

# The pangermanists in Africa: inclusion and exclusion of the native peoples in the expansionist plans of the empire, 1896-1914

*Os pangermanistas na África: inclusão e exclusão dos nativos nos planos expansionistas do império, 1896-1914*

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## RESUMO

Entre os diversos paradigmas de desigualdade e de exclusão encontra-se o racismo, uma das formas mais insidiosas de discriminação. Para compreendê-lo, muitos se dedicam ao estudo das ideias, adotando frequentemente uma linha evolutiva que vai desde o racismo até a biologia aplicada. Este artigo assume outra direção. Concentra-se no estudo das experiências vividas entre colonizadores e colonizados – bem como seus outros – com o objetivo de compreender os sentimentos entretidos no momento mesmo desse confronto. Nesta pesquisa, valendo-me especificamente da atuação dos pangermanistas na África, em especial, no território da Namíbia, outrora conhecido como África Alemã do Sudoeste (SWA), pretendo estabelecer conexões entre o ódio racial e os movimentos imperialistas que defenderam a exclusão dos nativos de seus próprios territórios.

Palavras-chave: racismo; Namíbia; genocídio.

## ABSTRACT

One of the many paradigms of inequality and exclusion is racism, one of the most insidious forms of discrimination. To understand it, many authors focus on the study of the ideas, and frequently adopt an evolutionary perspective that runs from racialism to applied biology. This article takes a different direction. It concentrates on the study of the experiences lived by the colonial agents and the colonized peoples – as well as by the settlers – aiming to understand the feelings interwoven in the very moment of this confrontation. Drawing specifically on the activity of the Pan-Germanists in Africa, particularly in the territory of Namibia, formerly known as German South-West Africa, I intend to establish connections between racial hatred and imperialistic movements that advocated the exclusion of the native peoples from their own territories.

Keywords: racism; Namibia; genocide.

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Judicially and politically accepted territorial boundaries, language, religion, and customs are alterities which do not necessarily separate people. Often they differentiate them and sometimes these differences are demanded to demarcate a specific history, whether it is on a small or large scale. Simultaneously, they are used to demarcate the space of negotiation between one and the other, whether economic, political, or symbolic.

But this only applies in cities whose inhabitants assume a cosmopolitan identity. And even there, feelings of belonging, the search for particular identities, and the refusal of others did not cease to be affirmed, which evokes the notion of nationalism, a construction which since the end of the eighteenth century chose, in almost all parts of the world, various foundational myths, also creating paradigms of inequality and exclusion. Even within nation-states in which nationalism and imperialism were strongly connected, it was suggested that a group, especially with non-dark or fairer skin, should exercise dominion, irrespective of where they resided.

The members of movements with strong popular appeal, incidentally the actual inventors of the 'popular' – translated by a so-called 'national' literature, a myth of origin, the same history and destiny –, tend to imagine themselves as members of a population that is to some extent uniform. Historically, many of them expanded their frontiers beyond political and geographical criteria, the reason for which they adopted for themselves the prefix *pan*. Each 'pan-movement' carried within it the notion of singularity and the feeling of superiority; not rarely they showed themselves to be resentful for some loss, whether actual or imagined. These characteristics guided their members, as a rule, to expansionist objectives, thereby resulting in close ties with militarism.

One of the most aggressive *pan* movements in the age of nationalisms was Pan-Germanism. Unlike, for example, Pan-Slavism and Pan-Americanism, which intended to bring together various ethnicities speaking diverse languages around an authority acclaimed by activists, the Pan-Germanic League animated a unification movement based on ethnical uniformity and the hierarchization of all peoples based on a concept of *superior-inferior*.

According to Louis Snyder,

From the conservatives the Pan-Germans drew ideas of the traditional value of hierarchy, biological superiority, territorial imperative, veneration of the national above the international, the placing of caste before class and veneration of the *Obrigkeit*, the magisterial authority. They rejected the rationalism of the Enlightenment, dismissing it as an invention of the Jews. More important in their

eyes were intuition, mysticism, rightist radicalism and revolutionary fanaticism. They dismissed moderate conservatism as unrealistic, and ridiculed its advocacy of Law and order and stability. For Pan-Germans, only an extremist adaptation of conservatism made sense. (Snyder, 1985, p.43)

