
Civilian-driven settler genocide: Comparing the Cape Colony and California

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The study of genocide has several shortcomings, and foremost among them is the lack of significant consideration of cases of genocide outside of the ambit of state and official authorities as perpetrators of genocide in the eighteenth and nineteenth century. This paper describes and compares the exterminatory violence of hunter-gatherer societies on two different continents by volunteer civilian militia groups and argues that these were civilian-driven settler genocides.

“The blame [for some robberies] as usual [was] laid at the door of the Indians... And a war of extermination ... determined on.” Indian Agent Redick McKee to the governor, 1852”¹

“The Bushman is a wild animal to be shot at sight”²

SETTING THE CONTEXT

In attempting to explain the rapid rate of decline of Native Americans in California and the Cape San people, some contemporary scholars have tended to cite disease, cultural dislocation and homicide.³ Others argue that in addition to dislocation, disease and starvation, many of the deaths of Native Americans and San people were caused by the effects of abduction, mass deaths on reservations, battles, massacres and individual homicides. While it is important to acknowledge all factors that contributed to the decline of San and Native American populations, the role of commandos in the former Cape Colony and what Lindsay describes as “democratic death squads”,⁴ also known as volunteer civilian companies, in California cannot be underplayed. This article accepts that the near total destruction of Cape San people and Native Californians represents clear cases of settler genocide⁵ but argues that it was the civilians who played a predominant role.

In the early period of the establishment of the Cape Colony, settlers relied primarily on the soldiers of the Dutch East Indian Company (DEIC) for protection.⁶ It was in 1715 that the DEIC organised the first punitive expedition composed entirely of local Afrikaans citizens of the Boer Republic or *burgher* volunteers, led by Schalk Willem van der Merwe and Jan Harmense Potgieter.⁷ Soon after, the defence of the colony’s inland frontiers was entrusted to commandos, which were initially organised based on a district with the local official as commanding officer.⁸ Later semi-nomadic pastoral farmers, also known as *Trekboers*, gained control of the commandos. The leadership structure of commandos was modelled according to kin structures with those in the leadership mostly being the heads or important members of large families who had substantive economic resources and enjoyed a higher social status within the community. The commandos recruited indigenous people such as the Khoikhoi, ‘*Bastaard*’ and ‘*Bastaard-Hottentot*’ to perform auxiliary support roles.⁹

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For expeditions where cost was an imperative, settlers sought to kill every indigenous person they came across because keeping captives increased costs due to feeding, housing as well as transporting them.

Similarly, California had the emergence of volunteer civilian companies which were composed mostly of Euro-American civilians who volunteered to pursue exterminatory expeditions of Native Americans. A key right afforded to citizens by the law in California during that period was the right to bear arms as well as to constitute a volunteer militia company for the mutual protection of citizens.¹⁰ Californian residents would gather for a meeting to discuss their concerns about Native Americans, which often resulted in the drafting of a petition directed at the governor and/or the commander of the federal forces pleading for assistance. If they failed to get a favourable response they would try sending an additional petition with more signatories, and in many cases, exaggerations of the imminent threat posed by Native Americans, coupled with a proposal to form a volunteer company with the name of those who should be confirmed as the proposed captain of the company. With time, residents or proposed members of the volunteer company would elect their captain and lieutenants.¹¹ In time it became common



practice for the citizenry to form a volunteer company which would begin work and ask for permission thereafter.¹² Many of the volunteer civilian companies and commandos were state-sanctioned and even state-funded, but initiated by civilians.

Settlers on the frontier in the Cape Colony and California were responsible for their own protection because colonial governments could not afford to place armed military forces at frontier areas. More so since the early stages of settler colonialism were primarily concerned with extracting an economic surplus from the colonies for the benefit of the so-called ‘mother country’.¹³

Considerable investments in the expansion of the colonial military, including the formation of police forces and the establishment of complete territorial rule accompanied by state administrative apparatus, was in the main the objective of settler states that gained sovereignty from their ‘metropole’. Thus, the advancement of *Trekboer* and Euro-Americans into the interior often took place where there was minimal or no direct state authority or administrative presence.

