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# THE RACIALISED DIET SCALES OF TRANSVAAL PRISONS: CHINESE AND INDIAN PRISONER RESISTANCE, 1901–1911

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This article commences with an exploration of how the diet scales of the Transvaal prisons were underpinned by racial discrimination from 1901 to 1911: people of colour received smaller varieties and quantities of food than white prisoners. To highlight how the racialised diet scales were implemented as a punitive measure, the article provides a discussion of how Chinese prisoners were placed on restricted diets to make their imprisonment inimical and forbidding. The study then proceeds to investigate two groups that levelled complaints against the racialised diet scales. The first group was the Chinese prisoners at the Johannesburg gaol that served long sentences. The discussion of this group reveals the agency of the inmates, who committed a hunger strike to protest the diet scale. The second group consisted of the Chinese and Indian organisations that supported the imprisoned satyagraha campaigners. Through the lobbying efforts of these organisations, the Transvaal government was constantly brought to address, as well as pressed to attend to the issues about the diet scales. In sum, the two groups championed a revised diet that was respectful of the heritage, habits, and cultures of the Chinese and Indian prisoners.

**Keywords:** British Indian Association, Chinese Association, diet scale, prison, satyagraha, South African British Indian Committee, Transvaal

## **Die rasgebaseerde dieetskale in Transvaalse gevangnisse: Chinese en Indiërgewangenes bied weerstand, 1901–1911**

Die artikel begin met 'n verkenning van wyses waarop die dieetvoorskrifte in Transvaalse gevangnisse gedurende 1901–1911 op rassediskriminasie gegrond was, aangesien mense van kleur 'n kleiner verskeidenheid en hoeveelheid voedselsoorte as blanke gevangenes ontvang het. Om aan te toon hoe hierdie rasgebaseerde dieet as strafmaatreël gebruik is, bevat die artikel 'n bespreking van die wyse waarop Chinese gevangenes op 'n beperkte dieet geplaas is om hul gevangenskap as 'n afskrikmiddel te laat dien. Verder word ondersoek ingestel na twee groepe wat teen die rasgebaseerde dieetvoorskrifte beswaar gemaak het. Die eerste was die Chinese wat lang vonnisse in Johannesburg se tronk uitgedien

het en hul misnoeë met die dieetvoorskrifte by wyse van 'n eetstaking te kenne gegee het. Die tweede groep het bestaan uit Chinese en Indiërganisasies wat die gevange satyagraha-kampvegters ondersteun het. Danksy hierdie organisasies se steunwerwingspogings moes die Transvaalse regering gereeld aan die kwessies van dieetvoorskrifte aandag skenk. Samevattend kan gesê word dat die twee groepe hul beywer het vir 'n hersiene dieet wat respek sou toon vir die Chinese en Indiërgewenenes se kultuur.

**Sleutelwoorde:** British Indian Association, Chinese Association, dieetvoorskrifte, gevangenis, satyagraha, South African British Indian Committee, Transvaal

## Introduction

Over the past two decades, studies in the cultural history of food in prisons have grown exponentially. This field of research has explored how prison diets were intentionally designed to offer meagre rations, as they were part of a gaol's mechanisms of discipline and punishment. Stated differently, a punitive diet formed part of a prison's ethos to punish inmates through harsh living conditions.<sup>1</sup> It is not only the meagre rations that made the prison diets punitive, but also the issuing of bland, monotonous and standardised meals.<sup>2</sup> In doing so, inmates were deprived of 'autonomy over food choice':<sup>3</sup> the quantity, type, preparation and presentation of the food, were controlled and dictated by the prison authorities.<sup>4</sup> Inmates thus suffered a mortification of their self-image as they were neither able to affirm their 'independence and individualism',<sup>5</sup> nor demonstrate their belonging to a religious or cultural grouping via the food they consume.<sup>6</sup> Significantly, several studies have enumerated how inmates sought to put an end to these mortifications by resisting a prison's diet scale.<sup>7</sup>

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1 I Miller, *A History of force feeding: Hunger strikes, prisons and medical ethics, 1909–1974* (London, 2016), p 170.

2 R Godderis, Dining in: The symbolic power of food in prison, *The Howard Journal* 45(3), 2006, p 258; C Smith, Punishment and pleasure: women, food and the imprisoned body, *The Sociological Review* 50(2), 2002, p 202.

3 C Smith, Punishment..., *The Sociological Review* 50(2), 2002, p 202.

4 A Brisman, Fair Fare?: Food as contested terrain in U.S. prisons and jails, *Georgetown Journal on Poverty Law & Policy* 15(1), 2008, p 54.

5 C Smith, Punishment..., *The Sociological Review* 50(2), 2002, p 203.

6 A Brisman, Fair..., *Georgetown Journal on Poverty Law & Policy* 15(1), 2008, p 53; R Godderis, Dining..., *The Howard Journal* 45(3), 2006, p 255; C Smith, Punishment..., *The Sociological Review* 50(2), 2002, p 202.

7 I Miller, *A History...*; R Godderis, Dining..., *The Howard Journal* 45(3), 2006.

South African scholarship in the field is characterised by investigations of the gaols in colonial Natal and the prisons of the apartheid era to explore two themes:<sup>8</sup> how food offered a mechanism of ‘power, dominance and control’ for the prison authorities, and how food functioned as a ‘form of resistance’ for the prison inmates.<sup>9</sup> In terms of the first theme, food served as a mechanism of domination and oppression in the country’s colonial and apartheid-era prisons by the implementation of a racialised diet scale: people of colour were fed reduced rations and less nutritious and lower quality food than white prisoners.<sup>10</sup> As a mechanism to control and discipline inmates, the gaols of colonial Natal enforced a spare diet – severely reduced food rations.<sup>11</sup> This form of punishment continued into apartheid with the Prisons Act of 1959, which allowed warders the right to reduce a prisoner’s diet.<sup>12</sup> A spare diet remained a ‘legally permissible form of punishment for infractions of prison discipline throughout the apartheid period’.<sup>13</sup> In terms of the second theme, the focus has primarily been on how inmates used hunger strikes as a ‘weapon of resistance ... to chip away at the power of the apartheid prison authorities’.<sup>14</sup>

To build upon the existing body of South African scholarship, this contribution investigates the themes in the prisons of the Transvaal. The study is delimited to 1901–1911, as the database for the National Archives of South Africa holds an extensive number of records on the topic of prison diets for this period and how people of colour resisted the ingestion of the racialised prison diet scales. This is of novel importance, as before the period under investigation, the archives contain only the voice of white prisoners who protested over prison food. The archived