Various studies dedicated to Pan-Germanism have called attention to the appeal to the unification of the peoples understood to be Germanic (and later Aryan) in a single country and with a single leader. This was propaganda whose target public was the residents of German origin living in regions of Austria, Hungary, France, Czechoslovakia, others, with the intentions of widening the frontiers of what would be *Grossdeutschland*. This was not limited to neighboring countries whose frontiers are ‘naturally’ overflowed due to the economic hegemony of the Germany people as a whole (*Deutschtum*); Latin America was also a target of the Pan-Germanists. As shown in various studies, since 1870 German nationalists had dreamed of creating a German colony in Latin America, whether by force (annexation of territory from Argentina, Brazil, Uruguay and Chile) or by the nationalism of the *Auslanddeutschen* (Germans living abroad), who would always give, it was supposed, economic preference to business with German firms. Just by way of example, in Brazil the Pan-Germanic League had 6000 members who were responsible for various commercial agreements and exchanges of a religious, cultural, or cultural nature, in the South of Brazil, as well as in Argentina, Uruguay and Chile. The Pan-Germanic League subsidized schools with teaching material, supported recreational associations, and promoted German language press (Brepohl de Magalhães, 1998; 1996).

Nevertheless, in relation to this entity, until a short while ago, only the European and Latin American spatial focuses had been analyzed by the social sciences, and even then only in German academia. A curious gap, since it was bigger and of decisive importance was the action of the Pan-Germanic League in Africa and in a small territory in Asia, where it practiced imperialism directly, with the agenda of the administrators being based on the League and similar societies.

The silence about these events can be explained, according to Udo Kaulich, because the German presence in Africa and Asia was seen only as the harbinger of what would happen in the 1930s in Europe, and thus was a theme of lesser value due to the events which would give rise to the ascension of the national socialists (Kaulich, 2003, p.19ss). And also because these ventures were, from the economic point of view, deemed insignificant.

Despite being few in number and restricted to the former East Germany, there is research about this question, where the authors emphasized the genocide of the Herero people (1904-1906), stating that this was a result of imperialist violence. These studies were Marxist in orientation and perhaps for this reason they did not address the question of racism as a structuring element of politics in any debt; nevertheless, they were important for the development of the question in Germany, since after reunification, these concerns were incorporated by some West German historians, an academic world with greater financial support for research.

Another factor contributed to the expansion of this field of study: following the proclamation of independence of Namibia in 1990 and with this the demand for a native history of the young nation, various Namibian social scientists felt the need to restructure their past. It was not just restricted to academic studies; the colonial past implied reviewing, from the point of view of the descendants of victims, the question of genocide and reparation debts. According to Silvio Correa, representatives of the Hereros even hired at the beginning of 2000 the English lawyer Lord Anthony Gifford to sue the German government for the crime of genocide.

Although this was not successful, according to the author,

since 2004 Germany has committed itself to increasing its economic aid to the development of Namibia. In addition to the economic sphere, other projects were carried by the two countries in recent years. Among these is the project "Archive of anticolonial resistance and the struggle for liberation" (*Archiv des antikolonialen Widerstands und des Befreiungs-kampfes*). Through institutional and private donations the project managed to increase the collection of the National Archive of Windhoek (ANW). (Correa, 2011, p.93)

I can cite another factor which motivated researchers to turn their attention to Africa again: the emergence and consolidation of post-colonial studies and with them the evaluation of the role of Germany, its intellectuals, politicians, and clergy, in the preparation of Eurocentric discourse. Finally, something which is not of concern just to my object of study: the search for the globalization of the question, or better, the transactional focus; under the inspiration of Michael Hardt and Tony Negri (2001), the perception of imperialism acquires broader and more complex dimensions, such as the interaction between the colonizer and the colonized, relations between former colonies

and former metropolises, neo-colonialism, and native cultures (necessarily in the plural), exclusive and inclusive strategies of domination.

Returning to Pan-Germanism, it is a theme which needs to be restudied from a trans-national perspective: in relation to the occupation of Africa, at least one of its specificities has to be clarified: it is different from England, which implemented domination under bureaucracy that was more or less agreed with members of local elites, which sometimes allowed a certain field of negotiation with natives, or of France, which preferred direct domination and afterwards associativism. According to Steinmetz, the Germans pursued a style which could be characterized as scientific, economic and pro-emigration (Steinmetz, 1992, p.5).

