

# Looting the archive: German genocide and incarcerated skulls

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## Abstract

Since African nation-states began to gain their independence in the mid-twentieth century, they have fought for the repatriation of cultural artifacts and human remains as an integral part of continental processes of decolonization. Using the concept of the “afterlife of genocide” as a method for understanding transformed but still ongoing processes of genocidal dispossession, this paper engages the relationship between the organizing colonial logics of the 1904–1908 German genocide of Ovaherero and Nama people in South West Africa and the continued presence of Ovaherero and Nama skulls in Euroamerican museum institutions.

**Keywords:** Namibia, genocide, postcolonial studies, repatriation, indigeneity

## Introduction

More than 110 years after the end of the German genocide of Ovaherero and Nama and San people in German South West Africa (present-day Namibia), multiple museums are still holding the remains of these victimised indigenous communities. Following numerous appeals for repatriation, provenance analysis was undertaken in multiple collections — most prominently the Alexander Ecker Collection in Freiburg and the Charité Human Remains Project in Berlin — to confirm the Namibian origins of the remains and return them to their respective communities for (re)interment. The recent discourses and actions around the material remnants of colonial genocide demand historical contextualisation. Saidiya Hartman (2007) describes the afterlife of slavery as a state in which “black lives are still imperiled and devalued through a racial calculus and a political arithmetic that were entrenched centuries ago”. Similarly, the afterlife of genocide can be understood as the varying ways in which the imperial logics that organised and attempted to exterminate indigenous communities in South West Africa continue to exist and are re-articulated and re-materialised in the present. Thus, we can follow a trajectory of ideology and practice from the spatialisation of scientific racism

and regimes of property ownership of imperial German settler colonisation to the folding of skull-collecting into ongoing hoarding and dispossessions by contemporary nation-states and Western institutions. These institutions refuse to acknowledge the legacy of genocide adequately through their refusal to initiate processes to repatriate these human remains. We can think of this transnationality of German colonialism as a *carceral geography*—a spatialised reckoning with time, built space and containment that “interrupt[s] other histories and...offer[s] new periodizations, new geographies, and new objects of study”. It is a “war by other means” even in the absence and long cessation of formal conflict (Herscher & Siddiqi, 2017).

### *Lebensraum* in Africa

Namibia’s geography is framed by two deserts. The inland Kalahari Desert covers most of Botswana, as well as parts of northern South Africa and eastern Namibia; and the coastal Namib Desert, thought to be the oldest in the world, spans the entirety of Namibia’s western boundary, as well as the southernmost parts of western Angola and the northwestern most part of South Africa. Most of the arable land, a fraction of the country’s total 824 292 square kilometre area, is located in the central plateau and includes Windhoek, the centre of both the imperial and contemporary governance and political power. Germany’s settler expansion into Africa was a colonisation marked not simply by the desire to cultivate a captive labour force or accelerate the colony’s economic development, but one of establishing dominion over the land. This necessitated native deterritorialisation and, according to the nineteenth-century German geographer Freidrich Ratzel, the victors in this struggle over space would be “racially pure peoples” that were “rooted in the soil”, a settler colonial autochthony that animated German expansion in Africa and Europe alike. Originally expressed by Oscar Peschel in his response to Charles Darwin’s *On the Origin of the Species*, Ratzel popularised the term *Lebensraum* within the realm of geopolitics. By his account, all organisms were locked into spatial competition and this appropriation of the concept within political geography biologised the formation of nation-states and their colonial outposts as well as the racial-cultural identities of peoples who inhabited them. The adapted-for-geopolitics Darwinian struggle for species existence was actually a racialised struggle for space, where – according to Ratzel – the state became “the physical embodiment of the popular will and the product of a centuries-old interaction between a people and their natural environment” (Elden, 2016; Heffernan, 2000).

As with other colonial projects on the African continent, German settlement in South West Africa was facilitated through a colonial society. The *Deutsche Kolonialgesellschaft für Südwest-Afrika*, or the German Colonial Society for Southwest Africa, gained the legal rights to profit from the colony’s mineral deposits, and this economic incentive granted ownership of exploitable land (both for mining and agriculture) to the German colony and to German settlers. The claiming of land ownership, of course, placed settlers in competition with indigenous communities and, unsurprisingly, many of these indigenous groups revolted against racist German rule. In

1896, an outbreak of rinderpest decimated nearly all of the Ovaherero cattle herds; a subsequent outbreak of disease resulted from the contamination of water sources from decomposing animal corpses and the consumption of diseased livestock, plaguing already malnourished populations. In addition to the deaths of thousands of people, these conditions led to the erosion of the traditional leadership and social-political structures that had supported sustained resistance and, as a result, indigenous communities were less able to defend themselves against ongoing territorial encroachments by German settlers. This impoverishment led many Ovaherero people “to sell their labor to white farmers and businessmen as well as the colonial government”, although the actual nature of this labour exchange was far from fully consensual or properly compensated (Zimmerer, 2003a).