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- 8 N Filippi, Deviance, punishment and logics of subjectification during Apartheid: Insane, political and common-law prisoners in a South African gaol, *Journal of Southern African Studies* 37(3), 2011; SA Peté & AD Crocker, Apartheid in the food: An overview of the diverse social meanings attached to food and its consumption within South African prisons during the colonial and apartheid periods (part one), *Fundamina* 16(2), 2010; SA Peté & AD Crocker, Apartheid in the food: An overview of the diverse social meanings attached to food and its consumption within South African prisons during the colonial and apartheid periods (part two), *Fundamina* 17(1), 2011; S Peté & A Devenish, Flogging, fear and food: Punishment and race in colonial Natal, *Journal of Southern African Studies* 31(1), 2005.
- 9 SA Peté & AD Crocker, Apartheid..., *Fundamina* 16(2), 2010, p 87.
- 10 N Filippi, Deviance..., *Journal of Southern African Studies* 37(3), 2011, p 633; S Peté & A Devenish, Flogging, ..., *Journal of Southern African Studies* 31(1), 2005; SA Peté & AD Crocker, Apartheid..., *Fundamina* 16(2), 2010, p 87.
- 11 SA Peté & AD Crocker, Apartheid..., *Fundamina* 16(2), 2010, p 89.
- 12 N Filippi, Deviance..., *Journal of Southern African Studies* 37(3), 2011, p 633.
- 13 SA Peté & AD Crocker, Apartheid..., *Fundamina* 17(1), 2011, p 113.
- 14 SA Peté & AD Crocker, Apartheid..., *Fundamina* 17(1), 2011, p 124.

records were analysed by adopting a Gadamerian approach to hermeneutics.<sup>15</sup> Briefly, this entailed investigating every sentence of the records to identify themes and patterns about food and prisons. Once these were identified, the records were repeatedly read to develop a detailed contextualisation and comprehension of the themes and patterns.

The study commences with a discussion of the racialised diet scales of the Transvaal. Here the focus is on how the Chinese prisoners were removed from the Indian diet scale and placed on the Native diet scale to make their imprisonment inimical and forbidding. Thereafter, the discussion explores two instances in which complaints were levelled against the racialised diet scales: first, by the long-term Chinese prisoners at the Johannesburg gaol, and secondly, by the Chinese and Indian organisations who supported the imprisoned satyagraha campaigners. In their complaints, the two groups expressed agency by resisting passive ingestion of a prison's dietary scale<sup>16</sup> and championed a revised diet that was respectful of their heritage, habits and humanity.

### **The prison diet scales of the Transvaal**

The Transvaal diet scales for prisons mandated the issuance of different food and quantities based on the race of the prisoner.<sup>17</sup> For example, the 1901 diet scale distinguished between three race groups, namely European, Native, and Indian.<sup>18</sup> On the European diet scale, prisoners received 4 oz. mealie-meal and 4 oz. bread for breakfast. Dinner consisted of 16 oz. meat, 8 oz. vegetables, 2 oz. rice and 8 oz. brown bread. The supper was 12 oz. brown bread and 1 oz. soup. On the Native diet scale, prisoners were issued with 8 oz. mealie-meal for breakfast. Dinner was 8 oz. vegetables and 12 oz. mealie-meal. On Sundays and Wednesdays, dinner included 8 oz. meat and 2 oz. rice. Supper was 12 oz. mealies with ½ oz. fat. The Indian diet scale for breakfast was like that of the Native. For supper, the Indian diet scale offered 12 oz. mealies. For dinner, the Indians received 16 oz.

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15 For an in-depth discussion of the step-by-step method for analysing archived records by adopting a Gadamerian approach to hermeneutics, see R du Plessis, *Pathways of patients at the Grahamstown Lunatic Asylum, 1890 to 1907* (Pretoria, 2020).

16 A Brisman, Fair... *Georgetown Journal on Poverty Law & Policy* 15(1), 2008, p 75; C Smith, Punishment..., *The Sociological Review* 50(2), 2002, p 205.

17 The racialised diet scales also made a distinction in the issuance of food based on the gender of the prisoner, the type of sentence (with or without hard labour), and the duration of sentence. For ease of comparison, the study compares the diet scales for men who were sentenced for hard labour for an imprisonment of up to three months.

18 National Archive of South Africa hereafter (NASA), TAB, C30, 8, PSC357: Circular No. 14 of 1901. Diet scale to be observed in Transvaal prisons.

vegetables with 12 oz. rice. On Sundays and Wednesdays, dinner included 8 oz. meat. In comparing the three diet scales, white prisoners' diet was superior. To substantiate further, bread and soup were reserved solely for white prisoners. Instead, the black and Indian prisoners received a higher ration of mealie-meal of which the Native diet carried the highest allocation. Furthermore, the Native and Indian diet scales offered significantly reduced meat rations that were only served on Sundays and Wednesdays.<sup>19</sup>

The Transvaal gaols did not issue a specific dietary scale for Chinese prisoners. Consequently, without a specified diet scale, each of the Transvaal's gaols used their discretion to offer the Chinese prisoners either the Native or the Indian diet scale. As already identified, while the Native diet scale was principally concentrated on mealie-meal, the Indian diet scale allowed for a larger ration of rice. It was the dispensation of the Indian diet scale to Chinese prisoners, who were indentured labourers, which irked several government departments. Here it is important to contextualise that the indentured Chinese labourers were brought to the Transvaal to work in the mines.<sup>20</sup> The indentured Chinese contributed to the 'revitalization of the gold mining industry'<sup>21</sup> but this was largely at their own cost.<sup>22</sup> The Chinese 'were met with violence used and supported by the state and mining authorities'<sup>23</sup>

19 Revisions to the diet scale were issued in 1906 and 1909. Nevertheless, they continued to be underpinned by racial discrimination: people of colour were fed smaller varieties of food, less meat, and significantly more mealies. For example, the 1906 diet scale privileged white prisoners by issuing them with 1 pint of cocoa for breakfast along with 8 oz. bread and 1-pint porridge. In contrast, black and Indian prisoners received for breakfast only 1-quart mealie porridge. Supper for white prisoners was 8 oz. bread with 1-pint porridge whereas black prisoners received only 8 oz. crushed mealies with 1 oz. fat. Indians received 8 oz. rice with 1 oz. fat for supper. The dinner for white prisoners included meat on four days a week whereas meat was only served on Sundays at dinners for black and Indian prisoners. While mealie porridge was served four times a week at dinner for black and Indian prisoners, it was excluded from the dinner for white prisoners who instead received bread. See NASA, TAB C30, 8, PSC357: Diet scale in Pretoria, Johannesburg, and Country prisons.

20 Starting in 1904 and ending in 1910, over 63,000 Chinese indentured labourers were brought to the Transvaal to work on the mines. For an in-depth discussion of the importation of Chinese indentured labourers within the broader racial and political discourses of southern Africa, from the South African War to the Union of South Africa in 1910, see RK Bright, *Chinese labour in South Africa, 1902–10: Race, violence, and global spectacle* (Basingstoke, 2013); M Ngai, *The Chinese question: The gold rushes and global politics* (New York, 2021).

21 TT Huynh, "We are not a docile people": Chinese resistance and exclusion in the re-imagining of whiteness in South Africa, 1903–1910, *Journal of Chinese Overseas* 8, 2012, p 141.

22 The human costs can be measured by the fact that '3,192 Chinese laborers died while on the Rand from illness and work-related conditions'. See M Ngai, *The Chinese...*, p 231.

