Celebrating power in everyday life: the administration of law and the public sphere in colonial Tanzania, 1890–1914 *

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ABSTRACT The paper examines the way in which power was routinely exercised in colonial German East Africa in everyday life. In order to achieve domination rather than ruling just by brute force, the German administration set up district councils called Schauri, in which members of the local African élite were invited to act as advisers to the District Officer. The highly formalized meetings of the council were held in public at least once a week. The district officer had the final say in all matters.

The council members deliberated the most mundane aspects of colonial rule. Yet the meetings also dealt with more substantive issues, such as administration of law in the district, local political affairs or the latest public decree from the Governor in Dar es Salaam.

The paper argues that the Schauri meetings constituted the most important field of political interaction and engagement between the German rulers and their African subjects. These meetings were thus an indispensable part of what one might call the ‘colonial public sphere’.

Alf Lüdtke has suggested that power should be understood as a form of social practice and that domination is a process rather than a moment in history (1991: 9-63). Taking Lüdtke’s concept as a starting point this paper will examine how domination as social practice was achieved in German East Africa, especially in the early years, when ‘classical’ disciplinary institutions such as government schools, the bureaucracy, the army or Christian churches were of little local importance. One would like to know, for instance, what kind of political process at the turn of the century enabled a few hundred

* Even a cursory review of the relevant secondary literature reveals that no consensus on the definition of ‘power’ or ‘everyday life’ has ever been achieved. One could argue that a universal definition cannot be accomplished, since the analytical object and the categories with which it is described are constituted within specific cultural contexts. For this argument see Arens and Karp (1989: xv-xvii). Thus, rather than starting with a general statement about what I believe the various categories and terms mean, I will try to define them as they appear to be problematical in their use in the paper.

This paper has greatly profited from ongoing research at the Humboldt University in Berlin (Katrin Bromber, Heike Schmidt, Michael Pesek, Jürgen Becher), at the University of Bayreuth (Peter Probst, Harald Sippel) and the Centre for Modern Oriental Studies, Berlin (Andreas Eckert).

1 Lack of space prevents me from discussing here the different approaches taken by Trotha (1994) and Eckert and Wirz (1996).
German colonial administrators and army officers to rule surprisingly peacefully over a population of some five million people.

Clearly, to impose its will the administration used brute force in its day-to-day interaction with the African population; beatings were part of everyday life in all German colonies in Africa, and the slightest inkling of organized political resistance was forcefully suppressed. Still, it is doubtful whether the application of force entirely explains the actual working of the German colonial government in East Africa, as some authors have claimed. These authors have overstated the coercive capacity of the early colonial state and have thus failed to illuminate the more subtle political strategies that aimed at creating consent rather than mere obedience among the colonized. The question of how the colonial government succeeded in eliciting consent rather than resistance or acquiescence has been neglected.

In order to be effective over time power has to be transformed into some kind of legitimate authority; otherwise, its exercise becomes too costly and ultimately self-destructive. Even the German colonial government was aware of the argument that power cannot be exercised over longer periods of time without a certain minimum degree of consent. This explains why, when the initial conquest period was over, district administrators were strongly urged by the government in Dar es Salaam to seek local support for their policies (Karstedt 1912: 65).

This paper will start with some theoretical considerations regarding the making of consent in everyday life in early colonial Africa. This will be followed by an analysis of what appears to be the most important social and political institution of German colonial rule in East Africa, the public administration of law.

1. Power, legitimacy and the making of consent in everyday life

A crucial aspect of the making of consent was the constitution of a colonial public sphere. It was here that the unequal relationship between the colonial state and the emerging local civic societies was established, mediated, enforced, contested and, on a number of occasions, wrecked. This was the space in which the individual actors, colonial rulers as well as colonial subjects, through their interactions, produced shared meanings and common structures of domination and subordination.

The colonial public sphere emerged out of the repetitive symbolic display of power by the colonial government. In a sense, the colonial authorities created the public sphere by staging a kind of political and moral theatre, a spectacle in which the great majority of

2 For a particularly pertinent example of such reasoning see Müller (1962: 1-23). A similar line of argument can be found in Stoecker (1986: 93-113) and Koponen (1995).
5 It is surprising how little has been written on the public sphere in Africa. For an important early statement see Ekeh (1975: 91-112). For the more recent literature, especially in the context of the debate about civil society in Africa, see Probst (1998: 291-311). See also Comaroff and Comaroff (1999: 1-43).
6 For an analysis of the connection between power and it symbolic display see Parkin (1996: xv-xl). For a general theory which describes how power generates structures see Giddens (1997: 65-67).
7 For a definition of everyday life, stressing the practice of the many as opposed to the actions of the few see Lüdtke (1994: 65-80).
colonial subjects was invited to participate only as spectators.\(^8\) The central message of the ‘play’ was that power was centralized in the hands of the administration and those very few elevated Africans elected by the government to represent local opinion. Given the size of the German colonial service in East Africa at the time, this message was only a colonial make-believe, an illusion of grandeur, but ultimately it was a convincing one, since it could be backed up exemplarily by military means.

