

Sugar and Gold: Indentured Indian and Chinese Labour in South Africa

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ABSTRACT This article proposes to compare the Indian and Chinese indentured labour systems introduced into colonial South Africa in the late nineteenth and early twentieth centuries. Between 1860 and 1911 the Colony of Natal imported 152 184 Indians to work primarily on the sugar plantations, and between 1904 and 1910 the Transvaal Colony reverted to the importation of 63 695 Chinese to work exclusively on the gold mines. While both the Indian and Chinese labour schemes have received considerable academic attention in their own right, relatively little work has been done in terms of a comparative dimension. This may partly be ascribed to the inherent differences between the two schemes, despite the fact that the British authorities orchestrated both. It will be shown that to a large extent the experiences of the Indian labour system informed and determined the nature of the Chinese scheme. It will however be argued that the impact of the one upon the other went far beyond the legal parameters of the indenture contracts and regulations, having ramifications which swept across the broader societal domain and which impacted on the very different place and perception of these two minorities in subsequent South African history.

DEFINING INDENTURE

The concept 'indenture' amounts to an individual being bound to work according to a prescribed contract. It refers to the "transfer of labour power from metropolises to colonies" or as "a system of bonded labour [with a] resemblance to slavery" (Malherbe 1991: 4). A debate exists as to the extent of the relationship between slavery and the indenture systems, with some scholars arguing that the latter merely replaced the former after its abolition. Hugh Tinker (1974: xii) in his influential book *A New System of Slavery* makes a direct link between slavery and indentured labour, presenting "a darker picture of [indenture] as a new system of slavery". This was a sentiment also held by certain contemporaries, such as the British Secretary of State for Colonies in 1840 who feared the "Indian indentured labour trade might easily become a "new system of slavery"" and the Viceroy of India who believed indenture had "indeed become "a system of forced labor... differing...but little from slavery"" (Northrup 1995: x, 5). In South Africa, a recent publication on the Indian indentured labourers has this inference implicit in its title: *Not Slave, Not Free* (Malherbe et al. 1992). The other school of thought, propounded most distinctly by David Northrup (1995: x), claims a more "median position, which sees indentured labor overall as having more in common with the experiences of "free" migrants

of the same era than with the victims of the slave trade". Be this as it may, the fact is that "post-slavery nineteenth-century colonialism came to rely on alternative systems of unfree labour", and in the British Empire "no unfree labour system was more important than the use of indentured labour...in filling the gap that existed after [slave] abolition" (Freund 1995: 2).

Although indentured labour is generally associated with the economic development of the British colonies, and in particular the sugar plantations in the late nineteenth and early twentieth centuries, it is held to have "existed even in the Greek and Roman world" (Malherbe 1991: 5). South African historian Candy Malherbe makes a case for the prevalence of the indenture system in the eighteenth and nineteenth century Cape in southern Africa, when slaves were 'indentured' as apprentices and the documents regulating Africans liberated from slaving vessels were called 'Contracts and Indentures of Apprentices'. Implicit in this, and other forms of earlier European indenture, is the imparting of certain 'skills' to an 'apprentice' during the indentured period. While this might have been true of some of the earlier forms of indenture, the later version prevalent in the latter half of the nineteenth century did not oblige the master to teach his indentured labourer skills, other than what was required for the predominantly menial work he was assigned to (Malherbe 1991). In the

light of this, it is however generally accepted that “though a part of larger population movements” (Northrup 1995: 10), “the indentured labourers of the nineteenth century...stand as a distinct group who deserve to be studied on their own” (Carter 1996: ix-x). Included in this field of migrants, estimated at over two and a half million, were Indians who went to colonies such as Jamaica, Trinidad, Guiana, Mauritius and Natal, and Chinese who went to places such as Cuba, Peru, Hawaii, Samoa and later the Transvaal (Campbell 1923; Hu-Dehart 1993; Newbury 1975).

Thus in defining the nature of indentured labour in this period, the individual is in essence “bound under contract to provide service for a specified period of time” (Hu-Dehart 1993: 68). This contract was “a legal document between a free person and an employer” which specified the “precise obligations of both parties” (Hu-Dehart 1993: 68). Therefore, unlike slavery, it allowed for the “employment of wage workers...for a fixed period of time”, but under conditions that resembled slavery in that they gave a “very high level of control to employers” (Freund 1995: 2). Also similar to slavery, indenture involved “transportation to a new environment”, but in stark contrast, once the period of indenture had expired the indentured labourer would be ‘free’. In theory, indenture enabled individuals to “exchange labour for transportation to a new environment, with the prospect of improved status once the period of indenture had expired” (Malherbe 1991: 7). It was therefore a means whereby the colonists could be supplied with an increase in the labour force, and “involved a contractual relationship” (Henning 1993: 8) the terms of which “varied considerably from place to place and over time” (Malherbe 1991: 6). These variations become evident when comparing the indentured systems of the Indians in Natal with the Chinese in the Transvaal.