It was pro-science, which is understood here as applied biology; according to these doctrines, the blacks, naturally inferior, had to be taken under the guardianship of the whites, involving the consent to the use of violence. Pro-emigration because it adopted the principle of the expansion of *Lebensraum*: the ambition was to move German peasants to Africa, strong men, well-educated, upright and laborious, who were suffering from the consequences of the concentration of landholding. Certainly, this was a populist and idealized discourse of the peasant, but it produced good propaganda effects to neutralize the slogans of social democracy, favoring the conquest of overseas territories.

In relation to the guardianship of natives, this was translated into their adaptation to the needs of disciplined work according to the rules of the colonizer, receiving for this the formal approval from the Metropole. To guarantee obedience, a series of punishments were adopted which were practically the same as slavery, constructing a discourse which explicated the need for a centralized and rigidly hierarchized authority. A discourse which appears to be the reverse of the findings of Michel Foucault about the utopia of disciplinary society: not to watch, but to punish, not to regenerate but to exterminate, not docile bodies, but pleading.

Before looking at the connection made by the Pan-Germanic League between nationalism, racism, and imperialism, I would like to weave some brief considerations about the post-colonial period in the region which is the subject of this study.

## THE OTHER OF THE OTHER

While the German colonial presence is little known, even more ignored is the society organized in Namibia before the colonial occupation.

Situated between Angola and South Africa, the region was protected from European domination for a long time, as access was very difficult from the rugged coastline. Nevertheless, since the beginning of the nineteenth century, natives had had to accommodate themselves to the presence on people with a European origin – principally the Boers –, and at the same missionaries from the *London Missionary Society* and the *Rheinischen Mission*. Missionaries came independently from the high ranking clergy, and generally without any theological education motivated by the desire for evangelization (or the missionary impulse), with no or few connections with their countries of origin. They ended up opening small businesses to support themselves, as well as opening schools to teach the natives to read. Thanks to their efforts, local customs were being amalgamating to their habits and beliefs. The combatting of violence, including domestic violence, contributed to the acceptance of the Christian faith (Wallace; Kinahan, 2011). Emblematic of this is the marriage of the missionary Johan Heinrich Schmelen (1776-1848) and Zara, a Nama native who translated to the New Testament to her language.

There were also descendants of Portuguese, linked to the trade of manufactured products, including alcoholic drinks, which often served as an instrument of exchange with local elites and not rarely caused dependency. Also English, principally responsible for the firearms trade, as well as South Africans who had migrated there by themselves. In addition, the residents of Rehobot should be mentioned – the only town in a region of 15-20 km<sup>2</sup>, located in the north of the region – the fruit of marriages with descendants of various origins, especially conjugal connections between Europeans and Hottentots; it had been there since 1760 and in 1913, it had 3,000 inhabitants, almost all belonging to the Lutheran confession (Brepohl, 2011).

It was thus a relatively miscegenated society, with cultural exchanges of some significance. There were even religious leaders who would later confront the German occupation. In relation to this period, the literature suggests to us a set of tensions, but not only among Europeans and natives; there were tensions between natives, disputes for land, economic interests at play, disputes for power, in short nothing very different from what occurred in other regions, including Europe. Furthermore, Tylor's hypothesis – *to marry out or be killed out* – seemed to confirm itself during the nineteenth century, in spite of the estrangement between the various cultures and the asymmetries in relations of power (cited by Areia, 2005, p.161-165).

To understand the relationship between native and foreign, I believe it is of greater interest to consider Bernhard Waldenfels' reflections about what he designates as *Fremdheit*, a term I translate as the 'foreign condition.'

According to Waldenfels, the term *foreigner*, from the philosophical point of view, refers to a phenomenon which impregnates with a specific mark everything we meet (Waldenfels, 2009, p.9). It touches us in various experiences: we find strange the language of others, their eating habits, a place, we even find our past strange, that which we do not identify any more. So, who is a foreigner and what is foreign? It is what or who we no longer know, or do not know yet, or who and what we know nothing about; it is also a non-place (*ibidem*, p.25ss).

There is, thus, no world where anyone can feel totally at home, and no one who is totally master of their own house (*ibidem*, p.17). Demarcations, crossings, frontiers, distances, and approximations are unstable and are, in the last instance, within us.

