

Fingers and thumbs: Gandhi, Smuts and the origins of Satyagraha

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On the 10th of February 1908 Gandhi was walking with friends north along Von Brandis Street in central Johannesburg, making his way to the Asiatic Registrar's Office in the square which now bears his name. He was confronted by a group of ex-Indian Army veterans, Pashtuns who had remained in the Transvaal after Lord Roberts' forces had decamped. One of them, Mir Alam Khan, asked Gandhi where he was going. "I propose to take out a registration certificate, giving the ten fingerprints," Gandhi replied, "If you go with me, I will first get you a certificate, with an impression of only the two thumbs, and then I will take one for myself, giving the finger-prints." In reply the Pashtuns began beating him with sticks and an iron bar. Gandhi's supporters tried to protect him, carrying him away to the offices of a friend, and then to the home of a non-conformist minister where he refused to prosecute his assailants because they "thought I had sold the community by having agreed to finger-impressions with the Government."¹

Historians have tended to explain this assault - one of the key events of Gandhi's life - by pointing to the difficulty he faced in explaining the ideas of his new political philosophy. "Many Indians, struggling unsuccessfully with Gandhi's concept of honour," Maureen Swan observed, "had taken hold of the idea that it was contained in resisting the regulations of Act 2 which called for a full set of fingerprints from applicants for registration certificates."² Yet there can be little doubt that risk to honour was behind the assault on Gandhi, and an identical attack on the Chairman of the British Indian Association in May. For Gandhi, and his allies, had worked assiduously for months before the assault to represent ten fingerprint registration as a mortal threat to the honour of Indians, in South Africa and globally. Key to this argument was the danger that fingerprinting posed to the respectability of Indian women and children. The "gendered discourse of national honour" that Radhika Mongia has recently traced in the successful mobilization of Satyagraha to defend Indian marriages in 1913 has roots in the fingerprinting campaign. Gandhi's effort to redefine honour around the decontextualized issues of compulsion and dignity after the compromise with Smuts in January 1908 flew in the face of this gendered, and deeply emotional, doctrine.

Thumbs

Gandhi returned to South Africa early in 1903, with the expectation that "our position in the Transvaal is and ought to be infinitely stronger than elsewhere."³ He quickly began to realize that the new British government had plans to exercise a much tighter and more onerous set of administrative controls over the mixed population of they defined as Asiatic. The plans for the practical administrative regulation of the economic activity and movement of the Indian population in the Transvaal were initially drafted by Jan Smuts, the Republican State Attorney, in consultation with the British representative in Pretoria in December 1898, but they were deferred by the war.⁴ New

¹ Gandhi. *Satyagraha in South Africa*. Vol. 3. 1968 ed. The selected works of Mahatma Gandhi. Ahmedabad: Navajivan Publishing House, 1928. The report in *Indian Opinion* is slightly different, see Gandhi, MK. "MY REWARD." *Indian Opinion*, February 22, 1908.

² M. Swan, *Gandhi: The South African Experience* (Ravan Press, 1985) 163.

³ *Ibid.*, 58.

⁴ Enclosures to No 30 in Colonial Office, "Further Correspondence [December 16, 1898 to June 8, 1899] on the subject of Affairs in the South African Republic (In continuation of African No 543: Continued by African No 600)," April 1900

systematic arrangements for a solution to the Asiatic Question had been circulating at the highest levels of the Reconstruction government from early in 1902. By June of the following year, when Gandhi managed to secure an audience with Milner, the organizations representing the interests of Indian merchants protested the new administration's plans for enforcement of the old Republic's Law 3 of 1885. The main elements of the newly enforced law included draconian limits on new Asian immigration, a registration fee of £3 for every adult male, and the threat of the restriction of trade to segregated bazaars.

