

Born White: Race, Religion, and the Conscientious Objector to Smallpox Vaccination
in Britain and Natal

Chapter 3, *Conscience Wars*

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Rough Draft-in-Progress

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Note to Readers: Thank you so much for reading this draft in progress. I have written it entirely during our long global lockdown under Covid, which has undoubtedly informed my approach. I am extremely grateful for this opportunity to learn from your community of scholars and receive your guidance about errors of fact and interpretation, important gaps in my historiography, and ways to move forward to modify, jettison, strengthen, and sharpen my arguments. My book chapters are quite long and this one is no exception. The previous chapter of my book is set in the Deccan region of Maharashtra from c.1800 to the Indian Uprising of 1857 and I have published a version of it in Modern Asian Studies this year ("Brahman Wives and Pedagogies of Conscience.") In the interest of encouraging conversation, I hope that you will read the Introduction and then skip to Part 4, p.12-24. For those with more time, I included Part 2, "Objecting to Conscientious Objection," which emphasizes the impact of questions of empire and race on metropolitan debates about conscientious objection to vaccination. I hope that Part 2 conveys a sense of how the chapter attempts to connect the history of conscience, anti-vaccination, and vaccination in Britain with the story in Natal. Part 3, "It was cruel, I admit: District Surgeons, African Healers, and the Management of Smallpox in British Colonial Natal" maps out the smallpox management system in Natal. It draws heavily on newspapers, reports of district surgeons, published histories in medical journals documenting the use of militarized quarantines and compulsory "industrial-style" vaccination tours of Africans, the emergence of a powerful anti-vaccinator lobby coincident with the passage of the 1882 Vaccination Act, and the dynamic negotiations and exchanges between African healers and their therapeutics with district surgeons as public vaccinators. As will be clear to readers, I am entering into altogether new territory for me – and no doubt remain as yet unaware of the implications of what I am writing for those of you shaping this vibrant field and its future.

Introduction

Sometime after midnight on August 8, 1898, a radical new legal person was invented in that most conservative institution: Great Britain's House of Lords. The noble gentlemen approved Section 2 of the Vaccination bill granting the conscientious objector to compulsory smallpox vaccination legal protection from fines and penalties if "he satisfies two Justices, or a Stipendiary or Metropolitan Police Magistrate, in Petty Sessions, that he conscientiously believes that vaccination would be prejudicial to the health of the child."¹ Section 2 privileged private conscientious scruples above the collective wisdom of medical science and state officials that smallpox vaccination was an indisputable public good. Conservatives, not Liberal champions of civil liberties, handed this unprecedented legislative triumph to radical libertarians, religious nonconformists, working-class and female anti-vaccinators.

The fruit of five decades of relentless grassroots and national campaigns, Section 2 marked the apotheosis of conscience in nineteenth century British politics by granting a person's private conscience standing to override law. It also unleashed frenzied fears that legalizing the conscientious objector betokened the decline of Britain's claims to civilizational moral superiority in its empire and the world. Fiery Irish Home Ruler MP for East Mayo, John Dillon, brought a sharp-edged Four Nations perspective to the impending debacle. He found it "absolutely humiliating" that "the predominant partner of this Empire, who claims to reserve the right to

govern us [Ireland] and the people of Scotland, has been obliged to abandon what every civilised and educated nation of the world is proud to make a part of the law” in deference to those who are “ignorant, obstinate and unintelligent.”² Far from bringing the gift of modern medicine to the world, many like the novelist and Norfolk country magistrate, H. Rider Haggard, foretold that Britain would become the epicenter of the next global pandemic.

Most contemporaries, including leaders of the Conservative party Lord Salisbury and his nephew Arthur Balfour derided the CO as at best a misguided and deluded fool, at worst a menace to society.³ Rank and file members of the ruling Conservative-party described the inclusion of Section 2 in the Act as nothing less than a “complete surrender” to “faddists and cranks.”⁴ Such words reverberated loudly eight years later at the far reaches of the empire in the Legislative Assembly of the Colony of Natal in southern Africa in 1906 during debates about compulsory smallpox vaccination and conscientious exemption from it. Journalist and lawyer Thomas Carter, representative of Klip River district, let loose a torrent of invective against the “great bogey of the conscientious objector,” which underscored its deep association with religious nonconformity and fringe political radicalism. He derisively likened the CO to “the Spiritualistic faker, the Socialistic prater, the International Arbitrator, the Quaker, the Shaker, the Anti-Vaccinator, the Passive Resister.” A conscience clause would turn the bill into a “farce.”⁵

Historians, unlike most contemporaries, have long been attracted by the charisma and rebel passions of conscientious objectors. They have found it easy to root for individuals, who, often at great cost to themselves, defied the demands of the massed authority of the state to follow the higher moral dictates of conscience. This chapter offers a decidedly unheroic, ethically troubling genealogy of the CO as a legal person. Ideas about Christianity, liberalism, white supremacy and racism participated in the Conscientious Objector’s legal invention in 1898 in Britain and then presided over the subsequent empire-wide history of who was granted the right to claim conscientious exemption – and who was not. The Conscientious Objector to compulsory smallpox vaccination was born white. This chapter seeks to explain how and why that happened.

I came to this conclusion circuitously – quite literally by following the empire-wide and global pathways not just of smallpox but debates about its management and conscientious objection to vaccination. In May 1915, Natal farmer John Stuart Helps was the first witness called to testify before Australia’s parliamentary inquiry into compulsory smallpox vaccination.⁶ “Can you explain why vaccination is compulsory for the blacks and not for the whites [in Natal]?” one of the commissioners queried. The son of an anti-vaccinator English émigré medical doctor to Natal, Helps declared that “I think the men who run South Africa do not believe the Kaffir has such a thing as a conscience.”⁷ This was no rhetorical riposte meant to reveal the evils of white racism and its malign impact on the moralizing political economy of public health in the settler colony. It was deeply rooted in colonial views of “Native” barbarism, penchant for violence, and so-called superstition.⁸ Helps freely traded in racist stereotypes about Africans (“Natives”) and the “Indian coolie” whom he called “the filthiest individual possible.”⁹ Sanitation, not vaccination, was Helps’ solution to smallpox. Reckoning with Helps’ disturbing testimony set in motion the archival and intellectual journey of this chapter. It incited me to think expansively and connectedly about conscientious objection and vaccination in Britain and its empire.

Scholars have provided detailed analysis of the political high jinks that led to the shocking last-minute inclusion of Section 2 in the 1898 Vaccination Act, but failed to notice that empire loomed large in debates about it in the House of Lords.¹⁰ Nadja Durbach's sweeping, sympathetic, and persuasive analysis highlights the gender and class politics fueling English anti-vaccinator movements that culminated in Section 2 and its "conscience clause." Durbach also offers some suggestive comments linking anti-vaccinator arguments with discourses around imperial biopolitics.¹¹ This chapter builds on such excellent work by expanding the geopolitical and chronological scope of analysis and putting together the metropolitan and imperial histories of the legal invention of the CO in England and Wales in 1898 and the Colony of Natal in 1906.¹² Members of Natal's Legislative Assembly studied, quoted, and copied the 1898 Vaccination Act for England and Wales as they crafted their own legislation. Rather than listening to these debates in Natal as if they were only – or merely -- echoes of those in England, I treat them as extensions of metropolitan debates, albeit in a vastly different social, economic and political setting. The 1898 Vaccination for England and Wales and Natal's 1906 Vaccination Act were part of an ongoing multifaceted project to manage smallpox and delimit the rights of conscience in Britain and its empire. Putting these two histories together brings into the foreground the nexus of race and religion in the histories of vaccination, anti-vaccination and conscience. It implicates conscience as an underexplored, racialized category of colonial difference and domination.

How different groups of people in Britain and South Africa approached conscience and vaccination was deeply rooted in quite fundamental social, cultural and political formations and foundational narratives about Britain as a liberal polity and Natal as a white settler colony. This chapter provides cultural histories of vaccination and anti-vaccination; religion, health and medicine; violence and racial thinking across the 19th and early 20th centuries, first in Britain, and then in Natal. I put into conversation scholarship about South Africa and Britain in reconstructing how people and ideas circulated between them.

The campaign to codify the conscientious objector to vaccination as a legal person in 1898 was an outgrowth of and fueled an ongoing conscience war that unfolded along the knife's edge of nation and empire; individual liberties, public health, and competing understandings of persons' ethical obligations to one another. The 19th and early 20th century conscience war over vaccination exposed jagged fault lines between rich and poor; men and women; white British citizens and Brown and Black subjects. It reproduced and reinforced hierarchies that continue to shape the uneven and unequal way different groups of people access essential healthcare resources in our world today. The legal invention of the CO in 1898 generated dilemmas that the liberal state, its officials and administrators, could not then – and have not yet – resolved.

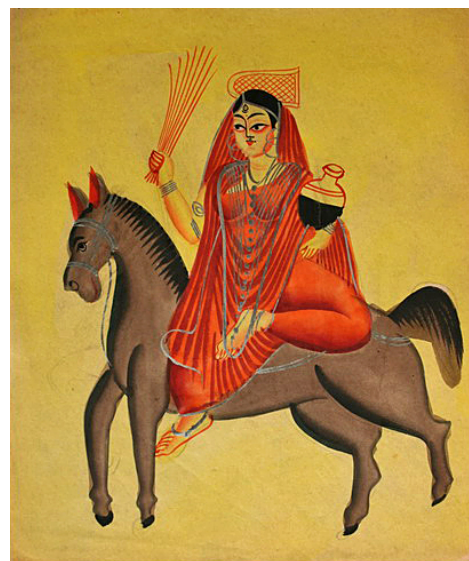
1. The Anti-Vaccinator Conscience, Religion, and the Struggle to Liberate Health from "Medical Despotism" in Victorian Britain

II: Objecting to Conscientious Objection

The late-Victorian House of Lords has rarely been a place where historians have turned for consequential debates about public health. But in the summer of 1898, members of that chamber offered particularly trenchant critiques of Section 2 of the Vaccination Bill. They had voted against the conscience clause, only to see it return to them four days later on August 4.

This time, Lord Salisbury was determined to bully his own backbench of Conservative peers either to accept Section 2 or hold them accountable for the failure of the entire bill. Fearing an impending “national calamity,” the Lords put up a good fight. Yorkshire conservative William Duncombe, Earl of Feversham, cast the debate as a war between competing and irreconcilable conscience claims. This reflected the proliferation of different kinds and categories of conscience such as the so-called “scientific” or “medical conscience” of doctors, who insisted that *not* vaccinating a person, especially an infant, violated their ethical obligations to provide the best care for all patients. “I want to know why the conscientious objector – a small minority of the population – is to be placed in opposition to the general well-being of the country,” Feversham declared. “Are not the conscientious objections of the majority to be considered?” Reversing anti-vaccinator discourse about the inherent violence of state-mandated vaccination of innocent infant bodies, he blasted agitators for leading “an excited people to violent declarations.”¹³ Conscientious objector parents, not the benevolent paternal state, endangered the lives of their own offspring by making them susceptible to disfigurement or death by smallpox.

Lord Aldenham found the conscientious objector “most objectionable” and critiqued moral geographies that favored nation over empire. “Why are we so careful here [in England] of the conscientious objector, when we take no note of him at all in other parts of our dominions?” The British state blithely ignored the claims of its Indian subjects although their objections, “dangerous as we feel them to be, are really conscientious” because “bound up” with their religion.¹⁴ Aldenham drew upon a long history of joining true or authentic conscience claims to religious beliefs. So deeply entwined were religion and smallpox in India that the goddess Shitala (śītalā) was venerated as both the embodiment of the disease and the provider of its cooling water-based cure. Balancing Britain’s civilizing mission to bring Christian truths to heathens with the exigencies of maintaining order and avoiding religiously-based conflicts had long confronted colonial governors across the empire.