In relation to the confrontation between a society foreign to western thinking, translated by Claude Lévi-Strauss as the confrontation between scientific thought and savage thought, and by Michel Foucault as the ordered and non-ordered, Waldenfels uses the expression to "be between the dog and the wolf" (*ibidem*, p.11). In its origins, which go back to the thirteenth century, this proverb also symbolizes the night and the shadow (the wolf) and the day (the dog). Perhaps at some moment, the city and the forest. The European adventure and the elaboration of its so many others thereby acquires meaning: the 'other' can be detracted or idealized, detailed or superficially described, the target of humiliation or exaltation, but almost always it is subsumed as a savage.

Whether in this or another meaning, whether it was an event from our daily life or the fruit of a journey to a distant place, as a rule the meeting is a confrontation (even if this results in friendship later), and out of this confrontation, fear of a possible threat which the foreign represents. For this reason as well, Waldenfels argues the foreigner is hostile or is on the border of hostility. He is a welcome guest until the moment he breaks the rules (or the order or the emotional economy) of the one who is provisionally the host, but surely the guest of someone else. According to Waldenfels, "L'expérience de l'étranger se produit à travers une inclusion et une exclusion. Quelque chose surgit comme étranger em tant qu'il échappe à notre prise en débordant les limites du propre" (*ibidem*, p.171).

With this I want to show that the foreign condition can be treated as a daily phenomenon: of children and the world of the parents, involving

different languages, places, and our memory, or in a relationship with the extraordinary, which occurs in a journey to an unknown region. Whatever the scale, it implies changes in our ways of seeing and feeling.

While the stranger is a virtually hostile guest, a virtually foreign acquaintance, the feeling of anxiety is there when we meet him. This results in our tendency to appropriate the foreign, which according to Waldenfels is a form of self-protection, and can result in three forms of centration: egocentrism, where everything is reduced to the sphere of the self; ethnocentrism, a collective us (which is understood as the preferential), and logocentrism, which does not deny the foreigner, respecting him and appropriating his differences. It is risky to have a foreigner before you, but it is the price to pay for inter-subjectivity, the moment when experience is born.

According to Waldenfels,

*Là où les nouvelles pensées naissent, elles n'appartiennent ni à moi ni à l'autre. Elles naissent entre nous. Sans ce entre-deux, Il n'y aurait aucune inter-subjectivité et aucune inter-culturalité qui méritent leur nom. Il ne resterait que la simple extension ou démultiplication du propre, et l'étranger aurait toujours déjà été réduit au silence. (ibidem, p.67)*

I have made these brief comments about Waldenfels' ideas to explain my understanding of nationalism, as a particular form of ethnocentrism; the western experience like the others, which particularly shows signs of exhaustion in what would scientifically be called 'the black,' an imprecise designation based on the physical appearance of some groups, tending to interpret their nomadism as 'outside the law.' In the specific case of my study it needs to be understood that, if the other of the other appropriates the native of Namibia for their faith and technique, and is also appropriated by them, with the arrival of the colonial agents, the intended appropriation was solely of territory, from where the hypothesis of extermination arose.

## A GERMANIC SPACE OUTSIDE OF EUROPE

In 1910, the psychiatrist Alfred Ploetz presented a paper to the German Sociological Society entitled "The concepts of race and society," in which he defend eugenicist ideas. He recommended that a natural tendency in societies be hastened, in other words the replacement of inferior races by superior

ones, favoring the increase of the latter to the detriment of the former (Max Weber..., 1973).

His hostility to Max Weber, present as a debater, was evident. The latter interrupted him several times, rejecting the biological determinism and stating that cultural systems and not race was what determined progress, in the case in question the progress of the German nation. Weber also cited Du Bois, an anthropologist and man of color of extreme competence and finesse, with whom he had been in contact in the United States some years previously.

This controversy is exemplary for the understanding of that moment in German history. Examining documents related to the treatment of natives in Namibia subjected to slave labor, it can be seen that sentences involving severe punishments such as execution were accompanied by considerations which in some manner suggested extermination (*Vernichtung*). Even within Germany, the Polish, blacks, and Jews were described as undesirable. However, how could people such as Max Weber, Rosa Luxemburg and other opponents be confronted? Above all, how to confront the legal impasse implied in the protectorate system?

