A “great deal of discrimination is necessary in administering the law”: Frontier Guards and Migration Control in early twentieth century South Africa\*

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## Keywords:

Frontier guards, ritual, nationhood, migration control, life writing, South Africa, gender, race

## Abstract:

This article provides a corrective to recent scholarship surrounding modern migration control, which have emphasised the shared origins of the legal systems created to control migration in the US, South Africa, Australia, New Zealand and Canada. Instead, this article demonstrates how the implementation of migration controls in British colonies, unlike in the US, was deliberately arbitrary, to give discriminatory power to individual border officials to decide who could migrate. It uses the personal papers of Clarence Wilfred Cousins, the Chief Immigration Officer in the Cape, then South Africa (1905-1922), to demonstrate the role of frontier guards in shaping migration experiences. His papers allow a micro-history of a border official’s views and experiences concerning gender, race and class, and a macro-history of migration control in modern history. This source material also highlights the uses and limitations of using ‘ritual’ to understand migration control and how border spaces are experienced.

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## Historiography

While few would deny the significance of officials on the spot in shaping how migration is experienced and controlled, they remain largely invisible in current historiography. The reasons for this absence are twofold. First, their opacity reflects the sorts of records actually available. Usually, border officials are anonymous, hidden behind layers of bureaucratic forms and systems, leading to an archival erasure (intentional or not) of the actual encounters between officials and would-be migrants. Even with the creation of migration control systems globally in the past century, most relevant government records of border control are either still classified, or provide scant detail about employees.[[1]](#footnote-1) The specific individuals making decisions are not the focus of the bureaucratic gaze, but are instruments of it. Few immigration officials leave private papers to offset these archival silences.

The treatment of officials as anonymous tools of state control is also reflective of the influence of Michel Foucault, and subsequent historiographical interest in systems of governmentality. Migration officials epitomise Foucault’s ‘explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations’[[2]](#footnote-2) within modern liberal democracies. Many scholars have at least implicitly used his work to link modern state mechanisms for controlling migration to the creation of the modern nation-state, fear of disease and race.[[3]](#footnote-3)

While the systems of migration control are important, it is also necessary to understand the crucial role of ‘frontier guards’, to use Robin Cohen’s phrase. Writing about the evolution of Britain’s migration controls, he has argued that modern state power rests primarily on controlling violence and on controlling borders. The state’s ‘processes of exclusion and rejection… become constitutive of the national identity itself’.[[4]](#footnote-4) These identities depend on spatial and metaphorical boundaries between the ‘us’ and the ‘them’, what he calls ‘frontiers of identity’. These can literally be ‘the outstations, checkpoints and turnstiles where these boundaries are policed, defended and defined’ by ‘frontier guards’, who can be any person or even a movement that seeks ‘to influence the ideological and legal parameters of nationality, citizenship and belonging.’[[5]](#footnote-5) Within this process, a great deal depends on ‘the exercise of discretion by the frontier guards through personal privilege, loose understandings and favours’.[[6]](#footnote-6) Even when such people are recognised as crucial, as Cohen does, the focus is on the legislation and wider public debates, not the actual people ‘on the spot’.

This article offers an essential corrective to this gap in existing scholarship surrounding migration control. First, it seeks to refocus scholarship on those ‘frontier guards’, by using the private papers of Clarence Wilfred Cousins, the Chief Immigration Officer (CIO) in the Cape, then South Africa (1905-1922). His papers will be analysed alongside official records and the private papers of Morris Alexander (1877-1946), a Jewish lawyer and MP in Cape Town, who co-founded a charity which sought to regulate and protect Jewish migrants into South Africa (and which also worked with Indians) and who frequently challenged official immigration decisions in court, leading to an intense, bitter personal rivalry with Cousins.[[7]](#footnote-7) This examination allows scholars of migration history to more fully comprehend the important roles of individuals in shaping migration experiences, as well as better understanding border processes in practice. Utilising life-writing theory to analyse his papers helps illuminate how whites ‘write whiteness’, bringing together a micro-history of a border official’s views and experiences (especially concerning race and gender), and a macro-history of migration control in modern history.[[8]](#footnote-8) This focus also allows scholarship to move away from focusing on one particular migrant group, too long a problem within South African historiography, where scholars have problematically utilised colonial categories of identification such as colour as analytical frameworks.[[9]](#footnote-9)

A focus on frontier guards can also help us better understand the power dynamics of migration control systems, which were adapted and transformed as they spread. As Torsten Feys has argued, most of the scholarship assumes a top-down spread of technologies; we need more ‘micro-level studies comparing how these [laws] were interpreted and enforced in local border control stations’.[[10]](#footnote-10) In South Africa, a growing body of scholars have called for a greater focus on ‘”how rule is accomplished”’, as this makes it easier to account for complex power relations, rather than simple dichotomies of coloniser and colonised, collaborator and resistor.[[11]](#footnote-11) A ‘central part’ of this history must be ‘the personalities, conflicts, and machinations of bureaucrats who devised and ultimately implemented policies’ and shaped how they were experienced on the ground.[[12]](#footnote-12) This article focuses on the experience of border control, about the government officials literally ‘on the spot’ and their encounters with potential migrants. It is about the ‘frontier guards’, people like Cousins who decided which migrants were accepted and which rejected, and the stories they told about the process.

Connected to this, scholars have increasingly pointed to the ways a shared legal system of migration control was created in the late nineteenth and early twentieth centuries. This has been closely linked to the idea that each person is a citizen or subject of a state; the development of the passport and other identity documentation; and the cementing of hard borders, in need of policing.[[13]](#footnote-13) There is an inherent assumption in most existing work that, because the rise of the nation-state was intrinsically linked to the rise of the modern systems of migration control, these systems developed in the US and Western Europe.[[14]](#footnote-14) Adam McKeown, for instance, has written brilliantly about the structures established to enforce these new laws, especially the United States’ attempts to exclude Chinese migrants in the late nineteenth and early twentieth centuries. He has highlighted the increasing rigidity of border control in the US, where specialists created ‘an orderly and impersonal procedure based on clearly stated law and scientific inquiry’ which was ‘applied equally to all migrants’, even if those laws were racist, sexist and classist.[[15]](#footnote-15) It is this system which is assumed to develop globally.

This emphasis on connections, while hugely influential, but does not explore a key distinction. The US was a sovereign nation, writing its own laws. For British settler colonies, they had colonial parliaments but were not allowed to pass laws without British government approval (which itself refused to sanction any race-based legislation within the empire). This difference had significant ramifications for the actual processes and experiences of migration. While the legal systems implemented were broadly similar and gave at least token credence to principles of fairness and uniformity, settler colonial systems was deliberately designed to be inconsistent, to give considerable power to individual border officials to decide who was ‘desirable’.

This is exacerbated by an assumption that the legislation enacted failed in practice, that vagueness was a problem corrected with time and greater resources, rather than an intentional aspect of the legal systems.[[16]](#footnote-16) This is important because it contrasts with normal interpretations of how colonial knowledge has been used to rule empire. One historian of the bureaucratisation of identification in India has claimed that, as people migrated around more, ‘Modes of categorizing and indexing this information had to be developed to penetrate dissimulation.’[[17]](#footnote-17) I would argue instead that the system of identification was not meant to be too accurate or rigid. The rules which were passed both in the Dominions and in directly ruled colonies like India were designed, as in South Africa, to give border officials tremendous power. Rather than introducing a legalistic bureaucratic machine, power was given to border guards to police borders, to decide who belonged and who did not, who should migrate and who was a danger. The system was deliberately designed to allow discrimination, but at arm’s length from governments, to be racist but to allow governments to claim objective legal systems were in place.

Finally, this article critiques the use of ‘ritual’ as a way of understanding migration control and how border spaces are experienced. These ideas are best developed by Adam McKeown, who argues that an ‘analysis of everyday activities in terms of ritual practices can give us a glimpse into the cultural ordering that produces our own convictions about what is proper and efficacious’,[[18]](#footnote-18) who is allowed to migrate, the process of inclusion and exclusion central to migration control. The legalistic language used in South Africa framed individual experiences and situations, giving an appearance of a continuous ritual of migration control, as in the US. However, this obscures the deliberate arbitrariness built into the South African system, and Cousins’ own focus on the specificity of each encounter over paperwork. Utilising ritual perpetuates a language of bureaucratic objectivity contrary to the actual arbitrary system in place.

