

Edward Henry and the South African Engine of Incarceration

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Colonial government, as English administrators sometimes acknowledged, had advantages of simplicity over Home Rule. One of these areas of advantage in India, at least before 1849, was in the handling of the problem of the “habitual criminal.” Before that date, the most serious criminals had their sentences tattooed onto their foreheads: life prisoners bore their names, sentences and the date of conviction, those convicted of belonging to the cult of assassins were marked by the word Thug, and, before 1817, forgers were imprinted with the Persian word for “liar” or “cheat.” But after 1850, under the weight of the humanitarian concerns of an emerging English public and the scientific expectations of government, administrators in India came to rely on registration processes similar to those of their metropolitan colleagues.¹

The process of registration in India culminated in the publication of the Criminal Tribes Act of 1871. Under the terms of this law, entire nomadic and pastoralist communities were defined as criminals by descent. The law bound these people to particular places by entering their names into registers maintained by the district magistrates. The law required individuals who wanted to move away from their recorded place of residence to apply for a pass that specified an itinerary and duration of travel, listing the specific police stations that the bearer was required to visit during this period away from the district. In the villages falling under the act government appointed headmen were required to conduct inspections every evening to ensure that individuals had not absconded without permission. And the penalties for violating the terms of the act were similarly harsh.²

The problem, at least as far as Henry was concerned, was that the subjects of this draconian order tended not to play by the rules. The state’s extravagant plans for surveillance could only work if the targeted individuals stuck to the names in the magistrates’ registers. Often they did not. Towards the beginning of the 1890s, Henry began to implement Bertillon’s system of identification and registration. “With anthropometry on a sound basis,” he reported, “professional criminals of this type will cease to flourish, as under the rules all persons not identified must be measured, and reference concerning them made to the Central Bureau.”³ Very quickly the Bengal police built up a register of the “principal criminals in the several jails of the Province.” After reading *Finger Prints*, Henry worked on a hybrid of the Galton and Bertillon systems: using measurements to locate an individual record his identification technique relied on matched thumb-prints to establish individual identity. But establishing a consistent set of Bertillon measurements across 120 different sites in Bengal remained a serious, and continuing, problem.⁴

After initiating correspondence with Galton and visiting his London laboratory in 1894 Henry was convinced that fingerprinting could eliminate the errors produced by his operators, and significantly reduce the cost of identification by dispensing with Bertillon’s expensive brass instruments. Two of his subordinates, Azizul Haque and Chandra Bose, began to research a workable system for the classification of fingerprints. The Henry System that emerged from this collaboration made significant changes to Galton’s classification, replacing his three types (Arches, Loops and Whorls) with just two (Loops

¹ Radhika Singha, “Settle, mobilize, verify: identification practices in colonial India,” *Studies in History* 16, no. 2 (2000): 165-167, 187-8.

² Chandak Sengoopta, *Imprint of the Raj: How Fingerprinting was Born in Colonial India* (Macmillan, 2003), 126-9.

³ Sengoopta *Imprint of the Raj* 128.

⁴ Sengoopta *Imprint of the Raj* 130-4

and Whorls) and classifying the fingers in five paired sets, each of which could be one of four possible classifications. Henry's system allowed for a basic classification of 1024 possibilities (45) and these could be neatly arranged into a cabinet that had 32 rows and 32 columns. For further sub-classification his system relied on the uncontroversial procedures of ridge-tracing and ridge-counting. The labels generated under his system could be neatly represented mathematically, and they seemed to do away with the difficult interpretative problems of Galton's sub-classifications. From the middle of 1897 this system of identification became mandatory for the processing of prisoners across the vast territory of British India. The huge subject population covered by the new system soon conferred Henry's system with the mantle of practical success.

In 1900 Henry published the workings of his system in *The Classification and uses of Finger Printing*, the definitive manual of twentieth century finger printing,⁵ and he was called to London to advise the Belper Committee on the introduction of fingerprinting in Britain. It was this little book, with its clear explanation of the two different methods of fingerprint identification, that became the agent of a new global system of identification. After persuading the British Home Office--over Galton's objections--to adopt fingerprinting for the identification of criminals, Henry took extended leave from his work in India to go to the Witwatersrand to set up a new town police. Unlike the thousands of volunteers who flooded South Africa in the year after the Boers declared war, he came bearing a letter of introduction to the South African High Commissioner, Sir Alfred Milner, from the Colonial Secretary, Joseph Chamberlain. The despatch gave Henry sweeping authority in the building of the new police force, assuring him a "free hand in his own Department" and it explained that his primary task would be to "introduce a scientific system of identification."⁶ In sending the leading British expert on criminal identification to the Rand, Chamberlain was not acting on a whim; he had in mind a very specific set of remedies to the problems facing the gold mining industry.

Edward Henry was not in South Africa for very long. He arrived in July 1900 and returned to Britain to take up the post of Assistant Commissioner, Head of the CID at Scotland Yard, and heir apparent to the London Metropolitan Police, in May 1901.⁷ In a little more than six months he implemented a set of policies that were derived from the demands that the leading engineers of the gold mining industry had presented to a commission of enquiry hosted by the Boer Republic a few years earlier. Bound and typeset by the Chamber of Mines in the fashion of a Parliamentary Blue Book, the 1897 Mining Industry Commission provided a meticulously documented blue-print of the new mining corporations' requirements from the Transvaal state.⁸

Chief amongst these was the mining corporations' demand for a system of identification to bind migrant labourers to the terms of their long-term contracts. "If every kaffir could be traced; if it could be told whether they have been registered before, or been in the service of a company," one of the leading American engineers had explained to the Transvaal commissioners, "then we would have control over them." The Boer officials, unaware or sceptical of the claims of Bertillon and Galton, had answered this demand by explaining that "when a native throws away his passes and badge he cannot again easily be identified by pass officials," and they had challenged "anyone to describe a native, and register him in such a way that he would be able to

⁵ Cole *Suspect Identities* 81-7, Sengoopta *Imprint of the Raj* 138, 205-216.