SOUTH AFRICAN INDENTURE HISTORIOGRAPHY

In the early 1990s it was claimed that there was a “low visibility of indenture in the South African literature” (Malherbe 1991: 3), except where the importation of Indian labour to Natal was concerned. This might be true of the general South African history texts, but there does exist a considerable body of work not only on the Natal Indians, but also on the Transvaal Chinese

indentured system both prior to and after this date, particularly as regards dissertations and theses.¹ However, the two South African indenture systems have, for the most part, been worked on in isolation, and it has been up to the research done by international scholars to include the two systems in one study.

The earlier pioneering works of M.R. Coolidge (1909), Persia Campbell (1923), C. Kondapi (1951), I.M. Cumpston (1953) generally include fairly broad references to the South African indenture systems (Saunders 1984). More recently, the pioneering work of Hugh Tinker (1974) on the Indian indenture system world-wide and the seminal publication by David Northrup (1995) on indenture on a global scale contain sections on South Africa and present some comparative dimensions. A considerable body of literature has subsequently emerged and been published within the borders of the country on the two indenture systems, but very much in isolation. Surendra Bhana, Joy Brain, Uma and Rajend Mesthrie, Cosmo, Henning, Bridglal, Pachai, Leonard. Thompson, Bill Freund, Jo Beall, Masc. North-Coombes are among some of the scholars who have produced work on the Natal Indian indentured labourers. The indentured Chinese, on the other hand, have been focused on almost as extensively by scholars including, Ignatius Meyer, James Ambrose Reeves, Melanie Yap, Diane Man, myself and, most notably, South Africanist, Peter Richardson, and have proven to be a very popular area for postgraduate studies. This separate treatment of the two South African systems is probably ascribable to a range of factors that include the following: the introduction of indenture was not co-terminous – Indians in 1860 and Chinese in 1904; the systems were in two different colonies – Indians in Natal and Chinese in the Transvaal; they operated in two different industries – Indians in sugar and Chinese in gold mining; and the actual nature and condition of their indenture were vastly different.

Northrup (1995: ix-x) claimed that “most of the works [on indenture] had examined the subject in terms of...a single migrant people in a single overseas location” and he intimated that “more comparative work was required”. In line with this viewpoint he wrote a “global story of the new indentured labor trade” and by “using a comparative approach” he paid attention to “the overall structures that underpinned the trade”. Besides

inclusion in more global studies such as this, and despite the direct bearing the two South African sources of indentured labour (Indian and Chinese) have had on one another historically speaking, they have generally remained distinct historiographically.¹ It is this aspect of the broader comparative dimension that this article addresses.

'COOLIE' LABOUR

In the context of the nineteenth-century labour trade the term "coolie" or "kuli" was a "European title for the lowest class of laborers in most Eastern countries" (Farley 1968: 257) and was eventually to acquire very derogatory connotations. This is corroborated by Tinker (1974: xii-xiii, 20-21) who describes "coolie" labour as part of the "lowest layer of the industrial labour force" carrying out the "more disagreeable jobs in the public services, such as refuse disposal; they are the machine minders in the factories; and they are the bearers of burdens, the pullers of hand-carts and rickshas". He argues that the existence of this class is "the direct consequence of Western, mainly British, economic exploitation of the raw materials of the tropics" (Tinker 1974: xii-xiii). The 'coolie' trade is therefore regarded as referring specifically to Chinese and East Indian labourers whose dense populations ultimately formed the bulk of the indentured labour force (Hu-Dehart 1993: 68; Northrup 1995: 78).

While contemporary protagonists of "coolie immigration" deemed them "essential to the prosperity" of the British colonies (Huttenback 1966: 274), they also developed various stereotypes of the labourers that were appropriated according to their particular requirements and intentions. These produced a stereotyping that probably revealed more about their "orientalist" attitudes than about the Indian and Chinese "coolie" labourers they were describing. An example of a commentary made during the contemplation for labour for the gold mining industry in the Transvaal that was supposedly intended to extol the virtues and qualities of Chinese labour read as follows:

...every one that has had personal experience of each and all of the different kinds of labour - Somali, Arab, Indian and Chinese - that it has been proposed to import will unhesitatingly affirm that, viewed solely from a commercial point of view, Chinese labour is by far the best. The Chinamen is not turbulent like the Arab, nor is

he rebellious under pressure like the [African]; he is thrifty and economical like the Indian, but, unlike him, he is not mean and hoarding, but, on occasion, can and does spend, and even gives freely. Doubtless he is more of an animal than either the Indian or Arab coolie, but he is by no means a semi-savage whose prehistoric days were yesterday...he is neat and (compared with other coolies) intelligent in his work, while for patient, steady, persevering work...he has few equals and no superior. He has, however, his limitations and his peculiarities (Leys 1902: 183-184).

