The Identity Thieves of the Indian Ocean: Forgery, Fraud and the Origins of South African Immigration Control, 1890s–1920s

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They are quite rude and great fools in the Colony but they consider the man as their friend who wishes them bribes. Now the man landed himself in the colony by giving bribes is enjoying before your bloody eyes, but you bloody fool cannot do anything else to him.

Anonymous note found in Durban Immigration Offices, 1910

The answering of questions and the putting them down in writing are two different things.

Abdul Cadir, 1914

Is there any use in keeping a register at all then? The government has spent thousands of pounds in compiling the registers. Why not burn them along with the Registers of Birth and Deaths and the Mining Commissioners and the Deeds Office Registers?

Montfort Chamney, 1914

Introduction

In mid-1948, while most South Africans were digesting news of the National Party’s election triumph, the Union capital witnessed seven short exchanges of gunfire (Chief Inspector, South African Police, 1948). Spread out over six months, they happened variously at a football field, at a Marabastad house, at the Coronation Café and near the old Barracks. Involved was an off-duty bureaucrat named P. J. L. Otto in a borrowed Studebaker. Also involved were a shop assistant called Nkosi, the driver Singh, the gangster Bonny Rocker, the silk-merchant Akooob, and a teenager called Naidoo. These now barely remembered confrontations were score-settling fights over the betrayal of a touting syndicate that linked the Immigration Office at Pretoria with Indian migrants in Mozambique and India. What follows traces the story of subversive networks working within the department – networks that took root a half-century earlier.
This chapter is also about the conjuring of a documentary system for the exclusion of ‘undesirable’ migrants in the early twentieth century. Although South Africa’s most numerous long-distance migrants were ‘tropical Africans’ (Crush et al. 1991), Indian travellers became the most direct object of exclusion. Yet, prior to around 1900 policy makers had nothing quite fit for purpose. Such documentary systems as did exist had functioned to import, immobilize or channel African, Asian and even British labour within certain districts (Bull 1991; Breckenridge 2008). Something more restrictive had to actively and urgently be brought into being. Policy makers in each of the colonies settled on compulsory registration for resident ‘Asiatics’ – those who did not or could not register were deemed prohibited immigrants (Huttenback 1976; Bradlow 1978; Bhana and Brain 1990; Klaaren 2004; Peberdy 2008). Whilst these residence permits were administered separately, they worked in a similar way across the colonies, each requiring any Asian wishing to temporarily depart South Africa to obtain a permit. This was a means to paralyse and limit the circular migration common among members of South Asian diasporas. The requirements for this permit were stringent: several years’ residence, with established business and/or property interests. Such permits were ‘routinely denied’ (Dhupelia-Mesthrie 2009b, 4). Yet if this is now well-trodden ground since Huttenback’s first study, this chapter explores how this formidable system of exclusion could be deflected and even appropriated by semi-official touts, while keeping one eye on the onerous, repressive and ultimately dangerous features of an exclusionary border regime.

As will be demonstrated here, there was little that was straightforward about this process. Thinking of conjuring in its alternative sense, registry files could also be made to disappear and reappear. A documentation regime that was both onerous and inadequately supervised attracted profit-seeking touts – the latter flourished in colonial contexts which lacked the organic, long-standing and pastoral forms of local government described in some other chapters. Through an expansive economy of false permits in the two decades after 1900, official identity in the southwestern Indian Ocean was imposed, appropriated, bought, stolen and lost. Annually, cases of known official impostors averaged in the mid-hundreds, perhaps occasionally reaching a thousand. But the precise number is less important than the panic that touting provoked amongst officials and migrant leaders.

The system discussed here thus contrasts rather than corresponds with those described in many of the other contributions in this volume. It emerged out of South Africa’s exceptional demographic circumstances: designed by and for the protection of a numerically insecure white settler population against an ethnically alien population with sophisticated networks of regional migration. Yet Indian migrants were still a relatively small, confined and easily identifiable group, and officials were not faced with the challenges of registering a large internal citizenry. Administrators freely admitted their desire to limit claims on entry. Simply put, getting a certificate as proof of registration was to be made as difficult as possible.
With such narrow aims, there were thus no pretensions to creating a registry for the expanded purposes of welfare provision, incorporation into wider religious, legal or political orders, or even for military conscription or labour stimulation. On the surface, then, this registry generated very little social appeal for those who were subject to it. While this chapter explores how bureaucratic violence could be deflected, it is not an attempt to identify redemptive features or to cast it as something other than repressive and dangerous.

Nevertheless, what follows highlights three key processes in the making of South African international borders. The first is that human agents have a habit of marching out of tune with even the most rigorous, repressive registration regimes. A kind of value attached to the residence permits (sometimes termed ‘certificates of domicile’ or ‘certificates of identity’) because this document secured cross-border movement and facilitated trade, property accumulation, employment and inheritance, even if it did not offer any formal political citizenship. I take inspiration from Sadiq’s notion of ‘documentary citizenship’, where unwanted immigrants devise novel pathways to a functional form of citizenship through an eclectic variety of paper forms, regardless of their legality (Sadiq 2010). The second related process concerns the forces of fraud and manipulation inherent in all registration systems. I give some historical depth to Ross Anderson’s work which illustrates human elements and insider subversion within secure systems. ‘Implementation blunders and ramshackle administration’ afford great opportunity to sophisticated criminal networks, which are drawn to valuable record sets (Anderson 1993, 215–277). This qualifies Sadiq’s position: reliance on profit-turning criminal syndicates for fake documents brings its own set of problems and may not be as liberating as Sadiq hopes. Finally, the phenomenon of touting discussed here shows that an ‘informal economy’ worked even within bureaucratic spaces – usually considered the quintessence of formality. As has been shown elsewhere, gatekeeping officials in the colonial world worked less to restrict traffic than to profit from it – the bureaucracy rent by rivalry, patronage and fragility as a consequence (Cooper 2002, 156–190; Bayart 1999, 32–48).