Even aware that, as Hannah Arendt stated, that Europeans ignored the law in their colonies (Arendt, 1978), I would like to mention some legal documents which seek in some form to govern relations between colonizers and the colonized: Colonial Law (*Kolonialrecht*).<sup>1</sup>

Colonial Law was of course not an exclusively German construction, but rather European. Since the Convention of Brussels, statesmen had found themselves grappling with the dilemma between the prohibition of slavery and the economic interests of the men of business. So much so that in 1926, the League of Nations held a convention recognizing that the “le travail forcé amène des conditions analogues à celles de l’esclavage”; for this reason it was proposed that “a poursuivre la suppression complète de l’esclavage sous toutes ses formes, *d’une manière progressive aussitôt que possible*” (La Convention..., 1926, emphasis added).

In my opinion, not only were these treaties a lie, but so too was the tranquil acceptance of the persistence of subjugation: they reflect the tensions between Christian, humanist, and socialist public opinion, civil resistance in Africa, and the lobbies of the men of business.

However, I emphasize the German case because of the importance of racial criteria, in a manner that was intended to be scientific with a rigorous detailing of punishments, recruitment for the army, marriages, creation of reserves, etc. Generally these legal treatises start with the premise that due to

the *fundamental otherness* of the people of Sub-Saharan Africa, in other words due to their condition as *uncivilized* or *backward* a body of laws had to be created which could take into account the *singularity, exceptionality, and flexibility* of the relations between the rulers and the ruled.

According to Nuzzo,

The protectorate in itself consisted of the territories over which the *Kaiser* exercised total power of protection, although they were not considered as a region of the *Reich*. On the one hand, were the semi-civilized people, which always adjudicated a specific judicial regime. Their cultural and judicial backwardness justified the restriction of sovereignty and, based on the principle of extra-territoriality, the expansion of the jurisdiction of Consular Justice. On the other hand were the people seen as complete savages, who were located on the lowest rung of the hierarchy of races, not corresponding to Europeans, to the condition of a state; in no way were these recognized as subjects of the law of Peoples. A particular legal treatment was reserved for them. (Nuzzo, 2011)

In relation to the right to the appropriation of their land, the principal of *Res nullius* was used, the Latin term used as the legal basis for a property or object which has no owner or which has been abandoned (the land or possession or no one). Based on this principle, it was decided that those lands belonged to no country; as a result, they were a land without a government. Paradoxically, during the war against the Herero people (1904-1906) it was alleged that the lands in question were legitimately German, since they had been bought years before, with the transactions having begun in the 1880s with very well defined contracts.

Regarding colonizer/colonized relations, according to German jurists, there were three categories of people in the colonies: citizens of the *Reich*, subject to the laws of the *Reich*; *Schutzgenossen*,<sup>2</sup> all the non-German civilized peoples who resided in the colonies and were thus subject to the laws of the *Reich* and not the customary laws of the natives; and finally the natives, who were subordinated to the *Reich* but were not citizens. They were ruled by colonial agents, although they could preserve their customary laws as long as they did not enter into conflict with the authorities. Also mentioned was the prohibition of mixed marriages, disobedience of which was rigorously punished – even when it involved the local population who did not have German citizenship.

In practice, to the extent that European economic activities were expanding, native rights were losing strength, only maintaining relevance in those cases where chiefs cooperated with colonial authorities. In relation to these constraints, the legal dispositions which allowed the right to disciplinary punishment were of fundamental importance. Stipulated were fines, confiscation of goods, use of chains on the feet and the hand, detention, life imprisonment, whipping, and the death penalty.

Examining the legal mechanisms which shaped Colonial Law, it can be seen that it was a response to Modern Law: while the latter could concede rights to citizens the former, taking advantage of eminently racial criteria, could coexist with the junction in the colonies of the Executive, Legislative and Judicial powers; with the denial of the right of citizenship to people living in their own lands and in a land said to belong to the German nation; with the use of violence at various levels practiced by a considerable number of people, justified as a reaction to disobedience, principally in relation to work; all of which constituted a form of instructing colonizers about how to proceed in the case of threats and civil resistance.

This threat was not something fortuitous, nor were conflicts easily quashed. From the beginning the local population acted determinedly against the colonial presence with guerilla strategies, diplomatic incursions, and appeals to the clergy, public opinion, and the law. These conflicts provoked, as has already been mentioned, the first genocide of the twentieth century, also known as the Herero genocide (Brepohl, 2011), an action planned and carried out by German troops.