A politics of the technology of identification registration quickly moved to the foreground of this conflict. At the meeting Gandhi protested that Indians were being forced to provide three photographs in order to secure passes to leave, and return, to the colony. He objected that this special requirement implied that "all Indians were criminally inclined," but, as he remarked repeatedly over the next five years, he also found the use of photographs invasive, and abusive, bearing the taint of criminality.⁵ Milner promised to consider "the points you have made about photographs, about the difficulty of getting the title to mosques registered in your own names, and about passes" but he also announced that the state intended to create a special purpose Asiatic Department, and impose a systemic program of identity registration on Indians particularly. One deeply significant result of this cordial meeting, and the negotiations for the simplification of the permit system that followed, was that the representatives of the Indians in the Transvaal "consented to have fresh registration certificates on which were to be impressed thumb-prints."⁶

Gandhi's own views on thumb-prints at this time were shaped by his efforts to foster a politics of discrimination, to separate out his wealthy, literate clients from the broader mass of indentured and ex-indentured workers. A year after his meeting with Milner, Gandhi wrote to the Attorney General of the Colony of Natal urging him to include a legal requirement that illiterate Indians should be required to provide a thumb-print on any contracts of debt. "I venture to think that if in this excellent measure a clause," he noted of the draft bill regulating debt contracts for Indians, "is inserted that those who cannot sign their names in English characters should, in addition to putting the mark, put their thumb impression also, it would be a complete measure for the safeguard sought for in the bill." While the officials in Natal were calling for "promissory notes not written and signed in English in the makers own hand-writing" to be invalid unless made in the presence of a magistrate, Gandhi suggested, with his experience of the Transvaal permit system in mind, only a "thumb impression would completely protect innocent persons."⁷

A week later he elaborated on the same point in *Indian Opinion*. After first congratulating the Natal government for introducing the bill to control the signing of promissory notes by Indians, he worried about the great legal weight that would be accorded to notes signed before a government representative. "It has been found that it is impossible to forge a thumb-mark," he reminded his readers, "and the thumb-impression would be the surest safeguard against impersonation, for it may happen that the man who may put his mark before a Magistrate or a Justice of the Peace may not at

⁵ MK Gandhi, "THE BRITISH INDIAN ASSOCIATION AND LORD MILNER," *Indian Opinion*, June 11, 1903; MK Gandhi, "OPPRESSION IN THE CAPE," *Indian Opinion*, December 29, 1906; MK Gandhi, "A DIALOGUE ON THE COMPROMISE," *Indian Opinion*, February 8, 1908.

⁶ MK Gandhi, "FAIR AND JUST TREATMENT," *Indian Opinion*, August 11, 1906.

⁷ MK Gandhi to Attorney General, Natal, "LETTER TO ATTORNEY GENERAL," June 30, 1904 MJPW 128 in MJ1287 "MK Gandhi Re bill to regulate the signing of negotiable instruments by Indians. Suggests the finger prints also be taken." 30 June 1904. Magistrates' suggestions are in the same file.

all be the person intended to be charged with the debt.”⁸ Gandhi’s daily negotiations for his clients suggest that he viewed the thumb-print as a completely reliable remedy to the “question of fraud.”⁹

There is no sign in these early interventions of Gandhi’s later concern with the implications of what he, and others, called class legislation or the racial taint - the special, criminalizing focus of legislation on Indians as a group. This is probably because he did not see any reason to articulate the need for exemptions for “well-known” members of the merchant elite. His position changed as the state began to apply the routines of thumb-print identification to those for whom impersonation was absurd. When the permit officer at the border post at Volksrust on the road from Durban to Johannesburg “had the effrontery to ask Mr Johari”, the representative of the Natal firm of Aboobaker Amod & Bros – “a cultured Indian” who had “travelled in Europe and America” – to “put his thumb-impress on his book” Gandhi protested the racial insult. Thumb-prints - at least for respectable, known and literate members of the Indian elite - were horribly degrading. “Well may Mr Johari ask,” he wrote to *Indian Opinion*, “whether he is to be treated as a criminal, without being guilty of any offence, save that of wearing a brown skin.”¹⁰

Organizing the bureaucracy

The argument between Gandhi and the British administration about the establishment of the Asiatic Registrar’s office prefigured some of the key elements in our current debates about the politics of registration. “I think that registration is a protection” Milner argued in defense of the £3 fee associated with it: “That registration gives you a right to be here, and a right to come and go.” Even before the office was set up Gandhi was worried about it, and when he looked back on the history of his struggles in South Africa he warned of the likely consequences of administrators’ attempts to preserve and expand their own power. “When a separate department is thus created and when restricting existing rights is the sole reason for its existence,” he cautioned, “officers are naturally inclined to devise fresh restrictions from time to time in order to justify their existence and to show that they are efficient in their duties.” The danger of administrative primitive accumulation was actually more sinister than Gandhi allowed afterwards. While he was in the Transvaal he noticed how registration imposed a vicious circle of regulation with each version of registration becoming more onerous because of the bureaucratically generated failures of the previous round, with each instance of registration becoming “stricter still” because of the “corrupt officials who were in charge at one time of the Permit Department.” The story of the Asiatic Registration Department also shows how easily administrative departments can influence and adopt each others’ procedures to expand their own power, and preserve the careers of their incumbents.¹¹