German leadership grew increasingly frustrated with the colonial administration's inability to quell Ovaherero, Nama and other uprisings decisively. Even though German South West African Governor Colonel Theodor Lutwein's authority was displaced by a figure willing to suppress indigenous resistance more forcefully, Lutwein himself still believed that rendering the Ovaherero and Nama “politically dead” was a legitimate and necessary objective. Beyond their political death, Lutwein and German colonial authorities believed that indigenous sociality should be destroyed. Even though the Ovaherero would be valued as cattle farmers and agricultural labourers, Lutwein wrote that “they should be contained in reserves ‘which may just be sufficient for their needs’” (Zimmerer, 2003b). The consequence of Germany's native policy, a defining characteristic of settler coloniality, is the processual “dissolution of native societ[y]” and the “erect[ion of] a new colonial society on the expropriated land base” (Wolfe, 2006). Kaiser Wilhelm III sent General Lothar von Trotha, a military officer who had previously demonstrated his brutality in suppressive military campaigns in German East Africa and Imperial China, to resolve the native question once and for all. Von Trotha arrived in the colony in June 1904, four months into the German war against the Ovaherero and he issued his *Vernichtungsbefehl* (extermination order) in October. It read:

I, the great general of the German soldiers, send this letter to the Hereros. The Hereros are German subjects no longer. They have killed, stolen, cut off the ears and other parts of the body of wounded soldiers, and now are too cowardly to want to fight any longer. I announce to the people that whoever hands me one of the chiefs shall receive 1,000 marks, and 5,000 marks for Samuel Maherero. The Herero nation must now leave the country. If it refuses, I shall compel it to do so with the [cannon]. Any Herero found inside the German frontier, with or without a gun or cattle, will be executed. I shall spare neither women nor children. I shall give the order to drive them away and fire on them. Such are my words to the Herero people.

The genocidal intention is clear. And so, too, is the biologisation of citizenship, that is, the regime of governance that affixes bare life onto, particularly, coloured and racialised bodies and always forecloses the possibility of full humanity or legal personhood from Black (here, indigenous African) people (Weheliye, 2014). One of the first sentences of

von Trotha's extermination order was the removal of the Ovaherero from German subjecthood: he ordered them to cede their land and threatened them with war if they refused. Von Trotha also extended this threat of extermination against the Nama people, writing that "the few who do not subject themselves [to the German empire] will suffer the same fate as the people of the Herero". Foundational to the binary of coloniser/colonisable is the notion of assimilability into the nation-state, and Enlightenment social contract theory is clearly imbued with justifications for racial domination and enslavement reflecting the subject position of its architects and their positioning within white supremacy, despite the rhetorical commitments to egalitarianism (Mills, 1997). Sylvia Wynter (1991) characterised this hierarchy in the colonial world as an "ontological existential struggle" between Imperial Man ("whose totemic eponym is the Indo-European") and non-Man, where the former is the "figure of the human who is human against the rest of those different from it". There is simply the Imperial Man and all those he subjugates, because the Imperial Man globally exports himself as the universal human and all of history is to be narrated through this triumphant subjectivity (Sithole, 2020; Weheliye, 2008). Racial orders — including the black/white colour line — are a systematisation of this binary, an arrangement into the codified hierarchies asserted by imperial empirics and scientific methodologies (Weheliye, 2014; Wynter, 2003). Wynter's statement that Man is "genetically redeemed" while the non-white non-human foil is "necessarily the genetically damned" is not metaphorical. The non-being "of African physiognomy" is registered as such through the ideas of heritable identity, which includes notions of ancestry and the corresponding geography-based ethno-racial/cultural categories and allocations of *living space* (Wynter, 1991). The coupling of the Ovaherero ejection from German subjecthood was a rearticulation of anti-Black alienation: of indigenous Africanness as a negation of the Imperial Man and his community, and the markings of killable lives unworthy of living because of the obstacles they posed to settler conquest. A November 1904 letter from General Alfred von Schlieffen to Imperial Chancellor Bernhard von Bülow affirms this quite clearly:

A coexistence between blacks and whites here will be very difficult after what has happened, unless they are kept in a state of perpetual forced labor, that is, a type of slavery. *The burning race war can be concluded only through either extermination or comprehensive subjugation.* According to current estimates, the latter procedure cannot be continued indefinitely as a practical matter. Thus, General von Trotha's intent is acceptable" (emphasis mine).

Genocide was the necessary means through which these territorial conflicts over land would be settled because equitable negotiations were an impossibility within this completely asymmetrical colonial relationship. The state of exception invoked by this pointedly annihilatory race war—a disruption of the normal colonial order of subjection—acted as a catalyst for the concretisation of pre-war views. The war marked the passage of a number of colonial ordinances intended to further entrench German claim to Ovaherero and Nama territories within the police zone (i.e. the central and southern regions of the colony that experienced settler rule). In 1907 alone, the Control