23 TT Huynh, "We are not...", *Journal of Chinese Overseas* 8, 2012, p 141.

and were exploited by the mines as ‘cheap, unskilled ... labourers suitable for rough, manual work’.<sup>24</sup>

The Chinese indentured labourers who committed offences against their mining employers – such as refusal to work and absenteeism – were punished by imprisonment and/or a fine.<sup>25</sup> In 1905, to the astonishment of the government, there was an increase in the number of Chinese indentured labourers who elected to go to prison instead of paying the fines. James William Jamieson, Superintendent of Chinese Labour for the Foreign Law Department, complained that this resulted in the ‘congestion of prisons, and a collateral consequence is the diminution of revenue from fines’.<sup>26</sup> Jamieson argued that by some of the Transvaal gaols feeding rice to the Chinese and making them ‘comfortable in the matter of work and other respects’, many indentured labourers ‘prefer to go to gaol to working underground’.<sup>27</sup> To correct this preference, Jamieson called for a restricted dietary scale for Chinese prisoners.

Jamieson’s call initiated a request for information from the Office of the Director of Prisons to detail the diet scale offered to Chinese prisoners. In submitting the 1901 Indian diet scale that was issued to the Chinese prisoners, the Assistant Director proceeded to compare it to the diet scale laid down in the Labour Importation Ordinance.<sup>28</sup> The Ordinance detailed the daily diet for the indentured labourers in the mines to include 1.5 lbs. rice, 0.5 lb. dried or fresh meat and fish, 0.5 lb. vegetables, 0.5 oz. tea, and 0.5 oz. nut oil with salt.<sup>29</sup> By comparing these two diet scales, the Assistant Director argued that the ‘Prison diet is not more than that issued by the Mines, and no luxuries in the shape of tea or nut oil are issued in

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24 TT Huynh, ‘We are not...’, *Journal of Chinese Overseas* 8, 2012, p 141.

25 M Yap & DL Man, *Colour, confusion and concessions: The history of the Chinese in South Africa* (Hong Kong, 1996), p 108; KL Harris, *Sugar and Gold: Indentured Indian and Chinese labour in South Africa*, *Journal of Social Sciences* 25(1–3), 2010, p 153. Some of these offences may have been a reaction to the ‘acts of cruelty on the part of those in authority on the mines’, as well as to the ‘degradation of work and personal indignity engendered by the terms of labor’. See TT Huynh, ‘We are not...’, *Journal of Chinese Overseas* 8, 2012, p 152. Of the Chinese indentured labourers, a total of ‘19,530 displayed their dissatisfaction by refusing to work, rioting, staging work actions, and deserting the compounds’. See M Ngai, *The Chinese...*, p 231.

26 NASA, TAB, FLD 19, AG 34/05: Jamieson – Law Department, 15 August 1905.

27 NASA, TAB, FLD 19, AG 34/05: Jamieson – Law Department, 15 August 1905. See also RK Bright, *Chinese labour...*, p 155; M Ngai, *The Chinese...*, p 293.

28 The Ordinance addressed the contract details of the indentured subjects. See KL Harris, *Sugar...*, *Journal of Social Sciences* 25(1–3), 2010, p 153; M Ngai, *The Chinese...*, p 266.

29 NASA, TAB, FLD 19, AG 34/05: Assistant Director of Prisons – The Secretary of the Law Department, 31 August 1905. For further discussion on the diet scale offered to the Chinese indentured labourers at the mines, see M Ngai, *The Chinese...*, p 267–269.

Prison'. In responding to these findings, Jamieson remained resolute in calling for a restricted diet scale to be enforced. He was determined to dispel any consideration that prison food might be better than what was offered by the mines. Jamieson maintained, 'so long as an idea of this kind prevails men will elect to go to gaol'.<sup>30</sup> To expel and eradicate such an idea, Jamieson was 'strongly of opinion that no time should be lost in changing their scale to that of native prisoners'.<sup>31</sup>

The issue reached the attention of the High Commissioner for Southern Africa, Lord Selborne, who regarded Chinese indentured labour as essential for the mining industry's 'recovery and ... its rapid development and expansion'.<sup>32</sup> Selborne enquired from Jamieson if it is 'true that a Chinaman in prison is so well fed that he does not see any difference between that and his ordinary life except that he does no work? If so, should not his fare be modified?'<sup>33</sup> Jamieson replied to Lord Selborne by stating that he is 'pressing the Law department' to put all Chinese prisoners on a 'native prison diet'.<sup>34</sup> On 23 September 1905, it was decreed that 'all Chinese prisoners shall be placed upon ordinary Native diet' throughout the Transvaal's prisons.<sup>35</sup>

The call for the dispensation of the Native diet scale for Chinese prisoners, in summation, stemmed from the symbolic status of rice as a 'luxury'<sup>36</sup> food item for the Chinese. Thus, to bar Chinese prisoners from experiencing contentment from consuming rice, and to install adverse living conditions in the prisons for them, the gaols of the Transvaal issued them with the Native diet scale. While the responses from the imprisoned indentured Chinese who received the racialised diet scale are unrecorded,<sup>37</sup> there are two groups – during the period under investigation – that expressed their disapproval of the racialised diet scales of the Transvaal.

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30 NASA, TAB, FLD 19, AG 34/05: Secretary to the Law Department – Director of Prisons, 13 September 1905.

31 NASA, TAB, FLD 19, AG 34/05: Secretary to the Law Department – Director of Prisons, 13 September 1905.

32 M Ngai, *The Chinese...*, p 264.

33 NASA, TAB, FLD 194, 43/53: Selborne – Jamieson, 14 September 1905.

34 NASA, TAB, FLD 194, 43/53: Jamieson – Selborne, 16 September 1905.

35 NASA, TAB, FLD 19, AG 34/05: Assistant Director of Prisons – Law Department, 23 September 1905.

36 NASA TAB, FLD 194, 43/53: Law Department – Foreign Labour Department, 28 August 1905.

37 For an outline of the Chinese indentured labourers' responses, as well as acts of agency to the diet scale they were offered at the mines, see M Ngai, *The Chinese...*, p 267.

## **Resistance from the long-sentenced Chinese prisoners**

The Acting-Governor of the Johannesburg gaol reported that on 12 June 1907, the Chinese prisoners who were serving a long sentence at the Johannesburg gaol commenced a hunger strike. They refused their breakfast on the ‘grounds that it was not sufficient’.<sup>38</sup> Thereafter, they refused their dinner, as they ‘would like to see every ration made out before any Prisoner received his ... ration’. The Acting-Governor rejected this request. The next morning, the prisoners continued their hunger strike by again refusing to eat their breakfast. The Acting-Governor reported the hunger strike to the Director of Prisons. In turn, the Director conveyed the matter to the Law Department and enquired if the Inspector of Prisons should visit the gaol to investigate the matter.<sup>39</sup> The Inspector was instructed to attend to the matter, but the investigation was called off on 17 June on the basis that the prisoners were now ‘eating their rations’.<sup>40</sup>

The reasons for the Chinese prisoners ending the hunger strike are unrecorded and therefore it is impossible to ascertain if it was successful. Nevertheless, the hunger strike remains valuable for identifying the agency of the prisoners: by refusing to eat, the prisoners drew attention to their rejection of the diet scale, as well as asserted their demand to verify the quantities of food with which they were issued. Of particular interest, the demand by the Chinese for their rations to be weighed was in accord with the stipulations of the Gaol Regulations of 1904:

A prisoner who has any complaint to make regarding the diet furnished to him, or who wishes his ration to be weighed to ascertain whether he is supplied with the authorised quantity, shall make his request immediately after the food is handed to him and before any portion of it is consumed, and it shall then be examined and weighed by the Gaoler or other officer in his presence.<sup>41</sup>

The close accord between the demand levelled by the Chinese and the gaol regulations may suggest that the protesters were conversant in the regulations.<sup>42</sup> This likely entailed studying the diet scales that were ‘posted in prominent parts of each prison’<sup>43</sup> and investigating the regulations to identify the procedures

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38 NASA, TAB, LD 1465, AG 2468: Johannesburg gaol – Director of Prisons, 13 June 1907.

