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BLURRING BOUNDARIES, CLAIMING SPACE: A SOCIAL
HISTORY OF INDIANS IN SOUTH AFRICA, 1860-1915

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ABSTRACT OF THE DISSERTATION

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This dissertation scrutinizes the history of Indian colonial migrants in South Africa between 1860 and 1915 to analyze the politics of belonging, social exclusion, and diasporic consciousness through a detailed analysis of archival sources and secondary material. As Indians moved from one part of the British Empire to another as labor migrants and for the purposes of trade, they experienced conditions of racial discrimination which were similar to those in British India, yet differently structured on account of a distinctive set of colonial laws, modalities of rule and socio-economic circumstances. This led to the development of a set of survival strategies, on the part of Indians both indentured and middle class, that incorporated the combined approach of accommodation and resistance while interacting with the colonial state and its machinery of control. I argue that in their struggle for legitimacy, Indians claimed the status of imperial citizens, thus drawing on their standing as British subjects in India to claim political and social entitlements in South Africa. This blurs the boundary between the citizen and the subject and I contend that it is through their claim to rights as imperial citizens that Indians trouble the ideology and discourse of citizenship and provide empirical evidence of the transactional and mobile nature of this category.

This dissertation is also an analysis of a new form of resistance politics – Gandhian *satyagraha* that was non-violent in nature, based on the belief in the right to

acts of civil disobedience as imperial citizen/subjects, and involved the mass participation of Indian migrants who were divided by class, gender and religion. This history allows me to argue that ‘the Indian community’ did not exist a priori and had to be produced in order to be effective in resistance. I highlight the contingent, fluid nature of the category of community and argue that for colonial Indian migrants, community only existed in heightened moments of communal anxiety, which culminated in mass action, and dissipated with the end of the crisis.

At a macro level, this dissertation is an exploration of the geopolitical relationship between the metropole and the colonies and as such, contributes to the sociology of empire, labor migration, diasporic studies and the sociology of citizenship.

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I dedicate this work to my late mother, Bithi Majumdar and my newborn son, Rehaan. My mother taught me very early that resistance is self-affirming. I hope to teach my son the same lesson someday.

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CHAPTER 1

SETTING THE STAGE: THE IMPERIAL CITIZEN/SUBJECT ON THE MOVE

Introduction

On 25th February 1910, the Governor General of India, Lord Minto, convened a meeting with his executive council to discuss the grievances of Indians in the colonies of South Africa. Gopal Krishna Gokhale, an upcoming leader of the Indian National Congress and Member of the Imperial Legislative Council, presented a motion at this meeting that sought to bring attention to the inferior standing of Indians in South Africa despite their position as “valued British members of the Empire.” His speech concluded with

“While threats of reprisal might go some way, our main and indeed, our real, reliance must continue to be upon a constant appeal to those immutable principles of justice and humanity which alone can form the enduring foundations of a great empire. There are three questions of vital importance: 1. What is the status of us Indians in the Empire? 2. What is the extent of the responsibility, which lies on the Imperial government to ensure to us just and humane and perhaps, even equal treatment in this Empire? And 3. How far are the self-governing members of this Empire bound by its cardinal principles? How must migrants who are imperial subjects of the Empire be treated by these self-governing dominions?”¹

Gokhale’s queries were the core of the problems of the ‘Indian Question’ that besieged colonial authorities in Britain and in its dominions. Essentially, the key issue revolved around the status of Indians as part of an amorphous Empire² that promised equality to all of its imperial subjects without prejudice of location but found it impossible to apply it in reality, for all intents and purposes. However, for its imperial

¹ L/PJ/6/982, File 170 IOR, BL

² While remaining aware of Proudfoot and Roche’s (2005) provocative question, “what is Empire?” pointing to the fact that the British empire was diverse in practice and fractured and ambiguous in meaning (2), I shall use this term to indicate the political, military and social command over regions culturally distinct from the center of power and maintained through various forms of coercion.

subjects the ideology of the colonial encounter and of belonging to an Empire implied a shared condition that presented the promise of citizenship for the colonized subject living outside of the metropole.

The ambivalence of the colonial empire towards its imperial subjects outside of Great Britain and the possibility and the desire of its non-white imperial subjects to claim a status of equality as promised by the Crown is doubly complicated by two historical events: first, the movement of imperial migrants from and between colonial sites and second, the rise of self-governing dominions in the early 20th century that inherited old colonial structures of power and domination. Tracing the articulations for equality under the discourse of citizenship implies that while the constitutional legality of citizenship is rigid and exclusionary, in practice, citizenship discourses remain messy, uneven, flexible, and serve as a gateway towards social inclusion.

This dissertation focuses on these multi-layered paradoxes by presenting a social history of Indian migrants in South Africa between 1860 and 1920. As part of the massive transcontinental labor trade in the wake of the abolition of slavery, Indians were sent as indentured laborers to various parts of the British Empire to work on plantations, mines and other capitalist enterprises in the colonies. In 1860, the Government of India sent the first ship of indentured workers to the colony of Natal. In time, other classes of Indians followed and slowly, a growing Indian presence created deep anxiety among the white settlers in South Africa, resulting in a complex set of systemic constraints on Indians driven by the colonial rule of difference and legitimized by law. Indians dealt with these constraints through a discernible pattern of accommodation and resistance to these colonial racialized systems of structural prejudice and this thesis analyzes the history of Indians in South Africa during the

early period of their migration as a history of dual spaces- colonizer/colonized, accommodation/resistance, citizen/subject, and community/individual.

This dissertation is also an exploration of the concept of Gandhian *Satyagraha* and its deployment as a method of resistance. In the initial years, Indians wrote extensive petitions to the colonial authorities requesting for special rights as members of the British Empire, and when this did not yield results, Indians resorted to overt acts of resistance, culminating in the Natal strike of 1913. The uniqueness of this concerted resistance lies in the fact that it was the first non-white strike in South Africa and involved over 20,000 Indians from the indentured ranks and other classes who expressed their discontent with the policies of the government through a new method of non-violent protest, *Satyagraha*. The strikers, led by Gandhi, stressed that by virtue of being imperial citizen/subjects of the British Empire the government could not legally discriminate against them, thereby invoking the Queen's Proclamation of 1858 that promised equality to all her colonial subjects and thus, treating the Proclamation as though it were a constitutionally bound principle.

Instead of reading the history of Indian resistance in South Africa as the first instance of Gandhi's leadership and *Satyagraha* or passive resistance as argued by several scholars (Huttenback 1971, Damodaran 1988, Switzer 1986, Erwin 1994, Bhana and Vahed 2005), I read the history of Indians in South Africa as a complicated paradox of resistance and accommodation that is indicative of a migrant politics reflexive of the interconnections between citizenship, race, labor, gender, nationalism, and community. Consequently, my approach opens up a host of questions and my research project asks three questions- first, why and how did the colonized simultaneously accommodate, incorporate and resist colonial categories of domination? Second, how is community formed at certain temporal moments? And

last, and most important, what are the implications of the use of the term ‘imperial citizen/subject’ on the part of the colonized?

Argument of the Dissertation

In this dissertation, through detailed data analysis of historical documents at various archives located at multiple global sites, I draw attention to the process of identity formation among colonial migrants moving between various nodes of the Empire and experiencing colonial racialized systems of discrimination. Using the case of Indian migrants in South Africa between 1860 and 1915, I understand identity as a relational and intersectional category that is produced and maintained through a dynamic engagement with ethnicity, class, gender, nationalism, caste, citizenship and community. In the course of social interaction, depending on the requirements of the situation, different identity markers are highlighted. In the case of the Indians, their status as citizen/subjects of the Empire was of prime importance and they emphasized this identity in their interactions with the state. Following the lead of historians who study the history of Indian diaspora and call this the ‘early period’ in the history of Indians in South Africa, I begin my analysis from 1860 when the colony of Natal first imported indentured laborers from British India and end at 1915, after the Natal strike and the passing of the Indian Relief Act and Gandhi’s return to India.

While the citizen and the subject are temporally and conceptually disparate categories of identity, I argue that Indians in South Africa emphasized the blurry border between the two categories and utilized the erasure of the boundary to consciously undermine colonial projects of racial difference to varying degrees of success. The state recognized Indians only as subjects but Indians attempted to transcend this status that carried with it racially driven labels and instead, articulate a demand for a position of abstract and universalist equality, the status of a citizen. The

recognition of this slippage brings to the forefront an ideological formulation of citizenship before the inception of the nation-state that could only be made through imperialism. By this I mean that only by virtue of belonging to the Empire as subjects, could the demand for British citizenship be articulated. The category of the imperial citizen/subject did not really possess constitutionally guaranteed rights promised by a legal nation-state (as in the case of the post-colonial subject) but the power of this identity lay in the fact that it offered a means of articulation of demands by racialized colonial subjects. Despite the fact that this move towards being recognized as imperial citizens has been a fairly common practice on the part of colonial Indians, it has not been explored until now either by those studying labor migration under colonialism or by those researching the evolution of the varied forms of citizenship and its processes. My study fills this gap in scholarship by looking at the history of the Indian imperial citizen/subject that existed before the birth of the post-colonial citizen of India and arguing that under conditions of displacement, it is only in their position as imperial citizen/subjects that Indians could claim a right to the Empire, and by extension, a right to their new locations.

The second theoretical thrust in this dissertation is around the concept of community. Instead of reading community *a priori* into the actions and practices of Indian migrants, indentured and free, I attempt to trouble the rigid, bounded, non-rational, ethnicity-and-religion-driven, and monolithic understanding of the concept of community. I argue that community is contingent, multivocal, strategic and transient. In this dissertation, using the case of Indians in South Africa, I look at the fluidity of the concept and the politics of this category. I look at how colonial projects of difference and resistance against these projects ‘produce’ community. While the colonial structure label and process according to a racialized understanding of a

community, i.e., the easy classification of Indians as the ‘coolie community’ in all official documents, the colonized in their bid to counter discrimination also partake of the same mechanism to build cause. I argue community is ‘produced’ at certain maneuvered ‘moments’ through discourse and practice and through the manipulation of diverse subject positions and agendas that operate under identity markers such as citizenship, nationalism, caste, class, gender, and ethnicity, among others. In the early history of Indians in South Africa, the *Satyagraha* campaigns provide two such ‘moments’ and analyzing them thoroughly allows me to answer my research question on the process of the formation of community at certain temporal moments that cut across spaces and agendas.

The third and final argument relates to the idea of *Satyagraha*. Instead of reading *Satyagraha* as an abstruse ideological doctrine, I understand it as an organic practice that was constructed as a result of the social context in South Africa and developed as a consequence of Gandhi’s encounters with Western philosophies, principles of liberalism and citizenship under the Empire, Indic traditions and most importantly, as a direct outcome of the experiences of Indians in South Africa. This makes *Satyagraha* an evolving action- dynamic, strategic, contentious and desirous of direct engagement with authorities in power in a non-violent way. I argue that it was the mechanism whereby the ‘uncivilized’ step onto the public sphere as citizens educated in political behavior by virtue of participating in this form of resistance. Given the sheer number of strikers, the strike was viewed as a success and Gandhi made *Satyagraha* the cornerstone of his repertoire of resistance practices.

Theorizing History/Historicizing Theory

When discussing colonial indenture systems, transnational labor history, has traditionally, tended to focus mostly, on the free-unfree debate over indentured labor³ (Tinker 1974, Fogel and Engerman 1974, Bergad 1983, Galenson 1984, Emmer 1986), on describing the conditions of labor itself (Brig Lal 1983 Breman 1992) and on ‘recovering’ the coolie’s voice from the annals of history (Carter and Torabully 2002, Yun 2008). While these are all very worthy projects, my interest in indentured work is somewhat different as I am captivated by the special characteristic of the indentured labor system that functioned as a colonial organizing principle and as a social relation and role that constructed and was constructed by race, gender and culture. By this, I point to the fact that indentured labor is at once a site for the deployment of colonial projects of hierarchized difference as well as a dynamic, contested, evolving relation in the construction of the Indian migrant classes and their internal and external interactions.

By approaching indentured work and labor history from this perspective, I build on the work of social historians (Burawoy 1976, Prakash 1990, 1997, Carter 1995, Kale 1998, Kelly 2000, Metcalf 2007) who have focused on the impacts of the intersection of labor, capital and empire. Often termed ‘globalism’, this revisionist history attempts to understand colonial migrant labor outside of a Eurocentric focus that locates it exclusively within the metropolis and its relations as the focus but instead, as a nodal point for fluid, oceanic and global exchanges within the imperialist

³ Some scholars such as Amin and van der Linden (1997) have attempted to problematize the distinction between free/unfree labor by arguing that “pure free wage labor in the double Marxian sense is an ideal type, the conceptual nucleus of far more complicated historical realities” (1997:3) and that these realities remain unrepresented in the naturalized dichotomy of free-unfree labor that arises in a specific historical moment. As Prakash (1997:10-13) argues, this free and unfree opposition is universalized through the staging of the bourgeois mode of production that enacts servitude as the suppression of a prior human essence, or the freedom from restrictions to exchange labor power as a commodity.

system. Most often, this approach arises out of a postcolonial perspective⁴ and “...challenges the definition of labor history as a simple story of free wage workers who emerge first in Europe, arguing instead that their history is inextricably bound up with that of coerced labor in Europe’s colonies” (Bergquist 1993: 61).

This perspective has revitalized the study of indentured labor by tying the metropole to the colony but at the same time, like every perspective it suffers from some drawbacks. Whilst providing a great analytical framework, the perspective has tended to be macro-historical in approach. While remaining rooted in the study of indentured labor as a dominated ‘other’, it has seldom paid attention to relationships between indentured labor and other social classes, thereby rendering an account that features indentured laborers living in diversity in the barracks and within their ranks due to the spatial limitations employed by plantation owners, but relatively isolated from other social groups from India. Therefore, these accounts (Carter 2002, Kale 1998, Kelly 1997) cannot explain why at certain moments, people of Indian descent could self-identify themselves as ‘Indian’⁵ since in these writings the concept of ‘community’ appears as an under-theorized given. Second, in general, in their study of indenture and migrant classes, most social historians listed above have not focused sociologically on specific cultural articulations or coping strategies to deal with colonial structures such as accommodation and resistance. Thus, while clearly aware

⁴ By this term, I refer to the intellectual discourse that has evolved as a reaction to colonialism in temporal and ideological terms, while remaining sensitive to the hybridity of experience, location and time that are also legacies of colonialism and often erased with the blanket usage of this term. This perspective seeks to undo the inherent Eurocentrism that underlies the historicizing of modernity and capital while being acutely aware that “its own critical apparatus does not enjoy a panoptic distance from colonial history but exists as an aftermath, as an after-after being worked over by colonialism” (Prakash 120:2000).

⁵ It is somewhat anachronistic to talk of a yet unborn national identity since India came into existence only after 1947 but nonetheless, documents suggest that people understood themselves as belonging to the empire that simultaneously ruled over their new location as well as their ‘home’-India.

of the myriad and complicated expressions of agency⁶ on the part of Indian colonial migrants, there has been little empirical research that ties the interconnected, dynamic and temporal nature of this agency to the role of gender, labor, community and race in these assertions of discontent and the way in which concerted action brings about structural change. Moreover, the problems of representation and the question of who has voice within the dominated colonial group have not been examined. Through the sociological analysis of Indians as imperial citizen-subjects and their various acts of accommodation and resistance, I challenge and add to this 'globalist' approach by relating mass labor migration-'free' and 'unfree'- to changing historical circumstances in material and ideational conditions in the colonial world and the possibility of an 'imagined community', thus connecting disparate geographies into an interconnected narrative of race, class, gender and community.

In addition, while they stress the importance of gender analysis in the understanding of the experience of indenture, most historians of Indian colonial migrants have not systematically decoded the ways in which gender operated as a discursive relation of power constituting metropolitan and anti/colonial modernities. While it may be obvious, it is important to stress that gender is not a synonym for women nor is it a fact of the past or a present awaiting discovery (Scott 1999) and turning on a 'gender lens' that understands gender as just one of the many dimensions of inequality is insufficient. Following the lead of gender historians, I understand gender under colonization as a category of analysis that produced and performed the

⁶ Here it must be noted that Mische and Emirbayer (1998) provide a useful framework for understanding the concept of agency. They argue that agency is an overused and under-theorized concept in the study of contentious politics. They define agency as "a temporally embedded process of social engagement informed by the past (in its habitual aspect), but also oriented towards the future (as a capacity to imagine alternative possibilities) and toward the present (as a capacity to contextualize past habits and future projects within the contingencies of the moment" (1998; 963), thus providing a way to understand the dynamic, variable and temporal nature of agentic action as well as of its changing relationship to the structural constraints over "the flow of time".

changing meanings of sexual difference at colonial locations, shaping social institutions, privileges, expectations and experience.

At colonial sites, gender was used to convey an emergent notion of racialized difference (Hall 2002, Wilson 2003), as a means to control the sexualized body and reproduction activities as sex was a key seat of colonial anxieties (McClintock 1995, Levine 2004) as well as a constitutive part of imperial politics (Morgan 2004), as a natural trope of development that pitted colonized women at the lowest grade of development thus, requiring 'saving' (Mani 1998, Spivak 1985), as a site for ensuring maximum extraction of colonial labor (Kale 1998, Carter 2002), in the colonial creation of a new masculinized economy with altered property legislation (Oldenburg 2002), as an arrangement for the legitimization of conquest and domination (Levine 2004, Stoler 1997), as a regulatory device to control contact between various classes and races (Sen 1997), in the construction of a new imperial masculinity and a colonized effeminate subjecthood (Sinha 1997, Chowdhury 2001), in the exclusion of some from the idealized framing of the citizen/subject and active public sphere (Sarkar M 2008), and in the construction of a national modern subjectivity and in the legitimization of anti-colonial resistance by nationalists and early historians (Chatterjee 1993, Sarkar T 1992). Taking careful note of these insights, in this project I shall focus on the role of gender in the construction of a migrant, modern subjectivity and its relationship to race, class and citizenship, as well as in the practice of of *Satyagraha* and other forms of resistance.

My research adds to the historiography of Indians in South Africa⁷ by reading 'against the grain' of the official history of Indians in South Africa. Using the

⁷ It should be noted here that historians have focused considerable attention to the story of Indians in South Africa, indentured and free, especially because of the Gandhi connection. Important works include Huttenback's *Gandhi in South Africa* (1971), Y.S Meer's

two *Satyagraha* campaigns and the general history of Indians in South Africa, I attempt to rethink the question of citizenship and community among colonial migrants and its implications on global labor history and colonial/postcolonial resistance. This shall be relevant as it adds to the study of colonial labor in different locations, to the understanding of the language and discourse of citizenship and its politics of inclusion, and to the overall understanding of the interconnectedness between three edges of the empire- Britain, India and the Union of South Africa and the operations of these imperial co-histories⁸. From the subject position of the communities and individuals in diaspora⁹, “the struggle is about how they position themselves in relation to all these places, negotiate the cultural flows that emanate from them and deal ^{with} the political frictions that emerge from inhabiting this intersectional space”

Documents of Indentured Labour (1980), Maureen Swan’s *Gandhi: The South African Experience* (1985), Joy Brain’s *Christian Indians in Natal 1860-1911: an historical and statistical study* (1983), Bhana ed.’s *Essays on Indentured Indians in Natal* (1990), Jo Beall’s *Women under Indenture in Natal* (1990), Bhana’s *Indentured Indian Emigrants to Natal: A study based on ships’ lists* (1991), Bill Freund’s *Insiders and Outsiders* (1995), Desai and Vahed’s *Inside Indian Indenture: A South African Story 1860-1915* (2010), and Vahed’s *Constructions of Community and Identity among Indians in Colonial Natal, 1860-1910; The Role of the Muharram Festival* (2002). All of these texts provide rich descriptions and factual details while emphasizing on different aspects of social life, including religion, labor, gender, class and community. However, as argued by Dhupelia-Mesthrie (20:2007), despite attempts in the direction of a social history, this research area lacks solid socio-cultural analysis of Indian identity under coloniality. A notable exception is Bhana and Vahed’s *The Making of a Political Reformer: Gandhi in South Africa* (2005) but again, the emphasis is on socio-cultural aspects of Gandhian politics. Thus, comparative and interconnected histories of identities and colonial discourses have not yet been popular in the context of research on Indian labor in South Africa.

⁸ See for example, Pachai’s *The International Aspects of the South African Indian Question 1860-1971* (1971) provides a comparative history of the triangular relationship between the Britain, India and South Africa from the point of view of international relations and international law.

⁹ I use the term ‘diaspora’ to refer to connections that exist between the space that migrants, exiles and refugees occupy in their present and their continuing ties to ‘home’. Stuart Hall suggests that two simultaneously operating vectors frame these identities. While the vector of similarity and continuity gives grounding in and reflects a shared past, the vector of difference and rupture indexes the discontinuity associated with dispersal and insertion into different locales (Hall 1990). Diasporic studies deal with this ambiguity in location and challenges the ‘area’ in area studies as well as the conceptual limits imposed by national and ethnic /racial boundaries (Gilroy 1992) and contemporary diasporic studies are derived principally from the “Black Atlantic unit of analysis that addresses the complex socioeconomic and cultural interconnections between the Caribbean, Europe, Africa and Afro-America (Lavie and Swedenburg 14:1996).”

(Siu 195:2005). As some petitioners requesting for a change in segregated residence laws in 1899 stated,

“We are a part of England and apart from India, yet we remain connected to India and offer our allegiance to the British flag in South Africa and this shall remain our fate.”¹⁰

Some recent scholars (Hall 2002, Wilson 2003, Siu 2005) argue that identity has been under-researched as an analytic and descriptive category in colonial migrant social history. Diasporic identity as a relational, dynamic and hybrid category is one of the focal points of my dissertation and through an investigation of archival data that reflect the socio-economic lives of Indians in South Africa, I explain how identity is a result of two sets of negotiations. Generally, being diasporic implies the in-between state of one's homeland and one's place of residence (Lavie and Swedenburg 1996) and being a part of a community that is displaced and placed somewhere else (Gilroy 1993). This is complicated in the colonial setting by an additional negotiation of social rank, that is, the negotiation over where a community or individual is placed by the authorities in power and self-identification that may be at odds with the former's order of hierarchy. This negotiation in the construction of identity between that which is forbidden and that which is possible makes it a historical process, tentative, multiple and contingent (Wilson 3:2003). Thus, in the context of Indians in South Africa, this fluidity of colonial identity was constantly reinforced through resistance and collaboration with colonial categories of difference and I explore this through the category of the imperial citizen/subject. These histories of resistance and collaboration were created, maintained and challenged through the categories of imperial citizenship and subjecthood. Gender, class and religion add additional layers of complications since indentured workers and women did not experience citizenship

¹⁰ Bhana and Pachai, 1984

and belongingness to the British Empire in exactly the same way as merchant class elite men of Indian descent did. By using gender and class as general analytical tools (Scott 1999) and as objects of study, I determine the ways in which the identity and community was constructed. Thus, the imperial citizen/subject category was intersectional, negotiated and provisional. Interestingly, while the use of the imperial citizen/subject category was a widely prevalent practice among elite colonial Indian migrants, a detailed socio-historical study that discusses the discursive consequences of this phenomenon or who exactly could make these claims that is, if all sections of the Indian community- merchant class men, women and indentured workers, participated in these demands has not so far been conducted. In order to examine these ambivalent and contested relations between migrant Indians and the hegemonic colonial state, I explore the documentary evidence of these claims to imperial citizenship to provide a detailed study of such ambitious endeavors. Apart from individual and community petitions to the crown, the Natal strike of 1913 serves as an important instance of the right to justice that was made possible only through a claim to imperial citizenship.

Drawing on these rich theoretical literatures discussed above, I undertake an archival study of particular ‘moments’ of colonial history. In order to make all of these connections clearer, I argue that petitions and the *Satyagraha* campaigns, especially the Natal strike of 1913 provide the perfect entry point into this intricate history of Indians in South Africa and the politics of this marginalized identity. This re-reading of this strike is relevant because of its socio-political impact and as a historical instance of colonial resistance. However, more importantly, it casts into relief the webs of associations and complicated histories that connected the lives and

liberties of colonized subjects in India and South Africa and the privileging of some voices and histories over those of others.

Given the global prominence of *Satyagraha* and Gandhi, the strike continues to be read as the first act of *Satyagraha* and the indentured workers who were on strike were framed as either Gandhi's misled followers in the annals of the colonial records¹¹ or as devotees of a saint (Huttenback 1971). For the leaders of the strike, the indentured workers were an unruly mob that had to be controlled, tamed and trained in the ideals of non-violence and in the language of citizenship in order to claim rights. For Indians, this step into the public sphere as imperial citizens was fraught with tension and lessons in civil disobedience had to be taught to mark the striking Indians as 'civilized' citizens of the Empire. Most accounts of the strike have focused exclusively on the Gandhian aspect of the strike (Huttenback 1971, Bhana and Vahed 2005) and have proved unsatisfactory in providing a historiography that moves beyond *Satyagraha*. Beall and North-Coombes (1983) and Swan (1984) are the only exceptions to this but while they provide rich detail historically of the indentured strike in coastal Natal, they do not offer much by way of an integrated sociological analysis. My study rectifies this by approaching this strike and the general social history of Indians in South Africa- their petition writing, their acts of resistance as indentured workers, and their first *Satyagraha* campaign in 1908 as a sociological minefield that illuminates and challenges contemporary theorizations of community, c

Broader Implications of the Dissertation

This dissertation makes a significant contribution to the sociology of citizenship as it reworks the parameters of the concept of citizenship. Instead of being

¹¹ A colonial officer remarked in one of the reports, "Mr. Ghandi (spelling in original) is again up to his usual trickery and leading these men astray with his fancy talk." CO 551/95 TNA, PRO

rooted within the nation state and postcolonial context, I point to and analyze the mobility and transactional nature of the continuum between citizenship and subjecthood. Second, it brings together the interconnectedness of the British Empire. In the past, these interconnections have mostly been at the macro geopolitical level. Here I connect colonized individuals to larger macro-structures of colonial power, thus straddling multiple levels of analysis. Also, by examining the impacts and the modality of colonized resistance that is rooted in political issues of the British Empire, I am presenting a narrative that connects Natal to British India and to London. The third important intervention in my opinion is the insertion of Indians into the racial politics of South African history. It moves beyond the Black-White dichotomy of race relations and instead, presents a nuanced take on the interconnections of race, labor and politics. Fourth, I believe that while the masculinized and feminized aspect of non-violent resistance has been analyzed by scholars of colonial India such as Sinha (1995) and others, not much attention has been paid to the interactions of class on these models of gendered resistance. By bringing attention to how class played a significant role in determining the participation of men and women in Satyagraha, I add to the sociology of gendered resistance. The fact that indentured men and women and free Indians experienced everyday life differently impacted their subjectivities and their emergence as rights bearing individuals in the public sphere.

Thus, this dissertation inserts itself into a conversation about citizenship and migration, which is a very relevant topic today. It forces attention to colonial structures of social exclusion that were practiced through the denial of rights and the reactions of migrants to these forms of exclusion. It historicizes the contours of immigration laws and the connections between various geographies and the problems

that arise in determining the rights of those who migrate versus the rights of those deemed as authentic inhabitants. This is a huge issue in the world right now and my work adds to this sociology of immigration, citizenship and diasporic consciousness. It challenges the neat boundaries of socio-political categories and it sets up a dialogue between race, labor, citizenship and gender and their interaction in the public sphere and in contentious politics. It adds to a political sociology of resistance and rights. At a more general level, it analyzes the production of history and the politics of this production. I deal in detail with these issues in the appendix. Essentially, this project looks at the politics of the production of knowledge and how the selective policing of documents creates power and colonial order. Also, by looking at alternate resources like Gandhi's writings, newspaper editorials and other unofficial documents, I provide some insight into colonized archives while at the same time, questioning the elitist nature of these subaltern spaces. This adds significantly to the conversation on historical data analysis, subaltern studies and their methodological claims as well as to a general theory of the sociology of knowledge. The next section details my methods for conducting this research.

Methods

The most important problem associated with a historical analysis of labor migration is related to the non-existence of historical texts written by laborers.¹² And while it is true that studies on indenture and colonial migrants from India are plagued by the absence of primary documents, it does not mean that these informants remain inaccessible forever. The fact that a source is not primary and hence, not 'objective'

¹² It is inflicted with the plague of the "archives of repression" (Ginzburg 157: 1989) since as Chakrabarty tells us that the real problem of conducting research on colonial workers in South Asia and other places stems from the fact that it is impossible to access the voices of Indian peasants since they left behind minimal primary documents such as workers' diaries and other similar sources (34:1989).

does not mean that it is useless. “Rather, a hostile chronicle can furnish precious testimony about a peasant community in revolt (Ginzburg xvii 1980).” I use documents maintained by colonial authorities to read the presence of Indians, indentured and free and discern the intents and agency of these subaltern subjects.

In my dissertation I pay attention to the intersections of micro and macro social structures that are clearly interdependent and constitutive of each other. I connect the local history of migrant Indians to the global socio-historical trends of capital, empire and migration. Using discourse analysis¹³, I focus on the conflicting nature of colonial difference and its fluidity and I ‘read’ archival documents as intertextual (Fairclough 1988), as multi-vocal (Halliday 1994) and as recontextualizations of particular histories and practices (Eiss 2008).

In this endeavor, methodologically, I am also heavily influenced by the Indian Subaltern Studies project¹⁴ as the primary commitment in this work has always been on moving beyond elite projects and positivist historiography. Following Guha’s lead, I trouble the ‘counter-insurgent code’ that refers to the causal legitimization that the official documents supply to explain insurgency that is produced

¹³ Discourse, in Foucault’s terms, refers to a group of statements that provide a language for talking about a particular topic at a particular historical period. Discourse is about the production of knowledge in language. However, since all practices entail meaning and meanings shape and influence what we do, all practices have a discursive aspect (Stuart Hall 291:1992). Meaning and meaningful practice exist under discourse and are only rendered meaning, not as objects in themselves, but as part of a discourse.

¹⁴ The subaltern studies project is associated with the body of work produced by Ranajit Guha, Partha Chatterjee, Dipesh Chakrabarty, Shahid Amin, David Arnold, Nicholas Dirks, Gyan Prakash and Gayatri Spivak who have contributed extensively to Subaltern Studies Volume 1-11. Borrowing from Gramsci, the Subaltern Studies group of social theorists apply the term to “the general attribute of domination in South Asian society, whether this is expressed in terms of class, caste, age, gender and office or in any other way:” (Guha, 1982:vol 1 vii). The subalternists seek to contribute to a cultural sociology of marginality by breaking the mould of top-down colonial, nationalist and Marxist historiography. Instead, they focus on subalterns as heterogeneous subjects of their own history within but not reduced to colonial power (Jefferess 2008:48). The term now appears in revisionist histories of Latin America, Africa and Europe and subalternist analysis has slowly become a dynamic force in critical scholarship in history, literature, sociology and anthropology.

by officials and then incorporated and redistributed by historians (1983;11), by reading the presence of the excluded in the official documents maintained by the colonial state on Indian migrants as well as looking at alternate sources of informal history produced by the Indians themselves.

My field sites have been New Delhi, London, and Durban. In New Delhi I used the National Archives of India (henceforth, NAI) as my primary source for material on indentured labor migration. I visited the archives in 2006 and in 2009-10, and gathered data on the process of indenture, the laws governing the indenture system, and some correspondence between the India Office and the Government of India regarding indenture labor issues. I am also heavily indebted to the Gandhi Museum in New Delhi since, on hearing about my research topic, they provided me with digital copies containing all issues of the '*Indian Opinion*', the newspaper pertaining to Indian matters and started by Gandhi in South Africa. The *Indian Opinion* is not freely available and having access to all of its issues contributed to my analysis of Indian attitudes and actions regarding socio-political conditions in South Africa.

In London I utilized The National Archives (henceforth, TNA) at Kew and the British Library, India Office Records (henceforth IOR, BL). Both repositories had incredibly detailed material on matters pertaining to Indians in the colonies of the Empire, including South Africa and this is telling of the interconnectedness of the edges of Empire and the colonial impetus to order, record and preserve all documents. Here I found material on indentured laborers, Gandhi, official and private correspondence between government officials, newspaper reports, jail records, various commissions that were conducted to look into the Indian question in the colonies, etc. At the TNA, the main files were CO 48 for all material related to

indentured labor in the Cape Colony for the period between 1850-1910, CO 179 for all material related to indentured labor in the colony of Natal for the same period and CO 551 for the period after 1910. CO 879 contained all material related to Indians in general and the Asiatic problem for the period of study. At the India Office at the British Library, the main files I consulted were L/PJ/6-982,953,891,1017,1283,2329,3810, and file1113 for all official correspondence on Indians in South Africa. I must specially mention file L/PJ/6/1283 which was a special file on the 1913 strike and contained all official correspondence on the strike, jail records, newspaper cuttings, and all other documents related to the strike. In Durban, I consulted the Documentation Center at the University of Durban-Westville Campus which is the main repository for official documents, private papers of Indians, and other related material that document the Indian presence in South Africa. I also obtained copies of newspapers such as the *Transvaal Leader*, *African Chronicle* and *Dharam Vir* in electronic format and a number of photographs that have been collated from private individuals from this site. I also consulted the Killie Campbell Library and the Durban Archives Repository. At the Killie Campbell Library, I accessed the private papers of Ela Gandhi which included a set of photographs related to the strike. Also, here I consulted a file (FO 8734) which details biographies of prominent Indians in South Africa. At the Durban Archives Repository, the most important files were found in the Indian Immigrants Department (II) which contained Minute Papers related to internal correspondence between colonial officials about Indians.

I have also extensively used Gandhi's writings during this period as 'intertextual' pieces that provide a deep historical insight into the issues of the Indian merchant class and indentured labor in South Africa and this has allowed me to trace the complications of representation and leadership. These include his editorials in the

Indian Opinion, the books written during this period such as *Satyagraha in South Africa* and *Hind Swaraj*, petitions authored by him to the colonial governors and to the British government in India, and other general writings in *The Collected Works of Mahatma Gandhi*.

In addition, secondary materials that provide primary documents of indentured and free labor have played an important part of the study. These include key works such as Y.S Meer's *Documents of Indentured Labour, Natal 1851-1917*, *A Documentary History of Indians in South Africa* by Bhana and Pachai and *Inside Indian Indenture: A South African Story 1860-1914* by Desai and Vahed. These secondary materials mostly comprise of letters, petitions, memoranda and newspaper cuttings about Indians in South Africa.

Chapter Outline

In Chapter 2, I provide a detailed background to the start of indentured labor migration to South Africa. I discuss the geopolitical conditions that led to this migration and the stipulations and reactions of the governments of Britain, British India and Natal. I discuss the socio-economic background of the indentured migrants and the merchant class migrants and the implications of differences based on class, ethnic, gender and religion. Also, I analyze the role of religion, gender and ethnicity in their experiences, interactions and identity.