Migration in the southwest Indian Ocean to 1897

Transoceanic, independent merchant migration off the eastern coast of southern Africa was largely the preserve of South Asians. By the early twentieth century there were around 250,000 such individuals involved in trade and finance operating globally (Markowitz 2008, 220–249). Of these around 40,000 were active in the southwest Indian Ocean, which may be defined as an economic sphere encompassing Mauritius, Reunion, Madagascar, Kenya, Tanganyika, the Rhodesias, Nyasaland, Portuguese East Africa, Zanzibar and South Africa (where 12,000 had interests by 1921). Overwhelmingly male, traders and their employees tended to
come from the Patidar, Lohana, Bhatia, Memon and Khoja (Ismaili and Itn’ashari) castes of the Kutch, Kathiawar and Surat coasts of Gujarat. A minority were Chettiar from Tamil Nadu, Konkanis from coastal Maharashtra, and Bhaibands from landlocked Hyderabad. For a variety of debated reasons – trade liberalization, ecological stress on the subcontinent, new-found mercantile energy abroad, colonial neglect or, conversely, encouragement – this migration had accelerated rapidly in the second half of the nineteenth century.

Until the late nineteenth century, Asian migrants travelling to the southwestern Indian Ocean did so through their insertion into diasporic family trading units (Morrell and Padayachee 1991; Vahed 2005; JESHO 2007). In response to hostile European imperial monopolies and competitive local rivalries, these ‘families’ engaged in a defensive extension of kinship, entered into strategic partnerships and recruited a wide range of commercial, domestic and spiritual staff from trusted pools. In this context, long-distance migration entailed relations of personal dependence, patronage and marriage, as well as access to credit, information and religious sanction provided by the ‘big men’ of the transnational firms. Even those who moved within the more formal structures of empire, such as indenture or the civil service, did so through sirdar, kin-based networks of information, recruitment and remittance (Carter 1995). This decentralized, patrimonial system of managing mobility came under threat in the late nineteenth century.

In southern Africa of the 1880s, Asians had become well represented, whether as plantation workers, ‘colonial-born’ free Indians, ‘passenger’ merchants, or something in between (Dhupelia-Mesthrie 2009a). Settler associations took great issue with urban Asian settlement (Huttenback 1976; Martens 2006; Lake and Reynolds 2008). The associations pathologized Asian settlers and argued that they undercut white trade and reduced domestic ‘standards of civilization’ in European homes. This argument, familiar across the Anglosphere, was taken up by the colonial intelligentsia who used the press to push law-makers to target Asian commercial, political and residential interests. These pressures reached critical mass in Natal, in 1897, when the region’s first Immigration Restriction Act was passed. The major technology of exclusion was a European language ‘dictation test’ to sidestep an imperial veto on ‘class legislation’. This was followed by similar enactments in the Cape, Orange Free State and the Transvaal over the next decade, which extended immigration restriction to poor, diseased or criminal Europeans.

These were consolidated in the 1913 Alien’s Act after the colonies unified into an independent political entity of South Africa (Peberdy 2008). That year, all Asians and ‘coloured persons’ (excepting African labourers) were made inadmissible on account of their ethnicity. They had to face a uniformed officer, and an interrogation in an unfamiliar language, and offer their finger impressions, on pain of arrest, detention or deportation. Perhaps the most significant development over this decade was the growth of massive archives in which all Asian immigrants were catalogued. In theory, each ever-fattening, numbered file became a repository of photographs,
fingerprints, physical descriptions – a raft of biographical data and supporting documentation (Dhupelia-Mesthrie forthcoming). This infrastructure was managed through regional immigration departments, headed by a Principal Immigration Officer in each province. The South African example – on the surface of things a quintessential example of a state project to achieve legibility, surveillance and the repressive immobilization of migrants (Scott 1998; Caplan and Torpey 2001) – provided the inspiration for similar developments in the Rhodesias and Portuguese East Africa.

Making heuristic use of Ann Stoler’s recent discussion of ‘epistemic anxieties’ within colonial governmentality, and using a wider range of sources than Dhupelia-Mesthrie’s important studies on the Indian immigration archive at the Cape, what follows demonstrates how this immigration bureaucracy was, in fact, profoundly unstable from within (Stoler 2009). Taking the anti-Indian immigration administration as a starting- rather than an end-point, I consider the material consequences and opportunities for accumulation that such a bottle-necked, sometimes dis-integrating registration system presented to colonial subjects, be they Asians or the generally underpaid white staffers on the lower rungs of the bureaucracy. Thus what follows is less about the politics underpinning exclusion and more about the praxis of an embattled bureaucracy.

Permits, permit markets, and reform, 1897–1906

Archival troubles first developed in Natal during 1897–1899. Widespread support for total restriction encountered, almost immediately, major difficulties. The ‘literacy test’ led to the proliferation of ‘certificates of ability’. International commerce had to be accommodated by a variety of ‘embarkation permits’ for short-term visitors. Visiting and ‘transit’ passes were urgently produced in an attempt to regulate the refugee crisis during the war. The lack of detention and deportation infrastructure meant ‘temporary permits’ were awarded to prohibited arrivals and numerous ‘deserving cases’. Certificates of exemption were given to priests, teachers, bookmakers, and those ‘well-known’ to Europeans. Entry also became possible through various letters of permission signed by colonial civil servants. Most importantly, successful legal challenges for the rights of resident Indians led to a ‘Certificate of Domicile’ (MacDonald 2007: 129–145).

After the war, officials across the South African colonies continued to see these kinds of permits as the best way of resolving multiple pressures. Increased migration intensified settler calls for restriction in the Transvaal and the Cape, whilst Indians continued to contest prohibition orders through politically and legally articulate leadership. In Transvaal, where the tension was most acute, policy makers established a full-time Permit Office, issuing ‘registration certificates’ to pre-war residents only, interviewing applicants on a case-by-case basis. Residence certificates
became part of the Cape’s new 1902 law and, in Natal, were ratified in a 1903 amendment. Besides their sheer variation, the problem with these early permits was that they were issued as stand-alone documents, were not recorded in any formal index, and identification information was scant. The system was widely decentralized and individual magistrates had very uneven interest in, and resources for, enquiries into claims; letters of reference became notoriously untrustworthy (Natal Principal Immigration Officer (hereafter N-PIO) 1897, 1902a, 1902b, 6, 1903a, 1903b; Cape Principal Immigration Officer (hereafter C-PIO) 1904, 17–18, 1905, 6; Transvaal Principal Immigration Officer (hereafter T-PIO) 1905a, 1905b, 1905c).