## South Africa

Clarence Wilfred Cousins (1872-1954), ran the Cape Migration Office from 1905 until 1915, as Chief Immigration Officer, before being appointed the national head of migration after South African Union. In addition to the official records of the Cape and South African migration departments, he left extensive letters and diaries. He also self-published a memoir entitled *Reflections of a Nineteenth Century Immigrant*, *1896-1950*.[[19]](#footnote-19) He was also himself an immigrant: born in Madagascar in 1872 to a missionary father (employed by the London Missionary Society) and educated in Oxford before attending the university, where he studied modern history. His career hopes were dashed, however, when due to strained family finances, he had to find work before starting his fourth year. Like many before him, however, the colonies offered a solution; going to Cape Town in 1896, he worked as an inspector of prisons, a senior clerk in local government, and in the colonial secretary’s office, before running the migration office. Cousins’ correspondence reveals persistent class and race anxiety, exacerbated by low wages and attacks in the press. And he was obsessed with migration, as his memoir and his job suggests, both his own and others. While he worked in other government departments, he never discussed them much in his diary, unless to comment on being underappreciated when implementing the government’s dirty work.

While this article does not seek to duplicate the focus on the legislative history of migration control, some understanding of the Natal Language Test, and of South Africa at the time, is necessary. By the 1890s, the Cape and Natal were British colonies on the South African coast, while the nominally independent but landlocked Transvaal and Orange Free State were formally conquered after the long and expensive South African War (1899-1902). At this time (and throughout most of the twentieth century), a question hung over South Africa: could it, or should it, ever be a white man’s country? ‘Non-whites’, as contemporaries dubbed them, made up approximately 90% of the entire population in 1904. Migration was seen as key both by European settlers and colonial officials if South Africa was to be secured as a white colony. Most South African historiography has focused on the attempts of the colonial government to encourage British migration after the South African War, and on wider societal concerns regarding the migration of Indians and ‘poor whites’.[[20]](#footnote-20) Scholarship has particularly focused on Gandhi, who began his career as a lawyer in Durban and Johannesburg in the 1890s,[[21]](#footnote-21) and Natal’s 1897 Immigration Restriction Act, more commonly known as the Natal Language Test.[[22]](#footnote-22) The law represented a deliberate political attempt to bypass the imperial government’s prohibition of race-based legislation. In particular, Australia, the Cape and Natal wished to ban Indians, despite their position as fellow Britons. In order to gain British approval, the Natal prime minister, Harry Escombe, copied, almost word for word, an education test first put before the US Congress in 1891 which called for a reading and writing test for all immigrants over 16 years of age in their native language, (and was itself based on earlier literacy legislation in the Southern US, meant to decrease the number of voting African-Americans). Escombe considered Indians too clever for the same sort of legislation, so he wrote that the test would be in any European language. This would enable a migration official to make the tests easier or harder depending on their own views of the desirability of the potential migrant. Britain’s Secretary of State for the Colonies, Joseph Chamberlain, announced his approval and similar legislation was subsequently adopted by the Cape in 1902, as well as Canada, New Zealand, Australia, and South Africa itself in 1913 (the four colonies were unified in 1910).[[23]](#footnote-23) This legal system, underpinning all migration control in Britain’s settler colonies, encouraged the personal judgements of migration officials on the spot, especially the border officers who met each ship of would-be migrants. The vagueness of laws and inconsistency in application were not simply weaknesses of government but deliberate attempts to circumnavigate Britain’s ban on race-based legislation.

In the Cape where Cousins worked, migration regulation focused primarily on Indians and Jews. The city of Cape Town had more than doubled in size, from 79,000 in 1891, to 170,000 in 1904, with a similar increase in the amount of traffic using the publicly owned port. By 1904, there were about 9000 Jewish migrants, mainly from modern Lithuania, and 2000 Indians.[[24]](#footnote-24) The Cape’s Immigration Act of 1902, based on the Natal Language Test, was specifically created ‘to restrict undesirable immigration’.[[25]](#footnote-25) The Cape governor, Sir Walter Hely-Hutchinson, said it was aimed at Asians, ‘paupers and persons suffering from “loathsome disease”’.[[26]](#footnote-26) It was widely accepted in South Africa, even among the existing Indian population, that it was ‘undesirable’ to have unregulated Indian migration.[[27]](#footnote-27) Jews too were increasingly willing to regulate and self-police, in order to offset negative publicity.[[28]](#footnote-28) But while Indians tended to be described publicly almost entirely in negative terms, Jews had a slightly more ambiguous position. The head of immigration control at the time, the Chief Medical Officer, A. J. Gregory, for instance, wanted to retain the exclusion of Yiddish as a European language. However, while there was near-universal acceptance about keeping new Indian migrants out of the country, in 1902-3, the High Commissioner of South Africa, Alfred Milner, explicitly promised he would not tolerate discrimination against Jews, and Jewish immigrants.[[29]](#footnote-29) And the story usually told about how Yiddish was finally recognised as a European language reveals some of the ambiguous positioning of the Jewish community. In May 1903, Morris Alexander led a delegation to the Cape Attorney-General to argue that Yiddish was a German dialect, so European. He got a German scholar to listen to a Yiddish passage being read out, and the man was able to understand it correctly, so they won their case, with the law changed in the Cape’s 1906 Immigration Act. Formally, the government always maintained the law was only meant to be used against Indians, and the actual use of the language test against Jews at the ports seems to have been rare.[[30]](#footnote-30) The point here, though, is that the law’s deliberate vagueness could be used by different frontier guards depending on their own views and prejudices, and that the law was designed to work in this way.

The Cape’s 1906 law, required the language test for anyone not already resident, their wife and children, and ‘European persons’ in certain skilled occupations, like domestic servants, artisans, mechanics or miners who already had employment contracts. Officials could exclude anyone ‘likely to be a public charge’, defined initially as possessing less than £5, but changed to £20 in February 1904. Also excluded were criminals (prostitutes or pimps were individually banned), and anyone suffering from a range of medical or pseudo-medical conditions, such as ‘idiots’. Anyone denied entry could be confined at the port offices and deported, with ship owners or migrants liable for the expense.[[31]](#footnote-31)

The deliberate vagueness of Cape and Natal laws were made national when South Africa passed its first national Immigration Exclusion Act in 1913, which prohibited: ‘Any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof’. While the Act did not specify racial groups, in effect, the Language Test was now national policy. During debates over the 1913 legislation, ministers publicised that the law was meant to exclude Asians, ‘Tropical Africans, ‘coloured persons’, and Eastern Europeans, as well as the diseased and disabled. In practice, the intentional failure to define what the ‘economic grounds’ or ‘habits of life’ were gave the government, and its frontier guards, almost total power over policy, with very little room for legal appeal.[[32]](#footnote-32)

The Assistant Colonial Secretary, Lionel Curtis, in charge of reforming municipal government systems, is credited by Andrew Macdonald with creating the systems of border control in all of the South African colonies.[[33]](#footnote-33) Curtis, later famously a founder of the Roundtable Movement, has often been depicted as a modernist in South Africa, eager to implement technologies of state power. He certainly tried to create a centralised database of all fingerprints for all Asians (originally just in the Transvaal, but the plan was to extend it to all of South Africa) and aimed ‘to bring uniformity to all the immigration offices’.[[34]](#footnote-34) Each of the colonies operated independently, with quite different systems and different laws, and those laws encouraged arbitrary judgements and lack of uniformity.[[35]](#footnote-35) Furthermore, Curtis was far too preoccupied during this period with his work in the Transvaal, where he was based.[[36]](#footnote-36)

Partly because Curtis’ fingerprinting innovations proved inefficient, in 1913, the South African government created its own centralised Immigration Office, overseen by the Department of Interior. Also in 1913, a new Immigration Exclusion Act was passed, in order to standardise immigration policies throughout the Union.[[37]](#footnote-37) Cousins’ title changed to Principal Immigration Officer (PIO) and Chief Clerk in Charge, until 1915, when he became Registrar of Asiatics and Principal Immigration Officer in the Transvaal (there was no single civil servant overseeing all of the PIOs until 1920).

