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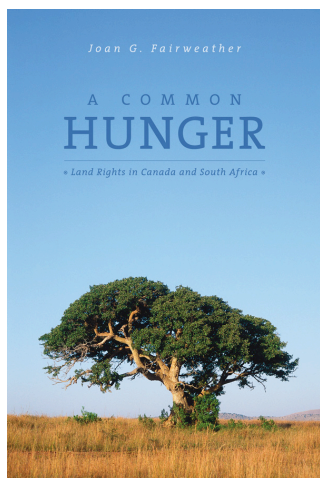
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A COMMON HUNGER: LAND RIGHTS IN CANADA AND SOUTH AFRICA

by Joan G. Fairweather

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Part One

Dispossession

Chapter One

The Land and the People

The Day we die
A soft wind will blow away our footprints in the sand.
When the wind has gone,
Who will tell the timelessness
that once we walked this way in the dawn of time?

*From an old song of the /Xam (San)*¹

THE FIRST PEOPLES OF THE CAPE OF GOOD HOPE

The San – known to the colonists as Bushmen – are believed to be the earliest inhabitants of Africa’s southern-most region. For thousands of years this diminutive people lived in small communities as hunters and gatherers, medicine men and women, painters and engravers, and storytellers. The rock paintings found in caves and sites scattered across South Africa (some dating back 26,000 years) testify to their spiritual and physical oneness with the land and the wildlife that sustained them.

Around two thousand years ago, the hegemony of the San was challenged first by the Khoikhoi, cattle herders from the northwest, and then from the east by Bantu-speaking tribes. The Khoikhoi numbered at least a hundred thousand people when the Dutch arrived at the Cape in 1652. They lived mainly along the Orange River and on the coastal belt stretching from present-day Namibia to the Transkei. The Khoikhoi (named Hottentots by the settlers in imitation of their speech) had a more elaborate social organization than the San and were distributed in large patrilineal tribes of up to twenty-five thousand members. Khoikhoi herders were probably the first indigenous group to greet the European ships on their way to India.

According to the journals of European explorers who stopped for fresh provisions on the southwestern shores of Africa, the local people seemed eager to trade with them. Portuguese sailors rounding the treacherous “Cabo de Boa Esperance” describe how they obtained fresh meat



Mural at Bartolomeu Dias Museum in Mossel Bay, Cape.

in exchange for copper and iron from the local people.² As Vasco da Gama, one of the earliest navigators to reach the Cape, recorded in his journal in 1497:

On Sunday there came about forty or fifty of them ... and with *çeitis* (knives) we bartered for shells that they wore in their ears, which looked as if they had been silvered over; and for fox-tails, which they fastened on to sticks and with which they fan their faces. Here I bartered a sheath, which one of them wore on his member, for a *çeitis* ... and a black ox for three bracelets.... We dined off this on Sunday; and it was very fat and the flesh as savoury as that of [meat in] Portugal.³

Referring to the local herdsmen as “kafirs” (meaning infidel or heathen), the French explorer Jean-Baptiste Tavernier noted in his journal in 1649 the remarkable healing skills of the local people and the way they tended members of his crew.⁴

These kafirs, however beastly they are, yet have a special knowledge of herbs, which they know how to use against the sicknesses they suffer.... Of nineteen sick that were in the ship, fifteen were put into the hands of these kafirs to tend and bandage them because they suffered from ulcers on the legs and from wounds received in battle; and in less than fifteen days they were all completely cured.⁵

The Dutch explorer Laendert Janz made a similar entry in his ship's log-book when the crew of the *Haarlem* received friendly assistance from the local Khoikhoi people. Not only did they “come daily to the fort to trade with perfect amity and brought cattle and sheep in quantity,” but they also brought fire wood when the chief mate Jacob Claas lay sick for several weeks. While the language of the Khoikhoi (with its four click sounds) seemed to confound the Europeans, Janz claimed that the natives had no difficulty learning Dutch: [They] learnt to say “hout halen” (fetch wood) and call almost all the people of the *Haarlem* by name.⁶

Initially, trade helped maintain a good relationship with the local inhabitants. As Janz and Proot wrote in their report persuading the Dutch East India Company to establish a refreshment station at the Cape, “good correspondence with the natives” would not only save hundreds of sailors from dying of scurvy, but would benefit the Company in a number of ways:

By maintaining good correspondence with the natives, we shall be able in time to employ some of their children as boys and servants, and to educate them in the Christian religion ... so that the formation of the fort and garden will not only tend to the gain and profit of the Honorable Company but to the preservation and saving of many men's lives and, what is more, to magnifying God's Holy Name and to the propagation of the gospel whereby, beyond all doubt, your Honor's trade over all India will be more and more blessed.⁷

But the marriage of Christianity and profit was not easy to sustain. The cordial trading relationship between travelers and local people soured rapidly when the Dutch East India Company, under the leadership of Jan Van Riebeeck, established a provisioning station at the Cape of Good Hope in 1652. Trading a few head of cattle with passing ships was one thing; but provisioning hundreds of ships en route to India each month required large quantities of meat. As long as they had surplus stocks, Khoikhoi herders were not averse to trading them for European goods. Initially, they brought cattle to the Company fortress (known as the castle) for trade. But as their stocks became depleted, and competition for the remaining healthy herds grew, Khoikhoi herders began raiding Company stocks.