For the Cape *Trekboer*, being commando leader brought influence and power; commando leaders had access to vital supplies such as gunpowder and were responsible for deciding whether captives were to be shot or be held as labourers.¹⁴ The start and duration of campaigns and areas of operation were also determined by the commando leadership.¹⁵

By comparison, the Californian volunteer group’s captains had to provide regular reports to the governor who was the person responsible for confirming the legality of the company and would from time to time determine if its existence was still necessary. Governors had considerable input in the scope of the company’s work and duration; frequently the California governors would advocate for restraint and in cases where they saw the company exceeding the limits of its scope, some governors even disbanded the volunteer company on that basis. Governors had considerable power over volunteer companies because, among other reasons, those companies needed to be able to get reimbursements from the state for their work and the governor >>

was central to that process. The governor therefore served as an accountability mechanism in some respects.

Civilians, particularly in California, made use of the press and their traditional democratic practices to rally fellow civilians around the goal of genocidal extermination. However, the press often reported on cases of unfair treatment towards Native Americans, sometimes holding Euro-Americans and volunteer companies accountable. The Cape commandos, however, who were based in remote areas operated with minimal press coverage. Additionally, commandos which operated in the nineteenth century did so in remote areas such as Gordonland, Griqualand West, Bushmanland and areas north of the Orange River without official sanction and therefore with minimal documented reporting.¹⁶ Thus, the Cape commando leadership appears to have had far fewer checks and balances than their Californian counterparts. Despite such differences, both militia groups tended to become a law unto themselves in their dealings with indigenous people.

RELEVANCE OF THIS RESEARCH TODAY

The genocide of Cape San people in South Africa has been silenced for close to a quarter of a century in the public discourse. The majority of research involving Cape San people is not from the perspective of genocide studies, but rather from archaeology or anthropology. This has led to inadequate understanding and lack of recognition of the genocide of San people. The current political context, particularly at South African universities calling for the decolonisation of knowledge, compels this kind of scholarship to be brought into the public sphere as part of our efforts to engage with the injustices, legacies and also complexities of our past. By contrast, the destruction of Native Americans in California has recently

received considerable scholarly attention judging by the amount of available published material on the subject as well as its popularity in the public debates on genocide in the United States and elsewhere. Notably, after conducting a literature review it became apparent that no comparative study of the Cape San and Native Americans had ever been undertaken whereas there are important lessons to be learnt from such an exercise. This study is one of the many attempts to bring to the fore the need to take the genocide of San people more seriously.

Much of the neglect of cases of genocide in settler colonies involving hunter-gatherers emanates from how different scholars have interpreted and been influenced by the work of Raphael Lemkin, described by many as the father of genocide studies. In 1944, Lemkin coined the term “genocide” in Axis Rule in Occupied Europe as a response to the genocidal actions in Nazi-ruled Germany.¹⁷ Lemkin’s primary focus on Germany, in his seminal work, has had an unintended consequence of giving primacy to state and official authorities in the study of the phenomenon of genocide. This has led to a neglect of cases of genocide where non-state actors play a predominant role. The 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide does not preclude civilians from being culpable of committing genocide, as cited in article IV of the Convention which defines perpetrators as “constitutionally responsible rulers, public officials or private individuals”.¹⁸

Debates surrounding the Holocaust appear to have contributed significantly to the dominance of state-centric perspectives in genocide studies. Scholars, depending on their ideological persuasions, sought to embed a perspective that gave primacy to state involvement in cases of genocide while Nazi apologists tended to use broader understandings of genocide as a way

of undermining the case of genocide in Germany. Thus, because of these contestations some scholars have had unfounded accusations of anti-Semitism levelled against them when their work sought to study other cases of genocide which diverted from the features of the genocide in Nazi-ruled Germany. A second key consideration in why genocide studies have been dominated by state-centric approaches can be found in the ongoing debates about the definition of genocide. Jones¹⁹ notes twenty-two definitions (and counting) of genocide used by scholars in the social sciences and humanities. These debates reveal the lack of consensus among scholars about the concept of genocide. The debates have been detrimental to recognising cases of genocide where there are non-state leading actors.

