

ZULUNESS ON TRIAL: RE-READING JOHN W. COLENZO'S 1874 *LANGALIBALELE AND THE AMAHLUBI TRIBE: BEING REMARKS UPON THE OFFICIAL RECORD**

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Abstract

Although John W. Colenso thought that he was merely acting as *amicus curiae* — a friend of the court — in compiling evidence to explain Langalibalele's supposed rebellion in 1873, the Bishop of Natal ended up writing a damning anti-colonial tract. This paper will attempt to show how this report — written for the Queen and Colenso's House of Lord peers — is not just an achievement in legal refutation and forensic analysis but that it was a linguistic and cultural statement about the working and limits of Zulu law as Colenso understood it through his interactions with his Natal converts. Although it is obvious that Colenso's audience was not moved by his supplications on Langalibalele's behalf, it is less obvious why those who thought of Colenso as a maverick and heretic should have ignored his thorough repudiation of cultural chauvinism. The paper will suggest that Colenso's *Remarks* were ignored precisely because to take them seriously would have meant abandoning the authoritarian underpinnings of the late 19th century colonial project.

Key Words

colonial policy, rebellion, African modernities, South Africa.

By the time John William Colenso became embroiled in the Langalibele affair, he had already stirred controversy through his unorthodox biblical exegeses and for placing his converts at the centre of his religious philosophy. His identity as a bishop and a missionary was therefore already in a tense relationship with his political commitments to his Zulu converts and to the Zulu king, Cetshwayo. When Colenso wrote about the 'official record', he meant a report titled *The Kafir Revolt in Natal in the Year 1873: Being an Account of*

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*the Revolt of the Amahlubi Tribe Under the Chief Langalibalele and the Measures Taken to Vindicate the Authority of the Government: Together with the Official Record of the Trial of the Chief and Some of His Sons and Indunas.*¹ It is the contents of this report that prompted him to pen his own counter report — *Langalibalele and the Amahlubi Tribe: Being Remarks Upon the Official Record of the Trials of the Chief, His Sons and Induna, and Other Members of the Amahlubi Tribe* — which was very much a minority report. His first line of attack was that the imprimatur and status accorded the official record were premature and self-serving. He began by stating that although the *Kafir Revolt in Natal*, especially the ‘Introduction’, was purported to have been written and published independently by the publishers Keith and Co., ‘[i]t is thought to exhibit in many places strong signs of an official pen’.² From the beginning therefore, Colenso announced that what he was about to perform was a textual and forensic analysis of the way in which the ‘official pen’ had sought to vindicate the authority of government by unfairly trying and banishing Langalibalele. In Colenso’s prose, vindication became vindictiveness since he adopted a *pro* and *contra* narrative in which excerpts from the official record were juxtaposed and contradicted by his own investigations and re-interpretation of the facts and judgements. The ‘Preface’ of his *Remarks* explained not just his scepticism towards the official report but laid forth his motivations for speaking on behalf of the deposed chief.³ A cautionary note should be added that this article is about the report written by John W. Colenso. It is not about the trial or about Langalibalele. To write about the trial would simply re-enact exactly the contestation at issue, namely, the difference between the ‘official record’ and Colenso’s. It would therefore be a futile exercise. More importantly, my starting point is the fact that the accused chief Langalibalele was denied counsel. This injustice means that whatever the merits of the ‘official record’, they are overshadowed by the glaring absence of Langalibalele’s words and defence. Thus, the importance

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- 1 Natal Government, *The Kafir Revolt in Natal in the Year 1873: Being an Account of the Revolt of the Amahlubi Tribe under the Chief Langalibalele and the Measures Taken to Vindicate the Authority of the Government: Together with the Official Record of the Trial of the Chief and Some of His Sons and Indunas* (Keith & Company, 1874). In his remarks, Colenso consistently refers to this document as the ‘official record’ even though technically it was independently printed by the publishers Keith & Company. The actual papers relating to the revolt that were presented to the Houses of Parliament, have a different title and different publishers.
 - 2 John W. Colenso, *Langalibalele and the Amahlubi Tribe: Being Remarks Upon the Official Record of the Trials of the Chief, His Sons and Induna, and Other Members of the Amahlubi Tribe. Presented to Both Houses of Parliament by Command of Her Majesty. January, 1875* (London: 1875), iii. Many sources describe Colenso’s report as a ‘pamphlet’. See for example, Thomas V. McClendon, *White Chief, Black Lords: Shepstone and the Colonial State in Natal, South Africa, 1845–1878* (Rochester, NY, 2010), 116. This terminology alone would make a reader assume that this was a ‘small book’ dealing with a trifling matter. This is not so. The document produced by Colenso is 166 pages long. The use of the term ‘pamphlet’ in the official record may therefore be in itself a political act to discredit Colenso. What this definition of Colenso’s work as pamphleteering occludes is the fact that he enjoyed a power which the colonial government resented, namely that he had his own printing press and had trained his converts as printers. The link between printing, popular literature, pamphlets and pamphleteering is detailed in Joad Raymond’s *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge, 2006).
 - 3 On the history of colonial Natal and for a conventional account of the trial drawing on the official record, see for example, J. Guy, *Theophilus Shepstone and the Forging of Natal: African Autonomy and Settler Colonialism in the Making of Traditional Authority* (Pietermaritzburg, South Africa, 2013), 403–13; N. Herd, *The Bent Pine: The Trial of Chief Langalibalele* (Johannesburg, 1976).

of Colenso's report in providing the historian with the evidence that was not provided in the tribunal. By relying on the work of his literate amanuenses, Colenso created a document that is suffused with the 'politics of reading.'

Colenso's wry observations and acerbic comments directed at the colonial officials were to be expected from a missionary bishop who had become less a representative of the Anglican Church in South Africa than an advocate for African autonomy and sovereignty. Yet, from his own perspective, Colenso wrote this substantive defence of Langelibalele because he was a minister of religion. He understood his own actions to be motivated by his Christian beliefs and his notions of what constituted British justice. In reply to a *Natal Witness* statement that it 'did not lie in my path of duty' to interfere in the trial, Colenso retorted by affirming his humanitarian impulse:⁴

I saw that my fellow-man was being unfairly treated and unjustly condemned, in a tumult of popular excitement and frenzy; and I believe that it did 'lie in my path of duty,' at all costs as an Englishman, no less than as a minister of religion and a missionary, to raise my voice as strongly as I could against it.⁵