During the mid-nineteenth and early twentieth century, importation of the indentured labourers into South Africa took place under British rule, a key player in the global indenture scheme (Northrup 1995). Each time an appeal was made for labour, be it for the agricultural or mining sector of the developing colonies, the request would invariably be for the "coolie" - either Indians or Chinese, also referred to collectively as the "Asiatics" (PRO CO 291/65 1903; *Natal Mercury* 1855; *Indian Opinion* 1906; Tinker 1974). This preference had as much to do with the colonial position of the British Empire and its relations with the two territories of supply, as it did with the available populations and conditions that prevailed in the two regions. In the 1850s, when the British in Natal realised the potential for the cultivation of sugar in the region, they had already experienced the success of Indian and Chinese indentured labour in a number of tropical territories, such as Jamaica, Trinidad and Mauritius and therefore had a well-established system to tap into (Freund 1995: 2-3; Hu-Dehart 1993: 68).

According to Northrup (1995), the motivation for the participation of "coolie" labourers in the indenture trade can be categorized in terms of circumstances that "pushed", "pulled" and "coerced" them. In the "language of migration studies", the "push" of negatives at home, were combined with the "pull" of positive opportunities abroad. However, as the "motives of individual migrants [can rarely] be known" conclusions remain tentative, as well as "complex and varied" (Northrup 1995: 43, 78). Marina Carter (1997: 52), whose work focuses on the indentured labourers in Mauritius, makes the point that "a common theme in indenture studies is the establishment of a link between *famine* and *migration* which has led to a belief in the predominance of push factors as causal explanations for the recourse to indenture overseas" [my emphasis].

The circumstances prevailing in both India and China, for an extended period of time, were of such a nature that they almost inevitably gave rise to the “Emigrant Coolie” as a result of “push” factors (Henning 1993; Harris 1998a). In a sense, indenture was perceived as a relief or escape-valve from the harsh social and economic circumstances that existed almost unabated in these Asian territories for more than a century. For one, the Indian and Chinese “population explosion” was a major factor in this regard. Indian figures were estimated to have risen from 185 million in 1800 to 285 million by 1900, while Chinese figures rose from 150 million in the early 1700s to 450 million in the 1850s (Northrup 1995; Smith 1983; Spence 1992). Masses of the rural peasantry in both territories experienced poverty as a result of economic depressions that were compounded by internal civil wars and unrest, as well as the impact of colonial exploitation. Unemployment, overcrowded conditions and the scourges of ever-expanding birth rates in these two countries that were persistently ravaged by droughts, famine, diseases and floods made them amenable, if not susceptible, to the call for “coolie indenture” (Bhana and Brain 1990; Chen 1923; Henning 1993; North-Coombes 1991). In the context of the Chinese indentured system, Richardson (1979: 81-82) claims that “poverty was the omnipresent backdrop against which the South African recruiting companies worked”, and believes that the connection between the “poverty”, “chronic ecological instability” and “rebellion”, as the causes of Chinese migration, have not been sufficiently emphasized. These circumstances are equally applicable to the Indians of a half-century earlier, and are almost identically described by Northrup (1995: 64) as follows: “overcrowding, ecological disasters, political upheavals and changing economic conditions”. Given the miserable and desperate state of affairs, it is quite obvious why thousands of Indians and Chinese “coolies” opted for indentured work in the Natal sugar plantations and Transvaal gold mines respectively, renewed their contracts, and induced others to follow them.

INDIANS AND CHINESE IN SOUTHERN AFRICA

Before comparing the Indian and Chinese indentured systems, and the impact of the one upon the other, it is informative to provide a brief

overview of the position of the sprinkling of Indians and Chinese within South Africa prior to the age of nineteenth century indenture. In his influential work, Northrup (1995) points out that for both the Indians and Chinese, indentured labour overseas during the nineteenth century was an extension of much larger patterns of earlier local and external migrations. Indians have never been a “stay-at-home-people” (Northrup 1995: 60), and for several centuries before the 1800s the Chinese had ventured forth to make their fortunes (Northrup 1995: 52). This was in spite of the fact that for some Indians it was a “violation of caste” (Harris 2003: 71) to travel overseas, while venturing abroad by the Chinese was regarded as a “treasonous activity” prohibited by law and “punishable by death” (Northrup 1995: 52). While the Indians were presumed masters of the Indian Ocean from the eleventh century turning much of the region into an “Indic world” (Northrup 1995: 60), the Chinese are held to have sailed down the East coast of Africa in the early fifteenth century (Harris 2003: 71).