This public sphere was markedly different from the public spheres that had existed before in the various localities. Then the various public realms had been governed by common local standards of moral behaviour which included those in power, even if they broke the rules.\(^9\) But these local public spheres were partially superseded by a public sphere that was dominated by colonial administrators who did not share the same moral universe of the people over whom they ruled. Only a few crosscutting ties of moral reciprocity ever evolved between the two.\(^10\) In any case, it was only towards the end of colonial rule that stronger links between these different constituted public spheres emerged and the full impact of the colonial state was felt in the more remote corners of the country.\(^11\)

Power was displayed in various ways, for instance, in colonial language and architecture, but perhaps most vividly and impressively in a relatively small number of clearly identifiable geographical sites. These included places of work, such as the European-owned plantations, small factories, administrative offices and personal households, colonial feasts like the incredibly elaborate celebrations of the \textit{Kaisers Geburtstag} in open public spaces and, perhaps most important, the public administration of law.\(^12\) To the spectators, these sites created a recognizable landscape of power, its mountains, rivers and plains each representing particular configurations of colonial domination and subordination in particular locations. Experiencing the spectacles of power transformed people’s perception of the kind of world in which they lived, thereby subtly (re-)moulding the subjectivities that made people feel at home even in these new, alien landscapes of power.\(^13\)

An indispensable aspect of the making of consent was that the colonial authorities deliberately incorporated into their ‘performances’ cultural ideas and symbols which they believed were ‘African’ and which they thought would strongly appeal to the audience. Moreover, the administration induced influential members of the local African elite to participate in these ‘performances’, though strictly only as subaltern figures. The government knew that in order to be recognized as a legitimate authority, colonial rule had to be rooted, at least to some extent, in the everyday life of both rulers and subjects alike (Engels and Marks 1994: 12). This is one reason why one finds, for instance, ngoma dances and Swahili praise songs at \textit{Kaisers Geburtstag}. The colonies provided both the colonizer and the colonized with structures of feeling, with a \textit{Heimat}, in which peculiar political institutions and certain social practices came to look familiar and legitimate.


\(^9\) On this point see Gluckmann (1974: 41).

\(^10\) Ekeh (1975: 92). Thus, according to Ekeh, the colonial part of the public sphere was basically amoral which had important consequences for the political relations between civil society and the state in the post-colony.


\(^12\) For the celebration of \textit{Kaisers Geburtstag} see Pesek (1998).

2. Celebrating power

The shauri served as a crucial link between the local administration and the African population. Established in 1890 by Reichskommissar von Wissmann, its basic function was the public deliberation of issues concerning the administration of a district and its population, including legal matters and problems brought to the meeting by the audience. Thus, the meaning of the word shauri changed with its different functions. It could be just a meeting to publicize the latest decree from the governor in Dar es Salaam or a gathering between the district officer (Bezirksamtmann or Bezirkschef) and male representatives of local opinion to discuss local government affairs, such as the location of market stalls, individual exemptions for taxation, the pombe (beer) levy, etc. The shauri could also be the occasion on which judicial cases, including those involving matters of life and death, would be heard. Then the shauri would operate as a local court. Finally, the shauri could resemble a public complaints commission, since – at least in theory – at the end of the day’s official proceedings anybody who felt aggrieved could come forward and present his or her case to the district officer (Hildebrandt 1905: 54). The shauri was held at least once a week, if not more often when the need arose. Concerning itself with the most mundane issues of colonial rule, the actualities of the interaction between individuals and society, shauri was part of everyday life.

When a case was tried, members of the family of the accused and of the complainant would often be present. They would have to wait outside the Schaurihütte until their case would be heard. The Schaurihütte itself could be a round ‘hut’ whose diameter did not exceed a few metres or a round ‘hall’ which could hold several dozens of people. Often it was located close to the local district office or boma (see Plate 1, Mikindani). This was a purpose-built structure, usually consisting of an elevated cement floor, a thatched roof and some ‘orientalist’ decorations. They were apparently designed to appeal more to imagined African aesthetic sentiments than to European artistic convention (see Plate 2, Schaurihütte).

