Facing the epokolo: corporal punishment and scandal in twentieth century Ovamboland

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FACING THE EPOKOLO:
CORPORAL PUNISHMENT AND SCANDAL
IN TWENTIETH CENTURY OVAMBOLAND

by

David Crawford Jones

A Dissertation
Submitted to the University at Albany, State University of New York
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Facing the *Epokolo*:

Corporal Punishment and Scandal

in Twentieth Century Ovamboland

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David Crawford Jones

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To My Wife, Tracy
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Acknowledgments

A little more than eight years ago, I made my initial research trip to the Yale University Library in New Haven, where I first encountered the events that would go on to form the heart of my research and the center of this dissertation. During the long journey following that discovery, I have accumulated many debts and received critical assistance from countless colleagues, mentors, and friends. It is with tremendous gratitude and relief that I am finally able to formally acknowledge many of them, keeping in mind always that whatever faults lie with the present study, they are my responsibility alone.

I have been especially fortunate to work with a dissertation committee that is, in my unbiased opinion, without peer. Since that first day in the Yale archives, Iris Berger has shown incredible patience and wisdom in helping me through the long and arduous process of research and writing that ensued. The depth and breadth of her knowledge of Southern African history were critical in helping me to avoid many errors, and her faith in my abilities gave me the confidence I needed to see this project through to its completion. More than that, she was unfailing in her commitment to my work, and knew just when to provide the right nudges and guidance to keep me moving forward. I am proud to be her student, and grateful for her friendship.

Likewise, Susan Gauss has been a constant inspiration for me throughout my graduate career, as a scholar and a teacher. It was while taking her graduate seminars on revolution and counter-revolution that I first began to think seriously about the issues of citizenship and nationalism that became central to my research. Throughout the last decade, she has been a critical sounding board for testing and working through my ideas,
and has always shown a knack for asking the right questions at the right times. Without her insights and counsel, this would be a very different, and much inferior, dissertation.

As I began to focus my attention on Namibia and on Ovamboland in particular, Meredith McKittrick served as an indispensable guide and source of knowledge on the region. Her 2002 book, *To Dwell Secure: Generation, Christianity and Colonialism in Ovamboland*, was the text that first introduced me to this region’s unique place in the African historical experience, and her sage advice made my first trips to Namibia and to the National Archives in Windhoek much more productive than they otherwise would have been. Her support for my research over the years has been crucial and a much-needed source of confidence and encouragement. I remain forever grateful and honored that she agreed to serve on my dissertation committee.

Working on a doctorate can often be a humbling and lonely experience. Fortunately, throughout my graduate student career many faculty members and students at the University at Albany, State University of New York, gave me the support and friendship I needed in order to stay the course. The African history readings courses that I took with Rachel Jean-Baptiste, now at the University of Chicago, inspired me to pursue my dream and helped transform me into a better writer and more disciplined scholar. Richard Hamm always made sure that every resource I needed was at my disposal, and Ron Berger provided me with encouragement at every step along the way. Amy Murrell Taylor and Dan White played a critical role in the earlier stages of my graduate career, broadening the geographic and thematic foundations of my knowledge of history, and Richard Fogarty pushed me to continue my research at a critical juncture.
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The research for this dissertation unfolded in archives in South Africa, Namibia, Sweden and the United States, and through interviews conducted on the African, European and North American continents. A project of that scope would not have been possible without generous financial assistance, and I have received it from many quarters. A J. William Fulbright Fellowship funded ten months of research in Namibia, and a Bernadotte E. Schmitt grant from the American Historical Association enabled a trip to Scandinavia. In addition, grants from the History Department, the Graduate Student Association, the Office of International Education and the Graduate Student Employees Union at the University at Albany helped me to attend conferences in Oxford, New Haven, San Francisco, Baltimore and Washington. I would also like to thank conference participants Jocelyn Alexander, Stacey Hynd, and Kelly Gillespie for their helpful feedback and encouragement, and Jan-Georg Deutsch, who in 2007 asked me a question about scandal that I’m happy to report took me only six years to answer.
It is my earnest hope that the present work will make a useful contribution to the field of Namibian studies, which is graced by a small but gifted contingent of historians, anthropologists, and political and social scientists. I would like to thank Christo Botha of the History Department at the University of Namibia, for sponsoring my residency in the country, and Jeremy Silvester, Robert Gordon, Wolfram Hartmann, Christian Williams and Gretchen Bauer for encouraging my work and facilitating my research at various points over the last several years. At the National Archives of Namibia in Windhoek, Werner Hillebrecht and his attentive staff provided me with all the assistance I needed, and Nancy Robson guided me through the archives at St. Mary’s mission school in Odibo. Among my fellow American expatriates in Namibia, I would like to thank Jay Bolin for his friendship and botanical knowledge, and Sarah Webb, for keeping me grounded and focused while far away from home.

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unforgettable conversation on Namibia’s liberation struggle and his memories growing up in northern Namibia.

The vast majority of my interviews were conducted in Ovamboland during 2009. As an outsider in this community, I was especially reliant on the assistance of Rachel Hatutale, who served as my primary instructor in Oshikwanyama and my main interpreter and translator. I am forever grateful to her for her friendship, generosity and advice. While in the north, I stayed at her family’s home in Omusheshe, and would like to thank her entire extended family for being such wonderfully kind and giving hosts, especially her mother, Rachel Lakola Hatutale, and her father, Simeon Simon. Thanks also go out to Rachel’s three oldest sons, Peter Namundjembo, Lucas Ashipala and Lazarus Ashipala, whose good humor and passion for rap music and the English Premier League made those trips to the north so memorable. I would also like to thank Johnny Haipinge for expertly navigating our car throughout the region in search of informants, and Hatutale Hatutale for giving me my first epokolo.

It has only been through the support, advice and encouragement of my closest family and friends that this dissertation has been finished. I would like to thank Debra Felsman for helping me to keep the right perspective and push through to the finish, and Carl Scheeler for our many heated debates about religion, which proved invaluable in helping me to understand the importance of Christianity to this story. He is responsible for pointing me to the quotation from St. Thomas Aquinas that begins my narrative. My good friend Jennet Mae Jones has likewise been a critical source of good counsel and friendship throughout the long process of writing this dissertation.
My parents, Rebecca and Christopher Jones, and my sister, Amanda Jones, gave me the foundation I needed to succeed and demonstrated to me the importance of educational achievement. My mother-in-law, Carol Gaskin, father-in-law, Gary Gaskin, and brother-in-law, Andrew Gaskin, helped immeasurably in seeing that my immediate family was cared for during my long trips away from home.

But of all these, my greatest debt is to my wife and two children, who have borne the weight of my frequent trips and absences. My oldest daughter, Anna, remains my greatest inspiration; watching her fall in love with the African continent, its peoples and languages, has been a tremendous blessing. My son, Keshii, has yet to visit Namibia, but through his name and spirit he carries the unique vibrancy of that nation. He has grown up in a world where his Daddy is constantly typing away at his computer—I thank him for his love and forbearance.

Lastly, I dedicate this dissertation to my wife, Tracy. When she first met me, I was a struggling poetry student. In all the years and changes since then, she has remained my biggest advocate and supporter. None of this would have been possible without her almost superhuman patience, acceptance and sacrifice. Through it all she continues to believe in me, and for that I hope the present work is a worthy testament to her uncommon strength and love.

David Crawford Jones
February 2014
Abstract

This dissertation charts the history of corporal punishment in Ovamboland, the north-central region of present-day Namibia. Long used as a method for disciplining cattle thieves, rapists, and men who had impregnated women outside of wedlock, the region’s institution of public flogging sparked a scandal in 1973, when the *epokolo*, the five-foot long thorned branch of the Makalani palm tree, was deployed on members of SWAPO, the leading liberation movement in the territory then known as South West Africa. In the wake of that scandal, and in a rare rebuke of the traditional authorities who had long collaborated with the South African colonial state, in 1975 the Supreme Court of Appeals in Bloemfontein, South Africa reprimanded the kings and headmen of the region for targeting political activists, a decision that would ultimately lead to the end of judicial corporal punishment in Namibia after it achieved its independence in 1990.

Relying on archival sources and numerous interviews conducted throughout Namibia, this dissertation demonstrates that corporal punishment had in fact been broadly supported by the public throughout the colonial period, and was a major source of legitimacy for traditional authorities whose collaboration with the colonial administration had otherwise undermined their position within Ovamboland. It was not until the *epokolo* was used on political activists in 1973 that the institution came under serious and sustained scrutiny from ordinary men and women living in the region. Yet as I argue, this scandal did not represent a new consensus that flogging itself was unacceptable, but rather introduced a new discursive categorization, within which the activities of “politicians” were protected while “criminals” remained legitimate targets for public abuse and scorn. Not coincidentally, these and other divisions—of class, gender, generation and education—corresponded to emerging cleavages within the Namibian
nation. In defining scandal as a discursive event that appeals to established authority and group consensus in order to bring about change, this dissertation argues that the 1973 scandal served as a poor midwife to the social revolution demanded by the Namibian situation, and thereby accounts for the pervasive nostalgia for the *epokolo* found throughout Ovamboland today.
# LIST OF ILLUSTRATIONS

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**Introduction**

They crucified the two thieves, one on either side, that He might be made to share their guilt. But it did not happen so; because mention is never made of them; whereas his Cross is honoured everywhere.

--St. Thomas Aquinas, *Summa Theologica*, Q. 46, Art. 11, quoting St. John of Chrysostom

Like many of his comrades in the SWAPO Youth League (SYL), 23-year-old Ndaxu Namoloh arrived at the offices of the Kwanyama Traditional Authority in Ohangwena on November 8, 1973, expecting to bear witness to the trial and punishment of Ndali Kamati and Nestory Shanjengana. Kamati and Shanjengana were two members of the Youth League who had been arrested for causing “disturbances” throughout Ovamboland, the north-central region of present-day Namibia (see Figure 1). Those familiar with recent events in the region undoubtedly anticipated seeing the accused flogged for their political activities. Beginning in September, traditional authorities in Ondangwa and Ohangwena had embarked upon a campaign of corporal punishment against SWAPO activists, often stripping their captives naked before forcing them to bend over a chair or stool and flogging them on the buttocks. These spectacles always occurred on the verandah adjacent to the offices of the traditional authority, where men, women, and children gathered to watch the punishments take place, to see for themselves the power of tradition and repression over the representatives of liberation. Those

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Among many circles in Namibian studies today, and among some Namibians as well, it has become customary to refer to Ovamboland as “Northern Namibia,” due to the perceived offensiveness of the term “Ovamboland,” which was used by the South African colonial state throughout the twentieth century, and which therefore is associated with the Bantustan policies of the colonial regime. Despite this, I have decided to retain the term “Ovamboland” because the alternative, “Northern Namibia,” offers no distinction between Ovamboland, Kavangoland, or the Caprivi Strip, three areas in the Northern part of the country that have very different historical experiences. Additionally, it should be noted that the term “Ovamboland” is still commonly used by many Namibians when referring to the region where the events described in this work took place.
selected for punishment tended to be the most outspoken members of SWAPO in Ovamboland, the ones who had travelled throughout the region in recent months, urging Ovambos to disobey authority and boycott elections for the newly-organized Ovambo Legislative Assembly. But the ranks of the punished also included lesser-known figures, young men whose only crime might have been making the SWAPO salute with their fists, or, as in the case of Ndaxu Namoloh, using their clothing to show their allegiance to SWAPO’s cause. For it was on that day that Namoloh, the son of a mission school teacher, decided to wear a white t-shirt and white tennis shoes on which he had written “SWAPO of Namibia” and sketched the colors of the Namibian flag. In the context of 1973, seven years into SWAPO’s armed struggle against South African rule in the territory, and within an increasingly unstable political environment in Ovamboland, Namoloh’s dress was a provocation. He was spotted by several policemen for the traditional authority, who tossed him into the back of the same lorry carrying Kamati and Shanjengana. Now instead of two young men punished, this day there would be three.

Namoloh was the first of the three to be brought before the Kwanyama council of headmen. “Are you a member of SWAPO?” asked one of the headmen. Namoloh said yes. “What is Namibia?” the headman asked. Namoloh answered, “It is our land, namely South West Africa.” “Do you intend to remain a member of SWAPO?” came a third question. Namoloh answered yes. As he later explained in a court affidavit:

I was brought back before the Tribal Authority and was asked whether I was still a member of Swapo. I said “Yes” whereupon I was told that I had been found guilty of being a member of Swapo and that I was to receive twenty-four strokes of the Makalani branch….I was then taken out and later on flogged on the verandah of the Tribal Offices. I was flogged with my trousers on. I was flogged in full view of the

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2 Ndaxu Namoloh, interview by David Crawford Jones, Windhoek, Namibia, April 2, 2009.
The weapon used for the flogging was the *epokolo*, the petiole of the Makalani palm tree. Typically measuring about four to five feet in length, the *epokolo*—solid like a cane but with flexibility like a whip—had been the weapon of choice for floggings in Ovamboland for as long as anyone could remember. In order to exacerbate the pain and lengthen their hold over Namoloh’s body, the headmen had the designated flogger—a man nicknamed Omeshamaya, meaning “Ugly Eyes” in Oshiwambo—pause between blows, so that a punishment that should have only taken two or three minutes to complete instead lasted for several minutes more. As Namoloh explained to me in an interview:

> By the time they reached 9 or 10 blows I felt this terrible pain and then after that I think I decided that this was my fate and they must finish it. I think between 15, 16, 17 [blows] I felt a blackout. And then when they finished I couldn’t stand properly from the pain. I was dizzy. But after they finished, they told me, “This is a present for SWAPO.” I was now completely just saying come what may. So I said, “If I get a gun from SWAPO, I will shoot you all!” They said, “We will beat you!” And I said, “Yeah, you can do whatever you want now.” They said, “Oh, you are still answering us?” And I said, “Yeah, I will answer you any day.” So I left.

Namoloh, barely able to walk, was helped to a waiting car where he watched as his colleagues Kamati and Shanjengana were similarly flogged. As Namoloh recalled it for me, “I waited in the car because I couldn’t move. You know I became an observer. Kamati and Shanjengana were observing when I was being flogged and they were crying. I did not cry. Kamati was the next. When he was flogged, I was crying also. But when myself I was being flogged I didn’t cry.”

At a further distance, Namoloh then saw another flogging occur, one which would go unreported in the subsequent accounts of that day. A common criminal, his offense

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3 Affidavit of Ndaxu Namoloh Yanamoloh, *Wood and Others v. Ondangwa Tribal Authority and Another* (Bloemfontein: Supreme Court of Appeals, South Africa, 1974), 81-82.
unknown, was being beaten with an *epokolo*; around him gathered a small crowd, mocking him as the blows rained down on his buttocks and he cried out in pain.⁴

Since I first began researching the public floggings of SWAPO members and other political activists in Ovamboland in 1973, many of my colleagues within the discipline of history have asked me why I have chosen such a seemingly esoteric and macabre event as the focus of my dissertation. (On the other hand, my oral informants within Namibia never questioned the appropriateness of these events for understanding their history.) Though it took me years and the help of oral informants like Namoloh to understand my own motivations, I think the source of my obsession with this topic can be found in the juxtaposition on display in Namoloh’s narrative of his own flogging, in which the beating of “political activists”—widely regarded at the time and ever since as a scandal within Namibia—is contrasted with the public flogging of “criminals,” a common feature of traditional punishment in Ovamboland throughout the twentieth century, and a practice that is defended by many Namibians today, years after the National Assembly of an independent Namibia finally banned the use of flogging as a judicial punishment in the country.

This contrast—between “politics” and “crime”—is one that, on further examination, shadows much of the history of the modern world, understood more broadly and also within a specifically African context. Less than twenty years ago, South Africa’s Truth and Reconciliation Commission—regarded as a success of nation-building by many observers—granted amnesty to individuals who had committed acts of violence, including murder, so long as a “political” motive for their deeds could be ascertained. In this sense, the “new” South Africa that followed the end of apartheid was constructed

⁴ Namoloh, interview.
around the discursive exclusion of the “criminal,” a boundary that has deep roots within the genealogy of the Western world. For was it not Christianity itself which, nearly two millennia before its doctrines and symbols reached the plains of Ovamboland, elevated the cross and all it symbolized to the level of fetish? As a young boy schooled in the rituals of Catholicism, the artistic reproductions of Christ’s death—captured both in the pietas of art museums and the faux ornement of countless local churches—was a constant source of fascination for me. Every Good Friday, as I walked along the aisles of St. Mary’s Church in Annapolis, Maryland, reciting the Stations of the Cross, I was always struck by the divergent visual representations of Jesus’s crucifixion, as some portrayals emphasized the fundamental isolation of Jesus on the cross, while others placed his suffering in the context of the two thieves who, the Gospel of Luke tells us, were placed on either side of the man from Galilee. In Luke’s version, the first thief mocks Jesus, but the second criminal, henceforth known as the “Penitent Thief,” reproaches his fellow larcenist, saying “Have you no fear of God, for you are subject to the same condemnation? And indeed, we have been condemned justly, for the sentence we received corresponds to our crimes, but this man [Jesus] has done nothing criminal” [Emphasis added].

Of course, in the eyes of the judicial apparatus that sentenced these men to death, both Jesus and the two thieves were “criminals.” Likewise, the traditional authorities in Ovamboland clearly regarded—and, as we will see, with some justification—the “political” activists targeted during the 1973 flogging campaign as “criminals.” In this sense, the reification of a “political” and a “criminal” population, found both in ancient Christianity and in modern-day Namibia, reflects the discursive operation of scandal, a

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5 Lu 23: 33-41.
universal social phenomenon that has rarely received serious interrogation by scholars. Recently, the sociologist Ari Adut has attempted to close this epistemological gap by noting the central role scandal has played in the modern world, where new technologies of communication—from print to audio and visual media—have ensured that news of societal disruptions can and often do travel great distances in short periods of time, thereby bringing divergent elements of society into contact and conflict with one another. But aside from reflecting the expanding role of publicity in the contemporary world, scandal has always served as a kind of interpretive tool, capable of identifying the central cleavages, contradictions, and obsessions of cultures both ancient and modern. As Adut observes, “the royal road—or, in any case, one royal road—to understanding the social organization and cultural code of a specific time and place is paved by its scandals, both actual and averted.” Yet as the present work will argue, scandals are more than mirrors, dumbly reflecting the societies by which they are shaped. As discursive mechanisms that seek to build group consensus by appealing to established values and institutions, they are capable of actively shaping political consensus, and thus impacting the dispensations that must inevitably follow. Scandals—whether they unfold in the White House or on the barren plains of a rural African hinterland—act as both societal ciphers and potent agents of historical change.

The scandal of the *epokolo* that erupted in Ovamboland and throughout Namibia and South Africa during the final months of 1973 (eventually resulting in a 1975 ruling by the Supreme Court of Appeals in Bloemfontein that rebuked the traditional authorities for targeting political activists) reveals many of the most salient fault lines within

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Ovambo society at a critical moment in its history, when the leading activists of the liberation movement had begun to articulate a nationalist discourse that would achieve its full political realization with the independence of Namibia in 1990. The differentiation of “politicians” from “criminals,” activated, in part, by the scandal of the *epokolo*, simultaneously reflected the construction of the very “imagined community,” to borrow Benedict Anderson’s well-known phrase, that corresponded to the emerging boundaries of the Namibian nation itself. And if the young SWAPO activists targeted by the kings and headmen of Ovamboland were indeed the forerunners of Namibian nationhood, then the liberation they embodied was necessarily an exclusionary one, relying as it did on access to a Western education and the ideological sophistication of nationalism, facility with the English language, adoption of Western clothing (recall the t-shirt and tennis shoes that landed Namoloh in trouble in the first place), and performance of a particular kind of masculinity, capable of reading into the dramatic encounter with the *epokolo* a political and even metaphysical triumph. As will be shown, SWAPO activists flogged by the authorities experienced their scars differently than the criminals beaten with the *epokolo*. Where the latter read their punishment as a humiliation, the former saw their wounds as symbols of physical courage and moral triumph. Indeed, SWAPO Youth League members, infused with the same engaged and politicized brand of Christianity that was animating the Black Consciousness Movement within South Africa at the same time, often saw in the dramaturgy of their encounter with the *epokolo* a kind of divine suffering that linked their pain with Christ himself. For instance, during his flogging at

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the hands of the Kwanyama traditional authorities, Manya ya Manya reportedly exclaimed “God forgive them!” a performative re-enactment of Christ’s laments on the cross that served not only to define Manya’s suffering as heroic, even sacred, but also incited the traditional authorities to beat him ever harder.

Scandal works in part by defining whose story gets told, and in what way it is expressed. The Gospels of the New Testament constantly draw our attention towards Christ’s passion, and, at the climactic moment of his death, away from the thieves whose suffering serves only to frame the decisive sacrifice of flesh and blood. To borrow from Judith Butler, the criminals executed on Golgotha Hill did not possess, in the final analysis, bodies that mattered. And yet as Biblical scholars have noted, the standard punishment for ordinary theft in ancient Jerusalem was not crucifixion. Such brutal retribution was normally reserved for social bandits, for those who stole from the rich in order to give to the poor. As Eric Hobsbawm first argued, and as many since have reiterated, such liminal figures blur, and sometimes erase, the boundaries between the “criminal” and the “political.” As we will see, in the case of Ovamboland, the “criminal” victims of flogging also included, alongside cattle thieves and other community nuisances, those who had “broken contract,” abandoning exploitative and frequently abusive labor on white-owned farms in southern Namibia. The beating of such “contract

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11 Speculation on Dysmas, the “Penitent Thief” can be found in Teresa P.R. Caldeira, “‘I Came to Sabotage Your Reasoning!’: Violence and Resignifications of Justice in Brazil,” in Law and Disorder in the Postcolony, ed. Jean and John L. Comaroff (Chicago: The University of Chicago Press, 2006), 134, 148.
breakers” followed a long tradition in Namibian history, which saw violators of the infamous Masters and Servants Act of 1920 whipped by the tens of thousands in white jails throughout the twentieth century. It is safe to say that many would regard such “criminal” activity as deeply political, and in fact it was often seen as such at the time, yet crucially this is most definitively not the kind of activity people in Ovamboland mean today when they refer to “politics.” Thus, once again we are brought back to the constructed nature of these discourses, and the ways in which they frame the right to subjecthood in present-day Namibia.

Butler, identifying the central mechanisms through which some bodies are discursively produced while others are banished, writes of an “exclusionary matrix by which subjects are formed” that “requires the simultaneous production of a domain of abject beings, those who are not yet ‘subjects’ but who form the constitutive outside to the domain of the subject.”14 For Butler, these “abject beings” have historically been constructed as feminine, and indeed, in the case of criminals in Ovamboland, the encounter with the epokolo was often rendered by my informants as a deeply emasculating experience. Yet in situating these discourses within a concrete historical framework, my argument aims to push these processes of delegitimization further than the abstract theorizing of postmodernism, and into the realm of materiality, class conflict, and nationhood. For, as will be shown, the epokolo was not the only disciplinary tool wielded by the traditional authorities—they also (and more frequently) levied fines against transgressors, although this option was in most cases not offered to the SWAPO activists in 1973. (When it was, as in the case of Tulipohamba Nghidinya, Penny Hashoongo, and Ndeshihafela Joy Nengenge, the activists were able to avoid physical

14 Butler, Bodies That Matter, 3.
Very often the *epokolo* was reserved for those criminals who lacked the wealth and economic agency necessary to expiate their misdeeds with the community. In this way the *epokolo* represented a kind of double humiliation, experienced as both an economic and a physical inadequacy that displayed a deeply gendered understanding of power. Thus masculinity most certainly was a kind of “performance,” as Butler would have it, but one that emerged within a specific economic context. In contrast to most criminals, the relative economic agency of male SWAPO activists enabled the creation of an alternative masculinity capable of viewing the encounter with the *epokolo* as an opportunity, rather than a humiliation.

Another factor which enabled male SWAPO activists beaten with the *epokolo* to envision a new kind of masculinity was the public flogging of at least five female members of the SWAPO Youth League who were targeted by the traditional authorities for their activism within the liberation movement. On the one hand, the inclusion of women in the kings’ flogging campaign indicated the important leadership roles assumed by young educated women affiliated with the nationalist movement. That such women were targeted by the traditional authorities indicates that they were becoming central to the success of the SWAPO Youth League within Ovamboland and thus constituted a serious threat to the traditional authorities. At the same time, male SWAPO activists used the targeting of women in order to successfully argue to the courts that the kings and headmen had overstepped customary boundaries. As Namoloh explained to me, “It was

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16 Court documents list four SWAPO members as being beaten with the *epokolo*—Otilia Nongola, Elise Nghilwamo, Rachel Shaduka, and Esther Kalola. Affidavits of Otilia Nongola, Elise Nghilwamo, Rachel Shaduka and Esther Kalola, *Wood and Others v. Ondangwa Tribal Authority and Another*, 32-43. Mulandoleni Itope, a former SWAPO Youth League member beaten by the traditional authorities in 1973, also reported that another woman, Netumbo Nandi-Ndaitwah, was also flogged. Mulandoleni Itope, interview by David Crawford Jones, Ondangwa, Namibia, May 20, 2009.
unheard of to flog women. And we said to [the traditional authorities] ‘By flogging women in our culture I think this means the end of your rule of this country. This is a disgrace to you. You can’t flog women.’ It was unheard of. It was the first time.”

Most men and women living in Ovamboland agreed with this assessment, declaring that the corporal punishment of women marked a significant break with customary punitive practices in Ovambo society. And indeed, only a few sources point to any public corporal punishment of women in Ovamboland prior to the 1970s. Yet viewing scandal as a discourse that not only reveals uncomfortable realities but also conceals others, I argue that the 1973 scandal focused so heavily on the handful of female victims not because corporal punishment of women was verboten in Ovamboland, but rather because public corporal punishment of women was judged to be opposed to social conventions. Privately, women and children were routinely beaten by husbands, parents, teachers, and older siblings—for this reason it is safe to say that women in Ovamboland were more familiar with the epokolo’s painful sting than men. Taking this basic reality into account, the peculiar gendered logic of corporal punishment emerges in fuller view. When male criminals were beaten with the epokolo, the punishment served to emasculate and infantilize them in the eyes of a community that associated the private uses of the weapon with the punishment of women and children. Yet when the beating of women was brought into the full light of day during the 1973 floggings campaign, the spectacle threatened the gendered boundaries of society by associating women with a form of punishment that in its public manifestations was normally reserved for men. As Manya ya Manya observed of the headmen’s rationale in targeting women, “If they thought that women were not supposed to be beaten it was because they were not involved in men’s

17 Namoloh, interview.
things, like rallies. For example, they said that men when they are going to go and raid cattle from other villages, women used not to go. So when the men used to go and capture cattle from the other villages, women used to not be a part of that. So that is why they decided that women should also be punished because they are now a part.”\textsuperscript{18} As I argue, however, this “being a part” of the political struggle for national liberation and independence was undermined by the arguments made by SWAPO and its legal representatives at the subsequent hearing at the Supreme Court of Appeals in Bloemfontein. There, the plaintiffs seeking an injunction against the public flogging of activists placed the women targeted by the traditional authorities at the center of their case, citing numerous male experts on customary law in Ovamboland who all uniformly testified that the flogging of women was unprecedented in the history of the region.\textsuperscript{19} Obviously, such arguments were intended to appeal to the white judges who would decide the floggings case, but critically, it was also a view shared by a majority of my informants. The strongly held conviction that women should not be beaten in public, and that to do so was scandalous, had the corollary effect of denying women access to the public sphere, where political issues were contested and resolved.

Thus, while women during the 1970s and 1980s were unquestionably involved in the political struggle of the time, their participation was one that remained deeply problematic within the context of “traditional” gender roles in society. Exploring this complexity is central to understanding the role of women in the contemporary Namibian nation-building project, which constitutionally asserts the equality of women in society.

\textsuperscript{18} Ya Manya, interview.
while simultaneously invoking symbols and discourses that serve to subordinate women. As will be shown, this can be seen within the context of the liberation movement itself, where women’s issues were assumed to be of tertiary importance, ghettoized within a “women’s affairs” wing of SWAPO. In the 1973 scandal of the *epokolo*, women possessed bodies that could be attacked by the traditional authorities in the public sphere, but their voices were marginalized by the paternalistic assumptions of male nationalists who held all the significant leadership positions within the liberation movement.

The hollow core of current-day Namibian discourses on gender equality is uniquely exposed through the testimony of both male and female informants, who speak of a husband’s unequivocal right to beat his wife and children within the private confines of the homestead, a practice that remains common in Ovamboland up to the present day. As Amwanyena Yamakali explained it, “I’m sorry to say it, but women were only created to be beaten by men.”

Though not expressing it in the same way, many women within Ovamboland seem to agree with this sentiment. As Swama Eliaser argued, “If you are in the community and you are ever happy with your husband and he does not beat you at all, people will say ‘Oh, since you got married your husband has never beaten you? Your husband does not like you at all.’ …The beating, it’s not beating to wound you.” Nonetheless, Eliaser claimed that the use of the *epokolo* had declined in Namibia since independence, an unhappy outcome that she attributed to discourses of gender equality promoted by the current Namibian government and NGOs.

Such nostalgia for the *epokolo* was echoed by a majority of my informants in Ovamboland, who bemoaned the abandonment of flogging and the state’s full

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endorsement of Western punitive methods since national independence. “The epokolo was good,” Kashuupulwa Kaitanus told me. “People would [watch] and they were afraid. But now crime is high, because there are no more omapokolo. If you just buy your sugar now, people will come and steal your sugar.”22 Commented another: “Prison is useless because people will just go and eat nice food. They are even eating eggs and they have shelter and everything.”23 And still another: “The country has torn apart. The botsotsos [criminals] are just doing whatever they want. And then they go in jail and come out after a week and nothing happens.”24 In statements such as these we find a reflection not only of the undeniably bifurcated nature of Namibian society generally, but also the specific marginalization of “traditional” institutions, rejected as too “tribal” and outmoded to be of any use in the Namibian nation-building project. As Basil Davidson has put it, “postcolonial nation-statism in policy and rhetoric has preferred to talk down ‘ethnic survivals’…as deplorably illegitimate and best forgotten.”25 In Ovamboland, the rejection of traditional authority implied in nationalist discourses has often been a deeply dislocating experience. As Ruusa Leonard said to me in an interview, “Nowadays the kings are just the same as us. We drink from the same cup. If you respect him you respect him, if you don’t respect him you don’t have to respect him.” As Leonard argued, the change came with independence in 1990. “Somebody said we should not beat people anymore,” Leonard explained. “They made the country independent, and they told us not to beat our children anymore…..[Now] there is no more life. There are too many

botsotsos. There are too many people doing things they are not supposed to do. Some people will beat you up, some will rob you, some will rape you. So things are worse than before.”

How are we to interpret such fondness for the epokolo, such disgust at the failures of national independence? As Kenda Mutongi has argued, such opinions can serve as windows into the failures of African governance, and also shed light on the ability of Africans to take advantage of more paternalistic systems of colonial rule. And as Basil Davidson has contended, we need to be more attentive to the ways in which ethnic communities, even when reinvented for purposes of colonial control, nonetheless served an important hegemonic function within the parameters of the colonial state. Yet I also think that this nostalgia for a seemingly brutal form of punishment should cause us to reexamine our assumptions about the adaptability of Western punitive methods in foreign contexts. As the Soviet legal sociologist Evgeny Pashukanis pointed out long ago, the Western legal system developed from within the specific environment of an emerging capitalist society, where “freedom” meant the ability to sell one’s labor for a specified period of time. Deprivation of this freedom through a prison sentence of a fixed length thus served as punishment against the (undoubtedly idealized) Western legal subject. But what does it mean to deprive someone of such “freedom” when they live in a society

28 Mutongi, Worries of the Heart, 7-8.
30 Evgeny B. Pashukanis, The General Theory of Law and Marxism (New Brunswick: Transaction Publishers, 2009), 180-181. Pashukanis writes: “Deprivation of freedom, for a period stipulated in the court sentence, is the specific form in which modern, that is to say bourgeois-capitalist, criminal law embodies the principle of equivalent recompense. This form is unconsciously yet deeply linked with the conception of man in the abstract, and abstract human labour measurable in time. It is no coincidence that this form of punishment became established precisely in the nineteenth century, and was considered natural.”
with extremely high levels of unemployment and poverty, and where the food, shelter and security rumored to be provided in prison exceeds the comforts often found in the poorest and most rural areas of Ovamboland? It may be that my informants, living at the economic margins of what is by most estimates one of the most unequal economies in the world, are uniquely sensitive to the failures of citizenship in post-colonial Namibia, and thus see in the prison the emergence of an impersonal institution that is at odds with the communal methods of discipline associated with the *epokolo*. The greater tragedy, though, is the perception amongst my informants that they are powerless to reshape their society in ways that are consistent with their own values. All speak of an omnipresent, impersonal, and alien “law” that has dictated the boundaries of the possible, fostering a deep sense of resignation about the rise of the *botsotsos* in their communities, and the failures of an unaccountable political leadership. As Johannes Mbowa put it to me, “It’s already too late. We let the dogs come out of the house.”

But if the politicians, bearers of nationalist discourses and Western-derived laws that have abolished corporal punishment, have banished the *epokolo* from the realm of judicial—and public—punishment, in typically unrecorded ways, communities in Ovamboland continue to insist on its relevance: against lax scholars in schools, through routine spousal abuse, and as a kind of vigilante justice, deployed against criminals who have been accosted by the public but not yet arrested by the police. All these uses and more continue to mark the *epokolo* as a symbol of power and justice, albeit one that has been more consigned to the shadows than it was on the fateful day Ndaxu Namoloh, now the Minister of Defense in Namibia, took a pen to his clothes and, for that, was granted his own opportunity to face the *epokolo*.

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31 Mbowa, interview.
When I initially began researching the 1973 floggings, it often seemed as if all roads to the epokolo led through Michel Foucault and his iconic 1975 text *Discipline & Punish: The Birth of the Prison*. Foucault’s moving and memorable evocation of the “spectacle of the scaffold” seemed to directly mirror the dramaturgy of traditional versus modern power found on the verandahs adjacent to the tribal offices in Ondangwa and Ohangwena. Further, Foucault’s insistence that torture is a “technique” of power rather than “an extreme expression of lawless rage” seemed to point towards a more nuanced understanding of corporal punishment. As Foucault observed, “The very excess of the violence employed is one of the elements of its glory: the fact that the guilty man should moan and cry out under the blows is not a shameful side-effect, it is the very ceremonial of justice being expressed in all its force.”32 Here was a refreshingly forceful and poetic meditation on the constructed nature of judicial power and the central role of the body in the confrontation between criminals and the state. Thus, apprehended in a somewhat superficial way, the connections Foucault draws between violence and order seemed to prefigure the peculiar logic of the epokolo as an eminent symbol of justice in Ovamboland. That this justice seemed to operate on the assumption that the bodies of those it disciplined were mere “objects” of power relations upon which the texts of traditional power were physically embedded also reflected Foucault’s understanding of punished bodies as docile and inert. These, after all, were the fundamental assumptions of the “disciplinary society” that would emerge, in Foucault’s narrative, during the early nineteenth century with the introduction of the Benthamite prison and the infamous

“panopticon.” As historian David Garland has noted of Foucault’s argument, “the body of the condemned here becomes a screen upon which sovereign power is projected, or, more precisely, a flesh upon which the mark of power can be visibly engraved.”

Yet this omni-directional understanding of power, in which “docile bodies” are “disciplined” by a totalizing power structure, proved unsustainable in light of the subjective accounts of corporal punishments I collected from my informants in Namibia in 2009. Without question, the shameful humiliation of being beaten with the epokolo, described by so many of my informants, indicated the subjugation of the individual to a power wielded by the traditional authorities. Yet this reading of corporal punishment in Ovamboland was incomplete in several respects: first, it failed to account for the variable subjective experience of this power, and second, and more importantly, it failed to accurately describe the nature of this power itself, which, within the crumbling colonial context of the late twentieth century, was subordinated to other powers, most notably the colonial administrative apparatus in Namibia as well as the white courts of the apartheid state. Thus, the shortcomings of Discipline and Punish for my work rather precisely mirrored what has become the preeminent critique of Foucault’s entire oeuvre—that his schematics of power only work, if they work at all, within the context of the transformations of an industrializing metropole. Foucault, in the final analysis, has very little to say about the African historical experience, much less the specific colonial conditions within which the traditional authorities of Ovamboland operated. At an even

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34 The one scholar who has most successfully brought Foucault’s work into the context of European colonialism is Ann Laura Stoler, who offers, in her seminal work Carnal Knowledge and Imperial Power, a “colonial reading” of Foucault that seeks to place Foucault’s arguments on race within a larger imperial framework. While this work is exemplary, I would argue that Stoler at times seems to substitute “race” for “the colonial” in order to read Foucault—who delivered many lectures on race while scarcely touching on
more primal level, Foucault’s emphasis on “genealogy,” the “how” of history rather than the “why,” obscured questions that became central to my research. As Garland has noted, Foucault’s “account has little to say about the sources of this power or the constituency of its popular support.”

Insofar as my research became centrally concerned with understanding why so many Namibians feel nostalgic about the institution of corporal punishment, it became increasingly apparent that I would have to explore the economic and political foundations of Ovamboland from the early years of the twentieth century up to the present day.

In that respect, this work relies, and seeks to build upon, the corpus of works on the history of Ovamboland, the most significant of which have been published since Namibia achieved national independence in 1990. Patricia Hayes’s 1992 doctoral dissertation, *A History of the Ovambo People of Namibia, ca. 1880-1930*, did much valuable spade-work in documenting precolonial and early colonial Ovambo history, particularly as it related to the ways in which traditional authorities in the region were ultimately weakened by the gradual introduction of European power, beginning with Germany in the late nineteenth century and continuing with the introduction of South African rule following 1915. In his 2001 work, *Ovambo Politics in the Twentieth*
Century, Allan D. Cooper documents how South African colonial policy in Ovamboland evolved, as the gradual curtailment of chiefly power gave way by the 1960s to an explicit policy of transforming the region into a “self-governing” Bantustan. Throughout his book, Cooper emphasizes the way in which South African colonial administrators went about constructing ethnic communities in the region in order to facilitate rule over a people whose labor was vital to the territory’s valuable diamond mines.37 This process led, as Cooper argues, towards the “decline” of traditional authorities whose autonomy had been compromised by collaboration with an oppressive colonial state.38

Meredith McKittrick, in her exemplary history of the region, comes to a similar conclusion, arguing that the “brazen cooptation of young chiefs who would do the government’s bidding virtually ensured community dislike for these rulers and planted the seeds of popular discontent within chiefdoms.”39 Placing greatest emphasis on the rapid Christianization of Ovamboland in the twentieth century, McKittrick argues that religious and generational divisions spurred much of the cultural change in the region during the twentieth century, as converts often opted for refuge in Christian missions as much because of the missionaries’ association with all things Western than for any particular attraction to Christian doctrines and dogmas. Almost simultaneous to McKittrick’s work, Kari Miettinen likewise documented how Christian missionaries served as agents for social change in Ovamboland, sparking waves of conversions whose

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38 Cooper, Ovambo Politics in the Twentieth Century, 259.
motives were “seldom purely spiritual” but often material, and linked to the fetishization of European culture.\footnote{Kari Miettinen, \textit{On the Way to Whiteness: Christianization, Conflict and Change in Colonial Ovamboland, 1910-1965} (Helsinki: Suomalaisen Kirjallisuuden Seura, 2005).}

Insofar as the present work aims to introduce to the historiography on Ovamboland a thorough analysis of an event, the 1973 floggings, scarcely addressed in the scholarly literature,\footnote{To date the best published narrative of the floggings was provided by David Soggot, a lawyer who represented the political activists in the case, in his polemical work, \textit{Namibia: The Violent Heritage} (London: Rex Collins, 1986), 61-69. Written in the cauldron of the struggle against South African colonial rule, Soggot’s narrative emphasizes the role of the South African government in manipulating the traditional authorities and orchestrating the broader suppression of liberation activists.} my main aim is to augment, rather than upend, the analyses summarized here, although I do hope to offer a somewhat different interpretation of the role of the traditional authorities in Ovamboland during the colonial period, by paying attention not just to the ways in which their authority and legitimacy were eroded by collaboration with the colonial state and processes of cultural and religious change, but also how their power to punish enabled them to assert a limited and contingent form of political legitimacy. In arguing for the centrality of punishment in understanding processes of colonization and independence, the present work joins a small but growing body of scholarship that seeks to place corporal punishment at the center of the colonial condition. For while Foucault’s seminal analysis of the scaffold and the prison spawned a large number of similar works in European history,\footnote{See, for example, Michael Ignatieff, \textit{A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850} (London: Penguin Books, 1978), and Pieter Spierenberg, \textit{The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience} (New York: Cambridge University Press, 1984). For a rewarding study on punishment in the Asian context, see Daniel V Botsman, \textit{Punishment and Power in the Making of Modern Japan} (Princeton: Princeton University Press, 2007).} punishment has occupied only a marginal place within African historiography. At a superficial level, there are some similarities between the present work and Michael Crowder’s \textit{The Flogging of Phinehas McIntosh}, a narrative of the controversial 1933 flogging of a white man by an African...
chief in Bechuanaland. While Crowder’s work offers a fascinating and often counter-intuitive analysis of colonialism, the author treats the institution of flogging primarily as the byproduct of an officially sanctioned traditional power, without analyzing the nature, evolution or history of this punishment within its indigenous context.\textsuperscript{43} Although Steven Pierce offers better theoretical grounding for his consideration of flogging in colonial Nigeria, his argument tends to over-conflate violence with the colonial condition. As he and Anupama Rao argue, “colonial subjects were ruled through violence; violated bodies were by definition colonial. Violence constituted colonial difference, but the brutality of violating native bodies continually threatened scandal.”\textsuperscript{44} Perhaps because he takes such an essentialist view towards violence, his essay on corporal punishment in Northern Nigeria prior to the early 1930s tends to read the scandal of whipping primarily as a crisis of British colonial governance, and thus pays insufficient attention to indigenous rationales that may have informed local understandings of the practice. Indeed, his argument fails to account for the reasons behind the postcolonial reemergence of corporal discipline in Northern Nigeria, and thus falls back on a kind of default moral posturing so familiar to students of Western humanism. Pierce writes, for instance, that “The excessiveness of recent forms of corporal punishment and its targeting the relatively powerless suggest the need of elite men who control the judicial system to cover over their complicity in a morally dubious economy of illegal but state-sanctioned violence.”\textsuperscript{45}

I argue that Pierce is only able to make such accusations by failing to account for the


worldviews of ordinary individuals whose consent grants legitimacy to such forms of judicial violence.46

More recently, a number of scholars have published journal articles on corporal punishment during the colonial era, primarily viewing such institutions as a window into colonial mentalities. For instance, David M. Anderson has explored the history of flogging scandals in colonial Kenya in order to understand the racial assumptions of white settlers who routinely deployed “rough justice” against the “raw native.”47 Laurent Fourchard has documented the flogging of youth criminals in colonial Nigeria and South Africa in the middle decades of the twentieth century,48 and Stacey Hynd has noted how colonial officials in Malawi utilized flogging either against youths who had committed “moral or sexual offences,” or in response to the rising tide of nationalism sweeping the colony during the 1950s.49 In contrast to works which view corporal punishment primarily through the prism of the colonial state, Paul Ocobock has documented how such punishments were viewed by ordinary Kenyans, particularly parents and elders, during the colonial period. As Ocobock shows, young men and boys were caned both by white magistrates and their African parents, suggesting that in this particular British colony, “corporal punishment had become a shared instrument of generational order.”50

46 Indeed, even reserving the term “violence” for corporal manifestations of judicial punishment is problematic precisely because it imagines a form of “non-violent” justice, a far more elusive concept when one takes into account the spotted history of the Western penitentiary and the often-hidden ways in which it also works to assault the body.
Whatever contributions the present work will make to the historiography of corporal punishment in Africa, as well as the scholarship on Namibia more generally, will come primarily through the voices of the more than 70 Namibians I interviewed over a span of three years, beginning in Windhoek in May and June 2006, continuing in Stockholm, Helsinki, and Oslo in July 2007, and concluding during a 10-month stay in Namibia in 2009, when the vast majority of my interviews took place. My subjects included both high-level members of former and current governments within the country, as well as a large number of ordinary Namibians living in the many scattered villages of Ovamboland. In order to reach these informants I took two primary routes. Thanks to my discovery, early in 2006, of a text of the 1975 judicial ruling made by the Supreme Court of Appeals in Bloemfontein in the Ovamboland floggings case, I was able to track down the full court records on the case. From there, I set about contacting many of the key witnesses in the case, predominantly former members of the SWAPO Youth League who were either flogged by the traditional authorities themselves or witnessed the beatings first hand. What I initially thought would turn into a broader history of the SWAPO Youth League instead became a study of the history of Ovamboland through the specific lens of the 1973 floggings. As more and more informants sought to make a distinction between the punishment of “politicians” and the punishment of “criminals,” I realized that I needed to travel to Ovamboland to conduct interviews with older men and women who would have memories of both the “political” floggings as well as the institutionalized use of the epokolo on “criminals.”