When Islamic educational reformer Sir Syed Ahmed Khan sought to introduce compulsory smallpox vaccination to India in September 1879, the newly arrived Viceroy, Lord Ripon, remained too skittish to give his assent. “Respect for personal freedom,” Khan explained “can in no way justify the harm which smallpox being an infectious disease can do to others.... by making the vaccination compulsory, the people, in general, will remain protected against sick neighbours, or their own carelessness in this matter...”¹⁵ Ripon was not constrained by regard for Indians’ personal liberty or their consciences but fear of stirring up their religious “prejudices” and sparking another rebellion. Compulsory vaccination was “a question involving very delicate considerations,” he explained to a deputation in Lahore on November 10, 1880. It was best left to “local governance to decide whether the Bill should be applied at all...”¹⁶

Fear of violating “native” religious beliefs and practices remained paramount eighteen years later for the most outspoken opponents of Section 2 in the House of Lords. Arthur Charles Hamilton-

Gordon, Lord Stanmore, embodied “imperial careerism.”¹⁷ His service as a colonial governor spanned New Zealand and Fiji in the Pacific, Trinidad in the Caribbean and Ceylon in the Indian Ocean. He warned that loosening public health requirements at home in Britain would prompt demands for such measures in India with its “vast body, not of nominal, but of really and truly conscientious objectors to vaccination.” By this logic, Muslims and Hindus in India were saturated by their respective religions, even if these religions lacked the liberatory truths of Christianity. Lord Loch began his imperial career in the Bengal Light Cavalry in the 1840s and served in China during the second Opium War, where he survived imprisonment under harsh conditions. Stints as governor of Victoria in Australia, the Cape Colony, and High Commissioner for Southern Africa rounded out his impressive resume. Drawing on his experience in South Africa, he inveighed strongly against relaxing compulsion. Vaccination “checked the violence” of smallpox epidemics, he explained.¹⁸

In the face of these strenuous objections to conscientious objection, the prime minister Lord Salisbury rose to make the case for Section 2 as an integral albeit necessary evil within the larger package of the Vaccination Bill’s proposed reforms of Britain’s system to manage smallpox.¹⁹ His response to his fellow peers’ objections reflected his deeply engrained ideas about Englishness, race and racial politics. Salisbury had notoriously infuriated even Queen Victoria in November 1888 when he declared that a “black man,” the Parsi Indian nationalist and political economist Dadabhai Naoroji, could not possibly represent a British constituency in the House of Commons. The *Manchester Guardian* defended Naoroji against Salisbury’s insult and praised him for representing the “imperial conscience.”²⁰ The *New York Times* called Salisbury’s remark a “silly gibe,” “foolish sneer,” and an “inexplicable and incredible blunder.” Mobilizing scientific racist language, the paper explained that Naoroji was “the most distinguished and cultivated of all the native gentlemen who have yet come to England” and a member of the “parsee” race of the “purest Aryan type in existence.” Had Naoroji been “ebony hued,” Salisbury’s remark would still be a “grotesque and foolish” insult to all of India.²¹

Naoroji received over 3800 hundred letters, cables and telegrams from across the world which “condemned” Salisbury’s use of the phrase. It’s not clear whether the writers’ “deep sympathy” was a rebuke of Salisbury’s unapologetic anti-Blackness or the putative “insult” of saying that Naoroji, an Indian Parsi, was Black.²² As both Sukanya Banerjee and Antoinette Burton have shown in their respective accounts of the controversy surrounding Salisbury’s “black man” slur, such responses testified to the insidious work of scientific racists in lumping together *and* hierarchically elevating South Asians above “blacks” and “policing the boundaries between brown and black.”²³



When Liberal leader William Gladstone condemned Salisbury's statement as "a contemptuous denunciation of the people of India," Salisbury dug in his heels and amplified his racist message. He described Naoroji as a member of a "distant race – widely separated from us" and characterized his candidature for parliament as "incongruous and unwise." As a "black man" from India, he could not possibly master the "traditions and understandings" of the House of Commons.²⁴ Salisbury could only imagine Parliament as an all-white, all British institution, which excluded "black men" like Naoroji. In Scotland, the editor of the *Glasgow Mail* proclaimed that "Lord Salisbury makes no secret of his opinion that, at least within the British empire, there are no men but Englishmen, and that other races and nationalities are only inferior creatures made for Englishmen to rule."²⁵ The Anglo-Gujarati weekly paper in Ahmedabad, the *Gujarat Gazette*, concluded that "the very possibility of a native of India becoming a member of the British Parliament has disquieted the conscience of Lord Salisbury."²⁶ Salisbury's racialization of Naoroji, the House of Commons, and parliamentary representation need to be kept in mind in analyzing his response to the Lords' debate about empire, compulsory vaccination, and conscientious objection.

A political pragmatist and expert in foreign affairs, Salisbury acknowledged the complexities of governing Britain's vast multi-ethnic, multi-racial and multi-religious empire. Nonetheless, he demurred altogether from the very idea that "Indian precedents" might in any way guide policies for England and Wales. There was no point in weighing the scientific and intellectual merits of anti-vaccinators' unsound arguments. The political tumult stirred up by English parents' powerful feelings – the "deepest, the tenderest, the most tenacious" -- that vaccination harmed their children constituted an inescapable political fact. It had increased "the chaos and the anarchy that prevails in this country" by encouraging elected guardians to decline to impose

penalties on those who refused compulsory vaccination. Guardians' lawlessness needed to be confronted as a reality rather than mocked.

"That is the state of facts with which you have to deal," Salisbury lectured his fellow peers.

It is idle to tell me that they are deceived; as long as they have these feelings they will respect them – they are Englishmen – and it is no use to quote to me the precedents of India and Ceylon to show the way in which these objections are to be overcome...."²⁷

This is a remarkable if slippery piece of political rhetoric. Anti-vaccinator Englishmen are consumed entirely by emotional excess, Salisbury acknowledged; they cannot grasp or make reasonable arguments based on scientific facts and medical evidence. Britons often characterized colonial subjects in this way to justify their exclusion from citizenship and paternal government of them. The mere fact that anti-vaccinators were *Englishmen* meant that Parliament ought to respect and extend the ethical weight of conscience to protecting their irrational but exalted parental feelings.

The ideas, arguments, beliefs and feelings of people in Ceylon and India have no bearing on the matter of laws governing Britain. Why? Salisbury's implicit answer is that the inhabitants of these colonies are not Englishmen. Salisbury never mentions race, but it seems imminent, about to erupt from beneath the surface of his spoken words. Indifferent to colonial subjects' needs and "precedents," he blithely articulated what Partha Chatterjee calls the "rule of colonial difference."²⁸ His invocation of "Englishness" in his August 4th speech in Parliament implies whiteness, especially because he contrasted it to the conscientious objections of Britain's nonwhite subjects in India and Ceylon. Yielding to the anarchic demands of English anti-vaccinators, Salisbury contended, was the best way to restore order and stifle their unruly civil libertarian protests against compulsory vaccination.

People across the empire listened carefully to what the noble lords and the Prime Minister had to say that summer day. The *Pioneer*, a British owned and edited Indian daily newspaper in Allahabad, and the Indian nationalist, Indian-owned *Amrita Bazar Patrika* in Calcutta offered dueling close readings of the conscience clause and proceedings in Parliament. The *Pioneer* strongly supported compulsory vaccination; *Amrita Bazar Patrika* did not. Neither was pleased, albeit for different reasons, with Section 2 of the Vaccination Act.

1898 had been a particularly horrendous year for British champions of colonial medicine in India. Rumors of forcible inoculation by British medical officials against a lethal outbreak of Plague sparked riots across the subcontinent, most notably in Bombay.²⁹ Many claimed that "instant death" had followed Plague inoculation. The *Amrita Bazar Patrika* noted that "illiterate people" in Calcutta "got infected with inoculation scare and lost their sense."³⁰ To make matters even more contentious, the newspaper followed closely Parliamentary debates about the Vaccination Bill in the spring and summer of 1898. English MPs in hotbeds of working-class anti-vaccinator sentiment such as Tower Hamlets in East London explained that officials brazenly refused to enforce compulsory smallpox vaccination. Another MP observed that only a third of new born children in England and Wales were vaccinated. *Amrita Bazar Patrika* reported that colonial authorities had first introduced smallpox vaccination to India "at the point of the bayonet."³¹ Enforced by threat of violence, vaccination itself incited violence.

Section 2 of the 1898 Vaccination Act laid bare the iniquitous double standards of British imperial rule. While Indians faced compulsory vaccination and punishment for refusal, “the ruling country, which thrust this compulsory Act upon the Indians, is, however, free from such a piece of legislation!” *Amrita Bazar Patrika* extensively quoted “thundering denunciations” by English anti-vaccinators and asked why Indians deserved no conscience clause. “If the conscience of the minority is respected in England, why should not the same be done in India?”³² With their eyes fixed on the empire, several members of the House of Lords had anticipated – and sought to fend off -- just such questions with their inflammatory implications.

The *Pioneer* also framed the stakes of Section 2 of the Vaccination Act in terms of great and consequential first principles of imperial governance or rather misgovernment. It saw compulsory vaccination as one consequence of the worldwide “progress of democracy,” which had corroded individual liberty while fueling state intervention in private life.³³ The paper had “absolutely no doubt about the efficacy of the process [vaccination] against small-pox” and was dismayed that England had “embarked on the tremendous experiment of making vaccination voluntary.”³⁴ It offered a scathing close reading of the debate in the House of Lords, especially Lord Salisbury’s speech. Salisbury had sacrificed principles on the altar of political opportunism in the quest for votes in Parliament. The writer editorialized that Salisbury’s speech on August 4, 1898 began with “casuistry” and ended with “rhetorical clap-trap” worthy of “the late Mr. Gladstone.” He parsed Salisbury’s sentences and arguments to reveal the absurdity of endorsing conscientious objection to vaccination for Englishmen while insisting that it was an ill-advised concession to “ignorant prejudices.”

The writer for the *Pioneer* rejected Salisbury’s contention that precedents in Ceylon and India were irrelevant. It was “sheer nonsense to suggest that it is easier to enforce compulsory vaccination in India than in England.” The Conservative government’s sudden unprincipled reversal of policy undermined the authority and legitimacy of the “British Executive in India” to combat the “ignorant prejudices” of its nonwhite subjects. The “only result will be to leave that Executive, in respect of all measures and legislation in advance of the average sense of the Indian community, exposed to the suspicion that they are acting out of pure *zoolum*.”³⁵ The use of the Urdu word *zulm* for tyranny and injustice highlighted Salisbury’s and Britain’s malicious disregard for the civil rights and welfare of Indian subjects. While the *Pioneer* objected to conscientious objection and underscored Salisbury’s opportunistic maneuvering as a danger to executive authority in India, *Amrita Bazar Patrika* seized on conscientious objection to stir up anti-colonial nationalist sentiment.

Like their counterparts in British India, metropolitan anti-vaccinators, government officials, and local magistrates contemplated the implications of Section 2 of the newly-passed Vaccination Act. Leaders of the anti-vaccination movement remained profoundly disappointed that compulsory vaccination had not been eliminated altogether. Like most true-believers, they were far too committed to their creed to waste time savoring what for them was only a partial legislative triumph. Each newborn infant spared the dangerous pollution of its pure body by compulsory vaccination was a victory not just for that child, but for liberty of conscience and divinely sanctioned laws of health. The next phase of the anti-vaccinator campaign was to make public officials abide by the terms of Section 2.

Veteran anti-vaccinator C. French Hensley posed a seemingly straightforward question to the Home Secretary on August 19, 1898. “What steps should be taken,” Hensley wondered, to “take advantage” of Section 2 of the newly passed Vaccination Act. This was no innocent missive. Hensley meant to test whether officials were prepared to enforce the new right to conscientious objection. The “Minutes” attached to the Home Office file testify to the annoyed confusion of the savvy civil servants who received his letter. Did the Home Secretary have jurisdiction in this matter? After deliberation, the answer was no; he did not and therefore could offer no advice. What was the Magistrate’s proper role in such a proceeding? Here too, there was no clear answer. Was the magistrate to “decide but the bona fides of the objection” or consider “whether it is well or ill founded.” There was a world of difference between these two tasks. The first was narrow, but its conditions were easily satisfied: did a parent conscientiously *believe* vaccination was harmful? The second was quite broad: did the parent have genuine knowledge about the benefits and drawbacks of vaccination to make an informed decision about the child’s well-being? In the days and weeks immediately following passage of the Act, everyone needed answers to these very basic questions.³⁶

Hardwired by their professional training and temperament to enforce the law, some magistrates did their best to undermine Section 2 of the Vaccination Act. Rather than engage in outright rebellion like the anti-vaccinator “martyred” Poor Law guardians of the town of Keighley in the 1870s who preferred jail to enforcing compulsory vaccination, magistrates turned their mastery of law against the new law. They exposed the myriad unresolved legal and administrative issues in Section 2 in a campaign to make conscientious objection itself absurd. Marylebone Police Magistrate Curtis Bennett reveled in his self-chosen task of exposing the slipshod haste with which legislators wrote the Vaccination Act’s “conscience clause.” His flamboyant antics instantly became national and international news stories.

An article in the mass circulation radical-leaning *Daily Chronicle* set the tone for press coverage of the anti-anti-vaccinator magistrates in August 1898.

Mr. Curtis Bennett has driven a coach and four.... through the new Vaccination Act. A simple-minded citizen appeared at Marylebone Police-court on Saturday and told the magistrates that he wanted to make under Section 2 of the Act an affidavit of his conscientious objection to the vaccination of his child. Mr. Curtis Bennett affably looked into Section 2 to see what his powers were, and could not find them. There was nothing to show how the applicant was to make his objection, whether by affidavit, declaration, or oath.