Ordinance, the Pass Ordinance and the Master and Servant Ordinance were all passed. These legislations — also known as “native ordinances” — were the totalising state controls, structures of/for policing and surveillances of African life that would enable imperial peace and stability (Muschalek, 2019; Zeller, 2003). They provided the scaffolding for the forthcoming apartheid system that would more efficiently and effectively regulate indigenous movement, a definitional marking of blackness through spatial regulation (e.g. the pass required for Black people to travel) and subjugated labour relation and market formation (e.g. the tethering of permitted movement to authorised labour arrangements and regulation-enforcement of migrant labour regimes, the disallowance of Black land ownership). If we understand the construction of the nation-state as an inherently securitising practice, the foundational concept of *Lebensraum* as linking Western nation-state legitimacy to a kind of biologising criteria for citizenship, then we can understand these so-called “native ordinances” as panopticonal practices that marked the bodies of individuals and groups of people and precluded them from full integration and assimilation into the nation-state (Brown, 2015). This body of laws concretised a colonial surveillance structure within an incontestable legal framework, the logical conclusion of the policy that had been previously established by Governor Lutwein: “the policy of total control over the indigenous population and their availability” was central to colonial structuring of race relations from the very beginning of imperial settlement (Zimmerer, 2003a).

## The process and politics of collection

The phenomenology of the concentration camp structure in German South West Africa can be understood in two key ways. Their first and primary use was for the deterritorialisation of Ovaherero and Nama land after the repeal of von Trotha’s extermination order: an ongoing punishment of indigenous rebellion and a capturing of labour. Von Trotha’s declaration of a “race war” was a production of racialised geographies created through premeditated extermination and “cleansing” of space through internment and labour/prison camp structures (Erichsen, 2003; Zimmerer, 2003b). Regardless of the official rescindment of the extermination order, the incarceration of the Ovaherero and Nama in concentration camps “meant a prolongation of von Trotha’s extermination policy despite the cancellation of his extermination order” (Kreienbaum, 2012). The actualisation of *Lebensraum* within the German colony, that is, the creation of *rehabilitated* German space, demanded a “black bodily and geographic liquidation”. The camp structure was a part of a broader campaign of “reimagining and cleansing space” and the production of new space by concentrating native populations — described in an imperial order as the “remnants of the Herero people” — into allocated segregated space (Ansfield, 2015; Cole, 2016; Zeller, 2003). It is, following Dylan Rodriguez (2021), “anti-Blackness and racial-colonial power [that] are the unspoken, illegible *preconditions* for the term’s articulation as a meaningful referent” to the ur-genocide that came to structure the very definition of “genocide” in international law: the Nazi Holocaust. The camps were “the space of the

modern”, where European racecraft heavily coalesced around a labour-based colour line initiated after the exclusive enslavement of indigenous Africans (Mrázek, 2020). In describing the forced labour apparatus as alleviating the Ovaherero of their “work-shy[ness]”, Governor Friedrich von Lindequist invoked eugenicist logics in which forced labour becomes a physiological and psychological correction for inferior Black people (Braun, 2014, 2015). The racist science claimed that forced labour not only gave the Ovaherero purpose, as their livelihood had been all but destroyed when rinderpest decimated their cattle herds, but it would also serve as a disciplining regime to prepare them for participation in a post-war workforce (Pitzer, 2017; Zimmerer, 2003b).

In a seeming paradox, the process of genocidal elimination was a productive one. The logic driving the acts of and justification for genocidal violence, for example, are the very same processes of racial formation where multiple iterations of African colonisation and enslavement yielded anti-black racism as a guiding “master category” (Omi & Winant, 2014). It is through genocide (a method of population/racial management, to be sure) of the indigenous peoples of present-day Namibia and the scientific episteme that affirmed and naturalised a white-over-Black racial hierarchy that Germanness was continuously stabilised. Concentration camps were materialised by and produced via a *militarised science*, so named for the intimate collaborations between colonial military and administrative structures in German South West Africa and medico-scientific structures in Germany. This was an episteme within which “national, imperial...and scientific infrastructures” were co-constituted (Tilley, 2011). In line with violent settler colonisation, internment was the removal component necessary for the materialisation of German space in Africa. Genocide via concentration camps occurred not in “places of exception”, but across “multiple spatial acts of displacement, relocation, concentration, and segregation being carried out simultaneously” (Gigliotti, 2009; Stone, 2016). These scientific operations transformed quotidian colonial administration into a critical component of German cultural ideology, and this was furthered by the concentration camps whose inclement conditions yielded the very conditions of ill health that the Germans sought to study: the camp structure was simultaneously a system of native containment and concentration *and* provided multiples sites of collection for the biological matter desired and needed for the continuation of eugenic science (Zimmerman, 2001). The camps facilitated the anatomic study of indigenous African peoples as a “dysgenic Other”, as a part of a sociogenic evolution of scientific race-making and corporality whose logics demanded a sacrifice in the name of a colonial German nation and persist in the postcolonial present — in the afterlife of genocide (Ansfield, 2015; Borneman, 2004; Mignolo, 2015).

