

Rituals of Rule

Infanticide and the Humanitarian Sentiment

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Editors' note:

This chapter is a reprint of Chapter 7 of Pamela Scully's book, *Liberating the Family. Gender and British Slave Emancipation in the Rural Western Cape, South Africa 1823-1853* (Portsmouth NH: Heinemann, 1997). More than twenty years later, it remains a seminal piece that addresses the lives of women, newly freed from slavery through a foray into the nature of the legal discourse on marriage, death, family that was elaborated by colonial authorities to claim sovereignty over the body of women in Cape colony. Her study precedes the scholarly turn to the Indian Ocean of the recent decades and the growing importance of post-colonial approaches to slavery and slave memory encapsulated in the works of inter alia Paul Gilroy and Saidiya Hartman and other scholars of Atlantic slavery.ⁱ Scully's work builds on and draws from a rich body of literature on Cape slavery, especially the pioneering historical works of Ross and Worden, and gestures towards the more recent literary approaches to enslavement in Cape colony epitomized in the work of Meg Samuelson and Jessica Murray who see in literature a way of filling the gaps of the archive.ⁱⁱ Pamela Scully's work speaks to approaches to Cape slavery that have foregrounded the making of memory and continuities of enslavement, colonialism, apartheid and post-apartheid.ⁱⁱⁱ

In the decade immediately following the final abolition of Cape slavery in 1838, a cluster of ostensible infanticide cases occurred in three rural districts. In the 1840s, six women with connections to mission stations in Caledon, Swellendam, and the Cape districts were charged with the crime of infanticide or concealment of birth. These infanticides were not remarkable; between 1843 and 1870 at least thirty-seven such cases are recorded in the criminal records of the Western Cape.¹ This cluster of cases involving

mission stations is, however, unusual: for the following two decades only two infanticides by women connected with mission stations were found in the records of the Cape Supreme Court.²

As distant onlookers of these events we are left with many questions. Was there anything particularly significant about the 1840s that might have caused women connected to mission stations to kill their newborn infants? Why did the colonial state pay such close attention to these events? And why did the judge in two cases seem to be at odds with the sentence passed and appeal on the women's behalf for clemency from the English justice system?³ These cases in rural areas of the Western Cape warrant the attention of history if only because they underscore the profound repercussions of engaging in a social act which lay at the intersection of important social processes unfolding in the Western Cape in the mid-nineteenth century.

Infanticide implicated various colonial actors in contestations over definitions of freedom, motherhood, sexuality, and authority; it lay at one juncture of competing moral and legal economies of power.⁴ The trials of Elizabeth August, Franscina Louw, Lea, Anna Sebastian, Wilhelmina Alexanders, and Dorothea Gideon were in part ritual procedures through which the British colonial state sought to demonstrate legitimacy against, and hegemony over, competing colonial actors when the balance of power between freed people, missionaries, former slaveholders, and the state was clearly contested and equivocal. The cases of Franscina Louw and Elizabeth August in particular became the basis for discussions between various branches of colonial society regarding the nature of justice, punishment, and the production of a respectable colonial working class.

In 1838 the missions and the Colonial Office had been in general agreement as to the need to propagate marriage and family among people newly freed from slavery. But from the 1840s it became clear that colonial officials and missionaries had rather different ideas both as to how to promote respectability and also how to accommodate freed people in colonial society. The cases of infanticides on the missions in the 1840s exposed a wider set of anxieties over labor, the place of the missions, and the nature of colonial rule.

The killing of infants in the rural Western Cape surely happened before the 1840s, yet the records are mostly silent on this action.⁵ The apparent increase of crimes such as infanticide and prostitution reflects in part the penetration of British legal discourse into new terrains of social life in the empire. In the course of the nineteenth century, marriages, deaths, family

relationships, and sexual activities all came under the legal spotlight in both the metropole and the colonies.⁶ Thus, even as the private sphere became conceived of as a domain separate from a place called “the public sphere,” relations there became ever more analyzed, codified, and intervened upon.

Thomas Laqueur has argued that the late eighteenth and early nineteenth century witnessed the elaboration of a humanitarian sentiment which sought to “declare epistemological sovereignty over the bodies and minds of others” by locating and describing suffering and offering a “model for precise social action”. Narratives focused on the diseased, wounded, or dead body—such as the autopsy and infanticide—were the locus for this union between “facts, compassion, and action”.⁷ The emphasis on searching out, and then pardoning, perpetrators of infanticide enabled the dual and ambiguous project of humanitarianism to be elaborated in practice—blame in order to pardon, mark the person in order to demonstrate how much they need our help.⁸ Scientific and medical discourse was central to the reclamation of the diseased or fallen body. “The new consciousness of infanticide was not unconnected with the enhanced self-image of the medical profession”.⁹ Infanticides and autopsies become a stage on which the medical profession demonstrated knowledge in detailed examinations of the body, in order to reach moral conclusions as to the guilt or innocence of the defendant: knowledge of the individual body legitimated intervention and power over the individual soul.

If a broader humanitarian discourse was developing in the nineteenth century, it was clearly contested and far from hegemonic, particularly in the colonial setting. This cluster of ideologies dominated British imperial life in the nineteenth century and had particular resonance at the Cape in the 1840s as various colonial actors sought to control the terms of postemancipation society. At the Cape, tensions between Dutch-speaking farmers, local district officials, mission stations, and the British colonial state recast the dynamics of the humanitarian struggle. The 1840s were particularly important in framing the terms of British rule and intervention. Former slaveholders still smarted from the loss of their slaves and had not yet fully come to appreciate how much the British shared their belief in deference and hierarchy. For slaves too, the 1840s were a period in which they demonstrated some independence from both missionaries’ and colonial officials’ understandings of the meanings of freedom and respectability.

In order to hear the multiple meanings of the infanticide cases, we have to bear witness to the tensions and cracks in the various actors’ conceptions of law and power and to women’s accounts of their actions. We need to locate the

“discovery of infanticides” on the rural missions within the broader transformations occurring in the rural Western Cape in the postemancipation period.

Missions and morality

In 1838 many freed people had looked to the missions as places which could provide them with a plot of land to call their own. Missions also promised some freedom from farm labor, a future for their children who would be educated in the ways of the colonizers’ world, and inclusion in a community of the saved. Missionaries stipulated that access to these opportunities depended upon acceptance of the moral discipline of the mission. For many freed women and men this offer, and the kinds of social behavior upon which it was contingent, seemed a worthwhile bargain. The influence of the mission spread beyond its boundaries in part because of the constant flow of men to and fro from work on the farms. The boundaries of mission and farm life were very permeable: indeed, some people who considered themselves members of a mission station often lived nearly as many days on a farm as did people who resided permanently on a farm. The mission community was as important as a symbolic space, as a frame of mind, as it was a physical location of community and independence.

The religious teachings of the missions provided one language through which former slaves could evaluate their lives. Community help and community censure underpinned much of the activities of individuals on the stations. The missionaries encouraged people to follow religion through kind words; they also cowed and intimidated members of the community by threats of expulsion. Missionaries took more seriously than their peers in government the need to ensure that people on their stations lived according to strict rules of sexual propriety and monogamy. These rules became even more important after emancipation as farmers began to complain about the stations, often framing their complaints through an attack on the lax standards of the missions.¹⁰ The Moravians blended Pietist, Lutheran, and Calvinist beliefs, stressing both the spiritual inner life and the dignity of work. They policed social interaction between members of the community to prevent what they perceived as immoral and inappropriate behavior.