The man Milner placed in charge of the design of the answer to the Asiatic Question in the Reconstruction government was Lionel Curtis, the most self-consciously progressive member of the Kingergarten, and one of the most important influences on

⁸ MK Gandhi, “INDIAN PROMISSORY NOTES,” *Indian Opinion*, July 2, 1904.

⁹ MK Gandhi to Chief Secretary for Permits, “LETTER TO CHIEF SECRETARY FOR PERMITS,” August 8, 1905.

¹⁰ MK Gandhi, “A CONTRAST,” *Indian Opinion*, March 10, 1906.

¹¹ Gandhi, “THE BRITISH INDIAN ASSOCIATION AND LORD MILNER”; Gandhi, *Satyagraha in South Africa*, vol. 3, 1968th ed., The selected works of Mahatma Gandhi (Ahmedabad: Navajivan Publishing House, 1928), 113; MK Gandhi to DADABHAI NAOROJI, “LETTER TO DADABHAI NAOROJI,” June 13, 1906.

the constitutional form of the new South African state.¹² Soon after taking up his post as the Assistant Colonial Secretary he met with Gandhi and the other leaders of the British Indians to hear their complaints about the operations of the permit system. For two hours he listened sympathetically to their detailed protests of the bureaucratic humiliations and inconveniences of the existing permit system, and then he let them know that the controls were about to become much more stringent. Women, he observed to the startled gathering, should also be required to pay the £3 registration tax. And drawing on the idiom of the earlier agreement about thumb-prints, he said “that it would be a great convenience if all the ten finger-prints were given on the permit.” To this request the “deputation flatly refused.”¹³ But the implications of the direction of the state’s administrative plans for Indian registration were now in the open.

Behind the scenes the development of the Asiatic Registrar’s office from the middle of 1906 coincided with the decline of the unit that had been responsible for the control of the Chinese labourers, the Identification Branch of the Foreign Labour Department. The FLD provided a model of successful racially delimited fingerprint registration, a methodology and key personnel at precisely the moment that Curtis was designing the system of registration for Indians. “This Identification business, in order to be carried on properly must be run by a trained man,” the secretary of the FLD explained to the questions posed by the new Registrar of Asiatics the day before the bill was announced: “With 20,000 impressions, and the necessary registration, classification filing, etc. etc., you would require 3 men - 1 thoroughly trained expert, who knew his work from A to Z, and two subordinates.” On the last day of August 1906, after the bill had been published, the FLD provided Curtis with the detailed practical advice on the building of the new system of fingerprint registration for Indians.

A year later, in June 1907, as the Asiatic Registration Act was finally being implemented under responsible government, the FLD had its hands full with the repatriation of thousands of Chinese workers so they could offer no assistance to the new branch, but the fingerprint experts could see the career implications of the new office. “As it is probable ... in view of the repatriation of the Chinese that members of this Department may be retrenched,” the FLD offered Chamney, “if you are in a position to offer permanent appointments to any members of this Branch, he would have no objection to their being transferred and to replacing them by substitutes engaged temporarily.” When the officials looked back on the history of administrative fingerprinting in the Transvaal, they described the movement of the Identification Branch (directed at the control of the Chinese workers) in to the Asiatic Registrar’s office (aimed at the control of Indians) as two episodes of the same story.¹⁴

¹² For Curtis’s influence on the emerging policy of segregation see Martin Legassick, “British Hegemony and the Origins of Segregation in South Africa, 1901-1914,” in *Segregation and Apartheid in Twentieth Century South Africa* (London: Routledge, 1995), 43-59, [\\tux\breckenr\pdfs\0538164264riginSegregation.pdf](#); For Curtis’s influence on the constitutional basis of local government and the new Union see D. Lavin, *From Empire to International Commonwealth: A Biography of Lionel Curtis* (Oxford University Press, USA, 1995) Second only to Smuts, Curtis was the most important figure in the project of constructing the South African Union.