39 NASA, TAB, LD 1465, AG 2468: Director of Prisons – Law Department, 14 June 1907.

40 NASA, TAB, LD 1465, AG 2468: Inspector of Prisons – Law Department, 17 June 1907.

41 NASA, TAB, LD 1646: Gaol Regulations. Section Three of Ordinance No. 2 of 1904 (no. 198).

42 See also M Ngai, *The Chinese...*, p 287.

43 NASA, TAB, LD 1646: Gaol Regulations. Section Three of Ordinance No. 2 of 1904 (no. 187).



for complaints, as well as the protocols for the gaol authorities to address the complaints. On the one hand, the Chinese prisoners' awareness and comprehension of the government's regulations can aid us in recognising their agency – they may have studied the regulations to assert and declare their rights to verify the issuance of the diet scale. On the other hand, it would be incorrect to state that the regulations provided them with a means to buttress their claims from being ignored or withdrawn by various authorities. To elucidate, the Acting-Governor heeded their request only on one instance, namely when he tested the number of breakfast rations of 12 June. Thereafter, he disregarded their requests for further testing and refuted their complaints by citing the testimony of the Chief Warder, who declared their dinner 'ration was a full one and fairly issued'.<sup>44</sup> In reporting the hunger strike to the Director of Prisons, the Acting-Governor irrevocably avowed that the prisoners 'have absolutely no grounds for complaint' and that he does 'not intend to give in to them about the issuing of these rations'. In drawing the Law Department's attention to the matter, the Director of Prisons affirmed that the 'Acting Governor has taken the right course'.<sup>45</sup> In sum, the gaol regulation under investigation may have offered a route by which prisoners could air their grievances, but it did not open dialogue or debate between the prisoners and the gaolers.

It is also paramount to acknowledge that the cited gaol regulation included the following proviso: 'Should, however, repeated complaints of a groundless nature be made by any prisoner under cover of this rule, such complaint shall be treated as a false or frivolous complaint, and the offender shall be liable to punishment accordingly'.<sup>46</sup> Here it becomes clear that the regulation is less aimed at providing an institutionally sanctioned route for forwarding the unequivocal endorsement and empowerment of the rights of prisoners to complain about their food, and more aligned with enforcing the disciplinary regimen of the jail.<sup>47</sup> In other words, as the regulation alerted prisoners to the fact that diet scale complaints could result in punishment, the regulation may thus have served to ensure the submission and docility of prisoners to accepting the dispensed diet scale. In recognising the punishment risks associated with raising a complaint, we are provided with a richer appreciation of the agency of the Chinese prisoners: they refused to be docile diners or submissive sitters to their diet scale – even if their act of agency ran the risk of exposing themselves to penalties, punishment, and discipline.

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44 NASA, TAB, LD 1465, AG 2468: Johannesburg gaol – Director of Prisons, 13 June 1907.

45 NASA, TAB, LD 1465, AG 2468: Director of Prisons – Law Department, 14 June 1907.

46 NASA, TAB, LD 1646: Gaol Regulations. Section Three of Ordinance No. 2 of 1904 (no. 198).

47 M Foucault, *Discipline and punish: The birth of the prison*, translated by A Sheridan (London, 1991).

## **Resistance from the organisations who supported the imprisoned satyagraha campaigners**

In August 1906, the Transvaal Government published a draft Asiatic Ordinance mandating all Chinese and Indians over the age of eight to register with the state. The registration certificate required extensive biographic and biometric information from the applicant. They were to always carry the registration certificate, and if requested by the police, submit it to them for inspection. Those who failed to register could be fined, imprisoned, or deported. The Ordinance was ‘passed practically in the shape in which it was first drafted’<sup>48</sup> as the Asiatic Law Amendment Act – known as the Black Act – and it took effect on 1 July 1907.<sup>49</sup> The Black Act ‘initiated simultaneous resistance’<sup>50</sup> from the Chinese and Indian communities.<sup>51</sup> In protest of the Black Act, Mahatma Gandhi called for the Indian community to embark upon a passive resistance campaign known as satyagraha. The Chinese endorsed and supported satyagraha and, consequently,<sup>52</sup> a ‘relationship between Gandhi, the Chinese and passive resistance was forged’.<sup>53</sup> Gandhi exhorted the satyagraha campaigners to ‘defy the “Black Act”, court arrest and be strictly non-violent’.<sup>54</sup> To this end, the campaigners, known as satyagrahis, swore an oath not to register with the state, consequently, suffer imprisonment until the law was repealed.<sup>55</sup>

Although satyagrahis were to submit to imprisonment, Gandhi stipulated that they were only to obey jail regulations ‘so long as they were not inconsistent with our self-respect or with our religious convictions’.<sup>56</sup> While the satyagraha struggle has received significant scholarly attention,<sup>57</sup> Gandhi’s stipulation has remained under-researched. The diet scale of prisons was one aspect that the satyagrahis

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48 MK Gandhi, *Satyagraha in South-Africa*, translated by VG Desai (Ahmedabad, 1928), p 76.

49 KL Harris, “Strange Bedfellows”: Gandhi and Chinese passive resistance 1906–11, *Journal of Natal and Zulu History* 31, 2013, p 25.

50 KL Harris, “Strange Bedfellows” ..., *Journal of Natal and Zulu History* 31, 2013, p 22.

51 MLake & H Reynolds, *Drawing the global colour line: White men’s countries and the international challenge of racial equality* (Cambridge, 2008), p 218.

52 The Chinese endorsed the satyagraha struggle but had their own leaders and organisations, see KL Harris, “Strange Bedfellows” ..., *Journal of Natal and Zulu History* 31, 2013.

53 KL Harris, “Strange Bedfellows” ..., *Journal of Natal and Zulu History* 31, 2013, p 25.

54 ES Reddy & K Hiralal, *Pioneers of Satyagraha: Indian South Africans defy racist laws, 1907–1914* (Ahmedabad, 2017), p 9.