It may be expected that the contents of the *Remarks* continued in this humanitarian tone since Colenso was writing in the main to appeal to the humanitarian lobby in England, as represented by the Aborigines Protection Society. On close reading, however, Colenso did not use the language of supplication and deference. Instead, he adopted a forensic and incisive voice that cut through the shrouds created by colonial officials to conceal their role in the debacle that was the clash with Langelibalele. His bold 'remarks' were not as dispassionate as the title suggests; they functioned as a refutation of the facts and evidence that Natal's colonial government had published and stated as reasons for deposing Langelibalele and destroying his 'tribe'. Although there are obvious devices that he resorted to — the innuendo about official interference in the writing of the report being one — the dominant discourse that Colenso deployed was one of *reversals*. In an erudite and multi-vocal manner Colenso demonstrated the fact that where the colonial state was obsessed to the point of mania with the workings and application of 'Kafir Law', the Africans in the story of Langelibalele's deposition acted in accordance with modern and contemporary understandings of colonial and common law. In other words, Colenso argued that it was the colonial state that was stuck in 'benighted ignorance' and that it was the Africans who acted according to the precepts of modern citizenship. Where the colonial state marshalled hearsay, presupposition, and conjecture, it was the African subjects who read and re-read the statutes, ordinances, and summonses that governed them and who acted — according to their comprehension and apprehension of what was expected of them — to produce an account of the workings of Zulu law that contrasted with the colonial model of Shakan despotism. Colenso himself attacked the colonial officials and their report by systematically citing and referring to imperial and colonial laws that were violated in the name of vindicating the government. Colenso added layers and depth to the voices of the Africans who appeared as silent extras in the story told by the colonial state. By privileging these Africans, Colenso undermined the notion that the case was a simple, clear-cut instance of rebellion by a 'native' chief.

4 Colenso, 'Langelibalele and the Amahlubi Tribe'.

5 *Ibid. iv.*

TESTIMONY OF DESPOTISM

As a colonial incident, the alleged rebellion of Langalibalele, and his ‘tribe’ the *amaHlubi*, is an insignificant detail. And yet, when understood within the longer trajectory of the imposition of colonial rule in Natal, the conflict between Natal and the independent or protectorate polities on its boundaries (including Zululand), and the destruction of the Zulu kingdom and the formalisation of ‘customary’ law, the ostensible rebellion offers a microcosmic glimpse into the evolution and everyday functioning of Indirect Rule. At the time of the rebellion, in 1873, the body of law referred to as ‘customary’ was nothing more than a set of guidelines; thus, Indirect Rule was itself only nominal and therefore pliable. In the judicial process of the trial, attempts were made to concretise and rigidify certain notions of not only the customary but also of chiefly or kingly sovereignty; the supposedly patriarchal nature of African social organisation; the definition of the boundaries of the colony; notions of rebellion and acquiescence and other indigenous cultural practices. By defying gun registration requirements and evading the summons issued by the Secretary for Native Affairs (S.N.A.), Langalibalele and his subjects became a symbol and stood in for all sorts of perceived deficiencies and threats of not only African society, but also of Shepstone’s native policy.⁶

As an instance of colonial imposition of punitive measures, the rebellion and its aftermath were inextricably linked to the career of Theophilus Shepstone. In this regard, two important contributions to the historiography have elucidated the role that Shepstone played in precipitating the crisis and also in resolving it to his advantage. In William Storey’s *Guns, Race, and Power in Colonial South Africa*, an entire chapter is dedicated to the ‘Langalibalele Affair,’ and it covers events from the gun laws that were enacted to limit African ownership to the trial and banishment of the deposed chief.⁷ By placing emphasis on the gun laws, Storey depicts Shepstone as essentially an official who, when he found himself caught between competing legal codes, deliberately chose ambiguity to evade the fundamentally ethical and political dilemmas of the case.⁸ In his book on Shepstone, Jeff Guy singles out the contestation over the account given by Mahoyiza, Shepstone’s *induna* (chief) and messenger — who stated that he was stripped and searched by Langalibalele’s people — and the effect it had on Shepstone’s conclusion that Langalibalele was indeed rebelling against his authority.⁹ From this, Guy concludes that Shepstone erred exactly in the area in which he was meant to be an expert, namely, ‘his understanding and assessment of Africans.’¹⁰ Although the latter is certainly true and is also repeated in Colenso’s report, it is equally important that Colenso not only exposed Mahoyiza as a liar, but also that he connected this instance of fabrication to other moments in the history of colonial overrule in Natal in which Africans were destroyed

6 For another account of the 1873 rebellion as a clash between the autocratic power exercised by Theophilus Shepstone and the wilfulness of Langalibalele and his people, see T. V. McClendon, *White Chief, Black Lords: Shepstone and the Colonial State in Natal, South Africa, 1845–1878* (Rochester, NY, 2010), 82–124.

7 W. K. Storey, *Guns, Race, and Power in Colonial South Africa* (Cambridge, 2008), 144–81.

8 The trial of Langalibalele was based on the blurring of the boundaries between law (whether customary or English) and Shepstone’s arrogation of chiefly power to his own person.

9 Guy, *Theophilus Shepstone*, 403–13.

10 *Ibid.* 405.

on the pretext that they had violated the person of the government. It was this latter interpretation of events, and the despotism that it revealed, that set Colenso's account in formal opposition to Shepstone's. Additionally, Colenso pointed out that Mahoyiza had waited for ten days to speak to Langelibalele during which time he, Mahoyiza, was fed and looked after by Langelibalele's people and that during this time, Langelibalele had sent several messages stating that he would prefer to be fined for not answering the summonses of the Supreme Chief (S.C.).¹¹ Contained in these observations about Mahoyiza's behaviour are Colenso's unanswered questions about why Langelibalele's actions and inactions were understood to be expressions of rebellion. He instead wrote that such acts as were undertaken by the accused were 'a sign of weakness, of cowardice perhaps, but not of rebellion.'¹² It is therefore this engagement with the government and settler fear of rebellion that sets Colenso's research at odds with the official record.

Like all courtroom dramas, the Langelibalele case consisted of an interesting list of *dramatis personae*. First was Langelibalele himself. He was born in Zululand in 1818, and as the son of chief Mthimkhulu of the *amaHlubi* he succeeded his father as chief. Although the Hlubi had been scattered by the *Mfecane* conflict, a small subset had been incorporated into the Zulu kingdom. However, in 1848, fearing an attack and his execution by the Zulu king, Mpande, Langelibalele and the Hlubi fled to Natal and requested refuge. At first, they were settled on the Zulu border, but Shepstone moved the 7,000 refugees to a location at the foot of the Drakensberg mountains.¹³ Langelibalele was also a reputed rainmaker and doctor.¹⁴ The second main character was John William Colenso, the Bishop of Natal. Colenso arrived in Natal, for an exploratory visit, in 1854. His initial experiences were recorded in his *Ten Weeks in Natal: A Journal of a First Tour of Visitation Among the Colonists and Zulu Kafirs of Natal*. He returned, with a mission party, in 1855.¹⁵ By the time of the Langelibalele debacle, Colenso had acquired the notoriety of having been accused of heresy and being excommunicated from the Church of England for his writings challenging the literal truth of the Pentateuch (the first five books of the Bible). Subsequent to the Langelibalele affair, Colenso would defend the Zulu king Cetshwayo.¹⁶ Theophilus Shepstone, the Secretary of Native Affairs, needs no introduction to the student of African history. As the father of Natal's native policy, Shepstone's image looms large over the entire nineteenth-century history of southern Africa.¹⁷ Brought up in the Cape, and fluent in the Xhosa and Zulu languages,

11 J. W. Colenso, *Langelibalele and the Amahlubi Tribe*, 28.

12 *Ibid.* 22.