Both the London Missionary Society and the Moravians had strict moral requirements for inhabitants of their stations. Apart from murder, the greatest sins were extramarital sex and illegitimacy, and mission regulations

were designed to prevent such moral lapses. At the LMS stations “matters of sexual morality and drunkenness were the most common reasons for exclusion” from church membership.¹¹ Section 29 of the Rules and Regulations of Genadendal explicitly stated that anyone who “cohabits in an irregular manner, or is guilty of adultery cannot remain a member of the institution, and deviations from the rules of virtue and chastity are subject to church discipline [...]”.¹² Indeed, in 1842 a missionary at Groenekloof stated that “there is a regulation of our Institution with respect to unmarried women having illegitimate children. If we find they are in such a state [...] we then desire them to leave this place.”¹³ Sexuality was policed by making people return to their “dwelling, and none is allowed to walk about the establishment” after church each night. Parents had to ensure that their children only stayed overnight in other people’s houses with their permission and all “intercourse between the sexes” had to be “according to the rules of morality”.¹⁴

In the early years after the ending of slavery the missionaries rejoiced that “[we] have no reason to complain of the conduct of the former slaves, who have lived among us only one year and a half. They go out to their work, and return quietly, and behave themselves very peaceably and orderly; they frequent the Church diligently, & shew great devotion.”¹⁵ A Wesleyan missionary reported in 1842: “During the past year considerable improvement in the religious advancement of our members has taken place; many of them now appear to better understand their duty to God and each other, and they often weep and lament that so many years of their lives have passed away in sin, and in ignorance of God and his salvation [...]”.¹⁶

However, by the early 1840s missionaries across the Cape and the West Indies lamented that the people under their charge were falling into sinful ways.¹⁷ In the Western Cape, the Moravian missionaries were most vocal about the moral degeneration at their stations. Teutsch of Genadendal despondently noted in 1843 that there were “too many nominal members of our flock, who are in a state of lukewarmness or indifference to spiritual things”. His colleague Kolbing wrote: “During the last months, we have had to complain ... of many deviations from the way of holiness, many instances of individuals yielding to temptation, and fulfilling the appetites and lusts of the flesh [...]”.¹⁸ In 1842 H. Helm of Zuurbraak rejoiced that a religious revival was taking place at the station but in 1843 while he said the revival continued he also remarked that the year had “been a time of trial [...] a few cases occurred in which not only were involved some of the new converts,

but also such as had been members of the church for some years, which caused us much grief". By the next year Helm now lamented that the

revival of our young people have [*sic*] not realized the hopes which I did entertain of them 3 years ago. The making of the road and bridges in this colony, in which they are employed, has been the occasion to bring them in contact with labourers of bad habits, and some of the young people ... became worldly minded and were enticed to commence drinking again [...]¹⁹

The Wesleyan reports are much more opaque. Missionaries only made references as to how much their congregants still needed to learn or to the fact that at Raithby station near Stellenbosch, for example, there had been "a marked improvement in their general conduct". Possibly the fact that the Wesleyans preached to the community at large rather than on a relatively self-contained station made them less hopeful of bringing about an immediate revolution in social and moral habits.²⁰

The growing concern about morality on the missions in the early 1840s arose partly because of missionaries' ambivalence about the movement of thousands of emancipated slaves onto their stations. Missionaries worried that the freed people would bring sinful ways to the stations which had previously ministered mainly to the indigenous Khoisan. After 1838 missionaries explicitly targeted sexual and gender relations as areas needing reform and intervention. In 1840 missionaries at Groenekloof mission signaled a new emphasis on the importance of legal marriage by deleting the clause from the 1827 regulations which allowed people who had cohabited before they arrived on the mission to be treated as married people.²¹ In addition, the expulsion of women from the station for extramarital sex only started in the 1840s at Zuurbraak mission station.²² This is one reason for the proliferation of ostensible infanticide cases in the 1840s involving women with connections to mission stations.

In the 1840s, the battle for virtue on the Moravian and LMS missions in the Western Cape took place particularly through the regulation of women's sexuality.²³ Single women in particular were seen as posing special challenges to the morality of the community. Missionaries attempted to control women's sexuality because through pregnancy their bodies testified to supposed immoral behavior on the part of the entire mission community. One missionary stated that if a single woman "had brought forth a child at Zuurbraak I would have called upon her and questioned her in the presence

of the overseers and told her she had forfeited the Institution that is that she must quit".²⁴

The stress on women's morality also owed much to the notion, common in Europe in the nineteenth century, that women were the repository of moral virtues and able to control their sexual desire, if it was acknowledged at all, far better than men. This concern with women's morality arose partly because women played such an important role on the missions. Women formed the backbone of the religious community at the missions, attending church and school more regularly, and more likely to have been baptized than the men who were so frequently off the station.²⁵ Women at the missions bore the responsibility of maintaining the virtue of both themselves and men. It is therefore not surprising that missionaries primarily blamed women for perceived lapses in morality among the mission community as a whole.

Former slaveholders also focused on black women's sexuality. As we have seen, gender was always implicated in the complex struggles over labor. White farmers identified the missions as the root of their difficulties in finding cheap labor and especially female domestic servants. These farmers argued that missions encouraged women not to engage in waged work, promoted education which took children and women out of the labor market (at least in theory), and provided families with a haven from farm labor. They framed their complaints about the new gendering of labor relations through a specific attack on freed women's sexuality and their supposedly immoral habits. White farmers argued that the missions encouraged debauchery and licentiousness.²⁶ In 1845, for example, T. B. Bayley, a farmer in Caledon district, blamed the lack of labor in the district on the support given to families by the missions in the form of houses and gardens. Bayley stated that Moravian missions were "directly injurious to the Farmer & indirectly to the Labourer" and he illustrated this by pointing to the supposed immorality of the "Hottentots" from Genadendal. Bayley specifically targeted women's supposed sexual habits, notably including all women in his description of the "Hottentots" from the station including ex-slave women who had come to Genadendal after emancipation: "Again whenever I have employed some particular women, they have always been attended by certain men. *not* [sic] husbands [...] I believe conjugality and female chastity are of no great consequence [...] and this is the result of so much idleness, & so little superintendence [...]"²⁷

Settlers' sexualization of freed women was framed in part by the ubiquitous belief in Cape settler society that Khoi and slave women were

predisposed to immorality. Such a representation assumed greater importance in the postemancipation period. The ending of slavery allowed freed women to redefine sexual relations by rejecting the passivity often forced upon them in sexual relations under slavery. Freed women exercised choice both through patterns of sexuality and reproduction, and by refusing to be mothers. Those choices, to the extent that women were in a position to choose, were circumscribed by law which rendered them dependent on men, by the economy which made it difficult to secure personal autonomy with economic independence, and by pervasive male notions that women should be sexually available.