Clearly the exact structures of migration control varied considerably during this time. Pay was low, compared to other civil service work, and the staff often taken from clerical work in other departments; the overall budgets allocated to the Immigrations departments across South Africa were tiny.[[38]](#footnote-38) This led to what MacDonald has termed a ‘strategic permissiveness’, informal appeals from interested groups could hold significant sway, as well as widespread corruption.[[39]](#footnote-39)

In addition to the formal border guards, ‘interested groups’ included shipping companies, agents, charities and prominent individuals.[[40]](#footnote-40) As was commonplace by 1900, shipping companies were expected to screen their passengers, keep a manifesto, and had to pay for any repatriation of passengers rejected at the border, part of what Aristide Zolberg has famously called the development of ‘remote border controls’.[[41]](#footnote-41) By the beginning of the twentieth century, however, shipping companies had carved out ways to balance the regulatory costs with their desire to make money. Donald Currie, who owned the Union-Castle Line connecting Portsmouth to Cape Town, the main route for Atlantic passengers to South Africa, was the largest single donor to The Poor Jews’ Temporary Shelter in the East End of London, not out of charity, but to profit from the traffic in Jews from eastern Europe.[[42]](#footnote-42) Of the 40,000 Jews who entered South Africa between 1880 and 1914, almost all came from what is now Lithuania or Poland. About half paid (or had paid) their passage to South Africa in advance, departing from Hamburg, Bremen, or Libau, before travelling to London, staying at the Shelter for up to two weeks, before being sent to Southampton via train (included in their fare) in time to catch their boat to Cape Town, which took up to two weeks. The time at the Shelter allowed the charity to self-police, weeding out any undesirables while helping deserving cases.[[43]](#footnote-43)

Once in South Africa, Morris Alexander’s charity, the Cape Jewish Board of Deputies, (founded in 1904 before national amalgamation in 1912) or other informal support groups provided medical staff or translators.[[44]](#footnote-44) In extreme cases, Alexander was usually the attorney for appeals against the border official decision. Informal pressure seems to have been more common, however.[[45]](#footnote-45) Also important was the Cambridge-educated Reverend Alfred Philipp Bender, head of the richest and largest synagogue in the Cape.[[46]](#footnote-46) Dr. Louis Mervish recalled how his father, a rabbi, dealt with problems:

There was always a strange scene, identically repeated each time whenever my father wanted to try to get some immigrant off. My father would go to visit Reverend Bender at his house… Bender would go off into a terrific temper… to the lower end of Parliament Street where the old Immigration Department was. As soon as Mr Bender sent in his name, he was immediately received by the Chief Immigration Officer [Cousins]. It was evident to me that Reverend Bender did not like the man, maybe on account of his reputed antisemitism, maybe only because he considered him socially inferior. As soon as he entered, after the briefest greetings and introductions, he plunged in to the same hasty excitable talk, criticising and complaining, hardly coming to the point at all; but there was no trace of begging, no servility. The immigration officer sat through it listening with the patient attitude of a schoolboy at the outpourings of an enraged teacher. Then at an opportune moment, he would slip in with: “I suppose Mr. Bender, it is about Mr So-and-so that you have come, well if you say it is all right this time, I will see to it'… And that is how things were done in those days.'[[47]](#footnote-47)

Travel in the Indian Ocean was far less regulated, and had no clearly dominant shipping line or charity, and was largely unregulated by Europeans.[[48]](#footnote-48) Instead, there operated a loose system made up of friends, family, paid agents and group organisations, such as Abdol Cader, a Cape Town businessman and secretary of the British Indian League.[[49]](#footnote-49) These men rarely had official positions, and had less political power to wield, although they was sometimes money paid by the government to help act as translators. The archival evidence is patchy, mainly recorded only in cases of official corruption, as agents would circumvent restrictions on Asian migration through bribery and falsifying forms on an industrial scale. Many agents had their office inside or next door to the Immigration Department in Cape Town and its staff and water police were clearly implicated in corruption.[[50]](#footnote-50)

## Cousins’ Role

Historians so far have credited the ambivalences in the emerging South African system to the relative weakness of colonial government infrastructure compared to the larger US systems. The officials appointed were inexperienced, and some were outright corrupt.[[51]](#footnote-51) Language was a constant problem, with informal agents or volunteers often acting as translators, giving them considerable power.[[52]](#footnote-52)

Rather than simply pointing to weak, ineffective governments, however, inconsistency was purposely built into the system, as the example of Cousins’ regime in the Cape makes clear. There were no facilities in Cape Town like New York’s Ellis Island or San Francisco’s Angel Island. Instead, passengers were processed on board ships. He had headquarters built on Parliament Street and a small office and detention centre built (complete with guards and fencing) on the wharves, along with about a dozen port officers under him at any given time.[[53]](#footnote-53) Cousins tried to ensure he was at least on the dock monitoring his staff’s work but often liked to board ships himself.[[54]](#footnote-54) Every passenger was to be individually checked before landing, although there were reports of rushed jobs, ranging from completing 50 passengers an hour to skipping the first class passengers altogether, although neither was official procedure and definitely not something Cousins allowed.[[55]](#footnote-55) Landing forms were compared with the formal passenger lists provided by steamships, which were liable to be charged for the removal of anyone denied entry. People trying to enter the port at Cape Town required some identification, and from 1906 officers filled out a form relating to each passenger, listing their name, ports of embarkation and disembarkation, age, race, nationality, any wife and children, occupation, the amount of valuables they carried, their address in South Africa, whether they could write in a European language, if they had a criminal record (although this was almost impossible to check), and if they had been refused entry before.[[56]](#footnote-56) On top of this, Indians had to provide a photograph and references attesting to their identity, which was included with their application (although rarely cross-checked). Forms also included space for border guards to indicate noticeable features (such as height, eye colour, scars, etc.) and later fingerprints were used, all to assist identification. Different forms for whites omitted the fingerprint requirement. Applicants were also expected to self-identify their own race, with a choice of European, Hebrew, Asiatic, or African, with separate archives for ‘whites’, ‘Indians’ and ‘Chinese’ (‘Hebrew’ were filed under ‘whites’, archival evidence of the uncertain position of Jewish migrants).[[57]](#footnote-57) The forms, partly devised by Cousins, was adopted nationally in 1913, but with Hebrew removed as a separate option.

This form demonstrated several assumptions: that nationhood was clear-cut and provable (Russian Jews found this particularly difficult, as they were denied Russian nationhood), and that migrants were primarily male; women travelling were assumed to be doing so with men. Indeed, in South Africa, like in many places, women took on the national identities of their husbands upon marriage (and in South Africa, they also became classified as belonging to his race).

In addition to this, all migrants were required to have £20 in cash (from 1909, because passengers were ‘sharing’ the same £20, employee contracts were also often demanded), have a rudimentary medical screening (usually using the medical staff actually employed on the ship, although there was a port doctor, if needed), and possibly pass a literacy test. If a language test was administered, it would usually be a few sentences on the back of the entry form. What qualified as satisfactory writing was left entirely to the official on duty to decide. Cousins often used grammatical irregularity to rule out people (in his opinion) of an undesirable class or race.[[58]](#footnote-58)

If further checks were needed, a temporary permit was granted, allowing them to land (if there were fears of them absconding, a local jail facility was occasionally used). If forbidden to land, British citizens could immediately appeal, while consulates would occasionally appeal on behalf of their subjects.[[59]](#footnote-59) Cousins described his work as being a judge, a ‘custodian of the gate’.[[60]](#footnote-60) Little of this was executed in a standardised way. The actual filing system of the residence permits was inconsistent and there was no formal index.[[61]](#footnote-61) The archive of those rejected was indexed by number and name, however, in an attempt to stop people from trying again.[[62]](#footnote-62) While Cousins’ chief responsibility was to create this paperwork system and to train and supervise his staff, it is clear from his records that he took surprisingly little interest in it. Referencing Adam KcKeown’s ‘ceremonies of admission’,[[63]](#footnote-63) Uma Dhupelia-Mesthrie has argued that identity verification was the key purpose of the paperwork generated and the key job of Cousins.[[64]](#footnote-64) This was not entirely true; the purpose of the department, and of Cousin’s job, was to differentiate between ‘desirable’ and ‘undesirable’ migrants, and to keep the latter out. Cousins controlled who was allowed in by demanding that foreigners had to have identification papers, or, if no suitable papers available, they had to pay for a cable to their place of origin to get two references; this was not a specific part of any legislation. Focusing on establishing identity was a key part of the way this arbitrary process was legitimised using the growing international language of fair, unbiased, legal state control of migration. The ‘system’ of migration control was a system which largely revolved around identity verification, but it was one infused with the personal prejudices and preoccupations of the people involved in its implementation.