13 J. Guy, *The Heretic: A Study of the Life of John William Colenso, 1814–1883* (Johannesburg and Pietermaritzburg, 1983), 197.

14 Colenso, *Langelibalele and the Amahlubi Tribe*, 58, 83.

15 Guy, *The Heretic*, 46–53.

16 Guy provides the most thorough account; *ibid.* Cetshwayo kaMpande (1826–1884; r. 1873–1879) was the last Zulu king, since his capture and exile marked the end of Zulu autonomy. For an account of the end of Zulu kingship, see J. Guy, *The Destruction of the Zulu Kingdom: The Civil War in Zululand, 1879–1884* (Pietermaritzburg, South Africa, 1994). For Cetshwayo's version of his kingship, see C. B. Webb and J. B. Wright, eds., *A Zulu King Speaks: Statements Made by Cetshwayo Kampande on the History and Customs of His People* (Pietermaritzburg and Durban, South Africa, 1987).

17 M. Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Kampala, 1996), 62–108.

Shepstone came to Natal in 1845, first as Diplomatic Agent to the Native Tribes and then was appointed as Secretary for Native Affairs (S.N.A.).¹⁸ When Colenso first came to Natal in 1854, it was Shepstone who took him around the colony to visit the various chiefdoms. In this initial visit to Natal and the Zulu kingdom in 1854, Colenso was audience to and took seriously Shepstone's plan to migrate with thousands of Africans to an area south of Natal and to establish under his rule a 'Black Kingdom' in which he would be the secular and patriarchal leader and Colenso the spiritual supplement.¹⁹ As late as his 1859 visit to the aging Zulu king Mpande, Colenso still thought such an idea viable, despite the fact that it had been vetoed by Shepstone's superiors. The Langalibalele affair, by exposing the differences in Colenso and Shepstone's attitudes towards African people, destroyed the shared paternalistic views of the two men. Although there are many other minor characters, these three appear time and again in the narrative, and their backgrounds are significant to understanding the positions they took and the events that precipitated the 'rebellion'.

Colenso, by his involvement in the Langalibalele affair, unwittingly became an investigator, legal counsel to the deposed Hlubi chiefs and Langalibalele, and a translator for the English public of some of the local and indigenous idioms that were being contested in the conflict between Langalibalele, the 'Supreme Chief', and the office of the S.N.A. Although in the eyes of most of colonial Natal, Colenso no longer represented his 'spiritual' calling as a Bishop, to many of the Zulus who observed the proceedings, he lived up to his Zulu name *Sobantu* (the Father of the People). This is not to say that he was not prejudiced or paternalistic; the relevance of Colenso's role in the affair is that afterwards both Natal's and Zululand's Africans and their sovereigns turned to him for guidance and counsel. More importantly, his involvement in this instance was a precursor to his later defence of Cetshwayo, in the aftermath of the 1879 war. Colenso's document, as already discussed, was premised on the assumption that the official record had been tampered with and edited to present Langalibalele's guilt as a foregone conclusion. In questioning the validity of the official narrative, Colenso equated the unfairness of the trial with the peremptory statements made by the author of the 'Introduction':

I feel bound to protest against the whole proceeding as exceedingly unfair and unjust; and, in order to discuss thoroughly the evidence produced against the Chief in the three Trials, I shall here draw attention to some of the most salient portions of this 'Introduction,' by which the reader will be able to judge of its general character for truthfulness and honesty in those parts which bear against the prisoner. It does certainly seem somewhat strange that 'Messrs. Keith and Co.' [the publishers] should have taken such a deep interest in Langalibalele's affairs, and should be acquainted with so many facts which are not mentioned at all in the evidence, and some of which, one might imagine, could only have been known by official persons.²⁰

By suggesting that there were discrepancies between the official record, the 'Introduction', and his own observations and investigations Colenso thus alerted the reader to the presence of hitherto unheard testimonies of despotism. Moreover, since Langalibalele was

18 Guy, *The Heretic*, 40; T.R.H. Davenport and C.C. Saunders, *South Africa: A Modern History* (New York, 2000), 116–8.

19 Guy, *The Heretic*, 49; 84–6.

20 Colenso, *Langalibalele and the Amablubi Tribe*, iii.

denied counsel, Colenso's remarks were the only 'cross-examination' of the evidence presented against Langalibalele. Although it has been described as a 'pamphlet', Colenso's defence is not merely polemics but rather offers substantive explorations of ideas and concepts of colonial and imperial rule that could be said to foreshadow some of the concerns of postcolonial studies.²¹ To begin with, definitions of patriarchy and paternalism were central to the image and self-presentation of both the 'Supreme Chief', Sir Benjamin Pine, and of the S.N.A., Theophilus Shepstone. Secondly, underlying the presumption of Langalibalele's guilt was the supposed act of rebellion, which the official record attempted to define. From Colenso's remarks it is evident that this definition developed cumulatively as the events of the rebellion unfolded and as the trial proceeded. Tied to the notion of rebellion were the events and crises that preceded Langalibalele's actions. Colenso used these as mitigating circumstances, but they also function to underscore the fact that Langalibalele — and by extension most of the African characters involved in the story — understood that this event was an instance of colonial *déjà vu*; this was not the first time that the Shepstones (Theophilus, his brother, and sons) were responsible for the destruction of an African leader and his people. Some of these preceding events include Natal's so-called refugee crisis in 1856, the Matshana affair in 1859, the imbrication of labour and guns in the 1870s, and the resulting Hlubi 'spirit of independence'. Additionally, the contest between the customary and the colonial underpinned Colenso's evaluation of the reversals that he observed taking place as the colonial state attempted to present itself as acting in accordance with Zulu custom and tradition in the absolutist prosecution of a rebellious subject.

To give historical context to these themes, it is perhaps useful to give a brief chronicle of the acts, labelled as rebellious, that Langalibalele was alleged to have planned and committed. Langalibalele's decision to flee with members of his 'tribe', the AmaHlubi, was precipitated by a series of decisions and miscalculations on the part of both him and the colonial administration. At issue was an 1872 law that required that all Africans register their guns with their local magistrate. The picture was complicated by the fact that for the Hlubi owning guns was directly related to the function which they had been assigned when moved to the Drakensberg, namely to act as a buffer between the colony and 'Bushmen' cattle-raiders. Moreover, it seems that Hlubi young men were also valued as servants and workers, especially on the diamond fields; Shepstone's sons, who worked on the diamond fields often paid Africans, including some Hlubi, in guns.²² When instructed by the Resident Magistrate, John Macfarlane, to register according to the new law all the guns in the possession of his subjects, Langalibalele was said to have asked: how one can 'count the maggots in a piece of beef?'²³ This was not the first time that Langalibalele had dared to defy the logic and authority of colonial administration. As early as 1859, Macfarlane had reported that the chief made him uneasy because, while he never refused to obey instructions, he 'more frequently sullenly acquiesced than cheerfully obeyed'.²⁴ Thus, when Langalibalele procrastinated in his response to these orders, he was summoned

21 McClendon refers to Colenso's work as a 'pamphlet'; McClendon, *White Chief, Black Lords*, 116. On the implications of doing so, see note 2, above.