In Chapter 3, I examine how citizenship and subject status in colonial societies were complicated issues as most British colonies had a dual-law system with different forms of laws and subject status for European and 'natives' and other non-Europeans. In South Africa, the introduction of the Roman law by the Boers conferred an additional layer of complexity to colonial rule and subsequently, led to varying claims of who was/is a rightful imperial citizen. Thus, imperial citizenship/ colonial

subjecthood was intersectional, mediated and contingent. I argue that for Indians in South Africa their existence was presided by the dual space of the binary orders of citizen/subject, colonizer/colonized and collaboration/resistance, each blurred by the other, indistinct, indefinite, and constantly redefined through the socio-cultural practices of actors in the field. I use Bhabha's 'third space of enunciation' as a taxonomic concept to understand these negotiations and dilemmas and I argue that Indians strategically used the concept of imperial citizenship to undercut colonial law that insisted upon their status as colonial subjects. I use petitions written by Indians to the colonial government requesting for assorted benefits or protesting against various laws to unearth this dual space of citizen/subject, thereby highlighting the coping mechanisms against the politics of exclusion inherent in the concept of citizenship.

In Chapter 4, I examine how *Satyagraha*, or the Gandhian version of passive resistance, was constructed as a public intervention into colonial law and colonial space. I provide a sociological analysis of Gandhian *Satyagraha* as a product of its time and its social geography as well as focus on the performativity aspect of this method. To do so historicizes the development of ideas and examines Gandhi as a product of his social context, shaped by a variety of forces. I locate *Satyagraha* in colonial South Africa and view it as crucial in analyzing the history of colonialism, and Indians in South Africa. Moreover, I historically trace the ways in which Western and Indian philosophies led to the development of *Satyagraha* as well as outline the deviations from these philosophical traditions. I analyze *Satyagraha* as a practice by examining the first resistance campaign against the Transvaal Black Act of 1906. In the last section I provide a socio-historical analysis of the implications of *Satyagraha* and I look at four areas: at the performance of citizenship since *Satyagraha* challenged the notion that civil disobedience was only possible in a democratic public

space where the notion of rights and justice is held in common between citizens and the state. Second, I look at the gendered nature of the concept that identified itself through the feminized ideals of self-denial and sacrifice. Third, I focus on how colonial rule as the concept plays upon the tensions of empire and the struggle for legitimacy by the colonized. Last, I look at the appearance of a sense of community born out of symbolic protest and non-violent action that cut across class, religion and gender borders while invoking a sense of moral superiority.

In Chapter 5, I analyze the 1913 Indian workers' strike that immobilized the country for a period of three months. I start with a description of the causes of the strike by engaging with the existing historiography of the strike and the reasons ascribed to the strike in these narratives. I provide details of the strike, based on colonial archival material, newspapers reports about the strike and Gandhi's writings to build a historical account of the strike. I describe the spread of the strike and the major moments of the strike. I follow with an analysis of the strike and its sociological implications. I deal with four inter-related points: the performance of 'imperial citizenship' in the public sphere, the gendered aspect of the strike, transnational networks of colonial power and anti-colonial sentiment, and understanding the 'emergence' of community.

In chapter 6, I summarize the main theoretical and analytical conclusions of the study and attempt to provide some concluding comments on the construction of a diasporic identity. Home and community represents a complicated reality to people of Indian descent in South Africa and this is what I seek to highlight. I offer some final remarks on citizenship and community and reaffirm that migrant identity is contingent, fluid and relational, yet consciously structured and stable at certain moments in the face of displacement and subjugation. In this chapter, using anecdotes

from my time in Durban conducting archival research, I also examine the outcome of constructing a structured migrant identity beyond the 'coolie' tag and colonial subjecthood that exhibited itself as Indian South African. In other words, I acknowledge an identity that moves beyond the story of migration and instead, embraces the present location, i.e., South Africa, as being relevant to this process of assimilation.

CHAPTER 2

INDIANS ARRIVE IN SOUTH AFRICA; HISTORICAL BACKGROUND

*And I anchored in Durban, Fiji the West Indies
In the dust of waves,
To be scattered in the gales of continents.
In the currents of continents.*

Khal Torabully¹⁵

Indentured Indians

On 28th April 1859, the *Natal Mercury* carried an editorial that began dramatically with “The fate of the Colony hangs on a thread, and that thread is labour.”¹⁶ The editorial implored the government to find a solution to the native labor problem or live with the knowledge that the colony faces ruin. A few days earlier, on the 25th of April 1859, a memorial presented by white planters to the Natal Legislative Council petitioned “for the passing of a Bill through the Honorable House for the introduction by the government of Coolie laborers on the same terms with regard to credit as British immigrants now being imported elsewhere.”¹⁷ With the Act of Abolition in 1833, the British Empire had banned slavery throughout its dominions and consequently, the source of cheap labor for plantations, mines, railroads, construction work and domestic help dried up as ‘liberated’ slaves showed little inclination to continue working in these enterprises. After negotiations with the British Indian government, Act No.14 of the Colony of Natal¹⁸ was passed in 1859. Under the conditions of the Act, indentured laborers were bound for a 5-year contractual period, with the option of returning to India at the end of the indenture.

¹⁵ In *Coolitude*, Carter and Torabully, 2002; 82

¹⁶ CO 379/5/11 TNA; PRO

¹⁷ CO 379/78 TNA; PRO

¹⁸ CO 48/59 TNA; PRO and FO 154/18 NAI

The law also afforded laborers an opportunity to re-indenture for a further five-year period, which would make them eligible to settle permanently in the Colony with a grant of some land and full citizenship rights or to return to India.¹⁹ The Government of India Act 23, 1860 also imposed certain regulations of its own that included standards for the general welfare of the population, methods for the system of recruitment and proportion of women that were part of each consignment to South Africa.²⁰

From 1860 and up until 1911, 152,184 people were shipped from Bombay and Calcutta as indentured laborers (See Fig 2.1). Sources claim that 63% were men, 26% were women and 11% were children (Meer 1980, Swan 1984, Bhana 1991, Thiara 2001). They were mostly poor, landless Hindu and Muslim laborers from Calcutta, Madras, the hilly regions of Assam and the United Provinces of Oudh and Agra (Bhana 1991, Freund 1995). The indentured laborers were employed by landowners in the cultivation of various plantation crops, especially sugar and coffee as well as by several mining corporations and by the Natal Government Railways. Between 1860 and 1911, when indenture to South Africa was discontinued, Indians worked in the fields, dockyards, coalmines, municipal services and also as domestic servants, thereby becoming increasingly indispensable to the economy.²¹

Method of Recruitment and Terms of Contract

While focus has often been drawn to the conditions of indenture in South Africa and other colonies, it is also important to draw attention to the method of recruitment and the issue of ‘free choice’ exercised by those signing up as indentured

¹⁹ These conditions were strikingly similar to the conditions of the Chinese indentured labor workers in America as documented by various historical studies on “coolie” literature.

²⁰ CO 48/113/ 74 NAUK and FO 167/NAI

²¹ Asiatic Inquiry Committee (Presented to both Houses of Parliament by command of His Royal Highness, the Governor General on 3 February, 1920 FO 234, NAI.

recruits. The whole process of labor recruitment was highly organized and efficient and skillfully managed by the government of Natal and the government of India. The Natal government hired Emigration Agents in the ports of departure in India, namely Madras and Calcutta (see Fig 2.2). The Emigration Agent appointed sub-agents, who in turn hired licensed recruiters who were invariably, high caste Hindus and socially elite Muslims (Lal 1983, Bhana 1991). These recruiters hired *arkatis* or unlicensed men who operated in small localized circles and “kept a sharp lookout for people who were in financial distress or down on their luck in other ways” (Bhana1991; 12). The whole operation depended on information and “*arkatis* were vital cogs in the recruiting machinery as they had an intimate knowledge of those susceptible to enticement” (Desai and Vahed, 2010: 50). The *arkatis* were at hand to take advantage of distressed people by resorting to misrepresentation of facts and exaggerating the possibility of superior life chances at distant lands. They were people from all walks of life and from all castes and communities who worked on basis of commissions and were constantly on the lookout to entice someone out on his luck to migrate.

This system of deceit however was not restricted to the *arkatis* alone, as pointed out by Desai and Vahed (2010). “The fact that recruiters were paid per worker, and magistrates, Protectors and medical personnel were pressured to provide recruits, resulted in a longer chain of abuse and both, an open as well as tacit acceptance of dubious methods of recruitment” (Desai and Vahed, 2010:51). This, however is not to suggest that all indentured workers were fooled into migrating and did not possess any agency in determining the course of their own lives. To suggest that would be to present an implausible narrative. While there is evidence that suggests that deception and entrapment played a part in the recruiting process, many

migrated in order to escape conditions of poverty and debt or domestic issues at home.

The *arkatis* brought the recruits to the licensed recruiter, who then took them to the sub-agent for inspection and for explanation of their contracts, most often at the port of departure. If found healthy, they were dispatched as soon as possible onto their sea journey, thus becoming “one of the many human parts in a vast assembly process” (Tinker, 1974; 137) and dehumanized in a single stroke with a ‘tin ticket’ around their neck and becoming a nameless unit of labor on the plantations and in the colonial records thereafter.

In the latter half of the 19th century when the government of Natal was pushed to answer charges of abuse in the system of recruitment of indentured immigrants, it argued that the indentured workers attested to the labor contract that was explicitly clear on terms of labor. However, the contract was negotiated between the planters and the British government of India and the recruits really had no say over the terms of their employment (Bhana 1991). They were tied to their contracts and deprived of any possibility of wage negotiation or reasonable hours of work and of a private family life and “were ultra-exploitable, that is, such workers were particularly vulnerable within a system of labor utilization out of which they were powerless to move” (Beall 1990; 91).

According to the Solomon Commission Enquiry on the Indian strike conducted by the government in 1914, the process of accepting the contract of indenture was complicated by the fact that a majority of coolies did not understand the terms of their contract. “Notwithstanding the precautions which are taken to explain to the coolies, they as a rule either do not understand or at any rate do not

realize the effect of the term of their service.”²² One of the witnesses for the Enquiry, magistrate Benjamin Robertson who was said to have had long experience with indentured workers in his courts said, “I should say that in a great many cases they do not understand. They have no comprehension of what it (i.e. the contract) means. They won’t try to understand. They have no idea but to get away from India owing to some domestic or caste trouble of something of the sort.”²³

Arrival in Natal and Life on the Plantations

The indentured laborers, after inspection, were issued with an emigration certificate (See Fig 2.3). Vijay Mishra notes that this marks the entry of the indentured “into imperial history. People without history, people who are illiterate, finally spell out their personal genealogies-their father’s name, their village, their next of kin, their marital status, their age. The emigration certificates in one significant manner, are the documents that interpellates them as ‘modern’ Enlightenment subjects” even though the migrants themselves cannot read and use these certificates; nor know that these certificates will be preserved in colonial archives as historical data that legitimate their existence (Mishra 2007:82).

On 16 November 1860, 342 Indians, thereafter known as ‘coolies’, arrived at the docks of Durban on the *S.S Truro* (See Fig 2.4). The *Natal Mercury* described the indentured laborers as “A queer, comical, foreign looking, very Oriental-like crowd.... The swarthy hordes came pouring out of the boat’s hold, laughing, jabbering and staring about them with a very well-satisfied expression of self-complacency on their faces. The boats seemed to disgorge an endless stream of living cargo-Pariahs, Christians, Malabars and Mohommedans.”²⁴ At the dock, they were

²² Solomon Commission Enquiry Report, page 24

²³ Ibid, page 24

²⁴ *Natal Mercury*, 22nd November 1860 IOR/L/PJ/6/8934 IOL BL

assigned to different employers such as R B Kennedy, J Greenthams, Henry Shire and A Hunter, all of who had large sugar plantations²⁵ (See Fig 2.5). The process of labor allocation led to countless families being ripped apart²⁶ and dispersed to different parts of the colony and the lack of channels of communication across plantations, mines and dockyards meant that few would ever be reunited with their loved ones during the term of their indenture. Life on the plantations was hard with long hours of work, meager rations and insecure due to the constant threat of abuse at the hands of those in charge.

In 1871, the first group of ex-indentured workers returned to India. Immediately on arrival, ten of the repatriated laborers launched a formal complaint with the Protector's Office in Madras about the harsh conditions of work and the ill treatment by managers and owners on the plantations. The government of India was forced to look into these complaints and an official enquiry was launched and the dispatch of indentured laborers remained suspended until it was resumed in 1874. In 1872, the Coolie Commission²⁷ was set up to look into the complaints of the indentured. In brief, the main complaints were physical abuse by owners and managers, deductions of pay when sick, non-payment of wages, lack of medical help, long working hours that extended beyond the stipulated nine hours per day, lack of proper food rations, etc. The commission recommended that a permanent Protector of Migrants be appointed to look into all disputes, that the Coolie Agent regularly visit

²⁵ Desai and Vahed, 2010; 65

²⁶ Desai and Vahed narrate the fate of indentured worker no. 99, Choureamah Aurokuim, a Christian woman from Trichinopoly who had travelled to Natal on the *Truro* with her eight-year-old and three-year-old daughters, Megaleamah and Susanah. Aurokuim was assigned to Grey's Hospital while Megaleamah was considered to be of working age and assigned to A. Brewer and Susanah was apprenticed to a Isabela Ottava. Unable to bear this cruel separation, Aurokuim died in a couple of months and the sisters were orphaned and separated by a system that saw them only as disposable labor (2010:65)

²⁷ Coolie Commission Report, 1872, File 278, Documentation Center, University of Durban-Westville

plantations and mines that employed indentured workers and enquire into their welfare, that employers keep a wage book with accurate accounts, that more women be recruited, that proper medical services be provided, and that all Asiatics in the colony be registered on arrival.

While these recommendations were salutary, they did not alter the actual lived reality of the lives of the indentured. Between the law and implementation, there was enough opportunity for extensive abuse of the system. In 1885, the Wragg Commission was set up to look into the position of Indians in South Africa. The Commission presented its findings based on some estate visits and by perusing old court cases involving Indian laborers as well as correspondence between various colonial office departments. Other than two cases of ill treatment, it dismissed most claims of abuse by indentured workers as false and unjustified as “the Indian has brought to Natal his love of litigation and a portion of his skill in fabricating false cases.”²⁸ The Commission was extremely critical of the position of the Protector and recommended that some of his judicial powers be repealed. It further recommended that the Protectors courts be abolished and that the Resident Magistrate hear all cases pertaining to the indentured workers. The Commission concluded that the indentured were not ill-treated nor oppressed by their employers as claimed by many and that the government of Natal had been sufficiently attentive to the needs of the Indian population²⁹, thereby providing a justification for the system of indenture to continue up until 1911.

At the end of the indentured period, most indentured Indians who had survived the experience of being a ‘captive labor force’ (Beall 1990) chose to remain in South

²⁸ Wragg Commission, Documents of Indentured Labor, Y S Meer, Page 211

²⁹ For a discussion on the ‘impartial’ nature of these commissions on indenture and their relationship to colonial regimes of power, see Appendix-page 175-6

Africa. The Wragg Commission found that only 7% of the workers had returned to India until 1882 and that two-thirds of the Indian population was free of indenture. In total, until indenture was discontinued only about 28% (42,415) of Indians returned to India (Bhana 1991).³⁰ After their term of indenture (see Fig 2.6), those who stayed in Natal became small farmers and acquired small plots of land and, gradually, monopolized the supply of maize, tobacco and vegetable produce in the coastal belt while some became industrial workers, and others entered into service (Freund 1995; 7). By the turn of the century, when the indenture system was coming to an end after a period of 50 years, ex-indentured workers attempted to join the ranks of the new class of Indian professionals in South Africa. Their offspring were known as the colonial-born Indians, many of who were educated middle class professionals who were also political protesters against Apartheid in later years.

Passenger Indians

While indentured laborers were one of the first groups that migrated from India to South Africa, other social and professional classes followed soon after. In 1872, the first ‘passenger Indians’³¹ arrived in Natal. The main ports of embarkation were Bombay, Calcutta, and Madras. Gujarati speaking Hindu and Muslims, as well as Christian and Parsi migrants embarked for Natal from Bombay.³² They were from the districts of Surat and Valsad in the Bombay Presidency. A large number of them were Muslims who were Khojas (members of the Ismaili sect) and Memons.

Passengers embarking from Madras came from the coastal Andhra districts of

³⁰ One of the major reasons for this can be attributed to the fact that by coming overseas, they had committed a severe religious transgression (*kalapani* or crossing the seas) and were effectively banished from their own villages. Moreover, under British rule, criminals were sent to serve their sentences on the islands of Andaman and Nicobar and the jail and the journey were both called *kalapani* in Hindi and thus, for the indentured, it implied a lifetime of internment without return (Desai and Vahed, 2010; 56)

³¹ Voluntary labor migrants and merchant classes were called ‘passenger Indians’ as they had paid for their ship fares on their journey to South Africa.

³² *Satyagraha* in South Africa, 1928; 39

Chittoor, Ganjam, Godavery and Vizag and were predominantly Tamil and Telugu speaking (Bhana 1991, Morell and Padayachee 1991, Vahed 2001, 2002). They were motivated to come to South Africa for a variety of reasons. Driven by an increasing pressure on their agricultural lands, poverty, natural calamities, and a lack of opportunities in trade and commerce in their own districts, they set sail for the shores of Natal. They believed they would find fresh economic opportunities at these colonial outposts that had a ready-made clientele in the form of the indentured laborers and natives. They were informed about these lands via regular advertisements in the local newspapers put forth by the shipping companies plying between Natal and the ports of India and by stories of the success of traders such as Aboobaker Amod.

Aboobaker Amod, an Indian trader from Mauritius was the first trader to set up shop in Natal³³. He imported goods for sale to the indentured and Africans but soon started exporting cured fish back to India. The enormous success of his business led him to start his own shipping line and in time, tales of his success reached his native place in Gujarat. Soon, others followed suit and they set up retail shops, trading mostly in textiles, spices and printing. These pioneer Indian traders did well as they had certain advantages over White traders given that they knew which products would be in demand among their buyers and that they were willing to offer commodities at discounts and on credit. In 1872 the free Indian population totalled approximately 5000 but by 1893 they totalled around 26,000.³⁴ At the same time, a significant middle class of Indian migrant-clerks, lawyers, teachers and nurses also came to South Africa and they were also counted in the ranks of the free/passenger Indians.

³³ *Satyagraha* in South Africa, 1928; 21

³⁴ Solomon Commission Report, 1914; 16

The Coolie Community

In the vocabulary of the White settler society in South Africa all these various groups, despite obvious differences in gender, religion, caste and socio-economic status were lumped together within the category of 'coolie.' In Tamil, '*kuli*' referred to payment for menial work for persons from the lowest level of the labor market and in Gujarati, the '*Kuli*' were a tribe whose members were often described as robbers and plunderers. In this move from *kuli* to coolie, "the distinct humanity of the individual was, in a single move, appropriated and eliminated" (Breman and Daniel, 1992; 269-70) and personhood of the Indians, indentured and free, removed and replaced by a racist stereotype. Indian people were identifiable and visible only as the 'coolie' for the colonialists and professional classes of Indians carried labels such as 'coolie doctor' and 'coolie barrister' and 'coolie nurse' which were used for grouping as well as inferiorization of these professional classes. In the context of the Chinese coolie system in America, Jung (2005) points out "Coolies were never a people...Rather, coolies were a conglomeration of racial imaginings that emerged worldwide in the era of slave emancipation, a product of the imaginers rather than the imagined" (2006; 5). In official documents, the colonial government classified all Indians and other Asiatics as the 'Coolie Community'. While this masks the fact that the 'community' in fact, was highly stratified and segregated, comprising various socio-economic and cultural backgrounds, as discussed earlier, it also points to the easy categorization that was necessary in order to establish 'the colonial rule of difference' (Chatterjee, Partha 1993) or what is known as the essentialized difference between colonizer and colonized that justified dominance and was codified through colonial law. Gay Seidman argues in the context of the socio-economic relationship between Whites and Blacks during the Apartheid period that "White supremacy

involved not only racial discrimination but, just as importantly, a specifically racial class system where racial identities marked class status” (1999; 423) and this argument can be extended to apply to Indians in South Africa during the colonial period as well. I shall not detail the various anti-Indian laws at this point since I address these extensively in Chapter 3, but I shall note here that with the growth of Indians in the colonies, Indians slowly came to be regarded as a menace. In a bid to appease the White settlers, the government, before and after the formation of the Union, was forced to pass restrictions on their economic activities as traders and as ex-indentured workers, on their encroachment into urban spaces, on their political rights as British imperial citizen-subjects, on their right to vote, to reside and, to enjoy legally recognized marriages.

From 1897, with the introduction of the Indian Immigration Act³⁵, the colonial government tried to restrict the immigration of all Indians. For example, the qualification for entry into the colony was based on ownership of property and the knowledge of a European language, thus effectively stemming the migration of Indians without being overtly racist.³⁶ It is argued (Freund 1995, Meer 1996) that the principal reason for this restriction is the fact that while most White settlers who owned large plantations supported the import of indentured Indians, they felt threatened by the spread of the Indian merchants and potentially, the ex-indentured in skilled work. With the passing of the £3 tax on ex-indentured workers and their children, the government effectively forced the indentured to remain in indenture or return to India. I deal with the tax in detail in chapter 5.

³⁵ CO 48/109/11 TNA, PRO

³⁶ I discuss the immigration laws in Chapter 5 since it was one of the causes that led to the strike of 1913.

The Arrival of Gandhi

Scholars (Huttenback 1971, Meer 1980, Bhana and Vahed 2005) often cite the arrival of Gandhi to be the turning point in the history of Indians in South Africa. Prior to his arrival, political action by Indians-traders and workers was individualized and spontaneous, attracting little attention and generating no real change. Mongia (2006) argues that there is a danger of infusing Gandhi with the qualities of the *Mahatma* before he underwent his training in colonial politics in Natal but it also cannot be denied that with Gandhi's presence, action became organized and marked a new phase of resistance and struggle for non-discriminatory action. Gandhi came to South Africa to fight a case for Dada Abdullah, a prominent Indian merchant who needed legal assistance regarding a case in the Transvaal (see fig 2.7). In his autobiography and elsewhere, Gandhi documents his surprise at the way Indians were treated and his deep discontent at everyday acts of racism that he and other Indians had to endure.³⁷ In 1894, when the colonial legislature sought to disenfranchise Indians through an amendment to the Immigration Franchise Act, he recognized the need for a political organization and was instrumental in establishing the Natal Indian Congress (henceforth, NIC) as a forum for the protection of the rights Indians had as imperial subjects of the Crown. Abdullah Haji Adam was its first president and Gandhi was the honorary secretary. Here, it is important to note that for Gandhi and other Indian elites in South Africa, the fight against the administration was framed by the same exclusionary principles that were used by the Whites. Wealthy merchants dominated the NIC and the main issues that it petitioned and protested against were those pertaining to elite class interests. Moreover, the NIC had a membership fee of

³⁷ Gandhi's deep shame and anger at being thrown out of a train compartment at Pietermaritzburg for being an Indian has been well documented in numerous biographies on him.

£3 per annum, which made it beyond the reach of a majority of Indians, most of whom were indentured workers. Thus, political participation to challenge the restrictive legislation against the Indian community was selectively organized around class positions and initially indentured laborers were left out of this form of political organizing.

By the end of the decade, Gandhi had established himself as the spokesperson for Indian concerns, although these were mostly the concerns of the merchants, and as the primary petition writer for merchant class Indians. In 1903, recognizing the need to reach a larger audience and the need for organization, he started the '*Indian Opinion*', the first Indian newspaper in South Africa which played a fundamental role articulating grievances of Indians, bringing them to the attention of other Indians and the colonial authorities alike in London, South Africa and in British India. One of the strategic and creative ways in which Gandhi attempted to gain legitimacy in the eyes of the Empire was with the establishment of the Ambulance Corps during the Boer War. Historians accuse Gandhi for being a British loyalist given that he voluntarily extended an ambulance service to the British during the war.³⁸ While that is hard to disagree with, I argue that this reading is too simplistic. Gandhi recognized the power of this volunteerism as visible proof of the status of Indians as legitimate members of the Empire who would fulfill duties to the Crown while demanding rights. Initially, their offer was rebuffed but later accepted leading Gandhi to declare, "Indians came to the conclusion that they would offer their services, unconditionally and absolutely without payment, in any capacity....in order to show the colonialists that they were worthy subjects of the Queen."³⁹ The Ambulance Corps provided medical services to wounded soldiers at the battlefield and consisted of around a thousand stretcher-

³⁸ See for example, Guha in "Discipline and Mobilize" in *Subaltern Studies Volume VII*

³⁹ "Indian Ambulance Corps", *Collected Works*, Vol 3, page 129

bearers who took considerable risk to life to perform this important task. The traders who did not volunteer provided monetary support and rations. When the British accepted the offer, it fundamentally implied that the Crown legitimized this claim of being ‘worthy subjects’ and for Gandhi, this made the risks of the Ambulance Corps well worth the effort.

As stated in Chapter 1, in this early period of their stay there is a discernible pattern of accommodation and resistance in the actions of Indians in South Africa. Positing themselves as imperial citizen-subjects of the Empire and hence, the bearer of rights in the British colonies of South Africa, they initially appealed to colonial authorities as fellow civilized citizens of the Crown and I explore this aspect in Chapter 3. When these tactics failed, under the tutelage of Gandhi they resorted to resistance that was modeled along the lines of passive resistance, leading to the two *Satyagraha* campaigns- the first campaign in 1908 and the massive Indian strike of 1913. Chapter 4 and Chapter 5 analyze this form of resistance in detail. Thus, Indians in South Africa during the early part of their migration history constructed their identity in conjunction with racialized systems of difference set up by the colonial system, thereby constantly marking their distinction from Blacks and other colored races either via petition writing or via claiming moral ground through nonviolent resistance. In both of these strategies, Indians claimed a higher status for themselves by virtue of being ‘deserving and worthy’ citizen/subjects of the Crown.

This script of ‘worthiness’ forces me to draw attention to a topic I shall touch upon briefly in the dissertation- essentially, the relationship between natives and Indians during my period of study. There have been very few studies that have examined social relations between natives and Indians in the early period of migration, though there was obviously some interaction between these two social

groups. Blacks worked on the plantations along with the Indian indentured laborers but according to Bhana and Vahed (2005), there is little information on their relationships. Their data reveals that on some plantations Black were employed as *Sirdars* (overseers) and this was the cause for considerable friction. For the merchant class, the natives were nothing more than a sizable market for their cheap good, viewing themselves as superior with the help of colonial racial hierarchies and employing racial slurs such as *kaffirs* for them as evident in some of the petitions reviewed in Chapter 3.

The Blacks resented the Indians for their ability to compete in the open market for access to land for agriculture, and for their industry as market producers once they had a plot of land (Freund 1995, Hughes 2007). They were the preferred tenants and this edged natives out of the business of small agricultural production. Anti-Indian feelings were exacerbated with colonial laws, which treated Blacks and Indians differently, and the discriminatory attitudes of white landowners, missionaries and other officials lent credence to native resentment of Indians. Hughes documents these attitudes towards Indians among the native tribes of the Inanda valley in the early part of the twentieth century and states, “Africans and Whites alike, found it convenient to blame Indians for all manner of social ills” (2007; 161). A case in point is the relationship between John Dube, one of the first Black South African leaders and the first president of the African National Congress and Gandhi. While the two men were acquainted with each other and respected the other’s views, they did not believe in developing common cause and in fact, both at various occasions expressed distinctly racist views about the other’s racial group. Their backgrounds had much in common, including being the representatives for their communities and being newspaper editors and even sharing a printing press. However, that did not encourage them to seek a

larger constituency for their struggle and they did not seek to build ties across racial boundaries (Hughes, 2007; 168-72).

As explained in Chapter 1, this dissertation examines the history of Indians in South Africa in the first phase of their years in the country, up until the departure of Gandhi in 1914. While outside the purview of this thesis, I would like to add that after 1920 (the second phase of their existence in South Africa), with the rise of the colonial born Indians or the children of the ex-indentured class a more cohesive pan-Indian identity began to emerge. While the policies of the Union government continued its anti-Indian program, Indians grew more resilient and a new set of leaders, born and raised in South Africa began to emerge. They developed connections with natives and other colored races as well as pursued Indian interests.

Ramsamy analyzes the complicated history of the alliance between the African National Congress (henceforth, ANC) and the NIC, which began in 1947 with the joint declaration of co-operation between the ANC, the NIC and the Transvaal Indian Congress, and known as the Doctors' Pact. He argues that Indians in South Africa occupied shifting political positions based on their unique experience of belonging and alienation (2010; 51). Today, despite the celebration of multi-cultural ethnic diversity in the post-Apartheid period, Indians remain vulnerable to anti-Indian sentiments that are driven by class-based antagonisms (2007; 468-470).

Moving back to the period of study for this dissertation, I now examine the social context of Indians in the first phase of their existence in South Africa.

Understanding Social Context

While it is obvious that class was an important factor in the lives of the indentured and the elite merchant classes, cultural markers such as religion and ethnicity and social categories such as gender also played an important and complex

role in determining the social context of the migrant population. At the same time, these categories were largely determined by the social context itself as life as a colonial migrant was raced, classed and gendered by the colonial project, “both at the level of its ideologies of legitimation as well as in the deployment of specific means and modes of governance” (Mongia, 2004; 751).

I begin this section with a discussion of women indentured migrants (See fig 2.8). For every hundred men that left India, Natal was legally obliged to procure at least forty women. Recruiting agents in India has considerable difficulty in achieving this target. The Protector of Indian Immigrants reported in 1895, “The scarcity of women has been a continual anxiety, and, were it not for this scarcity, we could have shipped many more Coolies”.⁴⁰ Whilst some women emigrated willingly as part of a family single women labeled “outcasts” by society -widows and prostitutes emigrated as they sought a better life. Many women were also lured through deception. Aboobaker Amod, the first passenger Indian referred to earlier testified at the Wragg Commission, “The coolies are recruited under false pretenses in very many instances, for example, - I know an Indian woman, a Brahmin, she belonged to Lucknow; through a quarrel with her mother she made a pilgrimage to Allahabad; when there she met a man who told her that, if she would work, she would be able to get twenty-five rupees a month in a European family, by taking care of the baby of a lady who lived about six hours sea journey from Calcutta; she went on board and instead of taking her to the place proposed she was brought to Natal. I know of many similar cases”.⁴¹

⁴⁰ Report of the Protector of Immigrants for the year 1895, page 61, Documentation Centre, University of Westville, Durban

⁴¹YS Meer, Documents of Indentured Labour – Natal 1851-1917, page 390

Under the indentured system, women recruits were subject to greater exploitation than their male counterparts. The cheapness of their labor, given the fact that they were the lowest paid workers in the colony during indenture led to their highly devalued position. According to Act 14 of 1859⁴², men were to be paid at the rate of 10 shillings per month for the first year of indenture rising by a shilling a month for each successive year. Women who worked received half the amount paid to men. The law stated that married women were not obliged to work if pregnant or ill and that employers had to provide them with rations, accommodation and medical care. However, since only Christian marriages were recognized and most of the women were Hindus and Muslims, whose unions did not conform to the legal definitions of marriage, and the women did not have recourse to the benefits of this right. Single women were of course, conveniently left completely out of these benefits. Beall says that in reality, all women, married or single, and children were denied rations on many estates unless they worked (1990; 94). It was expected that the subsistence needs of women and children who were 'unproductive' would be met by the wages of men, which in reality, were too meager to do so. Thus, while their labor was devalued, employers increasingly realized the value of women's' labor on tea and sugar plantations and tacitly pushed them towards being constantly employed, but at half the men's wages. At the same time, it was economically beneficial to the employers to have a labor force that could be drawn in as and when their labor was required and sent back to the barracks when it was not, whereupon wages and rations ceased (Bhana 1991; 82).

However, apart from the indentured system of labor regimentation and control, women workers faced additional pressures. As argued by Beall (1990) and

⁴² CO 48/59 TNA, PRO and FO 154/18 NAI

Bhana (1991), women's tasks in the labor process were unskilled and this precluded them from developing the skills or experience to give them any bargaining power. Second, cultural constructs prevented Indian women from being allowed to acquire an education when it became a possibility for male immigrants. These factors, along with the reproductive responsibility of replenishing the cheap labor force as well as maintaining the labor force on a day-to-day basis through their domestic roles, reduced their potential for finding a way out of indenture. Morgan (2004) argues that under slavery, women were seen as sexualized bodies and this predicated their abuse in the workplace as well in terms of gender relationships. This argument can be extended to the female indentured population as well. As Kale argues (1998; 74), under indenture women were oppressed not only as workers but also on account of their gender. The colonial government was also part of this abuse as all complaints by indentured women of sexual abuse by planters and overseers were ruled away by invoking the promiscuity of the women involved. Beall certifies, "Women were represented in official documents as 'quotas with venereal disease'" (1990; 107). The indentured labor system denied couples of any semblance of family life and often separated husband and wife and children from parents by assigning them to different plantations and in the eyes of the White community the indentured were incapable of sustaining bonds of mutual affection and care. The absence of family ties and the active encouragement of the colonial government to import women who exchanged sexual favors for sustenance⁴³ allowed for the persistence of the colonial myths of colored bestiality and overactive sexuality (McClintock 1995, Stoler 2002, Morgan 2004). For example, Dr. Tritton of Umzinto when offering testimony about familial relations among the indentured before the Wragg Commission states that economic

⁴³ CO 384/12 TNA, PRO discusses the menace of venereal diseases at the Indian docks allegedly caused by prostitutes.

desperation resulting from difficult circumstances such as the illness of one's husband led women on plantations into prostitution but more than that, "I distinctly think that they do it for the love of lust."⁴⁴

It has been argued in the context of other colonies which imported indentured labor that since women were scarce in the early phase of indenture, their scarcity value gave them considerable power in relation to men, and that by moving from one partner to another women could not only remain independent but could benefit materially (Kale 1998). This ignores the fact that mobility and scarcity did not change the underlying exploitation of women workers from the existing patriarchal system and thus, while they were free to move and change partners it was not a liberated, self-informed choice in all cases but often, a desperate measure against violence. If they changed partners, they moved from being the common-law 'wife' of one worker to being the common-law 'wife' of another, open to the same circles of abuse and still requiring male protection.