55 KL Harris, “Strange Bedfellows” ..., *Journal of Natal and Zulu History* 31, 2013, p 26.

56 MK Gandhi, *Satyagraha* ..., p 95.

57 ES Reddy & K Hiralal, *Pioneers*...

rejected, as it did not respect their religions, cultures, and habits.<sup>58</sup> The ensuing discussion explores this topic by focusing on the organisations that campaigned on behalf of the satyagrahis for reform in the prison diet scale.<sup>59</sup>

### *The Chinese organisations*

The Chinese Association and the Imperial Chinese Consulate-General in Johannesburg raised the complaints on behalf of the imprisoned Chinese satyagrahis. The Consul-General was originally appointed by the Emperor of China to oversee the welfare of the indentured labourers, but in 1905 ‘also acquired jurisdiction over the free or unindentured Chinese in the South African region’.<sup>60</sup> As a result of the Consul-General’s role in the protection of the welfare of the various Chinese groupings in the Transvaal, ‘appeals and petitions were often channelled’ via him.<sup>61</sup> While the close connection between the Chinese Association and the Consul-General has been explored elsewhere,<sup>62</sup> what has thus far gone unnoticed is how both parties collaborated in calling for a reform in the diet scales offered to Chinese prisoners.

On 29 August 1909, the Chinese Association passed several resolutions in response to the Black Act.<sup>63</sup> The first resolution outlined that the Association called on their members to express ‘unanimous determination’ to ‘remain steadfast to the principles of passive resistance until ... the said Act has been repealed’. In the second resolution, the Association applauded the Chinese who were arrested for non-compliance with the Act and extolled that by going to gaol they have therefore not ‘prostitute[d] their manhood to the demands of an unjust legislation’. The third resolution aimed to ‘bring to the notice of the Prison Authorities that a diet of mealie porridge ... is calculated to induce sickness in the ... Chinese and would therefore respectfully urge that rice and bread be placed upon the scale of diet for all Chinese prisoners’.

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58 As far as I can ascertain, it is only Yap and Man’s study that provides a short discussion of the prison diet scale. See M Yap & DL Man, *Colour...*, p 162.

59 The satyagraha struggle commenced in 1906 and ended in June 1914. The topic of prison diet scale came to the attention of the organisations in 1908 and ceased in May 1911 when Gandhi and General Smuts reached a provisional settlement. At this point, the satyagraha campaign was ‘suspended and the resisters were released from prison’. See ES Reddy & K Hiralal, *Pioneers...*, p 8.

60 KL Harris, Sugar..., *Journal of Social Sciences* 25(1–3), 2010, p 154.

61 KL Harris, “Strange Bedfellows”..., *Journal of Natal and Zulu History* 31, 2013, p 21.

62 KL Harris, Chinese merchants on the Rand, c.1850 – 1910, *South African Historical Journal* 33, 1995, p 163; M Yap & DL Man, *Colour...*, p 139.

63 NASA, TAB, LD 1646, AG 1774: Imperial Chinese Consulate-General – Attorney General, 31 August 1909.

The Consul-General included the resolutions when he addressed the matter of the prison diet with the Attorney-General. The Consul-General's correspondence sought to 'place on record [his] strongest protest' that mealie-meal was issued as 'a sufficient diet for all Chinese prisoners'.<sup>64</sup> He substantiated his protest by calling on the Attorney-General to recognise that on matters of diet:

it is most essential that habits, customs, former conditions of life, should be taken into consideration, and while this diet may suit the one it does not follow that it will suit the other. Mealie porridge may be suitable for certain classes of a prisoner, but I maintain that to force Chinese whose habits and former customs are totally at variance with this diet is placing them under a disability and that imprisonment with hard labour under these circumstances must of necessity mean a heavier punishment to them than it does to the other races of mankind who may suffer imprisonment in the Transvaal prisons. ... In requesting that the authorities may take steps to introduce as soon as possible a scale of diet ... in accord with the former habits and customs of these political prisoners.

Before responding to the Consul-General, the Attorney-General sought feedback from the Foreign Labour Department. The Department now recognised that placing Chinese prisoners on a diet of mealie porridge is a 'dangerous proceeding' as 'their health is bound to suffer from the change' and they thus 'recommend that a diet of rice be substituted for that of mealie porridge'.<sup>65</sup> Nevertheless, the Department warned that the imprisoned satyagrahis should not be offered a diet of rice and bread, as 'it is not improbable that they will elect to remain political prisoners for several decades'. The response by the Attorney-General was not motivated by the fears of the Department, as he informed the Consul-General that he is prepared to allow the Chinese in 'each prison to declare whether they prefer the Native or Indian diet'.<sup>66</sup> If they opted for the Indian diet, the Chinese prisoners would thus receive larger rations of rice.

In sum, in a scathing letter protesting the diet scale, the Consul-General included the resolutions of the Chinese Association and posed formidable questions to the Transvaal government. The letter instigated various government officials to

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64 NASA, TAB, LD 1646, AG 1774: Imperial Chinese Consulate-General – Attorney-General, 31 August 1909.

65 NASA, TAB, LD 1646, AG 1774: Foreign Labour Department – Law Department, 10 September 1909.

66 NASA, TAB, LD 1646, AG 1774: Law Department – Imperial Chinese Consulate-General, 13 September 1909.

dialogue and debate the diet scale. The outcome was the Chinese satyagrahis receiving larger rations of rice – albeit only if they selected the Indian diet scale. Although the rice ration offered only a small respite to the prisoners rather than a thoroughgoing improvement of prison life, which was overwhelmingly outlined to be ‘onerous’,<sup>67</sup> it was symbolically significant for calling upon the government to recognise the protesters as subjects<sup>68</sup> who wished to ‘express their identities and cultural heritage through the food they consume’.<sup>69</sup>

### *The Indian organisations*

The diet scales for Indians included rice rations, but it remained punitive, as mealie-meal was served once or twice daily. It was also derogatory and defiling, as it did not cater for either the Hindu or the Muslim faiths of the Indian community. To enumerate the latter, the inclusion of animal products in the diet would be inedible for the Hindus who followed a vegetarian diet, as well as for the Muslims who could only ingest Halal animal products. Although the diet scales were unsuitable and insensitive to the Indian community, the Director of Prisons boasted that in dispensing it, ‘[n]o departure has been made and no indulgences have been granted in respect of the varying creeds’.<sup>70</sup> The imprisonment of a large number of Indian satyagrahis led the British Indian Association (BIA)<sup>71</sup> and the South African British Indian Committee (SABIC)<sup>72</sup> to challenge the diet scales and campaign for their reform.

In July 1908, the BIA drew the attention of the Director of Prisons to the fact that ‘British Indians, as a body, are not used to mealie-pap at all’.<sup>73</sup> In stating this, they called on the Director to replace all mealie-meal rations ‘for a substitute which will be in keeping with the habits of the British Indians’. The Director proceeded to detail on why he would not entertain the BIA’s wishes.<sup>74</sup> He argued that mealie-meal had featured, since 1901, in the Indian diet scale without any

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67 Anonymous, Chinese petition, *Indian Opinion*, 1910-05-07, p 150.