22 Herd, *The Bent Pine*, 114; Colenso, *Langalibalele and the Amahlubi Tribe*, 6.

23 Herd, *The Bent Pine*; Guy, *The Heretic*, 199.

24 Guy, *The Heretic*, 198.

to Pietermaritzburg to appear before Shepstone. Despite his promise to appear before the S. N.A., Langalibalele did not go to Pietermaritzburg. Also, at this time, Shepstone was preoccupied with preparations for the inauguration of Cetshwayo in KwaZulu and so the tensions were left to brew until his return in November. Meanwhile, on 30 October 1873, after Langalibalele had received a second summons and warning, a colonial corps of volunteers, regular British troops and African levies moved towards the Hlubi location. Alarmed, Hlubi men began to move towards the Drakensberg with their cattle, while the women, children, and the elderly sought shelter in caves and hideouts. However, for Shepstone, the real turning point was the report he received from his messengers: Mahoyiza, the chief messenger, told the S.N.A. that he had been stripped, insulted, threatened with death, and told by Langalibalele that he would rather flee than submit to Shepstone. On 2 November 1873, Shepstone issued a proclamation giving the Hlubi 24 hours to surrender to the Natal force or face the consequences of rebellion. The plan was to prevent the Hlubi from crossing over to Basutoland, and the Natal volunteer forces were sent to block their passage over the Drakensberg. Disaster followed disaster, and on 4 November the Natal Carbineers came face to face with the fleeing Hlubi. In the panic the Hlubi opened fire, killing three colonists and one Mosotho. Meanwhile, in the Hlubi location, Pine declared martial law, the deposing of Langalibalele, and the dispersal of the Hlubi. It is here that the sanguinary and rapacious acts of the colonists, African levies, and regular soldiers were most in evidence. Not only were women, children, and elderly ‘smoked out’ of their hideouts and killed, survivors were marched to Pietermaritzburg to be sold off to colonists as apprentices, property and cattle were seized or destroyed, and the Hlubi’s neighbours, the AmaNgwe, were devastated despite their non-participation in the rebellion.²⁵

THE MATSHANA AFFAIR AND NATAL’S REFUGEE CRISIS

Of all the evidence given during Langalibalele’s trial, the contest over two fragments of such evidence is particularly important if one wants to understand the language that framed the accusation of rebellion. First is the role of the Matshana affair in shaping Langalibalele’s decision to flee the colony. Second is the evidence of Shepstone’s messenger, Mahoyiza, on how he was treated by Langalibalele and the Hlubi. The factual events of the Matshana affair demonstrate the ironic twist that whereas the Natal view was that Africans fled Zululand to escape the despotism of the Zulu kings, they could also flee in the opposite direction to escape the tyranny of the Shepstonian system. Moreover, the fact that the Hlubi themselves had participated in the Matshana affair, and therefore knew the potential treachery involved in being summoned, gave the affair its poignancy. In 1858, some of Langalibalele’s men had participated in an attempt to seize an unyielding chief, Matshana kaMondise. In what was meant to be a peaceful meeting, John Shepstone — Theophilus Shepstone’s brother — produced a concealed gun. While thirty of Matshana’s men were killed in the ensuing fracas, he escaped and returned to Zululand.²⁶

²⁵ *Ibid.* 202–3.

²⁶ E. H. Brookes and C. B. Webb, *A History of Natal* (Pietermaritzburg, South Africa, 1965), 10; Guy, *The Heretic*, 197.

As an example of Natal's policy towards refugees and their chiefs, the Matshana affair exposed the contradictions and precariousness of the Shepstonian practice of creating and appointing chiefs in return for their loyalty. Despite the fact that John Shepstone's role in the affair was never fully made public, the near-assassination of Matshana revealed not only the omnipresence of the Shepstone name, but also the fact that it was widely feared. As a piece of evidence, the Matshana affair was a disputed explanation of the alleged stripping of Mahoyiza and the flight of Langelibalele. For the Hlubi, the stripping of the messenger was to prevent a replay of John Shepstone's concealed weapon stunt, while their flight was a resort to and a retracing of the steps that Matshana took to preserve his life, that is, fleeing to the protection of a sovereign. It is this contest over the meaning of the Matshana affair that is of particular interest. In the first instance, Colenso brought to Shepstone's attention the relevance to the trial of John Shepstone's concealed weapon only after hearing the version of this and the Mahoyiza story from his printer, Magama Fuze and the Hlubi residing at his mission, Bishopstowe. The trial had already started when Colenso heard the Matshana story, and at first he agreed with Shepstone that the evidence should be tested. On 27 January 1874, both Colenso's Hlubi witnesses and Mahoyiza were interviewed and cross-examined at the offices of the S.N.A. Although the cross-examination demonstrated that Mahoyiza's account of being stripped was highly suspect, the evidence never made into the official record of the court martial.

If the inconsistencies of the Matshana story had been publicly revealed in court, then the effect would likely have been to undermine at least two of the cornerstones of Shepstone's policy towards Africans living in Natal: first, the perception that these refugees were fleeing from the tyranny of their Zulu rulers into the arms of the benevolent colonial government of Natal; second, the assumptions that while flight from Zululand was a political and economic choice, flight away from the colony was rebellion.²⁷ It is the latter set of assumptions that Colenso's account challenges. The publisher's 'Introduction' cites Mahoyiza as having stated that in his refusal to respond to the summons, Langelibalele threatened that he would 'turn Bushman and go into the caves'.²⁸ Colenso challenged the colonial idea that, since Langelibalele had been offered refuge in Natal, he had no right to flee the colony. Interestingly, this right, according to Colenso, fell within the terrain of 'Kafir Law'. Thus, in responding to the allegations that were presented in court and repeated in the official record of the trial — namely, that Langelibalele had communicated with Basotho chiefs requesting that they should receive his cattle when he fled — Colenso wrote:

I repeat, if he had notified beforehand to Molappo, Letsea, or any other of the Basuto Chiefs, his purpose of coming to him with his people and cattle, and putting himself under his protection, because he did not intend to obey an order of the S.C. [Supreme Chief] of Natal, there would have been nothing at all extraordinary in this under Kafir Law, though he would have been liable to have had his cattle confiscated, if his project had been discovered before he left the Colony...

And the very fact that our Government receives refugees even now from Zululand, and protects

27 Keletso Atkins provides a thorough exposition of how the Natal colonial government attempted to stem the flow of Zulu refugees by imposing apprenticeships and labour requirements on them; K. Atkins, *The Moon Is Dead! Give Us Our Money! The Cultural Origins of an African Work Ethic, 1843–1900* (Portsmouth, NH, 1993).