To assist me in locating suitable interview subjects for such a sensitive topic, I relied heavily upon the knowledge of Rachel Hatutale, who had already been serving as
my instructor in the Oshikwanyama language. Ms. Hatutale’s large family, living in the small village of Omusheshe just outside Ongwediva, became my hosts for three extended trips through the region, where we relied upon the advice of neighbors and friends, headmen and priests, interviewees and random strangers to locate older men and women willing to be interviewed. The interviews, which lasted anywhere from 15 minutes to several hours, were fairly free-ranging, but centered on one basic question: “How were people who committed crimes punished during the colonial era?” Through these and subsequent questions, broad patterns emerged that helped me to identify many of the major questions this dissertation seeks to answer: how people in colonial Ovamboland were punished for a variety of misdeeds—from contract breaking and cattle theft to general “arrogance” and sexual misconduct; why the flogging of criminals was accepted while the beating of politicians was regarded as scandalous; how the traditional authorities were perceived by ordinary Ovambo men and women during the final, fraught decades of South African colonial rule; why the beating of women within the home was often regarded as central to a successful marriage while flogging women outside the home was strictly prohibited by customary practice; how male migrant workers of different generations were treated by their bosses on contract labor and how they perceived the processes through which they were assigned to various jobs; why so many Ovambos seemed to regard the use of corporal punishment during the colonial period with more than a little nostalgia.

As with all sources, oral histories carry their own strengths and weaknesses, their own propensity to read concerns of the present into events of the past. Yet in the case of the institution of corporal punishment in the region, they also provide bodies of
knowledge that heretofore simply could not be accessed through other kinds of historical evidence. Even the most energetic colonial administrators could not possibly keep track of the daily modes of judicial practice used at the local village level, and even when they were aware of particular cases, only occasionally did they comment upon modes of justice deemed “traditional” and thus technically outside the purview of colonial oversight. Furthermore, colonial records become sparse after the mid-1950s, when the South African state’s operations in the region simultaneously became both more repressive and more secretive. Yet because of the time period when I conducted my oral interviews, the vast majority of my subjects were most knowledgeable about methods of punishment deployed by the traditional authorities in the 1950s and 1960s, (although some could recall events from as early as the 1930s) precisely when the colonial archive grows silent. Thus, while in making use of these oral accounts I am careful to cross-check particular representations with the other available evidence—including oral, archival, and previously published material—and while I am constantly cognizant of the fact that very often oral histories tell us as much, if not more, about the present than they do about the past, I also insist upon the usefulness of this kind of evidence for understanding a history that has largely evaded both the archive and previous scholarship largely constructed around that same archive.

This present study also makes extensive use of written resources, from the hundreds of pages of affidavits produced by the 1973 floggings case to missionary records, colonial administrative reports, the diaries and letters of the long-time administrator of Ovamboland, C.H.L. Hahn, available at Namibia’s National Archives in Windhoek, newspaper accounts, propaganda produced by both the SWAPO liberation
movement and the South African state, internal documents from SWAPO collected in the Peter Katjavivi archive, and reports, letters, and minutes of the SWAPO Youth League, maintained by the organization’s former president, Keshii Nathanael, in his home in Stockholm, Sweden. The written evidence used in this dissertation not only provides a counter-balance to the oral interviews I have collected over the past several years, but it also reaches into areas about which oral informants have little to say, including the perceptions of colonial administrators and missionaries who have long since vanished from the scene, the contours of internal debates within SWAPO and the SWAPO Youth League in the 1960s and 1970s, how the activists of the liberation movement and the traditional authorities were represented within the Namibian and South African press during the same time period, and critically, how traditional authorities interacted not only with their own subjects, but also with the colonial administrators that attempted, with varying levels of success, to monitor their behavior.

Finally, the present work also relies upon a large body of criminal court records for the southern Namibian town of Keetmanshoop, where, throughout the twentieth century, thousands of contract workers, most of them from Ovamboland, were regularly whipped for a variety of crimes, most prominently violation of the various provisions of the 1920 Masters and Servants ordinance. My many interviews with former contract workers alerted me to the centrality of the migrant labor experience in understanding the context within which the epokolo operated. The routine use of whipping to discipline migrant laborers from Ovamboland places the scandal of the epokolo within the larger context of the uses of corporal punishment in Namibia more generally. Once the centrality of this issue became apparent to me, I decided to pick one town, representative
as a common destination for contract workers throughout the twentieth century, and to
document every instance of judicially-ordered corporal punishment, beginning in 1915,
when such records were first kept, and continuing until the end of the colonial period in
1990. This project ended up encompassing literally thousands of cases; aside from the
contextual usefulness they provide, they also represent, to my knowledge, the first
scholarly attempt to systematically document the use of corporal punishment within
white courts in Namibia. Here we can see, quite plainly, what corporal justice looked like
when it was not regarded as scandalous, but in fact represented the routine application of
South African laws to the bodies of contract workers.

My initial plan for this dissertation was to write a fairly straightforward, linear
narrative of the history of corporal punishment in Namibia in general and Ovamboland in
particular. However, a number of obstacles have caused me to reconsider this approach,
most significantly the fact that we have only minimal evidence on the extent to which
corporal punishment was used in Ovamboland in the late nineteenth and early twentieth
centuries, before the emergence of South African colonial rule in the territory.
Additionally, such a straightforward account would have run the risk of framing the
history of Ovamboland purely as a narrative of the changing applications of corporal
punishment in the region, thus implying that it is flogging itself which best encapsulates
the social, political, cultural, religious and economic changes that defined the region’s
journey through the twentieth century.

Given these considerations, I have opted for an alternative approach that is similar
to a classic case study, which attempts to read history through one specific event. For this
dissertation that event will be the 1973 floggings of political activists that occurred in
Ovamboland. But rather than interpret this historical moment as one rupture through which a broader reading of 1970s Ovamboland becomes possible, I instead intend to take several different strands present in the 1973 floggings and to extrapolate from them broader narratives that address significant themes in the history of the region during the twentieth century and up to the present day. Thus, like the spokes on a bicycle wheel, each of the five chapters of this dissertation will address a central theme of the territory’s history, with the entry-point for each chapter being the decisive moment when the traditional authorities unleashed the *epokolo* on the young representatives of the liberation movement. It is not my intent to argue that the 1973 floggings alone altered the course of Namibian history, but rather that through the publicity generated by the scandal of the *epokolo*, central features of both regional and national history become apparent to us in ways that they otherwise would not if we chose some other event, theme, or topic as our starting point. As this dissertation will demonstrate, the 1973 floggings are one interpretive tool for analyzing the fraught processes of nation-building that are so characteristic of the history of Ovamboland throughout the twentieth century, and are reflected in the evolving understanding of gender, political power, and economic and religious agency in the region during that time period. Through the consideration of these and other themes, the causes behind many of the present-day shortcomings of Namibian independence and nation-building will hopefully become more apparent. Thus, this dissertation hopes to offer a “usable history” that is unabashedly concerned with the economic, political, and cultural failures of Namibian independence.51

51 In this regard, I feel the present work is heavily indebted to the voluminous historical and sociological scholarship on Africa that takes as central the problems of African independence, most especially Basil Davidson’s *The Black Man’s Burden* (1993), Kenda Mutongi’s *Worries of the Heart* (2007), Belinda
Chapter One explores the changing nature of traditional power in Ovamboland during the twentieth century. The 1973 floggings case resulted in an unprecedented rebuke of the kings and headmen of the region by the very colonial apparatus that had empowered them in the first place. Beginning with this critical juncture, I construct a narrative that documents the changing nature of traditional authority and legitimacy during the twentieth century, from the moment the Kwanyama king Mandume Ndemufayo was killed by South African forces in 1917 through the gradual, though contested, appropriation of traditional power for the purposes of colonial rule under the guidance of the longtime administrator of Ovamboland, C.H.L. “Cocky” Hahn. However, where other histories have tended to view this process of cooptation as evidence of the diminishing legitimacy of the kings and headmen, who were increasingly derided as “puppets” of Pretoria, I aim to reverse the polarity of the discussion by noting the ways in which the traditional authorities continued to claim a political mandate for themselves through the one power left mostly untouched by the colonial state—the power to punish. Critically, because South African administrators never codified the standards for punishment in the region, traditional authorities were free to continually “reinvent” their own traditions of punishment, checked only by the consent and participation of their subjects as well as the very occasional intervention of the colonial state in exceptional circumstances. Wielding this power, the traditional authorities targeted not only common criminals, but also arrogant young men who were regarded as ouna omatundi, “full of shit,” by ordinary men and women in the community.

Bozzoli’s Theatres of the Struggle and the End of Apartheid (2004), Mahmood Mamdani’s Citizen and Subject (1996), and James Ferguson’s Expectations of Modernity (1999).
Through this chapter, I argue that the wide latitude given to the chiefs and headmen of the region in matters of discipline, combined with the exceedingly narrow berth afforded them in other matters, encouraged the traditional authorities to overreach and push the boundaries of what was considered acceptable punishment, both by ordinary men and women in Ovamboland and also by a colonial state that had assumed control over the territory even as it had largely abdicated the responsibility of judicial punishment in most cases.

Chapter Two documents the emergence of the discursive distinction between “politics” and “crime” in popular understandings of legitimate judicial authority in Ovamboland. I contend that the distinction between a “political” and a “criminal” population carried with it an obscured but nonetheless fundamental difference in economic agency—where “politicians” tended to be more educated and wealthier than the “criminals” who struggled to pay the fines and taxes levied on them by the traditional authorities, and who were forced to seek out wage labor in southern Namibia rather than pursue an education at one of the region’s mission schools. These changes were instigated in part by the rise to prominence of a new generation of SWAPO activists who filled the void left by their parent organization in the 1960s, when most party leaders were either imprisoned or fled into exile. Because so many members of the SWAPO Youth League attended St. Mary’s Anglican Mission in Odibo, the chapter explores the process of Christianization that Meredith McKittrick has already identified as central to the history of twentieth century Ovamboland. However, where McKittrick emphasizes the reasons that many Ovambo men and women fled to the mission stations during the twentieth century, I propose to examine a different aspect of Christianity’s impact on the

52 McKittrick, *To Dwell Secure*, 4.
region—the growing uses of Christian doctrines for political purposes, particularly through the emergence of what G.L. Buys and S.V.V. Nampala have called a Namibian Contextual Theology, a movement which was socially engaged and directly concerned with ending apartheid in the territory. The result of this movement was not just the infusion of Christian symbols and rhetoric in the hotly contested politics of the early 1970s, but also an increasing identification of the Lutheran and Anglican churches with the liberation struggle, a fusion of faith and politics whose outcome included the direct involvement of the churches in the 1973 floggings case. Thus, the case itself serves as an example of the radical disjuncture between traditional and ecclesiastical authority in Ovamboland, and underscores the specifically religious dimension of political rhetoric in the region during the 1970s in particular. Thus empowered by radical religious doctrines and an expanding political consciousness, male SWAPO Youth League members were able to use their encounter with the epokolo in order to articulate a new vision of masculinity that enabled them to view their beatings as a rite of initiation into the cauldron of revolutionary commitment, rather than a source of shame and humiliation.

As Chapter Two makes clear, the political movements of the 1960s and 1970s began in large part through resistance to the abuses of the contract labor system, and yet, as I argue in Chapter Three, the day-to-day struggles of contract workers became increasingly divorced from the “political” arguments of the day, as SWAPO elites cut ties with the contract labor population following the flight into exile of many of its leaders during the 1960s and 1970s. In the wake of this separation, the rhetoric of the liberation

54 Of course, this movement of politicized Christianity paralleled and was informed by political and religious developments within South Africa. See Magaziner, The Law and the Prophets, 79-99.
movement increasingly centered around nationalist arguments and placed significantly less emphasis on the social and economic struggles of the territory’s many migrant laborers. In order to better understand the nature of this important paradigm shift within the liberation movement, I argue that we need to question why the long history of corporal punishment administered in white courts in southern Namibia never occasioned the same kind of scandal that rocked Ovamboland during the final months of 1973. While part of the answer surely lies in the receptiveness of colonial administrators to criticism of black traditional authorities as opposed to white judicial institutions, I also argue that the liberation movement itself was less attuned to the struggles of migrant laborers who lacked the educational and ideological polish of SWAPO elites. This chapter also offers a history of corporal punishment in one municipality, the southern Namibian town of Keetmanshoop, where thousands of contract workers were flogged for a variety of minor offenses, most of them violations of various provisions of the 1920 Masters and Servants Act, throughout the twentieth century. Through a careful and close reading of patterns of punishment recorded by the Keetmanshoop court, I chart another history of political resistance to South African colonialism, one that has largely been excised from official narratives of Namibia’s struggle for independence.

As noted above, the 1973 scandal of the epokolo was in large part activated by the outrage generated by the flogging of a handful of female political activists. Beginning with the debate between the liberation movement and the traditional authorities over the flogging of women, Chapter Four examines male efforts to discipline women in Ovamboland. Drawing on an array of sources, both archival and oral, I argue that women were subjected to harsh punishments throughout the twentieth century, a practice that
reflected male efforts to maintain control over domestic spaces in a region where, as McKittrick has argued, the search for security was paramount and inscribed in the arrangement of space and the relative seclusion of homesteads. The private discipline of women served as a symbol of both male power and domestic order in an era when the invasiveness of traditional authorities and an expanding colonial apparatus threatened both. Thus, when the traditional authorities publicly flogged women in 1973, their actions were uniquely scandalous not because of the threat they posed to women, but rather the threat they posed to men whose autonomy had already been curtailed by the major economic, social, and cultural changes of the twentieth century. In this respect, I read the scandal of the epokolo as an attempt by the newly emergent class of political activists to restore a sense of gendered order within their communities, an effort that was simultaneously replicated by male SWAPO elites operating refugee camps in exile in Tanzania, Zambia, and Angola.

In all these discursive exclusions—of criminals, migrant laborers, and women—scandal worked to trace the new boundaries of the Namibian nation. Chapter Five takes account of this process, which has helped to produce a post-colonial situation in which most of the demands of the liberation struggle have been shelved in favor of neoliberal orthodoxies dictated by an international community fundamentally indifferent to the lives of impoverished Namibians. It is in this context that I consider the present-day nostalgia for the epokolo, such a striking feature of my interviews in the region. Drawing on Kenda Mutongi’s work amongst widows in postcolonial Kenya, I argue that such “stubborn wistfulness”—to borrow Mutongi’s phrase—says much more about the failures of

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55 McKittrick, To Dwell Secure, 30.
independence than it does about the realities of colonial rule. Confronted by an empty neo-liberalism that discursively argues for universal human rights and gender equality while failing to address the endemic poverty, economic inequality, and political corruption that has defined the era since independence, older men and women in Ovamboland see in the *epokolo* an instrument capable of maintaining order, protecting private property, and disciplining a younger generation increasingly associated in popular consciousness with the depredations of the *botsotsos*. Of course, such disillusionments have long been characteristic of Africa’s post-colonial condition, but I argue that they are also the inevitable consequence of a political dispensation created not primarily through revolutionary struggle but rather via scandal, which I define as “a discursive event that appeals to established authority and group consensus in order to bring about change.”

Given that the Namibian case is not at all unique in this regard, I call for a reassessment of the legacy of decolonization across the African continent through the lens of scandal, in order to better identify both the achievements and the enduring symptoms of the post-colonial condition.

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Chapter One

Corporal Punishment and Traditional Authority in Colonial Ovamboland

Long before the public flogging of SWAPO activists shook the country in 1973, the traditional authorities of Ovamboland had already acquired a reputation for cruelty and despotism that reached back to precolonial times. Fantastical stories, some of which still circulate among the residents of the region to this day,\(^1\) whispered of the brutal practices of the kings and headmen of the plains, who had long used violence to instill fear in the minds of their subjects. As one of the foremost ethnographers of the Ovambo put it in his classic study first published in 1928, “the history and deeds of some of the Chiefs would stand comparison with those of the most cruel of native rulers in South African history.”\(^2\) Proffering one example of this tendency, the author relates the following story, dating from the nineteenth century reign of Shikongo, king of the Kualuthi, one of the eight ethnic groups (along with the Kwanyama, Ndonga, Kwambi, Mbalantu, Ngandjera, Nkolonkathi, and Eunda) which together comprise Ovamboland.

Before [Shikongo] succeeded to the chieftainship he lived among a neighbouring tribe and there desired a certain girl to become his wife. She, however, declined to do so and managed to hide herself. Later, when he was appointed Chief in his own country, he enticed her to come to his kraal. While he was interviewing her a hole was being dug in his fields. When it was ready he told the girl that he had prepared a ‘kraal’ for her and conducted her to it himself. On arrival she was grabbed by the attendants and thrown into the hole. Pots full of boiling water were then thrown over her until she succumbed, when the hole was closed up. On several occasions natives from neighbouring tribal areas found in Shikongo’s country were put to death in a most revolting manner on his instructions. His favourite method of punishing wrong-doers was to cause the hands and feet, lips, nose, tongue and ears to be cut off.

The author then hastens to note that such barbarism belonged to “former days” when “the Ovambo Chiefs appear to have taken the fullest advantage of their powers and to have ruled their subjects in a most tyrannical manner.”

Even though these accounts are corroborated by oral traditions and rumors that continue to persist throughout Ovamboland, the above text has long since fallen into disrepute. That is because its author is C.H.L. “Cocky” Hahn, the man who ruled Ovamboland as its Native Commissioner from 1920 to 1946, and whose personality indelibly shaped the region’s political journey through the long century of colonial rule. It was Hahn who organized the system of indirect rule in the region that relied heavily upon compliant kings and headmen to ensure the successful exploitation of Ovambo labor in the farms, factories, and mines of southern Namibia and South Africa. It was Hahn who divided the region into eight distinct ethnic groupings that were each administered through traditional authorities, and it was Hahn who physically removed from power one Ovambo king, Iipumbu ya Tshilongo, and helped to remove another, Mandume ya Ndemufayo. Throughout his long career as a colonial administrator, Hahn molded the subjugated kings and headmen of Ovamboland into a willing and enthusiastic corps of colonial agents, so eager to please their white masters that they happily turned to the epokolo to douse the flames of nationalism that had engulfed the region by the early 1970s, or so the standard historical interpretation goes.

Yet when representatives for the Lutheran and Anglican churches in Ovamboland filed a petition with the Supreme Court of Appeals in Bloemfontein

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4 For a closer examination of these stories, see McKittrick, *To Dwell Secure*, 26-46.
to put a stop to the floggings in 1974, they found in the figure of the long-deceased Hahn an ideal villain upon whom the ultimate blame for the barbarity of public corporal punishment could safely be pinned. This was possible because, during the quarter century that he ruled Ovamboland, Hahn had himself gained a certain notoriety for physical cruelty. Often called Shongola, which translated from Oshiwambo means “the whip,” Hahn had first acquired a reputation for violence when he used a sjambok on young Ovambo men jumping in line during famine relief operations in the region in 1915 and 1916. For the rest of Hahn’s tenure in Ovamboland, Shongola served as an obsequious salutation that was deployed both by the traditional authorities and their subjects as a sign of submission to the territory’s white master. But in the hands of the applicants in the 1973 floggings case, the nickname operated as a kind of shorthand for colonial brutality and perverse interference with indigenous African traditions. In hundreds of pages of affidavits collected from flogging victims, church elders, medical professionals and anthropologists, the applicants in the floggings case consistently portrayed the institution of corporal punishment in Ovamboland as a colonial imposition that had little or no basis in authentic precolonial tradition. “To the best of my knowledge and belief it was only during the reign of King Shihepo [ruler of Ondonga from 1942-1960], that flogging was meted out to persons convicted of crimes,” David Shihepo, a Lutheran pastor born in Ovamboland in 1885 declared in his affidavit. “It was a notorious fact and generally known in the community, that King Shihepo had received instructions from a government official, by name of Hahn, to impose floggings on offenders. As a result of the

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5 Hayes, “‘Cocky’ Hahn and the ‘Black Venus,’” 57.
new policy introduced by Hahn, he became known generally in Ovambo as ‘Shongola Hahn’ meaning, ‘Sjambok Hahn.’” Likewise, the white anthropologist Robert Gordon testified in his affidavit that “it appears that corporal punishment in the Okwanyama tribal area was a white innovation brought in by Commissioner Hahn (also known as Shongola, meaning Sjambok) during the 1920’s.”

In this reading, the individuals who both directly ordered and carried out the floggings were reduced to mere appendages of the colonial state, blind followers in the wake of Shongola’s wrathful path. More colloquially, the kings and headmen who allowed themselves to be bent by the white administration became known as “puppets” or “stooges,” not only to the young SWAPO activists who agitated against the colonial system in the 1960s and 1970s, but also to scholars who have assessed the evolving role of the traditional authorities within the South African colonial state. Thus Patricia Hayes, in her study of Hahn’s violent legacy in Ovamboland, asserts a connection between the administrator’s whip and the floggings of the 1970s, reiterating claims that corporal punishment in Ovamboland was “an invented tradition.” As that potent phrase suggests, the work of Terence Ranger, who first argued for the “invention of tradition” in colonial Africa, has featured prominently in scholarly narratives that seek to direct responsibility for the excesses of colonial rule towards white administrators and away from their African accomplices. This has been particularly the case in

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6 Affidavit of David Shihepo, 96.  
7 Affidavit of Robert James Gordon, 191.  
8 Hayes, “‘Cocky’ Hahn and the ‘Black Venus,’” 63.  
recent historical scholarship on Ovamboland, which has more often than not
focused on the policies and personalities of white administrators, thereby pushing
the region’s traditional authorities into a purely subservient and reactionary role.
Summarizing the dilemma that faced the kings and headmen during the colonial
era, Allan D. Cooper has written “traditional authorities were given the choice of
surrendering their sovereignty and serving as agents of colonial rule, or of being
forcibly removed from power and possibly killed.”10 Or as Ranger once
summarized his position, “Before colonialism Africa was characterized by
pluralism, flexibility, multiple identity; after it African identities of ‘tribe,’ gender
and generation were all bounded by the rigidities of invented tradition.”11

The problem with such views is not that they are incorrect; rather, they are
incomplete, evincing an obsession with identifying a singular source of colonial
power, so as to better apportion the blame for African post-colonial failures.12
Such tasks are of little interest here, in part because they implicitly suggest that
modern African life is an “invented” or “imagined” construct, and therefore less
authentic than the precolonial past.13 This idealism is both ahistorical and ill-
fitting the task of describing the manner in which colonialism functioned.

Negotiation, so often deployed by historians as a kind of catch all-word denoting

10 Cooper, Ovambo Politics in the Twentieth Century, 175.
11 Terence Ranger, “The Invention of Tradition Revisited: The Case of Colonial Africa,” in Legitimacy and
the State in Twentieth-Century Africa, ed. Terence Ranger and Olufemi Vaughan (London: St. Antony’s
12 Most notably, Jan Vansina has argued that colonialism so distorted African societies that it effectively
destroyed an authentic precolonial tradition dating back thousands of years. Jan Vansina, Paths in the
Rainforests: Toward a History of Political Tradition in Equatorial Africa (Madison: University of
Wisconsin Press, 1990), 247.
13 In a summary of this tendency, Thomas Spear has noted how “the emphasis on colonial invention…has
led historians to neglect the historical development and complexity of the interpretative processes
involved….Colonial duplicity overwhelms African gullibility. And African politics, often expressed in
intense disputes over tradition, is neglected.” Thomas Spear, “Neo-Traditionalism and the Limits of
murkiness and ambiguity, was central to the colonial process, which provoked concrete strategies of resistance and accommodation by all parties, including, in the case of Namibia, the “puppet chiefs” of Ovamboland. The present chapter therefore aims to reverse the polarity of the discussion of colonial rule. Instead of asking ourselves how colonialism worked to undermine the power and legitimacy of kings and headmen, we will attempt to chart how these figures retained authority within the colonial system, despite all the countervailing tendencies that operated to diminish their importance. The canonical narratives of the colonial period have already told us that traditional authority was undermined by the introduction of Christianity, which deprived the kings and headmen of their religious authority.  

14 These narratives have also documented the ways in which the migrant labor system undercut the legitimacy of traditional authorities, not only due to the connivance of kings and headmen with the contract system, but also because migrant workers increasingly came to embody a kind of economic mobility and cultural modernity at odds with the old ways.  

15 Thus reduced by the twin powers of Christianity and capitalism, so the argument goes, the traditional authorities of the colonial period were but functionaries for an exploitative system whose contours were shaped by white policy makers.

14 McKittrick, To Dwell Secure, 2. McKittrick writes, “Colonialism undermined the religious authority of chiefs, prompting people to look to other sources of authority and meaning, which in turn further undermined the religious authority of chiefs.”

15 McKittrick, To Dwell Secure, 198-199. McKittrick writes, “the brazen cooptation of young chiefs who would do the government’s bidding virtually ensured community dislike for these rulers and planted the seeds of popular discontent within chiefdoms….Because chiefs seized the mantle of tradition for themselves, tales of their abuses probably deepened a binary division within society by hastening the transference of allegiances to those things deemed nontraditional.” See also Cooper, Ovambo Politics in the Twentieth Century, 71-108.
Yet if this summation constituted the entire story, if there really was no
daylight between the kings and headmen and the colonial state they served, then
the scandal of the 1973 floggings ought never to have occurred. The fact that the
actions of the traditional authorities provoked outrage throughout Ovamboland,
the fact that the floggings were condemned in Windhoek, Pretoria, and at the
United Nations, as well as by the judicial branch of the South African state, tells
us that somewhere along the line, a miscalculation occurred, with one arm of the
colonial state overreaching its authority, coming out of its socket, unmasking its
own brutality. It is my contention that this occurred precisely because, throughout
the colonial period, the traditional authorities had in fact maintained some
semblance of autonomy—however diminished it may have been by religious,
cultural, and economic changes in the region—through the power to punish, a
power that the colonial state could never fully erase, and a power that remained
all the more volatile precisely because of the tendency of violence, everywhere it
is deployed, to exceed its own mandate. Wasn’t this precisely the danger that the
precolonial kings had encountered when they overstepped their own authority by
butchering pregnant girls, provoking the ire of their subjects? If precolonial power
operated in the manner suggested by Ranger and Jan Vansina—as a “flexible” and
“adaptable” phenomenon—then surely part of this oft-praised mobility consisted
in the capacity for political authority to enact a kind of ultra-violence, an excess
of power that adhered to no written system of law, no codified social compact. As
Wyatt MacGaffey has demonstrated in the context of the kingdom of the Kongo,
precolonial kings used spectacular displays of violence in order to cement their
own authority; yet this power over the life and death of their subjects could easily be abused, causing dependents to flee to new areas, new rulers.\textsuperscript{16} This is the danger inherent in the invocation of a violence that by its very nature always exceeds its own warrant, that always, at some point, becomes “cruel” or “tyrannical.” It is my contention that traditional “ultra violence” not only persisted into the colonial period, but also that it was often provoked by popular outrage against criminal behavior, against—in the vernacular common to Ovamboland—those who were \textit{ouna omatundi}, “full of shit.”

This capacity for ultra-violence is clearly present in the stories told of precolonial kings in Ovamboland, so well documented not only by Hahn, but also by McKittrick—the pregnant girls burned, buried, and disemboweled seemingly on a moment’s whim or idle fancy.\textsuperscript{17} Yet with the dawn of the colonial era, with the onset of a system of “indirect rule,” the historian’s gaze seems to have largely shifted away from this dying power, and towards the emergence of a “customary rule” that was but a pale shadow of its predecessor. This ossified authority, once vibrant and active, now farcical and plagiarist, had been transformed, as Martin Chanock argues, by the cementing power of the written word, which swept through the legal system of British-controlled Africa in the middle decades of the twentieth century, “crystallizing” an indigenous legality that had once been plastic and fluid.\textsuperscript{18}

\begin{itemize}
\item \textsuperscript{17} McKittrick, \textit{To Dwell Secure}, 26-32. Hahn, Vedder, and Fouri, \textit{The Native Tribes of South West Africa}, 8-9.
\item \textsuperscript{18} Martin Chanock, \textit{Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia} (Portsmouth: Heinemann, 1998), 120.
\end{itemize}
Critically, this did not happen in South African-controlled Ovamboland. In a space designated as “outside the Police Zone,” and thus technically beyond the boundaries of Western legalism, the precise outline of the “customary” remained vaguely defined, and was often improvised on a case-by-case basis. As we will see, this occurred despite the periodic efforts of colonial administrators to bring ever greater degrees of European rationality to the process of African punishment. Repeatedly throughout the twentieth century, efforts by white administrators to codify and centralize the punitive arm of the state ran aground in Ovamboland, where kings and headmen seized the initiative by successfully asserting their right to punish their subjects in almost any manner (save execution) they deemed fit, and where colonial administrators themselves often were beholden to an official ideology of “indirect rule” that prized the alleged “authenticity” of traditional rulers invoking precedent from time immemorial in order to police their own communities. That this was a fabrication induced by the colonial context is largely beside the point; as with assertions of “invented tradition,” such claims to proving or disproving the historical continuity of African colonial governance are immaterial to understanding how such practices functioned on a day-to-day basis, at the regional and village level. What the evidence makes clear is that one critical result of the lack of codification of customary laws and sentencing in Ovamboland was the encouragement of traditional authorities to determine, often on a highly improvised basis, the contours of judicial punishment. In doing so, the kings and headmen of Ovamboland had to respond not just to the constraints

placed upon them by the colonial authorities, but also to the expectations of their subjects that criminals and those who were ouna omatundi, “full of shit,” be dealt with, harshly if necessary.

Thus a kind of political legitimacy—rooted more in local expectations than in colonial sanctioning—coalesced around the judicial powers of the traditional authorities during the colonial period. Critically, however, this was a legitimacy that had been forged through an uncodified confrontation between traditional rulers’ capacity for punishment—symbolized primarily by the use of the epokolo—and the expectations of Ovambo subjects that such punishments conform to often vaguely-defined community standards. It was precisely when the kings and headmen found themselves confronted with unusual offenses that did not easily fit into local understandings of criminality that the fundamentally unstable nature of corporal punishment threatened to undermine this fragile social compact. No sooner had the traditional authorities turned the epokolo on young and educated SWAPO activists than a new paradigm—“politics”—emerged to destabilize the generational logic upon which traditional authority had rested throughout the colonial period. The final legacy of this rupture would be the abandonment of the “tribal” as the predominant form of colonial governance in the territory.

The assertion of the applicants in the 1973 floggings case that the institution of corporal punishment was unknown in Ovamboland prior to the tenure of Hahn as colonial
administrator was false. When the German missionary Herman Tönjes traveled throughout Ovamboland in 1907 and 1908, he remarked upon the methods of punishment reserved for thieves:

> When a thief is caught, he is placed in the stocks until such time as the stolen goods are returned. In most cases in which it is not possible to either catch the thief himself or take his property because he possesses none, one seizes—if possible, one of his relatives, who is then liable to pay. Should that person also not be able to recompense the victim for his losses, he is sold off into slavery if the theft was of a serious nature. The same procedure applies if the thief himself is caught and he cannot return the stolen goods or pay compensation. More often than not, a thief who has been caught is given a thorough beating before he is released after having returned the stolen goods.\(^{20}\)

We can be sure that such “thorough beatings” were not administered on the order of any colonial power, for Ovamboland remained largely outside the ambit of German South West Africa and Portuguese Angola up until the beginning of the First World War. Germany, having claimed the land that would later be known as Namibia in 1885, had a virtually nonexistent footprint in Ovamboland, with the European presence in the region generally limited to a handful of traders and Christian missionaries. As Harri Siiskonen, one of the foremost historians of Ovamboland during this period, has noted, Ovamboland was primarily viewed by Germany as a counterbalance to the besieged Herero and Nama peoples in central and southern Namibia. Later this policy was replaced by one which emphasized economic isolation of the region. After the Herero and Nama rose up in rebellion against German rule in 1904, the German government cut off the trade routes between Ovamboland and the rest of the country, eventually declaring the region to be a colonial reservation in March 1906. Nonetheless, direct military rule of the territory

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remained out of the question.\textsuperscript{21} Much the same could be said for the northern parts of Ovamboland, which successfully repulsed Portuguese attacks throughout the first decades of the twentieth century.\textsuperscript{22}

Less than one year after the onset of World War I, South West Africa was overrun by South African forces, bringing the territory a new colonial master, one that would quickly set about establishing its hegemony over the entire country, including Ovamboland. By October 1915, the new administration had dispatched Major S.M. Pritchard on a reconnaissance mission to the region, which resulted in the establishment of the first South African administrative offices in Ovamboland. Pritchard’s journey took place within the context of a serious famine in the region, which offered an opening that the South Africans exploited in order to cement their authority, with numerous traditional rulers pledging their loyalty to the new government in exchange for desperately needed food supplies.\textsuperscript{23}

The one ruler who remained intransigent in his dealings with the South Africans was the Kwanyama king Mandume ya Ndemufayo, who had been forced to abandon his capital in southern Angola after a Portuguese military expedition drove him over the border into South African-controlled South West Africa. Yet Mandume also refused to accept South African rule, and by the final months of 1916, the colonial administration began putting pressure on the young king to submit or abdicate his throne, while enticing several Kwanyama headmen to abandon Mandume and join the growing ranks of traditional authorities pledged to the colonial administration. During this campaign,

\textsuperscript{21} Harri Siiskonen, \textit{Trade and Socioeconomic Change in Ovamboland, 1850-1906} (Helsinki: Societas Historica Fennica, 1990), 194. As Siiskonen writes, up until the first years of the twentieth century, European traders in Ovamboland “were forced to act according to the kings’ terms.”

\textsuperscript{22} Siiskonen, \textit{Trade and Socioeconomic Change in Ovamboland, 1850-1906}, 188-189.

\textsuperscript{23} Cooper, \textit{Ovambo Politics in the Twentieth Century}, 73-75.
which would culminate in Mandume’s death in February 1917, colonial functionaries closely monitored events in the Kwanyama kingdom, including the methods of punishment Mandume deployed for traitors and criminals. In a diary entry for January 16, 1917, Hahn repeated missionary reports that Mandume and one of his deputies had flogged two of their subjects for unknown reasons. Less than one month later, Mandume was dead, killed by a South African expeditionary force. When several years later Hahn wrote his study of the Ovambo, he portrayed the deceased king in a particularly unflattering light, as indicated by the following unsourced passage:

Chief Mandume who ruled in Ukuanyama up to early in 1917 was likewise a cruel despot. Prisoners must die was his slogan. They were often made to roast meat on their hands held over burning coals. Others were scalped and thereafter given their own scalps to cure.

Hahn may have intended this passage as a demonstration of Africans’ need for European colonial guidance, but just a few years after Mandume’s demise, Hahn’s own humanity was called into question by one of his own subordinates. Percival Chaplin, who served as a clerk for the colonial government in Ovamboland from 1921 to 1923, launched a formal complaint against Hahn, the main allegation of which was that the Native Commissioner had been using his position for personal gain, by engaging in illicit trade with the Ovambo and across the border in Angola. While official investigations into these charges were largely inconclusive, the most explosive allegations surfaced in 1925, when Chaplin asserted that Hahn had deployed corporal punishment against Ovambo subjects, including one incident in which he “took a running kick at a girl and kicked her

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24 “Ovamboland Expeditionary Force Intelligence Diaries,” NAN, A.450, 6, 2/2.
between the legs.” Chaplin then explained that he had not mentioned the incident before because “my memory is very bad.”

In fact, the magistrate assigned to the enquiry concluded that Chaplin was an unreliable witness, someone who “appears to me to be a neurotic individual.” Patricia Hayes, in her analysis of the case, reaches a similar conclusion, pointing out that Chaplin was beset by medical problems, partially stemming from a “blow to the head” suffered during the expedition to remove Mandume from power in 1917. Hayes concludes of Chaplin that, compared to the strong, active, and virile Hahn, “a less heroic figure and a greater contrast to the confident and manly ‘Cocky’ Hahn would have been difficult to find.”

Despite the shakiness of his main accuser, there is little doubt that Hahn did practice corporal punishment during this time period. As one investigator learned, “I have questioned several natives as to why they call Mr. Hahn ‘Shongola,’ and they have told me [they call him that] because he uses the sjambok.” Additionally, Hahn himself admitted as much in his response to Chaplin’s allegations, although his explanation on the practice of flogging is worth quoting in full:

I wish to say something about Chaplin’s allegations of flogging by me. The Okuanyama area, was, after the action taken by Government against Chief Mandume, placed under our direct supervision so much so that the natives regarded the European official as their Chief. Any cases which were tried were heard by the official in charge and the headmen of areas or cases concerned. In very extreme cases natives were punished either by fining them in cattle or other stock, or, in very rare instances, sentenced to receive a caning with an ordinary palm stick. This was done with the full sanction of the ruling natives concerned. The tribe was in a very unsettled state after the chief was killed and it was most difficult matter for one official new to the work to keep the balance and affairs in order.

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26 “Enquiry Into Complaints Directed Against Ovamboland Officials,” NAN, SWAA 1489, A 266/2/1, 109.
27 Ovamboland Enquiry, 6.
28 Hayes, “‘Cocky’ Hahn and the ‘Black Venus’,“ 53.
29 Ovamboland Enquiry, 49.
Headmen have in many instances asked that the general rank and file of natives be more severely punished in accordance with their customs which were very drastic indeed. In no case was this punishment of caning awarded without an open trial in which the headmen actually took part and approved of the sentence.

Hahn then states that he had succeeded in abolishing this manner of punishment in the region after 1921 or 1922. He calls Chaplin’s allegation that he kicked a woman between her legs “an absolute fabrication.”

While several historians have seized upon Hahn’s association with the sjambok to suggest a wider influence on practices of corporal punishment in the region, I contend that the significance of the term Shongola lies not in the fact that Hahn was known to administer corporal punishment, but rather with the tool he used to beat offenders. What evidence we have suggests that the sjambok—typically fashioned from the tail of an animal, often a cow or rhinoceros—emerged among the Cape Dutch as early as the seventeenth century, and was derived from the Indonesian term cambuk, brought with the first Malaysian slaves to arrive at the Cape. This was the instrument used by Hahn that first earned him the nickname Shongola, but critically it is not the same weapon Hahn refers to in the above statement. The “palm stick” referenced above is undoubtedly the epokolo. It is telling that Hahn was known as “Shongola” rather than “Epokolo,” as the former is a term of foreign origin that refers to an object most commonly associated with white authority, while the latter was part of a palm tree found ubiquitously throughout Ovamboland, but scarcely anywhere else in South West Africa. The epokolo or “palm stick” was almost always the weapon used in cases of corporal punishment inflicted under the sentence of a traditional authority; whereas beatings meted out by white

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30 Ovamboland Enquiry, 137-138.
officials, as frequently happened outside the Police Zone (see Chapter 3) were always
done with a sjambok and never with an epokolo. This distinction has persisted to the
present day, where informants who had experience with corporal punishment both inside
Ovamboland and elsewhere in Namibia associate the sjambok or whip with white
penalty, and the epokolo with African discipline. As Ipundaka Amomo, who witnessed
beatings both in Ovamboland and in the Police Zone, concisely put it, “Those [criminals]
in Ovamboland will be beaten with omapokolo [the plural form of epokolo]. Those who
are in the south will be beaten with whips.”32 Thus when Shongola brought his tapered
whip made from a rhinoceros hide to discipline Ovambos during famine relief operations
in 1915 and 1916, the region gained its first noteworthy experience with an instrument
primarily associated with white South Africa. Colonialism had finally come to
Ovamboland.