Narratives of infanticide

On 18 May 1840, James Barnes, the resident magistrate of Caledon district, made a preparatory examination of a case of possible infanticide perpetrated by a woman named Lea. Lea never speaks in the records of this case; we only hear the testimony of Adonis, a freed man, and Michael Daniel Otto, the field cornet of Diep River. Otto told the magistrate that Lea had come to his house some ten days before on her way from Genadendal. His wife had asked Lea if she had a husband as Lea looked pregnant but Lea denied carrying a child. Adonis stated that the previous morning he had followed a fellow laborer into a neighbor's garden. On seeing something under a fig tree they had gone to examine it and found the body of a baby. Adonis said that "stones and part of a brick were laying near the child". No other records of the case were found.²⁸

Two years later two women connected to mission stations were convicted of infanticide. These cases became the center of a discussion about missions and morality between the governor, judges, and the attorney general. Franscina Louw of Zuurbraak was convicted of the murder of her baby on 26 April 1842. Franscina Louw, who like Lea also worked on a farm, admitted to burying her baby but said that the child had been born dead. Apparently she was not given the opportunity to defend herself in the magistrate's court. The court heard the testimony of Anna Christina Laurens, Franscina's employer. Anna Laurens testified that Franscina had said "she was sickly, and that her courses had remained away in consequence of her having got wet by rain". However on 26 April Franscina went to the river for water and then told Mrs. Laurens that "her courses which had remained away so long had appeared". Franscina said she had washed her body because it was "troublesome" but

her employer thought that she was pregnant. Do not “deny it any longer,” Mrs. Laurens said, “you must bring forth a child. You had better tell me now so that I may send for my mother”.²⁹

Anna Laurens’s mother examined Franscina and saw that her breasts were full of milk. Finally Franscina told Mrs. Laurens that she would confess as her breasts were so

full of milk she was obliged to milk them out. She complained also that there was something in her private parts; and at last she told me she had had a child and been delivered of it on the Tuesday Morning when she had gone to the river for water. I asked her what she had done with it. She moved her hand to shew how she had dug a hole, and she said she had put it in the hole. She said the child had been born dead and that its head was swollen. I asked why she had not told me of it and she said she was afraid I would be frightened.³⁰

Franscina’s mother also testified. Delie Louw said that she had known that her daughter was pregnant before Franscina went to the farm and that she had scolded her about it. Apparently her daughter had been terrified of being expelled from Zuurbraak, which she “knew would be the case if she got a child without being married”.³¹

The case of Elizabeth August arose out of similar circumstances. On June 14 1842, Elizabeth came to the missionary at Groenekloof, and according to him said that he must forgive her: “She came in clasping her hands together and saying you must forgive me! it [*sic*] was not yet a child—it was not yet a child—it was only a bladder and if you will not believe me I will go and shew you [...]”. The next morning the missionary saw Elizabeth at her parents’ house. Elizabeth August said she had had a child on the Sunday afternoon and had twisted its neck and then rolled it up in a sheepskin and put it under her bed till 7 p.m. when everyone was at service. She had then buried it near the river.³²

In 1848, Wilhelmina Alexanders, also a member of a Moravian station, but this time of Elim in Caledon, was brought to trial for concealing the birth of a child. She had been a widow for about four years when the incident occurred. Two children found the body of a baby girl wrapped up in a petticoat and covered with the skin of a merino sheep buried in the ground about two hundred yards from Wilhelmina’s home. The missionary asked Elizabeth Smals, a midwife at Elim, to go and investigate the different houses

of the station to see who had had a child. On coming to Mrs. Alexanders' house, Mrs. Smals examined her.

I could smell the smell women have when they are in childbed, I then examined her breasts both of which were full of milk, and when rubbing it the milk ran out of it in my hands, I asked the prisoner "Wilhelmina what have you done" on which she voluntarily confessed that on the Saturday night before she was delivered of a child the one which was found, in a fowl house ... I know the prisoner a long time she lives in a state of widowship [...] I never heard before that she was in a state of pregnancy [...] It appeared that the child was born alive ... the prisoner denied it, and said that after the birth she tried to put her fingers in the mouth.

The doctor who was called to examine the body said that he found the child's lungs in "perfect state, filling the whole of the inside of the thorax and [...] filled with air, as proof that the child must not only have breathed, but also cried". In the preliminary exam Wilhelmina Alexanders herself said:

I admit to having been delivered of a female child [...] I wrapped it up in an old petticoat, and concealed it there to shew to our Superintendent Elizabeth, but on Sunday [...] I got weak, and it was found before I could put my intention into action.³³

The following year, Anna Sebastian, who lived at Genadendal, was tried at Swellendam on 12 May on the charge of concealment of birth. According to the special verdict which the jury delivered, "she proceeded to the bushes near the bridge, where she was delivered of the child, without being aware that she was about to be delivered of the child [...] she left the child [...] at the spot where it was born, and [...] she afterwards gave no information to any person that she had been so delivered [...]". The jury stated that it could not say if the facts added up to a charge of concealing the birth of the child. In a letter dated 22 May 1849 the attorney general ordered her to be released and a verdict of not guilty entered on the record.³⁴

The final mission-related infanticide for which I have records in the 1840s concerns Dorothea Gideon. In 1848 she had been at Elim for some nine to ten years. This suggests that she probably had been a slave, and had participated in the great movement to the missions of the late 1830s. In 1849

she was charged with the crime of concealment of birth, the court not being able to determine if her child was born dead or alive. Dorothea was married and a formal member of Elim mission station. She worked, however, at the farm Eland's Kloof in the service of the Moolman family. Apparently the Elim community was alive with gossip that Dorothea had had a baby while at Eland's Kloof. On her return from the farm, therefore, Dorothea was brought before the four missionaries and questioned. She confessed to having buried her baby alive. A missionary reflected that Dorothea and her husband often went to work together and he could not understand what had made her kill her child. Perhaps, he said, it might have been

the trouble of rearing the child [...] it struck us that she might perhaps have had connection with another person or the trouble of rearing the child which induced her to commit the crime on a former occasion about six years ago there was a report at Elim that this person had a miscarriage she admitted to me that it was so, but that the child not being full grown or alive she buried it [...]³⁵

Dorothea said only, "My husband is the cause of all this it is true that I was delivered of a child and after it died, I buried it".³⁶

Interpreting infanticide

What do we do with these tales of desperation? All the women were connected in some way to mission stations. And it was precisely their ties to missions, and their status as women who could be reclaimed into respectable working-class society, which generated the interest of the state.³⁷ Lea had come from Genadendal to join her father on the farm where he worked. Franscina lived on Zuurbraak and worked on the Laurens's farm. Elizabeth August lived on Groenekloof; Wilhelmina and Dorothea lived on Elim.

We hear little from these women as to their reasons for hiding their pregnancies, concealing the birth of their babies, and/or killing their children. The court narratives are constructed using answers by doctors, lawyers, members of the mission communities, and farmers and their wives to questions posed by the magistrate. We enter the events through the interpretations of onlookers, and through a linear narrative constructed by colonial officials operating within a historically specific ideology regarding

the relationship between law, medical discourse, and state power. How do we avoid replicating the structures of power illuminated so eloquently in the records? And to what extent do we participate in colonial discourse in labeling the events “infanticide”?

The “facts” of the cases suggest that the women had hidden their pregnancies, and then in one way or another either actively killed their children or left them to die of exposure. The court narratives give no hint that the women abandoned their babies in the hope that they would be rescued by members of the community.³⁸ It seems indeed that we are dealing with infanticide—or at least the European definition thereof. Infanticide was conceptualized as a crime in which a mother killed her infant of under one year.³⁹ But did the women in the cases share this criminal definition of infanticide?