28 Colenso, *Langelibalele and the Amablubi Tribe*, 1.

their persons while it sends back their cattle, shows plainly that it recognises this Kafir custom as still in force in Natal, as in the days when Langalibalele himself was received, though flying to us with his cattle and arms, after fighting with the forces of the Zulu king [sic]. How, after this, could he suppose that he was doing anything ‘wickedly, seditiously, and traitorously,’ in flying once more, with his arms and cattle, from the Supreme Chief of Natal?²⁹

In this way, Colenso linked the false reports of Shepstone’s messengers with the refugee crisis that had circumscribed Natal’s perceptions of the colony’s relations with the Zulu kingdom and therefore the Zulu chiefs it set up in Natal. By demonstrating that in fact the Natal colony, by following the precedence of ‘Kafir custom’, was tacitly in support of desertion of one’s chief, Colenso tried to demonstrate that such an act was not a crime. Moreover, the fact that in 1858 Matshana had successfully fled and was not recovered, as Langalibalele was, should have been proof of both the inconsistent foundations on which the case was based and of the practical limits on the authority assumed by the colonial state.

In this way, Colenso revealed one of the main paradoxes of the Shepstonian system, namely that while it was supposedly based on ‘Kafir law’, in practice the refugee crisis predominated and determined the incorporation of fleeing chieftainships and populations into Natal’s colonial society. Moreover, by not being expected to retain their right to flee — that is, the same right that brought them to Natal in the first place — Natal’s African chiefs should have considered themselves bound to Natal as vassals of the Shepstonian system and not as independent chiefs. The implications of Colenso’s citation of ‘Kafir law’ is that in the context of an uncodified customary law, Natal’s native policy was challenged from the inside, by the chiefs themselves, first by Matshana then by Langalibalele. The latter, by referring to the fate of the former, asserted both his independence and his understanding of the duplicity and intimidation inherent in the Shepstonian system. His rebellion was therefore, fostered by the contradictory assertion of the independence of the refugee and the fear emanating from his experience of the S.N.A.’s reaction to recalcitrant chiefs.

LABOUR, GUNS, AND THE HLUBI ‘SPIRIT OF INDEPENDENCE’

Related to the issue of whether Langalibalele had the right to flee the colony of Natal in accordance with ‘Kafir’ custom, was the view expressed in the ‘Introduction’ that the conditions under which the Hlubi had been incorporated as refugees had fostered a ‘spirit of independence,’ which then ignited their ambitious rebellion. In his remarks, Colenso connected the question of guns and the Hlubi’s supposed spirit of independence by again arguing that they were entitled to both. The accusation that Langalibalele exhibited a ‘spirit of independence’ and that this was the cause of his rebelling, was contained in the ‘Introduction’ to the official record:

Langalibalele ever manifested an independent spirit, and his isolation among his own people had the effect of increasing his spirit as time rolled on. In fact, the late Chief of the Hlubi tribe was regarded as a *mauvais sujet* some time before his insubordination ripened into open rebellion

²⁹ *Ibid.* 26.

and resistance to the authority of the Government. This statement is confirmed by Mr. Macfarlane's evidence.³⁰

Colenso turns the anecdote of this 'Introduction' by juxtaposing the writer's designation of Langalibalele as a *mauvais sujet* with what he perceives to be the true intent of Mcfarlane's evidence, namely to paint Langalibalele as the *bête noire* of colonial Natal. With the suggestion that, rather than being a 'wicked subject,' Langalibalele was the 'black beast' of colonial Natal's prejudiced fears, Colenso challenged the relation that was construed between the presence of Zulu chiefs in Natal and the idea that they were thus the subjects of the colonial government. He defended Langalibalele's independent spirit thus:

The fact is, no doubt, that Langalibalele 'ever manifested an independent spirit,' and, by those who regard the Natives as dogs, who should only cringe and fawn before a white man, such a spirit will be condemned, though perhaps in reality more worthy of respect than the servile obsequiousness of some others of the Chiefs and Indunas in the Colony.³¹

However, since this independence was seen to have supported Langalibalele's refusal to declare and register the guns held by his subjects, it is important to briefly return to this issue in order to understand how the accusation of an independent spirit was connected to the general condition of the Hlubi. As stated, many of the Hlubi and other members of other 'tribes', obtained their guns from the diamond fields. Seeing that the Hlubi had been placed at the foot of the Drakensberg to protect the colony from 'Bushmen' raiders, some witnesses and Colenso posited that to execute this function the Hlubi needed these guns. Colenso, sums up the gun issue thus:

Perhaps, if this service had not been so well performed — if the Weenen Farmers had not altogether ceased for some years past to suffer from the inroads of Bushmen — they would not have been so ready, as some of them were, to excite the popular feeling against this tribe, by publishing groundless fears and suspicions, and the merest *canards* implying that the Hlubi Tribe were on the eve of breaking out into a desperate rebellion. . .

But surely these services of 25 years deserved some consideration, before the Chief was doomed to a sentence exceeding in severity, in the opinion of Natives (*Natal Mercury*, Feb. 14, 1874), even death itself. And, if it was convenient to post them so as to protect Weenen County from the Bushmen, they might claim to have some indulgence shown them in the matter of guns, as having to deal with the poisoned arrows of their crafty and daring, though diminutive, foes. As the old Induna, Mhlaba, said —

'I don't know when it was that the young men first began to acquire so many guns. I did not notice. I thought they were getting these guns to do what they had been ordered to do — protect the country from the Bushmen.'³²

The Hlubi were therefore not merely hapless refugees fleeing Zululand. Their rapid incorporation into the nascent mineral revolution and their function as colonial police was evidently working to their disadvantage. Yet, the fact that their supposedly independent

³⁰ Colenso, *Langalibalele and the Amahlubi Tribe*, 3.

³¹ *Ibid.* 4.

³² *Ibid.* 6.

spirit manifested itself in both economic prosperity and wealth in munitions offered a different view of traditional societies' struggle against labour incorporation. Although their success was also their downfall, as evident in the official record, Colenso's argument demonstrated that, at least for a while, this success and the independence they enjoyed was a credible counterpoise to the obsequiousness expected from Africans.

THE CUSTOMARY AND THE COLONIAL IN THE DEFINITION OF REBELLION

When the trial began, Sir Benjamin Pine, as Supreme Chief, auspiciously declared in his opening address that Langalibalele should consider the trial an act of mercy. 'We are assembled here today', he said,

to try a person, Langalibalele, formerly a chief, for the greatest crime that a human being can commit against society — We are to try him for high treason — for rebellion against the authority of Her Majesty the Queen, as represented by her Representative in this Colony. Rebellion is the greatest crime that can be committed, because it involves all other crimes — murder, robbery, and every other possible crime are committed under the cloak of rebellion. Langalibalele and the chiefs are perfectly aware that, under their own law, if strictly administered, the prisoner would not be alive now.³³

In this way, Langalibalele's guilt was presented as a foregone conclusion in terms of customary law; the trial was therefore an act of mercy compared to the strict application of such indigenous law. The fact that Langalibalele's authority was itself a colonial rather than customary creation and that he had actually *fled* the colony, leaving both the colony and its version of customary law behind, is not mentioned by Pine. As demonstrated, Colenso challenged the official reading of 'Kafir law' by suggesting that in fact under this law fleeing one's present sovereign in favour of the protection of another was not a rebellion and was therefore not punished. Colenso's report, however, exposed at least two other contradictions in the official definition of rebellion. First, he demonstrated that at this time Natal's customary law was actually a transplant from the Cape Colony. Secondly, he showed that the position of the Supreme Chief was not only a 'legal fiction'; rather, if its functions were carried to their logical conclusion, then it would undermine and nullify the very foundations of the trial.

