

**A SETTLER COLONIAL FRAMEWORK DEVELOPED
THROUGH THE DAWES ACT AND THE NATIVES LAND
ACT**

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INTRODUCTION

“Even criminals dropping straight from the gallows have an undisputed claim to six feet of ground on which to rest their criminal remains, but under the cruel operation of the Natives’ Land Act little children, whose only crime is that God did not make them white, are sometimes denied that right in their ancestral home.”¹ Solomon Plaatje, a native black South African who was part of the ANC and an acclaimed writer in English and Tswana, composed this striking quotation. He dedicated an entire book to the strong opposition against Natives Land Act, incorporating government sources and voices with his own interjections to bolster his credibility with the British. He was one of this act’s most adamant critics, and a large reason why native opposition was so widely heard and recorded in South Africa.

He knew the English language extremely well, having been educated by Christian missionaries in his Tswana tribe, so he was able to play on the emotions of the British people with his pointed language. Throughout his book, he would make comparisons of the natives and heavily scorned beings in South Africa, using criminals to illustrate native rights being taken away in this quote and using dangerous animals in another: “...by law Natives have now less rights than the snakes and scorpions abounding in that country.”² Plaatje used his English education to protest the Natives Land Act in a way that he believed the British would understand, and possibly even respond to. He was a voice for many of the natives that did not have this knowledge, and he was instrumental in protesting this piece of legislation for black South African natives.

¹ Solomon Plaatje, *Native Life in South Africa, before and since the European war and the Boer rebellion* (New York: Negro Universities Press, 1969), 71.

² Plaatje, *Native Life in South Africa*, 159.

“I know my race must soon decay; / I know that we shall fade away. / Unless we march the road you take... / We will accept it at your hands, / But give you back our lands!”³ Chief Joseph, the leader of the Nez Perce Indians in the United States, decided to use his words in a less biting way, instead attempting to elicit shame and embarrassment from the United States. He constantly brought to attention the attrition of Indians in his presumed work, *The Story of Chief Joseph*. His quotes were less direct and less harsh in his protest, even using a metered rhythm that was pleasing on the ears. Chief Joseph had powerful standing with his tribe, but his English only got him so far with the United States. He seemed to understand that he would not be effective, and even that he had the possibility of being silenced, in directly admonishing the United States.

Nevertheless, Chief Joseph still used his words to demonstrate the harm the Nez Perce Indians have been dealt at the hands of the United States: “And, while they talked, my people died, / Sickened, and fell down at my side. / The land they gave us was not good...”⁴ It is worth mentioning, as well, that Chief Joseph’s story is not authored by him, and there is some contention to whether his oration was exactly how it was recorded or whether there were other influences on his words before they came to paper. There was less certainty in Indian records in the United States, making it more difficult to substantially know exactly how Indian opposition was composed.

While being from very different places under different ruling powers, Solomon Plaatje and Chief Joseph were connected in dealing with and protesting against the settler colonial regimes that had repeatedly implemented deleterious legislation for the native populations. To

³ Martha Perry Joseph, *The Story of Chief Joseph* (Boston, 1881), <http://hdl.handle.net/2027/loc.ark:/13960/t23b6mg54>, 39.

⁴ Joseph, *The Story of Chief Joseph*, 35.

understand just how far their similarities spanned, it is important to discuss what settler colonialism was, especially in comparison with traditional colonialism.

Settler colonialism, at its core, is comprised of three distinctive parts: the imperial government overseas, the settlers, and the natives. The main goal of a settler colonial society is to displace or replace the natives living on the land because the land itself is the most valuable commodity. Instead of arriving to exploit and export natural resources and native labor back to the colonizer's home country, settler colonialism aims to make this new land its new home country. Settler colonists have imported themselves, and this invasion cannot be categorized as an isolated event. Settler colonial societies also come with an idea of conquering uninhabited lands, grouping the indigenous peoples that already live on these lands in with the wilderness that is open for the taking.

This mentality of building a new home and conquering whatever might stand in the way leads to an attempt to eliminate the indigenous population already living on the land, either by killing and forcibly moving indigenous peoples off the land or through assimilation into the settler colonial society. To keep the settler identity and determination alive, this idea of the other is created to unify against. This other is seen as savage and in need of correction, so it is perfectly acceptable to eliminate the other's savage instincts and turn them into a more enlightened people.

The most contrasted differences between settler colonialism and colonialism are seen in the fact that progress differs for both cases, with progress in colonization seen as indigenous subjugation and progress in settler colonialism seen as indigenous erasure to free up lands.⁵ The different versions of progress are grounded in different initial visions for each form of society.

⁵ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, vii, 182 p. Basingstoke, Hampshire, UK ; New York: Palgrave Macmillan, 2010. [http://hdl.handle.net/2027/.](http://hdl.handle.net/2027/)

Colonizers see themselves as in between homes and as transient dwellers seeking out an economic opportunity that will eventually return once their work is completed. Settler colonialist societies, on the other hand, see themselves as encountering a frontier that needs to be conquered in order to commence a new home. They are not transient because they are looking to start over and stay indefinitely.

Although settler colonialism is markedly different from its parent form of colonialism, it is not completely distinct. As the historian Lorenzo Veracini so determined, settler colonialism is “separate but overlapping with colonialism.”⁶ For instance, in both settler colonialism and colonialism, indigenous peoples are categorized as barbaric so that there is a justification for their treatment. However, whereas this idea of enlightenment is named in colonialism as a justification for the enslavement or exploitation of native peoples, in settler colonialism, it is the underlying glue that holds the settler identity together; without the other, there is nothing to unify against. Settler colonialism and colonialism have interwoven components and underlying ideologies, but it is their differences that truly define these two terms. Settler colonialism is about the settlers that come to stay and the indigenous people that have to adapt to and survive the invasion, while colonialism is about the colonial government overseas interacting with the indigenous peoples through spokespeople in order to steal natural resources and labor.

Settler colonialism, though still relatively new to the historical field, allows an intriguing look at what may at first seem to be two unrelated and unconnected governmental acts. The Dawes Allotment Act and the Natives Land Act directly opposed each other in native land management aspects, but there were a surprising amount of similarities in ideologies and effects. Settler colonialism offered answers when debating how two opposite strategies in such starkly differing contexts seemed to have so much in common. The seemingly oppositional manner of

⁶ Veracini, *Settler Colonialism*.

these two acts could be attributed to the settler colonial societies' imperfect application of settler colonial ideology.

Both North American and South African governments reverted back to more traditional colonial actions when they were unable to fully establish their settler colonial identities or when they faced contextual situations that would not allow for a full application of settler colonialism. For instance, although the American government followed Veracini's rule of "colonizers ceas[ing] to be colonizers if and when they become the majority of the population,"⁷ it struggled with ideas of race and which races were categorized as what. Americans could not fully maintain a settler colonial invasion, and often had to revert back to colonialism at times, because treating the Indian one way signified treating blacks very differently than how they were being treated at that moment in time.

South Africa had clearer racial boundaries, but the British settler colonial government never accomplished being a majority of the population. Blacks outnumbered the whites with a "proportion... of more than 4 to 1,"⁸ meaning that the white settler colonials could not allow for black citizenship or even assimilation. The British officials had to revert back to colonialism in segregating off land and using the native blacks as tenant farmers for their labor. However, though both of these settler colonial societies reverted back to colonialism in dealing with other contextual factors, they strove to return to settler colonialism at every turn.

Considering that settler colonialism is near impossible to reach without reverting back to colonialism in some form, we can use these imperfections as explanations to the differences in settler colonial strategy, and we can view settler colonialism in a broader context, as Veracini and Wolfe have done with countless other examples in their works on settler colonialism. Each

⁷ Veracini, *Settler Colonialism*, 5.

⁸ George Jabbour, *Settler Colonialism in Southern Africa and the Middle East*, Palestine Books, no. 30, 216 p. Khartoum: University of Khartoum, 1970. [http://hdl.handle.net/2027/\[u\]: mdp.39015001995680](http://hdl.handle.net/2027/[u]: mdp.39015001995680), 58.

experience of settler colonialism can be connected to one another, and the differences that appear to be so vast at the forefront can be explained by imperfections in the practical application of the settler colonial theory on the ground. I hope to show that this work can be placed with other narratives of settler colonialism in order to show how devastating settler colonialism was globally. By finding similarities, the experiences of each native group around the world can be tied together to empower and embody indigenous and human experiences. With numbers comes strength, and this comparison facilitates in synthesizing the larger collective identity of indigenous peoples in order to persist in the fight for their autonomy, culture, rights, and respect.

To demonstrate the pattern of settler colonialism, and to place my work around these experts, I chose to look at two seemingly contrasting situations that appeared to share very little at first glance. South Africa around 1913 was British run, but the British were attempting to corral the Dutch, who had just lost the Second Boer War against the British, and the overwhelming numbers of the black South African natives. Native black South Africans could not be completely manipulated due to sheer numbers, so instead of a democratic style of government, segregation and isolation were the most effective ways to control this substantial population.⁹ On the other hand, the American settler colonial actors vastly outnumbered the Indians, being that Indians had been relatively isolated from the rest of the world before contact with Europeans and, due to this, were decimated by disease because they had no immunity.¹⁰

Beginning with such a stark contrast may seem daunting, but it is the extent of the differences that lend strength and credence to the pattern of settler colonialism. Moreover, historians Leonard Thompson and Howard Lamar have also realized the serious implications

⁹ Jabbour, *Settler Colonialism in Southern Africa and the Middle East*.

¹⁰ Howard Lamar and Leonard Thompson, eds, *The Frontier in History: North America and South Africa Compared*, New Haven and London: Yale University Press, 1981.

behind the stark differences in comparing how the frontiers in each geographical location have shaped the settler colonial societies through the spread of European ideals and capitalism.

To narrow my research even further, I have focused on one specific act formulated by each government in order to make this comparison more meaningful and convincing. I have chosen two acts that are, at face value, polar opposites in settler colonial- native relations and strategies to portray that although these situations and contexts may seem insurmountably unconnected, underneath any settler colonial law or context is an undercurrent of similarities that run deep. The Dawes Act and the Natives Land Act may have seemed diametrically opposed, but they were linked together by very similar land ideologies and cultural ideologies.

The Dawes Act of 1897 in the United States looked to break up Indian reservations into individual land plots in order to integrate Indians into American society. Each Indian would receive his own acreage of land, depending on family size and age, and the 'excess' tribal land would go to the United States government. To further assimilate Indians, the act also attempted to place Indians directly under control of the United States government by offering American citizenship to any Indian that complied. This was a large break from the isolation of the Indian reservation that had dominated policy towards Indians previously, but was logical in terms of settler colonial goals of gaining more land and settler colonial justifications of racial and cultural superiority over the indigenous population.

The Natives Land Act of 1913 in South Africa effectively began a policy of isolation and segregation as the United States was ending one. This act looked to place native black South Africans onto reservations, defining which land they could live on and which areas of land that they would have to leave. The Natives Land Act was looking to separate the natives further from British rule in South Africa, giving local chiefs more governmental power on these native

reservations. This policy of isolation broke with previous native policies that looked to subjugate native blacks within the same structure and system as their British and Dutch counterparts, but made sense in taking away land from the native population and justifying this by separating the lower, less enlightened race from the white race.

The Nez Perce Indians were people who had traversed the Columbia Plateau in the western United States for thousands of years. The Nez Perce migrated seasonally, moving around in a more nomadic style due to the absence of large game such as buffalo and the small quantities of small game and plants.¹¹ The Nez Perce could not habituate the same area all year round because there would not be enough sustenance, so they moved around the rivers, mostly the Columbia River, the Snake River, and their tributaries to catch salmon and other fish.¹² The Nez Perce saw the land not only as something to live off of, but also as something spiritual that was a part of them as well as around them. Land was sustenance, but it was also so much more; for instance, the Nez Perce language was “truly the voice of the land and its creatures”.¹³ Furthermore, land connected the Nez Perce to their ancestors, their culture, and their religion.

To the Nez Perce, land was intricately woven into their identity. Due to this, I will use the Nez Perce as a specific example when discussing the Dawes Act, its intentions, and its effects. The Dawes Act affected Indian tribes and peoples in many ways, and it would be inaccurate to leave generalizations about Indians in settler colonial ideology without demarcating where a specific example fit the pattern of the generalization and where it did not. The Nez Perce are a successful insight into one Indian tribe because of their connection to the land that settler colonial ideology attempted to rip away. Furthermore, their economic self-sufficiency

¹¹ Robert McCoy, “Nez Perce,” In *Encyclopedia of Immigration and Migration in the American West*, 2455 Teller Road, Thousand Oaks, California 91320 United States: SAGE Publications, Inc., 2006.

¹² McCoy, “Nez Perce.”

¹³ Alvin M. Josephy Jr., and Jeremy Five Crows, *Nez Perce Country*, Bison Books, 2007.

demonstrated that the United States government's rationale for imposing the Dawes Act to help the Indians was not valid because the Nez Perce were not poor or suffering due to their inferior qualities. For these reasons, I have chosen the Nez Perce as a case study to look more closely at the specificities of the Dawes Act.

On the contrary, I have chosen not to use a specific African tribe, but instead, specific African speakers to point out variations in the generalizations of settler colonial ideologies. When the British attempted to establish a colonial system of indirect rule in Africa, where the British could install native Africans in a British form of government to control native peoples, the native black South Africans constructed tribes to fit within the British colonial system.¹⁴ Therefore, these tribes had not been established for very long, and were only constructed in order to deal with the British. South African native tribes were not a part of the indigenous identity to the same extent as Indian tribes were in North America. It is for this reason that I will not be focusing on a specific South African tribe, because it would be, in many ways, an inaccurate portrayal of South African native identity. I will instead be looking at individual native actors that were able to raise their voices against the Natives Land Act to compare against settler colonial ideological generalizations, as I feel this is a truer representation of native identity in South Africa.

Land is crucial to a settler colonial framework; "the primary object of settler-colonialization is the land itself rather than the surplus value to be derived from mixing native labour with it."¹⁵ Land theory is one of the most integral divides between colonialism and settler colonialism. With this in mind, my first chapter will focus on the land ideology behind these two

¹⁴ Frankie Ashworth, "Did British Colonialism Invent Tribes In Africa," Accessed March 27, 2017, http://www.academia.edu/17307301/Did_British_Colonialism_Invent_Tribes_In_Africa.

¹⁵ Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology*, Writing Past Colonialism Series, 163.

acts and its manifestations in the acts themselves. The United States government decided it would receive more land from individualizing reservations, and although this was applied differently in various locations, the Nez Perce tribe portrays how this thinking was ultimately correct. The South African government decided it could squeeze more land from the native black South Africans by taking away individual property and only allowing them to live on seventeen percent of the South African land on reservations. Although each settler entity ultimately decided upon different strategies in claiming land, the motivations behind settler colonial theory included taking over as much land as possible.

In order to justify taking so much land, settler colonial governments had to adopt a racial and cultural ideology of superiority, which manifested itself in white supremacy in the United States and South Africa. White supremacy allowed the domination of Europeans over ‘nonwhite’ indigenous populations, claiming that somehow natives were better off under Europeans than on their own.¹⁶ In Chapter 2, I discuss the implications and manifestations of settler colonial race ideology within the context of the Dawes Act and the Natives Land Act. The idea of tying the dichotomy of savagery versus civilization to skin color was perpetual and normalized. The idea that these white settler societies were humanely and generously attempting to teach the barbarous indigenous peoples about civilization developed from this mark of inferiority. As indigenous peoples adopted white practices, willingly and unwillingly, this mark of inferiority could no longer be justified by savage practices. This is when race and the “physicality of skin”¹⁷ became a prominent means of characterization and separation. Race cemented these concepts of the savage versus civilization and justified the settler colonial societies in their quests for land.

¹⁶ George M. Fredrickson, *White Supremacy: A Comparative Study in American and South African History*, (1981), xi.

¹⁷ Thiven Reddy, *South Africa: Settler Colonialism and the Failures of Liberal Democracy*, (London: Zed Books, 2015), 69-70.

In Chapter 3, I look to discuss the native voices in American and South African settler colonialism. Most of the native voices I have encountered were in some way against these two land acts, but they were overshadowed and overpowered in both cases. I will explain how the settler societies discounted their voices, attempted to shed light upon indirect opposition, and then discussed strategies employed and direct native opposition to both the Natives Land Act and the Dawes Act. Native voices were silenced in both South Africa, and to a greater extent America, but their resistance to both of these settler colonial acts was clear. Though it is impossible for me to speak for these indigenous populations, it was extremely important for me to record the native voices I could find in order to show that they found a way in which to fight back and live within settler colonialism. Settler colonialism was not a process that happened to them, but it was a constantly changing system that had to revert back to colonialism sometimes because of native voices.

CHAPTER 1: LAND IDEOLOGY

While South Africa and the United States have very different lands and native populations, the settler colonial ideology is strikingly parallel in both locations. South Africa, on the one hand, attempted to individualize land plots before initiating the Natives Land Act, which put natives onto reservations. These reservations were essentially land that was set-aside only for natives, but in reality, they confined natives onto small plots of non-arable land. The British government attempted a form of colonial paternalism in the Glen Grey Act in 1894, which pushed for individual plots in order to return power from African tribal headmen to the British government.¹ The British government in South Africa was looking to make land ownership more

¹ Lindsay Frederick Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913: The Politics of Divided Space in the Cape and Transvaal*, African Social Studies series, 1568-1203 ; volume 33, xiv, 410 pages, (Leiden: Brill, 2015), 188.

contractual and privatized, instead of how the native black South Africans had conceptualized land communally.

