwelo Times carried three such stories in as many months<sup>40</sup>. In one of these stories, a Miss Liddle of Avondale was surprised by a man entering her bedroom. She ran to her brother and thrust a revolver into his hands. The intruder, who fled before his motives could be established, subsequently died of his wounds. This account demonstrates how publicity about 'Black Peril' during the early 1910s seemed to be more concerned with the murder of African men than with any genuine increase in attacks on white women. While matters never

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<sup>39</sup> Mason (1958) p300; Duignan (1961) p 189; Gann (1965)

<sup>40</sup> *GT*, 30th January, 27th February, 13th March 1913

reached the pitch of lynchings seen in the Southern States of the USA, similar motives were at work.

The idea of 'Black Peril' had gained new life at a time when segregationist ideology was gaining ground in Southern Rhodesia. In the 1890s and 1900s, 'Black Peril' agitation had been used to support *integration* policy, on the grounds that more African families settled in the urban areas would reduce such risks. It was only when settler demands for Responsible Government gained political momentum that the threat began to serve segregationist ends. The number of white women had risen suddenly; in 1911 men still outnumbered them by two to one, but the improved conditions for white workers, brought about by labour shortages during the 1914-18 war, led to a stabilisation of the white working class. According to Ian Phimister:

Many white workers who had found it impossible to support families before 1914, now began to bring out their wives and children. By 1920, mail trains entering Bulawayo from the south carried 'almost more women than men'<sup>41</sup>

According to the 1921 census, almost half of the white population was female. In Gwelo, the four hotels which had dominated the tiny town in 1896 were reduced to two, and the census reported that the

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<sup>41</sup> Phimister (1988) p100

white population of the town consisted largely of families rather than single men<sup>42</sup>. This change in the social structure broadened the settler base of popular support for Responsible Government. The propagation by newspapers such as the Gwelo Times of 'Black Peril' as a major threat facing white society helped the settlers to consolidate their challenge to the Company's integrationist ideology. Indeed, when Philip Mason claimed that settler interests were influenced "*by an assortment of lusts and fears that were normally kept out of sight*", he missed the point of the 'Peril' agitation<sup>43</sup>. Rather than being kept out of sight, the image of a white woman being sexually abused by a black man was continually being brought to the public's attention. As a result, any sexual encounter, indeed, any social encounter, between a black man and a white woman became 'perverted'. The prospect of such inter-racial sex was kept at the forefront of everyone's mind, male and female, black and white alike. The simmering 'moral panic' never reached epidemic proportions, but it provided a background environment in which black men were constantly represented as 'perverse' and thereby 'uncivilisable'.

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<sup>42</sup> *Minutes, Gwelo, 1921. S/GW 244*

<sup>43</sup> *Mason (1958) p254*

While settler interests in the 1910s emphasised the 'perverse' nature of the African male, integrationist interests countered this, not by denying that a 'Black Peril' problem existed, but by placing the blame on white women and renewing the call for female black domestic workers. The integrationist analogy of race and class supported this analysis:

the Native "house-boy" who works in constant and close physical contact with his European mistress and her daughters is exposed to sexual excitation which very few European youths are called upon to withstand. But crimes of this kind are indeed common enough among the lower orders in Europe and America, and are particularly frequent among men who have to live for a long time in unnatural abstinence from natural intercourse with the opposite sex...The seaports of Europe and America, and the Great War furnish too many sad examples of sexual ferocity by white men to allow us to think that they are in this respect inherently superior to the men of other races.<sup>44</sup>

Although the Gwelo Times reported with apparent approval the murder of an intruder in Avondale, magistrates in Gwelo were dismissing cases brought under 'Peril' legislation. A young man who peeped through the keyhole to watch a white woman bathing was found not guilty in the Gwelo criminal courts in 1918, while the following year the magistrate dismissed a similar case on the grounds that "*I have no sympathy in these cases with women who take their*

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<sup>44</sup> Peter Neilsen: *The Black Man's Place in South Africa* (Cape Town, 1922) p50

baths in rooms with uncurtained windows."<sup>45</sup> Even the Gwelo Times observed that "in some instances rather too much laxity is shown in neglecting to observe a due amount of privacy"<sup>46</sup>. This may have been true, but if so, serves only to demonstrate how difficult it was for relationships between white women and black men to find a balance between the ideology which emasculated African men and called them 'boys', and that which posited the same men as sexual beasts. Magistrates clearly found it difficult to distinguish the genuine sexual offender, in a situation in which all contact between white women and black men was overshadowed by thoughts of 'perversion'. For several months in 1916, a six year old white girl in Gwelo was consistently sexually abused by a neighbour's domestic worker. Her detailed testimony in court makes harrowing reading. The man had boasted of having a relationship with a white girl to another worker, yet when the other man suggested this might be risky, he scoffed at the idea, revealing that "In Salisbury I had a white girl. They did not put me in gaol. They beat me." Even in this case, the death penalty was not invoked, and the man was sentenced to twenty cuts with a cane and three years imprisonment with hard labour.<sup>47</sup>

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<sup>45</sup> Cases no 229/1918; 333/1919. D3/20/3, 4

<sup>46</sup> *GT*, 13th January 1911

<sup>47</sup> Case no 334/1919

Incidents like these, however, did not amount to a general threat to white women from African men. While segregationists and integrationists disputed who was to blame for the phenomenon, it is significant that the fear of such attacks was not high on the agenda of the Rhodesia Women's League, a lobby group representing white women. From the early 1910s, they remained much more concerned by the exclusion of white men from the provisions of the NAPO and the one-sidedness of legislation prohibiting inter-racial sex. By 1921, over half of the white women in the country were ready to sign a petition on the issue. In most cases, these women were not interested in protecting African women from the very real threat of sexual assault by white men. Instead, in the same way that they found themselves blamed for 'Peril' attacks, they held African women to be in some way responsible for the behaviour of white men<sup>48</sup>. Whatever their motives, white women were not a sufficiently powerful lobby for the Administration or Legislative Council to take their demands seriously. Their major representative in the Council, John McChlery, accurately caricatured the hypocrisy and complacency of his colleagues when he tried to introduce legislation in 1916:

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<sup>48</sup> *Debates*, 10th May 1916; 26th May 1921; Nielsen (1922) p116; Mason (1958) p254

The Attorney General had said that the white women of this country were a bad lot...the native women are a particularly poor lot, and the alien natives who come to this country are a particularly bad lot, and the indigenous natives are a sorry lot. The only people who do not come under this category are the white men.<sup>49</sup>

While the real grievances of white women were not addressed, such prejudices meant that the 'Black Peril' threat continued to receive attention.

This propaganda had an impact on white society, but it also had its effect on African men. As the legislation multiplied, so did the detailed discourse of prohibitions on their sexual activity. It introduced ideas about sexual stimulation which had not previously been present in the African communities. It defined, and in defining created, a range of 'perversions'. As early as 1904, the SANAC had been warned of the implications of 'Peril' legislation by a missionary from the USA:

If you put up a prohibition, those affected will want to get over it; if there is no prohibition, they will not think about it.<sup>50</sup>

In 1916, under pressures similar to those which won white men's exclusion from the NAPO, the Immorality and Indecent Behaviour Suppression Ordinance was passed, adding to the legislation on the 'Black

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<sup>49</sup> *Debates*, 10th May 1916

<sup>50</sup> SANAC §35,656

Peril'. Renewing the attack on white prostitution across the colour bar, the Ordinance made it an offence for a white woman to make 'indecent suggestions' to an African man or for an African man to make such suggestions to a white woman. This seemed to have little impact on the prostitutes, for in 1920 some "rather low class Dutch girls" were prosecuted for the offence<sup>51</sup>. 'Indecent suggestions' were not, however, confined to women plying their trade. In late 1919, a vicar's wife in Gwelo reported that her domestic worker was taking advantage of her husband's visits to congregations in other towns to make explicitly lewd gestures to her and, on several occasions, to leave semen on her bed and in her bedroom. On the final occasion, her husband was present in the house, and it was clear that the semen, deposited on clean sheets, was not the result of illicit sexual intercourse. This act seems clearly to belong in the realm of the 'perverse'.<sup>52</sup>

Another section of the Ordinance imposed severe penalties on African men caught lifting the flaps of privies while they were being used by white women. That this rather sordid crime should require legislation appears to be another example of segregationist paranoia. Yet, within months of its

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<sup>51</sup> AR, Gwelo, 1920. N9/1/23

<sup>52</sup> Case 4/1920. D3/20/5

promulgation, a case was heard in Gwelo criminal court. During a dance at the Empire Hall, Matilda Plint:

had occasion to go to the lavatory...Whilst I was inside I...heard the flaps of the lavatory being raised...After that I saw a black face looking up and I also saw a hand holding a lighted match thro[ugh] the flaps. From the relative positions of the hand and face I sh[oul]d say they belonged to two persons. The hand also was black...I had actually sat on the seat.<sup>53</sup>

For young men to spy on women bathing was not a sexual offence in the rural African communities. Although it was shameful to be caught, such expeditions were an accepted part of a boy's process through puberty. To lie in wait in order to watch a woman urinating was a different matter, and this incident is indicative of the atmosphere which was transforming sexual attitudes in the urban areas. The young men charged in this case were of an age when they might have been watching village women bathing. However, they were living in the town, where almost the only women with whom they came into regular contact were white employers. They were all far from their kinsmen, having come from Nyasaland, Manicaland and Matabeleland. Moreover, all three of them had grown up under conditions of Occupation which systematically denied Africans access to power. As they reached puberty, the 'Black Peril' publicity had

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<sup>53</sup> Case no 487/1919. D3/20/4

revived, implying that sexual prowess was the major threat which African men posed to the Occupiers. The settlers had not only introduced the idea of sex as a commodity which women sold to men; they also laid so much emphasis on white women as sexual beings, in the course of denying African men access to them, that it was perhaps inevitable that some men should come to perceive white women primarily as sexual fetish objects.

Such cases were rare, but indicated how the urban environment could affect the ways in which men thought about women. The 'Black Peril' reinforced a process already set in motion by the spread of prostitution, presenting women as targets of sexual violence. In the lineage-based communities, women were honoured as child-bearers and valued as labourers. In the towns, African women were few and most were not protected by a network of lineage relationships. Lineage categories did not adequately describe them or their relationships with men. Moreover, men in the rural communities had been able to understand themselves as 'men' and measure their virility by their wealth and fertility, their number of wives and the extent of their clientage network. In the towns, other standards were constantly reinforced. The 'Peril' publicity emphasised the virility of men who attacked women; the Churches attacked the notion of polygyny; the Administration

questioned a man's right to his bridewealth and the validity of his marriages; the NAPO changed the meaning of adultery. There was considerable confusion about the implications of these moves, particularly as the grounds for intervention were obscure, being based on the European notion of 'morality'. Many people were unsure of the extent to which white authorities could interfere in sexual matters. However, they recognised that it was no longer only the logic of lineage identity which defined permissible degrees of intimacy and whether a woman was available to man. The white State could also define such things.

The 'moral' legislation of the Administration opened opportunities for 'perverse' behaviour that could never have existed before. Men could take advantage of the confusions about the extent of State authority in order to assault women, even in the presence of their husbands. In 1916, for example, two married couples slept overnight in the Gwelo railway shed on their way from Umtali to Victoria, where they were hoping to find work. One of the women later testified:

Accused told us he was the head policeman at Gwelo. He then told me and another woman in the shed, Melia, to take off our clothes and sit down on the ground. We did as he told us believing he was a Police[man]. As we were sitting down with our legs open as he had told us to do he put his right hand on to my private parts also on to Melia's.

When he put his hand on to my private parts be said to me, "I want to see if you have had children. I am the big Policeman here and look after all the women".<sup>54</sup>

The man was allowed to leave, and it was only once the husbands had checked with the white night foreman at the station that there was no white authority behind the man's actions that they caught him and called the police. This attack, like the semen on the bed, seems clearly to belong in the realm of the 'perverse'. The man was not in search of a sexual partner, but of a sexual thrill. It was confusion about the extent of white control over women which made this attack possible.

In early 1919, another case occurred of sexual assault by a man claiming to be a policeman. This was little more than a year after the promulgation of the new Natives Marriages Ordinance, and the man took advantage of uncertainty about the new law's provisions to rape two young women, one a virgin who had barely reached puberty. She testified:

[He] was wearing Khaki breaches...He told me he was a Policeman. When he came to the Kraal he had a bicycle and the handcuffs...[He] said "Haven't you heard the law now is that girls also should be married". When we came outside the Kraal gate accused put handcuffs on me saying he had been sent by his superiors to catch all girls who should be married but were not.

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<sup>54</sup> Case 172/1916. D3/20/1

The girl's mother added:

I heard him say to Lomalanga "I arrest you because your marriage is not registered"...what could I think when [the accused], a man of the law, said he had come to collect the unmarried women.<sup>55</sup>

It transpired that the man was a Native Messenger and veteran of the 1914-18 war. His position had enabled him to obtain the bicycle and handcuffs<sup>56</sup>. Again, the victims were genuinely unsure about whether the Administration had powers to do such things.

Another form of sexual offence, which repeatedly came before the courts following accusation from prisoners in Gwelo gaol, was a homosexual version of kuruvhurera<sup>57</sup>. It seems that male sexuality had been transformed by the conditions in the compounds. Charles van Onselen records incidents of bestiality and rape of young girls, growing in prevalence as wages, and so access to wives and prostitutes, began to decline<sup>58</sup>. Men in the compounds also turned to other men for sexual pleasure. Homosexual relationships were common, often akin to mapoto marriages<sup>59</sup>.

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<sup>55</sup> Case 84/1919. D3/20/4

<sup>56</sup> AR, Gwelo, 1919. N9/1/22

<sup>57</sup> see, among others, cases 140/1916; 280/1917; 441/1917. D3/20/1,2

<sup>58</sup> Onselen (1976) p175-6

<sup>59</sup> T Dunbar Moodie: *Migrancy and Male Sexuality on the South African Gold Mines* in JSAS 14 (2) 1988

Moreover, some young men may have worked as prostitutes in the town, taking advantage of the low numbers of women, as one man accused of indecent assault on a 'houseboy' claimed<sup>60</sup>. The rape of other men was a different matter from these voluntary liaisons. Admittedly, unlike the sexual offences involving white women or the exploitation of white power structures, the conditions for this kind of attack had existed before the Occupation. Given the strong heterosexual orientation of the African communities, however, it is unlikely that their incidence ever approached the level reflected in the Gwelo gaol.

We cannot know the extent to which men raped and sexually abused women or other men in the Gwelo District before its Occupation by the BSACo settlers. It would be absurd to suggest that such behaviour was solely the result of colonisation. However, it does seem that while the urban environment provided unprecedented opportunities for female independence, at the same time it encouraged their sexual exploitation, without the protection of those negotiating structures found in the villages to mediate between men and women. The absence of lineage control in the towns left few sanctions against

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<sup>60</sup> Case 449/1916, D3/20/1. However, as this man was subsequently found guilty of indecently assaulting a sleeping man in the prison, while serving a sentence for the first assault, it is difficult to assess his evidence.

sexual violence other than those imposed by the Occupying State. While the majority of people living in the town did not commit sexual crimes, the whiff of 'perversion' which the Occupation had introduced hung over the urban streets. Court records from the mid-1910s suggest that many of the manifestations of sexual harrassment and assault which occurred in the town were specific to the social climate of urbanisation and occupation, and that such attacks would not have occurred without that context. In this sense, it is possible to say that colonisation created new ways of thinking about sexuality and sexual stimulation, producing certain new types of sexual behaviour. Such transformations of sexuality were as profound, and as significant for our understanding of the impact of the Imperial project, as the accompanying transformations in the economy, politics and environment which the BSACo Occupation precipitated.

'TRADITION' AND POWER: Transformations of African  
marriage 1914-26

While the urban environment produced new forms of gender identity, the rural environment remained the arena in which these new identities were tested, and contested. Marriage remained of central importance to the rural patriarchs, and the lineage alliances over which they presided continued to provide another focus of social identity, pulling against the growth of a truly urban community. The 1916 NAPO had been instigated by these rural patriarchs, even though it reflected a European concept of adultery. The following year, the 1917 Native Marriages Ordinance appeared to consolidate their legal power in these matters with a law insisting upon the details of 'customary marriage'. However, although this Ordinance, like the NAPO, seemed to further the interests of lineage heads, that was certainly not its intention.

It was clear to the white Administration that a new NMO was required. The 1901 NMO had assumed, but not laid down in law, a bridewealth protocol in which a 'moment' of marriage could be easily identified and registered. This was so far from actual practice that many rulings on cases brought under the 1901 NMO were open to challenge. Clarkson Tredgold, the Attorney General, declared in 1917 that:

The ordinance was obscure, and he did not desire to attempt to clear matters up by continuously taking cases on appeal to the Supreme Court [at Capetown].<sup>1</sup>

Emmet V Mittlebeeler, tracing the development of Rhodesian criminal law for Africans, commented that this Ordinance:

lasted only seventeen years, and its demise was greeted with a sigh of relief from the bench, after diametrically different interpretations of a key section had been reached by the courts in Salisbury and Bulawayo.<sup>2</sup>

While both judges had agreed that non-registered marriages would not be deemed valid in civil disputes, only one considered that the criminal provisions of Section 7 (against 'harbouring') could be used to prosecute for non-registration<sup>3</sup>. This confusion about whether non-registration was an actionable crime under the Ordinance was only the most outstanding of the many legal problems it raised.

