

# 'Between Two Fires': Racial Populism, Indian Resistance and the Beginnings of Satyagraha in the Transvaal, 1902–06

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## ABSTRACT

In revisiting the historical circumstances leading up to the birth of satyagraha in the Transvaal in September 1906, this article seeks to place white popular protests against Asians within the same frame of analysis as Indian active nonviolence. In doing so it makes two interrelated arguments. First, I suggest that the evolution of satyagraha is better understood when examined in tandem with racial populism. Indian resistance to Transvaal laws was forged in a hostile, violent and racially charged environment. Gandhi and his followers were well aware of the power of white populism and its political influence over the Transvaal administration, and came to realise that some form of mass action of their own would be needed to counter this influence and achieve their political objectives. Second, I argue that it was the express intention of both white racial populists and the Gandhian resistance movement to exploit the competing imperial priorities of the Transvaal and British governments. The widespread agitation led by the White League and other organisations threatened the stability and authority of the colonial state; and so governors Milner and Selborne sought to appease settler opinion by enacting discriminatory legislation. However, London's and Calcutta's sensitivity to prejudice directed against British Indians in southern Africa also opened the door to anti-colonial protest, with Gandhi and his supporters generating support and sympathy in Britain and India by agitating for the repeal of unjust laws. The Transvaal administration was therefore forced to pick its way between white populists, Indian protesters, and imperial oversight and censure; and its anti-Indian policies were shaped by these contradictory pressures.

## KEYWORDS

Gandhi; satyagraha;  
Transvaal; white populism;  
imperial tensions

## Introduction

The five years following the conclusion of the South African war provided fertile ground for populist politics in the Transvaal, for, while crown colony status

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enabled the governor and his executive to implement policy decisions without recourse to a popularly elected legislature, it also encouraged extra-parliamentary political activity within a settler community resentful of its disenfranchisement. Of all the colonial administration's unpopular decisions, the introduction of Chinese indentured labourers on the Witwatersrand gold mines most galvanised the Transvaal's white inhabitants, with a coalition of Boers and English-speaking white workers demanding the prohibition of Chinese labour.<sup>1</sup> Yet this anti-Asian movement also targeted the Transvaal's Indian residents, and it was in a febrile climate that Mohandas Gandhi conceived of satyagraha, itself a populist, extra-parliamentary method of resistance. It is therefore striking that relatively little scholarly attention has been paid to white populism directed at Indians during this period. While major studies of Gandhi's South African career comment in passing on organisations such as the Transvaal White League and East Rand Vigilance Association, they are much more focused on the role of imperial officials in enacting discriminatory legislation.<sup>2</sup>

In revisiting the historical circumstances leading up the birth of satyagraha in September 1906, this article places white popular protests within the same frame of analysis as Indian active nonviolence; and in doing so makes two interrelated arguments. First, I suggest that the evolution of satyagraha is better understood when examined in tandem with racial populism. The influx of Indian residents to the Transvaal after the South African war sparked a widespread racist backlash in the colony, with the White League and allied vigilante organisations growing in strength and popularity. These groups directed violence against Asians and their property, and also applied significant pressure on colonial officials, who feared racial tensions would boil over and threaten order and their authority. It is in this context that the Transvaal colonial administration acquiesced to settler demands for restrictive legislation limiting the rights of Indian residents and curtailing the influx of new immigrants. Indian resistance to these measures was therefore forged in a hostile, violent and racially charged environment. Gandhi and his followers soon came to recognise the power of white populism and its political influence over the Transvaal administration, and in the process realised that some form of mass action of their own was necessary if their demands were to be met; however, they also understood that active non-violence would be crucial to a campaign that would seek to mobilise the sympathies of an imperial audience in India and the United Kingdom.

Second, I argue that both white populist organisations and Gandhi's British Indian Association sought to exploit the Transvaal and British governments' competing imperial priorities. The Transvaal administration seriously worried that white political unrest threatened the security of the colonial state and so sought to appease settler opinion. However, the sensitivity of London and Calcutta officials to discrimination suffered by British Indians in southern Africa also opened the door to anti-colonial protest, with Gandhi and his compatriots generating substantial exposure and support in the United Kingdom and India,

and thereby pressing the British government to overturn unjust Transvaal laws. Consequently the Transvaal administration was forced to navigate carefully between white populists, Indian protesters and imperial oversight and censure, and its colonial anti-Asian policies can be seen as attempts to manage these contradictory pressures.

This article is reflective of a resurgent interest in Gandhi's South African experience. Although there is a vast literature devoted to Gandhi, Hyslop observes that only recently have historians come to recognise the central significance of Gandhi's years in South Africa. While earlier writers tended to treat this period as a prelude to the most important part of his career, it was in fact in southern Africa that Gandhi developed 'the entire spiritual, philosophical, and political programme that he would implement in India'.<sup>3</sup> While monographs on Gandhi's South African career were produced in the 1970s and 1980s,<sup>4</sup> it is only in the past few years that this period has again attracted sustained scholarly attention. Analyses by Hyslop, Lelyveld, Guha and Desai and Vahed cast new light on Gandhi's life and career prior to his return to India in 1915, and provide three key insights upon which this article builds.<sup>5</sup>

First, Hyslop argues that Gandhi's political and intellectual projects before 1915 operated across territorial boundaries, linking together India, South Africa and Britain. Gandhi was thus 'a man formed by transnational processes and who acted across borders, and made himself known internationally before he ever returned to India'.<sup>6</sup> Second, Guha observes that Gandhi and his followers in South Africa, Britain and India were well aware of the power wielded by settler populist protesters.<sup>7</sup> Third, Hyslop contends that Gandhi effectively exploited 'the uniquely complicated administrative position of India within the British Empire'. Gandhi's appeals to Indian public opinion regarding discrimination in southern Africa were designed to pique the interest of imperial officials, who were concerned with managing the political demands of the Indian elite; Gandhi was thus able to 'play on the tensions between the local interests of settler colonials and the broader interests of the imperial centre'.<sup>8</sup>

In approaching and analysing these 'tensions of empire',<sup>9</sup> I also build upon Laidlaw's argument that the British imperial state 'co-existed with a variety of colonial states and sub-colonial polities with overlapping or competing jurisdictions'. While metropolitan administrators were alert to particular colonial circumstances, they also kept the wider imperial picture in view by connecting the problems and manifestations of the state in both its colonial and metropolitan forms. Settlers also took a connected view, expecting that constitutional concessions made to one colony would be offered to others; furthermore, their arguments, pressure and actions were often able to influence the imperial government and its decision-making.<sup>10</sup>

## White Populism and the Transvaal Administration 1902–04

The conclusion of the South African war in May 1902 had raised the hopes of southern Africa's Indian residents, many of whom had fled the Zuid-Afrikaansche Republiek (ZAR) for Natal and the Cape at the outbreak of hostilities in 1899. The annexation of the Transvaal and the appointment of renowned imperial statesman Lord Milner as its governor initially promised to herald a new dawn for Indians, who had been targeted by a raft of republican laws enacted prior to the war. Of these laws, those restricting Asians' rights to reside and trade in the towns of the republic had been considered especially egregious, with the imperial government in the lead-up to the war vigorously protesting against them.

However, this early optimism evaporated as soon as it became clear that, instead of repealing the Transvaal's existing anti-Asian laws, the new colonial administration intended to enforce them with renewed vigour. Denoon has remarked of Milner that he was at once a servant of the imperial government and the charismatic leader of British settlers in South Africa; consequently 'the business of serving two difficult masters did not leave him as much room for personal initiatives as might be expected'.<sup>11</sup> The Transvaal governor was well aware of the economic challenges faced by the white British population of the Witwatersrand; in 1902 thousands of wartime refugees and hundreds of new immigrants had flooded into Johannesburg 'in a desperate scramble to find employment'.<sup>12</sup> Milner had no wish to alienate this important constituency by championing the rights of British Indians.

