

Imperial or Settler Imperative?

Indigenous Reserves as a Case Study for a Transcolonial Analysis of British Imperial Native Policy

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Section 1 – Reserves within Transcolonial Discourse and Frameworks of Colonial Governance

Introduction

The reserve systems of Western British North American (Western BNA), Western Australia, and the Cape Colony have received ample attention within the national histories of each country, but little work has been done on exploring reserve systems from a transcolonial perspective. Many historians have carried out transcolonial work with a focus on judicial law and law enforcement, but reserve systems are anomalous structures which call for special treatment. This anomalous nature stems from the fact that British native policy is considered to have been driven by a dialectic between, on the one hand, a framework of imperial liberal humanitarianism and imperial capitalism and, on the other hand, a framework of settler colonialism.¹ Yet the reserve systems that coalesced in British colonies by the end of the 19th century contained aspects that contradicted the principles of both frameworks, meaning either that these frameworks must be reworked to accommodate the contradictions that will be raised in this paper, or that a new framework of British native policy is needed. This paper will locate the specificities of national native policies within larger transcolonial patterns in order to explain how and why reserve systems were made possible despite their inherent contradictions to liberal humanitarianism, imperial capitalism, and settler colonialism. It will be argued that while early 19th century reserves were guided by imperial imperatives of the humanitarian civilizing mission and imperial capitalism, the highly coercive forms of reserves that appeared by the turn of the

¹ I refer to settler colonialism as defined by Adam Barker and Emma Battell Lowman: “Settler colonialism can be distinguished from other forms of colonialism – including classical or metropole colonialism, and neo-colonialism – by a number of key features. First, settler colonisers ‘come to stay’: unlike colonial agents such as traders, soldiers, or governors, settler collectives intend to permanently occupy and assert sovereignty over Indigenous lands. Second, settler colonial invasion is a structure, not an event: settler colonialism persists in the ongoing elimination of Indigenous populations, and the assertion of state sovereignty and juridical control over their lands.” Quoted from Adam Barker and Emma Battell Lowman, “Settler Colonialism,” *Global Social Theory*, accessed April 04, 2017, <http://globalsocialtheory.org/concepts/settler-colonialism>.

century arose from settler imperatives alone. This paper has three sections. The first section is an exploration of the work that has been done on transcolonial patterns of Indigenous-settler relations. The second section presents my own primary research into the processes of developing reserves in each colony, organized geographically. The third section connects the findings of my research along transcolonial patterns, organized thematically. There will lastly be some brief concluding remarks.

Terms

An overview of the terms used in this paper is first necessary. This paper focuses primarily on government policies regarding Indigenous peoples, and will use the term “native” when referring to “native policies.” The term “Indigenous” will be used to refer to Indigenous peoples; while it is preferable to refer to the self-designated appellations of any Indigenous group, in the transcolonial context of this paper the purpose is not to refer to specific Indigenous histories but to colonial reactions to Indigeneity as a concept.

A brief note is also necessary regarding the dichotomy of imperial and colonial, or imperial and settler. “Colonial” and “settler” are not directly synonymous, as local settler figures may be hostile to the colonially-minded political figures (that is, the figures who seek to replicate their society as a colony rather than merely to settle and pursue life). Similarly, “imperial” and “colonial” are not directly antonymous, as the *appointed* governor of a colony could be just as imperially-minded as any official back in London. To control for the ambiguity in separating imperial imperatives from colonial/settler imperatives, I define colonial imperatives *against* the imperatives established by the British Colonial Office. For example, if the British Parliamentary Report of the Select Committee on Aborigines, or a despatch from the Secretary of State for War and the Colonies, outlines a specific instruction regarding native policy, then that policy will be taken as the established imperial policy which will be analyzed for evidence of imperial

imperatives. If a despatch from a colonial governor, a report from a colonial parliament, or departmental document presents a native policy which is *divergent from* the established imperial policy, then it will be taken as the established colonial policy which will be analyzed for a colonial imperative. Timothy Keegan rightfully points out that there was no such thing as one coherent British imperial policy, since imperial policy was determined by a range of contradictory intentions and desires.² However, for the purpose of this paper the *documented* policy, i.e. whatever was written down in an official despatch, will be taken as the dominant imperial policy.

Finally, given that the word “reserve” has been used for centuries while the subject of this paper is a very specific type of reserve from the 19th century, I have set out three distinct terms which should be helpful: unreserved reserves, reserved reserves, and institutionalized reserves. Unreserved reserves are simply lands that had been set aside by colonial authorities for use by Indigenous peoples with no immediate intention to assert authority over them. Consider the Royal Proclamation of 1763, which reserved in BNA “such parts of our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.”³ These reserves did little more than restrict non-Indigenous settlement and interaction. Reserved reserves are those that have been set aside for Indigenous peoples’ use with accompanying caveats, such as agreements to build houses or learn agriculture. For example, consider the reserves created by Sir Francis Bond Head in the Manitoulin Treaty (1836), which stipulated that the Indigenous people would be allowed to either live traditionally,

² Timothy Keegan, *Colonial South Africa and the Origins of the Racial Order* (Charlottesville: University of Virginia Press, 1996), 9-10.

³ James Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), 69.

“inasmuch as it affords fishing, hunting, bird-shooting, and fruit,”⁴ or to be taught “to become civilized and to cultivate land.”⁵ Institutionalized reserves are those in which Indigenous people *must* have lived, and where the lives of Indigenous people were coercively controlled. This paper focuses on three specific versions of institutionalized reserves: those in Western BNA after the creation of the 1885 pass system, those in Western Australia created by the 1905 Aborigines Act, and those in the Cape Colony created and influenced by the 1894 Glen Grey Act.

Establishing Imperial- and Settler- driven Frameworks of Colonialism

The work that has been done on the transcolonial study of British native policy has gone in two distinct directions which disagree with one another. The first direction works under the assumption that the British Empire operated in a systemic fashion. John Darwin’s 2009 monograph *The Empire Project* asserted a framework of empire in which, despite the fact that the chaotic expansion of the British Empire *appears* to have been beyond systemic control, *in actuality* the British Isles dominantly manipulated the military, naval, and economic agendas of the British colonies, and therefore created an “octopus shaped” world system with observable and measurable systemic control from the centre.⁶ Integral to Darwin’s argument is the assumption that the colonies acted as auxiliaries to a metropolitan center, for which he uses examples such as the Cape Colony functioning as a naval gateway to Asia; BNA and Australia providing raw resources, and all three colonies serving as population dumps for social renewal in England.⁷ By conceiving of the empire as a system perpetuated by the needs of the metropole, Darwin’s systemic empire framework holds that the governance of the British colonies was

⁴ Sir Francis Bond Head to Lord Glenelg, 20 August 1836, in *Irish University Press Series of British Parliamentary Papers: Colonies: Canada*, vol. 7 (Shannon: Irish University Press, 1977), 350-2.

⁵ Sir Francis Bond Head to Lord Glenelg, 20 August 1836, in *British Parliamentary Papers: Colonies: Canada*, 69.

⁶ John Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970* (Cambridge: Cambridge University Press, 2009), 17-8.

⁷ Darwin, *The Empire Project*, 18.

principally guided by imperial capitalism, and therefore implies that the colonial governments' native policies – like those flowing from the metropole -- were designed to facilitate Britain's capitalist agendas.⁸ Christopher Bayly, operating under a similar conception of the British Empire in which the colonies were connected to England as reservoirs for population control, argues in *Birth of the Modern World* that Britain encouraged the emigration of capitalist endeavors, such as mining and farming corporations, or individuals who intended to labour for these corporations, and that this designated the colonies as sites of imperial capitalism. According to Bayly, colonial native policies were extensions of Britain's imperial capitalist mission, and therefore reserves were established by the British imperial system as a method to remove Indigenous peoples as obstructions to capitalist goals.⁹

This framework of colonial native policy being dictated by imperial capitalism as an overarching, systemic ideology is also supported by similar work on liberal humanitarianism. Andrew Armitage's *Comparing the Policy of Aboriginal Assimilation* connects the Indigenous assimilationist goal to the 1834 British Poor Law, in that both policies approached non-mainstream groups like indigent Britons and Indigenous people as requiring government programs to assimilate them into mainstream society.¹⁰ The idea of the 1834 Poor Law was to prevent impoverished individuals from becoming a burden on the state by forcing them to labour in workhouses in return for any social assistance, as well as to reclaim indigent children from the perceived immorality of their parents by providing limited industrial education. Armitage

⁸ It is important to note here a distinction between imperial capitalism and colonial or local capitalism. Imperial capitalism operates to benefit the metropole, just as Darwin argues that the colonies worked to serve imperial interests. Colonial or local capitalism operates to benefit the settlers of the colony. This means that imperial and local capitalism are not necessarily antagonistic, as a thriving local economy may very well benefit the metropole, but it does require differentiation. This is my own definition.