Other problems with the legislation arose not from legal differences of opinion but from the fact that its provisions were inappropriate to the conditions

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<sup>1</sup> *Debates*, Legislative Council, 13th April 1917

<sup>2</sup> Mittlebeeler (1976) p46

<sup>3</sup> *Ibid* p51-58

under which the African communities were governed. Regarding the limit on bridewealth payment in the 1901 Ordinance, the 1910 Native Affairs Committee Report had observed:

This restriction was presumably intended by the Legislature to further the object of the enactment giving freedom of choice to girls in connection with marriage...the law is frequently evaded; and, as it is obvious that it is practically impossible to control such transactions, the Committee consider that the limitation should be abrogated.<sup>4</sup>

This limit, then, was part of the 'civilising' and 'moral' intentions of the 1901 Ordinance, and was not primarily concerned with bridewealth payments *per se*, but with the pledging of young girls. When, in 1912, the limitation was removed, and pledging itself outlawed, this only served to create even greater confusion. Ironically, it did so without noticeably producing a decline in the practice of pledging nor an increase in the proletarianisation of African women. The relevant section was so poorly drafted that it was effectively impossible to administer. Among its many problems was an apparent error in the wording, which substituted "or" for "either". The effect was to imply that any arrangement which pledged an African woman in respect of 'valuable consideration', including a wages agreement, would

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<sup>4</sup> NAC 1910 §30

constitute a criminal offence<sup>5</sup>. This was hardly an aid to proletarianisation. It seemed the 1912 Ordinance could do little to forward the progress of either 'civilisation' or 'morality'.

The NAD, like the Law Department, expressed discontent over the ambiguities in the legislation, and sought clarification. The NCs' role as registration officers was very poorly defined. Were they simply registering a *de facto* marriage, or were they actually making a marriage in the eyes of the state? The refusal of the courts to recognise an unregistered marriage implied the latter, yet the wording of the 1901 Ordinance implied the former. Again, it is possible to detect a note of frustration in Tredgold's comment that the ordinance was:

so worded that either a man had to register a thing already registered, or there was nothing that he could register.<sup>6</sup>

The NCs were consequently faced with the problem of high levels of technical concubinage, and no clear guidelines about the conditions under which registration could be enforced. It is notable that both the NAD and the Bench expressed their difficulties in terms of the need for a greater clarity and precision which, lacking in the actual

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<sup>5</sup> Mittlebeeler (1976) p63

<sup>6</sup> *Debates*, 13th April 1917

practice of African marriages, was sought instead in the legislation designed to control them. As Justice Hopley observed, in the absence of a univervally enforceable 'customary law':

it would...be open to any foreign native to assert a custom of his distanct tribe, into which it would be impossible to enquire.<sup>7</sup>

It seems that the Administration was being pushed away from the cosy shallows of outlawing 'perversity' into the altogether deeper and murkier waters of defining and legislating on 'native custom'.

Such a move would not necessarily involve giving legal sanction to actual practices. The NAD was not proposing this, nor did its members imagine that this had been the intention of the 1901 Ordinance. In 1915, the SN Bulawayo pointed out that

The object of the Ordinance was not to crystallize existing native custom but to eliminate some of its objectionable features.<sup>8</sup>

His counterpart in Gwelo added that the legislation had also legitimised bridewealth payments, but was not, he emphasised, intended to sanction "*the natives in their ownership of their womankind*".<sup>9</sup> The CNC had

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<sup>7</sup> Judgement of Justice Hopley in the case of Joe @ Juaka vs. Kona, 7th August 1916, N3/17/4.1

<sup>8</sup> SN Bulawayo to CNC, 13th April 1915. N3/17/4.1

<sup>9</sup> SN Gwelo to CNC, 24th April 1915. N3/17/4.1

set out the NAD position quite clearly in 1913 when he stated that:

I have always opposed any measure which tends to perpetuate native custom entirely, as being retrogressive, and not in accordance with, I believe, the general recognised policy of this Government, whose aim is to elevate the natives.<sup>10</sup>

Nonetheless, there was a tradition within the NAD stretching back to the early submissions of C T Stuart which proposed that a recognised system of African marriage should be defined and enforced, because this was a key factor in establishing authority and stability in African communities. The concern to protect African women from pledging, which had come to the fore in the Legislative Council's 1901 Ordinance, had submerged this tradition, but not destroyed it. The demand for a code of African marriage was not universally popular in the Department, and at the 1916 SNs Conference, the SN Salisbury had urged caution in introducing such legislation, pointing out that:

owing to marriage customs being different in many districts and in view of the fact that marriage is recognised by Natives as a fundamental institution of social life, the question is of burning importance to them, particularly as a uniform law would render the working of the Ordinance oppressive.<sup>11</sup>

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<sup>10</sup> Submission from CNC, 18th March 1913. N3/17/4.1 (Filed with correspondence on Hopley judgement, 1915)

<sup>11</sup> Report of SNs' recommendations for amendments to NMO, 12th May 1916. N3/17/4.1

Despite such misgivings, the Natal influence in the NAD remained strong, and with it the hope that a 'native law' could be introduced that reflected more accurately the complex situations with which NCs had to deal.

This was not a popular suggestion with the BSACo Administration<sup>12</sup>. There was a certain suspicion in the BSACo administration that the NCs behaved "*like wardens of reserves, with vested interests in keeping Africans as they were.*"<sup>13</sup> The Administration was aware of difficulties faced by its NCs, but was still broadly sympathetic to the view that marriage legislation should be primarily directed against forced marriages, in the belief that this would encourage 'civilisation' to spread in the Territory. To the Administration, the real problem to be solved regarding African marriages was how to increase the level of registration. The growing awareness in the government that a new ordinance was required was based on the realisation that registration was absurdly low. For the government, the problem was a technical one of improving the mechanisms for enforcing registration; for the NAD it was a conceptual one of acknowledging that African marriage

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<sup>12</sup> Resident Commissioner to SANAC, 31st August 1904, S34,980

<sup>13</sup> Duignan (1961) p164

did not easily accommodate such a registration system.

In this already confused situation, the spread of Christian marriages in the African communities significantly added to the tension. There was never more than a tiny minority of such marriages during this period, but the legal difficulties they created were considerable. Christian marriages came under Statutory Law, that is, the Romano-Dutch law regulating marriage between Europeans. Apart from the implications for property and inheritance which this threw up, it also raised the problem of bigamy. Any man married under Christian rites who had more than one wife was guilty of this criminal offence<sup>14</sup>. As polygyny in itself was not illegal for Africans in Southern Rhodesia, it was difficult to explain that this was a legal, not a religious, prohibition<sup>15</sup>. The Administration was concerned about the disincentive to 'civilised' Christian marriages which prosecution would entail. Beyond this, there was the problem of what should be done to protect the interests of co-wives whose husband had contracted a Christian marriage<sup>16</sup>. As more mission stations took over tracts of African territory, and more churches were

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<sup>14</sup> Opinion from Attorney General on polygamy and Christian marriage circulated to all NCs, 24th June 1909. N3/17/4.1

<sup>15</sup> CNC Report 1922

<sup>16</sup> see, for example, SANAC §35,055-59

established offering the only source of education to Africans, more people came to marry under Statutory Law. The Church response to the dilemma was to keep up the attack on polygyny. The Administration and the NAD were determined to resist this pressure, but nonetheless needed to find some means of solving the difficulties raised.

There was already considerable tension between the Churches and the NAD over the issue of Christian marriage. The Churches were keen to marry as many of their converts as possible, as a way of tying them to the Christian communities. In the words of a contributor to the *Zambesi Mission Record*:

it must be plain that the greatest risk, nay, moral certainty, of a speedy relapse into paganism would be incurred were we to baptise the native girls without some assurance of their being afterwards married to a Christian husband.<sup>17</sup>

While the missionaries held onto their converts in this way, it was the NCs who had to sort out the problems created by such marriages. Angry family heads came to the NCs complaining that young women in their households had been married without their consent, and without proper bridewealth negotiations<sup>18</sup>. In June 1913, in response to letters

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<sup>17</sup> ZMR 1 (14) 1901 p477

<sup>18</sup> see, for example, Ag NC Chilimanzi to CNC, 6th July 1912; SN Umtali to CNC, 11th June 1913. N3/17/4.1

from the NC Umtali about the activities of the St Augustine Mission, the Attorney General ruled on whether it was legal for missionaries to marry African women without the consent of their family heads. He concluded:

However reluctantly I may arrive at a view which may have a most serious effect on native life and custom I think the balance of opinion would be that marriages by Christian rites are subject to the general law and that only; and that where the woman is obviously of the age of majority she may contract a valid marriage by Christian rites without the consent of her parent or guardian.<sup>19</sup>

Nonetheless, on the advice of the CNC, a minute was dispatched to St Augustine's Mission which urged the Mission most strongly to seek such consent, as:

The sudden interference with a recognized and not unreasonable custom is apt to create an undue amount of unrest in the native mind, while the adherence to this rule will do much to reconcile natives to the obligations of marriage in conformity with like ceremonies of civilised usage.<sup>20</sup>

There was, however, no legal sanction which would require the missions to seek consent.

There were additional tensions between NCs and the missions, relating to the question of tax payments.

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<sup>19</sup> Attorney General to Sec, Dept of Administrator, 27th June 1913. N3/17/4.1

<sup>20</sup> Administrator to St Augustine's Mission, 11th July 1913. N3/17/4.1

Men who had already contracted a Christian marriage often did not have their subsequent, non-Christian, marriages registered<sup>21</sup>. As the courts refused to recognise non-registered marriages as valid, these women were legally only concubines, and the man could not be prosecuted for bigamy. This created problems for the NCs in collecting tax. Whereas tax was normally collected on wives and 'reputed wives', in these cases NCs could not collect "inasmuch as acceptance of the tax would amount to a recognition by the Government of the validity of the 'marriages'".<sup>22</sup> Some members of the NAD even suggested that Africans were deliberately marrying under Christian rites in order to evade tax obligations.<sup>23</sup>

This cynicism about African Christianity had a long history. In 1903, testifying before the SANAC, NC Carbutt declared:

I do not think that Christian marriages are a good thing for Natives as a general rule...They are only called Christians; I think very few of them are actually Christians...If a Native here attends a Missionary School a few times, the

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<sup>21</sup> see, for example, CNC to Law Department, 15th May 1913; NC Plumtree to SN Bulawayo, 14th May 1916; CNC to all SNs, 19th July 1916, all in N3/17/4.1; SN Umtali to CNC, 22nd August 1917, in N3/17/4.2.2

<sup>22</sup> *Memorandum* by His Honour the Administrator to members of the Executive Council and to the CNC, 9th February 1915. N3/17/4.1

<sup>23</sup> In the *Memorandum*, the original draft's statement that this was "reported" to be the case, was amended to the more tentative "considered likely". It seems there was no concrete evidence to support the suggestion.

Missionaries are always prepared to marry him under Christian rites.<sup>24</sup>

However, the real grounds for NAD hostility to the missions were perhaps better expressed by the Acting CNC, Mashonaland, who told the SANAC:

Once a Native leaves his location and goes to a mission school, as far as my experience goes, he at once looks to the particular mission people as his immediate guardians, and he will not look to the NCs at all, and will not recognise the NCs.<sup>25</sup>

This dislike of the missions was shared by many settlers in the Territory, who likewise experienced resistance from educated Africans<sup>26</sup>. Such hostility to missions was easier to sustain because mission stations were widely regarded as hotbeds of immorality. On the one hand, education was blamed for 'Black Peril' attacks on white women, while on the other hand, mission stations often provided the closest source of 'prostitute' women for single men working on white farms<sup>27</sup>. NCs attempting to regulate marriage practices and adjudicate over civil cases

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<sup>24</sup> SANAC §36,059-69; see also Ag NC Wankie, report on section 26 of the NAC of Enquiry, 7th July 1911. A3/3.18

<sup>25</sup> SANAC §34,474

<sup>26</sup> Hyatt (1911) p88 states "no white man would risk employing mission Kaffirs."

<sup>27</sup> Hyatt (1911) p73; Lawrence Vambe: *An Ill-Fated People* (London, 1972) p202. Terence Ranger, pers comm, notes that: Native Commissioners often used to regard mission farms near to white farm-land as centres of prostitution - the Native Commissioner, Makoni, accusing St Faith's in this way.

felt little sympathy with mission marriages contracted in such environments.

The NAD began to press for control over all African marriages, including Christian marriages within their districts. In an important memorandum dated 9th February 1915, the Administrator, Drummond Chaplin, advised that:

something must be done to meet the present difficulties, but if we are not very careful we shall stir up opposition on the part of the Churches.<sup>28</sup>

However, the conflict of interests between Church and NAD was not easily resolved. Chaplin reiterated a suggestion from the 1910 NAC, that before a Christian marriage was solemnised, a 'responsible official' should first certify that the woman's family head had been consulted, and that the contracting parties understood the legal implications of such marriage<sup>29</sup>. There was, however, no means of enforcing such a recommendation. When the 1917 NMO was drafted, a section was included that proposed NCs as the 'responsible officials' who should undertake this task. The CNC argued that:

the matter [of Christian marriages] should be kept in the hands of the Native Commissioner...Objections are sure to be

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<sup>28</sup> Memorandum, 9th February 1915. N3/17/4.1

<sup>29</sup> Ibid; NAC §29

raised by some denominations against this section, but it is I think important to retain it, and we have a precedent as it is law in Natal (Vide Law no. 46 of 1887 Sect. 2).<sup>30</sup>

The matter was given greater urgency by the rise of the Ethiopian Churches, which were breaking away from the established Churches and disturbing the BSACo administration with their proto-nationalist message. However, despite these fears, the proposal was rejected by the Legislative Council. The NAD was seen by many settlers as too concerned with protecting the interests of Africans, producing a certain reluctance to increase their powers, even if it were at the expense of the equally-disliked missionaries. It was argued that if the NCs had to explain that Christian marriage prohibited polygyny, this would involve them in theological exposition which was no part of their work. Such matters should be left to the priests. Much to the frustration of the NCs and the government, the proposed section was dropped.<sup>31</sup>

However, the missions, too, were disappointed by the legislation, which failed once more to outlaw polygyny. Unlike previous legislation, which had concentrated on attacking 'perversity', the 1917 NMO was much more interested in tightening up the

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<sup>30</sup> CNC to Sec, Dept of Administrator, 18th January 1917. N3/17/4.2.2

<sup>31</sup> *Debates*, 23rd April 1917; 1st May 1917

mechanisms of registration. In part this was because registration was still conceptualised as the most effective weapon against forced marriages. In part, also, however, registration was being seen as an end in itself, as a means of monitoring population and tax registers. In introducing the bill, the Attorney General stated specifically that "*The main purpose of the law was that all native marriages should be registered.*"<sup>32</sup> This shift in emphasis reflected a general shift in policy away from that characteristic of the first decade of BSACo rule. The BSACo's hopes for the full proletarianisation of the African communities were being usurped by a policy leaning ever more towards the use of Reserves, and dependence upon migrant labour contracts to meet the needs of the settler economy.

The rise of the Reserves policy in the 1910s paved the way for, but did not itself constitute, a segregation policy. Certainly, demands for segregation were being voiced during this period, by settler farmers disturbed by African land-purchase<sup>33</sup>. Moreover, eugenicist ideas were gaining in influence, not only in the British Foreign Office, with its concern for the continuance of the white 'race' in hot climates, but also in the popular imagination.

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<sup>32</sup> *Debates*, 13th April 1917

<sup>33</sup> Palmer (1977) p138

The excitement caused by such theories is reflected in an advertisement for 'Orsmond's Great African Remedy', an all-purpose tonic, which appeared regularly in the Gwelo Times throughout the early 1910s. Declaring:

Now we find the most thoughtful men and women of every nation eagerly confessing their belief in the science of race-breeding - eugenics

the notice went on to exhort Europeans to use the remedy to preserve the robustness of their race<sup>34</sup>. Such ideas lent themselves easily to a segregationist policy, and to the idea that Africans were fundamentally different from those of European descent, requiring their own laws and marriage systems.

Despite these influences, the BSACo was still hoping for a general proletarianisation of the African population, and resisted the pressures to follow the segregationist path then being adopted in the Union of South Africa and in the Southern States of the USA. Even so, it was clear that most Africans were not being wholly assimilated into locations and compounds, and still depended to some extent on access to land for rural production. The BSACo was under pressure to define the limits to African claims

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<sup>34</sup> see, for example, *GT*, 21st August 1913

to land<sup>35</sup>, and the Native Reserves Commission, established in Southern Rhodesia in 1914, was intended to provide a final settlement of land distribution between settlers and Africans in the Territory. The Reserve policy was not, at this time, intended to exclude Africans from the land designated for settlers, even though the Colonial Office felt that Reserves should be large enough to provide adequate sanctuary for the continuation of 'tribal life' in the event of Southern Rhodesia joining South African in a segregationist settlement<sup>36</sup>. This view was opposed by the settlers, the Company, and some NCs, who saw large areas of land reserved for Africans as inimicable to the spread of 'civilisation'.<sup>37</sup>

This Reserves policy resulted in huge areas of the best land being designated for European settlement. At the same time, however, it resulted in a proportion of Southern Rhodesia being officially designated 'African' territory. There was no intention of establishing any form of indirect rule in these lands, and NCs continued in their role as local administrators and civil magistrates. Nonetheless, implicit within this reservation of land

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<sup>35</sup> Paul Moseley: *The Settler Economies: Studies in the economic history of Kenya and Southern Rhodesia 1900-1963* (Cambridge, 1983) p21-24

<sup>36</sup> Phimister (1988) p68

<sup>37</sup> Palmer (1977) p88

was the recognition that Africans would not all be rapidly assimilated into the settler economy. The NAD had long since adapted itself to this realisation, and the passing of the 1916 NAPO was one of the first manifestations of the political implications of the policy. The demand for efficient registration of all African marriages was symptomatic of a general acceptance of the need to monitor rural Africans over a long-term period.