On 3 April 1902 Milner informed the Colonial Office in London of his intention 'practically to re-enact the old Law of the South African Republic'. He proposed, first, that 'all Asiatics, whether then resident in the Transvaal or subsequently entering it' should take out a certificate of registration to be annually renewed at a charge of £3. Second, all registered Asians, apart from those living with European employers, should be obliged to reside and carry on their businesses 'in special quarters of the towns set apart for them', the sites of which were 'to be selected by the Governor and their control for sanitary purposes to be exercised by the municipal authorities'. Third, registration certificates 'should be refused to undesirable persons'; fourth, exemption from registration should be granted only 'to educated and civilized Asiatics'; and, fifth, prohibitions against holding property should be repealed, but that the right of Asians to buy property should be restricted to urban areas for five years.<sup>13</sup>

Joseph Chamberlain, secretary of state for the colonies, responded to Milner's request by insisting that it would be impossible to 'defend what would practically be a continuance of the system of the South African Republic against which His Majesty's Government so strongly and repeatedly protested' before the war. Therefore any measures adopted would have to be limited to those that could be justified on sanitary and other reasonable grounds. It was doubtful that

business conducted outside locations could properly be prohibited, although it might be possible, on sanitary grounds, 'to compel all but better class Asiatics to reside in locations'. Furthermore, if the intent of registration was to keep out undesirable persons, Chamberlain considered that this object would be more effectively carried out by legislation on the lines of the Natal Immigration Restriction Act. He added that any measures to restrict the speculative acquisition of land should apply to all persons equally; and that, while Asians living in locations might be prohibited from buying property outside the locations, if they were permitted to trade outside locations, 'they should be allowed to acquire property in their business premises'. Given the strong divergence of opinion between Milner and the Colonial Office, no further progress was made to finalise the Transvaal's legislation regulating Indians, and the matter remained under consideration for the remainder of the year.<sup>14</sup>

It was at this juncture that opponents of Indian immigration and trade began to organise themselves. Increasingly alarmed by the incursion of Indians into the trading field, in late 1902 disgruntled retailers from the poorer sections of Johannesburg formed the Transvaal White League.<sup>15</sup> In November of that year an Australian press correspondent wrote from Johannesburg that the 'question of the immigration of Asiatics' was 'rapidly forcing itself into prominence'. The White League was mainly 'directed against the commercial competition of Asiatics with white merchants and shopkeepers', although it also reached out to workmen and artisans. The movement's 'vitality and spontaneity' was 'shown by the rapidity with which branches are being formed all over the Transvaal, and it is clear now to everyone that the Asiatic curse is a serious factor in our future welfare and must be reckoned with at once'.<sup>16</sup> Another Johannesburg correspondent, reporting for London's *Daily Express*, was even more blunt about the supposed dangers presented by 'Lal Rammy Sammy' in the newly conquered colony. While he admitted that 'Exeter Hall' might not like the 'inequality of treatment towards fellow-subjects', white Transvaalers would 'not have the Asiatic and his diseases, physical and moral'. Consequently, traders and residents 'all along the reef from Boksburg to Krugersdorp' had founded a White League, the first principle of which was that

No member shall let, lease, or sell any shop, house or ground to any Asiatic. They are afraid of an influx of these undesirables. Not afraid in the ordinary sense, because the Colonist is able to deal with either the aboriginal Kaffir or the imported coloured person with his own right arm, if need be. But they fear the effects of a twisted sentimentalism in Great Britain.<sup>17</sup>

The White League was initially a disparate group, its membership consisting largely of English-speaking white traders and workers from around the empire who had settled on the Witwatersrand after the war. Its first president was Major F. R. McDonald, an expatriate Australian property speculator.<sup>18</sup> It was reported in early January 1903 that the league included 'some of the

leading people of Johannesburg' including several Australians. McDonald, a former pioneer on the Western Australian goldfields, claimed that the league was 'going strong', in places like Volksrust, Barberton and Standerton. However, as Johannesburg would be 'the place where the struggle would be hardest', the 'enthusiastic and hardworking' committee of the league was making efforts to provide financial aid and legal advice to the city's members. The Johannesburg branch could also count 'on every support from the outlying districts, all they had to do was keep the ball rolling'; from Pretoria there was welcome news that 'the whole of the mechanics connected with the railway' were expected to join the league.<sup>19</sup> The White League was not the only organisation to mobilise against Indian traders. The East Rand Vigilance Association, which had originally been formed in 1902 to provide representation for the population of East Rand towns, soon added its voice to the anti-Asian clamour.<sup>20</sup>

If the White League's membership was drawn from around the empire, its leadership was also well aware of the imperial dimensions of its struggle to prohibit Asian immigration and trade. It rejected the view that Indians as British subjects had a right to equal treatment in the Transvaal, and, in an echo of Milner's 1902 proposals, demanded that all Indians be segregated in separate locations. Furthermore, it was claimed that any 'squeamishness' on the part of the British government 'prompted by humanitarian M.Ps. at home' would be 'bitterly resented by every white man on the Rand'. There would 'be angry protests, perhaps more, if the obnoxious Asiatic be let loose on the country because ignorant people in the United Kingdom prate about "equal rights"'.<sup>21</sup>

The strident anti-Indian protests of the White League, the East Rand Vigilance Association and allied organisations could not easily be ignored by Milner. Denoon notes that, although the Johannesburg chamber of commerce was dominated by wholesalers who were relatively unsympathetic towards the agitation, every other chamber of commerce in the colony served as a vehicle for white retailers, who were among the most vehement critics of Indian trading practices. Furthermore, the Pretoria chamber was powerful enough to co-ordinate these scattered pressure groups. There was also some support from white artisans: the leaders of the Witwatersrand Trades and Labour Council met Milner in 1903 and requested the total prohibition of Indian trading.<sup>22</sup> In February of that year Gandhi cited a 'responsible source' to warn that the Transvaal administration, 'being over-anxious to please the Colonists', was 'going to sell the Indians and propose legislation that would go further than the Cape and Natal, even Australia'.<sup>23</sup> He also admitted that '[t]he struggle' was proving to be 'far more intense than I expected'.<sup>24</sup>

Gandhi's suggestion that the colonial government was succumbing to the pressure exerted by the anti-Indian agitation was not without foundation. In April 1903 the Milner administration had announced it would re-promulgate old republican legislation restricting the rights of Asians to trade and reside in the Transvaal. Government Notice No. 356 declared, first, that steps would be

taken immediately ‘to have bazaars in every town set apart, in which alone Asiatics may reside and trade’; second, that no new trade licenses would be issued to Asians ‘except to carry on his business in bazaars set apart for the purpose’; and, third, that in the case of those Asians who held licenses to trade outside bazaars before the war, these licenses could be renewed, but were not transferable. All Asians would be compelled to live in the bazaars, aside from those who, in the opinion of the colonial secretary, had ‘intellectual attainments or social qualities and habits of life’ that appeared to entitle them to an exception, and who were ‘able and willing to adopt a mode of living not repugnant to European ideas nor in conflict with sanitary laws’.<sup>25</sup>