This sounds remarkably similar to the Dawes Act, even down to minimizing the power and influence of the tribal authorities. In fact, Lindsey Braun explicitly compared the Glen Grey Act to the Dawes Act in saying both acts shared the “...evolution from limited precursors, [the] restrictive conditions, [the] paternalistic ideology, and [the] connection to settler land hunger.”² The Glen Grey Act also did not allow headsmen to allot lands, leaving the government in control of the process, similar to how the Dawes Act was implemented in America. Furthermore, there were stringent restrictions on land transfer, one of the most important being that each transfer needed government approval, which was mirrored in the Dawes Act with government agents closely watching each reservation and distributing the allotments and transfers. The interesting note about this comparison, though, is that both of these acts were at very different stages of each settler colonial invasion. The Glen Grey Act was the precursor to the Native Lands Act, so that South Africa went from individualizing its indigenous land to communalizing it by putting all natives onto reservations.

The United States, on the other hand, attempted to put Indians onto reservations that continually shrank until the government finally decided the best strategy was to individualize the Indian land. The United States began with reservations to keep the Indians domestically dependent, not considered a foreign entity, but also not being a part of the United States. While there was no exact act that ordered the Indians onto reservations, the most famous removal of Indians onto reservations was the Trail of Tears in 1838, with continual treaties being made and broken so that the U.S. could squeeze more and more land from these reservations as time went

² Braun, *Colonial Survey and Native Landscapes*, 141.

on. Treaties with each tribe under slightly different legalities took the place of one amorphous act; however, in 1887, the United States Congress put forth the Dawes Severalty Act, which sought to divide these reservations into individual allotments.

Both South Africa and the United States ideologically seemed to demonstrate settler colonial land theory, but differences arose due to differing geographies, histories, and, most importantly, differing native population demographics. Blacks in South Africa vastly outnumbered the ruling whites, while Indians were the minority in comparison to their settler colonial rulers. Realizing this stark difference, it is no wonder that the British government in South Africa attempted to control the expansive native population by confining them to pockets of land, and the United States government looked to assimilate the Indians into the population so they could effectively take more Indian land. When the British tried to individualize land with the Glen Grey Act previously, they most likely found that Africans had more power and more land in this system, being that there were collectively more of them. The American government, though, could assimilate the small minority of Indians without this worry, and actually gained land by breaking apart reservations.

Moreover, the actual outcomes of these two acts were eerily similar, as well. Although the logistics and numbers expectedly differed, both indigenous populations lost autonomy and vast amounts of land. As historian Howard Lamar lamented, “The practical result of [the Dawes Act] was that of the 130 million acres still owned by Indians, 90 million were thrown open to public sale. In short, the Indians had not only lost a continent, they were physically confined to tiny reservations whose resources were not sufficient to sustain life.”³ In a similar vein, Patrick

³ Howard Lamar and Leonard Thompson, eds. *The Frontier in History: North America and South Africa Compared*, (New Haven and London: Yale University Press, 1981), 34.

Wolfe figures that “total acreage held by Indians in the U.S. fell by two-thirds.”⁴ Land loss was staggering in both cases, but the most immobilizing fact was that the land and resources each native group was left was not enough to live on independently. Both governments claimed to be trying to help the indigenous groups and give them more access to achieving a better life through each governmental system, but these two acts created dependency and even less access to the system.

These Acts may seem to be isolated and therefore may seem to create minimal disturbances, but what Peter Rosset argued about South Africa is true about the United States as well: “land is presently not only one of the most defining political and development issues, but also perhaps one of the most intractable.”⁵ Understanding the settler colonial land ideology that lies behind most settler colonial societies cannot only illuminate the Dawes Act, the Natives Land Act, and their connection, but it can also pave the way for a deeper understanding and connection between many places and cultures.

Ideological Framework

Land is at the heart of settler colonialism; while traditional colonialism focuses on taking labor and resources for the colonial power’s economic gain, settler colonialism focuses on gaining land in order to found and sustain a new civilization.⁶ Because of this, land and acts that regulate land usage and ownership are at the heart of settler colonial power. Furthermore, there are many lenses that settler powers look through in order to rationalize and explain what in most cases is their robbery of indigenous land. Primarily, many settler colonial powers don’t view

⁴ Fiona Bateman and Lionel Pilkington, *Studies in Settler Colonialism: Politics, Identity and Culture*. x, 307 p. (Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2011), 279

⁵ Peter Rosset, Raj Patel, and Michael Courville. *Promised Land: Competing Visions of Agrarian Reform*, (Food First Books, 2006), 57.

⁶ Patrick Wolfe, *Settler colonialism and the transformation of anthropology: the politics and poetics of an ethnographic event*, (Cassell, London; New York, 1999), 163.

natives as owning land. Native bindings to land and rules regarding land usage were foreign to European settlers, and the settlers took this unfamiliarity to mean that there was no attachment and there were no rules: "...where there was a lack of written, legal documentation, land was perceived to be 'available' to the colonizing power."⁷ Simply because the system was different, the European powers chose to see this as there being no system of ownership at all. Going further, without ownership, the Europeans viewed this land as completely available to them, as it was not being used, and therefore, it was not owned by anyone.

The nomadic tendencies of many native populations furthered this idea to the European settler powers that natives did not possess dominion over the land. The fact that many indigenous people, like the Nez Perce Indians, followed patterns of seasonal migration made it appear to the Europeans as if the land was not being effectively utilized. The Nez Perce moved from the center of the Columbia Plateau to the fringes when the frost would arrive, and would move back once spring began to thaw the land.⁸ This idea of underutilization was sufficient enough for the Europeans to conceptually displace indigenous people in believing the land was available. In a similar vein, indigenous people were simultaneously seen as a part of the land, and therefore not people that were being mistreated. This "perception transfer" went farther than solely seeing land as not being owned by indigenous people; it allowed settler colonial powers to see the entire base of land as vacant.⁹ The native peoples were no longer a branch of humanity, but now were an extension of the land and frontier that was conquerable and justifiable to take for the settlers.

While the Dawes Act and the Natives Land Act in practice seem to be directly contradictory (one individualizing land plots and the other creating reservations), the settler

⁷ Bateman and Pilkington, *Studies in settler colonialism*, 2.

⁸ Robert McCoy, "Nez Perce," In *Encyclopedia of Immigration and Migration in the American West*, 2455 Teller Road, Thousand Oaks California 91320 United States: SAGE Publications, Inc., 2006.

⁹ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*. vii, 182 p. Basingstoke, Hampshire, UK ; New York: Palgrave Macmillan, 2010, 37.

colonial ideology behind these two acts was remarkably similar. Firstly, the Natives Land Act looked to place native black South Africans onto reservations according to native tribes. Setting land aside for natives was espoused to be protective, but this was mostly a way for the British to keep the majority of the population cornered on seventeen percent of South African land.¹⁰

Before Europeans arrived, black South Africans lived as farmers and pastoralists, with a tribal ideology of “available land for all.”¹¹ Land was used communally as a source of cohesion between social groups and for its natural resources, yet it could not be sold because it was said to be owned by the natives’ ancestors.¹² However, with the land shortages after the implementation of the Natives Land Act, native black South Africans were forced to rely upon white settlers for farmable land. Setting up reservations entrenched indigenous people into a settler colonial system by regulating land usage. Indigenous black farmers were now contained to their very small plot of land on the reservation, or they were forced to work as sharecroppers for white landowners. The white settlers now held a majority of the power through the land, effectively submitting natives to their settler colonial rule. By sectioning off land for natives, Europeans were snaring the indigenous people within the European system of land ownership, as well as taking the best land available for themselves.

On the other side, the Dawes Act looked to break apart Indian reservations into pieces of land intended for individual ownership. This “administrative transfer”¹³ was detrimental in the sense that any and all previous treaties with Indian tribes were discarded, so that now the Indians were officially shackled into the European settler colonial system. The Dawes Act was meant to

¹⁰ Harvey M. Feinberg, “Africa, Natives Land Act,” In *History of World Trade Since 1450*, edited by John J. McCusker, 1:5–7, Detroit: Macmillan Reference USA, 2006.

¹¹ Colin Bundy, “The Emergence and Decline of a South African Peasantry,” *African Affairs* 71, no. 285 (1972): 369.

¹² Charles Chavunduka, “Devolution and the Role of Traditional Leaders in African Land Rights Control: Lessons from South Africa’s Experience, 1994–2006,” Ph.D., The University of Wisconsin - Madison, 2007. <http://search.proquest.com.proxy.lib.umich.edu/docview/304784288/abstract/BBECA87E1D9A4D3DPQ/1>.

¹³ Veracini, *Settler Colonialism*, 44.

assimilate Indians into American society, forcing them to own private property, which was a pillar of capitalism and the American system. In addition, this was another means to break down Indian culture, stripping Indians of the influence of their tribes on communal land and isolating them with single-family land plots. The act was presented as a way to provide Indians American rights and citizenship, but which actually looked to diminish the number of native Indians in a manner “no less eliminatory- albeit less crude- than the more directly physical methods...”¹⁴

By assimilating Indians further into the settler colonial land system, the Dawes Act effectively cemented the Indians’ loss of culture and way of life. As Jeremy Five Crows of the Nez Perce tribe emotionally explained, “...land also defines our language, culture, and religion in fundamental ways.”¹⁵ The Nez Perce used their land not only to plant crops and fish, but also to perform spiritual dances for their ancestors and spirits that they worshipped.¹⁶ Land was a connection to their identity and to what the Nez Perce valued most. Nonetheless, after the Dawes Act, Indian land now required legal ownership if it had even a chance of being secured from white settlers or the United States government. It is in this way that assimilation was just as eliminatory as sectioning off small parcels of land for natives and taking the rest for the white settler government and society as was the case in South Africa.

In this sense, this was what was at stake not only in the Dawes Act and the Natives Land Act, but also in each interaction between settler colonial powers and indigenous peoples over land ownership and usage. Indigenous peoples in settler colonial societies were not only fighting for their land rights, they were also fighting for their way of life and the essence of who they considered themselves to be.

¹⁴ Wolfe, *Settler Colonialism and the Transfer of Anthropology*, 175.

¹⁵ Alvin M. Josephy Jr. and Jeremy Five Crows, *Nez Perce Country*. Bison Books, 2007, <http://site.ebrary.com.proxy.lib.umich.edu/lib/umich/reader.action?docID=10202576&ppg=1>.

¹⁶ McCoy, “Nez Perce.”

European conceptions of land were saliently similar across settler colonial contexts, as were indigenous conceptions of land to each other, especially in the United States and South Africa. However, these two ideologies clashed with each other in terms of land's uses and land ownership. In terms of how land was seen, Europeans saw land as more dispensable and as more of a means to an end. In some sense, land was the same as any other property to Europeans: "whites in both [South Africa and America] conceived land as being like clothing in the sense that, if wore out, one could discard it and move on to more fertile areas."¹⁷ Land was not seen as something larger or more symbolic, but solely something to use until it was no longer of any help. Not to say that it wasn't valued though, as for many white settlers, it was a sign of prestige and wealth.¹⁸ Land was highly valued to both settlers and indigenous peoples, but its value and treatment was quite different. Clashes in the ideology of what land was and what it stood for inevitably also led to European and indigenous clashes in defining land ownership.

To Europeans, ownership of land was a status marker using land as a marker for wealth; the more land that could be acquired, the higher up in society one was perceived to be because the wealthier they could be assumed to be. Moreover, control of land for Europeans was exclusive: if one owned the land, it was theirs to keep and do with it what one preferred. Generally, for indigenous peoples, land could not be owned in the same sense. Leaders of both Nez Perce Indians and nomadic black South African peoples did not even have the societal power to reward ownership of the land because people who used the property had more of a claim to the land than anyone else.¹⁹ In essence, these indigenous leaders could grant use of the

¹⁷ Howard Lamar and Leonard Thompson, eds, *The Frontier in History: North America and South Africa Compared*, New Haven and London: Yale University Press, 1981, 29.

¹⁸ Lamar and Thompson, *The Frontier in History*.

¹⁹ Lamar and Thompson, *The Frontier in History*.

land for specific purposes to specific people, but customs surrounding land in these indigenous societies did not permit the any one person to own vast amounts of land.

Europeans assumed that since land was not being used as it was in the societies they had come from, land was either not being used at all or being used inefficiently. Their ignorance of native practices led them to assume that they had every right to land they believed to be available, and that they were not causing much harm in taking land that had not been improved upon with cultivation or infrastructure.²⁰ This initial misunderstanding was pivotal in European and indigenous clashing land claims. Even after more light was shed on indigenous land practices, Europeans had already created precedents for European rights to indigenous lands, which paved the way for pernicious acts such as the Dawes Act and the Natives Land Act.

The Acts

Both the Dawes Act and the Natives Land Act attempted to utilize land as a restrictive tool in order to solidify each settler colonial rule. From the American context, the Dawes Act specifically stated its purpose as extending “the protection of the laws of the United States and Territories over the Indians...”²¹ The Indians were considered domestically dependent, meaning they were not citizens but they were also not an independent foreign power. In 1887, the United States decided to use the Dawes Act to further its control, and what it deemed its protection, over Indian tribes. Land was one of the most powerful tools to extend control over the Indians, and the United States government made sure to be in control of each component of this act, from deciding how much land each Indian was allotted, to how and where the money from the U.S.

²⁰ Lamar and Thompson, *The Frontier in History*.

²¹ Forty-Ninth Congress of the United States of America; At the Second Session, “Transcript of the Dawes Act (1887): Preamble”, *The Avalon Project; Yale Law School*, <https://www.ourdocuments.gov/doc.php?flash=true&doc=50&page=transcript>.

government for the land was spent, and finally, to controlling how Indians could use their land once it was allotted to them.

Essentially, the Dawes Act looked to break apart Indian tribal reservations into individual land plots, doling out land in accordance with familial status. The United States government would then buy the excess land (or land they determined to be excess through administrative surveys of the land) and put this money in a trust for the Indian tribe to be used for Indian “education and civilization”.²² Many times, tribes did not ever gain full access to these funds, or the funds were extremely insufficient for the quality and the amount of land that was given up. Furthermore, the excess lands tribes were stripped of had been communal lands for hunting, fishing, mining, etc., so that these education and civilization funds were a small concession to what was actually being lost. Indians did not always want to be educated or civilized in a Western manner, but the choice was already made for them.

Additionally, the United States did not place any restrictions on the excess land that it bought; the government encouraged sale of these lands “for the purpose of securing homes to actual settlers...”²³ This is one of the more outright phrases in the Dawes Act to signal settler colonialism. Indians lands were stolen for an offensively cheap price, and these lands were then sold to white settlers. The most egregious part is that the government explicitly states this as its purpose, and differentiates Indians from ‘actual settlers’. Treaties are again being violated and Indians are again being moved in order to find more land for white settlers because the United States government claims they are turning the unproductive surplus of Indian lands into productive land use for all Americans. This justification comes from the ideological differences in land use between the settler power and the Indians in this case.

²² Transcript of the Dawes Act (1887): Section 5.

²³ Transcript of the Dawes Act (1887): Section 5.

From the South African context, the Natives Land Act of 1913 was meant to take land from each individual black South African and give tribes tracts of land as communal reservations. Though this appears to be more in line with the native black South African ideologies pertaining to land, the land appointed to all tribes made up just about seven percent of the total land of South Africa, while the black South African population made up just about eighty percent of all the people in South Africa.²⁴ There was not enough land for communal land to be efficacious in any way; people were almost living on top of each other, with many native blacks left without land or a home. The British South African government implemented this act through a Commission that would assign areas that “natives should not be permitted to acquire or hire land or interests in land” and areas that “persons other than natives shall not be permitted to acquire or hire land or interests in land.”²⁵ The Commission would report its findings to the Governor General, but this commission would make other assessments in the future to answer whether this was sufficient land allotted to the natives. Land was not bought from these South Africans, but the natives were solely forced to move if they had previously been living in an area that was designated ‘not permitted’ for natives.

Although these acts dealt with natives in contrasting manners, both acts made sure to make explicitly clear that they were superior to other laws, or in other words, that there would be no exceptions. No local ordinances could bypass these acts of legislature to ensure that these native populations would be controlled through the national government’s hold over land rights. Similarly, neither act even made an attempt to pretend it had indigenous participation or

²⁴ Harvey M. Feinberg “Africa, Natives Land Act” in *History of World Trade Since 1450*, ed. John J. McCusker, (Detroit: Macmillan Reference USA 2006), 5-7.

²⁵ Natives Land Act, 1913, 2.1, *Union of South Africa*,

<file:///localhost/Users/morganmeyer/Library/Application%20Support/Zotero/Profiles/gmu6u7og.default/zotero/storage/VZSBMVV4/1913-natives-land-act-the-original-text.html>.

representation in the decision making process. Indigenous peoples were seen as incapable of making informed decisions, even when they were to be directly affected.

A crucial component of each these acts was the limitation of ownership and use of indigenous lands; neither Indians nor black South Africans were permitted to freely sell the land that was appointed to them under either act. In the Indians' case, there was a precedence of Indians having rights to their lands but not sovereignty over their lands.²⁶ In essence, they could live on their lands and use these lands to hunt and fish, but the United States government had overarching power; if there were any conflicts pertaining to the land, the United States had the final say. Indians had seen this ruling in Supreme Court cases such as *Cherokee Nation vs. Georgia* in 1831 and in Congressional Acts such as the Major Crimes Act of 1885. However, not even when Indians were being assimilated into the U.S. and given citizenship were they given full control of their land. In the Dawes Act, it is ruled that Indians cannot sell their land within twenty-five years because this land is technically in a trust with the government.²⁷ The United States purportedly instated this clause because it did not believe the Indians to be competent or intelligent enough to know when they were being taken advantage of, but it was very clear that this had the effect of taking away Indian autonomy and keeping Indians once again from having dominion over their own lands.