In the epistemic void created by state incapacity, an extensive economy in residence certificates evolved, linking the ports of the Indian Ocean. Transactions took place principally in Lourenço Marques, Beira, Zanzibar, Mombasa, Mauritius, Bombay, Madras and Calcutta. The main drivers of this were the Indian family merchant houses. That this was so was a function of the relative familiarity with paper regimes, colonial and otherwise. Indian merchants had long been entangled with structures of colonial power in the western Indian Ocean, often taking on commercial and political risk on the imperial frontier on behalf of European powers (Oishi 2007). Through this they had become adept at negotiating with gatekeepers, appropriating tokens of citizenship, operating with licensing and banking systems to secure their vested interests. The residence certificate in South Africa was simply one amongst many paper forms necessary for business. And as Chapters 11 and 13 in this volume demonstrate, registration was an important component of political and economic cultures both in the Indian subcontinent and in Muslim Africa through which the Indian merchant houses moved. Registering accounts, taxes, rents, and court cases had been essential for decades, even centuries, prior to the colonial state’s elaboration of extensive systems of permits, registers and identification for vital events (Singha 2000; and see Chapters 11 and 13 in this volume). The merchant houses were more than competent in understanding the workings and significance of the South African migration regime.

There were essentially two ways for documents to enter the market (N-PIO 1902c, 1902d, 1902e, 1903a, 18, 1903b, 1904, 1905a, 1905b, 11, 1906a, 1906b, 1910, 1912; Governor-General 1906). The most common required a legitimately resident Indian to apply in South Africa for his papers. This could be done multiple times with different magistrates. Once obtained, the documents were then posted, smuggled or simply carried out of South Africa by accomplices. These documents might get sent direct to ‘clients’ who were personally known to the sender, but as the market became more complex, they were sent to ‘clearing houses’. These were often in stores, hotels, cafés and brothels in the afore-mentioned ports. Skilled brokers facilitated this collection and distribution of residence certificates. Sub-agents actively solicited business by making door-to-door visits in Indian villages and calling on individuals who were known to be considering a move. Once a residence certificate was sold, the buyer would then travel to South Africa and
simply impersonate the registered holder since there was little on the document itself to conclusively prove identity.

The certificates gradually gained in monetary value. These brokerage houses became more sophisticated – where once they might merely have acted as exchange marketplaces, they diversified into the altering and endorsement of certificates (the going rate was about £5 per document). With a certificate came some rudimentary coaching in what to expect from South African immigration officials, the kind of questions one might be expected to answer, and some basic topographical and social knowledge of the destination. Some migrants arrived with multiple certificates as a form of insurance against theft; in some extreme cases impersonation required self-mutilation so that bodily scars might tally.

The second tactic was slightly more complex and required more coordination. This involved the intending migrant applying for his own domicile certificate (as opposed to buying one), but by purchasing false reference letters, testimonials, affidavits, oaths and signatures to accompany the application. These testimonials secured and proved fictitious family relationships; friends and colleagues were entered as sons or fathers (and less commonly, as wives or daughters). Other testimonials confirmed that Indian migrants were Cape Malays or Mauritian, both of whom enjoyed, at this stage, exemption from anti-Indian laws. Some testimonials simply confirmed long-term residency but stated that original certificates were lost or stolen. Permit officers had no way of proving otherwise. Testimonials to one’s identity from magistrates in India were popular. It was ‘extremely easy’ for men to make up family relationships as local magistrates had no way of knowing when the traveller had come ‘from hundreds of miles up-country’ (Governor-General 1906). Those offering such testimonial services to migrants were up to date on the laws and legal situation of Indians. They coordinated paid witnesses – elite Indian merchants and interpreters and white traders or lawyers were most valued. With increased professionalism came more painstaking attention to detail. Sellers of testimonials were careful to equip themselves with the right kind of paper and were fluent in the particular phraseology of the bureaucracy.

The extent of fraudulent documentation was hard to quantify. Department officials relied on rumour and hearsay, learning of ringmasters and syndicates through tip-offs. These came from several sources: from within the competitive permit underworld; from legitimate Indians fearing the repercussions of criminality; from political and commercial rivalries amongst Indian traders, who used the immigration department to thwart one another’s ambitions. Yet what officials did know was enough to alarm them. In post-war Durban, with the PIO feeling ‘outwitted all the time’ and that the system was ‘eved over and over again in many directions’, officials confiscated just under a thousand fraudulent certificates after 1903 (N-PIO 1902b, 6, 1905b). Given that each certificate could have been put to use multiple times, that figure gave only an indication of the actual number of illegal border crossings. In 1904, the Cape PIO felt the residence certificates
were so unreliable that the office stopped using it as a primary means of identification. The Johannesburg office noted that false documents were ‘very common’ and ‘a large number of Asiatics are coming in, or attempting to come in, on the faith of the permits bought, stolen or loaned’. Records for the first six months in 1906 showed that almost 300 official impostors were known to have entered the Transvaal (Governor-General 1906, annex 5). By 1906, an operator in South African certificates working between Bombay and Durban had over 500 clients on his waiting list (Governor-General 1906). A fuller investigation in Durban found sixteen traders in identity, turning an average annual profit of £400 each. On the other side of the ocean, police believed that ‘there cannot be a suspicion of doubt that a [residence] permit market thrives’ in Bombay (Governor-General 1906). Although not every migrant leaving India had false documentation, these quantifications were enough to send administrators into acute panic.