In explaining this course of action to Chamberlain in London, Milner made special note of the ‘considerable agitation on the part of the European population, both along the Rand and in the smaller towns, in favour of more stringent measures against Asiatics’. He pointed out that, while the colonial government was unwilling to embark on any new legislation affecting Asians without the British government’s approval, it also had ‘no option but to carry out the existing law’. Special legislation dealing with the immigration and status of Asians was ‘essential to the well-being of the whole community’ and was ‘imperatively demanded by public opinion’, but no final decision on this legislation had yet been made. In the meantime, ‘the influx of Asiatics’ combined with ‘the growing alarm and irritation of the European population at their dispersion throughout the country’ had made it necessary ‘to adopt, at least provisionally, some definite line’. If the government had to deal only with the Transvaal’s Asian population as it existed before the war ‘it might have been possible to remain passive until a law could have been framed to the satisfaction of His Majesty’s Government’. However, Milner continued:

with so many new-comers continually pouring in and applying for licenses to trade, and with the European population protesting with ever-increasing vehemence against the indiscriminate granting of such licenses and against the neglect of the Government to enforce the law which restricts Asiatics to locations specially set apart for their residence, it became impossible to persist in the policy of complete inaction.<sup>26</sup>

Chamberlain himself, in spite of his professed desire to protect the rights of British Indian subjects in the Transvaal was clearly worried about the implications for the empire of allowing the white anti-Asian agitation to proceed unchecked. In a letter to the Indian viceroy, Lord Curzon, describing the Transvaal situation, the secretary of state for India, Lord George Hamilton, wrote that:

Chamberlain is not unfriendly, but is greatly impressed with the intense and universal hostility which exists among white traders and working classes against free Asiatic immigration, and he is apprehensive that, if he exercises pressure beyond a certain point, his action will be so resented as to set on foot a movement of secession from the British Empire.<sup>27</sup>

Milner still intended to enact a 'reasonable law' in the future which, although it might not 'altogether please the "White League"', would nevertheless 'do much to conciliate the reasonable members of the white population'. In the meantime the Transvaal government had been called on repeatedly to enforce the existing law, and the application of the regulations contained in Notice No. 356 was intended to meet these demands.<sup>28</sup> In spite of these assurances, the anti-Asian agitation continued unabated. The White League took particular exception to any suggestion that bazaars should be situated within town limits; and Abdul Gani, the chairman of the British Indian Association warned that, if bazaars were established 'in accessible parts of towns' in accordance with Notice No. 356, 'the agitation against Indians would continue'.<sup>29</sup> The East Rand Vigilance Association made repeated approaches to the Transvaal government in an effort to have the Indian location in Boksburg removed to One Tree Hill, outside the town limits. In reporting on these efforts, *Indian Opinion* took note of the association's persistence but declared it a pity that 'such energy, which is worthy of a better and nobler cause' was being 'devoted to depriving innocent men of their liberty and, possibly, their means of livelihood'.<sup>30</sup>

Town councils and other urban organisations across the Transvaal also joined in the wider agitation led by the White League. In October 1903 the Potchefstroom Chamber of Commerce complained that 'in spite of their efforts to restrict the issuing of fresh licenses and confine newcomers to the duly appointed Bazaars', several new Indian stores had been opened 'in various parts of the town'. Consequently the chamber's president had 'been in communication with other Chambers to take united action in this matter' and he strongly urged upon his members 'the necessity of leaving no stone unturned to restrict the importation of Coolies, as they will undoubtedly prove a source of serious danger to the European trader'. Nevertheless, he was confident that the authorities were dealing with the question and, based on what he had been told, within three months 'the Government would have done something to meet the wishes of the white traders'.<sup>31</sup>

The following month an 'extremely lively' and 'noisy' meeting of the White League was held at Fordsburg in Johannesburg. The chairman, A. Macfarlane, noted in his opening address that the League had been formed the previous year 'because of the feeling that Johannesburg was being flooded by large numbers of an undesirable class of aliens' who were taking up small shops and trading areas at the expense of Europeans. He went on to state to the 80 persons present that, although the Transvaal republic's legislation had prohibited Asians from holding licenses, 'this law had been suspended by the present Government for Chinamen and Indians who were engaged in business illegally previous to the war'.<sup>32</sup> Macfarlane was referring to the colonial government's decision in late 1903 to amend Notice No. 356 so as to allow the granting of licenses to Asian traders 'who were *bona-fide* carrying on trade at or immediately before the commencement of hostilities' even if such traders had not been

in possession of licenses required by law for such trading. In response, the East Rand Vigilance Association had immediately circulated a petition to present to the Legislative Council on the grounds that the colonial government would be in 'breach of faith with the white inhabitants of the Transvaal if it were to amend the Bazaar Notice in any direction whatever'.<sup>33</sup> The renewed protests had the desired effect of pressuring the Milner administration into action. Within a few weeks the government had referred its amendment to Notice No. 356 to the Legislative Council, which in turn promptly recommended the appointment of a commission of enquiry to investigate the entire issue of Asian trading licenses and that until the commission had concluded its deliberations *bona-fide* Asian traders would be eligible to apply only for provisional licenses to trade. A report in *Indian Opinion* decried the government's about-face:

We think, therefore, that it was clearly a mistake on the part of the Government to have, in the first instance, brought up the Bazaar Notice before the Legislative Council. It has voluntarily tied its hands down and given ride to an undesirable agitation.<sup>34</sup>

However, within a few months an already undesirable agitation had taken on even more ominous proportions. The shock that set in motion a renewed wave of anti-Indian protests was the judgment in May 1904 of the Transvaal Supreme Court in *Habib Motan v. Transvaal Government* which found that the colonial government's refusal, in accordance with Notice No. 356, to provide Indian traders with licenses to trade outside bazaars or locations was illegal.<sup>35</sup> The response was swift. Days after the court announced its decision the East Rand Vigilance Association petitioned the Milner administration immediately to enact new legislation restricting Asian traders to bazaars and called upon the various chambers of commerce throughout the colony to meet and consider steps to be taken against the 'common danger'.<sup>36</sup> In July Boksburg merchants drafted a manifesto requesting the Legislative Council to 'suspend the issue of licenses' to Asians pending 'the bringing into force of a permanent law governing Asiatics'. The Boksburg merchants also planned to move a resolution to the effect that, if the Imperial government refused to assent to this legislation, 'an agitation for responsible Government be commenced in order that the Transvaal may secure the right to control its own internal affairs'.<sup>37</sup>

In introducing this motion at a specially convened public meeting, a leading Boksburg agitator noted that, through a 'splendid combination and public spirit', the white community had thus far 'refused to let any store or stand to Asiatics in the township'. This success had been due to the force of 'moral suasion', although the public should 'be prepared for further attacks and therefore should pledge themselves *to resist by every possible means* the encouragement of the Asiatic'. While the Boksburg mayor convinced the meeting to remove any reference to commencing an agitation to achieve early responsible government from the resolution, he assured those present that he had consulted with

the colonial secretary, Patrick Duncan, who informed him that 'the Government was quite in sympathy with the white population' and was 'trying all they could to get permission to legislate immediately'. Furthermore, Duncan had encouraged the Boksburg mayor to wire the meeting's resolutions 'to Pretoria to be sent home' as such statements of public opinion 'would strengthen the hands of the Government'.<sup>38</sup>

In late July between 200 and 300 people attended an anti-Asian meeting in Pietersburg, which resulted in the formation several weeks later of a new branch of the White League to 'promote legislation to regulate and control the issue and renewal of licenses to Asiatic traders' and 'force them to vacate the towns and country districts and to reside and trade in bazaars specially set aside for them'.<sup>39</sup> At much the same time a 'monster' petition to exclude all Asians from the colony circulated by the Potchefstroom Vigilance Association garnered thousands of signatures, while in November 1904 a national convention on the question was held in Pretoria, at which 31 towns and cities were represented.<sup>40</sup> At this gathering, E. F. Bourke, one of the organisers, criticised the imperial government for its unsympathetic attitude and Louis Botha offered his best wishes, writing that he was 'most grateful' to see the movement in connection with the Asian question had 'taken a manly position against a threatening attitude which more and more curtails the rights of the white population'.<sup>41</sup>