The Act itself failed to specify the form of objection. More damningly, it offered no guidance about what it meant to “satisfy” a magistrate. With glee, Bennett declared that “you might never satisfy me.” Section 2 was untenable. “Nothing in the whole range of psychology is so peculiar as the operation of the instinct or sentiment which we call conscience.” It was “not susceptible” of proof and had “no business” in an act of Parliament. The paper condemned Lord Salisbury for coercing the consciences of fellow peers to pass such a ridiculous act devoid of “common sense.”³⁷

Stories about Bennett and his rough handling of Section 2 ricocheted across the empire as well as England, Ireland, Wales and Scotland until London’s head magistrate in Bow Street, Sir John Bridge, offered definitive guidance.³⁸ He came up with simple wording for the Certificate of Exemption and clarified that magistrates’ job was to listen to applicants for certificates of

exemption and determine only one thing: did the applicant standing before them conscientiously *believe* that vaccination would harm their child? It was emphatically not a magistrate's job to decide "the wisdom or folly of such a conscientious objection," Sir John explained to the Home Office on August 25, 1898.³⁹ Based on Bridge's ruling, any parent who went to the trouble to request and pay for a certificate of exemption ought to have received one.

The other day a gentleman applied to a London Magistrate for a certificate of objection under the vaccination Act 1898, and this is the dialogue that ensued: Mr. Lushington: Why do you object to vaccination? Applicant: I have an opinion against it.—On what is your opinion based? Well, I have an opinion that it is wrong.—Were you vaccinated yourself?—Yes.—Did it do you any harm?—I can't say that it did; but I have seen a great deal of harm done by vaccination.—You really have a conscientious objection?—Yes.—On what ground?—I believe it to be injurious.—What is the age of the child?—Not quite four months.—What is the state of the child's health?—Healthy at the present moment.—Why do you think vaccination will do the child harm?—Well, I think it will.—So you tell me, but what makes you think so?—I think it will.—Do you believe that vaccination prevents small pox?—I don't.—Is that your reason?—Yes. I believe that vaccination does not prevent small pox.—Have you any other reason?—I don't believe in it.—You say you don't think vaccination prevents small pox. Is that your only reason for this application?—I object because I think it is injurious to health.—Why do you say that?—It is my opinion; I have seen so many children suffer from vaccination.—In what way?—I have seen them waste away after vaccination.—That is your belief?—Yes.—Mr. Lushington: Very well, you may have your certificate, the responsibility is yours.

Old habits did not die easily. Magistrates across England and Wales knew only too well the veteran anti-vaccinators in their districts. They had hectored, humiliated, fined, and imprisoned anti-vaccinator parents for decades, some over and over again. Recalcitrant magistrates continued to use their benches to instruct, discipline and mock parents. On October 5, 1898, the *Egyptian Gazette*, for example, reproduced this cantankerous dialogue between London magistrate, Mr. Lushington and a hapless applicant who came before him. Lushington insistently probed to see if the parent could articulate a single substantive reason for refusing to vaccinate the child: "On what is your opinion based?...On what ground?...Why do you think vaccination will do the child harm?.....Why do you say that?" Undaunted, the parent circled back to the same vacuous assertion of "belief" and "opinion." Completely unsatisfied by these answers, Lushington nonetheless had no choice: "Very well, you may have your certificate, the responsibility is yours."⁴⁰ Such newspaper articles encouraged people to contemplate the implications of Section 2 for them and their society. A Cardiff magistrate succinctly summed up what had happened. Conscientious objection had made the Vaccination Act "a mere farce, and that farce would one day end

in a tragedy, and after that they would hear no more conscientious objections."⁴¹ Liberal individualism had run amok and made plain its calamitous affinity with moral anarchy and ignorance.

Concerns about the national and imperial consequences of Section 2 - and the most suitable genre in which to express them - preoccupied England's most famous anti-anti-vaccinator magistrate: H. Rider Haggard. Haggard was among Britain's best-selling novelists who had parlayed his years in Natal in the 1870s as a minor colonial official into dozens of swashbuckling tales of African life and adventure. He considered smallpox vaccination "one of the greatest boons that the century has brought to mankind." The chairman of the bench of Magistrates near his home in east Norfolk, he necessarily wrestled with the implications of the 1898 Vaccination Act. In *A Farmer's Year*, his serially published account of the daily pleasures and hardships of agrarian Norfolk, he registered horror that his own party had included Section 2 in the Vaccination Act.

I see in the paper to-day that the Government has given way suddenly on the Vaccination Bill, and that henceforth 'conscientious objection' on the part of parents is to entitle them to disregard the law and neglect the vaccination of their children. It appears, and this is my reason for talking about the matter here, that we magistrates are to decide whether the objection in each case is one of conscience or of mere prejudice and idleness; that is to say., that we are left to sift a man's mind and, without any evidence beyond his own statement, to decide whether he is speaking the truth. I maintain that the task is impossible, and one which should not be laid upon the shoulders of any judge.⁴²

Haggard sardonically noted that "the workings of conscience upon this matter will be marvellously quickened among certain classes." He was stunned that "sanction has been given to the pestilent theory that 'freedom' consists in giving a man the right to gratify his own whim, however insane and mischievous, at the cost of society at large." Section 2 demonstrated the malign consequences of putting personal liberty before the social good.

Rather than follow Bennett's farcical antics, Haggard turned to the literary form he knew best: the novel. Unable to make his favored genre of imperial adventure serve his polemical aims, he turned to a "medical tale,"⁴³ what he called "my only novel with a purpose."⁴⁴ In 1899, *Dr. Thorne* was published more or less simultaneously in London, New York and Bombay and soon appeared in a world edition by Tauchnitz in Leipzig. It earned a full-page satirical rewriting by *Punch*, which wittily wished that the "pox be with you" (*Pox Vobiscum*) to conscientious objectors everywhere.⁴⁵ Its explicit goal was to intervene in the "Anti-vaccinator craze" by demonstrating the insanity of handing the "health of the nation" to the "Conscientious Objector." Haggard feared that Section 2 would result in "much terror, and in the sacrifice of innocent lives."⁴⁶

Dr. Thorne is a gothic tale about the triumph of political opportunism over conscience in the making and unmaking of an anti-vaccinator member of parliament. Smallpox haunts the entire novel and Dr. Thorne's public life as medical doctor and radical anti-vaccinator MP and his private life as son, husband, and father. Threatened with the loss of his livelihood over a false claim of malpractice by a well-heeled rival practitioner, Thorne accepts the patronage of a religious fanatic and anti-vaccinator Josiah Strong. Strong is animated by unimpeachably sincere Christian convictions but lacks the charisma to stand as a candidate for parliament. Thorne reluctantly strikes a Faustian bargain with Strong: Strong bankrolls Thorne's legal defense against trumped up charges and later his parliamentary campaigns. In exchange, Thorne lends the prestige of his expert knowledge as medical doctor to the anti-vaccinator campaign to secure the right of conscientious objection to compulsory smallpox vaccination. "Having acted the great lie of espousing the anti-vaccination cause, I felt that it was not worth while to hesitate in telling other lies in support of it." He ends a rousing stump speech by imploring electors "as free men to rise against this monstrous Tyranny, to put a stop to this system of organized and judicial Infanticide."⁴⁷ Thorne becomes a darling of the anti-vaccinator cabal in Parliament, which secures the right to conscientiously object to vaccination in 1898. The apotheosis of conscience as a political-ethical category enshrined by law is abetted by a man who at every turning point in his own life lacks altogether the moral compass of conscience.

Thorne's medical practice and political career flourish. However, his life unravels when his beloved altruistic daughter Jane defers to her father's public stance by refusing to get vaccinated; she contracts the disease while succoring poor children in her community who had been exposed

to smallpox by a tramp. She was “a virgin martyr sacrificed on the altar of a false prophet and coward.”⁴⁸ Consumed by grief over his daughter’s death, Therne is unmasked as a hypocrite in a public meeting when his own vaccinated arm is exposed to public scrutiny. The political is emphatically personal in Dr. Therne.

The novel as literary form appeared to be exceptionally well suited to serve not just Haggard’s didactic political aims, but a purpose that had long eluded philosophers and social thinkers: to offer an irrefutable means to examine the veracity of a person’s inward profession of conscience. Haggard, the magistrate, believed it was impossible to “sift a man’s mind” to find the hidden truths of conscience, but this was the basic stuff of novels and their wily narrators. Dr. Therne’s all-confessing first-person narrator, abetted occasionally by an omniscient third-person narrator, tries to gain readers’ confidence by unashamedly acknowledging his selfish and unheroic inner thoughts and outward actions. The less we like Therne, the more we are meant to believe him. Readers must endure page after page of Therne’s self-lacerating revelations. He laments how cruel circumstances led him to adopt a public stance as an anti-vaccinator contrary to his own scientific convictions about the safety and efficacy of vaccination.

The opening lines of *Dr. Therne*, however, call into question the credibility of the narrator and the prospect of truly knowing his conscience. “James Therne is not my real name,” he announces, “for why should I publish it to the world? A year or two ago it was famous – or infamous...”⁴⁹ This contradictory gesture of promising complete disclosure and then hiding behind anonymity undercuts readerly trust in the sincerity of Therne as narrator and his quest to inaugurate his moral rehabilitation through confessional writing. So sullied is Therne’s conscience, he never can come fully clean.

As a passing aside, *Dr. Therne*’s narrator drew upon Haggard’s many years in Natal and South Africa to describe the management of smallpox in that colony. “Among some of the natives of Africa when smallpox breaks out in a kraal, that kraal is surrounded by guards and its inhabitants are left to recover or perish, to starve or to feed themselves as chance and circumstance dictate.”⁵⁰ This approach to containing smallpox and saving lives is predicated on terror and complete disregard for individual liberties of Africans. Haggard contrasted this brutal regime to the more “merciful plan” adopted by anti-vaccinator towns such as Leicester, which used isolation and quarantine in hospitals. It never occurred to Haggard that his own depictions of Africans in Natal and Zululand in his bestselling “Zulu novels” contributed to making the grossly coercive management of smallpox in colonial South Africa thinkable and possible. Through their descriptions of the founding of Natal and its supposedly violent and barbarous Africans peoples, Haggard and many other Europeans – colonial officials, missionaries, anthropologists -- became accomplices to the normalization of such forms of violence.

III. “It was cruel, I admit:” District Surgeons, African Healers, and the Management of Smallpox in British Colonial Natal

IV. Debating Race, Conscience, and Vaccination during the Uprising of 1906

In the early 20th century, the medical profession across South Africa began to enter the field of public health as part of its and the emerging nation’s future.⁵¹ In his 1905 Presidential Address “Some Aspects of Medical Duty” to the Cape of Good Hope (Eastern) Branch of the British

Medical Association, J. M. S. Coutts foretold a shift away from an exclusive focus on conserving the “life and energies of the patient” to conserving and safeguarding “the energies of the social community as a whole.” The “man individual” was giving way to the “man social.” Doctors had a large part to play in that welcome transformation. Preventive medicine was at the heart of the vocation of the “public health man.” Vaccination, Coutts insisted, proved his case.⁵²

Coutts’ cheerful assessment of the bright future awaiting public health in the Cape Colony was at best ambivalently echoed by legislators and medical doctors in Natal in the early 20th century.⁵³ Heavy debts accrued during the Second Anglo-Boer War (1898-1901) and the withdrawal of cash infused into Natal from London by imperial wartime spending plunged the economy into recession by 1903. It also prompted legislators to slash budgets across the board in government departments including fees set aside for public vaccination. These were the inauspicious fiscal conditions confronting the reorganized Department of Health under the portfolio of the Minister of Health, a political appointee and cabinet member. That restructuring was put in motion by the passage of the Colony’s first Public Health Act in 1901. The looming threat of Bubonic plague, not smallpox, had prompted Captain B.F.H. Leumann, Natal’s Special Plague Advisor, to draft and make the case for the Act.⁵⁴ The very idea of public health in a polity founded on exclusionary racism raised fundamental questions. Who constituted the “public” that the Act and medical officials were meant to serve? What constituted health? Competing answers to these questions shadowed debates, policies, and programs aimed at combatting smallpox and other epidemic diseases in Natal.

The Colonial Secretary introduced the second reading of the Public Health Bill with a frank confession: “in the past, we have managed to go along in a sort of happy-go-lucky way without making much provision for the public health of this Colony.” Deeply suspicious of the growth of independent central state bureaucratic power, legislators offered at best lukewarm support. Some objected merely to the prospect that a medical officer would dare to condemn a white settler’s cowshed or stable because “the smell seems to be offensive to them.” To limit the “tremendous powers” handed to government,⁵⁵ legislators required renewal of the Act on an annual basis.⁵⁶ This guaranteed ongoing debate and renegotiation of its terms.