Having made these considerations about the factual and judicial circumstances which permeated relations between the colonizer and the colonized, I would now like to turn to other texts with a legal inspiration, since I believe that are perhaps more revealing than Colonial Law: some of the writings of Carl Schmitt. I want to interpret these less as a jurist and more as a historian, since Schmitt is more concerned with the facts related to law than deontological principles.

Schmitt was a scholar concerned with understanding events which gave rise to laws and politics, understood as the *power of the state*; a scholar with a Catholic and conservative orientation, as well as nurturing a certain nostalgia in relation to pre-industrial times and an even greater nostalgia in relation to German defeat in the two wars, which led to the loss of territory and of population. He was also influenced by Pan-Germanism, having read the work of Karl Haushofer attentively. One of the founders of geo-politics as a science, (Souza; Mourão, 2011),

Haushofer conceived the state as a geographic organism, as it was manifested in space, whether the state was a country, a territory, or in a much more significant manner an empire. Following the ideas and feelings of the *pan* movements, the author fantasized the world divided into four regions and their respective leaders: Eurafrika covering Europe, Africa and the Middle East, all under German tutorage; Pan-Asia, covering China, Korea, Southeast Asia, and Oceania, under Japanese dominion; Pan-Russia (Russia, Iran and India); and Pan-America, under the dominion of the United States (Battistella, 2003).

This 'division' of the world was naturalized and defended by Schmitt; he believed that until the eighteenth century conquests had followed the maxim of St. Augustine, for whom just war was war against the infidels and in favor of evangelization, from the twentieth century onwards, a dangerous rupture occurred: with the advance of technology war was becoming annihilating and worse intra-European war. Therefore, the global balance would only be guaranteed if Europe continued to maintain its hegemony in inter-state relations.

Since overseas conquests were seen as a movement of continuous expansion, the political and economic competition unequivocally turned the other into a potential enemy, the enemy to be faced by the state. Conquered territories had to be, as a result, ruled by force, since it was also force which defined the frontiers. For this reason, according to Schmitt, since its origin Law and been related to appropriation. Since Ancient Rome, Law had suggested the frontier between a space of government and an ungoverned space, where the banished/abandoned, the outlaws, or enemies were, a situation repeated in the modern world, since according to the author, in his book *O nomos da Terra*, after the first overseas conquests any non-European territory was considered a space without law. For this reason, the other could not be considered a friend or even a neighbor, but a hostile subject to be dispossessed.

According to Battistella, this is the reason Schmitt did not use the notion of laws, which was too abstract and universalist, but *nomos*, which signified a place of habitation, a canton, a place of grazing (ibidem, p.424).

The modern order coincided with a determined space, restricted to the European continent, where laws were made to define – and there along – rights and duties in inter-state spaces. Outside these frontiers, what was valid was force and appropriation. In accordance with Bernardo Ferreira,

In the 1953 work *Nehmen-Teilen-Weiden*, he stated that the Greek noun *nomos* is, in its primitive meaning, a derivation from the verb *nemein*, with its meaning being determined by the latter. According to him, this verb has three distinct and

inter-connected meanings; it designates, in first place, the act of appropriation (*nehmen*); second, division and sharing (*teilen*); and finally, grazing, cultivation, production. In *Nomos-Nahme-Name*, from 1959, Schmitt incorporated a fourth possible meaning of the word *nomos*: the act of nomination, through which a given appropriation gains publicity and visibility. (Ferreira, 2008, p.12)

This movement of 'long duration' is reflected in the history of Law. For Schmitt, Law is not just legislation which respond to demands for rights, nor the objectification of values, moral rules and traditions of a people, but a secondary moment in history, as a rule, usually a set of norms resulting from the force of those who became friends among themselves, and being victorious, constituted a political world according to what they decided: thus, he stated that, "the territory conquered externally (in relation to other peoples) and internally (to the law of propriety within a territory) is the primeval type of a constitutional legal process" (apud Korf; Schetter, 2012).