The small regional centre of Potchefstroom emerged as a hotbed of anti-Indian sentiment in 1904. The town council's health committee went so far as to formally recommend that, as no movement was being made by the colonial government to relocate Asians to bazaars, the municipality should on its own initiative order 'all Asiatics in the town to retire and reside at night in the Indian location'. Moreover, if it were to prove necessary, 'fifty special white police' should be enlisted to assist in carrying out the council's instructions.<sup>42</sup> Transvaal municipalities had no jurisdiction to issue such an order, but in any case this draconian effort paled into insignificance alongside the use of arson to intimidate Indian traders and force them to abandon their businesses and residences. In September 1904 it was reported that the Potchefstroom police were 'perturbed at the outbreak of fire which recently occurred on the stoep of a coolie store'. The town's police captain testified that the 'plan adopted in this case was the throwing of paraffin over the verandah, shutters and doors, and setting same alight with wax matches'. A similar occurrence also took place at Pietersburg, 'where an Indian store has been burned down'. A piece in *Indian Opinion* ventured to draw the colonial government's attention to 'the curious coincidence at both places':

At Potchefstroom, the activity of the Vigilance Association synchronises with the fire in an Indian store there. At Pietersburg, the formation of the White League is immediately followed by a fire in an Indian store, and the activity at both these places is, we venture to think, a direct result of the dispatches by Sir Arthur Lawley and Lord Milner. They have given the mischief-makers extraordinary encouragement.<sup>43</sup>

The dispatches referred to by *Indian Opinion* were sent to London in April 1904 and were included in a House of Commons parliamentary paper published later that year.<sup>44</sup> These documents laid out in detail the severe challenges the white anti-Asian agitation presented to the Transvaal government and recommended the introduction of new restrictive legislation to alleviate the pressure. The proposed measures were, first, an immigration ordinance modelled on Natal's Immigration Restriction Act, which, 'though applying to immigrants generally, and not expressly directed against Asiatics' would 'in practice, have the effect of limiting the influx of Asiatics of the lower class'. The second measure would be an ordinance, based on Notice No. 356, dealing with the status and privileges of Asian residents.<sup>45</sup>

Arthur Lawley, the colony's lieutenant governor, was particularly frank in his assessment of the situation. While he realised that new discriminatory laws would not initially commend themselves to the British government, 'the events of the past twelve months' had convinced every member of the Transvaal Executive Council that 'any modification of such restrictions as are now proposed can only be insisted on in the face of most strenuous opposition by the public of this Colony'. The attitude of the business community had been made evident 'by constant resolutions adopted by every Chamber of Commerce throughout the Transvaal', while the non-official members of the Legislative Council were 'unanimous in condemning any policy which did not impose severe restrictions on all Asiatics'. The revelation of this strong feeling had impressed the colonial administration 'with the hopelessness of securing the acquiescence of the public in any further concessions to the British Indian'. The white population's depth of animosity needed to be understood. Lawley had 'no hesitation in saying that in all towns of the Transvaal the Asiatic question overshadows all others, and I fear that unless we are able to reconcile the opinion in England with the opinion held in this country the Government will be landed in a serious deadlock'.<sup>46</sup>

While it was true, Lawley continued, that the British government had laid down the principle that there should be no legal distinctions based on colour, origin, language or creed, there was 'not in this country one man in a hundred who would agree to recognise the coloured man as capable of admission to the same social standard as the white'. This sentiment imbued the mind 'of every South African', and found expression 'in the universal cry of "A white man's country"', and so any attempt to ignore it 'would be attended, I feel sure, with most deplorable results'. The consequence of trying to enforce the principle of equal rights in the Transvaal would, in the lieutenant governor's opinion, 'be disastrous'. While trade jealousy existed, the problem did not begin and end with a shopkeeper's quarrel, because it was ultimately motivated 'by the instinct of self-preservation in the minds of the European trading community'.<sup>47</sup>

Milner was in full agreement with Lawley's appraisal and firmly requested the British government to give its blessing to the proposed legislation. The 'present

uncertain condition of affairs' was 'bad for everyone' and required an immediate solution. The controversy had continued unabated virtually since the British annexation of the Transvaal and Milner had 'no hesitation in saying that every month it lasts makes it more difficult for the Government to carry any measures which are even moderately favourable to the Asiatic population'. An outbreak of plague in Johannesburg in early 1904 had greatly aggravated tensions, and had the outbreak been more serious and protracted 'the situation would have become very grave. It would have 'required a stern exercise of the powers of Government to prevent the white population, especially in the smaller country towns, from taking the law into their own hands' and attempting to force all Asians into locations. While this 'fever of excitement' was now subsiding, the permanent effect it had had 'in confirming the anti-Asiatic sentiment throughout the country' could not be ignored. Even before the plague outbreak, the anti-Asian agitation had been a 'steadily growing force' and it would, in Milner's opinion, 'go on and grow more and more formidable' unless the position was 'cleared up, as it only can be cleared up, by fresh legislation'. As the plan of action proposed by Lawley was 'the best we can arrive at without flying in the face of the whole white community, and causing a serious strain to the good relations of this Colony with the Mother Country', Milner strongly urged the British government to allow him to carry it into effect.<sup>48</sup>

Alfred Lyttelton, who had succeeded Chamberlain as secretary of state for the colonies the previous year, telegraphed his response to Milner's proposal in July 1904. As the imperial government recognised the strong opposition of Europeans to 'a continued and unrestricted influx of small traders and others of Asiatic race' into the Transvaal, he was prepared to sanction immigration restriction legislation modelled after the Natal Act. Furthermore, Lyttelton was confident that the adoption of an education test in this measure 'in a European language only and the exclusion of the alternative test in a literary Indian language' would 'almost entirely check' the influx of British Indians and Asians into the colony. However, Milner's request to enact a restrictive ordinance based on Notice No. 356 was declined as it failed to conform to the recent Supreme Court judgment. Any new legislation affecting the status of British Indians already resident in the Transvaal should 'not interfere with the right of those now in the country to obtain licenses to trade outside locations' and ensure that those Asians required to live in bazaars 'should be so required for sanitary reasons in each case, whilst those of a superior class should be exempted and allowed to reside anywhere'.<sup>49</sup>

Milner in response implored Lyttelton, in a series of private and confidential telegrams, to support his administration's efforts to restrict Indian trading licenses, in spite of the Supreme Court's decision. Unless London could agree 'to some modification of the views now taken', there would 'be grave trouble here', for the removal of restrictions was 'having a more serious effect on the smaller White Traders than you perhaps imagine' and they enjoyed the

sympathy of the entire European community. In one final effort 'to try and prevent a bad quarrel between the loyal people of this Colony and the Mother-Country' Milner informed the Colonial Office that the Transvaal Legislative Council had moved a resolution calling for a commission of enquiry and asking that 'pending the report of such Commission the Secretary of State be respectfully requested to authorize the introduction of legislation suspending the issue of further licenses for Asiatics to trade'.<sup>50</sup> Lyttelton refused and, faced with the British government's intransigence, both the Transvaal government and the anti-Asian movement decided temporarily to suspend their fight against trading licenses and regroup their forces.<sup>51</sup>

### **Gandhi, the British Indian Association and Appeals to the Empire, 1902–04.**

Gandhi was no stranger to violent racism directed against Indians; in 1897 he himself had narrowly escaped with his life after being whipped and beaten and threatened with lynching by a white mob in Durban.<sup>52</sup> Guha argues that this attack was 'far more important' than the well-known incident four years previously when Gandhi was thrown off a train at Pietermaritzburg station because, while in Pietermaritzburg he had been 'the victim of one person's racism, expressed at one time alone', in Durban Gandhi was the target of the collective anger of virtually all the whites in Natal. The violence he experienced was therefore 'more revealing of the racial politics of South Africa and of the challenges faced by Mohandas Gandhi himself'.<sup>53</sup> Therefore, as the war in South Africa drew to a close, he was fully aware of the perilous challenges facing Indians returning to a hostile, impoverished and war-ravaged Transvaal.