CIVILIAN-DRIVEN EXTERMINATORY VIOLENCE

*“A party of men went out, discovered the Rancheria ... and killed 140 Indians....Their destiny is to be exterminated.” A Weaverville merchant writing home, 1852.*²⁰

Miller²¹ argues that there were occasions where parties of settlers went out two or three times a week to kill indigenous people in California. On average, over fifty indigenous people were killed each time a party went into the fields.²² Some of the infamous volunteer civilian companies in California included the Union Volunteers, Pitt River Rangers, Klamath Rifles, Eel River Rangers and the Salmon Guard among others who carried out exterminatory expeditions against Native American people. Forbes argues:

“... the bulk of California Indians were conquered, and died, in innumerable little episodes rather than in large campaigns. This fact, of course, makes the sequence of events even more distressing since it serves to indict not a group of cruel leaders, or a few squads of rough



soldiers, but, in effect, an entire people; for the conquest of the Native Californian was above all else a popular, mass enterprise.”²³

After many unsuccessful attempts to stop the San from raiding settler livestock, the Stellenbosch authorities decided to raise a general expedition, consisting of a force of 250 men, to deal decisively with hunter-gatherers within their reach.²⁴ The overall number of people who were either captured or killed during the expedition, inclusive of women and children, was more than seven hundred. Furthermore, Newton-King²⁵ notes that the commandos had killed well over three thousand San people in the Cape since the beginning of the hostilities in 1771. A report by the Graaff-Reinet magistracy in 1836, gives a figure of 2,504 San killed and 699 taken prisoner during the DEIC rule between 1786 and 1795.

Adhikari²⁶ maintains that there are structural incompatibilities between settler capitalism and hunter-gatherer modes of production particularly given that an emergent social formation does not allow the survival of an older mode of production. Adhikari²⁷ argues that it was the commando activity that contributed significantly to the destruction of San society in the former Cape Colony and surrounding areas. Commandos undertook both official and informal expeditions to indiscriminately kill San people. The kidnapping and selling of indigenous women and children further exacerbated tensions between settlers and indigenes who would strike back in retaliation.

By contrast, the 1849 discovery of gold in California marked the beginning of massive invasion of indigenous land. Rodman²⁸ remarks that the “mining boom [was] an explosive force, and that no region was ever the same after prospectors and miners had poured through it”. Mining and pastoralism had an intricate connection. Rodman²⁹ explains that in California, miners and prospectors were the pioneers

whose movements would often be accompanied by the establishment of cities and the development of farming communities to provide food and other products for the mining community. Land and cattle were relatively inexpensive in California prior to the gold rush, but thereafter they became commodities of great value further incentivising the expansions of the Californian pastoral economy. Land speculators, prospectors and miners in California had access to superior weapons while indigenous people had less advanced weaponry. Ranchers held the view that you needed large acreages of land with an accompanying large herd to be successful. Thus, a mining boom was often accompanied by a boom in indigenous land invasions.

Likewise, the dominant economic activity throughout the eighteenth century in the northern Cape was pastoralism, spearheaded by *Trekboers*.³⁰ Pastoralism, at this stage, was characterised by its focus on primitive accumulation.³¹ From the onset, *Trekboers* were mainly concerned with self-sufficiency and producing meat for a limited market.³² Being in possession of horses and guns gave the *Trekboers* overwhelming advantage over indigenes.³³ The DEIC as well as *Trekboers* had a policy against trading ammunition, guns and horses with indigenous people in the area.³⁴

In both the Cape and California, settler activities affected drinkable water sources and killed fish thereby depriving local communities of reliable food sources on which some communities were dependent.³⁵ Native women and children were abducted and sold off or used as labour. Domesticated herds ate plants that indigenes depended on for their livelihood. Settler colonial society had detrimental consequences for hunter-gatherer peoples’ way of life and sources of subsistence necessary for their survival. This necessitated that indigenous people target settler livestock for subsistence, and resulted

in retaliatory exterminatory hunting parties and expeditions by settlers. This vicious cycle would lead to the near extinction of San and some Native American communities.

