INSTITUTE OF CURRENT WORLD AFFAIRS

JBG-8
Biharamulo District
Commissioner

c/o District Commissioner
Biharamulo, Lake Province
Tanganyika Territory
British East Africa
16 August 1950

Mr. Walter S. Rogers
Institute of Current World Affairs
522 Fifth Avenue
New York 18, New York

Dear Mr. Rogers:

The town or "minor settled area" in which I am now staying is Biharamulo, in Lake Province of Tanganyika Territory. It is located about 30 miles west of the southwest corner of Lake Victoria, where the coastal plain begins to rise up in a series of large hills, a few hundred feet higher than the tsetse-infested shore which is itself some 3,800 feet above sea level. Biharamulo is some 350 miles by dirt road from Kampala, a two day drive which the traveller, if he doesn't mind being kept awake by bass-singing hippopotami, can break quite pleasantly at a small rest house called the Lake Hotel, at Bukoba.

I have been here since early this month, living at the residence of the District Commissioner, Ronald Smith. It is a good place to observe local government in operation, as Biharamulo town serves as capital and government seat for the District of the same name.

The total population of Biharamulo town is some 200, including eight Europeans, all of whom are government employees and families. Twenty Indians (the inevitable small store owners) and native residents make up the rest. Even these are largely employed by the government, government being the principal business keeping the town in existance. The estimated total population of Biharamulo District is some 51,800, and the administered area encompasses 4,830 square miles of cultivated land, bush country, and a few small islands in Lake Victoria. Most of the District, because of the inland location, poor communications, and tsetse fly, is as remote from European and American tourist-interest as can be imagined. Even big game hunters generally satisfy themselves with trips to more accessable areas.

The most impressive sight in or near the town is the District Commissioner's residence, instantly identifyable by the Union Jack flying in front. The structure, from far away, appears not to be a house at all, but a sort of hilltop castle or fort - and one instantly gets in mind the idea that here is an example of British pomp, or grandiloquence on the outskirts of Empire, hung over from the Victorian era. Actually the house, or fort, was built when Tanganyika was a part of German East Africa; and its erection, according to the present D.C. was in the nature of a lesson in protocol to a young German official. It was put up in six month's time under the direction of a senior German administrator who,

after the last stone had been laid, pointed to its high, thick, battlemented and buttressed walls and said (to the young Teuton originally sent out, who had contented himself with building a small bungalow lower down on the hill) "This is a real Headquarters now, and a home worthy of a German officer." The present D.C. in showing visitors around likes to speculate on how many hangings and floggings were required to stimulate native labor to get the castle erected so completely - walls, rooms, and fortifications - in six months. Native labor today cannot perform such feats, he says.

Today, except when viewed from far away, the building does not resemble a castle strongpoint. The battlements and parapets are still there, with platforms inlet along the walls at different heights, suitable for firing the Mauser and Maxim gun above. The inner courtyard, where ammunition and seige supplies once were stored, has now been given over to the various District and special agency staff offices, the Native Treasury, the Post Office, the Agricultural Office, and the District Cashier's Office. The D.C. walks about in shorts and polo shirt, unarmed, unaccompanied by guards. He exchanges casual greetings with passing natives, whether they are his own staff or scantily-clothed tribesmen visiting the town and shops from the bush. Sometimes he joshes with the locals in his fluent Swahili, passing the stock pornographic jokes about their women. The atmosphere, to the visitor, appears to be casual and happy, and it is.

But after the visitor has watched the D.C. Office in operation for a single day he will realize that the original baronial, citadel form of the headquarters would be by no means incongruous today. Its occupant, perhaps to a greater degree than any other type of subordinate official in the Western world today, weilds tremendous power over a large number of people - some 51,800 in this District.

As a First Grade Magistrate, which a Colonial Administrative Officer automatically becomes after completing his cadetship and upon being assigned in charge of a district, he can pass sentences up to two years imprisonment, fine up to 3,000 shillings, or have beaten up to 24 strokes with a rattan cane any person who breaks the appropriate law in his area. Sentences of less than 12 months or 12 strokes, or fines of less than 1,500 shillings, do not even require confirmation before execution by the High Court in the Capital, Dar es Salaam. No jury takes part in the trials; they are conducted, usually, in the D.C. Office with a Sub-Inspector of Police acting as prosecutor; but the D.C. alone determines the finding and the sentence.