Of all the destinations in the world, the southern part of Africa was not the biggest draw card for Indian and Chinese emigrants. The records of the early seventeenth and eighteenth century white-settled Cape barely reflect on the miniscule presence of both Chinese and Indian individuals. It was estimated that just over 25% of the slaves imported to the Cape Colony during the period 1657 to 1808 were from India, totalling to a figure of about 16 000 (Shell 1994; Ross 1983). A far smaller number of Chinese were sent to the Cape, either as banished convicts or ex-convicts, who had been exiled by the Dutch East India Company (DEIC) to serve their term of sentence there (Armstrong 1997). Along with the time-expired exiles and freed slaves, there were also a tiny number of Chinese individuals who came of their own accord as free individuals to settle at the Cape and carry out small-scale independent trade and service activities. These did not number more than 50 at any one time (Armstrong 1997; Mentzel 1921).

The number of Indian and Chinese at the Cape appear to have dwindled dramatically during the late eighteenth early nineteenth centuries, only being mentioned in singular random letters of correspondence or small contract work reports in parts of the Cape (Yap and Man 1996; Harris 2009). Despite the serious lack of research – and one must add available source material – on the Indians

and Chinese in the Cape at this time, it appears from some of the first census records that by the end of the eighteenth century there were five times more free Indians than free Chinese present in the Cape Colony. According to the *Statistical Register of the Cape of Good Hope, Statisticana* (1891 and 1904: n.p.) there were 215 Chinese and 1 435 Indians in the Cape in 1891, and 1 308 Chinese and 8 489 Indians in 1904.

Thus by the end of the nineteenth century, Indian and Chinese individuals were resident throughout the main urban areas in the Cape, in towns such as Cape Town, Kimberley, Port Elizabeth and East London. From the 1800s, they were also to be found in urban areas in the Colony of Natal, such as Durban. Under British rule they were generally permitted to engage in trade and own fixed property, and in some cases, if they qualified, even vote (Yap and Man 1996; Bhana and Brain 1990). This was in stark contrast to the regulations in the other two interior states founded in the mid-nineteenth century, the two Boer Republics, Oranjevrijstaat (OVS) and Zuid-Afrikaansche Republiek (ZAR). These had both enacted racial legislation virtually from their foundation to curb the rights of people of colour, and in particular the "Asiatics" (Indians and Chinese) and attempted to prohibit their presence altogether. This had mainly resulted from European agitation against the influx of ex-indentured or free, passenger Indians as they argued that the Indians were "unfair competitors" (Huttenback 1976: 275) and denounced them as an "inferior" race (Tinker 1974: 273). As "Asiatics" the Chinese were also implicated in the encompassing definitions of these various laws. The legislation to control or exclude Asians introduced in the ZAR in 1885 (*Codex van de locale wetten Zuid-Afrikaansche Republiek* 1885) and OVS in 1885 and 1891 (*Ordinnansieboek van die Oranje-Vrystaat* 1885) was aimed specifically at the Indians and "other Asians". By the end of the nineteenth century the impact of this legislation in the two Boer Republics was tangible – the OVS had no Chinese and Indian residents, while the ZAR had about 10 000 Indians and 1 000 Chinese (Bhana and Brain 1990; Pineo 1985).

In Natal, on the other hand, immigration legislation was eventually also introduced in 1897 with similar intentions (*Statutes of Natal* 1897). But being a British Colony, even though granted Responsible Government in 1893, the legislation

was framed in such a way so as not to "offend the sensibilities of the imperial authorities in London". At this point, Natal was mainly concerned to curb the "invasion of Indians" (Huttenback 1976: 140-141) as the number of Chinese in the region appear negligible. The Natal legislation was therefore technically "non-racial" (Huttenback 1972-3: 271), but included the notorious language test that was to be taken "at the discretion of the immigration officer" (Bhana and Brain 1990: 131). This became known as the "Natal formula" (Huttenback 1976: 24) and later became a model for other British colonies and dominions beyond the boundaries of South Africa (Bradlow 1978: 1).

After the turn of the twentieth century, the Cape Colony followed its neighbours in passing its first immigration legislation. It could obviously not remain the only state in the southern African region with unrestricted access. The "Immigration Act of 1902" included various restrictions on entrance into the Colony, as well as measures to remove "prohibited immigrants" (*Statutes of the Colony of the Cape of Good Hope* 1902: n.p.). This was also not unlike the immigration restrictions that had been introduced in countries such as the United States of America (1882) and Australia (1901) to curb the immigration of the "other".