The Native Lands Act wrote that natives could only “enter into any agreement/ or transaction for purchase”²⁸ with anyone other than natives, and vice versa. This was even more limiting than the Dawes Act, because it not only defined land ownership for natives, but it also made sure to keep the areas sectioned off for natives from growing. In theory, though it

²⁶ Eric Cheyfitz, “Doctrines of Discovery: The Foundation of Colonialism in Federal Indian Law,” *Common-Place: The Interactive Journal of Early American Life* 2, no. 1 (October 2001): 1–1.

²⁷ Forty-Ninth Congress of the United States of America, “Transcript of the Dawes Act (1887): Section 5.”

²⁸ Natives Land Act, 1913, 1.1.

presupposed segregation, it did not seem too detrimental until one realizes that “it prohibits [native black South Africans] from buying from the Europeans, who are the sole substantial proprietors.”²⁹ While the act seemed to be equal in its separation, European landowners were starting with ninety-three percent of the land, leaving black South Africans with almost no options to acquire more land. Furthermore, the natives would not be in a favorable position to sell land either: “the natives are already overcrowded, and they positively have no land which they could sell...”³⁰ The Natives Land Act was structurally designed to limit the amount of land that natives could live on.

Nonetheless, although many argued that the act was one of the most injurious acts to black native land ownership in South Africa, Harvey Feinberg and André Horn critiqued that it may not have been as restrictive as it was first seen to be. They first pointed out that the act could not be applied to the Cape Province “because the constitutional voting privilege for Africans and coloreds was based on the economic qualifications which could be fulfilled by owning land.”³¹ The Cape Province was the largest, enclosing the entire western tip of South Africa, so initially, about half of South Africa had a slight reprieve from this law. In this sense these two authors show that the act was not as dangerous because it was not initially all encompassing; it was only applicable in some areas of South Africa. Feinberg and Horn also go on to demonstrate that “African land ownership outside the reserves in the Transvaal actually increased after 1913.”³² The Transvaal was the northeast part of South Africa, and while some land ownership did

²⁹ Georgiana M. Solomon, “The South African Natives Land Act” *Nation*, 15, no. 16 (1914): 602-603.

³⁰ Solomon T. Plaatje, *Native life in South Africa, before and since the European war and the Boer rebellion*, (New York: Negro Press Universities, 1969), 196.

³¹ Harvey M. Feinberg and André Horn, “South African Territorial Segregation: New Data on African Farm Purchases, 1913-1936,” *The Journal of African History*, 50, no. 1 (2009): 48.

³² Feinberg and Horn, “South African Territorial Segregation,” 41.

increase there, the Orange Free State (in the center), the Natal (to the east), and the Cape Province showed no such data.

Feinberg and Horn found some specific cases where the Natives Land Act did not have the deleterious effects it intended, but these examples did not span the entirety of South Africa. Furthermore, although there were some loopholes in the application of the act, the intention of the government was to force the native population to struggle to survive due to this land policy. Settler colonial policy was not always thoroughly and effectively applied, but the intentions and motivations behind the Dawes Act and the Natives Land Act aligned in a very similar pattern.

Justifications and Motivations Behind the Acts

To begin, the United States and South Africa put forth reasoning saying it was better for the natives and society as a whole that these acts were put into place. Firstly, both settler colonial powers claimed that these acts put the land to better use than the natives had. Communal ownership was seen as illegitimate and wasteful, and the indigenous peoples were seen as spiteful for keeping so much land for themselves. As exclaimed by the United States government in an annual report, “The... Indian has no idea of anything but holding on to the land to keep it all, and not to give the white man any.”³³ Although the United States developed a pattern of continually breaking treaties and taking away Indian land, the government saw no problem in justifying the Dawes Act because they claimed it would aid Indians in keeping their land from greedy white settlers.

In a similar vein, the South African government framed the black South African natives as being wasteful and inefficient in their land usage: “The advantages of the individual title system over the communal system are certainty and stability of the rights to the land; defined

³³ United States Board of Indian Commissioners, *Annual Report of the Board of Indian Commissioners to the Secretary of the Interior*, (U.S. Government Printing Office, 1890), 150.

commonage and the protection thereof; the inducement to better and more intensive cultivation, and the elimination of waste in the uses to which the ground is put.”³⁴ In this way, the government could reasonably place the black South Africans on limited land without having to admit to the deprivation they were organizing. Solomon Plaatje, the native black South African writer mentioned earlier, also acknowledged this thought process outside of the government in briefly summarizing statements that claimed the natives were less efficient with the land that they owned. These government actors made multiple claims of economic waste, such as the land not being used or not being used properly, but none supported these postulations with any evidence.³⁵ By alleging that the land was being kept out of spite or could be used in a better manner, the American and British settler powers attempted to justify their acts to take native lands away.

Both the United States and South Africa claimed that these acts were regulated and optional so as not to force anything unjust onto the indigenous populations, as well. South Africa set up a commission to review if further land should be set aside for native reserves, fully knowing that seven percent of the entire land base would not be sufficient to sustain native life.³⁶ The United States claimed that the law forced nothing onto the Indians, but solely authorized the president to appoint agents to survey reservations to allot individual plots of land.³⁷ While the wording in the Dawes Act and the Natives Land Act was not explicitly limiting or manipulative, both of these acts were strictly applied and heavily enforced so that a majority of both native populations were adversely affected.

³⁴ *Report, with annexure, being schedule of areas recommended for native occupation*, (Cape Town, 1918).

³⁵ Plaatje, *Native life in South Africa*, xiii.

³⁶ Feinberg and Horn, “South African Territorial Segregation,” 42.

³⁷ “The New Indian Law. Letter from Senator Dawes of Massachu. Setts.” *Friends’ Intelligencer*, July 30, 1887, 474.

Not only did these two settler powers attempt to grab validation from using intentionally manipulative language, but they also tried to claim that these laws would save the natives from themselves. Supporters of the Dawes Bill pronounced that Indians will lose their land “one way or another”, so the government had to protect them from their own ignorance.³⁸ This bill, in their eyes, was an effort to stop Congress from breaking treaties with Indian tribes and to stop white settlers from beguiling Indians out of Indian land. Indians were not seen as competent individuals in American society, but as children that had no ability to maintain their own property.³⁹ They were not given the rights and privileges that white settlers automatically assumed because they were seen as lesser and not able to comprehend the responsibility that came with these rights and privileges.

British South Africa had very similar ideals when it came to black South Africans gaining security in their land ownership. The Natives Land Act was supposedly established to elevate the natives’ position in land ownership, and therefore society, by girding off their land from any greedy white settler.⁴⁰ Additionally, it was argued that natives could not compete with Europeans in land ownership, even though they desired to do so;⁴¹ assimilationist policies like those that had been installed in the Cape were not protective enough for natives, and separating native and nonnative land would “effectively protect the interests of these large numbers of ‘uncivilized’ subjects of the empire.”⁴² The British South African government used these theories of indigenous inferiority to garner support and justification for the Natives Land Act on the basis of protection for black South Africans.

³⁸ W. Barrows, *The Indian's side of the Indian question*, (Boston, 1887), 177.

³⁹ Cheyfitz, *Doctrines of Discovery*.

⁴⁰ “South African Natives Grievances: Deputation to England” *The Manchester Guardian*, May 17, 1914, 11.

⁴¹ *Report, with annexure, being schedule of areas recommended for native occupation*.

⁴² Brian Willan, “The Anti-Slavery and Aborigines' Protection Society and the South African Natives' Land Act of 1913” *The Journal of African History*, 20 no. 1 (1979): 85.

Though the United States and British South Africa gave justifications in favor of their native populations, both of these acts had salient and substantive economic motivations behind them, as well. In both contexts, as was only all too obvious, white settler greed was one of the strongest factors driving these acts towards implementation. In the United States, the government played a hand in stealing Indian lands, but “it was clear that the aggressor and the menace to Indian property rights was not directly the Government but the white settler and promoter.”⁴³ White settlers were pushing for the Dawes Act as friends and enemies of the Indian, using justifications or not, but they were just as hungry to Indian lands as they superficially were for righteousness.⁴⁴

An illustrative example of this relationship with Indian tribes can be observed when studying the Nez Perce Indians. White settler greed drove them out of their homelands, and even though it was later restored,⁴⁵ the government used this case among others to call for Indian assimilation through the Dawes Act to protect Indians from white settlers. The Nez Perce Indians were not only a helpful illustration in white settler greed, but they also went to show the economic motivations that superseded the alleged social justifications for the Dawes Act. The Nez Perce Indians were economically well off before the Dawes Act was passed, so the argument of struggling Indian tribes that could not survive without government intervention was not valid in their case. In their situation, the Act was not passed to save the Nez Perce Indians, but to steal more of their land without having to breach any treaty the United States government previously signed with them.

⁴³ Delos Sacket Otis and Francis Paul Prucha, *The Dawes act and the allotment of Indian lands*, (Norman: University of Oklahoma Press, 1973), 14.

⁴⁴ Otis and Prucha, *The Dawes act*, 82.

⁴⁵ T., “The Nez Perces” *The Indian’s Friend*, August 1889, 1.

Similarly, white settler greed was extremely apparent in South Africa, as well. Again, the protective mentality was applied to the Natives Land Act in acknowledging white settler greed, saying that native ownership inevitably would end in being “outwitted by the white exploiter.”⁴⁶ But, going further, it was also believed that guaranteeing native black land ownership would be a way to prevent labor exploitation and brutality.⁴⁷ There were many British theories floating around, not in least of which was that this Act would protect “the heartlands of some of the old kingdoms that had managed to hold on to their land.”⁴⁸ However, these were all closely tied to the justifications for this act in protecting the native populations and curbing white settler greed to the best of the government’s ability.

Solomon Plaatje saw right through these justifications and motivations, and he would not kowtow to the twisted rationale in proclaiming: “...and by adroitly manipulating [the bill’s] legal phrases, it seems that it was recasted in such a manner as to give it a semblance of a paper restriction on European encroachment on native rights.”⁴⁹ Plaatje understood that there were many more economic motivations besides the acknowledged one of white settler greed that were driving the Natives Land Act, as he would have seen also driving the Dawes Act. For both of these acts, this was an attempt from the settler colonial governments to squeeze out more land from the natives. In America, the government espoused opening the surplus reservation lands to the public to advance civilization,⁵⁰ and in South Africa, the British government counted lands that were not inhabitable as part of native reserved areas.⁵¹ In both cases, there were a variety of reasons that both governments desired more land.

⁴⁶ Willan, “The Anti-Slavery and Aborigines’ Protection Society”, 86

⁴⁷ Willan, “The Anti-Slavery and Aborigines’ Protection Society”, 85.

⁴⁸ William Beinart and Peter Delius, “The Historical Context and Legacy of the Natives Land Act of 1913”, *Journal of South African Studies*, 40, no. 4 (2014): 685.

⁴⁹ Plaatje, *Native life in South Africa*, 45-46.

⁵⁰ Otis and Prucha, *The Dawes act*, 17.

⁵¹ Plaatje, *Native life in South Africa*, xxiii.

In the United States, railroads were suspiciously in need of Indian land to expand across the country. The government wanted not only the excess land from reservations after giving each Indian a small amount of land, but it also wanted to put Indians fully under the power of the United States Congress. In his letter to Senator Teller, Dawes himself detailed this exact motivation in admitting “the determination by Congress to put Railroads through the Indian Territory under the power of ‘Eminent Domain’ regardless of treaty stipulations puts the whole territory hereafter at the mercy of a majority in Congress...”⁵² To use eminent domain as a viable authority, Congress had to first have the Indians come fully under the United States laws and become citizens, instead of being deemed domestically dependent nations. Allotting Indian lands would work twofold; it would open up more lands available to railroad companies and white settlers, and it would allow the government to execute its full authority over Indians.

In South Africa, the Natives’ Land Act looked to maliciously promote the interests of politics, labor, and segregation. In British South Africa at this time, the Dutch Afrikaners were smarting from losing the Boer War. The British needed political stability and support from the Dutch even after winning the war, so they decided to appease the Afrikaners that had control of the Free State’s Parliament with a law promoting racial segregation.⁵³ Segregation was not solely meant to keep the races living distinctly apart, but it was also meant to promote differences in status and power between white settlers and black natives.

Additionally, one of the main underlying intentions of the Natives Land Act was to “change the terms on which Africans could occupy white-owned land” and to “undermine the bargaining position” of black land tenants on white-owned land.⁵⁴ Before the act, there were many black landowners that had full control over their property and could sustain themselves on

⁵² Henry L. Dawes to Henry M. Teller, September 19, 1882, Dawes Papers, Library of Congress, Washington D.C.

⁵³ Feinberg “Africa, Natives Land Act.”

⁵⁴ Beinart and Delius, “The Historical Context and Legacy of the Natives Land Act of 1913,” 668-675.

the crops they grew. However, under the act, black South Africans had very limited access to land outside of reservations; they were now limited to buying land from other natives, and seeing as they could not own land outside of tribal reservations, many were forced to rent land from white settlers with very demeaning and unjust terms. This left the natives without any power to ask for better working conditions or higher wages because doing this was not supported by the law at best and illegal at worst.

Closely tied to undermining black ownership of land was a white settler interest in controlling and manipulating native labor. When black natives were forced to rent from white settlers, white settlers could strong-arm native blacks into inequitable labor conditions. The Act made sure to stop sharecropping with anti-squatting provisions in order to force native black South Africans to be tenant farmers or else move their families and possessions onto a reservation.⁵⁵ Or, in other words, the object of the act was to get cheap labor from the native blacks because the only way black families could stay on their land was to become a servant for a white landlord.⁵⁶ Another unfortunate effect of the act for natives was that their animals and resources would then be tied to the white farmer's land that they worked for. This went farther than just acquiring cheap labor, because this made it impossible for native black South Africans to accumulate capital or work towards "social mobility through personal enrichment."⁵⁷ All of these motivations behind the Natives Land Act were interwoven, and combined, produced an insidious effect on the native black population.

It is important to note that economic motivations from both the United States and South Africa are not easily separated or distinguished. Both bills were espoused to be created and

⁵⁵ Feinberg and Horn, "South African Territorial Segregation," 42

⁵⁶ Solomon T. Plaatje and B.A.F., "Homeless! Landless! Outlawed!: The Plight of South African Natives Interview with Solomon Plaatje," *English in Africa*, 3, no. 2 (1976): 62.

⁵⁷ Sandra Swart, "It Is As Bad To Be a Black Man's Animal As It Is To Be a Black Man' - The Politics of Species in Sol Plaatje's Native Life in South Africa," *Journal of Southern African Studies*, 40, no. 4 (2014): 689-705.

implemented in the natives' best interests, and may have been in part, but they were also a product of "skillful compromise and blending of interests of land speculators and humanitarians, westerners and easterners, frontiersmen and intellectuals."⁵⁸ Realizing that these acts have complex interests and motivations at play in the background is useful in studying how they played out in practice. It is also useful in examining why different white actors were against the acts that their governments proposed and finally put forth.

Governmental Reasoning Against the Acts

Even with the settler colonial ideology and all of the justifications and economic motivations behind both of these acts, there was still a large base of ardent opposition that did not agree with both the logistical aspects and the theoretical implications. Especially in South Africa, there were many people, including a Chairman from the Natal and Zululand, an independent African kingdom until 1897 that came under British control, that called into question the plausibility of putting a majority of the population onto fifteen percent of Natal land; these lands were occupied to begin with, so the space would not allow for many more outsiders to move in.⁵⁹ This was specifically in regards to applying the act in the Natal, but this sort of opposition was seen in other areas, such as the Cape and the Free State. Many government officials were worried about this practical snag best delineated by the High Commissioner for the Union of South Africa, Hon. W.P. Schreiner when he contentiously commented that no humanly force will stop this law if Parliament passes it, but it "will be driven back by the exigencies of a law that operates outside the laws of Parliament- the law of supply

⁵⁸ Wilcomb E. Washburn and the United States, *The assault on Indian tribalism: The General Allotment Law (Dawes Act) of 1887*, (Philadelphia: Lippincott, 1975), 30.

⁵⁹ *Report of Natives land commission*, (Cape Town: 1916), 41.

and demand.”⁶⁰ Many politicians were skeptical of the practicality of forcing such a substantial portion of the population onto such limited land.

In the United States, the logistical worries hinged on clashing cultural ideologies and not satiating white settler greed. There were a few opponents of the Dawes Act in the government, including Senator Henry Teller, that were concerned that sectioning off Indian lands for individual purposes would not serve to better the Indians because it was based upon “ignorance of [Indian] cultural heritage”.⁶¹ Nonetheless, it was not that Teller believed in leaving Indian lands to Indians; he instead wanted to manage the Indians in the most effective way possible, which he believed creating a law within the American system that was made more familiar to the Indians through the language of their own culture. He was not alone in this belief, as Oberly denoted that there were two groups of allotment opposition, one being in disagreement because they believed that tribal ownership was the best way to control Indians. The other group, however, was against the logistics of the act because it would not open up “long-coveted Indian lands” quick enough.⁶² This group thought that another policy would do a better job of assimilating Indians and taking tribal lands at a much faster rate, so they believed this act to be inefficient in its implementation.

There were also governmental actors that opposed both the Dawes Act and the Natives Land Act on the acts’ theoretical backbones. Sir William Beaumont, the Chairman of the Lands Commission, argued that British South Africa continuously told the native blacks that they would have ownership of their land as long as they followed the laws and remained loyal, but

⁶⁰ Plaatje, *Native life in South Africa*, iii.

⁶¹ Washburn and the United States, *The assault on Indian tribalism*, 9.