⁶ Chamberlain, Secretary of State, London to Milner, High Commissioner, Cape Town, July 18, 1900, TAD PSY 1 HC102/00 High Commissioner: Johannesburg Police Henry Appointed Temporary 1900-1900.

⁷ Dilnot, *The story of Scotland yard*, 134; Browne, *The Rise of Scotland Yard*, 269.

⁸ Witwatersrand Chamber of Mines, *The mining industry, evidence and report of the Industrial commission of enquiry, with an appendix* (Johannesburg: Chamber of Mines, 1897).

identify him without the aid of his passes and badge, out of 60,000 other natives.”⁹ It was this apparently magical project that drew Edward Henry to the Witwatersrand.

The making of a system of identification was not his only objective. Shortly after he arrived on the Witwatersrand Henry was given the much bigger job of building the entire police force from scratch, and here again he took his instructions from the report of the 1897 Commission. During his time in South Africa Henry maintained close personal links (perhaps uniquely) with both Milner and Lord Roberts, the overall commander of the British forces. He left Cape Town for Johannesburg on August 12th with Milner's warm endorsement.¹⁰ In less than a month on the Rand he produced a plan for the establishment of the Johannesburg police that had the enthusiastic support of both the Proconsul and the Field-Marshal.

Henry was different from the small group of young, Oxford-educated disciples that Milner gathered around him.¹¹ He was an experienced colonial administrator, and already something of a metropolitan celebrity – not least because he had eclipsed Galton in the public hearings of the Belper Commission.¹² Within weeks of his arrival on the Rand he had the fervent backing of Lord Roberts for his plan and, uniquely, he had brought Milner on side through a string of hand-written private letters. They both agreed that “Henry would be [the] best” appointment as the new Transvaal Commissioner of Police if he could only be persuaded to accept a salary of £2,000.¹³ Henry turned down the offer, but he was clearly tempted, explaining coyly to Milner that “I quite realise that the pay offered is as large as the financial problem justifies, and I have no doubt that a suitable man will be obtainable somewhere.”¹⁴ There is no doubt that Milner relied very heavily on Henry in the design of the new state. Towards the end of 1900 he wrote to Chamberlain to ask for his support in securing an extension of Henry's leave from the Indian Colonial Service. “He is doing most important work which no one else can do as well,” Milner explained, “and it seems to me absolutely necessary in the public interest that we should keep him in the Transvaal for some time longer.”¹⁵

This job, which Henry mostly found for himself, was to mark out the foundations of the unusual national police force in South Africa. Between July 1900 and March 1901 he set in place a police structure that broke completely with the international norm of the city as the administrative and geographical platform of policing. Beginning with the problem that wartime Johannesburg would attract “the most notorious and skilful criminals in Europe,” Henry proposed a force of some four hundred officers reporting to a single commissioner, a plan modeled on the London police. As his responsibilities grew to include Pretoria, and then out in to the countryside, his plans for a single unified police force followed. From an initial proposal for a peacetime Johannesburg police force his proposals expanded in the Transvaal Town Police Act of 1901 to include all of the towns

⁹Ibid., 44, 279.

¹⁰Milner, High Commissioner, Cape Town to Lord Roberts, Pretoria, “Telegram,” August 12, 1900, TAD PSY 1 HC102/00 High Commissioner: Johannesburg Police Henry Appointed Temporary 1900-1900.

¹¹Walter Nimocks, *Milner's Young Men: The "kindergarten" in Edwardian Imperial Affairs* (London: Hodder and Stoughton, 1970); Donald Denoon, *A Grand Illusion: the failure of imperial policy in the Transvaal Colony during the period of reconstruction, 1900-1905* (London: Longman, 1973), \home\breckenr\pdfs\0608941568973_GrandIllusion.pdf.

¹²Sengoopta, *Imprint of the Raj*, 180-1.

¹³Milner, High Commissioner, Cape Town to Lord Roberts, Pretoria, “Telegram,” October 8, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901.

¹⁴Edward R Henry to Milner, High Commissioner, Cape Town, October 11, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901.

¹⁵Milner, High Commissioner, Cape Town to Chamberlain, Secretary of State, London, “Telegram,” December 20, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901.

of the old Republic, with Inspectors in Johannesburg and Pretoria and Superintendents in four of the large towns, all reporting to a single Commissioner of Police in the capital. This unusual structure of policing - which today requires individual stations to report to the national headquarters, usually many hundreds of kilometres distant - provided a very early and muscular push to the gathering of state power in Pretoria. Merriman, the last Prime Minister of the old Cape Colony, aptly described it in 1915 as a “highly centralised little army.”¹⁶ But there is no evidence in Henry's correspondence that this centralisation was intentional; it was, rather, a result of the combination of the proximity of the only two large towns, the South African lawyers' interest in preserving the Boer political tradition and the expert-led state design that Milner fostered after 1900.¹⁷ Local municipal governments had, under the conditions of imperial reconstruction, no opportunity to build their own police forces, and after the restoration of white self-government the leaders in Pretoria consistently mistrusted the elected leaders of the municipalities.

In the stream of hand-written letters that Henry sent to Milner during these months, his primary anxiety – amidst many little troubles about police buildings, salaries and uniforms - was with the moral character of the men he was selecting as the first members of his new force.¹⁸ A key part of his strategy for identifying the right kind of men was to set up (in the face of Milner's worries about costs) conditions of employment that would encourage married men to become policemen. Marriage, Henry believed, would help to inoculate his new policemen from the acute moral hazards on the Rand – drink and prostitution, but it had an additional imperial significance in the light of the looming demographic struggle with the Boers. Appointing a thousand married men to the new police force would mean – as historians of the advocates of the emigration of British wives have observed – that “demographic anglicization could begin immediately.”¹⁹ His efforts in this area did not work out very well. Out of one thousand officers and constables in Henry's new force at the end of 1902, fully 700 offences against discipline were prosecuted, leading to the dismissal of over 200 men. Nearly 150 of these were found guilty of the charge of drunkenness on duty.²⁰ There is some irony in the susceptibility of the new policemen to the scourge of drink, for the enforcement of a racial prohibition was one of the foundational tasks of his new force.