With the establishment of South African rule in the region, Hahn had to toe a very
fine line in utilizing traditional authority. The “drastic” measures deployed by the kings
in the past—involving cruel acts of torture and summary execution—had to be
eliminated,33 while at the same time the sense of “tribal” discipline that had often been
the product of such violence had to be preserved and enhanced where possible. Thus
Hahn could remark in the late 1920s that “the more revolting [customs] among them,
such as those which led to an unnecessary and cruel sacrifice of human life under the
tyrrannical and despotic rule of chiefs in the past, have fortunately disappeared entirely

33 One of the principal reasons for this is that one of the primary justifications South Africa used for taking
over the territory of South West Africa was the cruelty of German colonialism, particularly during the
genocide of the Herero in 1904, and the subsequent internment of prisoners of war in concentration camps.
See Jeremy Silvester and Jan-Bart Gewald, eds., Words Cannot Be Found: An Annotated Reprint of the
owing to the gradual enlightenment of the native mind under European influence.”

Yet at the same time, Hahn, fearing the “detribalization” of the Ovambo, often sought to limit this same European influence, such as in his frequent battles with Christian missionaries over the maintenance of indigenous customs which the missionaries regarded as too primitive for an “advancing” people. With such an ambivalent attitude towards any sense of Western “progress” within Ovamboland, it is little wonder that under Hahn’s administration the policy regarding corporal punishment in the region was often confused and contradictory. After all, not only was Hahn himself associated with the practice through his use of the sjambok, but Western societies in general continued to reserve the whip for some criminal offenders, although by the early decades of the twentieth century this practice had become increasingly controversial.

For his part, Hahn may have looked more to South Africa, where the practice of judicial whipping was common throughout the twentieth century, for guidance on the use of corporal punishment, although in his correspondence the commissioner usually attempted to minimize the frequency of flogging in Ovamboland. In April 1941, Hahn reported that “during the whole of last year lashes were given on very few occasions.” Yet he also stated that “For a time such punishment…were [sic] stopped altogether but ruling natives have always asked that some form of deterrent should be reestablished and that lashes might be given in serious cases. This is the practice today…. Such

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35 Hayes, “‘Cocky’ Hahn and the ‘Black Venus’,” 50-51.
38 “Jurisdiction of Chiefs and Council,” NAN, SWAA 1501, A. 266/19/1.
estimations can be misleading, for despite Hahn’s attempts to portray himself as the allseeing white patriarch of Ovamboland, in fact archival records indicate that his work primarily focused on the relationship between the colonial administration and the most senior kings and headmen in Ovamboland, who together comprised a traditional court of appeal situated in the town of Oshikango. As a 1946 review of Hahn’s duties reported, “The Native Commissioner does not exercise any judicial function except in cases of appeals from the Tribal Courts who deal with the more serious and difficult criminal and civil cases. Minor matters are dealt with by the Headmen and Sub-Headmen of each area.”

Because the region of Ovamboland comprised some 16,216 square miles, an area nearly twice the size of the state of Maryland, it was scarcely possible for even the most enterprising official to keep tabs on every village in the region, particularly when travel was often impeded by bumpy dirt roads that were rendered impassable during the rainy season. For this reason, Hahn’s characterization of the frequency of corporal punishment in Ovamboland should not be taken as authoritative, especially since the judicial system in place had already designated that “minor cases” be dealt with by local headmen. Further, the white-supervised court in Oshikango scarcely heard appeals of flogging sentences, precisely because flogging was by its very nature the type of punishment that, once carried out, could never be overturned or reversed. In addition, because the traditional authorities of the region did not have prison facilities available to them when passing sentence against criminals, the repertoire of punishments they had at their disposal was generally limited to levying fines, imposing sentences of flogging with the _epokolo_, or, in especially serious cases, banishment from the region.

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39 “Staff General,” NAN, NAO 1, 1-1, 1-2.
Nonetheless, the handful of cases involving corporal punishment that did merit Hahn’s attention are very instructive, for they show a colonial administration that took a decidedly ambivalent, and at times downright contradictory, stance towards the practice of flogging. These cases also show that it was often the traditional authorities who most energetically pushed for the right to flog their subjects. That this should be the case is not particularly surprising, given the existing restraints placed on the traditional authorities by the colonial state. Whereas during the precolonial period the most spectacular forms of punishment deployed by the kings and headmen encompassed the power of life and death over subjects and enslavement for particularly notorious crimes, soon after Hahn and his subordinates set up shop in the region, slavery had been abolished and the death penalty had been reserved for the colonial power.40

Throughout the 1930s, 1940s and 1950s, colonial officials struggled to define the parameters of acceptable custom, and whether the practice of corporal punishment ought to be barred, tolerated, or actively encouraged. In his monthly report for June 1933, Hahn reported an incident in which he prevailed upon headmen in Mbalantu to forego the planned flogging of several men who had attacked a headman for ordering the banishment of another former headman, named Ishiposha, from the territory. When five of Ishiposha’s followers were brought to trial, the Mbalantu headmen fined each three

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40 Hahn and other colonial administrators frequently boasted that “revolting” punishments dating to the precolonial era had “fortunately disappeared entirely owing to the gradual enlightenment of the native mind under European influence.” Hahn, Vedder, and Fourie, *The Native Tribes of South West Africa*, 36. Yet the death penalty was, according to John Hatchard and Simon Coldham, deployed “arbitrarily” by colonial administrators throughout the twentieth century. John Hatchard and Simon Coldham, “Commonwealth Africa,” in Peter Hodgkinson and Andrew Rutherford, eds. *Capital Punishment: Global Issues and Prospects* (Winchester: Waterside Press, 1996), 161. As Antanga Yamushila put it, the only court allowed to sentence people to death was “the high court in Windhoek, with those guys who wear black robes and black hats.” Antanga Yamushila, interview by David Crawford Jones. Erundu, Namibia, August 4, 2009.
head of cattle and had their kraals confiscated. Yet these punishments alone did not satisfy the headmen, as Hahn reported:

 Feeling against these people ran very high at the meeting at times. The headmen who tried the case wished to have them flogged there and then in addition to the fines. As it was considered that the fines of cattle and ejection from kraals was sufficient punishment to meet the case the headmen and natives present were advised to let the people concerned go after they had paid the fines.41

 Yet if colonial administrators sometimes prevented traditional authorities from flogging criminals, they also routinely ignored the protests of individuals who had already been flogged by headmen. In a 1942 case reported to Hahn by his official at the Oshikango court, a Kwanyama subject by the name of Makili was charged with having escaped from custody after his arrest for making threatening statements to one headman and illegally tapping palm trees for wine. According to the assistant native commissioner at Oshikango:

 On the day Makili was brought back to Oshikango, a number of Headmen were sitting with me as assessors on an appeal case. Headman Nehemia there and then laid a charge against Makili for escaping from custody. The case was heard by headmen Cornelius, Lazarus, Bermon, Tshapa, Nepadee and Heita. Makili was found guilty and it was ordered that he should receive 12 strokes with a green palm stick. Messenger Jacob was instructed by the Headmen to carry out the order.42

 When Makili subsequently complained to the Chief Native Commissioner in Windhoek, Hahn defended the sentence, stating, “the headmen have a perfect right to inflict this punishment. Makili had a fair hearing before it was imposed.”43 Likewise, in 1944 the Assistant Native Commissioner at Oshikango received a complaint of one particular headman, named Johannes Shekudja, who had flogged a man named Abraham Haihambo for allegedly stealing a saw. While the Assistant Native Commissioner admitted that

41 “June 1933 Monthly Report,” NAN, SWAA 1489 A.266/1, 2-3.
42 “Ukuanyama Tribal Affairs,” NAN, NAO 10, 5/7/1.
43 “Ukuanyama Tribal Affairs,” NAN, NAO 10, 5/7/1.
“there is a very strong doubt as to whether this man should have been convicted of theft,” he nonetheless concluded that “he has already received the flogging so that nothing can be done about that.” For traditional authorities who often found their decisions subject to overrule by white administrators, flogging was the one sentence they had at their disposal that could not be reversed.

Despite allowing the traditional authorities some space to render their own judgments and determine their own punishments, the colonial administration also knew that it had to keep the kings and headmen in check, lest they become too independent and thus a threat to white authority in the region. This is why Mandume Ndemufayo was killed in 1917 and replaced by a council of headmen. It is also why, in 1932, the Kwambi King Iipumbu Ya Tshilongo was removed from power after threatening Finnish Christian missionaries stationed at Olukonda. And it is why, in December 1939, the colonial administration targeted another recalcitrant traditional authority, King Martin Kadhiikwa of Ndonga, who had refused to hand over two accused murderers to the colonial authorities. Martin’s attempt to punish the criminals himself led the colonial government to deploy a show of force to the region, which resulted in the traditional authorities in Ndonga recognizing the primacy of the colonial state in all cases involving murder and rape. The two murderers were subsequently put on trial by a white court in Grootfontein.

44 “Complaints Against Headman Johannes Shekudja,” NAN, NAO 10, 5/7.
46 Cooper, Ovambo Politics in the Twentieth Century, 201. “Native Unrest: Ondongua,” NAN, NAO 9, 5/1, 4.
Despite this confrontation, archival records show that the colonial state routinely deferred to the traditional authorities in similar cases of murder and rape, both prior to 1939 and long after the controversy had faded from memory. In April 1938, a 20-year-old man named Tapopi living in the Kwanjama area allegedly raped a seven-year-old girl. After the incident was reported to the local headmen, the case was referred to the Native Affairs officer in Oshikango. However, when told that Tapopi would be taken to Windhoek and tried by the High Court, the headmen protested. As the officer later reported to Hahn:

After deliberating for a while, their spokesman requested me to approach the Administration so that they may be given jurisdiction to try this case. They pointed out that complainant was a very small child and that accused was only a youngster. They were unanimous in recognizing the seriousness of the crime and states [sic] that if accused was found guilty he would be most severely punished by them if given jurisdiction to try the case. When asked what they meant by serious punishment, they advised me that he probably would be fined seven head of cattle and ordered to receive at least fifteen lashes. The feeling was that if accused could be publicly punished in the Tribal area, it would be a far greater deterrent to crime than if he was found guilty in Windhoek and sentenced to a term of imprisonment to be undergone at that centre.47

This argument persuaded the Native Affairs officer, who recommended that Tapopi be tried by “native custom” as a “deterrent effect” against such heinous crimes in the future. Hahn agreed, writing that “the case can be disposed of by the Native Council without reference to the [Attorney General].”48

Given the extent to which the case against Tapopi was discussed in the colonial files, one might reasonably assume that the handling of his punishment was extraordinary. In fact, archival documents reveal that a large number of cases involving murder and rape were handled by the traditional authorities, both during Hahn’s tenure as

47 “Native Youth Tapopi: Attempted Rape,” NAN, NAO 10, 5/7.
48 “Native Youth Tapopi: Attempted Rape,” NAN, NAO 10, 5/7.
commissioner and afterwards. In most instances, the documents simply state that a given case would be handled “according to native custom,” without elaborating on exactly what that term might mean. However, those cases that do refer to the method of punishment used for murderers and rapists suggest that, for serious crimes, “customary” punishment usually involved a flogging with the epokolo. Thus in 1948, two youths charged with raping a young girl were fined two head of cattle by a “tribal” court and given six strokes with “a palm stick.” The following year, a man who had stabbed a sub-headman with a knife was fined four head of cattle and given “fifteen lashes with the palm stick.”

Though such punishments were not routinely recorded in colonial documents, references to them can be found throughout the archive, suggesting that they were a regular form of punishment for serious offenses in the middle decades of the twentieth century.

Those who lived in Ovamboland during the 1930s, 1940s, and 1950s recall corporal punishment as being a routine fixture of village life, deployed by headmen and sub-headmen not only at the white supervised courts in Oshikango, but also in remote hamlets far from the prying eyes of colonial administrators. As Ipundaka Amomo remembered, “The headmen were hitting people on their own initiative….The headmen were the ones who were ruling Ovamboland. They are the ones who decided.”

My informants were also clear that flogging could be administered not only to thieves, rapists, and murderers, but also to those who disrespected the traditional authorities, those who, in the words of Kashuupulwa Kaitanus, were doing “funny things that people

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49 “Tribal Affairs,” NAN, SWAA 1503, A266/29.
50 Amomo, July 31, 2009 interview.
[were] not happy with⁵¹; those who, in an oft-repeated phrase, were “full of shit” (ouna omatundi or ouna omanyami).

What did it mean to be “ouna omatundi”, i.e. “full of shit”? This phrase seemed to primarily refer to young men who were “stubborn,” who refused to admit that they were guilty of any crime. As Joseph Nghinamhito put it to me, “Beating was only when a person was showing his stubbornness, and talking shit. That’s when he is beaten.”⁵² Or as Antanga Yamushila explained, “If a person did not admit to doing a crime, they would say this person is full of shit. Whether he is guilty or innocent, they will still give him five or six omapokolo, just to teach him a lesson.”⁵³ This especially occurred in cases where a boy was accused of having impregnated a girl but refused to claim responsibility. As Andreas Shipanga, later a leading figure in SWAPO, recalled one case, “I mean, for example, the case the one I witnessed, that boy was stupid and arrogant. He definitely needed to be flogged. The arrogance was too much. The little girl was in tears and he was talking shit. I felt it was good that he was flogged. He was too much.”⁵⁴ In such cases, the epokolo served a purpose not unlike methods of torture used to extract confessions from people who may have been innocent, or, to borrow from an example more closely connected to Namibian history, the various “tests” that often followed witchcraft accusations in the precolonial period.⁵⁵ In this light, the epokolo operated as a means of restoring a moral order which had been momentarily threatened by divergent accounts that seemingly could not be reconciled with one another. Simeon Simon, a frequent observer at such cases, recalled that “Maybe if you took somebody’s cattle or

⁵¹ Kaitanus, interview.
⁵³ Yamushila, interview.
⁵⁵ McKittrick, To Dwell Secure, 71.
somebody’s goat, they go to the headmen and then they will come and have the hearings. And maybe you are there and you are denying that you didn’t do it, and they say, ‘Yeah, you are full of shit,’ and that’s when they beat you up. The councilors and the headmen decide so [you] can be beaten up.”

Listening to such accounts, one gets the sense that not only were the headmen consulting with one another in order to determine how to deal with a particular case, but they also could be influenced by members of the audience, who would often express impatience with individuals who seemed particularly stubborn or dishonest in their testimony to the court. As Abraham Indombo remembered of the cases he witnessed in Ohangwena, “It wasn’t always the case that one headman would be deciding. Even a person who came to watch him can also decide. He can be strong and stand up and say, ‘No, let’s do this to this person.’ Then they will agree with that person.”

It was this communal act of punishment, which the applicants in the 1973 floggings case would criticize for being uncivilized and demeaning, that was in fact one of the most appreciated aspects of the practice of corporal punishment in the region during the colonial era. As Keshii Nathanael, later to serve as the SWAPO Youth League president, remembered of the punishments he witnessed as a child in the 1950s, “When something happened, the elders held a council, would meet under the tree, and they would discuss what to do about the whole thing. That’s before the trial would start. And then there was a trial. And everybody would be informed. It was the kind of justice you could

understand and respect. It was not done by a single person. It was not done behind a mask. It was done deliberately and openly among the members of the society.”

Such voices, even while they may romanticize the past, are central to understanding the operation of punishment during the colonial period. As should be apparent, the use of the *epokolo* is complexly rooted in the region’s history, and cannot simply be ascribed to the violent predilections of Shongola and his whip. Nor can archival documents, which capture only elite perspectives, fully capture the power dynamics at play in the use of the *epokolo*. Even when the documents show unambiguous colonial support for flogging, this cannot adequately summarize the forces that made corporal punishment an effective form of discipline in the region. Thus, we should treat with caution the December 1952 report of the Native Commissioner, who at that time was Harold Eedes, which remarks that “the Chiefs and Headmen were informed that they could flog those young men who committed serious offences or showed disrespect to Chiefs and Headmen. They welcomed this intimation.”

As the testimony of many oral informants makes abundantly clear, the use of corporal punishment in Ovamboland was not simply a top-down imposition from either the colonial or the traditional authorities; it was rather the end-result of a long process of negotiation amongst a colonial state that wished to empower kings and headmen in limited ways, traditional authorities who looked to buttress their own legitimacy through the power to punish, and ordinary men and women of the community who actively demanded that criminals and young men who were “full of shit” be dealt with harshly.

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59 “December 1952 Monthly Report,” NAN, SWAA 1489, 266/1, 3.
Yet all this is not to say that public flogging in Ovamboland during the middle decades of the twentieth century did not meet with either resistance or resentment. Inherent in the public display of such violence was the ever-present danger that the onlookers whose presence was so central to the logic of such punishment might decide that it was those who wielded the *epokolo*, rather than those beaten by it, who constituted the greatest danger to the community. In this sense, the dramaturgy of the *epokolo* operated in a manner very similar to the “spectacle of the scaffold” that Foucault so memorably evokes in *Discipline and Punish*:

> In these executions, which ought to show only the terrorizing power of the prince, there was a whole aspect of the carnival, in which rules were inverted, authority mocked and criminals transformed into heroes. The shame was turned round; the courage, like the tears and the cries of the condemned, caused offense only to the law.⁶⁰

The traditional authorities of Ovamboland, of course, did not possess the power of life and death over their subjects. Nonetheless, their efforts to extend the punitive power as far as possible over the bodies of their subjects often provoked pity and sadness among the men and the women who witnessed these beatings. During the course of my interviews with men and women who had lived in Ovamboland during the period of colonial rule, it became clear to me that some authorities, such as the Kwambi headmen Silas Iipumbu and Shigwheda Shahongo, both of whom were in office during the 1940s and 1950s when many of my informants were still young, had earned reputations for wanton cruelty. For instance, Kaluwapa Nehongo described Shigwheda as “a cruel, cruel headman” who “used to beat people so they can stop doing crime.” While Nehongo described Shigwheda as a headman who did not “beat people fairly,” he nonetheless agreed that the one flogging which he saw Shigwheda administer was fair, in that the

criminal (a man who had stolen cattle) “deserved to be beaten so he can stop doing crime.”

This ambivalence towards the use of the *epokolo* on criminals was widespread throughout Ovamboland, as ordinary men and women struggled to reconcile their anger towards the individual being flogged against the often brutal nature of the punishment. What is apparent, however, is that most people who witnessed such beatings recognized that such cruelty protected the community from crime. In this way the fear that the *epokolo* produced had a constructive purpose, as individuals accepted public flogging as part of the tradeoff that ensured the collective security of the community.

Thus, what emerged by the middle decades of the twentieth century was a kind of social contract through which traditional authorities used violent methods in order to deter crime. Yet critically, this social contract was *unwritten*, and thus subject to widely varying interpretations on its scope and nature, readings that were often formed through local experience. This is particularly evident in the wildly varying representations of the limit on the number of strokes of the *epokolo* that headmen were allowed to give as punishment. Cecilia Angolo remembered that the limit for judicial flogging was “two or three,” while Sakaria Shahamen Shitaleni placed the limit at 30. Despite such drastic differences, there was widespread agreement that headmen had the authority to flog both criminals and the “stubborn,” the young men who were “full of shit.” It was through such precedent that, during the 1970s, political activists would also be flogged. Yet it was also here that the unwritten social contract that had enabled the headmen to use the *epokolo* throughout the twentieth century would break apart, and the traditional authorities would

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63 Shitaleni, interview.
find that their power to punish, though unconstrained by any written law, was not in fact as unlimited as they imagined it to be.

During his eight-year tenure (1946-1954) as Native Commissioner of Ovamboland, Harold Eedes attempted to introduce government salaries for the traditional authorities, in the hope that direct government employment of kings and headmen would ensure their absolute obedience to the colonial state and the “fair treatment” of their subjects. As Eedes put it, “there is every hope that if they are paid they will eventually come to realize their position as officers of the Administration….and in time [come] to treat all their subjects fairly.” Although Eedes’ proposal fell on deaf ears, by the early 1960s the implementation of apartheid policies throughout Namibia caused the colonial state to move forward with plans to transform Ovamboland into one of eleven “Bantustans” in the territory. In 1964, the Odendaal Plan established a blueprint for Ovamboland’s future, and a timeframe during which the region could transition towards a state of quasi “independence” similar to that anticipated for the so-called “self-governing homelands” within South Africa. As in other Bantustans, the traditional authorities of Ovamboland would play a central role in presenting to a skeptical international audience a contrived and gerrymandered African independence.

Even as the enactment of the Odendaal Plan carried the collaboration of the traditional authorities to new heights, the lack of codification of “customary law,” especially as it related to the power to punish, continued to cause problems for the territory’s white rulers. In April 1966, the king of Ndonga, Martin Ashikoto, dealt with one habitual thief, a 39-year-old man named Lysias Vainos, in a manner unprecedented

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64 Cooper, *Ovambo Politics in the Twentieth Century*, 239.
in the history of colonial Ovamboland: in addition to having him beaten repeatedly with
the epokolo, Martin had Vanois’s eyes put out with a hot awl. The incident remains
notorious to this day in Ovamboland, where people are often hesitant to speak of
Ashikoto’s reign, so renowned did he become for his cruelty. It also came at a critical
juncture in South Africa’s occupation of Namibia, occurring the same year that the
United Nations passed a resolution withdrawing its recognition for South African rule in
the territory and the same year that SWAPO launched its first military attack against the
colonial state at Ongulumbashe. In such a context, the South African government could
ill-afford the scandal that public revelation of Vanois’s punishment might bring. After
some deliberation, and in one of his final decisions as prime minister, the soon-to-be-
assassinated Hendrik Verwoerd ordered that Ashikoto be brought to justice before a
white court.  

Wishing to avoid an open confrontation with one of its erstwhile allies, in
February 1967 the colonial authorities tricked Ashikoto into coming into their custody by
luring him onto a helicopter.  

Ashikoto’s subsequent summary trial, conducted from March to June 1967, took
place within the context of the colonial administration’s unfolding plan for Ovamboland,
which called for the traditional authorities to comprise an Ovambo Legislative Assembly
that would serve as the de jure political authority in the region, even as white
administrators in Windhoek and Pretoria continued to pull the strings. Yet the details that
emerged at Ashikoto’s trial demonstrated that the dynamics of power in Ovamboland

67 The arrest of Martin Ashikoto is well remembered by many in Ovamboland, although only a few
scholarly sources mention the incident. One of the fullest treatments, but one still missing many key details
found in this chapter, can be found in H.D. Namuhuja’s The Ondonga Royal Kings (Windhoek: Out of
were far more complex than the master/puppet relationship that such an arrangement implies.

To this day, Ashikoto is remembered throughout Ovamboland as the king who put out the eyes of a thief, yet evidence presented at the trial demonstrates that the reality was far more complex. On April 21, 1966, Lysias Vainos was arrested by an Ndonga headman for stealing money from Martha Angolo, one of the wives of Martin Ashikoto. This was not Vainos’s first offense—previous thefts had led the king to banish him from the territory and into Portuguese-controlled Angola, but according to testimony given during the summary trial, the Angolans “chased” Vainos back into Ovamboland.68 Anna Vainos, the thief’s younger sister, also testified that the king had attempted to deal with her brother by administering a flogging with the epokolo that was of a severity far beyond any other case I have uncovered in all my research on the institution of corporal punishment in Ovamboland. According to his sister, during a span of one week Vainos had received twenty cuts on a Monday, eight cuts on a Tuesday, twenty on a Wednesday, eight on a Thursday, twenty on a Friday, and “so it went on for the week,” totaling at least 76 cuts, more than double for any other punishment uncovered by my research, and far beyond the limits that any of my oral informants placed on the number of strokes that could be given as a sentence for any crime.69

Yet in this case the epokolo seems to have failed as a deterrent, for Vainos continued stealing. According to Vainos’s elder sister, her brother’s crimes were an embarrassment to the family, as Vainos was mocked everywhere he went with calls of

69 “Two Witnesses Collapse at Chief’s Trial,” Windhoek Advertiser, March 22, 1967, 1.
“there goes the thief,” and his family members were called upon to compensate his victims with large payments in cattle, as Vainos himself lacked the means to pay off any court-imposed fines.

After his arrest on April 21, 1966, Vainos was taken to a nearby cemetery, handcuffed, and tied to a tree, where he remained in a state of extreme pain for the next several days. On April 23, according to testimony given in the summary trial, the king met with Vainos’s family and, after discussing the possibility of amputating one of Vainos’s legs or arms, ultimately decided to have the thief’s eyes put out, so that he would not be able to steal ever again. Two days later, Vainos was blinded when he was held down by a headman, and his own mother, a 74-year-old woman named Bertha Juvela, heated an awl and stabbed her son in both eyes. Reportedly Juvela’s hand shook badly during this procedure, and so Vainos’s older sister, Maria, “held the hand of her mother to steady it because of the excessive trembling.” According to the Windhoek Advertiser, one of the headmen also ordered Vainos to “look straight so that the pupils could form the target of the awl.”

In many ways, the case of Lysias Vainos is so extraordinary and unusual in the history of colonial Ovamboland that we must be wary of drawing any broader conclusions from it. During the trial, several witnesses contradicted one another on whether the idea to put out Vainos’s eyes originated with the thief’s family or had been forced upon them by the King. Maria Vainos testified that her mother had argued against such a draconian punishment, while the thief’s younger sister Anna testified that blinding

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71 “Two Witnesses Collapse at Chief’s Trial.” 2.
72 “Ovambo Chief on Trial; Man Tells Court How He Was Tied to a Tree with Bow Strings,” Windhoek Advertiser, March 21, 1967, 1-2.
her brother had been her mother’s idea, or rather, a suggestion from the King that she had endorsed, reportedly deferring to him by saying, “You are the captain and the law.” For her part, Bertha Juvela, also put on trial for serious assault, testified that she had “told the Chief that should we cut off a leg or arm, we would not be able to stop the bleeding and therefore I suggested that we remove the eyes.” However, not long after beginning her testimony, Juvela was taken to the hospital where she was eventually declared to be mentally unfit to stand trial.

Curiously, in the popular oral histories of Lysias Vainos’s punishment, the role of Lysias’s mother in his blinding has been entirely erased, just as those few written sources that reference the case have likewise deleted the family’s participation in Vainos’s gruesome sentence. Indeed, a closer examination of evidence presented at the summary trial complicates the common perception of Martin Ashikoto as a sadistic ruler; clearly he felt pressure to prevent any future thievery by Vainos, a goal made more difficult by the lack of prison facilities available to him at the time of sentencing. In his own testimony at the summary trial, Ashikoto contended that removing Vainos’s eyes had been the idea of the thief’s family. As he said at the summary trial, “I did not want to say no, you should not do it, because many people were present. If they had heard me saying ‘no,’ and Vainos committed another theft, then I would be responsible for his crimes.”

74 “Trial of Ovambo Chief Shifted to Windhoek,” 2.
75 “Chief’s Trial: Accused No. 2 Now in Hospital,” Windhoek Advertiser, April 24, 1967, 2.
77 For instance, in H.D. Namuhuja’s The Ondonga Royal Kings, the punishment of Vainos is retold without any reference to the fact that the thief’s own mother had been the one to carry out the sentence. Namahuja, The Ondonga Royal Kings, 51-52.
78 “Chief Ashikoto in the Witness Box,” Windhoek Advertiser, April 19, 1967, 1.
Having already severely flogged and attempted to banish him from the region, the King thus turned to more radical measures.

Ashikoto’s decision to blind Vainos was not endorsed by all members of the community, nor did all of his senior headmen approve of this unusual punishment. In testimony given at the summary trial, Philemon Shilongo, a 67-year-old headman who also held down a position with the colonial state in the Department of Bantu Affairs, said that he had advised against blinding the prisoner, instead convincing the King to write a letter to the region’s Bantu Commissioner, seeking guidance on how to dispose of the case. Yet clearly Ashikoto was not convinced by this course of action, for on the same day that the Bantu Commissioner received the letter, and before the commissioner could reply, Ashikoto had the blinding sentence carried out by the thief’s mother, thus ensuring that the colonial state would not be able to override his authority. Once again, the direct and irreversible nature of corporal punishment proved all too tempting for a traditional ruler looking to maintain his authority over subjects who still regarded him as “the captain and the law.” According to Shilongo, such a graphic physical assault on a criminal was almost unprecedented in the region, having last occurred in 1939 when a compulsive thief had both his hands amputated.72

Evidence presented at the summary trial shows that Ashikoto took this almost unprecedented action with a highly theatrical seriousness of purpose. Multiple witnesses testified that, after the sentence was handed down, the King asked for water and then washed his hands, reportedly announcing “Now I have washed my sins from my hands.”80 The implied reference to Pontius Pilate was surely deliberate, for Ashikoto also

80 “Trial of Ovambo Chief Shifted to Windhoek,” 2.
produced a Bible, reading “a verse or two…where it is said that should an eye or a leg or an arm entice one to do something wrong then it was better to have such an arm or leg or eye removed because this was preferable to be[ing] condemned to hell.”

How far removed we now are from the standard narrative of the colonial period, which depicts the traditional authorities as “puppets” of South Africa, whose authority had been eroded by the spread of Christianity and a wage economy! In the case of Lysias Vainos we in fact see that supposedly atavistic and outdated punishments like public flogging and other dramatic forms of bodily assault can and did co-exist side by side with these “modernizing” influences, both through the nature of the crime committed (the money Vainos stole from Ashikoto’s wife) and the manner in which the punishment was justified and enacted. This is precisely why the scholarly obsession over the source and authenticity of corporal punishment is misguided; in its daily enforcement, traditional authority was quite capable of enacting a syncretic penalty that drew liberally from multiple sources, including Christianity, historical precedent, and the exigencies of a judicial system that gave the kings and headmen considerable leeway in improvising punitive solutions that could serve as a deterrent to crime in their communities. Even in the midst of a colonial era that saw the South African state attempt to gain ever greater control over the actions of its African collaborators, the uncodified character of customary law gave the traditional authorities of Ovamboland a powerful tool through which they could maintain some autonomy from the colonial state, and some legitimacy amongst their own subjects, who continued to see in the figures of the kings and headmen a literal embodiment of “the law,” with all the connotations of both order and cruelty that this term implies. That this penalty so often coalesced around corporal punishment was

81 “Blinded Man’s Sister Tells About Bible Readings,” 2.
surely due in part to its irreversible nature, to the fact that its “texts” were permanent—
neither the scars from the *epokolo* nor the blasted out eyes of a criminal could ever be 
fully healed by the agents for the colonial state. Not even the white man’s doctors could 
do more for Vainos than to restore 10 percent of his sight in one of his two eyes.82

The way in which Vainos’s punishment was carried out also underscores the 
generational logic that characterized public corporal punishment. To be beaten with the 
*epokolo* was a gesture of both emasculation and infantilization, most often reserved for 
those criminals who lacked the economic agency to pay just compensation to their 
victims. That the traditional authorities frequently sought out the extended families of 
poor criminals in order to recuperate the losses incurred by their deeds made the process 
of punishment an intensely familial affair; in fact, as numerous informants testified to me, 
in many cases the decision to turn to the *epokolo* was one that often originated with or 
was endorsed by the criminal’s family, who had grown tired of bailing out their wayward 
sons with costly payments in cattle or cash. As Johannes Jelimia Ekandjo, who had 
witnessed the beating of another thief during the reign of Martin Ashikoto, explained it to 
me, “The reason why they beat him was so that he would stop stealing. Because in that 
case it was not a thief who paid, it was the family who paid. So they had to teach him a 
lesson not to do it again.”83 Familial dynamics also frequently came into play in cases 
involving young men who had impregnated a woman but refused to take responsibility by 
marrying her. Juuso Katangolo was flogged for this very reason at the age of twenty. 
Admitting that his punishment was somewhat justified, in an interview Katangolo 
specifically referenced the disgrace he had brought to his family, noting “I think it was a

little bit fair, because I ruined the other girl’s life. And I came from a very good family. My father was a principal and my mother was a nurse.”

84 Just twenty years old when he was beaten with the *epokolo*, Katangolo more closely resembled the standard definition of a young man. His youth however, was partly determined by his lack of economic agency—it was, after all, his parents who paid the fine imposed by the court. For older criminals who also lacked the means to pay adequate compensation for their crimes, public flogging served as the traditional court’s primary means of deterring future offenses.

Of course, the power of traditional authorities to carry out sentences of corporal punishment was not as unlimited as they imagined it to be. Within the context of Ovamboland and the “minor cases” that the colonial state had reserved for the kings and headmen to deal with, it could very much appear to be the case that a ruler like Martin Ashikoto was “the captain and the law.” In almost all cases, he was exactly that. But when flogging and banishment failed to deter Lysias Vainos from thieving, Ashikoto turned to harsher measures and thus discovered the real limits placed on his power to punish. Soon after Vainos was blinded, word of the punishment reached the editor of the *Windhoek Advertiser*. 85 The South African government convinced the paper not to run the story while it attempted to determine its response. Public revelation of the king’s actions was sure to provoke scandal, especially given the state’s simultaneous efforts to promote an Ovamboland “independence” that would be guaranteed by the authority of rulers like Martin Ashikoto and the deputies who had helped him carry out the blinding of Lysias Vainos. This was sure to make a bad impression on a skeptical international community

84 Juuso Katangolo, interview by David Crawford Jones. Windhoek, Namibia, October 22, 2009.
85 “Ovambo Chief and Two Subjects Arrested on Serious Assault Charge,” 1.
that was in the process of withdrawing its endorsement of South African rule in Namibia, and so the decision was finally made to remove Ashikoto from power and bring him before a white court in the Police Zone. We are not privy to the details of the discussions that led to Ashikoto’s summary trial, but the long delay between the blinding of Vainos and the arrest of the king suggests that the South African regime’s primary concern was not that Ashikoto had lost legitimacy amongst his own subjects, but rather that the international revelation of the punishment would undermine South Africa’s Bantustan strategy for the region. After a trial that dragged on for several weeks, in June of 1967 Ashikoto was given a suspended sentence and formally deposed as ruler of Ondonga.86 A new king, Paulus Elifas, was promoted to replace him. In October of the following year, Ovamboland was declared to be a “self-governing” territory led by an Ovambo Legislative Assembly, of which Elifas was one elected representative.87

If the above interpretation is correct, then Martin Ashikoto was likely done in not by the brutality of his assault on Lysias Vainos, but rather by the evolving political situation in Ovamboland and all of Namibia. During the 1960s, the rise of SWAPO had forced the South African colonial state to more aggressively push a quasi “independence” on Ovamboland. It was this strategy that SWAPO would disrupt by organizing a boycott of elections for the Ovambo Legislative Assembly in 1973. When the traditional authorities responded to this threat with the epokolo, they encountered a new limitation to their power to punish. Whereas the scandal of Martin Ashikoto had demonstrated the vulnerability of the kings and headmen vis à vis their white patrons, the 1973 floggings scandal would expose the critical role that popular acceptance of corporal punishment

86 “Chief Martin Ashikoto is Banned,” Windhoek Advertiser, June 12, 1967, 1.
had played in maintaining the legitimacy of the traditional authorities throughout the
colonial era. In targeting SWAPO activists with the epokolo, the kings and headmen of
the plains would attempt to portray their adversaries as just another in a long line of
stubborn young men who were ouna omatundi, “full of shit.” But to many in the region
the articulate young firebrands who emerged to challenge the traditional authorities were
something else altogether. By the time the 1973 floggings scandal had reached its
conclusion, there could be no doubt that the era of “politics” was fully at hand.
Chapter Two

Politics, Crime, and the Downfall of the Traditional Authorities

It is only a small detail, buried within the affidavit of Nestory Shanjengana and easily overlooked amidst the mountain of testimony that recounts, often in stomach-churning language, the sheer physical pain and emotional anguish experienced by the applicants in the 1973 floggings case. Even if one were to focus exclusively on the experience of Shanjengana, the 31-year-old SWAPO Youth League member flogged by the Kwanyama council of headmen on November 8, 1973, the remark is quickly dwarfed by the enormity of Shanjengana’s punishment—thirty strokes of the *epokolo*—and the dramaturgy of his ordeal. “The strokes were unbearably painful,” Shanjengana explained to the court. “They were delivered with long intervals between them. I felt faint and lost consciousness after I had received approximately ten strokes. When I became conscious, I found myself lying over the chair in a state of agony. My legs, buttocks and lower back were very painful and subsequently from the marks and the swelling it was clear that I had been struck, not only on the buttocks, but also on my upper legs and on my lower back.”

Yet in his torment, Shanjengana’s punishment—while on the high end in terms of the total number of strokes received—was broadly similar to that meted out to the other men and women whose experiences are documented in the court proceedings. Taken in their totality, the affidavits from the 1973 floggings case offer a poignant but at times formulaic account of the floggings, no doubt because they were all shaped by lawyers looking to convince a South African judge to intervene to put a stop to the beatings. With

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1 Affidavit of Nestory Shanjengana, *Wood and Others v. Ondangwa Tribal Authority and Another*, 107.
their excessive attention to the rituals of punishment—the appearance before the traditional authorities, the determination of guilt, the handing down of a sentence, the carrying out of a thrashing with the *epokolo*—the documents often seem to be mimicking the Stations of the Cross that by the 1970s adorned many of the churches of Ovamboland. It is this context that makes even the smallest deviation from the prevailing script all the more telling: prior to the carrying out of his sentence, Shanjengana was told by one of the Kwanyama headmen to take his “doctor’s glasses” off, a command that Shanjengana promptly obeyed.² This expression of mockery, which in its own placement in the narrative of Shanjengana’s punishment serves a purpose similar to the crown of thorns from Christ’s passion, acted as a humiliating reminder of status unearned. For Shanjengana was not a doctor; he was rather a principal at an elementary school run by the Lutheran church in Okalongo, an advocate of a politicized Christianity that made national liberation a spiritual imperative. As Shanjengana explained his views to me, “When you study religion…you realize you have the right to fight for your country. You have the right to fight for your people. When the Israelites were fighting they were given an order by God, [saying] ‘This is your country.’…I think there was a story when God stopped the sun so they [could] continue fighting to eliminate those enemies and get their property.’”³ Here Shanjengana’s reframing of an event from the Book of Joshua (10: 1-15) exposes the nationalist strains that fueled Christian liberation movements both in Namibia and throughout the colonized world of the late twentieth century. Likewise, his emphasis on aggression and violence recalls the arguments of Steve Biko, founder of the Black Consciousness Movement (BCM) in South Africa, who had written in the early

² Affidavit of Nestory Shanjengana, 107.
1970s that the BCM “wants to describe Christ as a fighting God, not a passive God who allows a lie to rest unchallenged.”

In the mind of Nestory Shanjengana and many of his colleagues in the SWAPO Youth League, this young generation of political firebrands figuratively carried with them the sword referenced by Christ in the Gospel of Matthew, their ultimate goal not the salvation of all mankind, but rather the birth of a nation, the emergence of which would frame their suffering, investing it with meanings that would have been unfathomable to earlier generations punished by the *epokolo*. Central to this agenda would be the same reimagining of masculinity that was critical to the Black Liberation movement in South Africa. And yet, Shanjengana’s glossing of the narrative from the Book of Joshua makes the story not simply one concerned with national becoming, but also a tale with a social agenda—the reclamation of “property.” For the Youth Leaguers, political salvation would only emerge through material gains—not just the ideological triumph of the nation, but also the redistribution of wealth stolen during the long years of colonialism.

As Sheeli Shangula, the secretary for the SWAPO Youth League, once explained his understanding of Christianity to me, “I believed that a liberated soul should also be in a liberated body. For me it makes more theological sense. Those preachers who say, ‘Don’t worry, those who are poor will inherit the kingdom of God’….I won’t go along with that one. I say I want a nice life on earth. Because even if I have a nice life in heaven, I won’t lose anything. But I lose something if I pretend to live in poverty on earth, and then only to die and also find that I am living in poverty in heaven. Then I will think that I lost

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something.”⁶ Eschewing symbolic victories, the Youth Leaguers demanded that their sacrifices bring measurable benefits to the people they hoped to guide into this new kingdom on earth, the nation of Namibia. Moral victory alone would not be enough.

To the kings and headmen of Ovamboland, however, these political activists were not national martyrs. In their defiance, age, and attitude towards traditional authority they bore greater resemblance to the young men who were ouna omatundi, “full of shit.” As the former members of the SWAPO Youth League freely admitted, they could be argumentative, disrespectful of authority, and stubborn. Ndali Kamati, flogged 31 times by the Kwanyama traditional authorities, chuckled when he recounted for me his own encounter with the headmen: “I was very rude. I said [to the headmen], ‘We are not making trouble for you. We are trying to free you. You people need freedom.’”

The traditional authorities did not take kindly to such suggestions. As Kamati recalled, after lecturing the headmen at his own trial, “They said because we are so adamant, we are so stubborn, we are going to be flogged.”⁷ Eyewitnesses to the 1973 floggings report that the traditional authorities appeared to relish the opportunity to physically thrash the young rebels who had insulted them. Keshii Nathanael, present for Kamati’s flogging, later explained, “The expressions on [the headmen’s] faces said, ‘Now you will really get it.’ Because they were turning and talking to each other in an amusing way. They were amused.”⁸ But it was undoubtedly an amusement that cloaked a simmering uneasiness about the radical ideas being spread through the country by the Youth Leaguers and their allies. During the trials that preceded the 1973 floggings, the traditional authorities often demanded that the activists identify the meaning of the terms

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⁷ Ndali Kamati, interview by David Crawford Jones. Windhoek, Namibia, October 20, 2009.
⁸ Nathanael, July 5, 2007 interview.
that were being used to rally the people of Ovamboland against the colonial state and the kings and headmen who served its interests. “What is Namibia?” the senior headmen had asked many of the activists during the trials.⁹ “Where is Namibia now?” they had demanded of Shanjengana moments before he was flogged.¹⁰ These questions, whether viewed as expressions of confusion or mockery, highlighted how abstract and fragile the Youth Leaguers’ construction of nationhood still was during the early 1970s. For what could “the nation” mean, what shelter could it provide, for an activist being bent over a stool and beaten by a “tribal” authority in front of a crowd of gawking onlookers?