⁶² John H. Oberly, Office of Indian Affairs, Department of Interior, Board of Indian Commissioners, and Indian Schools Superintendent, “Fifty-seventh Annual Report of the Commissioner of Indian Affairs,” December 3, 1888, xxxviii,

(<http://congressional.proquest.com/congressional/result/congressional/pqpdocumentview?accountid=14667&groupid=95663&pgId=3fdcc2b0-39fb-4c8f-926c-97681cb2b0c7#1044>).

this act would go against all of that rhetoric.⁶³ This is eerily similar to the Indians' situation in North America, in that Indians were told time and time again that the new treaty they were being coerced to sign would finally ensure them total ownership and security of their land, until the Dawes Act looked to permanently change their land ownership structure and take even more land from Indian tribes. Though this seems to be a glaring error in both of these acts, this argument was seen the least in South Africa and America, with both governments conveniently ignoring old treaties and laws that guaranteed natives their land.

In the United States, there were a few more ideological concerns with the Dawes Act, especially in calling out what some saw as the true greedy and malicious intentions behind it. Some opponents adamantly believed that the Dawes Act was nothing more than a smoke screen to take more Indian lands and make them accessible for more white settlers. For instance, the minority report of the House of Indian Affairs Committee in 1880 proclaimed, "The real aim of this bill is to get at Indian lands and open them up for settlement. The provisions for the apparent benefit of the Indian are but the pretext to get at his lands and occupy them..."⁶⁴ Others argued further into the logistics of the act, saying that though the proceeds from the excess land are supposedly set aside by the National Treasury for Indian use, the Treasury should not be trusted to look out for the Indians' best interests.⁶⁵ Finally, Mr. Errett admitted that he truly felt the Dawes Act was sinister because it was implemented with the guise of the best intentions towards the Indians, but in reality, the United States solely desired to make the Indians "like ourselves".⁶⁶ This worry is one that manifested itself in a more condescending manner in multiple other

⁶³ Plaatje, *Native life in South Africa*, 30.

⁶⁴ Otis and Prucha, *The Dawes act*, 19.

⁶⁵ U.S. Congress, House, Committee on Indian Affairs, *Lands in Severalty to Indians*, 7-10.

⁶⁶ U.S. Congress, House, Committee on Indian Affairs, *Lands in Severalty to Indians*, 7-10.

opponents of the acts, but only Mr. Errett admits to this assimilationist ideology in such a candid manor.

Both in South Africa and the United States, critics of the Dawes Act and the Natives' Land Act had problems with the acts because they were not promoting the civilization of the natives in assimilating them into Western thoughts and beliefs. In South Africa, Sir David Hunter was concerned that the British had shown native blacks the 'correct' way to individually own land, but now the British were pushing the natives back into their old ways by requiring them to live on reservations.⁶⁷ He and his supporters did not agree with placing native blacks onto reservations for segregation, labor incentives, and white settler greed. They truly, and condescendingly, believed that the priority should be showing black South Africans how to become civilized, and not placing them back into their less enlightened ways for the convenience of taking more of their land.

In America, Henry Teller was more direct with his words in espousing a very similar idea. Teller believed that Indians were not ready for individual land ownership, and that giving them this too soon would only set the Indian back in his journey towards civilization.⁶⁸ This idea of civility versus the backwardness of the natives is a crux to settler colonial ideology, and it will be explored further in Chapter 2. Nonetheless, Teller still believed he was advocating for Indian interests, but he thought the act was against Indian interests because it was giving them too much independence. Instead of arguing the Indians could handle more like Sir David Hunter did with black South Africans, Teller argued that the Indians needed to take on less in order to be successful in shaking off their less enlightened habits.

⁶⁷Plaatje, *Native life in South Africa*, 58.

⁶⁸ U.S. Congress, Senate, Debate on Bill to Provide Lands in Severalty, Jan. 20, 1881, from *Congressional Record*, 46th Congress, 3rd Session.

While different Indian peoples experienced the implementation of the Dawes Act differently, governmental and white settler ideologies of Indians were broadly applied to all Indians. The arguments against allotment plots because of the reasons stated above not only applied to the Nez Perce Indians, but also applied to any and all tribes under allotment. Indians were grouped together in the American settler colonial society, streamlining Indian identity and broadly applying strategies to allotment to all Indians. It was the individual government actors, like Alice Fletcher, that saw the differences and argued for different *de facto* strategies under the Dawes Act, not the broader government conversation for or against the act.

All in all, the settler colonial land ideology was entangled with the settler colonial cultural ideologies, as was readily apparent in both of these acts. The belief that natives were not capable of owning land, justifying why both of these governments took more of their land with these acts despite their true economic motivations and other governmental opponents, was deeply entrenched in the ideology that native cultures were inferior. Civilizing and enlightening the indigenous people would serve as justification for any action or law that could be described as immoral or unjust. Settler colonial land theory and cultural ideology played into each other, creating a perverse narrative and explanation for settler societies to fall back on; to further understand the ideology behind these land acts, settler colonial cultural ideologies cannot be ignored.

CHAPTER 2: RACIAL AND CULTURAL IDEOLOGIES

Racial and cultural ideologies were the foundations of the settler colonial justification for conquest. Settler colonialism is entrenched in the belief that natives are not fully human because they are not white Europeans. In the United States and South Africa in the late nineteenth century and early twentieth century, this was the cultural logic behind the Dawes Act and the

Natives Land Act. As this chapter progresses, it will demonstrate the influence of this ideology in shaping public policy affecting native peoples in America and South Africa. Furthermore, it will specifically delineate how racial underpinnings formatted and justified both of these land acts and how both governments tried to use this land reform to civilize the natives. Finally, this chapter will explore the consequences for the natives in the eyes of each settler colonial society, which will be contrasted by the consequences seen through the eyes of the natives in the third chapter.

Nevertheless, before delving into the settler colonial framework of racial and cultural relations between the colonizers and the colonized, it is important to note that these frameworks did not always lead to the same results. There were many voices that believed the Indians needed the Dawes Act in order to become civilized. A large portion of the American population during the late nineteenth century viewed the American Indian favorably, but many did so in a condescending manner; there was sympathy for Indians having to move from their homelands due to another broken treaty on the part of the United States, but American Indians were still expected to leave their culture behind and to join American civilization in order to be saved.¹ This view on race still fit with the settler colonial framework of a superiority complex of the colonizers, but it began to demarcate a change away from viewing the natives as less than human.

However, some took the belief that American Indians needed civilizing in a different direction and argued that severalty would never work because Indians were not ready for it. This complicated the resistance to the Dawes Act by introducing a condescending narrative against it. Senator Dawes, the architect of the Dawes Act, in a letter to Senator Henry Teller argued that

¹ Walter L. Hixson, *American Settler Colonialism: A History*, xii, 253 pages, (New York, NY: Palgrave Macmillan, 2013), <http://hdl.handle.net/2027/>.

Indians could not even comprehend what civilization expects of them: “Two hundred thousand savages who cannot read a word of any language or speak a word of English, who were never taught to work and don't know how to earn their living nor care to learn, who can't read or be made to comprehend the laws they are expected to obey as citizens...”², while Russel Errett, writing for the minority views of the Commission of Indian Affairs in 1880, argued that Indian culture was too deeply entrenched to be “throw[n] off” so soon.³ In effect, these lawmakers were in direct contrast with some of the American public’s views stated above; parts of the American public believed Indians deserved sympathy but needed the Dawes Act to be civilized, but these lawmakers contended that Indians could not handle the Dawes Act because they were not civilized enough. Although the two groups came to different conclusions, they both began with the same assumptions of Indian race and culture that stems from the settler colonial ideology.

South Africa, as well, experienced mixed feelings about what the settler colonial racial and cultural ideology implicated for its natives. South Africa had the added difficulty of having not only one, but two main powers that believed themselves to be superior to the natives. The British were in control after winning the Second Boer War and had outlawed slavery in Britain in 1833. However, the Dutch were very accustomed to using the natives as slave labor or enforcing slave-like conditions, and were not satisfied with the British way of doing things. The Dutch racial and cultural views of the indigenous black South Africans forced the British to appease the Dutch in passing the Natives Land Act to substantiate the black South Africans’ position as inferior. This fact was so well known that it was even acknowledged in popular newspapers at the time, with *The Observer* noting, “The Boers and the natives could never get along from time

² Henry L. Dawes to Henry M. Teller, September 19, 1882, Dawes Papers, Library of Congress, Washington D.C., 46-48.

³ U.S. Congress, House, Committee on Indian Affairs, *Lands in Severalty to Indians: Report to Accompany H.R. 5038*, 46th Congress, 2d session, May 28, 1880, H. Rept. 1576, 7-10.

immemorial...” so the Boers (Dutch) influenced a law “which prohibited native from acquiring, purchasing or leasing land.”⁴ While the majority of British and Dutch people in South Africa believed in the settler colonial racial hegemony, the complexity of differing levels of acceptance and practice of this ideology complicated it.

South Africa also saw a similar opposition to the Natives Land Act as the Dawes Act in terms of the native culture’s lack of civilization, but in this case, the argument was that the natives had moved beyond what the Natives Land Act was offering, instead of not being ready for it. According to Mr. J.X. Merriam, Prime Minister of the Cape Colony, “To allow [the Natives] to go on their own lines meant barbarous lines; their own lines were cruel lines. All along they had been bringing them away from their own lines.”⁵ Because the British South African government was pushing for the natives to move away from owning individual property and to now only live on reserves, the natives were seen as moving away from progress and a capitalist society and back to the inferior system of communally owned land that usually demarcated barbarianism. Opponents of the Natives Land Act brought forth this inconsistency as a way of arguing that the natives’ best interests were not being prioritized. As the chapter moves forward in explaining the settler colonial ideologies of race and culture of the colonizers and the colonized, it is important to remember that in both the American and South African case, there was not one unanimous, clear path from ideology to action.

Racial and Cultural Ideological Frameworks

The main tenants of settler colonial racial and cultural ideologies are that native peoples are not actually people but closer to animals or sometimes objects; this inferiority is tied to what the colonizing powers deem as race. There are reasons that the natives are uncivilized, and the

⁴ “Natives and the South African Land Act.” *The Observer (1901- 2003)*. July 19, 1914.

⁵ Solomon Plaatje, *Native Life in South Africa, before and since the European war and the Boer rebellion* (New York: Negro Universities Press, 1969), 34.

colonizing power is justified in whatever actions it takes because it is civilizing the natives in the process. This series of thinking was beneficial and necessary for colonizing powers to explain each of their actions, including the legislation of the Dawes Act and the Natives Land Act.

To begin, natives were never seen as full people, but were dehumanized as either animals or as a component of the natural world. Each settler colonial society employed its own language, but each derogatory word boiled down to savage or barbarian. For settler colonial societies, a relationship with the indigenous populations was not possible because of this categorization,⁶ which explains why settler colonial societies made unilateral decisions, even when those decisions were being made for native peoples. This categorization also explains why natives were segregated from the general population, forced to constantly move or adapt to white encroachment, and in some instances, killed in large numbers.⁷ Because the natives were seen as inhuman, stealing and killing them was not perceived to be such a horrendous crime. The settler colonial powers used words and categorization to define native powers and to tie the concept of inferiority to their constructed racial identity.

Racial identity was a visual way to categorize native peoples, which went beyond the nomenclature of civilized versus uncivilized that the settler societies brought. In settler colonial societies, the color of the indigenous skin was a visual connection to the constructed inferior identities. The visibility made identification easier, which also facilitated linking indigenous identity to an inferior status.⁸ The reasoning behind this racial inferiority was not only to rationalize a settler colonial takeover that was harming large groups of people, but also to define,

⁶ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*. vii, 182 p. Basingstoke, Hampshire, UK ; New York: Palgrave Macmillan, 2010, 37.

⁷ Fiona Bateman and Lionel Pilkington, *Studies in Settler Colonialism: Politics, Identity and Culture*. x, 307 p. (Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2011), 1.

⁸ Lindsay Frederick Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913: The Politics of Divided Space in the Cape and Transvaal*, African Social Studies series, 1568-1203 ; volume 33, xiv, 410 pages, (Leiden: Brill, 2015), 71.

or redefine, European identity as the opposite. As historian Walter Hixson eloquently states, “without the colonized other, the European could not define his own identity through manliness, whiteness, godliness, progress, and the civilizing mission vis-à-vis the colonial world.”⁹ Colonizers need the dichotomy of barbarian versus civilized to define themselves, especially when they are forced to share physical and social space.¹⁰

In creating this inferior savage archetype through race, the settler colonial powers necessitated proof of this savagery. Indigenous people must have done things in incorrect or inefficient manners, or not done things at all, so that the settler colonial powers could justify taking their land and either changing them or killing them. Europeans saw savagery in many aspects of multiple indigenous societies, from the way they chose to govern themselves to the ways they lived off the land.¹¹ If it was not done in the European fashion, it was not considered civilized. Tribalism, especially, was not understood by settler powers, and, according to Nicole Tonkovich who studied Alice Fletcher and the Nez Perce Indians during allotment, it was perceived as “unenlightened groups of people remain[ing] unthinkingly subject to the whims of hereditary chiefs whose powers did not derive from the informed consent of the governed.”¹² Though monarchies and oligarchies could easily fit this definition, indigenous tribal governments were labeled as a threat to democracy. It was argued in America that it was for the good of the people to be led away from this governmental structure and toward something deemed more European or more inclusive of popular opinion. However, it is also interesting to note that when the United States federal government could use tribal representation to its advantage, it would

⁹ Hixson, *American Settler Colonialism*, 10.

¹⁰ Patrick Wolfe, *Race and the Trace of History: For Harry Reynolds* in Bateman and Pilkington, *Studies in Settler Colonialism*, 275.

¹¹ Howard Lamar and Leonard Thompson, eds, *The Frontier in History: North America and South Africa Compared*, New Haven and London: Yale University Press, 1981.

¹² Nicole Tonkovich, *The Allotment Plot: Alice C. Fletcher, E. Jane Gay, and Nez Perce Survivance*. xviii, 418 p. Lincoln: University of Nebraska Press, 2012. <http://hdl.handle.net/2027/>, 168.

accept tribal authority, but when individual representation was more favorable, the government was strictly against tribes.¹³ This portrayed how shallow and disingenuous settler colonial powers were, despite these powers justifying their actions by claiming to civilize the native peoples.

When the settler powers built this image of the inferior native, they had the ideological infrastructure in place to rationalize the need for civilizing the indigenous peoples. The settler colonial powers would steal resources and land from native societies, but then spin these actions by claiming the natives did not use the resources efficiently, so the settler powers would teach by example.¹⁴ This was also bolstered by the belief that native populations did not understand what was best for them, and so even if natives protested certain actions or legislation of the settler population, the natives would thank these settler societies later.¹⁵ Settler colonial societies created a narrative for themselves that the natives needed them, whether the natives realized this or not. This narrative provided the framework for each settler colonial invasion, and provided rationale for why settler powers felt entitled to all that they did.

In discussing the racial and cultural ideologies of settler colonial theory, broad generalizations between cultures can never be taken without pausing to consider the caveats and complications in each specific example. In the case of South Africa, black South African cultures were far from unified, and varied significantly in many aspects.¹⁶ The same was true of American Indian culture in the United States. Each culture had its own traditions, and, in many instances, different native cultures would fight or disagree, especially over land ownership.

While discussing settler colonial ideology is helpful in broad terms in order to establish a broader

¹³ Tonkovich, *The Allotment Plot*.

¹⁴ Lamar and Thompson, *The Frontier in History*.

¹⁵ George Jabbour, *Settler Colonialism in Southern Africa and the Middle East*, Palestine Books, no. 30, 216 p. Khartoum: University of Khartoum, 1970.

¹⁶ Lamar and Thompson, *The Frontier in History*.

connection and framework for both the South African and American contexts, it also has to be studied with the notion in mind that each group of peoples has its own unique culture and identity.

Race in the American and South African Contexts

Race is not an easy concept to fully understand, or even to define, but it played a major role in creating the external identity of American Indians and their place in the American settler colonial society. Many proponents of the Dawes Act viewed Indians as inferior, placing negative connotations not only on the Indian appearance, but also on Indian habits and cultures. William Barrows, an American writer and reverend in the nineteenth century, was highly critical of the Indian race saying, “it is not alone the copper color and the peculiar eye and the dark hair and the unmistakable physiognomy in the half-breed race which arrests his attention; but the indolent motions, the unbusiness-like habits, the uninviting home, and the general unthrift thrust themselves upon him.”¹⁷ While this is a very direct linkage of the Indian race to inferiority, many of these exact ideas came out indirectly in the writings of the time that were for and against the Dawes bill. This is an explicit example of settler colonial ideology using what are perceived as racial deficits in order to argue for a solution through severalty.

Subtler forms of racial categorization ended up justifying the Dawes Act and other settler colonial actions. In the specific case of the Nez Perce Indians, newspapers and the general public, along with the American government, were concerned about defining who was an original Nez Perce and who was a ‘non-treaty’ Nez Perce.¹⁸ Even within distinct Indian tribes, the American settler colonial power wanted to categorize Nez Perces further, trying to define who was registered with the government as a Nez Perce Indian and who was not united with the

¹⁷ W. Barrows, *The Indian's side of the Indian question*, (Boston, 1887), 26.

¹⁸ T., “The Nez Perces” *The Indian's Friend*, August 1889.

part of the tribe that had registered with the government (also dubbed non-treaty Indians), Chief Joseph being a famous example of a non-treaty Indian. Americans looked to divide the Nez Perces into groups not only to make sense of this racial construct that they had created for their settler colonial rule, but also to divide the Nez Perces further into different groups so that no group of Indians was cohesive enough to mount an impactful opposition to the bill.