Particular offenses punishable corporally include indecently annoying or insulting a female, violence with intent to maim, disfigure, or cause grevious harm, cattle stealing or cruelty to animals, burglary, housebreaking and similar offenses. The whipping is done as prescribed in the Corporal Punishment Order, by cane across the bare buttocks. Adults are beaten with sticks limited to 42 inches long by 5/8 inch thick, juveniles with 36

inches by 3/8 inch. A thin cotton cloth, soaked in antiseptic solution, is laid across the beaten portions. A few older European residents laugh at the alleged sissyness of the present whipping practices; and W. D. M. Bell, a famous elephant hunter, describes native quarrel-settling fights, with heavy wood staffs, which make these cane whippings seem relatively harmless. The psychological side - the "humiliation value" - is thought to be significant, however.

The judicial side is but one area of D.C. authority. In matters of appointment and removal of native officials he also has considerable power. Legally, the approval of the Provincial Commissioner, the next higher authority, is required before a Chief or Sub-Chief can be arrested, confined and prosecuted under law; but in practice the D.C. can manipulate, generally, and take unadvised action, and he can suspend at any time. Or, acting through the head Chief, he can cause any of the lower native officials to be suspended and prosecuted in the native courts. The latter is not outrightly provided in the letter of written law, but generally, in districts such as Biharamulo, the D.C. would be able to get such things done. There is, for instance, a native chief here who has been acting irrationally; and whenever he is asked why he has done a given unreasonable deed he always explains quite calmly that his mother had had syphilis, and that people should not expect him to behave normally. The D.C. has been hard put to find a legal method of deposing him for this cause, and he has sent him to the local Medical Officer with the expressed hope that some severe nervious complication will be discovered, so that he can be declared medically incompetant. If this fails - as it could well do, syphilis being quite common here - the D.C. will look for other ways.*

There is, going back to the D.C. judicial authority, the matter of his power of review over the findings and sentences of the native courts. These courts (composed of natives and of simple structure, though not sufficiently so to permit complete description in this letter) are entirely subject to his inspection, supervision, and his review of all their findings. He has vitually unlimited authority to remit sentences, quash proceedings and require complete rehearings of cases. He has continued physical access to the courts and their records. Ronald Smith recently exercised this power in the case of a man named Bagumba, of Nyantakara, in this district. The Native Court, finding him guilty of "threatening to kill goats and to strike people with an axe" imposed a fine of 12 shillings ($1.70) and a compensation of 10 shillings to the chief offended party. Six months imprisonment was added to the sentence, in review.

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* This account of extra-legal D.C. activity indicates a disregard for the traditional policy of Indirect Rule, or maximum use of native institutions for colonial or territorial government. In defense it is claimed that the concept was meaningless in parts of Tanganyika, where native institutions are inherently unfit.

Though he has no power of remission in the case of sentences passed by himself and by other Magistrates, the D.C. of Biharamulo District is in complete control (again in practical, as against legal, terms) of the local prison where sentences of less than six months are served. He determines how prison labor is to be used, he supervises the housing and clothing of the prisoners, and he decides who is and who is not entitled to the shortening of sentences due to good behavior. The jail at Biharamulo is small, with a capacity of about 20; and at present there are 11 inmates. Of these, three are awaiting trial, six are serving short sentences, and two are long term prisoners here at Biharamulo by special permission of the Tanganyika Commissioner of Prisons. The latter are being used to build houses, which they do quite well, being qualified stone masons. They complete a house every year or so.

In matters of pure legislation, the actual making of local native law, the D.C. would not have much to say. But when I asked about this Ronald Smith shook his head in such a way that I knew he was thinking, again, of what a travesty, here, is this whole business of Indirect Rule. "African law," he said, "is like British common law. It is continually changing with the times. The trends, the process of change, however, can be much influenced by an interested D.C. If I see the chiefs mulling over the idea of a new law which they would wish to have codified I can look over their shoulders and achieve any desirable alteration of that law, quite often, by merely making the right suggestions."

"One instance recently had to do with the offense of adultery. The chiefs were advising that a law should be codified to make it punishable for any woman, ever, to be seen near the beer markets. The atmosphere in such places, they told me, was very conducive to adultery - it was happening all the time. It did not occur to the chiefs that such a law was discrimination against the women; they could not get it out of their heads that the women were the only blameful parties. I talked them out of passing this law - not in defense of adultery, but as part of a policy we have to gradually remove the female from the status of a chattel.