The 1917 Native Marriages Bill, then, had a rather different emphasis from that of the previous NMOs. It attempted to lay down very specific procedures for marriage registration, while continuing the assault on 'perversity' by penalising both pledging and attempts to force a woman to marry. This latter offence, which had not previously been an offence but simply grounds for disallowing the marriage, reinforced the importance of registration, when the woman's consent was secured. Failure to register attracted penalties of up to three months' imprisonment, with or without hard labour, or a £10 fine. This punishment was applicable to the head of the woman's household as well as to her husband, on the grounds that both parties had an interest in concealing forced marriages from the authorities.<sup>38</sup>

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<sup>38</sup> Ordinance no 15, 1917; chapter 79 of the Consolidated Edition of the Statutes of Southern Rhodesia.

The insistence upon registration, contained in section 8 of the final Ordinance, caused great difficulties for the legislators. It assumed that a specific moment in African marriage processes could be identified, at which registration became obligatory. The correspondence on "Native Marriage" within the NAD during the months spent drafting the Ordinance barely mentions the 'objectionable features' against which previous legislation was directed. Instead, all minds were turned towards satisfying the Administration's demands for some means of bureaucratising and thereby enforcing registration. NCs were asked to identify some practice common to all marriages, at which a marriage alliance was publicly accepted and when registration could be demanded. Significantly, although registration was the primary objective of this investigation, the effect was to begin the process of framing a 'native law'.

The investigation was not a success, however. Circulars issued to NCs asking for a definition of the 'moment' of marriage produced a wealth of fascinating, albeit predominantly amateurish, ethnographic material, but no consensus over when registration might be enforceable<sup>39</sup>. In a mood that

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<sup>39</sup> CNC circular letter no K 1595/1916, 17th July 1916. Responses from Bulawayo, Gwelo, Salisbury and Umtali circles filed in N3/17/4.2.1; responses from Victoria circle filed in N3/17/4.1

seems close to despair, Tredgold issued a personal memo to the CNC, which complained:

I have been through the digest of remarks on the Native Marriage Ordinance and I am sorry to say the whole treatment of the subject is most disappointing. The main and crucial difficulty is carefully avoided and I can find no assistance in the remarks...the difficulty is in determining what has to be registered...surely there is some definite...condition which is recognised as binding in Native Law which precedes registration. Can you not give the thing a name?<sup>40</sup>

The 'thing' remained elusive and nameless. Even after the promulgation of the NMO, the problem remained. The exercise of questioning all NCs was repeated in 1918, with similarly fruitless results.<sup>41</sup>

This failure did not deter the members of the Legislative Council. In the absence of clear advice from the NAD, they framed the law on the basis of other considerations. It quickly became evident to them that the legislation could not fulfil its purpose without laying down in some detail the procedures that should be carried out in contracting a 'native marriage'. Three considerations in particular required a specific definition of 'marriage'. These were, firstly, the need to prevent

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<sup>40</sup> Attorney General to CNC, 17th July 1916. N3/17/4.1

<sup>41</sup> CNC circular letter no 518/1918, 22nd March 1918. This letter was in response to the Law Dept's ruling on section 8, 21st March 1918. N3/17/4.2.2

'legalised rape', that is, the consummation of a marriage to which the woman had not consented; secondly, the objections to demanding that all couples involved in sexual liaisons should be forced to register 'marriages'; and thirdly, the wish that women and their lovers who eloped without permission should not be criminalised for exerting freedom of choice. This last consideration was included because, unlike the NCs, who had decreasing sympathy with independent women, many members of the Legislative Council still placed priority on protecting them from pledging and forced marriages, which continued to take place.<sup>42</sup>

It was agreed during extensive debate that all these dilemmas could be solved by an insistence that non-Christian African marriages should be preceded by full bridewealth negotiations (or comparable agreements) and upon the consent, provided it was not unreasonably withheld, of the woman's family head. Registration, before the NC of the district in which the woman resided, was required after these full bridewealth arrangements had been settled, but before the marriage was consummated. This ensured that a genuine marriage, not simply a sexual liaison, was involved. It also ensured the consent of the woman. A problem remained, however. In cases of elopement,

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<sup>42</sup> *Debates*, 23rd April 1917

which NCs had reported was a common means of instituting marriages, this procedural order exposed both the woman's lover and her family head to prosecution, for failure to register before consummation of the marriage. The problem was side-stepped by an assurance to members that terms could be carefully defined. In a situation where a woman eloped without her family's knowledge and consent, full bridewealth arrangements could not have been made. The cohabitation did not therefore constitute a marriage within the terms of the Ordinance and so no penalty could fall for failure to register.<sup>43</sup>

The concern over registration and forced marriage which informed this Ordinance had produced a 'native law' despite itself. Confirming the trend established by the NAPO, the Legislative Council was turning its back on the project of a rapid introduction of 'civilisation' to the African communities. The law effectively laid down the processes which had to be carried out for a 'customary' African marriage to be recognised by the authorities. Sensing this, Sir Charles Coghlan asked why the Council was imposing penalties on those who did not observe the formalities connected with such marriages. He considered that the legislation only served to perpetuate and legitimise 'heathen customs', and

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<sup>43</sup> *Debates*, 1st May 1917

moreover violated the spirit of paragraph 51 of the 1898 Order in Council<sup>44</sup>. In fact, Coghlan had misunderstood the legislation, which only criminalised pledging, forced marriages and the failure to register. Rather than enforcing African marriage practices, the 1917 legislation simply laid down explicitly, as previous NMOs had not, the conditions under which a marriage would be recognised by the State and the order in which things should be done in order to avoid prosecution for non-registration.

The demand for registration at a particular stage in the marriage process brought down a blistering attack from John McChlery, the member for Marandellas, who argued that if the law were passed "*it would have the effect of turning half the population of the country into criminals*".<sup>45</sup> This too was the reaction of NCs when faced with the final legislation. While there had been a demand from the NAD for greater clarity in marriage legislation, and possibly some form of 'native law', the 1917 NMO hardly met NCs' needs. Indeed, there was a general agreement in the NAD that sub-section one of section eight, enforcing registration at the point between bridewealth agreement and consummation of the marriage, should

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<sup>44</sup> *Debates*, 19th April 1917

<sup>45</sup> *Ibid*

not be interpreted too literally<sup>46</sup>. In the words of one NC, the sub-section was:

sufficiently drastic, if enforced, to jeopardise the peace of the country. The whole population is at present breaking the law.<sup>47</sup>

This concern at the Legislative Council's heavy-handed introduction of legislation was reflected in the CNC's report for 1917, which warned:

We should...be careful to avoid the danger of over-legislation; our aim should be more in the direction of elasticity of native administration and tolerating of native customs, especially when the native is in the transition stage.<sup>48</sup>

Elopement remained a usual form of instigating marriage in many areas, with the woman leaving her home before full bridewealth agreements had been reached. Recognising this, and aware that registration was often delayed until after the birth of at least one child, the NCs continued to adopt a flexible approach to marriage registration, despite the new law.

There was another aspect to section eight, which aroused even greater concern among NCs than the

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<sup>46</sup> see, for example, responses to CNC circular letter no 518/1918. N3/17/4.2.2

<sup>47</sup> NC Belingwe to SN Bulawayo, 2nd April 1918. N3/17/4.2.2

<sup>48</sup> CNC Report 1917

timetabling provisions. Sub-section one implied, according to a Law Department ruling in 1918, that prosecutions could only be brought in cases where "the Crown is able to prove that a marriage had been arranged according to native custom".<sup>49</sup> In all other cases, no prosecution was possible. This meant that 'harbouring' was no longer a crime. In addition, the Law Department ruled that sub-section two of section eight, under which family heads could be prosecuted for non-registration,

throws great responsibility onto the guardian and this ought to be thoroughly made known to the natives.

Although the Legislative Council members had intended specifically to exclude from prosecution those family heads who did not consent to elopements, the Law Department nonetheless felt that even in such cases, control of unmarried women should remain their responsibility. This ruling was justified by the fact that whereas sub-section one specified that registration was only required when a marriage had been arranged, sub-section two failed to repeat this proviso, simply stating that:

It shall be the duty of the guardian, if any, to ascertain that such registration has taken place before the ward leaves his custody or the parties cohabit

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<sup>49</sup> Ag Attorney General to Ag CNC, 21st March 1918. N3/17/4.2.2

Consequently, although the State would not itself prevent unofficial sexual liaisons, it reserved the right to prosecute family heads who failed to prevent them. In the wake of the campaign for the NAPO, this withdrawal of support from family heads in their attempts to control female independence was most unwelcome to NCs.

The Law Department's ruling had followed a spate of complaints from NCs about the implications of section eight. In a personal letter to the CNC, the NC Victoria protested:

According to this Section it is a criminal offence for a native after having properly gone through all the customs pertaining to a native marriage to co-habit with his wife unless he has first registered the marriage before the NC. I submit, Sir, with all due deference, that this provision is nothing short of outrageous...apparently a native may co-habit with an unmarried girl whom he has no intention whatever of making his wife with impunity.<sup>50</sup>

Similarly, the NC Mazoe, the eccentric but talented Alfred Drew, demanded:

What about the natives who disregard the marriage question and harbour girls as anything they like to call them? This is principally what we want to stop.<sup>51</sup>

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<sup>50</sup> W Debray to H Taylor, 23rd March 1917. Emphasis in original. N3/17/4.2.2

<sup>51</sup> NC Mazoe to CNC, 12th March 1918. N3/17/4.2.2

Here Drew was wrong. The 1917 NMO was no more concerned with 'morality' than it was with 'civilisation'. The crime now was failure to register a marriage.

Registration, which had been introduced as a device to combat 'perversity', had become an end in itself, hedged around with criminal sanctions. However, in order to be enforceable, the law required a definition of 'native custom' which was amenable to a system of registration. It was this custom which had been created by the provisions of section eight. The creation of a 'customary law' was perhaps the most significant aspect of the 1917 NMO. In 1918, Drew proposed somewhat acidly:

The sooner we get away from customs being observed in present day marriages the better. Our ordinances and civilisation have made them impossible...This [current practice] can hardly be called a custom, it is simply the law today.<sup>52</sup>

The integration of the registration provision into marriage arrangements was captured by the NC Chilimanzi, who observed that:

There is no actual marriage ceremony as understood by Europeans. The registering of the marriage by the Native Commissioner means no more to the raw native mind than obtaining a cattle permit to remove cattle.<sup>53</sup>

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<sup>52</sup> NC Mazoe to SN Salisbury, 3rd April 1918. N3/17/4.2.2

<sup>53</sup> NC Chilimanzi to SN Salisbury, 15th April 1918. N3/17/4.2.2

By 1923, the NC Gwanda was writing as though the imposition of a created custom had been the point of the legislation all along:

I venture to think that the modification of native customs has already commenced, and with enlightenment and economic growth they will gradually become more or less consolidated into universal customs for the whole race.<sup>54</sup>

Here was a new role for 'enlightenment and economic growth' in the matter of African marriages. The universal observance of a single 'native law' was a far cry from the earlier hopes for 'civilised' proletarianisation. The 1917 NMO was suited to the Reserves policy, not to a policy of integration.

The Reserves policy, it must be emphasised, was not a policy of indirect rule. Despite this introduction of a 'customary law', there were no 'customary courts', all civil cases being heard by the Native Commissioners rather than by designated chiefs. With very few exceptions (among which were the NAPO and the NMO), criminal law was the same for all inhabitants of the Territory, whatever their ethnic origin, and was adjudicated by white magistrates. It was still NAD policy to replace chiefly authority

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<sup>54</sup> NC Gwanda to SN Bulawayo, 28th July 1923. S138.47

with that of NCs, although it was anxious not to destroy already weakened "customary" controls:

To compensate for the loss of this restraining and guiding influence, it will be politically necessary for administrative officials to arrogate to themselves the patriarchal power and function being lost by the chiefs.<sup>55</sup>

It seems that insofar as there was a plan to delegate limited power to Africans in lieu of the franchise, this was specifically conceptualised as an arrangement not based upon 'tribal' affinities or chiefly loyalty. In Gwelo District in 1920, as people from many different communities were forced to compete over claims to inadequate land resources in the Reserves, the Acting SN considered it:

necessary and desirable that the different tribes and clans should be able to live together in communities so that in time the present half tribal system may be replaced by General Native Councils<sup>56</sup>

It is in this context that the 1917 NMO can be understood as the introduction of a 'customary law'.

Ironically, despite this official intention not to grant greater power to 'chiefs and headmen' in the administration of the Reserves, the NMO nonetheless

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<sup>55</sup> CNC Report 1919

<sup>56</sup> Covering review of the SN, Gwelo Division, of the annual reports by Native Commissioners for the year 1920. N9/1/23

did encourage 'traditional' lineage loyalties. Section three demanded an official witness to the registration, who could confirm that the parties were who they claimed to be and that a marriage had been properly arranged between them. This was to be a 'chief or headman' of the district in which the woman resided. Following the 1896-7 Chimurenga war, these posts had been awarded by the Administrator and salaried by the government. Their numbers in many districts were wholly inadequate to the task of witnessing marriages. NCs, realising that the section did not refer as they had supposed to village heads, but only to these officials, began to lobby for more appointments<sup>57</sup>. It was suggested that these could be simply honorary posts, created solely for the purposes of the Ordinance, but, as this involved constitutional changes, it was not approved. Full chiefs and headmen had to be created in every case.<sup>58</sup>

This section of the NMO had significant consequences. The number of 'chiefs and headmen' rose significantly in some areas, while in all areas their influence was increased. Moreover, many existing salaried chiefs were considered too old or infirm to carry out regular trips to the NC's office. Whereas in other

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<sup>57</sup> Responses to CNC circular letter no 537/532, 25th March 1918. N3/17/4.2.2

<sup>58</sup> SN Bulawayo to NC Selukwe, 19th October 1918, and related correspondence. N3/17/4.2.1

matters their sons could delegate for them, the provisions of the NMO did not allow this, and led to the appointments of younger men. No-one could now register a marriage without involving these 'traditional' authorities, who were moreover entitled to a fee of 10/- from the prospective husband for their services. Even in-migrant men with no lineage connections in an area had to seek out and petition local lineage heads to witness their marriages, if they were to be registered.<sup>59</sup> In law, too, it seemed, town was not a place where one could meaningfully belong.

This resurrection of 'traditional authority' had not been anticipated by the Native Commissioners, with their worries about the effects of section eight. Control over women was indeed a continuing problem for family heads in the 1920s, which Section eight exacerbated rather than relieved. However, the NCs' concern was based upon an inflated estimation of the power of marriage legislation within the African communities. The law was only one of many considerations affecting the relative ability of family heads to control their subordinates. In many ways, the creation of 'traditional' authorities and 'customary law' by the NMO anticipated the reassertion of patriarchal power in the rural areas.

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<sup>59</sup> SN Selukwe to SN Bulawayo, September 1918, N3/17/4.2.1; SN Victoria to CNC, 13th April 1917; Debray to Taylor, N3/17/4.2.2

The power struggles and economic changes in the rural areas of Gwelo District during the period leading up to the 1914-18 War had enabled the 'big men' to profit from selling grain, cattle and other goods in the cash markets. Other men had not been so successful, and many from poorer families had become deeply involved in the waged labour market, trying to raise cash through migrant contracts and the occasional cattle sale, while hoping that the women producers in their households would not abscond or become seriously ill during their absences. 'Big men' exerted authority and enjoyed client relationships with poorer families. They were in a position to provide grain or bridewealth cattle, to lend cash and to offer the use of capital goods such as ploughs or transport, in exchange for women, labour, cash or other goods. Rural leaders in these new conditions were not necessarily 'chiefs', although many of them did indeed owe their economic power to the already advantaged position they had enjoyed as centres of clientage relationships before the BSACo occupation.

With the outbreak of the 1914-18 war, this process of rural differentiation became harsher and more extreme. Prices of manufactured goods, many of which were imported from Europe, rose dramatically, at a rate not matched by the price of agricultural produce. Agricultural wages, which had been rising

steadily for years, began to drop, as white farmers were hit by bankruptcy.<sup>60</sup> Mine wages, too, began to fall as forced labour and discharged agricultural workers swelled the ranks of those available for work<sup>61</sup>. More white farmers introduced labour clauses into their tenancy agreements, thereby depriving tenants of accessible waged work, and forcing increasing numbers to move into Reserved land.<sup>62</sup>

Throughout the war, the NC for Gwelo reported falling wages, poor harvests, increased commodity prices and static crop prices<sup>63</sup>. Cattle prices, meanwhile, were falling, at least in the urban markets. However, the internal market, between African producers, was clearly able to weather these difficulties, for despite crop failures in 1916 and 1917 and little evidence of cattle sales to whites, Africans did not need to rely on State aid to obtain grain<sup>64</sup>. The clear implication of this is that 'big men' were using the crisis, as rural patriarchs had done during times of food shortage since before the Occupation, to consolidate their position in the community, distributing grain surpluses in exchange for women,

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<sup>60</sup> AR, Gwelo, 1914. N9/1/17

<sup>61</sup> Phimister (1988) p91; AR, Gwelo, 1915. N9/1/18

<sup>62</sup> AR, Gwelo, 1914. N9/1/17

<sup>63</sup> AR, Gwelo, 1914-17. N9/1/17-20

<sup>64</sup> AR, Gwelo, 1917. N9/1/20

cattle and labour<sup>65</sup>. There was a very marked increase in investment in ploughs in Gwelo district between 1914 and 1917, from an estimated 65 to an estimated 175.<sup>66</sup>

With the end of the war, in common with much of Africa, Southern Rhodesia experienced a brief boom in export crops and a high demand for grain. In this period, the men who had invested in ploughs during the war years reaped significant dividends and increased their investments, so that by 1921 it was estimated by the NC that there were 250 ploughs in use in the District<sup>67</sup>. Paul Mosley indicates that grain production per head of African population peaked in the period 1918-1920<sup>68</sup>, and there is evidence that it was the rural patriarchs who were the primary beneficiaries of this boom<sup>69</sup>. In 1918, the CNC noted one chief's investment in grade bulls, motorised and horse-drawn transport and public school education at Lovedale. The following year, he observed a decline of chiefly authority, but added that this was at least in part because of their disproportionate prosperity:

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<sup>65</sup> Wilson (1990) appendix, fn 52

<sup>66</sup> CNC Report 1914; 1917

<sup>67</sup> CNC Report 1921

<sup>68</sup> Mosley (1983) p120-22

<sup>69</sup> Phimister (1988) p74-77

Many chiefs, as they become wealthier, find it necessary to move on to the reserves to obtain for their herds the pasturage denied them by the private land owner. In this manner they are becoming temporarily or permanently divorced from their people, who remain on the sites of their old homes.<sup>70</sup>

Land was clearly another investment in which these men were interested. It was the Legislative Council member for Gwelo District, H M Heyman, who first introduced a motion to prevent Africans buying 'white' land, and as the wealth of these African entrepreneurs grew, so did the settler demands for segregation.<sup>71</sup>

However, the increase in grain production between 1918 and 1920 cannot be explained solely in terms of increased outputs by the households of 'big men'. In Gwelo District, it seems that men from poorer families also began to devote more time to agricultural production<sup>72</sup>. Wages were falling consistently in real terms from 1914 through to the mid-1920s, in both the agricultural and mining sectors<sup>73</sup>. As long as harvests were good and there was a demand for grain, rural producers were better off than urban wage workers. As the NC commented in 1919:

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<sup>70</sup> CNC Report 1919

<sup>71</sup> Palmer (1977) p138

<sup>72</sup> Phimister (1988) p85 supports this analysis.