Indeed, one of the notable features of Cousins’ oversight was his faith, not in documentation, but in the ability to “see” whether migrants were desirable. Cousins was frequently explicit in explaining how personal encounters were more important than the actual paperwork: ‘There are of course other things to look for than signatures to declarations or answers to stated questions. The experienced officer has for example to possess an instinct of all sorts of possible disqualifications which the passenger’s papers will not reveal.’[[65]](#footnote-65) On more than one occasion, he advised senior staff to always ‘be present’ when boats from India arrived.[[66]](#footnote-66) He noted with approval when an Immigration Officer detained ‘a young London Jew’ because he ‘did not like the look of him’.[[67]](#footnote-67)

The duality at the centre of migration control, that the system was both non-discriminatory and arbitrary, was acknowledged by Cousins, sometimes with pleasure at the power it gave him, and sometimes with frustration when it led to criticisms directed at himself. He explained in one official report:

‘It is not possible to deal with the Asiatic as with the European; the whole nature of the man is oriental, his habits are different from those of the European, and legislation that would apply easily to the European is not applicable to the Asiatic; and that is one of our difficulties with the Asiatics and Europeans – they are both dealt with under the same law, and so a great deal of discrimination is necessary in administering the law.’[[68]](#footnote-68)

As a result, the law and Cousins both encouraged migration decisions based on the ‘look’ of arrivals. People were treated very differently depending on outward signs of health, race, class and gender. Historians have widely acknowledged the important ways that these categories ‘helped to define moral superiority and maintain cultural differences’, particularly in colonial contexts.[[69]](#footnote-69) Immigration controls were an important part of this process. For Cousins, it was not about identification, per se, but about the exclusion of ‘undesirables’, almost always Indian or Jewish. He described his job as dealing ‘with all the unpleasant creatures in the country.’[[70]](#footnote-70)

Perhaps even more importantly to him personally, it was a way to demonstrate his own white masculine superiority over such ‘undesirables’. He would often spend days on a single case involving Jews or Indians, in order to try to prove they had no right to live in the country. These men (and they were always men) were his adversaries. Indians, and the Indian Congress, were referred to as the ‘enemy’, against whom he waged a ‘war’.[[71]](#footnote-71) Indians usually practiced ‘intricate and bewildering falsehoods, making it almost impossible to get at the truth.’[[72]](#footnote-72) When writing of an encounter with the Jewish editor of *Indian Opinion,* Henry Polak, Cousins described him as having ‘the soft and oily method of the Jew of his class’. With satisfaction, though, he noted: ‘As things are at present a somewhat elaborate game of chess is being played – and I have repeatedly cried “check”.’[[73]](#footnote-73) On bad days, however, he felt he was losing: ‘It may sound simple enough but you have no idea of the persistency of my questioning before I really get at any circumstances upon which to decide a claim. I feel utterly exhausted.’[[74]](#footnote-74) He would spend days and nights, and often his own money, trying to catch them out, even when their paperwork was in order. The more orderly, the more wealthy, the more suspicious he was.

This contrasted sharply with the portrayal, or lack of portrayal, of Indian or Jewish women. While the records make clear many refused entry were alleged wives or daughters of existing residents, they are never given the attention of ‘white’ women in his private writing. In cases involving Indians in particular, he always focused on the duplicity of the alleged husband or father, not on the woman. Whether this was because he was restricted in having contact with females is unclear from the records, but given his thoroughness and disregard for any ‘Oriental’ religious scruples, it seems doubtful. More likely, non-white women were simply invisible to him as people in their own right. They were only the means by which he pitted his wits against his ‘wily’ male opponents.[[75]](#footnote-75) Even when stopping the importation of a child-bride, he merely noted that he was ‘very disgusted’ at the Indian man.[[76]](#footnote-76) In one 1913 diary entry, he exclaims:

‘What a time we have been having lately! Chinese – Indians – Jews! One never seems to be rid of them… It is a dreadful exertion trying to keep level with the tortuous ways of the wily oriental. They are getting so well primed as to our requirements that it is not easy to “fix” them… There has been one today trying to get in a girl of 15 as his wife. He was concerned when I posed him with a declaration [from a previous migration check at Cape Town] as to another wife with a son eleven years old. He quickly proceeded to kill them off.’

The supposed husband was told to prove it before the second wife would be let in, and in the meantime, the woman and child were sent back, at his expense (rather than the shipping line, as would have been normal).[[77]](#footnote-77) In this letter, the omission of the Indian woman, the actual migrant he was meant to police, is significant. As Liz Stanley, et al have demonstrated through their Whites Writing Whiteness Project, omissions in letters can be as significant as what they state.[[78]](#footnote-78) Cousins’ letters and diaries explored versions of himself and the world in which he lived. This silence is as revealing as his stated attitudes towards Jewish and Indian men. Most Indian, Jews, and to a lesser extent Chinese, men were undesirable migrants, threatening the whiteness of the colony, and while the women posed no less a ‘threat’ racially, they did not personally challenge him in the same way as men. This was not just about protecting the nation. His diaries and letters were not just writing whiteness; they were writing a white, male middle class vision of himself and his country. In this vision, he could have intellectual competition with men, but not with women.

Women were not absent from his writings, however. Instead, a striking feature of his papers is the frequency of his descriptions of European women, who are almost always described as pretty damsels in distress. The contrast in how he depicted them was clear in his diary entry for 1 November 1914. This was an ‘exceedingly hard day’, not because of the start of the First World War or the ongoing Afrikaner rebellion in South Africa. Rather, he was inundated with work. He wrote of two cases in his diary, which also served as an ongoing letter to his wife during their frequent absences from each other. On this occasion, a Jewish family already refused entry on medical grounds had returned to try again. Once again, the medical doctor under Cousins rejected the family but, much to Cousins’ frustration, they had a health certificate of their own, ‘signed by a Jewish doctor who so like many of his race has no conscience at all.’ He shrugged off their evidence with the final thought that any ‘hardship’ they faced upon being refused entry again was entirely ‘self-imposed’.

Such an attitude contrasted sharply with the other story he documented from his day. A German woman and child were returning from England, to reconnect with her husband, only to find him interned due to the war. Cousins should have put her forward to the police for possible internment too but ‘I am really sorry for her and have been trying to arrange for her to be allowed to stay in her home.’[[79]](#footnote-79) It is clear from his diary that he would spend over a week running around to meetings with various officials to arrange this on her behalf.

Cousins often spent considerable time and money helping female migrants, as long as they were young and European (excluding Jews). Assisting these imperilled women, newly arrived at Cape Town’s port, made him feel important and manly in similar ways to his exclusion of Indians and Jews. His writing was always keen to emphasise their innocence, the time and effort he exerted to assist them, and in this way, he emphasised his own virtues as a clever, hard-working heroic European man. Indeed, his writing was often most detailed when describing such cases. In a typical case, a young English girl, ‘clearly a nice girl, well-educated, and a lady’ arrived in Cape Town. She had been sent by her mother, and was met at the dock by a strange man, ‘a company promoter’, married, but with his wife and children back in England. He ‘talked big about his “adopted daughter”’ and planned to introduce her to men at his guesthouse for the purposes of marriage, but Cousins was suspicious. The man had even let slip that ‘he had understood that the 1st class mail passengers [like her] were not seen by the Immigration Officers.’ When challenged, the man produced a letter from the mother, which made clear that she was happy with her daughter marrying ‘“any of your old pals” as long as he had plenty of money and would be kind to the girl.’ The girl thought she’d be staying with ‘this man’s sister’, but Cousins learned she did not exist. This put Cousins in a dilemma. The man was 55; the girl’s age was not specified, although most likely in her late teens. The letter from the mother seemed to make everything legal, but it also seemed to indicate a child sold by her own mother and sent alone to South Africa for, at best, marriage, and, at worst, prostitution. After much effort, Cousins eventually persuaded her to travel for free back to her mother in Britain. Although he was concerned about her fate with her ‘horrid mother’, it was the best he could do, and he took considerable time and effort, and some of his own money, helping the girl ‘escape’ her fate in South Africa.[[80]](#footnote-80)

In a similar entry from 1912, while briefly overseeing the Durban offices, he described two ‘exceptionally decent girls’ arrived to meet their ‘brother’ to work at a bar in Durban. To protect them, he made the ‘brother’ buy them open return tickets to Britain before letting them land. ‘They seemed very grateful – but knowing what I do of the place they are going to I am sure they in for a dangerous time.’[[81]](#footnote-81) In another case, an English woman had married an Australian and was travelling with him and her friend back to Australia. However, on the voyage ‘he had been beating his wife and proved to be “undesirable” so had paid for a week or so in a hotel for them and… continu[ed] on to Australia without them.’ While not a case which officially needed Cousins’ involvement, he ‘sorted out their return passage to England.’[[82]](#footnote-82) In a similar case, a man with a criminal record who had deserted his wife had paid for her to be reunited again in South Africa. On this occasion, while worrying about the pretty young wife, he also noted they were English so he was ‘giving them every chance’.[[83]](#footnote-83) Cousins encouraged his staff to also be vigilant in ‘watching over the interest of young women immigrants!’[[84]](#footnote-84) This was a group he exclusively saw as European.

In Cousins’ private papers, he could recast his job as heroic; he could play out fantasies of racial and class domination and manliness. Here, it is important to note that his papers should not, in fact, be read as ‘private’. Cousins specifically wrote with the expectation that his wife, and often other friends and family, would read his writings. He was highly selective in the details recorded, meant for their entertainment and his aggrandisement. As Jaworski and Coupland have explained, letter-writing should be understood as a ‘ritualised process which allows the participants to construct and project desirable versions of their identities… targeted at specific audiences’.[[85]](#footnote-85) In Cousins’ letters, he could develop his opinions and justifications concerning who was a desirable and undesirable migrant, as well as play out fantasies of white manhood. He cast himself as the heroic border guard, saving South Africa from unwanted migrants, while bestowing personal help to those ‘deserving’ of assistance, usually young white females. As a migrant himself, of ambiguous social standing, well-educated with an important but badly paid job, and as a member of the minority British population, such performances could also alleviate the constant insecurities of his position.