As members of the rural poor they participated in a complex and heterogeneous cultural life with origins in slave culture, Khoi and San societies, and the societies of East and Central Africa. As such they possibly brought to the killing of infants a different cultural perspective than that of the British or the Dutch. Many pre-capitalist African societies had a variety of codes regarding infanticide.⁴⁰ Isaac Schapera argues that San and Khoi societies of the Northern Cape also practiced infanticide as a means of child spacing – killing a baby born while another was still at the breast by burying it alive or leaving it to be eaten by wild animals. Schapera states that the Khoisan communities of the southern Cape did not follow this practice, but the similarity in the practices of the six women involved in the 1840s cases to those he describes suggests possible cultural continuities.⁴¹

Dorothea Gideon “dug a hole in the ground and buried it [the baby] alive”.⁴² It is not clear if Wilhelmina Alexanders intended to kill her child, but she left it in the cold overnight. Franscina Louw claimed that her child had been born dead—she buried the infant in a hole near the river.⁴³ We should be wary of overstating such a possibility, however, since the rural context of these infanticides meant that burial or exposure might have been the only means of committing the crime in any event.

If the form of infanticide in the mid-nineteenth century retained some similarity to earlier practices, the meaning of and the reasons for the practice were not necessarily the same. Schapera, writing in 1935, used sources from the eighteenth and nineteenth centuries as evidence for his comments on contemporary Khoisan societies. He provides an a historic ethnography which portrays a society supposedly living in the 1930s as it might have in the eighteenth century—and suggests that the eighteenth-century picture is

pristine in its “authenticity” and lack of contact with European influence. But Khoisan societies of the eighteenth century had already been in long contact with European settlement: infanticide as birth-spacing might well have been a culturally specific response to colonial disruption of previous birth-spacing practices.⁴⁴ In giving weight to a culturalist interpretation we have to accord that infanticide as we encounter it in these cases is embedded in a colonial context of material and ideological domination.

It is striking that all six women hid the fact that they were pregnant—which suggests that they had always intended to somehow get rid of the babies at birth.⁴⁵ Wilhelmina Alexanders was a widow of four years when she gave birth. She kept her pregnancy secret from the community. Four women were apparently so frightened of the consequences of having illegitimate children that they hid their pregnancies and buried their children. In all the cases, fear of being abandoned by the community and of being banished from the station seems to have governed their actions. This fear was a real one. Lehman, a missionary at Groenekloof Moravian mission stated that

We have poeple [*sic*] who have been there a long time, who tell it to the younger ones—when new people come to the institution we tell them, if you do not behave like a Christian x [*sic*] according to the Word of God—you will be turned out. I am as certain that it is as well-known that young women will be turned out if they have bastard children—as they know it is wrong to have bastard children.⁴⁶

The women were brought before the missionary of their station where they confessed to the sin of killing their child, but this did not necessarily absolve them of having contravened the laws of the community.⁴⁷ Moravians, in particular, put much emphasis on confession as a means of cleansing the soul, but it did not always translate into redemption. The community was a source of strength and love, but also of intervention. The need to belong to the mission community seems to be one reason why these women concealed the births and deaths of their illegitimate children, but those very communities were also the instruments of their undoing. In the trial of Dorothea Gideon, for example, August Lemerts of the station stated that there was “a talk at Elim that the Prisoner Dorothea [...] has been delivered of a Child”. Female neighbors turned in Wilhelmina Alexanders to the Superintendent of Elim.⁴⁸ As the backbone of the religious life at the stations, women were, perhaps, particularly protective of moral and religious standards. Jealousy

over the sexual lives of women who chose not to follow the strict injunctions against premarital and extramarital sex might also have fueled women's complaints against their peers. Fellow women often turned in the perpetrators of infanticide. Lea was turned in by Keyter's wife, while both Wilhelmina and Dorothea were exposed by women.

Dorothea Gideon, the only married woman of the six, situated her case within a very specific context of blame. She stated "my husband is the cause of all this." Was she blaming her husband for having made her pregnant? Was she condemning him for making her work and therefore making it difficult for her to rear a child? Was she indeed blaming him for making her kill her child? On the missions, a sexual division of labor in which women worked in the gardens at the missions and men worked either in artisanal crafts or on the farms might have created resentment among those women who had to work on the farms. Did the fact that at least three of the five women were employed outside the home factor into their actions? Did they compare their situation unfavorably to other women who were able to reside on the missions?

Lea, Franscina Louw, and Dorothea Gideon were farm workers. It is possible that one reason for their actions arose from their status as women workers whose employment could be terminated by her employer if they became pregnant.⁴⁹ However, in their subsequent investigations into these cases, neither the missionaries nor the state considered that the women might have been forced to kill their children precisely because of their incorporation into the wage labor economy as subordinates to men.⁵⁰ The moral codes of the stations regarding illegitimacy and the permanent casting out of perceived miscreants become the causal factor in the narrative of infanticide.

Without knowing the exact histories of Lea, Franscina Louw, Wilhelmina Alexanders, Anna Sebastian, Elizabeth August, and Dorothea Gideon, it is difficult to write of their longings and feelings, of their cultural perceptions of the world around them. In the court narratives the women and the witnesses make much of the dishonor and humiliation which accompanied illegitimacy on the mission stations. We must be wary of attributing such feelings to the women whom we meet third hand, and in a very structured judicial context. Yet people were caught up in the regulatory world of the mission regardless of whether its moral precepts helped them in daily life. Infanticide was imbricated in colonial definitions of right and wrong, and official scripts of justice and power. As such we must place these cases into other contexts at the Cape and in the international moral economies in the decade after slavery.

Moral reclamation and the humanitarian sentiment

Infanticide at the Cape became, for a moment, a site of the elaboration of a new conception of power by officials in the emerging colonial state. The Cape infanticide narratives can be interpreted as forming part of a wider cluster of discrete and overlapping discourses regarding upliftment of the “worthy” poor, the inculcation of morality, and the institution of new forms of rule based on a capillary conception of power emanating from the sovereignty of the state.⁵¹

The British and Cape impulses behind infanticide/concealment of birth prosecutions rested on slightly different foundations. The colonial Ordinance of 1845, which allowed for criminal prosecution for concealment of birth, prefigured its British counterpart by sixteen years.⁵² The ordinance allowed juries to award an alternative sentence if infanticide could not be proven. Rose argues that this alternate sentence was part of a move in the British justice system towards leniency regarding conviction of women for cases of infanticide.⁵³ At the Cape this ruling was more ambivalent. The ordinance widened and deepened state power with more coercive intentions, at least with regard to the prosecution of black women.⁵⁴ Indeed the governor stated as much in May 1845. He said the ordinance had been submitted to the Legislative Council, it “having appeared to the Attorney-General, that the criminal law of this Colony was defective in not constituting the concealment of the birth of a child a crime, inasmuch as facilities were hereby afforded for the commission of infanticide without detection”.⁵⁵

The colonial state focused on infanticide precisely because it was in many ways an act which was situated at the heart of different cultural understandings of morality and autonomy. In killing her child, a woman declared sovereign power over both her body and the body of her child. Possibly through infanticides these women also refused “maternity” and the “maternal instinct.” They thus rejected the constructions of motherhood promoted, for example, in the amelioration legislation and on the mission stations.⁵⁶ These infanticide proceedings became symbolic trials serving as platforms from which colonial officials described what behavior was not acceptable, legitimated state legislation on the sphere defined as “private,” and sought to inculcate practices and values conducive to the reproduction of a self-reproducing rural elite and stable working class needing minimal state intervention.