In early May 1902, while on an extended visit to India, Gandhi had penned a series of notes on the 'Indian question' in southern Africa. The position in the Transvaal was already of particular concern, for, while the war was almost over, early expectations that the new colonial government would sweep away 'the disabilities of the Indians' had not been realised. Chamberlain, who before the war had given such firm support to the Indian cause, appeared 'to be shuffling'. Gandhi understood and to a certain extent even sympathised with Chamberlain's position, for now that the Transvaal was under British control 'he must find it difficult, on the one hand, to conciliate the very reasonable and absolutely just demands of the Indians' as well as 'on the other hand, to satisfy the anti-Indian prejudice' of white settlers. Given these competing pressures it was clear what the *modus operandi* of those fighting for the rights of Indians should be. All available energy should be directed towards the situation in the Transvaal. Indian newspapers should endeavour to keep the matter constantly before the public and the government, for English and Indian sympathy in this matter was 'with us and that must at all hazards be retained'. In the

southern African colonies, Gandhi concluded 'we are engaged in a struggle for existence with a race that is intensely active and rich, and which does not brook a defeat. A corresponding activity continually is required on our part, and success is ultimately bound to come.'<sup>54</sup>

As it became obvious by early 1903 that the situation for Indians in the Transvaal was steadily deteriorating, Gandhi and the British Indian Association worked to refine this political strategy, which incorporated both local and imperial dimensions. Locally, more or less constant pressure was exerted on the Transvaal government through a combination of well-publicised petitions and court challenges to colonial legislation. Internationally, the focus was on exploiting the imperial tensions that stemmed from the conflicting and contradictory interests of the Indian and settler empires. The Transvaal British Indian Association successfully recruited powerful allies in both Calcutta and London who helped to publicise the plight of the Transvaal's Indians in the highest circles. Gandhi was in regular contact with leaders in India such as Gopal Krishna Gokhale and Pherozeshah Mehta, senior figures in the Indian National Congress and members of India's Imperial Legislative Council, and with well-connected and influential supporters in London, such as parliamentarians Dadabhai Naoroji, William Wedderburn and Mancherjee Bhownaggee. Gandhi succinctly outlined his wider imperial strategy in a letter sent to Gokhale in July 1903. As white agitators in the Transvaal continued to protest against any relaxation of the anti-Asian laws, he wrote, it was 'very necessary that to counteract the effect of such agitation, a well-directed movement ought to be taken up and continued throughout India', and he invited both Gokhale and Mehta to play a leading role.<sup>55</sup> The London allies were particularly effective at exploiting their contacts in official circles to the same end; for example, a statement penned by Gandhi in early 1903 detailing the 'Indian Question' was first sent to Naoroji, who forwarded it to Lord George Hamilton, the secretary of state for India, after which a copy made its way to Lord Curzon, the viceroy of India, via Wedderburn.<sup>56</sup>

It did not take long for these tactics to bear fruit. In May 1903, shortly after the promulgation of Notice No. 356, Milner had made a formal request to Lord Curzon 'asking whether we could obtain 10,000 coolies from India for our new railways', all of whom would be repatriated at the end of their indentures. As the labour shortage in the Transvaal was 'beginning to assume a really alarming aspect', Milner felt there were few alternatives open to him other than the recruitment of Indian workers. However, 'in view of public feeling in this country' he would need to provide a firm commitment that these workers would all return to India once their terms expired.<sup>57</sup> The following month Milner announced these intentions at a meeting in Pretoria with a deputation from the White League, and the plan was publicised in the Transvaal press. Gandhi immediately cabled the London offices of the Indian National Congress stating his hope that Milner's proposal would be vetoed; Naoroji forwarded

Gandhi's telegram both to the Indian press and to Hamilton at the India Office.<sup>58</sup> In a follow-up memorandum, Gandhi elaborated on his opposition to Milner's proposal. Not only should the Transvaal 'not be allowed to exploit Indian labour for its own, one-sided benefit', he wrote, it should also not expect to receive any assistance from India until it was 'prepared to treat the free Indian population in a reasonable manner'.<sup>59</sup>

These arguments found an echo in Calcutta, where the Indian government insisted that it was not prepared to entertain Milner's request unless the 'unsatisfactory' position of 'Indian traders and the treatment of Indians generally' in the Transvaal was improved. It took special aim at the provisions of Notice No. 356, insisting that registration for Indians be abolished and an immigration measure directed against 'undesirables' enacted in its place; that Asian locations be reserved only for 'those classes for whom it is required on sanitary grounds'; that Indian businesses be permitted to trade outside of locations; that limitations on Asians acquiring property be removed; and that 'Better-class Asiatics' be exempted from all special restrictions.<sup>60</sup> In explaining his position the Indian viceroy warned of the potentially dire consequences for the British Empire of failing to safeguard the rights of Indian subjects in southern Africa:

If the Empire is what it pretends to be ... why are Indians excluded from the Transvaal, proscribed in the Cape Colony, persecuted in Natal? This attitude has been greatly inflamed by the tendency of the Home Government to sacrifice India to home interests ... Every effort should be turned to perpetually building bridges over that racial chasm that yawns eternally in our midst, and which, if it becomes wider, and there are no means of getting across it, will one day split the Empire asunder.<sup>61</sup>

The British cabinet, caught between Curzon and Milner, initially tried to pressure the viceroy to give up his demands for an amelioration of the Transvaal Indians' position, and even threatened to override him. As Arthur Godley, undersecretary in the India Office, observed, the cabinet's attitude was 'natural enough considering the financial stake that they have in the prosperity of the Transvaal'.<sup>62</sup> Yet Curzon refused to back down. As viceroy he had for five years been preaching 'the doctrine of Imperialism', but Indians were 'disposed to regard it as a farce; for in practice it means to India a full share of the battles and burdens of Empire, but uncommon little of the privileges or rights'. Moreover, it needed to be borne in mind that

the name of South Africa stinks in the nostrils of India. The most bitter feeling exists over the treatment meted out to Indians in the Transvaal and Natal. Any attempt to ignore or override this feeling would produce a [great] commotion ... No arrangement that did not provide a good bargain would be tolerated by public opinion here. There are tens of thousands of natives of India in South Africa already. These persons are subject to invidious, and in some cases odious disabilities. The public wants us to lessen the burden upon them before sending any more.