68 R Godderis, Dining..., *The Howard journal* 45(3), 2006, p 257.

69 A Brisman, Fair..., *Georgetown Journal on Poverty Law & Policy* 15(1), 2008, p 75.

70 NASA, TAB, LD 1579, AG 745: Director of Prisons – Law Department, 13 August 1908.

71 The BIA was mandated to organise resistance to a ‘host of ... obnoxious legislation’ rather than be devoted solely to the Black Act. Nonetheless, the BIA was to ‘render all help in their power and resist the Black Act in every way open to them’. See MK Gandhi, *Satyagraha*..., p 84.

72 Gandhi and his fellow satyagrahis formed the SABIC as a committee based in England that was ‘useful in watching over our interests’. See MK Gandhi, *Satyagraha*..., p 78.

73 NASA, TAB, LD 1579, AG 745: British Indian Association (BIA) – Director of Prisons, 24 July 1908.

74 NASA, TAB, LD 1579, AG 745: Director of Prisons – Law Department, 13 August 1908.

previous complaints. The Law Department provided additional justifications for why the BIA's wishes should not be adopted.<sup>75</sup> First, they declared that a 'change of diet should only be made on Medical grounds'. Second, they expressed disinterest and a lack of sympathy for the plight of the satyagrahis prisoners by arguing that since they are 'voluntarily placing themselves in Prisons', they should 'accept the accompaniments of Prison life'. The Law Department continued this line of reasoning by asserting that if the Indians wished to avoid the 'alleged hardships' of consuming mealie-meal in prison, they should 'obey... the law' or pay the imposed fines.

Several letters authored by the BIA can be regarded as a rebuttal of the arguments tendered by the Director and the Law Department. The BIA rejected 'medical opinion' being the sole consideration for sanctioning changes to a diet scale, and instead called for the Law Department to investigate the 'habits of British Indians as to food'.<sup>76</sup> While mealie-meal had been a diet staple served to Indian prisoners since 1901, it had escaped the attention of 'Indian public bodies', as there had been very few Indian prisoners. But, with the increase of imprisoned Indian satyagrahis, an 'unusual position' was created in which the diet scale of prisons become one of 'great importance'. To substantiate, in 1902–1903, the average number of incarcerated Indians in the Transvaal amounted to only 19. In 1907–1908, owing to the arrests and imprisonment of the satyagrahis, the average number of Indian prisoners increased to 64.<sup>77</sup> Thus, the rapid escalation of imprisoned Indians in the Transvaal prompted the Indian organisations to take an interest in how gaols acted to 'disregard Indian habits and sentiments'.<sup>78</sup> Lastly, the BIA reminded the Law Department that the imprisoned satyagrahis may have voluntarily placed themselves in gaol but that they were not to be regarded as 'criminals', as they belong 'to the highest class among the Indian community in South Africa'.<sup>79</sup> The BIA implored the Director to heed their request, but they also motioned that if their request remained unheeded, 'the only conclusion the Indian community can come to, is that the reasonable request ... is refused out of political considerations, and ... to starve the Indian community into submission to an Act which is resented by it'.

After the Director informed the BIA that 'it is not possible for him to make any alteration in the diet, without instruction to that effect',<sup>80</sup> they turned their

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75 NASA, TAB, LD 1579, AG 745: Law Department – Director of Prisons, 21 August 1908.

76 NASA, TAB, LD 1579, AG 745: BIA – Director of Prisons, 28 August 1908.

77 NASA, TAB, LD 1579, AG 745: Director of Prisons – Law Department, 21 October 1908.

78 NASA, TAB, LD 1579, AG 745: BIA – Director of Prisons, 28 August 1908.

79 NASA, TAB, LD 1579, AG 745: BIA – Director of Prisons, 17 September 1908.

80 NASA, TAB, LD 1579, AG 745: BIA – Attorney-General, 08 October 1908.

campaigning efforts to the Attorney-General. On receiving the BIA's request for an alteration of the diet scale, the Attorney-General called upon the Medical Officer of Health to deliver his 'opinion as to whether the diet scale for Indian prisoners is suitable and not deleterious to health'.<sup>81</sup> The response of the Medical Officer upheld the sentiments of the Law Department. Moreover, he delivered brusque and discriminatory opinions to support his standpoint:

The scale of diet provided in the gaols is perfectly healthy. Likely the British Indians don't like it and would prefer to be able to order their meals (A la Carte). ... [I]f they don't like the diet provided they should either pay their fines or register according to law. From a health point, I would not change the diet, it is the natural one for coloured people in this country ... [P]eople who come here for their own benefit must conform to its rules and diet.<sup>82</sup>

The SABIC supported and championed the BIA's campaigning by raising the attention of the Secretary of State to the 'unsuitable character and inadequate quantity of the food'<sup>83</sup> that was supplied to the imprisoned satyagrahis. In their correspondence to the Secretary, they included the letters of the BIA that were addressed to the Director of Prisons, and extracts of articles on the topic of the diet scale that was printed in the *Rand Daily Mail*, the *Transvaal Weekly Illustrated*, and the *Transvaal Leader*.<sup>84</sup> One example thereof was Gandhi's article published in the *Transvaal Leader*:

Indian prisoners ... get mealie-pap for breakfast every day and mealie-pap for supper three times per week. ... Unfortunately, my countrymen do not take mealie-pap. The result is that, in the Transvaal gaols, they have to suffer partial starvation. The authorities have been approached for relief, but, up to the time of writing, there has been no response. My countrymen draw the conclusion ... that relief has been withheld in order to exasperate the Indians into submission.<sup>85</sup>

Gandhi's observations were echoed by the authors of the other articles that were included in the correspondence to the Secretary. Overall, the articles sought to raise the attention of the 'fair-minded, justice-loving public'<sup>86</sup> to the acute suffering that

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81 NASA, TAB, CS 871, 15335: Law Department – Colonial Secretary, 27 September 1908.

82 NASA, TAB, CS 871, 15335: Walker – Colonial Secretary, 09 September 1908.

83 NASA, TAB, LD 1579: SABIC – Secretary of State, 07 September 1908.

84 NASA, TAB, LD 1579: SABIC – Secretary of State, 13 October 1908.

85 NASA, TAB, LD 1579: SABIC – Secretary of State, 07 September 1908.

86 NASA, TAB, LD 1579: SABIC – Secretary of State, 13 October 1908.

the diet scale was causing the Indian prisoners.<sup>87</sup> To this end, the authors called attention to how the prison diet scale was equivalent to ‘dietetic torture’,<sup>88</sup> as well as how such ‘shameful and inhuman treatment’ caused much suffering and likely was intended to be part of the ‘efforts to reduce them to compliance with the desire of Government’.