The Company then dropped all pretence of friendly relations. The hedge of *Erkelbosch* (hooked thorns) that Van Riebeeck had been instructed to plant around the castle to seal off the new settlement from

“marauding natives” was both slow-growing and ineffective. Open conflict ensued when the Company ordered armed commandos to simply seize cattle allegedly stolen from the castle. Thousands of local people were killed in these raids. As historians Richard Elphick and Hermann Giliomee describe it, the slaughter was immense. Between 1786 and 1795, 2,840 indigenous people were killed, according to records which were almost certainly incomplete.⁸

Forced labour was one of the by-products of these raids. It was common practice to take survivors as war booty at that time – in most cases, women and children. The commando raids thus had the dual purpose of clearing the land for settlement and gaining a captive labour force. British traveler John Barrow observed that Company farmers had their work done for them by Khoikhoi men and women who cost them “nothing but meat, tobacco and skins.”⁹ Egbertus Bergh, a Company servant who was born in the Cape Colony, makes a similar observation in his memoirs, published in 1802:

The Hottentots and other original inhabitants of this country were brought to a state of completely slavish subjection; these people, freeborn and rightful possessors of the land, do not now own even an inch of land as their property.... They are not even tolerated, unless it be for them to keep their wives and children on a piece of land situated at some remote corner where they had erected a miserable hut, while they themselves, for a trivial wage, suffering the most inconceivable maltreatment, are obliged to do the most difficult and despicable work as serfs of the farmers and other inhabitants.¹⁰

Thus, the loss of their cattle – part of their cultural identity as well as their primary source of food – became the first significant loss sustained by the Khoikhoi people, who had inhabited this vast southerly region of Africa for generations.

Land – particularly well-watered land – became the second flash point of the conflict between the local Cape people and European settlers. In 1657, the Company began granting land to Dutch settlers at the Cape of Good Hope, with the laying out of farms for the first “free burghers” (Company servants who were permitted to become farmers) on the lower eastern slopes of Table Mountain.¹¹ At first, burghers were given freehold title to as much land as they could farm in three years. This was to remain “their property for ever,” with the right to sell, lease or alienate, and with a respite from taxation thrown in. The only condition was

that they had to sell all their produce to the Dutch East India Company – hardly a concession, since the Company needed as much fresh produce as possible to supply the passing ships.¹²

As the colony expanded, more and more land was taken for the use of farmers. The Company gave Dutch settlers access to the traditional Khoikoi land as if it had been unoccupied. Very little if any acknowledgment was made to the prior rights of the inhabitants, and compensation was rarely considered. O.F. Mentzel, a German in the employ of the Dutch East India Company in 1741, described how the Khoikhoi were sometimes tricked into parting with their land by Dutch settlers in this way:

The Hottentots are, as it were, the bloodhounds who smell out the most fertile lands. When their kraals are discovered in such places several Europeans or Afrikanders (Dutch) soon appear and, by gifts, flattery and other forms of cajolery, wheedle the Hottentots into granting permission for them to settle alongside. But as soon as the pasture land becomes too scanty for the cattle of these newcomers and the Hottentots, the latter are induced by trifling gifts to withdraw and travel further inland.¹³

As the best land passed into the hands of the Europeans, the independence of indigenous peoples diminished. Had they been farmers instead of pastoralists, the Khoikhoi may have been harder to drive from their lands and fountains. But as it was, their numbers greatly reduced by a sequence of smallpox epidemics, the few surviving Khoikhoi herders depended on white farmers for grazing rights. Thus, by the middle of the eighteenth century, the process of land dispossession was well under way.

When the freeburghers (or Boers, as they became known in this period) began to move further inland, they had to confront the San hunters who inhabited the semi-desert Karoo region. Although the San stole cattle and occasionally drove colonists from their farms, the Boers used their guns and horses to gain the upper hand. In 1863, the San pleaded for a “Bushman Reserve” – a small piece of their lands – to save the surviving community of 500 from the threat of starvation. The Company denied the request. As a result, the San who survived withdrew into the interior (primarily to Namibia and Botswana) or assimilated into the Khoikoi and so-called Coloured (Euro-African) populations. Some fled east and found temporary sanctuary in the Drakensberg Mountains between Lesotho and Natal. These fleeing groups left a poignant but



Rock paintings, Giant's Castle (Drakensberg), KwaZulu-Natal.

powerful record of their final battles against colonial aggression. Painted on the walls of caves and overhanging shelters are images of their own destruction: ox-wagons bringing Dutch settlers and British soldiers on horseback firing their rifles. Here and there on the rock face are the white-bodied figures of shamans transmitting the spiritual power of their ancestors that sustained them throughout their ordeal.

As the Boers moved further into the interior of the country, they encountered large groups of Nguni-speaking Africans. The largest and most powerful of these tribal nations were the Xhosa and the Zulu. When Europeans first arrived in South Africa, the Xhosa were distributed from around the Kei River all the way to what became known as southern Natal. The Zulu nation predominated further north along the coast and into the interior of Natal. The land throughout this region was ideally suited for subsistence farming and the raising of cattle, the focus of cultural identity of both groups of people. Although there was a hierarchical structure to Xhosa society, it was essentially democratic in nature. Over the years, the Zulus lost their former tradition of democratic control over royal prerogatives to become subjects of a centralized royal despotism. This was the essential difference between the two otherwise similar nations upon whom the burden of resistance to white penetration of the South African interior was to fall.