Curzon also warned that if any attempt were made to override his decision, the reception in India 'would be such as to make all recent experience pale'.<sup>63</sup> The viceroy's intransigence eventually succeeded in scuppering Milner's scheme. The Transvaal governor wrote later that it was 'deeply to be deplored' that the Indian government 'should refuse to permit its subjects of the laboring class' to come to the Transvaal where they might earn in a few years 'wages which would relieve them from poverty for the rest of their lives'. However, if in the opinion of the Government of India it was impossible 'to allow coolie immigration into the Transvaal, unless the Laws of the Transvaal with regard to Indians generally are framed in a liberal spirit, then I fear there is nothing for it but for us to renounce, for the time being, the hope of coolie immigration'.<sup>64</sup>

If the defeat of Milner's indentured labour proposal was largely due to Curzon's trenchant opposition, Gandhi and the British Indian Association played a much more active and prominent role in both the assault on Notice No. 356 and the attempts of the Milner administration to re-enact its provisions after the *Motan* judgment. The attack on the imperial front again relied on Gandhi's Indian allies in London. Naoroji regularly forwarded statements, petitions and other documents relating to the Transvaal to the India Office and to newspapers in the United Kingdom and India, while Bhownagree, who was the Conservative member of parliament for Bethnal Green North East, used this information to publicise the travails of the colony's Indian population in speeches and questions in the House of Commons. For Gandhi, this parliamentary advocacy demonstrated Bhownagree's 'inestimable service' to his countrymen in the Transvaal and elsewhere. He never missed an opportunity of making a point when one was to be made and the way he conducted his business had 'so recommended itself to the ministers concerned' that they gave him 'as a rule, as ample information as is possible under the circumstances, and often meet his questions in a sympathetic spirit'.<sup>65</sup>

One of Bhownagree's most notable victories was the publication in a British parliamentary paper of a lengthy statement he wrote to Chamberlain in 1903 on the position of Indians in the Transvaal, which was forwarded by the Colonial Office to Milner for comment the following year.<sup>66</sup> Making liberal use of the information provided him by Gandhi and the British Indian Association, he attacked the provisions of Notice No. 356 and exposed the manifold disabilities suffered by British Indians more generally. Equally effective was the powerful manner in which Bhownagree highlighted the imperial tensions that threatened the integrity of the empire as a whole. He strongly held that, in regard to the Transvaal, the British government's imperial responsibilities 'ought not to be minimized by too excessive devotion to the principle you have laid down that the Colony is to be dealt with as though it were already in the enjoyment of local autonomy'. While in relation to most domestic affairs this principle could be adhered to, it was subject to considerable qualification

when the questions raised affect the rights and welfare of peoples who constitute the vast majority of the subjects of the King. Local autonomy confers upon its possessors under the British flag no right to undermine the noblest traditions associated with that emblem—otherwise the term ‘self-government’ applied to the oversea possessions of the King would be but a synonym for Imperial anarchy.

So long as the Transvaal Indian problem remained ‘unsolved and un-dealt with’, the offence given to British Indians generally by the ‘unjust treatment their brethren receive in South Africa’ would retard the work of imperial consolidation. While cultivating the colonies’ deeper affection and regard for the British connection was a ‘great and beneficent task’, its value and significance would ‘be vastly curtailed if the affection of the Indian people for King and Empire is undermined by the continuance of the state of affairs in South Africa’.<sup>67</sup>

In a reply sent to London in April 1904, Milner and his deputy Lawley hotly disputed Bhownaggee’s arguments, and furthermore implored Alfred Lyttelton in the Colonial Office to sanction new ordinances that would effectively reinstate the provisions of Notice No. 356.<sup>68</sup> However, Lyttelton was unmoved. He reminded Milner that the anti-Asian laws of the late Transvaal republic been vigorously opposed by the British government in the lead-up to the war, even though they had been only partially enforced. Yet now the British government was being asked ‘not merely to sanction their strict enforcement, but to set aside by legislation a Judgment of the Supreme Court which has given to the British Indian rights for which His Majesty’s Government have strenuously contended’. While the Colonial Office would look favourably upon the enactment of an immigration restriction ordinance, it would not allow any measure that aimed to interfere with the right of Indians in the Transvaal to obtain licenses to trade outside locations.<sup>69</sup> As noted above, it was the British government’s inflexibility on this issue that convinced both the Transvaal government and the white anti-Asian movement temporarily to suspend their fight against trading licenses. The wider imperial strategy pursued by Gandhi and the British Indian Association had scored a significant victory.

### **The Birth of Satyagraha 1905–06**

Gandhi made his first-ever call for active, nonviolent resistance to unjust laws in January 1904. In the pages of *Indian Opinion* he asked what the Transvaal Indian community’s response should be to the colonial government’s decision to place punitive licensing restrictions on Asian traders. For Gandhi, the answer was clear. Indians should remain patient, continue to make representations to the government and rely on justice ultimately being done; however, they should also refuse to comply with the new regulations. It might be that prosecutions would take place for carrying on trade without licenses, but those prosecuted ‘should rise to the occasion, decline to pay any fines and go to gaol’. Going to prison would be no disgrace, for disgrace was generally attached to

the offence committed, not to imprisonment. In this instance, 'the so-called offence would be no offence at all, and it would be a most dignified course to adopt'.<sup>70</sup>

In a series of follow-up opinion pieces Gandhi warned Transvaal Indians that their fate hung in the balance, and to overcome the myriad obstacles arrayed against them would require each individual to practice self-sacrifice. As no race or community had 'ever achieved anything without the communal spirit', everyone would have to 'put his hands into his pocket for the common good' and 'give his time and energy'. Individual differences would need to 'be sunk in the face of common danger', personal ease and personal gain surrendered and to all this would have to be added 'patience and self-control'. Furthermore, for the community to deviate even slightly from this 'strait and narrow path' would 'bring us down the precipice, not because the cause is at all unjust or weak, but because the opposition set up against us is overwhelming'.<sup>71</sup>

Self-sacrifice and united, community-based action were essential to counter this overwhelming opposition because 'the whites were bent on making our condition in this country, chiefly in the Transvaal, extremely difficult'. One by one Indians' common rights as British subjects were being removed, and yet 'no one conducts a powerful fight on our behalf'. Consequently

the whites think us to be helpless and weak; and their arrogance grows daily. The local government is under the control of the whites and, as it fights shy of displeasing them, it accepts their perversity, however improper and unjust, and confirms it; and then gives the British Government to understand that it is obliged to do so in order to respect public opinion.<sup>72</sup>

To the Transvaal Indian community's misfortune, the British government did not use its authority to exert pressure against this misuse of public opinion, and the government of India, which had a special obligation to protect expatriate Indian subjects, appeared 'to raise its voice a little at times out of fear— but only a little'.<sup>73</sup>

Yet in spite of these sad experiences, Gandhi reassured his readers that 'the British Government's intentions are fair and that it desires to do justice'. As the Transvaal was ruled by the British it was incumbent upon the community to understand British politics, and, 'as we study British statecraft and its rules and regulations, we shall understand in what manner we should present our demands; and if we understand that, it is not very difficult to realise our aspirations'.<sup>74</sup>

As it happened, this first call for active non-violence was never implemented and for the following two years Gandhi and the British Indian Association returned to the 'strictly legalistic' techniques that had always characterised their protest movement: employing letters, petitions, court cases and delegations to challenge laws and policies that discriminated against them.<sup>75</sup> This decision to step back from active defiance should be understood in the context of the

successful court challenge to Notice No. 356 which had resulted in the repeal of restrictions on Indian trading rights; moreover, the appeals to the Colonial and India Offices in London spearheaded by Naoroji and Bhownaggee had persuaded the British government to disallow any attempt by the Milner administration to re-enact discriminatory trading restrictions. Both these victories were cause for optimism that the existing methods of protest were bearing fruit.