⁹ Christopher Bayly, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons* (Oxford: Blackwell Publishing, 2004), 437.

¹⁰ Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand* (Vancouver: University of British Columbia Press, 1995), 4.

specifically points to the removal and education of both Indigenous and impoverished British children, and the isolation of Indigenous and impoverished British adults to workhouses and reserves, as telling similarities between British poor law and colonial native policy.¹¹ According to Armitage, since the 1834 Poor Law was a fundamental aspect of liberal humanitarianism, the similarities between assimilation policies and poor law policies indicate that liberal humanitarianism spread from the British metropole outwards to the colonies, and that liberal humanitarianism was therefore a systemic ideological influence on colonial native policy. Bayly disagrees with this argument, claiming that liberal humanitarianism was eclipsed in the colonies by imperial capitalism, but other historians do not consider imperial capitalism and liberal humanitarianism to be mutually exclusive.¹² Paul McHugh, for example, argues that the uniformity of colonial native policy in the early 19th century – which was based upon imperial capitalism – must also include at least an appreciation of the power of liberal humanitarianism, as “all Englishmen agreed that the uncivilized non-Christian peoples under British dominion were demonstrably inferior and in need of improvement.”¹³

The second direction that transcolonial history has gone works under the assumption that, either there never was any systemic control of policy in the British Empire, or at least that the systemic control of the British metropole over the colonies had disappeared by the late 19th century. James Belich’s 2009 monograph *Replenishing the Earth* argues that Indigenous groups across the British empire were initially capable of resisting the advances of imperial capitalism, and therefore imperial capitalism cannot have dictated native policies.¹⁴ Their ability to resist

¹¹ Armitage, *Comparing the Policy of Aboriginal Assimilation*, 4.

¹² Bayly, *The Birth of the Modern World, 1780-1914*, 304.

¹³ Paul McHugh, *Aboriginal Societies and the Common Law: A History of Sovereignty, Status, and Self-Determination* (Oxford: Oxford University Press, 2004), 124.

¹⁴ James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford: Oxford University Press, 2009), 225.

deteriorated in the second half of the 19th century in the face of massively increasing numbers of settler emigrants from Britain, an event he terms “explosive colonization.” Belich argues that explosive colonization was made possible by the “boom mentality” of emigrant settlers, in which British settlers placed the security of frontier borders, i.e. non-confrontational relations with Indigenous groups, above their concerns for economic or moral objectives. Other historians, whose arguments will be raised throughout this paper, suggest that confrontation between Indigenous groups and settlers increased throughout the 19th century due to concerns over availability of land rather than decreased due to concerns over safety, yet these views do not contradict Belich’s main argument that settler concerns drove the course of settler-Indigenous relations. Belich therefore undermines the framework of colonial governance being driven by an overarching imperial capitalism or liberal humanitarianism, as these imperatives place economic and moral objectives above individual concerns.¹⁵ The concept of boom mentality holds that the uniformity of British expansion, which Darwin, Bayly, and Armitage conceive as placed upon the colonies by an imperial presence, arose from the settlers themselves. As early emigrants produced diaries, newspapers, and stories from the frontiers, and as the first frontier businesses created more opportunities for work, a feedback loop was created in which every wave of emigration created yet more incentive for further waves of emigration. Belich does acknowledge that a liberal humanitarian settler identity informed emigrant perspectives of Indigenous peoples and that emigrant survival depended upon capitalist enterprises. However, he argues that the near-exponential growth of emigrant settlements in the second half of the 19th century dictated that a peaceful frontier was the highest priority, and that the role of boom mentality ultimately

¹⁵ Belich, *Replenishing the Earth*, 225-7.

placed the impetus of colonial relations with Indigenous groups in the hands of the settlers rather than the imperial government.¹⁶

Reserves as Contradictory to the Established Frameworks of Colonial Governance

These two frameworks of British transcolonial history, that of an overarching capitalist or liberal humanitarian imperative and that of a local settler imperative, require us to take a closer look at the purposes of Indigenous reserves across the British Empire, because neither framework can sufficiently explain the institutionalized reserves of the late 19th century. The concept of native policy being driven by an overarching imperial system based upon imperial capitalism and liberal humanitarianism cannot by itself explain the development of institutionalized reserves: both imperatives demand the inclusion of Indigenous peoples within the British system while the purpose of institutionalized reserves is to isolate them from it. Armitage argues that the general policy of isolating Indigenous people upon reserves and forcing them to abide by British law and morality was firmly adopted on an imperial scale by the Report of the Select Committee on Aborigines, a British Parliamentary committee commissioned to report and make recommendations on native policies throughout the empire, in 1837, and that this imperial policy was followed throughout the colonies for over a century afterwards.¹⁷ However, a careful reading of the Report of the Select Committee clearly shows that the civilization of Indigenous people was considered to be furthered by their *inclusion* into British society and *hindered* by their isolation. In the Report's suggestions for general native policy, the Committee rejects the idea that "the safety and welfare of an uncivilized race require that their relations with their more cultivated neighbors should be diminished rather than multiplied," and declares that "the relations between neighboring nations must ever be extensive, however great

¹⁶ Ibid, 225.

¹⁷ Armitage, *Comparing the Policy of Aboriginal Assimilation*, 220.

the disparity of intellect or cultivation; and it is very questionable, whether it would be proper to restrain this relationship, when it might be conducted in an enlightening manner.”¹⁸ Furthermore, the Report explicitly states that Indigenous groups should not be held strictly accountable to British laws, “the whole spirit and principles of which are foreign to their modes of thought and action.”¹⁹ It is arguable (as will be seen in the next section) that the Select Committee only intended these stipulations to be temporary measures, and Armitage points to signs that indicate the intention of imperial authorities to scale back these protections in time, yet to take these indications for granted would be to risk reading history backwards. The isolationism and forced legal and moral policing of the institutionalized reserves that had been established in Western BNA, Western Australia, and the Cape Colony by the end of the 19th century, and which Armitage links to the Report of the Select Committee of 1837, directly contradicted the imperial directive set down in writing, and so the theory of native policy being driven by an overarching metropolitan imperative falls short.

On the other hand, the concept of native policy being driven by the settlers’ need for peaceful and secure borders also cannot, by itself, explain the development of institutionalized reserves, because an inherent characteristic of reserves across the empire was the intent to raise the level of civilization of Indigenous peoples, something that was expensive and not necessary for the needs of boom mentality. Amanda Nettelbeck’s work on the rationing and provisioning of Indigenous groups in Australia and Canada shows that the policy of providing rations was an integral aspect of native policy and necessary for the survival of Indigenous groups, but was only supported by colonial governments when absolutely unavoidable out of the fear that rations

¹⁸ Select Committee on Aborigines. *Report from the Select Committee on Aborigines (British Settlements)* (Cape Town: C. Struik, 1966), 152.

¹⁹ Select Committee on Aborigines, *Report*, 80.

would lead to idleness.²⁰ Reserves in Western Australia explicitly refused to provide rations to “indigent blacks on stations where able-bodied ones are employed,”²¹ and reserves in Western BNA adopted the strategy of providing rations only in payment for jobs around the reserves, such as building fences and chopping wood.²² Yet this preoccupation with enforcing moral norms on the residents of reserves is irreconcilable with the settlers’ need for reducing confrontation and maintaining peaceful borders. Much of the motivation for these policies included financial concerns, but the civilizing concern was heavily emphasized as will be seen in the next section. And so, the theory of boom mentality driving native policy also falls short.

The purpose of this paper is to analyze the similarities and divergences within the processes of creating reserve systems in Western BNA, Western Australia, and the Cape Colony, and to propose a revised framework for understanding British colonization in which reserve systems are not anomalous. This section has outlined the two most dominant frameworks already developed and highlighted their weaknesses in regards to reserves. The next section will look at the contexts of reserves in each colony individually, weigh the debates between colonial and imperial administrators, and closely analyze government reports in order to distill the essential purposes and functions of institutionalized reserves in each colony.

²⁰ Amanda Nettelbeck and Robert Foster, “Food and Governance on the Frontiers of Colonial Australia and Canada’s North West Territories,” *Aboriginal History* 36 (2012): 24-6.

²¹ Western Australia Aborigines Department, Report for the Financial Year Ending 30th June, 1905 (Perth: A. Curtis, Acting Government Printer, 1905), 6, http://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/73455.pdf.

²² Vic Satzewich, “‘Where’s the Beef?’: Cattle Killing, Rations Policy and First Nations ‘Criminality’ in Southern Alberta, 1892-1895,” *Journal of Historical Sociology* 9, no. 2 (1996): 199-200.