However, this is not to suggest that women under indenture were wholly oppressed by their condition. Although there is great paucity of documents relating to indentured women directly, a careful reading of the colonial archives, especially files pertaining to cases being brought before the Protector of Indian Immigrants, reveals glimpses of the everyday resistance by women under indenture. These acts would attempt to indirectly circumvent the system and would provide a brief burst of self-affirmation against the brutality of their lives. Some of these acts include desertion in protest against conditions on the plantations⁴⁵, shamming sickness⁴⁶, refusal to

⁴⁴ Meer, Documents of Indentured Labor, page 417

⁴⁵ For example, the manager of the African Boating Company, Mr. Murray writes to the Protector of Indian Immigrants on 4th November 1904 in reply to the latter's inquires regarding indentured woman Latchmy, No. 105458 who had filed a sexual complaint against the employer Mr. Cherion. His letter makes it clear that Latchmy had deserted the plantation in defiance of strict laws against movement outside the premises. He writes, "This woman has

work⁴⁷, lodging complaints⁴⁸, and being difficult and insolent⁴⁹. All of these serve as instances of how women indentured workers as subaltern subjects sought to subvert the power of their employer and the latter's control over their labor power. Even though these acts did not have any lasting impact and their complaints were not treated seriously by the Protector, nonetheless, they threatened the system and forced their way into being written into history as acting subjects expressing displeasure against structural constraints.

Turning to the case of 'passenger' Indian women, the picture is complicated by the fact that there is no real evidence of their presence in the colonial archives. As Hiralal says, unlike indentured women, "one of the challenges in reconstructing an

formed some undesirable acquaintances in town, and the statement made by her is untrue. She left Mr. Cherion's premises on the night in question, even though this is forbidden, and slept, away from here, somewhere in town. He has had considerable trouble with her, and with your permission we will transfer her to Mr. Morris Renaud." DAR, II, Minute Paper 2529/1904, vol. 1/131

⁴⁶ For example, W.A Cochrane writes to the Protector of Indians Immigrants on 28th February 1905 regarding an indentured woman in his employ. He writes, "The woman in question was supposedly taken ill on the Tuesday. We supposed with a bilious attack or something of a very slight nature." He explains why he didn't send for the doctor since "there is hardly a day passes without one man or woman saying he or she is 'sick'. As you must be fully aware, coolies are always shamming illness to shirk work for a day, so that it is difficult to tell the real from the false" DAR, II Minute Paper 249/1901, vol. 1/100.

⁴⁷ The manager of the estate La Meeresy writes to the Protector of Indians Immigrants on 26th October 1911 regarding indentured woman Muniamah, No. 96579 "She is dressed in a stylish way. Though she has received no money from the estate for the last twelve months, she now declares that she will not do any work whatsoever in the fields. My objection to give this woman household duties is that she has suffered several times from venereal diseases and I request you to transfer her to another employer." DAR, II Minute Paper 145/1911, vol. 1/178

⁴⁸ Sinnammah, (Indenture No. Unknown) signed a deposition on 9th June 1904 before the Magistrate A. J Taylor stating that 'on Saturday last, I came to this office to complain against my master Mr. McKenzie of Nottingham Road. He assaulted me with a sjambok on Friday last because I declined to be in the veldt all day looking after his horses grazing there. When I came to the court, I was accompanied by my husband and we were both arrested for being found without passes and, notwithstanding, that we stated we had come to complain, we were kept in prison for four days." DAR II, Minute Paper 1335/1904 Vol/1/128

⁴⁹ Reunion Estate owner R J Bundy writes to the Protector of Indian Immigrants about Kotee, an indentured woman in his employ who had been requesting for a transfer to a particular free Indian for £120 "....I absolutely refused, saying that I was not a coolie trader, she does all she can to do everything wrong. She told some Indians here that she would force me to send her back to you, by making herself objectionable and would then beg that you let her be free for the ten months she has to do to complete her indenture" DAR II, Minute Paper 233/95 Vol1/123

accurate gendered view of the migration of ‘passenger’ Indians is the absence of archival records such as passenger lists, captains’ logs and Medical Reports and Port Records” (Hiralal forthcoming 2014; 3). This is because most often ‘passenger’ Indian women migrated as part of a patriarchal family unit in their roles as wives, and as mothers. Migration laws determined their status as dependent on their husbands as only the married wives of legally domiciled men were allowed entry into the colonies and later, into the Union. Thus, a woman’s identity and citizenship was constructed in relation to her legal marital status, making her position highly vulnerable to the possibility of abuse. “While the Natal and later the Union government permitted the entry of wives and minor children through legal channels, women were still subjected to multiple vulnerabilities, in relation to the legal rights of widows of domiciled Indians, the non-recognition of customary Indian marriages and spousal violation of their migration rights” (Hiralal, 2014; 9). If the implementers of the immigration process remained unconvinced about the legal standing of a passenger Indian woman, she was declared a ‘prohibited immigrant’ and denied entry into the colony. Ostensibly, a woman deemed suspicious could be turned away on grounds of being a prostitute. Thus, the state sought to control and regulate sexual relations within its borders by regulating those entering it. In the context of U.S immigration systems, Eithne Luibheid argues that through the process of selective admission, immigration control upholds patriarchal norms and articulates the state’s desire towards sexual regulation and hetero-normative marital structures (2003; 21). This argument can be extended to the case of Indian women in South Africa, though in this context, it was mediated by class since it was only middle class passenger women who were subject to arbitrary selective admission procedures. In the case of indentured women, it was their labor power that exempted them from these rules. Once admitted into the colony,

middle class women remained largely invisible in public spaces, dwelling in the privacy of the trader's homes, immured and duly invested with family honor under patriarchal norms. Thus, their participation in the strike of 1913 is extremely surprising and is of huge social import. I shall return to this theme in detail in chapter 5.

Religion added yet another layer of complexity to the social universe of migrant Indians who established a wide range of religious customs and traditions in Natal which were not merely transplanted from India but often, transformed and molded into a new set of religious practices and discourses that was better suited to their current lives. In the context of Fiji, Brig Lal notes, "Migration and indenture disrupted the Girmitiyas (indentured workers) religious and cultural life. There were few shrines and sacred places, few murtis or images, few learned men, pundits (Brahmin priests), or maulvis (Muslim priests) versed in the scriptures to impart moral and spiritual instruction" (Lal 2004; 17). This can also be applied to the context of South Africa, leading to more fluid, interpretive and non-monolithic form of Hinduism and Islam.

As stated earlier, indentured recruits were mostly Hindu (85%) from densely populated and highly impoverished agricultural regions, and belonging to low and middle status castes. Bhana (1991) documents the caste and class composition of indentured Indians in Natal between 1860 and 1911 by examining ship lists and argues that while the migrants were mostly Hindus from low socioeconomic classes, a huge variety of caste identities were noted in the documents (1991; 114). At the Madras port, these passengers were mostly Tamil castes such as *Cavarai*, *Padiachy*, *Palla*, *Odda*, *Uppara* and *Vanniah*, all of which are middle status field laboring castes as well as *Madiga*, *Molla* and *Pariah* which were the low castes with 'untouchable'

occupations such as tanning leather and burning the dead (1991; 71-7). Together, they made up about 20% of the migrant population. In Calcutta, while some passengers were low castes such as *Chamars* and *Ahirs* and belonged to the poorer classes of landless people, Bhana argues that ship lists enumerate a higher proportion of people belonging to traditionally land owning middle/upper castes such as *Kurmis*, *Kacchi*, *Koiree* and *Murao* who had been impoverished with the new colonial land policies in British India. Muslims formed 13% of the indentured immigrant population and came mostly from the Madras port. It is important to note here that the ship lists also enumerate their caste identities, thereby providing evidence for the existence of caste like structures among Indian Muslims. *Ashraf* (of Arab and Pathan descent) and *Aijlaf* (Hindu converts) were the two defining categories and many *Aijlaf* Muslims would present their previous Hindu occupational caste (1991; 69). Indentured Indian Christians were a small minority measuring no more than 3%. Unfortunately, not much is known about them from the colonial records and ship lists other than that they were again, mostly low caste Hindu converts and came from the southern parts of India (Bhana 1991, Bhana and Brain 1990).

However, I do approach these statistics with a smidgen of caution. Since most of this data is self-enumerated, I believe that caste and religious identities could be molded and changed according to individual motivations related to issues of privilege and discrimination. At times, recruits self-reported a lower caste since the officials did not want Brahmins and Muslims and at other times, they self-reported a higher caste in order to gain social leverage among other Indians on the ship and on the plantations. As Freund argues (1995; 9), in general, caste never emerged as an organizing principle among Hindus in South Africa. Caste traditionally, depends on an intricate web of social relations and occupational inter-dependence and that was

impossible under the homogenized plantation system and did not dominate social interaction. First, travelling across the seas in close proximity to members of all castes implied that caste differences could not be observed. Moreover, as *jahajbhais* (literally, ship brothers), life on the ship to Natal and in the new land was made more bearable by the *bhaiyacharya* or brotherhood among impoverished Indians of all religious and caste denominations. It allowed them to create a community of their own with similar culture and tradition, real and imagined. Living in quarters that had no caste boundaries and working alongside those from other castes meant that one could not duplicate beliefs and practices of purity and pollution. Thus, caste remained suspended; not completely absent but neither was it the focal point of everyday life⁵⁰.

In addition, at the work sites, temples and mosques were built to create cultural practices that reinforced their ties to India. Vahed and Bhana (2005) document how early mosques and temples, festivals such as *Holi*, *Diwali*, *Chhat* and *Muharram*, and various religious bodies regulated the social life and interactional patterns of most indentured Indians and provided a bulwark against the oppression of their daily life. Thus, on the one hand, while caste and religious differences had limited scope for execution, on the other, religion as a cultural practice of festivals

⁵⁰ Interestingly, however, it must be noted that caste made an appearance in the interactions between ex-indentured and traders, especially as an argument for special privileges. For example, some traders petitioned the governor general for the removal of two 'pariah' constables by claiming that the "two Indians here of the pariah caste named Anjuru, and Munsamy brothers, are appointed as constables. These constables harass Hindus in many ways. Amongst others they require Hindus to salute them. This, Sir, you are well aware would not be tolerated in India, and we feel certain that if the authorities were acquainted with the behaviour of the two constables in question they would at once put a stop to it....These two Indians are sent out to execute writs and at other times to search our houses. We do not complain of the writs being served and attachments' made or of our houses being searched, but what we wish to point out is that if a pariah touches our things or makes an arrest we [are] polluted. They also put on airs and in many ways behave in an objectionable manner, when they are discharging their duty." (Bhana and Pachai, 1984. Petition no. 21) Thus, caste was not entirely absent and in the early years, it was one of the reasons for the lack of a common consciousness.

and worship helped create communal feelings and provide the indentured a cathartic release from the brutality of life on the plantation.

The festival of Muharram is especially significant when discussing religious practices among the indentured in South Africa. Muharram, the holy festival to mark the martyrdom of Imam Hussian, the grandson of the Prophet, was interestingly a pan-Indian celebration in South Africa that brought Muslims, Hindus and Christians together in what the colonialists called, 'Coolie Christmas'. Goolam Vahed who has extensively studied Muharram as a social event in Natal says, "Muharram went beyond a religious occasion. It looked increasingly like a carnival which inverted the normal experience of daily life" (Vahed 2002; 85). Muharram was highly awaited since it was the only occasion in the year when workers on different plantations could mingle and revel "without the persistent gaze of the employer" (Desai and Vahed 2010; 223). It involved dressing up in costumes with drums and sticks and going out in processions with idols that were later immersed in the river. For all the participants, it was the one occasion to take back the streets of Durban and fill them with their presence, if only for a brief moment. Naturally, this made the colonial authorities very nervous and it caused undue stress to the settlers. For example, an editorial in the *Natal Advertiser* stated that

"Muharram, or Coolie Christmas, as celebrated in Durban, has now become an occasion for the Easterns on which all their innate fanatical ideas seem to let loose. What religion could tolerate such series of scenes, as those enacted in Durban during these last few days cannot be imagined. The hideously decked 'tigers' [referring to men who dressed themselves in body paint as tigers for the procession] and gaudily attired women, alike, become insane. The nerve shocking yells of those almost naked fanatics, together with the monotonous thumping of tom-toms are sufficiently convincing that the participants know nothing of the history of the patron saints whose sad deaths they pretend to commemorate."⁵¹

⁵¹ *Natal Advertiser* 7 February 1906, quoted in Desai and Vahed, 2010; 229

Muharram shook the controlled veneer of plantation life and made it appear undisciplined, raucous, violent and brimming with potent subaltern energy. “While the colonialists tried to control the naming the moment in the lives of the indentured, changing it from Muharram to Coolie Christmas, they were never able to control the content and the accompanying high spirits” (Desai and Vahed, 2010; 235).

The participation of all indentured workers, irrespective of religion and caste, helped foster a feeling of community among indentured workers at different plantations by marking the boundaries between themselves and others, namely whites and natives. It also marked the distance between the elite Indians and the indentured workers since the passenger Indians and other educated Indians did not participate in this celebratory exhibitionist form of Muharram. Upper class Hindus attempted to discourage indentured Hindus from participating in these festivities by claiming that it “did not have sanction from true religious doctrine.”⁵² Muslim traders likewise sought to distance themselves from the exuberance of Muharram. Aboobaker Amod in his testimony to the Wragg Commission insisted “the two Ids of Ramadan and Hajj are the only two important events for Muslims and should be set aside as public holidays”⁵³, implying that Muharram was relatively unimportant for all Muslims. Thus, while Muharram was a transgressive public site that built communal bonds between the indentured, it did not automatically lead to a pan-Indian consciousness, cutting across class ties.

It was only during the *Satyagraha* struggle and the strike of 1913 that indentured workers and traders came into close contact with each other and an ethnic identity independent of class, grounded in recognition of Indianness emerged. Some of these connections were based on common religious beliefs and cultural norms. This is

⁵² *African Chronicle*, 19th June 1907, quoted in Desai and Vahed, 2010; 234

⁵³ Wragg Commission, 1885-87, Documents of Indentured Labour, Y S Meer, 1980; 394

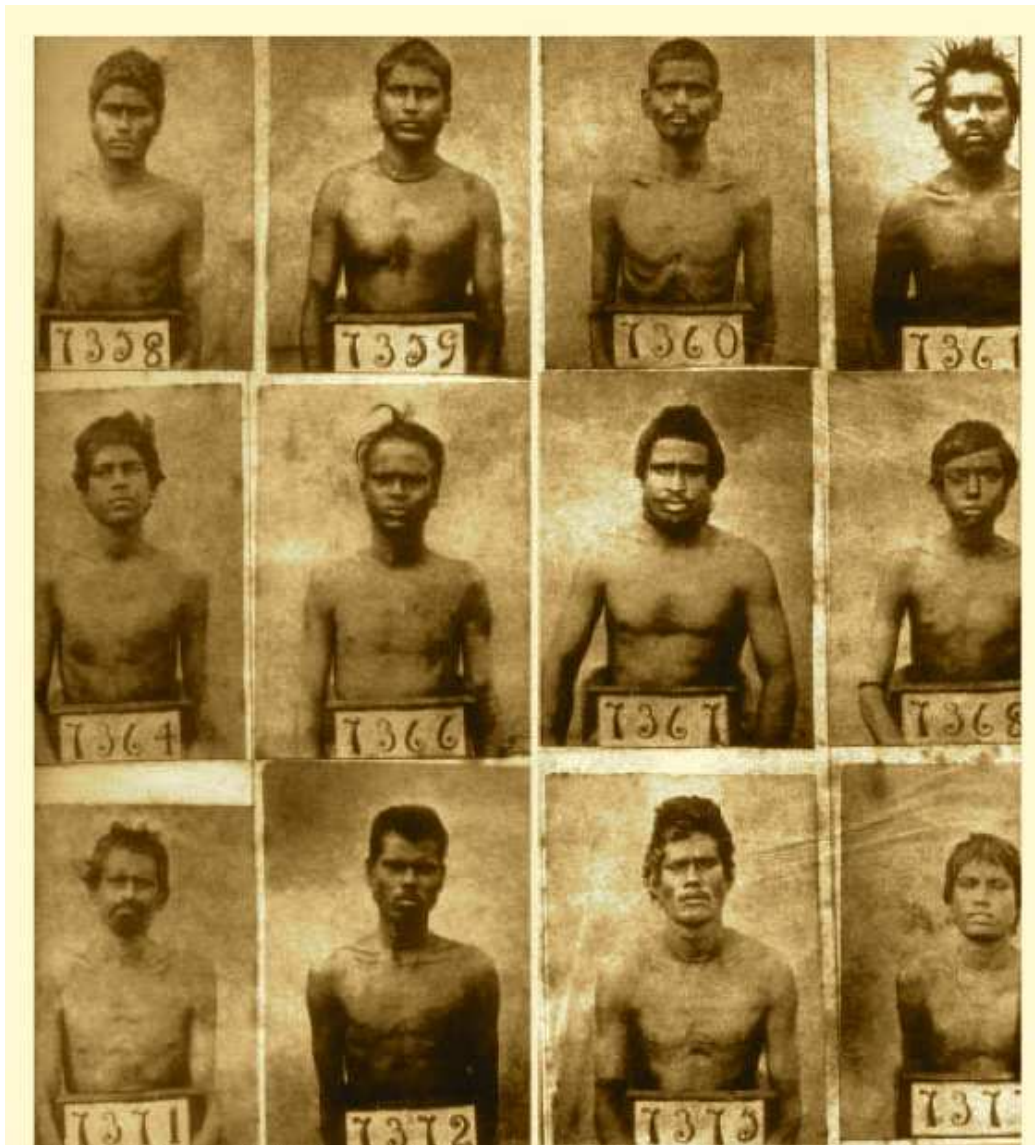
especially visible during the strike when jail records⁵⁴ suggest that strikers would invoke stories from religious texts such as the Ramayana and the Koran during mass meetings in jail that would involve all, the indentured and the middle class colonial born and traders. Ringleaders were quick to recognize the power of assembly and the hub of activity in various places across Natal were the Hindu temples and Muslim mosques. Leaders like Thambi Naidoo addressed crowds at these sites and this helped bridge the gap between the diverse groups.

Conclusion

In this chapter, I have attempted to provide a brief narrative of the social circumstances of Indian migrants in colonial South Africa and in the early years of the Union. This account lays the groundwork for the chapters that follow. Essentially, Indians were a diverse social group, as is evident from this description, in terms of class, caste, religion, gender and ethnicity. Their everyday life and life chances were fundamentally different and hence, to call them a ‘community’ is premature and incorrect. However, at certain moments, there was the strengthening of the bonds between the individual and the community and between disparate individuals separated by colonial social formations, leading to a sense of a nascent national identity rooted in the land left behind. I identify three important factors for this development- the forging of an imperial citizen/subject identity, the birth of the idea of *Satyagraha* and the Natal strike of 1913. These factors form the themes of the chapters that follow and by exploring the tensions, contradictions and connections that tie these dynamics together; I present an alternate social history of Indians in South Africa.

⁵⁴ Chief Inspector of Jails Report to Colonial Governor’s Office CO 879/113/66 NAUK

Fig 2.1



INDENTURED WORKERS WITH IDENTIFYING NUMBERS

Source: KCL, Durban

Fig 2.2

NOTICE.—IMMIGRATION DEPARTMENT.

THE Acting Protector of Immigrants, in continuation of a previous Notice now has the honour to publish, for the information of Planters and whom it may concern, the exact terms upon which Indian Immigrants have been enlisted for service in Natal.

F. ELTON, Acting Protector of Immigrants.

Immigration Department, August 17, 1874.

NOTICE TO COOLIES INTENDING TO EMIGRATE TO NATAL.

You will be taken free of expense to Calcutta, and, while there, will be well fed and properly lodged until the ship sails; and should you be ill, the greatest care will be taken of you.

When the ship is ready, you will be supplied with good clothing; the finest ships are selected, and the voyage takes about five or six weeks. The food, medicines, and other appliances on board are of good quality, and your health, comfort, and safety, will be most carefully attended to. The Indian Government has appointed officers, who are most strict and vigilant in securing for you all these advantages.

On and after your arrival in Natal, there is a Protector of Immigrants ready to advise you at all times during your residence there. You will be located on an estate where a medical man is employed.

Your religion will in no way be interfered with, and both Hindoos and Mahomedans are alike protected.

You will find over 5,000 of your countrymen settled there.

You will have a house rent free to live in, with plenty of garden ground to cultivate at your leisure, and care is taken not to separate families and relatives.

The climate is remarkably healthy, and there is an abundance of good water, fruits, and vegetables. If you are ill, medical attendance, medicines, and nourishment, are provided free of charge.

You will be required to cultivate sugar-cane and to make sugar, rum, and molasses. Great varieties of work, either for strong men or for women and children, are available.

You will have to work for five years, six days in the week, for nine hours, between sunrise and sunset—all Sundays and holidays excepted.

Besides rations the men receive for the first year, Rs. 5 monthly; for the second year, Rs. 5½ monthly; for the third year, Rs. 6 monthly; for the fourth year, Rs. 6½ monthly; for the fifth year, Rs. seven monthly. The women are paid half wages, and the children in proportion.

After five years you may return to India at your own expense, and after ten years you will be entitled to a passage back.

You will receive rations as follows:—

1½ lbs. of rice daily, or for three days in the week in lieu of rice	2 lbs of
Dholl	2 lbs. per month.
Salt Fish	2 " "
Ghee or oil	1 " "
Salt	1 " "

H. A. FIRTH, Emigration Agent for NATAL

8, Garden Reach, Calcutta, 21st March, 1874.

EMIGRATION AGENT'S NOTICE, Source: KCL, Durban

Fig 2.3

**MAN'S
EMIGRATION PASS.**

HEALTH CLASS.

DEPT. No. 1233

For ship S.S. Werani PROCEEDING TO NATAL.

No. 314

Natal Emigration Agency,
CALCUTTA, the 8/3. 1890.

PARTICULARS OF REGISTRATION.

Place..... Patala

Date..... 13/2/90 6921

Register No..... 82

Name..... Bandhu

Father's Name..... Bakhori

Age..... 39

Caste..... Barhi

Name of next-of-kin..... Mri. Dikeland

If married, name of wife.....

District..... Patala

Thana..... Masandhi

Village or Town & Mahalla..... Gopalpore

Body Marks..... Scar Left Face

Height..... 5 Feet 5 1/2 Inches.

CERTIFIED that we have examined and passed the abovenamed man as fit to emigrate; that he is free from all bodily and mental disease; and that he has been vaccinated since engaging to emigrate.

DATED
The 8/3

Surgeon Superintendent.

Depot Surgeon.

CERTIFIED that the man above described has appeared before me and has been engaged by me on behalf of the Government of Natal as willing to proceed to that country to work for hire; and that I have explained to him all matters concerning his engagement and duties. This has also been done by the registering officer appointed by the Indian Government at the time of registration.

DATED
The 8/3

Emigration Agent Natal.

Permitted to proceed as in a fit state of health to undertake the voyage to Natal

DATED
The 8/3

Inspector of Emigration.

EMIGRATION PASS FOR INDENTURED WORKER BANDHU NO. 6921

Source: Documentation Centre, University of Durban-Westville

Fig 2.4



ARRIVAL IN DURBAN

Source: KCL, Durban

Fig 2.5

DOCUMENT

(MAN'S)

2

CONTRACT OF SERVICE WITH INDIAN IMMIGRANTS.

Be it Remembered,

That on this 23rd day of April
 in the Year of our Lord One Thousand Eight Hundred and Eighty thirty
 and Telucksing of Durban Indian Immigrant,
 No. 6921 appeared before me,
Louis H. Mason Protector of Immigrants,
 and in my presence signed (or made his mark) to the following Contract of Service:—

The said Telucksing agrees to
 hire the services of the said Indian Immigrant, and the said Indian Immigrant agrees to
 render the said Telucksing
 his services in the capacity of General Labourer for Five Years, commencing on the
23rd day of April, in the Year of our Lord
 One Thousand Eight Hundred and Eighty thirty

And it is further agreed between the said Parties, that the said Indian Immigrant shall be employed as above for six days in each week, save as in such Law is mentioned, and that the hours of labour shall not be more than nine hours daily, between sunrise and sunset, with a break of at least an hour for rest.

And it is further agreed between the said Parties, that the said Telucksing shall
 pay to the said Indian Immigrant, as such servant as aforesaid, wages at and after the rate
 of TEN SHILLINGS for the first year, ELEVEN SHILLINGS for the second year, TWELVE
 SHILLINGS for the third year, THIRTEEN SHILLINGS for the fourth year, FOURTEEN
 SHILLINGS for the fifth year, for the remuneration of the services of the said Indian Immigrant, and that such wages shall be paid on the first day of each month.

And lastly, the said Telucksing
 doth hereby bind and obligate himself to give, grant, and provide, to and for the said Indian
 Immigrant, and for such family as may be allotted, good and comfortable lodging, wholesome
 and suitable food, and proper medical attendance and medicines, during the period for which
 this present contract is made, and otherwise to observe and fulfil all the conditions and obligations of the Coolie Laws of the Colony so far as the same are applicable to this Contract and Agreement.

Telucksing His X mark

The preceding Agreement was signed by the above-named Parties in my presence, on the day and year above written, voluntarily, the same being, as far as I am able to judge, fully understood by them respectively.

L. H. Mason
 Protector of Immigrants.

CONTRACT OF SERVICE FOR INDENTURED WORKER BANDHU NO. 6921

Source: Documentation Centre

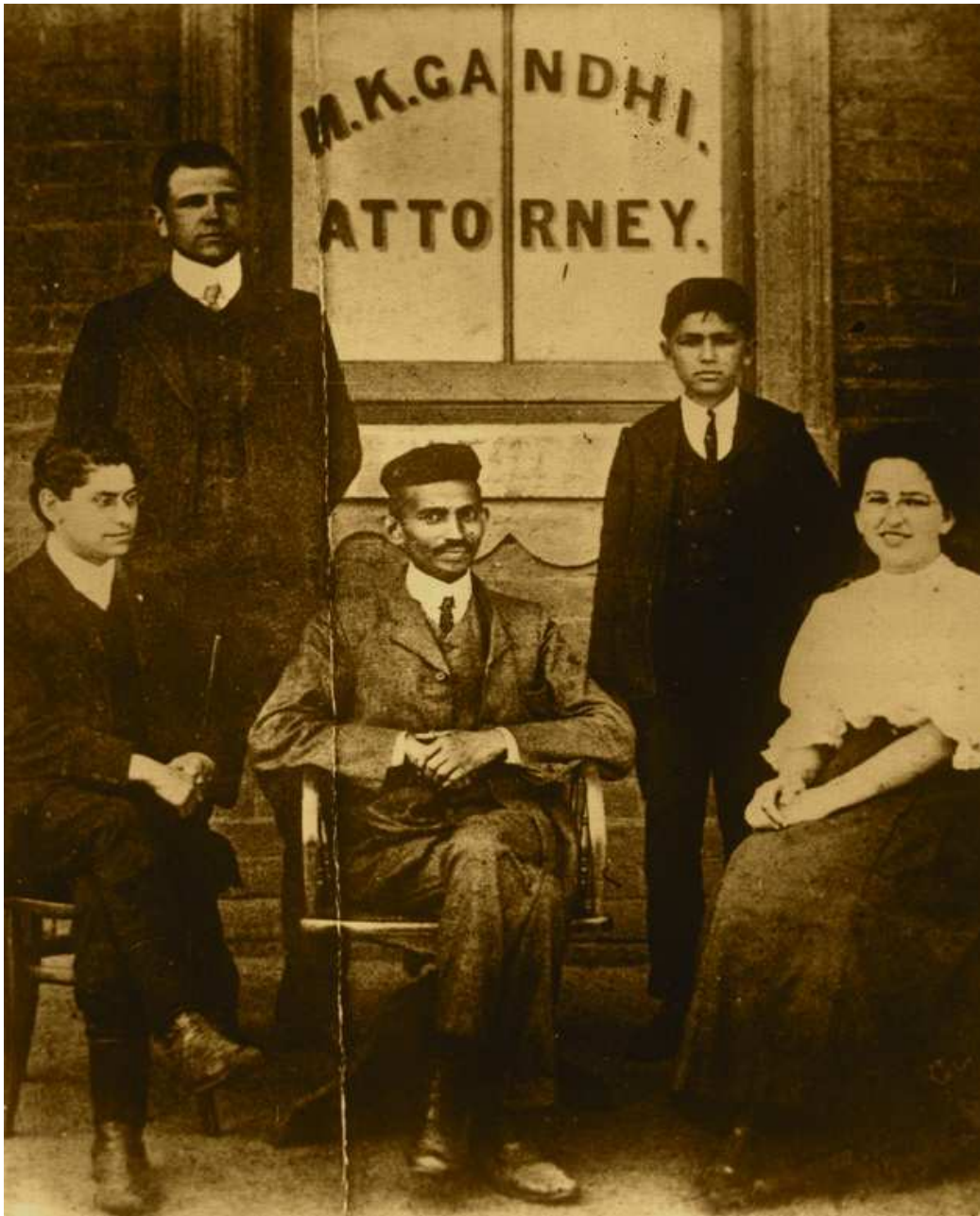
Fig 2.6

[illegible]

CERTIFICATE OF DISCHARGE FOR INDENTURED WORKER BANDHU
NO.6921

Source: Documentation Centre, Durban

Fig 2.7



GANDHI AT HIS OFFICE, 1883

Source: KCL, Durban

Fig 2.8



WOMEN INDENTURED WORKERS ON A SUGAR PLANTATION

Source: KCL, Durban

CHAPTER 3

IMPERIAL CITIZENS/COLONIAL SUBJECTS: AN ANALYSIS OF PETITIONS⁵⁵

“We are British Citizens and are entitled to, and claim all British citizens’ rights.”
Dadabhai Naoroji⁵⁶

Imperial Citizenship as a Concept

In 1858, Queen Victoria passed what came to be referred to as ‘The Proclamation’, that formally acknowledged India as a dominion of Great Britain.

Indians were recognized as her official subjects and were promised the following:

“We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessings of Almighty God, we shall faithfully and conscientiously fulfill.”⁵⁷

In 1908, on the fiftieth anniversary of this Proclamation, her son and successor King Edward “in commemoration of the exalted task that the British Crown had undertaken” by bringing “some three hundred millions of the human race, under British guidance and control” that allowed him “to survey our labors of the past century with a clear gaze and good conscience,” interestingly declared,

“Important classes, among you [Indians], representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship, and a greater share in legislation and government. The politic satisfaction of such a claim will strengthen, not impair, existing power and authority.”⁵⁸

⁵⁵ This chapter is a reproduction with some changes and additions of my article, “Citizen or Subject? Blurring Boundaries, Claiming Space: Indians in Colonial South Africa”, *Journal of Historical Sociology*, Vol 6, Issue 4, December 2013, pg. 479-502.

⁵⁶ Dadabhai Naoroji in his Presidential Address to the Twenty-Second session of the Indian National Congress in 1906 pressed this claim based on the Queen’s Proclamation.

⁵⁷ A. Berriedale Keith, ed. *Speeches and Documents on Indian Policy, 1750-1921*. Vol. I., 1922, 382-386.

⁵⁸ Ibid. Pg. 395-410

These two statements separated by fifty years of British rule in India aptly signify the crux of the matter with regards to the status of Indians in the Empire. Indians were conceived of by the colonial state as the inferior subjects of a benevolent queen who were protected by the ‘goodness’⁵⁹ of Empire. However, in the span of fifty years, Indians clamored for the ‘equality of citizenship’, the claim for which was based on the Proclamation of 1858. This paradox forms the fulcrum of this chapter and I examine the concept of ‘imperial citizenship’ and how colonial subjects in South Africa demanded citizen rights under the rubric of imperialism. This is relevant in constructing a social history of early Indian migrants in South Africa as it provides vital information about patterns of accommodation and resistance to colonial categories of discrimination in everyday life.

Imperial citizenship as a concept has only recently drawn the attention of historians of the British Empire. Reiko Karatani (2003), Daniel Gorman (2006), Sukanya Banerjee (2010) and Nirja Gopal Jayal (2013) are some recent scholars who engage with the concept of imperial citizenship, approaching the idea from different angles and utilizing diverse case studies to deal with the fundamental question: who had the right to call themselves a British citizen under the British Empire? According to Jayal, “In legal terms, the principle of *jus soli*- birth on the soil of a country-was the normal mode of acquiring citizenship, so all those born within the British Empire shared the common status of being subjects of the king-emperor. This however, was pretty much all that was shared or common. Commonality- consisting of common

⁵⁹ In the context of Eastern Europe and the application of the rule of European difference to this region and its people, Böröcz (2006) argues that, “The rhetoric of European goodness is the centerpiece in the rise of the notion of ‘Europe’ to historic prominence in the civilizational discourse of coloniality. The civilizational rhetoric of European goodness promotes a hierarchical vision of the world, with “Europe” always already on top”(2006; 125). This idea of a normative and geopolitical discourse of civilizational and racial superiority based on the innate ‘goodness’ of the colonizer was the basic premise of the British Crown and its relationship to its colonies and the people of these peripheral, yet connected regions.

subjection to the sovereign- rather than equality was the defining principle of British imperial citizenship” (2013; 34). In principle, imperial citizenship is bestowed regardless of space, in the metropole and in the colonies, and regardless of racial difference. Karatani notes, “This seemingly benevolent attitude is based on the idea of imperial superiority, under which those people on the peripheries, who do not belong to the ruling group, are regarded as equal only in the sense that they are all inferior” (2003; 23). In other words, the imperial metropole could imagine different racial and ethnic groups as being enveloped within its expansive grant of citizenship despite these groups being culturally different and regarded mostly as inferior since it was a status of belonging that was based on loyalism to the Crown, and not one that implied equivalence between the metropole and the peripheries that ensured rights to all of its subjects.