Furthermore, Nez Perce Indians felt compelled to testify against the Dawes Act by speaking to each other's strong character. There were multiple incidences of Nez Perce complaints about losing land or not receiving the allotted land they had been promised, and with that, each Indian would back his claim up with support that he did not fall victim to the vices of drinking and gambling.¹⁹ This indicates that the stereotypes against Indians were so strong that any Indian fighting for something that was rightfully his had to address them because he knew that the stereotypes were always there. It was therefore outside of the norm for natives to have a strong character, which is why it had to be mentioned in favor of the native.

In the South African context, the 1913 Natives Land Act made race a tenant in the reasoning behind the law. The act was a segregationist bill at heart by attempting to separate black native zones from the rest of the white land. In doing this, there were some claims that this allowed black South Africans to develop on their own without unduly white interference, but there was a larger sense that this bill was enacted to clearly demonstrate that South Africa was "a white man's country" because the black South African could no longer own any land if he was not working for a white man.²⁰ This was a very clear desire of the white settler colonial power to

¹⁹ William Edgar Borah, *Memorial of the Nez Perce Indians Residing in the State of Idaho to the Congress of the United States: Together with Affidavits, and Also Copies of Various Treaties Between the United States and the Nez Perce Indians*, U.S. Government Printing Office, 1911.

²⁰ Mr. J.G. Keyter in Plaatje, *Native life in South Africa*, 37.

distinctly separate themselves from ‘the other’, thereby substantiating their own identity and visually dividing civilization and savagery with lines on the land.

More than solely separating native black South Africans from the settler colonial power, a governmental report from Cape Town looked to classify the natives into groups, much like the American settler colonial powers attempted to do with the Nez Perces. The report mentioned “two special classes among the native people”, one consisting of a native who sees the value in learning to be civilized and “conscientiously endeavors to derive benefit from the example of Europeans of the better class” and one class of natives that is “subjected to a demoralizing atmosphere” and that is forming a “definite criminal class.”²¹ Again, a settler colonial power attempts to divide natives up into one group that is doing what the settler power wants, and one group that is not, so is therefore less civilized and more barbaric. This not only offers a partial solution for natives that do not want to be seen as barbaric because of their race, but it also works to divide the natives so that there is less of a chance of the natives having a unified voice against the bill.

These racial and cultural narratives permeated settler colonial societies because both Indians and native black South Africans did not fit the European ideals of a civilized culture. Indians were said to be children because they lacked reasoning and could not restrain their passions,²² but the American settler colonial society simply missed much of the Indians’ way of life because it did not fit into European knowledge. As Howard and Thompson point out, Americans studied the habits of some Indian men and found minor traces of laborious work on the land. However, some Indian women would have fit the colonists’ definition of civilized in that they did most of the work in the field, but the colonists did not consider this a woman’s job

²¹ *Report, with annexure, being schedule of areas recommended for native occupation*, (Cape Town, 1918).

²² Lamar and Thompson, *The Frontier in History*.

and, therefore, deemed the Indians as unfit for the label of civilized.²³ While this generalization does not apply to all Indians, especially some of the tribes that lived on the Great Plains, this goes to show that European conceptions of Indian race were far from all encompassing or correct. The colonists were looking for a carbon copy of their own civilizations, and in encountering anything that varied even slightly, they deemed it as uncivilized or barbaric.

Although the settler colonial powers worked to create a dominating and hegemonic view of racial inferiority of the natives, there were pushbacks to this vein of thought in both America and South Africa. In the United States, this pushback was not as well documented in primary sources, as it was secondary historical literature that analyzed many indigenous tribes for overarching themes. Europeans attempted to portray Indians as savage and as lacking any civilized qualities, but this view was highly dependent on which lens was being utilized. Though the Indians did not possess the specific technology of guns or boats that the Europeans did, they had figured out ways to live off the land using minimal resources that the Europeans had not.²⁴ In this sense, historians have pushed back on the realities of the settler colonial racial and cultural narratives.

In South Africa, many voices and primary sources at the time of the Natives Land Act were questioning the narrative of white superiority. A native South African newspaper published a piece in which Prescott Upton argues that there is no way in which the white European culture is the only culture that has ability and is civilized: "...it is not by virtue of white skin that the business ability of the world is held together, have the Chinese, Japanese, and Hindus have no ability of that kind... Surely no one expects the white skinned nations to have the monopoly of

²³ Lamar and Thompson, *The Frontier in History*, 242-243.

²⁴ Lamar and Thompson, *The Frontier in History*.

the world's management, that is expecting too much."²⁵ The assumption that whites were the only ones that were civilized was implicit in each white settler colonial society, but South African black native voices did not agree with this. Racial ideologies were not so overarching and subsuming that everyone accepted them without a fight in South Africa.

The pushbacks on both the settler colonial powers in the United States and South Africa were bolstered by the inconsistencies in the racial ideologies. In the United States, for example, there were multiple references to uncivilized white settlers that were a bad influence on Indians living near them. For instance, William Barrows lamented that "the white border belt, poorly civilized, and with many in it decivilized" was intermingling with the Indians, bringing them further from civilization.²⁶ The fact that white settlers could be uncivilized was not something that the settler colonial racial ideology accounted for, and this made the argument that the visibility of skin color was enough to justify a charge to civilize the natives harder to substantiate. Obviously, it would be impossible for every white settler in the society to be perfectly civilized according to the racial narrative American settlers had created by 1887, but the mention of these white uncivilized men complicated the construction and maintenance of settler colonial racial ideology.

South Africa had an even more difficult time in maintaining cohesive racial boundaries with civilized boundaries because South Africa had the British, the Dutch, native black South Africans, and Indians to contend with. In a native newspaper, Mr. Fawcus (a white man) points out that he did not see the justice or expediency in the fact that under the Natives Land Act, he could sell to an Indian, whom he deemed an alien, but not to a black native.²⁷ Mr. Fawcus brought to light an arbitrary divisive line in the bill, even in the standards of the settler colonial

²⁵ "Prescott Upton on the Native Question," *Ilanga Lase Natal*. June 20, 1913.

²⁶ W. Barrows, *The Indian's side of the Indian question*, (Boston, 1887).

²⁷ "Speech By Mr. Fawcus M.L.A.: Natives Land Act." *Ilanga Lase Natal*. August 29, 1913.

racial ideology built by the British. The Indians were not white, and therefore were not automatically considered civilized, but they were not discriminated against in the Natives Land Act. They were also a colonized people by the British, and they were not seen as higher on any racial hierarchy than native black South Africans were. The fact that there was no reasoning behind elevating an Indian in this case over a native black South African created a chink in the armor of the settler colonial racial ideology because the act could not have been primarily to civilize a barbaric, native culture if it did not also apply to another culture that the British had deemed uncivilized.

Race in Regards to the Land Acts

Because communal lands were not inherently European and seemed to work against the capitalistic, and therefore the civilized nature of settler colonial societies, barbarism was inexorably linked with communal land. Europeans did not see the natives making improvements upon their communal land plots, and therefore Europeans saw this land as unsettled. In the case of the United States, the Dawes Act attempted to break the Indians of savagery by slicing up each tribal reservation into individual allotments, with many supporters arguing that “tribal organization [was] the real citadel of savagery”.²⁸ Communal lands were influencing the Indians in negative ways and hindering the civilization of the Indians.

However, it was not just the fact that the barbarism of Indians would marinate on reservations in the eyes of the settler colonial society. The idea of communal property itself was a dangerous one; it was believed that “common property and civilization cannot coexist.”²⁹ The very idea of land that had shared ownership went against the settler colonial systems, and

²⁸ Herbert Welsh, *Allotment of Lands :defense of the Dawes Indian Severalty Bill*. Philadelphia :,1887. <http://hdl.handle.net/2027/uc1.31175032048285>, 6.

²⁹ Delos Sacket Otis, Francis Paul Prucha, and United States, *The Dawes Act and the Allotment of Indian Lands*, Civilization of the American Indian Series.v. 123, xvii, 206 p. Norman: University of Oklahoma Press, 1973, x.

ultimately was threatening to how settler colonial societies viewed civilization. Thomas Jefferson, for example, espoused these ideas in his writings stating, “It is best then that all our citizens should be employed in [the lands’] improvement... Those who labor in the earth are the chosen people of God...”³⁰ Clearly, land cultivation and improvement was required in order to obtain and maintain land ownership, and this could not be individually measured on communal lands. The Dawes Act looked to break the trend of communal land in pushing the Indians closer towards assimilation and what the American settlers saw as civilization.

Interestingly enough, the Natives Land Act took an opposite position on native socialization, and looked to push the native black South Africans back into barbarism. The British had very similar views to communal lands and savagery, but these views did not seem to be a priority in legislating this act. There were mentions to barbarism and communal lands, but these mentions were provided as specific criticisms of the act and reasons to repeal the act. Some politicians argued that pushing the native blacks back onto reserves would take away from them being productive members of civilization. Mr. J.X. Merriam, the Prime Minister of the Cape Colony, even went as far as to contend that civilized blacks that were “becoming owner[s] of land outside native reserve” were actually “an asset of strength to the country.”³¹ There were many similar opponents of the Natives Land Act that seemed bewildered as to why the British government would want to push the natives back into a state of barbarism, especially after settler colonial principles hinged on the belief that settlers were bringing natives to civilization. This bill did not seem to fit into this ideology, but the reasoning behind it becomes elucidated when white insecurity is offered as a possible explanation.

³⁰ United States, Everett Eugene Edwards, Thomas Jefferson, George Washington, and Abraham Lincoln, *Washington, Jefferson, Lincoln, and Agriculture*. vi, 102 p. incl. plates. [Washington, 1937], 48.

³¹ Plaatje, *Native life in South Africa*, 34.

Senator Schreiner, a member of the South African Parliament that opposed segregation, saw through this façade, but called his fellow countrymen out in a somewhat mocking way; he claimed, “He was sure that his hon. friends did not really mind civilised natives acquiring a piece of land.”³² Schreiner attempted to show the hypocrisy in espousing views of promoting the native towards civilization, but then enacting a bill that went against the settler society’s views of civilization. Schreiner knew that, in fact, many of his acquaintances were against any type of native acquiring land because they felt threatened by the large number of African natives. The white settlers were very clearly the minority of the population, and many of them supported restricting African use of arable land and independence.³³

Moreover, it was not solely the black population that was a threat; it was the fact that there was a growing percentage of the population that was white and poor. Settlers were supposed to be inherently better than the natives for the racial narrative of civilizing the native race to follow, but having a substantial amount of white, poor citizens did not support settler superiority. This white, poor section also nurtured a populist sentiment that was against blacks even having the opportunity to compete for the same land.³⁴ These poor whites felt an entitlement to this land and a superior status because of the settler colonial racial narrative, even though they had done nothing to earn either except being born with a certain skin tone.

An interesting variance for the American and British settler colonial societies had to do with the conceptualization of reservations for indigenous peoples. In America, reservations were seen as useless and only good for storing people who were only in the way of civilization, but in

³² “Senator Schreiner on the Natives Land Bill, ” *Ilanga Lase Natal*. June 27, 1913.

³³ Sandra Swart, “It Is As Bad To Be a Black Man’s Animal As It Is To Be a Black Man’ - The Politics of Species in Sol Plaatje’s Native Life in South Africa,” *Journal of Southern African Studies*, 40, no. 4 (2014): 689-705.

³⁴ R.W. Msimang, *Natives Land Act 1913: Specific Cases of Evictions and Hardships, Etc./.* Voices of Black South Africans 1. Cape Town: Friends of South African Library, 1996.

South Africa, reservations contained labor and resources that could be utilized.³⁵ This difference further explains the destruction of the reservation system in one area and the implementation of the reservation system in the other area. Americans saw the reservations as temporary solutions for people without much use to the settler society, but British South Africans saw reservations as areas to conglomerate resources. Therefore, reinstating reservations in 1913 in South Africa did not seem as backward as reservations did in America by 1887.

In the United States, the settler colonial racial justification was a motivation to fix the Indian problem in a way that simultaneously appeared to civilize the Indians. Though the Indians were seen as hindrances to agricultural civilization,³⁶ the United States seemed to acknowledge that reservations were no longer functioning as well as they had been prior to the 1880s. Henry Dawes, a senator and the author of the Dawes Act, admitted to not having a better plan but realized that “a combination of irresistible forces [are] driving the Indians in upon us a great deal faster than we shall be prepared to deal with them.”³⁷ The American settler colonizing forces have no other recourse that was ready to be implemented, and to many this seemed like “a practical solution to the Indian problem.”³⁸ Reservations could no longer be preserved or justified because they had no use to society. However, the American settler society could not simply tear apart reservations without offering a valid explanation as to why this furthered the Indian race. This reasoning was given in the offer of citizenship, which, according to *The New Indian Law* magazine, was “an effort to make something out of the Indian.”³⁹ Offering Indians a way to assimilate into American society through individual ownership of land and citizenship fit

³⁵ Lamar and Thompson, *The Frontier in History*.

³⁶ Lamar and Thompson, *The Frontier in History*.

³⁷ Henry L. Dawes to Henry M. Teller, September 19, 1882, 46-48: 48.

³⁸ Welsh, *Allotment of Lands*.

³⁹ “The New Indian Law,” Letter From Senator Dawes, *Friends’ Intelligencer*.

into the racial narrative of settler colonialism in bettering the indigenous peoples in the best way possible: incorporating them into an already civilized society.

From the perspective of the British South African government, the Native Lands Act was composed with a more segregationist method in mind. The government claimed that a mixing of the races was evil,⁴⁰ and did not adopt the policy of assimilating black Africans, most likely because of the population number differences. Instead the British South African government made sure to define natives specifically in the act before confining them to reservations: “native shall mean any person, male or female, who is a member of an aboriginal race or tribe of Africa and shall further include any company or other body of persons... if the persons who have a controlling interest therein are natives.”⁴¹ By defining natives in the bill, the British government looked to eliminate loopholes and keep natives on reservations without giving them an avenue to buy land outside.

These reservations were more useful to the British settler colonial government than having the natives all scattered about because they could limit their influence and control over any area and keep the natives subjected to their rule. They could force the natives to work on their land, and therefore exploit their labor. The British South African settler government had to sidestep many of the racial ideologies they had constructed in order to satiate their greed for land and power. Nonetheless, they did end up justifying the reservations by announcing segregation was best for both races in order to maintain civilization.

Civilizing the Native

With this racial narrative constructed and each settler colonialist reason for why the natives were savage, the next logical step in this argument would be to show the settler colonial

⁴⁰ “House of Commons Parliamentary Papers: Union of South Africa, Correspondence Relating to the Native Lands Act, 1913,” 2006.

⁴¹ Natives Land Act, 1913, 2.1, *Union of South Africa*.

government's actions to civilize the natives. For the United States, that meant finally bringing the Indian under the American system, beginning with individual land plots. For South Africa, this meant separating the native and the white settlers until the natives could become more civilized. As one American newspaper of the time contended, "The way to civilize the Indian, or anybody else, is to treat him in a civilized way," which many, including this newspaper, believed was being done through the Dawes Act.⁴² However, civilizing attempts had been made prior to both the Dawes Act in the United States and the Natives Land Act in South Africa; these civilizing attempts were eerily similar in belief, if not fully in manner and execution.

The first way settler colonial societies believed in civilizing the natives was in creating a centralized home. The South African British government ignored the inconsistencies of uprooting black native homes for reservations, but instead attempted to argue that placing black natives onto reservations would build a strong sense of a communal home, one that the natives could use as a building block in order to jump to individual land plots and homes when they were ready. A Cape Town Report also claimed that segregation was "necessary for the protection of the Native, and as a preventive to his becoming a landless and demoralized waif and wanderer in his own country..."⁴³ The justification was that native could not handle homes in the way whites could as of yet, and subjecting him to this system would only spell out his failure.

However, America saw individualizing land plots as a positive step for Indians. Though some argued that they were not ready (similar to South African colonial actors), the majority of America's settler society agreed with a statement from Charles Painter, a member of the Indian Rights Association, in instilling in the Indian a sense of home and therefore civilization: "They are no longer to be fed like so many swine from a public trough; they must be taught how to

⁴² "THE NEW INDIAN POLICY.: Civilize Him by Treating Him as Human. [Chicago Inter Ocean.]" *Los Angeles Times* (1886-1922). February 3, 1887.

⁴³ *Report, with annexure, being schedule of areas recommended for native occupation*, (Cape Town, 1918).

erect homes and supply the needs and comfort of a home.”⁴⁴ If the Indians could be shown this foundational base of a civilized home, then it would be much more difficult for Indians to return to their savage ways of life on communal lands.

Another necessary factor for civilizing the native in both countries was religion, or the forced conversion to Christianity to be more exact. Religion was a key justification to civilizing the native, not only to take the native away from barbarism, but also to save him and bring him to God. In America, education and religion were closely bound together. Christianity was taught in each Indian boarding school in an effort to “save them from themselves,” in the words of General SC Armstrong, the principal of Hampton Normal School.⁴⁵ It was also popularly believed that Indian suspicions would get in the way of their education, and therefore, in the way of efforts to civilize them.⁴⁶ Christianity was seen as a way to ensure that the native did not wander back to barbarism, just as the home front was.

For the Nez Perce Indians, Christianity became a dividing line between treaty and non-treaty members of the tribe, or members of the tribe who were recognized by the federal government and those that had chosen not to be. Christianity did not even begin to affect The Nez Perce until the early 1820s, when the Hudson Bay Company began to convert sons of important headmen in the tribe.⁴⁷ Henry and Eliza Spalding then took up the mission of

⁴⁴ Charles C. Painter, *The Dawes Land in Severalty Bill and Indian Emancipation*. Philadelphia: Indian Rights Association, 1887. <http://tinyurl.galegroup.com.proxy.lib.umich.edu/tinyurl/399kNX>.