Hunter-gatherer societies constantly had to defend themselves or flee from ad hoc hunting parties or exterminatory expeditions. For expeditions where cost was an imperative, settlers sought to kill every indigenous person they came across because keeping captives increased costs due to feeding, housing as well as transporting them.³⁶ Settler pastoralists made use of massacres to address indigenous people’s resistance, to expedite forced dispossessions and removals, to coerce indigenous people into availing their labour or for their annihilation.

On occasions, both the state and volunteer civilian militia groups acted independently in line with their varied interests. J. Ross Browne was appointed by the US government in 1857 to investigate Native American population decline. He wrote that:

... troops were sent out to aid the settlers in slaughtering the Indians. By means of mounted howitzers, muskets, Minie rifles, dragoon pistols, and sabers, a good many were cut to pieces. But on the whole, the general policy of the government was pacific. It was not designed to kill any more Indians than might be necessary to secure the adhesion of the honest yeomanry of the state.³⁷

It must be said that the state was complicit in the genocide of Cape San people and Native Americans. The work of Benjamin Madley³⁸ demonstrates that the US army occasionally took part in and independently organised exterminatory violence against indigenes. Madley³⁹ notes several exterminatory campaigns against indigenes by the US army. Madley⁴⁰ argues that after the first California volunteer army campaign of 1862 which killed at least 120 indigenes, the genocide ➤

of indigenous people ceased to be led by civilians and became a federal project.

CONCLUSION

Framing the extermination of the Cape San people and Native Americans of California as civilian-driven settler genocide provides a better understanding of the near annihilation of these groups. Such an approach brings to the forefront the proactive role played by civilians in these genocides and enriches scholarly understanding of occurrences of genocide outside state-centric frameworks. A state-centric approach has failed to account for the mass participation of civilians and it is evident that the state did not coerce civilians into participating in mass killings of indigenous people. In fact, the evidence reveals numerous cases of state intervention attempting to stop indigenous peoples' extermination by both commandos and civilian volunteer companies. The state, in both California and the Cape, was over-reliant on pastoralists for the defence of the frontier and thus lacked the capacity and resources to carry out a prolonged genocidal campaign.

There are several benefits to making use of the framework of civilian-driven settler genocide. Firstly, describing the genocide of Cape San people and Native Americans as civilian-driven calls for research into mass participation of civilians in genocide where there is lack of state coercion to commit genocide. The civilian genocidal impetus appears to be largely driven by the interests and agency of civilians who were incentivised by the prospect of economic prosperity should indigenous people be exterminated. Secondly, it accounts for the difficulties in establishing genocidal intent from the colonial state in the Cape and California. It does not appear to have been in the interests of the Cape and California states to pursue wholesale extermination. In both case studies, civilians exercised their agency in

wanting to exterminate indigenes and they were aware of the consequences of their actions on indigenous people. Civilians repeatedly, without ambiguity, expressed their objective of wanting to annihilate indigenous people. Thus, they participated in volunteer militia and vigilante groups to realise that end.

This article largely considered exterminatory conflict between hunter-gatherers and settlers on the pastoral frontier. However, conflict also took place on other frontiers such as the mining and maritime frontiers. Research on these frontiers reveals the participation of civilians in the genocide of indigenous people, though it is not as prevalent as on the pastoral frontier, which was driven by the need for more land and natural resources. Moreover, the disproportionate number of indigenous people killed by volunteer civilian companies and commandoes within settler pastoral societies as opposed to other frontiers affirms the structural incompatibilities between pastoralism and hunter-gatherer societies.