<sup>73</sup> Mosley (1983) p122; 158-59

Despite the fact that the cost of agricultural implements, clothing, blankets etc: required by the natives has increased enormously there appears to have been no increase in native wages and the natives are commenting strongly upon this and upon the futility of endeavouring to better themselves by working for wages.<sup>74</sup>

These producers were not wealthy. It was simply that wages were so low which made agricultural production a viable alternative for many families. Conditions of production were worsening. An outbreak of East Coast Fever in 1920 had resulted in restrictions on cattle movement. These were quickly suspended in Gwelo District, as cattle sales were so vital to the white economy there<sup>75</sup>. However, while they were in force, white farmers were able to impose new conditions on their tenants, which the tenants could not resist by moving to unalienated land without losing their cattle. The imposition of compulsory dipping and dipping fees in 1918 added a new cash obligation to African budgets. The Natives Reserves Commission, meanwhile, had designated much of the best land, particularly that near to the markets and rail routes, as 'European'.

A gap was growing between rich and poor producers. The national collapse in 1922 of produce prices and wages, coupled with high commodity prices, confirmed

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<sup>74</sup> AR, Gwelo, 1919. N9/1/22

<sup>75</sup> Minutes, Gwelo, 1912. S/GW 244

the process of rural differentiation. When the crash came, even agricultural production was not profitable for the majority of producers, and once more 'big men' who could weather this storm were able to exploit the situation. The recovery in the mid-1920s enabled them to consolidate their position, leading some commentators to suggest that the peak of agricultural prosperity for African producers occurred in the late 1920s or early 1930s<sup>76</sup>, among a concentrated group of cattle-farmers and plough-users trading in a vigorous internal market.

However, the cycles of depression and recovery from 1914-1926 saw family heads in general, and not only the rich, reasserting their authority over junior men. Before 1914, junior men in the Gwelo District had been able to resist the control of family heads because there were waged labour options open to them. The falling wages altered this trend. Junior men once more needed rural patronage. As long as rural producers were doing better than those in waged labour, rural patriarchs could reassert their position against younger or poorer men<sup>77</sup>. This was true of family heads generally, and not only the 'big men'.

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<sup>76</sup> Michael Drinkwater: *The State and Agrarian Change in Zimbabwe's Communal Areas: an application of critical theory* PhD thesis, University of East Anglia (1989); Wilson, pers comm

<sup>77</sup> Michael Drinkwater, pers comm, drew my attention to the political implications of this shift in relative profitability between rural production and waged work in the District.

Relative rural prosperity was not a permanent condition, however. Harvests varied through the first half of the 1920s, with drought in 1922 and 1924, heavy rains ruining the harvest in 1925, but good crops in other years, notably 1923. The vagaries of agricultural profitability and falling wages are not enough in themselves to explain the revival of lineage control. It was control over the bridewealth system which provided the key.

This control over bridewealth only benefited family heads in circumstances where young people were not wholly alienated from the rural environment. It is important to remember that some men and women had left the rural areas permanently. The pressure on land from the removals, combined with crop failure, had driven them to abandon agricultural production altogether. From 1917 onwards, the CNC noted a trend towards permanent relocation at the mines by Africans from within the Territory, and several local women were by this time permanently resident in the Gwelo location. However, for those workers who maintained an interest in the rural areas, waged labour could provide only a decreasing proportion of family income relative to labour hours devoted to it. Access to another source of cash income was significant to families in weathering the crisis, and bridewealth increasingly came to play this role.

Given the economic conditions, lineage heads were unlikely to take up waged work themselves. They tended to remain in rural areas and Reserves, where women still made up most of the permanent population. Waged workers needed rural wives if they were to keep open the option of agricultural production, and most households now needed a foot in both rural and waged economies. These conditions provided a pull against the growing sense of individualist urban identity and reinforced a sense of lineage identity rooted outside the town. The family heads grasped their opportunity. By early 1920 it had come to the attention of the NAD that bridewealth demands were rising. In August, the CNC informed the Administrator that:

There is no doubt a growing tendency...of demanding unduly high lobolo. Natives appear to be actuated by a spirit of profit in giving their daughters in marriage.<sup>78</sup>

The increased demands were sometimes justified on the grounds that money had been invested in the woman's education<sup>79</sup>. Even if this had not been the case, however, it seems likely that bridewealth demands would rise, as other sources of income dried up. What seems equally likely is that the demands would not be met in full. These two trends are indeed reflected in

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<sup>78</sup> CNC to Sec, Department of Administrator, 30th April 1920; 25th August 1920. N3/17/4.2.1

<sup>79</sup> Interviews with "Sekuru", Badza, Mtsitsi

the somewhat unreliable statistics about this period.<sup>80</sup>

What is particularly notable about bridewealth demands in this period, though, is that, increasingly, they were for hard currency<sup>81</sup>. By this time, it was neither service nor cattle that was required by the majority of vana tezwarra, but cash. The decline in wage incomes and produce prices in the white markets had created a cash shortage in the rural areas. Crops were consumed rather than sold, and, as cattle prices also fell herds were allowed to build up in the hope that prices would recover. Interaction with the cash economy decreased. In 1921, the NC reported:

the natives have plenty of food, and cattle retain their lobola value which obviates the necessity for working, and the result is they have not got much ready cash.<sup>82</sup>

For the first time, rent and tax arrears began to build up. Dipping fees became an increasing financial burden as herds grew<sup>83</sup>. Moreover, the price of commodities remained high. Many goods which had been

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<sup>80</sup> H Cripps: *Should lobola be restricted by legislation?* in NADA (42) 24 (1947); M C Steele: *The Economic Function of African-Owned Cattle in Colonial Zimbabwe in Zambezia* (1) 9 1981 p35

<sup>81</sup> CNC Report, 1922

<sup>82</sup> AR, Gwelo, 1921. N9/1/24

<sup>83</sup> Covering review of the annual reports of the NCs of Matabeleland for 1921, N9/1/24

integrated into the African community as essential items became expensive luxuries. The annual report for the District in 1920 had recorded that:

The high cost of goods has, to a certain extent, induced the natives to attempt manufacturing several articles previously purchased by them. In Lower Gwelo Reserve quite good hats are being made from palm leaves, native made pipes are also replacing the imported article, and skins are being more generally used in the place of blankets.<sup>84</sup>

Household heads were responsible for tax payments, and so had a particular need for currency. Even those producers who had invested in ploughs, and were still able to produce a surplus for the market, needed cash rather than cattle, for investment in draught animals, transport, grade bulls and, if possible, land. Demanding cash as bridewealth ensured that money would flow into the rural economy, with family heads milking the rewards of the hard work done by junior men in waged employment.

For many families, however, cash bridewealth became essential, not for investment, but for meeting immediate cash needs. Coupled with the demand for cash, then, came the demand for payment in a single transaction, or at least a significantly large first payment. This was a wholly different kind of transaction from the long term transfer of goods

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<sup>84</sup> AR, Gwelo, 1920. N9/1/23

which had characterised the marriage alliances of the 1890s, involving a lifetime of exchange and obligation linking families across generations. One white commentator described, in a patronising but illuminating passage, the reaction of his informant when confronted with such a demand in the 1920s:

John was dismayed at the suggestion. Something in his nature revolted at the idea. Lobola was not the purchase-price of a woman. In his tribe the cattle were never delivered in full at marriage; a portion would be delivered some time - it might be years - afterwards, when children had been born...Surely Maggie's dead people would not approve! For cattle are cattle; but money...what had money to do with lobola and the ancestral spirits?<sup>85</sup>

Even where bridewealth was negotiated and agreed in cattle, the need for cash, combined with restrictions on cattle movements, could result in a one-off money payment:

If the bride's home was far away, the man had to tell his parents, then the parents had to send a messenger to tell the bride's parents. When they had agreed to marry, then bridewealth was sent. They only paid cattle. The bride's parents had to go and see these cows, they would then sell them in that area because it was difficult for them to take their cattle to their home.<sup>86</sup>

Ironically, single payments corresponded almost exactly to the twelve-month rule of the 1901 NMO,

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<sup>85</sup> W Sachs: *Black Hamlet* (London, 1937) p50

<sup>86</sup> Interview with Sekuru Machirori, 4th February 1987, Mambo Township, Gweru

which had just been abolished in the new NMO. It was, not, however, the law which had produced them, but the cash pressures in the rural areas.

Cash was very different from cattle. It did not reproduce, and once used was gone for ever<sup>87</sup>. In wealthier families, the cash payment continued to benefit sons, as earlier cattle transactions might have done. Instead of incoming bridewealth being used to provide them with wives, thereby setting them up as household heads, the cash bought education, subsequently placing these sons in an advantaged position in the labour market<sup>88</sup>. Many households, however, could not manage this option. Cash was needed simply to meet immediate demands: tax, rents, dipping fees and, in some years, to buy grain. As one informant told me, "*Most parents wanted their daughters to be married with money because money was important in those days*".<sup>89</sup>

Extracting cash from migrant workers had a further big advantage for household heads. For many years their attempts to control women had been undermined

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<sup>87</sup> As noted in this interview:

I think it was better to pay in cattle, because money gets used up all at once. Cows live a long time and reproduce, and we can even get milk from them.

'Ambuya' interview

<sup>88</sup> This was the case in the family of Mrs Retsina Moses, interviewed in Mambo Township, Gweru, on 4th February 1987

<sup>89</sup> Mtsitsi interview

by the women running away to waged workers who then neglected to pay damages or bridewealth. By demanding large initial cash payments, defined as rutsambo (betrothal gifts payable by the suitor himself rather than his family), family heads protected themselves against bad faith on the part of the suitor<sup>90</sup>. Casual admirers were warned off, for it was much easier to justify demanding rutsambo cash from them than cattle. Cattle-based agreements were too closely linked to rights over children of the match, and payment could be delayed for many years as children were conceived and matured. A large cash payment, equivalent to the cattle, could be demanded without any of the connotations of a cattle arrangement. By these transformations of the bridewealth system, household heads were able to cushion themselves from the worst effects of slump.

The NMO's creation of 'customary law' and 'traditional' authorities in Southern Rhodesia cannot therefore be presented simply as an alien imposition only furthering the Reserves policy of the Administration. Admittedly, the intervention of a written Ordinance created by the white Legislative Council could weaken the authority with which Africans arranged marriage alliances. There is a significant difference between a generally-known law

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<sup>90</sup> Steele (1981) p36 supports this analysis.

which enables people to speak and negotiate for themselves, and a law which is best understood by lawyers. By 1927, at least one man had hired a solicitor to further his case under the NMO<sup>91</sup>. Moreover, the system of registration did involve the NCs much more closely in monitoring marriages and marriage alliances, even if they did not attempt to impose the strict letter of the law. Nonetheless, as Simon Roberts has suggested:

'Customary law'...provides a means of access to [local] groups for those in power; but it remains a source of qualified autonomy for the ruled.<sup>92</sup>

While the bridewealth system was maintained and continued to function, there were those in the African communities who stood to benefit from it.

In the urban areas, the impact of the legislation was different. As the law did not prohibit 'harbouring', it provided no relief for family heads whose women had run away there. Despite this, the level of registration within the Gwelo location seems to have

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<sup>91</sup> Correspondence between NAD and the firm of Webb & Low, regarding the case of Albert Longwela. S138.47. The comment from NC Gwanda that it was unwise to draw attention to changes in bridewealth compensation policy because of "the increased employment of Attorneys by the native" implies that NMO cases may have been fought through solicitors as early as 1923. NC Gwanda to SN Bulawayo, 28th July 1923. S138.47

<sup>92</sup> Simon Roberts: *Tswana Polity and 'Tswana Law & Custom' Reconsidered* in JSAS (1) 12 1985 p87. Roberts is discussing a system of indirect rule, but the point about 'created custom' applies also to Southern Rhodesia.

been relatively high. The law was obeyed in large part simply because it was the law. The same comment was made in several interviews with people who had lived in the town or location during the 1920s: "it was the law to register marriages"; "We went to register because it was the law that everybody should register"; "it was the government's law that everybody should register their marriages". The population was overwhelmingly male, and women consequently had a high profile. The proximity of the NC must have encouraged registration by couples who were officially 'married' within the Ordinance's definition, even though these were most unlikely to fulfil the requirements of section eight, that registration should precede co-habitation<sup>93</sup>. Under such circumstances, it was easy to impose a uniform system of registration on the cosmopolitan mixture of people coming to the town.

However, many couples, especially within the town and compounds, must have been effectively excluded from the provisions of the Ordinance. In-coming migrant men were not known to the local chiefs, and often not in a position to travel long distances to the rural areas to petition them to witness their marriages<sup>94</sup>. More significantly, however, in-migrant women might

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<sup>93</sup> NC Gwelo to SN Bulawayo, 2nd April 1918. N3/17/4.2.2

<sup>94</sup> NC Selukwe to SN Bulawayo, September 1918. N3/17/4.2.1

not have been long enough in the District to be deemed 'resident' there, and were frequently not in a position to ensure the presence and consent of their family heads, even were they accepted as resident by the NC<sup>95</sup>. He could not register their marriages. A Xhosa woman who had moved into Gwelo District early in the century testified in a criminal case in 1918:

I have had 5 children from him. I have been living with him as his wife. I considered him as my husband until I went into the NC last month. He has always treated me as his wife. The NC says I am not legally married to him. If the NC had not told me I should have still considered myself his wife.<sup>96</sup>

The State would not recognise such marriages as valid under the NMO.

For those not accommodated by the NMO, the Churches provided a means of contracting an 'official' marriage, usually in conjunction with an 'unofficial' bridewealth settlement. The Anglicans, Methodists, Seventh Day Adventists and Catholics all established 'native branches' in Gwelo fairly rapidly, and the Anglican Church operated a school in the location from 1909. This was very popular among domestic workers, some of whom attended classes every night

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<sup>95</sup> NC Sinoia to SN Salisbury, 3rd July 1922, indicates that this problem was found wherever there were in-migrant women. N3/17/4.2.1

<sup>96</sup> Gwelo criminal case no 430/1918. D3/20/3

after a long day's work<sup>97</sup>. There was also a Wesleyan Church in the area from at least 1908. By the mid-1920s, many Africans, especially the permanent residents in the location, were loosely attached to a Christian community, and Christian marriages became more common. The fights with the NAD continued, but in 1929 NCs finally won the right to issue an enabling certificate to all African couples before the priest was permitted to marry them.

There were many reasons why people might want to contract 'official' marriages through the Church, even if they could not be accommodated by the NMO. One factor was the Municipality's housing programme within the township:

In order to have shared accommodation one had to produce a marriage certificate. Those who did not have one were not allowed to stay here unless they registered.<sup>98</sup>

In 1915, the Municipal Council had decided to build kaytor huts in the location to encourage Africans, "especially the married ones", to sleep there rather than in town. Further construction programmes during the 1920s specifically planned for married quarters as well as single, and demand for these was found

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<sup>97</sup> As is evidenced by criminal cases nos 333/1919 and 487/1919. D3/20/4

<sup>98</sup> Machirori interview

consistently to exceed supply<sup>99</sup>. However, the housing situation in the location was so chaotic, and the population so fluid, that the majority of couples - married, registered or whatever - searched for accommodation where they could, without reference to the authorities.

However, there were also pressures to register which had nothing to do with material benefits. It became clear from interviews that registration was not necessary to establish a marriage as valid in African eyes. Nonetheless, it did have a symbolic importance.

One woman commented:

The Europeans introduced this law because they wanted tax. People did it because it was the law. But also they wanted to satisfy their parents that the love they had was true.<sup>100</sup>

Another man, now in his eighties, told us:

People registered their marriages to show that there was true love between the two. I did not register my marriage because I wanted to see whether our love was still strong between me and my wife. Most of the people who did not register, their love did not last long.<sup>101</sup>

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<sup>99</sup> Minutes, Gwelo. S/GW 244.