In the decades just prior to the creation of the camps, new European regulations had been enacted to criminalise the practice of “body snatching”, the taking of corpses and body parts from executed criminals or cemeteries to be used as medical specimens. Human remains were sought to provide materials for comparative research in

anatomical study, and this rapidly emerging field necessitated experimentation and practice per the scientific method's emphasis on replication and reproducibility (Tilley, 2011). The creation and passage of protective domestic regulations meant that domestic remains and specimens were collected with less frequency, and so anatomical collections "were supplemented by an array of remains brought from far-away countries, in many cases, from colonies or regions soon to be subjected to European colonialism" (Köbler, 2018). Institutionally, one of the major organisational bodies in the field of human remains collection was the Berlin Society for Anthropology, Ethnology and Prehistory (BGAEU), co-founded by pathologist Rudolf Virchow and anthropologist Adolf Bastian in 1869. Most of the human remains extracted from/during the colonial genocide in South West Africa ended up in the archival collection of the Berlin Anatomical Institute, the director of which, Wilhelm Waldeyer, was also a member of the BGAEU. After the Anatomical-Zoological Museum closed, its materials were transferred to the Natural History Museum in Berlin in 1884. This same year marked the formal beginning of the German colonial occupation of South West Africa. 1884 was also when Waldeyer began collecting human specimens at the Anatomical Institute at Berlin University (now the Center of Anatomy at Charité). The source of the steady supply of human remains from this African colony was a result of the enduring relationships Waldeyer maintained with several of his students who went on to become medical doctors in the imperial German military. He leveraged these relationships in requesting that the *Schutztruppe* send the brains of Black natives in 1905 and 1906. The scale of complicity in the acquisition and transportation-trade of human remains from the colony is significant, with "colonial administrators...Stabsärzte (staff surgeons), government doctors, and veterinarians" participating in "equal measure" (Stoecker & Wilkelmann, 2018).

There are three main identifiable phases of the collection and transfer of human remains from German South West Africa to the German metropole. The first period is in the pre-war early days of colonial rule, the period from 1884-1903. By the 1890s, imperial military officers had increasingly begun to participate in the collection and trade of human remains. And even prior to the formal establishment of the German colony in South West Africa, German naval forces were gathering and acquiring everything of value that was *discovered* at the ports at which they disembarked to the point where "the [*Museum für Völkerkunde* (Royal Museum of Ethnology)] and Navy's relationship had so strengthened that '[t]he Navy's collecting duties developed an occasional activity for officers during their leisure time to an *integral part of its operations*'" (Supplemental Declaration of Michael J. Lockman, *Rukoro*, 2018). The second period is during the 1904-1908 genocide, in which skull collectors were most notably "colonial and medical officers" who used the cover of genocidal war as an "opportunity to obtain much-coveted study material[s]" (Köbler, 2018; Stoecker & Wilkelmann, 2018). During this time, the remains of deceased prisoners were collected from the concentration camps, preserved and sent to Berlin. The scale of this collection is corroborated by material evidence on skull remains in the Charité collection, whose inscriptions indicate that possession of skulls came from handovers between military physicians or colonial

officers and scientists in Germany (Human Remains Project, 2011). The final stage of this collection was the post-war period of colonisation, from 1909-1914, a period of a more materialised colonial infrastructure. In this phase, collection was more varied and included “[colonial] administrators, government doctors and geologists, cartographers and land surveyors” each working in their formal capacities (Stoecker & Wilkelmann, 2018).

## Provenance and return: Three case studies

Two scientific collections serve as particularly useful case studies for examining the contemporary politics of skull-collecting, provenance and restitution: the Charité Human Remains Project in Berlin and the Alexander Ecker Collection in Freiburg. While comparative anatomical study was a part of mainstream scientific practice at the time, we might also conceptualise it as a secular ritual practice: that this militarised science that complemented-justified-perpetuated genocidal processes is a perversely sacralised scientific method and study. It is a genocidal science that produced and affirmed white German life through the severing of indigenous African ancestralisation (Stepputat, 2014). The process of indigenous demands being made of German institutions for repatriation, however, is one reanimation of long-contested histories of colonial dispossession and property ownership. This is enmeshed within the larger debate about scientific necropolitics and competitions between imperial and indigenous sovereignties, as manifested by curatorial politics of the museum. We can refer to this collective archival praxis of acquisition, display and withholding as *archival incarceration*, a term that seeks to describe museum holding as an expression of state governmentality.

Here the word “carceral” describes the arresting of historical record and, thus, time itself in such a way that indigenous peoples are always pre-historical and pre-modern. They represent pasthood and primitivity via permanent affixing within historical ethnographies, a temporal bracketing that forecloses the possibility of state citizenship in the present *and* renders their sovereignties illegible (Bennett et al., 2017). Existing as edification and entertainment for *citizens*, the preclusion of indigeneity from the social contract enables the constant reification of the distance between the [white] citizen self and racialised/indigenous other (De Sousa Santos, 2001; Maguire & Rao, 2018). “Carceral” also describes the holding of biomatter as a part of the structure of imperial securitisation, as human remains and cultural artifacts were often taken from colonised and occupied populations — positioned as civilisational threats to coloniality — as trophies and objects of study that would stabilise the imperial historical record and foreclose alternative historiographic possibility (Maguire & Rao, 2018). Finally, “carceral” describes a process of acquisition—regardless of the “legality” of provenance—alongside state enclosure and primitive accumulation, which commodifies indigenous material cultures while simultaneously disappearing the peoples themselves. In permanently extracting them from their native contexts, objects no longer narrate life but, rather, “death histories”, a “forensic death-writing” that



produces what Dan Hicks (2020) describes as “necography”. Archival registries, then, cannot be interpreted as value-neutral records: they are documentations of looting (Azoulay, 2019).