## Rituals of Migration?

So, the question arises: to what extent can the South African system under Cousins be read as a migration ‘ritual’? The use of ‘ritual’ to understand migration is increasingly popular, implicitly dependent on Mary Douglas’ *Purity and Danger*. In it, she wrote that ‘everyday symbolic enactment’ of rituals was an essential part of every society, as it ‘provides a focussing mechanism… and a control for experience.’[[86]](#footnote-86) This is performative stereotyping, allowing a liminal ritual space to isolate and protect the wider society from ‘dangerous contagion’, moral or physical.

Danger lies in transitional states, simply because transition is neither one state nor the next, it is undefinable. The person must pass from one to another is himself in danger and emanates danger to others. The danger is controlled by ritual which precisely separates him from his old status, segregates him for a time and then publicly declares his entry to his new status.'[[87]](#footnote-87)

The appeal of ‘ritual’ to migration studies is clear. The enactment of the migrant examination sanctions and justifies what are in effect often arbitrary judgements based on the individual prejudices and moral beliefs of the migration officials. The legalistic language used frames individual experiences and situations to appear as part of a continuous ritual of migration control. Often it involves physical isolation, as well as legal isolation, emphasising the liminality of such a status and space both to the potential migrants and to the general public. Examining migration control as part of a ritual process in this way has clear advantages: Migration control is all about deciding who is desirable and undesirable; it is ‘based on a drive to realize an uncontestable “natural” order’, which is also the basis for most rituals.[[88]](#footnote-88)

As mentioned earlier, these ideas are best developed by Adam McKeown, who argues that the systems created to control migration in the US led to a ‘ritual’ encounter between Chinese migrants and US officials.[[89]](#footnote-89)

They were standardized and repetitive. They took place in special locations, set off from the events of everyday life. A smooth encounter depended on proper behaviour and adherence to form. Language and channels of communication were highly formalized’.[[90]](#footnote-90)

Similarly, in South Africa there is evidence that the increasing standardisation of forms and procedures facilitated rituals of corruption, rather than actually restricting ‘undesirable’ migrants, as both Uma Dhupelia Mesthrie and Andrew Macdonald have explained regarding Indian migrants.[[91]](#footnote-91)

The checks on board ships can also be read as sites of ritualistic performances which sanctioned and justified what were in effect often arbitrary judgements based on individual prejudices and moral beliefs. Legalistic language and paperwork were utilised within the ambiguous spaces of ports and ships to frame a continuous ritual of migration control. Such a process allowed society almost daily to express who was desirable and who was not, what a ‘good’ migrant looked like (looks are always very important in this process), and who was unacceptably ‘deviant’. Controlling the teeming masses was the job of Cousins and his staff, and their personal examination was key. As Foucault wrote in *Discipline and Punish*, an examination ‘establishes over individuals a visibility through which one differentiates them and judges them’.[[92]](#footnote-92)

This reading, however, fails to adequately account for the deliberately arbitrary laws in South Africa. Deborah Durham has made the point that Foucault does not ‘give account of how power figured in negotiations of everyday living by “real people”’, only in institutions.[[93]](#footnote-93) The problem of this is clear when examining the South African system which developed in the early twentieth century, especially regarding how Cousins and his staff dealt with health issues. As would be expected from Douglas’ theory, fear of contagion featured prominently in migration control discourse, linked to ideas of nationhood and society.[[94]](#footnote-94) This imagery is also evident in Cousins’ diary, where he describes using poor hygiene to exclude ‘undesirable’ Jews on several occasions. One young man in 1911, for instance, had the necessary paperwork and money, but was ‘dressed in an unclean manner. Mr Cousins said he was an alien and “no good”’ so the man was deported.[[95]](#footnote-95) Similarly, Chaim Silver, 55, was ‘a healthy strong man and has a son who is well to do in Johannesburg.’ Cousins was overheard exclaiming that ‘they’ were ‘a rotten lot’, before the man was rejected for appearing sickly.[[96]](#footnote-96) While there were cases of plague and other contagious diseases, many refusals on health grounds appear specious, or at least vague.[[97]](#footnote-97) Indeed, most oral histories of Jewish migrants into the 1930s reflect on the problems of accessing Kosher food, or their own food preparation areas, which often left them weak upon arrival, leading to denial of entry.[[98]](#footnote-98) This was despite Donald Currie actively advertising the availability of kosher food on board his ships.[[99]](#footnote-99)

Such were the concerns, the South African Jewish Board of Deputies employed a man to actually greet each ship and monitor refusals from 1914.[[100]](#footnote-100) Prior to this, Morris Alexander made seven visits between June and October 1911, and documented 26 cases of suspicious rejections of Jews, almost all on medical grounds. His records demonstrate that, while the Natal Language Test has been the primary focus of most historians, disability was often cited by migration officials when restricting Jewish migration. In one case, ‘a Mr Kaplan and his three children, already resident in Johannesburg suburb, were refused entry because ‘one eye of one child was defective.’ On the same ship, a ‘Mr and Mrs Otto were refused admission because Mr Otto was indisposed. They are both naturalized in England.’ Also on the same ship, ‘Mrs Omdur & four children were stopped, because the one child appeared to be a little pale.’[[101]](#footnote-101) On another ship, a ‘boy aged 11 who is able to read and write English, Yiddish & Russian was stopped because he has a cut [pencilled above this: ‘split’] lip. His father is naturalized in Johannesburg.’ On another ship was a Mrs. Kaufmann and her twenty-two year old daughter: ‘The girl is a dwarf & a cripple and was therefore not permitted to land’, despite having £3000.[[102]](#footnote-102)

The use of medical diagnosis in this way gave the illusion of science and law being wielded fairly to operate an impartial migration system.[[103]](#footnote-103) Everyone was subject to medical checks, however cursory some might be. And yet the actual implementation was arbitrary and punitive against Jews and Indians in particular. Indeed, Sally Penderby has discovered that, during a 1911 court case brought by a young Jewish man denied entry on medical grounds, and represented by Morris Alexander, the medical officer defended his report by citing the Lomboroso test.[[104]](#footnote-104) None of these exclusions point to a specific illness banned in the legislation, and certainly there is no evidence of ‘scientific’ processes like fingerprinting or the Lomboroso test being regularly used. The legislation allowed for Cousins’ staff to make such decisions about the desirability or otherwise of potential migrants.

The ubiquity of medical reasons for migration highlight the problem of focusing too much on the rituals of migration control. There was no set system, a deliberate strategy of the Cape, or later South Africa. A focus on ritual obscures the personal, ambivalent nature of border control, emphasising repetition over the specificity of each individual encounter, which was particularly important given the system of deliberately arbitrary control in operation in South Africa. This merely accepts the illusion of a uniform, bureaucratic legal system, objectively applied to all. This system was never meant to be objective, and under Cousins was particularly susceptible to the powers of various border agents. Describing this ‘system’ as a ritual masks the deliberate irregularity of it.

## Conclusion

Cousins’ daily hands-on involvement came to an end in 1915, when he was promoted to be in charge of the Immigration Department itself in Pretoria, with a much-wanted pay increase, although he also pointed out: ‘Once again it is my lot to do a most unpleasant piece of work.’[[105]](#footnote-105) It is worth noting that, in his new role he also became the Protector of Asiatics, in charge of the Office of Asiatic Affairs and Immigration, which was now incorporated into the wider Migration Department.[[106]](#footnote-106)

This South African system was always designed to work unfairly. Some inconsistency was due to the lack of a centralised immigration department until 1913, and a weak central government well into the 1920s. Some was undoubtedly due to incompetence or corruption. However, the Natal Language Test and the colonial laws which followed it were deliberately designed as a systemic double-speak, using international legal language to appear just and fair, while relying on the arbitrary power of frontier guards such as Cousins.

Historians must stop thinking of frontier guards as simply tools of governmentality, nor were they always corrupt. While it was sometimes true that ‘gatekeeping officials in the colonial world worked less to restrict traffic than to profit from it’,[[107]](#footnote-107) Cousins at least was clearly motivated by particular ideas of manhood, nationhood and race. He constructed stories in which his overwork, and even his low pay and public criticism, ennobled his work and himself. In this way, his ‘private’ papers, each letter or diary entry, was a performance, not just for himself and his family, but a performance which shaped the very nation South Africa was becoming.

It is important to not just consign Cousins and the system in which he operated to history, either. While we like to think that checks and balances exist to ensure the fair movement of people around the world, much power still derives in the hands of the ‘frontier guards’, the officials who actually operate border points. Their views, and their assumptions about ‘the look’ of potential migrants, are still crucial in determining how laws are enforced. Fears of terrorism and increasing anti-immigration sentiments in many parts of the world make it even more crucial that these frontier guards are scrutinised. The migration official is too important to be neglected or stereotyped.