The German district officer presided over the meeting, deciding alone which points were to be debated, summoning local opinion on the subject whenever he felt that it was necessary and in the end deciding what should be done about the case in question. The

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14 According to the Standard Kiswahili Dictionary, the Kiswahili word *shauri* (pl. *masauri*) is probably of Arab origin. Its meaning is given as (1) plan, design, intention; (2) advice, council; (3) discussion, debate (Johnson 1939: 418). It is one of the very few Kiswahili words which found their way into the German language spoken at the time. See, for instance, the entry ‘Schauri’ in Schnee (1920: vol. iii, 261). Although I have not found any evidence which would suggest that the institution of the shauri in East Africa was modelled upon legal procedures which were believed to have been practised in medieval Germany, the architecture of the buildings involved is strikingly similar. See, for example, the ‘Gerichtslaube’ in the Babelsberg Forest near Potsdam.


16 Women do not appear in the photographs depicting *shauri* and may have been absent or placed at the fringes of the crowd, reflecting the limited public mobility of women at the time.

17 See Kaiserliches Gouvernement von Deutsch-Ostafrika (1911: 196-8).

18 For this definition of ‘everyday life’ see Ranger (1991: 149-66).
PLATE 1: Mikindani Boma [1996]

PLATE 2: Schaurihütte Lindi [1895]
PLATE 3: Gerichtssitzung Deutsch Ostafrika [1902]

PLATE 4: untitled [n.d]
district officer was thus in complete control of the proceedings. He was helped by other officials, who in this period were mainly German nationals, as well as by a selected group of African notables and dignitaries, most of whom were likely to be government officials, such as the local akida, kadhi, or jumbe (see Plate 3, Gerichtssitzung and Plate 4, unitled). The public was invited to watch and listen to the proceedings, but was not allowed to take part in them, although according to some anecdotal evidence mashauri were sometimes rather noisy affairs (Nigmann 1922). The shauri was usually held in Kiswahili, but since in the interior of the country this language was not widely spoken, interpreters had always to be present.

As a bureaucratic institution the shauri worked probably best in the coastal towns because of their long tradition of public administration, but mashauri were also held regularly in the more rural districts of the colony, apparently with similar success. The importance of the institution for the functioning of colonial rule should not be underestimated. One of the most important tasks of a newly appointed district officer was to find out with whom he could have a shauri. The shauri was usually held in Kiswahili, but since in the interior of the country this language was not widely spoken, interpreters had always to be present.

Looking at colonial photographs of mashauri one is struck by the formal and festive character of the affair. Most of the people on Plate 2, for example, are apparently wearing their best ceremonial dress; the German district officer and the German district secretary have put on the white, freshly starched Ausgeh-Uniform and a pith helmet or a sort of military cap. On other occasions, for instance on safari or in the office, they wore a different, more practical kind of dress. The African dignitaries are wearing black, often richly embroidered overcoats called majono and dyed silken turbans, signifying status, wealth and respectability, especially on the coast. Other Africans are dressed in the kanzu, a long-sleeved calico gown which before the coming of colonialism had been worn mostly by coastal men but since then had also become popular in the towns and larger villages of the interior. Many of the African men dressed in the kanzu are wearing an embroidered cap called kofia. The fourth, clearly identifiable group of people in the photographs are the askaris, African soldiers in various uniforms showing their rank in the army. Finally, there is a group of Africans in these photographs identified by the district officer, who is often seated behind a table on which some books are placed. He is the very centre of power and of the decision-making process. He is surrounded by various ‘helpers’, European fellow judges and the district secretaries, African interpreters and askaris. In most photos the district officer is depicted sitting behind a table on which some books are placed (see, for example, Plate 3, Gerichtssitzung). One of these books is probably the all-important Schauribuch. In this book the district officer noted down brief summaries of the court proceedings; in the case of criminal cases, just the name of the accused and the punishment he or she would

20 The formality of the shauri was also emphasized by contemporary observers like Hildebrandt (1905: 51).
21 Katrin Bromber, personal communication. See also Fair (1998: 63-94).
eventually receive were written down. Yet what was arguably the most significant single group in the shauri is usually seen only in the background – the onlookers, for whom the whole spectacle was after all staged, apparently following its proceedings with rapt attention!

Immediately after the end of the shauri those found guilty of a minor crime were punished in public. Under the supervision of the local medical officer and in the presence of the Bezirksamtmann a specific number of lashes would be meted out to those who had been accused of perpetrating minor offences, such as theft, laziness and insolence. Usually the punishment consisted of up to twenty-five lashes with the kiboko, a whip made of hippopotamus hide, designed to inflict maximum pain without causing visible permanent damage to the skin. The beatings were carried out by an askari in full view of the African audience. In the more populous districts on the coast these beatings sometimes lasted for hours. On a few occasions, the shauri was followed by public execution of those who had been guilty of capital offences, for instance slave traders.