THE FIRST PEOPLES OF NORTH AMERICA

How North American Indians first arrived on the continent and how long they have been here remains open to speculation. The theory generally accepted by anthropologists and archeologists is that the first North Americans crossed the frozen Bering Strait from Siberia on foot between fifteen thousand and forty thousand years ago. There were several periods during the late Pleistocene geological age when a land bridge called Beringia emerged across the Bering Strait, the first identifiable one dating back to about seventy-five thousand years ago, and the last one ending about fourteen thousand years ago. This may have been the route they took. However, as Olive Dickason observes, there is no reason to conclude that because the land bridge offered a convenient passage for herders and large animals alike, that this was the only route available or used. The sea offered many options for travel as well. The Japanese Current sweeping from the Asiatic coast eastwards to the Americas provided a natural aquatic highway.¹⁴ Recent research suggests that the Indians arrived in North America by more than one route and describes complex patterns of transoceanic migration in the North Pacific.

The first North Americans spread out and established themselves in widely diverse communities across what is now the United States and Canada. Some lived in villages, while others had mobile seasonal camps. While Indians in warmer climates built cities, the most northerly being Cahokia in Illinois, no cities were built in Canada. The social organization of North American Indians was quite diverse. Some societies were organized under matriarchal or patriarchal clans, while others had no clan system at all. Societies on the northwest coast became hierarchical, with clearly marked divisions between chiefs, nobles, and commoners based on wealth and heredity. In some west coast villages, slaves made up one-third of the population.¹⁵ Of the historic Plains people, the Algonkian-speaking Blackfoot were probably the earliest to arrive on the vast open prairies of present-day Alberta, Manitoba and Saskatchewan. The most recent arrivals in this northwestern region, with the exception of the Plains Ojibwa (Saulteaux, Bungi) who reached Saskatchewan in the late eighteenth century, were the Plains Cree. Further to the east, in the Northeastern Midland Woodlands of North America, horticultural communities thrived. Huronian and Iroquian settlements in southern Ontario and Quebec and on the southern margins of the Canadian Shield were known for their cultivation of corn, beans and squash (the “three sisters”), evidence that they had traded with cultures in Mexico and Peru, where these crops had originally developed. Oral traditions and

the rock paintings on the cliff faces of the Shield date back over two thousand years show the ancient home of the Algonkian-speaking Cree and Ojibway, whose roots may extend back to the beginning of human occupancy in the region almost ten thousand years ago.¹⁶ The pictographs portray everyday life – canoes, animals, peoples – but also reveal the artists’ connectedness with the spiritual world, the healing powers of the *manitous*, and Mother Earth.

Before the arrival of the Europeans, Canadian indigenous populations varied in size across the continent. On the east coast, the Mi’kmaq and Maliseet nations reportedly numbered thirty-five thousand people in 1534, according to the French explorer, Jacques Cartier. Also well populated was the fertile area around the Great Lakes in Southern Ontario and upstate New York, home of the Iroquois nation, who are estimated to have numbered about sixty thousand. But in contrast to scattered populations in the plains and river valleys, the west coast indigenous population was largest of all. The Gitksan, Wet’suwet’en, Nisga’a, Haida, Nuu-chah-nulth, Kwagiulth, Tsimshian and many other nations developed sophisticated technologies to exploit the rich natural resources of fish (especially salmon) and game. The population of the northwest coast before European contact has been estimated at about two hundred thousand people, making it one of the most densely populated non-agricultural regions in the world.¹⁷

When Europeans arrived on the continent of North America in the sixteenth century, they encountered well-established societies fully engaged in highly competitive trading operations. In his study of Tsimshian culture, Jay Miller describes the fierce conflicts that took place between coastal communities before the arrival of Europeans. Far from living peacefully together, these communities were frequently at war with each other, guarding their territories and fishing grounds from rival groups.¹⁸ In her seminal work on the history of Canada’s First Nations, Olive Dickason notes that although intertribal hostilities were endemic in the Americas, Indians did not fight for the acquisition of land as such (although conflicts on the west coast often centred on resources) but for blood revenge, individual prestige, and, above all, for the possession of prisoners, either for adoption or sacrifice.¹⁹

As happened in southern Africa, North American Indians at first welcomed the Europeans as potential trading and military partners. According to the accounts of early explorers on Canada’s east coast, two fleets of Mi’kmaq canoes (some forty or fifty of them) greeted French explorer Jacques Cartier in 1535 in Chaleur Bay, eager for fresh opportunities to trade. According to one eyewitness account, “some of these savages



“Passage by Sail” plaque, near Campbell River, Vancouver Island, British Columbia.

came to the point at the mouth of the cove, where we lay anchored with our ships ... they made frequent signals to us to come ashore, holding up to us some furs on sticks.” Once Cartier’s men had come ashore, trading became so vigorous that the Indians finally withdrew naked, having bartered even the skins they wore as clothing.²⁰

Similar stories are told about the reception of Europeans on Canada’s west coast. After Captain James Cook visited the west coast of North America in 1778, his ship had scarcely any brass left on board, so eager were the Indians to acquire iron of any kind – and the sailors to part with it in exchange for furs. Some years later, in July 1787, Captain George Dixon’s ship *The Queen Charlotte* was approached by a group of Haida who were “falling over each other to trade their cloaks and furs.” According to Dixon’s journal, when his vessel left the islands he had named the Queen Charlottes, it had almost two thousand furs on board.²¹ Encouraged by the reception they received, British navigators continued to visit the western shores of North America in quest of the elusive Northwest Passage to India.