Section 2 – Tracing the Development of Institutionalized Reserve Systems

Western British North America

The institutionalization of reserves in Western British North America (Western BNA) was the product of two intersecting political events: the first was a debate, carried out by successive generations of governors, over the best native policy to follow, and the second was the outbreak of the North-West Uprising in 1885. The current consensus on Western BNA native policy, as represented by John Tobias, is that a policy of civilization was adopted in the early 19th century in which reserves were established in isolated areas to prepare Indigenous people for living with settlers. Disenchantment with the idea of isolated reserves became widespread by 1850, and reserves began to be built nearby to settler communities to follow a revised policy of more forceful assimilation which was believed to be a better means of raising Indigenous civilization. By the turn of the century settlers in BNA realized that reserves were failing to “civilize”²³ Indigenous groups, and the 1906 Indian Act and its amendments were designed to get them off of their reserves and ensure interaction with settlers.²⁴ In opposition to this framework of late 19th century assimilation as “failed civilization,” I offer a new framework of 19th century Western BNA native policy as an ongoing debate between two iterations of civilization policy: active civilization via social integration, which was expressed as early as 1830 in official despatches between the imperial and colonial governments and followed most heavily until the 1880s, and social isolation without civilization, which was first adopted in 1836 in Sir Francis Bond Head’s Manitoulin Treaties but then fell out of favor until the 1880s. Under this framework, there is no longer a question of reserves failing to bring about civilization and

²³ I use the term “civilize” throughout this paper to refer to the liberal humanitarian “civilizing mission.”

²⁴ John Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy,” *Western Canadian Journal of Anthropology* 6, no. 2 (1976): 40-51.

the 1906 Indian Act representing a new direction of policy. Instead, I argue that the 19th century reserves were *succeeding* in their mission of social isolation without civilization, and the 1906 Indian Act represents not a recognition of failure, but a return to the earlier iteration of policy. This argument necessarily calls into question the difference between civilization and assimilation, and while this issue will be taken up in greater detail in section three, suffice to say here that civilization is a positive force (do not read *morally* positive, but positive in the sense of additive rather than subtractive) while assimilation is a negative force. Civilization seeks to enhance and enable, however xenophobic and ethnocentric, while assimilation seeks to destroy and oppress. This is a simplistic and abstract definition, but more will be said later.

Importantly, this framework is better able to account for the institutionalization of reserves via the establishment of the pass system in 1885, as the previous assumption of assimilation-as-failed-civilization policy fails to explain this isolationism. The creation of the pass system was fundamentally associated with the 1885 North-West Uprising, but it did not appear out of nowhere; it had roots in the Manitoulin Treaties of 1836. The Manitoulin Treaties signed by Sir Francis Bond Head were based upon his assertion that “[t]he greatest kindness we can perform towards these intelligent, simple-minded people, is to remove and fortify them as much as possible from all communication with the whites.”²⁵ As will be shown later on, it is this fear of “communication” between Indigenous people and whites which exploded during the 1885 North-West Uprising and led to the creation of the pass system. Just as important as what the Manitoulin Treaties *did* include is what they *did not*: they did not include any promises to provide religious instruction or education of any kind, but rather only offered agricultural assistance to those who wanted it while encouraging their traditional methods of subsistence via

²⁵ Despatch from Sir Francis Bond Head to Lord Glenelg, 20 November 1836, in *British Parliamentary Papers: Colonies: Canada*, 352-8.

hunting, fishing, gathering, and bird-shooting.²⁶ This policy of social isolation without civilization was a direct departure from the imperial native policy established in 1830, when the then-governor Sir James Kempt declared that “[t]he rooted aversion entertained by the Indians to intermix with the white population, and with other Indian tribes, renders it necessary that they should be located...in the vicinity of other tribes and of white settlers. By these means...their amalgamation with the mass of the population [will] be most efficiently promoted.”²⁷ Furthermore, Kempt had been explicitly ordered by the Secretary of War and the Colonies, Sir George Murray, to ensure the encouragement “in every possible manner, of religious knowledge and of education generally.”²⁸ In light of these imperial policies of integration with whites and education of Indigenous groups, Bond Head’s Manitoulin Treaties indicate that there was a debate, from the earliest years of policy making, between proponents of active civilization via social integration and social isolation without civilization.

Bond Head’s iteration of civilization policy was not popular with the imperial government, and was repudiated by Secretary of War and the Colonies Lord Glenelg in 1838. Glenelg declared that “[t]he view which Sir F. Head adopted of the future prospects of the Indian race differed no less from the opinion of his predecessors in the government of Upper Canada than from those which I had been led to form...I was most unwilling to assume that in the Indians of Upper Canada, there is any peculiar inaptitude to profit by the doctrines of

²⁶ Sir Francis Bond Head to Lord Glenelg, 20 August 1836, in *British Parliamentary Papers: Colonies: Canada*, 350-352.

²⁷ Despatch from Sir James Kempt to Sir George Murray, 20 May 1830, in *Irish University Press Series of British Parliamentary Papers: Anthropology: Aboriginies* (Shannon: Irish University Press, 1968-1969), 95-8.

²⁸ Despatch from Sir James Kempt to Sir George Murray, 20 May 1830, in *British Parliamentary Papers: Anthropology: Aboriginies*, 95-8.

Christianity, or to adopt the habits of civilized life.”²⁹ Thus, the native policy outlined through the signing of the numbered treaties in the North-West Territories followed Kempt’s iteration of active civilization via social inclusion. During the negotiation of Treaty No.1 (at the site of modern-day Winnipeg, Manitoba, in August 1871), Indian Commissioner Wemyss Simpson perceived “with much pleasure” that “the Indians have evinced a most friendly disposition, and look upon the emigrants and others now passing through their country, not only without distrust, but with evident satisfaction, and we have no doubt but that, by careful and prudent management, these friendly relations may be permanently maintained.”³⁰ This indicates that the intention of the treaty was not to restrict relations between Indigenous people and settlers, but to ameliorate them. Indeed, Simpson’s Indian Department Annual Report of 1871 satisfactorily reported that:

In the province of Manitoba, where labours [sic] is scarce, Indians give great assistance in gathering in the crops. At Portage La Prairie, both Chippewas and Sioux, were largely employed in the grain field, and in other parishes, I found many farmers whose employees were nearly all Indians.... Although serious trouble has from time to time occurred...there is no reason to fear any trouble with those who regarded themselves as subjects of her majesty. Their desire is to live at peace with the white man, to trade with him, and, when they are disposed, to work for him. I believe that nothing but gross injustice or oppression will induce them either to forget the allegiance which they now claim with pride, or molest the white subjects...³¹

The satisfaction with Indigenous people trading with and being employed by settlers clearly shows that the native policy upon which the numbered treaties were signed followed Kempt’s policy of active civilization via social integration. The question then becomes, how could the pass system even be conceived of in 1885 when only fourteen years earlier the process of signing

²⁹ Despatch from Lord Glenelg to Sir G. Arthur, 22 August 1838, in *British Parliamentary Papers: Colonies: Canada*, 314-326.

³⁰ Report of the Indian Branch of the Department of the Secretary of State for the Provinces [1871, Canada] (Ottawa: L.B. Taylor, 1872), 12, <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=141>.

³¹ Report of the Indian Branch [1871, Canada], 43.

the numbered treaties had firmly established a policy of integration? Essentially, the Canadian government's belief that "nothing but gross injustice or oppression will induce them either to forget the allegiance which they now claim with pride, or molest the white subjects" was shattered by the North-West Uprising. The Uprising was fought between various Indigenous nations and the Canadian government over a six-month period and instigated by the Indigenous side in response to increasing western encroachment. In order to prevent future uprisings, the government abandoned Kempt's policy of civilization in favor of a policy resembling Bond Head's earlier policy of isolation. A similar conclusion was reached by Sarah Carter, who argues that Hayter Reed, assistant commissioner of the Indian Department, pushed a revised policy of repression and containment after the uprising, so that "a further obstacle will be thrown in the way of future united uprising movements."³²

It must first be understood that the Canadian government saw no justifiable motivation for Indigenous groups to rise in uprising. In his annual report for 1885, Sir John A. Macdonald established that the uprising was "due to circumstances over which this Department had no control, but which were the result of specious inducements held out to Indians of the North-West Territories by the leader of the half-breed insurgents and his lieutenants, and to which several of the Indian bands...lent too ready an ear."³³ Additionally, Charles Pelham Mulvaney's immediately contemporary history, *The History of the North-West Rebellion of 1885*, pointed not only to the agitation of Louis Riel among the Indigenous population but also argued that the Indigenous nations "would very probably be actuated more by a desire to obtain food and

³² Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990), 145.

³³ Dominion of Canada. Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1885 (Ottawa: MacLean, Roger & Co., 1886), 8, <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=4050>.

clothing, than that of avenging real or fancied wrongs."³⁴ Since there was no official perception of the uprising being the result of any real grievances, the government's only means of preventing further violence was to address what they did perceive to be the cause of the uprising: communication between Indigenous groups and outsiders, and dwindling food supplies. It was to control communication and access to food that the pass system was designed. Sarah Carter is doubtful of the Indian Department's genuine belief that the Indigenous participants in the 1885 uprising had no actual grievances with the government, and she points to evidence of hushed-up criticisms that were directed towards the government's poor management of reserves.³⁵ While this is important to think about, my purpose in writing is to trace and compare native policies, and determining whether or not officials believed in their policies is beyond the scope and purpose of this paper.