As Elaine Scarry has argued, pain is, in its most extreme manifestations, a phenomenon that attacks language. It is only after the physical torment subsides that those who have experienced pain can set about “remaking” the world through the reconstruction of narrative and identity. Scarry writes, “Physical pain is not only itself resistant to language but also actively destroys language, deconstructing it into the pre-language of cries and groans. To hear those cries is to witness the shattering of language. Conversely, to be present when the person in pain rediscovers speech and so regains his powers of self-objectification is almost to be present at the birth, or rebirth, of language.”¹¹ In the case of the SWAPO Youth Leaguers, this linguistic rebirth would also herald a reimagining of both manhood and nationhood, phenomena that would be defined in large part by a rejection of tribalism and a subversion of the provincial worldviews associated with it. The floggings thus acted as a rite of passage, graduating a new generation of political activists into positions of authority and leadership that overturned

⁹ Affidavits of Ndaxu Namoloh Yanamoloh and Joy Nengenge Ndeshihafela, 81, 122.
¹⁰ Affidavit of Nestory Shanjengana, Wood and Others v. Ondangwa Tribal Authority and Another, 106.
the logic of the *epokolo*. A punishment once regarded as emasculating and infantilizing would now help to secure for SWAPO a political triumph that would catapult the nationalist movement into a new, more radical and violent phase, in which the traditional authorities would become the central targets of the political activists.

In this conflict, educational attainment would play a critical role in mediating contestations over authority, both through the traditional authorities’ disdain for Shanjengana and his “doctor’s glasses,” and for political activists who were convinced that the kings and headmen were unsophisticated oafs blindly following orders they did not understand. Thus, many of the SWAPO Youth Leaguers took the questions posed to them during the trials, as well as the general tenor of the proceedings, as evidence that the kings and headmen were operating under a collective delusion and did not understand the goals of the anti-colonial movement. “I considered these chiefs [to be] ignorant people,” Andreas Nuukwawo, flogged by the Ndongan traditional authority in 1973, explained to me. “They didn’t know what they were doing.”

Boas Mweendeleli, also beaten in Ondangwa, largely concurred with this assessment. “The understanding for independence was not there,” Mweendeleli said. “They were not thinking about independence. They didn’t know what is the difference between independence and colonialism.”

We must be careful to qualify these representations, for their logic comes not from any objective assessment of the educational disparity between the traditional authorities and political activists, but rather from the teleological construct of the nation, the triumph of which would ensure the ultimate defeat of the kings and headmen and their parochial worldviews. These assertions by the Youth Leaguers also imply that the

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traditional authorities were afflicted with false consciousness, and thus were merely dupes of a colonial system they did not understand. Indeed, white critics of the South African administration’s policy in Ovamboland frequently echoed this line of thinking, complaining for instance that the traditional authorities were “untrained and often even without rudimentary primary education. Often their only tutors are the White officials of the South African government and sometimes the prisoners are better educated and more advance [sic] than their judges.”14 Yet this stereotype mischaracterizes the skills required of many of the leading kings and headmen during the colonial era. When Gabriel Kautuima, one of the senior headmen of Kwanyama who was among the fiercest opponents of the SWAPO activists, was first promoted to the council of headmen in 1940, colonial administrators remarked positively on his schooling, with one of Hahn’s deputies writing that “He speaks, reads, and writes English fairly well and is prepared to go on with his studies. He is rather young but it is most difficult to find a suitable man who will combine tribal standing and a certain standard of education and who has a knowledge of one of the Official Language [sic] so that he can act as a direct link between the Council and the Local Native Affairs official.”15 Remembering his appearance before the Okwanyama headmen in 1973, Ndali Kamati noted, “The key person who was asking questions and who was writing was Gabriel Kautuima, because he was more educated than all of them.”16 In fact, in his youth Kautuima had attended the same Anglican mission school in Odibo that would later educate Kamati, Nathanael, Ndaxu Namoloh, and other key members of the SWAPO Youth League of the early

15 “Appointment of Gabriel Kautuima as Secretary of the Ukuanyama Council of Headmen in the Place of the Late Andreas Shindjoba,” NAN, NAO 10 5/7, 1.
16 Kamati, interview.
1970s. Another traditional authority that attended the school in Odibo was Filemon Eliphas, who in 1970 succeeded to the Ondonga throne following the death of his stepbrother, Paulus. Because he was born 15-20 years before the 1970s Youth Leaguers, Eliphas, like Kautuima, belonged to a different generation, although the Ovambo historian H.D. Namuhuja has written that Elifas’s father had insisted on his schooling and was “a man who moved with the times and approved of progress.”

Of course, mid-century definitions of “progress” in Ovamboland had become outdated by the 1960s and 1970s, suggesting that generational divisions were central to the conflict between the Youth Leaguers and the traditional authorities. As scholars have noted of other times and places, generational identities in Ovamboland were not simply reducible to age, but were also shaped by subjective constructions of identity. Thus, the label “Youth Leaguer” was a particularly potent formulation in this cultural and historical context, for the traditional authorities had long served the role of “elder,” and more specifically, “father.” In her study of twentieth century Ovamboland, Meredith McKittrick argues that the key generational bifurcation within Ovambo society during much of the colonial period was the pervasive migrant labor system that was enforced by kings and headmen but whose contours were distinctly “non-traditional.” Although many of the Youth Leaguers came from relatively prosperous families who could afford to provide them with a mission education, McKittrick’s observation seems germane to our understanding of the generational bifurcations of the late colonial period. This is suggested not because the migrant labor system constituted an unprecedented exposure to

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17 “Appointment of Gabriel Kautuima,” 1.
18 Namuhuja, The Ondonga Royal Kings, 56.
20 McKittrick, To Dwell Secure, 198-199.
“wage labor” or “capitalism”—by the second half of the twentieth century such institutions and ideologies were well-established in the region—but rather through the formation of political consciousness, which would prove critical to the revolutionary rhetoric and unique Christian hermeneutics that would characterize and shape the Youth Leaguers’ commitment to nationalism, setting them on a collision course with the traditional authorities and their concomitant rejection of the nation.

In between these competing worldviews stood the residents of Ovamboland, the same ordinary men and women whose consent to corporal punishment had granted the traditional authorities a degree of legitimacy through the first half century of colonial rule. Now they would be called upon to choose between the “tribal” and the “national,” elders and the young, tradition and progress, in imagining their future. That this choice was made within the context of a brutal, manipulative and racist colonial occupation undoubtedly shaped the outcome, but it could not disguise the sacrifices or repair the losses that a pivot to nationhood would ultimately entail. In assessing the political defeat of the traditional authorities, we must therefore not only pay close attention to why the kings and headmen lost legitimacy, but also to why the political activists gained it. As we will see, the bearers of the gospel of national liberation offered much more than a new name for the colonial territory of South West Africa; they promised a new age of economic emancipation and material comfort. It is within this context that the people of Ovamboland embraced the rhetoric of nationhood during the last, violent years of colonialism.

21 In this respect, it is important to remember that even the name “Namibia” was not formally adopted by SWAPO until 1968. Lauren Dobell, SWAPO’s Struggle for Namibia, 1960-1991: War by Other Means (Basel: P. Schlettwein Publishing Switzerland, 2000), 27.
From the beginning of the twentieth century, Christian leaders and traditional authorities had vied for supremacy in Ovamboland, taking part in an ideological and cultural struggle that often defied the easy Manichaean categorizations of colonialism. Mirroring the work of Christian missionaries throughout the African continent, the first generations of Lutherans, Anglicans and Roman Catholics to work in Ovamboland carried with them the paternalistic assumption that it was the duty of European missionaries to “civilize” their African charges. As Kari Miettinen, who has closely studied the work of Finnish missionaries in the region, has summarized their attitude, they viewed the Ovambo as “filthy, lazy, clumsy, greedy, thieving, unenterprising, unrestrained, dissembling and congenitally licentious children of the day who did not properly care about tomorrow, nor did they have any mathematical skills.”22 It would be thanks in part to such racist assumptions that many Ovambos would come to regard the missionaries as allies of colonialism, but as has been documented elsewhere, the relationship between the colonial government and the churches operating in Ovamboland would remain strained throughout the twentieth century. Patricia Hayes has noted, for instance, that during his tenure as Native Commissioner C.H.L. Hahn frequently butted heads with the missionaries, whose work, he feared, threatened to “detribalize” the Ovambo. As Hahn once remarked, “As soon as a native is christianized he thinks he must wear European clothes….In his natural state he manufactures his garments from the produce of the country….he need not be ashamed to appear everywhere in them; and above all he retains his caste.”23

22 Miettinen, On the Way to Whiteness, 118-119.
23 Hayes, “‘Cocky’ Hahn and the ‘Black Venus’,” 61.
Yet from the perspective of the traditional leaders, including many who had
themselves converted to the new religion, Christianity initially constituted a threat not
because it was often at odds with the colonial state’s objectives, but rather because
culturally speaking it was too closely aligned with the larger colonial intrusion that was
eroding the position of the kings and headmen. Thus, in the early years of South African
occupation, traditional authorities often equated the new religion with surrender to white
power and white values. Even as he was being hounded by a South African expeditionary
force during the final months of his rule of Kwanyama, Mandume Ndemufayo, a non-
Christian, derisively referred to King Martin Kadhikwa as “an old Christian woman”
after Kadhikwa allied himself with the South Africans.24 Another ruler defiant of
colonialism, King Iipumbu, prior to his dethronement in 1932, had an Ovambo
missionary teacher flogged and subsequently expelled from his kingdom.25

Iipumbu’s frustration with “native teachers” was widely shared by other
prominent traditional authorities throughout Ovamboland by the 1930s, when the efforts
of European missionaries began to yield more and more African converts capable of
leading their own schools and congregations. According to a June 1932 report by Hahn,
even Kadhikwa, himself a Christian adherent who had been baptized as a young man,
viewed the newly emergent class of African preachers as a threat “undermining his
authority and tribal discipline.” As Hahn noted, such concerns were common throughout
the region:

In Ukuanyama similar reports have been made….by the ruling Ukuanyama headmen
and it is for this reason that they unanimously refused to have a third mission, viz. the
Roman Catholic Church, open in their country. They are not so much against their
subjects attending schools and churches conducted by enlightened European

24 “Ovamboland Expedition Intelligence Diaries,” NAN, A.450, 23, D.1, 27.
25 “Chief and Headmen Ukuambi,” NAN, NAO 9, 5/2.
missionaries because here they consider mission work in many ways has its advantages. What they object to is so-called native “pastors” and teachers erecting schools and creating small congregations in almost every corner of their areas where young natives are taught nothing else but a very superficial knowledge of religion on narrow lines which has hitherto clearly proved to be to the detriment of tribal discipline. I have previously reported that in Ukuanyama alone there are well over 100 such schools conducted by native “pastors” or teachers, all supposed to be under the control of one Finnish Missionary stationed at Engela. It is obvious that he cannot possibly keep control and see that the teaching is conducted on proper lines.²⁶

The basis for the concerns of the traditional authorities were rooted not in the quality of instruction offered by such “native pastors,” but rather in the emergence of a new axis of power within Ovamboland, an African elite that owed its standing neither to indigenous custom nor to collaboration with the colonial state. In the coming decades, as Christianity became ever more entrenched in the region, the influence of this new religion expanded further, threatening to turn the world of the traditional authorities upside down. Some twenty years after Hahn recorded the above criticisms of itinerant Christian preachers, a heterodox religious revival known as Epapudhuko, or “the great awakening,” spread throughout Ovamboland in the early 1950s by a former South African mission school student named Cleophas Johannes. As McKittrick has documented, this was a movement that spurned established hierarchies in favor of “divine inspiration.” McKittrick writes, “Epapudhuko was a leveling, even reversal of expanded male chiefly powers….The disregard for accepted hierarchies of gender, generation, and status was evident in the account of a Ndonga headman, who reported that five girls had come to his house wanting to preach to him. He sent them away, only to have Cleophas Johannes say that since the headmen had sent the girls away, he would come to preach instead.”²⁷ Could this have been the kind of youthful disrespect of traditional authority that

²⁶ “Chief and Headmen Ukuambi,” NAN, NAO 9, 5/2.
²⁷ McKittrick, To Dwell Secure, 247-252.
prompted Native Commissioner Harold Eedes, in December 1952, to encourage flogging as a corrective measure (see Chapter 1)? If so, the deployment of the *epokolo* on traveling Christian preachers did not spark the kind of protests that would characterize the 1970s. Unlike the later anti-colonial movement, Epapudhuko lacked a clear leadership and political agenda, and thus withered away within a few short years, many of its former adherents wondering what it had all been about.\[^{28}\]

Yet the 1950s did see the emergence of a more politicized Christian elite within Ovamboland, most notably amongst the African clergy that operated in the region and chafed against continued colonial occupation. As Ellen Ndeshi Namhila has recounted, in 1955 the Reverend Theophilus Hamutumbangela, an Anglican priest who worked at the Odibo mission, was brought before the Kwanyama traditional authority, accused of “preaching politics.” When the trial began, a large crowd assembled and refused to allow the priest to be judged, lifting him onto their shoulders and chanting, “Let it come back/Let it come back/Let our country come back.”\[^{29}\] Such a marriage between religion and political activism with nationalist overtones was clearly dangerous to the traditional authorities, and indicative of the transformative and transgressive power of Christianity, but it was also in many ways ahead of its time. Hamutumbangela was not necessarily preaching a new kind of Christianity, but rather using his education and local standing to petition the United Nations and to advocate for an end to colonial rule. Thus one of the headmen reportedly complained to Hamutumbangela, “We sent you to school to study theology and not politics, and if you do not want to stay in line and learn to separate politics from your religious responsibilities, we shall deal with you accordingly.”

\[^{28}\] McKittrick, *To Dwell Secure*, 262.

priest’s political activities were apparently too much for his religious superiors as well, as Namhila reports that soon after his aborted trial, the Reverend was recalled to the territorial capital in Windhoek, where he was later arrested by the police and tortured.  

Within a few years of Hamutumbangela’s reassignment, the direction of the Odibo mission began to change considerably, providing the anti-colonial movement with a level of institutional and ideological support never before seen in Ovamboland. When he first arrived as Mission Director in 1961, C. Shannon Mallory was surprised to find that the mission’s approach to education had up to that point emphasized hierarchical paternalism and rote memorization over critical thinking. “To my astonishment the early teaching was very traditional,” Mallory explained to me in a 2012 interview. “It didn’t teach them to ask so many questions….My predecessor certainly didn’t have trouble with the authorities.” By contrast, under Mallory’s leadership in the 1960s St. Mary’s increasingly ran afoul of the colonial state, refusing to abide by apartheid’s mandates and encouraging students to view the Bible as a revolutionary—rather than reactionary—text. It was a stance that would eventually lead to Mallory’s expulsion from South Africa and Namibia. “The Bible is a story of revolution,” Mallory explained. “The exodus and all that. It is a seditious book and the boys really got it.” Yet the school’s approach during the 1960s was not to promote open political revolution, but rather to allow students to draw those connections themselves, giving them a sense of empowerment, as well as a defiance of authority, that would translate into the rhetoric of the SWAPO Youth League by the early 1970s. “It was easy enough for these young boys to figure out….They would quote it back to us,” Mallory recalled. “There were moments they would try to use this

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30 Namhila, *Kaxumba kaNdola*, 34.
against us. They became quite good at calling out passages of the Bible that spoke to their situation.”

Former students of the mission echo Mallory’s recollections. As Keshii Nathanael explained, “Those who were running the mission, they were all politically aware. Everyone was politically motivated because the Anglican Church was not afraid to speak its mind. The mission was preparing people politically, to become politically aware of their situation.” Ndali Kamati agreed, noting “St. Mary’s was a liberal kind of school, so every teacher who was there, almost every teacher, was against the system. Although they did not challenge it directly, they supported all progressive ideas….Even when somebody was arrested at the mission, the director would make sure to tell the police that the person must come [back] by 5 o’clock in the afternoon. And they never allowed the police to enter the mission. If they are coming to arrest anybody or to ask something they must wait outside the mission….That we appreciated very much.”

That kind of institutional resistance to colonial rule had not been present prior to the 1960s, and according to many informants, existed in few places outside the Anglican mission. At the Finnish mission school in Engela, for instance, the language of instruction was Afrikaans rather than English, and the teachers emphasized obedience, not revolution. Jimmy Amupala, a former student of the Finnish missionaries, explained their attitude by noting how “They emphasized, respect your superiors. Respect and serve your rulers.” Yet by the end of the 1960s, voices within the Lutheran church also stepped forward to air their objections to the South African regime. Following a substantial

31 C. Shannon Mallory, interview by David Crawford Jones. Phone Interview, September 29, 2012.
33 Kamati, interview.
reinterpretation of the Two Kingdoms doctrine in 1967, which included a rejection of apartheid policy, in 1971 the Lutheran church in Namibia, led by bishop Leonard Auala, published an Open Letter to South African Prime Minister John Vorster, informing him that the Lutheran church regarded South Africa’s continued presence in Namibia as illegal. With the release of this document, the two largest Christian denominations in Ovamboland, the Lutheran and Anglican churches, were now at the center of the political struggle gripping the region, embracing a role that would, within two years, entangle them in the 1973 floggings case.35

If the work of these and other religious figures lent to the emerging nationalist movement forms that were unmistakably Christian, the content of the struggle would be shaped largely by opposition to the contract labor system. When Sam Nujoma, the future leader of SWAPO and the first president of an independent Namibia, first organized the Ovamboland People’s Organization (OPO) in April 1959, his base of support came largely from the region’s vast contract labor force. For half a century, Ovambo men struggling to support their families had been forced to take work on contracts as long as 18 or 24 months, toiling away in the mines and factories and on the white-owned farms of southern Namibia. Subjected to abuse, frequent injury on the job, malnourishment, and low wages, migrant laborers had long chafed against the system, but had seldom managed to organize on a mass scale. That began to change in the late 1950s, when Nujoma, a former contract worker in Walvis Bay and elsewhere, began to plot against the colonial regime. As he later observed in his autobiography, “It was the cruelty of the Contract system and other oppressive laws that convinced me that we absolutely had to

do something, that we could not allow this oppression to continue unchallenged.”

Yet if the source of Nujoma’s political motivation was the contract labor system, the form his activism took privileged the broader goal of national independence. The political scientist Gretchen Bauer, in her study of the modern labor movement in Namibia, quotes the political activist and contract laborer Helao Shityuwete, who argued that the “OPO, which was formed to be the voice of the workers, never took their problems to the management of firms and companies. No meetings were arranged between workers’ representatives and employers. The emphasis was placed on the country’s status as a mandate rather than on the inhuman conditions.”

This tendency within OPO towards broad solutions rather than localized activism became more pronounced following the killing of eleven protesters at the Old Location in Windhoek on December 10, 1959, after which Nujoma fled into exile, eventually reaching New York, where he reformed the OPO as SWAPO on April 19, 1960.

This transition—from mobilization of the workers within the territory to spearheading the cause for national liberation thousands of miles away—would have profound consequences for the nationalist movement, lending it a distinctly bifurcated, even schizophrenic, character, as activists still inside the country came to view the struggle for independence in terms materially different from elites working to build SWAPO’s diplomatic profile abroad. Indeed, from the founding of SWAPO to the mid-1970s, the organization’s efforts were largely directed at securing the approval of the United Nations for SWAPO as the “sole authentic representative of the Namibian

people,” and thus, a de facto government-in-waiting. Meanwhile, SWAPO operatives still working within the territory fought to mobilize workers and peasants to resist South African occupation. When peaceful attempts at political mobilization were met with repression and torture, SWAPO leadership made the decision to launch an armed struggle against the colonial state. This effort, spearheaded by such leaders as Simon Kaukungwa, Eliaser Tuhadeleni (also commonly known as Kaxumba kaNdola), and Andimba Toivo ya Toivo, culminated in the disaster of Ongulumbashe in August of 1966, when South African forces unleashed a surprise attack on a makeshift military base housing the first small contingent of combatants from SWAPO’s recently-formed armed military wing, the People’s Liberation Army of Namibia (PLAN).

Following SWAPO’s defeat at Ongulumbashe, much of the organization’s leadership within the country was decimated by exile and arrest. As a result, political organization within the territory largely ground to a halt, even as, simultaneously, SWAPO’s international profile rose thanks to growing diplomatic condemnation of South Africa’s policies in Namibia. Ndali Kamati, echoing the sentiments of many others with whom I spoke, argued that in the wake of the setbacks of the mid to late 1960s, SWAPO itself had been forced into a defensive posture within the territory. “Since 1966, when the troubles started and many people were arrested, SWAPO just went underground. Those leaders who were not imprisoned, they were afraid they could not initiate any action. So from 1966 up to 1970, there was a lull in the political mobilization of the country.”38

Others saw SWAPO’s retreat to the underground in starker terms, as evidence that the first generation of political activists had wilted in the face of repression. “In 1966-67, a lot of grown-ups were being rounded up and being jailed. And when they came back

38 Kamati, interview.
from jail they were tortured and let free,” Keshii Nathanael explained. “And then when
we started discussing this and the grown-ups didn’t want to be involved, we saw that the
grown-ups didn’t want to participate. But we wanted to distance ourselves from them,
and to define ourselves as young, as the youth.”

Though the SWAPO Youth League was not officially formed until 1972, its
origins dated back to the mid-1960s, when this second generation of political activists
began to experience the country’s oppressive migrant labor system first-hand. It was a
reality that Nathanael encountered for the first time in 1965. At the age of 16 he fled
employment on a white man’s farm and traveled to Walvis Bay, where he lived in hiding
with his brother, a leading SWAPO political organizer, and observed for himself the poor
conditions in which the workers lived. As he recounts in his autobiography, the regular
clandestine political gatherings held amongst the city’s contract laborers expanded his
political consciousness at precisely the same time as the attack on the PLAN base at
Ongulumbashe and the subsequent detention and repression of Toivo ya Toivo and
others. Thus for Nathanael and other young men organizing in Walvis Bay, the growing
politicalization and repression of the late 1960s was inextricably linked to a newfound
awareness of abuses in the country’s contract labor system. It was this issue that would
inflame the nationalist movement a few years later, as Nathanael and other future leaders
of the SWAPO Youth League, including Ndali Kamati, extended their contacts
throughout the workers’ compounds in Walvis Bay and the other major labor centers in
the territory.

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39 Nathanael, July 5, 2007 interview.
While working to organize the migrant laborers in Walvis Bay, Nathanael, Kamati, and others also gained valuable exposure to many of the revolutionary concepts then percolating throughout the colonized world. Namibia was of course subjected to the same harsh forms of censorship that characterized apartheid within South Africa, but Walvis Bay’s access to international shipping lanes allowed for the dissemination of reading materials that otherwise would have been unavailable. Thus, Nathanael recalls a Ghanaian sailor who brought to Walvis Bay such books as Marx’s *Das Kapital*, Che Guevara’s *Guerilla Warfare*, and Mao Zedong’s *Little Red Book*.\(^{41}\) Though Nathanael felt that Mao’s writings in particular taught him the importance of “courage,” he also told me that, while living in Walvis Bay in the final years of the 1960s, he and his colleagues had not yet developed a specifically Marxist outlook. That would come later, forged by subsequent experience.

During the late 1960s and early 1970s, Nathanael and his colleagues began to take a more active role in the political organization of the workers, establishing a network of contacts that extended from Ovamboland in the north to the commercial hub of Windhoek in the central valleys of the country and reaching into the mines and factories of Walvis Bay, Tsumeb, and elsewhere. By 1970, Nathanael had begun collaborating with Kamati, and according to his autobiography, had also come into contact with Ndaxu Namoloh, whose father was at that time working as a foreman at a copper mine in Tsumeb. Political organizing at these and other work centers intensified in 1971, following police repression of protests against low wages in the fishing industry.\(^ {42}\) Sensing an opportunity, Nathanael, Kamati, and their colleagues increased their efforts;

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\(^{41}\) Nathanael, July 5, 2007 interview.
\(^{42}\) Nathanael, *A Journey to Exile*, 15-16.
by November 1971 the workers made the decision to go on strike. Precise responsibility for organization of the strike that began in earnest on December 13, 1971, has long been disputed. Gretchen Bauer notes that the strike “could….have been the initial work of SWAPO youth and students.” Nathanael and Kamati both insisted that they played a central role in the planning of the strike, with Kamati telling me that “Workers in Walvis Bay started the whole idea. We used to sit in on their committee, and advise them what to do. We decided on the date, and we drafted letters to [South African prime minister] Vorster, and to the administrator for South West Africa, as well as the so-called Bantu Commission in Ovamboland. They approved those letters.”

As Bauer documents, the strike quickly spread through Walvis Bay, Windhoek, Grootfontein and Tsumeb, shutting down numerous mines and factories and crippling the economy of the territory. In an effort to break the strike, the colonial government began deporting workers back to Ovamboland from the major labor centers, thus effectively spreading the political conflagration back to the north. The arrival of thousands of striking workers created a political tumult never before seen in the region’s history, as many angry workers fought police in Ondangwa and elsewhere, forcing the South African government to send more troops to put down the rebellion. Following negotiations, the strike came to a formal end in January 1972; nonetheless labor unrest continued to percolate throughout the region during the coming months and years.

While some of the young activists who had been working clandestinely in Walvis Bay were deported back to Ovamboland along with thousands of contract workers, others were able to evade police detection and remain in Walvis Bay. Ndaxu Namoloh, forced to

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43 Bauer, Labor and Democracy in Namibia, 35.
44 Kamati, interview.
45 Bauer, Labor and Democracy in Namibia, 34-41.
return to Ovamboland, took part in negotiations that would lead to the end of the strike, while Ndali Kamati and Keshii Nathanael remained in Walvis Bay for several more months, focused on remobilizing the workers.\textsuperscript{46} In October 1972, Kamati, Nathanael and several other colleagues still in Walvis Bay held a public meeting at which the SWAPO Youth League (SYL) was officially formed. In response, the police arrested the Youth Leaguers and had them deported to Ovamboland, with a final warning to not “even think of leaving there for the south for the next 10 years.”\textsuperscript{47}

Not long after returning to Ovamboland, the Youth League leaders established another branch of the organization at the St. Mary’s mission school in Odibo. Soon the SYL in the north was strengthened by the arrival of several Namibian students who had been expelled from universities in South Africa, among them Sheeli Shangula, a theology student at Fort Hare, and Jimmy Amupala, who prior to going to the University of the North in 1972, had participated in the 1971-1972 strike while staying in Windhoek.\textsuperscript{48}

Taken together, the leadership of the organization, enshrined in the SWAPO Youth League Congress in early 1973, represented a dynamic interaction of activists who had cut their teeth at the St. Mary’s mission in Odibo, in South African universities where the radical agenda of the Black Consciousness Movement was on the ascent, and as labor organizers. The leadership of the Youth League thus constituted a potent mixture of Christianity, Western education, and labor activism—the very forces that had most imperiled the standing of the traditional authorities throughout the twentieth century.

Following the congress, rallies attempting to mobilize the masses came in rapid succession: in Ongandjera and Engela, where huge crowds showed up to protest against

\textsuperscript{46} Kamati, interview.
\textsuperscript{47} Nathanael, \textit{A Journey to Exile}, 20-27.
\textsuperscript{48} Amupala, interview.
the colonial state and its various means of oppression, and also in Windhoek, where
Nathanael and other SYL activists held a meeting before escaping back to Ovamboland.
The Windhoek gathering demonstrated that the Youth League would not allow itself to
be confined within a “tribal” Bantustan—itss ambitions were national. At that rally, the
Youth League had brought interpreters to ensure that Nathanael’s message would be
translated into Afrikaans, English, Nama, and Herero. Everywhere they went, the crowds
responded: by physically blocking the police from interrupting the speakers, and by
seizing the platform to air their grievances against the South African regime. As
Nathanael recalled of the Engela rally, “There were many speakers, among them teachers
who denounced Bantu education, workers who complained about low wages, and
peasants who complained about the law that limited the number of cattle they could keep.
The pupils complained about the lack of a university that they could go to in Namibia.”49
For years to come, the mobilization achieved by the Youth Leaguers in 1973 would
remain the standard against which subsequent political efforts in the region would be
measured. An internal SWAPO report from 1975 described a large public rally in
Windhoek as “the most significant since at least the heyday of the SWAPO Youth
League in 1973.”50

Despite the efforts of the Youth Leaguers to evade arrest, police repression
hounded the organization and its leaders throughout the first year of its existence. In May
1973, to give one example, Nathanael and two others were detained “on the grounds that
they had distributed leaflets.”51 According to interviews with various Youth League

49 Nathanael, A Journey to Exile, 43.
50 “Part II: Events of 12th-17th June,” SWAPO Documents of Dr. Peter Katjivivi, Reel 5, Category 14, File 3.
51 “Further Arrests in Namibia,” SWAPO Documents of Dr. Peter Katjivivi, Reel 5, Category 14, File 3.
activists, such arrests occurred frequently, but the government found it very difficult to obtain any convictions. Through all their legal battles the Youth Leaguers had secured the help of a white lawyer, Brian O’Linn, who was a member of the United Party and an opponent of South Africa’s apartheid regime. “Brian O’Linn was a very successful lawyer,” Nestory Shanjengana recalled for me. “Every time he won the case. I remember one case when I was arrested and they charged me [with mobilizing] all the people to have the rallies and at that time I was in prison! And [O’Linn] said, ‘Do you think that these people don’t have brains that they must use only Shanjengana’s brain?’ So at the end of the day [the South African regime] realized that, ‘If we arrest them and take them to court, every time we are on the losing side.’”52

If Western justice could not silence the nationalist movement roiling the country, perhaps the traditional authorities, who enjoyed greater legitimacy amongst the people of Ovamboland and who were not encumbered by written laws proscribing their power to punish, could step in to fill the breach. Shanjengana remembers that after being held in police detention from August to early November, he was called in to the office of the Head of Police in Ondangwa, who told him, “I will not take you to court because I know O’Linn is there to defend you. I will just write a letter to the traditional authority that you should be given corporal punishment, because you are naming this country Namibia.”53 It was a pattern repeated throughout Ovamboland from September to November of 1973, as the most active and powerful members of the Youth League were shuttled from white jails to the offices of the traditional authorities, where they were flogged following brief

52 Shanjengana, interview.
53 Shanjengana, interview.
trials accusing the activists of disrespect and stubbornness, crimes that even the draconian apparatus of the South African security state could not formally punish.

Given such circumstances, it is not difficult to understand the impression of Youth Leaguers who saw the traditional authorities as puppets of the colonial regime. Yet when I suggested to the former secretary of the SWAPO Youth League, Sheeli Shangula, that the kings and headmen had been “instructed” to flog activists, he was quick to correct me. “No, not instructed, but I think, instigated them. Because really, if they take them and said these are your subjects, and then you know, they do something wrong, they disobey you, they know that you are very young, you don’t have any cattle. As a juvenile, you can only be beaten up.”54 The logic of the punishment thus came from its routine deployment against criminals and those who were ouna omatundi, “full of shit.” In the end, the South African colonial state turned to the traditional authorities because they needed not only to punish the Youth Leaguers, but also to impart to that punishment a public shaming that only the kings and headmen could deliver. If the goal had simply been to inflict pain upon the Youth Leaguers, then the beatings and abuse suffered in the dark cells of the prisons in Ondangwa and Oshakati would have been more than up to the task. Prior to his flogging, Manya ya Manya had been arrested by the police for providing security for the political rallies held throughout the region in 1973. He had been taken to Oshakati, where he was tortured for days with electrical shocks and other implements, as the police demanded that he identify others in the organization. Their efforts frustrated, ya Manya was then brought to the Kwanyama authorities where he was flogged for “teaching people and kids wrong things” and for “not respecting the laws.”55 It was a

55 ya Manya, interview.
disciplining in which the headmen publicly assumed their roles as community fathers, charged with bringing their wayward sons back in line. In order to work, this punishment demanded an audience, demanded that people come and pay witness to the restoration of community values after youthful transgressions, thus mimicking the logic that had informed the public punishment of cattle thieves and disrespectful young men throughout the twentieth century. “The main objective of flogging is to instill fear in the youth,” Shangula summarized. “Not to go on in their political activities, and secondly to start obeying the traditional rulers.”

This time it did not work. In response to the floggings, the men, women and children of Ovamboland erupted in indignation, furious that their traditional rulers had intervened in a “political” matter, and had dared to treat the activists as if they were merely stubborn little children. Tomas Ashiana, born in 1936, remembered the turbulent years of the early 1970s and recalled how “Keshii [Nathanael] and [other activists] were disrespecting the senior headmen,” and agreed that such disrespect would have been grounds for flogging throughout the colonial period. Nonetheless, Ashiana viewed such punishment as illegitimate: “Yes, epokolo was only used for criminals, but if you are talking about politics they will hit you with the epokolo and they will take you to jail. They were misusing the epokolo.” Kashuupulwa Kaitanus, born in 1950, perceived a clear distinction between political floggings and the beatings that occurred prior to the 1970s. “These people in politics who were beaten, they didn’t do anything. They didn’t

56 Shangula, May 31, 2006 interview.
do any crimes….You cannot compare too much the beatings of those [early] years and
the beatings of the years of politics.”

A rupture had occurred, and within its fault lines, a new discourse about politics, crime, and the traditional authorities had emerged. The kings and headmen, long used as a central component to South African rule, had disgraced themselves in ways that shook the region to its core, mobilizing unprecedented opposition to the traditional authorities. Everyone within the SWAPO Youth League who spoke about the days, weeks and months following the 1973 floggings noticed the change. “Many people were angered [by the floggings],” Ndali Kamati remembered. “They were feeling encouraged to join SWAPO, even if they hadn’t before.” Contemporaneous statements corroborate this sentiment. After his flogging by the Ndongan traditional authority, Johannes Nangutuuala had declared to the Windhoek Advertiser, “I am not unhappy about the flogging I received. In fact, I feel very happy about it because it is a great victory for me. First the authorities booted me into jail but this did not harm my political reputation. Then I was flogged and I benefited as a result.” According to the report, Nangutuuala claimed “it could not be denied that he obtained many new supporters and that the flogging caused some people to look at him as a martyr.” Likewise, Shanjengana described his return to school following his beating by noting, “When I came back, I was a hero,” he said. “The children at the school, they lifted me up. So from there I continued to teach them politics and how we wanted the country to be run and why [we were] fighting.”

58 Kaitanus, interview.
59 Kamati, interview.
61 Shanjengana, interview.
The mobilizations that emerged in the wake of the 1973 floggings were arguably unprecedented in the history of the region; yet the targeting of political activists by the traditional authorities was not new. In fact, more than ten years before Kamati, Shanjengana, and others faced the *epokolo*, an earlier generation of SWAPO leaders had felt its painful sting. In June of 1961, Hifikepunye Pohamba, leading SWAPO organizer and future president of Namibia, had been beaten by the senior headmen in Okwanyama.\(^62\) Soon thereafter, several of his associates were also brought before the headmen and flogged. Among them was Philippus Namundjebo, who told me that the headmen had invited a large crowd to come and watch the punishment take place. “There were a lot of people there, even women,” he told me in 2009. “So [the headmen said], ‘Come, come, come, come, and see what we are doing. We are going to beat. Come and see that if you do this, this is what you will get.’”\(^63\)

Why did these beatings not spark the same kind of outrage that would accompany the 1973 floggings? In 1961, SWAPO itself was barely more than one year old; it had scarcely had any opportunity to mobilize the region. The churches had not yet joined the cause, and the pivotal Walvis Bay strike of 1971-72 was still a decade away. In those early years of political conflict, the loyalties of the community were also still in dispute. Recounting his own flogging, Namundjebo explained that the people watching “were angry,” but then he added, “Even when Jesus was crucified, people were angry. So people were asked, ‘Who should we release? Should we release Jesus or Barabbas? Who is a criminal?’ And some would say ‘Barabbas.’”\(^64\)


\(^{64}\) Namundjebo, interview.
This reference to a fickle public and their betrayal of the Messiah undoubtedly reflects the tensions of a divided community, but while the politicization of Christianity and the mobilization of the workers played crucial roles in amplifying the political struggle and bringing it to the doorstep of the traditional authorities, equally important was the changing role played by the kings and headmen in response to threats both within the territory and outside its borders. Just as SWAPO’s efforts to mobilize opposition to the colonial regime intensified during the late 1960s and early 1970s, events abroad underscored the growing isolation of white minority rule in South Africa and Namibia. From 1960 to 1968, thirty-two African nations—more than half the continent—gained their independence, a political tsunami that not only reinforced the nationalist flames engulfing Ovamboland, but that also tipped the international balance of power against South Africa. Indicative of this trend, in 1966, the United Nations passed Resolution 2145, which terminated South Africa’s mandate in Namibia, and recognized SWAPO as “the only true representative movement in Namibia.” That same year, the International Court of Justice declined to rule on an application invalidating South Africa’s mandate in Namibia, a decision that would be reversed five years later, when South Africa’s rule was judged to be in violation of international law.65

Recognizing that the Hahn-inspired model of colonial governance through “indirect rule” was politically untenable in this new diplomatic landscape, during the 1960s the South African government moved aggressively to create a legal framework within which the “tribal reserves” would gain a putative and largely fictional “independence.” In Namibia, this strategy manifested itself in the Odendaal Plan, which in 1964 called for the colony to be divided up into ten separate self-governing

“homelands,” the most populous of which was Ovamboland. Within Ovamboland, there was to be a further sub-division of the region into seven ethnic communities, each of which would be given six representatives in a newly-formed Ovambo Legislative Assembly.\(^{66}\) Implemented in 1968, the plan had the immediate effect of transforming the relationship between the traditional authorities and the South African state. No longer would the kings and headmen serve merely as collaborators with aspects of the colonial system, they were now official functionaries of the colonial order. According to Keshii Nathanael, Odendaal had the effect of finally discrediting the traditional authorities. “I think that was the beginning of the shift,” he said. After the implementation of the Odendaal Plan, “the chiefs were more hated than South Africa.”\(^{67}\) They were, quite simply, national traitors.

Yet other evidence suggests a more subtle and prolonged metamorphosis of the kings and headmen from traditional elders respected within the community to the “Black Boers” who sold out their own people. After all, following the enactment of the Odendaal Plan, the kings and headmen still held many of the same responsibilities, resolving disputes within the community and keeping those who were ouna omatundi in their place. When Gottlieb Noah, born in 1949, first witnessed the flogging of a criminal in 1969, he contrasted it with the misuse of the epokolo that would characterize the 1970s, saying “At that time, politics was not there.”\(^{68}\) One year later, in 1970, Ferdinand Angula, a 17-year-old boy living in the Oshana region, was flogged by a headman for beating up another boy who had tried to steal fruit from him. Angula recalled for me how the crowd who watched his flogging encouraged the man beating him to hit him harder. “They were

\(^{66}\) Cooper, *Ovambo Politics in the Twentieth Century*, 280.

\(^{67}\) Nathanael, July 5, 2007 interview.

saying things like, ‘Yeah, let [him] get beaten!’” Despite the pain and humiliation that accompanied his punishment, Angula admitted that it was “good discipline.”

Clearly, the Odendaal Plan had not by itself robbed the kings and headmen of their moral authority to punish.

The real danger of the Odendaal Plan lay in its cross-pollination of traditional authority with ideologies and forms of governance of a more foreign pedigree. Dating back to pre-colonial times, the kings of the northern plains had served as the living embodiments of community cohesion, justice, and divine authority. They had ruled like despots, according to the historian Harri Siiskonen, yet for all their power, tradition dictated that they never set foot outside their own kingdoms. In this sense, the kings of the pre-colonial period represented a kind of authority that was in its ideal state both total and local. The colonization of Ovamboland by South Africa had dented much of the logic underpinning this system, perhaps most significantly through the migration of tens of thousands of Ovambo men to work in the south, which had the effect of uprooting many of the subjects of the kings and headmen, carrying them away from their “traditional” jurisdictions. As we have seen, it was in large part within that journey from north to south and back again that the nationalist movement emerged. Indeed, most of the ideological and political components of the anti-colonial movement came from elsewhere, beginning with Christianity and the radicalism of migrant laborers and continuing with the influence of newly independent African nations and the work of SWAPO in exile. Thus, the gospel of nationhood and the emergence of “politics” was a transnational and transcultural phenomenon that the traditional authorities, proscribed by

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70 Siiskonen, *Trade and Socioeconomic Change in Ovamboland*, 45-46.
custom to their own communities, were ill-equipped to handle. This, in the final analysis, was the nature of the bifurcation between “politics” and “crime”—politics was brought from abroad and implanted in the region by adherents of Christianity, the well-educated, and the migrant labor force. Crime, on the other hand, was intensely local, concerned with the quotidian problems of communities within Ovamboland. In distinguishing between a time of “crime” and a time of “politics,” men and women in Ovamboland are therefore commenting on the spatial disruptions and discontinuities of the late colonial period. This dichotomy is reinforced by the linguistic roots of the two words used to describe these phenomena. In Oshiwambo, “politics” is rendered as opolitika, a word of Western origin, while the term for “crime,” oimbulume, is indigenous.

Yet the Odendaal Plan did attempt to enact a political order that would maintain the local force of traditional rule while granting it an organization and bureaucracy that could satisfy the regime’s nationalist critics. Under the terms of Odendaal, the kings and headmen continued to be “the rule and the law” of their communities, but now in order to satisfy the many critics of South African colonial rule—both within Namibia and around the world—the system had to engage with a kind of political legitimation that was entirely foreign to Ovamboland’s historical experience and that was designed primarily for purposes of propaganda. The Ovambo Legislative Assembly reflected this uneasy marriage between tradition and governmentality. When it was first formed in 1968, each ethnic community sent one leader to serve on the Executive Council, which had the discordant effect of giving to the region’s kings and senior headmen such technocratic titles as head of “Department of Works” or head of “Department of Agriculture.” Five years later, as the region moved closer to full “independence” within the South African
Bantustan system, elections were organized in which candidates for the Ovamboland Independence Party, the newfound political organ for the traditional authorities, ran for seats in the Assembly.\footnote{Cooper, \textit{Ovambo Politics in the Twentieth Century}, 280.} These elections, held in August 1973, were decried by SWAPO and other political organizations as a “sham,” and indeed, the men and women of Ovamboland seemed to view them with indifference, as only 2.5 percent of eligible voters bothered to show up at the polls.\footnote{“Only 1300 (2.5%) Cast Their Votes,” \textit{Windhoek Advertiser}, August 3, 1973, 3.} In trying to combat the nationalist movement, the Odendaal Plan had allowed the traditional authorities to be redefined by their rivals, creating in the process a half-hearted facsimile that succeeded neither in preserving “tradition” nor in matching SWAPO’s populist commitment to engaging the masses. Thus, during the first half-decade of the Odendaal regime, the kings and headmen operated in a liminal space, straddling a divide that had first been established by the dual mandate.