¹³ MK Gandhi, “DEPUTATION TO COLONIAL SECRETARY,” *Indian Opinion*, March 17, 1906.

¹⁴ Secretary, Foreign Labour Department and Registrar Asiatics, “LETTER TO REGISTRAR ASIATICS,” August 8, 1906, TAD, FLD 175, 35/61 Finger Impression Records. Asiatic Department (Identification), 1906; Secretary, Foreign Labour Department and Registrar Asiatics, “LETTER TO CHAMNEY,” August 21, 1906, TAD, FLD 175, 35/61 Finger Impression Records. Asiatic Department (Identification), 1906; Secretary, Foreign Labour Department and Registrar Asiatics, “LETTER TO REGISTRAR ASIATICS,” June 19, 1907, TAD, FLD 175, 35/61 Finger Impression Records. Asiatic Department (Identification), 1906; Registrar of Asiatics, Department of the Interior. to Acting Secretary for Justice., “Confidential,” April 23, 1912, CAD JUS 0862, 1/138, 1910., URL; Burley, Henry. to Registrar

Touching British Indian sentiment in its tenderest part

The government's plans for a new system of registration in the last months of Imperial rule were announced by Patrick Duncan, the Colonial Secretary, at the beginning of August 1906. The promise of a new round of registration, with unspecified but ominous requirements for identification, prompted Gandhi to cancel a planned trip to London to lobby the Colonial Office on the wider constitutional process. When the draft bill was actually published on the 22nd of that same month it prompted immediate protests against the requirements for another round of registration. There was no mention of fingerprinting in the bill itself. The first round of these protests all commented on the injustice of the government answering "a plea for relief" with even more harsh registration, but the most explosive protests all dealt with the position of women and children under the new regime.

Running through all the responses to the Bill was the deeply emotive claim that the law represented a threat to "female modesty, as it is understood by millions of British Indians" and that it would "ride roughshod over sentiments cherished dearly for ages".¹⁵ The cable that the BIA dispatched to the Indian press read like a tabloid headline. The law it announced "shocks Indian sentiment by requiring women, and children over eight years to register." Indians in the Transvaal preferred the old law of the Boer Republic to the "wanton indignity which the proposed ordinance contemplates." The articles published in Gujarati in *Indian Opinion* continued with the same theme. Under the headline "Abominable" Gandhi observed that the Asiatic Act "unsettles the Indian mind as no other measure in South Africa has ever done before. It threatens to invade the sanctity of home life." In the same edition, under the headline "Criminal" he asked, will women and children "be banished from the Colony and torn from their husbands, or parents, as the case may be?"¹⁶

A week after the publication of the Bill, and a week before the first mass meeting, a group of the Indian leaders went to see Patrick Duncan to protest at the terms of the Bill. Gandhi describes this meeting as having taken place after the pledges of refusal had been made at the Empire theatre, but that is unlikely in that the memorable part of the protest was a vociferous protest against the registration of women. "I cannot possibly restrain myself if any officer comes and proceeds to take my wife's finger prints," Sheth Haji Habib exclaimed, "I will kill him there and then and die myself."¹⁷ In his later history Gandhi described Duncan's immediate withdrawal of the requirement for the registration of women in the face of this implacable opposition, but the contemporary report in *Indian Opinion* promised a reply by post. Certainly by the time of the mass meeting the state had abandoned the requirement for women to register.¹⁸

After puzzling over the elite concerns and protests of the British Indian Association in the years leading up to the Black Act, Swan has looked for explanations as to why "3000 people were suddenly mobilized for passive resistance in September 1906?" Part of the answer lies in these protests. Like the public discourse of *satyagraha* in 1913, which Mongia observed was "a defense of the honour of Indian women ... coterminous with the honour of the Indian nation," Gandhi's assault on the Black Act

of Asiatics, Department of the Interior, "Report on the Workings of the Fingerprint System," April 22, 1912, CAD JUS 0862, 1/138, URL.

¹⁵ Abdul Gani, Chairman, British Indian Association to Patrick Duncan, "LETTER TO COLONIAL SECRETARY," August 25, 1906.

¹⁶ MK Gandhi, "CABLE TO "INDIA"," August 28, 1906; MK Gandhi, "CRIMINAL," *Indian Opinion*, September 8, 1906; MK Gandhi, "ABOMINABLE," *Indian Opinion*, September 8, 1906.