The first mention of secluding Indigenous people upon their reserves was made in May 1885, during the North-West Uprising, when Major-General Middleton wrote to Lieutenant Governor Dewdney asking, "[w]ould it not be advisable to issue a proclamation warning half-breeds and Indians to return to their Reserves and that all those found away will be treated as rebels?"³⁶ The said proclamation was made immediately, and in August, three months after the end of hostilities, Deputy Superintendent General of Indian Affairs Lawrence Vankoughnet argued that not just the hostiles "but all our Indians should be required to carry passes." Prime

³⁴ Charles Pelham Mulvaney, *The History of the North-West Rebellion of 1885* (Toronto: A.H. Hovey, 1885), 54.

³⁵ Sarah Carter, *Lost Harvests*, 130-134.

³⁶ Middleton to Dewdney, 6 May 1885, quoted in Keith Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927* (Edmonton: Athabasca University Press, 2009), 63.

Minister Macdonald agreed that “the system should be introduced in the Loyal Bands as well.”³⁷

The expansion of the pass system, from its original targets of those who were swayed to join the uprising to those who were not, was primarily motivated by the government’s perception that Indigenous people could potentially be instigated against settlers, but secondarily by the belief that the Indigenous population’s food supplies were being compromised by Indigenous farmers abandoning their crops. The Annual Report of 1886 explains that,

So for many of them...having in the excitement of the occasion [the North-West Uprising] left their reserve, no seed was planted...As in the case of other bands on reserves, situated in the districts affected by the disturbances referred to, these Indians had for the most part to be entirely fed at the expense of the government. [Furthermore,] the ease with which employment is obtained and money earned in summer renders many Indians careless and neglectful of their crops.³⁸

Carter disputes the government’s position that poor agricultural production was a result of Indigenous carelessness and neglect, instead pointing to a multitude of other handicaps, such as poor soil conditions, an inability to relocate to better soil, and rampant equipment shortages.³⁹ However, in light of Mulvaney’s claim that Indigenous people joined the uprising out of the desire for more food, this report illustrates that the pass system was considered to be a measure to ensure sufficient agricultural productivity upon reserves since it was perceived that agricultural production was being hindered by Indigenous farmers leaving their reserves.⁴⁰

By observing the process by which the pass system was introduced and reserves were institutionalized, it becomes clear that the inability of 19th century reserves to civilize Indigenous

³⁷ Vankoughnet to Macdonald, 14 August 1885, in *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927*, by Keith Smith (Edmonton: Athabasca University Press, 2009), 64.

³⁸ Dominion of Canada. Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1886 (Ottawa: MacLean, Roger & Co., 1887), 81, <http://central.bac-lac.gc.ca/.item/?id=1886-IAAR-RAAI&op=pdf&app=indianaffairs> .

³⁹ Carter, *Lost Harvests*, 161-163.

⁴⁰ Not only was the government determined to prevent natives from uprising out of hunger but they also wanted to limit the expense of providing rations.

groups was not, as Tobias suggests, merely an unintentional failure of 19th century native policy. Instead, the adoption of the pass system represents the abandonment of the policy of active civilization via social integration and the reversion to a policy similar to Bond Head's previous policy of social isolation without civilization. It must be said, of course, that the pass system had different reasons for isolation than Bond Head's Manitoulin Treaties, replacing his 1836 despair over the Indigenous population's ability to become civilized with the 1885 fear of inciteful communication and the determination to have Indigenous groups produce enough food for themselves. Nonetheless, it is necessary to appreciate that the institutionalization of reserves in Canada was not a failure of civilization policy but a reversion to an isolationist, non-civilizing policy.

Western Australia

The institutionalization of reserves in Western Australia developed as a combination of two intersecting forces: settlers' desire to harness the Indigenous population as a source of cheap labour, and the destruction of the Indigenous population's traditional food sources via the overhunting of kangaroo. The obsession with utilizing the labour potential of Indigenous people was neither hidden nor denied by the Australian government, for Western Australia's adoption of a labour-focused native policy was done in direct refutation of the Imperial government's desire for a civilization-focused native policy. Following the 1837 Report from the Select Committee on Aborigines (British Settlements), Secretary of State for War and the Colonies Lord Glenelg sent a despatch to George Gipps, the governor of New South Wales, dated 31 January 1838. This despatch outlined the native policy that Australia was to adopt, namely that an office of "Protectors of Aborigines" was to be created and given the instructions that "if the natives can be induced in any considerable numbers to locate themselves in a particular place, it will be the

object of the protector to teach and encourage them in the cultivation of their grounds.”⁴¹

However, when these instructions were relayed to John Hutt, the governor of Western Australia, Hutt ignored them entirely. Instead, he created an office of protectors for which he “considered that the object of the appointment of protectors is, that they may guard against and inquire into any cause of complaint which may arise between the white people and the aborigines.”⁴² In this vein, his instructions revolved around teaching Indigenous people about British law, making sure that they did not appear in towns naked or armed, and encouraging them to work for settlers.⁴³

This was a very different policy than what Glenelg had outlined, and Hutt acknowledged this in a despatch dated 4 September 1840, in which he offered several remarks “explanatory of the reasons which have prevailed with me not to adopt, for the present at least, the suggestions contained in these papers, but rather to afford complete trial to the system in force in this colony.”⁴⁴ His predominant argument was that, while the Indigenous people of New South Wales were hostile to settlers and therefore needed to be held on reserves, the Indigenous people of Western Australia were entirely friendly:

The best proof, perhaps, which I can bring forward...is that our townships and locations are their constant resort during most seasons of the year, where by a slight degree of labour they can procure...good and nourishing food...And that, owing to the scarcity of European labourers, many are employed in different parts of the colony as menial servants in the houses, or on the farms.⁴⁵

⁴¹ Lord Glenelg to Governor Sir George Gipps, 31 January 1838, in *Irish University Press Series of British Parliamentary Papers: Colonies: Australia*, vol. 5 (Shannon: Irish University Press, 1977), 374.

⁴² Governor Hutt to Marquis of Normandy, 11 February 1840, in *Irish University Press Series of British Parliamentary Papers: Colonies: Australia*, vol. 8 (Shannon: Irish University Press, 1977), 371.

⁴³ Governor Hutt to Marquis of Normandy, 11 February 1840, in *British Parliamentary Papers: Colonies: Australia*, vol. 8, 371.

⁴⁴ Governor Hutt to Lord John Russel, 15 May 1841, in *Irish University Press Series of British Parliamentary Papers: Colonies: Australia*, vol. 8 (Shannon: Irish University Press, 1977), 380.

⁴⁵ Governor Hutt to Lord John Russel, 15 May 1841, in *British Parliamentary Papers: Colonies: Australia*, vol. 8, 380.

These despatches illustrate both that Western Australian native policy from the very beginning centered on promoting Indigenous people's employment by settlers, and that the Western Australian colonial government rejected the imperial desire to institute a system of reserves.

Unlike the above exploration of Western BNA, in which the evolution of reserve policy was the result of changing visions for Indigenous people within settler society, the Western Australian vision never changed: it was always about labour. Instead, institutionalized reserves developed supplementally to the policy of harnessing cheap labour as a structure to take advantage of the Indigenous population's declining access to traditional kangaroo herds. While Lord Glenelg's despatch emphasized an intention to reform the hunter-gatherers into sedentary farmers, Governor Hutt's implemented policy expressed the opposite. Hunter-gatherers were to be drawn to work on settler farms, but they were never meant to start farming for themselves. To do so would be to undermine the strategic importance of government rations as motivation to work for settler farmers. As early as 1814 in New South Wales, feasts were provided to Indigenous groups to pacify them after frontier hostilities and to pass on messages of British benevolence.⁴⁶ By the 1840s Western Australia had a defined policy of using the provision and refusal of food rations to encourage good behavior. In his annual report of 1840, Protector of Aborigines Charles Symmons explained that:

To endeavor to wean the natives from their habits of indolence, and determined system of begging, I have invariably refused money or food without having previously obtained some equivalent service... To evince our disgust at outrages which, however revolting to civilization, have been perpetrated by the natives... I have invariably punished the offenders by banishment from the town, for a limited period, thus depriving them of many of their comforts, and compelling them to seek a precarious subsistence in the chase.⁴⁷

⁴⁶ Nettelbeck and Foster, "Food and Governance on the Frontiers," 26.

⁴⁷ Charles Symmons, "Summary of the Transactions of the Past Year, Relative to the Aborigines," *The Perth Gazette*, January 9, 1841. <http://trove.nla.gov.au/newspaper/article/642592/1765>.