Throughout his citations of 'Kafir Law', Colenso referred to *Kafir Laws and Customs* of the Cape Colony rather than to any law enacted in Natal.³⁴ This suggests that Natal did not actually possess a codified or statutory set of 'Kafir' laws. The Natal Native Code of 1891 can therefore possibly be understood as a reaction to this apparent contradiction and an attempt to codify, in the face of resistance and defiance, the limits of customary

³³ Guy, *The Heretic*, 206–7.

³⁴ The document being referred to in Colenso's commentary is J. Maclean, *A Compendium of Kafir Laws and Customs: Including Genealogical Tables of Kafir Chiefs and Various Tribal Census Returns* (Grahamstown, South Africa, 1866). Strictly speaking, the *Compendium* was for 'British Kaffraria'; that is, it was used to govern the 'Xhosa', the latter term being itself an unsatisfactory equivalence of what the British meant when they labelled the inhabitants of the east coast of southern Africa as the 'Kafir tribes'.

law. Colenso's understanding of 'Native law' centred on juxtaposing the Cape Colony's *Kafir Laws and Customs* and the stereotypical Shakan notion of law and order. He argued:

According to the Kafir Law of the Cape Frontier (73) [sic], they were perfectly at liberty to quit the Colony, and carry off their cattle if they could; and to such Law the tribe was subject, not to the savage system of Zululand. For Natal was once a 'portion' of the Cape Colony, and for nearly three years — from May 31, 1844, to March 2, 1847 — received all her laws from the Cape — the Roman-Dutch Law for Europeans and the Kafir Law for the Natives. Not, of course, that the 'Kafir Laws and Customs' of the Cape Colony were formally established by Law in this District, as the Roman-Dutch Law was for white inhabitants. But, when Natal came under British Sovereignty, as a 'part or portion of the Settlement of the Cape of Good Hope,' it fell under civilized government, and the savage system of Chaka, being a mere innovation on the Native practices as previously existing was at once abrogated.³⁵

In this way Colenso challenged the colonial view that Zulu rule was despotic and that therefore it justified the presumption that Langelibalele had no right to desert the colony and that once caught, it was mere kindness not to kill him instantaneously. The suggestion that the official definition of Langelibalele's crime was based on a Shakan interpretation of Zulu tradition depicts this definition as being in itself despotic.

That Colenso's defence of Langelibalele was based on exploiting this legal ambiguity over the authority of Shakan 'Native Law' is evident in the petition, dated 1 March 1874 and signed by Magema Fuze, William Ngidi, and two Hlubi elders, Ngwadla and Mnyengeza. In the petition, the two elders appealed to Sir Benjamin Pine as Supreme Chief, for a retrial of Langelibalele on the grounds

That their late Chief, Langelibalele, has been tried under Kafir Law, by a Court presided over by Your Excellency, and convicted of certain crimes, and sentenced to banishment for life from the Colony of Natal...

That the tribe having been broken-up, and their late Chief being in prison, Your Petitioners are unable to obtain the assent of the Indunas and other headmen of the tribe, and of the prisoner himself, to this Petition, and they therefore pray Your Excellency to regard them as representing the tribe and the prisoner.

That your Petitioners pray that Your Excellency will be pleased to allow to their said Chief the right of appeal to which he is entitled under the Ordinance No.3 of 1849, and to permit free access for Counsel to the prisoner for the purpose of preparing his appeal, and conducting it before the Court of appeal.³⁶

Colenso then cited the entire Ordinance to demonstrate how the colonial version of 'Native law' and the definition of the 'Supreme Chief' in the Ordinance permitted an appeal to the Lieutenant-Governor in his capacity as Supreme Chief. Since the colonial version of customary law permitted appeals, this has the effect of contradicting Pine's statement, in his opening address at the trial, that Langelibalele would already have been executed if customary law was strictly applied. Admitting this discrepancy would involve the recapitulation of the entire foundation of the trial. The petition also laid bare the other incongruity in

³⁵ Colenso, *Langelibalele and the Amahlubi Tribe*, 44.

³⁶ *Ibid.* 128.

the official definition of 'Native' law, namely that Langalibalele's trial and the breaking up of the Hlubi evidently destroyed the foundations of colonial customary law, namely the categories of 'chief' and the 'tribe'. The Hlubi were now in effect *personae non gratae*, with neither Zulu nor colonial citizenship; by implication, they could not be treated as the subjects of colonial Natal.

Thus, although rebellion was inadmissible within the Shakan system, Colenso again demonstrated that this could not be the foundation of the official understanding and therefore that Langalibalele had merely asserted his right according to the 'Native law' tradition preceding the Shaka innovation.

A 'PATERNAL GOVERNMENT': SHEPSTONIAN POLICY AND A PATERNALISTIC NOTION OF REBELLION

When the trial of Langalibalele began on 16 January 1874, Bishop Colenso proclaimed that it would be based on the 'basic principles of English justice'.³⁷ He thus objected, in a newspaper article, to some of the colonists' conclusion that Langalibalele's conviction was a *fait accompli*. But he was also anxious to understand the role of his friend Theophilus Shepstone in the suppression of the rebellion. Contrary to Colenso's expectations, the whole trial was a travesty of the English justice he espoused: the trial was constituted as both a judicial trial and a court of inquiry. Two of the 16 assessors were the Lieutenant-Governor Sir Benjamin Pine, sitting as Supreme Chief, and Shepstone, the S.N.A. Langalibalele was made to plead but not allowed counsel, and all the witnesses were selected by the prosecution and not cross-examined.³⁸ In effect, the whole constitution of the trial reflected Shepstone's paternalism, both as an administrator and as a personification of the African patriarch. There are therefore at least two ways to explain how, during the Langalibalele affair, paternalism was used to define rebellion: first, Shepstone's own personification of paternalistic behaviour; second, the way in which the authors of the 'Introduction' depicted the repressive actions of the colonial government as paternalistic.

Shepstone embodied, in his reliance on the oral rather than the written word, what he believed to be the cardinal values of a paternal government. Although there are many instances in Colenso's remarks in which Shepstone was shown to be the dominant factor in the official condemnation of Langalibalele, the discussion here will focus on his attachment to and use of oral rhetoric to confound those who dared to defend Langalibalele. Since Shepstone was fluent in both Xhosa and Zulu, and the interactions described below took place in Zulu and were translated by Colenso.