In the humanitarian discourse we witness the rise of “the expert” who comes to know more about the individual than the person herself. Under

Roman Dutch law the doctor's decision was central to the determination of guilt. The decision as to whether a child was born dead or alive rested on medical testimony as to whether the lungs floated when thrown in water. If they did, the child was deemed to have been born alive.⁵⁷ Ordinance No. 10 of 1845 gave the medical expert a larger stage on which to jostle for authority with the legal profession. Physical exams involved issues of power and state intervention in a very private sphere. The court narratives are constructed in such a way that the doctor's testimony is cited last: as the reader we turn to him for resolution of the case. In the case of Elizabeth August, Dr. William Daly's testimony contradicts her claim to having strangled the child: "[T]he baby might have been smothered either by the placenta itself or by being under the bedclothes or by the actual process of childbirth." Daly stated that he might have missed the damage to the child's neck if the clerk of the court had not told him of Elizabeth August's confession.⁵⁸

Attending to the struggle between new conceptions of power allows us to account for what at first appears to be an anomaly in these cases when compared to others in England in the same period. Lionel Rose states that there was enormous public sympathy for mothers who were believed to have killed their babies and that juries were generally loath to return "a criminally culpable verdict against a female witness".⁵⁹ At the Cape juries were more ambivalent than their British peers and this period generally passed a verdict of guilty.

Until the late nineteenth century juries in the rural areas came only from the white community. The Cape law "relating to juries contained no colour bar [...] but in practice juries tended to be dominated by whites". Only qualified voters, of whom the vast majority were white, and always male, were allowed to sit on juries. In Cape Town juries were mixed, although still dominated by whites, but in the rural areas it was only after 1874 that juries were made up of both white and "coloured" men.⁶⁰ Possibly the unsympathetic verdicts rendered by many rural juries in infanticide cases stemmed from an ill-disguised resentment against former slaves and dependent laborers who now in freedom were seen to be confirming a long-held belief that they were immoral and untrustworthy. Racism no doubt played a part since white juries probably found it easy to convict an African woman. That many of these women seem to have had sexual relations out of marriage might also have contributed to the juries' willingness to convict the women of infanticide. Juries used the weight of the law to sentence members of their former slave class to death. Lea was sentenced to death and was hanged after a trial in the Circuit Court at Swellendam.⁶¹ Both Franscina Louw and Elizabeth

August were also condemned to death, but the chief justice asked that their sentences be commuted. It was through a revocation of the verdicts on these latter two cases that the colonial state challenged missionary notions of authority and sought to establish the hegemony of the colonial state over the missions.

Rituals of rule

The humanitarian discourse of the colonial state was multifocused and practiced with discrete effects on different colonial actors. Colonial officials sought to reclaim rural women into the respectable working-class community through pardoning their sins and laying a foundation for action. They also targeted the missionaries who had caused the pain. *Naming* the women as deviant established the moral superiority of the British colonial state vis-à-vis both those women who had killed their children, and the missionaries, who it was argued had caused the women to take that action. In summing up the trial of Elizabeth August, the attorney general praised the Moravians for helping “their disciples learn to combine active performance of the duties of this life with the most fervent aspirations after another and a better”. However, he also argued that the crucial problem on the mission stations was that the rule regarding women’s morality was imposed by the missionaries instead of coming from the community itself.

If that rule were the natural growth of moral and religious feeling amongst the coloured class itself [...] it would in all probability, be attended with comparatively few dangers [...] it will be strongly fortified by sentiment and principle against the original temptation, and even if she chance to fall, her mind and moral feeling are too well disciplined to allow her to incur the sin of murder rather than the shame of exposure [...] But [...] does it not come to pass that females of infirm principles and half formed notions of right and wrong, confound all the boundaries of criminality, and, in their darkened imaginations, are found to fear the frown of the missionary and expulsion from the institution more than the guilt of murdering their offspring?⁶²

This targeting of the missionaries played into wider tensions between state and missions over control of the laboring population. This tension became

increasingly evident in the 1850s with the constitution of commissions investigating landholding on the missions and addressing the white farmers' concerns about their inability to secure cheap sources of labor.⁶³

The attack by members of the Cape government on infanticide on the mission stations invoked and legitimated Victorian gender standards. Women were blamed for killing their children, but not held responsible for their actions.⁶⁴ The implicit assumption was that "infanticide was male-instigated, and women left to their own devices, would never kill their children [...]".⁶⁵ Laying blame on the missionaries removed agency from the women and again resolved the issue within the parameters acceptable to the colonial state by legitimating state intervention into the lives of the rural poor.

Once the infanticides on the mission stations came to their attention the attorney general and other high-ranking colonial officials were appalled at the rigidity of mission station regulations towards lapsed members of the community. The judicial documents in the infanticide cases of Franscina Louw and Elizabeth August present a particularly vivid example of how colonial officials characterized the difference between civil society and the mission stations. The governor stated with regard to Franscina Louw:

I agree with the judge that the crime of which she is convicted is to be attributed to their dread of the consequences of being expelled from the Missionary Institution of Zuurbraak, and therefore taking into consideration the favourable circumstances mentioned in the Judge's letter, together with his opinion that it would not be prejudicial to the ends of justice that the sentence of death should be suspended until her case shall have been submitted to the Gracious consideration of Her Majesty the Queen, I have granted her a Reprieve [...].⁶⁶

Three months later the chief justice of the colony sent a similar letter to the governor regarding the case of Elizabeth August and asking for clemency. He hoped that the observations of the presiding judges in the two cases

will produce a relaxation in a rule which was made for the encouragement of morality, but which from its undue severity leads unfortunate females to the commission of the most unnatural Crimes [...] however it would be a delicate task for the Govt to interfere further with those institutions than has been done on these two occasions, leaving it to time and experience to shew that *rigorous discipline will not supply the place of*

*morality, and that Missionaries to effect their object must appeal to other and higher sources for checks to the evil which they wish to eradicate by public expulsion and excommunication [my emphasis].*⁶⁷

In the interpretation of these cases by high government officials the missionaries' conception of power did not allow for reclamation of women who had fallen from grace through contravention of sexual and family norms. The chief justice argued that discipline could not prevail over habit. He implied, instead, that the cultural transformation of freed people would be more successfully accomplished in the realm of civil society where the state would help inculcate habits and values which would be shared by all.