North American Indians on both sides of the continent were generous with the strangers who visited their shores, evidently perceiving no threat from them. Probably the best-known account of North American hospitality is contained in Jacques Cartier’s journal. Having already lost twenty-five members of his crew to scurvy during the winter of 1535–36, Cartier describes how he and his men were rescued from complete

extinction by Donnacona and his Huron people, who showed them how to create Vitamin C from cedar boughs and survive the brutal cold.²² The French explorers and traders who followed Cartier learned from the Indians how to hunt, travel, and farm in the harsh Canadian environment. Inuit women in the Arctic made heavy parkas for the European whalers who wintered with their communities. Attracted by the prospect of European trade, the Montagnais, Innu-Naskapi, Mi'kmaq and Maliseet established conciliatory and mutually rewarding relationships as participants in the fur trade.

But not all North Americans were eager to trade with the newcomers from Europe. Like the aboriginal people of Van Diemen's Land (Tasmania), who fiercely resisted European encroachment on their island home, the Beothuk of Newfoundland, an island off the east coast of North America, refused to accommodate European interests in their land (see Appendix). The first Europeans the Beothuk encountered were the Vikings, who settled briefly on the northern tip of Newfoundland in AD 1000 and appeared to have little contact with the local people. In the 1500s, Basque fishermen exploited the rich fishing grounds off Canada's eastern seaboard. The Beothuk gave them a wide berth at first, leaving the Basque fishing gear and boats (left in the whale ports each winter) untouched until the fishermen returned from Spain the following spring. However, when the Basque began developing fish-drying operations onshore, the atmosphere changed. The Beothuk had developed special sites for summer fishing; when the Basque erected their drying racks on these favoured sites, the conflict began.²³

The British, who eventually colonized the island, were left in no doubt about the hostility of the local people. Early in the seventeenth century, Sir Richard Whitbourne, one of the "fishing admirals" of the Grand Banks, reported that operations were being thwarted because the "Savages of that country... Secretly every year come into Trinity Bay and Harbor, in the nighttime, purposely to steale Sailes, Lines, Hookes, Knives, Hatchets and such like..."²⁴ Meanwhile British immigration to the region grew. In 1814–15 alone, eleven thousand Irish immigrants arrived in Newfoundland. The Beothuk gradually retreated further into the interior until they were confined to a small area close to Red Indian Lake at the centre of the island. As settlement increased, the conflict intensified. The European settlers sent out so-called reprisal expeditions, very like those conducted by the Dutch East India Company at the Cape of Good Hope, to punish and subdue the Beothuk. In his 1842 treatise about the situation in Newfoundland, Sir Richard Bonnycastle wrote: "It has been the disgraceful practice of the ruder hunters, furriers, and settlers



Fishing village on west coast of Newfoundland (2004).

in Newfoundland, to hunt, fire at, and slaughter [Indians] wherever they could find them, treating these rightful lords of the soil as they would the bears and wolves, and with just as little remorse.”²⁵

In addition to the deliberate killing by hunters and fishermen, many Beothuk lost their lives to diseases like smallpox, venereal disease and tuberculosis, introduced into the country by Europeans. Hundreds perished from starvation, their livelihood destroyed by furriers’ traplines and the consequent disruption of the caribou hunt. Less than two hundred years later, Newfoundland’s charming fishing villages reveal nothing of their tragic history. The Beothuk are rarely mentioned in Newfoundland’s museums. Their “disappearance,” when referred to at all, is attributed to their vulnerability as a “primitive race.”

The Arctic region (north of the sixtieth parallel), which is now home to the Inuit and other indigenous peoples, notably the Dene and the Métis, has a long history of European intrusion. First the Vikings, then, between 1530 and 1740, a number of European whalers and later traders and settlers came to the Arctic. Sir Martin Frobisher made several journeys in the 1500s, followed by Henry Hudson in 1610. Sixty years later, the Hudson’s Bay Company was granted its charter over Rupert’s Land. The fur trade and whaling operations in the northeastern Arctic (Davis Strait) were followed by missionary activity. The first mission of the Moravian Church was established in 1770 on the coast of Labrador. Later, the Franklin Expedition (1845–48) brought international attention to the High Arctic.

But apart from these activities, the people of the north were left largely undisturbed until the latter half of the twentieth century.