NATAL INDIANS

The introduction of the indentured Indians into Natal in the mid-nineteenth century, along with the arrival of their free compatriots, had ultimately been responsible for the promulgation of the above-mentioned restrictive immigration legislation introduced into three of the four South African states. The initial request for Indian indentured labour for Natal surfaced around the 1850s when the potential of the production of sugar became apparent and the need for labour became imperative. The local paper, the *Natal Mercury*, dramatically proclaimed: "The fate of the Colony hangs on a thread and that thread is Labour", but it was not until 1859, after three years of negotiations, that an agreement was concluded with the Indian government (quoted in Huttenback 1966: 274). The Raj was apparently in favour of indenture as a "partial solution to the great problems of [Indian] rural overpopulation and poverty" (Freund 1995: 2). However, this support was dependent on "indenture under conditions

that looked respectable" and that had "certain definite guarantees regarding the welfare of the queen's Indian subjects" (Freund 1995: 2; see also Huttenback 1966: 274).

In 1859 three pieces of legislation were initially passed to regulate the introduction of the indentured Indian immigrants into Natal. The key legislation was Law 14 of 1859 that was promulgated "[t]o provide for the Immigration of Coolies into this Colony at the Public Expense, and for the Regulation and Government of such Immigration" (*Statutes of Natal* 1859: n.p.). It included 43 clauses that were concerned with the "rules and regulations for the immigrant, his conditions of service and wages, as well as the contract between master and servant" (Thompson 1952: 9). Clause 5 stipulated a minimum wage, medical care and provision of lodgings. Clause 9 indicated that after the first five years the labourers should be discharged and allowed to hire out their services, while Clause 24 stated that after ten years after arrival the immigrants became eligible for a "free passage back to India" (*Statutes of Natal* 1859: n.p.). It was however also indicated that they could remain in Natal and could commute the cost of the return passage into a grant of Crown land (Huttenback 1978). Clause 28 set this out as follows:

When any Coolie immigrant shall be desirous to commute his right to a free passage, for the value in land to the amount of the cost of such passage, and the Lieutenant Governor shall see fit to grant such immigrant out of the crown lands of the colony a piece or parcel of land equal in value, at the upset price of crown lands, to the amount of the cost of such return passage, such immigrant shall have the same in lieu of his right to a free passage (Statutes of Natal 1859: n.p.).

Law 15 of 1859 regulated the employer's request to engage indentured labour and stipulated the cost implications. A "Coolie Immigration Department" was established and was to be the responsibility of the Immigration Agent. Law 13 of 1859, on the other hand, was mainly concerned with details regarding the arrival of the indentured Indians and the responsibilities of the Immigration Agent who was to inspect the immigrants on board ship and grant them tickets of registration before allocating them to an employer after the receipt of payment (Henning 1993).

This stipulation that the Agent could impose a fine on the ship's Master if he had failed to feed and treat the passengers adequately was indica-

tive of the type of care the Indian government had insisted upon in accepting the arrangements. In addition to this, they "also imposed certain regulations of [their] own" (Huttenback 1966: 274). The Government of India's Act 23 of 1860 "set standards for feeding, clothing, and general care of the labourers, the proportion of women that had to be included in any consignment and the method of recruitment" (Huttenback 1966: 274). The prerequisite for a percentage of women was initially set at 25% of the total, but was raised to 40% after 1866 (Henning 1993; Huttenback 1966).

Initially, the Natal Indian indenture system appeared mutually beneficial. On the one hand, in the face of starvation, indenture was needed in India "to obtain relief from a situation which was no longer tolerable" (Tinker 1974: 118). On the other hand, the *Natal Mercury* reported that: "Coolie immigration after several years' experience of it is deemed more essential to our prosperity than ever. It is the vitalizing principle" (quoted in Huttenback 1966: 274). This euphoric condition did not endure. The Government of India became dissatisfied with the recruiters who misled prospective immigrants; Indians did not receive adequate food, accommodation and medical attention and mistreatment on the estates, such as flogging, was not unheard of. As a result of complaints received from the first batch of returned indentured immigrants in 1871 as regards their treatment, indenture was suspended by the Indian Government pending an investigation known as the "Coolie Commission". New regulations were introduced in Laws 12 of 1872 and 19 of 1874 including a revised system of supervision with a Protector of Indian Immigration. The option of exchanging a return passage home for crown land was also terminated. On the Colonial side, there was also evidence of disgruntlement about the "serious drawbacks" of the Indian immigrant. The indenture system resumed again in 1874, but as the size of the Indian population increased and eventually surpassed the whites in 1894, both as a result of the arrival of more indentured and free immigrants (known as passenger Indians), the resentment among white colonists increased (Huttenback 1966; Bhana and Brain 1990), culminating in developments such as the introduction of the 1897 immigration legislation.

Although the indentured Indians were held to have made a vast difference to the economy of the Colony of Natal, the same could not be said of the impact of indenture on the Indians. The

“harshness of [indenture’s] implementation” (Swan 1985: 26) was apparent in the fact that workers were “overworked...malnourished and poorly housed” (Freund 1995: 4). The negativity from both sides of the indenture line was to have a far-reaching impact on the introduction of the Chinese indentured labourers to the goldmines of the Transvaal Colony.