Historians can play an important role here in two ways: partly, we can highlight how *precedented* current events actually are. Second, because of restricted access to current migration records in most countries, it is only by looking at historic cases that we can see how the processes of inclusion and exclusion work. This period in South Africa is particularly useful in this regard. Not only are all of the official documents available to historians, as well as newspapers and even a few memoirs from migrants, the papers of Cousins allow historians to explore the ways that these migration spaces were policed in practice, to gain rare insights into how the machines of government operated on a very personal level. It is through such work that we can begin to understand the relationship between the rituals of migration, the global systems of migration control, and the individual encounters between would-be migrants and frontier guards.

1. Notable exceptions do exist, mainly in the US. See Vincent Cannato, *American Passage: The History of Ellis Island* (New York 2010); Erika Lee and Judy Yung, *Angel Island: Immigrant Gateway to America* (Oxford 2010). [↑](#footnote-ref-1)
2. Michel Foucault, *The History of Sexuality Volume 1,* (London 1979 [1976]), 140. See also M. Foucault, ‘Governmentality’, in Graham Burchell, Colin Gordon and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality* (London 1991), 87-104. [↑](#footnote-ref-2)
3. Sander S. Gilman, *Difference and Pathology: Stereotypes of Sexuality, Race, and Madness* (Ithaca, NY 1985); Nancy Stepan, *'The Hour of Eugenics': Race, Gender and Nation in Latin America* (London 1991); Alan M. Kraut, Silent Travellers: Germs, Genes and the ‘Immigrant Menace’(Baltimore 1994); H. Donnan and T. M. Wilson, Border Identities: nation and state at international frontiers (Cambridge 1998); J. Caplan and J. Torpey (eds.), *Documenting Individual Identity: The Development of State Practices in the Modern World* (Oxford 2001); Ann L. Stoler, *Carnal knowledge and imperial power: race and the intimate in colonial rule* (Berkeley 2002); Amy Fairchild, Science at the Borders: Immigration, Medical Inspection and the Shaping of the Modern Industrial Labour Force (Baltimore 2003); A. M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York 2008); M. Lake and H. Reynolds, *Drawing the Global Colour Line: White Men’s Countries and the International Challenge of Racial Equality* (Cambridge 2008); S. Castles and J Miller, The Age of Migration: international population movements in the modern world(Basingstoke 2008); Craig Robertson, *Passport in America: The History of a Document* (Oxford 2010); K. Breckenridge and S. Szreter (eds.) Recognition and Registration: Documenting the Person in World History (Oxford 2012); Alison Bashford (ed.), Medicine at the Border: Disease, Globalization and Security, 1850 to the Present (Basingstoke 2014); Becky Taylor, ‘Immigration, Statecraft and Public Health: The 1920 Aliens Order, Medical Examinations and the Limitations of the State in England’, *Social History of Medicine*, 29:3 (2016), 512-533. For South Africa, see J. Klaaren, Migrating to Citizenship: Mobility, Law and Nationality in South Africa, 1897-1937, (Yale 2004), Thesis Yale University; Sally Peberdy, *Selecting Immigrants. National Identity and South Africa's Immigration Policies, 1910-2008* (Cape Town 2009), 26-7; U. Ho, *Paper Sons and Daughters: Growing Up Chinese in South Africa* (Johannesburg 2011); Audie Klotz, *Migration and National Identity in South Africa, 1860-2010* (Cambridge 2013). [↑](#footnote-ref-3)
4. Robin Cohen, *Frontiers of Identity: the British and the others* (London 1994), 198. [↑](#footnote-ref-4)
5. Cohen, *Frontiers,* 2. [↑](#footnote-ref-5)
6. Robin Cohen, ‘Fuzzy Frontiers of Identity: The British Case’, in *Social Identities*, 1:1 (1995), 35-62, 55. [↑](#footnote-ref-6)
7. See Enid Alexander, *Morris Alexander: A Biography* (Cape Town 1953). [↑](#footnote-ref-7)
8. See Emma Rothschild, *The Inner Life of Empires* (Princeton, NJ 2011); Liz Stanley, Andrea Salter and Helen Dampier, ‘Olive Schreiner, Epistolary Practices and Microhistories’, *Cultural and Social History*, 10:4 (2013), 577-597; Liz Stanley (ed.), *Documents of Life Revisited* (Farnham, Surrey 2013); Whites Writing Whiteness (2014), ‘Whites Writing & Change’, [www.whiteswritingwhiteness.ed.ac.uk/overviews/whiteswritingchange](http://www.whiteswritingwhiteness.ed.ac.uk/overviews/whiteswritingchange), esp. 3-4, 10, 12. Last accessed: 4 July 2016. [↑](#footnote-ref-8)
9. Clifton C. Crais, ‘Introduction’, in Crais (ed.), *The Culture of Power in Southern Africa, Essays on State Formation and the Political Imagination* (Portsmouth 2003), 6. See also F. Cooper, ‘Conflict and Connection: Rethinking Colonial African history’, *The American Historical Review*, 99:5 (1994), 1516-1545; F. Cooper and R. Brubaker, 'Identity', in Cooper, *Colonialism in question: theory, knowledge, history* (Berkeley, CA 2005), 59–90. [↑](#footnote-ref-9)
10. Torsten Feys, ‘Shipping Companies as Carriers and Barriers to Human Mobility: The Atlantic and Pacific Border Regimes of the United States’, *World History Connected*, 11:3 (2014): <http://worldhistoryconnected.press.illinois.edu/11.3/forum_feys.html>. [↑](#footnote-ref-10)
11. Philip Corrigan, State Formation’, in Gilbert M. Joseph and Daniel Nugent (eds.), *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico* (Durham, NC 1994), xvii, quoted in Crais, 3. [↑](#footnote-ref-11)
12. Crais, 4-5. [↑](#footnote-ref-12)
13. John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge 2000), 93; Radhika Singha, ‘The Great War and a “Proper” Passport for the Colony: Border-Crossing in British India, c.1882-1922’, *The Indian Economic and Social History Review*, 50:3 (2013), 289-315, 290; Radhika Viyas Mongia, ‘Race, Nationality, Mobility: A History of the Passport’, *Public Culture*, 11:3 (1999), 527 – 556, 528. [↑](#footnote-ref-13)
14. Torpey; Caplan and Torpey; Robertson; Doulman and David; Singha. [↑](#footnote-ref-14)
15. A. McKeown, ‘Ritualization and Regulation: The Enforcement of Chinese Exclusion in the United States and China’, *American Historical Review,* 108:2 (2003), 377-403, 399. [↑](#footnote-ref-15)
16. See, for instance, Taylor, 532. She places ‘the everyday failures to consistently implement the medical terms of the Aliens Order within a wider story of the patchy nature of state power’. [↑](#footnote-ref-16)
17. Singha, 156. [↑](#footnote-ref-17)
18. McKeown, ‘Ritualization’, 381. See also McKeown, *Melancholy Order*, 268-291; Crais, esp. ch.9-10. [↑](#footnote-ref-18)
19. University of Cape Town Archives (UCT), Archive: C W Cousins Papers (BC 1154), E4. Self-published, Zaneen, 1950. [↑](#footnote-ref-19)
20. For more on Indians, see Bala Pillay, *British Indians in the Transvaal. Trade, Politics, and Imperial Relations, 1865-1906* (London 1976); S Bhana and J B Brain, *Settling Down Roots: Indian Migrants in South Africa, 1860-1911* (Johannesburg 1990); Kalpana Hiralal, ‘Mapping Free Indian Migration to Natal through a Biographical Lens, 1880-1930’, *New Contree,* 66 (2013), 97-120. For more on ‘poor whitism’, see L. Chisholm, ‘The Pedagogy of Porter: The Origins of the Reformatory in the Cape Colony, 1882–1910’, *Journal of African History*, 27:3 (November 1986), 481-495; C. Bundy, ‘Vagabond Hollanders and Runaway Englishmen: White Poverty in the Cape Before Poor Whiteism’, in W. Beinart et al. (eds.), *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850–1930* (Johannesburg 1986), 121; Vivian Bickford-Smith, *Ethnic Pride and Prejudice in Victorian Cape Town: Group Identity and Social Practice, 1876-1902* (Cambridge 1995), 126-7; Sarah E. Duff, ‘Saving the Child to Save the Nation: Poverty, Whiteness and Childhood in the Cape Colony, c.1870-1895’, *Journal of Southern African Studies*, 37 (2011), 229-245. [↑](#footnote-ref-20)