This state of affairs reached its conclusion with the 1973 floggings, which had pulled the traditional authorities into an open embrace of the colonial regime’s agenda. As a result, a fascinating reversal took place, as the public humiliation and shaming of the political activists had the paradoxical effect of humiliating and shaming the traditional authorities. It was they, not the Youth Leaguers, who now sat exposed before the public. Writing in a different context, Michael Foucault has noted how, in order to be effective, power has to operate like a “faceless gaze,” seeing all while remaining itself unseen.\footnote{Foucault, \textit{Discipline and Punish}, 214.} The scandal that erupted in the wake of the floggings unmasked the face of traditional power in Ovamboland, revealing the pathways and intersections that enabled the kings and headmen to function. Yet critically, this scandal was itself a product and
reaffirmation of the larger shifts within Ovambo society in the early 1970s. For as Ari Adut has written, “scandals…frequently involve violent condemnations of transgressions that were widely known and tolerated before.”

The scandal unfolded on multiple levels—in the outrage of men and women in Ovamboland as well as in the white-controlled newspapers and courts of the territory. In the former, as we have seen, Ovambo men and women emphasized the value of corporal punishment, and expressed regret that it had been misapplied by the traditional authorities. In the latter, the floggings themselves were regarded as evidence of the stupidity and backwardness of the kings and headmen, and thus the need for a more appropriate “civilizing” influence. As O’Linn had remarked after word of the floggings reached Windhoek, “Treatment of this kind hardly corresponds with the duty of government to lead these people on the road to civilization.”

David Soggot, another white lawyer who would represent the applicants in the floggings case, struck a similar note, complaining that the “applicants were treated in the most barbarous and untraditional way when they were summarily sentenced to receive strokes.” Most forcefully, Richard James Wood, bishop of the Anglican church that filed a request asking the courts to put a stop to the beatings, declared in his own affidavit that “there is a deep current of feeling that [the floggings are] not only repugnant to every sense of natural justice but also to all standards of Western civilization.”

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Such comments clearly served a strategic purpose; they were designed to win the case. Yet they also accepted, by their very nature, the authority of the white courts as the one institution capable of bringing the beatings to a halt. If so, the applicants were disappointed by the initial decision in the case, reached at the Supreme Court in Windhoek in March 1974, which declared that the court had no standing to intervene, and that members of SWAPO seeking redress against future floggings would have to apply for further interdictions or simply appeal such punishments within the “tribal” judicial system. This ruling was reversed eleven months later, when the Supreme Court of Appeals in Bloemfontein ordered that the traditional authorities “are interdicted from arresting, detaining, and inflicting punishment on any person on the ground that he is, or is suspected of being, a member of Demkop [a minor nationalist organization that had also been targeted by the kings and headmen] or of SWAPO or on the ground that he has or is suspected of having carried out the lawful activities of these organizations.”

In reaching this decision, Chief Justice Frans Rumpff dismissed as irrelevant all speculations about the nature of “customary” punishment in the region. The real history of corporal penalty in Ovamboland—the beating of cattle thieves and young men who were *ouna omatundi*—was erased. As Chapter 1 demonstrated, the applicants in the case denied that flogging was an authentic custom of the Ovambo. In the only response offered by the traditional authorities, Gabriel Katamba, a senior headman for the Okwanyama, asserted that public flogging could be of any duration and given for any reason. This came somewhat closer to the historical experience of corporal punishment

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78 Soggot, *Namibia: The Violent Heritage*, 73.
in the region, but it was brushed aside in the court’s ruling. As Rumpff argued in his published decision on the case, “It is not necessary to consider the disputes concerning tribal law and custom that have sprung up in the present case. I think it should be pointed out, however, that although corporal punishment may be permissible in certain cases according to tribal law and custom, a tribal court ought not to impose a method or form of punishment that is contrary to accepted present day norms of humane treatment of offenders.”

And with that, the era of judicial corporal punishment in Ovamboland came to a crashing end. It is likely that the *epokolo* was still occasionally used on criminals during the fifteen-year period between the court ruling and the independence of Namibia, but no one I spoke with in Ovamboland could recall any specific instance of such punishment occurring. This may have been the case in part because the late 1970s and 1980s were marked by an escalation of armed conflict between the South African state and SWAPO; the so-called Border War demanded a stronger military and police presence in the region. Additionally, the failure of the homelands strategy in placating the regime’s many critics forced another change in tactics. Just a few months after the court issued its ruling in the floggings case, the colonial state began throwing its support behind a new form of political organization in Namibia; the Democratic Turnhalle Alliance (DTA) which resulted from these talks would offer a new vision of the country’s future based around pan-ethnic democracy rather than self-governing tribalism.

But it was not only the South African state that sidelined the traditional authorities. One of the great ironies of the floggings case is that by the time the court in

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81 Ruling of C.J. Rumpff, 22.
82 Dobell, *SWAPO’s Struggle for Namibia*, 56-62.
Bloemfontein issued its ruling, almost all the people protected by the court’s decision had already left the country. With the collapse of the Portuguese military dictatorship in April 1974, the border between Angola, soon to gain its own independence, and Namibia was finally opened. In response most of the leading Youth League activists, along with several thousand other young Ovambo men and women, fled the country. They would eventually meet up with SWAPO leadership in exile, which had set up camps around the Zambian capital of Lusaka. As soon as they left the country, the Youth Leaguers, radicalized and angered by the floggings to which they had been subjected, demanded military training. As Keshii Nathanael explained, “The flogging legitimated violence because the hope for a peaceful solution was no longer possible. When we left the country [in 1974] the only purpose was to get military training and go back to fight. Before we were just revolting against the system…but we also urged people not to use violence.”

Almost immediately, the turn towards violence manifested itself in the targeting of the very traditional authorities who had ordered and supervised the 1973 floggings. In August of 1975, Filemon Elifas, the Ndongan king who had overseen the beating of several activists, was gunned down by SWAPO operatives. Explaining the thinking of SWAPO at the time, Ndaxu Namoloh observed, “Any puppet who does not support our cause, whether he is a chief or not a chief, agents of the enemy, they will be dealt with equally…. [Elifas] was an obstacle to our cause! Whoever becomes an obstacle we have to overcome that. Even if my father was an obstacle, I would never hesitate.”

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83 Nathanael, July 5, 2007 interview.
84 Cooper, *Ovambo Politics in the Twentieth Century*, 283.
85 Namoloh, interview.
Subjects against chiefs, sons against fathers—the nationalist movement was prepared to attack the very bonds of community and relationships of power that had defined Ovamboland in the long years prior to the era of politics. The political activists who stood at the vanguard of this movement had reached this position of power and influence thanks in large part to their opposition to the migrant labor system and their promises to improve the standard of living for all Ovambo men and women. Now that political repression and a desire for vengeance had pushed the politicians into exile, the movement’s final shape would be largely determined by events in Angola, Zambia, Tanzania and New York. In Ovamboland, the men and women of the plains, having seen the decline and defeat of their traditional authorities, awaited the outcome.
Chapter Three

Farm Boys and Mine Workers: TheGendering of the Migrant Labor Body

Throughout the hundreds of kilometers of barren land that stretch from the diamond mines of Oranjemund in the far south to the lead and copper mines of Tsumeb in the north, the deserts and savannahs of Namibia can appear hard and unyielding, their ancient rock formations and massive termite hills the only landmarks in a sunburnt and haunted landscape. Over most of this terrain, rainfall is so rare that even the ravines, helpfully labeled “rivers” by small road signs, appear as little more than dried out riverbeds, marking the zones where, perhaps thousands of years ago, rainfall graced the country at more regular intervals. Now they are left to ornament the pockmarked canals of parched earth that lie empty year-round, save for those rare, blessed moments in February and March, when storm clouds burst over the horizon, angrily pelting the land before vanishing once again.

North of Tsumeb and beyond the gate at Oshivelol, where Ovamboland begins, the land changes, flattening out and sprouting vegetation around the shallow oshanas, ponds of water filled by annual floods that come tumbling into the country from southern Angola during each rainy season. Around these translucent pools rise hundreds upon hundreds of Makalani palm trees, unknown in the south, whose roots tap ever deeper into the soil in search of the water that strengthens and hardens their branches and petioles—theomapokolo so often cut down and used for the fencing of homesteads, the herding of cattle, and the punishment of criminals. This periodic flooding that defines and shapes daily life for the inhabitants of the northern plains makes possible a hardscrabble existence of subsistence farming through the cultivation of millet. Pounded into flour and
cooked into a thick paste called *oshifima*, millet grains are the central ingredient of the traditional diet of the region, though they are often supplemented by meat from chickens, cows, goats, and dogs, as well as the tiny fish gathered from nearby *oshanas* after the annual floods.

Such fare often makes for a hard and unsentimental livelihood, where seemingly everything of value is culled from a few ubiquitous resources. Trade networks, stretching back centuries, thus proved critical in creating the kind of material abundance and diversity that separates rich from poor and the powerful from the weak. As Harri Siiskonen has documented, nineteenth century sources attest to the presence of vibrant long-distance trade routes with the Herero to the south and the Nyaneka and Nkhumbi to the north, which brought into Ovamboland large quantities of cattle, tobacco, and ostrich egg shells, amongst other goods.\(^1\) Because the kings and headmen of the plains monopolized access to these routes, they often hoarded the surpluses, marking their status in the community through their impressive cattle herds and stashes of exotic imports.

By the 1860s and 1870s, the most lucrative trading shifted towards the Europeans who began pressing into the region from Portuguese-controlled Angola, British-controlled South Africa, and the nearest access to the sea at Walvis Bay. These traders brought with them impressive supplies of rifles, alcohol, and clothing, the latter of which quickly became a prominent marker of prestige for the most powerful of Ovambo royalty. Yet the kings’ grip over control of the trade routes could not hold in the face of European encroachment. If the late nineteenth and early twentieth centuries did not witness the political subordination of the kingdoms of Ovamboland, its economic servitude was ensured by German control of the land south of Oshivelo and the military defeat of the

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\(^1\) Siiskonen, *Trade and Socioeconomic Change in Ovamboland*, 74-82.
Herero and Nama. With the development of a lucrative mining industry in the early twentieth century, many Ovambo men eagerly entered the migrant labor system, determined to earn the cash that could ensure not only the maintenance and well-being of their families, but also access to the Western goods and clothing that had, up until then, exclusively been an indulgence of the traditional authorities.2

This system of migrant labor, which had first emerged during the last years of German colonial rule south of Ovamboland, intensified in the years following South African colonization. According to Allan D. Cooper, from 1926 to 1938, the Southern Labor Organization (SLO), one of two main labor recruitment agencies in the region, inducted more than 43,000 Ovambo men into mine, factory, and farm work,3 effecting a transformation that simultaneously revolutionized Ovambo society along capitalist lines while drawing its workforce into economic relationships that were increasingly characterized by exploitation and brutality. In this process, the territory’s immense, arid landscape served to emancipate migrant workers from the direct control of traditional authorities back home while also placing a vast ocean of sand and heat between these laborers and the kin networks that could provide protection against mistreatment from cruel bosses and overseers. This alienation finds poignant expression in the many letters that Ovambo migrant laborers in the south wrote, or often had written for them, to leading colonial administrators throughout the twentieth century. Obligated to serve out contracts lasting as long as 24 months, many Ovambo laborers grew desperate in their sadness and isolation. “If master will not help I will go away in the world or kill myself,” one contract worker wrote to Harold Eedes, the Native Commissioner of Ovamboland, in

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2 Siiskonen, *Trade and Socioeconomic Change in Ovamboland*, 229-236.
3 Cooper, *Ovambo Politics in the Twentieth Century*, 100.
1951 after his boss refused to release him when his period of employment was over. Another who had been abused by his employer declared “I do not know where to go again. Sometimes I may die in the bush.” A third lamented his mistreatment on a white man’s farm: “I do not know what I must do….I do think of giving my flesh to the birds of the air and to the jackals. Perhaps this would be better.”4 Such messages regularly traversed the barren lands between north and south, covering distances that could seem incomprehensibly vast to contract workers living far from home.

It was a journey undertaken many times by Simeon Simon, born in the Kwanyama area in 1932. At the age of 20 he began working on contract in the diamond mines of Oranjemund, eventually moving his way up into a supervisory position, which he held from 1977 until his retirement in 1986. Through those long years of migration and distance, Tate Simeon’s growing family bore the strains of his absences, like the rings on a tree—five of his children were born in January, a reflection of the fact that while on contract he was only permitted to journey home to see his wife each April. Nonetheless, Simeon’s years of grueling labor in the mines paid off; when I visited him in 2009, he was happily living in a large homestead in the village of Omusheshe, near Ongwediva. One of the most respected men in the region, Simeon oversaw the distribution of United Nations food aid to the village’s many poor families, most of whom lived without electricity or indoor plumbing. For his part, Simeon had the latter but not the former—at that time the Namibian government had ignored requests to bring electric lines to the village.

The first night I met Tate Simeon, he greeted me warmly and, though he spoke little English and I knew only a little Oshiwambo, we sat together in the darkness of his

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4 “Complaints from Workers Against Employers, Maltahöhe District,” NAN, SWAA 451, A. 50/75/33/9.
living room, where he produced a handheld battery operated cassette tape player.

Together we listened to the choir of his church sing Christian hymns in Oshiwambo, the beautiful strains of the music gently gliding through the evening air and perhaps breaking down a few of the cultural barriers that stood between us. When he learned that I was interested in understanding the history of the *epokolo* in Ovamboland, Tate Simeon sang a song for me, which he says he first heard in 1954:

<table>
<thead>
<tr>
<th>Silas Iipumbu</th>
<th>Silas Iipumbu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oshike waninga nayi</td>
<td>What did you do wrong</td>
</tr>
<tr>
<td>Wetu sitambitha omanyala</td>
<td>You took our fingerprints</td>
</tr>
<tr>
<td>Wetu sitambitha omanyala</td>
<td>You took our fingerprints</td>
</tr>
<tr>
<td>Ya ye omapokolo</td>
<td>Ooh God <em>omapokolo</em></td>
</tr>
<tr>
<td>Ya ye omapokolo</td>
<td>Ooh God <em>omapokolo</em></td>
</tr>
<tr>
<td>Wetu dingitha omapokolo</td>
<td>You beat us with <em>omapokolo</em></td>
</tr>
<tr>
<td>Wetu dingitha omapokolo</td>
<td>You beat us with <em>omapokolo</em></td>
</tr>
</tbody>
</table>

Unlike many of their neighbors, Tate Simeon and his wife Rachel had both long disapproved of the use of corporal punishment in the region, explaining that they regarded it as inhumane, un-Christian, and ineffective. “They used to judge people based on where they came from,” Meme Rachel told me. “Sometimes a person was accused of something, but it [was] not true. So they just punished him for nothing.”

Kernels of such popular resistance to corporal punishment are contained in Tate Simeon’s song, which references a notorious senior headman from the Kwambi area, Silas Iipumbu, who was known to beat people with the *epokolo*. But as this song testifies, he was also known for collaborating with the colonial regime by collecting the fingerprints of men in the region for the passbooks which all Namibians were required to carry by law and which were central to the experience of migrant laborers. Insofar as the

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5 Simon, interview.
traditional authorities earned money for recruiting workers for the south, they were regarded as having literally sold the bodies of their subjects to Europeans for profit.\(^7\)

Yet the song can also be interpreted as an expression of weary resignation in the face of these abuses. For the migrant laborer life could often be a deeply emasculating experience through which the manhood of migrant laborers was physically degraded by humiliating bodily examinations and frequent whippings, and symbolically undermined by the enforced absence of husbands and fathers from their wives and children. Such maltreatment made the migrant workers a politically powerful force, but it also subtly shaped the gendered expectations of the nationalist movement, which enjoyed much stronger links with the mine and factory workers than with those who toiled away on the many sheep farms of southern Namibia. These distinctions were critical to the gendered interpretations of nationhood encouraged by the nationalist movement, precisely because they corresponded to physical and economic differences amongst the migrant workforce that were shaped by the labor recruitment process.

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If the political activists’ encounter with the *epokolo* served as a rite of initiation into the living martyrdom of the anti-colonial struggle, the labor recruitment process offered prospective migrant workers a baptism of a very different kind, into a wage labor livelihood marked by isolation, abuse and exploitation. For the many retired migrant

\(^7\) As Allan D. Cooper notes, from its early years headmen were paid small sums for each laborer from their district recruited into contract work. There thus existed direct compensation to the traditional authorities for the recruitment of contract laborers, in addition to indirect benefits that fell to the kings and headmen for complying with the wishes of the colonial government and the leading labor recruitment agencies. Cooper, *Ovambo Politics in the Twentieth Century*, 7. See also “Recruiting: Farm Labor: Encouragement Of,” NAN, NAO 74, 35/1, 1.
workers I interviewed, the physical examinations required prior to taking up contract
work remained seared into their consciousness, a painful humiliation not soon forgotten.
In the early years of South African colonial rule, white administrators had sought to bring
greater rationality and efficiency to the labor recruitment process in Ovamboland, which
throughout the twentieth century served as the predominant source of migrant labor for
the colony. In response to complaints of labor shortages from mine owners in the south,
in 1921 the colonial administration placed a medical officer at Ondangwa in order to
conduct physical examinations of labor recruits that would be used to determine which
workers would be assigned to mine work (labeled “Class A”), which would be sent into
factories, hotels and domestic service, or to lighter forms of labor in the mines (“Class
B”) and which would be sent to work on farms (“Class C”). 8 These categories
corresponded to the relative physical strength and health of potential workers as
determined by the presiding doctors and recruitment officers. In the parlance of these
officials, “children” and “weaklings” had to be weeded out from the labor pool, either
returned back home and marked as “rejected,” or sent into farm labor, which as “Class C”
employment, offered lower wages than either “Class A” or “Class B” work. Describing
the process by which he evaluated potential labor recruits, in 1924 the medical officer at
Ondangwa noted that “natives after having stripped, I examine their hearts, lungs,
eyesight and see whether they are free from venereal disease. Such as I do not consider to
be of the necessary physical standard of fitness are rejected and sent back to their kraals.”
When mine owners complained that they were being sent too many “weaklings,” the
medical officer commented that “many piccanins have been passed by me but I certainly

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8 “Removal of office of Officer in Charge, Native Affairs, from Tsumeb to Ondonga,” NAN, NAO 3, 2.1, vol. 1.
do not recollect having passed weaklings and children.” Clarifying where the dividing line between “weaklings and children” and “piccanins” could be found, the officer remarked that he “picked out the smallest stamp of piccanin which I let on average pass. I weighed this boy and he scaled 108 lbs.”

Such detached commentary by white officials concealed a process that could be positively traumatic for the young men who submitted themselves to contract work. Coming from a culture that prizes sexual modesty, many former migrant laborers find it difficult to express in words their discomfort with the medical examinations mandated by the labor recruitment process. “You had to go for the medical checkup before you could go to the south,” Aaron Kalandulwa explained to me. “We had to take off all our clothes, and we had to walk towards the wall bent over and the examiner went behind and checked our private parts….The process was long. And then this guy would go and squeeze out from our things [penises].” These examinations, done in large rooms in Ondangwa where men were forced to undress in front of one another, were a sharp reminder of white occupation and black subordination. As one contract worker put it for me, “Because of colonialism we had to take off our clothes.” When I asked this man why he or his fellow workers had not protested against this treatment, he answered simply, “We had no choice because we had poverty. You just want to go and work and come home with something to feed your family, so you can get something for yourself and support yourself.”

Yet paradoxically, the desire of contract workers to support their families also robbed them of the ability to rule their homesteads in the manner of their forefathers. As

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11 Yamushila, interview.
more and more Ovambo men journeyed south on contract, women who were not allowed to accompany their husbands took on more responsibility back home. When I asked Alfeus Ambata how he felt about being separated from his family while on contract, he laughed and said, “We would never want the wife to leave the field house and go to stay in Oranjemund. Then who would look after the fields? You would never want your wife to leave the house empty.”  

Yet even from such a distance, men continued to find ways to perform their roles as breadwinners and providers, primarily through the dispensation of wages earned while on the job. These were never exorbitant—by the early 1950s, newly recruited “Class A” workers were earning 30 shillings per month, roughly double what “Class C” laborers brought in—but the arrival of these remittances could mean the difference between relative comfort and penury for families back home.  

Swama Eliaser recalled how, during the many years her husband worked on contract in the diamond mines of Oranjemund, he would send back money and clothes for her and their children. “We used to collect the things at Ondangwa,” she explained. “For me it was enough.”  

Under the migrant labor system a worker’s wages increased with further experience; with patience and luck the monthly wages might eventually be enough to pay for farm equipment capable of increasing the yield of the annual millet harvest. Perhaps for this reason, there was a certain pride and status that came with being a mine worker—although the danger of serious injury was always present, there was solidarity amongst the miners and regular pay. When a worker’s contracted period was up, he often made a good impression on his return home, wearing new clothes and shoes that were sure to

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14 Eliaser, interview.
garner the respect of neighbors and family members. “I had three siblings who went as contract workers and when they came back, they came back with nice fashionable shoes and socks,” Onesmus Fotolela told me. “And I was like ‘Oh wow, there is something which is nice on the other side.’ That’s when I decided I must also go and join the contract work so I can pay for those fashionable things.”

In the early years of the contract labor system, the vast majority of workers went into the mines, which had become the engine for the colony’s economic growth. Yet as Cooper has shown, the 1930s in particular saw a shift away from mining employment and towards white-owned farms, a product of the emerging karakul sheep industry and the economic depression that badly affected the mining sector. This can be seen most dramatically through the growing number of workers categorized as “Class C” by the medical officer at Ondangwa during the late 1930s and early 1940s (see Figure 2).

Whereas in 1935, just 6.7 percent of the 1,952 men selected for contract work were designated as “Class C,” by 1942 that figure had jumped to a staggering 84 percent, with 5,166 men categorized as farm workers. Statistics for 1943 and 1944 are incomplete, but in 1945 and 1946 the percentage of “Class C” recruits held steady at 82.9 and 79.8 percent of all contract workers, respectively. The percentage of migrant laborers sent to farms declined in the late 1940s, when administrative records once again become spotty, but existing evidence shows that the farming sector’s demand for Ovambo labor remained robust over the next two decades. While in 1960, “Class C” recruits comprised

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just 15.2 percent of the total migrant labor workforce, well off the highs of the 1940s, the raw number given that designation remained strong at 3,776.\(^{17}\)

![Percentage of Ovambo "Class C" Workers, 1935-1946](image)

Given such extreme fluctuations in the number of recruits designated as “Class C,” it is clear that the patterns were shaped primarily by the needs of the colonial economy rather than any objective assessment of the strength and health of the young men who presented themselves to the medical officer at Ondangwa. In 1943, for instance, the District Surgeon of Ovamboland noted that “These categories are not medical, the ‘C’ class containing boys who might well be ‘A’ in a medical classification.”\(^{19}\) Nonetheless, there were certain physical attributes that made an individual more likely to be grouped in one classification rather than another, as Juuso Katangolo, who worked in the 1950s as a clerk for the South West Africa Native Labor Association (SWANLA), which was then

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17 “Mediese Ondersoek en Klassifikasie van E.T. en N. Inboorlingrekrute,” NAN, HEA 123, 12/12/2/1.
18 Statistics taken from annual and monthly reports issued by the presiding Ondangwa medical officer to the Native Affairs Commissioner of Ovamboland. See NAN, NAO 36, 37, and 65. Figures for 1943 and 1944 are incomplete, as the Namibian National Archives as of 2009 were missing the monthly reports for September and December of 1943 and June and July of 1944.
the leading labor recruitment organization in the territory, explained. Responsible for
aiding in the classification system, Katangolo said that “Class A” recruits were mainly
“those giant, huge people, like you,” pointing to me and referring to my six-foot, seven-
inech frame. By contrast, “Class C” workers were “piccaninnies, those little boys, on the
farm.” As Katangolo made clear, those who were younger, those who were smaller, were
the ones most likely to be designated “Class C.”

They were also most likely to suffer physical abuse at the hands of their
employers. As a SWANLA clerk, Katangolo heard the complaints many times. While
mine workers were more likely to object to low wages, for farm workers, the problems
were significantly more existential. “They were treated badly badly,” Katangolo
emphasized to me. “If I tell you the truth, the white people used to treat them so badly.
And they beat them also. If they didn’t beat black people, they didn’t feel good. So they
had to beat them up.” For those who ran away from such mistreatment, there were many
other obstacles to be overcome in the long journey from the farms of the south back to
Ovamboland. “You will be eaten up by the lions,” Katangolo insisted. “Second thing, [if
you make it back] the king will have to send you back, and the king will have to make
you pay.”

Yet the disposition of the traditional authorities was not always so clear-cut. In the
daily struggle for survival and dignity on white-owned farms, many of the traditional
authorities were enemies of the workers, their collaboration with the colonial regime and
their profiting from the contract labor system guaranteeing their opposition to worker
resistance. In other cases, however, the kings and headmen did attempt to address worker

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20 Katangolo, interview.
21 Katangolo, interview.
complaints. In 1944, for instance, Ushona ya Shimi, the heir apparent to the Ngandjera throne, traveled to Windhoek to meet with his subjects working on contract there.\textsuperscript{22} Such interactions often provided the opportunity for workers to relay complaints to the colonial administration, though the archives only sporadically attest to such interventions by the traditional authorities. In 1950, the secretary for King Kambonde of Ndonga brought to Eedes’ attention rumors that a contract worker had gone missing from the Omaruru farm where he was employed.\textsuperscript{23}

It is virtually impossible to gauge the extent of such second-hand reporting given the biases inherent in the official archive; what we do know is that many farm workers chose to register their complaints directly with the Native Commissioner. Most of these letters were not saved, but some, especially from the late 1940s and early 1950s, survive in the National Archives, and they speak to a degree of physical degradation and cruelty largely unknown in the mines. To be sure, there are a few letters from mine and factory workers to be found in the archives as well, delivering complaints of poor wages and long hours of work without rest. As one contract worker employed in Windhoek put it to Eedes in 1952, “Sir, you have sent us down here to come and work for one shilling per working day. This one shilling per day is helpless because nowadays everything is too expensive.”\textsuperscript{24}

Such testimonials are dwarfed in number and desperation by the many dispatches sent to Eedes from farm workers detailing routine and systematic physical abuse—from frequent beatings and lack of food to threats of severe bodily harm and death. “I am being tortured by my Master,” an Ovambo farm worker named Josef Johannes complained to

\textsuperscript{22} “Chiefs & Headmen, Ondandjera,” NAN, NAO 10, 5/4.
\textsuperscript{23} “Complaints from Workers against Employers, Omaruru,” NAN, SWAA 452, A.50/75/33/11.
\textsuperscript{24} “Complaints from Workers against Employers, Walvis Bay,” NAN, SWAA 453, A.50/75/33/17.
Eedes in 1950. “I am very sick and cannot afford to work, but still I am made to work and to be beaten….I am beaten because I am sick. I have got some pain in my stomach. The sickness has caused the skin of my stomach and back to stretch out hard. Whenever I approach my Master and tell him to take me to the Hospital he refuses it. He only says to beat me.” One year earlier another farm laborer, Joel Luben, wrote to Eedes that “I am not sick, no, but I am being tortured by my master….I was beaten by the man who caused his two dogs to bite me on the legs. I went to the office at Grootfontein. The Sergeant said that he had never seen a person in his life bitten by a dog and that I must have beaten myself….I have informed you about it so you may know it. Although you have put a stop to the desertion from the south, saying that we must not desert, myself will certainly desert. To be killed by a white man and to be eaten up by a lion—is all alike—it is equal to death….Please, please, please, please, please master, please help me in this difficulty.”

Such prostrations rarely elicited the response hoped for by workers; the files of complaints are filled with memoranda indicating that cursory investigations of the charges failed to corroborate the allegations. Indeed, Luben’s letter served mainly to spark a bureaucratic squabble between the Native Commissioner of Ovamboland and the commissioner of the district where Luben was working over who should be the primary recipient of such complaints. Yet what is particularly striking about these letters is the frequency with which these young male laborers alleged physical abuse not only at the hands of white farmers, but also from their wives. In another letter written to Eedes around the same time, Luben alleged a series of beatings at the hands of his employer’s wife. “Again on the 4th October, 1949, the woman started beating me,” Luben wrote.

25 “Complaints from Workers against Employers, Maltahöhe District.”
“Again on the 6th October, 1949, the woman beat me. Again on the 13th October, 1949, she beat me and all that time she had beaten me not having done anything wrong and this is quite true. I do perform my work very well….Also on the 5th November and the 10th December the woman has beaten me. Again during the month of December, she chased me from work. She said that I was stink and I must no enter her house.” 26 Laying these charges before Eedes, Luben once again threatened to desert.

Other Ovambo farm workers facing violence at the hands of white women made threats of a different kind. In a 1954 letter, one worker wrote, “This master has a very bad wife. This is because she is always pulling my ears….Today I wish to tell you sir that if you happen to hear some news that a Mrs. has been killed at Maltahöhe by an Ovambo you may be sure that it is I who has killed the Mrs.” Another farm worker in Maltahöhe wrote in 1952 that “The Mrs. for whom I am working wants to put me into trouble as far as I can see it. She always attempts to beat me and she always cursing me. I therefore have written to inform you about it before an accident arises between us. This is because I know that if I catch her, an accident will take place.” 27

Such threats can be interpreted as strategic cues intended to gain a response from white officials or as authentic anger over pathological abuse. In either case, black violence against white bosses and overseers was the exception rather than the norm. What survives today in the oral histories of farm laborers is not physical retaliation against abusive employers, but rather the painful memory of Ovambo men killed in anonymity on the sheep farms of southern Namibia. “Some of the workers were killed,” Tuafeni Gottlieb, who worked on a farm outside of Windhoek during the 1950s, told me. “Some

26 “Complaints from Workers against Employers, Maltahöhe District.”
27 “Complaints from Workers against Employers, Maltahöhe District.”
were cooked so that the pigs can eat.”\textsuperscript{28} Aaron Kalandulwa, who came to the south during the 1960s and 1970s, heard similar stories. “Some [workers] didn’t come back to the north,” he told me. “Some were even killed.” While Kalandulwa told me he never experienced the kind of violence that could endanger his life, he did admit to having been beaten “many times” during his years as a contract worker. “The boss will beat you according to how he wants to beat you,” he told me. “Some will give you a hard clap. Some will kick your ass.”\textsuperscript{29}

Fed to animals, left to die in the bush, beaten repeatedly by male and female bosses alike, the experiences of Ovambo farm workers are conveyed through the language of dehumanization and emasculation. Yet, unlike the heroic narratives of political activists beaten with the \textit{epokolo}, in listening to these stories and reading these letters, one does not get any sense of empowerment emerging from these ordeals. This may in some sense be the result of the totalizing power that the contract labor regime imparted to its primary agents. Whereas the power of kings and headmen over the bodies of their subjects ended with the \textit{epokolo} as the final implement of traditional justice, the Western legal system that thrived within the Police Zone maintained its grip over its targets throughout the duration of contracts that lasted anywhere from one to two years. In the contract laborer’s world, there was no respite from white authority. Workers who complained about being beaten by their bosses were likely to be beaten again by the police. Men who attempted to desert the farms were sure either to be caught, punished, and sent back to their bosses, or, upon their return to Ovamboland, rounded up by a headman and sent back south. Perhaps this is why the letters of contract workers so often

\begin{footnotesize}
\begin{enumerate}
\item Tuafeni Gottlieb, interview by David Crawford Jones. Omahai, Namibia, November 6, 2009 in Omahai.
\item Kalandulwa, interview.
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imagine an end in which the worker is consumed by hungry lions, jackals, or pigs; at least that kind of death would not occur at the hands of the white man. Faced with such grim options, many men agreed with Kalandulwa, who explained that in response to the beatings he endured he realized that “You must just take it and wait until your contract is over.”

In such circumstances, courage was often found in basic assertions of human dignity. The many farm workers who wrote to the Native Commissioner to complain of their treatment risked much simply by airing their grievances. Many of the letters that survive today in the Namibian National Archives bear the stamp of the magistrate for the district where the men were employed, who were forwarded such complaints by the Native Commissioner of Ovamboland. Yet these local authorities, too, could be a constant source of danger, for in many cases it was they who whipped countless farm workers who objected to their treatment. As a contract worker who signed his letter with the name Arekisii Sivute explained to Eedes in a 1950 letter that echoed many similar complaints, “And we go to Magistrate in judge they beated me only and what can I do then.” To men such as Sivute, the beatings they endured at the hands of the authorities were in many ways indistinguishable from those they suffered from their bosses. “We are in the service of a bad master who is torturing us,” farm workers from the Karibib vicinity wrote to Eedes in December of 1950. “As you have told us that any person who may go to a bad master should go to the office and if he did not receive any justification from there he should write to you. We have been at the office but we did not receive any

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30 Kalandulwa, interview.
31 “Complaints from Workers against Employers, Maltahöhe District.”
justification. We only had to be beaten and put in the lock-up.”32 Two years later, another farm worker in the Maltahöhe district wrote in a similar vein, “When we appealed to the office at Maltahöhe we were merely beaten. There is no judgment there at all.”33

Yet what appeared to the contract workers as simply more of the same, was to the state the proper administration of justice. Of all the silences that marked the scandal over the epokolo, surely the most striking was the fact that corporal punishment had been a central ingredient of white justice in the colony throughout the twentieth century. From the early years of South African rule, the legal code permitted whipping at the discretion of white judges, who at first were allowed to sentence individuals to be beaten as many as fifteen times with a whip or “light cane.”34 Subsequent laws passed during the 1960s and 1970s restricted the number of allowable strokes to ten35 and finally to seven.36 All whippings were to be carried out in private, and no women were to be sentenced to corporal punishment; by 1977, the law stipulated that men over the age of thirty were not to be whipped, and canings were also to be avoided in cases where the district surgeon determined that the health of the convict was not fit enough to receive such a sentence. Under the laws, male juveniles could be given a “moderate correction” with a whip, for which his parents were permitted to serve as witnesses.37

As a sentence whipping could be handed down for many different offenses, and throughout the twentieth century both black and white males could be beaten in private

32 “Complaints from Workers against Employers, Karabib District,” NAN, SWAA 451, A.50/75/33/6.
33 “Complaints from Workers against Employers, Maltahöhe District.”
35 “Ordinance No. 34 of 1963,” Ordinances Passed by the Legislative Assembly during 1963 (Windhoek: Published by order of his Honour the Administrator of South West Africa, 1963), 1068-1072.
37 “Criminal Procedure Act 51 of 1977,” 196.
on the order of a court. By the 1960s and 1970s white whipping was rare enough that, when it did occur, it often occasioned public comment. In June 1962, for example, the *Windhoek Advertiser* ran a story about Helmut Kitt, a 19-year-old white man who had been found guilty of giving liquor to a non-white outside of a hotel in Otjiwarongo. According to the story, Kitt was sentenced to “six cuts with a light cane” by the local Magistrate.\(^{38}\) Sentences of corporal punishment also occurred in Windhoek itself, where in December 1962, the *Advertiser* reported, seven “native youths” employed by the Roads Department were found guilty of illegally setting traps for nearby game. All seven youths pled guilty and were sentenced “to eight cuts with a light cane.”\(^{39}\)

Yet beyond such news stories, which drew the attention of readers in the capital to the existence of judicial whipping in their own communities, there lurked a much larger corporal punishment complex that stretched across the territory, encompassing thousands of such sentences throughout the twentieth century. My attention was first drawn to this issue through my interviews with retired contract workers who had either heard about or themselves endured such punishments while working in the south. Curious as to the extent of this phenomenon, I decided to survey the court documents of one typical town, Keetmanshoop, for which substantial judicial records were available. Today encompassing roughly 15,000 residents, Keetmanshoop, located roughly 500 kilometers south of Windhoek, had been one of the predominant destinations for “Class C” migrant workers throughout the colonial period. Like other sheep-farming districts, the town had witnessed robust economic growth during the 1930s and 1940s, when the karakul business took off, and had remained a primary epicenter for the industry in Namibia. It


was also characteristic of the south for its fundamental isolation—located on the outskirts of the Kalahari desert, the town is surrounded by largely uninhabited and barren land that receives only about six inches of rainfall every year. Besides the Ovambo migrant workers who lived there, during the colonial period the district was mainly home to Nama, Herero, and Coloured peoples, as well as white farmers of German and Afrikaner ancestry. In 1950, the non-white population of the district constituted 9,896 people, of which 56 percent were Nama, 18 percent Coloured, nine percent Herero, six percent Ovambo, and almost ten percent Damara. 40

I was able to review all the criminal cases heard by the Keetmanshoop magistrate from 1918 to 1975, with the exception of the last two months of 1973, where records were not available. This comprised a total of 56,907 cases, of which 3,084 ended in a guilty verdict with a sentence of flogging, the first of these coming on January 18, 1918, when a 34-year-old man was given a seven-cut sentence on a conviction of theft. Figure 3 shows the year-by-year trend in the number of floggings sentences meted out by the court.

Used only sparingly during the 1920s and 1930s, the number of whipping sentencings jumped dramatically in the mid-1940s, around the same time that more Ovambo workers began migrating to the region for work. A closer examination of the ethnicity of whipping victims confirms the correlation. From 1918 to 1943, I was able to identify only 69 Ovambos who were whipped by an order of the court. (The ethnicity of each defendant was, in most cases, listed in the criminal record book. In a few cases where the ethnicity was illegible or unidentified, I was able to determine the background of the convict based on other information, such as the etymology of the defendant’s name.) In 1944 alone, 67 Ovambos were whipped; the following year the figure jumps to 128, or 66 percent of the total number of beatings for that year. This figure is all out of proportion to the number of Ovambos living in the region. According to administrative records, in

Figure 3\textsuperscript{41}

\textsuperscript{41} Figures based on my review of the criminal record books for the town of Keetmanshoop from 1918 to 1975. The only months for which records were not available were November and December of 1973. NAN, LKE 1.3.1-1.3.100.
1945 there were only 1,386 Ovambos living in the Keetmanshoop district, just 12.5 percent of the area’s non-white inhabitants.42

Why, then, were Ovambos more likely to be whipped than any other population group living in the district? The answer can be found in the idiosyncracies of the contract labor system. Most of the Nama and Coloured populations of Keetmanshoop, and many of the Herero and Damara living in the area, were indigenous to the region. By contrast, all of the Ovambos living in Keetmanshoop were employed as contract workers either in the town, or more often, on one of the district’s many farms. As employees, Ovambo laborers were subjected to the harsh provisions of the Masters and Servants Act, a notorious piece of legislation passed in 1920 that made it illegal for workers on contract to disobey a boss’s order, absent themselves from or desert their place of employment, become intoxicated on the job, show negligence in the performance of their duties, or use abusive language, to name just some of the most oft-violated provisions of the act.43

Prior to the development of the karakul industry, when Ovambo migrant laborers were rare in the region, whipping sentences were most commonly handed out to young Nama men who had been found guilty of theft, housebreaking, or assault. From 1918 to 1933, only five individuals were beaten for violating the Masters and Servants Act. Yet as more Ovambos moved into the area, corporal punishment became central to the disciplining of the region’s migrant labor force. This is reflected in the statistical breakdown of crimes committed by Ovambos flogged in Keetmanshoop’s jails throughout the twentieth century, shown in Figure 4.

42 “Annual Report for the Year 1945,” NAN, LKE 3/2/6, N. 1/15/6, 3.
Nearly four in five Ovambos beaten by court order from 1918 to 1975 had been found guilty of violating provisions of the Masters & Servants Act. By comparison, only 29 percent of non-Ovambo whipped in Keetmanshoop were charged with being in violation of the provisions of the act, thus making the Ovambo experience of corporal punishment particularly singular. Because violations of the Masters & Servants Act could emerge from the simplest misunderstandings and disagreements between workers and employers, the whippings that followed in their wake seemed particularly arbitrary or cruel to those who received them. Given such a context, it is not surprising that so many Ovambo farm laborers had difficulty understanding why they were whipped so often by the police.

“They hit very sore and sore but now I fell sorry for that,” Phillip Tulileni told Eedes of his whipping at a Maltahöhe courthouse in 1951. “What can I do now will kill myself or

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44 Figures based on my review of the criminal record books for the town of Keetmanshoop from 1918 to 1975. The only months for which records were not available were November and December of 1973. NAN, LKE 1.3.1-1.3.100.
what will I come there at Ovamboland with my feet Master H. Eedes…..Maltahöhe policeman said they do not care for kaffer.”

Such letters, written in halting and broken English, serve as their own poignant testimony to the humiliating and painful experience of judicial corporal punishment in southern Namibia. But in talking to some of the retired farm laborers beaten at the court, another voice emerges. In 2009, I interviewed Ipundaka Amomo twice at his homestead in Okaandje, part of the Kwanyama area of Ovamboland. Then seventy-seven years old, the first time we talked Amomo gripped an epokolo throughout our interview. When I asked him what he used it for, he said that now the epokolo serves as a cane: “My leg is not strong enough anymore,” he said. “If I leave the epokolo behind, I won’t have any balance.” Yet he also spoke at length about its history as a punitive device. When I asked him if he remembered a time when the epokolo had been used for corporal punishment, he responded sharply and with emphasis, “I don’t remember it. I know it.” He believed that in the days before national independence, the epokolo had ensured community respect for headmen. As he told me, “The respect was really there. Epokolo was the big boss.”

What had appeared as savage and inhumane to Westerners was a sign of order to Africans like Amomo; likewise, a European judicial penalty that seemed orderly and rational to whites in the south seemed arbitrary and cruel to Amomo. When I asked him whether he had ever been beaten by the epokolo, he shook his head and replied, “No, I was only whipped by a tall white Boer,” and then adding with a point of his finger, “Yeah, a tall white guy like you.” The whipping had taken place in Keetmanshoop in

45 “Complaints from Workers against Employers, Maltahöhe District.”
46 Amomo, July 31, 2009 interview.
the early 1950s, when Amomo, then a teenager, had worked on a sheep farm in the area with two other Ovambo men. His boss, he told me, was a “bad, cruel guy” who, it was said, had in the past killed Ovambo workers on his farm. “They had a paper from Ondangwa, that was written, ‘Don’t kill people anymore,’” Amomo remembered. “There was a certain time that this boss was not getting contract workers. We were the second or third group to come to the farm.” Amomo told me that he was beaten several times at the police station in Keetmanshoop, but his descriptions of these punishments betray none of the rationality that authorities associated with whipping as a judicial instrument. From his perspective, the agents for the state were merely extensions of his boss’s authority. “It was not actually him who beat us,” Amomo told me. “He paid someone at the police station to beat us.” When I asked whether he had been taken to court and charged with a crime, Amomo seemed to not understand the question. “Why would we go to court?” he asked me. “We were just contract workers….He will just report you, but that doesn’t mean you have to defend yourself. He will just report you and you will just be beaten and then taken back to the farms.”