Between 2010 and 2013, the Charité Project researched the origins of the remains of 57 men and women from then-German South West Africa held within their collection. The project was undertaken when it emerged that at least nine of the skulls could be assigned provenance to the colonial genocide and the institution needed to ascertain this provenance to return them to Namibia. Three restitutions from this collection have taken place and twenty skulls (eleven Ovaherero and nine Nama) have since been returned to Namibia: the first restitution occurred in September 2011, the second in August 2014 and the third in August 2018.

The process of assessing and establishing provenance is summarised by Holger Stoecker and Andreas Winkelmann in a 2018 paper, the first comprehensive report on the organisation’s research on the matter of human remains. The process began by locating an item in the collection and examining the institution’s catalogued inscriptions on the skull. This documentation yielded identifying descriptors such as sex, ethnicity and geographic origin, as well as the individual or organisation that had acquired or handled the skull. One major challenge in identification, however, was in the inconsistency within the documentation. Some records had been almost entirely lost during World War II and only anatomical pieces remained. Community members from where the skulls originated objected to invasive or destructive physical anthropological methods of classification, including “DNA tests, strontium isotope analysis and histological examination of the bones”. To keep the remains as intact as possible, non-invasive methods such as observation and measurements were utilised to assess age and sex, whereas cultural modifications (e.g. those made to an individual’s teeth) can suggest ethnic identity. Paleopathological predictions, such as the endurance of physical trauma or illness prior to or contributing to death, can also be assessed through non-invasive examination, although the cause of death is difficult to determine without the entirety of a corpse (Stoecker & Wilkemann, 2018).

The act of colonial German identification and desecration of Ovaherero and Nama gravesites to extract skeletal remains is inextricably linked to land surveying and mining expeditions, a part of the broader regime of imperial racial geographies. While not a part of the Charité collection, the bones presented to Rudolf Virchow by Waldemar Belck, an archaeologist and chemist who was part of an 1884 expedition to survey natural resources in German South West Africa, exist within the same network of twentieth-century German metropolitan anthropological collections. Belck’s grave-robbing stemmed from the “imperial assertion of the right to rule, exploit and know, which alongside land and mineral concessions, also included anthropometric data” valued in racialist studies of human variability (Förster et al., 2018; Wittwer-Backofen et al., 2014). According to Belck’s own documentation, the three individuals who were disinterred— Jacobus Hendrick, Jacobus !Garisab and Oantab — were killed on 30

March 1884: “all three were Hottentots” and at least two of the three men were suspected to be [Zwaartboo] Nama. He also noted that the “bodies were buried by the Hottentot King Jan Jonker Afrikander”, pointedly admitting to grave robbing. The skeletons supplied by Belck were well received in Germany, with Virchow announcing before the BGAEU that they were “the only [skeletons] of Hottentots from the Namaqua Land to be found in Europe” and that they were “good examples of the old race” (Förster et al., 2018). As with the present debates around restitution and repatriation, Belck’s theft of these remains in December 1884 was duly subject to community anger. Belck was called on by the local community to leave Hendrick’s skull for his daughter, but he instead left the damaged skull of Jacobus !Garisab. This marked a precedent for subsequent European deceptions and disingenuous responses to indigenous demands for restitution, and it demonstrates a *protracted* indigenous opposition to these disinterments and the unethical collection of remains. Further, indigenous orality and oral traditions presented a counter-narrative mythos<sup>1</sup> rooted in a kind of spectacular horror. Hans Axasi #Eichab, a Khoekhoegowab-speaking<sup>2</sup> historian, describes familial-cultural lore around grave robberies from the early years of German colonialism:

I can vividly recall how my grandmother told us horrific stories about a raid, massacres, rapes, abductions, desecration of the dead, burials and exhumation and exportation of human remains in the lower !Khuiseb over the waters (i.e. sea) to somewhere. ... We, then as children took it up just as stories about the mythological Khoegaroen (i.e. man-eaters) ..., but now I realized that it is my own flesh and blood (Förster et al., 2018).

The second case study of the Alexander Ecker Collection at Freiburg University is of particular interest because of the history of its former curator, Dr Eugen Fischer. In addition to being the collection’s curator following the 1887 death of its founder, Fischer was also, from 1927, the founding director of the Kaiser Wilhelm Institute for Anthropology, Human Genetics, and Eugenics — a prominent institution in the Nazi scientific apparatus. Prior to Fischer’s assuming curatorial control over the Ecker Collection and during a hiatus from 1887-1900, no non-European remains entered the collection. Under Fischer’s leadership, however, remains were collected most notably from Germany’s colonies in South West Africa and the northeastern part of Papua New Guinea (then, Kaiser-Wilhelms-Land). Additionally, Fischer expanded the collection to include “soft part anthropology”, which included the examination of muscle, ligaments and other soft tissue matter, in addition to the collection of skeletal remains. While the collection does not contain soft tissue preparation, Fischer did make a request for a “bushman penis” in 1913 to study the evolutionary status of the San because of how,

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<sup>1</sup> “Mythos” here pertains simply to the element of fantastical storytelling built around these acts of imperial violence. It is not a commentary on the veracity or reliability of this Nama oral history/orality, because oral traditions have repeatedly been demonstrated to be stable mediums of transferring cultural and intergenerational history and memory.