However, interpreting the shauri just as a symbolic display of power to impress African spectators would be wrong. The spectacle comprised theatrical elements, such as the architecture of the Schaurihütte, the dress code, the seating arrangement, perhaps also the manner of speech and bodily behaviour. But it was also an exercise in the personal power of the district officer, for instance, in his potential ability to inflict almost indiscriminately corporal punishment on any African he thought to have merited such treatment.

This argument needs some further explanation. German civil and criminal law was applicable to ‘non-native’ people, largely Europeans and those deemed to have similar ‘racial qualities’, such as North Americans. For them, there was a due process of law, including established procedures of appeal, i.e. decisions in the lower courts could be challenged in the higher courts. However, the ‘natives’ of German East Africa did not enjoy such privileges. In the vast majority of legal cases the word of the district officer was the only law that existed. It was almost impossible, except in a few narrowly defined circumstances, to appeal against his decisions. District officers were told by the government in Dar es Salaam that their ‘judgements [were] to be based on the legal principles of the civilizated nations, common sense and local customs and traditions’, and that was all they had to take into account when legal matters came up in the shauri.

22 Sadly, only a few of these Schauribücher have survived. By and large they are the only direct evidence available regarding the administration of law in German East Africa as far as African disputes are concerned. District officers were not required to keep detailed official records of the court cases they heard. Moreover, on the orders of the colonial government many legal documents were destroyed during the First World War. This may partly explain why the subject has been neglected in the secondary literature.

23 In order to inflict the death penalty on a person in peacetime, district officers had to obtain written permission from the Governor in Dar es Salaam. In wartime no such permission was necessary, and the death penalty was carried out immediately after the shauri: people were usually hanged from purpose-built gallows (as in Lindi) or from suitable nearby trees (as in Bagamoyo). These are still remembered today: interview with the warden of the Mikindani bomo, Hasan Chande Ali, 7 August 1996.

24 For a summary of the legal situation see ‘Eingeborenenrecht’ in Schnee (1920: I 507-514).

25 This was a racist distinction. A ‘native’ was any person born in Africa, the Middle East or India with a dark, ‘non-white’ complexion. There were prolonged discussions as to whether for the purposes of the law people of Japanese origin should be regarded as ‘natives’ or ‘Europeans’.

They were endowed with enormous personal powers which they could employ as they liked. Far from applying a universal system of law, each German district officer created his own kind of law, much like late nineteenth-century Tanzanian warlords, some of whom were known for both their utter ruthlessness and their generous paternalism. It is tempting to ask whether German district officers consciously tried to emulate the way in which they thought African chiefs behaved.

3. Conclusion

This article has argued that the making of a colonial public sphere was essential to the making of consent. It has been shown how this was achieved partly through the repetitive display of power within the institution of the shauri, the formal public meetings between the local German administrator and his African subjects. The shauri was a social institution, which incorporated aspects of both African and European ideas of political order and power. Thus we find African notables actively participating in a European institution which colonial officials had specifically designed to appeal to what they believed to be African sentiments.

Yet this line of argument raises some problems that cannot be solved without better evidence. First, the display of power is always also self-referencing; in the words of Timothy Mitchell (1988: 34-62), the idea of power ‘enframes’ the actor but not necessarily the bystander. Thus a bona fide institution might look impressive to those who built it but perhaps much less so to the people for whom it was built. It is difficult to say what is more important, especially when one depends on such evidence as government reports or articles in colonial newspapers. The self-representations of those in power can never be fully trusted. Indeed, the meaning of power is culturally grounded. According to Arens and Karp (1989: xv), ‘the study of political relations involves more than a recognition that power is what power does. It also entails the recognition that power is how power means, and that interpretation may vary from place to place and time to time’. Thus, one would like to know whether a colonial institution like the shauri was perceived as a meaningless proposition, as a bloody farce or merely as the eccentric behaviour of someone who knew no better.

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28 On the emulation of African chiefs, see the rather anecdotal (hi)stories in Nigmann (1922). Whether colonial mimicry was just a ‘weapon of the weak’ (Scott 1985) is a question which requires much further research, cf. Bhabha (1994: 63-92).

29 For a fruitful discussion of African perceptions of colonial rule, see Fabian (1996: 269-96).
REFERENCES


The administration of law in colonial Tanzania, 1890-1914