¹⁶Edward Henry to Sir Alfred Milner, “Memorandum on a police organisation for Johannesburg and the Witwatersrand District,” September 18, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901; Edward Henry to Fiddes, W, “Police Organisation for the Towns of the Transvaal,” November 2, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901; Edward Henry to General Maxwell, “Proposal for the Policing of Pretoria,” November 26, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901; Edward Henry to Sir Alfred Milner, “Draft Act for the Regulation of the Town Police,” November 11, 1900, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901; See Annette Seegers, “One state, three faces: Policing in South Africa (1910-1990),” *Social Dynamics* 17, no. 1 (1991): 36-48; and Martin Chanock, *The making of South African legal culture, 1902-1936 : fear, favour and prejudice* (Cambridge: Cambridge University Press, 2001), 46-9 for discussions of the Transvaal Police as the foundation of the Union police force. The quote is from J X Merriman, cited on 49.

¹⁷Henry to Milner, “Memorandum on a police organisation”; Edward R Henry to Fiddes, W, February 13, 1901, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901.

¹⁸Another example, if one is needed, to support the argument that the literary form of imperial government was often motivated by matters of affect. See Ann Laura Stoler, *Along the Archival Grain: epistemic anxieties and colonial common sense* (Princeton: Princeton University Press, 2008).

¹⁹Jean Jacques Van-Helten and Keith Williams, “The Crying Need of South Africa: The Emigration of Single British Women to the Transvaal, 1901-10,” *Journal of Southern African Studies* 10, no. 1 (October 1983): 32.

²⁰Showers, EM. Commissioner of Police, “Transvaal Town Police: Annual Report from January 1st to December 31st 1902,” December 31, 1902, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901.

Henry's design for the Transvaal Police was organized around three laws that had been drawn up in the old Republic under pressure from the American engineers who dominated the gold mining industry after 1893. The first was Smuts' Liquor Law (Act Number 19 of 1898) which - after more than a decade in which African mine labourers had been encouraged to drink away their wages - imposed a sweeping prohibition on the sale and consumption of alcohol on anyone with a dark skin.²¹ The law, one of only three that Henry included in the standing instructions of the new police force, prohibited the sale of alcohol on mining ground and to any "coloured person," defined in sweeping terms to include any "African, coloured American, Asiatic, Chinaman or St Helena person." The second focus area for Henry's police force was something called the Gold Law, an omnibus law that provided very generous legal support to the mining companies in many areas. Again following the appeals to the 1897 Commission, the new police force took the enforcement of the provisions that dealt with the sale and possession of unprocessed gold as a foundational task – prohibiting trade in "unwrought precious metal" and establishing the presumption of theft and harsh penalties (especially for Africans) for "anyone found in possession of amalgam or unwrought gold."²²

These two little pockets of law, geared to the requirements of the gold mines – the prohibition of alcohol for Africans and the criminalization of the simple possession of unwrought gold – each provided the focus for a special-purpose branch of Henry's new Criminal Investigation Department.²³ For years after his departure fully two thirds of the investigative capacity of the new police force was dedicated to the peculiar security requirements of the mining industry. Henry's CID was made up of an underfunded Headquarters section, which had responsibility for his identification registers and crime that did not involve the mines, a Gold Branch - with special funds for the employment of private detectives to trap dealers and mine employees tempted by the illicit trade in precious metals - and a Liquor Branch. Before Apartheid, it was this section of the police force that cut in to the daily lives of black urban residents, with hundreds of thousands of men and women convicted and imprisoned every year.²⁴ Another result of this peculiar division of the state's policing resources was very weak capacity for the investigation of what Henry called Ordinary Crime. At the outset, to save money, Henry did not fill the detective posts in his Headquarters section; a few years later, in a move that reflected the melancholy standing and capacity of the Ordinary Crime branch of the CID, it was, temporarily, dissolved altogether.²⁵

²¹On Smuts' efforts to reform the Transvaal see Charles van Onselen, *Studies in the Social and Economic History of the Witwatersrand, 1886-1914: Volume 1 New Babylon* (Johannesburg: Ravan Press, 1982), 14, and 44-96 for the longer story of prohibition.; Also C. Van Onselen, *The fox and the flies: the world of Joseph Silver, racketeer and psychopath* (London: Jonathan Cape, 2007), 161 - 180 on Smuts' efforts to reform the anaemic Johannesburg detectives before 1900.; For the ongoing importance of alcohol for mine workers, Patrick Harries, *Work, Culture and Identity: Migrant Labourers in Mozambique and South Africa, c 1860-1910* (Johannesburg: Witwatersrand University Press, 1994), 194-200.

²²Chamber of Mines, *The mining industry, evidence and report of the Industrial commission of enquiry, with an appendix*, 641.

²³Henry to Milner, "Memorandum on a police organisation."

²⁴For an overview of this literature, see J. S. Crush and Charles H. Ambler, *Liquor and labor in Southern Africa* (Athens: Ohio University Press, 1992).

²⁵John A Bucknill to Attorney General, "Report of a Departmental Enquiry Held by Mr John A Bucknill into certain complaints made by the Commissioner of Police against the Acting Chief Detective Inspector on his Establishment and into other matters in connection therewith.," May 7, 1906, TAD C30 11 PSC 454/06 Mr Brucknill's report on certain police matters 1906; For more on the anaemic detective resources in the Transvaal after Henry, see Charles van Onselen, "Who Killed Meyer Hasenfus? Organized Crime, Policing and Informing on the Witwatersrand, 1902-8," *History Workshop Journal* 67, no. 1 (March 20, 2009): 1 -22.