SLAVERY IN CANADA AND SOUTH AFRICA

Like their counterparts in other French and Dutch colonies, both New France and the Cape colony were slave-holding societies. France's involvement in the slave trade in its West Indian colonies played an important role in the introduction of slavery in New France. The practice of enslaving Indians taken in war was widespread in both North and South America. In the French colonies, enslaved Indians were called *panis*.²⁶ By the early seventeenth century, there were more *panis* than enslaved Africans in New France. But although the institution of slavery received royal sanction in 1689 and lasted for seventy-four years in New France, its legal footing was never very secure. Moreover, the captive population of New France was never very large and certainly never exceeded the settler population. When the colony came under the administration of Louis XIV in 1663, the importation of enslaved Africans was seen as both a means of increasing the colony's population and providing the necessary manpower to develop it. However, some scholars claim that slaveholding was primarily a symbol of status in New France, since there was little use for a captive labour force on the small family farms that supported the needs of the small colony.

In the Cape of Good Hope, the institution of slavery had a much more extensive history than it had in Canada. Because the Dutch were already heavily involved in the slave trade in the East and West Indies, they automatically expanded the trade to the Cape settlement. Chattel slavery started under Dutch East India Company rule and remained in place for nearly two hundred years. Although domestic slave policy took shape more gradually, the experience of the Dutch in the East Indies meant that slavery came to the Cape fully developed, governed by laws already in force and overseen by experienced Company officials in the East Indies.²⁷ The first shipments of captive Africans from Dahomey and Angola arrived in 1658, six years after Jan Van Riebeeck took over as Commander of the settlement. By the early 1700s, the slave population, drawn from Africa as well as Indonesia, exceeded that of the settlers. According to Davenport and Saunders, it was "the abundance of apparently free land and the scarcity of suitable labour" that predisposed the Cape settlement (as with other similar societies) to import slaves.²⁸

The unquestioned association of labour with skin colour in the minds of white South Africans has traditionally been blamed on slavery – although it could be argued that it was the notion of racial superiority

that gave rise to slavery in the first place.²⁹ Certainly, both slavery and the racial ideology that supported it were major factors in creating South Africa's peculiar racial labour order. Historians Elphick and Giliomee describe the three-tiered social structure that emerged from the slave era as a pyramid with the slave population at the base, a second servant class comprised of Khoikhoi and San people and "free" blacks (emancipated slaves) at the centre, and the European masters on the top – who did not themselves produce labour but depended on slave and indigenous labour.³⁰ Apart from attitudes relating to labour, slavery seems to have laid the foundations of a hierarchy of rights in South Africa where only the civil rights of white people were respected. To quote Rodney Davenport, "Cape society developed along caste lines, an almost unbridgeable legal and social divide separating the free men who possessed civil rights – the right to marry, to own property, to provide for their children, to bring or defend an action in court – and the slaves who, as Roman Law ... made clear, possessed only the natural right to eat and sleep, and to cohabit, and not to be deprived of life without sufficient cause."³¹

Despite the enormous impact of slavery on South Africa's highly race-conscious society, it is only in the last few decades that scholars have paid it much attention. Nigel Worden and Kelly Ward note that for several generations, former slaves and their descendants used to celebrate the anniversary of the emancipation of slaves in the Cape of Good Hope (December 1, 1834) as a public holiday. But this practice stopped by the early twentieth century, as those born in slavery died out. Then, as the effects of racial laws eroded their desire to commemorate the painful past, a state of collective amnesia set in. Images and representations of slavery have been firmly submerged in the Cape for a century, in striking contrast to African American cultures in the United States and the Caribbean, where slave descendants still identify strongly with their slave heritage. Until 1994, and the end of the apartheid era, school curricula and museums were silent on the subject, and even slave descendants themselves (Euro-Africans who were often referred to as "Cape Malay" or "Coloureds") repressed their slave ancestry in order to improve their economic and political status. As Africans became increasingly marginalized under apartheid, people of mixed heritage had more to gain by identifying themselves with their white ancestry than with their slave or black heritage.³²

Slavery and the notion of racial superiority that underpinned it has penetrated Canadian culture in more subtle ways. Robin Blackburn points out that the very presence of black slaves in colonial societies contributed to the denigration of indigenous peoples and a sense of equality

and “leveling up” among whites.³³ The experiences of maltreatment of the so-called Refugee and Maroon Negroes who flooded into Nova Scotia (also a slave society) after the War of 1812 shows the racial attitudes of the colonials. Like many Indian communities across the country, these refugee African men and women lost their self-sufficiency through displacement. Their failure to flourish on the poor land they were given and adapt to their new life and environment fed the scorn of the white colonists, who regarded them as “neither prosperous nor useful.”³⁴

When the British Parliament abolished slavery throughout the Empire in 1833, the terms of liberation were spelled out for the almost 1,800 slaves still in captivity in the Cape of Good Hope, the Caribbean, Bermuda and Mauritius. British North America was not considered to be among the slave-owning nations, although fifty slaves were freed under the Act.³⁵ It is interesting to note that while slave-owners were compensated for their loss, albeit at a rate considered inadequate by many colonists, compensation for those who had spent their lives in captivity was never considered. No provision was made for land or capital for the freed men and women of the British colonies.