TRANSSVAAL CHINESE

Some five decades later, the British Colonial Office had to undergo a similar experience as they had with the Indian Government, as regards their negotiations with the Chinese Government for indentured labour. By the end of the nineteenth century the Chinese passenger trade had become far more regulated (Richardson 1984) which was in stark contrast to their initial lack of interest in their subjects abroad. In 1860 the fifth article of the Convention of Peking ratified, with some reservations, the “Imperial authorities’ consent... to a system of foreign contract emigration” (Campbell 1923: 129; see also Richardson 1984: 268; Wang 1978: 24-25). It was agreed that whenever indentured emigrants were required for a British Colony or Protectorate, “the British Minister in Peking shall notify the Chinese government of the terms and conditions of the engagement” (Thompson 1906: 430). Subsequent acts stipulated the terms of indenture, its voluntary nature, recruitment and transport arrangements (Wang 1978).

Thus various conditions had to be put in place before an agreement could be reached to import the Chinese indentured labourers to the Transvaal Colony in 1904. But besides this, the Transvaal colonial government, in combination with the Transvaal mining magnates, had the challenging task of not only getting the approval of the Chinese authorities as regards the importation of indentured labour, but also the consent of the British Colonial Office as well as the local Transvaal population. Of more importance than the experience the British had of the indenture system in southern Africa through the Natal Indian indenture system, was the direct influence the presence of the Indians had on the Transvaal’s indenture endeavours. There was a large diverse caucus that were not in favour of the introduction of foreign indentured labour, and owing to white public resistance it was made apparent that the Chinese were not to enter the

Transvaal on the same conditions as the Indians had entered Natal (Campbell 1923; Praagh 1906). Consequently, there was a marked difference between the terms of the Natal legislation for the Indians and those of the 1904 Transvaal Ordinance regulating the Chinese.

The diverse local and British furore caused by the pending importation of the Chinese, combined with the Anglo-Chinese Labour Convention of May 1904, which stipulated, among other conditions, the “proper supervision and protection of such immigrants” (TAD Cd 1945 1904: 3), resulted in the British leaders, the Transvaal government and the Chamber of Mines devising regulations with a dual purpose. On the one hand, they introduced lenient conditions to quell cries of “slavery”, while on the other, drafted stringent measures to annul fears of “labour intrusion” (Chaplin 1905; Naylor 1904).

As a result of the elaborate concessions made to overcome white artisan and other opposition, 17 of the 35 sections of the ‘Labour Importation Ordinance’ of 1904 were purely restrictive (Denoon 1967). The labourers were to be employed only on the Witwatersrand as unskilled miners, and they were not to be employed in 55 occupations, except in unskilled positions. They were to be issued with a passport, reside on the premises where they were employed, and could not leave without a permit that would be granted for periods of less than 48 hours. All labourers had to enter into a contract of service not exceeding three years, after which they were to be returned to their country of origin. They could not own landed property or engage in trade. Refusal to take up work on arrival would result in immediate repatriation. Other offences, such as desertion, refusal to work, absenteeism or employment other than that stipulated, was punishable by imprisonment or a fine (*Ordinances of the Transvaal* 1904).

A Foreign Labour Department (FLD) was established with a Superintendent of Labour to organize administration. The Ordinance regulated the administrative officers and provided for inspectors who were to monitor the implementation of conditions, general treatment and complaints of the labourers (TAD Cd 2026 1904). It also prescribed specific conditions for the system of recruitment, the passage to South Africa, compound and ablution facilities, medical attention as well as dietary requirements. Many of these stipulations had been included at the

request of the Chinese authorities, including a prohibition on corporal punishment by the employer (TAD Cd 1945, 2183 1904). The participation of the Chinese government in the contract regulations marked a change in its policy and revealed an attempt to combat the exploitation of Chinese labour that had taken place over the previous four decades. This was achieved within an increasingly hostile international environment, since countries such as Australia (1855), New Zealand (1881), the United States (1882) and Canada (1885), had by then all implemented Chinese exclusion acts (Richardson 1982). It was also agreed that the Emperor of China would appoint a Chinese Consul-General to oversee the welfare of the emigrants. In 1905 the Consul-General also acquired jurisdiction over the free or unindentured Chinese in the South African region (PRO CO 291/89 1905; Sung 1959). This represented the only tangible connection between the free Chinese immigrants and their indentured compatriots (Harris 1996).

The Labour Importation Ordinance which became law in 1904 was described as the "most unpopular of all the unpopular measures", as it satisfied neither the pro- nor anti-lobbyists (Stead 1904: 311). The white workers judged it insufficient to safeguard them against Chinese encroachment, while other opposition decried it as a "Charter of slavery" (Bell and Lane n.d.: 222).