¹⁷ Gandhi, *Satyagraha in South Africa*, 149.

¹⁸ MK Gandhi, "THE INTERVIEW WITH MR. DUNCAN," *Indian Opinion*, September 3, 1906; MK Gandhi, "JOHANNESBURG LETTER," *Indian Opinion*, September 22, 1906.

mobilized an intense and universal sentimentality about gender roles.¹⁹ The articles announcing the danger to Indian families appeared in *Indian Opinion* just three days before the famous mass meeting that launched the campaign of peaceful resistance on 11 September 1906. If Swan is correct that the Black Act was a catalyst that Gandhi used to move his audience towards the self-sacrificing convictions of *satyagraha* then it is also true that his protests had a momentum and direction of their own. By couching his moral lessons in the language of gendered honour Gandhi left open only a small possibility for the kind of dramatic political reversal he would later advocate.

When the 3000 people gathered inside the Empire Theater on Commissioner Street in the afternoon of Tuesday, 11 September 1906, the government had already conceded that women would not be subjected to registration. Lionel Curtis's decision to demand ten fingerprints from the Indians had not yet been officially announced, but the leaders of the protests certainly had forewarning (from their meetings in March) of what he had in mind. From this point the intimate machinery of identification moved to the foreground of the protests against the Asiatic Act. In front of Chamney, who was sitting on the theatre stage, Nanalal Shah protested against the requirement for new registration. "This register contains my name, my wife's name, my caste, my profession, my height, my age," he protested, holding up his Crown Colony registration certificate. "It bears even my thumb-impression. Is all this not enough? How can anyone else use this register? Does the Government want now to brand us on our foreheads?" Speaker after speaker followed him promising to go to jail before they would undergo another round of registration.²⁰

Some time between the Empire Theatre meeting and Gandhi's departure by steamship for London on October 1, Lionel Curtis met with the leaders of the British Indian Association and confirmed that his plans included a "system of identification under which all Indians would be required to put down on their passes the impressions of their ten fingers."²¹ The fact that applications for the new identification certificates had to provide a full set of fingerprints was not the only objection. The initial application was combined with the requirement in the ordinance that Indians would be compelled not only to carry passes but to provide the "means of identification as may be prescribed by the regulations" to police officers on the street "which, according to Mr. Curtis's declaration, means finger-impressions." This new fingerprint identification was, as Gandhi wrote to *The Times*, "a system of passes and identification applicable only to criminals."²²

Patrick Duncan's rapid capitulation on the requirement that Indian women would also be subjected to the new methods of identification did little to persuade Gandhi to abandon the discourse on the dangers to the Indian family. Immediately before he left for London he picked up on the story of a woman named Punia who had been forced off the train, with her husband, at the Volksrust border. At the trial that followed, Gandhi reported, the Policemen testified that he had orders to arrest "permitless women and children whether or not they were accompanied by their husbands or parents and whatever the age of the children." In the same edition, *Indian Opinion* commented that "Mr. Gandhi has understated the gravity of the situation, in that he omitted to mention what is, perhaps, the most unpleasant feature of an unfortunate affair, namely, that the woman was made to give her ten finger-prints at the Charge Office in Volksrust, and was obliged to do so again at Germiston." Gandhi skillfully interwove the specific case of

¹⁹ Radhika Mongia, "Gender and the Historiography of Gandhian Satyagraha in South Africa," *Gender & History* 18, no. 1 (2006): 132, doi:10.1111/j.1468-0424.2006.00418.x.

²⁰ Gandhi, "JOHANNESBURG LETTER."

²¹ MK Gandhi, "INTERVIEW TO "SOUTH AFRICA," *Indian Opinion*, November 1, 1906.

²² MK Gandhi and HO Ally to Editor, *The Times*, "LETTER TO "THE TIMES"," October 22, 1906.

arrest, fingerprinting and the wider derogatory comments from the press and officials, in to an outraged defence of the “infamous lie” that Indian wives were “often of indifferent character.”