<sup>100</sup> Mtsitsi interview

<sup>101</sup> 'Sekuru' interview

In a similar vein, another woman said that people registered "to show that they were mature and had made their own decisions and were now ready to be married".<sup>102</sup> Registration, it seems, was not simply meeting administrative needs. Clearly, it met some need for the African community too. Young people were moving to town and being exposed to an extraordinary range of new experiences. Registration provided an additional public symbol of commitment between lovers in a situation of considerable upheaval and instability.

The 1917 NMO had grown from a desire, shared by NCs and the administration, to make African marriages more accessible to regulation and control. Except perhaps in urban areas, it was of little practical value in meeting this aspiration, but it was of considerable ideological importance. The Ordinance effectively created a 'native marriage' procedure, a 'customary law', which aided the acceptance among NCs and administrators of a segregation policy in place of the policy of integration. Meanwhile, the early 1920s saw a revival of patriarchal power alongside the introduction of this 'customary' law. It would be tempting to see a causal connection between these two events. However, the resurgence of lineage control in the rural areas cannot be attributed to this creation

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<sup>102</sup> Mangwenya interview

of 'custom'. Indeed, in practice NCs largely ignored the procedural provisions of the Ordinance. Of much greater practical and political significance in perpetuating lineage control was the way in which the bridewealth system enabled family heads to protect themselves, as junior men could not, from the impact of cash crisis and land appropriation. Even the poorest producer in the rural areas, provided he had control over unmarried women, could use their marriages to extract large cash sums from migrant workers. This was hardly 'tradition', but it was certainly a source of power.

THE CLOSING DOOR: African Women and European Morality  
1916-1930

By the early 1920s, many of the people of Gwelo District could think about themselves as men and women in ways which had had no place in the lives of their grandparents. While lineage relationships continued to provide the focal point for social identity, these were mediated and diffused by a variety of other relationships in which lineage identity had little relevance. The sexual aspect of a person's life could be conceptualised separately from their membership of a family group. Women found that men would pay for sexual services, and men and women could become involved in sexual relationships without the involvement of their respective lineage-groups. Economic and political relationships between senior and junior men were influenced by the commoditisation of bridewealth goods, and, by the mid-1920s, the commoditisation of bridewealth itself. While family heads fought to maintain control over the marriages of their daughters, they could not maintain control over the marriages of their sons. The long-term lineage alliances established by marriages were transformed into more individualist relationships between a man and his wife's family. Even while lineage membership continued to provide a context or starting-point for interactions with others, it could

no longer provide appropriate rules to govern these new relationships between men and women.

The growth of a new discourse to accommodate these changes took place on a national level, as the transformations in Gwelo District were reproduced across the region. Whereas there had been no distinct 'realm of the moral' in the African communities of the late nineteenth century, the early twentieth century had seen the construction of a definite 'moral discourse' in Southern Rhodesia which was influenced by, but not a simple reflection of, the concept of morality brought into the region by the white Occupation. The criminalisation of female adultery had crystallised the idea that sexual acts could be wrong in themselves, a concept stressed by missionary groups who were still attempting to enforce Christian concepts of correct male and female gender roles. This idea of sexual immorality provided another set of rules with which to control the behaviour of insubordinate women no longer wholly bound by the constraints of lineage obligation. However, whereas in European thought morality was a personal and private matter, for the African communities the idea of moral propriety was still strongly linked to lineage interests. The conceptualisation of sexual behaviour as something that took place between individuals did not detract from the idea that its 'moral' significance was

determined by the extent to which lineage interests were damaged. As control over daughters became more significant than control over sons for the rural patriarchs, moral condemnation was seen to refer to women rather than to men.<sup>103</sup>

The 1920s was a very different decade from the 1910s. The pressures for women to find means of supporting themselves outside the rural economy were growing all the time. The incentives for women to find their way to compounds in the 1910s were replaced in the 1920s by imperatives. Pull became shove. The cyclical crises of rural production left unprecedented numbers of women destitute, without families to support them. "The large-scale movements [of women] to the compounds" notes Charles van Onselen,

can be...specifically dated...Prostitution was a particularly noticeable feature of the 1920s and '30s - that is, of the years when the process of proletarianisation had reached an advanced stage.<sup>104</sup>

The NAPO had been designed to deter women from running away with migrant workers and evading lineage control. It assumed that women had lineage members to support them and were exercising a deliberate sexual choice in running away. However, the early 1920s saw

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<sup>103</sup> Interviews with Machirori, Mangwenya, both imply that the NAPO was primarily directed against prostitutes.

<sup>104</sup> van Onselen (1976) p179

a growth in the numbers of women deserting, not to be with other lovers, but to work as prostitutes. The fact that during this period there were more women working as prostitutes, and for pay well below 1910s levels<sup>105</sup>, implies that sexual choice was no longer the issue. For these women, this was not a case of life-choice, but of choosing to live; not so much sex as survival.

As access to bridewealth became a vital cash source for rural producers throughout the territory, patriarchal dissatisfaction with the NAPO grew<sup>106</sup>. Similarly, men whose households were dependent on rural and migrant worker incomes were increasingly worried by the threat of wives deserting the rural home. In 1923, a NC near Salisbury reported:

This matter was brought up by the Chiefs and Headmen when His Honour the Administrator visited here. They stated that the law had not afforded them the protection they expected and asked that the Government might close its eyes and allow them to deal with the offenders. Asked if they meant to kill, they replied "No! But we will handle them roughly".<sup>107</sup>

Unsurprisingly, permission was refused; but this assertion of judicial autonomy and violent intent was

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<sup>105</sup> Ibid p180

<sup>106</sup> CNC to Dept of Administrator, 22nd July 1918. N3/17/2

<sup>107</sup> NC, The Range, Charter to SN, Salisbury, 14th March 1923. N3/17/2

clearly disturbing for the new government. Male patience was wearing thin, and the build up of pressure on African producers was finding unpleasant outlets. Men were becoming more ruthless. As well as the threat of "rough handling", the same year another report was received by the Attorney-General. A man's two wives deserted him, to live at Nil Desperandum Mine Compound, while he served a month's hard labour on the roads. He asked that the NAPO be applied against them:

"I want them to be put in gaol", he said, "and I want them to be put to real hard labour. Washing clothes and suchlike light work they laugh at. I want them to feel the pain of the prison."

I pointed out to him that I could not make women work on the roads, and he replied that then his wives might just as well be left where they were.

To-day, while writing this, another Native came with a similar complaint and made a similar statement.<sup>108</sup>

The NAPO had failed to provide a substitute for compensation as a means of dealing with and absorbing marital disputes. The conflict between men and women which flared up with the Occupation could not be settled by negotiation nor by legislation.

At first the NAD preferred to ignore the violent undertones in this gender conflict, and to treat the matter as purely technical. Such a response was

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<sup>108</sup> NC, Shabani to Attorney-General, 30th April 1923. N3/17/2

typical of the growing 'purposive rationality' of the Southern Rhodesian state, which was abandoning its 'moral' and 'civilising' claims in favour of a more technicist approach towards colonial administration<sup>109</sup>. If the NAPO was not working, this could be remedied by finding ways to apply it more effectively. The first stumbling block, encountered only a year after its promulgation, arose directly from problems inherent in the legislation itself. The Attorney-General, having argued in the Legislative Council that morality was not the basis of the law, then kept to his word by refusing to prosecute in what he described as "*cases of mere immorality*"<sup>110</sup>, regardless of the husband's sense of grievance. A rather acid exchange broke out between his office and the NAD, leading CNC Taylor to comment, apparently with gritted teeth:

I regret that ignorance of procedure appears to have been displayed by some NCs, but if the Attorney-General has found the task of "applying the law in the sense of its wording and intention very difficult", so much the more must the Ordinance have presented serious difficulties to officials without the Attorney-General's legal training.<sup>111</sup>

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<sup>109</sup> Drinkwater (1989) traces this shift in policy in rural development programmes.

<sup>110</sup> R McIlwaine, Sec Law Dept, to Asst Magistrate, Gutu, 25th June 1917. N3/17/2

<sup>111</sup> CNC to Dept of Administration, letter no T1770/1461, 29th August 1918. N3/17/2

Tredgold's refusal to prosecute was based on the grounds that the Ordinance was really designed to reduce female desertion. This left Taylor in a very embarrassing situation when, in response to complaints from Chief Gutu that the law was ineffective, he had instanced a case then awaiting trial involving Gutu's own wife, only to find that Tredgold subsequently refused to prosecute. Much bitterness was generated within the NAD by this gaffe, which was not mollified by the Attorney-General issuing a circular to all SNs setting out his position:

In cases of a first offence of this nature, would it not be preferable to have the parties before the NC, explain the law and the reprehensibility of the conduct. Then inform the offenders that any repetition of the offence by either party with each other or with other persons will be visited by punishment. Then, if possible, arrange for compensation.

Such an application of the law will, in my view, fulfil the real purpose of the Ordinance which was to educate married natives in moral sense.<sup>112</sup>

Clearly Tredgold was still confused about the issue of morality and the NAPO. As Taylor commented to the Administrator:

Native Commissioners, I apprehend, will find it somewhat difficult to justify the condonation of secret and illicit acts of adultery, while, on the other hand, open

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<sup>112</sup> Circular letter T1908/1461 from CNC to all SNs. N3/17/2

cohabitation is treated as a serious crime.<sup>113</sup>

It was all the more galling for both CNC and Attorney-General that the NAPO should prove so difficult to administer when both had invested so much in forcing it through the Council.<sup>114</sup>

The NCs who were experiencing real difficulties with NAPO found it hard to get support from other members of the department. Female insubordination tended to be centred on the towns and mines, and in more rural areas NCs were happy to indulge in complacent back-slapping about the African's gratitude to them for introducing the law. When, in 1923, the rising voice of grievance from African men in the Shabani area led the NC to propose abolition of the NAPO as a dangerously unenforceable piece of legislation, the CNC refused to take the matter up:

With all deference to the arguments advanced by Mr Nielsen, the fact remains that since legislation was introduced making Adultery a punishable offence, a legitimate grievance by the natives against the Administration has been removed and I cannot see that any good point will be served by continuing this controversy.<sup>115</sup>

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<sup>113</sup> CNC to Dept of Administration, letter no T1736/1461, 29th August 1918. N3/17/2

<sup>114</sup> As Tredgold commented:

You will remember that I was one of the original advocates of this law, had it adopted against a considerable amount of internal opposition and piloted it through a somewhat tempestuous course in the Council. My sympathies in the matter may be judged from this. [N3/17/2]

<sup>115</sup> CNC to Administrator, 25th May 1923. N3/17/2

The majority of the NCs, although having a low opinion of the marital behaviour of African women, regarded the problem as a little local complaint rather than endemic in deteriorating gender relationships in the African communities.

However, for those NCs in industrial areas, a further difficulty with the legislation was presenting itself. Charles van Onselen notes that

1921 saw an 'influx of foreign native women' who went to the compounds for the purposes of prostitution.<sup>116</sup>

These women were coming largely from Nyasaland, where the economy was even more depressed than in Southern Rhodesia. Many of them came down with their husbands, but then deserted them in favour of the more lucrative options open to single women. Husbands complained to the NCs, but the NAPO seemed powerless to control these women. In 1922, the CNC reported:

They come down with the genuine intention of living with their husbands. Unfortunately the temptations of town and compound life often prove too much for them. There is some doubt as to whether the sanctions of the Natives Adultery Repression Ordinance (sic) apply to them, as they are not "married" according to the laws of Southern Rhodesia. This immunity only too often leads them into a life of prostitution.<sup>117</sup>

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<sup>116</sup> van Onselen (1976) p179

<sup>117</sup> CNC to Sec, Dept of Administration, 8th May 1922. N3/17/4.2.1

The problem was exacerbated by two factors: firstly, that many of these couples came from communities which did not follow bridewealth systems encompassed by Southern Rhodesia's NMO<sup>118</sup>, and secondly, that:

It may be considered impolitic to draw the attention of the Nyasaland authorities to the position which has arisen here in consequence of the influx of native women from that Territory, in view of the fact that the Government is opposed to their natives seeking work here; and, further, any action on our part with a view to preventing these women from entering the Territory may have a deterrent effect on our future labour supply.<sup>119</sup>

This last factor over-rode all other considerations, and women from Nyasaland continued to enter Southern Rhodesia. Northern Rhodesia, however, was more approachable, and in May J C C Coxhead, the Secretary for Native Affairs in Northern Rhodesia, wrote to the Secretary to the Administration in Livingstone that:

It would be quite possible for a Native Commissioner when issuing a pass to a native woman to go to Southern Rhodesia to give a certificate of marriage but in each case there would have to be a searching enquiry.<sup>120</sup>

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<sup>118</sup> Solicitor General to Sec, Dept of Administration, 11th April 1922. N3/17/4.2.1

<sup>119</sup> CNC to Sec, Dept of Administration, 8th April 1922. N3/17/4.2.1

<sup>120</sup> Coxhead to Administrator's office, Northern Rhodesia, 30th May 1922. N3/17/4.2.1

Instructions to this effect were issued to all Northern Rhodesian districts, while SNs in Southern Rhodesia were circularised that:

When natives from Northern Rhodesia report at the offices of Native Commissioners in Southern Rhodesia for registration, they should be asked if they have their wives with them. If they have, and are able to produce the certificate referred to above, the Native Commissioner of the district in Southern Rhodesia should marry the parties under Ordinance 15 of 1917. The adoption of this system will be of great assistance in settling marital disputes.<sup>121</sup>

However, even this bizarre bureaucratic half-measure was unlikely to be of much use, since, as Coxhead noted,

probably by far the larger number of Northern Rhodesian native women in Southern Rhodesia have found their way down without passes".<sup>122</sup>

The question of how to deal with "alien" women continued through the decade, being raised again in 1923, and debated at length in 1927. In that year, the District Superintendent of Police in Gatooma refused to prosecute on the grounds that the NAPO:

was introduced in order to protect indigenous husbands against the seductive efforts of alien males towards their (indigenous) wives. It would appear extremely doubtful whether the application

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<sup>121</sup> Circular letter no 1527/3024/22, 24th June 1922. N3/17/4.2.1

<sup>122</sup> Coxhead to Administrator's office, Northern Rhodesia, 30th May 1922. N3/17/4.2.1

of its provisions was ever contemplated in regard to dealing with alien seducers of alien females whose marriages to alien natives of their own (or other) Northern Countries cannot substantially be proved...<sup>123</sup>

This objection led to an opinion from the Law Department that:

the Ordinance contains no definition of marriage; it does not state what constitutes a native marriage; it merely speaks of a native marriage. Consequently to bring a native woman within its scope all that it is necessary to prove is that she is properly married in accordance with the law of her domicile. Whatever may have been the intention of the legislature there is no express distinction between indigenous and non-indigenous natives. The only difference in the case of the latter if they have been married outside the Colony is that the burden of proof of such marriage may be more difficult to discharge...<sup>124</sup>

So by a simple legal sleight of hand, even woman from other regions were to be brought inside the NAPO net.

The Law Department's opinion should not be taken to imply that proof was easy to discharge even when local Africans were involved. Marriage certificates were often lost and witnesses could not be found. In a further attempt to plug loopholes and extend the ambit of the law, an amendment was passed in 1927

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<sup>123</sup> Dist Supt Police, Gartooma to ANC Gatooma, 29th Sept 1927. S138.47

<sup>124</sup> CNC circular letter C.335/5943 to all Native Dept stations in Southern Rhodesia, 12th November 1927. S138.47

allowing the husband's testimony alone to be proof of marriage. This was a dubious and unreliable innovation, as well as a total abandonment of the English common law principle that spouses cannot testify against their partners in criminal cases. As the NCO i/c at Gatooma commented:

I do not think that the mere assertion of the husband that he was married to the woman accused would be prima facie evidence of the marriage, as it is easy to see that if such were the case, the Act would be abused.<sup>125</sup>

Easy to see, but hardly very important. The Act was already being abused, verbally, by those who saw it as a useless piece of legislation. If women's civil rights had to be disregarded in order to make it work, this did not really bother the settlers in the Legislative Assembly nor the NCs dealing with complaints on the ground. By 1927, there were many within the NAD who wanted to do more than simply tinker with the existing legislation in order to put curbs on women's independence. Changes to the NAPO were all very well, but the late 1920s saw a new offensive against women brewing, one whose impetus came not from African men, but from the Native Commissioners themselves.

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<sup>125</sup> NCO i/c Gatooma to Dist Supt Police, Gatooma, 21st Sept 1927. S138.47

This change in European attitudes towards African women was a keynote of the 1920s. The paternalism of the 1900s belonged to an older generation. If the NAO had been no more than a response to the African male lobby of the 1910s, then the NCs could have washed their hands of it when it failed to deliver the goods. The continuing complaints from the men could have been met with the response that they had asked for the legislation, it had been promulgated, and there was the end of the matter. The continuing concern to enforce the NAO must be put in its context. Women were becoming a problem for the white administrators too.

The difficulties with African women were in part the outcome of a general shift in European ideology, away from integration and towards segregation. Segregation policy posited rural Reserves as self-sufficient regions wherein Africans could 'develop' or 'civilise' at their own pace. This was fantasy, given that the Reserves were inadequate and that Europeans required African labour, but it was a powerful fantasy, appealing both to liberals concerned about land seizure or the destruction of 'tradition' and to settlers determined to prevent Africans competing with them in the agricultural or labour markets. Europeans with control over Africans in the rural areas expected them to fulfil the role of a gradually 'developing' people, steadily passing the various

"milestones on the tedious journey from barbarism to civilisation"<sup>126</sup>. Whereas the 'family policy' had posited women as 'civilisers' in an urban, proletarianised context, segregationist theory emphasised the importance of women as preservers of family life and social stability in the Reserves.