21. Les Switzer, 'Gandhi in South Africa: The Ambiguities of Satyagraha', *Journal of Ethnic Studies*, 14:1 (1986), 122-128; Ashwin Desai & Goolem Vahed, *The South African Gandhi: Stretcher-Bearer of Empire* (Stanford 2015). [↑](#footnote-ref-21)
22. Robert A. Huttenback, *Racism and Empire: White Settlers and Coloured Immigrants in the British Self-Governing Colonies, 1830-1910* (Ithaca, NY 1976); Jeremy Martens, ‘A Transnational History of Immigration Restriction: Natal and New South Wales, 1896-7’, in *Journal of Imperial and Commonwealth History* 34:3 (2006), 323-344; Lake and Reynolds, 125-132; McKeown, *Melancholy Order*, 185-214. [↑](#footnote-ref-22)
23. Rachel Bright, ‘Asian Migration and the British World, 1850-1914’, in K. Fedorowich and A. Thompson (eds.), *Empire, Identity and Migration in the British World* (Manchester 2013), 128-149. [↑](#footnote-ref-23)
24. Bickford-Smith, 129, 131, 147-149. [↑](#footnote-ref-24)
25. A. J. Gregory, *Report on the Working of the Immigration Act, 1902 for the year 1903* (Cape Town 1904), 8. See also Uma Dhupelia-Mesthrie, ‘False fathers and false sons: Immigration officials in Cape Town, documents and verifying minor sons from India in the first half of the twentieth century’. *KRONOS*, 40:1 (2014), 99-132, 103; Bickford-Smith, 126. [↑](#footnote-ref-25)
26. Quoted in Milton Shain, *Jewry and Cape Society: the Origins and Activities of the Jewish Board of Deputies for the Cape Colony* (Cape Town 1983), 23. [↑](#footnote-ref-26)
27. See the *Indian Opinion* throughout the early 1900s. [↑](#footnote-ref-27)
28. See Gustav Saron, 'Jewish Immigration, 1880-1913', in Saron and Louis Hotz (eds.), *The Jews in South Africa, A History* (London 1955), 104; Richard Mendelsohn and Milton Shain, *The Jews in South Africa: An Illustrated History* (Jeppestown 2008), 44. [↑](#footnote-ref-28)
29. Gustav Saron, 'The Long Road to Unity', 226-269, in Saron and Hotz (eds.)*,* 229, 238-239. [↑](#footnote-ref-29)
30. There is an almost verbatim account from Alexander’s own incomplete memoir in Alexander, 22-36. See also Saron, 'Jewish Immigration', 93, 101. Both accounts contrast with the story in Mendelsohn and Shain, 47, 57, 60 which largely credits Reverend Bender with convincing the government at an earlier date. [↑](#footnote-ref-30)
31. See the *Annual Reports of the Immigration Restriction Department in the Cape* (1902-9). Uma Dhupelia-Mesthrie, ‘The Form, the Permit and the Photograph: An Archive of Mobility between South Africa and India’, *Journal of Asian and African Studies,* 46:6 (2011), 1-13, 7 for detailed residency requirements, and how it was used to exclude Indians. [↑](#footnote-ref-31)
32. Peberdy, 39, 47, 51; Saron, 'Jewish Immigration', 101-2. [↑](#footnote-ref-32)
33. Andrew MacDonald, ‘The Identity Thieves of the Indian Ocean: Forgery, Fraud and the Origins of South African Immigration Control, 1890s–1920’, *Proceedings of the British Academy,* 179 (2012), 253-276, 260. [↑](#footnote-ref-33)
34. MacDonald, ‘Identity Thieves’, 261; See Transvaal Archives Repository (TAB), Lieutenant Governor (LTG), 97/3, L. Curtis, ‘Position of Asiatics in the Transvaal’, 1 May 1906; TAB LTG 97, 97/03/01, Lionel Curtis, Assistant Colonial Secretary, to Patrick Duncan, Colonial Secretary, ‘Position of Asiatics in the Transvaal, 1 May 1906; Keith Breckenridge, ‘Gandhi’s Progressive Disillusionment: Thumbs, Fingers, and the Rejection of Scientific Modernism in *Hind Swaraj*’, *Public Culture,* 23:2 (2011), 331-348; Andrew MacDonald, Colonial Trespassers in the Making of South Africa’s International Borders, 1900 to c.1950 (Cambridge 2012), Thesis, Cambridge University, 64-6. [↑](#footnote-ref-34)
35. Uma Dhupelia-Mesthrie, ‘Cat and Mouse Games: The State, Indians in the Cape and the Permit System, 1900s-1920s’, in I. About, J. Brown and G. Lonergan (eds.), *Identification and Registration Practices in Transnational Perspective: People, Places and Practices* (London 2013), 190. [↑](#footnote-ref-35)
36. For more on Curtis, see Walter Nimocks, *Milner’s Young Men, the “kindergarten” in Edwardian imperial affairs* (London 1968), although it does not refer specifically to his job in creating the migration departments. Nor does Lionel Curtis’ own memoir, *With Milner in South Africa* (Oxford 1951). [↑](#footnote-ref-36)
37. Perbedy, 31-57. [↑](#footnote-ref-37)
38. For 1911, the budget was £17,00 across the union, and in 1920, it was £23,000 (£28,000 was given to museum administration). See M. H. Kick, *An Analysis of the Finances of the Union of South Africa* (Cape Town 1922), 11-52; MacDonald, Thesis, 41, 65. [↑](#footnote-ref-38)
39. Temporary permits could last for weeks or years, and usually required a deposit, but this was waived in some cases. MacDonald, Thesis, 41-2. [↑](#footnote-ref-39)
40. This is increasingly well documented within US migration historiography. See, for instance, the work by Torsten Feys, especially ‘Shipping Companies’; 'Bounding mass migration across the Atlantic: European shipping companies between U.S. border building and evasion 1860s-1920s,' *Journal of European Modern History*, 14:1 (2016) 78-100; *The battle for the Migrants: The Introduction of Steamships on the North-Atlantic and its Impact on the European Exodus Research in Maritime History vol. 50* (St. John's 2013), 211-313. See also E. Blue, ‘Finding Margins on Borders: Shipping Firms and Immigration Control across Settler Space,’ *Occasion: Interdisciplinary Studies in the Humanities* 5 (2013) 1-20; D. Schneider, *Crossing Borders: Migration and Citizenship in the Twentieth-Century United States* (Cambridge 2011). [↑](#footnote-ref-40)
41. Aristide Zolberg, ‘The Great Wall Against China: Responses to the First Immigration Crisis, 1885-1925’ in Jan Lucassen and Leo Lucassen (eds.), *Migration, Migration History, History: Old Pardigms and New Perspectives* (New York 1997), 308-9. [↑](#footnote-ref-41)
42. A similar use of charities by shipping lines in the US to organise migrants and to lobby the government has been noted in Feys, ‘Shipping Companies’. [↑](#footnote-ref-42)
43. Shipping companies paid between 1/- and 2/- per passenger per day for their upkeep in England. Mendelsohn and Shain, 34. [↑](#footnote-ref-43)
44. Mendelsohn and Shain, 35. [↑](#footnote-ref-44)
45. Saron, 'Jewish Immigration’, 101-104; Alexander, 70; Mendelsohn and Shain, 60. [↑](#footnote-ref-45)
46. The foundation stone for his synagogue was laid in 1904 by the governor, Sir Walter Hely-Hutchingson, and formally opened by Hyman Liberman, Mayor of Cape Town, in 1905, who was also his most prominent congregant. [↑](#footnote-ref-46)
47. Gwynne Schrire, *From Eastern Europe to South Africa, memories of an epic journey, 1880-1937* (Cape Town 2007), 33-4. [↑](#footnote-ref-47)