These same libertarian defenders of white private property and private life audaciously regulated the movements, drinking habits, right to bear arms, and sex lives of all “Natives” and “Asiatics.”⁵⁷ Africans in Natal were banned from purchasing and consuming European alcohol on the grounds of their moral unfitness and indiscipline. Paternalist legislators purported to liberate Africans from the degradation of drunkenness with its disruption of their labor while denying them “the privilege of obtaining spirits according to their own free will.” “Settlers interpreted liberty through a racialized hierarchy,” T. J. Tallie argues, “advocating for European liberty predicated upon self-control in the face of African liberty centered on moral weakness...”⁵⁸ Early 20th century Natal may have been a young state when measured by the weakness of its public health bureaucratic infrastructure. But it had long demonstrated a robust capacity to project power to buttress white supremacy by regulating the private lives, movements, and behaviors of its nonwhite subjects.



Perhaps the most important innovation of the 1901 Act was the creation of a new colony-wide public health official, the Medical Officer of Health. The first man to hold this position was Dr. Ernest Hill. Hill had impeccable credentials as medical practitioner and public health pioneer. Licensed by the Royal College of Physicians in London, he held a Diploma in Public Health from Cambridge and served as civil surgeon during the second Anglo-Boer War before settling in Natal.⁵⁹ His professional and intellectual ambitions were conspicuously on display in his lavishly illustrated scientific study published as a medical monograph, *Report on the Plague in Natal, 1902-3*.⁶⁰ From the outset, he faced substantial opposition from within the medical profession, local officials and white settler socio-economic interests. In 1903, the District Officer of Upper Umlazi, the man on the ground in South Durban, blasted Hill and insisted that “officials in Pietermaritzburg know absolutely nothing about the amount of work in a division like this.”⁶¹ That same year, private practitioners acting through Natal’s Medical Society gained supervisory powers over Hill through their nominated members sitting on the Board of Health. This “mixed” Board also included laymen.⁶² By 1908, private medical practitioners joined forces with the Indentured Indian Trust Board representing sugar companies to launch an all-out assault on Hill and the powers of his office.⁶³

On the face of it, public health had demonstrated its mettle during the 1904 smallpox epidemic in Pietermaritzburg. Swift vaccination of large numbers of people had held the disease and death in check. The mortality rate among the unvaccinated who contracted smallpox was 42.1%; among vaccinated, 9.6%.⁶⁴ This success did not translate into political gains for Hill and other champions of centralized executive control over public health in either Natal’s parliament or among white stakeholders in local divisions. A series of minor outbreaks of smallpox in South Durban had only stiffened the resolve of conservative white landowners there to work with police in consolidating local control over sanitation through racialized medico-moral regulation of Indians and Africans.⁶⁵

The Pietermaritzburg smallpox outbreak in 1904 prompted Hill to release a report recommending changes in the bureaucratic management of the disease. His report deplored “the fact of vaccination having, as regards Europeans, fallen practically into desuetude,” the *South African Medical Journal* observed. “The [Central Vaccine] Board charged with the administration of the Act has not held a meeting for years. We entirely agree with the recommendation of the Medical Officer of Health that its administration should be placed under the Board of Health.”⁶⁶ With the dissolution of the Central Vaccine Board, smallpox management and vaccination could now be fully integrated into Natal’s emerging public health sector under Hill’s expert guidance. At least this was what Hill hoped would happen. His tenure as a permanent civil servant, unlike the Minister of Health’s, was divorced from the vicissitudes of electoral politics and promised stability needed to develop long-term medical and sanitary systems. Activist civil servants in Edwardian Britain like the permanent secretary to the Board of Education Robert Morant brilliantly used their administrative authority to transform board school classrooms into centers of social welfare for poor children, including the provision of free meals, medical inspections and

services.⁶⁷ But such public welfare administrators also stirred up powerful antipathies. Hill certainly did.

It was precisely such bureaucratic initiatives, unrestrained by public debate in parliament, that lawmakers in Natal were intent to prevent. They were motivated by two factors: first, a capacious sense of their own civil liberties and freedom from all forms of state interference in their private lives; second, a no less acute commitment to fiscal parsimony in government spending. The second imperative – reducing government expenditure – dominated internal correspondence between Hill, the Colonial Secretary, and other key officials including the Minister for Native Affairs. In September 1904, Aberdeen-trained Scots Dr. Leonard Haydon, Natal's Acting Health Officer, assured the Colonial Secretary that he and Hill were committed to reorganizing the “the present cumbrous and unnecessarily expensive system” in exchange for allowing the Public Health Department “to take charge of the whole work.” Their plan was to divide Natal into four districts supervised by medical men who in turn would oversee the work of lay vaccinators paid at a cost-saving daily rate.⁶⁸

The goal of maximizing the number of “Natives” vaccinated while minimizing its cost shaped Hill's suggestions in the fall of 1905. Hill sought to create a vaccination system for Africans which mostly paid for itself in light of his frank admission that “in the current year [1905] no money [is] available for vaccination.” His concern was to vaccinate Africans in sprawling divisions including Ixopo, Dundee, and Vryheid where “the unvaccinated amount to from 60 to 80 percent of the total number of persons.” His solution was to hire a lay vaccinator, H. S. Power, at a salary well below that of licensed medical doctors.⁶⁹ Hill's proposal circumvented district surgeons in their roles as public vaccinators and no doubt exacerbated his already strained relations with many medical colleagues. Since passage of Natal's first Vaccination Act of 1882, district surgeons had been the lynchpin of Natal's smallpox management system. [Note to Readers: Section III of this chapter focuses on District Surgeons, their relations with African healers and healing traditions, their alliances with chiefs to impose often intensely coercive systems for managing smallpox, and the emergence of an exclusively white anti-vaccinator movement]. During the panic sparked by the 1904 smallpox outbreak, district surgeons had handsomely supplemented their incomes through fees generated by mass “panic” vaccination. Hill now insisted that district surgeons were simply too busy to spend necessary time “at a distance from the Magistracy” to vaccinate rural Africans. (He did protect their quasi-monopoly to vaccinate people within ten miles of the magistracy.) This proposal elicited an angry response from the Minister of Native Affairs, H. O. Winter, who rightly pointed out that district surgeons, unlike Power, had deep knowledge of local circumstances essential for the success of vaccination outside cities.⁷⁰

While Hill pressed forward his controversial cost-saving recommendations, Natal's leaders faced an immediate and menacing threat to white settler governance in late-1905 and 1906. The steep costs of emergency smallpox vaccination in 1904 was but one small factor contributing to the looming fiscal crisis that prompted legislators to levy a tax of £1 on unmarried men over the age of 18 in the summer of 1905 to generate new income: the Poll Tax. Officials informed chiefs that they intended to begin collecting it in early 1906. This onerous measure sent shock waves across Natal's African population, already burdened by the Hut Tax and Dog Tax as well as obligations to provide labor for public works. The Poll Tax confirmed Africans' worst fears that the colonial state's insistence on “counting” them in the 1904 census had been a prelude to imposing increased financial burdens on them. The rebellion that began in February 1906

exposed both the weakness of the state and the violence of white settler colonialism in Natal. It also constituted the bloody backdrop against which legislators debated the exclusive right of white Natalians to conscientiously object to smallpox vaccination in May 1906.

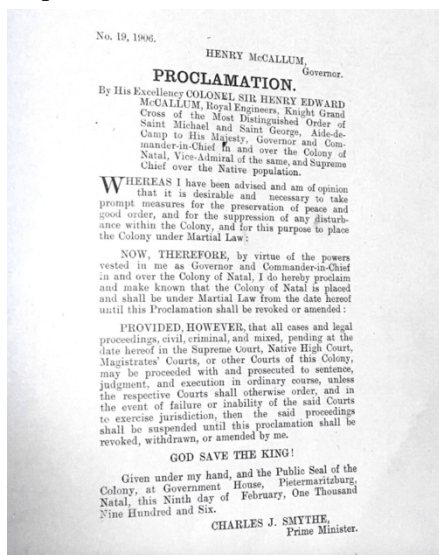
Passed by Natal's Parliament without consulting a single African, the Poll Tax in practice targeted one group of ostensibly untaxed people – unmarried young African men.⁷¹ Such men typically earned wages as proletarianized workers in the global capitalist mineral-extraction industries of the Rand or as domestic servants in white urban households, far from their ancestral kraals in Natal and Zululand. Most sons remitted money to their fathers to help pay part of the longstanding annual hut tax of 14s instituted in the 1870s. Now the colonial state demanded that they pay an even higher sum, £1 per year, directly to local magistrates. The new Poll Tax undermined paternal authority within traditional African households by separating unmarried sons' financial obligations to the colonial state from those they owed to their fathers and families in villages. Colonial officials anticipated that payment of the Poll Tax would further erode independent African proprietorship over land and labor – freeing both for appropriation by white settlers.⁷² In this way, the Poll Tax, like state-imposed vaccination of Natives, was bound up in long-term efforts by Natal's white minority, less than 9% of the population, to consolidate its socio-economic authority over non-white workers and erode the remnants of Theophilus Shepstone's paternalist system of lands reserved for Africans' exclusive use. The depression that led legislators to seek additional revenue also weakened the economic foundations of traditional African households and heightened fathers' dependence on remittances from single sons. This proved to be a potent combination of factors.⁷³

African patriarchy and intergenerational dynamics had been buffeted by several recent catastrophic encounters with colonial medical science, which had failed altogether to control the spread of infectious diseases among livestock. Rinderpest epizootic struck in 1897 followed by East Coast or Tick Fever in 1903-4. In 1897, Natal's veldt was "strewn with carcasses and the cattle kraals emptied of every ox, cow, or calf" as hundreds of thousands of cattle corpses rotted.⁷⁴ Benedict Carton vividly documents that "without cows to sacrifice, male elders could not call out sacred praises" to angry ancestors to cast out pollution from their midst.⁷⁵ Young men could not make the traditional payment of bridewealth cattle (*ilobolo*) to their future wives' fathers. The colonial state's decision to impose the Poll Tax on unmarried men hit hard a group of people already caught in a pincer movement between exploitation by white employers and their fathers' demands and expectations of financial contributions to homesteads.

In the face of these impending catastrophes to the foundations of their economic and familial lives, *inkosi* and their people turned to those who possessed the most powerful medico-spiritual and religious power in their world: the healer-medical doctor or *inyanga*. In the autumn of 1905, *izinyanga* enjoined their people to slaughter large numbers of pigs and white animals – goats and fowl— and to destroy European-made tools.⁷⁶ In the tense atmosphere of 1905-6, many whites assumed that ritual animal killing prefigured direct assaults on them. They could "carry but one meaning to any intelligent mind," James Stuart asserted, "and that was that drastic aggressive measures of some kind against the white race were intended...to rise simultaneously and massacre the whites." For Stuart, prophecies and sacrificial killings of animals were examples of "native superstition," and "native credulity," not something that he recognized as native religion. He described the Natives as profoundly conservative, loyal in the face of conquest, long suffering and patient.⁷⁷ Stuart refused to characterize these beliefs and ritual actions as grounded in

religion.⁷⁸ During times of violent encounter between white Europeans and Africans, Europeans like Stuart consistently and conveniently seemed to forget that Africans had something called “religion” at all.⁷⁹ His characterization of the animal sacrifices as examples of “native superstition” requires some glossing to make evident its significance. “Native superstition” as embodied in the *inyanga* was the abject “other” and inveterate enemy of both the transcendent truths of Christian revelation propounded by missionaries and the truths of empirically based medical science championed by public health officials like Dr. Hill. Those bereft of religion could hardly be expected to possess a conscience. Those ignorant of the facts of modern science and medicine could not possibly make conscientious, informed decisions about vaccination.

The Rebellion or Uprising was not a single event but a series of events spanning 1906-7 in which different groups of Africans across Natal engaged in armed resistance to the colonial state’s attempts to collect the Poll Tax. Its initial phase was triggered by the refusal of Africans near Richmond to pay the tax and their provocative warning to the Umgeni magistrate that “there will be blood today.” On February 8, Sub-Inspector S.H K. Hunt accompanied by mounted troopers found and tried to arrest a group of perhaps fifty young male tax resisters. In the ensuing



scuffle, Hunt and a trooper, George Armstrong, were killed. What had begun as a peaceful uncoordinated campaign of “passive resistance”⁸⁰ to defy magistrates’ orders and display collective anger by marching with *assegais* (spears) had turned into rebellion, at least in part because the colonial state’s brutal response escalated violence in the name of preserving order.