⁴⁵ Wilcomb E. Washburn and United States, *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887*, America’s Alternatives Series, viii, 79 p. Philadelphia: Lippincott, 1975, 17.

⁴⁶“Rev. Dr. Lyman Abbott Has Observed That “The Dawes Bill Does Not and Cannot Settle the Indian Question, but It Removes Obstacles and Opens the Way, Though Its Final Settlement Can Only Be Accomplished by the Education of the Indian in All the Elements of Virtue and Intelligence That Go to Make up Citizenship.” *The Indian’s Friend* I, no. 3 (November 1888). <http://tinyurl.galegroup.com.proxy.lib.umich.edu/tinyurl/3j7Hv0>.

⁴⁷ Alvin M. Josephy Jr., and Jeremy Five Crows, *Nez Perce Country*, Bison Books, 2007.

conversion when they moved to Nez Perce territory in 1836, creating divisive lines in the Nez Perce tribe around who was and was not Christian that would continue for years to come.⁴⁸

Nez Perce Indians believed conversion to Christianity would facilitate their political and economic prowess because the U.S. government would support them as headmen for the tribe if they converted. This also led to Indian traditions and customs being frowned upon by the Christian missionaries and later converts of the tribe, including even the acceptance of chiefs and the use of horses.⁴⁹ Christianity was therefore implemented with some efficacy in the Nez Perce tribe with the Indians that looked to cooperate with the United States government, but it was mostly adapted because the Nez Perce Indians saw it as convenient to their own aims and aspirations. Nonetheless, the non-treaty Indians refused to take up Christianity, and even preached about abandoning the “white man’s religion” and “returning to the ways of their ancestors” in order to “be rewarded with a new day of peace when the white man and his works would disappear from their lands.”⁵⁰ In this sense, the Nez Perce represent both the somewhat successful conversions to Christianity and the failed conversions that missionaries experienced with many Indian tribes in the United States.

In South Africa, religion and a stable, civilized home were preferred for black natives, but since the demographics were overwhelmingly tipped towards the black natives, the “African base” made it much more difficult for Christian missionaries to build a strong foundation of Christianity. Instead, they attempted to displace African culture, and what they saw as the belief in witchcraft, magic, and the cosmology of ancestral spirits,⁵¹ just as the Spaldings and other missionaries looked to do in Nez Perce territory. The Natives Land Act came about because

⁴⁸ Josephy Jr. and Five Crows, *Nez Perce Country*.

⁴⁹ Josephy Jr. and Five Crows, *Nez Perce Country*.

⁵⁰ Josephy Jr. and Five Crows, *Nez Perce Country*, 122.

⁵¹ Lamar and Thompson, *The Frontier in History*.

these efforts did not seem to make a lasting impact, and the British settler colonial society decided to contain the uncivilized Africans when they could not fully convert them.

Considering building a stable home and converting to Christianity are larger and harder changes to implement and evaluate the effectiveness, clothing and appearance was a visual way for settler societies to feel as though their civilization efforts were fruitful. Generally speaking, in the case of the United States, the long hair of the Indians was seen as prideful and Indian clothing was replaced with settler clothing, even though this clothing was not functional and came to be shredded in the woods.⁵² Though Indian clothing had been very obviously adapted to their lifestyle, the American colonists took the difference in clothing not as a functional difference, but as a difference between civilization and barbarism. Changing Indian dress was a small victory in the eyes of the colonists, even though for Indians, they could change their garb without changing any of their culture or beliefs. It was one small thing they could do to appease a settler colonial power that would not be happy unless at least minimal changes were made.

The Nez Perce Indians, again, represented this assimilation and, a majority of the Nez Percés acquiesced to clothing changes. Originally, before the efforts of civilizing the Nez Perce, the Nez Perce wore hides and furs when there was game and grasses when there was not.⁵³ When the settlers arrived, some of the Indians adopted the white man's clothing, but the same resistance from the non-treaty Indians persisted as with religion. However, after Chief Joseph and his followers were allowed back from their exile in the late 1870s and early 1880s, the vast majority of Nez Perce Indians cut their hair and "adopted white man's clothing".⁵⁴ Although there was some initial resistance to the adoption of settler clothing, the Nez Perce Indians mostly followed the trend of 'civilization' in adopting the white man's uniform.

⁵² Lamar and Thompson, *The Frontier in History*.

⁵³ Josephy Jr. and Five Crows, *Nez Perce Country*.

⁵⁴ Josephy Jr. and Five Crows, *Nez Perce Country*, 166.

In South Africa, the symbol of clothing was very similar. Missionaries there forced Africans to discard their traditional garb for European garments, and the British African missionaries seemed to hope that this change would signify a larger change, just like the American colonists. The missionaries noticed that African communities identified themselves by the clothing that they chose to wear,⁵⁵ so these missionaries believed that changing their clothing was the first step towards civilizing the natives. If the missionaries could change what each native was wearing, then perhaps they could change how the natives viewed each other and ultimately, themselves.

The last strategy that settler colonial powers employed worked in tangent with each of the land acts. Both the American and British South African settler colonial powers believed in the transferable nature of civilization, which was why sects of each society argued that surrounding natives with civilized white neighbors would facilitate their journey from savagery to civilization. In America, this was used as a tenant of support for the Dawes Act. Alice Fletcher, a government agent of the BIA that worked to allot Nez Perce land, was especially mindful of this theory when she would assign land allotments: “I leave between allotments all the open spaces the nature and amount of land will permit, deeming that it is for the best interest of the Indian that he shall have as many white neighbors as possible, and in that way be surrounded by civilization.”⁵⁶ Indians were being isolated and stripped of communal support and culture in order to keep them from barbarism and propel them into civilization.

Nonetheless, in South Africa opponents of the Natives Land Act, believing in this idea of civility by transfer, thought that leaving native blacks to be surrounded by each other would not allow for progress. The Natives Land Act placed all natives together on reservations, but, by the

⁵⁵ Lamar and Thompson, *The Frontier in History*.

⁵⁶ *Annual Report of the Secretary of the Interior on the Operations of the Department*. U.S. Government Printing Office, 1890, 943.

transferable theory, this would allow barbarism to fester and seep further into native identities. The British officials named these areas “black spots” and viewed them as evils that should be razed in the 1930s,⁵⁷ but at the time of the Natives Land Act, the majority of British officials thought reservations were the favorable solution. This hindrance to civilizing the natives was mentioned a few times, but although the settler colonial society’s racial and cultural narrative rested on spreading civilization, these protests were to no avail. The British settler colonial society chose subjugation out of fear and economic interests instead.

Civilizing the native was the best justification for actions by a settler colonial society, saying that actions were in the best interests of the natives, even if they did not yet realize it themselves. This was very much the case for the Dawes Act, despite the largely economic and political reasons that seemed to overwhelm this reason. However, for the Natives Land Act, this civilizing reason was brought up as a point against the act, but the government countered this inconsistency in saying that segregation was better for both races. The Natives Land Act demonstrated that when economic and political reasons came into conflict with civilizing the natives, the first two reasons won, despite the racial and cultural narratives the settler powers attempted to sell themselves and others.

⁵⁷ Harvey M. Feinberg and André Horn, “South African Territorial Segregation: New Data on African Farm Purchases, 1913-1936,” *The Journal of African History* 50, no. 1 (2009): 41–60, 55.

CHAPTER 3: NATIVE RESPONSES AND RESISTANCE

While looking through settler colonial ideologies relating to land and race, the very salient missing aspect of this paper is a perspective from the colonized peoples. In this chapter, I look to fill this gap, although there was not a unanimous native opinion on either the Dawes Act or the Natives Land Act. Researching both the American Indian perspectives and the native black South African perspectives is further complicated by the settler colonial intentional and unintentional tendency to silence other voices. By not keeping records, providing outlets of communication, providing education, etc., settler colonial powers effectively silence a majority of the native voices. In this way, history is written with an entire perspective very vulnerable to being lost.

Silencing of any historical phenomenon in general is very common, and some would argue necessary, because not everything can be preserved. Even if everything were recorded, historical aspects would be silenced by the sheer amount of saved information. What makes silencing even more impossible to resist is that it takes place in every step of the historical process: “the moment of fact creation (the making of the *sources*); the moment of fact assembly (the making of the *archives*); the moment of fact retrieval (the making of the *narratives*); and the moment of retrospective significance (the making of *history* in the final instance).”¹ By choosing what to make and what to save, the historical information that is not chosen is effectively silenced.

However, silencing can take on a much more sinister face when power and privilege are involved. Even theories can become so ingrained in the regular historical narrative that they can

¹ Michel-Rolph Trouillot. *Silencing the Past: Power and the Production of History*. Boston, Massachusetts: Beacon Press, 1995,26

privilege one side over another.² In this sense, the powerful sides of history perpetuate their own narrative with minimal questioning, and more and more detail that does not fit this narrative is lost. This more closely resembles the settler colonial narratives, in which settler societies rewrite their own stories to legitimize their conquests, while native peoples' voices and stories are continually overwritten and lost.

To legitimize settler land and superior cultural claims, settler colonial powers “establish a collective usable past.”³ In order to do this, almost everything about the native peoples' past must be silenced to ensure there are no conflicting narratives. In this way, there is a pattern of global suppression of native ideas that spans each settler colonial society,⁴ with different native stories being suppressed for the same reason. It is this reason that it is so difficult, yet so important, to attempt to address native viewpoints on settler colonial actions, and in this thesis specifically, native perspectives on the Dawes Act and the Natives Land Act. Though settler colonial powers attempt to explain away opposition to these acts, some natives indirectly or directly speak out against both acts.

Settler Explanations for Dismissing Native Opposition

Both the American and the British South African settler colonial powers tended to rationalize native opposition to both of these acts by citing native personal gain, aversion to change, and misunderstanding. All of these rationalizations allowed settler powers to implement these acts despite heavy native resistance because the settler powers could claim that they knew what was better for the natives than the natives did. This perverse logic was very similar to the

² Trouillot. *Silencing the Past*.

³ Walter L. Hixson. *American Settler Colonialism: A History*. xii, 253 pages. New York, NY: Palgrave Macmillan, 2013. <http://hdl.handle.net/2027/>, 11.

⁴ Fiona Bateman and Lionel Pilkington. *Studies in Settler Colonialism: Politics, Identity and Culture*. x, 307 p. Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2011. <http://hdl.handle.net/2027/>.

logic of racial and cultural superiority explored in Chapter 2, which argued that in order to civilize the barbarous natives, the settler power would have to do some things that the ignorant natives would not approve of at the time, but that would benefit them at a later time.

In general, both American Indians and native black South Africans opposed the Dawes Act and the Natives Land Act respectively. Many Indians were very strongly against allotment: “In [1887] the International Council of Indian Territory, to which nineteen tribes sent fifty-seven representatives, voted unanimously against allotment and the granting of railroad rights-of-way through their lands.”⁵ While this did not represent every tribe or every Indian, the Nez Perce showed that tribes were also against allotment, even without council support. In an annual report in 1898, the U.S. government was forced to justify Nez Perce opposition so that it could continue to allot lands.⁶ In broad strokes, Indians were against losing more tribal land, which the government deemed as excess, and losing their identity, culture, and sovereignty when they were expected to assimilate into the United States constituency. The United States government came up with many justifications as to why it was not listening to this opposition, but never acknowledged the importance of the sheer numbers in opposition to the Dawes Act.

The native black South Africans were also nearly unified against being limited to reservations.⁷ Generally, the African natives were against losing their private property and their homes, being forced onto already crowded and unproductive land, and being put in a subservient position to white farmers if they wanted work. The British South African government ignored the sheer force of opposition from the black South African natives, as well.

⁵ Delos Sacket Otis, Francis Paul Prucha, and United States. *The Dawes Act and the Allotment of Indian Lands*. Civilization of the American Indian Series.v. 123, xvii, 206 p. Norman: University of Oklahoma Press, 1973. <http://hdl.handle.net/2027/1/94>.

⁶ United States Office of Indian Affairs, and United States Dept of the Interior. *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Fiscal Year Ended ...* Govt. Print. Office, 1898.

⁷ Brian Willan. “The Anti-Slavery and Aborigines’ Protection Society and the South African Natives’ Land Act of 1913.” *The Journal of African History* 20, no. 1 (1979): 83–102.

The United States government was quick to jump to the explanation that the Indians who opposed allotment were mostly Indian chiefs that had personal investment in reservations. The government and so-called friends of the Indian argued that Indian chiefs would oppose anything that caused them to lose any part of their tribal power almost verbatim in various works spanning from the 1870s to the late 1880s.⁸ However, even if this argument held some truth, this did not negate the opposition. The United States did not understand the importance of preserving the collective native identity and sovereignty, so they solely saw Indian chiefs' opposition as egotistical.

Additionally, the American government tried to argue that alongside the desire to retain power, Indian tribes, like the Nez Perces, did not want change. The Nez Perces had a very strong opposition to allotment, indirectly and later directly, so the government claimed that the Nez Perce “cleave[d] to the old customs” and “like[d] political power”.⁹ By claiming this aversion to change by the Nez Perce and others, the government seemed to argue that the Indians would have opposed any act that would have changed their situation, even one that could potentially help them. Therefore, the American government could justify going against native voices because natives would not recognize an act that was beneficial.

The most condescending explanation that both the American and British South African settler colonial powers offered as an explanation to ignoring native dissent was that the natives did not understand the bill itself or its applications and effects. The British were scrambling to answer to widespread opposition, especially from Solomon Plaatje, who had already earned his

⁸ “Annual Report of the Commissioner of Indian Aff...,” 1876; Indian Rights Association. *Friendship That Ask for Pay*. Philadelphia: n.p., 1887; Painter, Charles C. *The Dawes Land in Severalty Bill and Indian Emancipation*. Philadelphia: Indian Rights Association, 1887.

⁹ United States Board of Indian Commissioners. *Annual Report of the Board of Indian Commissioners to the Secretary of the Interior ...* U.S. Government Printing Office, 1890.

reputation as a black South African writer that had completed school in the British education system. Plaatje was already well respected around 1913, having translated Shakespeare plays and written his own poetry in English and Tswana. However, academic works and major political actors at the time claimed again and again that Plaatje had “misconceived representations”¹⁰ or that he was intelligent, but he either could not or would not “grasp plain facts”.¹¹ With the high amount of direct opposition coming from South Africa that was experiencing an international reach, the British were scrambling to justify the Natives Land Act and explain away native opposition to the world. They chose to do this in a very settler colonial manner, by invalidating and demeaning the other side on the basis of their native status in claiming that the natives did not truly understand the Natives Land Act and its consequences.

The United States government had less of an international audience to answer to, and therefore did not need as strong of a reply to their complete dismissal of native opposition. The American government admitted to tribal opposition, but then in an Annual Report of the Board of Indian Commissioners to the Secretary of the Interior, the commission claimed that Miss Alice Fletcher, who worked to allot Nez Perce tribal land, was correct in stating “the work must be done for them, whether they approve or not.”¹² This statement, while not directly claiming that the natives did not comprehend the Dawes Act, stated that natives did not know what would be good for them, thereby indirectly claiming they did not understand the act’s sentiment. The American government did not even feel the need to make the outright claim that the Indians did not understand because it felt any audience could reasonably assume this. Both the South African and the United States governments needed to explain away the native opposition to their acts, an

¹⁰ Journal of African Society. *General Botha’s Native Land Policy*. Vol. 16. London, MacMillan, 1916, 11.

¹¹ Willan. “The Anti Slavery and Aborigines Protection Society.”

¹² *Annual Report of the Board of Indian Commissioners to the Secretary of the Interior ...* U.S. Government Printing Office, 1885, 46.

act of silencing the native voice. Nonetheless, this was not to say that native sentiment was unanimously in opposition of each of these acts.

Though opposition in America and South Africa was strong to both the Dawes Act and the Natives Land Act respectively, there were other native voices that did not agree with this general trend. In the United States, Indian reactions were mixed and in many instances hard to gauge; some treaties and statements that came from a tribe or council were purportedly not a fair representation of an entire group of people.¹³ Without many spokespeople on behalf of the Indian that had standing in the settler colonial society, the records and statements from Indians were always filtered through the American government or American news outlets, which may have been apt to generalize or change parts. Furthermore, there was some indication that some Indians supported allotment to be independent farmers or to elevate their social prestige in American society.¹⁴

Similarly, there were specific examples of black South African natives that supported the Natives Land Act. One group of natives that was in favor of the act was rural African communities and chiefs because it offered them some protection from being dispossessed any further.¹⁵ Josiah Gumede, who at a later time would be president of the African National Congress (ANC), also spoke positively of the act because it granted native peoples a reserve to call their own.¹⁶ Finally, Walter Stanford, who was a leading official for the Cape Colony, thought that the protections the Act afforded the natives were worth the negatives and sacrifices the natives would have to make.¹⁷ It is important to note that there were native voices and well-

¹³ Otis, Prucha, and United States. *The Dawes Act and the Allotment of Indian Lands*.

¹⁴ Otis, Prucha, and United States. *The Dawes Act and the Allotment of Indian Lands*.

¹⁵ William Beinart and Peter Delius. "The Historical Context and Legacy of the Natives Land Act of 1913." *Journal of Southern African Studies* 40, no. 4 (July 4, 2014): 667–88. doi:10.1080/03057070.2014.930623.

¹⁶ Beinart and Delius. "The Historical Context and Legacy of the Natives Land Act of 1913."

¹⁷ Beinart and Delius. "The Historical Context and Legacy of the Natives Land Act of 1913."

known names speaking positively overall about the acts. However, we must be aware that, generally, native Indians and native black South Africans were against the Dawes Act and the Natives Land Act. Moreover, it is even more important to realize that this opposition was silenced by the settler colonial powers in multiple ways.