<sup>2</sup> “Khoekhowgawab” is the full expression of the Khoekhoe language, a part of the Khoe language family. It is spoken primarily by the Nama and Damara people and it is one of the officially recognised languages of the Republic of Namibia.

according to Fischer, they epitomised a particularly “elaborate and grotesque” representation of Africanness as impurity and social-biological (and biophysiological) pollution (Kößler, 2018; Kristera, 1982; Patterson, 1982; Steinmetz, 2007).

In 1908, Fischer travelled to German South West Africa to begin his research on the Rehobothers, a mixed-race community. During his time in the colony, it is believed that he excavated several graves near Swakopmund and Walvis Bay. In his autobiographical publication, *Encounters with Dead People*, Fischer describes excavating human remains in the Namib Desert near Walvis Bay, believing them to be remains belonging to the =Aonin (Kuisseb Topnaar) community, a Nama group. He describes the process by which he acquired them, writing: “As drivers and diggers I used two Cape boys, since *I tried to avoid taking native Hottentots or Hereros in this case, who presumably might have considered it painful that for scientific purposes that were beyond their comprehension we would disturb the peace of the graves of their own kind*” (Kößler, 2018, emphasis mine). His archival collections do not offer details about these excavations, but his stated rationale critically indicates his cognisance of the implications of these excavations and indigenous responses to (and potential participation in) them. There is also a note that Fischer brought the remains back to the collection in Freiburg. Further, in Rudolf Uhlbach’s 1914 study on the hand and feet bones of Nama peoples, Uhlbach notes that the anatomies studied are from six nearly complete skeletons that Fischer unearthed near Walvis Bay (Wittwer-Backofen et al., 2014).

As part of the Ecker Collection's identification process, nineteen artifacts were believed to be of importance based on their speculated origins in southern Africa: eight pieces were specifically thought to be Ovaherero, five skulls were labeled “hottentot” and so believed to be of Nama origin, and the other six human remains were of uncertain, but still regional, origin. Identification of the skulls and when they entered the collection was conducted by standard anthropological examinations such as sex and age-at-death estimations. “Explicit assessment of pathology, trauma, and morphological anomalies that are macroscopically observable” were also added as identifying tests, as were morphometric analyses (e.g. three-dimensional analyses of skull shape and other craniometric measures). Lastly, mitochondrial DNA and stable isotope analysis (two kinds of invasive physical anthropological analysis not used by the Charité Collection) were performed in order “to determine biological ancestry and geographic provenance” (Wittwer-Backofen et al., 2014). Based on the analysis, fourteen of the nineteen preselected skulls are believed to be of either Ovaherero or Nama origin, although this was not fully corroborated by archival documentation—these skulls were recommended for repatriation. The handover ceremony occurred in March 2014, during which time Dr Hans-Jochen Schiewer, Rector of the University of Freiburg, stated: “The unlawful acquisition of human remains is one of the dark chapters in the history of European science and also of our university” (Kößler, 2018; University of Freiburg Public Relations, 2014).

The third case, the Von Luschan Collection held at the American Museum of Natural History (AMNH) in New York City, is the most relevant to restitution claims made by the Ovaherero and Nama communities. In 1906, Felix von Luschan, the Austrian anthropologist and founding member of the Berlin Society for Anthropology, Ethnology and Prehistory, sold his teaching collection of over 5 000 pieces of remains from around the world to the Museum of Natural History. Von Luschan's collection was one of Berlin's largest physical anthropological holdings containing over 5 000 skulls and over 200 complete skeletons from around the world, including the remains of eight people from German South West Africa whose ethnicities (Damara, Ovatjimbo/Ovaherero, "Hottentot") and sites of origin are mostly noted (Stoecker & Winkelmann, 2018). The skulls were discovered in the summer of 2017<sup>3</sup> and the discovery formed a part of the Ovaherero and Nama communities' lawsuit for reparations and restitution (Gross, 2018). The American 1789 Alien Tort Claims Act permits foreign nationals to file civil lawsuits concerning human rights violations that occurred outside of the United States. This was the basis for class action lawsuits filed in 2001 and then again in 2017—the case was dismissed in 2020. While the German state claimed sovereign immunity from American jurisdiction, proof of unlawful commercial activity related to the sale of the remains could lead to the confiscation of archival materials (Pape, 2018). The legal argument made by the Ovaherero and Nama claimants was that the sale of human remains constituted commercial rather than sovereign activity as "Germany *packaged, shipped, traded, and trafficked* its genocide victims to New York in 1924, within a 'purchase'" and that "the skulls were '[r]eceived [f]rom': the 'Museum für Völkerkunde, Berlin, Germany, 'the Museum of Ethnology, a German agency and instrumentality'" (Plaintiffs-Appellants, *Rukoro*, 2019). In summarising the rationale, brutality and transnationality of the extraction of remains, the plaintiff brief duly notes:

Germany's logic was that, as the Ovaherero and Nama faced extinction by genocide, samples of these two peoples must be preserved for science and posterity. These takings were thus the souveniring of genocide and so a continuation of the same, which makes the AMNH as much a locus of Germany's crime as [the Shark Island concentration camp] itself. A taking's character is also reflected by its methods; here, for example, forcing women prisoners to remove the flesh from boiled heads of their own kin...Germany sought to cause maximal loss, extract all profit from its slaves (down to their skulls), and reinforce white supremacy through dehumanization. By taking these skulls, Germany's message was not only that Herero and Nama lives did not matter, but that they were not really human lives at all (Plaintiffs-Appellants, *Rukoro*, 2019).