The carrot and stick were, respectively, government rations and forced dependence on hunting and gathering, though it is important to note that government rations were distributed via employers rather than government officials. There was a fear, in accordance with the predominant Western understanding of the relationship between poverty and poor relief, that giving out rations freely would demotivate Indigenous people from working, and so, as Symmons mentioned above, rations would only be given by employers in exchange for work. Unfortunately for the settlers, this policy backfired because of the encroachment of European settlement on the ability of Indigenous groups to hunt for subsistence. As settlement grew, the destruction of kangaroo habitat in addition to overhunting of kangaroo, which was a traditional source of food among the Western Australian Indigenous population, resulted in a growing desperation for food. Ideally (for Governor Hutt) this would have led to a heightened effectiveness of rations in forcing obedience, but the destruction of kangaroo herds resulted in an increase in cattle theft. As early as 1842, settler pastoralists were making the connection between settler encroachment and the steadily increasing Indigenous criminality. John Hunter Patterson, a pastoralist voicing his opinion in the *Australasian Chronicle*, argued that:

It now appears to be established beyond the reach of dispute that the extensive occupation of the territory has produced a scarcity of those plants and animals which constituted the staple articles of their subsistence; and this view is confirmed by the fact, that the depredations of the aborigines have been, hitherto committed with the sole purpose of obtaining food or clothing. In these circumstances it is sufficiently obvious that, before any system can be devised for ameliorating their condition, an adequate provision must be made for supplying them with the first necessities of life, for it is idle to talk of reforming, or even of restraining, by punishment or otherwise, a starving population.⁴⁸

⁴⁸ John Hunter Patterson, "Proposed Plan for the Better Treatment of the Aborigines of Australia Felix," *Australasian Chronicle*, June 28, 1842, <http://trove.nla.gov.au/newspaper/article/31736349?searchTerm=&searchLimits=1-category=Article||1-title=48||1-decade=184||dateTo=1843-10-07||1-month=6||1-year=1842||dateFrom=1839-08-02||sortby=dateDesc>.

By 1851, the Commissioner of Police had taken up the issue, claiming that “We see the Native driven from his hunting grounds and his food...we see the White man, in possession of food and water in abundance...and [the] results are murder and robbery.”⁴⁹ This situation forced an alteration to the practice of using rations as incentive, as public fear and outcry of the rising Indigenous criminality necessitated that rations be provided to those Indigenous people who were fit neither to hunt *nor* to work, in order to address the root cause of cattle theft. Those who were fit for work were still only to be given rations in return for labour, but it was found that sick, young, and elderly relatives of Indigenous labourers demanded more food than a labourer could obtain legally. In 1878 the daily ration for non-labourers was established as one pound of flour, one-third ounce of tea, and one and one half ounce of sugar, but in accordance with the earlier policy, rations were still to be given out by third-party settlers and farmers rather than the government.⁵⁰

While delegating the distribution of rations to the employers did have the bonus of incentivising Indigenous people to work as labourers, it also made them extremely vulnerable to settler exploitation. Awareness of, and advocacy against, the exploitation of Western Australian Indigenous people became a highly visible and contentious issue during the 1880s, when Reverend John Gribble, Lieutenant Colonel E.F. Angelo, and Magistrate R. Fairbairn released scathing indictments of the “disguised but unquestionable system of slavery carried on under the protection of the British flag.”⁵¹ These allegations resulted in the appointment of the Royal Commission on the Condition of the Natives in 1904, upon whose recommendations the 1905

⁴⁹ Nettelbeck and Foster, “Food and governance on the Frontiers,” 29.

⁵⁰ *Ibid*, 26.

⁵¹ Steven Churches, “Put Not Your Faith in Princes (or Courts) – Agreements Made From Asymmetrical Power Bases: The Story of a Promise Made to Western Australia’s Aboriginal people,” *ANU E-Press* (July 2006): 3, <https://ssrn.com/abstract=2364100>.

Aboriginals Act and 1905 Native Administration Act were passed. The commission discovered that:

The same people who distribute rations, charged to the Government, for the relief of indigent and other aborigines, benefit themselves by buying at wholesale and charging at retail current prices, issuing about half the allowance, distributing the food cooked instead of raw....One witness...explains how the constable may come round and certify in perfect good faith, but as soon as the latter's back is turned points out that there is nothing to prevent the distributor hunting the natives into the bush and using the rations to his own advantage.⁵²

In order to combat this abuse, the commission recommended that “the indigent blacks should, as far as practicable, be collected on to a reserve,” and that “the distributors of relief should be responsible persons, preferably Government officials.”⁵³ In his 1905 Annual Report, Chief Protector of Aborigines Henry Princep agreed with these recommendations, but lamented that, regarding the collection of Indigenous people upon reserves, “I have tried this over and over again, but under the present law I cannot keep them there. They will have their own way and wander where they like.”⁵⁴ Consequently, the passage of the 1905 Aboriginal Act included article 12:

The Minister may cause any aboriginal to be removed to and kept within the boundaries of a reserve, or to be removed from one reserve or district to another reserve or district, and kept therein. Any aboriginal who shall refuse to be so removed to or kept within such reserve or district shall be guilty of an offence against this Act.⁵⁵

⁵² Western Australia Houses of Parliament, Royal Commission on the Condition of the Natives Report [1905] (Perth: W.M. Alfred Watson, 1905), 22, [http://www.parliament.wa.gov.au/intranet/libpages.nsf/WebFiles/Royal+Commissions+-+Report+of+the+Royal+Commission+on+the+condition+of+the+natives/\\$FILE/Report+of+the+Royal+Commission+on+the+condition+of+the+natives.pdf](http://www.parliament.wa.gov.au/intranet/libpages.nsf/WebFiles/Royal+Commissions+-+Report+of+the+Royal+Commission+on+the+condition+of+the+natives/$FILE/Report+of+the+Royal+Commission+on+the+condition+of+the+natives.pdf).

⁵³ Western Australia Houses of Parliament, Royal Commission on the Condition of the Natives Report, 23-24.

⁵⁴ Western Australia Aborigines Department, Report for Financial Year Ending 30th June, 1905, 6.

⁵⁵ Western Australia Houses of Parliament. An Act to Make Provision for the Better Protection and Care of the Aboriginal Inhabitants of Western Australia, 23rd December, 1905, no. 14 of 1905, 4, http://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/52790.pdf.

The complete reversal of policy from Governor Hutt's refusal to create reserves to Chief Protector Prinsep's lobbying for reserves can therefore be seen as a reaction to the starvation caused by settler encroachment on Indigenous hunting grounds. There was some minimal humanitarian motivation in terms of anti-exploitation advocacy, but the prominent motivation for the confinement of the Indigenous population to reserves was the desire to manufacture a dependence upon government-distributed rations as an inducement into employment, as well as the fear of hostility via cattle theft. Unlike Western BNA, where native policy changed in relation to the perceived vision of the place of Indigenous people in settler society, Western Australian native policy never strayed from its focus on settler need for labour, and instead changed in relation to practical and logistical circumstance.

The Cape Colony

The institutionalization of reserves in South Africa was born out of four fundamental policy principles: that the maintenance of peace was best effected by attaching Indigenous Africans⁵⁶ to land; that the assimilation of the African population to settler ways of living required the usurpation of chiefly authority; that native administration had to pay for itself; and that African labour was the answer to chronic labour shortages in the colony. The difficulty in understanding Cape Colony reserve formation lies in the fact that, unlike in Western BNA and Western Australia, where the timeframes of reserve formation represent only 30-50 years, the debate over how to colonize the Ciskei and Transkei regions (eastern reaches of the Cape Colony) stretched from the arrival of the British 1820 settlers to the beginnings of apartheid one hundred years later. Over this century, the needs of the colonial government changed drastically

⁵⁶ In South Africa, the term "Indigenous" often refers specifically to the Khoisan peoples, while the term African typically refers to the Bantu peoples. The time period I am dealing with primarily involves British relations with the Bantu peoples, and so I will use the term "Africans" rather than "Indigenous" for specificity's sake.

and native policies changed along with them, yet the policies of the early 20th century were built upon the policies of the mid 19th century. While recent historians such as Ruth Hall have, of course, been correct to ascribe the 1913 Native Lands Act to the desire for African labour and recognized the act as “the cornerstone of the migrant labour system,” these historians often do not acknowledge – which is not to say that they do not *know* – that the creation of institutionalized reserves after the Seventh Frontier War (1846-1847), upon which the Native Lands Act was built, had very little to do with labour.⁵⁷ In light of the complexity of Cape Colony reserve policies, the four principles highlighted above (peace, authority, administrative cost, and labour) will be illustrated in terms of an extended historical process rather than in a single declaration of policy.