As is obvious, and has been pointed out by all of these scholars, citizenship as a status of equality was reserved for white men of the metropole and in the dominions and instead, non-white populations in the colonies were deemed the status of subjects only. This observation is an important intervention in citizenship scholarship as most historians of imperial history have devoted their attention to the large structures of imperialism, namely the military-politico fields and economic structures while ignoring the importance of individual histories and identities that always accompany legal statuses (Gorman 2006; 9-11). Building on the work on the concept of imperial citizenship put forth by Karatani, Gorman, Banerjee, and Jayal, I address a gap in this literature. While these scholars present detailed and thought provoking discussions on the nature of imperial citizenship from different perspectives⁶⁰, none of these works

⁶⁰ Karatani’s book *Defining British Citizenship* (2003) is a politico-legal analysis of British citizenship through the ages and highlights the fluidity of the idea of citizenship in Britain and the importance of the place of subjecthood in its conception. Gorman’s book *Imperial*

actually engage with the percolation of the idea of imperial citizenship to the non-white subject classes in the peripheries and the place of importance that the concept of imperial citizenship came to occupy in their agendas over time. Banerjee's book (2010) is the only one to offer a view of how Indians perceived their status as imperial citizen/subjects but her analysis is restricted to the eminent statesmen of the time, thus presenting a narrative constructed on the thoughts and writing of elite Indian intellectuals of the period. Moreover, while all of them acknowledge that the idea of imperial citizenship became doubly loaded with meaning in the context of colonial migration between the various nodes of the Empire; none of them deal with this at any length, thus making my intervention very timely and necessary. Before moving on to the next section, I would like to briefly remark that the importance of the concept of imperial citizenship to overseas Indians is obvious since the Imperial Indians Citizenship Association was established in 1915 in Bombay primarily to forward the claim to equal status for Indian British subjects at various settler colonies such as Natal, Fiji, Canada, New Zealand, etc. The organization extensively lobbied for Indians to be included in committees at the various Imperial Conferences held to debate on immigration and other issues concerning the legality of British subjects and pressed the case for the Indian citizen/subject through various pamphlets and other publications in India, London and in the colonies. Unfortunately, there exists little

Citizenship: Empire and the question of belonging is a thoughtful study of imperial citizenship through an analysis of debates on the issue in British society in the late 20th century and among British intellectuals and statesmen. Here he reverts back to the metropole to integrate the colonies and the center of the Empire in a bid to counter what he terms as a fundamental problem with postcolonial studies of Empire—that it tends to “occlude the motivations of the dominant imperial power” (2006; 11). Banerjee in her work, *Becoming imperial citizens: Indians in the late Victorian Empire* (2010) looks at the extra-legal life of citizenship and presents an analysis of how imperial subjects pushed for the label of being imperial citizens through a study of Indian political leaders such as Dadabhai Naoroji, Surendranath Banerjee, Gandhi, and Cornelia Sorabji, among others. Jayal's book *Citizenship and its Discontents* (2013) examines the history of citizenship in India and the illusion of equal civic community that underlie the ideology of the concept and the paradoxical inbuilt modes of exclusion it necessarily contains on the basis of class and gender.

historical data of the group's work in the archives and as a result, the organization has not been extensively studied. In the future, I hope historians shall take up this challenge and rectify this omission.

Deconstructing Colonial Law

To understand the contradiction of how colonial subjects in South Africa demanded citizen rights under the rubric of imperialism, we have to engage with the construction and the operation of the colonial state and colonial law. The establishment and maintenance of colonial power is only possible through the gradual extension of legal and bureaucratic procedures that control and classify colonial space, colonial property and colonial bodies by deeming some activities/groups as legitimate and suppressing others as immoral or unlawful.

David Washbrook notes, "The law may be seen to represent a set of general principles through which political authority and the state (however constituted) attempt to legitimize the social institutions and norms of conduct which they find valuable. As such, its history reflects the struggle in society to assume, control or resist this authority"(1981; 649). Colonial law was the fulcrum upon which colonialism ruled, constructed and re-constructed itself and yet, at the same time, for the colonized, it was the door to redressal for their grievances. Colonial law and jurisdictional disputes are important analytic tools for understanding social history as they function as "general statements of principle" (Washbrook 1981; 649), as "vital, symbolic markers of boundaries that separated colonial constituents" (Benton, 1999; 564), and as "a diffuse institutional means for the control of colonial society because it forced indigenous litigants to adapt to a new set of discursive and institutional structures" (Brimnes, 2003; 515). According to Laura Benton, by analyzing how colonial law operated we can arrive "at a view of the construction of the colonial state

not as a product of either ‘external’ forces or ‘internal’ conflicts but as an example of a ‘colonial project’-a practice and institution both perpetuated in policy and emerging out of the peculiar dynamics of colonial cultural politics” (Benton, 1999; 565). In other words, colonial rule was never a direct imposition but rather a series of conflicts over the right to rule and the nature and relation of its subjects.

Within this framework of colonial law and its intricacies, citizenship and subject status in these societies were further complicated by the fact that British colonies had a dual-law system with different forms of laws and subject status for European and for ‘natives’ and other non-Europeans. In South Africa, the introduction of Roman law by the Boers conferred an additional layer of complexity to colonial rule and subsequently led to varying claims of who was a ‘rightful’ imperial citizen. These combined legal systems marked the blurry boundaries between different categories of subjects under colonial rule. The colonial state, on one hand, embraced a moral position based on the Enlightenment ideals of justice and equality for all and on the other, remained committed to maintaining legal distinctions of subject and citizen between the colonized and the White settler populations. Mamdani terms this contradictory colonial paradigm, common across Africa, “a double-sided affair. Its one side, the state that governed a racially defined citizenry, was bounded by the rule of law and an associated regime of rights. Its other side, the state that ruled over subjects, was a regime of extra-economic coercion and administratively driven justice”(Mamdani, 1996; 19). Concentrating on colonial law and patterns of judicial interaction in the colony reveals the duality, tensions and fault-lines that anchor colonial governance as well as the contested nature of colonial rule.

South African law is often regarded as a hybrid system, deeply influenced by the history of successive colonial governance. Francois Du Bois states, that colonial

law “was deeply affected by local demographic, political and economic factors, especially the replacement of the Dutch by the British, the expansion of European settlement, the subjugation of indigenous population, and the development of a commercial and industrial economy”(2004; 1). The Dutch established the earliest form of a colonial legal system in Cape Colony in the late 17th century. Although at first it was merely a court system that looked into the affairs of company officials, over time it attempted to encompass colonial settlers, slaves, the Khoi-Khoi and other migrants into a single legal order with modification and expansion through statutes. However, this did not imply that the law operated in an unambiguous fashion. Rather, the laws were in a state of great confusion where local decrees frequently contradicted each other and were applied arbitrarily by untrained judges (Sachs, 1973; 18-20).

When the British took over the Cape in 1806 they kept the local Roman-Dutch law in place. However, English law treatises slowly sneaked into the courtrooms through English lawyers and judges, and legislations based on English Acts crept into the local common law. Over time, colonial law in the Cape was a hybrid system of the local Roman-Dutch law and the English procedural law. The colonies of Natal, Orange Free State and Transvaal were deeply influenced by the legal system in the Cape and exhibited the same hybridity in their local laws. After the Boer war and the formation of the Union of South Africa in 1910, the four provinces were brought under the control of the British and a more consistent legal system was established through legislative changes.

The status of Indians within the legal system was complex⁶¹. For the colonies in South Africa, Indians were colonial subjects of the British Crown and yet, were

⁶¹ It should be noted that it is not unique to South Africa. In other parts of the British Empire, especially those regions that received Indian indentured workers, such as Mauritius, British Caribbean, British East Africa, etc., Indians were treated as colonial subjects who were ‘not

different in status from the white settlers in the colonies as well as from those in the metropole. At the same time, they were legally distinct from those subject to the customary law system.⁶² This ambiguity of status, the increasing numbers of ex-indentured and free Indians as well as their apparent skill at trade and commerce made the settlers and the colonial state anxious. Lord Milner, the British High Commissioner for South Africa, claimed, “Asiatics are strangers forcing themselves on a community reluctant to accept them” (Thiara, 2001; 132).

Gandhi details the various laws passed against Indians in South Africa (1928:24-35). The first legislation directed at Indians in South Africa, Law 3 of 1885, was passed in Transvaal. It stipulated that Indian merchants had to pay a fee of 25 Rands to register their presence in the colony and that they had restricted property rights in segregated areas or bazaars. Further amendments stipulated that Indians had to carry passes at all times (Law 9; 1888), and that they were not allowed hold licenses in any mining enterprise (Law 15; 1898). For indentured laborers in Natal, under Act 25 of 1891, the provision that the ex-indentured were also entitled to a gift

quite white’. See for example, Brig Lal’s *Girmitiyas: The origins of Indians in Fiji* (Journal of Pacific History Monograph, 1983), David Northrup *Indentured Labour in the Age of Imperialism* (Cambridge University Press, 1995), Marina Carter’s *Servants, Sirdars and Settlers: Indians in Mauritius 1834-1874* (Oxford University Press, 1995), and Madhavi Kale’s *Fragments of Empire: Capital, Slavery and Indian Indentured Labor in the British Caribbean* (University of Pennsylvania Press, 1998). An analysis of colonial law in these regions, as in South Africa, would highlight the unruliness and proliferation of legal categories that were created to control these migrant groups.

⁶² Here, the system of customary law that was in put in place since 1848 by the English must be mentioned. Customary law or ‘indirect rule’ was the process whereby some ‘native’ institutions and customs were recognized as legitimate under the supervision of the colonial administrators. As Du Bois claims, “a rather elaborate parallel legal system developed in this way with its own code, unwritten (‘native’ customary) laws and tiered system of courts, all of which was closely connected to the development and maintenance of a racially segregated and hierarchical State, economy and society” (“Introduction: History, System and Sources” in *Introduction to the Law of South Africa* 2004:14). This was possible since the recognition of native laws and customs was subject to the following caveat. Customary law would hold provided it was “not repugnant to the general principles of humanity, recognized throughout the whole civilized world”, thereby allowing the colonial state, as the flag bearer of “civilized world”, to remake customary law as it deemed fit (Mamdani 1996: 63). Mamdani calls this system ‘decentralized despotism’ and “the hallmark of the colonial state in Africa” (39).

of crown land and full citizenship rights was withdrawn to discourage the settlement of Indians in the province. Act 17 of 1895 of the colony of Natal imposed a £3 tax on ex-indentured Indians, who fail to re-indenture or return to India after completion of their labor contracts. The penalty was imprisonment or deportation. With the Franchise Act of 1894 in Natal, Indian merchant class men, who until then had qualified for the colony's class and sex-based franchise system, were formally disenfranchised. From 1895, when the Indian Immigration Act was introduced, the colonial government tried to restrict the immigration of all Indians. For example, the qualification for entry into the colony was based on ownership of property and the knowledge of a European language, thus effectively stemming the migration of Indians without being overtly racist. The Black Act in 1906 in Transvaal required the registration of all Asiatics over the age of eight, thus verifying their legal residence in the province. All Hindu and Muslim marriages were deemed invalid in 1913, officially making married Indian women the legally unprotected concubines of their husbands. Other laws prohibited marriage between whites and people of color, put forth various kinds of restrictions on movement and internal migration, ordered the fingerprinting of all Indian males and prohibited the carrying of arms by colored residents.

As mentioned before, colonial laws, such as the ones outlined above, marked the boundaries between racial groups; in this case, between migrant Indians and the White settler society and between Indians and natives. These boundaries were symbolic signifiers of racialized judgments about the essentialized character of these groups and of the imperative need to keep the groups separated. The laws against Indians tell us that the state increasingly attempted to control political and legal identity, thus gaining the right to determine the status of all, citizens and subjects

alike. Yet, the very ambiguity in its structure as well as the purported impersonal and impartial nature of it implied to the colonized that there was space for negotiating the cracks. To fully understand these processes, I now analyze the construction of colonial identity and colonial power as well as the categories of citizenship and subjecthood.

Tracking the 'third space' and the citizen/subject debate

In the context of colonial Egypt, Timothy Mitchell argues that power exists as performance through the interaction of practice and thought. For Mitchell, colonization 'constructs' its subjects ('enframed' and represented as 'real') for the execution of its own power (Mitchell, 1988; 22). As General Smuts, the Interior Minister of South Africa, claimed, "The Indians are disliked in South Africa for their simplicity, patience, frugality and otherworldliness. Westerners are enterprising, impatient, engrossed in multiplying their material wants and in satisfying them, fond of good cheer, anxious to save physical labor and prodigal in habits."⁶³ This 'depersonalization through the mask of the plural' (Memmi, 1974; 129) allowed the colonial regime to produce and manage the colonized as a coherent, anonymous whole, visible through observation, ordered to fit a pattern and suitably governed over for best results.

As mentioned in Chapter 2, for the state, these various groups, despite obvious differences in gender, religion, caste and socio-economic status, were lumped together within the category of 'coolie' for easy categorization and dehumanization. However, as it is now established in social theory, the exercise of power is never an absolute ideological-hegemonic system played out in strict binary relationships of ruled/ruler. It is diffused and disindividualized through society and power is 'performed' in order

⁶³ Gandhi, *Satyagraha in South Africa* 2006[1928]: 84

to maintain itself. In the context of colonial migrant Indians, disputes over definitions of identity and legal status as individual actors strategically attempt to negotiate the legal order to their own advantage refine the boundaries of colonial law and the colonial state but contradictorily, often this process of negotiation draws the colonial system into further ambiguities. Drawing on Foucault, Said and Fanon, Homi Bhabha posits a theory of colonial relations that recognizes the instability and 'hybridity' of power and attacks essentialized binary models of oppositional categories (Bhabha 1985,1994). The relationship between colonizer and colonized is marked by ambivalence and the exercise of power is fraught with contradictory tensions. According to Bhabha, the colonizer fears and 'others' the colonized in order to control him but simultaneously requires the colonized in order to be recognized as the bearer of authority. In the process, however, the narrative of domination is altered, creating what Bhabha terms as 'hybridity' or the 'third space of enunciation' where translation and negotiation occur simultaneously and other positions emerge that "initiate new signs of identity, and innovative sites for collaboration and contestation"(1994; 1). Encoded within this interruptive, interrogative and ambivalent space lies the possibility of resistance, as according to Bhabha, hybridity "unsettles the mimetic or narcissistic demands of colonial power but reimplicates its identifications in strategies of subversion that turn the gaze of the discriminated back upon the eye of power"(1985; 154). While the colonial regime attempts to produce and manage the 'Indian community' under the category of 'coolies', the latter cannot respond to this production of its identity without changing the narrative of authority. For Bhabha, neither the colonizer nor the colonized remain within their restricted binary space and in their interaction; they change the nature and field of colonial power into its hybridized form. In his understanding of resistance, ambivalence lies at

the heart of discursive colonial power and this enables a form of subversion founded on that uncertainty, or what Bhabha calls ‘spectacular resistance’ and “other ‘denied’ knowledges enter upon the dominant discourse and estrange the basis of its authority- its rules of recognition”(1985,156).

Bhabha’s work opens a space for deconstructing colonial power as unstable, interruptive and transformative with liminal spaces that allow for subversion. Using his concept of ‘the third space’, I analyze the blurry boundaries that engulf the history of colonial Indian migrants in South Africa and colonial resistance that mushrooms in these crevices of power. Bhabha has been criticized for ignoring the material and particular conditions of coloniality and for focusing on an idealized and psychoanalytical concept of self/other (JanMohamed 1985, Young 1990), for limiting resistance to the unacknowledged acts of subversion in ‘the third space’ over conscious, organized, anti-colonial material struggles and for advocating a totalizing tendency that sees the hybrid colonial subject (colonizer and colonized) as existing outside material history (Moore-Gilbert 1997;132, Young 1990;192). Keeping these objections in mind, I attempt to unwrap the concept of ‘the third space of enunciation’ within a material history that analyzes coloniality as the lived experience of exploitation and the denial of access to rights. Also, while Bhabha is insightful in directing attention to the in-between spaces that arise from the ambivalence of colonial authority, his emphasis on subversion as acts that do not necessarily require intentionality of action forecloses the possibility of analyzing the third space as one that allows for and breeds deliberate acts of resistance. I argue that resistance and accommodation or subversion and mimicry of colonial categories lay within the blurry cracks of colonial authority for colonial Indians in South Africa and they negotiated these fissures as acting subjects produced within colonial discourse.

These negotiations were predicated upon colonial law and the categories of citizenship and subjecthood. According to Dieter Gosewinkel (2001; 17-35), the historicity of the concept of citizenship must always be accompanied by the historicity of the concept of subjecthood. With the rise of parliamentary reform, the categories of the 'subject' and the 'citizen' no longer coincided, as the duty of allegiance to a crown became obsolete and the concept of natural liberties took precedence. The use of the term 'citizen' in legal statutes marks the rupture from the feudal age and the involuntary nature of subjecthood to the voluntary nature of citizenship that was more in tune with modernity.

While citizenship in theory is a legal status indicating free participatory democratic ideals within a polity, Gershon Shafir states that it is a status held under the authority of a state, constantly contested to include various political and social struggles of 'recognition and redistribution' (1998; 1-28). These struggles attempt to extend the scope and content of the particular recognized form of citizenship. This necessarily implies that the concept of citizenship, by definition, is historically an exclusionary category, both internally and externally. This status excludes those living beyond the borders of the state as well as discriminates against certain groups within the state by denying them civic rights. The experiences of colonial Indians in South Africa bring to the forefront the politics of citizenship. As Mamdani states, "Citizenship would be a privilege for the civilized; the uncivilized would be subject to an all-round tutelage" (1996; 17). This code was deemed legitimate and enforceable within the polity, rationalized through various means including the use of religious mythology⁶⁴. As elaborated earlier, the colonial state sought to extend citizenship as a

⁶⁴ For example, a delegation of Indians were told by President Kruger, "You are the descendents of Ishmael and therefore from your very birth bound to slave for the descendents of Esau. As the descendents of Esau, we cannot admit you to rights placing you on equality

right to certain groups while systematically excluding others through discriminatory practices that were granted legality through the enactment of the laws.

However, as Piya Chatterjee reminds us, “Cultural practices of social distance are baroque, deeply relational and in, constant flux” (2001:8). With the help of colonial law, the colonial state sought to control and manage the ‘coolie community’ but in the process of this exercise of power, tightly marked boundaries of social distance such as those that separated ‘citizen’ from ‘subject’ were turned into ‘hybridized third spaces’. In order to enter these blurred spaces, the colonized has to first view himself as how the colonizer views him and then use this knowledge to subvert the system, either overtly or by using the colonial categories of discrimination to his own end. This implies that the colonized constructs an identity that is based on colonial stereotypes and this identity is constantly produced and maintained.⁶⁵ This negotiation in the construction of identity between that which is forbidden and that which is possible, makes identity a historical process: tentative, multiple and contingent (Wilson 2003; 3). In the context of Indians in South Africa, this fluidity of colonial identity was constantly reinforced through resistance and collaboration with colonial categories of difference.

For colonized Indians, their self-identity was centered on the way in which it was framed by the colonizer and by their own desire to negotiate these framings. This contributed to their self-imagination as the ‘coolie community’ in particular ways that allowed for both, collaboration and resistance, leading to the creation of the ‘third space of enunciation’. Colonial Indians negotiated their identities as minorities,

with ourselves. You must rest content with what rights we grant to you” (Gandhi 2006[1928]: 31)

⁶⁵ As Stuart Hall (1993) states, in the context of diasporic cultural identity that “Perhaps instead of thinking of identity as an already accomplished fact, which the new cultural practices then represent, we should think, instead, of identity as a ‘production’, which is never complete, always in process, and always constituted within, not outside, representation”(223)

aiming to dislodge the system of discrimination through claims of citizenship. Following Charles's lead who suggests that citizenship is a relational phenomenon which involves a set of transactions between persons and the agents of the state based on rights of obligations on the part of both and hence is a unique form of a contract (1996;8), I argue citizenship as a category, also contains the contested terrains and political struggles on the part of those claiming citizenship practices. In the initial years, petitions written by Indians to the Natal colonial officers hint at the awareness of colonial categories and the desired exclusion of other minorities. Most petitions attempt to draw attention to their complaints while claiming faith in the benevolence of the colonizers and make requests for change in status. In later years, when most of these petitions were turned down and conditions did not improve, they moved to *Satyagraha* or civil disobedience. The edges around the concepts of the subject and the citizen sometimes appear blurred within the discourse as petitioners use both synonymously and this broadens the definitions of the terms beyond their conventional meanings.

Analyzing Petitions

Petitions operate in a double sense. At one level, they serve as texts that are public documents of discontent representing grievances of both individual and community. David Zaret claims that the written act of a petition transforms discontented public opinion from a 'nominal, discursive fiction' that exists only in political discourse into a real, experienced entity (1998; 3-10). At another level, petitions are most often, written in a rhetorical style that makes an 'appeal' to a higher authority, hence legitimizing the existence of the latter and recognizing the right of the authority to exercise power over the petitioners. Thus, a petition inherently carries the moment of both- resistance to and collaboration with structures of authority.

‘Passenger’ Indians who were mostly traders, clerks and other professional classes write most of the petitions analyzed in this paper. Indentured workers were mostly illiterate and if and when they did petition the government, most often, someone else drafted the petition, making it impossible to derive a historiography that ‘recovers’ lost voices. Moreover, since the colonial archives were “intricate technologies of rule” (Stoler, 2002; 87) that excluded marginal voices and selectively chose discourses and documents that synergized the connection between dominance and knowledge, there has been a need to rely on petitions from private collections such as The Collected Works of Mahatma Gandhi and newspaper archives. Surendra Bhana and Bridglal Pachai (1984) emphasize that the paucity of material from the early period of Indian migrants in South Africa and South African history of the last century in general, makes the production of this historiography especially challenging for scholars who study this period. I do not intend to imply that these petitions are, in any manner, wholly representative of the encounters between the government and migrant Indians in colonial Natal and in the other colonies. Also, though a worthy cause, my project is not engaged in excavating or ‘recovering’ new material on Indians in South Africa. Instead, I use the petitions as examples of colonial discourse, read in the light of my theoretical claims. In this chapter, the petitions serve as examples of the struggles of colonized migrant Indians to position themselves against the colonial ‘rule of difference’ and to negotiate the ‘hybrid space’ effectively.

Most petitions written by Indians presented their protest against discrimination and exclusion. Examples of these are plentiful in the documents. Abdoola Hajee Adam et al., petitioned the Natal Governor on 8th August 1894, protesting against the Immigration Bill and claiming that it was not in “accordance with the principles of

simple justice and equity.”⁶⁶ As a strategic ploy, perhaps inserted by scribes, petitions appealed to the fairness of the legislative process and the petitioners’ faith in the moral goodness of the authorities that perhaps ‘unintentionally’ discriminated against Indians.

In a petition, cosigned by prominent Indians and addressed to the Secretary for the Colonies, written at the time of the Union of South Africa the petitioners stated

“Placing implicit confidence in the sense of British fairplay and justice that your petitioners have always been taught to rely upon, many of your petitioners were induced to emigrate to this Colony, the responsibility for whose development they have been ready to share both in peace and in war, where they have built their homes, and brought up their families, in which they have invested their capital and have established themselves in various pursuits, agricultural, commercial, industrial, and otherwise.

During the late Anglo-Boer war, the community represented by your petitioners assisted His Majesty's troops in every possible way in the capacity of stretcher-bearers, and they raised men and money to carry operations of the Ambulance Corps, and were willing to share in active military service, but their request was refused by the military authorities; however, for the part they took in ambulance work, their services were mentioned in the dispatches.

Your petitioners humbly pray that His Majesty's Government will be pleased to make such amendments in the aforesaid Draft Act of South Africa as would give to every British Indian citizen in Natal equal civil rights with other British subjects in South Africa in the eyes of the law”⁶⁷

This petition is written to appeal for rights under the soon to be formed new state of the Union of South Africa in 1910. The language of the petition is couched in terms of faith in the government, reminding the government of past contributions and duties performed as responsible and worthy citizen/subjects and represent themselves as local subjects of a regime that is on the cusp of becoming a modern republic. In other words, they negotiate their appeal of citizenship of the new nation-state through the idiom of subjecthood. This broadens the modern, liberal nation-state conception of citizenship and the discourses contained within it by drawing attention to the fact that

⁶⁶ Bhana and Pachai (1984; 54)

⁶⁷ TNA, PRO, CO 179/253 Apr-July 1909, 10 July 1909

citizenship is not only about easily demarcated rights and duties defined by the modern nation-state but is in fact, also a transmutable space that has a deep entangled history to the concept of subjecthood and subjects. The next petition serves as another example of this discourse.

A memorandum written by Abdul Rehman, secretary of the Potchefstroom Indian Association, addressed to the High Commissioner, Lord Selborne, in October 1905, draws attention to the fact that in Rehman's view Indians were segregated and treated as aliens, facing "daily instances of humiliation through the denial of public spaces available to Whites" only. He states on behalf of all Indians,

"We mention these instances to draw Your Excellency's attention to the awkward position we are placed through no fault of our own. We do not wish to burden Your Excellency with such other instances. We have a right, we submit, to expect the British Government to protect us and insure for us that freedom to which we as loyal British subjects are entitled wherever the Union Jack flies."⁶⁸

At the same time, the same theme was taken up the All India Moslem League who petitioned the India Office in London to draw attention to the discrimination faced by Indians in South Africa.

"As British subjects, the British Indians in every part of His Majesty's dominions are justified in expecting for their countrymen in South Africa enjoyment at least of the elementary rights of British citizenship. Out of regard for local prejudice, the British Indians in South Africa have refrained from seeking some of the privileges of imperial citizenship, but what they demand, is just, equitable and humane treatment. Had similar treatment been meted out to any section of His Majesty's subjects, English, or Indian in any foreign state, we are certain His Majesty's government would have at once interfered, and that too peremptorily, to put a stop to it."⁶⁹

This petition is interesting for two reasons. First, it is written on behalf of all Indians in South Africa by Indians in British India and it employs the structural

⁶⁸ Collected Works of Mahatma Gandhi (CWMG), Volume 4, No. 404

⁶⁹ IOR/L/PJ/6/1283 File 4356/13, BL

features of coloniality to claim recognition and subjecthood. Through the constructed duality of colonizer/colonized the petitioners seek to turn the relationship to their own advantage to claim rights. Second, by writing to the India Office in London, they connect the three edges of the empire and attempt to make the colonial office in South Africa accountable for its actions.⁷⁰

Fundamentally, the codes of racial segregation raised by colonial rule were seen as discriminatory. However, the moment of registering discontent at these codes also contains within it the insidious implantation of the same codes within the petition discourse. In other words, the petitions used the same racist ideology to claim superiority and worthiness. By claiming to be ‘worthy’ subjects, Indians claimed social distance from other ‘unworthy’ colored groups in society. In the context of citizenship and identity politics, this practice of asserting ‘worthiness’ becomes especially vital when we attempt to untangle the various forms of exclusion practiced by the state as well as the groups claiming rights. While citizenship and nationalism are exclusionary in principle, it is equally important to recognize the exclusionary practices of the excluded as well. Thus, the engagement in the political process for recognition against exclusion always carries with it the possibility of exclusion.

This tension is visible in various petitions. In a petition submitted to the Viceroy in 1884 on behalf of traders and storekeepers, the petitioners stated

“[T] hat your memorialists are grieved because they are treated like Kafirs, who are barbarians, and are only now being brought within the pale of civilization, whereas the Indians are known to have been a civilized nation from the earliest times. We pray that your Excellency will be so good as to ask the Governor of Natal to prevent Indians being arrested by Kafir constables... therefore

⁷⁰ Gandhi travelled to India in 1896 to canvass support for the cause of Indians in South Africa and he had the tacit support from the Indian nationalists who even visited South Africa (for example, Gokhale’s visit in 1912) to report on the conditions. This close connection with British India had a significant impact on the process of community formation among Indians in South Africa in later years and the struggle for citizenship rights as well as on the colonial state.

solicit that they may be arrested when necessary, by Europeans or Indian constables, who do not use harsh measures but treat all alike for the Madras people are weak and effeminate, as stated by Mr. Morris in his History of India, and cannot, consequently, stand ill-usage as others might.”⁷¹

Kafirs, referring to black Africans, denotes a definite racial slur used by the colonizers for the native populations that traces its etymology to Arabic *caffre*, for unbeliever or infidel. For the petitioners, there appears to be no cognitive contradiction in terming Blacks as ‘barbarians’. Indians, while experiencing discontent at their own racial discrimination in the hands of the colonial state, could be willingly complicit in a system of hierarchies that placed Blacks at the bottom of the racial pyramid. Also, the petition reiterates the ‘rightness’ of the racial system by referring to equality meted out by Europeans and the justice of the system assured to Indians under Europeans. Most interestingly, it uses racial stereotypes based on the petitioners’ supposed weaknesses described by colonial anthropologists as the source of authority to legitimately claim preferential treatment and protection.

This attitude spilled over into petitions that were directed at securing franchise rights as British citizens. For example in 1884, a group of prominent Indians, including Gandhi, petitioned Lord Ripon, the Principal Secretary of State for the Colonies, for withdrawing Franchise Act of 1894. They stated

“Your Lordship's Petitioners have noticed with shame and sorrow the zealous attempt made to compare your Petitioners with the Natives of South Africa. Very often it was said the Natives had a better claim to vote, if the Indians had any, simply because they were British subjects. Your Lordship's Petitioners would not enter into a discussion of the comparison, but would draw Your Lordship's attention to the Royal Proclamation of 1858, as also to Your Lordship's own personal experience of the Indian nation. Your Petitioners need hardly point out the marked difference that exists between the Governments of Indian British subjects and Native British subjects.”⁷²

⁷¹ Bhana and Pachai 1984: Petition No. 8 “Pillay and others petition the Viceroy”

⁷² CWMG, Volume I, No 47

In a similar vein, in 1885, Muslim traders in Orange Free State petitioned the Legislature as follows

“The undersigned are classified as citizens in all other countries; even in Natal where colored are restricted, they are not treated equally with the coloreds, however they are treated like Europeans, they have the right to vote....it is therefore most humiliating for their dignity to be classified and it were to be equaled with the coloreds.”⁷³

This system of racial coding did not extend only to Blacks. Some Indians utilized the same codes in petitioning for special status for themselves that was above other Indians. Through social distancing that combined upper-caste ideals of superiority with colonial ideas of ‘primitiveness’, these petitions attempt to remove the ‘pollution’ associated with the ‘coolie community’ in general. In a petition dated 17 September 1906, three Parsees petitioned the Secretary of State for the Colonies claiming special status on the following grounds

“That your memorialists are British subjects, by nationality Parsees and descendants of a Persian race, hence Aryan stock, and are therefore distinct from Asiatics...Mr. de Villiers (colonial secretary) expressed himself that he knew certain Parsees were treated by the late government as practically white men....”⁷⁴

The last theme I wish to highlight from the petitions is that while the merchant class petitioners maintained their social distance from the other classes of Indians and colored people in the region, they also laid claim to community ties in order to remind the authorities of the benefits of having Indians in the colony. In a petition written by the Mohammad Casim Camroodeen on behalf of Traders’ Association, protesting

⁷³ Bhana and Pachai, Petition No 24 “ Muslim Traders petition against the Free State Law of 1884”

⁷⁴ Ibid. Petition No. 20 “Johannesburg Parsees claim special status”

against the Dealers' License Act to the Secretary of State for the Colonies in December 1898, the petitioners note

“Your petitioners trust that Her Majesty's Government would be pleased to secure from the colony of Natal, which owes its present prosperity to the indentured Indians, a fair treatment for the free Indians in the colony. All over the world, Indian soldiers have been fighting the battles of Great Britain, and the Indian laborers have been opening up fresh fields for colonization...Can it be that the fellow countrymen of these soldiers and laborers are not to be allowed to earn an honest living in a portion of Her Majesty's dominions?”⁷⁵

Here, Indian traders write directly to the colonial secretary of state for the colonies in London to remind the colonial authorities of the sacrifices made by their ‘fellow countrymen’ to gain rights and equality. Their rhetoric is based on their position as subjects under the British Empire with dominions in far-flung places. In this paradigm, these conquered dominions were won through the efforts of the ‘brothers’ of the trader: the soldier and the laborer. Hence, the experience of colonization is shaded under the cloaks of subjecthood loyalty and citizenship equality, thereby reinforcing coloniality, empire and the geopolitical structures of power. So, the struggle for rights in one colony i.e., South Africa is mediated via the transmutable citizen/subject space and through the sub-transnational networks within the larger domains of the colonial order of subjugation.

Thus, the petitions, drawn across time and themes, illustrate one set of strategies utilized by colonized Indians (mostly middle class) to demand citizen/subject status. This is important at three levels: First, these petitions are texts that record the coping strategies employed to counter colonial projects of difference. Second, they reveal the slippages between the status of citizen and subject and the complex negotiations conducted by the colonial migrants around these concepts in

⁷⁵ CWMG, Volume 2, No. 69

order to gain some privileges. Third, they reveal the elitism and exclusion practiced by the excluded themselves and these petitions exemplify the class divisions within the Indian community of South Africa. Thus, even though the colonial government viewed them as an undifferentiated lot of 'coolies', there were considerable class hierarchies within colonial Indian migrants that led to intra-community discrimination. Nevertheless, this is not the complete picture. To contest exclusion, Indians also expressed their discontent through civil disobedience. The next chapter highlights the main themes of the *Satyagraha* movement in South Africa to provide a view of some strategies utilized during this period and argues that civil disobedience expresses another complicated aspect in the history of citizenship demands of colonial Indian migrants in South Africa.

CHAPTER 4

THE CONCEPT AND PRACTICE OF SATYAGRAHA: THE RESISTANCE PHASE

*"Stand ye calm and resolute,
Like a forest close and mute,
With folded arms and looks which are
Weapons of unvanquished war...
With folded arms and steady eyes,
And little fear, and less surprise
Look upon them as they slay
Till their rage has died away"*

The Masque of Anarchy, P. B Shelley⁷⁶

Situating Satyagraha in South Africa

In a bid to discern the patterns of accommodation and resistance that underlie the social history of Indians in South Africa, in the previous chapter I analyzed the various forms of accommodation with colonial categories and the insistence on rights as imperial citizens that formed the basis of the petitions written by Indians in South Africa. In this chapter and in the next, I focus on understanding the mode of resistance among these migrant Indians. This chapter looks at the unique form of resistance that was developed by Gandhi during this period- *Satyagraha*, i.e., resistance based on *ahimsa* or non-violence and I evaluate it as a socio-historical concept and narrate its connections to the story of Indians in South Africa.

Gandhian forms of non-violent protest have been extensively studied by scholars of resistance politics, peace activism, moral and political philosophy, South Asian history and even by those interested in the socio-psychological worlds of charismatic leaders. In fact, Gandhi, today, occupies a multi-faceted public space

⁷⁶ "The Masque of Anarchy", written in 1819 by P. B Shelley refers to the Peterloo massacre of that same year when fifteen protesters demanding parliamentary reform were killed by the English cavalry. It is said that Gandhi often quoted this poem during his anti-colonial rallies.

where he is simultaneously held up as the core opponent to British imperialism, the champion of minorities and their civil rights, the foremost critic of industrial production and as a moral force guiding the fight against conditions of tyranny (Hardiman 2003:1). In all of these renditions, scant attention is paid to the ways in which Gandhi was deeply influenced by his social context and how his method of *Satyagraha* was a historical product that was the product of the belief on the part of Indian subjects to the right to citizen rights under the Empire, thus linking colonial worlds through its evolution and performance.