During my conversations with Amomo, it became clear that he had been whipped multiple times by the police at Keetmanshoop, at least once for running away from the farm, and another time for an unknown reason. Unlike the politicians’ encounter with the *epokolo* during the 1970s, Amomo was unable to regard his own experience as a source of empowerment. “In those years we were not really regarded as people,” he told me. “We were slaves.” In that regard, Amomo told me that, indeed, the frequent whippings

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made him if anything a more compliant laborer. “You start running and work harder so you will not be whipped the same,” he said.\(^\text{48}\)

Why did Amomo reject any effort to frame his experiences on the farm near Keetmanshoop as part of his people’s political struggle, or as heroic resistance in the battle against colonialism? One reason, I suspect, was that whippings carried out in the privacy of a police cell lacked the kind of dramaturgical intensity that characterized the traditional authorities’ use of the *epokolo*. Political activists beaten in Ovamboland so often cast their experiences in Biblical terms not only because of the ideological constructs they brought to the experience, but also because, like the Passion of Christ, their pain was publicly enacted in a way that allowed observers to identify with their suffering. Of course, the reason that beatings with the *epokolo* were carried out in public was precisely because the traditional authorities believed that such exposure would have the opposite effect, of shaming and humiliating the activists. This volatility was fundamental to the institution of public corporal punishment in Ovamboland; the legal insistence in the south that such beatings remain private effectively neutered the institution there, ensuring that the routine abuse of contract workers remained hidden from public view.

But then, should the whippings in Keetmanshoop have been made public, what would the audience for such a spectacle have been? On the farms of the south, Ovambo contract workers were isolated both by the physical distances that separated them from home and the cultural barriers that marked them as a despised minority. After all, Keetmanshoop was home to a large number of Namas, Coloureds and Damaras, all of whom, according to Amomo, looked down upon the Ovambo migrant workers in their

\(^{48}\) Amomo, November 3, 2009 interview.
midst. Amomo told me that, in addition to the two other Ovambos employed at the farm, there were also several Bastards (Basters), the preferred term for the mixed-race populations indigenous to much of southern Namibia. As Amomo explained, “The communication was not there because at my farm there were Bastards, and of course a Bastard will look down upon an Ovambo.” What is most striking about that statement is the obligatory “of course,” indicating the absurdity of achieving anything like a kind of African unity against white oppression while working on a sheep farm, a thousand miles from home.

Thus, the division between public and private, essential to understanding the differences between African and European corporal punishment, also framed the ways in which farm laborers narrated and ultimately understood their own struggles. Like the distinction between politics and crime in the north, the personal and the political represented two competing worldviews that invested some kinds of suffering with larger resonance while relegating other forms of pain to the ideological shadows. Ipundaka Amomo experienced this divide for himself. When his body reached the point of full physical maturity, Amomo was designated a “Class A” worker and sent to work in the copper mines of Tsumeb, where he manned a machine that crushed rocks. He told me this with some pride, noting “at that time I was really strong.” When I asked him if he had ever been whipped by his boss in the mines, or by the magistrate in Tsumeb, Amomo stared at me incredulously. “No. Who would take me [to the court]? The mine is for the government, and the farmer is not for the government, it’s a person who is beating you. Working at the farm is a personal thing.”

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49 Amomo, November 3, 2009 interview.
50 Amomo, November 3, 2009 interview.
whippings in the jail cells of Keetmanshoop represented a personal humiliation at the hands of white police officers and white bosses.\textsuperscript{51}

These observations, shared by other contract workers with whom I spoke, are borne out by a review of court records in districts dominated by the mining industry. I sampled several years of records from the Tsumeb district, which consistently showed that corporal punishment was rarely given as a sentence by the local magistrate. In fact, from February 1936 to July 1939, a three-year period during which 74 people were flogged in Keetmanshoop, only six men were beaten in Tsumeb, none for violating the Masters and Servants Act.\textsuperscript{52} A fuller examination of the court records in districts such as Tsumeb and Oranjemund will be necessary to paint a more complete picture, but what is clear, both from oral and archival sources, is that the bodies of mine workers were much more protected from judicial violence than the bodies of farm laborers. Why was this the case? Without access to the reasoning of judicial officials, it is difficult to render an answer to this question, but it seems probable that the milder treatment of mine workers was partly a result of the more detached relationships between workers and bosses that prevailed in the mines. Additionally, mine workers were important to the colonial economy in a way that farm laborers were not, as reflected in part by the higher wages received by “Class A” and “Class B” workers. The profits from the mine industry, which save for a brief spell in the 1930s, almost always exceeded the territory’s karakul

\textsuperscript{51} In this regard, the relationships between farm workers and their bosses bears a close similarity to the patriarchal control of slave owners over their slaves. See, for instance, Clifton Crais, \textit{White Supremacy and Black Resistance in Pre-Industrial South Africa} (New York: Cambridge University Press, 1992), 59-63. Crais writes that, with the onset of British rule in the Eastern Cape, “‘the rule of law’ ultimately repudiated the colonial patriarchy upon which the identity of the master rested.” Yet I would also argue that the blurring of authority in towns like Keetmanshoop, where legal instruments of power appeared to be almost indistinguishable from patriarchal violence, constituted, from the Ovambo worker’s perspective, a regime that was simultaneously patriarchal and bureaucratic, personal and rational.

\textsuperscript{52} NAN, LTS 1.3.1-1.3.2.
industry, likewise ensured that the concerns of mine workers were given a better hearing than those sent to the farms. As we have seen, this was also the case with the nationalist movement, which would form strong connections with the workers’ compounds in the mining and urban areas, using them as a nexus for building the anti-colonial movement.

Nonetheless, it is not at all difficult to interpret the experiences of farm workers as a form of political resistance, and an effective one at that, to white domination. Such a narrative begins to emerge when we look more closely at the long-term trends in the deployment of corporal punishment in Keetmanshoop. After reaching its peak in the mid-1940s, the number of men whipped by the local magistrate declined dramatically. By 1960, just 25 people were beaten by a court order, 168 fewer than the 1945 peak. From there to the early 1970s, the number of court-imposed beatings increased yet again to a peak of 120 in 1971, yet this movement is also accompanied by another dramatic trend: the number of Ovambos being beaten was simultaneously declining to almost nothing. Figure 5 shows the trend more explicitly. It depicts the percentage of whipping sentences given to Ovambos compared to all the other population groups of the district.
The torturous yet steady decline of whippings of Ovambo laborers was almost certainly the product of an accumulation of small acts of resistance by farm laborers in the post-World War II period. Every attempt at escape, every treacherous journey from the south to the north—braving the dangers of hyenas, lions, dehydration and detection by the colonial police state—introduced into the system of corporal punishment inefficiencies that gave pause to white judges and administrators attempting to ensure a steady supply of labor to the farms of the territory. The colonial archive, unfortunately, is poorly situated to capture these individual rebellions, and thus we often find among its pages only a refracted glimpse at this phenomenon. But it is there nonetheless. In the early 1950s, as reports of beatings and mistreatment on the farms of the south spread throughout Ovamboland, the administration attempted to lure workers reluctant to go to the farms with a 10 shilling capitation fee. Yet this measure proved not to be enough, as

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53 Figures based on my review of the criminal record books for the town of Keetmanshoop from 1918 to 1975. NAN, LKE 1.3.1-1.3.100
the Kwanyama headmen reported to Eedes in October of 1952. “All headmen declare that they have done their best to encourage the young men to accept work on farms but their task is very awkward because the majority of labourers returning from farms complain that they have been badly treated and only a very few speak well of their farmer-employers.” When Eedes questioned the headmen for more details, they responded by noting that “complaints are mostly about undeserved hidings….It is most difficult to persuade young men to offer themselves for farm labour once they have been influenced by tales of cruelty and hardship.”54 These reports seem to have had an effect on judicial practice in Keetmanshoop. In 1951, 48 Ovambos were sentenced to whippings at the court, a figure that would never again be matched. Indeed, in 1960, only eight Ovambos were beaten by the Magistrate, and after a brief increase in the mid-1960s, the number of Ovambos flogged by an order of the court dwindled to almost nothing thereafter. From 1971 to 1975, a total of only 18 Ovambos were whipped in Keetmanshoop. This last and decisive decline in judicial canings of Ovambos was closely tied to the extinction of the Masters and Servants Act, which as we have seen was the primary cause for most judicial whipping of Ovambos during the twentieth century. This law was finally repealed in 1975,55 though it seems to have been a dead letter for several years prior to its annulment, at least in Keetmanshoop. The last Ovambo to be whipped for violating one of its provisions was Ndemuja Hivalwa, a 19-year-old contract worker given seven cuts for absenting himself from work on October 26, 1971.56

54 “Labour: General,” NAN, NAO 74, 35/1.
56 NAN, LKE 1.3.78.
Less than two months later, the pivotal strike of workers in Walvis Bay began. As we have seen, the origins of the strike, as well as the reinvigoration of SWAPO that accompanied it, first germinated in the workers’ compounds of the territory’s factories and mines, where labor radicalism took root. When the strike came to an end in 1972, the agreement reached between the government and some of the strike leaders addressed a few of the most common workers’ complaints. The worker classification system was eliminated, medical examinations would now be done one at a time rather than with large groups of men, and workers were now given unpaid home leave and the right to terminate their contract at any time.\footnote{Bauer, \textit{Labor and Democracy in Namibia}, 38-41.} All these changes represented concrete achievements of the anti-colonial movement, though they fell far short of the goals of the organizers of the strike. Additionally, the subsequent deportation and exile of political activists ensured that the focus of the anti-colonial movement would thereafter largely be directed elsewhere. As Gretchen Bauer has remarked of this period, “in the aftermath of the general strike life continued much as before for the workers of Namibia. The strike did not lead to an effort to achieve greater economic gain through organization; rather, the plight of ordinary workers continued to be subordinated to specific aims of the broader political struggle.”\footnote{Bauer, \textit{Labor and Democracy in Namibia}, 50.} Economic and political emancipation remained elusive throughout the country, and this extended to the continued existence of regimes of corporal punishment in the south. Indeed, the same week that Chief Justice Rumpff ordered the traditional authorities of Ovamboland to stop beating SWAPO activists, another white judge in Keetmanshoop ordered the whipping of a 17-year-old Nama boy found guilty of
theft. By 1975, it was not just Ovamboland that was grappling with distinctions between “politics” and “crime.”

The question remains, how did the historical and gendered experience of migrant laborers inform the nationalist movement? One answer to this elusive question can be found in the autobiographies of political activists. In the teleology of several struggle narratives, abuse on a white man’s farm often serves as a baptism into the world of political struggle, as the protagonist’s first exposure to the full and awful cruelty of colonialism and white racism. In A Journey To Exile, Keshìì Nathanael tells of his first, brief experience as a 15-year-old farm laborer in Karibib. Within a few hours of his arrival, Nathanael learns that his new employer has “blood on his hands,” and makes two attempts at escaping, the second successful. It is not until the following year that Nathanael reaches Walvis Bay, where his political education and radicalization takes full shape, setting into motion the events that will lead to his exile from the country. Likewise, Vinnia Ndadi’s memoir of his inauguration into the anti-colonial struggle, Breaking Contract, begins with the humiliation of having to wear a “C” classification around his neck upon first signing up to be a contract worker; it ends with his work as a political organizer amongst the mine workers of Tsumeb and his subsequent flight into exile. In such narratives, the humiliation of farm work must give way to the radical labor activism of the mines, before crystallizing in the cauldron of militant struggle.

There is logic to this progression, a mythology that speaks to a deeper truth about the journeys young Ovambo men made over the soil of their country, their transformation

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59 NAN, LKE 1.3.96.
60 Nathanael, A Journey To Exile, 2-15.
from farm boys into political comrades, fighters prepared to redeem their brethren with bombs and bullets. Yet surely there also lies within this narrative a broader argument about the reclamation of lost manhood—the final settling of scores with corrupt headmen, vicious baases, and exploitative mine owners. The SWAPO propaganda literature of the 1970s and 1980s bleeds with images of muscular confrontation—the strong-armed men bearing flags and machine guns on SWAPO posters in Dakar in 1976,62 the granite-fisted worker, wearing a miner’s hardhat, adorning a 1989 May Day poster,63 or the ubiquitous images of Sam Nujoma, brandishing a pistol in full military garb, declaring himself to be “the father of youth.”64

To be sure, it is a potent mythology, one that speaks powerfully to Namibia’s historical experience and the need for imagining the nation as a collective family confronting its past and embracing its future. But like all families, it demands submission from its sons, especially those who never completed the journey from abused farm boy to determined freedom fighter. I was most powerfully reminded of this in May 2009 when I visited Demongela Haukongo at his modest homestead in the Oshana region of Ovamboland. At the time of our interview he was 89 years old, and my arrival brought a large audience of neighbors and family members who gathered around to listen to our interview. I asked Haukongo what he remembered about how crimes in the region were punished when he was growing up. “I haven’t seen much crime in the north,” he told me, “but when I came to the south was when I came to see.” As a young man, Haukongo had

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been assigned to work at a white man’s farm in Outjo. “The white man was terrible,” he told me. “He beat me with the whip.” When I asked him why he was beaten, Haukongo explained, “Because I used to take the milk from the cows. My hands became swollen and I couldn’t get out the milk from the cow. I was giving less milk to the white man than before. That’s why I was whipped. When the white man called his neighbor, the neighbor came over and whipped me also. Then they tied me up.”

Subsequently, Haukongo heard a rumor that this neighbor had killed one of his workers. “So I came and collected all my clothes to go,” he said. “I took everything along and escaped…When I was escaping for three days I didn’t eat….When I came to the north, I was captured again. There was drought and hunger in the Ndonga area. So I came together with the Ndongas. In order not to be captured, I had burned my fingers so I wouldn’t have any fingerprints. But I was captured anyway. The white man handed me over to the tribal court in Ondangwa.” According to Haukongo, he was then held captive at a headman’s house for several months while the traditional court waited for payment from his family. When none was forthcoming, the local headman, a man named Jakopo, ordered his two sons to beat Haukongo with the epokolo six times. Haukongo explained that he was stripped down to his underwear for the flogging, and then, in order to demonstrate how he was beaten, he lifted himself up from the seated position he had taken during our interview and laid down flat on the ground, his arms and legs spread in the dust. Upon making this prostration, several of the young men who had been observing our interview broke out in laughter, with one exclaiming, “Get up, old man, nobody is going to beat you now!” A look of embarrassment flashed across Haukongo’s face as he picked himself up off the dirt, but he continued with his story: “I was feeling bad and I

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was crying [during the beating]. The whole community was there watching.” Released from captivity and instructed to return to his family’s homestead, Haukongo was haunted by his ordeal. “People were teasing me, and they were saying I should learn manners….After what happened, I never stayed in this country. The experience was just bad. I ran away from the headman, and went to a cattle post far away.” Though he could not remember the precise year these events occurred, he said he was in his forties when this took place, and according to his wife he still carries “big scars” on his body from the incident.66

Since my interview with him, I have often thought about Haukongo and the laughter of his neighbors. At the time it deeply troubled me, as this was one of the first interviews I had ever done with a victim of the epokolo, and their response seemed entirely contrary to what I expected for a community elder narrating his experience of oppression and resistance. It is only with hindsight that I see the discomfort masked by that laughter, and the discordant elements of Haukongo’s story that prevented it from being interpreted as an example of political struggle. When Haukongo placed his body on the ground, he performed a masculinity that was at odds with the heroic manhood of the liberation conflict. After his humiliation at the hands of white bosses and black headmen, Haukongo did not gain any earthly redemption for his suffering; he never found his way to the SWAPO camps in Zambia, Tanzania, or Angola, and he never experienced a triumphant return to the land of his birth, where his community celebrated all that he had sacrificed and lost in the long years of colonial subjugation. Like the political activists who faced the epokolo, Haukongo’s body was emblazoned with the medallions of his agony—the deep scars buried in his flesh and the fingertips burned away so as to evade

66 Haukongo, interview.
capture. Yet because he was too poor, too weak, too uneducated, and too old, his masculinity did not fit into the narrative pathways whose repetition has defined the young Namibian nation. As we have seen, at the heart of this exclusion lies a particular understanding of manhood that has established the boundaries of acceptable gendered performativity in Namibia. Like all such articulations, the masculinity of the liberation struggle was based on a particular understanding of womanhood, as a publicly protected but privately violated male preserve. It is to that story that we now turn.
Chapter Four

Contesting the Public Square:
Namibian Women in the Struggle for National Liberation

Of all the 3,084 sentences of whipping imposed by the Keetmanshoop magistrate from 1918 to 1975, surely the strangest was handed down on March 3, 1949, to a 12-year-old Nama girl named Katharina Blokstaan. Convicted of housebreaking and theft, the judge at her trial ordered that she be given five cuts with a light cane “to be administered by her mother.”¹ Strictly speaking, the sentence was not legal. As the relevant statutes of the era stated, “no female shall be sentenced by any court whatever to punishment of whipping.”² This had been the law throughout the twentieth century, and indeed, Blokstaan’s sentence was unprecedented in the history of Keetmanshoop, and possibly all of Namibia.

Yet ultimately the sentence is noteworthy not because it breaks with Namibia’s punitive tradition, but rather because it reinscribes it, if rather awkwardly. As we have seen, the bodies of men and boys—including those as young as Blokstaan—were routinely beaten by the court for a myriad of offenses throughout the twentieth century. Indeed, the month prior to Blokstaan’s trial, two other Nama children—boys aged 12 and 11—were sentenced to whippings after having been convicted of the exact same crime as Blokstaan—housebreaking and theft.³ In southern Namibia’s criminal justice system, agents for the state routinely subjected the bodies of male offenders to corporal punishment, while female bodies were declared off-limits. Yet most emphatically this did

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¹ NAN, LKE 1/3/16.
³ NAN, LKE 1/3/16.
not mean that women and girls were exempt from such punishment. The laws that prohibited such floggings did not signify a cultural belief that women ought never to be beaten; rather they attempted to preserve the prerogative of husbands and fathers (and in some cases, mothers) to handle such punishments in the privacy of their own homes. What makes Blokstaan’s punishment so unusual, therefore, is that in her case the legal regime was coordinating and directing this private violence. For a brief moment, then, a rather dangerous cross-pollination occurred, whereby the primary institution of public discipline in Keetmanshoop was delegating parental authorities to enact the very kind of whipping that, had the offender been male, would have been the provenance of the court. Ultimately, the purpose of the legal prohibition against the court-sanctioned beating of women and girls was to maintain a barrier between a public space in which the state was the supreme authority and a private zone in which the husband and father was the unquestioned master and hegemon. If agents of the public sphere, those who had been tasked with investigating crime and punishing criminals, were permitted to beat young men, the private world of house and homestead witnessed the routine abuse of women and girls. Indeed, this was ultimately the basis for the gendered logic of public corporal punishment. The primary reason that the legal whipping of men and boys was so often viewed as an emasculating act was precisely because the same forms of violence were routinely carried out within the home against women and girls. What Blokstaan’s sentence ultimately revealed was that when it came to matters of punishment, the public and private spheres may have been separated by legal barriers, but their operations were still intimately connected with one another in a binary relationship between bureaucratic
and “personalized structures of power,” to borrow a phrase from the Latin American historian Sueann Caulfield.⁴

As it was in southern Namibia, so it was in Ovamboland. Most of my informants emphasized that women were never targeted for judicial corporal punishment during the twentieth century. When I asked Andreas Shipanga, a witness to many criminal cases in Ovamboland during the 1940s and 1950s in particular, if he ever saw women flogged in public, he adamantly denied the possibility, saying, “Oh no. No no no never. Women can do anything, even killing another woman, or another man, she will never ever ever [be flogged].” When I asked how women who committed such crimes would be punished, Shipanga replied that she might have “to pay something, or to work the land of the king. But a woman is never flogged.”⁵ Likewise, Leonard Philemon Nangolo, born in 1927 and the son of a local headman among the Kwanyama, recalled that his father was firm on the subject. “No. [He] said no women can be whipped.”⁶

Yet as was the case in Keetmanshoop, the public prohibition against beating women was merely the flip side to a culture of domestic abuse that flourished within the homesteads of Ovamboland. In this regard, divisions between public and private spaces were inscribed into the very architecture of the region. As any visitor to Ovamboland knows, and as Meredith McKittrick has documented, private homesteads are often laid out like small fortresses, with high fences—often made of omapokolo—enclosing a labyrinth of passageways and huts that provide families with privacy and protection from prying eyes. These fortifications have also long connoted status in the community. As

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⁴ My own thinking on this topic has been most powerfully shaped by Sueann Caulfield’s work on sexual morality in early twentieth century Brazil. Sueann Caulfield, In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth Century Brazil (Durham: Duke University Press, 2000), 9.
⁵ Andreas Shipanga, interview.
McKittrick has observed of the pre-colonial period, “Creating such a homestead required an enormous investment in labor….Powerful monarchs and wealthy men with large households had the most extensively fortified houses, but they also frequently had armies of warriors to defend their possessions. Their homesteads advertised their security, linking it directly to their wealth in possessions and people, and thus to their power.”

To be sure, by the middle of the twentieth century non-royalty could not call upon armies of warriors to defend their homes, but the architecture of homesteads in rural areas nonetheless maintained much of the old designs, just as the homes of poorer or less powerful men could often appear as smaller versions of the architectural ideal. The seclusion of houses in a semi-arid landscape afforded male household heads the opportunity to rule over their wives and children free from the prying eyes of neighbors and traditional authorities, and to deploy violence as necessary. Many of my informants were hesitant to discuss this subject, and few of the men I interviewed would admit to having beaten their wives, but all agreed that domestic violence—often with the *epokolo*—was common throughout the colonial period. Amwanyena Yamakali’s sorrowful remark, related to me in May of 2009, that “women were only created to be beaten up by men,” found support from nearly all the men and women of Ovamboland whom I interviewed about the subject. When I asked Demongela Haukongo what people in the community thought about men who beat their wives, he responded, “They would say she deserves to be beaten.” Nodding her head in agreement, his wife then added, “It is part of the culture.” Haukongo also told me that headmen typically refused to intervene in such cases, an observation that was corroborated by Amon Shipanga, who in

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7 McKittrick, *To Dwell Secure*, 33.  
8 Yamakali, interview.  
9 Haukongo, interview.
2009 was serving as a headman in Onumatai. He explained that “in the olden days they never used to come to report such cases. They just stay at home. They will just be beaten and they will forgive each other at home. But the women will not come to me and I will not go to them.”

Though, as we will see in Chapter Five, some of my informants felt that wife- and child-beating became less common after Namibia’s independence in 1990, accounts such as Shipanga’s seem to cast spousal abuse in an ahistorical light, with little sense that the practice fluctuated over time or changed in response to social or economic conditions. And indeed, precisely because the beating of wives and children at home was regarded as a “private” matter that was not the concern of community leaders or the government, I cannot present any data that shows whether, or to what extent, the beating of women and children changed during the course of the twentieth century in Ovamboland. Nonetheless, it is clear that discourses surrounding women and corporal punishment did indeed shift during the late colonial period, as women gained not only greater economic mobility, but also in some cases more educational opportunity and, perhaps as a result, became more politically engaged, more vocal in their participation in the public sphere. This can be clearly seen through the activities of the SWAPO Youth League, which attracted large numbers of young women to its ranks in the early 1970s. One consequence of female engagement in the movement of national liberation was that some women, along with men, were targeted for public flogging by the traditional authorities in 1973. Yet while both men and women regarded these beatings as scandalous, the way in which they deployed the rhetoric of outrage betrayed some subtle yet significant differences. For many men, the public beating of women served primarily to activate the scandal of the

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1973 floggings, and to reinscribe into the national liberation movement a gendered understanding of political participation, whereby it became the duty of men to protect their wives, sisters, and daughters from the abuses of male elders within the community, and thereby to reassert masculine dominance within a liberation movement that otherwise challenged traditional gender norms. By contrast, women often presented the scandal of the *epokolo* as both an opportunity and an argument in favor of greater female political participation within SWAPO. Long after the scandal of the 1973 floggings had faded from memory, these debates would have a significant impact on SWAPO’s destiny in exile, as both men and women continued to contest the terms of women’s participation in the struggle against South African colonialism.

Of the 27 men and women specifically identified in court documents as victims of the traditional authorities’ flogging campaign in 1973, four were women. Elise Nghilwamo, Otilia Nongola, and Rachel Shaduka were all nurses at the Anglican mission station in Odibo, while Esther Kalola was a student at the school there. Together they were arrested by the Kwanyama traditional authority on September 12, 1973 and brought to the court at Ohangwena. After brief trials in which they were found guilty of “being absent from duty without leave”—a likely reference to attending a SWAPO rally—each was beaten six times with the *epokolo*, their blouses “lifted up” and their bodies “held over a low stool.”

Despite the fact that the flogging sentences given to the four women at Ohangwena were lighter than all other beatings recorded in the court proceedings, the treatment of Nongola, Nghilwamo, Shaduka and Kalola was placed front and center in the evidence submitted to the courts by the plaintiffs in the case. In an application featuring dozens of affidavits, the statements of the four women were included near the very beginning, ahead of every other flogging victim save for Ndali Kamati, who had been beaten 36 times by the senior headmen in Kwanyama. Ndaxu Namoloh, beaten 24 times at Ohangwena, echoed the sentiments of many of my informants who were highly critical of the decision to beat women in public. “They should have dealt with [us with] more humanity, to be human and not to flog,” he said. “But for them….even women! It was unheard of to flog women. As we said to them, ‘By flogging women in our culture I think this means the end of your rule of this country. This is a disgrace to you. You can’t flog women.’ It was unheard of. It was the first time. The whole tribe also became very much annoyed that they flogged women.”

Such disapproval finds forceful expression in the court documents, which repeatedly criticize the Kwanyama headmen for hitting women with the epokolo. The application by the Anglican and Lutheran churches specifically requested that the court interdict the traditional authorities “from ordering or causing any female person to be flogged or to receive corporal punishment,” a demand that the Supreme Court of Appeals supported in its final ruling in the case, in which Chief Justice Rumpff declared that “women should [never] be subject to this type of punishment.” In making this determination, Rumpff may have been swayed by the testimony of several male

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12 Namoloh, interview.
13 Notice of Motion, Wood and Others v. Ondangwa Tribal Authority and Another, 6.
14 Ruling of C.J. Rumpff, 22.
applicants in the floggings case. Philip Shilongo, an archdeacon at St. Mary’s who had
driven the four women to the hospital for treatment after their flogging, testified in his
affidavit that “According to the custom of our tribe only men are flogged….No woman
has ever been flogged to my knowledge.”\textsuperscript{15} David Shihepo, a pastor for the Lutheran
church in Ovamboland, concurred with that assessment, noting in his own statement to
the court that “I have never heard or seen the flogging of any women convicted of
whatsoever offence and I state that such a punishment is wholly inconsistent with the
Law and Custom of our Tribe.”\textsuperscript{16} Likewise, Lutheran bishop Leonard Auala asserted in
his affidavit that in his recollection of corporal punishment imposed by the kings and
headmen during the colonial period “at no stage was any woman ever beaten in
pursuance of a punishment ordered by the Tribal Court.”\textsuperscript{17}

Yet in reading through the hundreds of pages of testimony submitted in the 1973
floggings case, one is deeply struck by the comparative silence of the four women whose
punishment was central to the arguments made by the plaintiffs. Whereas the testimony
of male flogging victims often dwells at length on the dramaturgy of their ordeal, the
theater of confrontation that surrounded their beatings, the testimony of the four women
is brief and perfunctory. In virtually identical language, Nongola, Nghilwamo, Shaduka,
and Kalola reported of their floggings that “six strokes were administered on the
buttocks. It was extremely painful. It is still painful to date hereof.”\textsuperscript{18} Contrast that with
the dramatic renditions that male flogging victims gave to their own ordeals: “The blows
were agonizing and there were long pauses between each. I screamed as I felt that I could

\textsuperscript{15} Affidavit of Philip Shilongo, 53.
\textsuperscript{16} Affidavit of David Shihepo, 98.
\textsuperscript{17} Affidavit of Leonard Auala, 176.
\textsuperscript{18} Affidavits of Otilia Nongola, Elise Nghilwamo, Rachel Shaduka and Esther Kalola, 32-43.
bear the pain no longer.”

“I felt faint and became unconscious….My buttocks were very swollen and I could hardly walk. I felt very weak and suffering [sic] agonizing pain.”

“The blows were horrifying and he struck me not only with the flat end, but also with the narrow side of the makalani branch. I bled and I screamed in agony. I screamed, ‘God, help me.’ While striking me, Nakwafila [the designated flogger] asked me whether I was still a member of SWAPO.”

What are we to make of this? On the one hand, the male applicants’ constant invocation of their own physical weakness in the face of their abuse could be interpreted as an emasculating and humiliating prostration before the court, an admission that they needed the intervention of the colonial government to protect them from the traditional authorities living in their own communities. Yet as I argued in Chapter Two, such language also served a broader purpose, by, in the words of Elaine Scarry, “remaking the world” of the flogging victims through a recovery of agency and manhood. The very public and symbolic bearing of scars undertaken by men such as Johannes Nangutuuala and Ndali Kamati, among many others, heralded the dawning of a newly belligerent political consciousness that would, by the mid-1970s, lead to greater commitment to armed struggle against the colonial state. This was the “great victory” of which Nangutuuala bragged to the press after his own flogging.

It is because of this specific context that we must take seriously the comparative silence of the women beaten with the epokolo. Critically, the 1973 floggings scandal provided male authority figures in both the churches of Ovamboland and the national

19 Affidavit of Spener Shigwele, *Wood and Others v. Ondangwa Tribal Authority and Another*, 111-112.
21 Affidavit of Franz Nangutuuala, *Wood and Others v. Ondangwa Tribal Authority and Another*, 128.
liberation movement the opportunity to publicly protest against the treatment of women at the hands of the traditional authorities, and to loudly proclaim that these tactics violated authentic Ovambo custom. In this way, men worked not only to demonstrate their ability to protect Ovambo women from abuse, they also shielded their own communities from charges of misogyny by asserting the existence of an idealized cultural normativity that had been violated by the traditional authorities.23

Unfortunately, I have been unable to interview any of the four women who were flogged by the Kwanyama traditional authorities in September 1973. Nonetheless, the male narratives of the floggings, summarized above, can be challenged with reference to other sources. For instance, a closer examination of oral and archival evidence demonstrates that women’s exposure to judicial flogging during the colonial period was far more complex than was suggested by the applicants in the 1973 floggings case. As we will see, the contested entanglement of women in the public sphere throughout the colonial period reflected anxieties about the influence of Christianity on gender relations in Ovamboland and the absence of men who had been sent south on contract. At the same time, the targeting of the four nurses in the 1973 floggings campaign demonstrated conclusively that many women were in fact engaged in the public sphere—a fact so undeniable that women within SWAPO would exploit it in order to argue for both expanded opportunities for women within the liberation movement as well as a...
reassessment of the priorities and strategies of the movement itself. The ultimate failure of these challenges would cast a long shadow over the liberation movement, both in the final, chaotic years of armed struggle and the first decades following the end of colonial rule, when an official government policy of gender equality would often be contradicted by a political and national culture still rooted in patriarchal norms.

While my own research into the history of corporal punishment in Ovamboland suggests that the public beating of women was mostly unheard of, it may not have been unprecedented. Kashuupulwa Kaitanus, born and raised in Onepungu, in the Kwambi area of Ovamboland, told me that his father, a senior headman, held court hearings every Friday afternoon under the large omwandi tree outside of his homestead. There, for certain cases, he would order his bodyguards to deliver beatings with the epokolo, to both men and women who had been found guilty of a crime, mainly theft. Kaitanus, born in 1950, said he “grew up” watching these beatings and insisted they were a regular feature of village life until around 1975, the same year that the Supreme Court of Appeals issued its ruling in the floggings case (although Kaitanus himself did not draw a connection between these two events). According to Kaitanus, convicted criminals were ordered to strip naked and then typically beaten two or four times on each buttock. He explained that men and women were beaten identically—as he put it, “Female and male we are all the same.”

24 Kaitanus, interview.

It is important to note that Kaitanus was one of only two informants25 to suggest that women were also beaten in public with the epokolo prior to 1973. Every other informant insisted that such beatings were unheard of in Ovamboland and in violation of

24 Kaitanus, interview.
25 The other informant who indicated that women could also be beaten in public was Selma Paulus, who said both women and men could be sentenced to flogging for crimes. Paulus, interview.
a shared cultural taboo that prohibited such punishments. Yet these representations necessarily implied a static understanding of Ovambo culture that not only could not account for the diverse array of traditional authorities empowered during the colonial period, but also failed to consider the well-documented examples of kings and headmen using their powers in order to restrict women’s mobility and agency.

During the first half of the twentieth century, such conflicts were most readily apparent in the fierce debates over gender and Christianity in Ovamboland, which have been best documented by McKittrick. As she notes, the “disobedient daughters” of the region used mission stations as places of refuge from angry fathers and kings who wished to force them into marriage or to punish them for engaging in premarital sex. The punitive consequences facing women who defied traditional male authority are well illustrated in the events that led to the dethronement of the Kwambi King Iipumbu ya Tshilongo in 1932. Though since his death in 1959 he has emerged as one of the mythical heroes of Namibia’s long struggle against colonialism, as Wolfram Hartmann has previously documented, his legacy is scarred by many recorded examples of abuse against his subjects, particularly women. In fact his removal from power was precipitated by an incident in which King Iipumbu threatened the Finnish missionaries living in his kingdom after a nearby mission station hid a girl named Nekulu who had been resisting the King’s sexual advances.

Yet this “flight of Nekulu” was hardly the first incident involving Iipumbu and young women whom he wished to control. As a letter from Hahn to his superiors in May of 1932 put it, “Ipumbu [sic] is very much against native girls marrying according to

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26 McKittrick, *To Dwell Secure*, 213-220.
27 Hartmann, “*Ondillimani!*”, 263-288.
28 “*Chiefs & Headmen, Ukuambi*,” NAN, NAO 5 (9), 5/2.
Christian rites. He indulges in such loose talk at his kraal about this and takes every opportunity to persecute girls who refuse to pass through the tribal rites of the ohango ceremony.”⁹ According to archival documents, this dissatisfaction was largely rooted in Iipumbu’s belief that he ought to enjoy unfettered sexual access to young women. In early May of 1932, Iipumbu reportedly raped a girl who subsequently fled to the mission station. The previous July, Iipumbu was said to have “persecuted” four girls who had previously sought to avoid participating in traditional initiation rites. Whether their punishment extended beyond rape to include flogging is unclear—the archive does attest to the fact that one of the “native” teachers who had sheltered the girls was “bound and badly beaten and throttled” on the order of Iipumbu.³⁰

Critically, it was not these incidents that convinced Hahn to have Iipumbu removed from power. In fact, Hahn was initially irate with the Finnish missionaries for picking a fight with Iipumbu in the first place. Rather the King’s fate was sealed when he refused to pay a fine imposed by the Native Commissioner as punishment for his actions.³¹ After Iipumbu’s removal from power and forced exile to Okavango, a council of headmen was appointed to replace him as the governing traditional authority in the region. In fact, one of Iipumbu’s replacements was his son, Silas Iipumbu, whose cruelty would later be memorialized in song (see Chapter Three). Archival documents show that Silas Iipumbu’s taste for violence extended beyond the epokolo—in 1938 Finnish missionaries reported to Hahn that the junior Iipumbu was “violating girls one after another.” The archives do not record any colonial sanction for these actions.³²

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²⁹ “Chief Iipumbu: Flight of Nekulu,” NAN, NAO 5 (9), 5/2.
³⁰ “Chiefs & Headmen, Ukuambi,” NAN, NAO 5 (9), 5/2.
³¹ Hartmann, “Ondillimani!” 279.
³² “Chiefs & Headmen, Ukuambi,” NAN, NAO 5 (9) 5/2.
To be sure, Ovambo women’s agency and mobility was not an issue unique to the twentieth century. Hahn’s own research on this topic draws particular attention to questions of fertility—from pregnancy outside of marriage or prior to initiation rites to abortion and infanticide. Punishments for these offenses could result, depending on their larger context, in banishment or death. As Hahn writes in his study of Ovambo customary law, “An unmarried woman found to be pregnant was taken out to the bush, bound up in bundles of grass and, on the Chief’s instructions, burnt alive.” Such punishments against “disobedient daughters” have also been passed down through oral tradition, as documented by McKittrick. I encountered these stories in my own research as well. Martha Otto, born in 1945, told me how she had heard that “If you get pregnant, you will be in trouble. The punishment will be that they will tie you up, put straws around you, like you are making fire, take you to a forest, and then burn you.” Otto claimed this practice of burning pregnant girls was carried as far as the early years of her childhood. While I cannot find any evidence corroborating this—and certainly the burning of pregnant girls would have attracted the notice of the colonial government—it is easy to see how such stories would ensure the compliance of young women with communal norms and expectations. As Otto put it, “Most women tried their best to behave.”

McKittrick has noted how, throughout the colonial period, institutions that were often in conflict with one another nonetheless agreed on the importance of controlling the behavior of women and girls. She writes, “Despite their confrontations over the power of parents and rulers, missionaries and colonial officials shared more than they cared to recognize: a belief that young women should be under the control of some older person,

34 McKittrick, *To Dwell Secure*, 40.
35 Otto, interview.
usually male. Their disputes usually hinged on which older male it should be: parent, missionary, pastor, headman, chief.”

Thus, efforts at restricting women’s agency and mobility did not stop at the kings and headmen of the region.

Throughout the late colonial period, one of the issues that most divided the region was whether or not women were allowed to attend court hearings. During the 1973 floggings scandal, one of the things that the applicants in the case most objected to was that women and children had been present as witnesses to the beatings. As David Shihepo declared in his affidavit of the floggings he witnessed prior to 1973, “It is clear that, even in such cases, the execution of flogging took place in the privacy of the King’s Kraal and in the presence of men only.” Bishop Leonard Auala agreed with this assessment, insisting that “At no stage was punishment ever imposed on persons in public.”

We know from a large volume of archival sources and oral informants that floggings were in fact carried out in public throughout the colonial period, but Shihepo and Auala’s insistence that beatings only occurred in private likely reflected their objection to the fact that women had been present as witnesses to such punishments. This anxiety about female witness to male subjugation and emasculation is a constant theme in the affidavits submitted to the court. Ndali Kamati testified that during his beating and the beating of his colleagues, “members of the public and some women were crying and covered their eyes or averted their eyes from the flogging [emphasis added].”

The accounts of others beaten at Ondangwa noted the presence of both “men and women”

36 McKittrick, To Dwell Secure, 219.
37 “Affidavit of David Shihepo,” 98.
38 “Affidavit of Leonard Auala,” 176.
39 Affidavit of Thomas Ndalikutalah Kamati, 27.
observing the punishment through a window in the hallway adjacent to the room where the men were beaten.\textsuperscript{40}

Such testimony, with its specific attention to the gendered dynamics of “public” punishment, reflected deeper anxieties about women’s participation in the public affairs of the community that were becoming more acute with the emergence and growth of the national liberation movement.\textsuperscript{41} In my interviews with witnesses to public corporal punishment in Ovamboland, it became clear that there was much disagreement, and a sharp lack of consensus, around critical questions of women’s participation in rituals of punishment. Amon Shipanga, born and raised in Onumatai in the Kwanyama region, insisted that “Anybody, whether it’s a man or woman or kids [could come and watch], because it is for them to see that if you do it [commit a crime], this is what is going to happen to you.”\textsuperscript{42} Many of my informants echoed this assessment. As Joba Kandume Shehama put it, “Everybody came and watched. Men and women, chickens and cows, anybody.”\textsuperscript{43}

In most cases, such opinions reflected a somewhat romantic appreciation for the merits of traditional justice. Amon Shipanga, for instance, insisted that corporal punishment was effective in shaming criminals and ensuring respect for headmen, while Joba Shehama felt that flogging “used to scare the kids and then the kids used to tell each other if you do something terrible you will be beaten up.”\textsuperscript{44} Yet many of my informants

\textsuperscript{40} Affidavits of Nathaneel Homateni, Speener Shigwele, Franz Nangutuuala, Phillip Alweendo and Augustinus Kasepa, \textit{Wood and Others v. Ondangwa Tribal Authority and Another}, 102, 112, 128, 133, 136.
\textsuperscript{41} Yet they were also present earlier in the colonial period. In colonial Kaokoland, Lorena Rizzo has shown how the legal sphere was constituted in such a way so as to deny women access to the public sphere and to limit them “to the sphere of the private, the family and the household.” Rizzo, \textit{Gender and Colonialism}, 201.
\textsuperscript{42} Amon Shipanga, interview.
\textsuperscript{44} Shehama, interview.
complicated this image by noting the ways in which local communities could implicitly or explicitly exclude some people from the functioning of traditional justice. This is reflected in Abraham Indombo’s observation, quoted earlier, that witnesses to traditional hearings could often participate in the judgment and sentencing of criminals. As Indombo noted, “It wasn’t always the case that one headman would be deciding. Even a person who came to watch can also decide. He can be strong and stand up and say, ‘No, let’s do this to this person.’ Then they will agree with that person.”\textsuperscript{45} Clearly, in Indombo’s formulation, it is only men who can “be strong and stand up” and thus participate in communal justice.

For this reason, most of my female informants were very hesitant to discuss their views of traditional justice and public corporal punishment. Echoing several other women with whom I spoke, during our interview Ruusa Leonard complained that I was asking “so many funny questions” and trying to put her “in court.” When asked about her knowledge of public corporal punishment during the colonial period, Leonard said that women attended court hearings “only if you are involved. But if it’s not your case, you don’t waste your time going there.”\textsuperscript{46} The reason for this may have been that women were discouraged from attending such hearings. For instance, although Andreas Shipanga had insisted that cases were witnessed by “the common people,” he admitted that such groupings tended not to include women. “Women, no,” he said. “I think it was another tradition that women don’t go to those things. Unless perhaps they are the mother of the child [being punished], then yes.”\textsuperscript{47}

\textsuperscript{45} Indombo, interview.
\textsuperscript{46} Leonard, interview.
\textsuperscript{47} Andreas Shipanga, interview.
The female interviewee who was most explicit about the exclusion of women from traditional hearings was Rachel Lakola Hatutale, who had grown up in Omuhai, the niece to a headman who often presided over cases. As she recalled, “I used to know that people were going to have a tribal court under a tree….When my father came home he would talk, and I would listen. But women were not really allowed to participate.” This relegation of women from the functioning of traditional justice appears to have been mainly informal, because after Hatutale married, she did sometimes attend court hearings, but often found the experience to be frustrating. “I don’t really like those types of things because I have a very soft heart and when I come home it affects me,” Hatutale said. “In those years, it was men who were judging, not ladies. Women could sit and listen, but they had no say at all….In many cases, women would go there and listen to the judgment, but I was not happy about it, because men were deciding what to do, and some of the things should not [have been] decided that way. So it makes you feel bad, and it affected me. Most women were not happy about what was being decided.” Hatutale’s account suggests that there was no formal impediment to female participation in traditional justice, but that masculine domination of local courts nonetheless discouraged women from attending hearings.