The result was a paradox: the police force designed by the most famous English-speaking advocate of scientific policing²⁶ was bereft of investigative capacity in general and a working detective CID in particular. [Check van Onselen 2010] The reason for this was simply that Henry designed the police force around the particular needs of the mining industry, with little regard, at all, for the society that was growing up around it. The allocation of the lion's share of the detective capacity to the mines was one aspect of this special policing apparatus. The enforcement of the Pass Law was another. In his first draft of the blueprint for the Transvaal Town Police, Henry carefully set up the distribution of personnel. Aside from the “more serious offenses against the Penal Code” he explained, the police force “will have to occupy itself specially with the detection of Gold thefts and violations of the Liquor Law” and “would be the agency mainly utilised with the working of the pass law.”²⁷

It was this focus on the Pass Law, and particularly the provisions of a new law drafted in the last weeks of Boer Republic, that set in place the engine of incarceration in South Africa. Henry's standing instructions, which were published as a pamphlet in 1901, included the verbatim text of both the General Pass Law of 1895 and Smuts' carefully refined Act No 23 of 1899. This last law, also written by Smuts in 1899 but never properly implemented because of the impending war, adopted the mine engineers' demand that black men found on the Witwatersrand without passes should be subject to a week-long period of imprisonment to allow their identification of deserters.²⁸ In the decades that followed it was this principle – the normal practice that African men (and eventually women) found on the Witwatersrand without an appropriate pass were subject to at least a week of compulsory detention.

There are two pieces of history here that have not been noticed before. The first is that automatic imprisonment for violation of the pass law was Smuts' innovation. This is not surprising but it adds to the large body of evidence of his protean significance in the fashioning of the 20th century state. The second is Henry's careful, and deliberate, adoption of Smuts' law to initiate the modern pass regime in South Africa.²⁹ This speaks to the problem of how the Empire should be digested by historians of the comparatively restrained forms of state power (relative to Germany in particular) that developed in

²⁶Sengoopta, *Imprint of the Raj*, 183; Admittedly, even after Henry, Scotland Yard was notably less enthusiastic about scientific policing than its European peers or the FBI, see Browne, *The Rise of Scotland Yard*, 206.

²⁷Henry to Milner, “Memorandum on a police organisation.”

²⁸“TAB SS 0 R13775/98 Publieke Aanklager Pretoria. Geeft Wyziging Aan Den Hand Van Wet 2/1898 (paswet). 18981019 to 18981019 See R5353/98,,” n.d., <http://www.national.archsrch.gov.za/sm300cv/smws/sm30ddf0?200806291653545A3C588C&DN=00000082>; “TAB SP 177 Spr6780/98 Kamer Van Mynwezen Johannesburg. Re Detentie Van Naturellen Voor Identificatie. 18980715 to 18980715,,” n.d.; Edward Henry, *Police Regulations, &c : Published by Authority* (Pretoria: Government Printing Office, 1901).

²⁹Harries, *Work, Culture and Identity: Migrant Labourers in Mozambique and South Africa, c 1860-1910*; Douglas Hindson, *Pass Controls and the Urban African Proletariat* (Johannesburg: Ravan Press, 1987); Alan H. Jeeves, “The Control of Migratory Labour on the South African Gold Mines in the Era of Kruger and Milner,” *Journal of Southern African Studies* 2, no. 1 (1975): 09/03/29; E. Kahn, “The pass laws,” *Handbook of Race Relations in South Africa* (1949): 275-91; Michael Savage, “The Imposition of Pass Laws on the African Population in South Africa 1916-1984,” *African Affairs, Volume 85, Issue 339 (Apr., 1986)*, 18 1-205. 85, no. 339 (1986): 181-205; Charles van Onselen, “Crime and Total Institutions in the Making of Modern South Africa: the life of 'Nongoloza' Mathebula, 1867-1948,” *History Workshop Journal* 19 (1985): 62-81; Peter Warwick, *Black people and the South African War (1899-1902)* (Cambridge: Cambridge University Press, 1980); Almost all of these scholars have relied on Van der Horst's study, which jumps from the revised 1895 law to Lagden's Proclamation Number 37 of 1901, see Sheila T. van der Horst, *Native Labour in South Africa* (Oxford: Oxford University Press Oxford: Oxford University Press, 1942); For the most comprehensive and recent overview of the Pass Law see Chanock, *The making of South African legal culture, 1902-1936 : fear, favour and prejudice*, 406 - 422 Chanock also notes Edward Henry's appointment on the Rand, see 46.

Britain in the 20th century.³⁰ Henry was one agent, perhaps a very important one, in the long evolution of the systems of incarceration that would imprison nearly 10% of the adult population every year in South Africa in the last century. But the real significance of Henry's work on the Witwatersrand lies elsewhere.

A system for the imprisonment of undocumented black workers would have developed in the Transvaal had Edward Henry not resuscitated it, if only because Milner's legal advisers – Richard Solomon and John Wessels – were determined to build the legal order of Milner's new state on the foundations of the old Republic.³¹ The same is not true of the way in which he built fingerprint identification in to the core administrative practices of the new state. Henry's special contribution to the 20th century state was to weave an obsessive preoccupation with fingerprinting as the only reliable means of identification in to many different levels of the new bureaucracy. It was also Henry who introduced the long-running fantasy that only a single, centralised register of the identities of Africans could solve the problems of impersonation and uttering that were prompted by the coercive demands of the pass laws.

When Henry described the work of the Criminal Investigation Department in 1900, he had himself in mind as its first Commissioner. And he set himself the first practical task to “introduce and keep under his management a scientific system of identifying old offenders as an aid to criminal investigation.”³² After he left the Witwatersrand the Records Section was the one undisputed success of the CID.³³ He had left it in the care of a young and ambitious Cypriot detective recruited from the Egyptian police. In the decades that followed the CID fingerprint department assumed a position of contested authority over the many other fingerprint registries. It was also the most influential source of the argument for universal registration and the institution that other colonial governments in Africa consulted for plans and training in the development of their own systems of fingerprint identification. But the fingerprint branch was much less influential in the long run than the wider philosophy of policing that Henry articulated in 1900.