In the same edition (all of this in the week prior to his departure for England) Gandhi drew out the implications of the conviction of children for violations of the permit regulations. The police used a thumb-print taken from a ten year-old boy, Mohamed, travelling in to the Transvaal from Natal with his father, Hafeji Moosa, to argue that both father and son were “guilty of obtaining a permit by improper means” because the details on the permit did not match the identity of the child. The impressions taken at the border were “sent to Pretoria, and as they did not tally with the thumb-prints on the counterfoil” man and child were later arrested in Potchefstroom. The proceedings of the court hearing highlighted exactly the kinds of political danger that Gandhi was warning about: “The Magistrate discharged the father, but found the [ten year-old] son guilty, and sentenced him to pay a fine of £50 or suffer imprisonment without hard labour for three months.” All of these reports belaboured the same point – “thus are wives separated from husbands and children from parents under this Government” – and the same remedy: “it is a thousand times better for men to suffer imprisonment than to submit to such a law.”²³ In his struggle against the 1906 Ordinance, and again later, against Smuts’ Act 2 of 1907, Gandhi would repeatedly return to the dangers that fingerprinting presented to the imperiled Indian family.²⁴

Like the press reports, the written deposition that Gandhi and Ally presented to Lord Elgin, the Colonial Secretary in the new Liberal government, turned on the criminalizing humiliations of compulsory fingerprinting and the attendant administrative violation of the Indian family. Curtis’s fingerprinting design imposed a regime of identification on the British Indians in the Transvaal that had only ever been “applied to the worst criminals.” The most moving part of the deposition was a detailed list focused on the danger that the system represented to children, who were required to register provisionally in order to secure their rights of residence in the Transvaal: “A baby eight days old will have to give ten digit prints and be carried to the registering officer.”²⁵

As a former Indian Viceroy, Elgin may have been especially susceptible to the global protests of humiliation that Gandhi brought with him to London. The South African delegation was certainly accompanied to the Secretary of State’s office by a formidable array of Raj luminaries and parliamentary representatives. In his introductory speech Sir Lepel Griffin, President of the East India Association, recapitulated the protests that had emerged from Johannesburg over the previous two months. “Under this regulation,” he protested, “every Indian in the Transvaal, whether an adult male, whether a woman, or whether a child, and even babes in arms will be obliged to be registered under such conditions as ordinarily apply only to convicts in a civilized country.” The criminalization of the Transvaal Indians was a affront not just to the “300 millions of Indians” but also to the “whole body of Indian officials to which I and most of the members of this deputation belong, who are insulted along with the natives of India.”

In the presentation that followed Gandhi was quick to point out that the Ordinance no longer applied to women, but he strongly endorsed Griffin’s presentation. He also reminded Elgin of the Punia case – “a poor woman torn away from her

²³ MK Gandhi, “THE PUNIA CASE,” *Indian Opinion*, September 29, 1906.

²⁴ MK Gandhi, “DEPUTATION TO LORD ELGIN,” November 8, 1906; MK Gandhi, “JOHANNESBURG LETTER,” *Indian Opinion*, September 21, 1907; MK Gandhi, “LETTER TO “THE RAND DAILY MAIL,”” *Indian Opinion*, October 9, 1907.

²⁵ MK Gandhi and HO Ally, “REPRESENTATION TO LORD ELGIN,” *Indian Opinion*, October 31, 1906.

husband” – and the eleven year-old boy “sentenced to pay a fine of £50 or go to gaol for three months, and at the end of it to leave the country.” And then, in order to make the point about the invasiveness of the new British administration, he showed the Colonial Secretary, Ally’s Republican registration certificate – a simple receipt for payment of £3 – and his own Crown Colony certificate in order to show “how complete it is to establish identification.” That may have been a mistake, because it created an opportunity for Lord Elgin, the old India hand, to philosophize on the politics of “this question of thumb marks.”

Elgin was Viceroy between 1894 and 1899, exactly the period that Edward Henry had been energetically introducing fingerprinting, and thumb-printing, in to the administration of the government of India. By the end of his reign, thumb and finger prints were being used to control identity on pensions, opium contracts, municipal job applications, money orders, and even examinations.²⁶ For Elgin, obviously deeply skilled in the sinister art of deflecting petitioners, this proliferation of digit impressions could be seen as “a marvelous thing.” Pointing to Gandhi’s registration certificate his closing comment was clearly intended to finesse the outrage of his petitioners. “I want just to mention, and to bring to the notice of Mr. Gandhi, that on the permit which he has handed to me, issued under the present Ordinance,” the noble Lord observed, “there is a thumb mark already imposed under the present Ordinance in just the same way as it will be imposed under the new Ordinance.”