London-based allies of Natal’s hard-pressed Africans, Bishop Colenso’s children Francis and Harriette Colenso, used the term “passive resisters” to describe Africans who would not pay the Poll Tax. So too did Alfred Mangena, a Natal-born, mission educated law student in London, who contended that young natives “have been driven to protest against the tax according to the precedent afforded by ‘passive resisters’ in this country [i.e. England].”⁸¹ This was

a strategically astute way to encourage metropolitan audiences and officials in Britain to cast Africans in a sympathetic light and identify with their plight. At precisely this time, the National Passive Resistance League led by Britain’s most influential Baptist minister Rev. John Clifford coordinated a widespread campaign to refuse payment of local school taxes, called rates, supporting Anglican and Catholic education in publicly-funded board schools. The League had formed in response to passage of the 1902 Education Act by Lord Salisbury’s Conservative government. It had branches across England, especially in strongholds of radical and advanced Liberal Nonconformity where anti-vaccination sentiment also flourished. In 1906, British newspapers frequently printed stories about such “martyrs of conscience”: upstanding citizens who, for the sake of their conscientious objections, suffered imprisonment or the distraining of their household goods in lieu of their unpaid school taxes. About this campaign, I will have a great deal more to say in the next chapter, including its links with Mohandas Gandhi’s political activism in South Africa.⁸² Suffice it to say for now, characterizing Africans in Natal who refused to pay poll taxes as “passive resisters” highlighted Africans’ claims to freedom of conscience

against state tyranny and linked them to white British anti-vaccinators and Nonconformist combatants in ongoing education controversies.

On February 9, martial law was declared across the entire colony, not just in hotspots of rebellion. It remained in force for much of the next two years, even during extended periods free from unrest. Over the objections of his own Minister of Justice, Prime Minister Charles Smythe and Natal's Parliament insisted on applying martial law retroactively in cases of supposedly seditious or insurrectionary actions taken by Africans on February 8th, *before* martial law had been declared.⁸³ Martial law suspended the normal rules of British jurisprudence and the protections it ostensibly afforded subjects from arbitrary arrest and punishment.⁸⁴ It *de facto* sanctioned white lawlessness in the name of "the preservation of peace and good order." This did not please some officials in the Colonial Office including Scots lawyer and Balliol graduate, Arthur Berriedale Keith. For Keith, the death sentences imposed on those involved in Hunt and Armstrong's murder under martial law proceedings could not be justified under common law. He struggled to square "a clear conscience" with white settlers' determination to pass an Indemnity Act guaranteeing that they could never be held legally accountable for their actions.⁸⁵

In the weeks following the murder of Hunt and Armstrong, some Africans including a landless recently deposed Zondi chief, Bambatha ka Mancinza, felt they had no choice but to fight against oppressive rulers. An immense amount of sophisticated scholarship has reconstructed the roots and causes of the anti-colonial resistance led by Bambatha from March to June 1906 and subsequent phases of the Uprising as it moved to different parts of Natal. I have nothing to add to this important body of work. A great deal of it, including studies emphasizing efforts to punish African healers implicated in preparing warriors to battle in the Uprising, elucidates the conditions surrounding the passage of the 1906 Vaccination Act.⁸⁶ However, I want to call particular attention to contemporaries' linkage of the Uprising with two forms of Black-centered belief systems and practices: so-called "witchcraft," and Ethiopianism. The Pietermaritzburg correspondent of one of London's leading papers, the *Daily Telegraph*, reported on the "fanatical valour shown by the Zulus" in battle. "With a frenzy born of faith in the power of their 'witchcraft' to defy the white man's bullets, they clutched the hot barrels of the rifles and their blood-curding yells broke the silence of the forest as they pressed forward."⁸⁷ Natal's Governor Sir Henry McCallum sent a chilling telegram to Colonial Secretary Lord Elgin in London reporting an example of native "doctoring" in April, 1906. African rebels inflicted twenty-five assegai wounds on a white trooper's body and his "nose upper lip and privates cut off." His mutilated genitals were used as *muthi* in a medicine intended to make warriors "invulnerable" to the weapons of colonial militia. For officials in the Colonial Office, this was "a melancholy exhibition of native savagery." It allowed them to deflect criticism of white violence by focusing on African "outrages" against whites. Such a response



exemplifies what Isobel Hofmeyr calls those “brazen inversions” and “astonishing reversals” which made “perpetrators of violence” into the “perpetrated against.”⁸⁸ Blind to their own cynicism, they anticipated that this particular report would be useful in a future government inquiry (“Blue Book”) justifying white colonists’ own violations of the Hague Convention.⁸⁹ These officials must not have known – or perhaps they did not care -- that the use of human body parts including genitals had long been a part of preparatory Zulu medical therapeutics sprinkled on warriors on the eve of battle.⁹⁰ This violation of the dead white male British body produced horror that fueled *and* justified the violence of white reprisals.

The *Daily Telegraph*’s correspondent also explained that troubles in Bambatha’s kraal had been provoked by the “Ethiopianist Moses.” This “firebrand,” Moses Mpele, had been “educated at the Gordon Memorial Mission station at Umsinga” established by medical missionaries of the Church of Scotland. He had then attached himself to the Dutch Reformed Church before establishing an independent Ethiopian Church in the Impanza district. In the 1890s, Africans established their own autonomous Ethiopian Churches that severed ties from those controlled by white Protestant missionaries, which they saw as deeply implicated in colonial exploitation and white anti-blackness. Some settlers in Natal condemned the Ethiopian Church for engendering “great bitterness towards the white race” by preaching “the impractical doctrine of equality” and a version of African Christianity that dared to prioritize the needs of Africans.⁹¹ Intelligence Officer, Lt. Col. Lugg, reported that the movement hid under “the cloak of religion” its “principal tenet, “South Africa for the Black man to the exclusion of the White.”⁹² Lugg and the *Daily Telegraph*’s sensational account emphasized forms of African belief-- the false Christianity of Ethiopianism and the “fanaticism” engendered by ‘witchcraft’ – to delegitimize both as outside the bounds of true religion.

What military successes Bambatha and his followers initially enjoyed in May 1906 spurred ruthless retaliation by white militias from Natal and across South Africa. Men like Colonel Leuchars and the commander in chief, Sir Duncan McKenzie slaughtered and injured thousands of Africans, deposed chiefs merely suspected of supporting rebels, dispossessed Africans of their lands and livestock. A writer for the *Staffordshire Sentinel* smugly concluded that “Empires cannot be made with rose-water, and that force must be used if necessary to preserve order and protect the whites.”⁹³ The governor, Sir Henry McCallum, justified lethal responses by invoking the regular use of “capital punishment under old tribal custom.”⁹⁴ So too did the Commissioner for Native Affairs in Eshowe. Loyal chiefs, he claimed, had impressed upon him that “Natives cannot understand the necessity for, or wisdom of, resorting to what they consider the tedious and protracted procedure of the Civil Courts in cases of this nature.”⁹⁵ McCallum and the commissioner weaponized the longstanding European discourse that Africans could only understand the language of violence to justify extreme white settler reprisals against Africans. Such statements deflected attention away from white rulers’ determination to inflict the maximum amount of exemplary violence and state terror through the sanctioned lawlessness of martial law onto the supposed incapacity of natives to appreciate British rule of law.



In Britain, Alfred Mangena condemned such white violence undertaken under cover of martial law.⁹⁶ Mangena launched structural critiques of the underlying motivations of the Poll Tax and its predictable violent consequences. The goal had always been to pass a measure that “Zulus would be quite unable to pay” and therefore force them to labor in the “gold mines – the curse of South Africa.”⁹⁷ His “humble petition of....a member of the Zulu race” to the House of Commons outlined how loyal African subjects had been turned into insurrectionist rebels through white paranoid fears about Black violence, grossly unfair laws such as the Poll Tax, and the wanton use of martial law. Under the headline, “The Natives of South Africa Believe in Mangena,” the

leading dual language isiZulu-English newspaper in Natal edited by John Langelibalele Dube published the petition in full along with an approving comment that “it is only proper that our people should know what their friends are doing in the Homeland.”⁹⁸ He called for intervention by Parliament and imperial officials in the Colonial Office to halt illegal executions under martial law and to hold the colonial governor and others responsible for their crimes against the persons and property of Africans.⁹⁹ McCallum immediately took notice. He sought and received extensive legal advice about whether he might face credible lawsuits and prosecution when he next returned to Britain.¹⁰⁰

Mangena knew better than anyone else just how much systematic anti-Black violence in South Africa shaped the colonial state’s approach to managing infectious diseases like small pox and Bubonic plague *and* its militarized and lethal response to “passive resistance” to taxation. Mangena’s career as civil rights lawyer and politician connected the racial politics of compulsory vaccination and public health with the politicized deployment of martial law during the Uprising of 1906 in Natal. With uncompromising clarity, Mangena had denounced the colonial state’s vaccination and public health policies in 1901-2 in Cape Town and mobilized peaceful collective African resistance to it. These public health measures included Africans’ (and no other groups) compulsory vaccination against Bubonic plague with Haffkine’s controversial and still experimental treatment along with their forcible relocation under armed guard from the city’s Sixth district to a racially-segregated camp near a municipal sewage station at the outskirts of town in Uitvlugt.¹⁰¹ Four years later, Mangena blasted the Poll Tax and the government’s deadly response to Africans’ resistance to it for illegally violating their civil rights and liberties. Mangena’s activism in response to the violence of white settler disease management during the 1901 Bubonic plague outbreak in Cape Town helped prepare him to become an incisive and savvy critic of martial law four years later during the Uprising in Natal. Martial law, he insisted, had sanctioned white lawlessness while cruelly framing Africans as lawbreakers.

In May 1906 against the backdrop of Africans’ varied responses to the Poll Tax and the colonial state’s violent extralegal reprisals against all forms of resistance to the tax, the Legislative Assembly debated compulsory smallpox vaccination and the rights of conscience. From the time that Natal passed its first compulsory vaccination act in 1882, two goals had guided its smallpox management policies: to protect Europeans from smallpox and to maximize the essential labor power of South Asian and African workers by minimizing death and debility among them. The testimony of Natal’s Chief Inspector W. J. Clarke before the South African Native Affairs Commission in May 1904 made this quite clear: “if small-pox or plague got in amongst them

[Africans engaged in compulsory public works projects like road- and railroad-building, *isibhalo*], it would be scattered then all over the country...it would throw all the business houses out of gear if all their Natives were constantly quarantined in the location. It would stop all the public works and everything....”¹⁰² Everything would stop; smallpox would spread to every segment of the population, including Europeans.

On May 10, 1906, the initial sticking point in debate over the Vaccination bill was the balance of power between the Legislative Assembly and permanent civil servants like Dr. Hill within the Department of Public Health. Would vaccination be controlled by “government regulations” designed, implemented and enforced by public health bureaucrats or by measures publicly debated and passed by elected officials accountable to their constituents?¹⁰³ Race structured the discussion of “government by regulation.” The Prime Minister insisted that vaccination of Natives and Indians be left to the discretion and “elasticity” of regulation while conceding that the Bill’s provisions governing whites ought to be hammered out by elected Assembly members. Reflecting the budget-tightening mood of the Assembly, the Bill slashed vaccination payments to 1s per head for District Vaccinators while cutting fees paid by so-called “free Indians.”¹⁰⁴ It injured the financial interests and professional pride of licensed medical doctors by sanctioning lay vaccinators. This reflected Hill’s own proposals to cut costs without diminishing rates of vaccination.

By far the most controversial measure was whether to include a conscience clause turning conscientious objection to compulsory smallpox vaccination into a legal right. The government’s original bill made no such provision. One infuriated member claimed that thousands of his constituents were “careful parents” who opposed compulsory vaccination.¹⁰⁵ On May 28, 1906, Mr. Tatham argued that compulsory vaccination violated that most “tender” and “sacred sentiment” which is “the outcome of the parental instinct” to protect a child “against what he [a parent] believes to be a danger.”¹⁰⁶ Such rhetoric recalled Lord Salisbury’s pronouncement in 1898 about English parents’ inviolable feelings toward their children. It contested the discursive framing of white anti-vaccinators as negligent indifferent parents.

The powerful anti-vaccinator lobby in Natal, first mobilized by the compulsory clauses of the 1882 Vaccination Act, speedily wrested a major concession from the government.¹⁰⁷ The prime minister, Scots-born and educated Charles Smythe, inserted a clause closely modeled on the conscience clause of the 1898 Vaccination Act for England and Wales. It exempted any parent “who conscientiously believes that vaccination would be prejudicial to his health or to the health of his child.” As in Britain, parents were required to bring their conscientious objection before a local magistrate, who would then issue a certificate of exemption. Legislators acknowledged that this would not be easy for rural whites, some of whom lived in remote isolation from one another, far from the nearest magistrate.