But were the moral projects of the British colonial state and the Moravian missionaries so very different? For most of their residence in the Cape since 1792 the Moravians had enjoyed good relations with the government, especially in comparison to the stormy relations between the London Missionary Society and colonial officials and farmers. As we have seen, the Moravian community was rooted in respect for authority, hierarchy, and the word of God as interpreted by the missionaries. This had served the stations well in the immediate post emancipation period. In addition, both the Moravians and the London Missionary Society subscribed to many of the sentiments outlined by Chief Justice Wylde and William Porter. One of the main aims of Philip's reforms on LMS stations in the 1820s was precisely to lead by example, to instill morality through the inculcation of habit.⁶⁸

Indeed the colonial authorities caricatured missionary authority and judicial practice. Procedures existed to allow the reentry to the mission community of people who had been expelled. Reverend Helm of Zuurbraak stated that if she "had shown any signs which led me to think that she really repented of her conduct I would have told her she could remain".⁶⁹ By the mid-nineteenth century the numbers of expulsions at Genadendal had increased, but expulsion had also become more difficult to enforce. This was partly in response to community pressure: relatives simply kept the person at the station. This speaks too to tensions within the community itself as to the means of inculcating morality. Significantly, in 1857, the Cape government added a section to the Rules and Regulations of Genadendal which made expulsion subject to the consent of the magistrate.⁷⁰ The government wrote into law the desire for firmer civic control over missionary life for which the attorney general, the governor, and the chief justice had implicitly appealed in their analysis of the mission infanticide trials of the 1840s.

Conclusion

The extensive prosecution and scrutiny of cases of infanticide relating to mission stations in the 1840s can be regarded as examples of competing theaters of colonial hegemonic practice. The Moravians and the LMS shared to some extent the Dutch farmers' conception of power as being located in theatrical demonstrations of power over the body of the individual. Missionaries and state alike exploited the occasion of infanticide to invoke rituals of rule. Colonial officials, I have argued, used these cases as practices to illustrate simultaneously both the immorality of the crime of infanticide, the wrongheadedness of the missionaries, and the beneficence of British justice. Similarly the missionaries exploited the occasion of infanticide to invoke rituals of religious observance – such as confession, which at once bound the mission station together through religious practice and targeted as “other” the woman who had stepped outside the boundaries of convention.⁷¹

The difference between the colonial state and the missionaries revolved around the proper arena of demonstrating power and the ultimate means whereby to fashion a colonial community. For the missionaries, and the mission community, the sphere of articulation remained the mission station and the mission court. For the colonial state, theaters of rule were to be located in the public space of the colonial legal system. The 1840s produced a convergence of factors which helped privilege the articulation of some colonial tensions within a discourse on infanticide. The “discovery” of infanticides on mission stations in the 1840s is a product and a reflection of a moment of acute struggle between different colonial actors to define the contours of colonial rule. The cases of infanticide also uncover the ways in which ideas of race, gender, and sexuality helped to define both the worlds which freed women had to negotiate after 1838 and the laws which were put into place in the new era of freedom. In the early 1850s, the confluence of race, sexuality, and the elaboration of colonial identities were very clearly exposed in discussions about rape, and particularly through those cases which involved the rape of freed women.

Notes

- i. Paul Gilroy, *The Black Atlantic. Modernity and Double-Consciousness*. Harvard MA: Harvard University Press, 1995; Saidiya Hartman, *Scenes of Subjection. Terror, Slavery and Self-Making in Nineteenth Century America*. Oxford: Oxford University Press, 1997;

- II. See, for instance, R.J. Ross, *Cape of Torments. Slavery and Resistance in South Africa*. London: Routledge and Kegan Paul, 1963; Nigel Worden, *Slavery in Dutch South Africa*. Cambridge: Cambridge University Press, 1985. For recent literary approaches see Meg Samuelson, "Rendering the Cape-as-Port: Sea-Mountain, Cape of Storms/Good Hope, Adamastor and Local-World Literary Formations," *Journal of South African Studies* 42, no. 3 (2016): 523-537; Jessica Murray "Gender and Violence in Cape Slave Narratives and Post-Narratives," *South African Historical Journal* 62, no. 3 (2010): 444-462.
- III. Sarah Nuttall and Carli Coetzee, *Negotiating the Past: The Making of Memory in South Africa*. Cape Town: Oxford University Press, 1998.
- I. This is a tentative figure based on a survey of the criminal records of the Cape Supreme Court from 1843 to 1870, and also on local criminal records for Stellenbosch, Caledon, Swellendam, Paarl and Worcester. Edna Bradlow states that there are many cases of infanticide in the Cape criminal records: Bradlow, "Women at the Cape in the Mid—Nineteenth Century." *South African Historical Journal* 19 (1987) 51-75. 73. Fifteen cases of concealing the birth of a child were brought before the Supreme Court between 1860 and 1879: Patricia van der Spuy, "The Involvement of Women in Violent Crime as Processed by the Institutions of Justice in Cape Town, 1860-1879" (B.A. Hons. diss., History Department, University of Cape Town, 1989), Table 3, 47. Andrew Bank documents fifteen cases between 1890 and 1900: Andrew Bank, "Crime in Cape Town, 1890 to 1900" (BA. Hons. diss., History Department, University of Cape Town, 1988), Table 4.I, 82. Ordinance No. 10 of 1845 allowed the state to prosecute women for concealment of birth if there was not clear evidence of infanticide. This cast the net of identification much wider than had been the case under the infanticide legislation. See CA, CCP 6/3/1/6.
2. CA, CSC, 1/1/1/14, Case of Betje Blankenberg, 15 January 1850. She was found guilty of concealment of birth, the jury being unable to tell if the child was born dead or alive. She received a "recommendation to mercy" owing to the good account of her character given by J. Stegmann, a missionary from the station. Also CA, CSC, 1/1/1/19, 2 February 1863, Margaretha Roubyn of Pniel, who received twelve months' hard labour for concealing the birth of her child. She did not receive a recommendation to mercy.
3. Particularly in the light of judicial attitudes to the rape of black women see Chapter 8, "Rape, Race, and Sexual Politics of Colonial Identities," in *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa, 1823-1853*, edited by Pamela Scully, 153-175. Portsmouth NH: Heinemann, 1997.

4. See Nancy Scheper-Hughes, "Culture, Society, and Maternal Thinking: Maternal Detachment and Infant Survival in a Brazilian Shantytown," *Ethnos* 13, no. 4 (1985): 291-317, 292, for a discussion of the cultural construction of maternal feeling. Also Carolyn Steedman, *Landscape for a Good Woman: A Story of Two Lives*. New Brunswick NJ: Rutgers University Press, 1987.
5. An analysis of the records of the Cape Supreme Court from its inception in 1828 and of local criminal records from 1828 to 1838 revealed only three cases of infanticide, including one in Cape Town. I am grateful to Helen Bradford for sharing her data with me. See Van der Spuy, "Collection," Paper 4, 152-198, for an analysis of all infanticide in the amelioration period.
6. See Kenneth Ballhatchet, *Race, Sex, and Class under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905*. New York: St. Martin's Press, 1980; Michel Foucault, *History of Sexuality: An Introduction*, Vol. 1. New York: Vintage Books, 1990; Judith Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge: Cambridge University Press, 1980; and Jeffrey Weeks, *Sex, Politics, and Society: The Regulation of Sexuality Since 1800*. London: Longman, 1981.
7. Thomas Laqueur, "Bodies, Details, and the Humanitarian Narrative," in *The New Cultural History*, edited by Lynn Hunt, 178, 179, 188. Ithaca NY: Cornell University Press, 1989.
8. See Douglas Hay et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. New York: Pantheon Books, 1975, for discussion of the use of pardon as a means of exercising power. For application in the South African context see Pamela Scully, "Criminality and Conflict in Rural Stellenbosch, South Africa, 1870-1900," *Journal of African History* 3, no. 2 (1989): 289-300. Of course this narrative is very much a part of the humanitarian discourse of abolitionist ideology.
9. Lionel Rose, *Massacre of the Innocents: Infanticide in Britain, 1800-1939*, 41. London: Routledge and Keegan Paul, 1986.
10. See below.
11. Jane Sayles, *Mission Stations and the Coloured Communities of the Eastern Cape, 1800-1852*, 39. Cape Town: A.A. Balkema, 1975.
12. ASL, CGH, Select Committee, *Granting lands in Freehold to Hottentots*, S.C. 11, 1854, 38.
13. Ibid.
14. Ibid., 42. The *Periodical Accounts* of the Moravian Church provide the best archival sources for internal mission politics. The correspondence of the London Missionary Society does not provide quite the same degree of detail about issues relating to family and gender.