Working in concert with the CID fingerprint department Henry produced and published a pamphlet on the standard operating instructions for the Transvaal Police. This booklet, modeled on the General Instruction Book that Sir Richard Mayne had drawn up for the London Metropolitan Police half a century before, established a policing common sense that remained consistent until the end of the Apartheid state. Like Mayne's book, Henry provided a list of the laws which he thought every policeman in the Transvaal should know. These were, as we have seen, the 1895 and 1899 Pass Laws and the Liquor Law of 1898. Where Mayne's book (which remains in use in Britain) established a philosophy of police restraint by elaborating on the “preventive idea in a manner allowing little misunderstanding,”³⁴ Henry's pamphlet enshrined the idea that

³⁰Higgs, *The Information State in England*; Jon Agar, *The government machine : a revolutionary history of the computer*, History of computing (Cambridge, Mass.: MIT Press, 2003); Jon Agar, “Modern Horrors: British Identity and Identity Cards,” in *Documenting Individual Identity: The development of state practices in the modern world*, ed. Jane Caplan and John Torpey (Princeton: Princeton University Press, 2001), 101-120; See Edward Higgs, “Fingerprints and Citizenship: The British State and the Identification of Pensioners in the Interwar Period,” *History Workshop Journal* 69 (2010): for a discussion of the political implications of Empire for systems of surveillance in Britain.

³¹Richard Solomon to Fiddes, W, February 2, 1901, TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901; Solomon, Richard, “Enclose in No 15. Minute. Penalties under the Pass Law and Gold Law of the Transvaal,” July 15, 1901, Cd 904 Papers relating to legislation affecting Natives in the Transvaal (in continuation of [Cd 714], July 1901).

³²Henry to Milner, “Memorandum on a police organisation.”

³³Bucknill to Attorney General, “Bucknill Enquiry into certain complaints,” 11, 28.

³⁴Browne, *The Rise of Scotland Yard*, 78; Dilnot, *The story of Scotland yard*, 45.

Africans, because they could not be trusted to identify themselves, might routinely be subjected to police detention.

In addition to highlighting the Pass and Liquor Laws, Henry's new Code specifically instructed his officers to apply a very different test of identity, and detention, to Africans, because of their “detachable names.” This instruction appears twice, and in some detail, in the Code. First, in the explanation of the appropriate conduct for police on the beat:

Generally it must be understood that as Natives have not a permanent residence within the limits of the Police District, and are known by detachable names, such as 'Charlie', 'Jim', etc other than their proper tribal name, and in consequence cannot be easily traced, it is often necessary to arrest them in cases in which, if the accused were European, another course might be preferred.

And then again in the advice on the procedures for the granting of bail, combined English restraint with Imperial discipline:

The Police should understand that all unnecessary confinement in cells is to be avoided, but in the case of Natives, the majority of whom have not a permanent residence within the limits of the Police District, and who are known by detachable names which makes it difficult to again trace them, bail should be more sparingly accepted than in the case of Europeans, and their personal recognisance should very rarely be accepted.³⁵

Combined with the Liquor and Pass Laws, it was this presumption of universal deceit that set the technology of fingerprint identification in to the foundations of the South African state.

Henry's most important efforts were not confined to the fingerprint department of the Police. From very early on he worked to build fingerprint registration in to the operations of the pass offices on the Witwatersrand. In October, his second month on the Rand, he wrote to Milner to explain that he had started “the F Printing system of identification & some of the men here are becoming proficient.” The problem on the Rand, he explained, lay in the fact that black workers were being given names by their employers, who evidently had little interest in, or capacity for, understanding their workers' real names. “Every Native appears to be called Charlie or Sammy or Jonnie or some such English name,” with the unfortunate result that “when he changes master he often changes his name.” Implicitly comparing his fingerprinting system to Henry VIII's mandatory birth, death and marriage registration in 1538, he complained that “just as it was found impossible in England five or six hundred years ago to describe persons correctly in writs or other legal documents though their persons were known so it is here.”

Henry's solution to this problem of “detachable names” was to build an official identification register out of the special labour regulations demanded by the mining industry. “To effect reform it is necessary to start with the Pass Offices and this is now being done,” he informed Milner. He had in mind the careful recording of the real names of every African man on the Rand, “not his phony appellation while working here.” And to counter the problems of recording “Zulu, Basuto etc names” he explained that he would build “a system of indexing which to some extent discounts the effect of variations in transliterating.”³⁶ From the Pass Offices he hoped that the properly recorded names would flow into the police system, providing accurate identification data

³⁵Henry, *Police Regulations, &c : Published by Authority* For Henry's drafts of this document see TAD LD 15 LAM 1150/01 Commissioner of Police Reports Transvaal Police 1901.

³⁶Henry did not elaborate on the workings of this system, but he may have been referring to the method of fingerprint classification and indexing he described in Part II of his book. See E. R. Henry, *Classification and uses of finger prints* (G. Routledge and Sons, 1900), 66-90.

in the new Criminal Registers of Henry's CID. For the documents themselves Henry suggested that a single “thumb or digit mark on the Pass would ensure that these passes are used by those only to whom they were issued.”³⁷

In fact the situation that Henry left on the Witwatersrand was richly contradictory. When the Native Affairs Finger Impression Record Department started working in October 1901 - six months after Henry had returned to England - they duly began to collect fingerprints from the tens of thousands of men who had applied for permission to work on the Rand. But the system of indexing Henry had described soon proved much too difficult, and much too expensive, to implement. The result was that only the fingerprints of workers who had been convicted of a crime, or those whose employers had reported them as deserters, were classified according to Henry's system, and filed in a special register of suspects.³⁸ A much larger group, soon running into hundreds of thousands, were registered by name and passport number; their unclassified fingerprints were accessible only by their passport numbers. All workers who were caught by the police without a properly endorsed pass “or those whose passes or papers are in any way doubtful,” were automatically subjected to a week of imprisonment to give the Pass Officials time to look up their fingerprints against the register of suspects.³⁹ It was this banal and pervasive imperative for imprisonment - which hovered around one-tenth of the adult male black population every year in to the 1960s and then grew to include a similar proportion of women – was the distinctive feature of the South African state in the 20th century.⁴⁰

Henry's influence in South Africa was not confined to his design of the Pass Law or the Transvaal Police. The most enthusiastic disciples of fingerprinting, after 1900, were in the two adjacent colonies. In Natal, the man who would later become Commissioner of the Provincial Police, William James Clarke, had attempted to persuade the impoverished colonial legislature to set up an identification bureau in the late 1890s. Like many of the key sites of biometric registration, the office in Natal was the life's work of a single determined individual. When Clarke's proposal was denied, he used his own money to set up an office of Bertillonage. In 1902 he used his own annual leave (and one of his most ambitious NCO's) to visit Henry at the fingerprint offices of the Metropolitan Police. From this point the Natal branch of the CID became a site of frenzied fingerprint registration. Clarke's branch collected prints from all indentured Indians arriving in Durban, and all Africans who interacted with the colonial state: those convicted of criminal offences (including the Natal versions of the Pass Law) and those who sought employment in the Police and Prisons Service. By 1907 the Natal CID had a collection of 160,000 prints as Clarke liked to point out, meant that his “system is more complete than Scotland Yard.” Over the next two decades he would remain a tenacious advocate of the virtues of biometric registration. When the little colony with a total

³⁷Henry to Milner, High Commissioner, Cape Town, October 11, 1900.