It was not Natal’s geography but its multi-racial, multi-ethnic population that made applying British precedents a tricky matter. The very next day, May 29, Victoria County representative George Armstrong raised the thorny question of which parents in Natal harbored “sacred sentiments” and whose conscience counted. Was the conscience clause “going to be extended to the Natives and the Indians?” he wondered.¹⁰⁸ An Australian born child of a Scots émigré sugar planter in Natal, Armstrong first made his fortune in the rough and tumble world of diamond mining in Kimberley. He dabbled in stock raising and tea planting before investing heavily in the

sugar industry in the early 20th century.¹⁰⁹ He was an empire-made man. “If the conscience clause is extended to one section, I think it ought to be extended to another.” Armstrong did not see “how we can in any way differentiate between the coloured people and the Europeans.”¹¹⁰

This was an entirely implausible assertion. Every aspect of Natal’s history, its socio-economic structures and legal systems, differentiated Europeans from non-Europeans. Both opponents and supporters of conscientious objection unabashedly premised their arguments on racial difference and white supremacy. Col. Greene mobilized deep-rooted fears about nonwhites as transmitters of contagion to argue against including a conscience clause in the bill. He conjured dark fantasies of vulnerable whites left to the “mercy” of “coloured” people. “We are not legislating simply for Europeans,” Col. Greene thundered, “we are legislating for the whole of the Colony....We shall have the coloured population in Durban practically refusing to be vaccinated, and they will have at their mercy the Europeans living in the rest of the towns. They will spread this disease amongst the people who do realise the efficacy of vaccination.” He sarcastically wondered why all bills before Parliament were not accompanied by conscience clauses to make it easy to disobey them.

What is most remarkable about Greene’s outburst is his blinkered failure to recognize his own contradictions. Anti-vaccinator champions of conscientious objection in South Africa were exclusively white. Levels of noncompliance with existing compulsory vaccination regulations were very high among Europeans. Smythe had introduced a conscience clause into the Vaccination bill *because* such people emphatically did **not** “realise the efficacy of vaccination.”¹¹¹ Tempers flared. The immensely wealthy James Liege Hulett, self-made sugar magnate with his own private train station on his Kearsney tea estate, insisted that the bill was either a “wrong Bill” with a conscience clause, or “a right one without it.”¹¹²

When an unnamed Hon. Member demanded to know “why the distinction [between Natives and Europeans in regard to conscientious objection to vaccination],” William McLarty was quick to reply. He represented Durban Borough in Natal’s Legislative Assembly. “I consider that one Act of Parliament should not always apply to Europeans and Natives alike....it would not be wise to have a conscience clause for the Natives and Indians to raise obstacles in connection with vaccination. I may be laughed at for advocating distinct legislation for Europeans, but I believe in it.” He dismissed as a mere “bugbear” those who object to legislation based on race. He rejected the view that everyone in Natal was equally “all British subjects alike....” “It may be so, but we have got to face that situation some time or another; and what we have got to do to-day is to consider the consciences of Europeans in this country.”¹¹³

Undergirding these exchanges was a fundamental albeit unasked question in the Assembly: did Africans in Natal possess a conscience that required – or deserved – state protection? This was something that theologians, anthropologists and ethnologists had pondered for a long time – and answered in very different ways at different times. In the 1850s, Anglican Bishop of Natal, John Colenso audaciously used his episcopal pulpit to proclaim his heartfelt critique of white settler ideas of black inferiority. In his lecture “On Missions to the Zulus in Natal and Zululand,” he tenderly portrayed Chief Mpande as a noble grieving patriarch whose love for his rebel sons betokened the presence of “reason and conscience,” which made him “a man and a brother.”¹¹⁴ He explored the word *unembeza* with his isiZulu-speaking interlocutors, which he translated as “good conscience” and “connected [it] to St. Paul’s account of the conflict of flesh and spirit.”¹¹⁵

Colenso expected Christian Africans, like his “Zulu philosopher” friend William Ngidi, to revive, remake and strengthen the Church of England in their image and thereby make it fit for the modern world.¹¹⁶

But a half century later amid the tumult surrounding the Poll Tax, erstwhile Christian missionary turned anthropologist Dudley Kidd believed that Africans had something that he called “clan conscience.” This was a powerful form of solidarity that put the well-being of the tribe against and above individual self-interest. He associated it with Africans’ readiness to engage in acts of extreme self-sacrifice in warfare and their unthinking and violent obedience to the commands of their chiefs. However, he denied altogether that Africans had – or rather, *ought* to have -- an individual conscience, which, he associated with the dangerous effects of colonization and Christianization. Kidd demonized Europeanized Africans, many like Alfred Mangena and John Dube educated and trained by Christian missionaries, for unleashing forces the colonial state could not control: demands for civil liberties and equal political rights. Dube did powerfully mobilize the language of liberalism to critique the “negrophobia” and illiberalism of “Responsible government” in Natal and its refusal recognize Africans’ “political conscience” and right to self-representation.¹¹⁷ While such African Christians undoubtedly had consciences, that was evidence of the destabilizing erosion of genuine Zulu values for Kidd. In his warped reasoning, an African exercising an individual conscience automatically forfeited claims to being authentically Zulu. Natal’s legislators in 1906 likewise refused to imagine that so-called Natives as a group possessed individual consciences worthy of protection by the state. To do so would have troubled their own consciences about their brutal disregard for Africans’ individual civil liberties, conspicuously on display in the colonial injustice of martial law. Collective coercion and compulsion, not freedom of individual conscience, were the means best suited to managing them and smallpox.

In a last-ditch effort to sabotage the conscience clause, Col. Greene responded with what at first glance might appear to be a racially egalitarian argument. “If the Europeans have consciences and want to be excluded from this vaccination, why should not the Natives and other coloured population of the Colony also have a similar privilege?” Greene was no champion of African rights and liberties. We know he opposed extending the franchise to any natives.¹¹⁸ His point seems to have been that codifying a conscience clause for whites would dangerously provoke Africans and other nonwhites to demand similar protections for themselves. This argument against the conscience clause had been anticipated in August 1898 by those noble servants of empire in the House of Lords, former High Commissioner of South Africa Lord Loch and former Governor General of India, Lord Stanmore.

In this prediction, Greene was wrong. Africans had far too many pressing concerns in the spring and summer of 1906 to notice the passage of another Vaccination Act, much less worry about a clause granting Europeans, but not them, the right to conscientiously object to compulsory vaccination. Vaccination was emphatically not an issue worth fighting about when so many were in the midst of struggling for their very survival in 1906-7. Nor did the debate over the Vaccination Act and its inclusion of conscientious exemption merit even passing mention in the Despatches that Natal’s governor regularly sent to the Colonial Secretary in London.

On many of the same days in May 1906 that legislators debated race and conscientious objection to vaccination as an exclusively white “right,” they also discussed passage of an Indemnity Act.

Such acts had a long and contentious history in the British empire. Their function was to use legislative authority to guarantee that no one *would* or *could* be held accountable in a court of law for actions they had taken under martial law. The furor over Governor Eyre's use of martial law in Morant Bay Jamaica in October 1865 and subsequent efforts to hold Eyre personally liable for his wanton crimes haunted officials in Natal and Westminster. Rather than reading that history as a cautionary tale about white illegality and excess, they sought to close off all forms of legal redress by Africans in Natal and their allies in Britain. These debates and the frenzied confidential memoranda in the Colonial Office files about the urgent need to pass an Indemnity Act point to one conclusion: white military and political leaders in Natal knew that they had committed – and were continuing to commit -- grossly illegal acts against the persons and possessions of Africans. Thanks to the relentless efforts of Alfred Mangena, Francis and Harriette Colenso, and others in London, they also knew that their actions were under intense scrutiny. In the Spring of 1906, this situation created its own vicious logic. Martial Law could not be ended until Natal's Parliament passed – and the imperial government approved -- an Indemnity Act.

No one in Natal or Britain connected the terror of white lawlessness unleashed by McCallum's declaration of martial law and protected by the subsequent Indemnity Act with the conscience clause in the 1906 Vaccination Act granting white settlers the exclusive right to disobey compulsory vaccination in the name of conscience. To be clear: the two had no causal link. Coinciding precisely in time and place, they arose from the same imperatives: to harness and control African land and labor to serve the economic interests of white settlers. Each unapologetically depended upon and mobilized overlapping cultural assumptions that normalized systematic violence against Africans and violations of their civil liberties by claiming that Africans -- bereft of true religion and incapable of engaging in conscience-driven moral decisions -- could only understand the language of violence. Martial law was the mirror obverse of legalized conscientious objection to vaccination. Both provided state sanction for white persons to act outside of or in contradiction of the rule of law. Both marked an irresolvable problem of and within law itself by protecting those acting against law from law.

On August 2, 1906 Natal's new Vaccination Act (No. 24, 1906) became law. Section 12 enshrined the conscientious objector to vaccination as a new kind of legal person in the Colony.¹¹⁹ As with so many other matters concerning the integrity and privacy of the human body in colonial Natal, white settlers applied principles of state coercion and compulsion in their efforts to control Black and brown bodies while insisting on the inviolate sanctity of their own. In 1906, the conscientious objector to compulsory vaccination in Natal, like his English and Welsh predecessor in 1898, was born white.¹²⁰ Race had hovered on the margins of the debate in the House of Lords, articulated through the emotive language of the sacred rights of Englishmen to love their children by conscientiously refusing to vaccinate them. Amid a violent conflict that Natal's government incited and settlers chose to see as a war against whites in the Spring of 1906, race aggressively defined who the conscientious objector could – and could not – be.

Aftermaths and Conclusions: The conclusion briefly considers the aftermaths of the legal invention of the CO in Britain and Natal in the early 20th century before examining the inflammatory consequences of this legacy in the Punjab during and immediately after WWI.

¹ My thanks to Nick Sprenger and Londeka Khomo for research assistance with this essay and to Tom Laqueur, Pieter Judson, Lynn Lees, Karen Flint, Elizabeth Kolsky, and Belinda Davis for comments on earlier drafts. C.E.A. Bedwell, et. al., *The Legislation of the Empire: Being a Survey of the Legislative Enactments of the British Dominions from 1898-1907*, vol. 1 (London: Butterworth and Co., 1907), 23.

² John Dillon, House of Commons Debate, July 30, 1898, vol. 63, 619.

³ Marquis of Salisbury, House of Lords Debate, August 4, 1898, vol. 64, 54-58 and Arthur Balfour, First Lord of the Treasury, House of Commons Debate, July 30, 1898, vol. 63, 594-599.

⁴ Thomas Legh, HC Deb, July 30, 1898, vol. 63, 617-618.

⁵ "Vaccination Bill," May 30, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40 (Natal: William Watson, 1906), 148.

⁶ Helps served in Rhodesia suppressing the Matabele Rebellion and later fought against the Boers in the Second Anglo-Boer War. He presented himself before the Australian committee as a farmer, but he was also a military contractor, and later became a leader of the separatist Natal Devolution League. For information about Helps' career, see Jan Christiaan Smuts, W. K. Hancock, and Jean Van der Poel, *Selections from the Smuts Papers*, vol. 7, *August 1945-October 1950* (Cambridge: CUP, 1966), 400.

⁷ The choice of words used to describe any given group of people was and remains a contentious in South Africa. By the 1870s, the name Zulu encompassed a variety of Bantu peoples in the region, not all of whom spoke the same dialect, from many different tribes and clans. According to Michael Maloney, it was only in the early 20th century in the context of anti-colonial struggles unleashed by the 1905-6 Poll Tax that most Africans in Natal came to embrace Zulu and Zulu-ness as their self-identified ethnicity. See Chapter 6 in Michael Mahony, *The Other Zulus: The Spread of Zulu Ethnicity in Colonial South Africa* (Durham, NC: Duke University Press, 2012). The word "Kafir" circulated widely alongside Zulu. It only appears in this essay when it was used in a quoted source or in the title of a contemporary source. Derived from the Arabic word for infidel, it bore traces of its genealogy as a marker of heathenism and irreligion. Across British colonial South Africa, the naming of groups of people was the product of a complex, historically shifting dialectic between white racialization, on the one hand, and forms of ethnic and racial self-identification by these groups, on the other. Such terms could be at once derogatory and a means of forging community consciousness. On this topic, see Vivian Bickford-Smith's *Ethnic Pride and Racial Prejudice in Victorian Cape Town: Group identity and social practice, 1875-1902* (Cambridge: CUP, 1995), which analyzes the genealogy and uses of terms such as Black, Malay, Coloured, Kafir, Native, and African in the context of late-19th century social, economic and political life in Cape Town. A South African court ruling in 2018 recognized the use of the word "Kafir" as a racial slur and actionable offense. In the 19th century, it was often used to differentiate such people from two other large groups of south Africans: so-called Hottentots (Khoisan people) and Bushmen (San people). "In the process of identifying the languages and superstitions, the manners and customs, of indigenous people on southern African frontiers," David Chidester documents, "boundaries were drawn around human groupings that came to be designated as 'Hottentots' and 'Bushman,' 'Kafirs' and 'Zulus,' 'Basutos' and 'Bechuanas.'" See Chidester, *Savage Systems: Colonialism and Comparative Religion in Southern Africa* (Charlottesville: University of Virginia Press, 1996), 22.