Gandhi argues that *Satyagraha* as a concept is restrained, robust and reconciling aiming for justice through mediation and dialogue in an imperfect violent world (Gandhi 1928:56) and to uncover these complex principles and make them appear tangible, it is important to view *Satyagraha* as a practice and strategy that was developed in South Africa and perfected in India during the anti-colonial movement. This rectifies a huge problem in the present scholarship on Gandhi all of which focuses on the idea of *Satyagraha* but keep it divorced from its social context and the contributions of the acts of resistance against the state in South Africa that inspired the evolution of *Satyagraha*. For example, influential Gandhi scholars focusing on Gandhi as a psychoanalytical subject (Erikson 1970) or on Gandhian philosophy and moral thought (Iyer, 2000[1973]) trace the influences of western intellectuals and his Indic traditions, (both of which he synergizes into his unique moral and political philosophy) but often appear to ahistorize him outside of his social context or historical moment. Keeping this in mind, I endeavor to provide a sociological analysis of Gandhian *Satyagraha* as a product of its time and its social geography as well as focus on the performativity aspect of this method. Along with the intellectual trends that influenced the development of *Satyagraha* that have been identified by other

scholars, I seek to locate *Satyagraha* as a mode of resistance within the context of colonial politics in South Africa and as a historical construction and social imaginary that was influenced by the citizen rights discourse of its time and the unfolding events in the course of resistance against the Empire. This allows me to build a composite picture of the social history of Indians in South Africa, and at a more general level, it allows me to interrogate discourse and practice as a complex and interdependent social reality.

In the next section, I discuss *Satyagraha* as a concept and locate its philosophical influences, Western and Indic, as well as delineate some histories of passive resistance in India that influenced Gandhi's ideas of non-violence and resistance. Following that, I provide an account of the Black Act and the sustained launch of *Satyagraha* in Natal in 1906. The fourth and last section is a sociological analysis of the implications of *Satyagraha* and I look at four areas: citizenship, gender politics, community, and colonial rule.

The Concept of Satyagraha

Gandhi's writings provide the clearest key into the principles and applications of *Satyagraha*. His autobiography, written in 1927, and *Satyagraha in South Africa*, first published in 1928, document Gandhi's version of the *Satyagraha* campaigns as they unfolded in South Africa. They serve as first-hand accounts of the development of the philosophy of *Satyagraha*. Initially, in 1906 Gandhi used the popular term 'passive resistance' to describe this new principle of non-violent action. But, "As the struggle advanced, the phrase 'passive resistance' gave rise to confusion and it appeared shameful to permit this great struggle to be known by an English name"(Gandhi 1928:102). Moreover, For Gandhi and his followers, *Satyagraha* was not a 'weapon of the weak' but a tool for the strong that was powered by a belief in

their rights as imperial British citizens to better laws and equality. Gandhi did not view passive resistance as individualized, secret acts that people resort to in a situation where open subversion is impossible. Rather, for Gandhi, the passivity of *Satyagraha* was the underlying strength that arose from an idealistic moral superiority that allowed for measured public displays of noncompliance. Gandhi announced a competition in the *Indian Opinion* that asked for suggestions from readers for a name for the struggle. Maganlal Gandhi won the competition with his suggestion of '*Sadagraha*', meaning firmness in a good cause. Gandhi writes, "I liked the word, but it did not fully represent the whole idea I wished it to connote. I therefore corrected it to '*Satyagraha*'. Truth(*satya*) implies love, and firmness (*agraha*) engenders and therefore serves as a synonym for force. I thus began to call the Indian movement *Satyagraha*, that is to say, the force born of truth and love or non-violence" (102). For Gandhi, *Satyagraha* combined the twin concepts of truth (*satya*) and non-violence (*ahimsa*) in a unique way and this was the birth of his new philosophy.

As Raghavan Iyer (2000[1973]) states, "His (Gandhi) concept of *satya*, with *ahimsa* as the means, determined his doctrine of *Satyagraha* or active resistance to authority" (252). For Gandhi, a *satyagrahi* or a man of conscience guided by truth in his quest for justice would have the strength to counter all tyrannies without resorting to violence and thus, could claim higher moral authority than the oppressors since there can be no higher authority than truth and non-violence. "Gandhi challenged the conventional notions of authority, law and obligation by appealing to his conceptions of natural law or *dharma* and self-suffering or *tapas*" (Iyer, 2000[1973]: 252). What this implies is that for Gandhi, social order is maintained not through coercive force but through the collective pursuit of truth, moral laws of justice, and the doctrine of non-violence. Proudhon, like Gandhi, also envisioned a system of moral sanctions in

society that would be based on an universal conscience and idea of justice but while Proudhon faltered at identifying how “the law of inner sanction could be concretely realized” (253), Gandhi’s idea of *Satyagraha* tries to answer this precise problem by suggesting that personal suffering in the face of oppression through non-violence or *ahimsa* connects one to the universal moral compass that adheres to the notion of natural law or *dharma*. Thus, for Gandhi, true freedom and absolute truth lies in the practice of *Satyagraha*.

Gandhi explored the notion of freedom implicit in his idea of *Satyagraha* in *Hind Swaraj*, written in 1909. *Hind Swaraj* is a philosophical treatise on self-rule and freedom that occurs through non violence and self-suffering. In *Hind Swaraj* Gandhi defines *Satyagraha* as, “A method of securing rights by personal suffering.” He continues,

[I]t is the reverse of resistance by arms. When I refuse to do a thing that is repugnant to my conscience, I use soul-force. For instance, the Government of the day has passed a law, which is applicable to me. I do not like it. If by using violence I, force the Government to repeal the law, I am employing what may be termed body force. If I do not obey the law and accept the penalty for its breach, I use soul-force. It involves sacrifice of self. (*Hind Swaraj*; 71)

Thus, for Gandhi, there is an inviolable connection between the means and the end and both must be pure in order to be a part of truth and soul-force. *Satyagraha* embodies the combination of a spiritual quest and political striving for equality that stems from a basic belief in truth, humanity and the universal possibility of goodness overcoming wrong.

However, as David Arnold (2002) points out, Gandhi did recognize that *Satyagraha* could be subject to abuse and misunderstandings. In 1933, Gandhi comprehensively tied *Satyagraha* to non-violence when he stated,

“ The word *Satyagraha* is often most loosely used and is made to cover veiled violence. But as the author of the word I may be allowed to say that it excludes every form of violence direct or indirect, and whether in thought, word or deed. It is a breach of *Satyagraha* to wish ill to an opponent or to say a harsh word to him with the intention of doing harm. *Satyagraha* is gentle, it

never wounds. It must not be the result of anger or malice. It is conceived as a complete substitute for violence.” (Quoted in Arnold, 2002:58)

Thus, the concept of *Satyagraha* as formulated by Gandhi in *Satyagraha in South Africa* and *Hind Swaraj* may be summed up as follows: first, it precludes all possibility of violent resistance, as established above. Second, *Satyagraha* agitations always include the possibility of dialogue and communication with the opponent. Negotiations and mutually agreed solutions are imperative to the process and openness in strategy is necessary for claiming righteousness. Third, even in the face of hard and unyielding opposition the practitioners of *Satyagraha* have to remain firm, disciplined, uncomplaining, and sincere while believing in the rightness of their cause. Fourth, this moral superiority or rightness of cause can only be possible when the cause is driven by love, truth, and non-violence. Fifth, it presupposes the willingness to suffer greatly in the face of opposition to the ideals of *Satyagraha*. Lastly, for Gandhi, *Satyagraha* is a law that all human beings must accept. As a law, it implies a moral precept based on righteousness that is universal and binding on all of humanity. In the next subsection, I look at these principles in connection and comparison to their inspiration from Western thought of the late 19th century.

Satyagraha and its Western Influences

As indicated earlier, Gandhi was deeply inspired by various traditions in Western thought and practices that espoused the ideals of non-violent resistance. There is a long history of the doctrine of passive resistance and the right to resistance “in English absolutism, primitive Christianity, among Nordic royal sagas as well as among the Pharisees of the Jewish nation under Roman rule. The conflict between the doctrines of passive obedience and the right to resistance was inevitable when a religious minority found itself subject to a regime of non-believers” (Iyer 1973[2000]:

264). Slowly, with time this right to passive resistance in the religious sphere extended to other spheres. For example, it became an integral part of medieval Germanic constitutional ideas that allowed for conditional acceptance of the king's right to rule. An unjust monarchy could be deemed void by the people and while sedition and treason was forbidden, resistance to an unlawful ruler, subject to careful consideration and qualification, was not deemed unconstitutional (Iyer, 2000[1973]: 264-6).

The inspiration that Gandhi drew from Christianity and from the writings of Thoreau, Ruskin, Tolstoy and numerous others reaffirmed the validity of his beliefs and his chosen path. At the same time, I argue that this public recognition of his Western inspirations was perhaps, a strategic move to insert *Satyagraha* into a global cultural conversation of non-violence and passive resistance. By using Biblical references such as the *Sermon on the Mount* and modern Western philosophies, Gandhi claimed the universality of his method and stressed the shared beliefs of this "truth force" with other religions and cultures. By invoking Tolstoy, Ruskin and the Bible in conjunction with Indian religious concepts like *ahimsa*, *satya* and *swaraj* at public demonstrations, editorials and memorials, he attempted to build cultural connections with a colonial system that did not view the colonized as cultural equals. By stressing on the similarities between Indian and Western philosophies, Gandhi sought to emphasize the embedded universal values and deep civilizational development of Indic traditions, thereby claiming a higher status in the social evolutionary model of societies and thus, depriving the colonial authorities of some of their enlightenment rationale for colonialism. Keeping this in mind, to trace a cultural genealogy of *Satyagraha* we need to look at the writings of Thoreau, Ruskin and Tolstoy.

Thoreau

The rise of the modern state and notions of sovereignty and legal separation of the state and church led to newer theories of resistance. In connection to Gandhi's idea of *Satyagraha*, one of his foremost influences was Thoreau and his 1849 essay "Resistance to Civil Government" and republished in 1866 as "Civil Disobedience". Thoreau states, "To speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but *at once* a better government" (1996 [1849]: 635). By exploring the rights of citizens to demand systems of authority that are moral and just, he argues that at certain historical moments, civil rights must take precedence over unjust regimes. Thus, for Thoreau, democratic participation becomes viable through the concept of civil disobedience. It operates to give expression to citizens' disagreement with the authorities and serves a mode of inclusion into the functioning of democracy. For Thoreau, the right to resistance was not exclusively reserved for only extreme unjust regimes but instead, relevant to the citizen's responsibility in any democratic state. Thus, Thoreau declares,

"If the injustice is part of the necessary friction of the machinery of government, let it go, let it go: perchance it will wear smooth....but if it is of such a nature that it requires you to be an agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn" (1996[1849]: 452).

Gandhi became acquainted with Thoreau's work in London during his student years but he had not read the influential essay until 1907, after *Satyagraha* had been launched. So, although Gandhi acknowledged Thoreau's ideas in his own philosophy, Thoreau's work "was backing support, not causal influence" (Weber 2005: 44). The key component that Gandhi focused on in Thoreau's philosophy was his

understanding of the citizen and the citizen's relationship with the state. The idea that it is the citizen's duty to boycott an unjust regime confirmed Gandhi's own ideas. Most importantly, Thoreau's accounts of non-payment of taxes and active resistance even in the face of imprisonment perhaps provided examples of practical tools for resistance such as the tactic of boycotting government institutions and non-cooperation with the administrative arm of the state that Gandhi utilized to great impact in South Africa and later in India.

However, Gandhi disagreed with Thoreau at a fundamental level. Thoreau favored resistance in a system where democracy prevailed. Thoreau saw civil disobedience as the best strategy when there was a rule of law and freedom, but not applicable against tyrants. Civil disobedience accomplishes its objective only in a democratic system based upon the social contract between the state and its citizens. Injustice under this system implies violation of laws that are guaranteed under a constitution. In theory, citizens and the state share a common perception of 'justice' and 'equality' and if the state commits an offence against its citizens it is liable to be held responsible. This does not work within a closed, despotic system, as the ruler exists through a divine right or coercion. Gandhi's conception of civil disobedience however, embraced the sphere of non-democratic politics as well. In the context of *Satyagraha* in South Africa, which by no means was a site for democratic politics, he could envision civil disobedience as a form of protest. Even in the absence of democratic rights, the use of civil disobedience was not deemed impossible. Thus, Gandhi linked civil disobedience and coloniality, broadening the political scope of the act itself by initiating this process in a regime that fundamentally did not recognize the right of Indian migrants as colonial subjects to question the acts of the state. By using civil disobedience in a non-democratic context, Gandhi attempted to bring

legitimacy to the cause of Indians in South Africa. No longer were they appealing to an authoritarian despot who could grant rights at will. Instead, through the act of protesting, they were claiming the right to articulate their demands in a system where both parties had a common understanding of justice, moral duty and rights. Thus, it was through protest and resistance that the claim to being imperial citizens was articulated and the mantle of subjecthood was rejected. By demanding rights through acts of civil disobedience, Gandhi could envision Indians as being equal to other citizens of the Empire who had the right to protest thus bringing Indians into the liberal discourse of Enlightenment values such as emancipation, liberation and reform. Moreover, for Thoreau violence in resistance was an unfortunate but sometimes, necessary means to an end. For Gandhi, this justification of violence was unacceptable for moral reasons. His entire philosophy rested on the notion of *Satyagraha* belonging to a higher moral universe based on love and truth and guided by non-violence.

Ruskin

John Ruskin's *Unto this last* was another huge influence on Gandhi's philosophy of self-rule and *Satyagraha*. Ruskin's essay was first published in 1860 in a monthly journal and it created tremendous controversy at the time of publication, as it was a critique of economic exploitation of workers under the newly emerging capitalist system and of environmental damage caused by modernism. His polemic against the industrial system also extended towards a critique of the "economic man," an ideological construct much favored in the Victorian age, claiming that it ignored moral values and social good that are integral to the development of a human being. This critique of modern political economy based on morality, simplicity and nature appealed immensely to Gandhi as "the book brought about an instantaneous and

practical transformation in my life” (Gandhi, 1940:220). Gandhi summarized the teachings of the book into three truths: first, that the good of the individual is contained in the good of all. Second, that a lawyer’s work has the same value as a barber’s inasmuch as all have the same right to earning their livelihood from their work. Third, that a life of labor is a life worth living. For Gandhi, Ruskin’s work cemented his deep belief in the morality of social justice and the need for simplicity and truth (*Satyagraha* in South Africa, 1928; 75). Ruskin lived his life by example and championed socially just causes such as old age pensions, universal free education and better housing (McLaughlin 1974:21-22) and this inspired Gandhi to replicate and create similar models for his own life and for those around him. As McLaughlin states, “Ruskin inspired Gandhi’s conception of soul-force as a substitute for physical force” (1974; 15) and this was integral to the development of *Satyagraha* as a doctrine.

Leo Tolstoy

Gandhi claimed that Tolstoy’s *The Kingdom of God is Within You* was another fundamental influence on his ideas and the philosophy of *Satyagraha*. He read Tolstoy in 1897 and was deeply impacted by the law of love and nonviolence that Tolstoy understood as the forgotten but essential element of Christianity. Taking the *Sermon on the Mount* as the true gospel of Christ and the base for his ideas, Tolstoy advocated nonviolence as the only moral principle that should guide men, governments and religions. For Gandhi, this interpretation of Christ’s teachings in no way contradicted his growing understanding of his Hindu faith and it reaffirmed his belief in non-violence as the only possible route to change. Gandhi said,

“It was the New Testament which really awakened me to the rightness and value of Passive Resistance. When I read in the

Sermon on the Mount such passages as “resist not him that is evil, but whosoever smiteth thee on thy right cheek turn to him the other also”, and “Love your enemies and pray for them that persecute you, that ye may be sons of your Father which is in Heaven”, I was simply overjoyed, and found my own opinion confirmed where I least expected it. The *Bhagavad Gita* deepened the impression, and Tolstoy’s *The Kingdom of God is Within You* gave it permanent form” (Quoted in B.R Nanda’s *Mahatma Gandhi*, 1958: 96).

In 1908, during the time when Gandhi was firming up his own ideas about *Satyagraha* he read Tolstoy’s ‘*Letter to a Hindoo*’. This piece was written in response to letters sent by Canada-based Bengali revolutionary Taraknath Das eliciting Tolstoy’s support for Indian independence. Das had grown frustrated with political moderates in the independence movement in India and demanded active resistance. While condemning British colonialism, Tolstoy, in his letter, argued that he saw non-violence as the only legitimate means of protesting against an unjust regime. Tolstoy urged the revolutionaries to consider their traditions of nonviolence rather than ‘adopting the irreligious and profoundly immoral social arrangements under which the English and other pseudo-Christian nations live today’ and rather, resist the state administration by non-violent methods such as refusing to use the courts, pay taxes or serve in the armies. This was completely in tune with Gandhi’s understanding of the role of non-violence in colonial resistance in South Africa and elsewhere.

In 1909, Gandhi wrote to Tolstoy in order to request permission to print *Letter to a Hindoo* in the *Indian Opinion* and to seek his opinion on *Satyagraha* activities in South Africa. This led to a meaningful correspondence between the two men that continued until Tolstoy’s death in 1910 and these deeply personal letters provided Gandhi with philosophical tools for colonial resistance. In his last letter Tolstoy wrote,

“The more I live—and especially now that I am approaching death, the

more I feel inclined to express to others the feelings which so strongly move my being, and which, according to my opinion, are of great importance. That is, what one calls non-resistance, is in reality nothing else but the discipline of love undeformed by false interpretation. Love is the aspiration for communion and solidarity with other souls, and that aspiration always liberates the source of noble activities” (*Mahatma Gandhi and Leo Tolstoy Letters*, 1987)

Tolstoy’s notion of love as an act of will and conscience and not that of emotion, derived mainly from St Paul’s idea of love, deeply influenced Gandhi’s concept of *ahimsa* or non-violence and Tolstoy’s mentorship provided Gandhi with self-belief when he most needed it. In the context of the ongoing struggle in South Africa, his correspondences with Tolstoy allowed Gandhi to intellectually interact and reaffirm his beliefs in moral principles and produce these ideals when constructing strategies for the resistance. Thus, when Tolstoy wrote in a personal letter to Gandhi, “[Consequently] your work in Transvaal, which seems to be far away from the center of our world, is yet the most fundamental and the most important to us, supplying the most weighty practical proof in which the world can now share and with which we must participate, not only the Christians but all the peoples of the world” (*Mahatma Gandhi and Leo Tolstoy Letters*, 1987), it affirmed the rightness and the importance of Gandhi’s cause. Later, in retrospect, Gandhi was to conclude

“Russia gave me in Tolstoy, a teacher who furnished a reasoned basis for my non violence. He blessed my movement in South Africa when it was still in its infancy and of whose wonderful possibilities I had yet to learn. It was he who had prophesied in his letter to me that I was leading a movement which was destined to bring a message of hope to the downtrodden people of the earth” (*Letter to American Friends*, 3 August 1942, in Weber, 2000:41).

Locating Satyagraha: Indic Traditions and Histories

Moving forward, in this section, I will concentrate on *Satyagraha*’s Indian roots. Mukherjee argues that while Gandhi’s early activism was “lodged within what we might call a juridical discursive paradigm, where the primary object was to appeal

to imperial justice against the unjust acts of the local government (2010:459)” stemming primarily from a unwavering faith in the imperial goodwill and justice, at the same time, Gandhi engaged in a search for political freedom that was steeped in ethical, spiritual and ascetic practices (458-9). This leads Mukherjee to conclude that “even as much of anti-colonial discourse was grounded in the idea of imperial justice, it also came to be anchored—as if by reflex—in the Indic traditions of ascetic renunciative freedom” (459), i.e., not ‘freedom’ in the Western sense of individuals or nations but instead, based on losing the sense of personal identity through the cult of non-violence and love. This notion of renunciation of identity and self is the crux to understanding the success of Gandhi’s *Satyagraha*, stemming from his immersion in Indian religion, religious saints, mythology and histories of resistance.

The Bhagvad Gita

Gandhi first read the *Bhagvad Gita* as a translated work in England and was drawn to its message; but it was only while searching for a philosophical framework for *Satyagraha* that he realized how important the *Bhagvad Gita* was for his understanding of soul-force and resistance. The *Bhagvad Gita* is a conversation in the Hindu epic *Mahabharata* between the Pandava prince Arjuna and his charioteer, the Hindu God Krishna on a variety of theological and philosophical issues on the eve of battle. Written in verse form when Arjuna is weary of battle, the *Bhagvad Gita* is an account of Krishna’s wisdom on the path to devotion and the doctrine of selfless action. For Gandhi, the *Gita* taught him the value of *anasakta* or desireless, unattached action. In the *Gita*, the highest moral value is placed on those who act without attachment to either the action or the fruits thereof. For Gandhi, this idea became one of the bases for his philosophy of *Satyagraha* (Suhred 2011:75). Gandhi writes,

“It is certainly the *Gita*’s intention that one should go on working without attachment to the fruits of work. I deduced the principle of *Satyagraha* from this. He who is free from such attachment will not kill the enemy but rather sacrifice himself. As far back as 1889, when I had my first contact with the *Gita*, it gave me a hint of *Satyagraha*, and as I read more and more, the hint developed into a full revelation of *Satyagraha*” (CWMG, Vol 18:50-1).

Indian legacies of Non-violent Resistance

While the practice of passive resistance is a relatively old phenomenon⁷⁷ it is important to focus attention on indigenous sources of inspiration from Indian traditions of non-violent resistance in pre-colonial and colonial times and evaluate their impact on Gandhi’s understanding of *Satyagraha*.

Indian history is replete with long traditions of non-cooperation that undoubtedly informed Gandhi’s methods of protest in South Africa. David Hardiman argues that in pre-colonial times, “There were *hartals*, or the closure of shops in a city. There was *dharna*, which involved sitting in protest before the door of a person who had wronged you until that person was shamed into giving justice. There were marches on royal palaces by protesting peasants demanding the redressal of grievances” (Hardiman, 2011: 5). According to Hardiman, merchants in 17th century Surat utilized the tactics of non-violent protest very effectively against an oppressive *qazi* (Islamic priest) in Aurungzeb’s court. In 1669, under pressure from the *qazi* to convert to Islam, eight thousand merchants of the city of Surat left the city for Bharuch. Trade and business in the city came to a standstill and the *qazi* declared that he would destroy all Hindu temples in Surat unless they returned. The merchants refused and appealed to the emperor, Aurangzeb, who on hearing the appeal dismissed

⁷⁷ For example, it has been extensively documented by scholars of non-violent resistance movements (Randle 1994, Kurlansky 2009) that such histories of resistance exist among the early Christians refusing to perform army duties, the German traditions of *passiver Widerstand*, the Finnish resistance against the Empire of Russia and, in the struggle for Irish Home Rule.

the *qazi* and promised security to the merchants if they would wish to return to Surat (Hardiman, 2011: 4-5). While it is not clear if Gandhi was aware of this particular incident but the story bears striking parallels to the tactic of mass migrations that was employed in the Natal strike of 1913.

In *Civil Disobedience and Indian Tradition*, Dharampal focuses on British administrative reports of a major protest in 1810-11 against the imposition of a house-tax in Varanasi and nearby regions. The Colonial District Collector of Varanasi, confronted with what he calls “a conspiracy,” states,

“I am given to understand that considerably above 20,000 persons are sitting (it may be called *Dharna*) declaring that they will not separate till the tax shall be abolished. Their numbers are daily increasing from the moffusil whence each caste has summoned its brethren and adjured them to unite in the cause.... At present open violence does not seem to be their aim, they seem rather to vaunt their security in being unarmed in that a military force would not use deadly weapons against such inoffensive foes. And in this confidence they collect and increase knowing that the civil power cannot disperse them, and thinking that the military will not” (Quoted in Dharampal 1971: 23).

While providing a historical account of the tradition of civil disobedience and non-violence resistance, Dharampal also attempted to put forth an analysis of how these traditions influenced Gandhi’s choice of tactics in opposing colonial power and authority. Dharampal argues that these traditions marked the division of the world into the state and the governed and the means available to the governed to negotiate asymmetrical systems of power. This perhaps, was a useful analytical framework for Gandhi. For example in the *Hind Swaraj*, Gandhi states, “I remember an incident when, in a small principality, the villagers were offended by some command issued by the prince. The former immediately began vacating the village. The prince became nervous, apologized to his subjects and withdrew his command. Many such instances can be found in India. Real home rule is possible when *Satyagraha* is the guiding force

of the people. Any other rule is foreign rule” (CWMG, Vol 10:51).

While Dharampal and others are accurate in tracing the legacies of Indian traditions of civil disobedience in *Satyagraha*, it is important to remember that these legacies of non-violence did not give rise to an entire practice and philosophy of resistance based on non-cooperation and non-violence. Rather, they remained isolated instances of contention. Non-violent resistance, as a conscious moral choice was a fundamentally modern invention under colonialism. I locate this invention primarily within the history of Indian politics in South Africa in the early 20th century. While Gandhi was deeply influenced by Western philosophies and Indian traditions and religion, the social context and experiences in the colonies of South Africa provided the space for the development of *Satyagraha* as a unique blend of traditional and modern philosophies and practices that proved central to sustained colonial resistance. Having established the intellectual framework for *Satyagraha*, I shall now embed the concept within the social history of the Indians in South Africa. In the next section, I analyze the first *Satyagraha* campaign against the Black Act of 1906.

The Black Act of 1906 and the launch of Satyagraha

While colonial laws routinely discriminated against all Indians in South Africa as established in chapter 3, with the turn of the century, around the time of the Boer War in 1902, things came to a head with regards to the ‘Indian question’. The Transvaal government, under General Botha and Lieutenant Jan Smuts passed the Asiatic Law Amendment Ordinance on August 22, 1906, or what came to be known as the Black Act, that required every Indian, man, woman or child of eight years or upwards, entitled to reside in the Transvaal to register his or her name with the Registrar of Asiatics and take out a certificate of registration and submit themselves to biometric systems of surveillance such as fingerprinting. Every Indian failing to do so

by a certain date would lose the right to reside in the Transvaal and would be subject to a fine of £100, a prison sentence of a minimum of three months, and possibly, deportation. The certificate of registration would have to be carried at all times, in public spaces, government buildings, and in private residences and produced whenever an official of the law and order system would demand to see it. The failure to have the permit on oneself at all times would also be subject to a fine and a prison sentence.

For Indians in South Africa, especially for the merchant class and other passenger Indians, this move by the government was seen as deeply humiliating to them as imperial citizens. Gandhi states,

“I have never known legislation of this nature being directed against free men in any part of the world. I know that indentured Indians in Natal are subject to a drastic system of passes, but these poor fellows can hardly be classed as free men. However, even the laws to which they are subjected are mild in comparison to the Ordinance outlined above and the penalties they impose are a mere fleabite when compared with the penalties laid down in the Ordinance” (Gandhi, 1928:93).

This above passage highlights the innate elitism of Gandhi and his worldview in 1906⁷⁸. While this is noteworthy as a normative point, I draw attention to it from the point of view of historical analysis. This passage is indicative of the new resolve of the colonial state against Asians and the tightening of colonial laws to restrict and control Indians, especially those of the merchant and professional classes. Gandhi wrote it at the time of the unfolding events and it points to the great distance he travelled as a strategist from the First Campaign against the Black Act in 1906 until the 1913 strike. The 1913 strike was started precisely because the colonial state did not recognize the

⁷⁸ Ramsamy makes a vital point when he states, “..attempts to arrest his[Gandhi] figure in time and decontextualize his statements, even after his subsequent radicalization, are disingenuous at best, and serve to deny his transcendence of his own limitations, his immense personal sacrifice, and his numerous contributions to the South African and Third World freedom struggles” (2007; 477).

rights of the indentured and the ex-indentured. In the interim eight years Gandhi realized the importance of mounting a resistance that spoke to and for every migrant Indian, irrespective of economic class and thus, changed his strategy during the 1913 strike to include the rights of indentured workers.

The day after the Ordinance was passed, Gandhi organized a meeting with “leading Indians” (1928:94) and while addressing the meeting he said,

“This is a very serious crisis. If the Ordinance is passed and if we acquiesced to it, it would be enacted all over South Africa. As it seems to me, it is designed to strike at the very root of our existence. It is not the last step, but the first step with a view to hound us out of this country.... The Ordinance seeks to humiliate not only ourselves but also the motherland. The humiliation consists in the degradation of innocent men. No one will take it upon himself to say that we have done anything to deserve such legislation. We are innocent, and insult offered to a single innocent member of a nation is tantamount to insulting the nation as a whole” (1928:94).

This move of mapping the perceived personal insult of legal registration and fingerprinting of upper class men with the humiliation of a nation, symbolically embedded within the gendered metaphor of a mother, was widely successful in garnering support among those present and it became an icon that sharpened the contours of a national identity.

This initial meeting led to the organizing of a large public meeting at the Empire Theatre to deal with the Black Act on the 11th of September 1906. Gandhi presented details of the Ordinance and its impacts on the Indian community and urged the Indians present to pass a resolution stating that the members of the community would “not submit to the Ordinance in the event of its becoming law in the teeth of their opposition and to suffer all the penalties attaching to such non-submission” (Gandhi, 1928:95). At the meeting after Gandhi presented the resolution, one of the other speakers, Sheth Haji Habib, a merchant and one of the older residents of the

colony, asked the public to “pass this resolution with God as their witness” and with this sacred oath agree to “never yield a cowardly submission to such a degrading legislation” (1928:95). Gandhi was taken aback with this suggestion since a sacred oath bound by faith made a resolution stricter to break and accountable to society and religion. “My perplexity gave way to enthusiasm and although I had no intention of taking an oath or inviting others to do so when I went to the meeting, I warmly approved of the Sheth’s suggestion” (1928:96).

This was a turning moment in the cultural genealogy of *Satyagraha*. Following Sheth’s address, Gandhi addressed the crowd:

“The manner of making this resolution suggested by our friend is as much a novelty as of a solemnity.... I deeply appreciate his suggestion, but if you adopt it you too will share his responsibility. We all believe in one and the same God, the differences of nomenclatures in Hinduism and Islam notwithstanding. To pledge ourselves or to take an oath in the name of that God or with him as witness is not something to be trifled with. If having taken such an oath we violate our pledge we are guilty before God and man. Personally I hold that a man, who deliberately and intelligently takes a pledge and breaks it, forfeits his manhood.... It is not at all impossible that we may have to endure every hardship that we can imagine, and wisdom lies in pledging ourselves on the understanding that we shall have to suffer all that and worse.... I can boldly declare, and with certainty, that so long as there is even a handful of men true to their pledge, there can only be one end to the struggle, and that is victory” (1928:99).

Gandhi stressed that although the pledge would be taken in a body, it would bind every individual personally to his sacred faith independently of others and would hold under all circumstances, including the threat of death. At the end of his address, the president of the association took the pledge in the name of Allah and most of the people in the theatre, numbering around 3,000, followed suit. This then was the advent of *Satyagraha* and the launch of a new politics of Indian non-violent colonial resistance in South Africa. It is noteworthy that oath taking, one of the principal tenets of *Satyagraha*, was actually not Gandhi’s innovation by rather one that was suggested

by a Muslim associate and later supported by Gandhi.

Following this meeting, others were held to garner support among Indians who were invited to take the pledge and the Indian press in South Africa devoted most of its space to these meetings and resolutions against the Black Act. In the meanwhile, the government exempted Indian women from the Ordinance and the requirements of having identification passes. This was a decision dictated by the practical realities of fingerprinting immured women, as well as a reaction to the brewing discontent. The resisters approached the Legislative Council and local government bodies with memorials but also hoped that as long as Transvaal was a Crown Colony there was a possibility of requesting the British imperial powers to intervene on their behalf. They realized that royal assent in a self-governing Crown colony is a mere formality but nonetheless, given the triangulated geopolitics of British India, Imperial Britain and South Africa, the pledgers decided to send Gandhi to London on a deputation to bring the Black Act and its inherent discrimination to the attention of the British government. Mr H.O Ali, a Dutch and English speaking Muslim of Malay and Indian origin who was an important member of the Transvaal British Indian Association was sent to London along with Gandhi, as a representative of the Indian Muslim population.

In London, the deputation met with notable leaders like Dadabhai Naorji and Muncherji Bhowmuggree who advised them on their plea and gave suggestions for pleading their case before Lord Elgin, Secretary for State for the Colonies and Lord Morley, Secretary of State for India. Lord Elgin in his official capacity declared that “he was unable without further consideration to advise His Majesty the King that the Transvaal Ordinance should be brought into operation” (Gandhi 1928:112). However, this proved to be of little value in the eyes of the government of Transvaal and after

the government was established in the Transvaal, one of the first measures passed was the Asiatic Registration Act (1928:117). The law came into effect from July 1, 1907 and all Indians were urged to apply for registration by 31st July, 1907. Permit offices were opened by the state and Indians were asked to apply for the passes at these sites. The resisters started picketing these public offices by posting volunteers who attempted to peacefully stop other Indians from applying for a registration pass and supply information about the indignities of the Black Act through pamphlets and flyers to all applicants. If confronted with the police the volunteers had been told to submit peacefully to arrest. These volunteers were often young boys between twelve and eighteen years of age.

The limited number of Indians who registered with the permit offices made the colonial state anxious. Some of the leading men among the pledgers were issued a notice by the government informing them to appear in court before a magistrate on December 28th, 1907 to show cause as to why they had not registered for a permit required by law. The ten cases were heard separately and all of the accused were ordered to leave the Transvaal within a specified time period. The time limit expired on January 10, 1908 and they were called to court for sentencing. The accused pleaded guilty and offered no defence, in keeping with the spirit of *Satyagraha*. They were sentenced to two to three months of imprisonment along with a fine.

By the end of January 1908, the number of *Satyagrahi* prisoners slowly rose to over a hundred and fifty people and the government started to lose patience with this method of deliberately courting arrest. General Smuts proposed a settlement of the issue of the Ordinance by stating that should Indians register voluntarily, and that if the majority of Indians underwent voluntary registration, the Government might repeal the Black Act. Gandhi proposed a modification that would make this repeal a precise

condition for voluntary registration but while this was not accepted by the government as a legally enforceable point in the draft, Smuts issued verbal assurances of repealing the Ordinance.

After his subsequent release from jail, Gandhi held a meeting in Johannesburg where he informed the others of the informal deal he had struck with Smuts. According to his account, they were disturbed by the fact that Smuts, if motivated, could renege on this agreement quite easily. Gandhi tried to assuage these concerns by saying, “A *Satyagrahi* bids goodbye to fear. He is therefore never afraid of trusting the opponent. Even if the opponent plays him false twenty times, the *Satyagrahi* is ready to trust him for the twenty-first time, for an implicit trust in human nature is the very essence of his creed. Again to say that in trusting the government we play into their hands is to betray an ignorance of the principles of *Satyagraha*” (1928:147). This understanding of civil disobedience and passive resistance that believes in loyalism and trust in the government despite setbacks, is quite at odds with Thoreau’s ideas on civil disobedience as discussed earlier in the chapter.