48. Isabel Hofmeyr, Uma Dhupelia-Mesthrie & Preben Laarsholm, ‘Durban and Cape Town as Port Cities: Reconsidering Southern African Studies from the Indian Ocean’, *Journal of Southern African Studies,* 42:3 (2016), 375-387. [↑](#footnote-ref-48)
49. Dhupelia-Mesthrie, ‘False fathers’, 108. [↑](#footnote-ref-49)
50. MacDonald, Thesis, 68-79; Dhupelia-Mesthrie, ‘Cat and Mouse’; Dhupelia-Mesthrie, ‘False fathers’; Ho. [↑](#footnote-ref-50)
51. MacDonald, ‘Identity Thieves’, 253-276, 260-1; Uma Dhupelia-Mesthrie, ‘Betwixt the Oceans: The Chief Immigration Officer in Cape Town, Clarence Wilfred Cousins (1905-1915), *Journal of Southern African Studies*, 42:3 (2016), 463-481. [↑](#footnote-ref-51)
52. Schrire, 24-6; Mendelsohn and Shain, 35; Dhupelia-Mesthrie, ‘False fathers’, 108. [↑](#footnote-ref-52)
53. MacDonald, Thesis, 35. [↑](#footnote-ref-53)
54. He described a ‘typical day’ in UCT BC 1154, E5.2, ‘The Gates of Africa: Tragedy and Comedy under the Immigration Laws, Paper read to St. Andrews Guild’, 1917; A4.2.1, Diary, 27 July 1909. [↑](#footnote-ref-54)
55. See MacDonald, Thesis, 97. [↑](#footnote-ref-55)
56. See Dhupelia-Mesthrie, ‘The Form’, 7. [↑](#footnote-ref-56)
57. Dhupelia-Mesthrie, ‘False fathers’, 106-107. [↑](#footnote-ref-57)
58. See Dhupelia-Mesthrie, ‘Betwixt’, 474-475; MacDonald, Thesis, 97. [↑](#footnote-ref-58)
59. See Dhupelia-Mesthrie, ‘Betwixt’, 471-473; MacDonald, Thesis, 41-42, 97. [↑](#footnote-ref-59)
60. UCT BC 1154, E5.1, ‘Tragedy and Comedy at the Gates of Africa’, lecture to the Jewish Guild in Pretoria, c.1925. [↑](#footnote-ref-60)
61. See in particular Reports of the Select Committee on the Cape Immigration Department 1907, 1908, 1909, 87-113. [↑](#footnote-ref-61)
62. Dhupelia-Mesthrie, ‘The Form’, 650-662. [↑](#footnote-ref-62)
63. McKeown, *Melancholy Order,* 269. [↑](#footnote-ref-63)
64. Dhupelia-Mesthrie, ‘False fathers‘, 101. [↑](#footnote-ref-64)
65. Cousins, SC 16 – 1908, Report of Select Committee on Asiatic Grievances (1908), 111, quoted in Dhupelia-Mesthrie, ‘False fathers’, 108. [↑](#footnote-ref-65)
66. UCT BC 1154, A4.1.2, Diary, 10 October 1912. [↑](#footnote-ref-66)
67. UCT BC 1154, A4.1.3, Diary, 21 October 1913. [↑](#footnote-ref-67)
68. Cousins, SC 16 – 1908, Report of Select Committee on Asiatic Grievances (1908), 111, quoted in Dhupelia-Mesthrie, ‘False fathers’, 114. [↑](#footnote-ref-68)
69. Ann Laura Stoler and Frederick Cooper, ‘Between Metropole and Colony: Rethinking a Research Agenda’, in Stoler and Cooper (eds.), *Tensions of Empire: Colonial Cultures in a Bourgeois World* (London 1997), 4. [↑](#footnote-ref-69)
70. UCT BC 1154, A4.1.3, Diary, 14 January 1913. [↑](#footnote-ref-70)
71. UCT BC 1154, A4.1.2, Diary 6 August 1912. [↑](#footnote-ref-71)
72. UCT BC 1154, A4.1.2, Diary, 7 August 1912. [↑](#footnote-ref-72)
73. UCT BC 1154, A4.1.4, Diary, 27 December 1915. [↑](#footnote-ref-73)
74. UCT BC 1154, A4.1.2, Diary, 7 August 1912. [↑](#footnote-ref-74)
75. UCT BC 1154, B1.3, Monthly Family Letter from Cousins to England, #369, 15 February 1915. [↑](#footnote-ref-75)
76. UCT BC 1154, A4.1.3, Diary, 6 March 1913. [↑](#footnote-ref-76)
77. UCT BC 1154, A4.1.3, Diary 24 February 1913. See also 25 February 1913. [↑](#footnote-ref-77)
78. Whites Writing Whiteness (2014), ‘Whites Writing & Change’, Whites Writing Whiteness, [www.whiteswritingwhiteness.ed.ac.uk/overviews/whiteswritingchange](http://www.whiteswritingwhiteness.ed.ac.uk/overviews/whiteswritingchange), 10. Last accessed: 4 July 2016. [↑](#footnote-ref-78)
79. UCT BC 1154, B1.3, Monthly Family Letter from Cousins to England, #198-9, 1 November 1914. [↑](#footnote-ref-79)
80. UCT BC 1154, B1.3, Monthly Family Letter from Cousins to England, #288-90, 20 December 1914. [↑](#footnote-ref-80)
81. UCT BC 1154, A4.1.2, Diary, 5 August 1912. [↑](#footnote-ref-81)
82. UCT BC 1154, B1.3, Monthly Family Letter from Cousins to England, #278-9, 14 December 1914. [↑](#footnote-ref-82)
83. UCT BC 1154, A4.1.3, Diary, 29 April 1913. [↑](#footnote-ref-83)
84. UCT BC 1154, A4.1.3, Diary, 17 October 1913. See also 20 October 1913 (2). [↑](#footnote-ref-84)
85. Adam Jaworski and Nikolas Coupland (eds.), *The Discourse Reader* (New York 1999), 407. [↑](#footnote-ref-85)
86. Mary Douglas, *Purity and Danger, An Analysis of the concepts of pollution and taboo* (London 1995 [1966]), 64. [↑](#footnote-ref-86)
87. Douglas, 97. [↑](#footnote-ref-87)
88. McKeown, ‘Ritualization’, 381. [↑](#footnote-ref-88)
89. McKeown, *Melancholy*, 268-291; McKeown, ‘Ritualization’, 377-403. [↑](#footnote-ref-89)
90. McKeown, *Melancholy*, 270-271. [↑](#footnote-ref-90)
91. Dhupelia-Mesthrie, ‘The Form’, 1-13; MacDonald, Thesis, 35; ‘Identity Thieves’, 254. See also Keith Shear, ‘Police Dogs and State Rationality in Early Twentieth Century South Africa’, in Saul Dubow (ed.), *Science and Society in Southern Africa* (Manchester 2000), 143-163. [↑](#footnote-ref-91)
92. Michel Foucault, *Discipline and Punish: the Birth of the Prison*, (New York 1975), 184. [↑](#footnote-ref-92)
93. Deborah Durham, ‘Passports and Persons, The Insurrection of Subjugated Knowledge in Southern Africa’, in Crais (ed.), 153. [↑](#footnote-ref-93)
94. Peberdy, 4, 28. [↑](#footnote-ref-94)
95. UCT Morris Alexander Papers (BC 160), 3.D63/499, 10d – ‘Immigration’ booklet. Inside is inscribed: ‘Commencing 9th March 1911’ and then a chart with Date/ Passenger/ Remarks. [↑](#footnote-ref-95)
96. UCT BC 160, 3.D63/499, 10d, ‘Immigration’. Per Garth Castle, 11 September 1911. See also UCT BC 1154, A4.1.3, Diary, 19 March 1913; Dhupelia-Mesthrie, ‘False fathers’, 112, 127-128. [↑](#footnote-ref-96)
97. A thorough examination of the official immigration files for this period has not yet been possible, but will be the subject of future research, where more detailed statistics will be gathered. [↑](#footnote-ref-97)
98. C. Gershater, 'From Lithuania to South Africa' in Saron and Hotz (eds.), 83-4; Schrire, 24-26. [↑](#footnote-ref-98)
99. See excerpt from *The Jewish World*, 9 March 1900 entitled ‘Southward Ho! Jewish Emigrants’ Treatment. Interview with Sir Donald Currie’ in Mendelsohn and Shain, 36-7. [↑](#footnote-ref-99)
100. See Ann Rabinowitz, ‘From the Morris Alexander “Immigration” Notebook, 1911’, Southern Africa Jewish Genealogy SA-SIG, 14 July 1997, <http://www.jewishgen.org/SAfrica/alexander-immig.htm>, last accessed: 4 July 2016. The office closed in 1915 due to WWI, having already dealt with thousands of cases, but resumed in 1923. [↑](#footnote-ref-100)
101. UCT BC 160, ‘Immigration’, 5 August 1911, passenger from “Bon Louis”. [↑](#footnote-ref-101)
102. UCT BC 160, ‘Immigration’. 20 August1911, passenger from ‘Trintapel[?] Castle’. [↑](#footnote-ref-102)
103. A similar point is made in Taylor, 520. [↑](#footnote-ref-103)
104. Quoted in Peberdy, 51-52. Cesare Lomboroso, an Italian pioneer of criminology in the 1870s, believed criminals were identifiable by distinctive facial and skull characteristics. Mary Gibson, *Born to Crime: Cesare Lombroso and the Origins of Biological Criminology* (Italian and Italian American Studies Series, Westport, Conn.: Praeger, 2002). [↑](#footnote-ref-104)
105. UCT BC 1154, A4.1.4, Diary, 30 September 1915. [↑](#footnote-ref-105)
106. UCT BC 1154, B2.1, Letters to C. W. Cousins, 20 August 1915. [↑](#footnote-ref-106)
107. Macdonald, ‘Identity Thieves’, 255. [↑](#footnote-ref-107)