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48 Hatutale, interview.

49 This stands in distinct contrast to the portrayal of women’s participation in judicial matters presented by Judith Van Allen in her study of pre-colonial Igboland. Van Allen writes that “The main Igbo political institution seems to have been the village assembly, a gathering of all adults in the village who choose to attend. Any adult who had something to say on the matter under discussion was entitled to speak—as long as he or she had something the others considered worth listening to…. This idealistic portrayal of a pre-colonial African society necessarily demands that subsequent male dominance of political and social institutions was a byproduct of colonial interference. While my sources are indeed from the colonial era, I am unconvinced that male empowerment at the most local level can automatically be ascribed to colonial meddling. Judith Van Allen, “‘Sitting on a Man’: Colonialism and the Lost Political Institutions of Igbo Women,” Canadian Journal of African Studies, 6, no. 2 (1972): 167.
In this regard, assertions of manhood in the public sphere—“under the tree” where so many trials took place—may have served as an antidote to the perceived feminization of home and community that was brought about by the system of contract labor which dominated the region’s economy throughout the colonial period. It is difficult to determine the extent to which migrant labor patterns invested authority in women charged with maintaining homesteads and raising children, because in interviews both men and women sought to downplay the extent of female empowerment, preferring to reassert the importance of traditional gender roles in the community. Yet tensions over women’s agency were a major cause of domestic abuse in Ovamboland, as has also been the case elsewhere. As Colin Murray documented in 1970s Lesotho, a land whose economy was also shaped by the same kind of male migrant labor patterns that defined Ovamboland, spousal abuse was a common feature in homes divided by the contract labor system.\(^5\)

The incidences of spousal abuse recalled by my informants often suggested a link between domestic violence and efforts by men to reassert control over homesteads that had been marked by their prolonged absences. Swama Eliaser, wife to a contract worker who was frequently absent from home, recalled that during his return visits to Ovamboland he would often beat her with an *epokolo* for assuming some of the household duties that were traditionally thought to be a husband and father’s prerogative. “Maybe I was beating my son or daughter, and he didn’t like it,” she said. “He will find his kids crying and he will say ‘Why are you beating my kids?’” According to Eliaser, her husband would “beat the kids. But if he finds them beaten by me, he will get very

angry.” Other husbands used domestic violence to ensure that their wives remained secluded in the home. Rachel Lakola Hatutale recalled one incident where “There was a man who was married to six wives, and then at a certain feast he told his wives to go home. And then when it was late afternoon, he came to the feast with an *epokolo* and said, ‘Go home.’ When the wives were still there, he just started beating them until they ran home.” Xepo Ashiana, born in 1924, recalled that her father beat one of his wives after she took a lover during one of his long absences from home. “One of his wives brought in a lover who was a young boy,” Ashiana explained. “There was another young boy in the house who saw her doing it and came and reported her to my father. Then when my father came to see, he told the lover to come. He demanded a big goat, slaughtered it, and put it up to eat….While the meat is in the pot, he sends the boy to go and get a thorn stick. Then he called his wife, and he just started beating her with the thorn stick. He threw her out of the house.”

Of course, the dissolution of homesteads in the wake of domestic violence could come at the prompting of women as well. Amwanyena Yamakali pointed to this phenomenon as an incentive for men to abstain from wife-beating. As he put it, “We used to warn [men who beat their wives], ‘Don’t ever beat your wife with an *epokolo*, because then you will become a bachelor. And your wife will leave and she will become a prostitute.” More commonly, women running from abusive husbands could return to their father’s houses, but as Tabatha Kanogo noted in the context of colonial Kenya, there were powerful economic incentives in place for fathers of abused women to

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51 Eliaser, interview.
52 Hatutale, interview.
54 Yamakali, interview.
facilitate their return to their husbands, lest they be called upon to return the *lobola* (brideprice). In other cases, women might flee to their neighbors, but they too, much like the traditional authorities, typically tried to convince battered wives to return home. “There was no place where [women] could go and tell that they were beaten,” Rachel Lakola Hatutale recalled. “Unless you go to your neighbor and then that neighbor will probably advise you to go back to your marriage.”

Thus a culture of acceptance around wife-beating persisted throughout the colonial period. In fact, many women viewed physical abuse—whether with the fist or the *epokolo*—as a sign of a husband’s love. As Swama Eliaser put it, “There is the belief that if you are not beaten by your husband then you are not really loved by your husband….If you are in the community and you are ever happy with your husband and he does not beat you at all, people will say ‘Oh, since you got married your husband has never beaten you? Your husband does not like you at all.’” In this regard, the physical manifestations of domestic violence became their own rite of passage for married women. Indeed, it could be argued that such wounds demonstrated the physical presence of male authority figures in the community, no small matter in villages where husbands and fathers were so often absent from home due to the pervasive contract labor system. As Swama Eliaser insisted, “He will not beat me badly. He will beat me with love. If he’s very, very angry he will use *epokolo*. Otherwise he will just use his hands….The beating, it’s not beating to wound you.”

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56 Hatutale, interview.
57 Eliaser, interview. We must be careful not to assume these idealistic representations of domestic violence capture the experiences of women subjected to such abuse. As I noted in Chapter One, violence, by its very nature, often exceeds its own mandates, resulting in serious injury and death. The colonial archives are filled with cases of domestic abuse that ended in fatalities, and there is a growing body of scholarly literature that is attentive to these conflicts. See Emily S. Burrill, Richard L. Roberts and Elizabeth Thornberry, eds., *Domestic Violence and the Law in Colonial and Postcolonial Africa* (Athens: Ohio
Such interactions constituted the popular understanding of the relationship between women and the *epokolo* throughout the colonial period. The scandal of the 1973 floggings and the beating of the four young women from St. Mary’s mission school and hospital overturned this familiar dynamic of authoritative husbands restricting women’s agency, replacing it with a new model of female empowerment and participation in the public sphere that could not be easily subsumed into older paradigms of patriarchal control. Keshii Nathanael, president of the SWAPO Youth League in the early 1970s, recognized this sea change as it was occurring. After the leaders of the SYL were deported from the south back to Ovamboland in the aftermath of the 1971-72 general strike, women began taking a very active role in the organization’s activities. “There is an explanation for that,” Nathanael told me in a 2007 interview. “Most of the men work in the south. Many women were in the north. As many women were students at the time, I could say there were more women than men in the SWAPO Youth League. But the women, those who were flogged, were also figures who were giving speeches. So they were known by the authorities. That’s why they were singled out to flog them to silence the others, I suppose.” Nathanael believed this dynamic created an unprecedented opportunity for women to become engaged in the liberation movement on a much larger scale than had heretofore been possible. “They became mobilized. Women became more

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University Press, 2010). Scholars working in other geographical regions have also noted how domestic violence was often the result of male efforts to control their wives’ sexuality and fertility. Thus, even as domestic violence could be rendered as “natural,” it was also often lethal. See Heidi Tinsman, *Partners in Conflict: The Politics of Gender, Sexuality, and Labor in the Chilean Agrarian Reform, 1950-1973* (Durham: Duke University Press, 2002), 61-68.  

58 In her work on colonial Kenya and Nyasaland, Stacey Hynd has found similarly accepting attitudes towards domestic violence. As she has written, “Much of the violence employed within domestic spheres in colonial Africa…was perceived as legitimate, not just by the perpetrator, but by the local community and even by the victims themselves.” Stacey Hynd, “Fatal Families: Narratives of Spousal Killing and Domestic Violence in Murder Trials in Kenya and Nyasaland, c. 1930-56,” in *Domestic Violence and the Law in Colonial and Postcolonial Africa*, 167.
visible in the organization, for that meant they talked to other women and the other women would join….They addressed the rallies and then the other women could see it was possible.”

It was this very threat of women engaged in political activity that both prompted and justified the public flogging of female members of the SWAPO Youth League in September 1973. Manya ya Manya, a flogging victim who also was present the day that the four women identified in the court documents were beaten, described for me the rationale provided by the traditional authorities for singling out women for corporal punishment. “If they think that women were not supposed to be beaten it was because they should not be involved in men’s things, like rallies,” Manya said. “For example, they said that men [in the past] when they are going to go and raid cattle from other villages, women used not to go. So when the men used to go and capture cattle from the village, women used to not be a part of that. So that is why they decided that women should also be punished because now they are a part.”

Clearly, the political tumult of the 1970s, and the new forms of political expression that were appearing in the region, signified an overturning of accepted gender norms in Ovamboland. The evidence for this could be found right on the scars of the young women beaten in public in 1973.

Thus, the scandal surrounding the public flogging of women, the outrage that such punishment produced, served to reinforce gender norms that were already being swept aside by the SYL and its commitment to practicing gender equality in the liberation struggle. In this regard, one of the most critical female leaders of the organization was Netumbo Nandi, who Nathanael recalled as one of the primary mobilizers in

59 Nathanael, July 5, 2007 interview.
60 ya Manya, interview.
Ovamboland, a militant who “refused to back down” due to threats from the colonial state or the traditional authorities. Nathanael believed that it was Nandi’s example that demonstrated that, at least within the SYL, “there was no difference between the men and the women.”\textsuperscript{61} Though her case was not included in the court documents, Nandi also was publicly flogged by the traditional authorities in 1973, an acknowledgment that she had become central to SYL operations by that time.\textsuperscript{62} Yet in protesting the public punishment of Nandi and other women, Nathanael, like many of his colleagues, invoked a patriarchal cultural normativity in which women’s activities—and suffering—were restricted to the privacy of male-dominated homesteads. As Nathanael told me, “It never occurred in my tradition that women were stripped naked and flogged.”\textsuperscript{63}

If male offense at the public flogging of women tended to contradict arguments that men and women were in fact equal within the SWAPO Youth League, female members of the organization, including most prominently Nandi herself, used the punishments in order to assert that women were central to the struggle for national liberation, that they belonged as active participants in the public sphere. This had been one of the explicit goals of the SWAPO Women’s Council (SWC) upon its formation at the Tanga conference held in Tanzania from December 1969 to January 1970—“to achieve equality for women as well as their full participation in the struggle for national and social liberation.”\textsuperscript{64} Consistent with the broader character of SWAPO in exile, much of the literature produced by the SWC was clearly marketed towards Western audiences who were sympathetic to the cause of African liberation, and who were conversant with

\textsuperscript{61} Nathanael, July 5, 2007 interview.
\textsuperscript{62} Itope, interview.
\textsuperscript{63} Nathanael, July 5, 2007 interview.
\textsuperscript{64} “Women’s Affairs,” \textit{SWAPO Documents of Dr. Peter Katjavivi}, Reel 5.
the rhetoric of second-wave feminism and its attention to issues of gender equality in the home and workplace. Thus a brief history of the SWC produced sometime in the early 1970s begins by attacking the misogynist and very Western formulation that “women’s place is in the kitchen”—even though the average Namibian woman’s daily tasks included manual field labor that was almost entirely foreign to the cult of domesticity that prevailed in advanced industrialized economies.

Despite such propaganda, it is clear that leaders of the SWC were well aware of the unique challenges posed by male cultural attitudes towards women throughout Namibia, and in Ovamboland in particular. After she joined her SWAPO Youth League comrades in exile following the opening of the Angolan border in 1974, Netumbo Nandi became Deputy Representative of SWAPO in Zambia, where the organization had established camps that hosted thousands of young Namibians who had fled the country at the same time. In a 1976 interview with the Chicago-based political activist Carole Collins, Nandi talked about the gradual dawning of Namibian women’s political consciousness: “In the early stages of SWAPO, the participation of women was small, due to the lingerings of semi-feudal mentality and social structure in the country. Women suffer from an inferiority complex that is centuries old and deeply ingrained, which tends to make women afraid to speak in public meetings and to participate in decision-making processes. So the movement was dealing with not only general lack of organizational experience, but also a lack of self-confidence among women.”

65 “This is the Time: Interview with Two Namibian Women,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
66 “This is the Time: Interview with Two Namibian Women,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
For Nandi, these obstacles could be overcome through the logic of political resistance, which by the 1970s had already demonstrated that women were, in fact, participants in the public sphere and thus political actors in their own right. The first evidence of such a transformation had occurred in December 1959, when police in Windhoek clashed with protesters over the forced relocation of residents of the Old Location to the township of Katutura. The resultant massacre had marked the beginning of the country’s liberation struggle, and as Nandi noted, “several women were among the 11 shot dead and 50 wounded,” proof that even if “women were slower than the men to get involved in the early years” they nonetheless “were not very far behind because they too felt the oppression as much as the men.”

This became even more apparent during the early 1970s, when many young Namibian women, including Nandi herself, had become involved with the SWAPO Youth League. As she explained in her interview with Collins, “We began to see that when SWAPO youth activists held demonstrations and meetings against colonialism, girls were sometimes in the majority….Colonial jails also began to be filled not only with men but also with women. When the South African government ordered mass public floggings of people’s naked bodies in 1973, nearly half of the victims were women.”

In making such a statement, Nandi likely exaggerated the extent to which women were targeted by the traditional authorities for public flogging. While many individuals who were beaten during the flogging campaign were not named in the subsequent court documents, in my research into the period I encountered only five cases where women

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67 “This is the Time: Interview with Two Namibian Women,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
68 “This is the Time: Interview with Two Namibian Women,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
were beaten—the four student nurses whose brief statements were included in the application of the plaintiffs, and Nandi, whose beating was not mentioned in the documents. Therefore, it seems unlikely that “nearly half” of the victims of the *epokolo* in 1973 were women. Nonetheless, Nandi’s hyperbole is itself telling, for it signifies the extent to which she and the SWC sought to highlight women’s role in the floggings—not in order to condemn the traditional authorities for breaking with Ovambo custom, but instead to demonstrate how women had become central to the struggle for national liberation. Indeed, Nandi’s assertion that “nearly half” of the victims of the 1973 campaign had been women would be repeated and reprinted numerous times in SWC propaganda throughout the late 1970s and into the early 1980s. If the court documents and, in one case, male SYL colleagues whom I interviewed in 2009 had downplayed the extent to which women were beaten in 1973, women such as Netumbo Nandi looked to proudly bear their scars, arguing that the 1973 scandal was a transfigurative moment not only in Namibia’s journey towards national liberation, but also along women’s path towards gender equality. In her interview with Collins, Nandi argued that the floggings, along with the subsequent journey to exile and the enlistment of many women within SWAPO’s military wing, PLAN, were victories “not only…against the existing social and economic structure which discriminates against women in employment and education” but also “against the prejudices of some of our male comrades.” In my 2007 interview with him, Keshii Nathanael echoed this argument, explaining that women’s

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69 “Women’s Affairs,” *SWAPO Documents of Dr. Peter Katjavivi*, Reel 5.
70 Drawing upon the difference in the number of strokes—which reached as high as 36 in some cases—men received versus the six strokes given to the four female student nurses, Nestory Shanjengana made this point during our interview. Shanjengana, interview.
71 “This is the Time: Interview with Two Namibian Women,” *SWAPO Documents of Dr. Peter Katjavivi*, Reel 5.
participation in military conflict had revolutionized gender relations within SWAPO.

“During the time I was at the front, women were doing much more,” he said. “There was total equality at the front. In the battlefield women participated [and] division of labor at the camps was equally done. I think during that period the sense of comradeship increased to the level that gender didn’t play a role anymore in the liberation struggle.”

To be sure, such utopian analyses of the role of gender in the liberation movement would not have been shared by SWC leadership, which remained acutely aware of the cultural barriers to female participation in the public sphere. In an undated internal memo likely from the 1970s, the SWC reported on a community meeting held in Ovamboland on the question of women’s rights in Namibian society and the liberation movement. The document quotes one man present at the meeting as saying, “I pay lobolo for a woman according to tradition. Therefore she becomes my possession. I am her boss and she is my property. You don’t expect me to be submissive to my own shirt.” Another man reportedly declared that “women are naturally inferior.” Yet other men who attended the meeting held contrary views, challenging the assumption that women ought to remain cloistered in the homestead: “By marrying a woman we are confining her to a house to cook our food and look after our children,” one man observed. “The protection we give women is a form of oppression.”

To many women within the liberation movement, female participation in political struggle, while essential to achieving the empowerment of women, could not by itself bring about the kind of radical change desired by SWC leaders. According to the internally-circulated summation of the aforementioned meeting on gender and the

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72 Nathanael July 5, 2007 interview.
73 “Notes From Namibia,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
liberation struggle, one woman present “saw the possibility of independence being achieved, and yet of people’s lives still being very similar to what they are now. [She] kept thinking this, and came away with the realization that the struggle must be committed to mobilization of all levels and around all issues.”74

Yet in order to be successful, this revolution within the revolution would have to unfold not only in Ovamboland, but also in the Zambian refugee camps, which by the mid-1970s hosted thousands of young men and women who had fled South African repression in Namibia. Inundating an organizational structure that, until that point, had been predominantly male, the presence of young women in the camps produced a multitude of tensions surrounding female fertility and male sexual access to women’s bodies. Decrying what it called “sex discrimination” within the ranks of SWAPO, an SWC workshop held during the 1970s argued that the party needed to be more proactive in encouraging use of contraception and punishing men who impregnated multiple partners simultaneously. The workshop noted that “it appears that within SWAPO only the women are blamed” and suggested that the party should “force men to marry [im]pregnated girls.”75 (The means by which this could be accomplished were not addressed.) In this respect, the priorities of the SWC mirrored the work of traditional authorities throughout the twentieth century, who had used the epokolo in order to discipline young men in such cases. Yet unlike the traditional authorities, the SWC simultaneously insisted on women’s participation in the public sphere, although this too came with its own tradeoffs, particularly in the organization’s views on pregnant women. “The female Comrades in many cases have limited consciousness that makes them aware

74 “Notes from Namibia,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
75 “Sex Education,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
of the consequences of submitting to [sexual intercourse],” the SWC document asserted. “When a female Comrade is pregnant, 2 ½ years of valuable time is spent on nursing a child and going through the pregnancy. When 15 female Comrades are pregnant they waste 37 years within a two year period of their time and energy required for the struggle. The disadvantages are glaring and obvious. Furthermore, the Party is placed with additional burden of feeding, clothing, educating and providing for the survival of these Comrades.”

Certainly the SWC’s concerns about providing for pregnant women and their offspring were justified by the unique circumstances of life in the camps, although these debates over women’s fertility can also be read as a foreshadowing of the kinds of difficult questions surrounding women and the public sphere that would confront the future Namibian nation (see Chapter Five). At the same time, it should be noted that conflicts within SWAPO over women’s fertility were repeated in other contemporaneous liberation movements. The SWC document, for instance, cites FRELIMO policy, celebrating that organization’s reported “disciplining” of men and women who conceived in the camps, 77 while in her work on the liberation movement in Zimbabwe, Amy Kaler has documented the ways in which ZANU officials tried to restrict women’s access to birth control for fear that it would “cut down the nation” by sterilizing the population. 78

I do not have evidence of a similar discursive dynamic within SWAPO, although Kaler’s observation that “the voices of African women were conspicuously absent” from debates about family planning in Zimbabwe could also apply to conflicts within SWAPO

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76 “Sex Education,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
77 “Sex Education,” SWAPO Documents of Dr. Peter Katjavivi, Reel 5.
78 Kaler, Running After Pills, 215.
over women’s sexual agency.\textsuperscript{79} As Christian Williams has documented, the arrival of thousands of young men and women to SWAPO’s Zambian refugee camps in 1974 and 1975 precipitated a crisis over male sexual access to women’s bodies, as many young women were claimed by seniors SWAPO leaders, thereby angering the young men who had accompanied them into exile.\textsuperscript{80} Keshii Nathanael discusses this phenomenon in his memoir, noting how “Ever since our arrival on Zambian soil the attention shown to the younger women by the men in Swapo’s leadership had been most disturbing. The married women told us of tearful complaints from young girls who had been forced into physical contact with men whom they regarded as their elders.”\textsuperscript{81} Foremost among the offenders was Peter Mueshihange, the SWAPO Secretary for Foreign Affairs who allegedly impregnated as many as six different girls within the space of one year.\textsuperscript{82}

Such allegations offered disturbing echoes to the colonial era and the depredations of traditional authorities such as Iipumbu ya Tshilongo. Many of my male informants agreed with the comparison. Sheeli Shangula, Secretary of the SWAPO Youth League, noted how “customarily, a chief could come to my parent’s house and find a girl there and say, ‘This girl must come and be my wife.’”\textsuperscript{83} In this representation, the actions of the traditional authorities (and the senior SWAPO commanders with whom they were compared) straddled a line between violation of women’s autonomy and the emasculation of male guardians who were unable to protect “their” women or to make a claim on their sexuality. In our 2007 interview, Keshii Nathanael was reluctant to discuss this dynamic,

\textsuperscript{79} Kaler, \textit{Running After Pills}, 186.
\textsuperscript{81} Nathanael, \textit{A Journey to Exile}, 76.
\textsuperscript{83} Shangula, interview.
first noting that “girls were bribed and were one way or another forced to go to bed with Mueshihange and the other officers.” That formulation, of girls being forced “one way or another,” obscured what was for Nathanael and other members of the SYL a more troubling reality—that many young women agreed to enter into these relationships due to the material comfort and protection that powerful SWAPO leaders like Mueshihange could provide. As Nathanael admitted, it was “a situation where we had nothing….Everybody was now dependent on the Party for food. The girls who were chosen, it was merely because Mueshihange was a womanizer. He wanted to have a good time. Those girls, too, they wanted to be different. It was a difficult situation….They had to take the opportunity when it was offered to them.”

To SYL leaders, the behavior of senior SWAPO commanders seemed a relic from an earlier era, before the age of politics and the influence of Christianity, when the kings and headmen of the plains had hoarded the wealth and resources of the community. As Nathanael explained it, men like Mueshihange belonged to a “generation before me,” and as a result “they may have been affected by the traditional type of headman who had a lot of women.” Attitudes that the Youth Leaguers thought had been defeated during the 1973 floggings scandal thus resurfaced in the refugee camps of Zambia, where the younger generation now found themselves ruled by SWAPO bosses who either felt

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84 Nathanael, July 6, 2007 interview. In her remembrance of her years as a PLAN soldier, Teckla Shikola describes the cultural pressures that often led to women becoming pregnant at the front. Shikola’s account also reinforces the frequent comparisons between SWAPO commanders and the traditional authorities. As she writes, “You know, when you are coming from home, you are new, and they train you in the army to say yes. Whenever someone in charge calls you, you shouldn’t refuse, you don’t say no, you have to go. You feel scared of saying no, you cannot talk directly to a commander. Sometimes the chiefs would call out these poor young girls fresh from home. The chief made love to them, and the women became pregnant without knowing the person who impregnated them, sometimes they didn’t even know his name. Some commanders had fifteen or eighteen kids. It is not really rape in a direct way as such but just the way the chiefs were.” Teckla Shikola, “We Left Our Shoes Behind,” in What Women Do in Wartime: Gender and Conflict in Africa, ed. Meredith Turshen and Clotilde Twagiramariya (New York: Zed Books, 1998), 143.

85 Nathanael, July 6, 2007 interview.
threatened by or were unimpressed with the younger generation’s encounter with the *epokolo*. Most ironically, this reemergence of traditional manifestations of power found expression in SWAPO leadership’s preference for corporal discipline within party ranks. In our 2006 interview, Sheeli Shangula reported that SWAPO President Sam Nujoma told him to “beat up girls” in the Youth League who were wearing miniskirts, an order that Shangula refused to obey.86 In his memoir, Nathanael mentions that one SWAPO camp administrator, Nahas Angula, had taken to whipping Namibian refugees who defied his strict rules. Even worse, Nathanael alleged that Angula and other leaders “flogged women on their bare bottoms in public, something that was quite unthinkable amongst our people. And they raped young and married women alike—a crime so base it was literally unheard of in our societies until then.”87

This repetition—of allegations that had been leveled against the kings and headmen during the late colonial period, as well as the assertion of an idealized gender normativity in “authentic” Ovambo custom—suggests the operation of a discourse that deployed tropes of sacrosanct womanhood in order to contest the legitimacy of male authority. Thus, even as women continued to make claims upon the public sphere and to engage in political and military activity in the struggle against South African colonialism, men within the liberation movement debated the treatment of women as if these changes had never occurred. To be sure, the leaders of the SWAPO Youth League were advocates for female participation in the liberation struggle; their experiences organizing the SYL in Ovamboland during the early 1970s had shown them the indispensable role played by women in the movement. Yet at the same time their discursive challenges to the authority

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86 Shangula, June 2, 2006 interview.
of SWAPO leadership in exile rested upon the assumption of female vulnerability and passivity, of an older model in which women remained more or less secluded in the privacy of male-dominated homesteads, protected from outsiders and abusive elites. That, too, was an ideal more than a reality in a society that had experienced the kinds of crises of male authority that were the product of the contract labor system and the divided homesteads that it had produced. Perhaps in this respect these debates over the importance of protecting women were attempts to reclaim an imagined pre-colonial masculinity for the new nation that was slowly taking shape in the refugee camps and elsewhere during the last years of colonial rule. If so, discourses about vulnerable women and violated girls threatened to contradict the movement’s broader commitment to gender equality by subjugating and silencing women’s voices, or reducing them to mere props in the drama of male power struggles.

It is possible that the SWAPO Youth League, with its history of female empowerment, could have negotiated these discursive conflicts had its vision for Namibia in general and SWAPO in particular been allowed to bear fruit. But this was not to be, as the power struggle between the SYL and SWAPO elders begun during the refugee crisis of 1974 and 1975 culminated in the expulsion of many Youth Leaguers from the Party in 1976. The events that precipitated this rift included not only criticisms of the personal behavior of Nujoma, Mueshihange, and other SWAPO elites, but also a rejection of the authoritarianism of these leaders and a demand for a new Party Congress to elect new officers. The revolt of the Youth Leaguers also coincided with growing dissatisfaction

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among many PLAN combatants exasperated by the Party’s inability to supply them with weapons and food, as well as the shifting alliances of the period that sometimes resulted in PLAN units being ordered to fight against soldiers from other liberation movements, such as the MPLA in Angola.89

Fearing the possibility of an internal mutiny, Nujoma and his allies in SWAPO leadership proposed to deal with the SYL dissidents with a severity never contemplated by the *epokolo*-wielding traditional authorities back in Ovamboland. In late April 1976, Nujoma had several leaders of the SYL arrested by Zambian authorities, including Nathanael, Jimmy Amupala, Sheeli Shangula, and Andreas Nuukwawo, along with key senior Party leaders, most prominently Andreas Shipanga, who had shown a willingness to collaborate with the young upstarts.90 Nujoma promptly declared Nathanael and the other detained leaders to be South African spies, and threatened to have them executed by firing squad.91 That never happened, although the dissidents were soon transported to Tanzania, where they were held in Ukonga prison for two years prior to being released and granted asylum in various European countries. The fate of the rebellious PLAN combatants was worse—of the thousand or so detained at Mboroma prison camp in Zambia, hundreds disappeared, likely the victims of starvation or summary execution.92

The 1976 crackdown on dissidents undoubtedly had a chilling effect on criticism and dissent within SWAPO, including around the issues of gender equality that had been raised by the SWC during the 1970s. While SWC leaders occasionally made suggestions for reform through internally-circulated documents, the organization rarely if ever

89 "Dissidents File," *SWAPO Documents of Dr. Peter Katjavivi*, Reel 5.
challenged SWAPO’s male leadership publicly, thereby ensuring that the critical issues raised by the SYL and others during the 1970s went largely ignored. At the same time, class divisions and cultural differences plagued the SWC’s attempts to mobilize Namibian women. According to Lindi Kazombaue, a women’s rights activist working in Namibia during the 1970s and 1980s, the SWC attempted to destroy Women’s Voice, the feminist organization she had helped form in the mid-1980s to organize rural women and domestic workers. “They did so much harm to women’s liberation in this country, because everybody is now afraid to join a women’s organization,” she reported to Colin Leys and Susan Brown during the 1990s. “I still, sometimes, work for the Women’s Council, but if they really go back they will see they did the women’s struggle in Namibia a lot of harm, by playing into the hands of the men.”

For SWAPO in the late 1970s and 1980s, purge followed after purge. By the time the 1976 crisis had faded from memory, the party was consumed by the “spy dramas” of the 1980s, in which thousands of Namibians were accused of working for the South African government and imprisoned at the SWAPO camp in Lubango, Angola. There, thousands of Namibian men and women were repeatedly tortured and raped, disappeared, executed, or eventually rehabilitated. One of these was Ilona Amakutwa, who told Leys and Brown that in 1987 she was arrested and tortured under suspicion of being a spy. After “confessing” to spying in order to bring the torture sessions to an end, Amakutwa was “thrown into a hole in the ground, a prison pit, where I found something like thirty-

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seven other women who were already suffering there.” She remained in that prison pit for two years, before her eventual release on the eve of Namibian independence.⁹⁴

There can be no question that during the course of the struggle for national independence, Namibian women as never before seized opportunities to participate in the public life of the nation, as community organizers, soldiers, and political activists. If nothing else, the scars left on the bodies of Netumbo Nandi, Elise Nghilwamo, Otilia Nongola, Rachel Shaduka and Esther Kalola demonstrated that women’s roles had indeed been revolutionized by the liberation struggle, which had challenged and in some cases overturned the gendered division of space that had prevailed through much of the colonial period. Yet, like so many aspects of Namibian society during the final years of colonial rule, this transformation had been interrupted by a political process largely controlled by male elites. As they articulated their challenges to structures of authority both within and outside the country, men within SWAPO frequently deployed the language of scandal in order to dispute the political legitimacy of their rivals, whether they be traditional authorities or SWAPO party bosses. That arguments about gender so often constituted the substance of these discourses should not be surprising, for the image of vulnerable women could speak both to the rapacity of one’s enemies as well as one’s own masculine nobility and strength.

Yet the theater of moral outrage produced by these tropes betrayed its own superficiality through the changing political contexts of the late colonial period. In 1973, the image of beaten women proved effective in marshaling opposition to the kings and headmen, who had already found their authority weakened by collaboration with a dying colonial order. Yet because the chief symbol of resistance to that colonial order was

⁹⁴ Leys and Brown, *Histories of Namibia*, 79.
SWAPO, the party that had monopolized international condemnation of South Africa to be crowned, by 1976, the “sole and authentic representative of the Namibian people,” identical and in some cases even worse treatment of women in SWAPO camps and detention centers was largely ignored. As a result, the “scandal” of Lubango exists today mainly along the margins of Namibian society, an uncomfortable topic best left alone. I was reminded of this in May of 2009, when I traveled to visit Andreas Shipanga at his home and cuca shop [an unlicensed store selling alcohol and other goods] in Uhexe, a tiny and impoverished hamlet on the far outskirts of Oshikoto province. After his expulsion from SWAPO and imprisonment in the late 1970s, Shipanga had attempted a political comeback with the SWAPO-Democratic party. But SWAPO-D had failed to win a single seat in Parliament in the 1989 elections, and as a result Shipanga had faded into obscurity. By 2009 the shelves in his store were bare and covered in dust, and Shipanga tried to make ends meet by soliciting donations from journalists and researchers like myself. During our nearly two-hour interview, he spoke openly about his life and political career, and for the most part declined to denounce Nujoma and his other old political rivals from the 1970s. The one exception to this reticence was the treatment of detainees at Lubango. Almost shaking with anger, he put his fist on the table and said, “I say that what happened in Lubango, honestly, it was sadistic! They were sadists of the first order. Punishing women! Women are never punished in African tradition!”

What had Ndaxu Namoloh said to the traditional authorities after they flogged women in 1973? “By flogging women in our culture, I think this means the end of your

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95 Andreas Shipanga, interview.
rule of this country.” He had been right. Yet in the aftermath of the torture cells and prison pits of Lubango, SWAPO’s rule was only just beginning.

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96 Namoloh, interview.
Chapter Five:

Scandal, Revolution, and the Making of Modern Namibia

“The youths of Namibia are on the whole undisciplined and disrespectful. It is because they think it is their right to act as they want, without cognizance of any rule or law. Then they cry to high heaven when any authority acts in retribution. Bring back corporal punishment.”

--“Andrew,” in a letter to the editor published in The Namibian, May 15, 2009

On a barren and rocky hillcrest overlooking the city of Windhoek, the ghosts of Namibia’s liberation struggle slumber, surrounded by brick and concrete, asphalt and undergrowth, weeds and baboons. Heroes’ Acre, built at a cost of N$60 million and opened to the public in 2002, today memorializes dozens of Namibians whose life stories have been coopted by the country’s professional mythologizers, offering monuments to long-deposed Ovambo royalty like Mandume ya Ndemufayo and Iipumbu ya Tshilongo, and gravestones for SWAPO freedom fighters such as Johnny ya Otto and Peter Mueshihange. These and many other markers line the steps that lead to the summit of the memorial, a statue to the “Unknown Soldier,” who in his husky build and bearded visage bears more than a passing resemblance to Namibia’s first president, Sam Nujoma. Above this statue looms a large white obelisk, a sentinel seen from many vantage points throughout the capital. It is rumored that at the base of this ivory tower, the 84-year-old Nujoma will one day be buried. If you climb the winding steps of stone to that highest of outposts, much of Windhoek becomes visible—from the German architecture that defines the city’s center to the mansions of Eros and Klein Windhoek and, a few short kilometers further away, the crumbling slums of Katutura, where the city’s impoverished majority lives in shacks made of corrugated iron and cracked zinc. More than two decades after the country’s independence, Windhoek remains a segregated, bipolar town.
Yet it is on the wall behind the Unknown Soldier that Heroes’ Acre has stashed away its most remarkable story. The mural there, poorly constructed by the North Korean contractors paid for its assemblage, is already peeling and fading under the year-round pressure of the elements. But one can still make out its essential message—the linear narrative of Namibia’s journey to national independence, presented in a tableau of scenes depicting the heroic men and women who first confronted the Germans with rifles and arrows, and the later generations who took up grenades and machine guns to battle the South African occupiers. It was that final cataclysm, the mural tells us, that led to the nation’s independence, portrayed here by a long line of ordinary Namibians marching forward, into the future, under the colors of the Namibian flag, led by a bearded man whom one is tempted to call Nujoma.

This is the denouement of the story told at Heroes’ Acre, the final station in Namibia’s national redemption and resurrection, the triumph of the liberation movement. But what, exactly, had been defeated? Though African figures throughout the mural are shown in various stages of conflict—barking instructions to comrades on the battlefield or tending to the wounded as they lie bleeding in the dust—the panorama actually portrays only one identifiable enemy. To the far left of the mural, positioned at the very beginnings of time, deep in the primordial ooze of the modern nation, the canvas shows a white man whipping an African man who must be Ovambo, for the flogging takes place under the shade of the palm trees commonly found in the country’s north-central region. The Ovambo man is bent over in a protective gesture, his hands covering the back of his head, which faces down towards the earth. Unique among all the figures on the mural, the whipped man makes no effort to look towards the future. Body broken, muscles
contorted, he lives frozen in a world of pure pain, present but consigned to a life of perpetual agony. He exists only as the wallpaper to a larger story, which is the liberation of the country from the shackles of his oppression, the instrument of which composes its story on his exposed, bleeding back.

In recounting the history of corporal punishment in Namibia, I have tried to resist the temptation—rooted in my academic pedigree—to describe the bodies of men and women beaten with the *epokolo* as “texts,” an analytic turn encouraged by postmodernist hermeneutics. After gathering the interviews that have informed my understanding of punishment in Ovamboland during the twentieth century, I determined that what my informants most needed was a chronicler, not a deconstructionist. Yet it is clear that in looking at debates over corporal punishment in post-colonial Namibia, the image of the whipped and flogged body has indeed become a kind of text onto which arguments and representations of the meaning of national liberation, and the historical experience of white occupation and colonialism, are projected. In the case of the Heroes’ Acre mural, the positioning of the scene of bodily violation places corporal punishment within a teleological narrative that emphasizes the events that led to the nation’s independence. By situating an image of whipping to the far left of the canvas, the mural suggests that corporal punishment was a foundational experience through which the modern nation emerged, a kind of trial by fire that forged and framed the country’s journey to liberation, but for all that an experience that had also been left behind, abandoned to the mists of history.

It is a comforting thought, one in fact supported by the nation’s founding political document. Ratified one month prior to national independence in 1990, the Namibian
constitution expressly forbids “torture” as well as “cruel, inhuman or degrading treatment or punishment.”

In a 1991 interpretation of this clause, the Supreme Court of Namibia ruled that corporal punishment could not be inflicted by order of the State—either by the courts or in the schools. In his ruling, Justice Mahomed argued that such flogging may have been permissible in the past, but that changing social mores had made the practice inappropriate. “This is not a static exercise,” he observed. “What may have been acceptable as a just form of punishment some decades ago, may appear to be manifestly inhuman today. Yesterday’s orthodoxy might appear to be today’s heresy.”

As a modern nation boasting one of the world’s most progressive constitutions, Mahomed implied, Namibia had outgrown the sjambok and the epokolo.

Such are the pronouncements emanating from Windhoek, where, since independence, SWAPO leaders have held power in many of the same buildings once occupied by their white South African predecessors. Yet it would be incorrect to suggest that the new post-colonial regime has simply mimicked the old forms of colonial brutality, or that there has been no human progress during Namibia’s first two decades of freedom. In addition to its prohibitions against torture, the Namibian constitution also abolished the death penalty and forced labor, and forbade all discrimination “on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”

In the first years of independence, the Namibian Parliament passed laws stipulating a 45-hour work week, established limits on the rights of employers to dismiss their workers, and barred workplace discrimination and harassment, including on the basis of sexual

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1 Constitution of the Republic of Namibia, Chapter 3, Article 8 (b).
3 Constitution of the Republic of Namibia, Chapter 3, Article 10.
At the same time, the government worked to expand access to health care and primary and secondary education, and established a universal pension fund. Thanks to these and other measures, as well as SWAPO’s continued recognition as the party that spearheaded the liberation struggle, since 1990 SWAPO has remained the dominant force in Namibian politics. In the 2009 elections, the party earned nearly 75 percent of the vote, well above the 57 percent it garnered in the country’s first free elections in 1989.

SWAPO’s strongest base of power can be found in Ovamboland, birthplace of most of the party’s elites and still host to raucous speeches and rallies during each election season. As I conducted my interviews during the lead-up to the 2009 elections, evidence of widespread support for the party could be found everywhere, in the pickup trucks that ferried dozens of flag-waving SWAPO supporters from one rally to another, and in some of the homes of my informants, which proudly displayed faded posters bearing the smiling images of Nujoma and his presidential successor, Hifikepunye Pohamba. Yet for all that, it was also clear that official government discourses regarding equality and human dignity enjoyed only tepid support, if at all. When asked about the legal prohibitions against corporal punishment, many of my informants wearily acknowledged their submission to government dictates that seemed to bear little relationship to their day-to-day struggles with endemic poverty and petty and violent crime. As the country’s prison system became the predominant mode of judicial punishment, men and women in Ovamboland grew increasingly nostalgic for the days when disputes within the community were resolved out in the open, “under the tree,” through fines and floggings. “If it was me who was a judge, and some criminals are raping young kids and killing people, I will use the epokolo,” Sakaria Shahamena

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Shitaleni told me in May 2009. “Prison is useless because people will just go and eat nice food. They are even eating eggs and they have shelter and everything.”

Shitaleni’s comment pinpoints the source of the present-day nostalgia for the *epokolo*, shared with me in numerous interviews and reflected as well in the newspaper letters to the editor like the one quoted at the beginning of this chapter. On the one hand, the preference for corporal punishment suggests a deep generational schism within Namibia, whereby the nation’s elders yearn to castigate their sons and daughters for their lack of decency and respect, as well as their perceived softness. Raised in a country that explicitly asserts the dignity of every human being, today the children of Namibia are often viewed by their parents and grandparents as ungrateful, lazy, and undisciplined, not unlike the young men of the past who were beaten with the *epokolo* because they were *ouna omatundi*. Yet now those who transgress community boundaries are not publicly beaten, but instead sent to prison, where they serve out terms of incarceration before being released into the public once again. Like Shitaleni, many Namibian men and women regard prison as a kind of reward for criminality, a place where the *botsotsos* can go and receive free food and shelter, no small matter in a country where, by 2005, more than half the population was unemployed and forced to live on less than two dollars per day.

Thus, the present-day nostalgia for colonial-era practices of corporal punishment is not so much rooted in a positive appreciation for the merits of flogging, but rather is, as Kenda Mutongi has argued for post-colonial Kenya, a manifestation of dissatisfaction

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5 Shitaleni, interview.
with African governance, and with SWAPO’s failed promises. The progressive rhetoric found in the country’s political discourse has not been matched by the kinds of economic gains pledged during the liberation struggle, with the result that today Namibia boasts, by most measures, one of the most unequal economies in the world. In grappling with that staggering contradiction, that vast gulf between the rich and the poor, the urban and the rural, a formally democratic political process and a political culture based mainly on personal ties of patronage, many Namibians continue to look towards the epokolo as an instrument of justice in a world of incongruities, where life remains in a state of suspension between the colonial and the post-colonial. As I will argue, this predicament was itself foreshadowed by the 1973 floggings scandal—a discursive event that ultimately proved to be more important for the values it reaffirmed rather than those it overturned. Despite government platitudes and the tales of Heroes Acre, Namibia today is a country still looking over its shoulder, a wary gesture that is the lasting legacy of a revolution unfinished.