Gandhi went ahead with his registration and this was seen a betrayal by a lot of Indians in Transvaal and his action proved to a divisive force among Indians in South Africa.⁷⁹ More trouble followed when Smuts did not repeal the Black Act and instead introduced fresh legislation that validated the voluntary registrations effected and making further provisions for future registrations. Nonetheless, the campaign continued with letters to Smuts on the one hand, and keeping a sustained attack on the

⁷⁹ On the morning of the 10th of February, 1908, Gandhi and some others were on their way to the Registrar’s Office to voluntarily register for a permit and hoped their actions would inspire other Indians to follow suit. On his way, Gandhi was accosted by a former client, Mir Alam and some other Pathans who were upset with what they considered Gandhi’s volte-face regarding the registration. They assaulted him and “in an incident that foreshadowed his assassination nearly forty years later, [he] fell badly wounded to the ground, with the name of the god Ram on his lips” (Arnold 1992:56).

Black Act through the *Indian Opinion* and by conducting acts of *Satyagraha* on the other.

One of these acts of *Satyagraha* included an ultimatum served by the Indians on the government that stated that if the Asiatic Act was not repealed in terms of the settlement, and if the Government's decision to that effect was not communicated to the Indians before a specific date, all registration certificates would be burnt, and they would humbly but firmly accept the consequences of their action. This act of delivering an ultimatum was a break in tradition since this was the first time Indians were attempting to insert themselves into the public space as equals, and not as subjects pleading for justice from a superior colonial system. This change in rhetoric disrupted colonial authority and created huge stir among the settlers and in the government as they viewed this ultimatum as impudent and inflammatory by people who it considered its inferiors. Smuts is believed to have commented that "The people who have offered such a threat to the government have no idea of its power" (Gandhi, *Satyagraha in South Africa*, 1928:182).

On August 16, 1908 when the ultimatum expired without any response from the government, Indians gathered at Hamida Mosque in Johannesburg with the intention of burning their certificates as a symbolic gesture that declared their resolve not to submit to the Black Act. A cauldron was set ablaze with over 3000 certificates and served to inflame the resisters' determination and provided a strong visual imagery of colonial resistance for the government and the colonial system.

Along with the act of burning the certificates, Gandhi, Adajania, Kachalia, Daud Mohamed and other leaders led hundreds of other *Satyagrahis* on picketing marches and illegally entering the Transvaal from Natal in a bid to court arrest. Gandhi was jailed for another two terms in 1908 and in 1909. Jail records show the colonial

government struggling to accommodate the burgeoning numbers of resisters and the methods adopted by the prisoners such as hunger strikes and non-cooperation. The Black Act was finally repealed in 1911 but other and newer forms of anti-Indian legislations were retained or created, including restrictions on movement between the four provinces, the establishment of the three pound tax and the non-recognition of Asian marriages, all of which led to the second campaign, the Natal strike of 1913.

This first campaign can be read as an apparent failure since it did not lead directly to the immediate repeal of the Ordinance. However, it was a breakthrough in colonial resistance in many ways and a political triumph of new methods based on the philosophy of *Satyagraha*. The British government in London and in India viewed the ongoing events in South Africa with great alarm as they recognized the possibility of the resistance disturbing the balance of power in British India. On 30th January 1908, the Government of India sent a lengthy dispatch to Lord Morley, Secretary of State for India urging him to intervene and control events in the Transvaal.⁸⁰ At the same time, Indian nationalists were keeping a close eye on the events and in January 1908, a public meeting to discuss the issue of Indians in Transvaal was held in Bombay and attended by prominent national leaders like the Aga Sultan Mahomed Shah, Jehangir Petit, and Sir Pherozeshah Mehta and led to the subsequent creation of the Imperial Indians Citizenship Association in 1915 (referred to in Chapter 2).⁸¹ This attention to the passive resistance campaign in Transvaal and Natal converted Gandhi into a transnational public figure and consolidated his position as a charismatic leader opposing colonialism in the minds of the public in South Africa, India and in England.

⁸⁰ Government of India, Important Correspondences relating to the Two Passive Resistance Movements in South Africa 1905-1914, pp32-3, TNA, PRO

⁸¹ *Bombay's Protest against the Treatment of Indians in South Africa by the Colonialists, Jan 29th 1908* (Quoted in "The Place of India in South African History: Academic Scholarship, Past, Present and Future" by Uma Dhupelia-Mesthrie, *South African Historical Journal* 57, 2007:22)

As news of the campaign spread in India in the following months, eminent Indian National Congress leaders like Gokhale mentored Gandhi and brought further attention to his cause. It would prove to be very useful when he would return to India and resume a political career.

However, most importantly, in the context of South African Indians the 1906 *Satyagraha* campaign set up the stage for the Natal strike of 1913 along with creating a repertoire of practiced tactics and strategies for future struggles. For sociologists, the first *Satyagraha* campaign provides rich fodder for analysing the implications of the method on various related socio-cultural categories such as citizenship, gender, community building and the colonial state. These connections become clearer in the analysis of the Natal strike but even so, they appear as hesitant motifs in the history of this first campaign against the Black Act.

Understanding the Sociological Implications of the First Campaign of Satyagraha

Imperial citizens

One of the key questions surrounding the practice of *Satyagraha* is related to the issue of imperial citizenship. As clarified earlier, unlike Thoreau and later day theorists of civil disobedience like Rawls, for Gandhi democratic politics was not the essential criterion for embarking on sustained resistance against an unjust regime. He could conceive of a method that did not require the recognition of equality as a necessary condition but rather, demanded legitimacy from the state based on the practice and philosophy of *Satyagraha*. This was possible partly as a result of Queen Victoria's Proclamation of 1858, referred to earlier, that promised social justice and racial equality to all free British 'citizens' in Britain and in the colonies. Gandhi could declare,

“Our existence in South Africa is only in our capacity as British subjects. In every memorial we have presented, we have asserted our rights as such. We have been proud of our British citizenship, or we have given our rulers and the world to believe we are so proud. Our rulers profess to safeguard our rights because we are British citizens and what little rights we still retain, we retain because we are British subjects” (1928:72).

That ‘British citizenship’ did not carry the same meaning in Europe and in the colony, despite the Proclamation, was obvious to the Indians. Yet, as argued in Chapter 3, the imperial citizenship argument was consistently used, which conflated the concepts of citizen and subject to benefit the Indians and to demand legitimacy as rights-bearing loyal citizens. Gandhi as a lawyer by profession had a deep respect for the sanctity of the law but as a representative of a colonized people, he also understood the importance of law in keeping a colonial system operative. During his South Africa period, he sought to use the law as a tool against the colonial state itself by appealing to the State from the subject position of an imperial citizen. Gandhi understood that citizenship did not just imply rights but also duties and through various activities (such as the Ambulance Corps set up to aid the British during the Boer War), he wanted to establish upon his fellow Indians the importance of their duties to the state. Also, as elaborated earlier, in a bid to portray Indians as morally superior citizens Gandhi stressed the importance of trusting the state while respectfully disagreeing with its methods. While this infuriated his critics, these ideas of duty to the state and of trust in the state allowed Gandhi to bring the practice of *Satyagraha* and its practitioners into the realm of global moral resistance as ‘rightful’ and ‘worthy’ imperial citizens of the empire. For example, after the strike of 1913 (that I shall discuss in the next chapter), Gandhi reports that one of the secretaries of General Smuts told him,

“I do not like your people and do not care to assist them at all. But what am I to do? You help us in our hour of need. How can we lay our hands upon you? I often wish you took to violence like the English strikers and then we would know at once how to dispose of you. But you will not injure even the enemy. You desire victory by self-suffering alone and that is what reduces us to sheer helplessness.”⁸²

While this is obviously a self-reported conversation by Gandhi and perhaps, should be judged judiciously as representative of the true sentiments of the agents of the State, nonetheless, it is indicative of the deep discomfort *Satyagraha* and the Indian community in their self-ascribed status as ‘moral imperial citizens’ caused the authorities.

Gender

The issue of gender is also vital to the concept and practice of *Satyagraha*. While some scholars have elaborated on the gendered dichotomy between the outer/material and inner/spiritual worlds in the context of colonial India (Nandy 1983, Chatterjee 1993) and “the discursive strategies of Indian nationalism, that having acknowledged its own surrender and impotence in the ‘outer’ world of men, thus invested the figure of the Indian woman with the burden of an authentic Indian identity” (Sinha 2000; 31), these gendered analyses have not been systematically applied with regards to the *Satyagraha* movement, especially in the context of examining the social history of men as gendered beings. *Satyagraha* allowed for the revitalization of the Indian migrant male identity, given that his access to colonial public spheres was extremely limited. As Indian males they were restricted to occupy a subservient status with regulations that specified their interactions and appearance in public spaces through the system of passes and specially circumscribed urban areas for business, irrespective of class and educational qualifications. For elite passenger

⁸² *Satyagraha* in South Africa, 1928; 295

Indians, this shook the foundation of their self worth since it negated their previously held unquestioned positions of privilege based on class and sex. Petition writing only served to reinforce this feeling of impotency. The launch of resistance politics with *Satyagraha* while worthwhile since it created the possibility for change, also restored their sense of agency to Indians males and overturned their feelings of inadequacy.

At the same time, Gandhi posited *Satyagraha* as an embodiment of '*stree shakti*' or female power, since it required the capacity of fortitude and sacrifice, both qualities that were ostensibly female virtues in Gandhi's mind. This essentialized reading of women redefined gender roles as men were urged to adopt the behavior of women and learn self discipline from them. Thus, while coloniality emasculated middle class Indian men, *Satyagraha* sought to restore masculinity by exhorting them to imbibe feminine qualities. As for women, I argue that these gendered essentialisms that granted women special virtues, despite being problematic in that they reinforced patriarchal norms (Chatterjee 1993, Mongia 2007), were also liberatory at the same time since it was the alleged possession these qualities that allowed for the entry of middle class women into public spaces as empowered and mobilized agents, thus blurring the boundary between an oppressive essentialism and an empowered subjectivity.

Community

The third component I highlight in the construction and practice of *Satyagraha* is the concept of community. While most accounts of the Black Act and of the history of *Satyagraha* seem to accept the untroubled category of community in describing the resisters (Mongia 2006, Arnold 2002, Beall and North Coombes 1991), I argue that the practices of *Satyagraha* brought to the forefront the internal politics that besieged Indians in South Africa. The notion of community as a pre-determined *a*

priori category is sociologically incorrect and instead, a community or communal behavior emerges at certain moments under duress. *Satyagraha* as a philosophy tried to counter these conflicts based on class, religion and gender by advocating a moral principle that could be adopted by all. However, in its practice, it was posed with the challenge of negotiating religious differences between Hindus and Muslims and between passenger Indians and indentured workers. Gandhi tried to rework these negotiations by presenting the principle and method as one unified system that could bridge differences and offer a cohesive front to counter anti-Indian laws, leading to new imaginings of home and community from a broader perspective beyond religion, caste and class.

In the same period, between 1905 and 1908, back in India people had witnessed the stirrings of a mass protest movement against the partition of Bengal, the rise of anti-British sentiments, and the growing influence of the Maharashtrian radical B.G. Tilak who advocated immediate home rule as the only possible solution to the British problem. “All of these developments were taking place largely within a violently Hindu chauvinistic, anti-Muslim framework” (Hyslop, 2011:45). *Satyagraha* on the other hand, positioned itself as an inclusive ideology that was bound by the principle of equality and humanity. This framework of inclusion even in the face of marked differences that Gandhi visualized and implemented during the *Satyagraha* campaigns in South Africa would deeply influence the politics of the anti-colonial movement in the 1930s in India when he would be the foremost leader of the movement.

Gandhi’s critics such as Ranajit Guha understand the sectarian interests in the nationalist movement of India as elite politics that channeled the discontent of the poor and the subaltern into nonviolent protest that offered no resistance to bourgeoisie

interests of the indigenous elites and its leaders (Guha, 1992). Guha argues “Non co-operation was designed thus, as a counter-hegemonic strategy by its leadership. Its aim was, on the one hand, to mobilize the masses in order to destroy the structures of collaboration by which colonialism had hoped to endow its dominance with hegemony. On the other hand, it was essential for that mobilization to be based on persuasion in order to entitle the nationalist elite to speak for all of Indian society” (Guha 1992; 97). This project was only realizable first, if the leaders “depicted mobilization as that integrated will of the people which had presumably overcome the divisive effects of caste, class, gender, and regional interests in its drive to forge the unity of the nation” (1992; 71) and second, if the project was ‘disciplined’ through crowd control and soul-control (1992; 112), (the latter being intrinsic to the principle of *Satyagraha* as explained earlier).

While these are worthy critiques of Gandhi and the nationalist movement in India, it pays scant attention to the history of nonviolent resistance in India in pre-colonial times⁸³ that has been based most often on subaltern non-cooperation, thus placing these methods squarely into the repertoire of subaltern tactics and not solely located within a history of the indigenous bourgeoisie. Moreover, this analysis does not explain the mass appeal of the movement in India nor the support that *Satyagraha* garnered to become a genuinely popular movement in South Africa in 1906. It fails to answer why and how so many people divided by sectarian interests came to lend their assistance to a campaign based on non-violence.

⁸³ As David Hardiman, one of the founding members along with Ranajit Guha of the Subaltern Studies group candidly states, “Research for this book [*Gandhi in his times and ours*, 2004] revealed a history that I had not paid much attention to previously – that of the history of nonviolent resistance” (Hardiman 2011:1).

As explained earlier, I argue at certain temporal moments community is produced and while these moments can be maneuvered to a large extent by elites, it still has to bridge differences in order to reach the masses and in the process, the idea of the community and the methods of resistance are altered in fundamental ways. If one looks at the history of the Black Act as detailed earlier, one realized that one such 'moment' in building community would be Sheth Haji Sheikh's call for oath taking in the name of god at the Empire Theatre meeting in September 1906. This was a moment that transcended religious divisions and evoked fervent participation in what was seen as a moral communal cause. Gandhi recognized the power of this moment and utilized it to its full potential by constantly reminding his followers that Indians as a community had overcome internal divisions and with the blessings of a higher spiritual power would be more than capable of fighting against the injustices of the colonial system through *Satyagraha*. The symbolic burning of the passes was another such 'moment', leading to the mass participation of men, women and children in the following days and their subsequent arrests. The strike provides examples of several such moments that I shall highlight in the next chapter.

The State

The last relationship that I want to examine is that of the state and the idea of *Satyagraha*. I draw attention to colonial historian and theorist James Mill's statement in 1832 before the Select Committee of the House of Commons

"In the ordinary state of things in India, the princes stood in awe of their subjects. Insurrection against oppression was the general practice of the country. The princes knew that when mismanagement and oppression went to a certain extent, there would be a revolt, and that they would stand a chance of being tumbled from their throne and, a successful insurgent would be put in his place. This check, is by our interference, totally taken away; for the people know that any attempt of theirs' would be utterly unavailing against our irresistible power, accordingly no such thought occurs to them and, they submit to every oppression that befalls them" (James Mill,

Minutes of Evidence before Select Committee of House of Commons, 16th February 1832)⁸⁴

Viewing *Satyagraha* in this context of raw colonial power as expressed by Mill shows what a tremendous challenge the former threw at the colonial state. By reiterating the right to replace the “check” on the power of the ruler that had been taken away by the colonial state, the colonized were calling into question the legitimacy of the state as well as playing for a morally superior position for themselves with the use of peaceful, nonviolent resistance. This assertion of rights and duties as equal citizens shook the foundations of the racialized idea of the nation that was the bedrock of colonial power. Moreover, by grounding itself in the rhetoric of soul-force and idealism, *Satyagraha* portrayed itself as the antithesis of the “soulless machine”, the state, “which can never be weaned from violence to which it owes its very existence” (Gandhi *Young India*, November 1928, quoted in Iyer, 2000[1973]; 254). Thus, while submission to a lawful state and its laws was part of a citizen/subject’s duties, to submit to an unlawful and corrupt state was morally wrong on the part of the citizen/subject. This understanding of the state hinting at shades of anarchism was the foundation for the principle of *Satyagraha* or in other words, the moral right and duty to oppose oppression through non-violent means.

Conclusion

Satyagraha as a thematic framework for colonial resistance was constructed as a public intervention into colonial law and colonial space. Drawing on myriad influences from Western and Indic traditions it presented a unique worldview of the possibility of non-violent resistance that creatively drew upon sectarian interests and

⁸⁴ Testimony of Mill, 16th February 1832, Reports from the Select Committees of the House of Commons on the “Affairs of the East India Company”, Feb 28th to July 09th 1832, Printed by order of the Honorable Court of Directors, Cox and Sons. London 1833.

coopted them into a communal agenda. This chapter has presented the concept of *Satyagraha* as embedded in the history of Indians in South Africa and signposted the connections and contradictions that underlie the theory and practice of *Satyagraha*. Citizenship, gender, community and, the state are some of the sociological categories that inform and complicate the principle and history of *Satyagraha*. In the next chapter, I focus on the Natal strike of 1913 and the connections to these socio-cultural categories in the context of colonial Indians in South Africa and the politics of resistance.

CHAPTER 5

THE STRIKE OF 1913

In the last chapter, the Black Act led to the first sustained resistance campaign among Indians in South Africa. The 1913 strike was the second successful *Satyagraha* campaign that galvanized the Indian community and “virtually paralyzed the South African economy” (Swan 1984; 239) for a period of three months as more than 20,000 workers, both men and women went on strike and courted arrest as a form of protest against the colonial government. In their statements, the strikers stressed that by virtue of being ‘imperial subjects’ of the British Empire the government could not legally discriminate against them, thereby invoking the triangulated set of colonial relations between British India, Britain and the Union of South Africa. In the past, historians of this period (Huttenback 1971, Damodaran 1988, Switzer 1986, Erwin 1994, Bhana and Vahed 2005) who have studied this strike approach it as an important event in Gandhi’s biography and in the development of his unique brand of *Satyagraha*. In this historiography, the strike serves as the learning ground for the evolution of Gandhi as the primary political leader of the Indian struggle for independence. Moreover, Gandhi is positioned in these accounts as solely responsible for the success of the strike and for evoking a sense of community cutting across caste, class and gender lines. Maureen Swan is perhaps, one of the earliest scholars to challenge this unquestioning celebration of Gandhi’s leadership during the strike and his role in South African Indian politics. Her work on the strike significantly breaks away from the tendency to highlight the strike only inasmuch as its role in the making of the ‘*Mahatma*’ and instead, attempts to view the strike as an embedded event in South African politics. However, while her work is noteworthy for this reason, given that it was conducted during the years of

apartheid, it suffers from a lack of rich archival sources and consequently, from a lack of in-depth analysis of the strike and its impacts. In recent times, other scholars such as Mongia (2006), Hiralal (2009) have attempted to open up the 1913 strike beyond the prevalent narrative of being an example of Gandhian *Satyagraha* in South Africa by focusing on the gendered contours of the strike and have sought to provide “a feminist intervention into the historiography of *Satyagraha* in South Africa” (Mongia, 2006; 132).

Building on their work and their analytical insights, this chapter argues that this strike serves as the defining moment for the emergence of a politics among Indian South Africans that was reflexive of the interconnections between race, labor, gender and a migrant ‘imagined’ identity. By questioning the historical conditions under which this South African Indian identity is thought to arise and most often attributed to the efforts of leaders such as Gandhi, I attempt to trouble the homogeneity of the category of ‘community’ while laying bare the mechanisms of community formation, marginalization and the importance of social context in this process. Second, I use this empirical moment to tease out colonial practices of racialization and the role of class, gender and labor within these projects of difference. Third, this re-reading of the strike forces attention on the category of the ‘imperial citizen/subject’ and the emergence of the Indian imperial citizen/subject onto the public sphere.

Causes of the Strike

Before proceeding to the analysis of the strike and its impacts, I shall begin with an examination of the causes of strike and the events leading up to it. As elaborated in the last chapter, after the end of the campaign against the Black Act in 1908, *Satyagraha* was suspended for a couple of years until the formation of the Union of South Africa in 1910 led to new forms of legislation against the Indian community.

Some of these discriminatory acts came to be selected as the justification for the strike. I am interested here in tracing how despite the vast barrage of anti-Indian laws in South Africa, only particular laws provided the fuel for resentment and led to second *Satyagraha* campaign, supplying Indians across class, gender and religion lines with just cause against the colonial government. “In the main, the grievances of the politically organized Indians related, in one form or another, to issues of migration and to conditions of residence and domicile whose parameters were defined within a racialized logic dictated by the twin forces of the state and White ‘public’ opinion.” (Mongia, 2006; 132). Along with the above grievance against immigration laws and inter-state mobility, the issue of the recognition of Indian marriages and resentment against the three-pound tax paid by ex-indentured workers and their families were instrumental in garnering support for the strike among a diverse cross section of the community, thus rendering it a huge success.

Immigration laws and inter-state mobility

Before the formation of the Union of South Africa in 1910, the laws controlling the entry of Indians varied in each of the territories. The Orange Free State barred the entry of Asiatics into the state with the passing of Act 29 in 1890 as a reaction to the burgeoning number of free Indian traders who were competition for white settlers. Simultaneously in 1891, The Statute Law of the Orange Free State stated that it prohibits “an Arab, a Chinaman, a Coolie or any other Asiatic or Colored person from carrying on business or farming in the Orange Free State.”⁸⁵ All Indian businesses were forced to close and owners deported from the Orange Free State without compensation. The other three territories, while not barring Indians openly, set up legislative barriers to prevent easy movement into the region for Indians and other

⁸⁵ IOR/L/PJ/6/1283/436/13 File 170, IOL BL

Asiatics. For example, in Natal, in 1897, the Immigration Restriction Act and subsequent amendments in 1900, 1903, and 1906, imposed an educational, health, age and means test against Indians who were not indentured workers, seeking admission to the country, or entry to the Transvaal and Cape (Huttenback 1971, Bhana and Vahed 2005). This act virtually stopped all further immigration of free Indians into the colony by the first decade of the twentieth century. Originally, Transvaal and the Cape Colony allowed Indians mobility after the completion of their indentures but by the end of the nineteenth century when the number of ex-indentured Indians grew sizable, these colonies also set up laws restricting the entry of Indians. The Cape introduced the compulsory literacy test in 1906 and in Transvaal, the Immigration Restriction Act of 1905 provided the government to control entry of Indians into Transvaal through a special permit system which was further strengthened with Act No. 15 of 1907 which imposed an education test on all future immigrants to the Transvaal and established the Immigration Department to check against illegal Asiatic entries.

With the creation of the Union, one of the main issues confronting the government was related to the 'Indian question' and the need to formulate laws that would restrict the burgeoning number of free Indians as well as ensure that the currently domiciled Indians-free, indentured and traders would not be allowed to prosper at the cost of the while settler population. As Mongia says, "The Union of South Africa had yet to formulate Union-wide immigration legislation and policies. The Indian question would constitute one of the most persistent, troublesome and significant issues in framing this legislation particularly since it pertained not only to future migration but also, and even more importantly, to the rights of (and restrictions placed upon) Indians already in South Africa" (2006; 135). The Immigration Regulation Act of

1910 and its subsequent amendments attempted to consolidate existing immigration laws of the pre-Union colonies and formulate a stricter system for excluding persons considered ‘undesirable’ due to economic or cultural standards, thereby defining the colonial government’s stance on definitions of domicile, citizenship, residence and the category of ‘prohibited immigrants’ that was fuelled by racialized anxiety over Asiatics. In June 1913, the Act became law with some modifications, following which all Indian immigration into the Union was stopped. The order was passed by Smuts, the acting minister for the Interior under section 4 of Act 22 1913 and read: “I hereby deem every Asiatic person to be unsuited on economic grounds: 1. To the requirements of the Union and, 2. To the requirements of every Province of the Union, a. in which such person is not domiciled or b. in which such person is not entitled to reside.”⁸⁶

“The effect of this proviso is to prevent, in general, Indians who reside in one Province of the Union from entering and residing in another Province.”⁸⁷ However, one of the main contentions by the Indians was that the fine print of the act stated that any Indian who at the commencement of the act was a lawful resident of any Province, fulfilling the requirements set forth in section 3 of Act no. 30 of 1906 shall not be deemed a ‘prohibited immigrant’ in the Cape Colony. These requirements were that “a person shall have sufficient education to be able to himself write out and sign in the characters of any European language an application to the satisfaction of the Minister.”⁸⁸ By reverse logic, any Indian residing in the other Provinces could not enter the Cape if he or she failed the educational test. According to the Indians, this was a direct breach of the right to freely move in the Cape that was safeguarded in the

⁸⁶ CO 14/256, File 2345 TNA, PRO

⁸⁷ Solomon Commission Report, 1914 page 17, Gandhi-Luthuli Institute, Westville Campus, University of Kwazulu/Natal

⁸⁸ Ibid, page 17

Provincial Settlement of 1911 between Gandhi and Smuts. For the colonial government, this was not a breach since “the terms of this settlement are not set forth in any official document, but are to be gathered from two letters which passed between the Private Secretary to the Minister and Gandhi”⁸⁹ and hence, “ [I]n truth the grievance is one of sentiment rather than of substance.”⁹⁰ For the Indian community, especially for colonial born Indians who could freely move between the provinces in the past, this was a severe blow to their existing rights and in conjunction with the other causes, useful in garnering support for the strike.

“Then I am not your wife, according to the laws of this country”: The Marriage Question

The legality of Indian marriages became an important issue in the last decades of the nineteenth century as immigration laws became more restrictive and the colonial government sought to control the influx of Indians. This was partly achieved by controlling issues of domesticity and family life, as it was the presence of women and their reproductive function that gave the Indian community the aura of permanence. With new laws, the state sought to intervene and control the realm of domestic and sexual life, which it had previously relegated to religious communities for regulation. One of the ways of doing so was by requiring wives (and their children) to prove their legal status in order to join or return to husbands in South Africa. This was particularly complicated in the case of Muslims as polygamy was a recognized part of their religion and the colonial state refused to recognize any polygamous union. As the laws became stricter, only Christian marriages were deemed valid and marriages performed under Hindu Muslim and other religious rites were considered illegal. In 1911, Bai Rasul, a wife of Adam Ismail, a Muslim Indian resident of the Transvaal

⁸⁹ Solomon Commission Report, Page 14

⁹⁰ Ibid, Page 16

attempted to gain entry into South Africa but was denied entry as her name did not match Ismail's registration certificate and which, instead contained the name of his previously divorced second wife. The courts decided that only one wife of a polygamous union would be granted entry and this decision was repeated in numerous other cases such as that of *Fatima vs. Rex*, and *Sukina vs. Rex*.

These decisions by the courts drew flak from various quarters, including the London All India Moslem League who petitioned the Colonial Office asking for overturning of the court's decision as they believed "Unless this is done, the Mussalman subjects of His Majesty will regard the omission as a direct interference with the enjoyment of their laws and customs guaranteed to them by the British government",⁹¹ thus appealing to the principle of tolerance towards all subjects under the British Empire. Indians were well aware of how the practice of polygamy was being used as an excuse to push Indian traders out of the country as the elite traders were the only ones with multiple wives unlike the monogamous indentured workers and colonial born Indians (Mongia 2006; 136) and this feeling grew with the passing of the Searle Judgment which became the focus of widespread protest. In March 1913, Justice Malcolm Searle disallowed Bai Miriam, the only known wife of Hassan Essop from entering the Cape by arguing that the word "wife" has no legal meaning when solemnized through a religion that recognizes polygamous unions. In other words, despite being a monogamous marriage, Bai Miriam was denied entry on account of being married to Essop through Muslim rites as Islam as a religion recognized polygamous unions. For the colonial government and its courts, women

⁹¹ London All-India Moslem League to Colonial Office, 31 October 1911, NAI, September 1912, Proceedings □No. 8–9, Enclosure 1, Annex 1

married under a system that recognizes polygamy had no legal status and as such, any offspring of such marriages were deemed illegitimate.

This court ruling hit the free Indian traders at a sensitive spot and in time as the issue was highlighted via the Indian press and mapped onto the trope of national honor, it became a hugely motivating factor for participation in the strike. Gandhi used the marriage question to drum waning support for *Satyagraha* through fiery editorials in the *Indian Opinion* that linked the honor of Indian women to national pride. He reported that when his wife, Kasturba understood the implications of the Searle judgment, she said “Am I your wife or not? I am not your wife is this decision stands, and if I am not your wife, I am not a woman of any womanhood in the estimation of my own sex and my children are illegitimate.”⁹² She vowed to join the struggle to defend her honor and if necessary, even go to jail for the cause, a decision that found home with several other Indian women, thus leading to the participation of formerly immured women protesters in the strike. In the final section of this chapter I shall elaborate on the discursive aspects of this slippage between national honor and womens’ honor that was stimulated through the marriage question and the implications of this trope of gendered agency on *Satyagraha*.

The £3 Tax

The last decade of the nineteenth century saw a rapid increase of ex-indentured workers in Natal and in the other provinces, “until at length it came to be felt that in view of the small European and the large native population in Natal the position was becoming serious, and that it was undesirable to continue to import laborers except on condition that they should return to India at the expiration of their

⁹² *Satyagraha* in South Africa, 1928, page 255

indentures.”⁹³ With this in mind, in 1893 the colonial government sent a deputation to confer with the government of India on this problem and “to obtain the consent of the government of India to an alteration in the terms of indentures so as to provide that the laborer at the expiration of his period of service should return to India.”⁹⁴ The Government of India agreed to the new condition as long as the failure to comply with the condition would not constitute a criminal offence. The immediate result was the passing of Act 17 of 1895 that decreed that indenture contracts would contain a covenant that stated

“[W]ho shall fail, neglect or refuse to return to India or become re-indentured in Natal, shall take out year by year a pass or license to remain in the colony to be issued by the Magistrate of the district, and shall pay for such pass or license a yearly sum of three pounds sterling, which may be recovered by summary process by any Clerk of the Peace or other Officer appointed to get the license money.”⁹⁵

The Act came into force in 1896 after being accepted by the Government of India and henceforth, all contracts contained this pledge, though it was only in 1891 when the first indentures that contained the covenant expired that its true effects on the indentured population could be understood. This hefty annual fee was too steep for most of these workers and many were forced to re-indenture to avoid paying this tax. The colonial government was clear that though it was called a ‘tax’,

“[T]he object was not to raise revenue, but to bring pressure to bear upon the indentured Indians to induce them to return to India at the expiration of their indentures: so that the smaller the amount that is collected the more effectively is the object of the Act attained. The charge in truth is a penalty upon residence.”⁹⁶

As the Solomon Commission Report succinctly summed it up,

⁹³ Solomon Commission, Page 23

⁹⁴ Solomon Commission, Page 23

⁹⁵ Act 17, 1895 IOR/L/PJ/6/1113 File 2329, IOL BL

⁹⁶ Solomon Commission, 1914, page 25

“It is as if the Government of Natal had said to the laborers: “we do not wish you to settle in this country, but we cannot prevent your doing so: if you do however, we shall penalize you by compelling you to pay annually the sum of £3 which, though not actually prohibitive, is so heavy that we anticipate that it will have the effect of compelling you to return to India at the end of your first or subsequent indentures.”⁹⁷

In 1903, the colonial government of Natal amended the Act to include the children of indentured workers as liable for the tax, thus making it compulsory for these children (boys over 16 and girls over 13) to pay three pounds annually in order to remain in the colony. The Solomon Commission Enquiry report provides some statistics for the total number of men liable for the tax. According to the report, up until 1911 a total of 54,000 men had come into the colony on indenture contracts after the passing of the Act in 1895 and 10,800 were liable for the tax. “The next observation to be made is that out of 10,800 males, who are liable to pay the tax, it is collected from less than a third of that number and the percentage of those who pay it appears to have been steadily falling during the last few years.”⁹⁸ In 1911, the amount collected was £20,268; for 1912 it was £14,241 and in 1913, the total amount raised was £10,273 and these sums included the tax collected under the amendments to include the children of the indentured laborers. The colonial government attributed this decrease in tax collection to a certain laxness in collection methods and difficulty in enforcing payment. Indians, however, contended that this decrease was primarily due to the fact that severe poverty from the pressure of having to pay the £3 tax forced the vast majority of indentured workers to re-indenture after the expiration of their first contracts (Gandhi, 1928; 56).

Political activity denouncing the tax did not organically erupt with the passing of the Act in 1895. Some early petitions from the Natal Indian Congress did

⁹⁷ Solomon Commission, 1914, page 25

⁹⁸ Solomon Commission report 1914, page 27

reference the tax but there was no concerted effort to campaign against it (Pachai, 1971; 47). This is because the Congress was primarily involved in looking after trader interests. It was only with Gokhale's visit to South Africa (See Fig 5.3) that the £3 tax became central to government discussions on the 'Indian question' and among politically active Indians. Gokhale had come to South Africa as a representative of the interests of the British subjects under the Crown and called for a termination of indentured emigration to Natal and the repeal of the £3 tax. After a meeting with the Union Ministers, he secured an assurance that the tax would be withdrawn shortly. He announced this at the meetings held in his honor and attended by large crowds of Indians, including many indentured and ex-indentured workers (See Figure 5.8) ⁹⁹

When the tax was not repealed, Gandhi and other leaders of the Natal Indian Congress considered this as a personal affront to Gokhale and to India, which was a just cause for agitation (Gandhi, 1928; 273). By June 1913, it was obvious that the tax would not be repealed, except insofar as it applied to women. On June 21st, 1913 the Indian Opinion put forth an editorial that suggested for the first time that the unjustness of the tax demanded a repeal and if this was not forthcoming, Indians were ready to launch the second *Satyagraha* campaign. On July 29th, 1913 during a mass meeting of Indians held in Durban, a resolution was passed condemning the £3 tax and they took a vow to commit acts of passive resistance until the government repealed the unjust tax. As the Solomon Commission reported,

“this was a grievance which probably appealed to a far larger number of Indians than did the objections taken by Mr. Gandhi to the Immigration Regulations Act 1913, and advantage was no doubt taken of this fact to secure that concerted action which was necessary, if the strike threatened by him, was to be in any way effective.”¹⁰⁰

⁹⁹ Transvaal Leader, October 26th 1912 IOR/L/PJ/6/1283 File 4356 IOL, BL

¹⁰⁰ Solomon Commission Report, 1914,13

In his letter to the Colonial Secretary written on 28th September 1913, Gandhi informed him that the step he proposed to take

“[c]onsists in actively, persistently and continually asking those who are liable to pay the £3 tax to decline to do so and to suffer the penalties of non-payment, and, what is more important, in asking those who are now serving under indentures and who will, therefore be liable to pay the £3 tax on completion of their indentures, to strike work until the tax is withdrawn.”¹⁰¹

This is the first official intimation of the unhappiness around the £3 tax strike as well as notice of the imminent strikes, and that indentured workers had been invited to participate in the *Satyagraha* struggle. However, this is not to suggest that everyone agreed with this stance to include the indentured workers' cause. Gandhi faced a lot of debate around the issue among the various Indian political organizations and this decision to involve the indentured in the struggle led to fractures within the Natal Indian Congress. The supporters of the campaign within the Natal Indian Congress and the Colonial Born Indian Association came together to form a new organization- The Natal Indian Association and this became the main political organization during the strike. At the same time, there was suspicion within the ranks of the indentured and the ex-indentured workers and several editorials in the *African Chronicle* voiced its opposition to the inclusion of the indentured workers' cause within the larger *Satyagraha* struggle, based on a fear that the issue was being used to further the interests of the traders and elite Indians. According to Swan (1984), Gandhi needed to take up the cause of the repeal of the £3 tax to rescue the six year old *Satyagraha* campaign and provide the movement with a fresh army of supporters and it was only by incorporating the indentured workers that he could bring about such a change

¹⁰¹ Collected Works Vol 15, page 235

(1984; 248-9). While this is partially true, I argue that this inclusion of indentured workers occurred organically and Gandhi had actually not thought this whole decision through. When confronted with the actual demands of leading over 20,000 men and women across Natal and into Transvaal and providing for their material needs during the strike, he was overwhelmed by the logistic demands of such action. I shall expand on this theme while discussing the events of the strike in my next section.