ENDNOTES

- 1 William B. Secrest, *When the Great Spirit died: The destruction of California Indians, 1850-1860*, (California: Craven Street Books, 2003)
- 2 Mohamed Adhikari, (ed.) *Genocide on settler frontiers: When hunter-gatherers and commercial stock farmers clash*, (South Africa: University of Cape Town Press, 2014)
- 3 Avelino L. Hurtado, 'Introduction,' in Robert F. Heizer, (ed.), *The destruction of California Indians*, (United States of America: University of Nebraska Press, 1993); Mohamed Adhikari, *The anatomy of a South African genocide: The Extermination of the Cape San Peoples*, (Cape Town: University of Cape Town Press, 2010)
- 4 Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1846-1873*, (United States of America: University of Nebraska Press, 2012)
- 5 See Lindsay, *Murder State: California's Native American Genocide, 1846-1873*; Mohamed Adhikari, *The anatomy of a South African genocide: The Extermination of the Cape San Peoples*; Secrest *When the Great Spirit died: The destruction of California Indians, 1850-1860*; Susan Newton-King, *Masters and servants on the Cape Eastern Frontier, 1760-1803*, United Kingdom: Cambridge University Press, 1999)
- 6 Ibid.
- 7 Ibid.
- 8 Ibid.
- 9 Nigel Penn, *The forgotten frontier: Colonist & Khoisan on the Cape's Northern Frontier in the 18th century*, (Cape Town, South Africa: Double Storey books, 2005)
- 10 Lindsay, *Murder State: California's Native American Genocide, 1846-1873*,

- 11 Ibid.
- 12 Ibid.
- 13 Walter Rodney, *How Europe underdeveloped Africa*, (United Kingdom: Bogle-L'Ouverture Publications, 1972)
- 14 Penn, *The forgotten frontier: Colonist & Khoisan on the Cape's Northern Frontier in the 18th century*
- 15 Ibid.
- 16 Ibid.
- 17 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, (United States of America: Rumford Press, 1944)
- 18 United Nations Convention, *Convention on the Prevention and Punishment of the Crime of Genocide* 1948. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx> [2017, November 13]
- 19 Adam Jones, *Genocide: A comprehensive introduction*, (England: Routledge, 2011)
- 20 Secrest, *When the Great Spirit died: The destruction of California Indians, 1850-1860*, p. xiv.
- 21 Virginia P. Miller, *Ukomno'M: The Yuki Indians of Northern California*, (New Mexico: Ballena Press, 1979)
- 22 Miller, *Ukomno'M: The Yuki Indians of Northern California*; Ben Keirnan, *Blood and soil: A world history of genocide and extermination from Sparta to Darfur*, (New Haven: Yale University Press, 2007)
- 23 Jack D. Forbes, *Native Americans of California and Nevada: A handbook*, (California: US Department of Health, Education & Welfare, Office of Education, 1968, p. 53)
- 24 Newton-King, *Masters and servants on the Cape Eastern Frontier, 1760-1803*
- 25 Newton-King, *Masters and servants on the Cape Eastern Frontier, 1760-1803*
- 26 Adhikari, *Genocide on settler frontiers: When hunter-gatherers and commercial stock farmers clash*
- 27 Adhikari *The anatomy of a South African genocide: The Extermination of the Cape San Peoples*
- 28 Paul W. Rodman, *Mining frontiers of the far West, 1848-1880*, (New York: Holt, Rinehart and Winston, 1963, Inc: 2)
- 29 Rodman, *Mining frontiers of the far West, 1848-1880*
- 30 Penn, *The forgotten frontier: Colonist & Khoisan on the Cape's Northern Frontier in the 18th century*
- 31 Ibid.
- 32 Nigel Penn, 'The Destruction of Hunter-Gatherer Societies on the Pastoralist Frontier: The Cape and Australia Compared,' in Mohamed Adhikari, *Genocide on settler frontiers: When hunter-gatherers and commercial stock farmers clash*
- 33 op. cit.
- 34 Ibid.
- 35 Lindsay, *Murder State: California's Native American Genocide, 1846-1873*; Adhikari, 2010).
- 36 Ibid.
- 37 Keirnan, *Blood and soil: A world history of genocide and extermination from Sparta to Darfur*, p. 354.
- 38 Benjamin Madley, 'Understanding genocide in California under United States rule, 1846-1873,' in *The Western Historical Quarterly*, 47:449-461, 2016; Benjamin Madley, *An American genocide: The United States and the California Indian catastrophe, 1846-1873*, (New Haven: Yale University Press, 2016).
- 39 Ibid.
- 40 Ibid. **NA**