"Similarly, I have suggested that they change the present punishment practices in adultery convictions. At present a woman convicted can go to prison if she fails to pay the fine. My idea is that it would be better to make her relatives who had accepted her bride price do the paying, since she obviously had not been a good buy..."

I coughed and cleared my throat.

"Well," he broke off, "I'm really not being facetious; these are true accounts. But the real truth of the matter is that Indirect Rule in the several districts where I have served has not functioned - has not even existed, except in name. If I want a new native law I write it up and explain it to the chiefs. They usually sign it and I forward it for the record through channels. That's the way I influence the formulation of native

law. That's my legislative role in this tsetse-infested place. Let's have a cup of tea."

The D.C's dealings with native courts and law are separate from his function of holding court as a First Class Magistrate. He deals with native law in his capacity as the senior administrative officer available in the District. But with Territorial law his doings are purely legal and are not subject to inspection or review by higher administrative authority. The records of cases are forwarded direct to the High Court in Dar es Salaam, which has reviewing authority and which must approve the heavier sentences prior to execution. Except in a few instances this authority has not been exercised in such a way as to hamper legal initiative on the part of a D.C.

In matters of finance the D.C. also has a good deal of responsibility and power - and also is required to do a good deal of work. He must submit advance estimates of both costs and revenue: itemizing on one form the various expenses of his office and for proposed local improvements not paid for by the native treasury. This might include the building of a new hospital building, the repair of a stretch of dirt road, the cost of running his pickup truck another 400 miles per month to carry water during the dry season. On another form he lists all the sources of revenue, greatest of which is the local native hut and poll tax of shillings per head, paid by all males who are over 18 or who own property.

For expenses other than the administrative and special items costs paid by the Territorial funds - those which are paid in the name of the native authority - another set of forms must be filled out. These are called the Native Treasury Estimates. For the first time in this District a Native Authority Finance Committee has been formed and is actually working on next year's figures. The committee is composed of the three Chiefs and five Sub-Chiefs with eight elected representatives of the people, or "commoners". Ostensibly - and to some degree actually, the D.C. hopes, the committee will do the actual arithmetic. The native authority estimate of incoming revenue takes account of the tax rebate, a sum of money returned by the central treasury from the total collected in the district, and of certain taxes and payments which are earmarked on collection to go directly into the native treasury. Beer-selling licences, muzzle-loading gun licences, and native court fines and receipts are examples.*

Both sets of estimates, of course, are given lengthy going over by higher echelons of government; the carefully filled out sheets are forwarded for scrutiny by both provincial and central

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* The estimates for the coming year, 1951, place the incoming revenue figure at 95,000 shillings and the expected rebate at 58,000.

authority. The Native Treasury Estimates are examined and revised at Mwanza, the capital of Lake Province, by a financial committee composed of natives as well as government officials.

These are a few of the more formal duties and supervisory obligations of a D.C. in Tanganyika. There are many others; practically everything which can happen in a district is a matter to this basic, responsible figure in the administrative structure. The endless variety of jobs which can arise can be seen in the scribbling on a week-page of the office desk calendar. On Monday, in compliance with orders from Mwanza, there will be a special trip to the local airfield, to examine the strip and certify that it is safe enough to allow a distinguished visitor to be flown in in a light plane. The D.C. is no air pilot and the order was not accompanied by any instructions as to how the field can be examined by a layman, but the D.C. will use his common sense; he will make sure the wind-sock is up and in order, he will look over the length of the strip and check for washouts, and he will drive his truck at high speed along the runway to see how bumpy it is.

Tuesday he will travel out and check on the progress of a game scout, whose services he pleaded for and received from the provincial game ranger some days ago. The game scout is trying to hunt down a maneating lion near one of the villages. On the way he will deliver and pick up patients discharged from and due to enter the hospital. Back in the office in the afternoon to conduct two death inquests, one of a native who was riding a truck for the first time in his life and jumped out in terror as it bounced over a culvert at 40 miles per hour, and one of a native whose name, size, weight, appearance, and tribe are all unknown. The body was found not far from Biharamulo town, half eaten by animals and the bones scattered; the best guess is that it is of a member of a nomad tribe who do not bury their dead; but it is the duty of the D.C. to investigate, determine, and record all of the available facts.

The mail arrives late Tuesday; and Wednesday morning is occupied with drafting replies to official correspondence, and the clerk does not know shorthand and there is not a dictaphone within a hundred miles. There is not even a generator, other than for truck battery charging, within fifty miles.