This had long been the thrust of Anglican missionary work in the Lower Gwelo Reserve. Female independence was not encouraged, and women who had adopted European lifestyles outside the mission environment were looked at askance. Waged domestic labour was regarded as fraught with risks and temptations for the single African girl, and girls who chose not to stay at home were clearly suspect, however 'civilised' they might appear to be<sup>127</sup>. This was a widespread mission prejudice. In 1920 a Methodist missionary at the Nengumbo girls' school reported to London:

Then on Friday another damsel arrived, named Amelia aged seventeen. She is a sister-in-law of one of the Evangelists, and before coming here has worked on a mine. She is quite a fashionable young lady, & has an extensive wardrobe, & wears high laced boots and stockings. She has worked for white people & can speak some

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<sup>126</sup> CNC Report, 1930. The 'milestones' under discussion here were "the cases of natives who regularly meet their premium obligations for the benefit of an insurance policy", Post Office savings, the setting-up of small businesses and the founding of a vernacular newspaper. The ICU, however, was not considered to belong in this category.

<sup>127</sup> Interviews conducted by Chenjerai Shire, Lower Gweru, 19th July 1988

English, but I wish almost she was in the raw state I think.<sup>128</sup>

A 'raw' African woman, who knew her place was in the home, was preferable to the Anglicised deserter. Even more preferable was the woman who knew that home was in the Reserves, not in the town.

Increasingly during the early 1920s, other voices began to call rural African women to the task of 'winning their own people'. In 1923, Agnes Sloan, a female contributor to the newly-established Native Affairs Department Annual declared:

we ought to civilise the black woman;...otherwise we could not expect the men we trained to hold to their training once they went home, to live again in the kraal surroundings of the native reserves.<sup>129</sup>

This new shift in the concept of civilisation reflected the emphasis in "liberal" segregationist theory on the 'pure' nature of the rural Africans, and on the Reserves as the focus for African aspirations. Provided that the rural African woman realised her responsibility to develop the Reserves, Mrs Sloan had no doubt that schools would be forthcoming "*once her economic position drives her to seek technical knowledge*".

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<sup>128</sup> Mary Smallwood to Miss H M Bradford, 8th August 1920, Methodist Missionary Society Archive, SOAS, Box 1052.

<sup>129</sup> Agnes Sloan: *The Black Woman*, NADA 1, 1923.

However, Mrs Sloan's advocacy of education for rural African women did not grow entirely from a disinterested philanthropy, nor was it a simple reiteration of segregationist ideology. White women had never been happy with the exclusion of white men from the NAPO, and were concerned over the degree of sexual contact between white men and black women. In 1921, in response to the continuing political interventions from the white women's lobby, a circular was issued to all SNs by the CNC asking "*whether the practice amounts to a public scandal*"<sup>130</sup>. Many such arrangements were deeply exploitative, and it is indicative of the moral attitudes of whites towards African women at this time that the relationships considered most shocking were not those in which the woman was procured or kept by the man as a guilty secret, but those which involved an open and loving relationship<sup>131</sup>. For women who were not mistreated, relationships with white men could appear a better option than marriage to an African man. Significant capital goods such as wagons might be given as gifts, over which male kin would have no control. A woman could become rich that way, exploiting such capital assets<sup>132</sup>. Even without such

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<sup>130</sup> Circular letter C.1497/21, CNC to all SNs, 7th June 1921. A3/18/35

<sup>131</sup> See, for example, AgNC, Wankie to SN, Bulawayo, 13th June 1921. A3/18/35.

<sup>132</sup> Civil case no 10/13, 27th March 1913. NGA 4/1/1.

gifts, there were material benefits. As one man, faced with a compensation demand from a man who had given years of wasted brideservice, put it:

The girl has gone mad about the white man. I think he must have strong "muti" by which he draws women to him, he already has one native wife. The store is full of nice things, and the easy life are the things that women love.<sup>133</sup>

The woman in this case retorted that she did not think she was bewitched, but simply in love. Other women were more cynical about exploiting their white lovers. In 1923, a Matabele woman, having extracted considerable amounts of livestock from a white man as bridewealth, took the cattle back to her lineage home. The African employee who was sent to collect her at Christmas was told that she had gone away with a man previously introduced to the white man as her brother:

When he told his boss, the European held his head and said 'Jesus Christ'. He was shy to report to the police for having been married to a Black woman.<sup>134</sup>

The 1921 investigation found that in rural areas, it was still not unusual to find white men in relationships with African women, although:

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<sup>133</sup> Civil case no 5/19, Sebungwe, Gokwe, 28th June 1919. N3/17/4.2.1.

<sup>134</sup> Interview conducted by Ken Wilson with Mr Mabombo Zivengwa, 5th September 1986, Zvishavane District.

as a result of the establishment of a settled European population and of the consequent force of public opinion, the evil is rapidly diminishing.<sup>135</sup>

Consequently, wrote the Secretary to the Administrator to Mrs Longden, the President of the Rhodesian Women's League, no legal action would be taken.

It was against this background that, not content to lay on rural women the burden of 'holding men to their training', Mrs Sloan emphasised their duty to preserve the purity of their black culture. In case the point might be missed, Mrs Sloan went on to describe the misery of 'coloureds', who were bound to fall into immorality because they had no place in society, being neither black nor white. Clearly, the only remedy was to encourage in black women a pride in their culture and traditions, which would on the one hand aid the returning men to keep their manners, and on the other hand keep the women in moral uprightness and in their proper place.

While white women were urging that the Reserves must be developed for the sake of black women's souls, the NAD had already appointed a Director of Native Development, who attempted to oversee a programme of

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<sup>135</sup> Sec, Dept of Admin, to Mrs Longden, President of Rhodesia Women's League, 22nd November 1921. A3/18/35.

rural education. Given the importance of women in the rural economy, they had to be recognised in such a programme. 'Industrial training' for girls became popular in the department, although, in contrast to the missions, it was still given lower priority than waged domestic work as an option for women<sup>136</sup>. However, this was not the best time to introduce a policy of self-sufficiency and economic development in the rural areas. Growing numbers of migrant husbands preferred not to return to the Reserves when drought and depressed prices were causing such hardship<sup>137</sup>, while women had the example of 'roving prostitutes' from the north to remind them that rural production was only one of several options open to them. Indeed, it was largely concern over the collapse of the rural economy which had inspired the setting-up of the Native Development programme<sup>138</sup>. The 1922 crisis undermined what little credibility the 'liberal' segregationist argument might originally have carried. The new settler state was not prepared to spend on Africans when European farmers were themselves in difficulties, and during the 1920s the Reserve economies were actually

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<sup>136</sup> CNC's Reports, 1921, 1922, 1927; H S Keigwin: *Report of the Director of Native Development, 1921*. Rhodes House, Oxford, 624.12s.1

<sup>137</sup> SN Victoria to Acting CNC, 22nd September 1926, S138.47

<sup>138</sup> Phimister (1988), p140

penalised through marketing legislation and price supports<sup>139</sup>.

Mrs Sloan's vision of African women developing a proud, black and independent economy in the Reserves was clearly not to be. 'Industrial training' was inadequate and inappropriate. Missions were praised by the Director of Native Development for introducing such subjects as basketry, pottery, spinning and weaving alongside the usual domestic science lessons<sup>140</sup>. However, in strong contrast to the attitude towards boys, girls were not expected to utilise these skills outside the home. They were to be the 'family makers' in the rural areas, participating at most in some cottage industry. Moreover, they were still excluded from lessons in farming and agricultural extension work, which remained focused on the men. The NAD was still trying to encourage girls to take up employment opportunities as domestic workers, and did not take seriously the position of women as rural producers. Increased economic power in female hands would undermine the 'chiefs and headmen' who were still needed as collaborators<sup>141</sup>. By the mid-1920s, a broad consensus had developed that education for women in

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<sup>139</sup> Ibid; G Arrighi: *Labour Supplies in Historical Perspective: a study of the proletarianisation of the African peasantry in Rhodesia* in *Journal of Development Studies* 3, 1970

<sup>140</sup> Keigwin, 1920-23

<sup>141</sup> Phimister (1988), p148

the rural areas was necessary, not to improve their economic status, but to 'raise the tone'<sup>142</sup> of rural life. This fulfilled demands that the position of rural women be 'improved' while side-stepping the trickier question of investment needs. Concern developed over the behaviour of women in the rural areas, not now because African men were complaining, but because it was essential to the segregationist policy that the Reserves should remain stable.

These concerns surfaced in the NAD early in 1924, when the CNC circularised a memo from F W Posselt, the NC Marandellas, and asked for comments<sup>143</sup>. Posselt was questioning the abandonment of the paternalist policy towards women, on the grounds that female emancipation was necessary for the development of the rural areas:

There can be no real progress, unless it is a progress of both sexes. Whatever high water mark of achievement the male may attain, he must inevitably again sink to the level of his ignorant mother or wife...Any scheme, therefore, for the advancement of the Native and the development of his spiritual and moral endowments must give equal opportunities to both sexes, whose progress must be on parallel lines.

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<sup>142</sup> Keigwin, 1921

<sup>143</sup> CNC circular letter no. T/396/3442. S138.50. All the comments on the Posselt memo are held in this file.

Posselt advocated a radical integrationist programme to abolish bridewealth, institute full property and inheritance rights for women and allow women custody of their children. Such a programme would, in effect, completely destroy the authority of senior men in the Reserves, which was rooted in the bridewealth system. This was precisely why Posselt singled it out for attack. He recognised that while the bridewealth system existed, women had little vested interest in maintaining the rural power structures or in contributing to development programmes:

Polygamy is in itself not antagonistic to culture and progress...It is otherwise with lobolo, for the woman cannot be emancipated by reason of being the object through which others acquire rights.

In his own comment on the circular, Posselt developed his theme by drawing attention to the benefits to women, and to the rural economy, in rejecting the lineage system. He instanced a woman who preferred to work as a prostitute<sup>144</sup> and spend her earnings on the education of her children, as a better example of rural enterprise, and indeed of motherhood, than a woman who remained within the lineage system but had no control over her produce or her children. Posselt considered that there were few incentives for women to act as 'home makers' within such a system.

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<sup>144</sup> NC Marandellas, 14th March, quoting from civil case Marita vs Nyahuni, 28th Feb 1924

Posselt's suggestion was almost unanimously rejected by the NCs. Some did not even bother to engage seriously with the issue he was raising, but simply shrugged it off:

it would be impossible to give equal opportunities to both sexes...The male, as bread winner, goes out to work and naturally comes in touch with civilisation. The woman does, or should, remain at the kraal, the home. The progress of both sexes never has, and never will be, on parallel lines.<sup>145</sup>

Other commentators had more useful things to say, and a wide range of experiences were suggested by the replies. Some NCs felt that the bridewealth system was working well and maintaining rural stability. Others, primarily those near towns and industrial areas, complained of women's tendency to desert husbands and families. They all drew the same conclusion, however, which was that women should not be granted more freedom. Several drew attention to trade and production in which women were engaged, where they controlled the profits, to deny that there was any problem. Others emphasised that women were not restricted by the bridewealth system, but took advantage of the provisions of the NMO to protect their own interests. The NC, Charter considered it

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<sup>145</sup> NC Hartley, 28th February

wholly impractical to give women custody of their children:

Unless she married again her only alternative would be to lead an immoral life, a desperate example for her children, or would she not resort to the very methods practised by the men, that is, pledge her minor daughters, receive property and so meet her obligations, maintain herself and children.<sup>146</sup>

Presumably not, if bridewealth had been abolished, but that is hardly the point. However accurate all these comments may have been, all missed the point of Posselt's original memo, which drew attention to the structural inequality inherent in the bridewealth system, and the problems this created for women when they were left with primary responsibility for rural production at a time of cash shortage.

Posselt's point was only really taken up by Acting NC Palmer in Gwelo, who placed the question in the broader socio-economic context of labour demands and the need for rural areas to develop at roughly the same pace as urban areas, if the African communities were to be given a chance to become 'civilised'. Dismissing segregation of the Reserves, on the grounds that African labour was vital to the settler economy, he added:

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<sup>146</sup> NC Charter, no date

I consider that any further delay in opening up avenues for the progress of the native woman will constitute a blot on our humanity.<sup>147</sup>

Palmer was from the old integrationist school. He opposed segregation and wanted to see 'traditional' life swept away by European 'civilisation'. Unlike those who still envisaged a settled urban labour-force, however, he recognised that women were, for the time being, the main permanent rural producers, and that attention had to be paid to the rural economy. He argued that the real problem was the lack of options available to women in the Reserves, and that systematic emancipation was required. Women, not men, would bring 'civilisation' to the Reserves, but they must be set free to do it:

If the young men of to-day are to develop the Reserves, I consider that that development will occur so slowly, by reason chiefly of our demands upon them for our own development, that the existing undesirable state of affairs will outpace any development of Reserves scattered throughout the Territory...To strive for that advance it is essential we should tackle this question of the native woman.

The other NCs did not agree. Tackling the 'question of the native woman' seemed a most unpopular suggestion, unless it was to deplore earlier paternalist impulses on the part of the BSACo.

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<sup>147</sup> Acting NC Gwelo, 4th March

Indeed, the really striking thing about the NCs' comments on Posselt's memo is their hostility towards African women and any idea of further challenges to the bridewealth system. The intemperance of tone is notable: African women are described as "almost purely animal", "arrogant, independent and indifferent", and "quite uneducated and uncivilised ...unmanageable". Several NCs noted that the rural woman was "not the poor down trodden timid creature she is often supposed to be", and the NC, Hartley added, "I have found that she has a tongue, and knows how to use it"<sup>148</sup>.

Central to these attacks on women were complaints about their 'moral' - that is, sexual - behaviour. NCs seemed to feel that more rather than less restraint was required if African women were to 'be the means of winning their own people'. The NC, Zaka went so far as to blame all female poverty or destitution in the rural areas on marital infidelity. His reply to the memo concluded:

One cannot help feeling sorry for these women, but the woman has to pay the penalty for her early acts of folly...and for the writer to suggest that the evil may be remedied by raising the status of the native woman and allowing her to possess property, is erroneous. It is the very thing which will create in her a state of

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<sup>148</sup> NC Hartley, 28th February. Europeans were very keen on 'discovering' things in Africa.

independence and lead her to dishonour and ruin.<sup>149</sup>

The NAPO debate had set the stage for such an attitude towards African women, in its use of moral discourse to legislate for their subordination, and in its degrading of the 'civilising' project. By 1924, most NCs were convinced that African women were simply not ready for 'civilisation' and should not, therefore, be allowed any further rights. Much emphasis was placed on education, rather than emancipation, as the priority for women. Several NCs noted that women were already keen to attend mission schools, and even demanded that their husbands did so too. Paradoxically, however, the panacea of education was linked by the NCs to 'evolution', with the strong implication that education would have to be a very gradual process, during which time women should be strictly controlled:

The native woman of today has not the brain power or civilisation of the mothers and grandmothers of the present white generation...There is danger in a too rapid transition from a state of barbarism to one of civilisation.<sup>150</sup>

The paternalism of the past was much regretted, for it had allowed the 'inherent immorality' of African women free rein. *"The only legal restraint imposed is*

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<sup>149</sup> NC Zaka, 4th March

<sup>150</sup> NC Hartley, 28th February

*the Adultery Ordinance*", noted the NC, Sinoia<sup>151</sup>. The consensus of comments on Posselt's memo might be summed up by the NC, Bikita, who wrote:

The partial emancipation granted her by the Native Marriage Ordinance has had an extremely bad effect on her morals and she must first pass through the present phase of abusing her new found freedom before any good purpose can be served by granting her privileges which will place her on the same footing as the women of races which have been civilised for centuries.<sup>152</sup>

Rather than 'raising the tone' of rural life, it seems NCs felt women were lowering it most grievously. They perceived women as almost universally immoral and a nuisance.

Women in towns were not any more popular with the administrators or the Missions. This was not because women were wholly unwelcome in town: the demand for female domestic workers in the towns continued during through the 1920s. However, it also continued to be largely unmet, for much the same reasons as it had been unmet in the 1910s: family heads were reluctant to lose control over young women, husbands wanted their wives to remain in the rural areas cultivating their lands and male domestic workers were jealous of their positions. Meanwhile, many women found they could make better money elsewhere, or undertake waged

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<sup>151</sup> NC Sinoia, 23rd February

<sup>152</sup> NC Bikita, 12th March

agricultural work, which had the joint advantages of being seasonal and more familiar<sup>153</sup>.

None of this deterred the NAD from trying to encourage single women to enter domestic service, but the emphasis was shifting. Rather than positing African women as inherently immoral, the 1910s had seen NAD officials emphasising the corrupting influence of the mine compounds and the towns, and the need to provide hostels for girls. As the new decade progressed, however, the tone began to change, and become more reminiscent of the late 1890s and early 1900s, when concern had been expressed about the 'immorality' of African girls. The breakdown in the bridewealth system was blamed at that time, and the 1901 NMO had been the result. It had been a fundamentally paternalist piece of legislation, designed to protect women from pledging and forced marriages. The revival of concern about the moral standards of African women twenty years later was much less benign. African women were born 'corrupt'; they had not had 'corruption' thrust upon them when they came to town.