The Select Committee on Aborigines (British Settlements) in 1837 offers a useful starting place. The conclusion of the Sixth Frontier War (1834-1836) had resulted in Governor Benjamin D’Urban declaring the expulsion of the Xhosa from the Eastern Cape Colony and the annexation of a new district called Queen Adelaide’s Province. This action represented a settler-driven imperative, as ranchers and farmers expressed an ever growing demand for land. However, Secretary of State for War and the Colonies Lord Glenelg, supported by the Select Committee, rejected the annexation and revealed the imperial imperative of border security. In a despatch from Lord Glenelg to Governor D’Urban dated 26 December 1835, Glenelg criticized the latter’s failure to address the root causes of the war, which Glenelg himself determined – through an examination of “a large mass of documents, of which some are accessible to the public at large, and others have been brought under my inspection by the voluntary zeal of various individuals”⁵⁸

⁵⁷ Ruth Hall, “The Legacies of the Native Lands Act of 1913,” *Scriptura* 113 (2014): 1.

⁵⁸ Lord Glenelg to Governor Sir B. D’Urban, 26 Dec 1835, in *The Wrongs of the Caffre Nation: A Narrative*, by Robert Mackenzie (London: J. Duncan, 1837), 305, <https://hdl.handle.net/2027/nyp.33433082456421?urlappend=%3Bseq=332>.

– to be the loss of food, families, and property during warfare. Glenelg ordered that the annexed land be given back, and that to ensure their subsistence, “these persons must, therefore, be settled under British protection, on lands to be assigned for their maintenance.” Yet to prevent hostilities, “the restoration of the Caffres to the conquered territory must, however, be accompanied and preceded by such arrangements as will assign to each tribe its own proper limits.”⁵⁹ Specifically, he ordered that a lieutenant governor, a civil commissioner “or protector of the natives”, and a government agent be assigned to the new protectorate of British Kaffraria in order to investigate, mediate, and protect the peace. Glenelg’s despatch was saturated with the language of civilization, and he emphasized that British policy was the “adherence to justice, conciliation, forbearance, and the honest arts by which civilization may be advanced, and Christianity diffused.”⁶⁰ Yet there were no instructions for how to implement these lofty ideas; Glenelg’s instructions sought only to maintain the peace. The Stockenstrom Treaties, established in December 1836 following Glenelg’s dispatch, established British Kaffraria as the domain of an independent Xhosa nation which settlers were prohibited from entering. The treaties did include one article in which “[t]he said contracting chiefs do agree, promise, and pledge themselves, to encourage, and protect by every means in their power, the propagation of the Christian religion,”⁶¹ yet the treaties explicitly forbade any attempt to force African groups to adopt settler laws.⁶² The main aim of these treaties therefore was the opposite of civilization; they attempted to separate settlers and Africans physically and to mediate political and economic

⁵⁹ Lord Glenelg to Governor Sir B. D’Urban, 26 Dec 1835, in *The Wrongs of the Caffre Nation*, 323-4.

⁶⁰ *Ibid*, 319.

⁶¹ Treaty Entered Into Between Andries Stockenstrom and the Chiefs of the Tribe of T’Slambie [1836], in *Treaties Entered Into by Governors of the Colony of the Cape of Good Hope and Other British Authorities with Native Chieftains: And Others Beyond the Border of the Colony Between the Years 1803 and 1854* (Cape Town: Saul Solomon & Co., 1857), 50, <https://archive.org/stream/treatiesentered00unkngoog#page/n48/mode/1up>.

⁶² Treaty Entered Into Between Andries Stockenstrom and the Chiefs of the Tribe of T’Slambie [1836], in *Treaties Entered Into by Governors of the Colony of the Cape of Good Hope*, 48.

issues through government officials rather than through local settlers, with the intention of maintaining peaceful borders. The imperial government's desire for peaceful borders was fundamentally different from settler concerns for safety discussed in Western BNA and Western Australia above, for in this case it was motivated by concerns over military expenditure rather than personal security.

Little more than ten years later, this policy was itself rejected by Governor Harry Smith. With the African defeat after the Seventh Frontier War (fought between the Xhosa and the British throughout 1846-1847, instigated by the Xhosa in response to British encroachment), the new governor Harry Smith voided the Stockenstrom treaties and declared British Kaffraria a dependency of the Crown. He then signed his own treaties in 1848 with the chief of the Griqua people, Adam Kok, and of the Sotho people, Moshoeshoe, in which he provided reserves of land within British Kaffraria to the non-Xhosa African chiefs Kok and Moshoeshoe. These treaties stipulated that:

Captain Adam Kok engages to make hereby a division of his territory into two portions: one division to consist of land in regard to any part of which it shall not hereafter be competent for Captain Adam Kok, or any of his people, to grant leases, or make sales, or give any right of occupation to any British subject, or generally, to any person of European birth or extraction; and the other division to consist of land which may be let on lease to British subjects, however, to be made in the manner and under the conditions hereinafter referred to.⁶³

Furthermore, the treaty allowed that:

Persons who are by the last preceding article prohibited from hiring or purchasing lands in the first or reserved division of the Griqua territory, may, with the express permission of the Colonial Government, but not otherwise, and then only for the

⁶³ Treaty Entered Into Between Governor Sir Peregrine Maitland and Captain Adam Kok [1846], in *Treaties Entered Into by Governors of the Colony of the Cape of Good Hope and Other British Authorities with Native Chieftains: And Others Beyond the Border of the Colony Between the Years 1803 and 1854* (Cape Town: Saul Solomon & Co., 1857), 200, <https://archive.org/stream/treatiesentered00unkngoog#page/n199/mode/1up>.

purpose of religious teaching, or that of trade or business, receive leases of houses and buildings, or of building ground situated in the said division.⁶⁴

These treaties therefore created reserves of land where the Griquas *had* to remain, where settlers could not buy land, yet where certain settlers could reside for educational and commercial purposes, all characteristics which qualify this as an institutionalized reserve. More importantly, Smith's treaties declared that "in lieu of the half of the quitrents he [Kok] now receives... he shall receive 200 lbs. a-year...and that his people, for the lands they have let, shall receive 100 lbs. per annum."⁶⁵ Essentially, this stipulation forced Kok to cede his authority over the non-reserved territories and transformed Kok's form of income from land ownership revenue to dependency on the British government. The purpose of this was to prevent further warfare, much like the Stockenstrom Treaties, but in a much more coercive and destructive way. By forcing the African chiefs into a position of financial dependence on the government, Smith's vision of reserves dictated a new policy of gaining control over Africans groups by undermining the sovereignty of the chiefs rather than by government mediation across borders.

The most fateful change in reserve policy arose after the discovery of gold in 1886 and the deepening of the colony's labour shortage, leading to the Glen Grey Act of 1894. This act applied initially only to the region of Glen Grey, but it was written into the first article that it should apply "in whole or in part, with such modifications as may be necessary, to such other

⁶⁴ Treaty Entered Into Between Governor Sir Peregrine Maitland and Captain Adam Kok [1846], in *Treaties Entered Into by Governors of the Colony of the Cape of Good Hope*, 201.

⁶⁵ Treaty Entered Into Between Governor Sir H. Smith and Captain Adam Kok [1848], in *Treaties Entered Into by Governors of the Colony of the Cape of Good Hope and Other British Authorities with Native Chieftains: And Others Beyond the Border of the Colony Between the Years 1803 and 1854* (Cape Town: Saul Solomon & Co., 1857), 209, <https://archive.org/stream/treatiesentered00unkngoog#page/n209/mode/1up>.

districts or portions of districts in which the inhabitants are mainly aboriginal natives.”⁶⁶ For this reason, the Glen Grey Act formed the legislative basis of the 1913 Native Lands Act. The main components of Glen Grey were that new locations (reserves) were to be surveyed and African people attached to individual plots of arable land; that complete authority within these locations was to be invested in appointed Location Boards; and that the unemployed be subjected to a labour tax. Governor Rhodes explained in an address to the House of Assembly that the point of the act was to harness the potential labour of young African men:

There are a large number of young men in these locations who are like younger sons at home, or if you will have it so, like young men about town. These young natives live in the native areas and locations with their fathers and mothers, and never do one stroke of work. But if a labour tax of 10s. were imposed, they would have to work.⁶⁷

Another important component of the Act was that the individual plots of land given out were officially considered as communal land, and therefore holding these plots would not make residents eligible for the landed requirement to vote. As such, the fundamental intentions of reserves created by the Glen Grey Act were the mobilization of potential labour, financial self-sufficiency, and the repression of political capacity by excluding plot owners from politics.

While Rhodes emphasized the financial and labour importance of the act, the political element is key. Increasing African urbanization in the late 19th century was perceived by the settler population as highly alarming, and there were fears that the growing urban population would exert increased political power. The Glen Grey Act addressed this concern by stripping landed

⁶⁶ Cape of Good Hope Houses of Parliament, The Glen Grey Act, 31 August 1894, in *Select Documents Relating to the Unification of South Africa*, vol. 1, ed. by Arthur Percival Newton (London: Longmans, Green & Co., 1924), 129.