³⁸Wilson, Edward, Superintendent FIRD, Pass Office, Johannesburg to District Controller, May 2, 1906, TAD SNA 332 Na2491/06 Part1 Proposed Extension of Finger Impression Record Department Na2782/06 Part1 the Under Secretary Division 2 Colonial Secretary's Office Finger Print Impression Experts 1906; Edward Wilson, Superintendent FIRD to H S Cooke, Acting Pass Commissioner, “Report Working of the NAD Pass Office FIRD,” February 12, 1907, TAD SNA 354 The Acting Pass Commissioner, Johannesburg, forwards copy of a report by the superintendent, Finger Impression Record Department, 1907.

³⁹Wilson, Edward, Superintendent FIRD, Pass Office, Johannesburg to District Controller, May 2, 1906.

⁴⁰For discussion of the statistics see Savage, “The Imposition of Pass Laws on the African Population in South Africa 1916-1984”; For estimates of adult males see time series in Pali Lehohla, *South African Statistics 2009*, Annual Report, South African Statistics (Pretoria: Statistics South Africa, 2009).

population of about one million joined the Union in 1910 it brought in to the new police force a collection of 350,000 prints organized according to the Henry System.⁴¹



Illustration 1: CID Sorting Room in Pietermaritzburg, 1906, TAD SNA 332, NA2491/6

In the years after 1902 William Clarke claimed to be in “constant communication” with Scotland Yard, but that was hardly necessary. The spirit of Edward Henry remained a powerful presence long after he had left South Africa. Much of this influence was enacted through circulation of the different editions of his book, which were ordered by the boat-load by many different divisions of the state. But the book was also dissolved in to the correspondence of the bureaucracy itself. When the Secretary for Law in the Transvaal explained the importance of fingerprints to the new magistrates in 1905 his memorandum consisted of six lengthy extracts from Henry's book. After noting that Galton had proved the life-long persistence of fingerprint patterns, the circular repeated Henry's claims that fingerprints were an “extraordinarily efficient method of preventing perjury and personation” because the distinctive ridge patterns “differentiate each individual from all others.” As an “instance of the practical use of the system” the memorandum included a verbatim account of the “notorious criminal case” that concludes the first part of Henry's book – the murder investigation of the Julpaiguri tea garden manager. The concluding paragraph quoted from the highlights of the 1897 Indian Government Committee Report that Henry had appended to his book. “The greatest sceptic would be at once convinced of identity on being shown the original and duplicate impressions. [Simon Cole --] There is no possible margin of error and there are no doubtful cases.”⁴²

⁴¹See Clarke's comments on N P Pinto-Leite, “The Finger-Prints,” *The Nonqai* (1907): 31-33; And “NAD MJPW 104, LW5435/1903 Agent General, London, Forwards a Letter from the Right Honourable Sir H Macdonell with Reference to the Prospects of Mr. Pinto Leite Obtaining a Commission in the Natal Police,” 1903; Truter, Theo G. Acting Chief Commissioner of the South African Police to Acting Secretary for Justice., “Finger Print System in South Africa,” May 27, 1912, CAD JUS 0862, 1/138, URL.

⁴²Acting Secretary to the Law Department, “Finger prints as evidence of Identification,” March 13, 1905, TAD LD 1035 1193-05 Finger prints as evidence of identification 1905.

Henry's influence can be measured by the reports that were drafted a decade later to answer a request from the Belgian Government – themselves busy with the labour regulations for the new Union Minière plant in Elisabethville – on the “workings of the finger print system in South Africa.” The officials in charge of the large finger print repositories in the Native Affairs Department and the Asiatic Registry all proudly acknowledged his paternity. “The finger print system adopted was that of Sir Edward Henry KCMG, etc, now Chief Commissioner of the London Police,” one of the clerks in the Asiatic Registry proclaimed, “whose method of classification and filing is of almost universal adoption in criminal work and in dealing with Native Labour and Asiatic registration in the South African Union.”⁴³ The Commissioner of the new Union police explained that the “finger print system in South Africa is identical with that of Scotland Yard, London, [and] was first introduced by Sir Edward Henry in the year 1901 when he came to the Transvaal to establish the Transvaal Town Police.”⁴⁴ The system, he observed was becoming more valuable “year by year” and, as a measure of this, he provided a breakdown of the different CID collections in each of the provinces. These repositories, which excluded the massive collections being built up in the Pass Offices on the Rand, showed that in Natal and the Free State nearly a quarter of the African population had already been registered biometrically by the police. But the figures for the Cape showed that a paltry 30,000 out of a total population of nearly 2 million people. There is a significant theoretical point in these differences.