By 1906 the crisis had reached higher offices of state. The key thinker on the issue was Lionel Curtis, then Assistant Colonial Secretary and at the beginning of an influential career in late imperial politics. He met with senior administrators and police authorities and reflected on matters in a definitive thirty-page statement (Curtis 1906). Curtis began with a theoretical justification of restrictive border controls and tried to reconcile his ‘odious duty’ with imperial liberalism and colonial developmentalism. Strictly limiting Indians’ rights of movement to only pre-war residents would, he argued, protect white jobs in the ‘higher duties’ of industry, commerce and government. This would, indirectly, protect the ‘aboriginal races’ who remained in the government’s paternal custody. Completing this harmony, the border system would protect the prosperity of South Africa in the wider imperial economy. Despite the existing problems of the residence certificate system, he retained an abiding faith in its utility to give teeth to his philosophy and, however unpleasant, secure a just arrangement. What mattered was that a far more rigorous system of identification should prevail than the willy-nilly efforts thus far. The post-war residence certificate regime in the South African colonies had floundered because no serious thought had been given to keeping adequate track of the identity of applicants and holders of documents; the key was proper record-keeping. It is to the technical and managerial aspects that we turn here, leaving to one side the implications of Asian restriction with respect to organized politics (which oscillated between moments of accommodation and radicalization within South African Indian communities) and struggles within the home (for these, see Swan 1987; Freund 1995; Desai and Vahed 2007).

Curtis gave life to his archival fantasy. The major component of this was fingerprinting. Since its arrival in South Africa via Edward Henry from the Bengal police, it had been put to effective use with the 64,000 indentured Chinese miners on the Rand (Richardson 1982; Breckenridge 2001). For six months prior to his systematic intervention, Curtis already had police in a few Transvaal towns collecting impressions from departing Indians and those found with false documents.
Curtis’s aim was to extend, centralize and standardize this across the South African colonies. The first step was to demand immediate registration, and re-registration where necessary, of all Indians already arrived or arriving at the Transvaal border. The second was to take the residence certificates out of the hands of magistrates and committees and into specialized administrative offices. In these record rooms would be collected files on every individual Indian – resident or prohibited – who came into contact with officials. They were to contain a full set of impressions (rather than just a thumb), all official known biographical data, affidavits and legal correspondence. All application forms and declarations were put into a standard form. Each file was numbered and indexed. Every Indian was therefore connected to a single name, a number, a set of finger impressions and a biographical file. Smelling out ineligible intruders was made simple by detecting inconsistencies between these. Curtis’s third step was to bring uniformity to all the immigration offices in Johannesburg, Pretoria, Durban and Cape Town, and a branch at Lourenço Marques. The same system was to be set up in these centres, so that records were to be, in theory, integrated, systematized and cross-referenced. This provided the core of the Asiatic Registration and amended Immigration Acts promulgated across South Africa between 1906 and 1908. An archive was established that would amount to 40,000–50,000 individual case files by the early 1920s.

Curtis’s documentary straitjacket for Asian migrants had international parallels, particularly in California (McKeown 2008, 268–291). In very similar ways, Chinese immigrants there were processed by a week-long detention and extensive interviews to establish biographical histories. The interviews were held in predictable spaces, with predictable words and predictable hierarchies. Thereafter they were similarly inserted into sophisticated cross-referenced filing systems whose contents served as proof of official identity in all subsequent administrative decision-making (Dhupelia-Mesthrie 2009b). Yet against this it must be said there were several pertinent differences in South Africa: a weaker colonial state, a much less predictable set of encounters spread over a vast geographic area, the deployment of a simpler form of identity verification (the thumbprint), and the widespread infiltration of criminal and touting syndicates within the immigration department. The story here thus suggests a globally modest but regionally significant qualification of McKeown’s thesis.

Disintegration, agents and clerks, 1906–1915

Curtis’s utopian dreams proved to be ill-founded. There was little by way of existing infrastructure or institutional memory for the specific tasks of exclusion. Existing migration bureaucracies were widely scattered and had been designed to encourage, stimulate, discipline and confine labour forces within a given region. Kruger’s Transvaal Republic had apparently made some administrative attempts to register...
arriving Indians, but Curtis believes whatever records had been created had been destroyed prior to the war and were, in any case, in Dutch (Curtis 1906, 13).

Staff with requisite experience were hard to come by. Even senior staff had obscure qualifications. Untrained in any formal way, they learned through on-the-job, trial-and-error experience. Best equipped was the Transvaal which vested authority in the multilingual Montfort Chamney, a tea planter from Assam. In Durban the first PIO, Harry Smith, had been an administrator of labour-contracts at the harbour. His deputy and later successor, Godfrey Dick, came from the Natal Fisheries Department. At Cape Town, the Madagascan-born Wilfred Cousins came to the immigration department in 1906 after a career that included an unfinished degree in history at Oxford, a stint as a Cape Town prisons inspector, and a clerkship in the Health Department. This group all struggled with the volume and complexities of numerous applications in a multilingual working environment. They battled with unsuitable accommodation, uncoordinated communications, low pay scales, and low morale, leading to a ‘chaotic state’ and ‘extreme weakness’ of the record-keeping systems. Files and finances were in arrears by years, fingerprints had not been fully classified and catalogued in any uniform way, and junior clerks were not insisting on any hard-and-fast rules, in order to avoid an outcry (N-PIO 1908, 2, 1912, 1919; Reports of the Select Committee on the Cape Immigration Department 1907, 1908, 1909, 87–113; Burley 1913; Public Services Commissioner 1919a). Chamney, driven to distraction in 1914, rhetorically suggested the registers be burned, so unreliable had they become (Chamney 1914a). An inspection from the Transvaal three years later reported on the ‘comparative uselessness’ of the Cape collection and could only ‘express astonishment at the state of affairs’ still prevailing there (Secretary for Interior 1917). The differences in organization between the three principal centres essentially made the registration regimes unintelligible to one another.