Performing Satyagraha: An Account of the Strike

The campaign kicked off on 13th October with a public meeting held in Newcastle, a mining center in North Natal (See Fig 5.2). The meeting was led by Thambi Naidoo “a veteran passive resister, and a popular president of the Johannesburg Tamil Benefit Society” (Swan, 1984; 249). Accompanied by the Tamil-speaking wives of several other resisters, he spoke to the Newcastle mining Tamil workers about the £3tax and the meeting resolved “to abide by the passive resistance movement till redress is obtained.”¹⁰² The next day, Naidoo and some other *Satyagrahis* (See Fig. 5.5) were arrested for trespassing on railway property while they were trying to urge railway workers to strike work. The other passive resisters in their group continued on to Farleigh Colliery to address Indian workers, seventy-eight of whom struck work the next day¹⁰³ and by the 17th of November, “the movement had spread beyond expectations, and within a week 2,000 Indians had struck work in Northern Natal” and their main grievance was their unhappiness at the tax (Swan 1984; 249). Some arrests were made and twenty-nine miners were sentenced to two months’ imprisonment with hard labor. As the strike spread, Gandhi realized the potential for real action and announced that if the tax was not repealed,

¹⁰² *Indian Opinion*, 22nd Oct 1913

¹⁰³ *Satyagraha in South Africa*, 1928, page 267

the strikers would be advised to leave the mines and court arrest and if not arrested, he would lead them to march into Transvaal in an attempt to peacefully flout the immigration law that disallowed their entry into Transvaal without certificates of domicile.¹⁰⁴ The government under the leadership of Smuts in his capacity as Minister for Defense provided armed police protection at every colliery in the strike area who “were ordered to prevent violence, to protect mine property, and afford every protection to Indian mine laborers if they wished to work” (Swan, 1984; 251). The government policy at this point was mostly defensive and few arrests were made and no real attempt was made to ensure that the strike ended. The government anticipated that the passive resistance struggle would die a natural death and did not wish to intervene by arresting the strikers.

By 28th October, as reported by Reuters, around 3,000 workers were on strike in North Natal. On 6th November, Gandhi and others led 2,037 men and 127 women and fifty-seven children across the Transvaal border (See Fig 5.1).¹⁰⁵ Before crossing the border, Gandhi appealed to the government to repeal the tax and assured the government that he would ensure that the workers would return to work immediately on the withdrawal of the tax. However, the government did not consent to repeal the tax and did not arrest the strikers. Smuts in a missive to the Secretary of State said, “Mr. Gandhi appeared to be in a position of much difficulty. Like Frankenstein he found his monster an uncomfortable creation and he would be glad to be relieved of further responsibility for its support.”¹⁰⁶

Smuts was partially correct, as there was a dire need for funds since this large-scale support from the indentured workers had not been anticipated. Although

¹⁰⁴ Ibid, page 270

¹⁰⁵ Ibid, page 274

¹⁰⁶ CO 551/45/40709-12 TNA, PRO; also reported in Swan 1984: 252

Gandhi had assured Gokhale that he did not require funds from India since he did not imagine that there would be more than sixty-five participants in this struggle (Gandhi 1928; 271), now with the vast number of strikers, they needed around £250 a day to provide for the marchers' rations of one and a half pounds of white bread and sugar. Fund raising in India provided about £3000 a month and this was only a small step towards keeping the marchers fed.¹⁰⁷

As the number of marchers increased, however, the government decided to pursue some kind of action. A report on the strike written by the Chief Magistrate, Percy Binns of the Magisterial Division of Durban puts forth the government's predicament and the reason behind the decision to make mass arrests. "It was decided that the only way to deal with the matter, was to make wholesale arrests. This course was necessary for two reasons: 1. That the Indians had to see that the Government was in a position to make its power felt, and so afford evidence to those willing to work that there was not only the power to punish but also to protect. 2. It was necessary to show the Natives that there existed at hand the necessary force to handle any number of strikers."¹⁰⁸

Gandhi was arrested on 7th November and once again, on the following day. He was released on bail on both occasions and he rejoined the marchers to lead them on into Transvaal. His charge was abetting and aiding persons to enter Transvaal illegally. On the 9th, he was arrested for a third time at Greylingstad and sent to Dundee. All other marchers were arrested for being in Transvaal illegally and forced to board trains for Natal. Gandhi was tried in Dundee on the 11th and sentenced to nine months' imprisonment with hard labor.

¹⁰⁷ Ibid, 272

¹⁰⁸ Report on the Indian Strike in the Division of Durban, The Magisterial Division of Durban, CO 110-121,TNA, PRO

Here, I would like to provide a short narrative of the female resisters who were a part of the struggle. Unfortunately, there is a huge paucity of information as very few documents related to women *Satyagrahis* are available in the colonial archives and in Gandhi's writings. However, I have encountered some profiles of women involved in the struggle. Valliamma Mudiliar was a sixteen-year old martyr of the passive resistance movement (See Fig 5.6, 5.10). She was the daughter of a fresh produce hawker who had been active in the first *Satyagraha* campaign and was influenced by her parents' involvement in the passive resistance movement. On 29th October 1913, Valliamma, along with ten other Tamil women (See Fig 5.6)¹⁰⁹ marched towards Transvaal in a bid to court arrest. When this failed, they went to Newcastle in order to rouse Tamil indentured workers to strike. They visited mines in the region and held meetings with indentured workers, gathering support for the cause and providing information about the strikes in other places. Gandhi writes, "the mere presence of these women was like a lighted matchstick to dry fuel....their influence spread like wildfire. The pathetic story of the wrongs heaped by the £3 tax touched the laborers...I was not prepared for this marvelous awakening."¹¹⁰ Soon the government realized the potential for trouble that these women could cause and arrested them at Newcastle. They were released on bail and Valliamma and her mother again courted arrest at Volksrust on 22nd December 1913 and were sentenced to three months imprisonment with hard labor at Pietermaritzburg. Valliamma fell ill during her incarceration and her condition became serious enough to warrant the government to agree to release her early. However, Valliamma refused and on 22nd February, 1914 she passed away. After her death she was honored as a martyr by

¹⁰⁹ My data indicates that these women were Mrs. Veerswamy, Mrs. Mahabir, Mrs. Moonswamy, Mrs. Pillai, Mrs. V.S Naidoo, Mrs. Moodley, Mrs. Tommy, Mrs. Thambi, and Mrs. Bhawani Dayal. Unfortunately, I have not been able to unearth more information about them.

¹¹⁰ *Satyagraha*, 1928; 282

various Indian organizations in South Africa and among anti-colonial groups in British India, serving as a signifier for the spirit of endurance and heroism of women in the struggle.

Fatima Bai (See Fig.5.10), the wife of Gandhi's friend Sheikh Mehtab, was a Gujarati housewife who joined the passive resisters in October 1913 as a result of anger at the marriage question. Accompanied by her seven-year old son and mother (See Fig 5.7), she went to Volksrust with the intention of courting arrest by crossing the border into Transvaal. They were arrested and Fatima Bai and her mother were sentenced to three months imprisonment with hard labor at Pietermaritzburg. In prison, accounts detail how she defied the authorities by resisting giving her fingerprints even upon being maltreated.¹¹¹ These two short descriptions of women resisters are by no means exhaustive profiles but rather signposts for detailing how women played an important symbolic role in allowing Gandhi and other leaders to build common cause with indentured workers and with elite traders. I shall return to this theme in the analysis of the strike.

In the meanwhile, the strikes raged on and workers at various mines and plantations across Natal struck work and marched towards Transvaal. The Natal Indian Association leaders realizing that this was a potentially dangerous situation intervened to stop the marches and persuaded the strikers to remain on the estates. The government continued to make large numbers of arrests and turned the mines and estates into prison and sentenced the workers to work at these locations. By 17th of November, the strikes spread to Durban and surrounding areas and affected

¹¹¹ Indian Opinion, 26th November 1913

production on the sugar plantations, the railways and the docks as around seven to eight thousand workers were on strike in the region.¹¹²

By the end of November, the strike had spread to the Southern coast of Natal and over 15,000 workers were on strike here. Swan argues that the course of action in the South was very different from the North as there was no organized leadership in the South and the strike was therefore, marked by uncertainty and apparent lack of purpose (Swan 1984; 254). Some of the strikers marched towards Gandhi's Phoenix settlement while others remained in the barracks, refusing to work. The sheer number of strikers made the government nervous and police brutality increased greatly. There were reports of police firing and skirmishes at various plantations. Of these, two deserve special mention. The first is the conflict at Mount Edgecombe on the property of the Natal Estates Ltd. On 28 November 1913, the manager of the estate, Mr. Campbell, requested police help in forcing the Indian strikers on the estate to return to work. A party of twelve policemen under the command of Lieutenant Clarke, an officer of the South African Mounted Rifles was sent to the estate. There were two sets of barracks, one known as the Upper, and the other as the Lower. The official police report stated that the police went to induce the Indians in the lower barracks to return to work and they consented. As the police were leading the workers back through the cane fields, over one hundred Indians from the upper barracks attacked them with knives and sticks.¹¹³

According to the colonial government version of the events, the police were forced into firing "as four of their party had been knocked to the ground from their horses and were being violently attacked"¹¹⁴ and in order to save the lives of the other

¹¹² Indian Opinion, 25th November 1913

¹¹³ Solomon Commission Report, 1914, page 6

¹¹⁴ Solomon Commission, 1914, page 6

police officers and to repel the attacking party, the official version maintained that “the only way in which this could have been done was by the use of revolvers, and regrettable as the loss of life was, the police were amply justified in firing when they did and that, if they had not done so, in all probability the eventual loss of life would have been considerably greater than it actually was.”¹¹⁵ Seven unnamed Indians were killed outright¹¹⁶ while two succumbed to fatal injuries later and about twenty-five were injured.¹¹⁷

The *Transvaal Leader* was a significant newspaper in the region and its reports were presented by the government as the ‘authentic voice’ in its dispatches to the Colonial Office in Britain. Reporting on the incident at Mount Edgecombe on November 28th¹¹⁸, it began by stating that it was difficult to gauge the accuracy in general of things regarding the strike, “for changes take place with the suddenness characteristic of the Asiatic variableness of temper.” It reported that the manager of the estate had been forced to call in police support as the coolies had threatened him, and that they had become menacing. It clearly voiced its opinion that “there is little doubt that the police received great provocation before taking drastic steps.” The article listed the injuries to the policemen: Lieutenant Clarke was thrown to the ground and suffered a head wound, Corporal Bridges was hit by a stray bullet in his foot, Corporal Sparkes was struck in the eye, and Gunner Irwin was knocked to the ground and surrounded by Indians armed with knives and was badly injured, though his injuries are not clearly stated. The coolies killed and injured remained unnamed.

The protesters took severe umbrage with this reporting and the *Indian Opinion* presented its version of the incident on Dec 3, 1913. It refuted the accounts

¹¹⁵ Ibid, page 6

¹¹⁶ Only one photograph provides some information about the family of one of the men who died from police firing. See Fig 5.9.

¹¹⁷ Ibid, page 2

¹¹⁸ *Transvaal Leader*, 28th November 1913, IOR/L/PJ/6/1283, File 4356 IOL, BL

of other newspapers stating that Indians have been blamed for instigating the attack and for striking a fearful blow on a trooper's horse, leading to open firing by the police. It stated, "This is certainly remarkable, if true. Such feats of strength are generally not credited to these 'emaciated, spindle- legged and weak people'." It maintained that a general hand-to-hand scuffle arose and one trooper was injured in his thigh, upon which the police fired directly at the leading coolies. It claimed that in total, nine coolies were killed while over 20 were injured.

The interesting issue here is not in determining the authenticity of either newspaper account. Instead, what is of significance is the fact that while historical accounts of the strike are most often, based on the colonial archives that include the newspaper dispatches from the *Transvaal Leader*, a counter narrative from the *Indian Opinion* points to the complexities abundant in the production of colonial history. First, it refutes the charges by using racialized colonial discourses on Indian physical attributes to claim in an ironic voice that it could not be possible for Indians to engage proactively in violence, thereby using colonial racial discourse about Indians to mock the veracity of the official account. Second, it uses the colonial official report signed by the police general to counter allegations of pre-mediation, thus not depending on its own reporters who perhaps, can come under the suspicion of partisanship. Third, its narrative points to the inherent elitism of the subaltern voice that leaves the dead coolies as nameless as they were in the colonial records and colonial newspapers. The strike, while proclaiming the cause of the coolies and their grievances under colonial rule, remained an elite enterprise led by middle class subalterns, often experienced in colonial resistance narratives.

The other violent skirmish between the police and the coolies occurred at Esperanza on the plantations of Hawkeworth and Sons. On 21st November, about 200

Indians went on strike at the plantation. On 24th November, the police led by Sergeant Rorke and Sergeant Davidson were called in to attend to the matter and after talking to the Indians, convinced them to walk to Umzinto to see the Magistrate. “Suddenly one of the Indians threw himself on his back at full length on the ground. He said something to the others, and the whole number then followed his example.”¹¹⁹ One of the men who spoke English, Sammy informed the police that they would not go to Umzinto and would instead prefer to die where they were, telling Davidson “Get off your horse and come cut our throats.”¹²⁰ When the police approached the prostate men, the official version claims that the Indians jumped on them and attacked them with long sticks and iron pipes. According to Sergeant Rorke’s report,¹²¹ the mob grew violent and the police had to resort to arms. Four Indians were killed and ten were wounded in the police firing. According to the Solomon Commission report, the force used on this occasion, like at Mount Edgecombe was necessary and justified and not in excess of what was required.¹²²

The *Transvaal Leader* reported that on the 30th of November that over 20,000 workers were on strike in North and South Natal. Mass scale arrests continued and the jails were full. The Viceroy of India, Lord Hardinge publicly expressed “deep and burning sympathy of India and those who like myself, without being Indian, sympathize with the people of this country.” He condemned the South African government as unjust and whose “measures would not be tolerated for a moment in any country claiming to be civilized.”¹²³ It can be argued that violent reactions from the government actually helped render the strike a success.

¹¹⁹ Police Report, South African Police Camp CO 256/88/ 298-231 TNA, PRO

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Solomon Commission Report, 1914 page 9

¹²³ The Times (London) 27th November 1913, IOR/L/PJ/6/1283, File 4356 IOL, BL

The Union government under pressure from the strikers and from international quarters such as London and British India appointed a commission to enquire into the causes and disturbances of the strike. This was the Solomon Commission and before it commenced its proceedings, it recommended that Gandhi and his associates (See Fig 5.4) be released and be invited to give evidence before the commission. Gandhi refused and all Indians boycotted the commission and resolved to start a new march from 1st Jan 1914 if the tax was not repealed and if the marriage question was not resolved, as per the agreement made with Gokhale. On 16th January, Gandhi met with Smuts and negotiations with the government led to an agreement on both accounts: the repeal of the tax and the official recognition of one wife of a legally domiciled Indian male. The impact of this strike was profound on Gandhi's future as an experienced anti-colonial leader on his return to India in 1914. For Indians in South Africa, the results were mixed. While they won the repeal of the tax and the recognition of their marriages under the India Relief Act of 1914, it did not necessarily change the lives of indentured workers and their families. Global events such as the Depression and the subsequent World Wars made their existence precarious and while the strike was a success, it did not lead to rapid class mobility for the ex-indentured. It was only in the later years of the 1950s when a new set of radical Indian South Africans who identified themselves as South Africans first and foremost, came to the forefront of the fight against racial politics, that new forms of resistance began to take shape, culminating in their participation in the sustained fight against Apartheid in the second half of the 20th century. In the next section, I shall provide an analysis of the strike based on the above data.

De-Coding the 1913 Strike

As described earlier, historians and sociologists have analyzed the strike either in connection to Gandhi's graph as an anti-colonial freedom fighter or as a telling testament of non-violent resistance. My analysis allows for an alternative interpretation that emphasizes the complicated reality of the strike, the interconnections between the metropole and the colonies and of the multilayered issues that Indians faced in South Africa at the time of the strike. I deal with four inter-related points: the performance of 'imperial citizenship' in the public sphere, the gendered aspect of the strike, transnational networks of colonial power and anti-colonial sentiment, and understanding the 'emergence' of community.

Imperial Citizens/Subjects on Strike

In an editorial written a few days before the commencement of the strike, Gandhi declares,

“It is unthinkable that the Union refuses to honor its commitment to those who possess rights bestowed upon them by one of the largest empires in history. Indians are first and foremost, British subjects and indentured workers are no different...[T]he tax is unjust and we have the right to protest against it, albeit peacefully, to the government of the Union as well as present our case to the guardians of the British Empire.”¹²⁴

The above passage marks how the idiom of rights provided the justification for protest in this instance and how indentured workers were finally recognized by Gandhi as rights-bearing subjects of the Empire. Most importantly, it identifies the audience for the protest: namely Natal, London and India. This stepping into public space as imperial citizen-subjects reconfigures the uneven relationship between labor, citizenship and legal rights. As described in Chapter 3, indentured workers appear mostly as shadowy characters at the service of elite traders in the latters' petitions

¹²⁴ *Indian Opinion*, 24th October 1913

claiming concessions based on their status as imperial subjects. It is only in their participation in the strike that they are rendered visible in the public sphere, demanding that they be accommodated within the framework of rights guaranteed to them by virtue of their legal status as citizen-subjects of the Crown. The £3 tax thus became invested with all of their grievances against the colonial government; not their employers, and the strike and the marches allowed them to experience a sense of agency in forcing the authorities to acknowledge their duty in protecting Her Majesty's subjects. This "miraculous awakening"¹²⁵, I argue is not a magical testament to Gandhi's leadership qualities as argued by Huttenback (1971) and others, but rather a combination of a variety of factors, namely the lack of an efficient system of appeal for indentured workers; the constant balancing act of appeasement by the British government towards the settler colonies and of reaffirming its ties and duties to its imperial diaspora; and most significantly, an extension of the language of citizenship that was based on the logic of universal rights for all subjects that had earlier only been reserved for the trader classes.

Earlier in my description of the strike I mentioned that it was only in September 1913 that Gandhi referred to the £3 tax in his correspondence with the colonial authorities. However, when the tax was not repealed despite the assurances to Gokhale, Gandhi realized that this grievance could add a strategic edge to his political program of passive resistance and thus, he inscribed the rhetoric of labor onto the rhetoric of imperial citizenship. Up until then the claim to citizenship had mostly been formulated through insistence on the 'worthiness' of the "industrious", "cultured" and

¹²⁵ *Satyagraha in South Africa*, 1928, Page 261

“hygienic”¹²⁶ Indian middle class traders. Including the indentured worker within the idiom of citizenship implied recognition of a personhood infused with rights that allowed for the expression of discontent with the terms of their labor contracts. Thus, the figure of the indentured worker became crucial to constructing a notion of a ‘community’ united in its struggle towards claiming imperial citizenship under a system that circulated the ideology of the liberal benevolence of Empire and equality of all while covertly maintaining a deeply racialized politics of exclusion.

Here I must note the basic contradiction inherent in the idea of rights of the indentured imperial citizen-subject. In my earlier discussion of the tax I discussed the conditions of payment of the tax and as stated, it was incumbent upon the ex-indentured and their offspring to pay it annually unless they re-indentured for a further five years. Thus, it is obvious that while the strike depended on the participation of the indentured labor represented as rights-bearing individuals with the freedom to freely enter into contracts, in reality the demands articulated during the strike did not include changing the current conditions of indentured labor but instead defended the interests of those who had left indenture and were ‘free’ laborers hoping to join the ranks of the petty bourgeoisie and the professional middle classes.

Beyond the discursive aspect of imperial citizenship that I discuss above, I would like to focus attention on the performative aspect of citizenship that was enacted via the strike. Participation in the strike implied an active engagement in the public sphere- a public sphere not in the sense of a Habermasian exclusive bourgeoisie public sphere but rather, as Dipesh Chakrabarty describes, a space for

¹²⁶ As seen in Chapter 3, most petitions written by the traders insisted upon their rights as imperial citizen-subjects that they *deserved* due to their industrious, cultured and hygienic nature.

intervention made possible by law and the idea of a rights bearing individual (2000; 147).

Following Chakrabarty's lead where he makes the case that in the third world the peasant emerges as a "full participant in the political life of the nation, first in the nationalist movement and then as a citizen of the independent nation, long before he or she could be formally educated into the doctrinal or conceptual aspects of citizenship"(2000; 9), I argue that under colonialism and its guarantee of rights to its subjects, indentured workers, women and other subalterns emerge out of the "waiting room of history" (Chakrabarty 2000; 8) to counter Cecil Rhodes's famous declaration, "Equal rights for all *civilized* men" (emphasis added) and create an intervention whereby citizenship is not reserved only for the civilized members of the colonized. Thus, this intervention, as indicated earlier, was not equally accessed by the colonized and class and gender based differences ensured that some of the colonized viewed themselves as more worthy and prepared to handle the complexities of political participation. For the privileged classes the subaltern within the colonized had to be 'tutored' on the practices and ideals of citizenship before they could join the ranks of the 'civilized citizen-subject'. Thus, Gandhi writes,

"When this tax (referring to the £3 tax) fell within the scope of the struggle, the indentured Indians had an opportunity for participating in it. The reader must note that thus far this class had been kept out of the fray. This new orientation of our policy increased *our burden of responsibility* on one hand, and on the other, opened up a fresh field of recruitment for our 'army'. Thus far *Satyagraha* had not been so much as mentioned among the indentured laborers; still less had they been *educated* to take part in it."¹²⁷ (emphasis added)

¹²⁷ *Satyagraha* 1928, 249

The strike would thus serve as an education in citizenship practices for the subaltern classes under the aegis of the more “intelligent volunteers [who] were required to look after these obscure and uneducated men.”¹²⁸

The last point I would like to mention briefly is that women also emerged into the public sphere as citizen-subjects infused with the right to protest against the racial inscription of their marriage status. For the colonial authorities, the marriage question was a means of migration control of elite traders and for the colonized, it provided a means women to be a part of the resistance struggle and allowing them to emerge into the public space as model citizens as they were “worthier than men due to their strength and fortitude, and deeply spiritual nature.”¹²⁹ In the next section, I expand on the gendered aspect of the strike and its implications.

Gendering the Strike

I argue that gender has not been systematically analyzed with regard to a migrant colonized population, specifically in relation to acts of passive resistance such as the 1913 strike. Employing gender as an analytical category shall help understand why the non-recognition of Hindu and Muslim marriage by the colonial government became fraught with meanings on domesticity, morality and national pride and conneced strongly with the legitimation of the strike and how and why women, indentured and merchant class participated in the strike. First, the strike allowed for the revitalization of the Indian migrant male identity, given that his access to colonial public spheres was extremely limited. As described in Chapter 4, *Satyagraha* is repeatedly interpreted as a rare form of masculinized agency that was not a weapon of the weak, but rather reserved for those who were strong in spirit (Gandhi 1928; 163). The passivity and non-violence in *Satyagraha* redefines the

¹²⁸ Ibid, 263

¹²⁹ Indian Opinion, 6th June 1913

social construction of masculine resistance beyond that of one seeped in passion-driven outbreaks of violence. Thus, the strike presented a form of agency that was contrary to the standard trope of masculinized political struggle, actively played out via non-violent long marches, by silently courting arrest and by respectfully defying colonial authorities.

At the same time, anti-colonial resistance was not pitted as a space reserved only for men of Indian descent. Rather, this newly minted migrant identity of the citizen-subject, as described in the previous section considered women to be an essential component of anti-colonial struggle. Gandhi was much influenced by the Suffragette Movement and urged women to join the movement (Gandhi 1928). Editorials encouraged this participation since women were seen as capable of higher self-denial and passive resistance than men while ‘men were urged to be more manly’ by joining the movement.¹³⁰

While this is undeniably problematic in construction as pointed out by some scholars (Mongia 2006), I argue that these essentialized gendered tropes were raced and classed since they were mostly reserved for domesticated immured middle-class women and indentured women working in plantations were left out of this idealized framing. While the colonial authorities did not apply Victorian framings of female weakness, delicacy and chastity to colonized indentured females engaged in production, anti-colonial framing of the marriage question and the subsequent participation of middle class women in the strike was also a class-driven intervention that spoke on behalf of all Indian women and tied the trope of the honor of women as a general category to the honor of the Indian imagined ‘nation’. Thus, an editorial in the *Indian Opinion* prior to the strike attempting to rouse support claimed “Any nation

¹³⁰ *Indian Opinion* 19th April, 1913

that fails to protect the honor of its women, any individual that fails to protect the honor of his wife is considered lower than a brute....if we lose our honor, what remains of happiness?”,¹³¹ reproducing a composite, monolithic ‘third-world woman’, regardless of class, ethnic or racial location (Mohanty1997: 64). Gandhi writes urging for the participation of women in the strike, “If Indian women become passive resisters they must have a very serious grievance. We congratulate our plucky sisters who have dared to fight the government rather than submit to the insult offered by the Searle judgment. They will cover themselves and the land of their birth as indeed, of their adoption, with glory if they remain true to their resolve in the end.”¹³² Thus, for example, the differences in motivations and actions between Valliamma and Fatima Bai are erased when they are pressed into service for providing evidence for the participation of women in the struggle by both, Gandhi and scholars (such as Hiralal’s analysis of women’s’ participation in the strike) alike. In the strike, gender is a very particularly situated site, cast into colonial role by law, labor and race and yet, at the same time, the discourse of a gendered national honor helped rouse anti-imperial feelings, partially erasing class and other differences among the colonized in order to create an imagined community of citizen-subjects who felt insulted and betrayed by the colonial authorities.

“Natal’s lesson learnt by Empire”¹³³: Transnational Networks of Colonial Power and Anticolonial Sentiments

On 31st December 1913, Governor General Gladstone sent a confidential document¹³⁴ to the Secretary of State for India, Lord Crewe that detailed the events of the strike and reported that the strike was finally over with the help of the police and

¹³¹ Indian Opinion, 22nd March 1913. Also Mongia 2007, 140

¹³² Ibid, 10th May 1913. Also quoted in Mongia, 2007, 140

¹³³ Transvaal Leader, 8th December 1913.

¹³⁴ IOR/L/PJ/6/1283, File 4356 IOL, BL

district magistrates. However, the letter cautioned against optimism since the Indian Question had hardly been resolved. Further it stated that notice must be taken of the “great difficulty in which the government had been placed” due to the unrest created on account of the strike and because of the alleged brutality against Indians that was reported in the British and Indian press. It also indicated the problems created by virtue of Lord Hardinge’s speech denouncing the tax (referred to earlier in the chapter), forcing the Prime Minister “the necessity of choosing whether preference should be given to Imperial or to South African interests.” As was the norm, it contained several enclosures that consisted of editorials from various newspapers, which asked uncomfortable questions of the colonial government from the point of the view of the settlers. One of these, Enclosure 15 was an extract from “The Star” of December 9th, 1913. The newspaper denounced the strike and claimed

“If India, as a British Dominion, has the right to claim free entry, then we here have the same right to claim that not another colored man, not another Indian shall be admitted into this country. Rather a hundred times separate from England-and we are prepared to maintain our rights- than to submit to the choice of India, a colored country.... If politicians in England were better acquainted with the position, they would realize that our attitude is not prompted by vengeance, but by a deep realization that self-preservation is the first law of nature. We look to the government not to find a ‘modus vivendi’ but a ‘status quo,’ in which the rights and interests of South Africa come first. What India is for the Indians, South Africa is for the South Africans?”¹³⁵

While one might be tempted to dismiss the above as racist vitriolic against Indians in South Africa, I chose to include this as an indication of the prevailing mood after the strike and because it points to two interesting aspects: first, the fact that it was enclosed in the secret document and hence, seen as a legitimate representation of settler interests that the Secretary of State for India needed to be made aware of, and

¹³⁵ Enclosure 15, Extract from “The Star” of December 9th 1913 IOR/L/PJ/6/1283, File 4356 IOL, BL

second- the article is fully cognizant of the complicated international status of the Indian Question in South Africa and represents White South Africans as the true rights-bearing individuals of the new Union and represents England as a colonial center that is opposed to the interests of South Africans.

Several examples are present in the archives that express similar sentiments regarding the strike and the Indian Question that connect the triangulated edges of the British Empire. Major Silburn, Member of Parliament for Durban stated in an interview to the *Herald*, “We must agree that the agitation in India on this question had been engineered for political purposes in India as a blow to the Empire. I am astonished that General Smuts does not demonstrate to Great Britain and to India how much better treated the Indians are in Natal in comparison to their own country”¹³⁶, thus giving voice to the widespread belief that the Natal strike was being used as a strategic ploy to discredit British rule in India and that it was up to Natal to demonstrate the actual truth of how well South Africa treated her Indian laborers.

In India the treatment of the Indian strikers had become an important national issue and, as claimed by Silburn, one that was threatening the Empire. Indians were closely following the developments of the strike, emphasizing the imperial rights of British subjects in the dominions and linking their protection to the honor of the Empire. On 12th December 1913, the *Transvaal Leader* reported on The Aga Khan’s speech to the members of the Bombay Town Hall from the previous day where he proclaimed that

“if such treatment (accounts of police brutality during the strike) had been meted out to Englishmen by any foreign country it would have been treated as a *casus belli*. The public opinion cannot believe the Imperial Government is helpless in the matter. Bombay was painfully obvious of its conviction that Great Britain was unable or unwilling to protect her

¹³⁶ Enclosure 12, *The Herald*, 14th December 1913 IOR/L/PJ/6/1283, File 4356 IOL, BL

foster children. This must shake confidence in the power of the Imperial Government, and deal a blow to the prestige of the British Empire.”¹³⁷

Pressure from the Government of India, especially after Lord Hardinge’s address, resulted in the Union Government being forced to set up the a judicial enquiry headed by Sir William Solomon to enquire into the strike and its causes and to recommend some solutions to the Indian problem. Although all did not equally welcome the commission,¹³⁸ it served as a tool in the “production of a regime of truth governed by the liberal notion of impartiality” (Mongia 2004: 749) that benefited both, the Union government and the British India government. It allowed for the recording of the official version of the strike-its causes and the aftermath and for the complete erasure of alternate versions that challenged the official truth. Thus, the commission findings declared that the testimony of an indentured worker Balbadhur who gave evidence of ill treatment during the strike at the hands of the compound manager of the mine where he was imprisoned was “wholly unreliable”¹³⁹, while pronouncing the use of firearms by the police at Mount Edgecombe and Esperanza as “absolutely necessary”¹⁴⁰ to suppress the resistance. The commission, while recommending the withdrawal of the £3 tax, continued to perpetuate the myth of the goodness of the system of indenture by reiterating for their audience that indentured workers continued to actively re-indenture due to the rise in wages and good working conditions as “the evidence shows that they are well and considerately treated on the

¹³⁷ *Transvaal Leader*, 12th December 1913

¹³⁸ An editorial in the *Transvaal Leader* on 8th December 1913 clearly expressed its discontent with what was seen as what would be the unfortunate capitulation of the Natal government if it allowed for the commission when it said “South Africa should take a firm stand against the least pressure from India or Downing Street. A commission of enquiry has been suggested by Lord Hardinge. Lord Crewe has expressed himself in favor of it. South Africa is against any such thing. “

¹³⁹ Solomon Commission Report, 1914, 3

¹⁴⁰ *Ibid*, 7

estates and other works where they are employed”¹⁴¹ and not as a result of the poverty brought about the tax as claimed by the strikers. This mollified the settlers and allowed the Union to justify its actions on a global geo-political stage and at the same time, the enquiry and its findings satisfied the need for the British India government to be seen at home as protecting its overseas citizen-subjects.

Creating Community and Common Cause: Lessons from the Strike

Recent historians (Bhana and Pachai 1984, Bhana and Vahed 2005, Ramsamy 2007) argue that it is only after 1945 that the people of Indian descent came to identify themselves as South African Indian, signifying an identity that was based on migration but situated within the present location. India, in this framing appears as a distant homogenous geography, yet providing a crucial imagined identity. While this is undoubtedly true, I argue that even during the early years of Indian migration, (the period of study in this dissertation), at certain moments, the lived reality of colonial structures gave rise to a sense of community that was dynamic, constructed, and ephemeral and created out of the interaction of social experience, political struggle and racialized systems of power. In this understanding, community does not exist *a priori*, but rather is a transient structure that creates a pan-Indian identity out of heterogeneity and common discontent, dissipating until the next historical moment that calls for the notion of community into service for resistance. The Natal strike serves as one such historical moment. This questions the idea of a homogenous diasporic identity and the untroubled and tight connection between location, experience and community in diasporic studies. That home and historical experiences represented a complicated reality to people of Indian descent in South Africa is what I seek to highlight while laying bare the mechanisms of community formation that were

¹⁴¹ Ibid, 28

in place as early as the Natal strike of 1913 and perhaps, were the result of a series of discursive struggles between various representations and subject positions. As Vahed succinctly states, “Indianness was a complex construction, constituted through struggles among disparate Indians, and between them and whites and Africans in Natal” (2002:77. On the one hand, middle class Indians maintained distance from the coolie category in order to appear as worthier citizen-subjects in their petitions to the government and on the other, over time they realized that they had to forge a pan – Indian identity with the workers in order to resist colonial racial categories of privilege as witnessed during the strike. This uneasy complex relationship is one of the causes for the dissipation and reemergence of community at different moments. The tax issue, the marriage question, the perceived insult to an imagined, yet unborn nation, the uniting impact of passive resistance, folk tales that bespoke of the right to protest and provided a unifying cultural rationale¹⁴², and the desire to gain access to greater political and social rights and economic success in South Africa built and sustained common cause across class, gender and ethnic differences and allowed for a successful campaign. When the objectives of the strike were partially achieved, this commonality of purpose fell away and a unified, ‘Indian community’ ceased to exist until it was yet again brought into play in the next struggle against anti-Indianism and until a unique South African Indian identity was forged through a connection to the

¹⁴² Several accounts narrate the importance of religious and cultural folk tales in fostering a feeling of community during the strike. For example, in the South, the lack of leadership led to the development of myths that sustained the movement. Some marchers claimed that a *Rajah* (king) was coming to take care of their woes and discontinue the tax. During rest periods, there are accounts of elderly men and women reciting stories from the religious texts such as the *Ramayana* and *Mahabharata*, especially ones that confirmed that the belief that meek shall indeed inherit the earth. Also telling is the fact that the marchers marched to the beats of slogans such as ‘*Ramchandra ki jai*’ (translating to victory to Ram, the Hindu mythological god) and ‘*Vande Mataram*’. Written in 1882, by Bankim Chandra Chattopadhyaya, a radical Bengali writer and anti colonial protester, ‘*Vande Mataram*’ was the foremost nationalist call, translating to ‘Bow to the motherland’ and in popular discourse was considered a response to the Britain’s ‘God save the Queen’ – Solomon Commission Report, 1914, pp. 23

current location, i.e. South Africa without constant reference to the narrative of migration.