The very small size of the collections in the Cape Province reflect the skepticism that local liberal leaders showed towards the advocates of biometric registration, even in the early period (before Gandhi had chastened them). The politics of registration in the Cape was very different from the institutional regimes at work in the other colonies. The Finger Print Bureau in Bloemfontein was built at the same time and by the same imperial officials as the repositories Henry set up on the Rand. After 1906 it was put to use in defence of the Pass Law by the mostly Afrikaans-speaking landowners who led the new *Orangia Unie*. In Natal, where the English-speaking settlers fostered a fiercely coercive racial order modeled on the West Indian plantations, William Clarke's fingerprint bureau was an invaluable cog in machines of indenture and indirect-rule. But in the Cape the remains of a local Gladstonianism, sustained by the presence of African voters, remained powerful in to the 20th century. When the police urged the magistrates in the Transkei (the most recently annexed territories of the Cape Colony governed mostly by a system of indirect-rule) to adopt fingerprinting in the gaols, fully half of them announced that they wanted nothing to do with the idea. Despite this opposition the Native Affairs Department recommended that the scheme be adopted because it would be cheap and encourage consistency between the native territories and the Colony Proper. Merriman, the last of the Cape Prime Ministers, agreed to allow fingerprinting, but his response captures the liberals' indifference to new schemes of government very typically. “If it only costs £18 I have no objection,” he conceded, “but I am not very sanguine about it.”⁴⁵ One of the key features of the new states that were being built in the Free State and the Transvaal (and even in Natal) at this time was an optimism for state-led social engineering.

⁴³Burley, Henry. to Registrar of Asiatics, Department of the Interior., “Report on the Workings of the Fingerprint System,” April 22, 1912, CAD JUS 0862, 1/138, URL.

⁴⁴Truter, Theo G. Acting Chief Commissioner of the South African Police to Acting Secretary for Justice., “Finger Print System in South Africa.”

⁴⁵Dower, Edward. Secretary for Native Affairs, Cape Colony to Prime Minister, Cape Colony, “Finger Print System - Habitual Criminals : Proposed Extension to the Transkeian Territories,” September 17, 1908, SAB NA 168, 1/1908/F372 Introduction of Finger Print System into the Transkeian Territories, 1913.

Indianization

Much of this imperial progressivism, and many of the officials, came to South Africa in this period, as Henry did, from India. Like the expert-led planning that fashioned 20th century Egypt, powerful schemes of South African social engineering were hatched in Metcalf's "India-centered subimperial system."⁴⁶ Perhaps the most important of these projects, which would take decades to reach its conclusion, was the plan laid out by William Willcocks' for a massive program of dam building and agricultural irrigation.⁴⁷ The introduction of universal birth and death registration, discussed in Chapter Six, was the result of the Natal Government's brief appointment of a Plague Adviser from the Indian Medical Service. When Henry left South Africa his replacement as Commissioner of Police was another veteran of the Indian Colonial Service. Each of these things was to have visible effects on the development of the new state, but it was the technology of fingerprinting that most powerfully joined the two countries together. As we will see in the next chapter, it was out of this nexus that Mohandas K Gandhi emerged as the outstanding figure of Indian nationalism and the most influential 20th century critic of what he called "modern civilisation."

In his autobiography Gandhi bitterly recalled the "autocrats from Asia" who had arrived in South Africa with Milner after 1900.

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Writing in the late 1920s when the bureaucratic culture he was remembering was fast disappearing for black people, Gandhi remembered that "colour prejudice was of course in evidence everywhere in South Africa" but the local officials "had a certain courtesy of manner and humility about them." He contrasted the behaviour of the local officials "responsible to public opinion" with the bearers of the "habits of the autocracy" from India. The official he had in mind was Major Montfort Chamney, the man who became the Asiatic Registrar. Chamney was the architect of the elaborate plan for the fingerprint registration of all Asians in the Transvaal. He was certainly an extravagant racist, possessed by the subversive capacities of the Chinese and the Indians, and a fanatical advocate of universal biometric registration.⁴⁸ In the decade after his arrival in South Africa in 1902 he worked tenaciously to expand Henry's fingerprinting system in to an instrument of segregation.

Chamney followed his uncle, Henry, from the tea plantations of Assam, as part of the much larger migration of Anglo-Indian adventurers who attached themselves to the British Army. Many of these men, including the older Chamney, had volunteered for Lumsden's Horse – a unit of some 250 volunteer mounted infantrymen raised from the imperial regiments in Assam. They were, as the official history of the corps boasted, mostly "Public School boys" who had "failed in their examinations for Sandhurst, and

⁴⁶Timothy Mitchell, *Rule of experts: Egypt, techno-politics, modernity* (Berkeley: University of California Press, 2002), 21 - 42, and on Keynes and India 83; Robert L. Tignor, "The "Indianization" of the Egyptian Administration under British Rule," *American Historical Review* 68, no. 3 (1963): 636-661; Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860-1920*, 1st ed. (University of California Press, 2008), 12.

⁴⁷W. Willcocks, *Mr Willcocks' report on Irrigation in South Africa*, BPP Cd 1163 Further Correspondence relating to Affairs in South Africa. (In continuation of [Cd 903] January 1902) (Daira Sania Co, Egypt, 1901); The history of the massive project of dam-building in South Africa awaits its history, but see Saul Dubow, *A commonwealth of knowledge : science, sensibility, and white South Africa, 1820-2000* (Oxford ; New York: Oxford University Press, 2006), 259, <http://www.loc.gov/catdir/toc/ecip0616/2006021303.html>.

⁴⁸In his response to the Belgian Government's query in 1912, he suggests, conspiratorially, that the Belgians were interested in fingerprinting because they were intending to employ indentured Chinese workers: Chamney, Registrar of Asiatics, Department of the Interior to Acting Secretary for Justice., "Confidential," April 23, 1912, CAD JUS 0862, 1/138, 1910.

gone out to fight their way in India as indigo, tea, and coffee planters.” This combination of middle class schooling and familiarity with the racial order of the plantations apparently made them “just the right men to fill the appointments they got.”⁴⁹ Lumsden's Horse was the largest single source of recruits for Henry's new police force.

Henry was much less confident about the quality of these appointments. He had agreed to take any of the recruits in Lumsden's Horse that the commander might “specially recommend.” But a month of duty with the Assam volunteers was enough to make him doubt the “worth of [Lumsden's] recommendations” and the suitability of his soldiers as policemen. After insisting that the recruits had been “certified to be strictly sober” he was horrified to discover “one Trooper who it appears is a dipsomaniac.” This disquiet was enough to make him unenthusiastic about the appointment of Henry Chamney – despite his recent minting as a Companion in the order of St Michael and St George. In his explanation to Milner he drew attention to his own special relationship with the CSI. “I am an Indian myself and anxious to do a good term to the Indian Contingent,” he explained, “and I think as we have given one Commission and 23 subordinate posts to Lumsden's Horse, they have no grounds of complaint.”