Given the manifest pressures which clerks were under, they had come to rely on a number of informal Indian agents to help capture and record migrants’ identities. From the official perspective, agents were most useful for their linguistic abilities, but they also helped achieve some organizational efficiency: putting migrants’ petitions and claims into intelligible and predictable order for rule-bound officials, by transferring fees and vetting references. As Gandhi implored his constituency to refuse registration, clerks and agents worked to achieve the opposite. Migrants appreciated the agents’ work for just the same reasons, actively enabling successful outcomes. Demand for their services also came from established merchants, who wished to import Indian men as shop assistants and servants.

Agents at the immigration offices generally fell into two categories: predominantly South Indian, upwardly mobile mission-educated men who had earned their stripes representing the grievances of indentured workers or government clerks or teachers (Badassy 2003, 41–76). The majority of agents at the new immigration departments were, however, mostly Muslim men with connections in the merchant
trading houses. They had gained familiarity with South Africa by extended
residence, but also travelled back and forth across the Indian Ocean as they recruited
employees. They generally began their careers in the immigration department as
occasional, informal interpreters. The longer they stayed, the deeper the symbiosis
with officials and the more opportunities to accumulate political and financial
power.

In addition to their familiarity with the workings of the South African immi-
gration departments, these men, aided by a network of sub-agents, worked around
the shipping offices, wharves and villages in the likely locations in Asia and Africa
noted above. They were familiar with the laws, latest amendments to rules, loop-
holes and, of course, all the required documentation. They continued the trans-
actions established during the war, buying and selling documents, connecting
‘families’ and, occasionally, providing the accoutrements for a fake priest. As
important were testimonials, which were sourced, self-penned, bought and copied.
Curtis’s reforms merely ensured the agents developed more sophisticated tech-
niques. A coherent narrative of these techniques can be constructed from the
multiple witness statements during enquiries in 1909 and, importantly, in 1915
(Report of the Select Committee on the Immigration Department 1909; Enquiry
into Administration of Immigration Depot, Cape Town, 1915 (hereafter Enquiry,
CT); Enquiry into Administration of Immigration Depot, Pretoria, 1915 (hereafter
Enquiry, PTA)). Dhupelia-Mesthrie has touched on these ‘cat and mouse’ games
but these newly uncovered archival materials allow for a fuller story to be recon-
structed, linking the syndicates to Pretoria, Durban and Cape Town.

In Cape Town, where mere photographs were accepted as proof of identity
until 1911, agents organized portraits to be taken of their clients in India. They took
care that the final print did not reveal details that suggested the photograph was
not taken in Cape Town – for example, clients were told not to clothe themselves
in garb only seen in India. The picture was then sent to a paid impostor in South
Africa, who duly applied for a residence certificate. Once issued, this residence
certificate was then posted back or delivered by hand by yet another agent.

Fingerprinting provided more of a challenge. To get around the problem, the
agents procured blank forms from the departmental offices. These forms were then
sent to a client in India to complete for himself and to approach a sub-agent with
the requisite paraphernalia for taking official-looking thumb impressions. If this
were not possible, the client was instructed to set off anyway for South Africa
with the incomplete form. On arrival, the client would be met on board by an agent
and spirited away to the agent’s house or office (which was sometimes in the
immigration department building) and his fingerprints quickly applied to the forms.
This could still be a problem when shipping companies would not issue a ticket in
India without the passenger having complete immigration documentation. In these
cases the agent would simply apply his own thumb impressions to a client’s form,
and post it on (knowing shipping lines would not actually check the accuracy of
the finger impressions). The ruse was unlikely to be detected even by the immigration clerks, for the simple reason that some of them were in on the game.

Alert readers will have noted that the schemes required some clandestine assistance from the immigration department itself. Some senior clerks – beneath the noses of the PIOs – sold and marketed their assistance, apparently beginning around 1906–7 when new general rules made it harder for migrants to get the necessary paperwork. Clerks touted in application offices, on the docks and in detention depots. They provided the crucial link in the fraud in any of three ways: first, by selling blank forms to agents and then receiving them fully aware of the
false details; second, by taking smudged impressions of fingers so that a fraudulent
file was hard to detect and harder still to prove in a court of law. Finally, they gave
keys to the record rooms and cabinets to agents, so that the latter might borrow,
alter and destroy information as required on behalf of clients. Far from being a
sudden pretext which officials cooked up to justify tightening controls, these
schemes had been under way for several years, since at least 1904 (Dhupelia-
Mesthrie 2009b, 16), and had indeed been reported at several junctures thereafter,
to no avail.

Suspicion fell, in Cape Town, on William van Reede van Oudtshoorn, with the
possible connivance of two of his relatives working as junior clerks. In Pretoria,
the fingerprint expert Henry Burley provided the key. That Burley should be
involved in the schemes was especially problematic, since he had been recruited
from the Foreign Labour Department, having been a leading light in registering
Chinese labourers. In Durban, official reports on corrupt water police who doled
out blank certificates appeared more intermittently but subversion appeared equally
wholesale and persistent (Criminal Investigation Department (Durban) 1908; The
Mercury 1908, 1910; N-PIO 1917, 16).

Depending on the layers of deception required, the cost to a migrant started at
£5 but averaged between £20 and £50 (rising as high as £175 in some cases). Some
offered payment-by-result. Migrants could pay in gold, silver or coin and received
no receipts. When the cost was prohibitive, employers in South Africa advanced
the fee, with the migrant expected to repay his sponsor through wage-deductions
or a period of free labour. Agents might also weigh up a client’s means and status
before quoting a price. Some might increase fees in the middle of an operation,
effectively extorting additional monies with the threat of exposure. As this economy
grew more complex, so did the potential for profit.

The over-worked departmental clerks sought only to deal with agents who could
bring in informal fees. Allegiances and loyalties produced an atmosphere of rank
favouritism. For Indians without an agent, clerks refused to meet them, placed
obstructions in their way, scrutinized their applications with undue severity, made
unpredictable decisions, arbitrarily raised official fees, and threatened detention
and deportation. The point of this was, always, to push migrants into the hands of
the money-generating agents, whose clients breezed through the encounter. Agents,
for their part, obscured the true state of affairs from clients, who sometimes were
none the wiser. Yet if any Indian moved to expose the scheme or make a fuss, he
was threatened with having his own files ‘crooked’.