As is well known, Schmitt was stigmatized as an accursed jurist for having supported the national-socialist dictatorship. Due to his doctrine of the state of emergency or exception, the suspension of the constitutional order was justified throughout the regime, giving the dictator exceptional powers. Nevertheless, I cite him as it appears to me that he was one of the few jurists of his time to consider International Law from a transnational perspective, taking into account exactly what I want to highlight in this article: imperialist practices in Africa. And also for helping me to understand Colonial Law: in my opinion it was the guarantor of respect for the *Law of Peoples* within Europe; it was the racist response which justified inequality between peoples, and it was also what regulated disciplinary punishments against civil disobedience.

## FINAL CONSIDERATIONS

Around 1850, Francis Galton and Evans Prichard 'discovered' a population of low stature, virtually nomadic but centered in south-central Sub-Saharan Africa, already mentioned by travelers, naturalists, and missionaries, to whom they gave the name of *Bushman*. Living there since the Paleolithic age, they were also called the *san* (original people, primeval, followers), multiple names due to their so long permanence with diversified changes: for 20,000 years this had been their *habitat*. Among the various designations, the most accepted name was *Bushman* due to its meaning: bandit or outlaw.

For nineteenth century anthropologists, this terminology with doubtful etymology was a manner of stigmatizing those resistant to European appropriation; for this reason they were considered by Prichard as people too stupid to even be used as labor (Gordon, 1992, p.15-18).

So they stayed as outsiders; trading skins and ivory with the Boers, Portuguese, and English, and frequently coming into conflict with all of these. But apart from the scientists who developed a thousand theories about them with derogatory names, their *habitat* was not heavily compromised for a long time.

After 1894 colonial agents did not know very well what to do with them, whether to use genocide, slavery, or a reservation system. They could not control them, since in their society there were no chiefs and they did not want chiefs.

The history of the relations of these natives with Europeans deserves an entire article, but I wanted to mention their name for another reason: the Bushmen came to represent what was most black within the *continuum* of colors; no one less than Ratzel classified them as the last stage of humanity (ibidem, p.60). They were between man and the ape, as in the eighteenth century, there had been those between the dog and the wolf. Despite their nullity, they had to stay alive for the good of research, though as the scientists argued enclosed within reservations.

With this case I begin my conclusion.

Often, when seeking long-term explanations in Racism (written with a capital R), we leave out concrete experiences and events, conceiving them as “accidental acts or acts of exception,” with the latter not always being rare, as, amongst other things, the reading of Pan-Germanist practices from a transnational perspective from Africa can show us. We also commented, albeit briefly, on the social relations in Namibia which amalgamated, not without violence, various cultures from the material and symbolic points of view.

The arrival of the Pan-Germanists, almost always men, can be understood as the moment when the foreigner became the enemy. Even the Europeans resident there for a long time were seen as the other. The punishments, executions, and genocide, far from being characterized as a criminal act of delinquents or as an extreme form of economic exploitation, were to a large extent the result of legal devices officially approved by the metropole, mechanisms which kept this other in silence. For these reasons, the establishment of frontiers passed through a rigid separation, which was also the negation of confrontation; thus, the prohibition of mixed marriages, the creation of a system

of reserves and slave labor, were measures for the defense of a territory turned German, though always under threat, due to the intermittent revolt of the natives.

I thus return to the notion of the appropriation of the other, as a reaction to feeling threatened, as suggested by Waldenfels.

According to what I have presented above, we can find in Namibia various experiences of confrontation between natives and natives, natives and foreigners, appropriations of language, religion, and customs. Inclusions due to weddings or other forms of negotiation and exclusions of what was seen as foreign (*Fremde*) or as Freud suggests, frightening (*Unheimlich*). In this second meaning, foreign can be translated by what was hidden within something, very probably among the Pan-Germanists the desire for and the prohibition of miscegenation.

Understanding in this way the obstinate need to define ‘blacks’ and to impose silence on them: from an epidermal notion, ‘the black’ came to have unavoidable moral characteristics, projected in the figure of the *Bushman*, stigmatized as the *most different of the different*. By creating this sub-race – neither primitive, nor pre-historic, but a body between the ape and man –, they could classify and administer, due to the lack of fraternity all the other inhabitants, their species and subspecies.

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## NOTES

<sup>1</sup> This is a generic concept for various legal devices which governed relations between colonies and metropolises.

<sup>2</sup> A term which can be translated as comrades of the protectorate, or people who enjoyed the protection of the protectorate.