Notwithstanding Edward Henry's doubts, the elder Chamney was appointed as a District Commissioner (in Potchefstroom). His subsequent career shows the thicket of relationships between the Indian and South African police in this period in sharp relief. After serving a few more years in the new Transvaal Police, he returned to Bengal in 1909 to set up the new Police Training College in Assam. In 1920 he retired from that position, and returned to South Africa to farm in the Rustenburg district on land that he had purchased from Paul Kruger's estate. His nephew remained in the Transvaal.

It was Montfort Chamney, son of an Anglo-Irish Doctor of Divinity and erstwhile tea-planter from Bengal, who in 1906 provided the detailed plan for the extension of Edward Henry's Pass Office fingerprint registration to the compulsory and universal registration of the Indians and the Chinese in the Transvaal. His elaborate plan was prompted by a terse suggestion from one of the Detectives of Henry's CID that “impressions of all ten fingers should be taken instead of the [unrolled] right hand thumb and that a Central Office for recording same should be instituted”⁵⁰ Drawing on Galton's argument that the use of “such common names as, say, Mohamed Ali” made it impossible to distinguish the claims of immigrants, Chamney, like every enthusiastic for a new document of identification since, derided the existing certificates – “small square documents printed in triplicate on thin paper” that were “utterly unsuited to last out the holder's lifetime.” It was Chamney who invoked the utilitarian principal that would later enrage Gandhi, arguing that “the object to be kept in view was the greatest good for the greatest number” in justifying the subjection of the tiny Asian minority. He dismissed Gandhi's objections to full-print registration by suggesting that they were “purely of the sentimental order” and, carefully blurring the boundary between single print and ten print registration, he argued that fingerprints were being routinely used in India “as a means of identification.” (Interestingly, as we will see in the next chapter, when the Transvaal sought to impose a similar register on Indian immigrants, Edward Henry sided with Gandhi in protesting against the necessity for universal registration.)

⁴⁹Henry Pearse, *The history of Lumsden's Horse; a complete record of the corps from its formation to its disbandment* (London: Longmans, Green & Co, 1905), 410, <http://www.archive.org/details/historyoflumsden00pearrich>.

⁵⁰See Annexure A in Chamney, Protector and Registrar of Asiatics to Lionel Curtis, Assistant Colonial Secretary (Division II), “Report on the position of Asiatics in the Transvaal (irrespective of Chinese Indentured Labour) in relation especially to their admission and registration,” April 17, 1906, TAD, LTG 97, 97/03/01 Asiatics Permits, 1902 - 7, TAD.

It was this plan for universal ten fingerprint registration that was championed by Milner's disciple, Lionel Curtis, and inherited by Smuts. The scheme extended the logic of Henry's fingerprint registries from the confines of the mining Labour District out in to the general population and the whole of the Transvaal. But it also precipitated a battle over the compulsory fingerprint registration of black people that would provide a continuous vein of conflict, domestically and internationally, that came to define 20th century South Africa. Looking back, as the struggle with Gandhi was reaching its apex, Chamney's explanation for his plan was an orientalist paroxysm, a precisely reversed reflection of Gandhi's own image of the virtuous Indian “who wants himself to be identified.” “The Finger Print System was adopted in the Transvaal on my advice in the year 1907,” he ranted in 1912, “because after four years experience I had come to the conclusion that it was absolutely impossible to identify through their signatures or photographs this class of Races who think nothing of changing their names and their history, the history of their Fathers and Mothers and everything else to further their own purpose.”⁵¹

Chamney's hysterical explanation seems a snug fit with the contemporary theories of the subversive qualities of unsanctioned histories, but the truth was probably more banal.⁵² Full print registration was imposed on the Indians of the Transvaal, and eventually on the entire population of the country, because the political arrangements in South Africa allowed it. White constituents, who were subjected to fingerprinting only upon arrest in the early years, bombarded their ministers with furious complaints about the absence of a “wholesome discretion” in the Police. These complaints prompted the Secretary of Justice to suggest that only those without “fixed address known” to the Police should be fingerprinted; the same officials endorsed the wholesale application of the control technology of imperial rule to all black people. As we will see in the next chapter Gandhi was an both an early advocate of this kind of government and eventually its most powerful critic.

Conclusions

Edward Henry left South Africa from Cape Town on the 24th April 1901 berthed in “a very nice outside cabin” on the upper deck of the Union Castle Carisbrook. He went to take up the position of Deputy-Commissioner of the Metropolitan Police, a post that he would hold for a little more than a year before ascending to the top post at Scotland Yard. For the next fifteen years he “pulled the Met to the technological cutting edge.”⁵³ Henry's tenure in London also marks the break from the very thin forms of 19th century policing in England to the invasive and secretive surveillance that became the norm in the 20th century. During this time the Metropolitan Special Branch, which had scarcely existed in the 19th century, grew to a force of 700 men, and began the routine surveillance of domestic politics. Much of the expansion of this police power, including the formation of MI5 and the establishment of the secret Register of Aliens, was hidden from parliamentary enquiry or the British press by the operations of the revised Official Secrets Act of 1911. There was, as Theodore Porter has observed, much in Edward Henry's term of office that gave substance to William Morris's warning that the techniques of imperial government would find their way home.⁵⁴

⁵¹Chamney, Registrar of Asiatics, Department of the Interior to Acting Secretary for Justice., “Confidential.”

⁵²R. Guha, “The prose of counter-insurgency,” in *Selected subaltern studies* (New York: Oxford University Press, 1988), 45–84; Ashis Nandy, “History's Forgotten Doubles,” *History and Theory* 34, no. 2 (May 1995): 44–66.

⁵³Sengoopta, *Imprint of the Raj*, 183.

⁵⁴Porter, *The origins of the vigilant state*, 164–171; Ironically, it was Milner who dismissed Henry after a police strike in 1918. Dilnot, *The story of Scotland yard*, 156.