Migrant associations, attempted murder and forgers

This atmosphere of conspiracy, favouritism and extortion drew attention. Several
reformist associations within the Indian trading elite began to campaign sporadically
on the issue (Vartak 1915). This was part of a more general mobilization in the
wake of Gandhi’s calls for satyagraha, but these deputations represented different
interests and did not necessarily act in concert (Swan 1987). They were driven by
a variety of instrumental and altruistic concerns. First, they sought to make political
capital as they manoeuvred for Indians’ support and state legitimacy. Reputable
lawyers and merchants (of which the leaderships were chiefly comprised) saw a
threat to their status from increasingly powerful big men of the migrant political-
economy. Agents were diverting clients from established law firms and were much
more successful at countering the laws. Most important, however, was a genuine
concern for the welfare of swindled, indebted migrants who, in some cases, had
become embroiled in violence. For those satyagrahi reformers, what, after all, could
be more abhorrent to personal honour, moral discipline and autonomy than rank
fraud, blackmail and extortion? As well as the colonial state, satyagrahis – indeed
Gandhi himself – often had to struggle against interests within the Indian merchant
community. The power of the touts doubtless contributed to Gandhi’s disillusion-
ment with the judicial promise of fingerprinting, for which he initially had some
enthusiasm as a token of progressive administration (Gandhi 1927, ch. 86;
McKeown 2008; Breckenridge 2011).

Despite the pleas to investigate evidence of bribery on a large scale, authorities
did not act. The PIO in Cape Town was on sick leave in 1907; in 1908 evidence
could not be located in time for a full investigation; in 1909 it was ‘not deemed
expedient to inquire too minutely into matters’ (Reports of the Select Committee
on the Cape Immigration Department 1907, 1908, 1909, i, iii, v). In 1913 complaints
to Pretoria were ignored owing to a lack of any definite evidence, even though the
police were aware of serious problems. That year, however, events showed how
unsustainable this situation had become.

Mohamed Ebrahim, a Konkani villager and shop assistant, travelled to South
Africa on papers procured via a network of agents in Bombay and Cape Town
(Enquiry, CT, 160–185). Ebrahim was collected by a tout and a conspiring clerk
in a car at Cape Town’s dock, then spirited away to be deceptively inserted into
the records. Before leaving he had been quoted £12, but as he sat in the Cape Town
office, further monies were extorted by the agents so that his debt rose to £40.
After initially paying up (with the help of his employer in South Africa), Ebrahim
thought he had been overcharged by the department. Aggrieved and unaware of
the game, he returned to the immigration offices where he mistakenly believed his
fees had been lodged. He received no sympathy from the clerks and the PIO, Wilfred
Cousins, who professed ignorance of the entire matter. Ebrahim, confused,
desperate and overcome by what he described as a ‘sort of madness’, attacked the
staff and made an attempt on the life of Cousins, who received a serious injury. In
the trial that followed, Ebrahim received four years. But the agents at the centre of
the fiasco were able to manipulate testimonies and ensure that the trial remained
narrowly focused on the assault and not on the bluffs that underpinned it.
This scandal was merely one of many animating Indian debates in South Africa during 1913–1914. The issue of fraud was subsumed, if not sidelined, in the 1914 Indian Inquiry Commission into the anti-tax strikes and Indian marriage, but it hardly fell from the agenda. Galvanized by the more conciliatory stance of the government, a more concerted effort was made by the associations to reform the immigration department (Vartak 1915). In 1915, they finally succeeded in winning an internal inquiry into operations at Cape Town and Pretoria. With the government eager to establish trust with Indian migrants more generally, witnesses were given amnesty if they came forward with evidence. Unlike the sporadic nature of earlier complaints, several hundred Indians came forward, bravely, to volunteer evidence.

The 1915 inquiries revealed widespread collusion. In Cape Town, the official count found ‘at least’ 200 confirmed cases of fraud in files under the watch of senior clerk van Reede van Oudtshoorn. After 380 typed pages were spent on just the first fourteen cases, the commissioner had seen enough to pronounce the long-term accusations against van Oudtshoorn fully justified and found him guilty of collusion (Hewitt 1915). Estimates from Indian spokesmen were in fact much higher than the official count (Enquiry, CT, 152–159, 197–200, 202–219). Pillay, part-time interpreter and schoolmaster, estimated that 80–90 per cent of files were fraudulent. Advisers from the Konkani Muslim League said that one agent alone had brought in 200 at a profit of £1,500; another believed ‘not one quarter of the fraud had come to light’. As noted, political or commercial rivalries gave the accusers plenty of reason to libel the agents since the latter were themselves well-established, prosperous dealers. Of the handful of agents on whom van Oudtshoorn relied, the most successful were Abdullah ‘Fatty’ Dawood (a ‘person of some position’) and Abdol Cadir, one-time cigar-maker in Mauritius and general importer in South Africa. They presided over a chain of patrons in Cape Town who helped circulate money, information and people, especially through the provision of false testimonials. These included European and Indian merchants, as well as the often unheralded South Asian proletariat of Cape Town: fruit-sellers, boot-makers, butchers, hawkers and office clerks (Enquiry, CT, 8, 101–102, 123–125; see also Dhupelia-Mesthrie 2009a).

The Cape commissioner could only grope his way towards the truth, since the very records created to establish identity and life history had been tampered with. And with such a large cast of protagonists and antagonists, the scope for bluffs, betrayals and protection was wide. Rumours swirled that even during the sittings agents were entering the record rooms and manipulating files (Hewitt 1915). In his long, case-by-case testimony, Cousins seemed genuinely bamboozled by events and had clearly lost control over his staff (Enquiry, CT, 275–379). Van Oudtshoorn was sent for trial in 1916 to face charges of fraud dating back to 1911. He was shrewd enough to exploit the confused atmosphere; casting doubt on the documentary evidence (even though he had himself created it), he blamed a vendetta by Cousins and suggested he had been framed by the agents. The judge was forced...
to admit too much ‘reasonable doubt’. But in closing the case he found the Cape office ‘very unsatisfactory [and] deplorable’ and said he had never witnessed, in a long career, a government department where there had been such ‘an absence altogether of any system’ or records (Cape Times 1916). But full responsibility would have to lie with van Oudtshoorn’s superiors for allowing such a lax state of affairs to persist.