Rather than blaming parental opposition alone for the small numbers of women in domestic service, in 1923 the CNC suggested:

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<sup>153</sup> CNC Reports 1924, 1925

The majority are averse to exchanging the freedom from restraint and congenial surrounding of their home life for the discipline and regular hours of domestic service.<sup>154</sup>

Moreover, those that did leave home were presented as almost more reprehensible than those who did not. In 1922, for the first time, the NC's report for Gwelo District expressed concern, not about the shortage of female domestic labourers, but about the sort of woman who took up such work:

There are a number of natives and coloured girls employed as nurses and at housework on farms and in townships but the type of girl working is usually of a low moral standard, especially in the towns.<sup>155</sup>

Such assumptions about the immorality of urban women developed in parallel with the hostility to rural women expressed in the Posselt correspondence. The failure of the girls to live in the Mission hostels provided for them in Salisbury and Bulawayo did not enhance their reputation. In 1930 the CNC, returning to this question, noted that:

By some it is alleged that the girls themselves are impatient of discipline, and that those employers who have made the experiment of engaging them have found them unsatisfactory.<sup>156</sup>

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<sup>154</sup> CNC Report, 1923

<sup>155</sup> AR, Gwelo, 1922. N9/1/25

<sup>156</sup> CNC Report, 1930

Missionaries also objected to the girls entering domestic service, and when consulted on the matter, one noted:

the only girls to be obtained for service are likely to be rebels against parental authority and not the best sort of girls.<sup>157</sup>

Women who did not even have regular work and yet lived in town were perhaps the most reprehensible of all, since there was a strong suspicion that they must be living by prostitution or beer-brewing in order to survive:

...women can proceed, for instance,...to the Salisbury location or Salisbury town; they live here for a week or a month or longer, and there is no check on their movements, and nobody questions what they are doing in town...What are these people doing here? They cannot be selling their grain or chickens. There is no occasion to stay here for weeks on end.<sup>158</sup>

African men's typification of urban women as immoral was beginning to be shared by the NCs. Moreover, it was a belief that was beginning to upset them.

This change in attitude away from encouraging female rejection of rural authority was not unique to

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<sup>157</sup> Testimony of Bertram H Baines, CR, Penhalonga, St Augustine's Mission, to Departmental Committee on Native Female Domestic Service, 16th August 1932, p56 (quoted in Schmidt (1988) p15)

<sup>158</sup> F W Posselt, NC Marandellas, Superintendents of Natives and Native Commissioners Conference, 14th December 1927. RH624.12s.11.

Southern Rhodesia. There is growing evidence of a general shift in Southern and Central African colonial ideology during the 1920s-30s, towards harsher controls over African women<sup>159</sup>. It would be a surprise not to come across comments such as these from the NCs in Southern Rhodesia during this period. Moreover, we should expect hostility towards women to be expressed in terms of their immorality, since the NAPO had entrenched the control of women as a moral issue.

However, to understand the roots of these attacks on women in Southern Rhodesia, we must look further than a simple overall change in colonial policy. The general regional interest in controlling women had grown out of a perception of social disintegration in the rural African communities, which was undermining indirect rule strategies. Tying women more closely to family and lineage obligations was intended to bolster the power of those administering 'customary' law.

In Southern Rhodesia, too, the concern over female insubordination and desertion was linked to fears of rural instability. Policy was inconsistent, but

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<sup>159</sup> see, for example, Chanock (1985), and three papers in particular from the contributions to the Crisis over Marriage in Colonial Africa workshop: M Vaughan: *The Meaning of Matriliney: Marriage in Southern Malawi 1900-1950*; J Parpart: *Sexuality and Power on the Zambian Copperbelt, 1926-64*; A Whitehead & M Vaughan: *The Crisis over Marriage: an Overview*.

largely supportive of Christianised, middle-to-rich peasants with wives to match, as a bulwark against the rising tide of rural dissent<sup>160</sup>. However, although many of these men were "economically reconstituted chiefs and headmen"<sup>161</sup>, the issue of chiefly authority and indirect rule was still secondary in Southern Rhodesia. The collaborators were not administering 'customary' law, since there were no officially recognised 'customary' courts, nor were Native Councils yet established in 1924. Unlike in 1916, it was not primarily to support African men that administrators in Southern Rhodesia turned against women in the 1920s. It was because they wanted to keep 'surplus' Africans out of town.

The assault on women was directly linked to the shift away from an integrationist policy and towards segregation. In the rural areas, women were to provide suitably stable homes for the men, thereby preventing an influx of skilled and semi-skilled male workers into towns to compete with white workers. When rural impoverishment pushed increased numbers of both men and women into the urban areas, this was blamed on the 'immorality' of the women; hence the comments on the Posselt memo. In town itself, however, it was not simply the permanent residence of

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<sup>160</sup> Phimister (1988), p148-9

<sup>161</sup> Ibid, p148

work-seeking men, who should have been snug at home in the kraal with their wives, which aroused hostility. The presence of unemployed women in town was even more upsetting.

Urban women, whether in work or not, were perceived as a 'moral' problem. The emphasis on the indiscipline of African girls, and the concern over where they stayed when in town, imply that it was the sexual behaviour of African women which was the 'problem'. Celibate, single women were welcome as domestic workers. If they had children, however, they automatically constituted a family, and African families belonged in the Reserves. Although prostitutes were officially integrated into the mine compounds in the 1920s<sup>162</sup>, the strict logic of segregation policy demanded that urban African women did not have lovers or husbands, or in any way risk impregnation. Like other aspects of the policy, this was unfair and unrealistic, especially given that white men were ready to abuse their power over their female employees. In Gwelo, there was no provision for single women at all:

Women who were not married were not allowed to stay here on their own. Either they stayed with their relatives or with their employees. No hostels were built for girls

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<sup>162</sup> Van Onselen (1976), p181

to stay in, even if they had come to work.<sup>163</sup>

Meanwhile, one woman who worked as a maid in Gwelo in the early 1930s told me that her employer was so unsympathetic to her role as a mother that she made her go to the township, over a mile away, to fetch water for her children, rather than allow her to use the tap in the house<sup>164</sup>. Once white settlers developed an interest in dissuading women in town from having children, then any sexual relationships in which they got involved would cause hands to be raised in horror. It is hardly surprising that in the 1920s, urban African women were stigmatised as 'immoral', not only by their family heads and husbands, but also by their erstwhile protectors.

Whether in town or country, then, the whites were beginning to develop an interest in controlling the sexual lives of African women. It was on their own account that officials attempted to tighten the NAPO net during the 1920s. This was part of a regional swing away from paternalism, but in Southern Rhodesia was intimately linked to the spread of segregationist ideology. In particular, the new government had an interest in preventing urban women from starting

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<sup>163</sup> Interview with Ambuya Fungirani, 17th March 1987, Matapa Township, Gweru.

<sup>164</sup> Interview with Ambuya Evans, 17th March 1987, Matapa Township, Gweru.

relationships with men, and a parallel interest in preventing rural women from deserting marriage relationships in the Reserves, whether their husbands were there or not. In both cases, women posed a threat to the new policy if they made independent choices about their sexual behaviour. In this context, it was to be expected that the Occupiers would join the family heads in worrying about the 'insubordination' of African women, and that they would express this in terms of 'immorality'.

However, to discover that the settler state was likely to posit African women as a problem, and to conceptualise that problem in terms of immorality, does not uncover very much about the true extent of African women's independence, or the degree to which they posed real problems for the administrators. Clearly, though, rural impoverishment was driving increasing numbers of women to investigate the new possibilities opened up by the Occupation. These women were certainly causing problems for African men. The complaints about the ineffectiveness of the NAPO arose against a background in which more and more women were discovering loopholes in the system of lineage control.

Even women who were not rendered destitute by the rural cash crisis were finding means to evade male control. The opportunities opened up for women by the

expansion of the white economy and infrastructure continued into the 1920s. The comments on the Posselt memo draw attention to women's use of two major legal innovations, the NC's court and the NMO, to protect themselves against male threats. The NCs would, of course, be expected to make such comments, but the growing number of applications from couples to marry without the consent of the woman's father gives some credence to the claim.<sup>165</sup>

The pressure on women searching for a better life to be both inventive and ruthless in their use of the changes brought about by the Occupation must have been compounded during these years by the closure of other options, as the rural economies were squeezed by drought, depression and legislation. Women had little reason to hang about in an unpleasant situation:

If a woman has a grievance against anybody - if she has been smacked by her husband for not cooking food properly - she is off by the next train.<sup>166</sup>

The trains were an important innovation for women. They could be used for escape, and were increasingly

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<sup>165</sup> See, for example, SN Bulawayo to CNC, 3rd March 1924, S138.47; NC Marandellas to CNC, 29th August 1927, S138.47; Correspondence over marriage of Kamweta and Marawaseyi, November 1928, S138.47; many applications from Nyasaland workers, including 13th February 1930, 8th March 1930, S138.47.

<sup>166</sup> SNS Conference, 1927. E G Howman, NC Goromonzi.

used to get away, by fair means or foul, as this migrant worker found:

They both ran away by the Train as the woman cheated me that she would go to by Dresses when it was the money of paying the Train besides it she took again £5-00 in the Bag when I was at work, she never saluted me and gone after my absence.<sup>167</sup>

His complaint was not new to NCs, who debated whether to ban such women from using the trains. There were other women who found a rather less romantic use for the rail lines:

We have professional gangs of prostitutes going up and down the railway line who make a point of reaching a cottage on pay day or the day after, and as soon as the natives have been fleeced of their wages they proceed to the next cottage.<sup>168</sup>

Clearly the rail system could offer women tickets, not just to the next station, but to a new way of life.

Another European innovation was the missions, including the convents. Even at the start of the Occupation, missions were used as a refuge by women wanting to avoid marriage<sup>169</sup>. The production crisis of the 1920s may again have encouraged women to take

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<sup>167</sup> Gilbert Lamarck, migrant worker, to NC Chibi, 31st August 1929. S138.47

<sup>168</sup> SNS Conference, 1927.

<sup>169</sup> Ranger (1981)

this option, for by the end of the decade it was seriously souring relations between NAD and missionaries in Umtali and Fort Victoria districts. Local NCs were petitioned by African men to stop this loss of their women. The concern over girls becoming 'Brides of Christ' (rather than brides of a man who paid bridewealth) was compounded by the general insubordination of women. So, by 1931, a man who was otherwise well-disposed towards Driefontein Mission took out an affidavit against it. Female resistance to marital control was well known to William Mashove, for he had settled several adultery disputes and refusals to marry on behalf of his family over the preceding years. When his daughter and ward chose to enter the Mission he found himself no longer able to afford the price of female independence:

The position now is, I have no cattle and if these two girls - Hilda and Emma - do not marry, how am I to settle Peter Tichagwa's claim or obtain repayment of the cattle I have produced for others. I agree to their entering the Sisterhood, but these cattle matters worry me greatly.<sup>170</sup>

To underline the seriousness of this problem, it should be remembered that this was a successful farmer and the thirties were a period of large cattle-holdings for African farmers. The NAD was divided over its response to these cases, but was anyway almost powerless to prevent the missions from

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<sup>170</sup> Affidavit by W Mashove, 7th March 1931, SZ35.376

accepting these women. The women had learned that under the Occupation, God as well as the Devil offered means of independent survival.

As well as exploiting these transformations of the infrastructure, women were also discovering escape routes from rural drudgery and poverty in the changed economic structure. The monetisation of bridewealth, which was consolidated during the 1920s depression, could work in their favour. If bridewealth was just about raising cash and buying cattle, then women could play this game too. It has been often noted in modern development literature that women are taking advantage of the cash economy in this way, but it is not a recent innovation. In 1926, a woman named Emily, daughter of Chief Ndzimende, was pledged to marry a man she did not want. She found herself work with a Mrs Garmany, and sent her father £4/10/- to replace four cattle given as bridewealth for her, with her father's reluctant agreement:

I am doing it by the like of the girl who is rejecting lad it is not nice to me...She must work and send me money to pay those cattle...the dower is sent back to its owner all ready.<sup>171</sup>

This was a profound transformation of the meaning of bridewealth payments, which had previously been predicated on women's lack of control over the things

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<sup>171</sup> Chief Ndzimende, Bembesi to CNC, 4th August 1926. S138.47

exchanged<sup>172</sup>. It is clear that Emily was at least two jumps ahead of the NAPO when it came to escaping rural poverty. In her case matters were helped by the rural depression: her father changed his tactics, no longer trying to enforce her return but buying replacement cattle instead, when cattle came onto the market at depression prices:

She must send me two pounds or more at once there are many selling cattle here in this week. She must not let me fail to buy in these cattle.<sup>173</sup>

Although Emily must be seen as a pioneer, rather than a typical case, her story shows that women were still finding new ways to evade lineage control, ten years after the NAPO.

Even women who could not outpace the NAPO's net found ways to break through it. So the Assistant Magistrate at Shabani found in 1923 when a husband asked what he could do with his repeatedly unfaithful wife:

I told the man that if he found his wife living with, or being harboured by, another native he could have them both punished as before, but the woman laughed and said he would find it difficult to bring an army to court to be punished; she was not going to co-habit with one man but with as many as were willing. I told the woman that I thought she was saying this in bravado but she insisted that she was going to be as good (or as bad) as her word.

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<sup>172</sup> As noted in Posselt's memo.

<sup>173</sup> Chief Ndzimende, Bembesi to CNC, 4th August 1926. S138.47

It is a fact that many native women have discovered that whereas adultery with one man is punishable, prostitution with a number of men offers a safe means of escape from an irksome marriage.<sup>174</sup>

Women in the industrial centres, then, in refusing to give up their independence, were beginning to raise problems of authority for NCs as well as family heads. Increasingly in the late 1920s, there are references to the NAD being used to trace and return deserting women<sup>175</sup>. For migrant workers in particular, the power of the state was used in the absence of the authority of family heads:

I feel trust long hand of Government will stretched out & catch them both. We Nyasaland Natives (ect) depend on Governments' help as it is the mother & father when Makaranga trust both Government & perants we got no perants here but Government helps we orphans. (sic)<sup>176</sup>

As soon as the state undertook to defend African men in their control over women, they found themselves in conflict with those women.

The assertiveness of African women was frequently mentioned in the comments on the Posselt memo in 1924. This cannot be accounted for simply by the

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<sup>174</sup> Asst Magistrate, Shabani to Secretary, Law Dept, 21st February 1923. N3/17/2

<sup>175</sup> See, for example, Rex vs Sarinda Sambulane, 7th Feb 1916, N3/17/4.2.2; Chief Nzimende to CNC, 4th August 1926, S138.47; NC Rusapi to CNC, 5th February 1927, S138.47; Gilbert Lameck to NC Chibi, 31st August 1929, S138.47.

<sup>176</sup> Gilbert Lameck to NC Chibi, 31st August 1929, S138.47.

change in attitudes which accompanied the shift towards segregation policy. It seems that women really were causing headaches for government administrators right across the country. While the NC, Hartley was being tongue-lashed, the ANC, Mtetengwe was finding that:

Native women are by no means mere chattels - they have definite views on all matters concerning themselves.<sup>177</sup>

However, the problem seemed most acute around Salisbury, where more girls were educated, bridewealth levels were higher and many migrant men from outside the region stopped off on their way south<sup>178</sup>. Migrant women, too, were passing through the area, and by 1926 were beginning openly to defy NCs' orders to return to their husbands, knowing that the NAPO legislation did not apply to them. NCs could not tolerate this challenge to their position:

it is subversive to authority when the woman knows that she can with impunity flout orders directly given to her.<sup>179</sup>

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<sup>177</sup> ANC Mtetengwe, 5th March 1924. Posselt Correspondence, S138.150

<sup>178</sup> Interviews with Machirori, Mtsitsi. The NC Goromonzi commented in 1927:

I have more trouble over this immoral state of affairs than almost any other NC in the country. (SNs Conference, 1927).

<sup>179</sup> ANC Shamva to NC Mazoe, 23rd June 1926, S138.47

These women were posing a direct challenge to the state. The challenge was met in 1927 by their inclusion in the NAPO legislation. However, the more general political question of women's resistance to the Occupation was left open.

Many NCs' complaints about African women's behaviour surfaced in 1927, when not only were 'alien' women brought into the NAPO net, but the question of passes for women was reopened:

...the great complaint we hear from natives is in regard to the women who get on trains and run away to other parts of the territory where we cannot get to them.<sup>180</sup> They have also said to me at different times, "Why do you allow the women to travel on the train without a pass when the men are supposed to carry a pass?" and it seems to me quite reasonable from their point of view.<sup>181</sup>

The NCs spoke in terms of morality, and of women running away without male consent. The problem of women using the trains, it was averred, was that they deserted their husbands and became concubines or prostitutes. Train passes were presented as part of the project to protect African husbands from the immorality of their wives.

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<sup>180</sup> SNs Conference, 1927. E G Howman, NC Goromonzi.

<sup>181</sup> SNs Conference, 1927. F W Posselt, NC Marandellas

This concern to protect the interests of African husbands seems a little surprising when one learns that five years later, an organised association of African male lobbyists reported:

We do not like the idea of these girls having registration certificates. We do not think it is safe for women to have passes. It makes us ashamed to see a girl or woman stopped and asked for a pass. We mean all women.<sup>182</sup>

These men did not deny that the movement of women should be regulated, but did not want an extension of degrading pass legislation. Other African men probably did not even agree that women's movements should be regulated. The men who eloped with women by train had an interest in their free passage, as did the men who supplied prostitutes to the mine compounds. Opposing the practicality of the proposal, the SN, Victoria commented:

If a man wants to send his female relatives to earn a little money and he brings them to the office and asks for a pass, naturally he does not disclose this fact that he is sending them away for that purpose. You cannot refuse the pass.<sup>183</sup>

Faced with conflicting demands from the African male lobbies, the NCs putting forward the passes proposal

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<sup>182</sup> Evidence of the Umtali Native Association to Departmental Committee on Native Female Domestic Service, 16th August 1932, p36  
(quoted in E Schmidt (1988), p45)

<sup>183</sup> SNs Conference, 1927. Col C L Carbutt, SN Victoria

clearly preferred to listen to the men who were pressing for further legislative controls over women. These men were telling them what they wanted to hear. The administrators themselves were warming to the idea of passes for women.