⁶⁷ Extracts from Speech of Mr. Cecil Rhodes, Premier of Cape Colony, in Cape House of Assembly in Moving the Second Reading of the Glen Grey Act, 30 July, 1894, in *Select Documents Relating to the Unification of South Africa*, vol. 1, ed. by Arthur Percival Newton (London: Longmans, Green & Co., 1924), 126.

Africans of political capacity, and therefore represents settler imperatives of maintaining security through supremacy.

Section 3 – Transcolonial Themes: Imperial-Settler Conflict and Definitions of Civilization

The reserve systems which developed in Western British North America (Western BNA), Western Australia, and the Cape Colony shared many similarities, enough to suggest that they adhered to the model of British systemic imperialism, in which the importance of the colonies as peripheries to the British metropole dictated that colonial governance was guided by the imperial directives of capitalism and liberal humanitarianism. Yet these reserves also exhibited substantial differences, which would suggest that they adhered to the model of local colonial government, in which local priorities of peaceful and secure borders and other local interests drove colonial governance. It is towards resolving this contradiction that the primary research carried out in the previous section contributes. A comparative analysis reveals two primary themes that connect the reserve systems in each country: conflict between imperial and colonial administrators in the purpose and implementation of reserves, and investment in the idea of a civilizing mission.

Imperial Colonial Conflict

The conflict between imperial and colonial administrators that was found in the second section is strong evidence against the framework of colonial governance being dictated by imperial imperatives. In Western BNA, Western Australia, and the Cape Colony, native policies vacillated between different points on a spectrum of Indigenous integration into settler society. In Western BNA, this vacillation is illustrated by the conflict between the imperial policy of active “civilization” via integration and Sir Francis Bond Head’s policy of social isolation without civilization. In the latter policy, Bond Head’s Manitoulin Treaties of 1836 asserted a novel definition of reserves – as places to separate Indigenous peoples from settler society – that was forcefully reversed by Lord Glenelg in 1838. This antagonism finds a parallel in the Western Australian conflict between Governor Hutt’s vision of Indigenous people as labourers and Lord

Glenelg's vision of Indigenous people as dependants, in which Hutt responded to Glenelg's orders to establish native reserves by blatantly refusing to do so, claiming that the Western Australian Indigenous people were not as hostile as those in New South Wales. In the Cape Colony, native policy changed with nearly every successive governor in a continual battle with imperial policy, such as D'Urban's annexation of Queen Adelaide's Province and Lord Glenelg's subsequent de-annexation, and Lord Glenelg's support of the Stockenstrom treaties and Smith's later abolishment of those treaties. These political tug-of-wars confirm that colonial governance operated within a dialectic of imperial versus settler imperative. They also reveal that the outcomes of these tug-of-wars – Western BNA's adoption of the pass system in 1885, Western Australia's creation of reserves in 1905, and the Cape Colony's passing of the Glen Grey Act in 1894 – predominantly tended to align with a settler-guided framework of colonial development.

As further evidence, consider the moments at which native policy underwent change toward institutionalization. In 19th century Western BNA, my research showed that the institutionalization of reserves through the pass system was a direct result of the 1885 North-West Uprising. The Canadian government considered the two causes of the uprising to be conspiratorial communication among Indigenous groups as well as their lack of food. The pass system addressed both issues by seeking to ensure that no unwanted messages could be transmitted between groups and by preventing farmers from abandoning their crops. In Western Australia, reserves were explicitly refused in favour of managing settler-Indigenous relations via employment, and the institutionalization of reserves was only undertaken in 1905. The Commission on the Condition of the Natives had found a flaw in the rations system: corrupt rations distributors had prevented those unable to work from accessing rations and therefore

forced those able to work to spend their time hunting rather than working. Yet with kangaroo herds and food-gathering habitat drastically reduced, neither labouring nor hunting provided enough food to sustain Indigenous families, leading to a noticeable increase in cattle theft. Reserves solved this problem by guaranteeing the distribution of rations to those unable to work, and served settler imperatives by ensuring safety from Indigenous cattle raids. In the Cape Colony, my research found that the Glen Grey Act of 1894 was a response to the growing urbanization of black South Africans. The two primary components of the Act, the labour tax and the plot system, were both intended to weaken the cohesive strength of the black population, the former by dispersing supposedly dangerous groups of unemployed black Africans and the latter by stripping the blacks of the landed vote.

In each colony, the moment of institutionalization was predicated upon a threat to settler ways of life, whether that be Indigenous resistance in Western BNA, loss of Indigenous labour in Australia, or the increasing urbanization of blacks in South Africa. Considering the political tug-of-wars between colonial governors and imperial administrators and the timing of institutionalization relative to moments of settler crises, the process of reserve formation cannot support a framework of overarching imperial imperative. In fact, reserve systems across these three colonies present so many dissimilarities as to undermine any notion of an overarching, systemic process. However, they still share that contradictory emphasis on civilization, which must be addressed if we are to reject the notion of imperial imperative entirely.

Definitions of Civilization

Section two's exploration of how reserve systems developed in each colony illustrated that reserves followed unique paths to formation determined by local events, in particular the North-West Uprising in Canada, the shortage of Indigenous labour in Australia, and the increasing urbanization of blacks in South Africa. Of the three essential characteristics of

reserves across the empire – isolation, administration, and civilization – only two, isolation and administration, align logically with a framework of settler reaction to local circumstances, as they are both means of addressing the violence of resistance, the organization of labour, and the control of potential voting and residence. The concept of civilization, however, does not align with this framework and stands in the way of defining reserve development as either settler-based or empire-based. It would, of course, be fair to give up and concede that governance was influenced by a mix of the two. Or that beliefs in the ability to civilize what became seen as scientifically inferior races had faded away by the end of the 19th century, making the presence of a civilizational characteristic a non-issue for disproving frameworks of systemic imperialism. Yet a closer look at the civilizing characteristic offers a more tangible answer. In Western BNA and Western Australia, civilization on reserves was carried out by a combination of education and policing. The education aspect involved the establishment of agricultural schools and residential schools for children, and Armitage argues that the removal and education of Indigenous children was the pillar of both Canada's and Australia's assimilationist missions. Policing, on the other hand, involved the imposition of Western social and legal norms upon Indigenous societies.

Amanda Nettelbeck's *Fragile Settlements* points to a range of methods that were used to coerce Indigenous people into acting in a certain way, including discriminatory rations provision and vagrancy ordinances. Education and policing thus constituted the civilization methods of the reserve systems, yet they differ drastically from the civilization methods of pre-institutionalized native policies. The Select Committee on Aboriginals emphasized that the goal of civilization was to bring Indigenous peoples up to the level of Europeans, and that this was best carried out via education in all subjects (rather than just an industrial education). Furthermore, the

Committee explicitly dictated that applying European-style laws to Indigenous groups would not further civilization but hamper it. Instead, colonies were to allow Indigenous groups to follow their own laws. There is a clear difference between the imperial civilizing mission and the colonial civilizing mission, the latter being much more assimilationist than the former.

Here I must acknowledge the work of Zoe Laidlaw on the settler-imperial relationship. Laidlaw argues that the British imperial imperative of liberal humanitarianism, specifically in regards to its civilizing mission, did not exist *in conflict with* settler imperatives, but rather that the imperial government abandoned its stance on civilization around the 1850s. It is commonly accepted that humanitarianism faded throughout the 19th century as scientific conceptions of race developed, and Laidlaw's argument was developed within this framework. She directly points to the British government's disinterest in challenging settler colonialism as a marker of Britain's *complicity* in settler colonialism via a "lack of imperial control."⁶⁸ Her argument aligns with mine in results, as we both agree that settler imperatives drove the institutionalization of reserves in the late 19th century. We disagree only in regards to the antagonistic relationship between the imperial and settler governments. One may argue that my study of reserve systems cannot reveal the subordination of imperial interests to settler interests in the late 19th century precisely because the humanitarianism that fueled the reversals of policy in the early 19th century no longer existed. However, I have never claimed that reserve policy hinged upon humanitarianism alone; from the beginning I have acknowledged that imperial interests were driven by *both* humanitarianism *and* imperial capitalism, as the expenses of institutionalized reserves were anathema to imperial capitalism. Consider the difference between Laidlaw's timeline of humanitarianism's decline and my timeline of reversals in reserve policy. Laidlaw argues that as

⁶⁸ Zoe Laidlaw, "Imperial Complicity: Indigenous Dispossession in British History and Historical Writing," in *Emancipation and the Remaking of the British Imperial World*, ed. by Catherine Hall, Nicholas Draper, and Keith McClelland (Manchester: Manchester University Press, 2014), 137-141.

of Lord Grey's tenure as Secretary of State for War and the Colonies (1846-1852), the imperial government withdrew from its civilizing mission, yet I have shown that the settler governments only began institutionalizing reserves in 1885, 1894, and 1905. Before these transitions, colonial reserves retained the imperial vision of civilization with which they had been endowed earlier in the century (with the technical exception of Western Australia, which did not have any reserves until 1905), and these visions of civilization included those methods of imparting civilisation that agreed with the demands of imperial capitalism. That is to say, these early reserves did not expend resources to forcefully civilize Indigenous groups, preferring to pursue civilization via contact with settlers. More research into imperial-settler relations would be required to further argue this point, but this lag between Laidlaw's suggested withdrawal of the imperial civilizing mission and the institutionalizing of reserves suggests that the institutionalization of reserves had just as much to do with imperial capitalist concerns as civilizational concerns.