By January 1909, the campaigning resulted in the Ministers of the Transvaal issuing instructions that ‘where Indians object to fat it must not be added to their food. A diet in which rice and ghee figure has been given in cases where British Indian prisoners refuse to eat meat’.<sup>89</sup> The BIA and SABIC commenced a second round of campaigning when the Transvaal issued a new diet scale that came into effect on 1 July 1909. Significantly, during this round, the SABIC submitted their concerns and complaints to the Secretary of State for the Colonies, Robert Offley Ashburton Crewe-Milnes, 1<sup>st</sup> Marquess of Crewe. In presenting the allegations before Crewe, they earnestly hoped that he ‘will cause investigations to be made and if verified, to take some steps to prevent a repetition’ of the incidents.<sup>90</sup> In most instances, Crewe submitted the letters of the SABIC to the Ministers of the Transvaal and called for them to investigate the various charges and to inform him whether ‘there is real cause for complaint’.<sup>91</sup> In requesting the investigations,<sup>92</sup> Crewe assured the Governor-General that he was neither implying that the ‘charges are well-founded’, nor suggesting that ‘men who deliberately break the law should escape disagreeable consequences’.<sup>93</sup> Rather, he was concerned with how the gaol rules ‘press upon’ the Indian satyagrahis prisoners ‘with greater severity than on the ordinary prisoner’. The result thereof was the satyagrahis raising complaints of harshness that ‘irritat[e] public sentiment’ and ‘tend to render the settlement of the whole question more difficult’.

Indians received a daily breakfast of 8 oz. mealie-meal and a daily supper of 4 oz. bread with 1 pint of soup or gruel on the new diet scale. Dinner on Sundays included

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87 Although these newspapers generally supported the interests of the government, they ‘willingly published contributions from well-known Indians’, as well as ‘published Indian representations to Government’. These contributions were ‘very useful’ to the Indian public, as well as steered ‘some leading Europeans’ to take an interest in the satyagraha struggle. See MK Gandhi, *Satyagraha...*, p 73.

88 NASA, TAB, LD 1579: SABIC – Secretary of State, 13 October 1908.

89 NASA, TAB, LD 1457, AG 2220: Prime Minister’s Office, 26 January 1909.

90 NASA, SAB, GG 885, 15/12: SABIC – Secretary of State, 30 May 1910.

91 NASA, SAB, GG 885, 15/11: Crewe – Gladstone, 01 June 1910.

92 Overall, in addressing problems of race relations, Crewe attempted to ‘reduce the hardship resulting from legislation discriminating against non-Europeans’ rather than ‘striving to amend the law’. See R Hyam, *Elgin and Churchill at the Colonial Office 1905–1908* (London, 1968), p 535.

93 NASA, SAB, GG 887, 15/72: Crewe – Gladstone, 05 November 1910.



6 oz. rice with 8 oz. meat and curry powder. Dinner on the other days of the week included 6 oz. rice and 4 oz. vegetables.<sup>94</sup> While the new diet scale was a clear breakaway from the Native diet scale that offered mealie-meal for breakfast, dinner, and supper, the SABIC was concerned by the complaints of deficient nourishment from satyagrahis who served a prison sentence: 'Many of the prisoners came out of gaol in a weak and emaciated condition. All made serious complaints. Even a layman knowing the facts could understand the sufferings when it was ascertained that at least 45 ounces of food less per week had been allowed in the new Diet-Scale'.<sup>95</sup> Complaints regarding the diet scale were also published in the *Indian Opinion*.<sup>96</sup> The newspaper featured such articles to critique the government, as well as to mobilise the public's sympathy for the prisoners. For example, Joseph Royeppen wrote an article on his imprisonment at Diepkloof gaol and urged the readers of the *Indian Opinion* to comprehend that the new diet scale resulted in hunger pain and cautioned that the 'cruel pang of hunger is by no means implied by or is a natural corollary of imprisonment'.<sup>97</sup>

In undertaking to address the complaints of deficient nourishment, the BIA requested medical advice from 'well-known and acknowledged experts',<sup>98</sup> Drs Baumann and Wille, to investigate if the 'condition of marked emaciation and inanition'<sup>99</sup> of released prisoners was the result of the 'insufficiency of the diet supplied to them'. Their report was reproduced in the *Indian Opinion* and concluded that 'there is urgent need, in the interests of humanity for the immediate rectification of the ... defects of the prison diet scale'.<sup>100</sup> The SABIC submitted the report to Crewe, who forwarded it to the Ministers of the Transvaal Government and enquired if it is 'receiving attention'.<sup>101</sup> In their replies, the Ministers dismissed the report and emphasised how the new diet scale was praised by 'unbiased Indian adherents as being an advance'<sup>102</sup> from the previous scale, and how it was 'designed to approximate' the diets of free Indians by the introduction of ghee and curry powder. Furthermore, they reported that the Acting Medical Officer

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94 NASA, TAB, LD 1646: Transvaal prison, gaol and lockup diets 1909.

95 Anonymous, Prison Diet, *Indian Opinion*, 1909-10-09, p 436.

96 Gandhi described the *Indian Opinion* as 'a most useful and potent weapon' in the satyagraha struggle as it 'educated the local Indian community' as well as 'kept Indians all over the world in touch with the course of events in South Africa'. See MK Gandhi, *Satyagraha*..., p 91.

97 J Royeppen, Indian Barrister's gaol experiences, *Indian Opinion*, 7 May 1910, p 150.

98 Anonymous, Prison Diet, *Indian Opinion*, 1909-10-09, p 436.

99 EP Baumann & FA Wille, Report on the diet-scale for Indian prisoners in Transvaal prisons, *Indian Opinion*, 1909-10-09, p 440.

100 EP Baumann & FA Wille, Report...., *Indian Opinion*, 1909-10-09, p 442.

101 NASA, TAB, GOV 1194: Crewe, 10 November 1909.

102 NASA, TAB, GOV 1194: Prime Minister's Office, 15 December 1909.

of Health failed to find ‘any justification for the allegation’ of emaciation and inanition tendered by the SABIC. Overall, they resolved that ‘no change in the Indian diets was required’.

Crewe enclosed a copy of the Transvaal Ministers’ replies to the SABIC. They expressed their gratitude to him for ‘his representation in this matter’<sup>103</sup> and thereafter proceeded to repudiate the claims made by the Ministers that ghee formed part of the revised diet scale. They pointed out that ghee was only served to prisoners serving ‘a longer term than 3 months and even then only 3 times per week’. Most of the imprisoned satyagrahis were sentenced to a period of three months and thus did not receive ghee. It is only when members of this prisoner grouping became ‘markedly reduced in weight’ that ghee was provided to them. For the SABIC, this fact ‘strongly supports the contention that the deprivation of ghee does ... result in emaciation and inanition’. In submitting their responses to Crewe, they expressed their ‘earnest hope’ that he ‘will renew his friendly representation so that the necessary suffering of the passive resistance prisoners due to such deprivation be removed’.

The disputed diet scale drew the attention of the Secretary of State for India, the Right Honourable Viscount Morley of Blackburn, who called upon the Government of India ‘to ascertain whether the complaint made by the Indians as to the inadequacy of the prison diet was justifiable’.<sup>104</sup> They consulted with Captain McCay, who had been engaged with investigating ‘Indian jail dietaries for the last three years’. McCay found the Transvaal diet scale for Indians serving up to three months to be ‘much more of a penal type than any in force in Indian jails ... While the scale is deficient in each of its proximate principles, the greatest defect is the low caloric value and deficient carbohydrate element’. The remedy was to increase the quantities of mealie-meal, rice, and bread. In submitting the report to the Ministers of the Transvaal, Crewe endorsed the report as an ‘expert opinion from the Government of India’ and appealed to the Ministers to ‘carefully consider whether any cause for complaints which may exist should not be mitigated by effecting the inconsiderable change recommended by Captain McCay’.<sup>105</sup> In June 1910, the Ministers agreed on the recommendations to increase the ‘daily issue of mealie-meal, rice and bread by two ounces each per man’.<sup>106</sup> While the Ministers

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103 NASA, SAB, GG 885, 15/6: SABIC – Crewe, 2 May 1910.