Conclusion

The recommendations of the Solomon Commission were incorporated by Parliament into the India Relief Act of 1914 that provided for the abolition of the £3 tax; the appointment of marriage officers to solemnize marriages according to Indian religious rites; the validation of the status of one wife of every domiciled Indian male; the repatriation to India of any Indian who gives up his right to domicile in South Africa and that of his wife and minor children; registration of all Indians and the acceptance of thumb prints on domicile certificates as conclusive proof; the abandonment of the collection of arrears and legal proceedings against defaulters of the £3 tax.

For the Union Government, this was a final solution to all Indian grievances while for the Indians, it was a small step towards redress but not one that met all of their demands as members of the Empire. However, this dissatisfaction did not lead to militancy or workers' revolts in the next few decades since class-consciousness was limited to specific grievances and not to a desire to overturn the exploitative system as a whole. Moreover, with the removal of the tax, indentured workers were no longer bound to the indenture system and this allowed for them to join the ranks of free Indians, thereby moving away from the concerns of indentured labor and to the possible development of labor consciousness. For the trader classes, most of their grievances remained since the India Relief Act made no reference to the trading license laws and the Transvaal Gold Law that they were lobbying against.

However, what the strike essentially did was to catapult Indians onto the

public sphere as the first colored minority to actively and non-violently challenge the government on its racialized agenda. It brought legitimacy to the Indian question and forced London, Natal and India to pay attention to its demands. In spite of the messy and fractured nature of events and social relations, the participation of many disparate groups and motivations made the 1913 strike a success. By creatively challenging the colonial argument that citizenship is only for the privileged and the civilized (Mamdani, 1996:17) and by developing and using a new method of resistance that demanded recognition as moral and equal members of the body politic-*Satyagraha*, the 1913 strike serves as a historical moment not just in the history of South Africa Indians but in a more general way, in the history of resistance.

Fig 5.1

**MARCH TO TRANSVAAL**

Source: Killie Campbell Library, Durban

Fig 5.2



THAMBI NAIDOO AT A MEETING
 Source: Killie Campbell Library, Durban

Fig 5.3



GOKHALE'S VISIT
 Source: Killie Campbell Library, Durban

Fig 5.4



Photo by

Ravjibhai M. Patel, R. Govindoo, Gokuldas Garach, C. K. Gandhi, Maganbhai Patel, Ramdas Gandhi, Solomon Royeppen, H. Kallenbach, M. K. Gandhi, Mrs. M. Doctor, Mrs. Gandhi, Mrs. C. K. Gandhi, Mrs. Maganlal Gandhi, Parsee Rustomjee.

[B. Gab

GANDHI AND SOME PASSIVE RESISTERS

Source: Killie Campbell Library, Durban

Fig 5.5



Photo by]

SOME OF THE KIMBERLEY PASSIVE RESISTERS.

[Frank H. Goodwin

KIMBERLEY ESTATE PASSIVE RESISTERS

Source: Killie Campbell Library, Durban

Fig 5.6



WOMEN STRIKERS

Source – Killie Campbell Library, Durban

Fig 5.7



HANIFA BIBI, A STRIKER

Source: Killie Campbell Library, Durban

Fig 5.8



GOKHALE'S ADDRESS IN DURBAN

Source: Documentation Centre, University of Westville-Durban

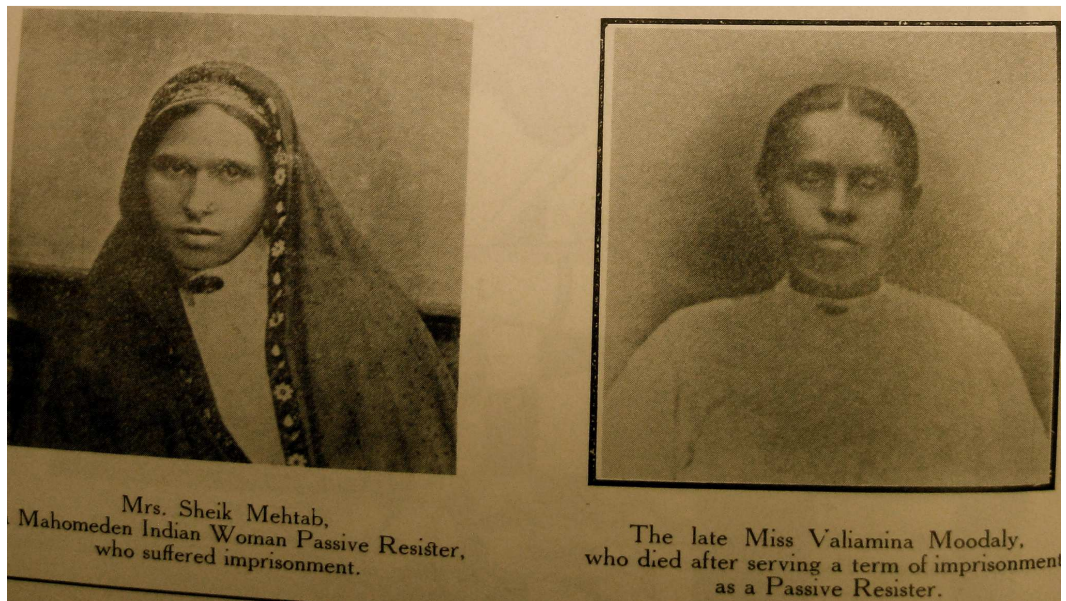
Fig. 5.9



WIDOW AND SONS OF SELVAN

Source: Killie Campbell Library, Durban

Fig 5.10



MRS. SHEIKH MEHTAB AND VALLIAMMA MOODLAY

Source: Killie Campbell Library, Durban

CHAPTER 6

“The Government did everything they could to kick us Indians out. But we are still here and we always will be. We are South African Indians.”¹⁴³

FORGING A NEW LIFE: CONCLUSIONS

Understanding Diasporic Consciousness

During a research trip to Durban, in September 2012, I would take a taxi to the University Archives every day. My taxi driver was Dinesh, a young 25-year-old South African Indian. Dinesh was friendly, kind and intensely interested in my research topic. He was fascinated by the fact that I was an Indian living in Germany, pursuing a PhD in the US and conducting research on “his people”, as he called it. One day while driving me to the archive, he requested permission to ask me a question, very pertinent to him, albeit a little personal. He said, “If you don’t mind telling me, which country are you a citizen of? I mean, what passport do you have?” So I told him I was an Indian citizen. He responded with, “A full citizen with an Indian passport? Or do you have that special status that they have these days?” referring to the Indian government’s new policy for recognizing overseas diaspora with a new legal status, ‘People of Indian Origin.’ I said, “No, I have an Indian passport, not a PIO card.” He thought for a moment and said, “Do you suppose I could get a PIO card? After all, my ancestors did come from there.” I found it very interesting that he

¹⁴³ During an informal conversation with Veejay Reddyson, spice shop owner at Victoria Market, Durban, Reddyson made this very poignant claim towards belonging in South Africa that expressed historical sensitivity, defiance and a self-assuredness of one’s place in the new republic.

I must note here that the conversations reported in this conclusion are not full-length formal interviews. I do not intend for them to stand as representative of the worldview of South African Indians. Rather, they are everyday informal dialogues I had with people during the normal course of conducting research at the archive during the day and being viewed as an Indian tourist in Durban during the evenings. As a social researcher, I believe in the power of informal conversation. Since they are outside of the realm of a rehearsed script, typical of a formal interview, they often provide a provoking commentary on the topic in question by providing a channel for utterance of the ‘real’ and perhaps, contradictory and ambiguous ideas held by the participants.

wanted a PIO card and I wanted to explore the issue further and so I asked, “Why would you want it? You have a South African passport, don’t you?” Dinesh’s answer was most illuminating. He said, “Because it would be nice to have the card. I’m from both places, right?” For Dinesh the passport and the PIO card was a materially sound shorthand for the abstract idea of citizenship and its emotive qualities.

This conversation and countless others with other South African Indians I met in Durban essentially summed up the crux of the issue for me. For Dinesh, it was as simple as being from both places, one that he had never visited yet felt strongly connected to, and one that he believed was his home for all time to come. This sense of a dual cultural identity was most evident on another day and on another ride to the archives. That day on the way to the archives, Dinesh asked me if I wanted to visit a temple on my way back in the evening. I said that that would be nice but that I would be late that day and so maybe we could go another time. I further asked if there was any particular one he had in mind and if it was architecturally interesting. He turned around and looked at me askance. “You don’t want to go to the temple today? But it’s *Ganesh Chaturthi*.¹⁴⁴ And you’re an Indian from India. My family and I are all going to the temple after fasting all day and all our neighbors are too.” So I asked him about the festival and why he and his neighbors conducted these rituals. For Dinesh there was little room for doubt. He replied, “I don’t know the religious stuff on why we do it, but we do it because we’re Hindus. I was told to do it as a child and so was my wife and we just continue it. I thought everyone in India does it too. In South Africa it’s important for us to have some traditions to carry on. We might not know the

¹⁴⁴ *Ganesh Chaturthi* is a Hindu festival celebrating the birth of *Ganesha*, the son of Hindu deities *Shiva* and *Parvati*. *Ganesha* is worshipped as the god of good fortune, wisdom and prosperity across India and among overseas Hindu communities.

meaning of the festival but it's our way and this is what makes us different from others."

The Paradoxes of Migrant Identity

Dinesh thus holds onto a diasporic consciousness that is grounded in difference, in transplanted, transformed and incomplete rituals, and in the language of citizenship. This dissertation looks at the first Indian migrants to South Africa, incidentally perhaps, Dinesh's great grandfather and his fellow laborers on the sugar plantations, and finds similar themes represented in the production of a migrant identity. Migration implied transformation of lives and social structures- the loss of the established way of doing things and living with a changed and racialized social system that was alien and not of one's choosing. This led to survival strategies that helped cope with the indignities that they, as Indians, were subjected to in the public spaces they were allowed to inhabit as the 'coolie community'.

These strategies included the creation of new cultural traditions; the forsaking of old taboos and purity and pollution norms; collaboration with the colonial structures of hierarchies against natives and other colored groups; acquiescing to and internalizing colonial class and race- driven paternalism; practicing individual acts of resistance against existing labor conditions and the brutality of life on the plantation; insisting on social and political rights as full members of the Empire; actively courting arrest on the basis of the principle of equality; participating in the duties of an imperial citizen by way of supporting the Empire in its hour of need; striking against the government when the current laws and taxes were seen as harsh and too severe; boycotting a commission on the lack of Indian representation within its core committee; agreeing to the government's request not to resume the strike as the government was currently overwhelmed dealing with another set of strikers;

believing that the India Relief Act of 1914 would change things for the community as a whole; and at the same time, moving back to old class and gender boundaries at the end of the crisis in order to maintain superiority over other laboring classes of Indians.

It is this intensely contradictory set of strategies that underline the survival of Indians in South Africa. Patterns of accommodation and resistance blur boundaries and allow the migrants to claim space, leading to the production of complex categories and ideologies such as the citizen/subject, community and *Satyagraha* that was a direct result of the ‘everyday metaphors of power’ (Mitchell, 1990) exhibited by a racialized social system. All of these of course, are related processes that feed into one another. Thus, the degree of convergence between accommodation and resistance oftentimes can be very striking and migrant discourses and practices can obfuscate these boundaries and accommodation and resistance can no longer be seen as discrete oppositional political moves. Instead, the forms that they take are largely dependent on social circumstances, leadership, cultural norms and historical conditions. The act of writing a petition requesting for some change while valorizing the colonial official on the surface reads like an act of accommodation but it can also be read as an act of resistance since the petition marks the petitioner’s formal protest and demand for change under the guise of flattering civility.

A Final Word on Citizenship

This dissertation has most importantly contributed to a nuanced understanding of the unevenness of the category of citizenship and the politics of difference that it generates. Struggles against the social exclusions that the concept of citizenship necessarily involves have rarely been addressed in either the narratives of colonial diasporic communities or in the narratives of colonial resistance. By troubling the neatness of the edges of the concept of citizenship in temporal and in conceptual

terms, I attempt to show the limits of this abstract and universalist idea of citizenship and instead, explore the narrative strategies through which Indians negotiated with the rhetoric of liberal equality for all of the subjects of the Empire and conflated the concepts of citizenship and subjecthood to create a self-representation based on what I term the citizen/subject position. This shakes the understanding of citizenship as an abstraction- a position of White male privilege and highlights the clamoring of alternate voices that demand the rights of a citizen, though always as subjects of the Crown. Most importantly, it is important to stress that it is only as imperial citizen/subjects that Indians could lay claim to any rights beyond those that they had as labor migrants at their new location and posit their difference, i.e., their perceived superiority to Blacks and other races. Thus, the Franchise Bill of 1894 became the field of contention and heightened anxiety since it erased formerly held voting rights of adult Indian males (which incidentally, was always denied to Blacks), thereby causing severe discontent among the Indian elite males who had the privilege of exercising it in the past. At a more general level this dissertation has attempted to use the category of imperial citizenship as a mode of mapping the colonial world and its nodes of power since it is at the fault line between the citizen and the subject that we gain access to the internal dynamics and dilemmas at play between interlocked geopolitical structures. For migrants, imperial citizenship provided a new political vocabulary, allowing them to enter into a conversation with nation-states and imperial powers in an interconnected world. Organizations like the Imperial Indian Citizenship Association, mentioned earlier in Chapter 3, sought to make these conversations fluid, rights-based and recognized as legitimate by all authorities involved by invoking the expansive promise of imperial citizenship as a tool for the better treatment of Indians abroad in other colonial dominions.

The Moments of Community

One of the key themes of the dissertation has been to engage with the concept of community. Indians did not instinctively bind themselves into a community that represented everyone's interests and automatically strike against the government and its unjust laws. Instead, I have argued that Indians were situated in multiple and complex sets of intersectional social relations and this guided the production of their identities, even though for the colonial state they were indistinguishable lot of coolies. Therefore, community did not exist spontaneously. It had to be produced as a strategic move, contradictory and competing inscriptions of identity had to be managed and instead, a communal identity centered on nationalism and a rights-based vocabulary provided the foundation for mass resistance and resource mobilization. The indentured in the strike were both, workers and citizens at once, demanding better labor laws for the future when they would move out of their current labor status of indenture and join the ranks of petty entrepreneurs, service, and industrial workers. Moving beyond caste divisions, religious differences and class positions, Indians-indentured and free could come together in a moment of crisis during the 1913 strike. Once the crisis was averted, this community dissipated and old boundaries were back in place.

Mrs. Moodley's Story

I close with an anecdote. When I was in Durban, most evenings after my day in the archives, I would head out to Victoria Market, an Indian market to talk informally with shopkeepers, customers and shop workers. One of these shop owners Mrs. Moodley was very interested in my research and my questions about Indians in South Africa. She, in turn had many questions for me about India, a country she claimed deep affection for but unfortunately, had never visited. One day, she told me

to come at a particular time since her mother in law, having heard about my research, would like to talk with me and would drop by the shop. I met the senior Mrs. Moodley the next day. She was a robust, funny and very interesting ninety year old. She explained that she wanted to meet with me since her father had been one of the indentured strikers at Newcastle mines and that she had grown up on the story of the strike. I was of course delighted since I had not really expected to encounter anyone with a living memory of the strike, even though it was based on hearsay. She confirmed that the indentured had participated in large numbers and said that her father had always described it as one of the most powerful moments of his life. When I asked if she knew whether her father and his fellow strikers knew of Gandhi and *Satyagraha*, she said that she had asked him when she was older and more aware of that history. She said that he had told her that they had not really grasped the concept in its entirety but that the local leaders had explained and stressed on the importance of good behavior and non-violence on the part of the indentured during the strike and Gandhi had been described to the miners as a great leader who would always be just and kind to them and who wanted them to strike for the greater good of all Indians in Natal.

To me this account is incredibly poignant and powerful. It demonstrates the collapse of interests, motivations, agendas and ideological rationales for protest into a format that is easily comprehensible and uncomplicated by lofty theories and abstruse concepts. Instead, it allows for a narrative that hinges on myths and communal feelings to propel the indentured onto the public sphere as rights-bearing civilized citizen/subjects who can be depended upon to resist. This narrative makes citizenship, community and resistance extremely mobile and complex concepts in practice, allowing for mass participation in a cause deemed just and moral and appealing to

diverse sections of the Indian population. While pointing to the possibilities of these concepts, this narrative also signposts the limits of these concepts since it is clear that participation was not based on a sense of altered consciousness but instead, was grounded in a vague sense of having being wronged and that it would be put right by a great leader.

This dissertation has consistently underscored this complexity to contend that the history of Indians in South Africa in the early years can be understood as that of a fleeting, uneven community with innovative survival strategies, embedded within the project and language of citizenship and, seeking to move beyond sectarian interests and the ideological limits that inhibit the realization of an emancipated community with full political rights. Thus, this dissertation has attempted to trace these multiple negotiations and cultural imaginations that construct the identity of migrant Indians in South Africa during 1860 and 1915, thereby contributing fresh insights to a sociology of migration, sociology of empire, and citizenship studies.

APPENDIX

A SHORT NOTE ON DOING HISTORY: ARCHIVED RECORDS AND THE PRODUCTION OF HISTORY

“To articulate what is past does not mean to recognize ‘how it really was.’ It means to take control of a memory, as it flashes in a moment of danger.”

Walter Benjamin¹⁴⁵

My time at the archives at different global locations led me to stop and think critically about history, its methods and the act of creating it. I became interested in the complexities of ‘the production of history’. By that, I mean the mechanisms that help discern the past and the recognition that power struggles, material relations and multi-vocality of discourses animate accounts of the past. Colonial archives provide one such important means of knowledge production. I see colonial archives as a nebulous yet, distinctly politicized space for the enforcement of colonial geopolitics on the one hand, and the epistemic rationale for the legacies of Empire on the other. The latter refers to the various ways in which colonial archives were utilized to justify colonial policies of discrimination.

While official documents archived by the colonial state represent one set of documents, archives maintained by the colonized represent alternate realities that highlight the relations of power that have resulted in recording colonial knowledge as top-down monolithic universal histories and epistemologies. By using varied forms of data, in my dissertation I attempted to provide an analysis that makes ‘truth as-official document’ problematic, thus moving beyond the evidence of the colonial state documents and instead, documenting the histories of other actors as well. While the colonial records represent the ‘official’ version of socio-political life for Indians, other sources present alternate interpretations of social reality and divergent histories

¹⁴⁵ Benjamin, *On the Concept of History*, 1940. First published in English in 1968.

and one of the objectives of the dissertation has been to broaden the meaning and texture of the term 'archive', consequently, moving beyond 'document fetishism' or the exoticizing of official state documents as the main source of archival knowledge.

In order to govern, imperial systems required intimate knowledge of colonial subjects and colonial worlds. This knowledge rendered the unknown into comprehensible and intelligible spaces that could be tamed effectively. As Cohn (1996) points out in the context of the British in India, "There was widespread agreement that this [India] society, like others they were governing, could be known and represented as a series of facts....and that administrative power stemmed from the efficient use of these facts" (1996: 4). In theorizing what has now been termed as 'the archival turn',¹⁴⁶ most scholars (Richards 1993, Cohn 1996, Said 1979, Ballantyne 2004, Stoler 2009) agree that colonial archives provided the knowable facts that synergized the connection between dominance and knowledge. Thomas Richards (1993) states that the imperial archive is "not a building, nor even a collection of texts, but the collectively imagined junction of all that was known or knowable, a fantastic representation of an epistemological master pattern, a virtual focal point for the heterogeneous local knowledge of metropolis and empire" (1993:11). Thus, an archive is not merely a site for knowledge reclamation but also a site for knowledge production¹⁴⁷ that was fundamentally, based on the exclusion of marginal voices. I argue that in order to arrive at the fault lines within the texts where the silenced

¹⁴⁶ The archival turn refers to the epistemological skepticism that has focused attention on the politics of writing history and elevated the archive into a space that warrants consideration as a site of enquiry. Moving away from the notion as the archive as a passive resource for extracting the past, scholars seek to investigate the archive as a social construct and a controller of the past, thus evoking new ideas about the nature of documentary evidence, archival theory and record keeping amongst historians and archivists. Natalie Zemon Davis's *The Fiction in the Archives* (1990), Thomas Richard's *The Imperial Archive* (1993) and Michel de Trouillot's *Silencing the Past* (1997) are some notable examples.

¹⁴⁷ Stoler argues that the colonial archive was "a monument of state as well as a site for state ethnography" (2002:87)

marginal resides¹⁴⁸, we need to understand the archive as a powerful, productive force that was responsible, in part, for creating the silenced itself by providing colonialism with the requisite forms of knowledge. Record keeping provided a means of coding the colonized population, structuring colonial domination and quenching anxieties concerning the extent and efficacy of colonial rule.

In the wake of massive criticism of indentured labor conditions in British India and in Britain as well as a strong anti-Indian sentiment amongst the White settler population, in 1887, the Colonial Secretary of the Colony of Natal forwarded a report, better known as the Wragg Commission, to the Governor on the status of Asiatics in the colony. The commission was appointed under the chair of Justice Wragg and its main task was to evaluate complaints of abuse by Indian indentured workers as well as complaints about Indian traders by European businessmen in the colony. The commission presented its findings based on some estate visits and by perusing old court cases involving Indians as well as correspondence between various colonial office departments. The foreword states that this heavy reliance on colonial archives was primarily for authenticity and reliability of information. The findings interestingly, were two-fold. On the one hand, it noted rising tensions in Indian-White relations as a result, of direct competition among traders and on the other, it dismissed most claims of abuse by indentured workers as false and unjustified as “the Indian has brought to Natal his love of litigation and a portion of his skill in fabricating false cases”¹⁴⁹. This claim was substantiated with judicial statistics that showed a high proportion of cases filed by indentured workers, which had been dismissed in court. These statistics and specific cases from the archival court records were accepted as

¹⁴⁸ There have been several insightful works that attempt to retrace the silenced marginals in colonial records. See for example, Guha 1983, Amin 1995, and Trouillot 1997.

¹⁴⁹ Wragg Commission Report, *Documents of Indentured Labor: Natal 1815-1917* edited by Y. S. Meer (Durban: Institute of Black Research, 1980), 118-169

proof of litigious Indians without questioning the colonial legal system itself that perhaps, was biased against the colonial subjects.

The commission's principle task was to appease the electorate and subdue the colonized migrants, thereby ordering colonial life. The colonial archives gave the commission its credibility and over time, the commission itself became an authoritative source within the colonial archives, thereby establishing the circuitous relationship between colonial archives and colonial knowledge. The archives provided the appropriate information that was re-ordered and classified by the commission, thus producing new knowledge that was a self-generated 'regime of truth' (Foucault 1980:131). For example, after the commission, in 1895, the £3 tax that made it mandatory for all ex-indentured Indians to pay £3 annually, thus curbing their activities as free Indians after their tenure as indentured workers and the Wragg Commission findings, based entirely on colonial records, lent credibility to the tax, thus indicating that it had become part of the colonial power/knowledge base over time. At a deeper level, the archives ordered colonial life by transforming archival data into historical narrative, thereby cementing the social structure in place. This policing of tradition, custom and social life found expression in various laws that were acted upon Indian migrants in South Africa, including those that sought to regulate inter-marriage, religious rituals like Muharrum and Holi (Muslim and Hindu festivals), finger-printing of all Indian males, the right to carry arms, etc. This led to the writing of new histories and the construction of new operational categories, all duly corroborated by statistics, narratives and anecdotes recorded in the archives.

However, the very act of selectively recording information also produced colonial order. That which was unwritten and hence, deemed unimportant, became irrelevant and silenced. In understanding imperial social order, attention must be paid to these

spaces in order to understand how that unwritten space produced and maintained colonial power systems by its very silence. The unruly, the unwieldy and the unimportant could thus, easily be removed and social order maintained. Also, these 'displaced histories' (Certeau 1992) or archival erasures indicate the boundaries on which the colonial community was formed. For example, indentured females appear in the colonial archives as populations that had to be tamed and controlled. Internal correspondence expressed their disquiet with indentured women, thus leading to the passing of various laws that restricted the recognition of marriage and the children of all such unions. This marginalization effectively stripped women of their subjectivity and thus, had deep material, social and political consequences on colonial life. Spivak (1985) also makes a similar argument when she says, "The search for female subjectivity in the archives is analogous to being in the shadows of shadows" (265) and most often if visible, emerges "only when she is needed in the space for imperial production" (270). Thus, Nootini, an indentured woman, finds her way into the archival records where she was murdered by her husband Mulwa for her alleged promiscuity, even though alternate reconstructions of her murder (Beall 1990) imply a far more complicated story of hunger, sexual abuse by the overseers and lack of accommodation. However, in the context of latter day commissions looking into the 'Indian Question', Nootini and other indentured women like her came to be a discursive truth upon which 'colonial myths of colored bestiality and overactive sexuality' (McClintock 1995, Morgan 2004) were framed and served as an important instance of unstable marital arrangements and domestic violence found amongst Indian laborers, thus providing legitimacy in later years for further stringent laws that ostensibly sought to maintain colonial order.

Colonial archives also created rules of classification and social categories that produced “grids of intelligibility” necessary for easy governance. For example, as described in Chapter 2, all indentured laborers were called “coolies” from the Tamil/Gujarati word ‘*kuli*’, which literally, meant hired transporter. The word makes its appearance in the colonial records of Natal in October 1859 with the official ordinance of coolie trade.¹⁵⁰ As described in Chapter 2, over time, the coolie category was not restricted to only indentured workers and instead, in the colonial records, (despite obvious differences in gender, religion, and socio-economic status) all Indians were lumped together within the coolie category. In all official documents, the colonial government classified all Indians and other Asiatics as the “Coolie Community” and all issues related to Indians categorized as “The Coolie Question”. While this masks the fact that the ‘community’ in fact, was highly stratified, comprising of various socio-economic classes, as discussed earlier, it also points to the easy categorization that was necessary in establishing “the colonial rule of difference” (Chatterjee 1993) codified through colonial law and recorded in the archives as historical fact.

Apart from categorization, archives as producers of knowledge, also provided the epistemic rationale for colonial projects of difference that instituted discriminatory practices at the heart of colonial life. In other words, it justified inequality by essentializing differences between the colonizer and the colonized. For example, when confronted with protests against disenfranchisement of Indian males in Natal in 1894, colonial officials defended this policy by referencing historical data that provided evidence for the unworthiness of Indians as citizens. This included essentializing Indians as a coherent whole. Natal officials cited the correspondence,

¹⁵⁰ CO 397/73/9676 TNA, PRO

housed in the colonial records, between the Interior Minister of South Africa and the Colonial Secretary in Britain as legitimate proof of this unworthiness as citizens,

The Indians are disliked in South Africa for their simplicity, patience, frugality and otherworldliness. Westerners are enterprising, impatient, engrossed in multiplying their material wants and in satisfying them, fond of good cheer, anxious to save physical labor and prodigal in habits. (Letter from the Interior Minister to the Colonial Secretary quoted in Gandhi, 1928: 90)

Michel-Rolph Trouillot, in the context of the Haitian revolution states that, “Built into any system of domination is the tendency to proclaim its own normalcy” (1997:84), and registers and records with its formidable memory resource convert the abnormal into normal (Harris 2002:69). Consequently, essentializing migrant Indians helped provide the basis for this narrative of normalcy and colonial archives are complicit in this production.

All of the above is not to suggest, however, that colonial power always operated self-reflexively as an absolute hegemonic power. Rather, as Mitchell (1998) suggests, colonial power most often, operates as diffused, performative acts that constantly reconstructs itself through practice and thought. This fluidity sensitizes us to the “epistemic uncertainties that repeatedly unsettled imperial conceit that all was in order” (Stoler 2009:1) and colonial archives record these administrative anxieties and is the site for managing this disquiet and controlling these fissures in governance. A letter¹⁵¹ marked confidential, to Undersecretary of State, Colonial office, London by the Governor of Natal discussing Indian resistance to the Immigration Bill of 1894 reveals the discomfort of the colonial office with Gandhi. The writer handwrites in the margins, “Ghandi (*sic*) talked some pretty good nonsense”, thus exposing the uneasiness that Gandhi and his tactics evoked in the administration. At the same time,

¹⁵¹ CO 879/56/112 TNA, PRO

the document attempts to smooth the ragged edges of this disquiet by trying to find a way to outwit the resistance. “The best way for the police to forestall this agitation- should it arise- is to abolish the provisions of the Emigration laws. Hence, allowing for imprisonment of offences against the Emigration Law”. It also seeks to reassure the receiver of the letter in London by saying that “This we have asked the police to do and we have every reason to believe they are doing.” For the colonial government, the Indian issue was not merely a domestic problem but rather, extremely relevant in its geopolitical relationship with Britain and British India. Thus, this ‘secret’ document renders visible the many uneven, interior layers of colonial power, the disruptions to its workings and its management thereafter.

While the state colonial archives present and produce the ‘official’ version of colonial life as elaborated upon in the earlier section, it is obviously not the only source that presents the history of colonial life. Rather, recognition of the multivocality of the past allows us to present a revisionist history that breaks a rigid reliance on the ‘official’ version recorded in the colonial archives. Most of the recent scholarship on colonial archival knowledge recommends a variety of strategies to bring to the forefront the silenced marginals of colonial history. Post-colonial scholars have contributed heavily to this endeavour and one principal approach has been to re-read colonial archives “against the grain or as obstacles to be overcome, predicaments to be resolved and mazes to be negotiated” (Bastian 2006: 268) in order to make audible those who were previously unheard. Subaltern history necessarily implies reading the colonial records and recognizes the sub-plots in history and the fractures in the narrative, thus allowing for the emergence of the silenced marginal.

This project of resurrection resonates with the other recent scholarship (Asad 1991, Comaroff & Comaroff 1992, Harris 2002, Dirks 1992, Richards 1993, Said 1979) that

attempts to situate the 'native's point of view' within the history of colonial power and knowledge located and structured primarily through colonial archives. However, a more recent trend questions whether the most marginalized among the subalterns of history ever find voice and debate the limits of historical knowledge (Spivak 1985, Trouillot 1997). They interrogate if at all, the objective should be focused on 'recovering' subaltern voices in order to present a 'corrected' version of history (Spivak 1999, Mani 1998, Sarkar 2006). Instead, pure spaces demarcated as "unmediated subaltern truths" do not exist (Sarkar 2006: 140) and colonial archives should be recognized neither as sources for alternate histories nor as truths about absolute colonial hegemony but rather, as ethnographies of colonial rule. Thus, while being cognizant of the view that silences are inherent and projects of recuperation and inversion do not constitute a counter-archive, I believe that it is important to trace alternate narratives that present the fluid and relational nature of the production of colonial history. Instead of arguing for a project that reinstitutes subalterns at the heart of the colonial narrative, it is far more useful to locate records of colonial life that diverge and interpenetrate (vis a vis the range and scope of their contents and ideological frame), thus recognizing variant histories or what can be called, 'knowledge productions of positionality and power'. By this, I refer to sources and histories that are contradictory, diverse in source, subjectivity and audience, and by definition, unreliable as absolute truths but nonetheless, meaningful as interventions in the production of history.

However, this ambivalence towards history and its sources and the insistence of heterogeneity of narratives does not imply a celebration of 'postmodern pastiche'. Instead, I argue that while colonial texts (produced both by the colonial officials and by the dominated) may run the risk of corruption, analysis of these alternate

interpretations expose cleavages and connections in the production of history, both of which ultimately, enrich our understanding of epistemic processes as well as, remove the ontological purity afforded to empiricism and the past. This acknowledgment of the heterogeneity of history broadens the meaning and texture of what is understood by the term 'archive' and interrogates the boundaries between 'official' and 'unofficial'. It allows the social historian to move beyond what has been termed by LaCapra as "archive as fetish" or "the belief that the archive is a literal substitute for the 'reality' of the past which is 'always already' lost for the historian" (1985:92). Similarly, Faroqi (1999) in the context of Ottoman historiography describes the danger of "document fetishism" or what she calls, the exoticizing of documents as the main source of archival knowledge that leads to the tendency to reproduce the archival material verbatim without coding them in the social milieu (1999: 94).

Archives are not transparent and while this has been a project that has gained considerable currency among historians of colonialism today, there has been little attempt to study the discursive practices of colonial archives and archives of the colonized together and their consequences on the production of history. Both kinds of archives are instructive in determining the consequences of colonial projects of difference, thus reinterpreting the structure and substance of what is understood as legitimate archival sources. Further, "archival slivers" share some features and are rich, complex sources that have to be mined further in order to arrive at a tangible critical history that acknowledges the uneven dialogic process of knowledge production. The importance of creating new archives while refiguring old ones is aptly summed up by Harris, "It (the archive) is a crucible of human experience, a battleground for meaning and significance, a Babel of stories, a place and space of complex and ever-shifting power plays" (2002:82). This attention to archives while

problematizing the excessive reliance on 'official documents' allows us to identify complex historical narratives, thereby mobilizing historiography into a self-reflexive activity and discourse.

When Foucault says, "I mean, by archive the set (*l'ensemble*) of discourses actually pronounced; and this set of discourses is envisaged not only as a set of events which would have taken place once and for all and which would remain in abeyance, in the limbo or purgatory of history, but also as a set that continues to function, to be transformed through history, and to provide the possibility of appearing in other discourses"(1989:45), he makes a strong case for the hybrid nature of historical facts and the essential fluidity in producing history. The task of the social historian is to connect the historical dots with the help of the available archival sources while remaining cognizant of the messiness of the overall picture.

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