Trapped by the rules of imperial etiquette that forbade him from speaking after the Colonial Secretary, Gandhi and the others struggled to articulate the distinction between fingers and thumbs in two or three staccato objections. The thumb impression was a “purely voluntary act,” which they had agreed to do because Milner had “asked us to do it.” The debasement, Gandhi interjected, stemmed from the “ten-finger mark.” By the end of the meeting he could only breathlessly appeal for a full commission of enquiry which would allow us to “place our position accurately before your Lordship.” Elgin concluded his comments by suggesting that the South African efforts to control Indian immigration formed part of a movement “all over the world on the part of white communities, and we have to reckon with them.” And that, although he did not announce it, was his solution. Elgin let the white leaders in South Africa know that he was going to withhold royal assent from the Ordinance, but that he would not do the same for an identical act passed by the new local government.²⁷ The bill for the Asiatic Law Amendment Act (No 2 of 1907) was the first real item of government business in the newly elected Parliament of the Transvaal Colony.

In the next drafts of this paper I want to make five further points of argument. First, notwithstanding the claims that Gandhi made from January 1908, the resistance to Smuts’ Asiatic Registration Act was intrinsically an emotional and international campaign against the degrading effects of fingerprinting for all Indians, driven by the gender politics of honour. Second, in a reversal that speaks to Gandhi’s legalistic preoccupations at this time, Smuts used the requirements of the state’s legal advisers to persuade Gandhi of the necessity of ten print registration, a fact that was itself a product

²⁶ Chandak Sengoopta, *Imprint of the Raj: How Fingerprinting was Born in Colonial India* (Macmillan, 2003), 150-3.

²⁷ W. K. Hancock, *Smuts: 1 the Sanguine Years, 1870-1919* (Cambridge: Cambridge University Press: Cambridge University Press, 1962), 330; For the tightly connected struggles of white political leaders across the globe at this time, see M. Lake and H. Reynolds, *Drawing the Global Colour Line: White Men’s Countries and the International Challenge of Racial Equality* (Cambridge University Press, 2008).

of the weak professional hold of fingerprint expertise in the courts in South Africa in 1906-7. Third, Gandhi tried to show repeatedly, and with increasing exasperation, that there was a critical political difference between voluntary and coerced fingerprint registration, but that distinction, as Smuts pointed out to him, was chimerical in a state of laws. What, after all, was the legal status of those who failed to register voluntarily? It was for this very good reason that Gandhi's supporters battled to make sense of his abrupt reversal. (It may also have been for this reason that Gandhi chose to reject Smuts' conditions for the withdrawal of the Registration Act.) Fourth, before 1909 Gandhi was much more familiar with, and much more enthusiastic about, the administrative requirements and scientific claims of fingerprinting than our published accounts (including his own) of his campaign in South Africa suggest. Fifthly, although Gandhi and others always raised wider legal and economic issues, the fingerprint identity registration and movement controls for Indians in the Transvaal were the core motivating grievances of *Satyagraha*. In this narrow respect the Gandhian movement in South Africa was a failure notwithstanding the wider political consequences of his struggle:²⁸ after Gandhi left, South African Indians, especially those living in the Transvaal, were subjected to an almost perfect system of biometric identification and control.²⁹ Finally, I would like to consider the causal relationship between the horrible paradoxes of the campaign against registration up to 1909 and the drafting of the *Hind Swaraj* – Gandhi's sweeping condemnation of western modernity and colonialism. It is impossible to imagine Gandhi, after 1909, endorsing fingerprinting in quite the way he did in 1908.

²⁸ Ashwin Desai and Goolam H Vahed, *Inside Indenture: A South African Story, 1860-1914* (Durban: Madiba, 2007), 350-398

²⁹ Aside from Gandhi's own account of Satyagraha's success in South Africa, see Martin Chanock, *The making of South African legal culture, 1902-1936 : fear, favour and prejudice* (Cambridge: Cambridge University Press, 2001), \\tux\breckenr\pdfs\0675530240culture_1902_1936.pdf, 19: "The movement truly tested the limits of the law-making and law-enforcing power." And also Hancock, Fischer, Lake. Gandhi exercised much greater control of events after they had occurred.