BRITISH NORTH AMERICA

In 1760, the capitulation of the French to British forces on the Plains of Abraham (New France) brought a sudden shift in the relationship between aboriginal and settler societies in North America. During the conflict, Indian nations had made military alliances with the European powers on the understanding that the Europeans would have use (not ownership) of the land in return for annual “presents” (mainly provisions and ammunition) and other conditions. However, once the French had capitulated, the British lost no time in withdrawing the “presents” which they viewed as no longer necessary. But the Indians regarded the agreements differently. To them, the gifts were not only symbols of their renewed allegiance with the English but also an agreed-upon price for occupation and use of their lands. With the French defeated, rumours quickly spread that the British were going to seize Indian lands for settlement. The Indians were well aware of the danger they faced. In 1760, Ojibway Chief Minweweh sent this message to the British Colonial Office:

Although you have conquered the French, you have not conquered us. We are not your slaves. These lakes, these woods and mountains were left us by our ancestors. They are our inheritance, and we will not part with them to none.³⁶

But Minweweh's message was apparently ignored and the alienation of Indian lands continued.

Over the next few years, the British forces faced fierce resistance from Indian nations determined to protect their homelands from foreign invasion. But British generals were willing to go to great lengths to achieve their objectives, many of which would offend modern codes of international ethics, even in wartime. One of the most notorious incidents in Canadian history took place during this period. In 1763, Ottawa war chief Pontiac and the combined forces of northern tribes came close to driving the British forces from the Great Lakes. When the Indians launched a series of successful attacks against the British, destroying a number of their forts, British Commander-in-Chief Jeffrey Amherst ordered that every method should be used to "extirpate this inexorable race." Included in his instructions to Colonel Henry Bouquet was the directive to distribute smallpox-infected blankets to Indian camps.³⁷ Although there is no proof that Colonel Bouquet carried out these orders, many Indians fell victim to this disease at about this time. One by one, the Indian leaders decided to sue for peace. In 1764, each of the nineteen chiefs involved in the war signed separate agreements at a peace conference at Fort Niagara. Pontiac was not among them, but seeing no alternative, he too signed an agreement the following year. This agreement allowed the British to reoccupy their forts with only one condition: that Indian hunting grounds remained undisturbed. Thus, the Indians were able to keep partial control over their lands; but the capitulation to the British and alienation of large swaths of their land was a serious blow to Indian independence.

An important outcome of the Pontiac war was the Royal Proclamation of 1763, which set a boundary line between white and native America along the Appalachian chain. The Proclamation, signed by King George III, has been hailed as a "Magna Carta" for North American Indians. However, it is evident from the wording of the document that the primary motivation on the part of the Europeans was essentially self-interest:

[It is] just and reasonable, and essential to our interests, and the security of our colonies, that the several Nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our Dominion and Territories as, not having been ceded or purchased by us, are reserved to them or any of them as their hunting ground.³⁸

While the British were motivated at least in part by genuine fear of reprisals from the powerful Indian nations that surrounded them, the Royal Proclamation clearly recognized the inherent rights of aboriginal peoples to their ancestral territories. As such, it remains the legal basis for many Indian reserves, land claims, and aboriginal rights issues in the United States and Canada.

During the next phase of European conflict – between Great Britain and the rebellious Thirteen Colonies – Indian military alliances came under the greatest pressure. The outcome was the weakening of Indian power and the loss of Indian land. Although the Iroquois Confederacy had been very successful in serving its own agenda before 1760, it was divided by the American war against Britain. The Mohawks and the Cayugas were pro-British, while the Oneidas and Tuskaroras sided with the Americans. The Seneca and Onondaga were split between the two warring factions. Yet despite the price the Iroquois Confederacy paid in lives and unity, the Peace of Paris (1783) concluded the American War of Independence without mentioning the Indian nations at all. Under the terms of the Treaty, their lands were simply divided up between the two European nations without reference to the inhabitants, allies or otherwise. However, in an effort to placate their Iroquois allies (and provide a resting place for the thousands of refugees displaced by the war), the British purchased land from the Mississauga (Ojibwa) on the north shore of Lake Ontario, along the Grand River in Upper Canada. Although the original grant of 1784 has been much reduced in size, this is still Iroquois territory.

With an eye to securing the strategically important region of what is now southwestern Ontario as a buffer against possible American encroachment, the British government began to negotiate for the purchase of Indian land and actively encourage the settlement of British immigrants. Over the next decade, the Ojibwa and closely related Odawa nations relinquished large tracts of land between Lake Erie and the Thames River in Upper Canada for European settlement. A hallmark of these treaties was the use of totemic signatures by the Indian chiefs involved, statements of their distinctive identity as aboriginal peoples.³⁹ Among these is Upper Canada Treaty 5 for the purchase of lands in the Penetanguishene area signed in 1798.

In the early 1800s, a new Indian leader emerged to fight for the American Indians' rightful ownership of ancestral lands. Part Shawnee, part Cree, Tecumseh set out to rally the indigenous peoples of North America in this cause. Like Pontiac, he was connected to a pan-American

Upper Canada.

[Faint, mostly illegible handwritten text in a cursive script, likely representing the original language of the treaty.]