Even so, the British Indian Association did not forgo active defiance entirely. In early 1906 Gandhi led a delegation to Pretoria, where the assistant colonial secretary was presented with a list of sixteen grievances, including a protest against discrimination towards Indians on trains and trams. When this complaint was dismissed, prominent members of the Association, including its president Abdul Gani and a merchant named E. S. Coovadia, decided to challenge the convention that prevented Europeans and Indians from travelling together on trams reserved for Europeans only.<sup>76</sup> In February 1906 Coovadia attempted to board a tram alongside a white supporter, Mr MacIntyre, but was prevented from doing so by the conductor who informed him that he could have a seat only if he was MacIntyre's servant.<sup>77</sup> Coovadia, represented by Gandhi, then took the matter to the magistrates' court, which found that Johannesburg's by-laws did not prohibit Indians from travelling on any tramcar in the city.<sup>78</sup> This victory was short-lived, for the city council soon drafted new by-laws that reserved 'Europeans only' trams for white travellers, their servants and their pets.<sup>79</sup>

Lord Selborne, who took over the Transvaal governorship from Milner in April 1905, had initially been welcomed by the colony's Indian community, which reaffirmed in a formal address to him its continuing loyalty to the British crown.<sup>80</sup> Furthermore, Selborne's early utterances on the issue of self-government for the Transvaal had been cause for Indian optimism, for the new governor publicly stated that:

within the British Empire responsible government means, in strictly local affairs, absolute independence; it means absolute local independence so long as that independence does not encroach on the general harmony of the British Empire, or infringe any of those principles on which it is founded, or any of those imperial considerations which bind it together.<sup>81</sup>

As far as *Indian Opinion* was concerned, these were words 'worthy of a distinguished representative of the King Emperor', and it hoped that Selborne would apply this understanding when called upon to deal with the colony's Indian question.<sup>82</sup>

However, it soon became clear that Selborne's 'imperial considerations' lay with the Transvaal's white population, not its beleaguered Indians. As he explained to Lyttelton in August 1905, his 'strong conviction' was that 'there should be no further Asiatic immigration into this country'. Although he was sorry to have to write this in respect of his Indian fellow subjects, '*Salus republicae suprema lex*, and what is wanted more than anything else in these two

colonies are British subjects, who if need be, can fight, which is the same thing as saying white British subjects'. Furthermore, owing to prejudice about the fields of white and black labour which existed in southern Africa, there were

only a restricted number of professions open to white British subjects who immigrate here, and of the most important of these is that of trader. It is precisely in his capacity as a trader that the white British subject is hopelessly beaten out of the field by the Asiatic, and it is because we cannot afford to have the white British trader ousted that I think any further Asiatic immigration into this country ought to be discouraged. As I have already said, I am sorry thus to discourage the immigration of my Indian fellow subjects, but, in the long run, it would do them no good if this country fell again under Boer domination, owing to the absence of Englishmen, Scotchmen, and Irishmen, ousted by their pressure into other lands.

Selborne favoured a compromise approach whereby there would be a prohibition on future Asian immigration in exchange for 'a satisfactory assurance of the proper treatment of all Asiatics already in the country'.<sup>83</sup>

Indian immigration to the Transvaal had since late 1902 been regulated under terms of the Peace Preservation Ordinance, which stipulated that no Asian person be permitted to enter the colony unless in possession of a valid entry permit. In practice, only those Indians who could prove domicile in the Transvaal prior to the outbreak of hostilities were issued with permits, although there were frequent accusations from white agitators that Indians were slipping into the Transvaal illegally, either by using forged documents or by simply avoiding official border posts altogether. Lionel Curtis, the assistant colonial secretary, had long pushed for an effective registration system for Asian residents in order to clamp down on illegal immigration, and, as the former Transvaal republic had required most Indians to register, he urged Milner as early as 1903 to employ the republican system. Although they deeply resented registration on principle, after negotiations with the colonial authorities that year almost all adult male Indian residents voluntarily agreed to re-register. As Gandhi explained later, 'although it was not obligatory on the British Indians who had paid £3 to the Boer government to re-register, on the urgent advice of Lord Milner they allowed themselves to be re-registered'. The new certificate included the holder's name, age, distinctive marks and thumbprints as well as details of their wives and number of children. Milner also gave the assurance that once on the register the holder's position was 'established and *no further registration is necessary*, nor is a fresh permit required. That registration gives you a right to be here and a right to come and go.'<sup>84</sup>

Yet in early 1906, just three years after this voluntary re-registration had been concluded, Curtis suggested to Selborne that his government should implement a new, 'elaborate, centralized fingerprint registration scheme designed to "shut the gate against the influx of an Asiatic population" and to "guard the Transvaal as a white reserve"'.<sup>85</sup> While the assistant colonial secretary believed the final settlement of the Indian question should wait until after the Transvaal had

been granted responsible government, the current administration had an obligation in the meantime to implement effective measures to stem the flow of illegal Asian immigration. Selborne agreed, and in May 1906 submitted to the Colonial Office two draft ordinances designed to put Curtis's suggestions into effect. One ordinance amended the Peace Preservation Ordinance to allow for the issuing of temporary visitors' permits, while the other amended Law 3 of 1885 to require all legitimate Indian residents of the Transvaal to re-register under the proposed new centralised fingerprint system. The existing £3 registration fee would be abolished as a sweetener.<sup>86</sup> In urging the Colonial Office to assent to these measures, Selborne cautioned that, unless 'something of the kind' was done, the European population would 'feel that the pledges given to them have not been maintained with an even hand' and in future would 'not listen to any proposals for removing the hardships which the Ordinance now put forward is designed to relieve'. The Indian question would then be dealt with 'in a spirit of aggravation which will tend to prejudice its chance of final settlement on reasonable lines, when a Responsible Government is established here and is in a position to address the Imperial Government on the subject'.<sup>87</sup>

When, after a month, nothing had been heard from the Colonial Office, Selborne wired the Earl of Elgin, secretary of state for the colonies, for an urgent response as he was 'most anxious to avoid revival of racial agitation which absence of a satisfactory statement would excite'.<sup>88</sup> A telegram from London finally arrived in early July, in which Elgin agreed to accept the proposed ordinances in view of the 'local feeling on the Asiatic question'. Even after the two draft ordinances had been consolidated into a single, more restrictive measure, which the Transvaal Legislative Council passed as the Asiatic Law Amendment Ordinance No. 29 in September 1906, Elgin concluded that, 'while far from effecting all the improvements in the condition of His Majesty's Indian subjects in the Transvaal which His Majesty's Government would desire', the legislation nevertheless had his approval as it removed 'some of the hardships to which Asiatics are subject and goes as far as is possible on the eve of Responsible Government'.<sup>89</sup>

The Transvaal's Indian residents greeted the passage of the Asiatic Law Amendment Ordinance with anger, dismay and a renewed commitment to resist the legislation. In early September a delegation led by Gandhi met Patrick Duncan, the colonial secretary, and informed him that the measure was 'unacceptable to the Indian community under any circumstances'; furthermore, if it were to be enacted, 're-registration would simply not take place'. The deputation found it

'tyrannical that, in response to the community's plea for relief, the Government should attempt to enforce a harsher law. It was unthinkable that women and children should be registered. Registration was not necessary during the Dutch regime, and besides, the practice does not obtain elsewhere in British territory'.<sup>90</sup>

*Indian Opinion* went even further in its condemnation. The ordinance would be 'a crime against humanity' if it was carried into effect, for it gave administrators the power to 'subject women and children to indignities, and even to banish them' from the colony. It was time for Indians to embrace the principle 'that the public good is also one's own good', although they 'need not, however, resort to violence'. Neither was it necessary to

set out on adventures, risking our lives. We must, however, submit our bodies to pain, and the new Transvaal Ordinance offers an excellent opportunity. The Ordinance represents the limit of oppression ... if, disregarding our attempts at gentle persuasion, the Government enforces the Ordinance, Indians will not abide by it; they will not [re-] register themselves, nor will they pay fines; they will rather go to gaol. We believe that, if the Indians in the Transvaal firmly stick to this resolution, they will at once be free of their shackles. The gaol will then be like a palace to them. Instead of being a disgrace, going to gaol will enhance their prestige. And the Government, for its part, will realize that it cannot with impunity go on humiliating Indians.<sup>91</sup>