15. HA, "Diary of Genadendal, 1840," PA, XVI, CLXXIII (December 1841), 30.
16. SOAS, "Notes by Rev. Joseph Jackson after a visit to KhamiesBerg Station in Little Namaqualand after a visit to Cape Town; Extract from Stellenbosch District Report," in *Report of the Wesleyan-Methodist Missionary Society for the Year Ending April 1842*, 79. London: Wesleyan Missionary Society, 1842.
17. William A. Green, *British Slave Emancipation: The Sugar Colonies and the Great Experiment, 1830-1865*, Ch.II, 341. Oxford: Clarendon Press, 1987. For an excellent discussion of missionary discourse in Jamaica see Sean Buffington, "After the Rio: Social Relations and Ideologies in Metcalfe Parish, Jamaica, 1866-1871" (paper presented to the Conference on Postemancipation Societies and Race, University of Michigan, April 1993).
18. HA, Letter from Teutsch, PA, XVI CLXXXI (December 1843), 462; Letter from Kolbing, PA, XVI, CLXXXII (March 1844), 518.
19. CA, LMS ZL 1/3/15, Box 18, Folder 5, Jacket A, Report for 1842 by H. Helm, 2 August 1842; ZL 1/3/16, Box 19, Folder 3, Jacket C, Report for 1843 by H. Helm, 1 November 1843; ZL 1/3/17, Box 21, Folder 4, Jacket B, Report for 1844 by H. Helm, 1 November 1844.
20. SOAS, *Report of the Wesleyan-Methodist Missionary Society for the year ending April 1846*, 62. London: Wesleyan Missionary Society, 1846; *Report of Wesleyan-Methodist Society for the year ending April 1853*, 43. London: Wesleyan Missionary Society, 1853.
21. Elizabeth Helen Ludlow, "Missions and Emancipation in the South Western Cape: A Case Study of Groenekloof (Mamre), 1838-1852," 82 (M.A. diss., University of Cape Town, 1992). Raum suggests, however, that the Moravians were fairly accommodating to customs as long as they did not conflict with Christian ideas. People were permitted to live together without legal marriage as long as they adhered to the general moral principles of the station. I have relied heavily on Raum for my understanding of the Moravians and Genadendal history: Johannes Raum, "The Development of the Coloured Community at Genadendal Under the Influence of the Missionaries of the Unitas Fratrum, 1792-1892" (M. A. diss., University of Cape Town, 1952). See also Isaac Balie, *Die Geskiedenis van Genadendal 1738-1988*. Cape Town: Perskor, 1988.
22. CA, GH 28/19, No. 3, Statement by CP, Trial of Franscina Louw, 23 July 1842.
23. Raum, "Development," 31.
24. CA, GH 28/19, No. 3, Enclosure No. 3, Deposition of H. C. J. Helm, 23 July 1842.
25. H.A, Letter from Genth, Elim, PA, XVI, CLXXV (June 1842), 134; Letter from Kolbing, Genadendal, PA, XVIII, CC (September 1848), 389. Raum, "Development," 42, argues that women were "more susceptible to the teachings of

- the missionaries than the men. One reason for this was, as the missionaries realized themselves, that the men left the settlement in order to work.”
26. This discourse was pervasive in the mid-nineteenth century. See Clifton C. Crais, “The Vacant Land: The Mythology of British Expansion in the Eastern Cape, South Africa,” *Journal of Social History* 25, no. 2 (Winter 1991): 255-274. See also ASL, CGH, *Master and Servant*, JP, Zwartkop’s River, question 11, 70. He argued that women rarely stayed in employment for longer than three months “In ten years, I have had but one adult female servant who was not a drunkard, or vicious character of a worse description.” D. Buchanan, JP, SWM, complained that “the institution swarms with idle women and naked children.” *Master and Servant*, Question 11, 82.
 27. Bayley argued that “a more dissipated, immoral, and dishonest race of people than the Hottentots of Genadendal cannot be found in any civilized quarter of the globe.” CA, CO 4024, No. 26, T.B. Bayley to SG, 24 February 1845.
 28. CA, 1/CAL 1/1/1, 18 May 1840. The case is brief and sparse. The RM wrote in the margins that the case was sent to the CP in Cape Town. For conclusion of the case see CA, CO 503, No. 39, Justice Menzies to Governor Napier, 5 April 1841.
 29. CA, GH 28/19, No. 1, Enclosure No. 1 for Despatch 150, 1842. Records of Proceedings in the Case of Franscina Louw, Statement of Anna Laurens, 28 July 1842.
 30. Ibid.
 31. CA, GH 28/19, No. 3, Enclosure No. 3, Deposition of H.C.J. Helm, 23 July 1842, enclosing letter and memorandums, Deposition of Delie Louw, n.d.
 32. CA, GH, 28/20, No. 1, Enclosures to Despatch No. 209; Proceedings of the Trial of Elizabeth August, testimony by Joseph Lehman, 20 October 1842.
 33. CA, 1/CAL 1/1/1, Preliminary examination into the case of Wilhelmina Alexanders for concealing the birth of child, 16 February 1848.
 34. No preliminary examination could be found for her trial. We know of her case only through the printed indictment which is lodged in the Circuit Court Swellendam on 22 May 1849.
 35. CA, 1/CAL 1/1/2, Documents in the Circuit Court trial of Dorothea Gideon for Concealing the Birth of her Child on 1 May 1849 at Eland’s Kloof, 4 October 1849. Preliminary Examination conducted by RM, statement by August Lemerts, n.d.
 36. Ibid, Statement of Dorothea, n.d.
 37. The working-class background of these women is consistent with every other infanticide case I have found in the Supreme Court Criminal Records.