<i>[Signature]</i>	1798 May 22 nd 5 th	<i>[Red wax seal]</i>
<i>[Signature]</i>	on behalf of the Crown	
Mr. James Galloway in Charge of the Crown	Eastern Canadian	<i>[Small drawing of a deer]</i>
John Halliday	Caracas	<i>[Small drawing of a fish]</i>
John ...	Abeniquan	<i>[Small drawing of a horse]</i>
John	<i>[Small drawing of a horse]</i>
John	<i>[Small drawing of a horse]</i>

Treaty No. 5, Penetanguishene Area, Upper Canada, 22 May 1798.
Source: Library and Archives Canada, C15390.

religious movement that promoted the notion that land did not belong to any one tribal nation but to North American Indians as a whole. His crusade met with considerable opposition from chiefs who believed his proposed intertribal council would undermine their own authority. At the same time, conflict between the colonies of British North America and the United States was heating up at the turn of the nineteenth century. So the British began wooing Tecumseh and other chiefs with the re-introduction of “gifts.” When the War of 1812 broke out on the border of Upper Canada, Tecumseh became one of Britain’s most valued allies. The fall of Michilimackinac on 17 July 1812, to British and Indian forces, due in part to Tecumseh’s ingenious surprise strategy, was among the many decisive victories of the war. But the Treaty of Ghent, which formally ended the war in 1814, did not restore any of the Indian lands lost before the American War of Independence. Tecumseh died in battle, and his dream of a united Indian front died with him.

The War of 1812 marked the end of an era for the Indians of British North America. In 1830, the British government shifted Indian administration from the military to a new civilian arm of government. At the same time, the demise of the fur trade (due to over-hunting and the subsequent decline of the beaver population) brought an end to the period of accommodation and cooperation that characterized Indian-European relations in the early years. If the fur trade was the glue which bound the people of the Old and New Worlds together, its conclusion emphasized the deep gulf between the two societies. The cleavages became even more distinct after the 1820s, when major colonial priorities shifted from trade and military alliances with Indians to land for settlement. By this time, the British were accustomed to thinking of the land as theirs and were acting accordingly.

THE CAPE UNDER BRITISH RULE

Similar patterns of land alienation developed in the Cape of Good Hope. For the indigenous inhabitants, the end of Dutch rule in 1806 and the advent of British rule was a significant landmark. When the British abolished the slave trade in 1807, the Khoikhoi became increasingly important as a labour force. The slave-like status of the Khoikhoi was confirmed by the Hottentot Proclamation of 1809, which made it a crime for them to be in a “white area” unless employed there.

The difference between the Hottentot Proclamation and North America’s Royal Proclamation of 1763 is striking. Despite both being instruments of British colonial administration, the North American

proclamation recognized the inherent rights of indigenous inhabitants to their land while the Khoikhoi were denied even the freedom to move from one part of their country to another. Under the terms of the Proclamation, the rule that slaves had to carry passes (identity documents) was extended to the Khoikhoi and later to the so-called “Basters” (descendants of European and Khoikhoi parents).⁴⁰ As landless wanderers, the Khoikhoi were subject to yet another piece of legislation. When the draft Vagrancy Act was published in 1834 (it never became law, being superseded by the Master and Servant Act of 1842), field cornets (frontier police) were permitted to issue passes and arrest any Khoikhoi they considered to be a “vagrant.”

However, in 1828, the Colonial government revised its Cape policy, partly to appease missionary sensibilities. The promulgation of the 49th and 50th Ordinances gave the Khoikhoi some degree of legal status, but only temporarily. Claiming to afford the Khoikhoi people full legal equality with European colonists, these two pieces of legislation were touted by the British as the “Hottentot’s Magna Carta.” Under the terms of Ordinance 50 (1828), passes were abolished, and “Hottentots and other free persons of colour” were declared fully eligible to purchase or possess land in the colony. By that time, however, all the best land had been taken over by Dutch settlers. Moreover, colonial authorities were very reluctant to grant land to Khoikhoi in the vicinity of towns or villages.⁴¹ The freedoms described in the Ordinances (if they were indeed such, since there were no mechanisms in place to enforce them) were short-lived. In 1842, the Ordinances were repealed, and the legal status of the Cape Khoikhoi reverted once again to near-slavery.

FRONTIER SOCIETIES

As the tentacles of colonial rule extended across the frontiers of British North America and the Cape Colony, confrontations over land increased. Competition for land affected not only the indigenous populations but also the people of mixed descent who sought new homes for their communities in these remote areas. The cultural blending that took place during the fur trade era in North America, and in the multicultural milieu of the Cape Colony, resulted in the formation of distinct societies, each of which developed their own identity, languages and political structures. Although the circumstances of their origins were different, the story of the Métis (people of Indian-French descent) and the Griqua (people of Euro-African descent) have much in common. Both went out in search of independence and a territory of their own. Both gained some success

as frontier societies under charismatic leadership, despite British challenges to their quest for territorial and political independence.

While people of mixed European and indigenous descent are scattered across Canada, it was only in the North-West that a dominant group emerged with an identifiable history and culture. Initially, the term “Métis” applied to people of French and aboriginal parentage, but later it referred to anyone with aboriginal ancestry who considered themselves to be Métis. The unique Métis culture that developed was neither Indian nor European but shaped by the special conditions of the fur trade and the highly organized buffalo hunt on the prairies.