104 NASA, SAB, GG 885: No. 17 of 1910. Government of India: Department of Commerce and Industry.

105 NASA, SAB, GG 885, 15/9: Crewe, 21 May 1910.

106 NASA, SAB, GG 886, 15/14: Prime Minister’s Office, 29 June 1910.

also agreed to grant all Indians ‘who on account of religious scruples refuse to eat meat’ a quantity of 8 ounces of beans, they remained steadfast on restricting the issuance of ghee to prisoners with sentences exceeding three months.

The BIA and the SABIC’s campaigning resulted in a ration increase in the Indian diet scale, but this did not mark the end of their activism. From October 1910, the SABIC’s attention shifted to the inhuman treatment of the imprisoned satyagrahis by the gaolers. The SABIC initiated this line of enquiry following an article in the *Indian Opinion* authored by Messrs RM Sodha, SB Medh and Gandhi, based on their treatment at the Diepkloof gaol:

... to cow the prisoners, innocent men are brought before the Governor of the Gaol, on a trumped-up charge, with the result that such men are punished with solitary confinement and put upon spare diet, i.e.: eight ounces of rice and water per diem ... For vegetables, mangolds, a well-known cattle-food, were constantly served to us.<sup>107</sup>

It is clear from the article that the prisoners were subject to dietary punishment by the sentence of a spare diet. What made the punishment of a spare diet even more torturous in the Transvaal was that it was always accompanied by solitary confinement. The solitary confinement was ‘necessary for the due performance’<sup>108</sup> of the spare diet, as it ensured that the prisoner did not receive supplementary rations from other inmates. It is paramount to acknowledge that the implementation of solitary confinement not only cut off prisoners from receiving food provisions but also from receiving emotional and mental support offered by their peers. Thus, the prisoner on a spare diet and in solitary confinement would confront hunger pangs alongside aching aloneness that surely eroded their resilience and their strength of will, as well as acted to weaken their determination to return repeatedly to imprisonment to protest the Black Act. Another way in which the gaolers used food to exercise their power and authority was by providing the inmates with foodstuff that was stock feed for cattle. In doing so, food was robbed of its ‘positive social meanings’<sup>109</sup> and became an ingestion of being treated in a degrading manner. Stated differently, if food items like ghee were championed by the BIA and the SABIC as essential to respect the customs, habits, and humanity of Indians, then issuing food items like cattle feed acted in ways to mortify their

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107 MRM Sodha, SB Medh & HM Gandhi, Prison treatment of passive resisters, *Indian Opinion*, 1910-10-08.

108 NASA, TAB, LD 1646: Transvaal prison, gaol and lockup diets 1909.

109 SA Peté & AD Crocker, Apartheid..., *Fundamina* 16(2), 2010, p 95.

sense of self, disrespect and dehumanise them. The inclusion of cattle feed in the diet scale can thus be regarded as a means by which the gaolers sought to “eat away at” the resolve of the prisoners to remain committed to their acts of passive resistance.

The inhuman treatment of Indian prisoners and its relation to dietary complaints were the subjects of numerous letters in the early months of 1911. While these complaints could point to the development of new problem areas or to existing concerns that remained unresolved and thus still required attention, we should not overlook the great changes that were instituted owing to the campaigning efforts of the BIA and the SABIC. For example, by January 1911, Indian satyagrahis were granted a special concession to be ‘allowed to appoint one of their numbers as cook for them who always attends to the weighing of the raw rations and then has charge of them until they are cooked and served out’.<sup>110</sup>

## **Conclusion**

For the Chinese and Indians, the racialised diet scales of the Transvaal prisons forced them to consume foodstuffs that mortified their sense of self and deprived them of expressing their cultural identity. This contribution identifies two prisoner groups that expressed their disapproval of the food that they received. In the first group, the Chinese long-term sentenced prisoners resorted to a hunger strike to protest the diet scale offered to them. They proceeded to address their concerns to the gaolers, but the result thereof was the denunciation and dismissal of their concerns. Accordingly, the discussion revealed how a prison’s operations of power, discipline and punishment accomplished the silencing and disregard of the prisoners’ complaints. Nevertheless, the complaints levelled by this grouping are noteworthy for helping us establish the agency of the prisoners: they refused food as an act of resistance to the prison’s diet scale. In the second group, the levelling of complaints, as well as the campaigning for diet scale reform, were carried out by the organisations that supported the imprisoned Chinese and Indian satyagrahis. Their campaigning succeeded in bringing about a degree of reform to the diet scales. It is possible to attribute their success to the way they spurred the Transvaal and Imperial governments to dialogue and debate the diet scales. This took the form of persistently pressing both governments to address accounts of inhumane treatment in the Transvaal gaols that were published in the media, as well as to respond to the findings of scientific reports that discredited the diet scales.

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110 NASA, SAB, GG 888 15/96: Prime Minister’s Office, 20 January 1911.

By October 1910, owing to the continual pressure placed on the Imperial government to ‘take some action’ on ‘cases of harsh prison treatment in the Transvaal,’<sup>111</sup> Gladstone, the Governor-General, came to liken the Indian satyagrahis to the Suffragettes in England, who protested their prison treatment during his term as the Home Secretary.<sup>112</sup> Because of this, he sought it necessary to recommend a ‘line of action’<sup>113</sup> to General Botha – the prime minister of the Union of South Africa as from 31 May 1910 – on how best to respond to the allegations of prison ill-treatment tendered by the Indian community. Gladstone recognised that the allegations were aimed at ‘inflam[ing] public opinion on the status of British Indians generally in the Transvaal’ and conceded that there was ‘wide sympathy’ for their case. Gladstone submitted that the ‘wisest and most practical course’ is not to aggrieve people by rejecting their requests but rather to ‘accept a principle which commends itself generally to all intelligent persons, and apply it honestly, as far as practically possible’. In doing so, the ‘Union Government will be on sounder ground and the difficulties of the Secretary of State, and the Indian Government will be lightened’.

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111 NASA, SAB, GG 887, 15/51: Gladstone – General Botha, 3 October 1910.

112 Between 1909 and 1914, the imprisoned Suffragettes ‘refused food collectively and exhibited an absolute determination to fast until death, if necessary’. See I Miller, *A History...*, p 3. For a discussion of how early-twentieth-century hunger strikes operated as a form of protest, how they were context-specific, and had their own historical genealogy, see J Vernon, *Hunger: A modern history* (Cambridge, 2007).

113 NASA, SAB, GG 887, 15/51: Gladstone – General Botha, 3 October 1910.