38. Compare John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to Renaissance*. New York: Pantheon Books, 1988.
39. Johannes van der Linden, *Institutes of Holland, or Manual of Law, Practice, and Mercantile Law, for the Use of Judges, Lawyers, Merchants, and All Who Wish to Have a General View of the Law*, 5th edn., section 12. Cape Town: J.C. Juta and Co, 1906; Rose, *Massacre of the Innocents*.
40. In Zulu society, for example, one twin was often left out to die so as to enable the mother to give all her milk to only one baby and thus strengthen its chances of survival. See Marianne Brindley, "Old Women in Zulu Culture: The Old Woman and Childbirth," *South African Journal of Ethnology* 8, no. 3 (1985): 98-108. I am grateful to Keletso Atkins and members of the South African seminar at the University of Michigan for highlighting this concern. Nancy Scheper-Hughes argues that maternal bonding is culturally and historically specific and that in communities where infant mortality is high, parents distance themselves from their children in order to see if the infants will survive: Scheper-Hughes, "Culture, Scarcity, and Maternal Thinking."
41. Isaac Schapera, *The Khoisan Peoples of South Africa*, 116. Reprint, London: Routledge and Keegan Paul, 1960.
42. CA, 1/CAL 1/ 1/ 2, Testimony of Johannes Albertus Moolman, missionary, 4 October 1849.
43. 1/CA, GH 28/19 No.1. Testimony of Anna Christina Laurens, 21 July 1841. I cannot tell if Franscina Louw killed her baby or not although she had concealed her pregnancy. The jury found her guilty of infanticide.
44. See Nancy Rose Hunt, "'Le Béb  en Brousse': European Women, African Birth-Spacing, and Colonial Intervention in the Belgian Congo," *International Journal of African Historical Studies* 21, no. 3 (1988): 401-432, for a similar argument.
45. Abortion might have been attempted, but we have no way of knowing. Helen Bradford is currently working on a history of abortion in South Africa.
46. CA, GH, 28/20, No.1, Enclosures to Despatch No. 209; Proceedings of the Trial of Elizabeth August, testimony by Joseph Lehman, 20 October 1842.
47. See Vicente Rafael, "Confession, Conversion, and Reciprocity in Early Tagalog Colonial Society," *Comparative Studies in Society and History* 29, no. 2 (April 1987): 320-339.
48. CA, 1/CAL 1/1/2, 4 October 1849; CA 1/CAL 1/1/1, 16 February 1849.
49. Employers did terminate women's employment on these grounds. For example in 1867 Mary Ann Chappel, aged sixteen, who was apprenticed to J. G. Faure

- of Stellenbosch, became pregnant as the result of a relationship with another labourer on the farm and Faure fired her in terms of the Masters and Servants Act of 1856. The attorney general adjudicated that this dismissal was legal. However, Mary Ann having been originally apprenticed when she was under ten years of age, the indenture itself was illegal. CA, 1 / STB, 10/160, Henry Baas to RM, 11 February 1867; AG to Acting CP, STB, 15 February 1867.
50. For more analysis of the context of labour in these cases of infanticide see Pamela Scully, "Narratives of Infanticide in the Aftermath of Slave Emancipation in the Nineteenth-Century Cape Colony, South Africa," *Canadian Journal of African Studies* 30, no. 1 (1996) (Special Issue on Wicked Women and the Reconfiguration of Gender in Africa, edited by Dorothy Hodgson and Sheryl McCurdy): 88-105.
 51. See Michel Foucault, *Discipline and Punish: The Birth of the Prison*. New York: Pantheon Books, 1977, for a discussion of how the industrializing state (not his terms) reconfigured relations of power based on the sovereignty of the state and the displacement of sovereignty located in the individual. On discourses of upliftment see Elaine Hadley, "Natives in a Strange Land: The Philanthropic Discourse of Juvenile Emigration in MidNineteenth-Century England," *Victorian Studies* 33, no. 3 (1990): 411-437.
 52. For a similar observation see Sandra Burman and Margaret Naude, "Bearing a Bastard: The Social Consequences of illegitimacy in Cape Town, 1896-1939," *Journal of Southern African Studies* 17, no. 3 (September 1991): 373-413, 387. Rose, *Massacre of the Innocents*, 71, gives information on the metropolitan chronology.
 53. Rose, *Massacre of the Innocents*, 70.
 54. From a brief perusal of verdicts it appears that the perceived race of the victim played a large part in the type of verdict delivered. White women were more likely to be found to have extenuating circumstances for infanticide, although juries appear to have become more lenient in general in the course of the nineteenth century.
 55. CA, GH 23/15, No. 86, Governor to SSC, 14 May 1845.
 56. I am grateful to Philippina Levine for alerting me to this point.
 57. Van der Linden, *Institutes*, 218.
 58. See CA, GH 28/20, No. 1, Case of Elizabeth August. Testimony of Dr. William Daly, 20 October 1842. Also CA 1/CAL 1/1/1, Case of Wilhelmina Alexanders. Testimony of Abraham Albertyn, doctor, 16 February 1848. Laqueur cites a case of infanticide in which the medical testimony contradicts the woman's confession of having killed her child: Laqueur, "Humanitarian Narrative," 188.
 59. Rose, *Massacre of the Innocents*, 43.

60. Albie Sachs, *Justice in South Africa*, 60, 59-70. Berkeley CA: University of California Press, 1973.
61. CA, CO 503, No. 39, Justice Menzies to Governor Napier, 5 April 1841. Wilhelmina Alexanders received twelve months' hard labour in 1848 for concealment of birth. CA, CO 575, High Sheriff to SG, 3 March 1848. I have the circuit court trial records, but no verdict for Dorothea Gideon's case. CA, 1/CAL 1/1/2, Circuit Court trial of Dorothea Gideon for Concealing the Birth of her Child, 4 October 1849.
62. William Porter, *The Porter Speeches. Speeches Delivered by The Hon. William Porter, During the Years 1839-1845 Inclusive*, 132-136. Cape Town: Trustees Estate and Saul Solomon and Co., 1886.
63. For example, see GB, Parliament, House, Minute by SG on Representative Institution for the Cape, dated 14 January 1851, in "Further Papers Relative to the Establishment of a Representative Assembly," *Parliamentary Papers* 1851 (1362), p. 165; SAL, CGH, Parliament, "Debate on Missionary Lands, 3 August 1854," *The Advertiser and Mail's Parliamentary Debates in the First Session of the First Parliament of the Cape of Good Hope, Appointed to meet 30th June 1854*, State Library Reprints, 33, 1 (Pretoria: State Library, 1968); ASL, CGH, Select Committee, *Minutes of Evidence taken before the Select Committee of the House of Assembly on Granting Lands in Freehold to Hottentots*, S.C. 13 (Cape Town: Saul Salomon and Co., 1856).
64. See Ruth Harris, "Melodrama, Hysteria, and Feminine Crimes of Passion in the Fin de Siècle," *History Workshop* 25, no. 1 (1988): 31-63, for a discussion of how women manipulated this perception to their advantage in murder trials.
65. Rose, *Massacre of the Innocents*, 26, with reference to England and the leniency of infanticide convictions.
66. CA, GH 23/14, Vol. 1, No. 152, Governor to SSC, enclosing the report of the proceedings on the case of Francina [sic] Louw, 10 August 1842.
67. CA, GH 23/14 No. 209, Chief Justice Governor, 31 October 1842.
68. Richard Lovett, *A History of the London Missionary Society, 1795-1895*, 2 vols. London: Oxford University Press, 1899.
69. CA, GH 28/19, No.3, Trial of Franscina Louw, 23 July 1842.
70. Raum, "Development," 56-59.
71. At Groenekloof, "the expulsion of young women is public. I first intimate it privately to the party and afterwards publish it from the Pulpit, the name of the cause of her expulsion." CA, GH 28/20, No. 1, Trial of Elizabeth August, Testimony of Joseph Lehman, 20 October 1842.