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<sup>3</sup> Shortly after the discovery of the remains of "eight Namibians" at the museum, a press release drafted by the Ovaherero, Mbanderu and Nama Genocides Institute stated that "two of the remains have been identified as OvaHerero, two have been identified as Hai//om San, one is Nama and one is Damara".

## Skulls in/and the postcolonial present

The 1990 passage of the Native American Graves Protection and Repatriation Act (NAGPRA) in the United States has led to the repatriation of multiple sets of human remains from the AMNH to their respective indigenous communities domestically and notably changed the ways that museums and other scientific-educational institutions engage indigenous remains in their collections. The legislation created “regulations develop a systematic process for determining the rights of lineal descendants and Indian tribes and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony” to which domestic museums are bound (NAGPRA, 1990). But because there is not a formalised analogous protocol in international law, non-American indigenous communities are forced to appeal for restitution through other avenues (Pape, 2018). While the German government previously acknowledged the genocide via the Minister of Development Heidemarie Wiecek-Zeul’s public apology on the 100th anniversary of the Battle of Waterberg, her apology was dismissed *by* the German government as a personal statement not indicative of any changes in official stance or policy. Germany has continuously ruled out formal compensation and financial reparation for Ovaherero and Nama communities, instead preferring to engage its culpability for genocide through bilateral relations with the Namibian nation-state in exclusion of survivor groups. The Namibian state, in turn, fears Ovaherero and Nama demands will undermine the German–Namibian relationship, although German representatives have insulted Ovaherero and Nama delegations participating in handover ceremonies more than once (Garsha, 2020; Shigwedha, 2016; Wittwer-Backofen et al., 2014). The German government has been clear that the repatriation of skulls should not be used as a part of a larger effort to engage imperial atrocities committed against Namibian peoples. If the skulls were used as a driver for comprehensive genocide reparations, it might compromise the good standing that Namibia has enjoyed as a recipient of German aid and financial support. This is a sentiment that has been evoked both by German and Namibian politicians alike: that the return of these remains, instead, ought to represent a reconciliation between the two countries and “closure” to the atrocities of colonial Germany.

Despite such declarations from both parties, this does not reflect the multiplicity of ideas and feelings held by the leadership of and members within the Ovaherero and Nama communities. Both through the non-apology acknowledgements of the German state and the continued incarceration of Ovaherero and Nama remains in American museum archives, we can come to understand human remains as technologies upon which not only the names of eugenicists, but global political agendas are inscribed. Post-independence politics do not give meaning to these skeletal remains: the bones themselves serve as a rallying point for collective cultural expressions of mourning, celebration, remembrance and demands for restitution. “[T]he materiality of human remains deserves analysis as a phenomenon in itself”, especially as they have become a material representation of German dispossession and the racial structures of property

and ownership “that have retained their disciplinary power in organizing territory and producing racial subjects through a hierarchy of value” (Bhandar, 2018; Stepputat, 2014).

Central to this necropolitical capture, of course, is the nation-state: the postcolonial African state is not exempted from its active role in indigenous dispossession. Ahead of the 2011 repatriation of skulls from the Charité collection, Namibian politicians selected Heroes’ Acre, a site of burial for Namibian *national heroes*, as the final resting place for the Ovaherero and Nama bones. This cabinet decision followed a previous meeting with members of the Herero Council, who decided that the skulls should “become part of the property of the Namibian government so that they can be kept in a professional way and keep the memory of this part of Namibian history alive for future generations” (Shigwedha, 2016). Ovaherero Paramount Chief Kuaima Riruako and Nama Chief David Frederick expressed concern about this unilateral decision announced by the Namibian government. They felt that if memory of the genocide is to be kept alive, then the skulls should be kept in a special chamber in the Independence Memorial Museum, rather than simply burying them in a plot that cannot be easily seen.