Indirect Opposition in the Face of Being Silenced

Some of the attempts of the settler colonial powers to silence native reactions to these acts forced native resistance to take a more indirect form. One of the main reasons for this was that there was close to no native input when formulating the Dawes Act or the Natives Land Act. In both America and South Africa, the settler colonial governments had done initial surveys and had received petitions from different native groups, but both of these were largely ignored. In South Africa, the British government “preferred to act upon the recommendation of thirteen diminutive petitions (signed in all by 304 Dutchmen in favour of the Bill) than to be guided by the overwhelming weight of public opinion that was against its passage.”¹⁸ The native dissent was actually being brought to the government, but the British settler colonial society chose to follow the desires and advice of the Dutch, most likely in order to appease the Dutch settlers that were also living in British territory and that were irritated about the new laws the British had imposed upon them after winning the Second Boer War in 1902.

In the United States, the government sent out surveys and had many official reports done in which a majority of both indicated that Indians were overwhelmingly against the Dawes Act. However, these reports and surveys were largely ignored or twisted, in that “the Indian voice was either not heard, not heeded, or falsely reported.”¹⁹ In both South Africa and the United States,

¹⁸ Sol T. Plaatje.. *Native Life in South Africa, before and since the European War and the Boer Rebellion*. xxxii, 352 p. New York: Negro Universities Press, 1969, 54-55.

¹⁹ Wilcomb E. Wilcomb and United States. *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887*. America’s Alternatives Series, viii, 79 p. Philadelphia: Lippincott, 1975, 8.

but even more so in the United States, the majority of the settler colonial society seemed to be in favor of the bill, except for the natives.

Furthermore, in both cases, the native opinion was presented as something that was impossible to fully discern, and the only way to even come close was to ask what the societies saw as experts on natives: people who had made a career out of working with or studying the natives. In South Africa especially, most of the opinions solicited on the legislation were from European government officials or a small percentage of Africans that were benefitting from colonial rule in terms of power and wealth, without even considering the average African farmer.²⁰ This perpetuated the governmental justification that natives could not accurately represent themselves and that the settler society knew what the natives needed better than the natives knew themselves.

Despite every attempt of the American and South African settler societies to silence the native voice, where there was not an outlet for direct opposition, natives persisted in opposing the bills indirectly. This was especially true in America, where Indians did not have the sizable numbers that black South Africans had or the educational opportunities to use the written English against their colonizers. In general, Indian opposition shined through in governmental annual reports as the Indians not understanding the Dawes Act and its guidelines. In the Annual Report of 1898, a governmental agent commented on how many Indians did not comprehend or even realize that they were no longer wards of the state living on reservations.²¹ This comment directly followed the statement that the Nez Perce Indians had been living as individual U.S. citizens for three years legally, but somehow nothing had seemed to change in practice.

²⁰ Lindsay Frederick Braun. *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913: The Politics of Divided Space in the Cape and Transvaal*. African Social Studies series, 1568-1203 ; volume 33, xiv, 410 pages. Leiden: Brill, 2015.

²¹ United States Office of Indian Affairs, and United States Dept of the Interior. *Annual Report of the Commissioner of Indian Affairs*, 1898.

However, instead of misunderstanding the law, this portrayed the Indians as understanding their situation better than the settler government did. By acting as though they do not understand the new bill, the Indians were able to play the settler ideologies of the inferior culture and race of the native against the settler government. Indians were treated as though they could not make decisions for themselves, so the Indians acted in a way that the settler governments would expect in order to resist the Dawes Act, thereby using the settler colonial ideologies against the very settler powers that held them.

In a similar vein, Indians slowed the process of allotment down exponentially by refusing to provide information to the government agents who came to break up their reservations. The Dawes Act hinged upon providing a certain number of acres to each Indian family based upon the number and age of people in that family. The Indians knew this, and contrary to the belief of the American settler colonial government agents, used this intricate understanding of the bill in order to resist it. As one agent recorded with frustration, “Owing to the strong opposition of about one-third of the tribe to accept land in severalty, and their refusal to give the allotting agent the number and names of their families, much confusion and unavoidable mistakes were made during allotment.”²² In both pretending to not understand the act and refusing to provide information that they knew was integral to severalty, Indians in general were indirectly opposing the Dawes Act.

The Nez Perce tribe followed these general trends of indirect opposition, as well as drawing on Chief Joseph as a non-treaty tribal leader to lead by example. The Nez Perce people decided to use the Dawes Act to their advantage in adopting parts of the bill that would be

²² United States Office of Indian Affairs, and United States Dept of the Interior. *Annual Report of the Commissioner of Indian Affairs*, 1898.

beneficial to them, but rejecting the parts that would be deleterious.²³ However, Alice Fletcher, who was the allotment agent at the time of the Dawes Act working on the Nez Perce reservation, did not seem to understand the complexity at which the Nez Perce opposition was working, only noting in her Annual Reports and journals that the natives were having a difficult time comprehending and adhering to the new rules. Nonetheless, the Nez Perce showed an intricate understanding of the Dawes Act in that they looked to modify the act so that it would be the least harmful to them.

The Nez Perce resisted severalty for the most part by attempting to maintain their old ways despite the changing laws. As Alice Fletcher pointed out, allotment would not be a quick and easy process because “the Nez Perces showed an annoying propensity to maintain their traditional patterns of living.”²⁴ More specifically, the Nez Perce attempted to maintain many of their rituals in order to keep their culture alive, despite the push towards assimilation. The Nez Perce Indians taught their younger generation war dances, in direct contrast to the allotment dream that the traditions and rituals of Indians would die out with the older generation.²⁵ This insistence on maintaining traditions was an effective form of indirect resistance, making severalty extremely difficult to implement due to the force of the opposition of the tribe. It also followed the general trend of Indians of not following the new laws by acting as though they did not understand in order to maintain their way of life.

The Nez Perce also went farther than the general trend because they had a famous tribal leader that they could look up to and follow. Chief Joseph was well known for his resistance to the United States settler colonial government long before allotment, and though his previous

²³ Nicole Tonkovich, *The Allotment Plot: Alice C. Fletcher, E. Jane Gay, and Nez Perce Survivance*, 418 p. Lincoln: University of Nebraska Press, 2012, xviii.

²⁴ Tonkovich, *The Allotment Plot*, 112.

²⁵ Tonkovich, *The Allotment Plot*.

military stand for his land was ultimately unsuccessful, he adopted the strategy of indirect opposition. He publically refused to take part in the allotment process, and he continually insisted, “his lands in the Wallowa Valley be restored to him and his people.”²⁶ In having such a well-renowned example of resistance, the Nez Perce were able to resist more heavily and longer than other tribes. This was exemplified considerably in Fletcher’s trouble in executing allotment on Nez Perce land, being that she was forced to change her location and begin her work with a different tribe.²⁷ Indian indirect opposition was not seen or recorded by government annual reports or agents, but this was not to say that it was not successful in its efforts. Allotment did end up being carried out, but Indian resistance, as the Nez Perce demonstrated, slowed this process down and preserved some of the culture that the settler colonial society wanted to steamroll into assimilation.

South African natives, as well, participated in indirect opposition, although this was less common and not as heavily focused on because their direct opposition was more heavily and copiously recorded. Black South African indirect opposition was very similar to the Nez Perce strategy and the strategy that many other Indians tribes claimed in finding and manipulating weaknesses in the respective bills. Native blacks understood the bill so that they “took advantage of the exception clause in the Land Act and the changed attitude of the government officials (after 1918) towards allowing Africans to buy land.”²⁸ In this way, some of the black Africans used the bill to maintain their independence and to keep, and even to extend, the land that they owned. However, though some native blacks were able to indirectly oppose the Natives Land

²⁶ Tonkovich, *The Allotment Plot*, 215.

²⁷ Tonkovich, *The Allotment Plot*.

²⁸ Harvey M. Feinberg and André Horn. “South African Territorial Segregation: New Data on African Farm Purchases, 1913-1936.” *The Journal of African History* 50, no. 1 (2009): 41–60, 60.

Act in doing this, this was not the norm and not as generally applied as it was in the case of the Indians in the United States.

Direct Native Opposition: Strategies Employed

Although natives in the United States and South Africa expertly navigated the bills in forms of indirect opposition, natives also participated in direct opposition against the Dawes Act and the Natives Land Act. The natives employed different messaging strategies, and then took different approaches in deciding what to emphasize against both of these acts.

In terms of how to most effectively be heard, Indians and native black South Africans both decided to compile specific examples of native voices against the act so as to humanize the struggles the legislation had brought. Furthermore, by compiling these stories and hearing the similarities of many peoples' hardships and opinions, the native peoples hoped to show legitimacy and a pattern of consequences. Robert Msimang, a black South African lawyer and one of the founders of the South African Native National Congress, was a native voice with enough status and reach to compile native farmers' opinions and feelings toward the Natives Land Act. Msimang compiled many of his reports into one book, and made sure to constantly list every name he came across to give a personal touch to the devastating effects and numbers he was attempting to delineate.

Msimang found many natives with similar claims pertaining to the extent of the instability that this act has caused for black South African farmers. For instance, Johannes Pale commented, "I have resided in the Farm Vlaktkuil, for years, hiring under the share system...On account of the Natives Land Act 1913 my time had expired and I could not renew it."²⁹ Moreover, Jacob Maroe put forth a story of his master using the Natives Land Act to make him sell his

²⁹ R.W. Msimang, *Natives Land Act 1913: Specific Cases of Evictions and Hardships, Etc./*, Voices of Black South Africans 1. Cape Town: Friends of South African Library, 1996, 30.

property for an unfair price, which he had still not yet received, and how “of the work I have done in the Farm, I don’t expect [my master] would give me any reward or compensation, and I have no hope for it.”³⁰ Both of these stories exemplified the continuous struggles the Natives Land Act brought upon black South African natives. They were at the complete mercy of the white landlords because the bill did not allow them to purchase or work on any land off of the reservations unless they were subservient to a white master; in many instances, the natives were thrown off their land all together. Additionally, finding a new plot of land to reside legally upon was quite rare, and this act forced many black South Africans onto overcrowded reserves that did not offer arable farmland or into homelessness.

Compiling native stories was also a strategy implemented in the United States to show that many people were experiencing great hardships. Starr Maxwell and Silas Whitman, both themselves Nez Perce Indians and educated within the boarding school system, decided to record evidence from many Indians of the Nez Perce tribe to show the United States government the injustices of the Dawes Act. They put together sworn testimony from over one hundred Nez Perce Indians about the negative effects of the Dawes Act in a book that was later put together by William Edgar Borah,³¹ who was a progressive Republican senator from Idaho.

These men, again, made sure to include specific names to each and every testimony in order to present a pattern of difficulties within the framework of individual faces. In presenting this pattern but keeping personal names, the hope was that their audience would not lose sight of the personal struggles that each Nez Perce Indian had to go through. One of the common themes throughout this book was that the right to make decisions about their land, because even what the

³⁰ R.W. Msimang, *Natives Land Act 1913*, 31,

³¹ William Edgar Borah. *Memorial of the Nez Perce Indians Residing in the State of Idaho to the Congress of the United States: Together with Affidavits, and Also Copies of Various Treaties Between the United States and the Nez Perce Indians*. U.S. Government Printing Office, 1911.

government said should have been Nez Perce private property under the allotment policy was taken away from them. For example, Jim Dickson complained of a time when, “a road was surveyed throughout my allotment... I protested and objected to the road coming through my land and went to the agent to make a complaint. The Indian agent came out to see me and told me I could get \$100, and, in fact, that I would be obliged to accept it or that I would get nothing.”³²

Furthermore, there were complaints from multiple Nez Percés that many allotments had been cancelled or just never given out. Noah Bredell stated, for instance, “we believe the 110 allotments that have been cancelled within the Nez Perce Reservation belong to our people, or the proceeds from the sale thereof should be paid to us.”³³ The theme of not being paid the right amount, if at all, was also common, with Charley Wa-to-lina’s situation delineating this perfectly:

My wife is dead, and left an allotment of 80 acres. Her sister is also dead and left an allotment of 40 acres. Myself and my son are the only heirs to these two allotments. These allotments are leased, according to my understanding, for \$2 per acre, or \$240 a year. My son receives \$40 per year and I receive \$40 per year. We do not understand what becomes of the rest of the money.

Obviously the Nez Perce Indians were being taken advantage of, and it was clear to see this with the number of testimonies that were eerily similar.

The strategy of compilation by the black South African natives and the Nez Perce Indians very effectively demonstrated the negative practicalities of both the Natives Land Act and the Dawes Act. While there were some logistical differences in the two sets of testimonies, one being that the native black South Africans were being cheated by the white settlers and the Nez Perce Indians were being cheated by the government, the similarities in the two testimonies were

³² Borah, *Memorial of the Nez Perce Indians*, 69-70.

³³ Borah, *Memorial of the Nez Perce Indians*, 115.

striking. The similarities between the native black South Africans' and Nez Perce Indians' testimonies both highlighted the natives being forced into unjust monetary deals and not being permitted to have dominion over their land.

Another strategy that the South African natives used was utilizing native newspapers, especially the *Ilanga lase Natal* newspaper printed in Zulu and English in South Africa. The *Ilanga lase Natal* printed many articles pertaining to the Natives Land Act, and the newspaper acted as not only a voice for the native people, but also as a check on the British settler colonial power. In an article named "Misrepresentation", the journalists decree that native support for the bill was being misrepresented and twisted and that there were protest meetings that were conveniently not being covered by the British newspapers in South Africa.³⁴ It was not as easy for the South African government to claim native support when native newspapers were very clearly proclaiming otherwise. Moreover, using newspapers helped not only to document native opposition, but also to have the opportunity to reach an international audience with its story and struggles, which it meagerly did.³⁵

In utilizing these strategies, the native direct arguments took various approaches against these two land acts. The native black South Africans and Indians of the United States pointed out many flaws in both the Natives Land Act and the Dawes Act that they hoped would garner them support in overturning these bills. Firstly, natives of both of these countries contended that these acts did not allow for natives to have the same rights as citizens of the Britain and the United States. In the United States, Indian complaints from the Nez Perce tribe demonstrated that they were not being treated like U.S. citizens, even though the Dawes Act supposedly intended to make all Indians U.S. citizens. As the historian Nicole Tonkovich analyzed, Indians lacked "the

³⁴ "Misrepresentation." *Ilanga Lase Natal*. June 27, 1913, 4.

³⁵ The *Weekly Irish Times* of 1914 did an article in support of the native black South Africans and against the British settler colonial power.

right to petition, the right to democratic representation, the right to due process of law... and the right to freedom from unreasonable seizure of property.”³⁶ By demonstrating how their rights were being withheld, Indians showed the questionable methods and motivations of the Dawes Act.

In South Africa, natives were worried about their constitutional protection and were deeply skeptical of the British claim that they were being equitably treated as British subjects. In an article in *Ilanga lase Natal*, the native newspaper put out a cry to arms in requesting, “all friends of the Native people to look up the Act of the Union and see what constitutional protection we have.”³⁷ Black South African natives knew that they should have protection as British subjects, so they attempted to appeal to the British sense of justice and the strength of law within their constitution. Solomon Plaatje also used this same idea of questioning native rights as supposed citizens of Britain, but spoke to the British settler power in a slightly more manipulative way. He claimed that the Natives Land Act would be so hard on the natives in South Africa that they would question not only themselves, but also the British and their identities of being British.³⁸ He played upon the British fear of disloyalty and loss of control when he argued that this act would actually be detrimental to British rule, even if it positively impacted individual British citizens in South Africa.

Another style of argument South Africans used against the Natives Land Act was to cause the British public to feel indignation by appealing to their emotions. *Ilanga lase Natal* attempted to show the contrast between the situation of white British subjects and the native black South Africans by addressing the British public directly:

³⁶ Tonkovich, *The Allotment Plot*, 289.

³⁷ “Have We No Constitutional Protection?” *Ilanga Lase Natal*. June 27, 1913, 4.

³⁸ Plaatje. *Native Life in South Africa*.

While you are sitting happy and comfortable in your bright and wealthy homes, just give one thought of native families, men, women, and little children, even at this moment, being ruthlessly evicted from their humble homes, where perchance they were born, turned homeless, helpless, and hopeless on to the roads- wandering about the land of their forefathers in search of any wretched spot whereupon to live and rest.³⁹

The charged language and vivid imagery of the native newspaper attempts to show the British public that this act is important, and that it does have real and dire effects for the natives. The black natives are trying to take away the option of being blissfully ignorant from the British public, so that if they choose to do nothing, they do so in facing the facts.

The South African natives instituted another appeal to British emotions and guilt when they brought up land rights and history. The *Ilanga lase Natal* wrote that the ancestors of black South Africans owned the land in contention, and now the natives were unjustly being kicked off the land that they were born on.⁴⁰ Calling land rights and history in for support, the natives writing *Ilanga lase Natal* embodied the struggle at the heart of settler colonialism that the settler colonial society attempts to bury. The citizens of the settler society most likely will feel inherently guilty when this conflict is directly addressed, especially when natives address it speaking in the settler language to the settler public. The South African black natives used newspapers as outlets to appeal to the emotions and indignation of the British public in directly opposing the Natives Land Act.

Direct Native Opposition: Claims Made

Both Indians and native black South Africans claimed that there were two things inherently wrong with the arguments of the proponents of the acts; one, that these proponents were not in a position to fully understand what these acts were going to do to the natives, and

³⁹ John Langanlibalele Dube. "Appeal to The British Public About The Native Land Act, 1913 | South African History Online." Accessed April 3, 2016. <http://d6.sahistory.org.za/archive/appeal-british-public-about-native-land-act-1913>.