This invitation to engage in peaceful defiance and self-sacrifice was then presented publicly to the Indian community on 11 September 1906, at a mass meeting Gandhi later identified as the 'advent of satyagraha'.<sup>92</sup>

The 'mammoth meeting' at the Empire Theatre was attended by up to 3,000 Indians who were asked to decide what they 'ought to do if the Imperial Government does not heed our grievances'. After several passionate speeches, the gathering passed a series of resolutions. The first listed the Indian community's objections to the ordinance; the second requested both the Transvaal and imperial governments to withdraw the measure; and the third authorised a delegation to travel to London to protest formally to the imperial authorities. However, the most important resolution was the fourth, which declared:

In the event of the Legislative Council, the local Government, and the Imperial Authorities rejecting the humble prayer of the British Indian community of the Transvaal in connection with the Draft Asiatic Law Amendment Ordinance, this mass meeting of British Indians here assembled solemnly and regretfully resolves that, rather than submit to the galling, tyrannous, and un-British requirements laid down in the above Draft Ordinance, every British Indian in the Transvaal shall submit himself to imprisonment and shall continue so to do until it shall please His Most Gracious Majesty the King-Emperor to grant relief.<sup>93</sup>

White anti-Asian agitators were quick to respond to this unprecedented demonstration of Indian discontent. The Johannesburg *Star* warned that the threatened resistance campaign would provoke a counter movement to achieve the 'wholesale expulsion' of Indians 'as an expensive menace'.<sup>94</sup> *Indian Opinion* retorted that the *Star* had 'gone into hysterics over the meeting', effectively inciting white South Africans 'to inaugurate an agitation for physical expulsion of the Indians from the Transvaal by way of answer to the British Indian resolve to offer passive resistance to the Ordinance'.<sup>95</sup> Even so, in the months following the Indian mass meeting, more than 20 white anti-Asian organisations and

town councils from across the Transvaal met to pass their own resolutions in support of the Asiatic Law Amendment Ordinance, which were then submitted to Selborne. The resolution passed by the Zoutpansberg White League was typical in characterising the measure as ‘fair, equitable, and calculated to protect [the] interests of white inhabitants of this Colony’, and by begging the Transvaal government to ‘use every endeavour to obtain assent of the King thereto as speedily as possible’. In forwarding this particular resolution to London, Selborne pointed out that a senior member of *Het Volk* had travelled especially to Pretoria to hand it to him personally and ‘to express the complete support of both Boers and British of the policy of the Government in this matter’.<sup>96</sup>

## Conclusion

As 1906 drew to a close, Lord Selborne found himself facing an escalating crisis. The Asiatic Law Amendment Ordinance had been passed by the Transvaal Legislative Council but had not yet been enacted, for the Colonial Office insisted that the royal assent be withheld at least until after Gandhi’s Indian delegation had arrived in London in late October and received a hearing. In the meantime, white anti-Asian organisations were girding for a defence of the ordinance, and Indians were preparing for their first satyagraha resistance campaign. Three years earlier Milner had lamented ‘the difficulty which besets any kind of action on this thorny question’, for any attempt to resolve it was bound to lead ‘to strong protests on two opposite sides’. On one side was the ‘considerable agitation on the part of the European population’ in favour of more stringent measures towards Asians, while on the other side were British Indians who denounced the government’s policy towards them ‘with considerable acerbity, and claimed for themselves absolute equality of treatment with all other British subjects’. The Transvaal government was ‘thus between two fires’.<sup>97</sup>

This article argues that it was the express intention of both white racial populists and the Gandhian resistance movement to stoke these two fires and exploit the competing imperial priorities of the Transvaal and British governments. The widespread anti-Indian agitation led by the White League and other organisations threatened the stability and authority of the colonial state; and so Milner and Selborne sought to appease settler opinion by enacting discriminatory legislation. However, London’s and Calcutta’s sensitivity to prejudice directed against British Indians in southern Africa also opened the door to anti-colonial protest, with Gandhi and his supporters generating sympathy in Britain and India by agitating for the repeal of unjust laws. The Transvaal administration was forced to pick its way between white populists, Indian protesters and imperial oversight and censure, and its anti-Indian policies were shaped by these contradictory pressures. In placing white popular protests against Asians within the same frame of analysis as Indian active nonviolence,

this article suggests that our understanding of satyagraha's evolution is enhanced by examining it in tandem with racial populism. Indian resistance to Transvaal laws was born in a hostile, violent and racially charged environment. Gandhi and his followers were well aware of the power of white populism and its political influence over the Transvaal administration, and realised that some form of mass action of their own would be needed to counter this influence and achieve their political objectives.

## Notes

1. See, for example, Richardson, *Chinese Mine Labour in the Transvaal*; Harris, 'Chinese Merchants on the Rand'; Higginson, 'Hell in Small Places'; Kynoch, 'Controlling the Coolies'; Harris, 'Private and Confidential'; Martens, 'Richard Seddon and Popular Opposition'; Bright, *Chinese Labour in South Africa*.
2. Huttenback, *Gandhi in South Africa*; Swan, *Gandhi*; Lelyveld, *Great Soul*; DiSalvio, *M. K. Gandhi*; Guha, *Gandhi before India*.
3. Hyslop, 'Gandhi 1869–1915', 30.
4. Huttenback, *Gandhi in South Africa*; Swan, *Gandhi*.
5. Hyslop, 'Gandhi 1869–1915'; Lelyveld, *Great Soul*; Guha, *Gandhi before India*; Desai and Vahed, 'Empire's Soldier'; Desai and Vahed, *South African Gandhi*.
6. Hyslop, 'Gandhi 1869–1915', 30–31. Lake and Reynolds observe that similar transnational connections resulted in the emergence of a unified global white racial identity, which in turn inspired pan-Asian resistance movements, including that led by Gandhi in South Africa. Lake and Reynolds, *Drawing the Global Colour Line*.
7. Hyslop, 'Strange Death of Liberal England'; Lelyveld, *Great Soul*. Hyslop and Lelyveld also present circumstantial evidence that the large Indian strike action of late 1913 led by Gandhi was directly inspired by a white syndicalist strike taking place at the same time.
8. Hyslop, 'Gandhi 1869–1915', 37–38.
9. Stoler and Cooper, 'Between Metropole and Colony', 1–56.
10. Laidlaw, 'The Victorian State'. Drawing upon work by Philip Howell, Laidlaw characterises nineteenth-century colonial states as the 'products of the interaction between various imperial sites at different times' and constituted by networks that facilitated the 'ebb and flow of ideas, practices and people, and contributed to ever-shifting power relations both between various local regimes and between domestic and non-domestic realms'.
11. Denoon, *Grand Illusion*, xiii.
12. Van Onselen, *Studies*, vol. 1, 26.
13. 'Memorandum on the Position of British Indians in the Transvaal', 7, Confidential Print (hereafter CP) African (South) 752, Colonial Office (hereafter CO), The National Archives, Kew (hereafter TNA).
14. CP African (South) 752, 8, CO, TNA.
15. Mawby, *Gold Mining and Politics*, vol. 1, 398.
16. *Kalgoorlie Miner*, 31 Dec. 1902.
17. *Daily Express*, 10 Nov. 1902.
18. Mawby, *Gold Mining and Politics*, vol. 1, 401.
19. *Kalgoorlie Miner*, 7 Feb. 1903.
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