The Pretoria commission found similar disorder (Clarence 1915). Confining the investigation to files generated during only the previous six months, investigators found 1,000 cases of forgery, with individual agents responsible for forty to sixty at a time. After taking over 900 pages of complaints from more than 200 Transvaal Indians, the commissioner concluded the latter were ‘fully justified’ to believe that the Pretoria office had been ‘entirely abandoned to the most ingenious and vicious frauds by perjury and deceit’. Principal agents included Ali Mohamed Khamissa, a general dealer who had first raised Gandhi’s ire in 1907 for secretly issuing certificates from his Pretoria store in the middle of the night (Gandhi 1907). Henry L. Burley was the clerk singularly implicated. The circumstantial evidence in Clarence’s report was damming: most fraud took place during the PIO’s absence, when Burley deputized. Burley’s record cabinets were consistently found unlocked and insecure. Initial visits by the commissioner found Burley in ‘an excitable and agitated state of mind’. Acting on lawyers’ advice, Burley refused to give evidence and immediately resigned his post. Coincidentally, the forgeries came to an abrupt halt with the appointment of a successor. The commissioner entertained the possibility of Burley being ‘unqualified for the intricate work of [his] office’, but Burley had been employed as ‘Fingerprint Expert’ for the Foreign Labour Department for five years and had been the author of several authoritative, measured reports on that office’s successes and refinements. The commissioner urged a warrant of arrest.

As in the van Oudtshoorn case, however, there was a difficulty. The nature of the forgery – deliberately ‘slovenly’, smudged fingerprints – covered up tracks brilliantly by manipulating the state’s own record of identity. A legal defence of mere incompetence or negligence would be enough to avoid a conviction. The commissioner was in no doubt of Burley’s guilt but in the end legal advisers did not think a prosecution would be successful.

Montfort Chamney was also accused by the British Indian Association of accepting £400 in bribes, remitted to a London account. There was again no ‘direct evidence’ but Chamney won few accolades in the final report for his inexplicable toleration of Burley’s known eccentricities. Choosing his words carefully, the commissioner judged Chamney ‘not strictly consistent in the performance of his duties’ and ‘not free from blame’ for allowing his department to become ‘beset by fraud on every side’. That Khamissa was, during proceedings, openly boasting that he had £10,000 available to suppress evidence and that clients and sub-agents had been paid to leave the country under threat of punishment served only to confirm
the commissioner’s misgivings. Despite the lack of legal action, the commissioner reported to the minister that ‘a very vast field of crime has only been slightly exposed’. The department suffered from ‘deeply hidden corruption’ and had been under the ‘mysterious control’ of agents.

Durban escaped a formal investigation, for reasons that are unclear. Even still, by 1912, 1,080 fraudulent certificates and another 1,665 old certificates still in use had been confiscated (N-PIO 1912, 4). A year after the van Oudtshoorn and Burley revelations, the Natal PIO wrote to the minister that the ‘malignant evil’ of extortion by agents using the department’s name was ‘rampant’, and begged ‘the more responsible members of the Indian community’ to come forward and help him detect the weak points (N-PIO 1917, 6).

With the removal of van Oudtshoorn and Burley’s resignation ‘under a cloud’, the opportunities for migrants dwindled in the registration offices in the principal urban centres. Yet the effect of this was merely to displace, rather than smother, subversion. If migrants could not insert themselves into the registries, they could instead equip themselves with fake documents before reaching the Union and then avoid a full examination by professional gatekeepers. This was in practice quite easy, although it did require giving the Transvaal Asiatic Office a wide berth.

The main factor was the lack of infrastructure at entry points along the Union’s eastern and northern land-borders, making a rail journey from Lourenço Marques and Beira an attractive proposition for those with rigged papers. This had been a long-term problem for officials, an inadvertent side-effect of investment in rail links to stimulate labour, trade and even tourist traffic between the British and Portuguese colonies (Katzenellenbogen 1982). A small Komatipoort office, under the Transvaal PIO, was staffed by a constantly shifting corps of frontier police ill-trained in the arts of immigration control (Komatipoort Immigration Office Reports 1913–1919; MacDonald 2011). Notoriously hot and unhealthy to colonial bodies and minds, the department found it exceptionally hard to recruit the right calibre of men to the border town. Attempts were made to circulate officials between offices, but as one senior staffer put it, experience with border officers over the 1910s had been ‘a continual record of sickness, dissatisfaction and grievance’ (Long 1924). Komatipoort officers were limited to examining immigrants on the train: they complained examination was impossible when the scheduled stop was a mere nine minutes, of the lack of light to see residence certificates, and even of the ubiquitous sweat which smudged documents. When occasional attempts were made to detain and detain Indians, travelling satyagrahis organized to protest loudly against maltreatment, forcing frontier officers to become increasingly chary of insult. Thus while the Indian press publicized the ‘Black Hole of Komatipoort’, officials privately worried the post had become a black hole for record-keeping.

The northern border posts – in and around the rail junctions of Mafikeng and Kimberley – were worse (Immigration Station Inspections 1912–1918). Similar lack of training was compounded by the failure to circulate official instructions and
to appoint responsible men. When Chamney surveyed the situation at the border towns in 1914, he found ‘the system is intrinsically at fault’ (Chamney 1914b). By 1917 officials felt that the situation remained ‘very severe’ and the number of unrecorded migrants ‘not in scores but hundreds’ (N-PIO 1917, 37). In 1921 the Natal PIO visited Komatipoort and still found the weaknesses ‘considerable if not alarming’ (N-PIO 1921).