So, too, were the missions, which hoped that women would 'civilise' the rural areas by adopting a European lifestyle. Pass legislation for women was advocated at the Anglican Synod that year, and was further supported in a letter to the Press by a Dutch Reformed Church minister:

What harm can a pass do to a clean, honourable native woman, loyal to her husband, when it is known that the imposition of the pass is not a hardship, but as a protection to her and her family?<sup>184</sup>

Despite this, as in 1916, the proposal was not adopted by the Conference.

Nonetheless, things had changed over the intervening decade. In 1916, the NCs had felt little incentive to police the sexual choices of African women, and had pressed for the NAPO in preference to pass legislation. The Adultery Ordinance did not put them in direct conflict with women, except where husbands had asked for their intervention. In 1927, however,

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<sup>184</sup> Quoted by W Edwards, SNs Conference, 1927.

NCs were much keener to stamp out the 'immorality' of the women. The debate was simply over whether passes were the best way to do it. The proposal to stop women using trains without a pass from the NC was simply impractical:

A woman living in the Zimutu reserve, through which the railway line runs, wants to come into Victoria to do a little shopping. She first of all would have to walk into Victoria to obtain a pass, walk out to Zimutu siding and come in again to do her shopping. The thing is absurd.<sup>185</sup>

Recognising the force of this argument, the proposer withdrew the resolution.

Beyond matters of practicality, however, there was a wariness about imposing any such controls over women:

...there is always this danger: once a woman has obtained this pass she looks upon it as a license to carry on her business, and considers that the business is recognised by the Government.<sup>186</sup>

Such wariness was well founded. The problems with the NAPO had demonstrated how ready some women were to defy NCs' orders, if they considered they had good legal grounds.

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<sup>185</sup> SNS Conference, 1927. Col C L Carbutt, SN Victoria

<sup>186</sup> SNS Conference, 1927. S W Greer, NC Bubi

As well as being subversive of authority, African women were posing other problems of law and order for the Europeans. Beer brewing, especially once drinking hours were restricted, could lead to acts of drunken violence<sup>187</sup>, for which women were held partly responsible. In 1923, the Mayor of Gwelo Municipality expressed concern over:

the present danger and menace from the highly intoxicating beer brewed by the native women.<sup>188</sup>

Indeed, many of the activities of women in the towns were associated with the informal economy. In 1927, although proposing passes as a measure to combat the *immorality* of African women, the NC, Mrewa soon betrayed a closer interest in *illegality*:

A large percentage of the serious cases of crime in the Colony are through these native prostitutes and loose women. They carry on illicit brewing and are receivers of stolen property. They can come and go when it suits them.<sup>189</sup>

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<sup>187</sup> In the words of S W Greer, NC Bubi, SNs Conference, 1927:  
You will remember in the old days when we were passing a beer drink we met a happy group of people, dancing and singing and perfectly happy. Nowadays we compel the native to get drunk [at work-parties]...getting as much as possible down his neck before sunset. He is not allowed to get up and dance and get rid of his beer, because he is afraid a policeman will come along. He sees a man on the other side and thinks, "That is the man who spoke to me rather cheekily the other day," and goes and hits him over the head. We make him a criminal again.

<sup>188</sup> *Minutes, Gwelo. S/GW 244*

<sup>189</sup> SNs Conference, 1927. W Edwards, NC Mrewa. See also van Onselen (1976), p180:

The state officials responsible for inspecting the mine compounds concluded that prostitutes were at the base of most crime on the properties. The black workers themselves felt that the 'mahure and beer' were the most important

Women really were a problem for the NCs by the late 1920s. It was not necessary for all women to be involved in criminal activities or defiance of authority, for women in general to cause concern to NCs. The problem was that women who were not controlled by men, nor legally constrained in their movements, were all potentially well-placed to commit crimes and undermine the power of the NC, who had no way of telling which women to watch. Moreover, some women were taking advantage of that position. Whether working as freelance 'roving prostitutes', running township shebeens, failing to show an interest in domestic labour opportunities, disregarding orders to return to putative husbands or simply using their tongues to upset NCs, African women were asserting themselves in opposition to the state.

This criminality, however, was treated by the state as a problem of immorality, that is, as a question of women's sexual behaviour. Passes were recommended as a means of improving women's moral behaviour. The flaw in this reasoning was pondered by the NC, Mazoe, who wanted to know:

precisely in what way a native woman having a pass issued to her would prevent the

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contributory factors to the 'faction fights' that frequently racked the African mining communities.

existing and widespread state of  
immorality?<sup>190</sup>

No satisfactory answer was forthcoming. The debate over the NAPO had accustomed NCs to regarding the control of women as a moral question. In addition, the demands of segregation policy had given the state an interest in regulating women's sexual activity. None of this, however, explains why outright criminality and defiance should also be conceptualised in these terms. The impracticality of pass legislation may provide some of the answer. In the same way that:

Labeling (sic) the African worker as lazy was a way of acknowledging the limits of dominance while attributing these limits to the basic nature of the dominated, rather than to the contradictions of exercising power,<sup>191</sup>

so labelling women's resistance as 'immorality' was a way of recognising the limits of the NCs' control over women. It also legitimated any further attacks on their freedom.

By the end of the decade, the NAD wanted all the loopholes which women had opened up to be plugged. The tide of paternalism had turned and the gap was

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<sup>190</sup> SNs Conference, 1927. W A Devine, NC Mazoe

<sup>191</sup> F Cooper: *On the African Waterfront: Urban Disorder and the Transformation of Work in Colonial Mombasa*, (Yale, 1987), pl.

closing. The NAPO was to be used more ruthlessly.

When, in 1927, one NC asked:

...was it the intention of the Legislature that the Native Adultery Act (sic) should be used to force women to live with men with whom they do not wish to live?<sup>192</sup>

the reply did not deny this, and emphasised only that all men should feel free to use the legislation at all times. Also in 1927 was the amendment violating English common law, which allowed the husband's testimony alone to be proof of marriage in a NAPO case. Then two years later, in 1929, the NMO was amended so that unregistered marriages were not invalid for the purposes of the law. This confirmed that women could not avoid NAPO prosecution by arguing that non-registration rendered their marriages invalid. Moreover, children born of such unions were not 'illegitimate'. This meant that the courts would recognise their inheritance rights, but also meant that women had little hope of claiming legal custody of their children. The concept of 'legitimacy' was alien to bridewealth systems, in which a child either belonged to its mother's father's lineage, or to the lineage of a man who paid bridewealth or compensation for a child to become a member of his lineage. Officially, NCs were supposed to take bridewealth payment into account when

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<sup>192</sup> NC Hartley to CNC, 3rd November 1927, S138.47

settling custody matters, but the amendment, by declaring the 'legitimacy' of children born of an unregistered marriage, presupposed that a child belonged to the lineage of the husband. A woman could much less escape on the next train when her husband or father took to beating her, if by doing so she risked losing her children.

The 1920s, then, was a decade in which African women continued to assert their independence, but no longer with the implicit support of the Europeans. The pressures on them to investigate the possibilities opened up by the Occupation were exacerbated by the drought and depression of the early 1920s. Migrant women, in particular, found that Southern Rhodesia offered freedom from lineage control. African men's grievances against women continued into this decade, but white paternalism towards them failed to carry over into the 1920s. Attempts to enforce the NAPO were bringing NAD officials into conflict with women. Mission attempts to encourage domesticity in rural women were being undermined by migrant husbands failing to return, and women choosing other men or leaving for the mines and towns, rather than face impoverishment. Meanwhile, segregation policy required much stricter controls over African women's sexual behaviour. The ideology of the 'inherent immorality' of African women, never far from the surface, rose to prominence. At the same time, rural

poverty and the informal urban economy led women themselves to resist the state's interventions in their lives. This resistance was also typified as 'immorality'.

The stage had been set for the offensive against women which characterised the 1930s. The moment of freedom was over. The 1930s began with the CNC reporting:

Measures were instituted during [1931] tending to discourage native women and girls from frequenting towns and industrial centres for immoral purposes.<sup>193</sup>

By 1936, the long-awaited pass system for women was instituted in the shape of the Natives Registration Act, which

put a check on the influx [to urban centres] of young women who evade parental control and enter all too easily into an immoral life.<sup>194</sup>

Any training which might enable women to seek unsupervised economic independence was discouraged, and rural education was put in the hands of the 'Jeanes' teachers, who concentrated on domestic science, first aid training, needlework and housewifery. Nursing and domestic labour were the

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<sup>193</sup> CNC Report 1931

<sup>194</sup> CNC Report 1936

only acceptable waged jobs for women. By the close of the 1930s, the Pandora's Box of female resistance which the Occupation had opened up had been force shut by the Occupiers themselves.

### CONCLUSION

When the members of Rhodes' Pioneer Column marched over the Limpopo into the land they were to call Southern Rhodesia, they were entering a territory where there was no moral discourse as they understood it. Normative rules were not distinct from other rules of behaviour, and control over sexual conduct was one element of a range of prohibitions and instructions regarding the obligations of lineage membership and the relationships between lineage members.

In these societies, control over the sexual behaviour of lineage members was simply one aspect of the power of rural patriarchs, who built up clientage relationships through manipulations of marriage alliances and the system of bridewealth payment. Consequently, sexual acts were judged in terms of their impact upon the lineage, and lineages rather than individuals were held responsible for violations of the rules. Moreover, acceptable sexual relations were defined in terms of lineage membership, not only prohibiting some individuals from flirting or making love together, but positively encouraging such flirtation in other cases.

The Occupiers brought with them a rather different concept of sexual 'morality'. It was profoundly

individualistic. Sexual acts were judged as right or wrong in themselves, with little reference to the context in which they took place. Moreover, except in cases of 'unnatural' or 'perverse' sexuality, the wider community, as represented by the State, had no right to intervene in sexual matters.

Confronted with the normative rules of the African communities, the Occupiers interpreted the differences between the local system and their own as evidence of a lack of 'civilisation', which white rule would eradicate. However, they could not agree about the extent to which what they saw was simple 'immorality', to be eradicated by 'evolution' and education, and to what extent it was 'perversity', which was a matter for immediate State intervention. These arguments were couched in terms of a debate over 'morality'. They were, however, largely informed by political differences over the kind of colonial regime to be imposed in Southern Rhodesia. It was the BSACo Administration which won the argument, for it had the power to impose its own vision of a proletarianised African community.

Inspired by a wish to emancipate African women from lineage control, in order to further the Administration's proletarianisation policy, the Natives Marriages Ordinance of 1901 was built around the idea that African male sexuality was 'perverse',

and should be subject to State monitoring. African women were presented largely as victims of this 'perversity', whose individual sexual choices were to be respected, regardless of conflicting lineage interests.

The idea that African men were 'perverse' was easily translated onto fears in the white communities about sexual relationships between white women and African men. The white settlers were determined to establish a distinct white community in the region, and to do this it was essential that white women should not become integrated into African communities, blurring the distinction between rulers and ruled. The alleged 'perversity' of African men was used to justify severe laws against sexual contact between white women and African men, and to perpetuate the idea that such relationships were themselves necessarily 'perverse' and 'unnatural'.

By the third decade of white occupation, the generation of young men who had grown up under white rule was showing some signs of having absorbed the white ideology about their inherent 'perversity'. The genuinely 'unnatural' conditions to which they were subjected in the towns and compounds were leading them to behave in ways that were wholly alien to the normative rules of the African communities, but fitted the European idea of 'perversity' only too

well. These men remained a tiny minority, but new words and new ideas had to be introduced into the African worldview, to explain such men and their actions.

Meanwhile, in the African communities, the imposition of laws declaring that women had the right to make individual sexual choices, regardless of lineage obligations, began to cause problems for family heads, as they found themselves obliged to pay compensation to rejected suitors. The problem was not so much the legal position, however, for few marriages were registered at first, and women could be coerced into giving consent if the white Native Commissioner insisted on registration. A much greater problem for family heads was that women could abscond, to places outside lineage control. The Occupation had introduced mining compounds, missions and towns where women could run away and find ways to make a living, without the sanction of their families. Young men, too, were increasingly able to resist lineage control by finding themselves alternative sources of wealth and patronage in the white produce and labour markets.

This insertion into the African communities of the possibility of a person making individual sexual choices and then evading the consequences presented the necessity of developing a new set of rules,

specifically designed to address individual as well as lineage-based sexual behaviour. This necessity was underlined by the changes in family production processes which the Occupation precipitated. The female emancipation and family proletarianisation envisaged by the BSACo was less attractive to both senior and junior men in the African communities than engaging with the white economy as food producers, and, as these markets declined, as occasional migrant labourers. A system of part-time marriages was the result, as many men left women behind to farm their expanded acreage of food crops while they engaged for ever-lengthening periods of waged migrant work. This situation, too, required new rules about sexual obligation, as men moved more frequently across the sub-continent, seducing women as they went and leaving their wives behind to be seduced, in their turn, by other men.

The Christian ideology of the missionaries and the moral legislations of the Administration could not really address these problems. Despite attempts to impose European moral ideology in the African communities, the issues of compensation and lineage interest continued to be significant, as rural patriarchs continued to wield power in the rural areas, and to consolidate that power through the exploitation of female labour. The European moral rules were not appropriate to such a situation.

The Natives Adultery Punishment Ordinance of 1916, which was intended to address this difficulty, was barely more appropriate to the situation. It was the outcome of a long campaign by rural patriarchs, in which the 'moral' issue of adultery became the centre of complex political manoeuvres and compromises between and within the white and African communities. This legislation, unlike the previous 'moral' laws, was not justified on the grounds of male 'perversity', but simply in terms of the 'immorality' of African women, and their relationships with incoming migrant workers.

The NAPO was a highly significant piece of legislation. On the one hand, it forced the African lobbyists to discuss sexual conduct in terms of the acts themselves, apart from their lineage consequences, and suggested that unfaithful wives, rather than the lineages of their adulterous partners, should be punished by the community for their acts. On the other hand, it forced the Administration to allow that matters of simple 'immorality' could be the subject of State control. The Administration continued to assert the right of African women to make individual sexual choices, and did not itself seem threatened by their putative 'immorality'. It presented the legislation as a response to the lobby from rural patriarchs who were

not, as yet, 'civilised' enough to leave such matters to personal conscience.

The idea, implicit within the NAPO, that African women were 'immoral', was readily taken up by those in the African communities who were searching for some way to interpret the damage caused to lineages by compensation demands, unpaid damages and female desertion. The introduction of prostitution into the region by the whites, coupled with the European ideology which held women, rather than their clients, responsible for prostitution, served to further the idea that women living outside direct lineage control were 'immoral'.

The economic restructuring which followed the 1914-18 war in Southern Rhodesia reinforced this concern over the sexual conduct of women, rather than men, in the African communities. In the Gwelo District, falling wages, combined with the uncertain production conditions in the rural areas and exacerbated by land appropriation and discriminatory marketing policies, produced a situation in which most households depended upon access both to waged labour incomes and to land in the rural areas. Waged migrant workers needed rural wives, and were prepared to pay cash as bridewealth gifts to get them. Family heads became less concerned about the lineage alliances which such marriages involved, and more prepared to negotiate

with the men as individuals. As the junior men of their households engaged in similar individual negotiations elsewhere, it was control over subordinate women that really mattered to family heads. The double standards inherent in much of the European concept of 'morality' seemed to apply well to this new situation. Women's sexual choices were still strictly regulated by the lineage, while men had greater freedom from lineage obligation than they had enjoyed before.

Meanwhile, as the white settler community became more established in the territory, and the BSACo was replaced by settler rule, African 'morality' once more became a serious political issue for the whites. Fears about the 'perversity' of African men were fanned again to justify growing demands for a segregation policy. Moreover, concern grew over the apparent 'immorality' of African women, not now because African lobbyists were forcing the issue, but because the segregation policy assumed that African reproduction - and therefore African child-bearers - should be confined to the Reserves. This concern to impose celibacy on women in towns and fidelity on women in the rural areas combined powerfully with concerns over the growing difficulties in controlling the illegal activities of African women. The failure to prevent such activities was explained as a problem

of 'immorality', over which the State could be expected to wield little control.

By the beginning of the 1930s, a distinct moral discourse had been constructed in Southern Rhodesia. It was influenced by, but did not entirely reflect, the moral ideology of the people of north-west Europe. The interests of African lobbyists, the resistance from African women, and the political struggles within the white community had combined to produce a society in which whites could not leave the sexual concerns of Africans in a private world of moral conscience. They feared African male sexuality, and they perceived all resistance from African women in terms of their sexual promiscuity.

Meanwhile, in the African communities, the idea of individual responsibility for sexual behaviour gave greater freedom to men, while opening the way to greater condemnation of women. The emancipation of women envisaged by the BSACo failed to materialise, as lineage heads perpetuated the bridewealth system by transforming the terms on which negotiations could take place. Borrowing from the ideology of the Occupiers, a 'realm of the moral' was created, pulling women back under the control of their husbands and fathers, even from those places where the old normative rules seemed no longer to apply.

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Ambuya Dzinduwa, 4th Feb 1987, Matapa Township, Gweru

Ambuya Sikhosana, 4th Feb 1987, Ascot Township, Gweru

Mr & Mrs Moses, 4th Feb 1987, Mambo Township, Gweru

Sekuru Machirori, 4th Feb 1987, Mambo Township, Gweru

'Ambuya', 11th February 1987, Ascot Township, Gweru

Ambuya Mangwenya, 2nd Feb & 16th March 1987, Ascot Township, Gweru

Ambuya Majapa, 16th March 1987, Ascot Township, Gweru

Ambuya Fungirani, 17th March 1987, Matapa Township, Gweru

Ambuya Badza, 17th March 1987, Matapa Township, Gweru

Ambuya Evans, 17th March 1987, Matapa Township, Gweru