John Comaroff, who differentiates between civilizing colonialism and settler colonialism, argues that civilizing colonialism was concerned with spreading ideas of capitalism and liberalism (i.e., raising the Indigenous to the level of Europeans) while settler colonialism was concerned with establishing sovereign authority.⁶⁹ If this distinction is applied to the break between pre- and post-institutionalized native policies' definition of civilization, we can approach the educating and policing aspects of institutionalized reserves as methods of establishing settler sovereignty rather than as methods of spreading civilization. In Western BNA, the importance of the North-West Uprising in institutionalizing reserves strongly supports the idea that the civilizing characteristic of reserves was motivated by a settler need for sovereignty rather than an imperial civilizing mission. Throughout the second half of the 19th

⁶⁹ John Comaroff, "Images of Empire, Contests of Conscience: Models of Colonial Domination in South Africa," in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. by Frederick Cooper and Laura Stoler (Berkeley: University of California Press, 1997), 166.

century, Western BNA faced increasing pressure to establish sovereignty over the West to resist American encroachment. Desmond Morton argues that the United States could have substantiated a claim to sovereignty over Western BNA if the government showed a lack of sovereignty via a breakdown in internal order, a movement for secession, or a failure to restrain hostile Indigenous groups.⁷⁰ The North-West Uprising, therefore, represented a huge threat to sovereignty which could only be combated by asserting authority over the Indigenous population. Asserting authority meant not only restricting their movement through the pass system, but also restricting their cultural difference from the mainstream Canadian society through education and moral and physical policing.

In Western Australia, a parallel exists in the uncharacteristic adoption of institutionalized reserves in 1905. In section two, it was found that the government's decision to abandon the earlier policy of allowing Indigenous people to live outside of reserves changed in the late 19th century, as a result of the Indigenous people's declining ability to provide for themselves due to the decimation of kangaroo herds and food-production habitat. By centralizing the distribution of rations, government reserves served as a strategy to control the everyday lives of Indigenous people via controlling their access to food, and therefore institutionalization of reserves asserted settler sovereignty over the Indigenous population.

In regards to the civilizing mission in the Cape Colony, it was found that institutionalized reserves in the Cape Colony were employed by both the imperial and the colonial authorities in response to four different imperatives - peace, authority, administrative cost, and labour – as they arose throughout the century. Notice that “civilization” is not included in this list; while the official rhetoric was certainly drenched in the language of civilization and the civilizing mission,

⁷⁰ Desmond Morton, “Cavalry or Police: Keeping the Peace on Two Adjacent Frontiers, 1870-1900,” *Journal of Canadian Studies* 12, no. 2 (1977): 6.

there was no large-scale praxis of civilization comparable to residential schools or coercive rations distribution. The traditional viewpoint of the earlier 20th century historiography was that the British and the Afrikaners existed in a dichotomy of imperial humanitarianism and settler colonialism, but Timothy Keegan and others debunked this myth of the British as the saviors of the Indigenous Africans. Keegan argued that the “advance of civilization” that is attributed to the British Empire “inevitably entailed conquest, coercion and cultural suppression.”⁷¹ He does not claim that the British *never* intended to pursue a policy of civilization, but rather that the Conventions of 1852 and 1854, in which Britain agreed to stop enforcing British laws beyond the boundary of the Cape Colony, marked the empire’s abandonment of a humanitarian policy and the moment from which British and Afrikaner agendas effectively converged.⁷² In other words, while in Western BNA and Western Australia the policies of civilization and moral policing were ended when settler concerns of sovereignty came to supersede them, in the Cape Colony the civilizing policy was given up when Britain decided that the financial burden of maintaining it was too large (notice here the intertwined nature of humanitarianism and imperial capitalism). Consider how the only reversal of native policy from isolation-seclusion in the Cape Colony, i.e. the reversal between D’Urban’s annexation and Glenelg’s de-annexation, took place before 1852. This reversal emulates those in BNA and Australia, in which one policy is declared by the metropole, an opposite policy is implemented by the colony, and the metropole forces a return to the original policy (or in the case of Western Australia, attempts to force one).

The civilizing characteristic of institutionalized reserves is therefore not at all contradictory to a settler-driven framework of colonial governance, because the definition of civilization that institutionalized reserves operated upon was different from the definition of

⁷¹ Keegan, *Colonial South Africa and the Origins of the Racial Order*, 10-11.

⁷² *Ibid*, 6-7.

civilization inherent in imperial native policy. The settler-driven framework was a reaction to Indigeneity as a threat to settler sovereignty, while imperial native policy was an extension of liberal humanitarianism's duty to spread enlightenment coupled with imperial capitalism's financial interests.

Concluding Remarks

Zoe Laidlaw argues that the contained national histories of colonization prevent historians from making important connections between colonized peoples, enable modern settler societies to perpetuate dispossession, and allow Britain to side-step questions of metropolitan responsibility for imperial crime.⁷³ Similarly, Daphne Taylor-Garcia argues that “To not be able to trace the *longue durée* histories of dispossession on a global scale...relegates the debate over Indigeneity to a struggle of entrenched positions with no foreseeable way out.”⁷⁴ Transcolonial history is therefore inherently political; it aims to displace entrenched ideas about the meaning of Indigeneity and to shatter the illusions of the modern settler’s isolation from processes of colonization. This paper was a response to Laidlaw’s and Taylor-Garcia’s calls by seeking to understand, on a global scale, the colonial desire to isolate Indigenous people within reserves.

As it turned out, this line of research stumbled upon an on-going debate over whether 19th century native policies were top-down constructions influenced by an over-arching imperial imperative, or whether they arose to facilitate settler imperatives. It is interesting to note that the original idea behind this paper was to *support* the frameworks of systemic colonial empire put forth by John Darwin, Christopher Bayly, Andrew Armitage, and Paul McHugh. Responding to the calls of historians of empire to understand the transcolonial nature of Indigenous-settler relations, reserves seemed to fit so perfectly with a cookie-cutter style of imperial imposition that I was surprised others had not done this exact comparison before. It was only after a close reading of the development of reserves in each colony that it became clear that reserves could not be considered as products of a systemic empire. For starters, the British imperial authorities’

⁷³ Laidlaw, “Imperial Complicity: Indigenous Dispossession in British History and Historical Writing,” 133.

⁷⁴ Daphne Taylor-Garcia, “Decolonial Historiography: Thinking About Land and Race in a Transcolonial Context,” *InTensions* 5 (2011): 13.

visions of what colonial native policies should be were repeatedly repudiated by the colonial governments in Western British North America, Western Australia, and the Cape Colony. Furthermore, the nature of the reserves that developed by the end of the 19th century served to force settler culture upon the Indigenous populations and sought to isolate the Indigenous populations from settler society, which directly contradicted the official statements of Britain's imperial native policy. From the sources that were utilized, there is no empirical basis for arguing that the institutionalized reserves of the late 19th century were of a systemic imperial design.

However, it *was* found that, despite differences in local context, the institutionalized reserves of Western British North America, Western Australia, and the Cape Colony were reactions to similar settler issues. In particular, reserves were a response to settler concerns over sovereignty, including sovereignty over both land and culture. These findings would prove interesting to scholars of Indigeneity and settler identity, as the connection that was drawn between settler attitudes towards Indigenous people and concerns over the threat of Indigenous culture as a form of counter-culture or cultural dissidence undermines popular assumptions that Indigenous groups lost relevance to the survival of settler society shortly into the 19th century. Scholars of modern colonial law (that is, of law practiced within states that claim to no longer be colonial) would also be interested in these findings, as they suggest that on-going legal disputes over settler and Indigenous sovereignty may be tied to historical conflations between Indigenous "otherness," morality, and civilization.

It must be acknowledged that my research has not been definitive. It focused primarily upon correspondences between government officials, and while this focus effectively addressed the topic of native policy, it is limited in regards to assessing non-official perspectives. Further

research into popular reactions to changes in native policy, or even into popular reactions to Indigeneity across the colonies would be warranted. Furthermore, my research can show changes in colonial native policy, but was unable to situate these changes in relation to larger societal changes in perceptions of race. Thus, further work to situate my findings in this larger context would be useful.

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