Interestingly enough, the opposition campaigners also emphasized the negative nature of the Transvaal indenture system by explaining why the magnates had opted for Chinese labour instead of Indian. They argued that the Indian government would not have accepted the proposed contractual conditions (Sacks 1967; Tinker 1974), and claimed:

Had they [the magnates] wanted free Asiatic labourers they could have obtained from British India an ample supply of coolies to work in the mines. Such coolies, however, would be British subjects, and as such would have rights that would conflict with their effective exploitation at the hands of the Randlords (A.W. 1904: 489).

Despite the fact that within the first two years of the importation of the Chinese the gold mines were able to recapture their position as the world's largest single producer (Richardson 1982; Sung 1959), the Chinese scheme was to remain a contentious political issue in both British and local politics. It also had implications that went far beyond the termination of the Chinese indenture scheme in 1910.

BEYOND INDENTURE

That the Chinese indentured labourers were not introduced into South Africa under the same conditions as the Indians is blatantly apparent. The conditions of the Chinese Labour Importation Ordinance were far more restrictive than the terms of Indian Immigration four and a half decades earlier. While various factors played a role in this, such as the intervention of the Government of India and the fact the Indians were British subjects (Harris 1996), most of the more rigid regulations can be ascribed to the very negative reaction elicited by the Indian scheme.

Besides the distinctly more controlled and confined environment that was set up for the Chinese indentured labourers, the most obvious difference between the terms regulating Indian and Chinese indentured labour in South Africa related to the duration and extension of their contracts. While the Indians had the option to remain in the country, the Chinese were to be returned to their country of origin after three years, with a possible extension of two. The Indian contract was for a term of five years, becoming a free agent for a further five where after he had the option to return to India or stay in the country, initially with the option of a piece of Crown land. Therefore, the indentured Chinese represented a temporary expedient and could never, like the Indians, become ex-indentured and part of South African society as the Indian could.

The Chinese indentured labourers were restricted to employment as unskilled labour on the gold mines living in compounds with confined movement. The Indians, on the other hand, were employed in a range of occupations, primarily, but not exclusively in the sugar industry. Although they were registered with an initial employer, they could move around and once they had fulfilled their contracts they could be employed elsewhere. Another important difference between the two schemes was the ratio of women. While it was a prerequisite that a percentage of the Indian recruits should be women, no such requirement was part of the Chinese scheme. Needless to say, regardless of the variations in the two schemes, both were extremely cruel and inhumane, probably differing little in terms of each other or the slave system that preceded them.

There were however other consequences of the Indian indenture scheme that went beyond determining the nature of Chinese indenture. This

was the ripple effect Indian indenture was to have on the free Chinese community, not only as regards the contemporary period, but also thereafter. As the number of Indians increased in Natal towards the end of the nineteenth century and spilled over into the surrounding states, so the animosity towards and fear of them increased, and was eventually extended to all Asian communities (Harris 1996). As indicated, all four states in the pre-Union South Africa introduced immigration legislation that was to a degree intent on prohibiting the entrance of Indians. The respective pieces of legislation were also promulgated prior to the suggestion of the Chinese indenture scheme, but sharing a common geographical origin meant, that the Chinese were also included in the legislation as "Asiatics". When the Union was formed in 1910, all the salient features of the existing immigration legislation were maintained and incorporated into the new Immigrant's Regulation Act of 1913. The small free Chinese community, along with the Indians, were classed as "prohibited immigrants" (*Statutes of the Union* 1913: n.p.).

Another rather more indirect consequence of the Indian indentured scheme was the introduction of the "Chinese Exclusion Act" in the Cape Colony in 1904. Although this racially-based legislation was introduced so as to prohibit the entry of Chinese indentured labourers into the Cape, it is not too farfetched to discern a prevention of a repeat of the Natal Indian situation in its intent. In the years preceding the introduction of the "Exclusion Act" opposition lobbyists argued that there were no guarantees which ensured that the indentured Chinese would be confined to the Rand mines and that eventually the controls and border vigilance would be relaxed (*South African News* 1903b). To substantiate this argument they alluded to the object lesson of their sister-colony, Natal, with another group of 'Asiatics', the Indians (*South African News* 1903a; *Transvaal Leader* 1903a). Letters to the press also revealed a degree of hysteria among members of the white public which drew parallels between the Indian scheme and the proposed importation of Chinese:

Not content with permitting every undesirable non-Britisher to compete on equal terms, in the business arena, with Britons, these mal-visioned Governments have filled this country with untruthful, dishonest, uncleanly and mal-odorous Indian negroes, and they now desire to

scourge, debauch, and pollute our apparently accursed land with the pestiferous, yellow-skinned, almond-eyed sons of the Celestial Beelzebub (*South African News* 1904: n.p.).