Also, there are the affairs of the tobacco board and the matter of obtaining transportation to take their weekly shipment of bales to the lake port, in time for the weekly visit of the lighter-towing tug. The local agricultural officer is on six months leave. And back in the residence some furniture will have to be shifted and some beds found for a party of five anthropologists who gave him, by telegram, half an hour's notice of their coming.

All this is in addition to arbitration and conciliation among his native charges. A line of natives are always waiting outside

the office door to air complaints about everything from a stolen or unfaithful wife to the threat of a neighbor to practice witchcraft against them.

To keep the tsetse fly from continuing its advance is also a constant (and a losing) fight. Large amounts of scrub bush, favorable to their breeding, must be cleared and kept cleared with axe and machete. To get this done, to persuade the chiefs to furnish the required labor, is a continual task. British D.C's cannot legally draft labor for this purpose, and their inability to do so is equally hampering to the carrying out of anti-soil erosion measures like contour plowing, ridging, or hillside planting.

The job is an unending one and to a great extent thankless. In the old days there was the compensating advantage of independence through remoteness from higher headquarters. Now, they say, there is just enough fast communication for the Governor to fly down and bawl us out, or for the Academics from the Colonial Office to come for a three week trip through the whole of East Africa and write a book about colonial administration. But there is not enough transportation to haul the concrete I need for a pumphouse floor, and there are no good roads where we really need them. There is just enough improvement, in the way of communications and transport, to permit the outside world to harrass us - but not enough to let them help us.

The military anology would be the job of an infantry battalion commander, far advanced from his headquarters, supplied by air-drop when planes were available, lacking artillery support, and harrassed as much by his radio messages from headquarters as by the enemy. Like such a command, the D.C. job is one of tremendous responsibility, often very direct, with immediate life-and-death significance for people near him. Also like such a command, it is very gratifying to know that you can handle it.

Ronald Smith is 34 years old, born, schooled, and at home in Essex. He served as an officer of East Africa troops in the last war, which took him to Madagascar, Abyssinia, and Burma, and which gave him fluency in the Swahili language. After the war he entered the Colonial Service; served in the other Tanganyika districts of Dodoma and Njombie (liked it); served in the Secretariat at Dar es Salaam (hated it); and was sent in 1949 to the Second Devonshire Course for Colonial Service Officers at Oxford University. From there he was assigned to Biharamulo District.

He is a bachelor, though by no means a confirmed one; he has the cultivated Englishman's appreciation of good wine, good food, bird shooting, and fine bits of personal property, like good silver, good crockery, and shotguns by London gunmakers. He wears heavily-corrected tortoise shell rimmed glasses, the result of heavy reading for both business and pleasure. He speaks in complete sen-

tences, using the King's English with wit, precision, and only an occasional sacrifice of content for form. (The quotations in this letter are not at all idealized.) Of medium height, he tends toward heaviness; but he could outwalk, by miles, the average American infantryman.

His attitude toward his profession, despite much sarcasm about the Colonial Office, the United Nations Trusteeship Council, and other remotely-officed agencies, is favorable. Several days ago, in the evening after a good dinner, we were standing on his residence veranda, looking out through massive Arabesque arches at the hills, valley, and more hills throughout which, in many things, his word was law. He was telling me about the native lack of initiative, and was mimicking the native manner of speech.

"Bwana, it is true we failed to plant as you told us, and to cultivate crops to eat instead of to sell. Now we are hungry. What is Government going to do about it?"

"Bwana, there is much stealing in our tribe, and much crime and immorality. What is Government going to do about it?"

"Bwana, it is true that we have not cleared the brush as you told us, and that our chiefs have refused to give you labor to do it for us. But now the tsetse is killing our cattle and driving us off the land. What is Government going to do for us?"

"Bwana D.C., you are our Father and our Mother, and even more. You are Government. What are you going to do?"

Here I broke in.

"Yes," I said, "Government this and Government that. But let me have a little of the psychology - your psychology - of it. I seem to have read somewhere that all men have a latent or active desire for power over others. Lots of us measure ourselves in terms of how many people we can control or sway or boss or have looking up to us. This job here, besides slapping you into a beautiful part of the world, with servants and a baronial mansion, has given you as much power as Tito.

"So when you recite these pleas, mimicking your natives, are you complaining or bragging?"

Ronald kept leaning on the parapet, looking out under the high arch. He had been listening carefully.

"Both, I guess."

Sincerely,

John B. George

John B. George

Received New York 9/12/50.