As a strategy to overturn Langalibalele's sentence, Colenso presented, on 1 March 1874, the Hlubi elders' petition to the S.N.A. With this act, he set the oral and literate worlds on a collision course. Shepstone's immediate response was to dispute the validity of this petition. He summoned the petitioners, Ngwadla and Mnyengeza, on 4 March 1874 and interrogated them about the petition. In his attack, Shepstone exploited the illiteracy of the two elderly men by reinterpreting the spirit of the petition and presenting the two elders as

³⁷ Guy, *The Heretic*, 205.

³⁸ *Ibid.* 206–7.

upstarts falsely claiming to represent the Hlubi. Thus, Magma Fuze reported that Shepstone questioned Ngwadla ‘severely,’ saying that he had requested the appeal because ‘forsooth, you are such a great man, you surpass all the rest of the amaHlubi tribe! Is it so?’ Even when Ngwadla protested saying, ‘There is no such word in the paper as that...,’ Shepstone insisted that, ‘It is written here in the paper. It is not we who say so, it is your paper.’³⁹ However, as it becomes evident in William Ngidi and Magma Fuze’s testimonies on the same petition, Shepstone was not merely testing the integrity of the two men’s petition and exploiting their illiteracy, he was also attempting to present the petition as an affront to his own authority. As Secretary for Native Affairs, Shepstone undeniably understood his own authority in terms of indigenous rituals of government. His actions reinforced the allure of indigenous power and authority and had the effect of creating the impression of personal rule. Hamilton especially stresses the fact that Shepstone appealed to Shakan ideals of social order and set the precedent for their incorporation into Natal’s colonial discourse and practice, especially the practices of the Natal Native Administration.⁴⁰ Shepstone also preferred to exercise his power using the gestures of the oral world,

...speaking in Zulu, using the verbal message, the public meeting, the *indaba*, where the rituals of oral communication and debate were followed, and where no written record was kept which might attract the legalistic mind of the colonial official or the meticulous calculations of the accountant.⁴¹

Consequently, Shepstone appears in the oral record, not so much as a manipulative colonial official but as the sovereign-patriarch ‘Somtsewu kaSonzica’, whose ‘desire [was] to speak with all people’.⁴² Ngwadla and Mnyengeza’s petition was therefore a challenge to this oralisation of factual and legal evidence and to Shepstone’s own duplicitous interpretation of the written word. In Magma Fuze and William Ngidi’s testimonies on this petition, Shepstone’s attempt to confuse the oral and the written was clearly visible. Magma reported that, not only were the two elders told that the paper said they surpassed the others in importance, but that as Ngwadla said, ‘I have gone to law with the Supreme Chief and Somtseu (Shepstone), and that I shall be put in prison’.⁴³ Thus, emerged the distinction introduced by Shepstone, and repeated by the Resident Magistrate, John Bird, between ‘going to law’ (*ukumangala*) and ‘making a plaint’ (*ukukhala*). On being asked what the petition meant, Magma responded,

M. [Magma] The old men were lamenting themselves very much about the ruin of their House, and bewailing their Chief.

39 Colenso, ‘Langalibalele and the Amahlubi Tribe’, 286.

40 C. Hamilton, “Zoolacraticism” and “Cannibalism”: A Discussion of Historical Disposition Towards the “Shakan” Model of Social Order and Political Rights’ (paper presented at the History Workshop Conference, University of Witwatersrand, South Africa, 13–15 July 1994), 4.

41 J. Guy, ‘Perpetuating Power: Reading and Writing in Natal and the Zulu Kingdom’ (paper presented at the Paradigms Lost, Paradigms Regained? Southern African Studies in the 1990s, *Journal of Southern African Studies*’ 20th Anniversary Conference, 9–11 September 1994), 21.

42 J. Guy, ‘An Accommodation of Patriarchs: Theophilus Shepstone and the Foundations of the System of Native Administration in Natal’ (paper presented at the Masculinities in Southern Africa Colloquium, 2–4 July 1997), 5.

43 Colenso, *Langalibalele and the Amahlubi Tribe*, 287.

Mr. B. [John Bird]. Did they go to the Bishop himself to make a plaint (*kala*) about that? ...

M. Sir, the old men also desired that the cause of their Chief should be heard again, making a plaint with their hearts.

Mr B. Don't you mean that they *complained* (*mangala*, go to law) to the Bishop?

M. No, Sir, I don't know that they complained.

Mr. B. Don't fence with me, Magema, tell me the truth. Do you say that they made a plaint only?⁴⁴

William Ngidi brought this legal fencing to its climatic contradiction, when in his testimony he posed the question,

Why, is not going to law paying 5s. to the Magistrate, that another may be summoned? I am certain that they merely lamented to the Inkos' [Colenso].⁴⁵

By pointing out that justice for colonial Africans came at the price of 5s., William exposed the duplicity inherent in the supposed distinction between *ukukhala* and *ukumangala*. For William Ngidi both concepts belonged to the colonial order and not to some traditional notion of justice. The irony in his observation is exactly that in terms of colonial customary law one had to pay 5s before one could 'go to law', but in this situation this contradicted the political and didactic purpose that the trial of Langalibalele was meant to serve. From Bird's questioning of the two, it is as if the right of appeal, because it involved 'going to law', was a novelty, whereas in fact, as pointed out by Colenso, it was a right entrenched in Ordinance No. 3 of 1849.

From Shepstone's perspective as the ghost writer of the 'Introduction,' the paternal nature of the government was symbolised by its treatment of the recaptured Hlubi women and children. With the dispersal of the tribe, many women and children, especially those of the alleged rebels, were left destitute, and the Natal government issued a notice that these women and children were to be distributed amongst the colony's farmers. It seems that this proposal was thwarted by the protests of the colony's 'philanthropists', as described by the writer:

The more the subject is considered, and the way in which these women would have been treated under the strict surveillance of a paternal Government (!), the fewer do the objections which a mistaken philanthropist can urge become. Sentiment in this case prevailed over economy, expediency, and common sense.⁴⁶

Colenso picked up this refrain about a 'paternal government' by pointing out that such arguments have been used 'in defence of the system of slavery,' and that there was neither expedient nor economic intention in the proposed forced apprenticeship of the Hlubi women.⁴⁷ However it is in his assessment of the writer's suggestion that Langalibalele had no right to appeal his sentence and conviction that Colenso inverted the logic of paternal government. Colenso wrote:

44 *Ibid.* 287–8.

45 *Ibid.* 290.

46 Qtd. in *ibid.* 67.

47 *Ibid.*

... surely a really 'Paternal Government' would desire to know the whole truth as far as possible, and would not refuse to hear any trustworthy additional evidence which went to disprove altogether or even to extenuate the convict's guilt, even though it had not been produced in Court. Though the writer 'believes no sensible person thinks the sentence too severe,' it may be well to await the judgment on this point of Englishmen, here and at home, when fully informed.⁴⁸

Using the metaphor of the paternal father, Colenso thus demonstrated that the logic of paternalism, when combined with the 'legal fiction that the Supreme Chief was the Chief *Native* in the Colony', implies that Langalibalele should not have been refused an appeal, nor should the government have objected and frustrated his attempts to introduce new evidence to prove his innocence.⁴⁹ Again, by referring to the definition of the Supreme Chief contained in Ordinance No. 3 of 1849, Colenso demonstrates that — if 'Native Law' is followed — it is the function of the Supreme Chief to receive appeals.