Not unlike their contemporaries in other overseas colonies, an Anti-Asiatic League was established in Cape Town (*South African News* 1903b; *Transvaal Leader* 1903b). And, in a similar spirit as in countries such as Australia, New Zealand, Canada and the United States (Choi 1975; Markus 1979; Price 1966; Sandemeyer 1973) politicians used the "Chinese" as an effective plank in their respective political platforms as notions of the "other" and the "alien threat" provided powerful and emotive imagery to canvass votes.

According to the "Exclusion legislation" passed in 1904, no Chinese could enter or reside in the Cape colony unless they could produce a "certificate of exemption". These certificates were granted to Chinese who were British subjects or who could prove residence in the Cape colony at the time of the passing of the Act (*Statutes of the Colony of the Cape of Good Hope* 1904). The Act remained on the statute books until 1933 and effectively put an end to Chinese immigration to South Africa for close on three quarters of a century (Harris 1998b). Today Chinese South Africans number a negligible 10 to 15 000 of the current population of 48 million, while South African Indians number 1 200 000 making up 2.4% of the total (South Africa.info 2009). The number of illegal Chinese immigrants is estimated at about 300 000 (Park 2008).

Some three years after the "Cape Chinese Exclusion Act", similar discriminatory legislation was drafted in the Transvaal Colony. Although this was ostensibly framed for the "Asiatics", its main concern was the ex-indentured and free Indian influx from Natal. It provided for the compulsory registration of all Asians, including fingerprints for the purposes of identification (*Statutes of the Transvaal* 1907). This was followed by the 1907 Immigrants Restriction Act, the combined effect of which excluded all Indians who had not obtained domiciliary rights. This resulted in the passive resistance movement led by Mahatma Gandhi, and the separate but equally committed resistance by the Chinese led by Leung Quinn.

It is true to say that being numerically less conspicuous and as a result of the repatriation of their indentured compatriots by 1910, the South

African Chinese were in reality no longer the prime target of specific legislation intent on restricting the rights of so called “non-white persons” (Harris 1998b: 277-278). This did however not imply that they were not discriminated against – being considered “non-white” and sharing a common geographic origin with the Indians, meant that legislation, both at local and national level, would persistently be made applicable to them both. Thus until the mid-twentieth century, the Chinese continued to be discriminated against, along with their fellow Asians, the Indians, until their numbers had diminished to such an extent that the Asian question became the Indian question. In addition, other political circumstances were to determine a more invidious position for this community ultimately “caught in-between” (Harris 1998b: 275).

Lastly, when comparing the Indian and Chinese indentured systems in South Africa it is imperative to keep in mind that in dealing with the Indians, the British were dealing with “British subjects”. According to the commencement of British Crown rule in India in 1858 the British government had pledged itself to safeguard the Indians in the same manner as its “own British subjects” (Brown 1989: 5). The Chinese, on the other hand, had concluded various treaties with the British from the 1850s, and would in turn make claims not as British subjects, but as members of an Empire that had treaty terms of equality with England (PRO CO 291/67 1903). In order to appease the Chinese authorities in the negotiations for indentured labourers, the British government had to concede to the requirement that there should be “proper supervision and protection of such immigrants” (TAD Cd 1945 1904: 3). In 1905 the Chinese Emperor also ensured that under the agreement with the British government the powers of the Consul-General also acquired jurisdiction over the “free or non-indentured Chinese in the South African region” (PRO CO 291/89 1905: n.p.). This particular stipulation was to have a determining effect on the political positioning of the South African Chinese and in a sense contributed to the position they found themselves in under the new post-1994 democratic dispensation. For much of the twentieth century the Chinese Consul-General would intercede as a negotiator for the Chinese community in terms of both segregationist and apartheid policies, while they also made their own local and regional representations. To a degree,

having a “foreign” yet “official” spokesperson set them apart, leading to a perception that they were somewhat detached from the greater subjected majority. Thus while the South African Indian population challenged the discriminatory actions of the white-dominated government as champions of passive resistance and through the freedom struggle, the Chinese combined their efforts with the external leverage of the Consul-General and his diplomatic successors. Ultimately they were able to straddle some of the apartheid divide and as Nelson Mandela put it they exposed the “twisted logic of apartheid” (Park 2007: 38).

The Indian indentured immigrants were held to have left a legacy in developing the Natal sugar industry and the Chinese indentured labourers having done likewise in saving the gold mining industry. However, the impact of the Indian scheme on the nature of the Chinese system had ramifications that went well beyond the stipulations of their respective indentures. In a country that was becoming increasingly stratified along racial lines, the heightened prejudice that was induced against these two Asian communities would impact on their status and position up to and beyond the post-apartheid period.

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NOTES

1. For a detailed discussion of these see Chapter 1 of Harris (1998a).
2. An exception includes the brief comparative survey done by the author on the Indian and Chinese indentured systems in Harris (1996), as well as the historiographical article by Malherbe (1991).

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