⁸ This characterization of the diverse groups of Africans in Natal was set in motion by European narratives about the kingships of Shaka and Dingane as well as the displacement of peoples associated with the *Mfecane*. For critiques of exaggerated accounts of Shaka's carnage as an alibi for white violence, see Julian Cobbing, 'The Mfecane as Alibi: Thoughts on Dithakong and Mbolombo', *Journal of African History*, 29, 3 (November 1988), pp. 487-519 and, alternatively, contributors to Carolyn Hamilton (ed.), *The Mfecane Aftermath: Reconstructive Debates in Southern African History* (Johannesburg, Witwatersrand University Press, 1995). On the Shaka narrative and the production of the Zulu as naturally predisposed to killing, see D. Wylie, *Savage Delight: White Myths of Shaka* (Pietermaritzburg, University of Natal Press, 2000). For a focus on African public intellectuals' own views of contact with settlers and Zulu kingship, see Sifiso Mxloisi Ndlovu, *African Perspectives of King Dingane kaSenzangakhona: The Second Monarch of the Zulu Kingdom* (2017), ch. 3, esp. pp.65, 68-71; see also Acquirance Vusumuzi Shongwe, "King Dingane: A Treacherous tyrant or an African Nationalist," PhD., University of Zululand, 2004.

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- ⁹ See Testimony of John Stuart Helps, May 10, 1915, Parliament House, *Report of the Select Committee upon the Efficacy of Vaccination and upon the Operation of the Vaccination Laws of the State; Together with Minutes of Evidence and Appendix* (Melbourne: Albert J. Mullett, 1915): 2.
- ¹⁰ See Lydia Murdoch, *Imagined Orphans: Poor Families, Child Welfare, And Contested Citizenship in London* (New Brunswick, Rutgers University Press, 2016), 107.
- ¹¹ See Nadja Durbach, *Bodily Matters: The Anti-Vaccination Movement in England, 1853–1907* (Durham: Duke University Press, 2004).
- ¹² The Act did not apply to Ireland and Scotland, which, like most measures connected with the Poor Laws, had their own history of Vaccination Acts.
- ¹³ Earl of Feversham, House of Lords Debate, August 4, 1898, vol 64, 41-45.
- ¹⁴ Lord Aldenham, House of Lords Debate, August 4, 1898, vol 64, 48.
- ¹⁵ See Khan's speech on September 30, 1879, in *Abstract of the Proceedings of the Governor General of India Assembled for the Purposes of Making Laws and Regulation, 1879*, vol. 18 (Calcutta: Office of the Superintendent of Government Print, 1880), 231-2.
- ¹⁶ "The Viceroy's Tour," *Times of India*, Nov. 17, 1880, 2.
- ¹⁷ See Alan Lester and David Lambert, *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2006).
- ¹⁸ Lord Stanmore, House of Lords Debates, August 4, 1898, vol. 64, 51-52.
- ¹⁹ The most notable of these reforms included vaccinators performing the procedure in an infant's home and exclusive use of glycerinated lymph, purified of any other blood-born diseases including syphilis.
- ²⁰ See Sukanya Banerjee, *Becoming Imperial Citizens*, p.67.
- ²¹ "Salisbury's Silly Gibe, Serious Results from it Looked for in India," *New York Times*, December 9, 1888, 1.
- ²² See "Lord Salisbury and Mr. Naoroji," *Western Morning News*, December 27, 1888, 8.
- ²³ On the racial politics of Salisbury's use of the phrase "black man" and responses to it, see Chapter 1 "Of the Indian Economy and the English Polls" in Sukanya Banerjee, *Becoming Imperial Citizens: Indians in the Late-Victorian Empire* (Durham, NC: Duke University Press, 2010). See also Antoinette Burton, "Tongues Untied: Lord Salisbury's 'Black Man' and the Boundaries of Imperial Democracy," *Comparative Studies in Society and History* 42, no. 3 (July 2000): 632-661, esp. 642. Both Banerjee and Burton show that many of Naoroji's defenders invoked racist hierarchies about him as an almost-white Aryan as a way to make him altogether different from and superior to Black people. Salisbury's statement about Naoroji and the arguments of many of his white defenders shared in common anti-Black assumptions.
- ²⁴ See "Lord Salisbury's Black Man," *Western Chronicle*, December 28, 1888, 3.
- ²⁵ *Glasgow Mail* as quoted in Antoinette Burton, "Tongues Untied," 637-8.
- ²⁶ The *Gujarat Gazette*, Dec. 13, 1888 as quoted in "Lord Salisbury's Jeer at Mr. Dadabhai Naoroji," *Voice of India*, January 1, 1889, 55.
- ²⁷ Marquess of Salisbury, House of Lords Debates, August 4, 1898, vol. 64, 54-58.
- ²⁸ See Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton, 1993), esp. chs. 1 and 2.
- ²⁹ See David Arnold's brilliant and pathbreaking analysis of British colonial officials' and doctors' attempts to manage the Bombay plague epidemic of 1898 in *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India* (Berkeley: University of California Press, 1993).
- ³⁰ See "The Riot in Calcutta," *Amrita Bazar Patrika*, May 4, 1898, 5.
- ³¹ See *Amrita Bazar Patrika*, May 19, 1898, 4.
- ³² See *Amrita Bazar Patrika*, August 14, 1898, 3-4.
- ³³ "The Progress of Democracy," *Pioneer*, January 16, 1898, 2.
- ³⁴ "The Plague at Hubli, Remarkable Success of Inoculation," *Pioneer*, September 20, 1898, 7.
- ³⁵ "The Backsliding of Lord Salisbury," *Pioneer*, August 25, 1898, 2.
- ³⁶ S. French Hensley to Home Secretary, August 19, 1898. HO 45/9937/B27667, National Archives, London, UK.
- ³⁷ See *Daily Chronicle*, August 21, 1898, in HO 45/9937/B27667, National Archives, London, UK.
- ³⁸ For many years, Bennett continued to humiliate parents seeking certificates of conscientious objection. He declared the objections of a school teacher applicant mere "moonshine" before reluctantly granting him a certificate. See "An Importunate Anti-Vaccinator," *Daily News* (London), August 21, 1902, 7.
- ³⁹ John Bridge to Home Office, August 25, 1898. HO 45/9937/B27667, National Archives, London, UK.
- ⁴⁰ *Egyptian Gazette*, October 5, 1898, 2.

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- ⁴¹ *South Wales Daily News*, September 26, 1898, 4.
- ⁴² H. Rider Haggard, "A Farmer's Year. Being His Commonplace Book for 1898," *Longman's Magazine* 34, no. 200 (June 1899): 129.
- ⁴³ See H. Rider Haggard, "Author's Note," in *Dr. Thorne* (London, 1899), 2.
- ⁴⁴ H. Rider Haggard, *The Days of My Life. An Autobiography* (London: Longmans, Green and Company, 1926), 99; 139-140.
- ⁴⁵ "Mr. Punch's Dramatised Novels: Dr. Thorne," *Punch, or the London Charivari*, February 1, 1899, 59. See also "Mottos for the Million," *Punch Almanac*, January 1899, vi.
- ⁴⁶ See Haggard, "Author's Note."
- ⁴⁷ Haggard, *Dr. Thorne*, 154-155.
- ⁴⁸ Haggard, *Dr. Thorne*, 14.
- ⁴⁹ Haggard, *Dr. Thorne*, 11.
- ⁵⁰ Haggard, *Dr. Thorne*, 217.
- ⁵¹ See Elizabeth Van Heynigen foundational work on the medical profession and public health in the Cape Colony during this period, and especially her chapter on smallpox and vaccination policies. Elizabeth Van Heynigen, "Public Health and Society in Cape Town, 1880-1910." PhD Dissertation, (University of Cape Town, 1989). Her account of the 1882 smallpox epidemic in chapter 3 explores in detail the entanglement of English precedents, especially those pioneered in the anti-vaccinator city of Leicester, with policies adopted and adapted for Cape Town.
- ⁵² See *South African Medical Record*, 3, no. 3 (March 15, 1905): 50.
- ⁵³ For a very general overview of public health developments around epidemic disease in Pietermaritzburg, see Chapter 3 "Infectious Diseases and Epidemics" in Julie Dyer, *Health in Pietermaritzburg (1838-2008): A history of urbanization and disease in an African City* (Pietermaritzburg: Natal Society Foundation, 2012).
- ⁵⁴ See Marcia Wright, "Public Health among the Lineaments of the Colonial State in Natal, 1901-1910," *Journal of Natal and Zulu History* 24, no. 1 (2006): 139-141.
- ⁵⁵ See "Public Health Bill," June 20, 1901, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 30, 393-395 and "Public Health Bill," June 27, 1901, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 30, 455.
- ⁵⁶ See "Public Health Bill," May 13, 1903, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 33, 106-108.
- ⁵⁷ On the raced and gendered construction of marriage "customs" and generational change in Natal, See Nafisa Essop Sheik, "Colonial Rites: Custom, Marriage Law and the Making of Difference in Natal, 1830s-c.1910." PhD thesis, University of Michigan, 2012; see also Sheik's many articles including African Marriage Regulation and the Remaking of Gendered Authority in Colonial Natal, 1843-1875, *African Studies Review*, 57, 2 (September 2014).
- ⁵⁸ See T. J. Tallie, *Queering Colonial Natal: Indigeneity and the Violence of Belonging in Southern Africa* (Minneapolis: University of Minnesota Press, 2019), 72.
- ⁵⁹ See "Dr. Ernest Hill," *Biographical Database of Southern African Science*, S2A3, last updated March 28, 2020, https://www.s2a3.org.za/bio/Biograph_final.php?serial=1294.
- ⁶⁰ Ernest Hill, *Report on the Plague in Natal, 1902-3* (London: Cassell, 1904).
- ⁶¹ See Stephen Sparks, "Playing at public health: the search for public control in south Durban," *Journal of Natal and Zulu History*, 20, no. 1 (2002), 1-28.
- ⁶² About this structure of executive authority between the Board of Health of the MOH, see *South African Medical Record*, 1, no. 9 (September 15, 1903): 114.
- ⁶³ See Wright, "Public Health among the Lineaments of the Colonial State," 153-55.
- ⁶⁴ O.J. Currie, "Notes on the Smallpox Epidemic in Maritzburg, 1904," *The South African Medical Record* 3, no. 9 (September 15, 1905): 179.
- ⁶⁵ See Maynard Swanson, "'The Asiatic Menace': Creating Segregation in Durban, 1870-1900," *International Journal of African Historical Studies*, 16, 3 (1983): 401-421.
- ⁶⁶ See "Health Report, Natal," in *South African Medical Record*, 2, no. 7 (June 15, 1904): 138.
- ⁶⁷ On Morant's initiatives, see Seth Koven, "Borderlands: Women, Voluntary Action and Child Welfare in Britain, 1840-1914," in Seth Koven and Sonya Michel, *Mothers of a New World: Maternalist Politics and the Origins of Welfare States* (London: Routledge, 1993).
- ⁶⁸ Minute Paper, Acting Health Officer for the Colony, "Report re. Smallpox Vaccination and Future Arrangements regarding vaccination," CSO, 1904/8171, KwaZulu Natal Provincial Archives, Pietermaritzburg.
- ⁶⁹ The *British Medical Journal* disapproved the terms of Natal's Vaccination Act sanctioning lay vaccinators and criticized Hill's appointment of a lay vaccinator for undercutting the profession. See "Natal. The New Vaccination Act," *British Medical Journal*, June 29, 1907, 1568.

⁷⁰ See Ernest Hill to Colonial Secretary, Nov. 8, 1905; see also H.O. Winter, Minister of Native Affairs to Principal Under Secretary Christopher Bird, August 8, 1906, DPH 1905/917, KwaZulu Natal Provincial Archives.

⁷¹ Its actual terms did not specify any one group of men by race; Natal's government claimed to enforce its collection among whites, but Francis Colenso and others contended that unmarried white men were de facto exempted, see CO.....

⁷² This influential line of argument linking the Uprising to extracting and controlling African labor was brilliantly developed by Shula Marks' classic study, *Reluctant Rebellion: The 1906-8 disturbances in Natal* (Oxford: OUP, 1970).

⁷³ See James Stuart, "Events and Conditions Antecedent to Outbreak of Hostilities—Murder of Hunt and Armstrong," in *A History of the Zulu Rebellion, 1906 and of Dinuzulu's Arrest, Trial, and Expatriation* (London: Macmillan, 1913) and Sean Redding, "A Blood-Stained Tax: Poll Tax and the Bambatha Rebellion in South Africa," *African Studies Review* 43, no. 2 (Sept. 2000): 42. On the impact of generational strife on the anti-colonial resistance to the Poll Tax, see Benedict Carton, *Blood from your Children: The Colonial Origins of Generational Conflict in South Africa* (University of Natal Press, 2000).