When Namibia achieved its independence on March 21, 1990, it became the 51st African country to free itself from white occupation, a delayed baptism that undoubtedly tempered expectations about the meaning and scope of national liberation in a world that appeared to be increasingly neo-colonial in orientation. Three full decades after the Year of Africa had raised hopes of a new post-colonial world order, one searched in vain for the appearance of Frantz Fanon’s “new man,” that beautiful and liberated creature who

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was to have been formed in the cauldron of violent, revolutionary struggle. Yet instead of instigating the final and decisive cataclysm that Fanon held to be a precondition for authentic decolonization, elites throughout the continent had settled for a series of half-measures that ensured broad continuity with colonial era practices, particularly with regard to the distribution of wealth and the ownership of natural resources.

These problems have been particularly acute in Namibia, where political pragmatism has often negated many of the liberation movement’s most fiery promises. By the late 1970s, for instance, SWAPO leadership in exile had, at least in theory, committed itself to a radical socialist course, as reflected in the pronouncements of the party’s Central Committee, which declared its intent to create a “socialist society” that would be “class-less, non-exploitative, non racial and just” in order to “assure the restoration of social ownership, control, and management of Namibia’s natural resources.” Of course, such radicalism had been a common feature of liberation movements throughout the continent, but unlike in countries such as Tanzania, Burkina Faso, Guinea and elsewhere, SWAPO lacked the ideological commitment to enact its political program, preferring instead to placate the fears of the Western powers in order to ensure their leadership once the country became independent. Thus in 1982, SWAPO agreed to a series of “Constitutional Principles” in exchange for Western support of Namibian independence, including provisions that prohibited a future Namibian government from redistributing land without offering just compensation, as well as a

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9 After efforts at state-centered development faltered in the 1950s and 1960s, privatization of resources became an increasingly frequent phenomenon thanks to the implementation of structural adjustment programs as a precondition for international financial aid and debt relief. Frederick Cooper, *African Since 1940: The Past of the Present* (New York: Cambridge University Press, 2002), 180-187.
promise to retain South African appointees in the civil service.\textsuperscript{11} As a result of these and other pledges, SWAPO ensured that its transition to power would be largely instigated by the international community, rather than by Namibians within the country. In her analysis of this dynamic, Lauren Dobell has noted how SWAPO’s diplomatic pragmatism “led to the neglect of important resources—perhaps especially and most tragically, of the movement’s most militant and best educated youth….Had Swapo been obliged to listen to its domestic rank and file, and compelled to mobilize support for its policies inside Namibia, a very different politics might have emerged within the movement and in Namibia as a whole.”\textsuperscript{12}

Surely Dobell here is referring in part to the generation of SWAPO Youth Leaguers whose activities sparked the 1973 floggings scandal and later led to a schism within the party’s ranks in exile. In their analysis of the 1976 crisis, Colin Leys and John Saul argue that the expulsion of Youth League members and PLAN combatants from SWAPO’s ranks marked a critical turning point in the history of the party, as the organization rejected the kind of democratic accountability and radically militant ethos that the Youth Leaguers represented.\textsuperscript{13} Implicit in this line of analysis is the argument that, had the Youth Leaguers somehow prevailed in the intraparty conflict, SWAPO and, by extension, an independent Namibia, would have chosen a more principled socialist path. As Leys and Saul document, following their arrival in Zambia in 1974, the Youth Leaguers became increasingly critical of SWAPO’s ties with the Angolan rebel army UNITA, which by that point was engaged in a military conflict with Angola’s ruling Marxist party the MPLA, and which was also beginning to receive support from South

\textsuperscript{11} Dobell, \textit{SWAPO’s Struggle for Namibia}, 71-72.
\textsuperscript{12} Dobell, \textit{SWAPO’s Struggle for Namibia}, 22.
\textsuperscript{13} Leys and Saul, “Liberation without Democracy?” 124-125.
Africa and the anti-communist Western Powers.\textsuperscript{14} From the standpoint of SWAPO’s own needs, the alliance with UNITA made sense insofar as Jonas Savimbi’s forces controlled much of southern Angola, and thus the routes from SWAPO’s camps in Zambia to northern Namibia. By 1975, SWAPO leadership ordered PLAN combatants to fight alongside UNITA forces against the MPLA, a move that was deeply unpopular with many PLAN soldiers as well as Youth League leaders who favored an alliance with the MPLA. Insofar as this was a critical source of division leading up to the 1976 purges, the possibility that the outcome could have been different, that SWAPO could have taken an alternate path, has hung over the party during the last four decades. For even though the complicated Cold War politics of the late 1970s and early 1980s occasionally required SWAPO to adopt more socialist rhetoric and to petition socialist and communist nations for support, throughout that time it was also clear to a wide range of international observers that SWAPO was essentially a non-ideological movement. As one UN diplomat, quoted in the \textit{Washington Post} in May of 1984 and reprinted by Dobell, put it, “To SWAPO…labels of ideology have no meaning. Marxism-Leninism, socialism, even democracy. But one thing is important – nationalism. Nationalism is fact, the others are only labels.”\textsuperscript{15}

It must be emphasized here that this exclusive concentration on national independence did not adequately reflect the nature of resistance to South African colonialism within Namibia. After all, SWAPO’s origins lay within the contract labor workforce in the country, and the reinvigoration of internal SWAPO in the early 1970s coincided with the general strike of 1971-72. Many of the people who joined SWAPO’s

\textsuperscript{14} Leys and Saul, “Liberation without Democracy?” 129-130.
\textsuperscript{15} Dobell, \textit{SWAPO’s Struggle for Namibia}, 59.
ranks thus desired more than free elections or an end to white occupation—although of course these things were also important. They sought the redistribution of wealth through higher wages, better working conditions, and the nationalization of Namibia’s natural resources, and they demanded the restoration of land stolen during the colonial period.16 Given the fiery idealism of the Youth Leaguers, particularly when contrasted against SWAPO elites who seemed to have abandoned such agendas for a pragmatic approach, it is understandable that scholars such as Dobell, Leys, and Saul have interpreted the 1976 crisis as a missed opportunity and a brief glimpse at the road not travelled during Namibia’s liberation struggle. Yet I would argue this view is mistaken, and not simply because the Youth Leaguers, had they ever gained power, might have been just as prone to abandoning their principles as SWAPO’s external leadership proved to be. The problem rather centers on the fact that the SYL attempted to bring about change through scandal, a discursive event that precludes revolutionary action by appealing to established authority and group consensus in order to bring about change. In this sense, the 1973 floggings scandal, which did serve to propel the Youth League to new heights of popularity and political commitment, also foreshadowed the ultimate failure of the organization. Throughout its tumultuous history, the Youth League based its identity on a generational framework that simultaneously situated the movement as both a challenge and deference to established authority. This approach would have serious consequences for the organization, leaving it unprepared for the 1976 purges conducted by SWAPO leadership, its “parent” organization.

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16 See, for instance, the demands of the OPO, the forerunner to SWAPO, published in August 1959 and reprinted in Sam Nujoma’s autobiography, which list among the organization’s grievances the lack of available land and the “hated slave Contract System.” Nujoma, Where Others Wavered, 66-67.
In his study on the subject, Ari Adut defines scandal as “an event of varying duration that starts with the publicization of a real, apparent, or alleged transgression to a negatively oriented audience and lasts as long as there is significant and sustained public interest in it.”  

17 For Adut, the most important element to any scandal is publicity, which has the power to “transform the meanings of transgressions,” to elevate them from mere gossip into genuine societal disruptions capable of bringing about change.  

18 Adut’s analysis also allows for the construction of a heterogeneous “public”; as scandals grow and expand, they tend to bring in new observers whose diverse perspectives often cause the scandal itself to evolve, and in some cases, to disappear altogether. To take a very simple example cited by Adut, Bob Dylan’s decision to play electric music at the 1965 Newport Folk Festival scandalized much of the audience present, but as word of the performance spread to fans of other kinds of music, Dylan’s fame and notoriety grew.  

19 All of the scandals cited by Adut—from Watergate to the Monica Lewinsky Affair—took place in advanced Western societies, where differences in class, race, religion and political ideology were offset by broad similarities in language, culture and a shared public sphere that included such mass media outlets as newspapers, magazines, television, and radio. Not coincidentally, these are the mediums most critical in establishing the kind of “imagined community” that Benedict Anderson has rightly identified as central to the construction of a national consciousness.  

20 In this way, scandal can be seen as a marker of national cohesiveness; the public conversation engendered by

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17 Adut, On Scandal, 11.  
18 Adut, On Scandal, 36.  
19 Adut, On Scandal, 17-18.  
20 Anderson, Imagined Communities, 37-46.
scandal is only possible in a society that already possesses a coherent public sphere within which the scandal can be publicized and debated.

How, then, can scandal occur in a colonial context? In Namibia, as in other colonized African countries, there was not one national “imagined community”; rather there were many, encompassing the distinct ethnic and linguistic communities whose divisions were reinforced by the colonial state, not to mention differences of class, race and political status. Even if Namibian society by the 1970s was not as absolutely Manichaean as Fanon had argued in *The Wretched of the Earth*, it was nonetheless a territory undeniably divided along many different fault lines. Furthermore, because the colonial state functioned in a sharply hierarchical manner, effecting change within the system required a multi-level approach that simultaneously engaged an ethnically and linguistically diverse colonized population, indigenous elites, religious authorities, the colonial state and the white settlers who supported it, as well as an often indifferent international community. This was the challenge faced by the victims of the 1973 floggings in Ovamboland. Through the discursive construction and propagation of scandal, the applicants in the case sought to engage the broadest audience possible—from the ordinary men and women of Ovamboland to politically powerful elites in Windhoek, Pretoria, New York, and beyond. There can be no doubt that these efforts were fantastically successful, given that the outcome of the scandal led to the discrediting of the traditional authorities within Ovamboland and the shaming of the South African colonial project on the international stage. When the Supreme Court of Appeals ruled in favor of the applicants, a significant blow had been struck against both the traditional authorities who had contaminated their own institutions through collaboration with the
colonial state, and against the state itself, which was at that time attempting to use the kings and headmen to facilitate the continued white occupation of Ovamboland.

Yet because the scandal had to appeal to the widest possible audience, because it had to provoke outrage within many different communities, its capacity for effecting social transformation was limited. In the final analysis, scandals are not well-suited to serve as the midwives of revolution, and indeed are often more significant for the values they uphold rather than the transgressions they seek to punish. In rebuking the traditional authorities for their conduct, applicants in the 1973 floggings case insisted that traditional institutions in the region had behaved more appropriately in the past; thus their quarrel was not so much with the fact of a political system that produced “subjects” rather than “citizens,” but rather with alleged abuses that had betrayed a pre-existing ideal. This argument, so tempting because it spoke simultaneously to a colonial system that attempted to legitimize its rule through traditional institutions and a rural peasantry who still looked to kings and headmen to maintain order, was always problematic because it failed to adequately speak to the aspirations of the Youth Leaguers. Though some activists viewed the traditional authorities as potentially valuable if their allegiance to the South African system could be severed, it is unclear how they envisioned such an institution functioning in a post-colonial Namibia. “My understanding was that the whole system should be dismantled,” Ndaxu Namoloh said. “When the system was dismantled, these chiefs should have no power. I had nothing against the chiefs, but I understood the system was the culprit. One it was gone, it was finished.”

Though this was the perspective of many of the Youth Leaguers, the discursive operation of the scandal, which encouraged broad opposition to the floggings on the basis

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21 Namoloh, interview.
that the traditional authorities had betrayed their duties, never successfully rallied support for a dramatically different vision of the country’s future, one in which the colonial system was thoroughly “dismantled.” Thus the region was sharply divided when SWAPO guerrillas began targeting kings and headmen for assassination, most dramatically with the killing of Philemon Eliphas in 1976. “Some people were not happy [about the killing of Eliphas],” Ndali Kamati recalled. “They thought it was something which should not have happened….Because the population was also limited in understanding.”

These “limitations” in popular consciousness manifested themselves in other issues raised during the course of the 1973 floggings scandal. By emphasizing the impropriety of targeting women for corporal punishment, the scandal effectively delayed a much more important debate on the role of women in the “public sphere” of the liberation struggle, and by extension, the future Namibian nation. And perhaps most critically, the emerging distinction between the beating of “politicians” and the punishment of “criminals” evaded key questions about how the Namibian nation would bridge distinctions of class and education within the population. Certainly, such debates may have seemed trivial or indulgent during the 1970s, when Namibia was a colonized land whose population suffered under the boot of a viciously racist regime, but from the perspective of the twenty-first century and the pervasive divisions that still plague the nation, these and other issues left unresolved during the liberation struggle loom quite a bit larger.

Yet even if the scandal of the 1973 floggings failed to tackle such critical questions, it nonetheless remains the case that the raw experience of public brutality radicalized the consciousness of an entire generation of young men and women in

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22 Kamati, interview.
Ovamboland. This is a point that Keshii Nathanael has eloquently made many times, whether during our interviews in Sweden in 2007 or as recently as July 2013, when he penned an editorial in The Namibian newspaper arguing that the 1973 floggings “opened a new chapter in the minds of the SYL leadership. We were no longer convinced that a peaceful solution was the only option to bring about the liberation of the country. We had to leave the country to join the armed struggle against the occupation forces.”

As Nathanael describes it, the Youth Leaguers who fled the country in 1974 and 1975 represented a force of several thousand people who quickly dwarfed the much smaller number of senior SWAPO leaders in the exile camps in Lusaka. Given their relative strength in numbers, the question must be asked: why wasn’t their movement more successful? Why were the leaders of the Youth League so easily dispatched by Nujoma and his allies? After spending most of his life in exile, Keshii Nathanael now admits that he and his allies in the Youth League made a series of mistakes that contributed to the organization’s downfall. “If I look back, we were rather radical and naïve,” he explained to me in 2007. “We were pushing hard. We never realized that we were a force that poses a threat to the leadership. We never thought about that….We were many, we came with those people, we were known. We were in the majority.”

By attempting to effect change within SWAPO’s organizational structure, the Youth Leaguers in many ways played out a role that had been predetermined by the generational logic of their movement. In consciously identifying themselves as youths, Nathanael and others within the SYL signaled that they represented a new generation

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24 Nathanael, July 9, 2007 interview.
capable of reinvigorating the liberation struggle, while also simultaneously respecting the party’s pre-existing status as the vanguard of the anti-colonial movement. For Nathanael in particular, this perspective was borne out of his own family’s experience—it was, after all, the involvement of his older brother, Nathanael Maxuilili, that motivated him to become politically engaged in the first place.

In adopting this generational identity, the Youth Leaguers both challenged and reinforced traditional beliefs about showing respect for elders. On the one hand, the endless questions posed by the Youth Leaguers to SWAPO leadership provoked the ire of elites who felt that the young upstarts were speaking out of turn. “There arose the issue of our questioning,” Nathanael’s colleague in the SYL, Jimmy Amupala, remembered. “We started questioning issues…[We asked] ‘Do you have a party programme, a movement programme?’ [And] they just became very fearful.”

There quickly arose amongst the Youth Leaguers the impression that SWAPO elites, especially Nujoma, who was often called “The Old Man,” acted much the same as the traditional authorities they had left behind. “[We saw that] in the way he behaved towards us,” Sheeli Shangula remembered. “[Especially in the fact that] he doesn’t want to be questioned, that his decisions should not be questioned.”

In confronting this challenge, the Youth Leaguers adopted a strategy that in some respects replicated their approach to dealing with the traditional authorities in Ovamboland. By appealing to the provisions of the party’s constitution, Nathanael and others within the SYL attempted to mobilize a broad base of support for holding another...
Congress, at which new officers could be elected.\textsuperscript{27} In many ways this was a mild request—by the provisions of the 1969-1970 Tanga Conference, SWAPO was due to hold another congress by December 1974 at the latest.\textsuperscript{28} Therefore by insisting on the Congress, the Youth Leaguers were simply asking SWAPO officials to follow the by-laws of an organizational structure that they themselves had set up. In this regard, the actions of the SYL in exile maintained a posture of deference and loyalty to a party whose ultimate authority to guide the liberation movement was unquestioned. Indeed, by insisting that Nujoma and other members of the party’s executive committee abide by the provisions of the Tanga conference, the Youth Leaguers were able to position themselves as loyal party members, thus appealing to a wide swathe of the party’s rank and file, including many members of PLAN.\textsuperscript{29}

If SWAPO had been a democratically run institution, this strategy might have worked in effecting the kind of change within the party that the Youth Leaguers envisioned. But like the traditional authorities operating within a colonial context, SWAPO in exile was subordinate to a much larger international structure that included the government of Zambia, which hosted SWAPO, and the United Nations, which had declared the party to be the “sole and authentic representative of the Namibian people.” Unlike their response to the traditional authorities in 1973, the Youth Leaguers and their allies could not formulate an argument against SWAPO leadership that appealed to the

\textsuperscript{27} Nathanael, \textit{A Journey To Exile}, 99-104.
\textsuperscript{28} “A Follow-Up to the Memorandum and the Resolutions Passed By Both the Youth and Exco. on September 14, 1975, that the National Congress Should Be Held Unconditionally,” Private Collection of Keshii Nathanael.
\textsuperscript{29} In the statements issued by the leaders of the roughly one thousand “anti-corruption fighters” following their arrest and detention at the Buloma camp, the prisoners specifically reference their demand for a new party congress—strong evidence that the arguments of the SYL were persuasive to a large number of SWAPO members in exile. “Oh World Hear Our Cries,” \textit{SWAPO Documents of Dr. Peter Katjavivi}. Reel 5.
interests of those critical power brokers. As Ronald Dreyer has documented, by 1974 the Zambian government was pursuing a policy of détente with apartheid South Africa, with the result that Zambia began placing pressure on SWAPO to “desist from armed struggle.”

Meanwhile, by early 1976 U.S. Secretary of State Henry Kissinger began advocating for Namibian independence as a way to prevent further Soviet penetration into Southern Africa. In this climate, the calls for greater democracy within SWAPO were sure to be ignored, and indeed it was the Zambian army that ultimately arrested and detained SYL leaders and PLAN combatants in 1976, thereby ensuring continuity in SWAPO leadership. Subsequent letters from imprisoned PLAN fighters implored the world to “hear our cries,” citing widespread abuse and starvation in the detention camps. Such publicity proved ineffective, however, and the scandal of the crisis within SWAPO made barely a ripple to an international audience fundamentally indifferent to the fate of thousands.

From the moment they went into exile, the SWAPO Youth Leaguers had been committed to armed struggle to overthrow the colonial order, yet their fealty to SWAPO prevented them from grasping that the movement’s greatest threat may have been inside party ranks, rather than in the halls of Pretoria. After the liquidation of the SYL, SWAPO leadership navigated the party through the choppy waters of international diplomacy, eventually securing Namibian independence, yes, but on the terms of an international order largely ignorant of the realities of living in rural Namibia. Likewise, the political elites swept into power in 1990 imitated the behavior of the political classes throughout

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32 “Oh World Hear Our Cries,” *SWAPO Documents of Dr. Peter Katjavivi*, Reel 5.
Africa, ensconcing themselves in the more cosmopolitan capital while ignoring the Namibian hinterland. Evidence for Fanon’s observation that “independence does not bring a change in direction” could be found in a stalled land reform program that had redistributed only 90 farms by 2000, an increasingly privatized resource sector driven by neo-liberal economic policies, and a corrupt political elite who feasted on the largesse of international donors and investors. The result of these and other trends, such as the exploding HIV/AIDS crisis of the late 1990s and early 2000s, was that the standard of living for the average Namibian actually declined from 1990 to 2000, and by 2004 Namibia had, according to the World Bank, the second most unequal economy in the world, behind only the small island nation of Comoros. The impact of this dramatic disconnect between the nation’s tiny affluent elite and its impoverished masses could be found everywhere, from the many rural villages lacking electricity, clean water, and paved roads to wealthy politicians who argued that their more expensive cars should not be held to the same speed limits as the mechanically inferior automobiles that are themselves too costly for most Namibians.

In this context, the proclamations of the Namibian constitution on human equality, let alone the more radical promises of the liberation struggle to deliver a “classless” society, seem altogether absurd. As Evgeny Pashukanis observed in his classic

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33 Fanon, The Wretched of the Earth, 100.
study *The General Theory of Law and Marxism*, claims to absolute human equality only arose in Western societies alongside economic developments that posited an “exchange of equivalents.”\(^{38}\) Arguing from the perspective of the general crisis in capitalism present in the 1920s and 1930s, Pashukanis criticized such ideologies as fundamentally bourgeois in nature, and thus hostile to a proletariat whose exploitation ensured the continuation of the economic system that gave life to the abstract principles masquerading as objective and universal truths, immune to historical change.\(^{39}\)

The contradictions inherent in such an order become more profound in a post-colonial context, where the bourgeoisie itself is almost entirely absent, and the language and forms of law have been borrowed from advanced capitalist societies. In this regard, it should come as no surprise that efforts by Namibia’s political elite to give force and meaning to the nation’s constitutional guarantees have often met with significant opposition from a public that remains deeply skeptical of legal equality in the face of so many social and economic inequalities. Not coincidentally, this resistance has manifested itself in several issues raised, but never fully resolved, during the 1973 floggings scandal, including most prominently the rights of women. In a nation where legal equality lacks economic force and the traditional authorities have largely been stripped of their power to punish, many Namibians continue to look towards the family and the patriarchal ideal as the institution best suited to ordering a harsh and unforgiving world.

This is clearly evident in the debates that emerged over women’s agency and mobility during the first years of independence. In 1996, Parliament passed the Married Persons Equality Act, which as Dianne Hubbard has summarized, “eliminated the


discriminatory Roman-Dutch law concept of marital power previously applicable to civil marriages in Namibia.”  

Yet public opposition to government initiatives aimed at achieving gender equality suggests significant cultural barriers to such reforms. In fact, a 2007-2008 study of students at the University of Namibia found that 82 percent of respondents agreed that most Namibians still believed that a husband “owns” his wife.  

Likewise, a 2004 study of rural attitudes about the sexual rights of husbands found that most men and women “do not believe that a man can be considered to have raped his wife,” even though Parliament had passed a law outlawing marital rape. As one 48-year-old woman explained, “I think a man can rape his wife. Men feel good if they are in control. This makes them to see themselves as powerful people and they do what they want. They are the ones to decide when to have sex. If they want sex they don’t ask women’s permission because they are married to them.”

Restrictions on women’s reproductive freedom have also extended to laws that outlaw abortion in all cases except for rape, incest, and to save the life of the mother. A 1996 bill that would have legalized abortion during the first trimester died as a result not only of public outrage from religious and right-to-life groups, but also because of fears that legalized abortion would weaken male authority in the household, freeing women to become wage-earners rather than child caregivers. Acknowledging that 99 percent of public feedback had expressed opposition to legalization, Health and Social Services minister Dr. Libertina Amathila pulled the bill from consideration in 1999, although she also warned that “Until this

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42 Gender Research and Advocacy Project, Legal Assistance Centre, Rape in Namibia: An Assessment of the Operation of the Combating of Rape Act 8 of 2000 (Windhoek: Legal Assistance Centre, 2006), 36.
country, particularly the men in this society, realize that women are mature and must be accorded all the freedoms and rights, you cannot talk about the rights of those not in existence, for example, the unborn.”

Of course, to most men and women in Ovamboland, elite discourses that focus on the rights of the individual, or the equality of all citizens under the law, often sound exotic and remote from their day-to-day lives. When asked about the origin of these rights, many of my informants credited their arrival to “the law,” an imposition from above rather than an organic development rooted in social and economic change, suggesting a dynamic that is in some ways a repetition of the mandates of colonialism and its foreign occupiers. This is one of the central insights of Mahmood Mamdani’s *Citizen and Subject*, in which Mamdani traces the failures of post-colonial African democracies to the bifurcated nature of colonialism, which had encouraged the development of a “decentralized despotism” through the empowerment of traditional authorities. Seeking to eradicate these “tribal” vestiges of the colonial order, Mamdani argues that post-independent states often ended up “reorganizing decentralized power so as to unify the ‘nation’ through a reform that tended to centralization. The antidote to a decentralized despotism turned out to be a centralized despotism.”

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44 During my interviews I was often struck by how often questions about the reason for certain changes in society—whether they be on the legality of corporal punishment, women’s rights, or changing burial practices—would be answered with a reference to “the law,” rather than a commentary on the changing values of society. There often was a defensiveness in these answers, as if the respondent did not want to take any ownership or responsibility for the changes that had occurred. Noah, interview; Johnny Haipinge, interview by David Crawford Jones. Omusheshe, Namibia, May 27, 2009; Kambonde Kashipala, interview by David Crawford Jones. Omusango, Namibia, August 6, 2009; Julia Enkali, interview by David Crawford Jones. Enkono B, Namibia, July 22, 2009.
an alien and distant law, one can hear echoes of this argument from Namibia’s rural peasants.

Yet the fact of the matter is a good deal more complicated than this, as the traditional authorities maintain a presence in contemporary Namibia today. With the passage of the Traditional Authorities Act in 1995 (and its revision in 2000), the Namibian Parliament attempted to codify its relationship with the kings and headmen, simultaneously charging them with promoting “peace and welfare amongst the members of [their] community,” and hearing and settling “disputes between the members of the traditional community in accordance with the customary law of that community.” Yet even as the kings and headmen were thus empowered, Parliament also required them to codify the laws and customs of their respective communities, promote affirmative action and environmental sustainability within their jurisdictions, and subordinate their activities to the Namibian Constitution and the rights it guarantees. Finally, the law stipulates that the activities of the traditional authorities cannot act as a substitute for the duly authorized disciplinary organs of the state. Thus, the operations of customary courts serve as a kind of parallel to the state’s judicial system.

The sum total of this post-independence dispensation is to transform the traditional courts into a kind of local civil court, where individuals and families wronged by another—whether it be through an act of murder, rape, theft, adultery, or other

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offense—can appeal to the traditional courts for compensation in either cash or cattle.\textsuperscript{49} Because the Namibian Constitution remains paramount, all the other former powers held by the kings and headmen, either before or during the colonial period, have now been eradicated, including the power to execute, banish, or flog criminals. Likewise, the codification of customary law in post-colonial Namibia has greatly diminished the power of the traditional authorities to deal with the “arrogant” and the “stubborn,” the young men whose misdeeds resist easy categorization or classification. As a result of these changes, many men and women in Ovamboland whose memories stretch back to the colonial period yearn for the days when the young could be more easily disciplined, without fear of violating their “rights.” Amon Shipanga, who by 2009 was living in Onamutai as a senior headman in the Ohangwena region, told me that he believed the punishments he is allowed to dispense today are ineffective. “Some people, even if they pay today, tomorrow they will still do the same thing….Some people will just carry on doing it and doing it and doing it. They don’t care.”\textsuperscript{50}

One of the consequences of eliminating flogging was that it prevented kings and headmen from effectively punishing the young and the poor, those whose fines are likely to be paid by wealthier family members. This is the reason why Nestory Shanjengana, himself a victim of public flogging at Ohangwena in 1973, now believes that corporal punishment is indispensable in disciplining young people. “I still believe corporal punishment should be there,” he said. “The young, the teenagers, they don’t understand and they don’t fear. The best way is to feel. Because if you say you have to pay N$2,000,

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\item[50] Amon Shipanga, interview.
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you will not feel anything. He doesn’t have even a cent. It’s the parent [who] is going to pay. But if you flogged him, then he would feel.”

In the absence of corporal punishment, the disciplining of criminal offenders has now been handed over to the country’s jails and prisons, which have experienced serious overcrowding since independence. Like its neighbor to the south, Namibia has been plagued by high rates of violent crime over the last two decades, a development that has fueled nostalgia for the days of white occupation. Reliable statistics comparing the colonial to post-colonial eras are not available, but police statistics indicate that by 1995 the country’s homicide rate stood at 22.6 per 100,000 people, lower than South Africa but higher than most other countries for which records are available. Likewise, the country’s incidence of rape, theft, and robbery remained high throughout the post-independence period.

Every man and woman with whom I spoke in Ovamboland believed that crime in their communities had become much worse since independence. “I [used to be able to] sleep in the house with open doors and windows,” Rachel Lakola Hatutale recalled. “In those years I was not really scared. But nowadays if we go to Ohangwena or Oshakati, I always wonder if we will come back. Maybe the botsotsos will attack us. I am more

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51 Shanjengana, interview.
53 For a South African parallel, see Belinda Bozoli’s *Theatres of Struggle and the End of Apartheid*, in which she cites a 1998 study of Alexandra residents which showed that one quarter of respondents agreed with the statement “Things were better in the ‘old’ South Africa.” Belinda Bozoli, *Theatres of Struggle and the End of Apartheid* (Athens: Ohio University Press, 2004), 279.
afraid than before.” Few felt that the prisons were an effective deterrent against this wave of crime. “Jail is just rubbish, because people will just come in and go back and come in again and go back. It’s just rubbish,” Xepo Ashiana insisted, in a remark echoed by many of my informants.

In understanding this attitude, it is important to remember that the prison did not emerge as a central punitive institution in the Western world until the early decades of the Industrial Revolution. If, as Rusche and Kirchheimer argue, “every system of production tends to discover punishments which correspond to its productive relationships,” then the modern prison adapted its punitive methods within a framework where the rights of individuals extended from their power as sellers of labor. To sentence a criminal to a term of imprisonment is thus to deprive them of a specific quantity of their labor. As Pashukanis has written, “Deprivation of freedom, for a period stipulated in the court sentence, is the specific form in which modern, that is to say bourgeois-capitalist, criminal law embodies the principle of equivalent recompense. This form is unconsciously yet deeply linked with the conception of man in the abstract, and abstract human labour measurable in time.”

Such understandings of punishment derive their logic from systems in which labour is scarce, and thus highly valued. But in post-independence Namibia, this is most emphatically not the case, as the country’s unemployment rate has consistently hovered between 20 and 30 percent, while occasionally reaching levels as high as 50 percent. In

56 Hatutale, interview.
57 Xepo Ashiana, interview.
this context, many Namibians refuse to regard punishment as a rehabilitative function of the state, preferring to instead view it as a matter of retribution. The present-day nostalgia for corporal punishment thus suggests that Emile Durkheim’s insistence that “passion…is the soul of punishment, and vengeance is the primary motivation which underpins punitive actions,” may be closer to the mark than the champions of prison reform would care to admit.61 Against the challenges of a changing world, many Namibians continue to look to corporal punishment as the guarantor of community solidarity. “I believe the epokolo should come back,” Johnny Haipinge told me. “If the epokolo comes back people will go right. Because now people just go in jail and then they come out. One guy, _______, who has been stabbing a lot of people, he was in jail but I just saw him a few days ago walking around.”62 Yet others believe that corporal punishment can never return, because the younger generations, softened by an increasingly permissive popular culture and ravaged by an HIV/AIDS epidemic that has killed thousands, would not be strong enough to take it. As Swama Eliaser explained, “I think the epokolo will never come back because nowadays people are no longer healthy.”63

Such are the narratives that older Namibians tell themselves and one another. But what about the younger generation that has no memory of colonial rule, and has grown up in a country that has outlawed corporal punishment in all public institutions? In some ways, they have felt the blunt force of the country’s economic disaster more than their parents or grandparents. In 2012, a year in which the national unemployment rate was

61 Emile Durkheim, The Division of Labour in Society (New York: Macmillan, 1933), 86.
62 Haipinge, interview.
63 Eliaser, interview.
estimated at 38 percent, 49 percent of Namibians aged 20-24 were jobless. This is the generation of 2009, the year when the first Namibians born after national independence were eligible to vote. But if recent trends are any indication, this new cohort of citizens does not look primarily to the democratic process in order to bring about change, but rather makes generational claims within SWAPO party channels. Dubbing themselves “the children of the liberation struggle,” or its shorthand variant, “the struggle kids,” beginning in 2008 hundreds, and soon thousands, of young people born in exile during the liberation struggle began camping out in front of SWAPO offices throughout the country, demanding that the government give them access to jobs because theirs is a “special case”; they are, they insist, “the true heirs of the Namibian revolution.”

Forty years after the scandal of the *epokolo* drew distinctions between “politicians” and “criminals,” many within SWAPO continue to view the nation through divisions of education and social status. But if the Struggle Kids have tried to deploy such discourses for their own benefit, the old shadows of the colonial era and its understanding of criminality continue to resurface in the responses of their elders. During the spring of 2013, SWAPO leadership obtained a court order to evict the protesters from SWAPO party property, and in April more than 200 protesting Struggle Kids were arrested in Katutura. One commentator summarized popular attitudes toward the movement by noting that “In general, children born or raised in exile have been branded as extremely lazy, selfish, uneducated, unskilled, arrogant, annoying, out of order, stubborn and uncontrollable

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people that are only interested in drinking and making babies.” In other words, to use a phrase commonly applied to the disobedient boys of another era, they are “full of shit.” Thus it should be little surprise that many older men and women in Ovamboland still harbor fantasies of thrashing them with an epokolo. Though such treatment has been legally abolished from the nation’s schools, it of course still occurs inside countless homes, where children are disciplined in the manner favored by their fathers and mothers, and where the constitutional protections against cruel and degrading treatment have little or no purchase. Yet it would be a mistake to idealize such punishment, or to miss the doubts and uncertainties that often accompany it. When I interviewed Astaria Ipinge in her home in Onepungu, she told me that she sometimes took a small epokolo and beat her children with it, so that “they will fetch water and fetch wood.” She explained that her father had done the same to her whenever she made a mistake. “Everyone makes mistakes,” she noted, before admitting that her own beating of her children was “not really to discipline. I just [get] angry. It’s not what I [want] to do.” Unlike many of my older informants, Ipinge felt that beating children had actually become more common in post-independence Namibia, a change that she attributed to the ubiquitous cuca shops that sell cheap alcohol to pensioners and the unemployed. “There is a big mistake there,” Ipinge said. “Because every time people drink, our heads become different.”68 Just as the colonial limitations on traditional authority encouraged corporal punishment, it may be that today’s government edicts against flogging in schools and in public have encouraged new regimes of violence inside the privacy of homesteads. And just as the violence of the

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67 Iipumbu Sakaria, “Children of the Liberation Struggle,”
traditional authorities proved difficult to contain, corporal punishment in the home may yet generate its own scandals within Namibia.

And yet, one may ask, what about this is unique or surprising? After all, women and children are abused within their homes in every country in the world. Everywhere one looks, the old blame the young for societal decay and express nostalgia for the past, and all throughout Africa countries have fallen prey to the same maladies found in Namibia—a weakening of democratic institutions, the recrudescence of colonial-era ideologies and practices, the betrayal of liberation-era rhetoric in favor of neo-liberal governmentalities. Given the array of international forces at work during the 1960s, 1970s, and 1980s, how could SWAPO have won independence for Namibia on any terms other than those most favorable to the interests of the Western powers and global capital?

Perhaps they couldn’t. The point of this analysis, however, is not to second-guess Namibian elites who guided the country to independence, but rather to critique an international order that viewed colonialism itself as a political scandal to be corrected rather than a social revolution to be waged, and to describe the condition that is the result of this accommodation. For if we have defined scandal as “a discursive event that appeals to established authority and group consensus in order to bring about change,” then the paths to independence taken by countless African nations assume a new character. Whether it be the placating of settler interests in Kenya and South Africa, the maintenance of dependent, export-driven economic ties in Senegal and Côte d’Ivoire, or the decisive role of powerful international corporations in the Congo and Gabon, African
independence was granted only within a framework that required significant concessions to outside interests, the very kinds of “half-measures” that Fanon had warned against in *The Wretched of the Earth*.

The legacy of these accommodations can be found throughout the continent, in the glaring contradictions between the high-minded proclamations on equality and freedom found in many of the continent’s constitutions and a popular culture that ignores or lashes out at them in macabre displays of homophobia, xenophobia, and tribalism. Namibia bears these scars as well, in its continued nostalgia for corporal punishment and the *epokolo*, which, in addition to its use within the home on women and children, is still found in the open fields of Ovamboland, wielded by drunks against suspected criminals and by children against each other. Sakaria Shahamena Shitaleni, now in his old age, told me that he keeps one in his home to fend off would-be attackers. “Maybe somebody can come into your house and want to make trouble,” he said. “I will use it on them.” During our interview Shitaleni suggested that Namibia’s post-independence problems with violence can be traced to the liberation struggle, when thousands of young men and women left the country. “People were in war, and when they were in war they learned how to kill,” he said. “Before you won’t hear about people being killed, but now it is much worse.”69 Such is the strange fruit, the bitter crop, of a liberation struggle that preached violence for the sake of power rather than principle.

Of course, elites who have carried the banner of independence suggest another bargain, in which the promises of social revolution are replaced by encomiums to a state-centered nationalism. This modern church, which boasts sites of worship throughout the country, in cemeteries and battlefields, museums and schools, has built its most

69 Shitaleni, interview.
impressive cathedral at Heroes Acre. During my time in Namibia, I took several trips to this memorial, guarded night and day by armed security officers who mind the gate and collect the entrance fees for admission. Perhaps this cost was too onerous for most Namibians, for in all my visits to the site I only saw the occasional foreign tourist, never any locals. In his study on monuments and memory, James Young argues that sites like the one at Heroes Acre serve to “create spaces that lend a common spatial frame to otherwise disparate experiences and understanding” thus “propagating the illusion of common memory.” If so, the illusion sustained here, through the granite monuments to the nation’s dead, the eternal flame flickering in the wind, and the bronze mural stretching in a graceful semi-circle near the summit, is a powerful one. Like the Stations of the Cross, it describes a journey of triumph and redemption, from the first moments of suffering through the times of setback, ridicule, and hardship, to the final victory and dawning of a new day. In the solemnity of its construction and the finality of its argument, the effect of the monument is powerful, even hypnotic. But when I lift my head from the spectacle and head back down the steps towards my car, I see that no one else is around. The space is empty, the audience is not there, leaving only the gathering darkness and these last, fading signposts of a fallen world.

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Bibliography

Archival Materials

National Archives of Namibia: Windhoek, Namibia
C.H.L. Hahn Papers (A.450)
District Surgeon, Ovamboland (DSO)
Health Administrator, South West Africa (HEA)
Magistrate of Keetmanshoop (LKE)
Magistrate of Ondangwa (LON)
Magistrate of Tsumeb (LTS)
Native Affairs, Ovamboland (NAO)
Native Affairs, Tsumeb (NAT)
Resident Commissioner, Ovamboland (RCO)
South West Africa Administration (SWAA)
Private Collection of Keshii Nathanael: Stockholm, Sweden
Documents of the SWAPO Youth League
Saint Mary’s Mission: Odibo, Namibia
Documents Relating to the Anglican Mission in Ovamboland
Supreme Court of Appeals of South Africa: Bloemfontein, South Africa
Wood and Others v. Ondangwa Tribal Authority and Another
Supreme Court of Namibia
Constitution of the Republic of Namibia
Government Gazette of the Republic of Namibia
The Laws of South West Africa, 1915-1922
Ordinances Passed by the Legislative Assembly During 1963
Statutes of the Republic of South Africa, 1977
Union Legislation Affecting South West Africa: Proclamations, Ordinances, Principal Government Notices Issued in South West Africa During 1935
Newspapers

*The Namibian* 1985-2013
*Times of Zambia* 1976
*Windhoek Advertiser* 1962-1975

Internet Sources


Interviews

Alfeus Ambata, November 4, 2009
Ipundaka Amomo, July 31, 2009
Ipundaka Amomo, November 3, 2009
Generosa Amunyela, August 3, 2009
Jimmy Amupala, July 14, 2007
Cecilia Angolo, July 22, 2009
Ferdinand Angula, July 30, 2009
Moshtala Angula, September 28, 2009
Simeon Ashiana, May 28, 2009
Tomas Ashiana, May 18, 2009
Xepo Ashiana, May 18, 2009
Johannes Jelimia Ekandjo, July 24, 2009
Swama Eliaser, October 15, 2009
Julia Enkali, July 22, 2009
Onesmus Fotolela, November 4, 2009
Sakeus Fotolela, November 5, 2009
Simon Gabriel, August 3, 2009
Tuafeni Gottlieb, November 6, 2009
Johnny Haipinge, May 27, 2009
Hatutale Hatutale, May 27, 2009
Rachel Lakola Hatutale, May 23, 2009
Demongela Haukongo, May 18, 2009
Abraham Indombe, July 29, 2009
Astaria Ipinge, July 30, 2009
Malandoleni Itope, May 20, 2009
Maria Ixuxwa, July 24, 2009
Salomo Ixuxwa, July 24, 2009
Nangula Johannes, July 22, 2009
Kashuupulwa Kaitanus, August 3, 2009
Aaron Kalandulwa, August 4, 2009
Ndali Kamati, October 20, 2009
Kambonde Kashipala, August 6, 2009
Juuso Katangolo, October 22, 2009
Ruusa Leonard, July 23, 2009
C. Shannon Mallory, September 29, 2012
Manya ya Manya, May 28, 2009
Johannes Mbowa, May 19, 2009
Philemon Moongo, March 24, 2009
Sylvester Muatotele, May 21, 2009
Boas Mweendeleli, May 20, 2009
Epafras Naftali, September 28, 2009
Ndaxu Namoloh, April 2, 2009
Phillipus Namundjebo, May 25, 2009
Keshii Nathanael, July 5, 2007
Keshii Nathanael, July 6, 2007
Keshii Nathanael, July 9, 2007
Kaluwapa Nehongo, August 3, 2009
Joseph Nghinamhito, August 5, 2009
Gottlieb Noah, May 25, 2009
Lina Noah, May 25, 2009
Venatia Nuyoma, July 30, 2009
Helia Petrus, July 23, 2009
Leonard Philemon Nongolo, July 12, 2007
Andreas Nuukwawo, March 21, 2009
Andreas Nuukwawo, March 29, 2009
Andreas Nuukwawo, April 26, 2009
Venatia Nuyoma, July 30, 2009
Martha Otto, August 4, 2009
Selma Paulus, August 4, 2009
Joseph Shaduka, November 4, 2009
Sheeli Shangula, May 31, 2006
Sheeli Shangula, June 2, 2006
Nestory Shanjengana, August 5, 2009
Joba Kandume Shehama, May 15, 2009
Titus Shikuambi, July 30, 2009
Katarina ya Shilongo, July 29, 2009
Amon Shipanga, May 21, 2009
Andreas Shipanga, May 26, 2009
Sakaria Shahamena Shitaleni, May 14, 2009
Simeon Simon, May 27, 2009
Maria Tomas, July 23, 2009
Enoch Yakopo, November 5, 2009
Amwanyena Yamakali, May 19, 2009
Antanga Yamushila, August 4, 2009

Selected Primary and Secondary Materials