The German–Namibian insistence on bilateralism is another manifestation of the national (i.e. nation-state) impulse to undermine indigenous sovereignty. The Heroes’ Acre is a spatial tool of national memory-making: individuals sacralised as heroes are assimilated into the state’s historical canon, created and mobilised to maintain a national unity (Mpofu, 2017). National identity, as with many nation-states, is especially fraught in the case of post-independent Namibia. The ruling party, the South West Africa People’s Organization (SWAPO), is the party of the independence movement, as well as the successor to the Ovamboland People’s Organization, and is dominated by Ovambo people, Namibia’s numerical majority ethnicity. In the same way that the Zimbabwean Heroes’ Acre is representative of a national self-conception of Zimbabwe as the Shonanness of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF), the Namibian Heroes’ Acre is a resting place of the individuals assimilated into SWAPO-as-Namibia’s mobilisation of highly selective patriotic history and masculinist national memory (Mpofu, 2017; Ranger, 2004). Suggested interment at Heroes’ Acre is ironically a kind of capitulatory gesture that lends itself to the further erasure of the Ovaherero and Nama genocide from national memory. The memorial is relatively far removed from public life in the capital—Heroes’ Acre is several kilometres outside of Windhoek, whereas the Independence Museum is on Robert Mugabe Avenue (a main road in the capital) near the city’s centre. Within the Independence Museum, the affected communities have also been excised from national memory. The museum’s curation elides the relationship between the genocide and the national story, collapsing the brutality of German imperialism into decontextualised and unexplained exhibitions about harmonious pre-colonial existences amongst “Namibian ‘tribes’” and the Scramble for Africa’s disruption of indigenous life (Williams & Mazarire, 2019). While mentioned in the section detailing pre-colonial life, the Ovaherero and Nama and San cease to exist again in the present: most of the museum

is instead dedicated to the liberation history of SWAPO, the primary drivers of both the founding of the independent state and the terms of present negotiation (Kornes, 2015).

German recognition has been fraught and piecemeal, but in May 2021, the government finally offered to acknowledge the suffering of the Ovaherero and Nama *as* genocide, despite denying genocidal responsibility in the now-dismissed class action lawsuit. After a previously rejected settlement offer for €10 million in August 2020, the German government has now announced that it would disburse €1.1 billion to infrastructural efforts and “existing aid programs over 30 years”—approximately the sum of development aid per annum given to Namibia since independence. Further, €50 million would go towards the institutionalisation of reconciliation between the two states, including “cultural projects and youth exchange programs” (Oltermann, 2021). The exclusion of Ovaherero and Nama community members from the current negotiations constitutes, paradoxically, their forcible assimilation into the nation-state. The functional move from the already truncated “Ovaherero and Nama genocide” to the “Namibian genocide” and the Namibian state’s ability to accept recognition-apology and steward compensatory funds on behalf of affected communities has been received by Ovaherero and Nama leadership as an insult. Germany has been emphatic that this money *is not* reparations, but for the Ovaherero and Nama, the agreement is perceived as having little to do with them because they have been systematically excluded. Since independence, the Ovaherero and Nama people have been fashioned as as “ritual sacrificial imperial subjects” that have been “pushed to liminality...and dispossessed of their sovereignty, autonomy,...forms of personhood and of their land”, first by imperial Germany, then by South African apartheid and now by the Namibian state (Nhemachena, et al., 2018). It is this simultaneous material indigenous disenfranchisement and biologisation of citizenship that defines Westphalian statecrafting, even in postcolonial Africa.

In an August 2021 event for the Rautenstrauch-Joest Museum’s “RESIST! The Art of Resistance” exhibition, a panel of Ovaherero and Nama activists spoke about genocide memory and the political implications of German acknowledgment. The panel included curators Esther Utijua Muinjangu and Ida Hoffmann, as well as descendants-activists Mbakumua Hengari, Kambanda Nokokure Vei, Israel Kaunatjike and Sam Geiseb. Geiseb, a member of the Nama Genocide Technical Committee, reiterated the illegitimacy of bilateral agreement, acknowledgement and reconciliation. On German recognition, he stated: “Acknowledgment is not just Germany saying they acknowledge: what are they acknowledging? What does Germany acknowledge *as* genocide? And what would Germans say their government is apologizing for?” Following Geiseb, Rechavia-Taylor and Moses (2021) ask: “If reparations are to any degree monetary, then how does German officialdom – lawyers, diplomats, and politicians, for example – engage with the question of *to whom a debt is to be owed* and how is that debt understood and articulated, if at all?”

Geiseb expanded the bounds of apology beyond the perverse calculations of capitalist recompense and into the need to redress current landlessness and dispossession by the Namibian state and the descendants of German settlers (Nelson, 2015). While there is, of course, a call for financial restitution, indigenous conception of apology is a far-reaching and restorative justice-driven recognition of the genocide's afterlife beyond the purview of nation-state bilateralism and exculpatory German apology in the name of "reconciliation." They are articulating recognition as a "grammar of futurity" that demands an "ontological shift" and "ontological correction" that encompasses the ongoing incarceration of human remains and other material objects, land enclosure and the theft of ancestral territories, and the diaspora created by the genocide (Samudzi, 2020)<sup>4</sup>. On the very first page of *The Invention of Africa* (1988), V.Y. Mudimbe writes that "*colonialism* and *colonization* basically mean organization, arrangement". This etymological reminder compels a practice of decolonisation as an epistemological reorganisation: a reparative looting of the colonial archive via the "repatriation of Indigenous land and life" (Tuck & Yang, 2012).

## Bio

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<sup>4</sup> Ovaherero and Nama people escaping German genocidal violence fled to neighboring Botswana (the then-Bechuanaland Protectorate) and South Africa. In Botswana, many Nama ended up settling in the Kgalegadi District and most Ovaherero settled in Mahalapye and the North West District (*Sunday Standard* reporter, 2021).



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