⁴⁰ John Langanlibalele Dube. "Appeal to The British Public About The Native Land Act, 1913.

two, that the natives could explicitly describe the actual negative effects they would feel from the Dawes Act and the Natives Land Act. They broke down the credibility of the settler colonial spokesmen that were attempting to say that natives did not understand the bills well enough, and then they provided what they saw to be the real effects of the bills.

In arguing that the settler colonial society did not fully comprehend the effects of the bill, the Indians of the Five Civilized Tribes wrote a Memorial to Congress.⁴¹ In this Memorial, the Five Civilized Tribes were careful to keep their language from being inflammatory, which was not the case of many black South African voices that spoke out against the Natives Land Act. The Five Civilized Tribes acknowledged that the United States government had the best interest of Indians at heart in their writing, which is why they said they believed that the Dawes Act was not insidious:

We take it as... that you have recommended this act, as in all your legislation what you deemed to be for the best interest of the Indians, and therefore we take it as a lack of proper information and a thorough understanding of the moral, political, educational and industrial condition of the Indian. The Indian Territory, and not to a desire on your part to recommend to us anything the adoption of which, whether by your invitation or Congressional command, will work annihilation to the tribes of our Indian territory.⁴²

The Five Civilized Tribes did not follow the strategy of the native black South Africans in attempting to inspire indignation in the American public, but looked to coax the American government into realizing how harmful the Dawes Act was by first establishing the misinformation and misunderstandings surrounding the reasoning behind the act.

The native blacks of South Africa addressed the misunderstandings and misinformation from their settler colonial government with less finesse. Solomon Plaatje used elegant language

⁴¹ The Five Civilized Tribes were affected by allotment differently than the Nez Perce and other Indian tribes, but their argument still stands as a testament to the direct Indian voice against the settler colonial powers behind the Dawes Act.

⁴² *Memorial Adopted by the International Convention of the Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians, at Eufaula, Indian Territory, June 27, 1895.* Eufaula, 1895.

to tear down any assumption that the settler colonial government would understand the effects of the act on the natives better than the natives themselves:

The study of this law required a much longer time than the lawyers, unless specifically briefed, could devote to it, so that they hardly knew what all the trouble was about. It was the Native in the four Provinces who knew all about it, for he had not read it in books but had himself been through its mill, which like an automatic machine ground him relentlessly since the end of the month of June.⁴³

Plaatje demonstrated that knowledge of the Natives Land Act theoretically could be learned from books and laws, but the people who lived through it were the only ones who could truly comprehend the act's consequences.

After establishing that the settler colonial powers of the United States and South Africa could not claim that they knew the act better than the natives, Indians and native black South Africans both made this claim less abrasive by acknowledging that the settler governments most likely believed they were doing what was best for the natives but were misguided. The Ilanga Lase Natal recognized that the British government “could imagine they are doing a good thing when they are really doing a bad thing” because the Council could be led astray.⁴⁴ In providing the government a way out, this allows the British the option to rescind the act without appearing to kowtow too much to native protests and demands.

The Five Civilized Tribes were even more understanding in writing that “well-meaning friends” advised allotment without correct understanding of the Indian situation and that Congress was misguided by the manipulation of information about Indians by “irresponsible parties”.⁴⁵ Neither of these statements assigns blame or malice towards the American settler colonial power. Moreover, these statements allow for an even easier pullback for the American government without appearing to lose any power or control over the Indian population.

⁴³ Plaatje. *Native Life in South Africa*, 19.

⁴⁴ “Lack of Discernment” *Ilanga Lase Natal*. June 27, 1913, 4.

⁴⁵ *Memorial Adopted by the International Convention*.

After countering the settler colonial explanations for native opposition, Indians and native black South Africans provided the actual effects of the bills that they had experienced. These direct counterpoints to the supposed benefits of the bill solidified the native argument that natives actually did understand bill, even more so than the lawmakers that wrote it and the government agents that enforced it. Msimang gave a voice to the native questions and distrust of the government after all of the evictions, and he ended this pleading statement with the ominous conclusion that “no native has any hope of being granted any land”.⁴⁶ Though the British South African government claimed that the Natives Land Act would provide the natives protection on their reservations, Msimang gave a voice to the natives that saw through this and that had experienced otherwise.

The Memorial from the Five Civilized Tribes also sought to give a voice to a wider population of Indians by saying that “all previous allotments of Indian lands... [have worked] ruin and disaster... [and] we need not refer you to any particular tribe, the history of one being the history of all.”⁴⁷ By connecting all Indian experiences and troubles, the Five Civilized Tribes hope to make a larger impact on the American government with more credibility to their claims. They also make an important note that Indians have experienced allotments before, and they have not seen positive results. Therefore, their hesitations and opposition to allotment are grounded in experience, which makes it harder for the American government to justify ignoring them.

Although Indians and native black South Africans made clear, direct claims against the Dawes Act and the Natives Land Act, there was a large section of the black South African natives that were not pushing for full equality. This opinion was held by most educated African

⁴⁶ R.W. Msimang. *Natives Land Act 1913: Specific Cases of Evictions and Hardships, Etc.*, 6.

⁴⁷ *Memorial Adopted by the International Convention.*

elites, many of whom were associated with the South African Native National Congress, and they sought equality but were not opposed to the aspect of segregation in the Natives Land Act.⁴⁸ The African newspapers even exemplified this idea in saying that “we do not ask any social equality or intercourse with your race... We ask for freedom to purchase land wherever opportunities occur, and our sparse means permit.”⁴⁹ Interestingly, the native black South Africans separated the injustices of the Natives Land Act from the injustices of segregation.

Nonetheless, both native black South Africans and Indians alike fought against these acts by showing how the settler colonial powers were ill-equipped to make judgments on the act and what the natives, as the qualified ones to make judgments, saw as the true negative effects of the Dawes Act and the Natives Land Act.

John Dube, a South African novelist and politician that founded the South African Native National Congress, attempted to use his position of influence to protest straight to the Prime Minister with a point-by-point constructed argument against the Natives Land Act. His arguments fell along the same points as the other native dissidence had in appealing to British indignation: “practically all the well-informed natives of South Africa felt that never under the British flag have they suffered an act of greater injustice and one that is more likely to embitter the hearts of the most loyal native subjects against the Union government.”⁵⁰ Nonetheless, Dube also adds an intelligent twist in introducing the loss of loyalty to the British settler colonial government in order to ensure the government’s response.

Dube also called into question the intent of the act asserting, “It is evident that the aim of the law is to compel service by taking the means of independence and self- improvement...” and that the stated intent of protecting the natives did not hold up to facts because “there is no

⁴⁸ Beinart and Delius. “The Historical Context and Legacy of the Natives Land Act of 1913.”

⁴⁹ John Langelibalele Dube. “Appeal to The British Public About The Native Land Act, 1913.

⁵⁰ “House of Commons Parliamentary Papers, 23.

assurance from rapacious land-agents.”⁵¹ In questioning the settler colonial government’s intentions, Dube was questioning the legitimacy of not only the act itself, but also the legitimacy that the settler colonial government espoused. The authority of the British settler colonial government to control the native population through land and to take whatever they deemed to be appropriate rested upon the idea that the government was doing what was best for the natives. Dube very clearly demonstrated that this was not the case, therefore leaving the question open of what gave the British government the right to invade natives’ rights.

Although Dube questioned settler colonial rule, he did not champion native rights and fell into the similar pattern of the other educated and middle class black South Africans in not promoting full equality. He admitted to the Prime Minister that he “make[s] no protest against the principle of separation so far as it can be fairly and practically carried out,” but then goes on to say that this law will not benefit the segregation of the races any more than the laws of 1913 already did.⁵² Arguably, he could be attempting to appease the Prime Minister in order to have the law reversed, but this did not take away from the fact that he followed the pattern of other educated and middle class black South Africans that saw nothing wrong with segregation. It is important to note that although Dube and others did speak out against the Natives Land Act, not all black South Africans were unified in their resistance and what they wanted from the settler colonial government, even someone as integral to native black South African history as John Dube.

With his political clout, his letter was answered, but the contentions inside were swiftly shut down. The Prime Minister responded with a point-by-point dispute of each of Dube’s arguments, following some of the same strategies that have been laid out previously that both the

⁵¹ “House of Commons Parliamentary Papers, 23.

⁵² “House of Commons Parliamentary Papers”, 23.

British and the American settler colonial governments had employed and giving some responses that applied directly to the Natives Land Act. Firstly, the Prime Minister acknowledged the personal difficulties that Dube and others have brought forward, but then claimed that any act “of this kind” will bring about some hardships for specific individuals.⁵³ The Prime Minister failed to acknowledge the pattern of mass evictions and homelessness, instead claiming that there would be inconveniences along the way when a foundational change was made, but this did not mean that the change itself should be discarded.

Secondly, the British Prime Minister followed the same pattern of justification in claiming that Dube did not fully understand the intricacies of the act: “From the wording of the petition it seems clear that you are under a misapprehension as to the effect of the Act.”⁵⁴ The Prime Minister went on to delineate the official policy that the Natives Land Act did not prohibit natives from doing what they wanted with their land once they owned it, ignoring the information that Dube brought saying that in reality, the act prohibited the natives from owning land in many instances and did not allow them to use the land they owned freely. In essence, the Prime Minister ignored the fact that even owning land under the Natives Land Act, which was not common or easy, did not mean full ownership as it would to a white British citizen.

This example is an integral illustration of the power and standing of the African native compared to the Indian native, but in the end, it demonstrated that both voices were silenced. Dube’s critique was printed, and was even responded to by a high ranking government official, but he was given the same answers as both settler colonial governments had been publically espousing. The settler colonial structure automatically silenced native voices, and hoping to cover this silence, the settler colonial governments provided their own answers for the native

⁵³ “House of Commons Parliamentary Papers”, 24.

⁵⁴ “House of Commons Parliamentary Papers”, 27.

protest that could not be covered. However, both the natives of America and the natives of South Africa opposed the Dawes Act and the Natives Land Act indirectly, which came out in government documents, and directly using their own voices.

CONCLUSION

As Chief Joseph of the Nez Perce Indians and Solomon Plaatje both poignantly argued, the settler colonial societies of America and Great Britain were stealing land from the Indians and native black South Africans. Both societies' land and cultural ideologies were strikingly similar and fit the pattern of settler colonial actions and justifications. Settler colonialism hinges upon gaining more land, and for this reason, both the Dawes Act and the Natives Land Act looked to take more land away from the indigenous people. This was justified by the racial and cultural ideologies of the inferiority of the native race coupled with the settler responsibility to enlighten indigenous populations. However, the native populations of North America and South Africa saw through this and responded and resisted with indirect and direct strategies, some with organized resistance and others in using their voices and knowledge of the settler structure in order to ensure their voices were heard.

Interestingly enough, there was at least some discussion and awareness of the Natives Land Act in the United States. In 1918, cities in the United States produced newspapers with the exact same blurb about the Natives Land Act, but under different titles and on different dates. However, this article did not seem to lean one way or the other about the act. The only evaluative language that was used was in the beginning, when each newspaper described the Natives Land Act as "the greatest experiment that has ever been made in the administration of a mixed

people.”¹ Clearly the United States was interested in the process and the results as a comparative settler colonial power. The United States could easily be placed into the category of an “administration of a mixed people” and there was distinct interest in South Africa’s strategies in dealing with its own native peoples.

Even more interesting were the titles that each newspaper deemed appropriate for the article, being that the titles were the only difference that the newspapers from Hagerton, Maryland; Charleston, South Carolina; and Helena, Montana displayed in their articles. While the Helena newspaper named the section after the Natives Land Act, the Hagerton newspaper seemed to respond in a more positive manner to the act, highlighting the quote naming the Natives Land Act “the greatest experiment” in its title². This showed that out of the entire section, the Hagerton newspaper found the racial experiment aspect the most captivating instead of the logistics of the act or the problems and modifications of executing the act in practice, that took most of the space in the article. This bias demonstrated the connection the American government felt towards another settler colonial government attempting to control its native population.

Similarly, the Charleston Newspaper gave the section a title of “Remembering Botha,” the General that instituted the Natives Land Act in South Africa.³ None of these titles were focused on the lives of the native peoples of South Africa or what the law meant for them. This implies that the American and South African settler colonial governments were employed similar strategies and ideologies, but it also portrays how the American government was aware of the settler colonial government in South Africa. It would be an evocative avenue to explore if settler

¹ “Natives’ Land Act in South Africa Notable,” *The Helena Daily Independent*, June 17, 1918; “Native’s Land Act’ Is Greatest Experiment,” *The Morning Herald*, June 17, 1918; “Will Remember Botha: South Africans Will Remember Him in Future for Land Act,” *The Charleston Daily Mail*, June 20, 1918.

² “Native’s Land Act’ Is Greatest Experiment,” *The Morning Herald*, June 17, 1918.

³ “Will Remember Botha,” *The Charleston Daily Mail*, June 20, 1918.

colonial powers were not only highly aware of each other, but also highly influenced by each other.

There is still much research that needs to be done in comparing different styles and actions of various settler colonial powers. More comparisons need to be made not only of countries with similar settler colonial powers, but also of countries across the globe and spanning different time periods. If the United States was even slightly influenced by the Natives Land Act, this could change the way we view settler colonial and native relationships in that the settler colonial force could have been, and still is, an even greater force than we have acknowledged.

Furthermore, there is even less present research on comparing indigenous responses to a settler colonial regime. Though many settler colonial powers attempted to silence indigenous voices, more research needs to be done in reading settler colonial governmental documents from the lens of indigenous resistance and responses. This would not only give indigenous people more agency and a larger voice in history, but it would also provide possible explanations as to why and where each settler colonial society deviated from the settler colonial structure back to the colonial structure. Moreover, it would provide a connection point between indigenous societies globally on the experience of being suppressed under settler colonial rule. These connections could allow for indigenous peoples to use globalization as a strategy to amplify their voices and to make the world more aware of their struggles. In the end, this may be one of the answers to beginning to make amends for settler colonialism and empowering native voices.

With the acknowledgement that much more research needs to be done, there is still a sufficiently clear pattern from the existing research to know that reparations are needed in order to atone for the settler colonialism's harm across the globe. Seeing that the context behind the Dawes Act and the Natives Land Act and the effects resulting from these two acts were eerily

similar, and that there may even have been communication between the two governments, settler colonialism was and is a pattern that can be applied internationally. Using the United States and South Africa as an example, many other contexts and settler colonial governments can be connected to demonstrate a pattern of deleterious effects of settler colonialism. In debunking the argument that each settler colonial state is an isolated incident, there is also much more of a necessity for reparations and assistance for native populations.

This is a global phenomenon that is intriguing to study from a historical perspective, but that also needs to take responsibility for the irreparable harm caused to native peoples. To understand what needs to be done one must understand what harms have been elicited in history, but, as Trouillot astutely asserts, "...the focus on The Past often diverts us from the present injustice for which previous generations only set the foundations."⁴ Once we have done more research into settler colonial connections spanning continents and time periods, we must begin to search for avenues in which to give native peoples back their land and to begin to reverse the psychological harm done by making some cultures inferior to others. This is another area where more research needs to be conducted, for even though historians have come to recognize colonialism's detrimental effects that have continued up through the present, settler colonialism is even more difficult to unravel because it is an invasion, and therefore has no clear ending point.

Although the British government no longer controls South Africa directly, there are still many white settlers that have chosen to stay because they consider South Africa to be their home. The question of land rights and land redistribution is still extremely contested, especially considering unfair land distribution in South Africa has led to unequal social and economic

⁴ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History*, Boston, Massachusetts: Beacon Press, 1995, 150.

conditions. In 2013, the South African government issued a pledge to reverse the Natives Land Act and its effects, one hundred years after the act's passing to begin Apartheid. While the pledge does not outline the exact policy it will follow, it looks to “reverse the legacy of this ruinous act” and to begin “a path to a sustainable rural economic transformation.”⁵ Even one hundred years after this settler colonial land act, the South African government felt that the remnants left behind were still injuring its citizens. This is just one way in which South Africa is still struggling against the British settler colonialism that invaded its land and imposed inferior racial ideologies on its people

On the other hand, the United States has assumed almost complete control of Indian lands and populations, creating this sentiment that Indians have become the outsiders on the land that was originally stolen from them. In this sense, Americans have been more successful in implementing their settler colonial aspirations in more effectively wiping out the Indian population than South Africa did to its native black population. The legacy of the Dawes Act is still felt by many Indians, even though the 1934 Indian Reorganization Act was written and passed in order to effectively end the Dawes Act assimilation policies. The Reorganization Act nominally claimed to protect and strengthen Indian traditions and culture by allowing Indians to govern themselves if they adopted a constitution similar to the constitution of the United States, but it did not restore any land taken by the Dawes Act back to the Indians.⁶ In this way, the United States government has continually used land in order to subvert the Indians, even when their official aim has been to maintain Indian culture.

⁵ Department of Rural Development and Land Reform of the Republic of South Africa, “REVERSING THE LEGACY OF THE 1913 NATIVES LAND ACT- A PLEDGE,” 2013, http://www.ruraldevelopment.gov.za/phocadownload/1913/1913pledge_1.pdf.

⁶ “President Franklin Roosevelt Signs the Indian Reorganization Act - Timeline - Native Voices,” Accessed March 20, 2017, <https://www.nlm.nih.gov/nativevoices/timeline/452.html>.

Even though this fight to recognize and atone for settler colonialism is nowhere near finished, it is important to have conversations to bring this lack of justice into awareness. Acknowledgement and public knowledge of the atrocities of settler colonialism in each area of the globe is the first step towards giving native peoples back their voice and autonomy in their own subsequent futures. Any reversal or atonement for settler colonialism cannot be done without an understanding of the history of wrongs and a sincere and knowledgeable plan for recourse.

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