In the meanwhile, prohibited immigrants were diverting to Lourenço Marques and Beira from where busy rail routes ran to the Union. In the Portuguese East African towns, South African immigration departments had some presence to intercept the traffic, but were hamstrung by jurisdictional limits. The Portuguese had instituted their own restrictive immigration laws, but the system worked through monetary deposits that were no real match for wealthy abettors. South African fraud syndicates flourished (Chamney 1915; Dick 1913, 1915; Cousins 1915, 1–10; see also numerous case reports in BNS 1/1/323 24/74. Vols 1–15). They worked in hotels, in stores, and from homes; on ships and in trains. Indian traders, ‘clever and enterprising Greeks’, ‘Cape Boys’, ‘Eurasians’ and ‘white residents’ all became involved in the ‘systematic sale’ of ‘excellent imitation certificates’ to Indian and Chinese travellers, some providing a sophisticated back-up of witnesses and supplementary proofs.

In Bombay in the early 1920s it remained quite possible to obtain a South African certificate (Parthek 1921; N-PIO 1922; Times of India 1925, 1926). When ships departing South Africa arrived back in Bombay, they were boarded by Parsi agents who solicited and paid for any residence certificates belonging to returning South Asians (or even their deceased relatives). These documents were then taken to a private office where the thumbprints were erased with particular chemicals. Sub-agents spread out through the Bombay countryside would then sound out those who desired to go to South Africa. If a bargain was struck, agents produced between 100 and 200 certificates and a search was made for the one that was the closest match in description and detail. New fingerprints were applied. In this way, groups of ten to twelve people per ship of the British India Company Line travelled to Lourenço Marques, with certain pursers in on the deal.

Conclusions

Exposures continued to be supplied by Indian tip-offs. Grateful South African immigration departments embarked on their most rigorous efforts yet toward record-keeping efficiency from 1915, although reforms were cumulative and unevenly applied over time and space (Secretary for Interior 1915; C-PIO 1915; Conference of Immigration Officials 1917; Public Services Commissioner 1919b; T-PIO 1923; Long 1926). Agents were banned from offices. Staff salaries were improved and better training in fingerprinting and detection was inaugurated. Rules
governing all aspects of business were standardized across the departments. Officials secured record collections and circulated statistical information across all regional offices. At the frontiers, where it took longer to establish bureaucratic competency, high-level pressure was exerted to ensure cooperation with the railways. Official points of entry were identified, doing away with many of the smaller stations. Regular tours of inspection and revolving staff were inaugurated to prevent officers ‘getting into a groove’. Stations were provided with modern technologies of communication and lighting.

These reforms certainly helped crush the syndicates, an effort that was aided by Indian controls on exit and the fact that it was simply becoming harder, with time, for young men to claim pre-1900 residence. Yet this did not mean the problem had ceased. During the 1920s and 1930s Indians were avoiding the bureaucracy altogether, using motor cars and corrupt train conductors to enter the Union through Swaziland, where an elaborate system of touts, forwarding forms, safe houses and Swazi guides was developed to smuggle Indian, Chinese and Madeiran men (MacDonald 2011).

Insider subversion would return to the immigration department in the 1940s. Migration agents now enjoyed access to records as informers to immigration detectives (Chief Inspector, SAP 1948) Amongst these were the Akoob brothers, who ran the Enza Silk Bazaar in Pretoria. They arranged with a Bombay sarang, sub-agents at Lourenço Marques’ dock and immigration officers at Komatipoort and Pretoria to help prohibited immigrants. Officers P. H. L. Otto and B. P. Wilson agreed to burn incriminating records on the outskirts of Pretoria; around 500 files went up in smoke in 1948. In return they received cash, tailored suits and even a motor car. One Salee Bhamjee, who himself had ‘a most improper’ role as a money-lender to clerks, betrayed the syndicate following a professional rivalry (whose exact contours are somewhat murky). The fallout drew two urban gangs ‘of the Al-Capone type’ into a violent conflict. Scores were settled in the seven shoot-outs across Pretoria where this chapter began. Otto (who had narrowly missed a bullet in the head) was rapidly transferred to Bloemfontein. As the guns went silent and the National Party surveyed its bureaucratic inheritance, many in the immigration department agreed that Otto would never be able to regain the confidence and trust of those with whom he worked.

This chapter has illustrated how patrimonial structures of managing migration collided, and then became entangled, with rigid, centrally legislated forms of restrictive control based on the registration of migrants. I have traced the emergence of residence permits, tokens of the system, and shown how these were transacted along the networks established by long-established Indian merchant houses. This proliferating economy provoked important reforms in record-keeping, notably a centralized system of fingerprint registration, through the key figure of Lionel Curtis in 1906–1907. Yet despite Curtis’s blueprint and elaborate efforts to realize it, record-keeping at many of South Africa’s immigration offices remained in great
disarray for another fifteen years. The epistemic gap was filled by shrewd touting syndicates who ensured the permit economy would persist and indeed flourish. More stringent record-keeping was finally in place by the 1920s, due, in part, to revelations by and support from migrant associations, although as the events of the 1940s suggest, semi-official touting never entirely disappeared. A century later, the issues remain a challenge for the beleaguered Department of Home Affairs who must constantly negotiate with ‘immigration practitioners’, much as their colonial predecessors did a century earlier (The Star 2010; Pretoria News 2010; Daily News 2010). Such touting economies are an important part of the landscape of colonial, and post-colonial, registration regimes.

Once a state creates a registration system linked to valued benefits there will always be issues of contest and negotiation elicited from among those the scheme is intended to exclude, as they seek to subvert, evade or confound its operation to pursue their own interests. Thus, an integral part of the longer-term project which this volume seeks to promote – the recovery of a comparative history of identity registration in all its dimensions – will ultimately involve recovering also the performative histories of illicit and semi-licit challenge that accompany such regimes, as shown here in the case of South Africa’s Asian border controls.

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Neither the primary nor the secondary sources cited here are exhaustive. For a further guide to the literature, readers are directed to my own dissertation (2011), listed below, from which this chapter has been drawn.

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