⁷⁴ Benedict Carton, "'We Are Made Quiet by This Annihilation': Historicizing Concepts of Bodily Pollution and Dangerous Sexuality in South Africa," *The International Journal of African Historical Studies* 39, no. 1 (2006): 86.

⁷⁵ Carton, "'We Are Made Quiet by This Annihilation,'" 93. See also, Pule Phoofo, "Epidemics and Revolutions: The Rinderpest Epidemic in Late Nineteenth-Century Southern Africa," *Past & Present* (Feb. 1993): 112-143.

⁷⁶ Collective animal slaughter had a deep history in the region, most famously when Xhosa people in Kaffraria in the Cape Colony killed almost their entire stock of cattle in 1856-7 based on a female prophetess's claim that it would protect them from British bullets. See Jeff Peires, *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7* (Bloomington: Indiana University Press, 1989) and Sheila Boniface Davies, "Raising the Dead: The Xhosa Cattle-Killing and the Mhlakaza-Goliath Delusion," *Journal of Southern African Studies* 33, no. 1 (March 2007).

⁷⁷ See Stuart, *A History of the Zulu Rebellion*, 104-109.

⁷⁸ Sean Redding argues that the conflation of white animals with white people ignores the meaning of whiteness within the religious and ritual life of the Nguni and other Zulu people in Natal. Diviners usually clothed themselves in white animal skins as they sought to propitiate angry ancestors, who also favored the color white. For Africans, the concatenation of profound misfortunes in the years leading up to the Poll Tax -- an oily crop-destroying plague on their maize and a destructive hail storm in 1905 -- manifested the displeasure of their ancestors. Sacrificing white animals was one way to win back ancestors' favor and restore social harmony and economic well-being. See Redding, "A Blood-Stained Tax."

⁷⁹ See David Chidester's analysis of theology, anthropology, comparative religion and colonial discourse in *Savage Systems*.

⁸⁰ See Francis E. Colenso, "The Natives of Natal," (London) *Times*, Feb. 14, 1906.

⁸¹ See "the humble Petition of Alfred Mangena, a member of the Zulu race, presently residing in England, and a law student of Lincoln's Inn," reprinted in *A Question of Colour: A Study of South Africa* (London: W. Blackwood, 1906), 209.

⁸² For a powerful reappraisal of how Gandhi's views about South Asian superiority over Africans structured and limited the character of Gandhi's opposition to British colonial injustice and his own ideas of justice, see Ashwin Desai and Goolam H. Vahed, *The South African Gandhi: Stretch-Bearer of Empire* (Stanford, 2016).

⁸³ On this point and for analysis of the fault lines exposed by martial law, see Michael Lobban, "Martial Law, the Privy Council, and the Zulu Rebellion of 1906," in *Imperial Incarceration: Detention without Trial in the Making of British Colonial Africa* (Cambridge: CUP, 2021).

⁸⁴ For more about how martial law was used to sanction extralegal white violence in the British Empire, see Caroline Elkins, *Legacy of Violence: A History of the British Empire* (New York: Alfred A. Knopf, 2022), especially the Introduction.

⁸⁵ A[rthur] B[erriedale] K[ith], Minute, f.379, CO/179/233, National Archives, London, UK.

⁸⁶ Jeff Guy has documented that venerable healers like Mbombo kaSibindi Nxumalo in Natal's Lower Thukela division played pivotal roles in the Uprising by enacting collective rituals to fortify chiefly power and prepare warriors for battle. See Jeff Guy, *The Maphumulo Uprising: War, Law and Ritual in the Zulu Rebellion* (University of KwaZulu-Natal Press, 2005).

⁸⁷ See "The Natal Outbreak. The Position Reviewed," *The Globe*, May 8, 1906, 7. I discuss so-called "witchcraft" and "witch doctors" in relationship to vaccination and vaccinators in Section 3. For debates about and efforts to control and outlaw witchcraft and witch doctors as well as the place of "witchcraft" within a spectrum of African approaches to healing the sick body, see Karen Flint, *Healing Traditions: African Medicine, Cultural Exchange, and Competition in South Africa, 1820-1948* (Ohio University Press, 2008).

- ⁸⁸ See Isobel Hofmeyr, "Popularizing History: The Case of Gustav Preller," *Journal of African History*, 29, 3 (1988), 534.
- ⁸⁹ Sir Henry McCallum to the Earl of Elgin, telegram, April 19, 1906, ff. 249, CO/179/234, National Archives, London, UK.
- ⁹⁰ Karen Flint documents its close linkage with chief's political power. She argues that the apparent increase in the use of human *muti* in the late-19th and early 20th centuries was a function of the increasing pressures of colonialism, not the continuance of age-old traditions. See Flint, *Healing Traditions*, Ch. 3, "Conclusions." Rob Turrell argues that "muti" murders "all emerged in the wake of the social engineering the Natal government imposed on Zulu peoples before and after the 1906 Bambatha rebellion. So whenever a muti murder occurred the authorities feared that this was the signal for another rebellion. This pervasive fear both shaped the judicial abhorrence of ritual murder and concealed the changes that were taking place in the practice of the ritual itself." See Rob Turrell, "'Muti' Murder in Natal: From Chiefs to Commoners (1900-1930)," *South African Historical Journal*, (May, 2001): 22.
- ⁹¹ "Interview with the Natal Premier. The Native Question." *Aberdeen Press and Journal*, April 12, 1907, 6.
- ⁹² Lt. Col. H. Lugg, "Enclosure in Despatch No. 41, 16th March, 1906," ff.331, CO/179/33, National Archives, London, UK.
- ⁹³ "The Natal Correspondence," *The Staffordshire Sentinel*, May 14, 1906, 2.
- ⁹⁴ See "The Governor to the Secretary of State," sent Feb. 23, 1906, received March 17, 1906, in *Accounts and Papers: Colonies and British Possessions—Africa*, vol. 15, *13 February 1906 to 21 December, 1906* (London: H.M. Stationery Office, 1906), 17. This exchange can also be found in Cd. 2905, 529.
- ⁹⁵ See Commissioner, Native Affairs, Eshowe, to Commandant of Militia, Pietermaritzburg, Telegram, June 17, 1906, in Enclosure No.2, Despatch 26 in Cd. 3247, *Further Correspondence Relating to Native Disturbances in Natal* (London: Darling & Son, 1906), 19.
- ⁹⁶ For a full treatment of Mangena's legal career and his justice-based critiques of British colonial law, see Tembeka Ngcukaitobi, *The Land is Ours: South Africa's First Black Lawyers and the Birth of Constitutionalism* (Cape Town: Penguin Random House, 2018), esp. chapter 3. See also David Killingray, "Significant Black South African in Britain before 1912: Pan-African Organisations and the Emergence of South Africa's First Black Lawyers," *South African Historical Journal*, 64, 3 (2012): 393-417.
- ⁹⁷ See *Logan Poet's Daily Reporter*, July 31, 1906, as quoted in Ngcukaitobi, *The Land is Ours*, 88.
- ⁹⁸ See "The Natives of South African Believe in Mangena," *Ilanga Lase Natal*, October 19, 1906, 4.
- ⁹⁹ The entire text of Mangena's petition was published in *A Question of Colour*, 207-215. On efforts to discredit Mangena and his subsequent demands that courts and Parliament clear his name of various false charges against him, see *Papers Relating to the Case of Mr. Alfred Mangena*, Cd. 4403, presented to both Houses of Parliament, November 1908.
- ¹⁰⁰ See CO 179/234, National Archives, London on "the possibility of criminal proceedings against yourself [McCallum] in connexion with the recent execution of the 12 natives by sentence of Court Martial."
- ¹⁰¹ Here, I have relied heavily on Vivian Bickford-Smith reconstruction of events and analysis of them in Chapter 8, *Ethnic Pride and Racial Prejudice in Victorian Cape Town* and Maynard Swanson, "The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909," *Journal of African History*, 18, 3 (1977), esp. 392-4. See also Myron Echenberg, *Plague Ports: The Global Urban Impact of Bubonic Plague, 1894-1901* (New York: NYU Press, 2007).
- ¹⁰² See Testimony of W.J. Clarke, Chief Inspector of the Criminal Investigation Department, Natal, May 12, 1904, in *South African Native Affairs Commission*, vol. III (Cape Town: Cape Times, 1904), 618.
- ¹⁰³ "Vaccination Bill," May 10, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 51-53.
- ¹⁰⁴ On these reduced emoluments and perceived insults to medical professional standards, see "Natal. The New Vaccination Act," *British Medical Journal*, June 29, 1907, 1568.
- ¹⁰⁵ See "Vaccination Bill," May 10, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 52.
- ¹⁰⁶ See "Vaccination Bill," May 28, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 107.
- ¹⁰⁷ I discuss this lobby in Part 3 of the chapter. Its most visible leader in the 1880s was Archdeacon Thomas Colley, who worked with Bishop Colenso.
- ¹⁰⁸ See "Vaccination Bill," May 29, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 136.
- ¹⁰⁹ On Armstrong's adventurous life, see Chapter 1 in Annette Carson, *Camel Pilot Supreme: Captain D V Armstrong DFC*, (Yorkshire: Penn & Sword Books, 2019).
- ¹¹⁰ "Vaccination Bill," May 30, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 151.
- ¹¹¹ "Vaccination Bill," May 30, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 148.

¹¹² Vaccination Bill,” May 30, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 149.

¹¹³ “Vaccination Bill,” May 30, 1906, in *Debates of the Legislative Assembly of the Colony of Natal*, vol. 40, 150.

¹¹⁴ See J.W. Colenso, Bishop of Natal, *On Missions to the Zulus in Natal and Zululand* (London: J. Kenny, 1865), 13-18.

¹¹⁵ See Benedict Carton, “Faithful Anthropologists: Christianity, Ethnography and the Making of ‘Zulu Religion’ in Early Colonial Natal,” in *Zulu Identities: Being Zulu, Past and Present* (New York: Columbia University Press, 2009), 156. In his diary for June 17, 1860, Bishop Calloway ruminated on the word *Unembeza*, which “is very much like what we call conscience; it is the witness for good in a man.” For Calloway, Africans’ conscience proved their capacity to become true Christians. See Marian Behham, *Henry Callaway, M.D., D.D., first bishop for Kaffraria: his life-history and work; a memoir* (London: Macmillan, 1896), 99.

¹¹⁶ For an analysis of Colenso’s debts to and friendship with Ngidi, see Jeff Guy, “Class, Imperialism and Literary Criticism: William Ngidi, John Colenso and Matthew Arnold,” *Journal of Southern African Studies* 23, no. 2 (June 1997): 219-241. For African convert Magema Fuze’s perspective on Colenso, see Hlonipha Mokoena, “The Queen’s Bishop: A Convert’s Memoir of John W. Colenso,” *Journal of Religion in Africa*, 38 (2008): 312-342.

¹¹⁷ See “Poor Personality,” *Ilanga Lase Natal*, February 17, 1905, 4. Dube’s deployment of liberal political and intellectual argument to expose the racist illiberalism of “responsible government” provoked a coercive interview between him and the colonial governor whose transcript reads like a threatening shake-down. See “Seditious Articles in Kaffir Newspaper by J. L., Dube, Editor,” May 30, 1906 in CO 179/235, National Archives, London, UK.

¹¹⁸ He was one of three men to represent Natal at the National Convention Proceedings that worked out the terms of the Union of South Africa in 1910. He believed that “only persons of European descent” should be “eligible for election as members of either House of Parliament.” See Arthur Percival Newton, ed., *Select Documents Relating to The Unification of South Africa*, vol. 2 (London: Longmans & Green, 1924), 239-240. See also Col. Greene’s views on federal government in “Towards Closer Union,” *South Africa*, June 27, 1908, 827.

¹¹⁹ For the complete text of the 1906 Vaccination Act, see *Acts of the Parliament of the Colony of Natal, passed in the Fourth Session of the Fourth Colonial Parliament 1906 and the First Session of the Fifth Colonial Parliament, 1906*, (Pietermaritzburg: P. Davis and Sons, 1906), 63-68.

¹²⁰ In response to a question in the Legislative Council whether the conscience clause would apply to Natives and Indians, Smythe oddly and incorrectly replied, “I would say yes, but I hope that they will not avail themselves of it, and show more sense by so doing.” See *Debates of the Legislative Council of the Colony of Natal*, Fourth Session, Fourth Parliament, XV (1906), June 21, 1906, p.103. Clause 30 of the 1906 Vaccination Act however specifically stated that “vaccination of Natives shall be carried out under a system to be defined by the regulations hereinafter mentioned, and not according to the procedure prescribed in the foregoing part of this Act....”