The sense of political identity that emerged within the Métis community had its genesis in the 1860s when it appealed to the newly founded Canadian government for recognition of its sovereignty as an independent nation. The government’s response was to send out a military contingent to assert its own sovereignty over the claimed territory. In 1869, under the leadership of Louis Riel, the Métis launched their first uprising against government forces and formed a provisional government in what was to become the province of Manitoba. When this rebellion was crushed, many Métis migrated to what is now Saskatchewan, where they launched a second rebellion in 1885, in which the Métis were militarily and politically defeated. Riel was later hanged as a “traitor,” and the Métis people were further dispersed north and west. According to historian D.N. Sprague, although the aboriginal rights of the Métis had been recognized in the Manitoba Act of 1870, the promises of special land rights have never been fully honoured.⁴² Olive Dickason adds that the question of Métis land rights is complicated by the fact that after all the confrontations over land, the vast majority of Métis took a cash settlement rather than “scrip” land that was unsuitable for farming. The Métis who took scrip often sold their land for a song to prospectors. Fortunes were made at the expense of the Métis, creating a class of “half-breed scrip millionaires.”⁴³ Today, the Métis nation is urging the federal government to deal with its land claims on a nation-to-nation basis. Moreover, the Métis demand that their constitutional rights as one of Canada’s aboriginal peoples be recognized through modern treaties which would specify the extent of their land bases and compensation for past injustices.

The history of South Africa’s Griqua people is similar to that of the Métis in a number of ways. Originally known as “Basters” or “Bastaards” until renamed by the missionaries, the Griqua were the descendants of Dutch settlers (or soldiers or sailors from visiting ships) and slave or Khoikhoi women. The Griqua who settled on the eastern frontier of

the Cape Colony developed as both pastoral farmers and game hunters – primarily of elephant – and established a lucrative trade in ivory. As with the Métis, their decline as a people resulted from a shortage of game and competition with white settlers for land and resources.

Like the Métis, the Griqua enjoyed a brief period of political autonomy as a frontier society. Under the leadership of Adam Kok I, a former slave, one branch of Griqua society formed a republic known as Griqualand West, with its own legal code, courts and coinage. A second Griqua state was formed at the former missionary station at Philippolis, where the community became successful sheep farmers. Both communities received protection (as well as arms and ammunition) from the Cape colonial government for their services in driving out their Khoikhoi kinsmen to make way for white settlement. But in 1854, when the Boer colony, the Orange Free Sovereignty was granted independence, the Griqua's land and political rights were undermined. Intimidated by the Boer authorities, Griqua farmers began to sell off their land in panic sales, much as the Métis did in Manitoba. After an epic trek across the mountains, they established a third Griqua state just south of modern Lesotho, which they called Griqualand East. However, once again, settlers encroached on their territory. In 1878, the Griqua rebelled; but the Cape Colony eventually took over their territory. South African historian Rodney Davenport ascribes the failure of the Griqua to sustain their hard-won independence and territorial integrity to “white racialism” (the Griqua were perceived as inferior because of their African heritage) and the shortage of arable land.⁴⁴ The discovery of vast deposits of diamonds in the Griqua's former territories in the 1860s was probably the most important factor of all.

Other groups of Afro-Europeans settled in different areas. Among these were the Nama people who traveled north along the Atlantic seaboard and settled south of the Orange River in what became known as Namaqualand. Mission stations at places like the Richtersveld, Komaggas, Steinkopf, Leliefontein and Pella were established in the nineteenth century. In 1868, a group of Nama people trekked across the Orange River under the leadership of a Rhenish Missionary, Hermanus van Wyk, and established a new home for themselves at Rehoboth in present-day Namibia. They are called the Rehoboth Basters, who have maintained their identity into the twenty-first century as a distinct close-knit community.⁴⁵ Yet another group of Khoikhoi descendants settled on the Orange River in the region of its confluence with the Vaal River. These people were known as the Kora (or Korana). Finally, there were the

Khoikhoi and San who blended with the surviving community of Free Blacks and former slaves (many of whom were Muslims) after Britain's emancipation legislation of 1828–33. All of these distinct communities were classified as "Coloured" by European governments.

CONCLUSION

The indigenous peoples of North America and southern Africa faced similar colonial forces – wars, diseases, enslavement, miscegenation, and land appropriation – and defended their right to control the lands they had occupied for thousands of years. Indigenous North Americans (with the exception of the Beothuk) were more successful in retaining some autonomy and control over their lands and resources than the original people of the Cape. Using their fur trade knowledge and diplomatic skills, they were able to play one European power against the other and force the recognition of their inherent aboriginal rights.

But when colonization spread across the colonial frontiers of British North America and the British Cape Colony, and European settlement took on a more permanent nature, the power relationship on both continents shifted away from the indigenous inhabitants. The wars, rebellions, leadership strategies and alliances of both North American and African indigenous groups show that they regarded themselves as landowners and sovereign people, not squatters or slaves. It took deliberate and often cunning strategies on the part of European settlers to wrest control of the land from the North American and African peoples. Underlying these strategies were notions of imperial right, European legal process and racial superiority. But nowhere did North American Indians or Métis or Africans, Khoikhoi, San or Griqua willingly give their land to the invaders.