Although he continued to assume that justice, in this case British justice, would triumph over the travesty of the legal fiction of a paternal government, Colenso's analysis exposes the shortcomings of this trusteeship. Shepstone was shown to be essentially averse to the procedural and substantive premises of legal deliberation since he tried to mislead and confuse the witnesses. Colonial sentiment concerning the forced apprenticeship — in the name of economy, expediency, and common sense — of the survivors of the rebellion was described as nothing short of a justification for slavery. And Colenso, in the face of a legalistic attempt to block his appeal on behalf of Langalibalele, challenged the very foundation of a benevolent government by suggesting that such attempts were contrary to its function.

THE LIMITS OF A 'PATERNAL GOVERNMENT': A THEMATIC SUMMARY

The victory that Colenso eventually won on behalf of Langalibalele was bitter for the Hlubi, but for the British government it was a pragmatic way to save face. Langalibalele was released from Robben Island, where he had been banished by the 'Native Court' that tried him, but he was not allowed to return to Natal. The pragmatic compromise was that a location would be found for him in the Cape, and the Hlubi people would be allowed to join him there. The irony is that whereas Colenso was compensated with £120 for his expenses and received a private message from the Queen expressing her approval of his actions, Shepstone, following a promise by the British Secretary of State, Lord Carnarvon, was knighted.⁵⁰

The above reading of Colenso's *Langalibalele and the amaHlubi Tribe* has suggested a method and approach for discussing the everyday functioning of the 'paternal government' of colonial Natal. Although there are numerous other themes that were not discussed, it should be evident that Colenso's document offers insight into the kind of legalistic and duplicitous practices that were subsumed under the notion of paternalism. Colenso himself was not free from the colonial taint of paternalistic idealism, yet his willingness to oppose his friend Shepstone offered, even in the face of the colonists' obvious resentment, a

⁴⁸ *Ibid.* 81.

⁴⁹ *Ibid.*

⁵⁰ See Guy, *The Heretic*, 228–32.

humanitarian alternative to unrestrained chauvinism. His discerning engagement with ‘Native’ opinion further augments the possibility of recovering an African testimony concerning the supposed rebellion of the Hlubi.

As an historical account of Langalibalele and the Hlubi’s relations with the colonial government, Colenso’s remarks revealed the multiple terrains on which power between Natal’s chiefs and the colonial state was contested. Although the colonists and the official record depicted the Hlubi as a desperate community of refugees, Colenso presented the alternative view that it was their prosperity and their success in the policing function assigned to them by Shepstone that turned them into the *bêtes noires* of Natal’s colonial society. On the gun issue, Colenso demonstrated that the incorporation of Africans into the labour force of the diamond fields, rather than the Hlubi’s rebellious intentions, was responsible for the proliferation of guns. Moreover, he demonstrated that for the Hlubi ownership of guns was not separate from the services expected of them by the colonial government and the colony’s farmers. The trial itself became another site on which the rebellious intent of Langalibalele was disputed. By constituting the trial as a ‘Native Court’, the colonial government had possibly hoped to impress its indigenous and paternal character upon its African audience. However, Colenso challenged this as being both a legal fiction and a travesty of the very ‘Kafir Law’ on which it was supposedly based. Shepstone’s attempts to exert his influence over the proceedings and witnesses were also exposed as duplicitous in the same way.

Thus, although Colenso’s critique of paternal governance did not fully capture the complex composition of the South African colonial conditions, it nonetheless offered insights into how the official record of trials like that of Langalibalele can be read and used to illuminate the larger political, social, cultural, and linguistic implications of the subjugation of Africans in the name of paternal governance.

CONCLUSION

At the time of the Langalibalele affair, Cetshwayo, the Zulu king, commented on the mendacity of the colonial government’s instructions as contained in the ornately decorated document that he was given after his 1873 coronation by Shepstone. He is said to have noted that, despite Shepstone’s instructions ‘not to shed blood’, Shepstone had gone back to Natal and proceeded to deal with Langalibalele by doing just that. Thus, Cetshwayo asked,

Why should my Father, after coming to warn me not to kill, leave me and proceed straightaway to kill the old man who is my “father”? He should allow Langalibalele to come to me and not to be driven into exile.⁵¹

Thus, the Zulu king asserted the ‘authentic’ Zulu version of traditional practices regarding refugees and recalcitrant chiefs. As a summary of the contest between the customary understanding of refuge and rebellion, Cetshwayo’s statement stands in stark contrast to the legal

⁵¹ M. M. Fuze, *The Black People and Whence They Came: A Zulu View* (Pietermaritzburg & Durban, South Africa, 1979), 104.

rhetoric that attempted to define indigenous sovereignty as despotic and intolerant of desertion and resistance. It is noteworthy that despite his acquiescence in the intrigue to have Shepstone install him, Cetshwayo still viewed himself as independent of the S.N.A., and therefore entitled to provide refuge for Langalibalele. For Cetshwayo, the Langalibalele affair marked the beginning of his undoing, and that of the Zulu kingdom, at the hands of Theophilus Shepstone. The Langalibalele affair was, in retrospect, a precursor to the more systematic and coercive destruction of the independence and sovereignty of the Zulu kingdom.

Thus, as a historical event, the Langalibalele affair offers insights into the evolution of Natal's colonial policy and African colonisation generally. There are at least three ways to contextualise these observations. First, one can examine the general trajectory of European, especially British, imperialism in the nineteenth century, so as to better understand the relationship between, for example, the Colonial Office and Shepstone, the centre and the periphery. Secondly, one can examine other southern African debates on sovereignty and assess the extent to which the Langalibalele controversy was exceptional in the general conduct of colonialism in southern Africa. Third, one can examine, often with great linguistic and cultural difficulty, the nature of African discourses on sovereignty. The present article offers a synthesis of the above debates and issues. By reading the Langalibalele affair textually, the article has attempted to explain how the notion of rebellion was defined not only in relation to the colonial government but also in relation to indigenous understandings of the same notions, as Colenso presented them.

While the general trajectory of colonial policy in Africa is undeniably important for understanding the emergence of the 'benevolent despotism' that underpinned 'native policy', the work done most prominently by Mahmood Mamdani, in *Citizen and Subject*, seems to be sufficient for our purpose. The aim here is not to suggest an alternative to Mamdani's notion of 'decentralised despotism'.⁵² The Langalibalele affair represents an attempt to harness to the colonial project a local and familiar notion of the duties of an African patriarch. If there is any value to this comparison, and the examination of the affair, it lies in demonstrating that this allure of indigenous power was from the beginning self-contradictory. The implication is that the imposition of 'decentralised despotism' was an everyday affair involving both blatant abuses of power and a local resistance to such abuse. Thus, while colonial administrators could expound various versions of paternal government, the local conditions could, in indeterminate ways, frustrate this paternalism.

52 M. Mamdani, *Citizen and Subject*, 37ff.